



**CITY OF
PORTLAND, OREGON**

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF AUGUST, 2003** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Michael Frome, Sergeant at Arms.

Item No. 975 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
<p>970 Request of Charles E. Long to address Council regarding ads on utility poles, sidewalk repairs and bicyclists on sidewalks (Communication)</p>	PLACED ON FILE
<p>971 Request of Violet Hahn-Francini to address Council regarding concerns for homeless people of Portland (Communication)</p>	PLACED ON FILE
<p>972 Request of Jada Mae Langloss to address Council regarding absence of public lavatories at night in Portland (Communication)</p>	PLACED ON FILE
<p>973 Request of Todd J. Kurylowicz to address Council regarding civil liberties and human rights (Communication)</p>	PLACED ON FILE
TIME CERTAINS	
<p>974 TIME CERTAIN: 9:30 AM – Accept Design Program with Guiding Principles prepared by Mt. Tabor Open Reservoir Replacement Project Public Advisory Committee in completion of their charge (Report introduced by Commissioner Saltzman)</p> <p>Motion to accept the report: Moved by Commissioner Francesconi and seconded by Commissioner Sten.</p> <p>(Y-4)</p>	ACCEPTED

CONSENT AGENDA – NO DISCUSSION		
Mayor Vera Katz		
975	Accept contract with Skyward Construction, LLC for Fire Station No. 16 construction project as complete, authorize the final payment and release retainage (Report; Contract No. 34038)	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
*976	Amend contract with Winterbrook Planning for continuation of planning services for Fire Station 27 (Ordinance; amend Contract No. 33814) (Y-4)	177798
*977	Ratify Memorandum of Agreement between the City and the Portland Firefighters Association that provides a premium for firefighters assigned to the Technical Rescue Team (Ordinance) (Y-4)	177799
*978	Authorize acquisition of vehicles for use by City bureaus (Ordinance) (Y-4)	177800
*979	Create a new Non-represented premium assignment of Director's Executive Assistant and establish a compensation rate for this premium assignment (Ordinance) (Y-4)	177801
980	Change relationship of the City with Corinto, Nicaragua from Sister City to Friendship City (Ordinance)	PASSED TO SECOND READING SEPTEMBER 3, 2003 AT 9:30 AM
*981	Apply for a \$78,216 grant from the Federal Emergency Management Agency for Portland Office of Emergency Management (Ordinance) (Y-4)	177802
*982	Contract with National Conference for Community and Justice for use of U.S. Department of Justice, Office of Community Oriented Policing Services, Value Based Initiative Project funds (Ordinance) (Y-4)	177803
Commissioner Jim Francesconi		
*983	Authorize Intergovernmental Agreement with the Oregon Department of Transportation to accept a \$18,688 grant for construction of a pedestrian refuge island at SE Holgate and I-205 (Ordinance) (Y-4)	177804

August 27, 2003

<p>*984 Grant revocable permit to Neighbors West-Northwest/Pearl District Neighborhood Association to close NW 13th Avenue between Hoyt and Irving Streets on September 5, 2003 (Ordinance) (Y-4)</p>	<p align="center">177805</p>
<p>*985 Grant revocable permit to Oregon Brewing Company/Rogue Ales Public House to close NW Flanders between 13th and 14th Avenues on September 6 through September 7, 2003 (Ordinance) (Y-4)</p>	<p align="center">177806</p>
<p>*986 Grant revocable permit to Salvador Molly's/Belmont Area Business Association to close SE 34th Avenue between Belmont and Morrison Streets on September 6, 2003 (Ordinance) (Y-4)</p>	<p align="center">177807</p>
<p>*987 Grant revocable permit to Portland Brewing Company to close NW 31st Avenue between Luzon and Industrial Streets on September 12 through September 14, 2003 (Ordinance) (Y-4)</p>	<p align="center">177808</p>
<p>*988 Grant revocable permit to Archdiocese of Portland in Oregon/St. Stanislaus Church to close N. Failing between Interstate east to dead-end on September 26 through September 29, 2003 (Ordinance) (Y-4)</p>	<p align="center">177809</p>
<p>*989 Amend contract with Shiels Obletz Johnson, Inc. for project management services in connection with the Portland Transit Mall Project (Ordinance; amend Contract No. 34662) (Y-4)</p>	<p align="center">177810</p>
<p>*990 Authorize an Interagency Agreement for Portland Parks and Recreation with the Portland Development Commission for professional and technical services for park improvements for FY 2003-2004 (Ordinance) (Y-4)</p>	<p align="center">177811</p>
<p align="center">Commissioner Randy Leonard</p>	
<p>*991 Authorize agreement for selection of long distance services at public pay telephones with Qwest (Ordinance) (Y-4)</p>	<p align="center">177812</p>
<p>*992 Amend revocable permit allowing U.S. West Communications, Inc. to install, maintain and operate public telephones on City streets (Ordinance; amend Ordinance No. 174341) (Y-4)</p>	<p align="center">177813</p>
<p align="center">Commissioner Dan Saltzman</p>	

August 27, 2003

<p>*993 Approve an agreement with Tri-County Metropolitan Transportation District of Oregon to continue an experimental bus pass program for the Office of Sustainable Development for FY 2003-2004 (Ordinance) (Y-4)</p>	<p>177814</p>
<p>*994 Authorize limited Request for Proposal selection process to replace maintenance management system used to maintain City wastewater treatment plants and pump stations (Ordinance) (Y-4)</p>	<p>177815</p>
<p>Commissioner Erik Sten</p>	
<p>*995 Correct and clarify Fire Regulations and adjust selected fees (Ordinance; amend Code Title 31) (Y-4)</p>	<p>177816</p>
<p>*996 Authorize the Director of the Bureau of Housing and Community Development to execute subrecipient agreements for federally funded programs up to \$100,000 (Ordinance) (Y-4)</p>	<p>177817</p>
<p>*997 Authorize agreement with worksystems inc. for \$677,616 for the adult workforce development activities program and provide for payment (Ordinance) (Y-4)</p>	<p>177818</p>
<p>*998 Authorize agreement with Caritas Housing Initiatives LLC, a subsidiary of Catholic Charities, for \$25,000 for the development of affordable rental housing and provide for payment (Ordinance) (Y-4)</p>	<p>177819</p>
<p>*999 Authorize agreement with Albina Community Development Corporation for \$30,000 for the rehabilitation of affordable rental housing and provide for payment (Ordinance) (Y-4)</p>	<p>177820</p>
<p>*1000 Authorize agreement with the Northeast Coalition of Neighborhoods for \$30,125 to conduct project related citizen participation activities in inner-north/northeast neighborhoods and provide for payment (Ordinance) (Y-4)</p>	<p>177821</p>
<p>*1001 Authorize agreement with Human Solutions, Inc. for \$75,000 to support the development of affordable rental housing and provide for payment (Ordinance) (Y-4)</p>	<p>177822</p>
<p>*1002 Authorize agreement with the North Portland Business Association and the St. Johns in the 21st Century Target Area Steering Committee for \$52,062 to carry out the final year of community organizing, planning and service project and provide for payment (Ordinance) (Y-4)</p>	<p>177823</p>

August 27, 2003

<p>*1003 Authorize agreement with Northwest Housing Alternatives for \$49,000 to develop and renovate affordable rental housing and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177824</p>
<p>*1004 Authorize agreement with Hacienda Community Development Corporation for \$30,000 to support the development and management of affordable housing projects and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177825</p>
<p>*1005 Authorize agreement with Community Energy Project, Inc. for \$109,134 for the Weatherization Workshop and Senior Weatherization Program and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177826</p>
<p>*1006 Authorize agreement with Neighborhood Pride Team for \$60,000 to support microenterprise assistance programs and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177827</p>
<p>*1007 Authorize agreement with Legal Aid Services of Oregon for \$43,868 for Fair Housing Enforcement and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177828</p>
<p>*1008 Authorize agreement with Outside-In for \$36,975 for transitional housing and case management for homeless youth with HIV/AIDS and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177829</p>
<p>*1009 Authorize agreement with SE Works for \$25,000 to plan and develop the English as a Second Language Vocational Training Program in collaboration with Portland Community College and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177830</p>
<p align="center">City Auditor Gary Blackmer</p>	
<p>*1010 Assess property for system development charge contracts (Ordinance; Z0744, T0073, K0058, T0074, K0059) (Y-4)</p>	<p align="center">177831</p>
<p align="center">REGULAR AGENDA</p>	
<p>1011 Consider a use determination regarding the classification of the Mt. Tabor Park water reservoirs and proposed modifications to the reservoirs (Order of Council) (Y-4)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Mayor Vera Katz</p>	

August 27, 2003

<p>*1012 Apply for a grant from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to reduce crime and improve public safety (Hearing; Ordinance)</p> <p>(Y-4)</p>	<p>177832</p>
<p>*1013 Increase payroll deduction administrative fee (Ordinance; amend Code Sections 5.08.140 and 5.10.120)</p> <p>(Y-4)</p>	<p>177833</p>
<p>Commissioner Jim Francesconi</p>	
<p>1014 Declare intent to initiate local improvement district formation proceedings to construct street improvements in the NW 13th Avenue Phase II Local Improvement District (Resolution; C-10003)</p> <p>(Y-4)</p>	<p>36164</p>
<p>Commissioner Dan Saltzman</p>	
<p>*1015 Authorize an agreement with MWH Americas, Inc. for \$5,994,477 for design services on the Mt. Tabor Reservoir Replacement project and provide for payment (Ordinance)</p> <p>(Y-4)</p>	<p>177834</p>

At 12:24 p.m., Council recessed.

August 27, 2003

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF AUGUST, 2003** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:11 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn Beaumont Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

1016 TIME CERTAIN: 2:00 PM - Adopt the Northwest District Plan (Previous Agenda 803; Ordinance introduced by Mayor Katz)	CONTINUED TO SEPTEMBER 17, 2003 AT 10:00 AM TIME CERTAIN AS AMENDED
1017 Adopt the Northwest District Plan Urban Design Concept and Action Charts (Previous Agenda 804; Resolution introduced by Mayor Katz)	CONTINUED TO SEPTEMBER 17, 2003 AT 10:00 AM TIME CERTAIN
1018 Amend Property Tax Exemption for New Transit Supportive Residential and Mixed Use Development (Previous Agenda 805; Ordinance introduced by Mayor Katz; amend Code Chapter 3.103)	CONTINUED TO SEPTEMBER 17, 2003 AT 10:00 AM TIME CERTAIN

Motion #1 to adopt the staff August 27th amendment including Design Review of any application for bonus height above the base CX allowance of 75 feet on the Uptown Shopping Center site: Moved by Commissioner Sten and seconded by Commissioner Saltzman. Hearing no objections, the Mayor gavelled down.

Motion #2 to adopt staff August 27th amendment to support the boundary of the transition zone [meaning the EX zoning of two blocks] in the Upshur District: Hearing no objections, the Mayor gavelled down.

Motion #3 to require office buildings to have a majority occupancy component linked to nearby industrial use in the Guild's Lake Industrial Subdistrict applicable to each user: Moved by Commissioner Francesconi. Hearing no objection, the Mayor gavelled down.

Motion #1 was reconsidered at the request of Commissioner Leonard.

Motion #4 to adopt the July 10 staff recommendations on the floor area: Moved by Commissioner Leonard. There being no second, the motion failed.

Motion #5 to adopt the staff August 27th amendment as in Motion #1: Moved by Commissioner Sten, and seconded by Commissioner Saltzman. Commissioner Leonard objected. Hearing no other objections, the Mayor gavelled down.

At 3:48 p.m., Council recessed.

August 28, 2003

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF AUGUST, 2003 AT 2:00 P.M.

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

Commissioner Sten arrived at 2:05 p.m.

Commissioner Saltzman arrived at 2:07 p.m.

Commissioner Leonard arrived at 2:17 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

1019 TIME CERTAIN: 2:00 PM - Amend the Northwest Plan District Parking Regulations (Previous Agenda 925; Ordinance introduced by Mayor Katz; amend Code Chapter 33.562)

**CONTINUED TO
OCTOBER 30, 2003
AT 2:00 PM
TIME CERTAIN
AS AMENDED**

Motion to eliminate the Pizzicato site and limit the Legacy and Good Samaritan sites to shared parking: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman.
(Y-3, N-2 Commissioners Leonard and Sten)

Motion to delay Trader Joe's and Flander's sites for a minimum of five years: Moved by Commissioner Francesconi and seconded by Mayor Katz.
(Y-2, N-3 Commissioners Leonard, Saltzman, Sten) Motion Fails

Motion to delay implementation of permit and meter parking and direct PDOT to return with a status report on comprehensive on-street parking by February 15, 2004: Moved by Commissioner Francesconi and seconded by Mayor Katz.
(Y-3, N-2 Commissioners Leonard and Saltzman)

Motion to change the use of the surface parking lot on Elizabeth Street to commercial and to set the maximum that can be built at the Papa Haydn site to 110 spaces within the height limitations of 30 and 45 feet: Moved by Commissioner Francesconi and seconded by Commissioner Leonard.
(Y-4, N-1 Mayor Katz)

Motion to direct PDOT staff to organize a TMA: Moved by Mayor Katz. Hearing no objections, the Mayor gavelled down.

Motion to allow shared use parking on an interim basis in the period between the effective date of the zoning ordinance and the creation of the TMA: Moved by Mayor Katz. Hearing no objections, the Mayor gavelled down.

Motion to accept item 7, Off-street Parking Cap: Eliminate two-tiered cap on commercial parking spaces: Moved by Mayor Katz. Hearing no objections, the Mayor gavelled down.

Motion to lower the overall cap to 650 spaces: Moved by Mayor Katz. Hearing no objections, the Mayor gavelled down.

August 28, 2003

Motion to accept item “e.” on Commissioner Leonard’s handout. Setbacks: within the Northwest Plan District, as an alternative to the setback requirements of Chapter 33.130 and Chapter 33.120, no setback shall be required along a lot line for a commercial parking structure, including any ground floor retail when at least 50% of the proposed building area of the structure is in commercial parking use that is available to the general public, and either (a), (b), or (c) is met: (a) the lot line is a street lot line; (b) the lot abutting the lot line is not in residential use at the time of the proposal; or (c) the footprint of the parking structure is no more than 15,000 square feet. This would preclude design review of the setback: Moved by Commissioner Leonard and seconded by Commissioner Francesconi.

(Y-3, N-2 Mayor Katz and Commissioner Sten)

Motion to accept item 20, Short-term public parking: apply requirement limiting shared parking to district residents and businesses only on sites in residential zones, amend Section 33.562.290: Moved by Mayor Katz. Hearing no objections, the Mayor gavelled down.

Motion to strike 25 feet and replace it with 30 feet on item four on page 23 of the Northwest District Plan. 33.562.130 E (4) Maximum height. On the portion of a site within an R zone, the maximum height allowed is 30 feet. On the portion of a site within a C zone, the maximum height allowed is 45 feet: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.

(Y-4, N-1 Mayor Katz)

Motion that on the conditional use, 30 feet means 30 feet means 30 feet for the residentially zoned portions: Moved by Commissioner Saltzman and seconded by Commissioner Francesconi)

(Y-5)

Motion to adopt item 3 with the exception of A(3) on Commissioner Leonard’s handout: add to Section 33.815.308 Conditional Use Criteria paragraph 1, “and Commercial Parking Access to Main Streets in the Northwest Plan District”; to paragraph 2, “close proximity to commercial main streets and for motor vehicle access to a parking structure from a Main Street”; and to A(1) “acceptable level of service or will not be significantly degraded by the proposed use”: Moved by Commissioner Leonard and seconded by Commissioner Francesconi.

(Y-4, N-1 Mayor Katz)

At 5:36, Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

August 27, 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.

AUGUST 27, 2003 9:30 AM

Moorelove: Francesconi here.

Katz: Mayor is present and commissioner Leonard is on vacation. We think. All right. Communications. 970.

Item 970.

Katz: Mr. Long, good morning. You have three minutes and you know that. All right.

Charles Long: My name is Charles E. Long. I had three concerns to speak about this morning. And I don't have the time for that. And I feel that due to the timeliness and importance of the subject, I would like to speak briefly on the police situation in Portland. This morning, the headlines in the Oregonian said police chief Kroeker needed a lot more funds in order to implement this report of the police assessment resource center. And I do not think that is the problem at all. The money is not the problem. It's the basic attitude and philosophy of the police force. And I think they have a we-and-them attitude and it's obvious that there is a, as one writer said, the police are afraid of the community, and the community is afraid of the police. And this is a bad situation, of course. Now, on June 9, the city club of Portland --

Katz: Sir. I am going to give you your time but your request is to address ads on utility poles, sidewalk repairs and bicyclists on sidewalks.

Long: I shouldn't -- I can't change it then?

Katz: Well, you can come back as many times as you can to talk about any of these issues.

Long: I see. This was particularly timely. That was the reason.

Katz: Fine. That's fine.

Long: What do you want me to do? I can talk about the original.

Katz: Why don't you talk about the original and then come back and talk about the police because that's what you really signed up for. Why don't we start all over again.

Long: The city regulates legal signs in Portland, I think and that is as it should be. But there are illegal posters being splashed all over the city on utility poles and almost any place that they can, including tree trunks and steel supports for traffic lights. And I do not understand why the city cannot eliminate this blight, which it really is, on the city. It's as bad I think as graffiti, or worse. The second issue I'm concerned about is sidewalks. Sidewalks need repair in many parts of Portland and it takes many years for the regular crew to get around to all the city. Therefore, I had a couple of ideas that I thought would accomplish that. And I told the, I believe, Jim Francesconi's office about it, that the water meter readers could check when they run across a sidewalk that needs repair, or the neighborhood associations could do it. My mother tripped on a defective sidewalk and broke her hip at the age of 88, and I have fallen also. And injured myself somewhat. So it's a real problem. The third issue is bicyclists on sidewalks. And even motorbikes. The city has created the inclines that, on the sidewalks so that wheelchairs can maneuver. However, it's used mostly by bicyclists and they nearly killed a young boy recently at the Rose Garden near the Blazers arena. And I was hit once in the rear by a cyclist that was trying to weave between me and a hedge, and hit me and it could have injured me badly. But I was able to catch a guy wire and, but it still injured me somewhat. And I think there should be regulation that the pedestrians should feel safe on the sidewalk. And those are my three concerns.

August 27, 2003

Katz: Thank you. And please feel free to come back next week and address the other issue. That other issue is going to be in front of us for a long time. Item 971.

Item 971.

Violet Hahn-Francini: Hi. I'm violet. I am 13 years old and I go to damascus middle school. I am here to talk about what you are doing to our people. Just because they're homeless people doesn't mean you can treat them like caged animals. Every night people get harassed by police. I heard a woman say she was kicked by the police. Also the police said mean things to her. Some of the police are not very nice when they tell the homeless people to move. The people get harassed by the police. They try to get in shelters but often they are filled. People wait in lines for hours and hours. You are probably in a nice comfortable bed while they are waiting in line. Kids are waiting in line, too. Even kids younger than me. I would like to read a story I wrote to you. Pretend you are a homeless woman and I am the mayor. One cold rainy night you try to get in many shelters. Every time it was your turn, they said there's no more room. So you found a comfortable place under a tree to sleep. While you are getting ready to sleep, I was in my comfortable bed sleeping and having nice dreams. You rolled up your sleeping bag and got in. You slept for a few hours but you were woken up by the police. They were kicking you so you would wake up. They tell you to move but you say, "but, sir, I tried to get come shelters but ever time it was my turn they said there was no more room." "sorry, but you have to move." "but, sir, it's cold and rainy." "i don't care. Move." the end. That's how the homeless people feel. They are treated worse than that, too. God said in the bible to love each other as I have loved you. They are our brothers and sisters. Treat them as you want to be treated. Now I want to ask you if a few yes and no questions. Do you love children? Do you love the state? Do you love the people that live in the state? Do you love your family? Do you love god? Think about the story I told you and answer you have to my questions. Thank you for listening to my speech. Also thank you for taking your time to answer my questions.

Katz: Thank you.

Hahn-Francini: Please think about what I said. It's very important.

Katz: Thank you. 972.

Item 972.

Sten: She may be watching. She had a slight heart attack yesterday. She is ok but she is up at ohsu and she called the office to let us know that that's what had happened. She's ok but she's in the hospital and that's why she's not here.

Katz: Thank you. We as a council get lectured by jana on a regular basis. And she also runs for public office against us on a regular basis. But she is a wise woman that has a long history and educates us on a lot of issues. And she she is very dear us to even when she scolds us. I wish her the best. 973.

Item 973.

Todd Kurylowicz: Morning. My name's todd. I am been involved in peace camp for a while. Nice speech, violet and charles. I liked where you were going with the talking about the police. It's obvious that the council, most, vera and jim, just like out there, not even listening. Not even looking at that girl when she's telling you her story.

Katz: Todd, I was reading her material. Thank you.

Kurylowicz: Good.

Katz: Go ahead.

Kurylowicz: That seems to be your actions don't reflected what she's talked about when you have a 10-year plan on dealing with homeless problems. I can't imagine where the economy's going to be in 10 years. But it doesn't seem to be going in a fabulous direction with the \$480 billion record deficit. Got issues on a local level and kroeker says is cautioning about money being involved to review police brutality. Wow, we don't want to spend money on that but we can have an officer monitor peace many encampment 24/7 and stare at people to see if they sit down. Now, talk about

August 27, 2003

fiscal responsibility, when you are dealing with money issues, and you are wasting money that frivolously? To suppress first amendment rights? Maybe we should just think of each other as brothers and sisters, you know, and is it that much to think that you think about a brother or sister that's in need? Honestly. Do you practice religion? Do you call yourselves religious? I'm sure it's all about thinking about everybody. Human beings and not politicians. Upholding the american political tradition that says, you do what you do to retain power. Oftentimes that means spending money to support business. Be people. Think about your fellow people. That may not be so fortunate. Is it really that much to ask?

Katz: Thank you, todd. All right. We will take consent agenda. A request to move 975 back to my office. There is a question on payment issues. Any objections? Hearing none so ordered. Any other items to be taken off the consent agenda by anybody here? Anybody in the audience? If not roll call on consented agenda.

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

Katz: Mayor votes aye. Time certain, 974.

Item 974.

Katz: Commissioner Saltzman.

Saltzman: Thank you, madam mayor. The mt. Tabor open reservoir replacement project public advisory committee will present a design program. The product of 10 months of work to the city council. And this design program relates to what will go on top of the buried reservoirs at mt. Tabor. In april of 2002 Portland city council made the decision to secure the city's open drinking water reservoirs. In making this decision the council recognized the need for a public process regarding how the mt. Tabor or how mt. Tabor park would be affected and what would be placed over the buried tanks. The decision to replace mt. Tabor's two large reservoirs with underground tanks offers us an extraordinary opportunity to develop a new vision for the surrounding park. And to that purpose we formed this public advisory committee to consider evaluate and propose guidelines for park design. On february 199 city council held an evening session and we heard a report on the progress of their work and took public testimony on the merits of the proposal. This report of the design program represents the completion of the committee's charge. This is the first milestone in the public planning process of what will be placed over the buried reservoirs. The next step is already underway. We will invite, we will select and invite three to five design teams to participate in a competition to design the mt. Tabor park improvements based upon the guiding principles in this design program by the public advisory committee. And I will talk a little bit more about the design competition at a later point. But we have a poster board over here which represents, covers from the nine firms that have submitted qualifications to be considered for the improvements on mt. Tabor and they are from all over the united states as well as Oregon. So I particularly appreciate the commitment and effort represented in this report, the pac and the bureau staff both water and parks staff held 15 public meetings from october through july. Many of these meetings lasted two to three hours and were attended sometimes upwards of 100 people. In addition the solicited community input through three open houses, a widely distributed survey, a door-to-door canvas, and a variety of other outreach efforts. I believe the work completed by the pac is an accurate reflection of community values. It establishes excellent guidelines and provides a solid framework for moving ahead with park design. So I commend the staff. I commend the public advisory committee, the staff of water and parks for their work, and this action completes the first phase of this project. Future work will closely coordinate the design of both underground and above ground improvements and sure of the two projects are coordinated to take advantage of opportunities to synchronize work and schedules and expedite construction and minimize impact on neighbors. Chet orloff who chaired the public advisory committee will present the report and I have asked other people to be available to answer questions. We also have two other items on today's agenda regarding the mt. Tabor project.

August 27, 2003

Katz: I wanted to move them.

Saltzman: Yeah. I will introduce those after the time certain. And before I turn it over to chet, a little bit more about the design competition. As I said, we have received nine statements of qualifications for consideration in our design competition. David from parks is here if anybody wants to ask any questions about the competition to date. We have an evaluation panel that will review these statements of qualifications today, actually. And will recommend three to five firms to participate in the design competition. We expect to announce these participants on friday. As I said on first glance we have an excellent set of participants including local, national, and international firms. So i'm excited about the possibilities and confident we have an opportunity, the means, and the motivation to achieve extraordinary park design and implementation. I know that we can and I fully expect that we will achieve a legacy park improvement that will be a source of pride to our city for generations to come. And we will also, the design finalists will also be having public meetings as well and we have already scheduled the first public reception for the finalist and that will be tuesday, september 9, 6:00 in the city hall atrium. Now I will turn it over to chet orloff, the public advisory committee chair.

Chet Orloff, Portland Parks Board: Good morning, mayor Katz, members of the council. My name is chet orloff. I am a member of the Portland parks board. And I teach history at Portland state in urban studies. And I have served as the chair of the public advisory committee for the open reservoir replacement project. And if I might, if this is not breaking protocol I would like to acknowledge the members of the committee, if they would stand and so that we can recognize them.

Katz: You can do that.

*****: Good. Thank you.

Katz: Thank you. [applause]

Orloff: The guiding principles that you have before you were prepared by the pac as commissioner Saltzman said with comments and input from several sources nearly two dozen public meetings and subcommittee meetings, subworkshops, survey, and several stop and talks at the reservoir site themselves as well as elsewhere. All of this allowed the committee to refine and revise the guiding principles to create a document that is a comprehensive statement, we believe, of the values and beliefs that will guide the design of the above ground program at the mt. Tabor reservoir site as commissioner Saltzman said, that competition has already begun with the submission of at least nine proposals to begin before we begin weeding through them. The objectives of the guide be principles are to summarize the most critical ideas and qualities that the pac believes should be included in the design, such as the program that respects the historical features of the reservoirs, provide a framework that promotes creative design, and provide clear community intent and guidance as the professional design process continues. The guiding principles include a definition of the character and use of that portion of mt. Tabor park in which the reservoirs reside. They provide a description of the significance of the water, the views, the historical and natural features of the park, issues relating to interpretation and access, and a brief discussion on the importance of sustainability in designing the park features. The document also includes a set of diagrams which will provide a starting point, I would say have provided a starting point, for the design of the above ground features. These diagrams represent approaches, not ways of doing it but simply approaches, suggestions to interpreting the values and beliefs that have been articulated in the principles themselves. Our hope as a committee is that the next phase of the project, the actual design process, will build upon these values and beliefs representing a series of features that will last yet another hundred years. Throughout this process over the last 10 months, I think I need to remind the council there were vehement and articulate expressions of disappointment with how the council arrived at its original decision and I must say strong disagreement with the water bureau's assessment and conclusions about the project's original necessity, ultimate goals -- ultimate goals and costs.

August 27, 2003

Francesconi: You didn't need to remind us.

Orloff: I know that and I think I would not be forth right if I did not say that most of the pac members generally agreed with these expressed positions. The pac did, nevertheless, feel committed to the office with which we were charged by you, the council, to develop guiding principles for designing the space above the buried reservoirs. At the end of the day, a number of pac members feel compelled to express their own legitimate concerns about the burial project's purpose and, as such, have prepared a memorandum outlining such concerns. This memorandum, however, is not part of the pac recommendation to the council. I must say that neighborhood pac members have had the most difficult of tasks, carrying out the council's charge while at the same time representing neighbors, many of whom strongly disagreed with the entire project, and its processes. I hope that in the spirit of Portland's neighborhood culture, you, as members of the council, will acknowledge the service that they have given you, not withstanding their dilemma and I would like to ask Diane Redd to be given the opportunity to present this memorandum of concern. But before Diane does that, I would like to ask if you have any questions on behalf of the council to me and the pac.

Katz: What we usually do is hold off on those questions until we hear all the time and testimony and then if there are any questions we will bring you back, Chet.

Orloff: Thank you very much.

Katz: Go ahead.

Diane Redd, PAC Member, President of Mt. Tabor Neighborhood Association: Ok. My name is Diane Redd, and I have served on the pac as the president of the Mt. Tabor neighborhood association. I am here today presenting this memorandum to you on behalf of Valerie Hunter, who offered it to pac members with the opportunity to agree or disagree or abstain. So as you note at the bottom a majority of the pac members did agree with this statement so I like to read it to you and you read it into the record with your permission. The subject of the memorandum is Mt. Tabor reservoir replacement project pac memo of concern. We the undersigned members of the Mt. Tabor reservoir replacement project advisory committee respectfully submit this memo of concern. Commissioner Saltzman charged the pac to develop a recommendation for future development on the Mt. Tabor reservoir site. To this end our goal was to produce a set of guiding principles which would reflect stakeholder values while challenging a design to create something wonderful in the reservoir space. We believe that the pac under Chet Orloff's leadership and with Pam Wiley's facilitation has produced a document which admirably - a admirably fulfills this goal. We have all worked in good faith to produce guiding principles which we believe could enhance this park that we all love. That said, we must express the following reservation. The Mt. Tabor reservoirs are a historical treasure, a marvel of late 19th century engineering, a gravity-fed water system still functioning faithfully after 100 years. The primary source of Portland's economic prosperity. No other city in the country has intact a resource like this. The importance of this is evidenced by the Portland historic landmark commission's unanimous decision to oppose burial of the reservoirs. Any decision to irrevocably alter a resource of this importance should be made thoughtfully and with the full support of the citizens. We maintain the decision to bury the reservoirs was made under a false sense of urgency without proper public process, and the creative alternatives were not considered. Our water is pure enough to meet any pending federal regulation was a minimum of low-tech investment, and technology is rapidly maturing, which will render irrelevant any hypothetical risk of contamination. Furthermore, we are concerned about the potential cost of the project and we fear that funds may not be available to maintain much less build the park features that we have been considering. We respectfully request the council to receive our guiding principles as an addendum to the Mt. Tabor park master plan and defer further effort on this expensive and controversial project until there has been an independent analysis of alternatives and full and open public discussion of those findings. And I would like to further add, as the president

August 27, 2003

of the mt. Tabor neighborhood association, that at our last august meeting, we, our board voted to oppose the reservoir project as it is currently proposed. We have asked repeat lead for open public process to look at alternatives, and felt like our plea in this regard was not heard and so we would like to say on record, and you will be receiving a letter to this effect, that we are opposing the project as it is proposed today. So i thank you for hearing our memo of concern thank you also for accepting the guiding principles.

Katz: Thank you. Ok. Anybody else plan to testify on this? Let's open it up for public testimony.

Katz: Come on up.

Dee White: My name is dee white and I live in southeast Portland. When I think of public process I immediately associate the words fair and objective with it. How could this public process possibly have been fair and objective given the fact that the consultants, montgomery who would be awarded the \$6 million contract today were in charge and were paid over \$250,000 to do so? The minutes of the meetings were taken by an employee of montgomery watson, all of the design presentations were produced and presented by a subcontractor of montgomery watson harza. The facilitator of the 12 meetings was hired by montgomery watson for facilitating these nine three-hour meetings and for drafting the resulting guiding principles, she was paid over \$70,000. This is a disgusting amount of compensation that ratepayers are paying for. I attended every meeting but one. The only compensation I received for the many hours I spent on a hard folding chair were few oatmeal cookies and some fruit punch. What's wrong with this picture? Additionally I don't understand the thinking behind using montgomery watson to do this process at all. They are designing the tanks that will be buried and will more than likely get the contract for the rest the \$70 million deal to do the tank burial. What do they have to do with park land that will be on top? Why couldn't the pac have been run by a neutral entity? It does not make sense but not one single thing makes sense in this entire project except the fact that montgomery watson is making boatloads of money. I do not approve of political agendas that were forced upon the pac members. Namely the park bureau which effectively convinced the pac that an area separate and apart from the reservoir should be included in the guiding principles. The pac was not charged with figuring out what to do with the nursery and maintenance yard. Thankfully diligent members of the public protested enough so that the special parks agenda item was removed from the guiding principles and added as an addendum.

Eight members of the pac, the majority, signed a letter of concern which will which was presented today by the pac. This letter reiterates rates the deep concern they have that the city and the water bureau did not intelligently consider the alternatives to burying the source of our water supply. Predictably the pervasive montgomery watson advised against any alternative and the city obeyed. Look at the new york city d.e.p. Website. The d.e.p. Is a water bureau's equivalent. It is so positive. Reservoir preservation and rejuvenation is proudly displayed. They recently started the historic found done in the central park reservoir. Mt. Tabor's reservoir six has a fountain. Let's turn it on. You also see water safety open water boating and fishing in the watershed in comparison look at our water bureau's website. It is heart breaking. Thank you for letting me speak to you.

Floy Jones: My name is floy jones. I live in southeast Portland and I first wanted to comment that I think it's a shame that this hearing was scheduled this week. I do believe it was strategically placed in a week people would be on their final week of vacation before labor day. There are thousands and thousands in the community who care about this project. There still is no support for this project. And I am sorry to have spent some of my three minutes having to make that statement.

I ask that you follow your own procedures. A year ago, the water bureau went before the landmarks commission with a report and in that report it said that ideas obtained from the landmarks commission will be shared through this public process. We do not find that to be true. Several members, park bureau, water bureau, and chet orloff of the pac brought the guiding principles to the landmarks commission on june 9 seeking comments from them. They chose to be

August 27, 2003

thoughtful and deferred any comments until the June 23 meeting at which time they did make comments. They emphatically stated that preserving the character of Mt. Tabor was the most important guiding principle and all others should fall below that. They viewed Mt. Tabor as perfect as it is, a refuge, a natural and historic national treasure. And reiterating what Dee has said one of the commissioners spoke about the fountains restoring and returning them to use and we know that that has water benefits as well. They also commented that Reservoir One, with its deep water, our oldest reservoir, should be preserved. Several dedicated citizens have followed the PAC and attend the open houses. We did not hear these comments from the landmark commission presented to the PAC. So they weren't seriously discussed and in the process. We didn't hear them presented to the open, at the open house. Nor was the Landmarks letter, which was sent to the state historic preservation office on June 30, opposing the burial of the reservoirs discussed via the PAC. My other comments are regarding the new road and moving the yards and the historic Mt. Tabor nursery. You recently received a memo from Sari and Mark regarding that but I notice the memo doesn't tell that you there's going to be a \$16.8 million cost and, again, all the costs come from your documents, from Montgomery Watson Harza in their hastily prepared report. That indicates that constructing the yard, constructing a new road will cost \$16.8 million but yet when we hear the figures for this project, all those figures are never presented. So the public still isn't being told the full story regarding the costs of this project. This issue is as controversial as the project. The neighbors don't know. South Tabor was not aware ever this. No one in the community was aware of it. Just the few dedicated people who attend these meetings. Thank you.

Katz: I am going to -- I remember seeing the memo and I am going to ask that both Mort and Zari put a memo together for the council that will include all of the costs that are anticipated, that are associated one way or another with the reservoirs so the council can know what the costs are and where and who's going to be paying for it. Thank you. I think I asked for that but I -- no, no, no, I didn't do that -- I think I asked for that and wasn't satisfied yet with that response. Go ahead.

Cascade Anderson Geller: Cascade Anderson Geller, Southeast Portland. I wanted to speak to a few things regarding the PAC. And most of the things that I have, I want to cover have been covered already. One of the things that I took issue with is that in one of the documents it says that the PAC lasted a year. This goes into the official record. That is not correct. And so continually we read the documents we find things that need to be corrected. Also the PAC, even though it was supposedly what goes on top extended into the Mt. Tabor yard. We were very critical of including that with this PAC procedure. We felt like it was really not appropriate, and in the upcoming discussion regarding the land use determination, it's very clear in that determination that this is just a water bureau utility project, and yet everything gets very mushy. It's very difficult to follow this project out. If anyone wasn't devoting a good 20, 30, 40 hours a week looking at this project, you would never be able to get -- make heads or tails out of it. What Mayor Katz just said about needing to request the memo, I really suggest that, as I have said before, I think up in front of you, is that we need a value committee that is outside of the Montgomery Watson consultants. It's outside of the even the city to look at these things. This is a very big project. It's a very expensive. The city of Portland deserves, the citizens deserve a value committee to look at this. And the choice of those committee members needs to be broadened to not just be picked by hand selected by the people that are going to be making a profit off of this. Also I want to know why, and I know you don't like to answer questions in this part. Why are you removing the memorandum of concern from the official PAC design program? Why does that have to be offered as a separate issue? I don't understand that. That should be into the official record with the PAC presentation, and majority of the members signed that. Why is that separated out? Once again, it produces a sense of distrust from the citizens regarding this process. And it's just a continual piecemeal approach that we find very disturbing. The guiding principles per se, in reading those, they worked hard, I watched them, but they do not give a design firm that does not, is that familiar with that park, enough of the flavor and the unique

August 27, 2003

qualities of mt. Tabor park. It would be very difficult to do that and the pac was guided away from a lot of the things that they wanted to do through that process. So I also wanted to thank the artist for letting us use this picture of the reservoir five and I just wanted to bring it in. He is a nice man. When I come back around I will have the name of him for all of you on the back of your sheet that I will give you. But I don't know that you want to be the ones to completely wipe this off the map. I really don't think that you would like to do that. And I continue to hope that you will look into some other things before you sign the contract this afternoon. Or this morning. Thank you very much.

Katz: Anybody else want to testify on this item? Then I need a motion to accept the report.

Francesconi: So moved.

Katz: Do hear a second?

Sten: I will second it. I did want to ask questions of staff before I vote on it.

Katz: I'm sorry then. Let's withdraw the motion and get some response. Go ahead, commissioner.

Sten: Maybe mort and zari can come up.

Francesconi: Zari stepped out.

Sten: Who's running the design competition?

Francesconi: David. Janet's not here. She is on vacation but janet, but david or zari can answer.

Sten: I wanted to talk a little more. I know you are pushing to get things done but I am a little concerned I wanted to get on the record the time line for working with the three to five finalists. Because for this to be successful, the public's going to need some real time to dig in with this the semifinalists on the issue. I want to make sure I understood what the timing is on the design competition was and how that was going to work.

Katz: Mort, why don't you come up.

Mort Anoushiravani, Director Water Bureau: We are concerned about that as well. That's the reason we talked about, we want to make sure the coordination with this work and the other work at end of the day we will get a very, very good product that will have all the public involvement part of it plugged into it. I don't know if dave wants to talk about the schedule and how we are going to ensure that. Or you want to do it, arun.

David Yamashita, Portland Parks and Recreation: Dave, planner with Portland parks. I will give you an overview of the schedule. Right now as commissioner Saltzman mentioned earlier, we are looking at the nine submittals today and we will be reviewing them and we have an evaluation panel. We will be putting together a short list from three to five firms, or teams, I should say. What they will do then is to go after a site visit to Portland, they will go away, prepare their concept, submit them by october 3. There will be a public display, a week long public display at a couple of sites around the city. And then the jury will convene on october 11 and 12, maybe 13 to review them. There will also be, I should mention, a series of public presentations on october 11 and people will be, there will be a question and answer session after that. The public display there will be an opportunity. We are not quite sure how we will do this yet for people to offer observations and comments. That will be up on the website as well. And there will also be as commissioner Saltzman mentioned, a public reception when the teams come as well. So people will be able to actually talk to the members of the design team.

Sten: That's to select the team.

Yamashita: Right. In the october, the public display period and the presentations, that's the select one of the three to five concepts and the team.

Sten: And then could you talk a little bit about how the process goes once the team is selected?

Yamashita: Right.

Sten: My concern I am getting at is, I want to, I think that good design takes some push and pull and some thinking. And i'm just worried about getting a position where we have a week to select a team, and people are going to feel like, you know, they didn't really have a chance to dig in on this.

August 27, 2003

And I think part of what I think the team is really got to do is go out and select the right team, I think they have to establish that not only are they world class designers, they are capable of working, and I mean this is no offense to anyone, in a very contentious environment with a lot of people who feel very strongly and are trying to simultaneously work on an issue -- I mean, there are significant number of citizens who feel passionately and adamantly that this project should not go forward and are at the same time trying to work constructively on, if they lose that battle, how's it going to look the best? So this is a very contentious and difficult piece and I am worried about making sure we not only have a world class designer but we have a world class abilities to work with people. And I want to make sure that's judged in a couple of days that you are going to pick one. Otherwise, the world class designer is going to fail.

Yamashita: Just a couple of comments on that. We agree totally with that approach. In fact, let me offer that in our request for qualifications some of the key phrases -- the first one we started with was, design excellence, another one was creative excellence within a historic context in the set of constraints we wanted the teams to have. We listed especially an ability to work with the public and to engage in this conversation about design.

Sten: So that will be part of what --

Yamashita: Yes.

Sten: Judging them on.

Yamashita: Yes. The other part I wanted to get at was in the design process we will start with the concept that the design, the winning design concept will have what we call, and we may want to think of a better term, pac-2. But that a committee of people that will work with the design team to really refine this concept and to make sure that we engage in this as you called it the push and pull of conversation about design ideas. That is our goal.

Sten: A couple more questions.

Katz: Arun, let me just add part two, david, this is a question for both of you, part two is very similar to the notion of the community team working with the designer that we had in the design initiative. Yes, no?

Yamashita: Yes, that's right.

Katz: I just needed to understand that the difference or if there is a difference. Right.

Katz: Identify yourself.

Arun Jain, Chief Urban Designer, Bureau of Planning: Arun, chief urban designer. Bureau of planning. I just like to add that there is, we have been very conscious of the fact that we need to be, pick a team that not only has a good design but also has a high degree of sensitivity about the environment in which they are doing this intervention or this improvement, if you will. And part of that is to get the community comfortable with the design teams and that's why we have got what dave just talked about, which is we have got not only a criteria in the submission that is we are now evaluating over the next two days, that includes information that would help us assess how friendly or comfortable they would be working in the Portland environment, but also the break, we have the reception that commissioner Saltzman talked about at city hall which gets, it's an opportunity, a public reception and it's an opportunity for the community to get familiar with the design attitudes and the individuals on the design teams to design teams selected will not be presenting any of their ideas related to the mt. Tabor competition or design, but they will present their work and they will be available to ask questions. And the attempt there is to just simply develop an overall level of comfort about who these people are.

Katz: And describe part two.

Jain: Well, part two is where the competition entries is really intended to the winning scheme is intended to provide, it's going to be evaluated on the basis of what attitude does it embody? What kind of philosophy does the design team bring? What kinds of larger concepts are they bringing with it? The realization here is that they don't want to kill the integrity of the design but you want to

August 27, 2003

be sensitive to the community as well, and that's why there will be a sort of give and take about how does it, how does this idea fitted, keeping everybody's concerns in mind?

Sten: Couple more questions. The first I want to clarify that there haven't been any parameters set on how the water on top, the depth, some of the questions have come up to me, we already set it can be a certain depth in terms of the water features and my sense is that's still open. Is that right?

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

Anoushiravani: Yes, yes, that is right, commissioner. None of those have been set. The only thing we are really sensitive about is the height of the reservoir. Because that's basically the controlling elevation for the water system, if you will. But from then on essentially, there hasn't been really any limitation put on it. So that's all I can say now.

Katz: Let me -- are you finished?

Sten: I have one more question.

Katz: No, no, this is not a follow-up.

Sten: The next question is, with montgomery watson contract also on the agenda today, and this has to do with both the design commitment and how you are proposing getting the engineering and the design together, the council has made a commitment, which I think now stands, still stands, to review the final design in a council hearing process before we go forward on doing the reservoirs.

Anoushiravani: That is still the plan. Until that happens --

Sten: Until that happens we don't have a design. What happens as montgomery watson starts moving for and the council hasn't completed that charge? How does that all work?

Anoushiravani: Ok. Basically, what we are doing, commissioner, we are going to ensure that we are not going to finish the final design, if you will, of the water features being the reservoirs, the being the piping, the valving controls and all that, until we know enough about what's going to go on the top, that we are going to make sure they are just going to mesh together. Saying it the other way is, we are not going to do anything in the design of the water feature that's going to limit or preclude what could go on the top. And these two schedules are linked together to make sure that does happen. And we are sensitive to that. And we are just going to be making, we are just going making whatever sort of adjustments we need to make sure that doesn't happen. Because regardless of what goes on the top, there is going to be a certain amount of preparatory work that needs to happen so that's some of the work. Whether geotechnical borings to find out the condition of the footings and foundations or whether it be some of the piping rearranged and things like that, that really won't have an impact on what goes on the top. So basically, the commitment is, those two are sort of hand in glove, if you will.

Sten: I mean, this is just my voice. The council as a whole will be talking about this this morning but I want to reiterates rate my point of view which is, I think you understand this, but I want to reiterate it out loud that I think the design is more important than the time line. And while the time line is important, if the time line starts to drive a decision-making process that doesn't allow for the public push and pull that I am talking about, we need to slow it down. And I want that to be clearly in your eyes if we are going to let a contract today. Because I do not want to be in a position where somebody comes back to me and says you got to move on this even though I think the public needs more time because we passed a contract today and if that's in any danger of happening I would rather let the design go a few more steps. I want to put that on the table very aggressively to say that's my point of view and I would like to get everything done in the way that everybody would like, but if it starts to give, the design's got to come first at this point.

Anoushiravani: That's the way we are approaching it, commissioner.

Katz: I concur with commissioner Sten. So you understand that. Ok. Further questions? Did anybody else have questions of staff? All right. I took a motion. I didn't hear a second.

Sten: Second.

Katz: Roll call.

August 27, 2003

Parsons: We have one fellow who would like to speak to this, too. Is that permissible? He came up later.

Katz: Well, we will withdraw the motion again. Come on. We will delay the motion.

Charles Hyne: My name is Charles Hyne. I am an associate professor of urban studies and planning. I heard some interesting things. I am glad I want to thank you for giving me a short period of time to speak here. Commissioner Sten, thank you for asking these questions. I think this is a huge concern. The time line that I heard was approximately a month for this. It looked to me like we were going to interview teams, and all this going in a month. All the decisions would be made and, again, the public has not been allowed to participate. There's nobody going to be on the commission, no public member is going to be on the commission that reviews the design team. As I remember in the last time when Mayor Katz brought David up here, she especially specifically asked the designs be a part of the process. And what we heard today was that they were not going to be a part of the process, that they went back to the original idea, which was to just present previous work. And I would like to call that to the council's attention. I think you are absolutely right that nothing should happen with the contract in the design. It seems very difficult for me to imagine how they are going to design a tank that might have been to be shifted to a different site because of what goes on top, that might have different structural property, that might have to be changed in terms of how high it is, how wide it is, and all of these other -- how can they design that tank without knowing this final design of what goes on top? So I would urge you to really take that into consideration when you consider this contract. Because those things will start turning the wheels and they will come back at the meetings, and they will say, well, we really can't let you do that because -- and I think you know that's true. The other part is, the public involvement in the process of reviewing the designers. As I said, so far as I know, there isn't really any chance for the public to get involved in that except to comment on the margins. The real decisions will be made by that team. So those were my concerns. And I hope that you take these into account when you are considering the contract today.

Katz: Thank you. All right. That leads to a couple of questions. Come on back up again. David. Not you, sir. [laughter] we heard in the testimony just given that it is about a month. You can't do, a, you can't do this in a month. It's not doable.

Yamashita: Well, two things. One is that it is doable. We have, we have been putting our schedule together in our program with the assistance of a competition advisor who we brought on to ensure neutrality and make sure the project is run according to all the usual principles of design competitions. Second thing --

Katz: Let's return to that. Are they going to present their design concept like we've seen on the tram?

Yamashita: Yes.

Katz: In terms of what they would like to see happen at Mt. Tabor?

Yamashita: Right. It's their idea. This would be presented to the public display and that week of first week of October.

Katz: So it's not only their previous work but also the, their vision of what would happen on Mt. Tabor?

Yamashita: Yes.

Katz: Is the answer yes?

Yamashita: Yes. Yes.

Katz: Go ahead.

Yamashita: Let me add one thing. At the reception that we are having that Commissioner Saltzman mentioned, where the team, there will be a public reception at city hall. The teams will be presenting their work, not what they are proposing but their work and their qualifications and that's where the public will have a chance also to engage the teams in conversation about the work

August 27, 2003

they've done. When they come back in october, then, they will focus on their ideas for the project.

Katz: And there will be public participation in that --

Yamashita: Right. As I mentioned, the team, the ideas, the concepts will be on display for a week.

We will have opportunities for people to write comments.

Katz: That's not public participation.

Yamashita: But there will be public presentations with questions and answers. It will be on the web. We will probably set it up to be interactive as well. And there's also be another public reception where people can talk to the design teams about their ideas.

Saltzman: I think it's important. We are all losing sight there's a substantial body 10 months worth of public participation that we are talking about this morning, which is the public advisory committee that's developed guiding principles. So I think we cannot forget that the tremendous amount of public participation that's already gone into informing this design competition. We are sort of treating the design competition like they are being handed a blank piece of paper. They are not. They are being handed nine or 10 guiding principles that are really, that are the result of a 10-month public process, too. Let's not forget that.

Francesconi: That's precisely the point I was going to take.

Katz: Can I finish? Thank you, gentlemen. I'm not finished yet with david. You can have guiding principles. You can have public participation on the guiding principles. But when you have a design, and designs available for the public to look at, there has to be the discussion and the give and take on the designs. Doesn't necessarily mean that the designers have to agree to accept all of that but they need to think about it. I just was at a tail end of an involvement on the tram where, had we done what was originally planned, it probably would never have turned out the way it's probably going to turn out and that was because there were fresh eyes on the project, new ideas and the give and take. And that's what it's all about. It's the creative juices of the public and designers here in this community with the designers from all over the world. So I think that's what we are talking about.

Yamashita: And we set up the process to actually do that as well, mayor. The design team will give us a starting point with their concept but as we talked about before there will be pac-2. That will engage and this will have a series of meeting. There will be public workshops like we did before and we will have that give and take. The design team will offer us the starting point that will then be able to work on.

Katz: Let me ask you the final question before we vote. And who is your jury panel?

Yamashita: I am glad you asked that. Right now it's set up as a seven-person jury with three people, landscape architects of national prominence or significance, historic preservation person. We actually have two members of the public on the committee and actually one of them is laura gordon, who is right here and who also participated in the first pac as well. Essentially it's a professional jury and it gets back to the goal of design excellence.

Francesconi: Maybe now I am confused. Are we selecting in a month the final design for the mt. Tabor reservoir or -- wait, wait -- or are they selecting the designer?

Yamashita: Both. The design team and the concept or idea that will then refine. That's typically how competitions are set up.

Francesconi: Ok.

Katz: I feel more -- i'm happier about the comments that you added to that. Ok. Thank you. All right. Roll call.

Francesconi: Well, actually, I wanted to start with this memo of concern, which I actually think is a very extraordinary document. And I want to thank folks for, I mean, you could have chosen not to participate in the process. And you very succinctly described your reasons for imposing this. In a very concise and appropriate way. We have disagreed with you but that doesn't mean you don't

August 27, 2003

have good arguments and you have listed them here very powerfully. But you have also said and I appreciate this, in the very first second paragraph, "our goal is to produce a set of guiding principles that would reflect stakeholder values while challenging a designer to create something wonderful in this reservoir space. We believe that the plan under Chet Orloff's leadership and with Pam Wiley's facilitation has produced a document which admirably - a admirably fulfills this goal. We have all worked in good faith to produce guiding principles which we believe could enhance this park that we all love." and that was the words from the people opposed to the project. So in this testimony it's been a tribute that nobody has object to do guiding principles that have been set forth because they are great guiding principles. Preserve the character of Mt. Tabor. Have the park use be consistent with the Mt. Tabor master plan. Emphasize water as a bridge from the historical legacy, maintain and enhance the panoramic view, preserve, protect, rehabilitate, restore the historical features, maintain the natural features of the park, use education, interpretation, access and circulation and do it in a sustainable way. Now, what's following up on Commissioner Saltzman, I sit on the tram committee. There was no document like this. What we are doing here is design competition the Portland way this time. And what we are doing is we are engaging citizens that you come up with the fundamentals of the design before we ever get national experts involved. That's the beauty of what we are doing here. And then we are going to involve citizens not only in the selection of the designer but also the design as it moved for. And that's so we can do this in a way that enhances the park. But also do it in a way that involves citizens, which is not the normal way design competitions are run. In fact, we have been criticized already for kind of taking this approach. But because it's so important, because this is one of our most beautiful parks that we will ever have, and because it's such an important part of town, that this park anchors, and because of the controversy, we wanted to do it this way. So I'm very proud of the citizens. As I wanted to take, I also as, because I am parks commissioner, I am proud of you water bureau employees but I am particularly proud of the parks folks who really know how to do citizen participation. They really do. And Guy and David and Zari and Janet, thank you for helping out on this. Aye.

Saltzman: I want to thank once again the public advisory committee for their 10 months of work in producing what I think are excellent guiding principles that will truly guide the design competition and ultimately the council in the final decision about what goes on top of the Mt. Tabor reservoirs. And I am confident what goes on top will be everybody bit of a legacy to this city as what is there now and what has served us well for the last hundred years sorry so. But I am mostly equally confident, when it comes time to make the final decision there will still be people saying the process wasn't right, the process wasn't long enough, and things like that. And I think, you know, that we have to stand back and take a look. We made a decision to do this in 2002. We may not have done adequate public process at that time. But to my mind that doesn't invalidate the merits of the decision that we have made and the process that we are following now, which has ample public process at every turn of the steps including the steps ahead. I am fully cognizant of the fact when it does come time to make a decision people will say there wasn't enough time. I hope this council will continue about its fortitude in saying, this is a critical public infrastructure investment. It serves 75% of Portland's population. There's nothing that stands between the water in Mt. Tabor reservoirs and the tap in 75% of the homes of Portland. We have EPA rules, health rules, that are driving a decision saying open reservoirs simply cannot remain, and we have security threats. And I know people are dismissive of security threats. It's two years since September 11. People tend to forget. But those security threats, the water bureau has done two vulnerability assessments. What rises to the top is open reservoirs. We are in the unfortunate position of having 5% of the nation's open reservoirs remaining right here in Portland. So let's not forget what's driving this process. And let's have the fortitude when it comes times to make decisions to be decisive. I have confidence anyone body they can would this. Aye.

August 27, 2003

Sten: I appreciate the answers to the questions. We have to be as clear as possible and I appreciate commissioner Saltzman's work to get us to this state. I want to thank the members of the citizens committee for I thought a very excellent job and a very difficult situation and I recognize that this was probably not the assignment that everyone woke up in the morning wanting to get --

Katz: Let me especially thank zari in this. It was about a year ago when we started to talk about a design initiative here in Portland. And we hired our first design person here in the city. And the question was asked around the table, why isn't this project a project that could very easily be one for a design competition? And zari popped up and chatted a little bit about the future of this project and the fact that it very easily be a project that has a design competition component. There are other conversations, most of them went over my head. But this one I heard so zari, thank you. I think it's important to begin to set the stage for the steps that we are going to be taking over the next couple of years on how we do design competition. And the pieces of that, as I said a few minutes ago, is not only to bring in a world class designers, young designer as well as mature designers who have done some previous work around the country and around the world, but also to give the public that will be impacted by the design, whether it's a building or whether it's a park an opportunity to have some input. And it's not a one-way conversation. It moves both ways. And ideas are thrown out on the table and fresh eyes look at it and make, make adjustments that, in most cases, will improve the design as opposed to compromise, the design. Yes, the fears are that you, in fact, could compromise a design and take a world class 69 and make a mediocre because it's compromised based on everybody's ideas. And I hope that whoever is in charge will not permit that to happen. But the public does have the opportunity and should have the opportunity for some input into the final design. So I hope that happens. We have a framework for that. And I hope that the planning bureau, the parks bureau, use that framework and make it work. Thank you. Aye. All right. 1011.

Item 1011.

Saltzman: Today we are asking council consideration in adoption of a use determination interpreting the city land use code that replacing reservoirs at mt. Tabor with underground tanks does not require a conditional use review and constitutes an alteration not demolition. The water bureau requested an interpretation from the bureau of development services to clarify requirements for the open reservoir replacement project. Future park improvements on top of the underground tanks may require a separate conditional use review. This will be better understood after the park design work is further along and will impart of a separate permitting process. Consistency with code requirements is a priority for the project and in this case we are requesting confirmation of the bureau's development services interpret both for consistency and response to citizen inquiries and just for historical record you may recall we did a similar exercise use determination for the temporary covering the Washington park reservoirs. I'm sorry. I didn't realize. Did you have a presentation?

Katz: Yes. Just a minute. Yeah. We do have a presentation by staff. Grab the mike.

Douglas Hardy, Bureau of Development Services: For the record, douglas hardy. Bureau of development services. Good morning. What I wanted to do is give a brief background and overview of what you have before you, the use determination that's for your consideration and acceptance.

Katz: I think excuse me. Ok. This is a hearing. I want to make sure that we have four people here. Though we are not going to vote on it today we are going to be voting on it next time. So somebody get commissioner Francesconi. Go ahead. I needed you because it's an ordinance. It's the public -- assume it is a hearing. We can adopt it today. Ok. Because it's not -- all right. So we will adopt it today. And though there may have been an error on how it was classified, the public thinks it's a hearing and we will allow it to be a hearing so we can hear public testimony. Ok.

Hardy: Ok. As I was indicating, the use determination that you have before you was prepared by the director of development services, Ray Kerridge, in response to a request that he had received

August 27, 2003

from the water bureau requesting clarification, number one, of the use of the reservoirs at mt. Tabor, and, secondarily, what types of land use reviews, if any, would be required for the alterations that are being proposed to underground the reservoirs. And the use determination as you see, we identified three potential land use reviews and considered those in that document. That would be a conditional use review, historic design review and environmental review and I briefly want to go through those three potential reviews. Regarding the conditional use review, number one, the reservoirs are classified as a basic utility. And in the open space zone which mt. Tabor park is. Basic utilities are allowed only as a conditional use. The existing reservoirs have automatic conditional use status given that they were in existence at mt. Tabor prior to zoning code being in effect. One of the reservoirs was from the late 1800's, second from the, the second two from the early 1900's. So once we have determined that, in fact, the status of the reservoirs are conditional uses, the question becomes how, to what degree can you alter an existing conditional use without triggering a subsequent conditional use review? And the zoning code identifies limited alterations that can be made to an existing conditional use without triggering a subsequent conditional use. And the factors that are identified in the zoning code include things like are you increase, floor area? Are you increasing exterior improvement area? Are you increasing or decreasing parking? And basically the conclusion in the use determination is that the alterations that are proposed in terms of undergrounding the reservoirs do not trigger a subsequent conditional use based on again those five factors. What we did indicate in that use determination is possibly whatever is put on top of those underground tanks. If they attract spectators to sort of organized activities so if it's a ball field or some type of use along that line. The second use that we considered in that use determination is historic design review. As you know, a citizen group has nominated the reservoirs for listing on the national register of historic places. And that nomination is now being considered by the state historic preservation officer. And if the mt. Tabor reservoirs are, in fact, designated as historic resources, there may be the requirement for a historic design review for any alteration to those reservoirs. And also to clarify as is clarified in the use determination, alterations basically include all modifications to a site or structure except for total demolition. And total demolition is basically the removal of all structures that are associated development related to that particular resource. And then the third land use review that we considered in the use determination was environmental review. And the water bureau had indicated that possibly some of the underground piping that would lead to the underground tanks may go through one of the environmental conservation zones located within the park. And there are basically seven or several avenues that the water bureau could go in terms of addressing the environment to review as secretary. The code does contain what are called environmental development standards that, if the water bureau can meet their, doesn't require subsequent discretionary review, if for whatever reason they cannot meet those environmental development standards, those pipes may trigger a discretionary environmental review. The purpose for preparing the use determination is basically, it provides a clear written statement of council's position on the project as well as establishes council's interpretation of the city land use regulations that apply to what's being proposed. And that really concludes my summary of the use determination. Certainly if there are any questions I am available to respond to those.

Francesconi: I guess I need to understand this. So if we support this, we are giving under certain circumstances an opportunity for the opposition to appeal it to luba. Is that right?

Hardy: They would have the opportunity to appeal the use determination if you accept it and they would have 21-day period to appeal it to luba.

Francesconi: Thank you.

Katz: Further questions? All right. Let's open it up to public testimony.

Katz: Hi, jeff.

August 27, 2003

Jeff Boly, Arlington Heights Neighborhood Association and Friends of the Reservoirs: Good morning, madam mayor. Jeff Boly. I am on the board of the Arlington Heights Neighborhood Association and I am also the chief spokesman for the Friends of the Reservoirs on the land use issues. I think the first thing I would like to start off is just the time issue. This is a major land use decision that you are about to make. I have got three minutes as the spokesman for the opposition group to try to counter what's been happening, what's just been said and you are going to make a decision on it.

Katz: Fair enough. I didn't even -- as I understand, I even have to have testimony. But we are going to have testimony. So I am going to extend your time to five minutes.

Boly: Thank you. What I would, I am still going to try to keep it very brief because I want to hit the bottom line. The decision that was made and given to you, I believe, has five fundamental land use errors in it. You should have in front of you the document that I have prepared that gets into very great detail as to what those five errors are. But I will summarize them. The first error is that this use determination is based upon a fact statement. The fact statement came from the water bureau. The fact statement is one page, and it makes it very clear it's making its use determination decision based only on the facts in that statement. However, that statement says that there will be historic preservation that is going to happen. But you have another agency of the city, the historic landmarks commission, that has said just the opposite. They have said that it can't be protected. It won't be protected. So here you sit trying to make a decision about a base that was predicated on a set of facts where there is a critical fact in controversy between your own agency. So I would submit that there's no way that you can possibly make this decision until you at least get the fact question resolved between your own agencies. Where you have got historic landmark saying one thing, and the water bureau saying the other. So that would be the first objection that you have a factual foundation which is inadequate, you have got to make it a finding on that before b.s.d. Can have anything reasonable to predicate its opinion on. Two, use determinations. This is, this is a very discreet procedure for making a very narrow determination, and that is, whether a particular use meets the zoning qualifications. The statute is very limited. And what has happened here is that this goes way beyond a mere use determination. It gets into all sorts of development issues. And the Portland code is very, very, very specific to make a distinction between a use issues and development issues. So everything that's decided here that involves development is beyond the scope of what the statute authorizes and is therefore just a bunch of hot air. And that's most of what's in that, what's in this document that you are approving. So that's the second objection. And this limited section was never intended for a major public works decision like this. This was to facilitate quick, no brainer determinations. Not to decide something like this. Number three, this is objection number three. There cannot be a change in the conditional use if you are relying on the grandfathered section. That's the price you pay. If it's automatic conditional use review you have got to keep it exactly the same. So then the question is, has there been a change? Well, b.s.d. Focuses on basic utility and says, well, it's a basic utility. End of story. The problem is that there are two uses. There's a basic utility, and there's also a very major open-space use. There is a parks use. And that use, according to the zone, you have to look at exactly what 9 criteria is and the criteria is, the character of it is deep open water. And you are stuck with deep open water as what the current use is. You change deep open water, and this is no longer -- you have made a change, which means that this doesn't fit within the exception anymore and what has to happen is this becomes a new use. Become as new use because you have changed the use. If it's a new use that's type three. That's objection number three. Objection number four, this gets into these development issues. We have already talked about the fact that there's going to be some demolition. If there's any demolition of any building, that means that there has to be a conditional use review. And we know there's going to be some demolition of some of these little buildings but much more important than that is the question of what it is that --

August 27, 2003

Katz: Excuse me. Let me ask the council if they give jeff a little bit of more time. We probably ought to hear his objections since those are going to be presented to luba. Go ahead.

Boly: Ok. What b.d.s. Is done is they have focused on the definition of floor to determine that this is an exterior improvement and it's going to continue to be an exterior improvement. The problem is that the code definition is very specific. Whether something is an exterior improvement or a building depends upon whether or not it has a roof. A roof is defined not in the code but in the dictionary just like the floor is in the dictionary as a top. So if you have a structure with a top, then, it's a building. That means that what is going to happen here is that this exterior improvement is going to be demolished and in its place is going to be built a water storage building. And believe me, if you have seen the plans, it's a building. No question about it. And it's a question in every sense of the world. Then what's going to happen they are going to put some dirt on top of it. That means that, and once you have a building, you got floor space, once you have floor space, then it's a type three. And finally, if, indeed, it is a building, then that means that in terms of demolition you have demolished the exterior improvement so this notion objection number five, that this is just an alteration is clearly wrong. And I think that the final point I want to make is that I have got five objections here, I have got two different courts, all I have to do, all I have to do is get one court between luba and the court of appeals to buy one objection of these five and this comes back for conditional review and you know how long that can take to get there and how long the conditional use review process will take. Ok.

Katz: Thank you, jeff.

Charles Heying: Mime charles heyning, professor at psu. As a citizen I am offended the water bureau through its contractor montgomery watson harza has paid \$80,000 to develop a strategy to undermine citizen's right to review a major change in land use. I am offended that the purpose of this work is to manage the public process so that citizens will not impede the construction schedule. Those words come from their own permitting strategy memorandum. Today you have before you the fruits of the labor of the contractors to "manage the public process" through obfuscation and inaccuracy. The misrepresentation begins with the description of the project provided to b.d.s. By the water bureau in a sketch whose brevity is breath taking the water bureau has reduced this \$174 million project to a description of less than a page. But the brief description does up heavy lifting. Most importantly it artificially divides the project into two parts, part one. The replacement of the reservoirs and park two the improvements that are part of a future plan. So lets now go to the section in the use kemp nation where this charade gets played out. On page 3, section d, b.d.s. Explains why they have determined there will not be an increase in the exterior improvement area. This is a critical argument because an increase in exterior improvement area would trigger a conditional use review. The quote begins with a definition taken from city code. "exterior improvements are defined as all improvements except buildings or other roof structure, exterior improvements include surface parking and loading areas, paved and graveled areas, areas devoted to exterior display, storage or activities. It includes open areas such as plazas and walkways but does not include unimproved planned." the section concludes with the b.d.s. Opinion. "based on this definition, they say, "the areas are considered competent improvement area. As reservoirs five and six will be replaced with underground water storage tanks, with unimproved land above, there will be a decrease in exterior improvement area." the important phrase in the paragraph for them is "with unimproved land above." these false words are only remotely believable if one accepts the artificial division of the project, a division that does not exist in reality. The construction of the open reservoirs, the construction of the new storage buildings and the reconstruction of the park land above have always been considered one project. The first budget for the reservoir replacement project included \$2.5 million for land improvements above the tanks. It included money for a public process that developed preliminary sketches for land improvements. These plans included plazas, walkways, paved and graveled areas, and new areas for displays and activities. The city

August 27, 2003

council voted a second time to increase the amount allocated for these land improvements to \$14 million and later it determined that there would be a design competition for the land improvements.

The minutes of the pac include repeated references to the need to coordinate the design of the buried tanks with the design of what would go on top. Different designs could require changes in structural properties, floor area or the siting of the tanks. The project has always been a single project. The promises made by the water bureau and council to the citizens that they could be certain that they would "not just put dirt back on and walk away" demonstrate conclusively that there was never any sense that what would go on top of the buried tanks would be unimproved land.

Katz: Thank you. Thank you. We have got it.

Robert Ballantyne: I'm Robert ballantyne. First time I have been in city hall since second grade receiving an award from our past mayor, mr. Goldsmith. I am pleased to be here.

Katz: What did you receive an award for?

Ballantyne: Being a safety patrol.

Katz: Oh, wow. [laughter]

Ballantyne: There you go.

Katz: It's nice to have you back. It's changed a little bit.

Ballantyne: It has. Thank you. Basically, I have a little list here I will run through that and I will kind of add at the end what I have heard going on. I don't live near mt. Tabor or Washington park but I am a frequent user and have been all my life. A fourth generation Oregonian. I have resided here for well over 40 years. I am astounded and saddened by the wreckage that I see it's already taking place up at Washington park. For example, they seem to be disregarding the wrought iron fencing that they are ripping out and I don't see how they are going to put that back to its original condition. The water bureau's two rationales for this project don't hold water. I don't believe the safety claim. In my opinion, this is just an exploiting public fear arising after 9/11. If the water bureau were really worried about the security, why do they have sporadic rent-a-guards up there right now not doing a very good job of securing the area? When I visit mt. Tabor I have asked hundreds, and Washington park, I have asked hundreds and interviewed people about their awareness of the project and their opinion. I find that almost no one knows what is planned and those that are informed about this issue are dead set against it. I believe this hearing is being held at the end of summer right before a three oar day weekend just to slide it through the way it originally was. With regarding to the signage that's up there that asks for public input as mr. Saltzman said, he basically said, this is paraphrasing earlier, in the beginning we may not have had public involvement at first, well, if that's the case, then get some psa's out there and really start informing everybody of what's going on. What is the rush? Why is the water bureau so determined to avoid the public process where the public can actually impact the decision? Besides the water bureau, where is the constituency driving the project? It is going to be one of our most expensive public works projects to date. Over the next 10 years, it will more than double our combined water and sewage rates. The public does not know this and they should be made aware of this. Shouldn't there be a public demand for this process? I fear this is a mistake that will make the water bureau's billing fiasco look like a sound fiscal management. Let's see. If it's broke, don't fix it. The original designer of this was an international designer. His works stand untouched. The tangible versus the intangible assets of the parks, that they provide the community, the citizens of Portland, and since we rely so heavily on a tourist industry, it's going to cause a dramatic effect.

Katz: Thank you.

Ballantyne: If the deep water body, the essence of mt. Tabor is taken away.

Katz: Thank you. Thank you. Your time is up.

Paul Listner, Mt. Tabor Neighborhood Association: I'm paul listner. I'm here on behalf the Mt Tabor neighborhood association. And the mt. Tabor neighborhood association formally opposed the proposed exemption of the proposal of the reservoirs from the conditional use requirement. One

August 27, 2003

of the first items that our neighborhood association is concerned about is inadequate public review time. City ordinance 3.96.070 requires city agencies to give a 30 day notice to neighborhood associations pending policy decisions that affect neighborhood livability. And clearly, the burial of the reservoirs will have dramatic impacts on the park, local and regional park users, the immediate residential area surround building the park and water ratepayers throughout the system. The notice went out on august 13. We didn't get the staff report until the 20th so we feel that for you guys to vote on this today would probably violate, we feel would violate that ordinance just to get that on the record. We also as feel that the review put a very good professional planner and review staff person in a very awkward position to give him the page, the one-page description with basically a one-paragraph of substance for him to then try to make this determination. Staff recommendation on. We feel that was inappropriate and that b.d.s. Were prevented from fully and accurately reviewing the review and if you guys are going to move ahead with this you need to have a full accounting of what the actual impacts would be for them to take a look at. Also we feel the project clearly meets the intent of the requirement for a conditional use review and open space and in the code it says, certain uses are conditional uses instead of being allowed outright even if they might have been effects and serve important interests because they have, may have significant adverse effects on the environment overburdened public services, changes desire the, character and create major nuisance, this is a gigantic public works project that will have significant effects on the character of the park and will remove the deep water reservoirs which are a key feature that the olmstead brothers wove into their whole approach to reservoirs in the late 1800's so we feel there are a whole list of things in the letter there that discuss why that's an appropriate. Its remains puzzle, fork us why the bureau spent \$80,000. It's interesting to note in the paper they had had gary blackmer had spent \$60,000 on the review of the police, the shootings and now here the water bureau spending \$80,000, \$20,000 more, basically targeted at trying to get out of having to do this conditional reuse review. The time and money would have been better spent doing the review which would not have stopped the project. It's not an obstacle. It's intended as a safe guard against narrowly conceived projects the proposer do not take into account the range and severity of impacts. The project may have on the broader community and community values. It's intended to help insure more full and objective review of a project's impacts. We also feel that basic utility that was as charles has said, used for small hook-ups, sewer hook-ups to park bathroom or something. We feel that the council needs to provide oversight on this. That sometimes is lacking in our form of government but you guys don't need to rubber stamp this. Give it some thought and we do not, we recommend you do not give an exemption.

Katz: Thank you. Go ahead.

Floy Jones: I'm floy jones. As you can tell we have been reviewing consultant budget summaries and invoices. And in reviewing that, a year ago, the permitting strategy amount in the budget for montgomery watson harza was \$21,000. It was recently increased to \$80,000. I have inquired as to what additional documents have been prepared. And twice I have been told there have been none. So they received a 200% increase and produced nothing except this continuing to work on this strategy which keeps the public out of a public process. I don't know anything about land use or use determinations. But I certainly know that we are going to lose the character of the park. You can look at the open water there. And I would urge all of you to look at the montgomery watson harza presentation on construction of open reservoirs. You are not going to be able to see these pictures from where you are sitting. If you would even look. But clearly, you can see the process. Constructing reservoirs is going to tear up the entire park. It is not an alteration. Look at the construction zones on their own documents and you will see the same. As jeff pointed out, it is clearly going to be a building. It's not going ton an alteration. And it's going to destroy the character of our park. Commissioner Sten will recall school children putting together this book on art and engineering, which shows pictures of beautiful pictures of mt. Tabor. Well, the picture isn't

August 27, 2003

going to look like this and it's done. It's clearly not going to be an alteration of the park. And I brought for you altogether even though it's not mt. Tabor, this postcard from Washington park. I don't know if you ever go to the water bureau. If you did, you would see this on display in the first floor of the Portland building for the last three or four weeks. And tri-met is promoting this as tri-met vacations. So you can take bus number 73 up to Washington park, and you might have been able to see this. I know commissioner Francesconi told an audience of about 2,000 people at Washington park a few weeks ago that it was considered one of the most beautiful parks in the country. I agree. I think mt. Tabor is more beautiful but nonetheless, this water is going to be gone in a few weeks. We will look at that -- yeah. The covers are going to be on here. Animals will walk on these covers. It's going to be a mess. So everything that we are doing here at mt. Tabor and Washington park is going to change the character of knows parks. And alter them permanently. Alter, destroy them permanently. Thank you.

Katz: Thank you.

Cascade Anderson Geller: Thank you. Cascade anderson geller. I gave you a piece of paper from the friends of the reservoirs that asks some questions. I would really like to have these questions answered in writing, if wouldn't mind. And I was concerned about why this memorandum from the b.d.s. Is coming directly before the council instead of following the usual procedure. I know you don't like to answer questions.

Katz: No, no. One of the reasons I went over there is because I asked a question with regard to notice. If you would move the sign just for a second so -- our city attorney could explain to the council members and to the audience the procedure for this it's under state code. Go ahead and explain to people what that issue is on this particular item.

Kathryn Beaumont, Sr. Deputy City Attorney: Thank you. What you have before you is a use classification decision whereas we refer to it here in the city a use determination. That is a procedure that is a creature of state law. It is not something that is provided, that is provided for or regulated by our code. We are proceeding under state law. State law doesn't require any particular procedure for you to follow or any particular public notice to be given in order to, for to you adopt a use classification decision. That's why the 30-day notice provision cited in the city code does not apply. We did give a 14-day notice to surrounding property owners as a matter of courtesy but that, too, is not required by state law.

Katz: Ok. I hope that helps a little bit.

Geller: It's a little disconcerting but thank you. So I understood that my next question, there will be an appeal process.

Katz: Yes.

*******:** And --

Katz: That can be appealed?

Beaumont: If you adopt a use determination it can be appealed to the land use board of appeals.

Geller: Only to the land use board of appeals but not to you all? So we can't come back to our own city and appeal?

Beaumont: No. Since the council is the decision-making body, any further appeal would be beyond the council to another review body.

Geller: So we need to, we have to, a citizen to appeal this would have to come up with a large sum of money to go to luba?

Katz: Why don't you go ahead and prepare

Geller:-- and there is going to be a case file number on this when it's filed?

Katz: You have a very good attorney representing you.

Geller: I know. But I wanted to ask you because I want to make sure that we were all understanding the same place.

August 27, 2003

Beaumont: Mayor, consistent with state law, a copy, if you adopt the use determination, a copy will be placed in the public registry over at bureau of development services.

Katz: Ok.

Geller: There's a lot of questions in there if you need that but i'm not going to focus on these questions.

Katz: Start her testimony all over again. That gives you a little bit more time because --

Geller: I think I can finish it up really quickly. Basically, what I wanted to say is that once again, that far side cartoon, I feel like that a lot of times. There's a far side cartoon where the owner of the dog is talking to the dog and what the dog hears, the what the owner is saying sit and so forth but what the dog is hear is blah, blah, blah, blah, blah. I know that's how I sound to all of you and I apologize for that. [laughter] because I keep repeating myself and --

Katz: We sound like that, too. [laughter]

Geller: Yeah. Well, we don't have to sound like that. Because we have smart people and we have concerned people and we could make this a lot better if we wanted to work together and that's what I have continued to say. One easy way to get an out here that would give like other communities have done that have been faced with this, and other mayors, other city council people have been faced with exactly what you are doing here with a lot of public outcry, is take the reservoirs off line. Give them a rest and let's do this, if it's needs to be done at all, let's do it in the right way. That is an alternative that I can make the list. Hood, highland park, jerome park, boston reservoirs, they have all chosen this way. Central park reservoir. And we can do it in the city and save a resource until we have a clear-headed approach to this instead of piecemealing it.

Katz: Thank you.

Geller: Ok. Thank you.

Kim Larkin: Hi. Kim larkin, southeast Portland. I'm just going to read a letter that I wrote. Being in front of you guys makes me nervous so i'm just going to read instead of try to talk. I would like to register my protest over the bureau of development services recommendation that no conditional use permit is required by the bureau of waterworks for the undertaking at mt. Tabor park reservoirs. My objections are as follows. To separate the two actions, one of digging demolition of existing reservoir basins, construction of piping and metal storage tanks, and the second action, covering the new tanks with soil, grass, landscaping, hard scaping, et cetera, is stretching to interpret the code in favor of the bureau of waterworks. Whether or not that is actually the intent of the bureau of development services doesn't matter. It's the appearance that matters. And in a case such as this, where the issue is highly contentious, the city should take the high road and follow their own process as laid out in their own city codes. Thus I am requesting the city council follow their conditional use process in order to avoid appearing partial to a particular city bureau. Following the conditional use process will allow for public comment and therefore will have the appearance of a more fair and open city government. Thank you.

Katz: Thank you.

Kari Easton: I'm kari easton. I live in southeast Portland. I was at the very, I think the hearing spring and was just listening and then I had a couple of concerns as I have been following my neighbors' work on this project. And what came to mind today was one thing you all said in spring as I understood there wouldn't be any movement in the park until we had a plan in place. And now that I am there I see that there are some things happening, moving towards this project, getting it started. So that's confusing to me. I am feeling as I listen that this project has become kind of a runaway train we are all having trouble slowing down and reevaluating which people in this community keep asking and asking for. So I guess i'm just here to add my voice to that desire to slow down and examine the project. And I think there's been overwhelming opposition, and I am disheartened when I hear responses like, "full steam ahead." and also the people you seem to be listening to, as I understand, are the people that are the consultants who are going to profit from

August 27, 2003

going full steam ahead on this project. And I wonder if there has been any listening to or hiring of consult consultants - who are from groups that can look at other solutions, because if that were happening, then, I would feel like the process was more responsible or at least more rounded out. And finally, I am still worried about the waste of city resources. I have neighbors who are having trouble paying water bills right now in that neighborhood. I would like to be frugal and maybe stop having people focus on luring them with what's going to go on top and talking about what's actually going to happen up in mt. Tabor and how much it's going to cost. So i'm just guess asking that we all have some common sense and take a moment and review the run away train that I think this project has become. Thank you.

Mike Stine: Thank you very much. For listening carefully. To some opinions that are different from your own and trying to keep an open mind.

Katz: You want to give your name.

Stine: I'm sorry. Michael stine. I live in southeast Portland. I'm not here to talk about the beauty and historical value of the reservoirs, though that's undeniable. The futility of protecting all possible or even potential targets of terrorism has been well stated before. Here I would only add that if we tax ourselves for safety it should be spent to keep a suicide bomb are out of our schools rather than this other very unlikely possibility. The wisdom of rushing to comply with proposed federal rules that may never become law is certainly questionable. Need I comment more on that. No, what needs to be said today is, please don't waste our money. Perhaps in your wisdom you thought that pushing the reservoir design would give Portland's economy the stimulus of a huge public works project. I know that's often an economic strategy. If that's true, let's make something that adds value to our city, something that we will be proud of, not something we will be shamed, ashamed of. It will be a national shame. Maybe the new baseball team coming our way will provide some of this. I don't know. The water bureau is viewed widely as a rat hole for wasted money. Look at the front page of "the Oregonian." people are angry that another \$180 million is going to be lost. That includes replacing the capacity when you take away our reservoirs. We don't want to go over your head to the people of Portland but we will. For one horrible moment, please imagine with me that an enemy caused \$180 million of damage to the Washington park and mt. Tabor reservoirs. Don't let fear and overreaction give the terrorists another victory, please. If we do, the enemy will be us.

Katz: Thank you.

Robert Butler: I'm robert butler, 824 s.w. 18th avenue. I think the last time I appeared before you I was using the timer here as a microphone. I hope you remember more than that. I support all of the arguments, legal arguments that the opposition have brought to you today, and I would suggest that if there's any doubt now in your minds, that you give the citizens of Portland the benefit of the doubt. And if our city attorney has a duty, I hope that city attorney will weigh in before you make this decision, which I consider to be a legal decision. I notice that the arguments for the classification of the reservoir at mt. Tabor being a building applies to Washington park as well. And I think that's note worthy that the Washington park cover, which is actually a flexible cover on a steel super structure, would also be a building, and interestingly enough the purpose of the Washington park cover and the purpose of the mt. Tabor cover are identical. Are identical. So I will be looking for opportunities and one of the reasons I am speaking today is to tie the two together. Lastly, the titanic has sunk. The columbia space shuttle has blown up. There's time for us to do this right. This titanic decision can be corrected. Thank you.

Katz: Thank you. Anybody else?

Moore: No.

Katz: Ok. Council, do you have any questions of anybody? All right. Roll call.

August 27, 2003

Francesconi: I am going to accept staff's recommendation and advice and proceed in this manner. However, some good arguments have been made by jeff and others. So I am glad that you have an appeal right to luba and that we are not doing anything to cut off those, that appeal. Aye.

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

Katz: I think the arguments that have been made will be made in front of a body that may be viewed by the citizens as a little bit more removed from the issue and maybe a little bit more open-minded on the issue. And if your arguments hold water -- oh, I didn't mean that. [laughter] I didn't mean that. But now that you made the point, if your arguments are valid, then we will have to come back and reconsider this whole issue. And for the neighborhood and for the citizens, you have got a very good person in jeff boly and he will carry the day for you. Aye. All right. 1012.

Item 1012.

Katz: Ok, everybody. This is a one we see every single year. Jane, why don't you share with them what has been decided on that.

Jane Braten, Portland Police Bureau: Jane braten with the Portland police bureau. Asking council to accept this grant for the u.s. Department of justice. We have received block grant funds since 1996, and used them for many innovative programs. This year's package was approved by the bureau, its community partners and Multnomah county as we share in this award. This is our smallest award ever. And, but it does allow us to retain six positions in the police bureau that help us with innovative crime mapping, that help us with our information line, that handles our nonemergency calls, that help us in fiscal with our payroll and our grants management, and helps us with our personal computer support, tech and help line. It also provides some funds for us to use for equipment for the evolvment phase two project to expands to all of north Portland. We are asking council to accept this grant and I would be happy to answer any of your questions.

Katz: I have a question. I didn't realize the Multnomah county again initiated jurisdictional issue?

Braten: This would be the third year that they have filed for separate certification and that sets in motion a process by which we have to come to an agreement over how to split the funds or no jurisdiction gets any of the funds.

Katz: Right. And maybe the county can help fund the match of \$60,000?

Braten: They actually have to fund the match for their portion so the split was roughly 47% for the police bureau, 43% for Multnomah county, and 10% for the community partners.

Katz: Ok. I would like to talk to you before we provide resources for the juvenile grant that we get.

Braten: Ok. Great.

Katz: Ok. All right. Further questions? Anybody want to testify? Roll call.

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

Katz: This is a grant that we have been counting on. It's been reduced. And consequently some reductions are reflected in the appropriation for all of the parties. But it does give us a little bit extra resources to do the things that need to be done. So I support it. Aye. 1013.

Item 1013.

Katz: Anybody want to testify on that? Roll call.

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

Katz: Mayor votes aye. 1014.

Item 1014.

Katz: Ok.

Andrew Aebi, Local Improvement District Administrator: Good morning, mayor and commissioners. I am andrew aebi, local improvement district administrator. With me today is kathryn levine from the office of transportation. The resolution before you would initiate local improvement district formation proceedings for the northwest 13th avenue phase two local

August 27, 2003

improvement district and would allow us to begin the formal notification process to property owners. We have been working with property owners since april of last year and we now have, in the resolution before you, 72% support for this project. All petition support which would include northwest 13th avenue from johnson street to raleigh street. We also received two late petitions yesterday for the east side of the block from marshall to northrup which are not included in the resolution of intent before you, which brings the total petition support to 78%. Kathryn levine is the project manager and she will explain the project in further detail in a moment. The project, the Portland development commission once again has been a valuable partner in improving our transportation infrastructure and they would fund one-third of the estimated cost of this project. So without their financial participation, the property owners estimated cost would be \$820 per linear foot but pdc's fixed contribution of \$850,000 to this project brings the cost down an estimated \$552 per linear foot. The project would build on the success of the northwest 13th avenue phase one local improvement district which was from davis to johnson streets which was completed in 1992 and which is credited with sparking redevelopment and shaping fundamental change in the area to a vigorous urban space. Between 1997 and 2001, the real market valuation of properties abutting northwest 13th avenue from davis to johnson increased by over 200%. So this is a very wise decision of pdc to invest resources in this second phase of street improvements to northwest 13th avenue because street improvements the catalyst for revitalization. Phase two would improve the remaining eight blocks from the north line of johnson to the south line of raleigh, which is intersected in two locations by the Portland streetcar. If you approve this resolution an lid formation hearing would be scheduled for october 29 at 9:30 a.m. The actual formulation of the lid would not occur until after the l.i.d. Formation hearing at which time council would have another opportunity to confirm the scope and design of the project. With that I will turn this over to Kathryn levine. Thank you.

Kathryn Levine, Portland Office of Transportation: Good morning. I'm Kathryn levine from Portland transportation. I have a brief power point presentation, if you have time for it this morning. **Katz:** Certainly. Run through it quickly.

Levine: We will could do it fast. Just to orient you northwest 13th avenue phase two street improvement project northwest johnson to raleigh. It's it lies within the river district urban renewal area that was formed in 1998. Phase one as andrew mentioned was constructed 10 years ago, proposed phase two improvements would be the final eight blocks completing improvements to northwest 13th. These are pictures of the existing improvements in phase one just in effect I will give you pictures what has been improved and, in contrast, be able to show you the unimproved area that we are proposing to improve. This is a copy of the river district framework plan which sets the design standard and here we are looking at northwest johnson street northerly towards fremont. As you can see with the concrete in the foreground is where the existing improvements end. And we very quickly go to the gravel potholed street that's bisected by rail tracks that exist there today. Makes it a challenging public space. On the right is the main building of the pacific northwest college of art. This is the same block looking south. You have a wonderful view of the downtown. You can see beyond the gentleman who is walking in the middle of the street there the improvements south of johnson, very open street scape. This is again looking north, this is the intersection of lovejoy. So if you ride the streetcar today this is the kind of area you see. This is north of marshall. To the left, of course, is the bridgeport brewpub. The building there, Portland Cordage Company is actually listed on the national register of historic places. This is looking south again from overton and finally looking north from overton past quimby to raleigh. The property at the end of raleigh is owned by hoyt street properties and the area is set for their phase five development, which I understand needs to occur by 2008. This project would proceed assuming that the l.i.d. Formation occurs in october of this year, we would move into preliminary design and

August 27, 2003

expect to have final plans and specifications in the summer of 2004. We would move into bidding and construction and expect the job to be completed in 2005.

Katz: Thank you. Anybody want to testify? Did you finish? I cut you off. You are done.

Levine: Thank you.

Katz: Anybody want to testify on this? No one signed up. All right. Roll call.

Francesconi: Well, you know, just paving the streets and doing street improvements is one of the best things we can do to add value to our neighborhoods. And doing this in the pearl will stimulate even more development along there, which helps the rest of the city. So thanks for your work on this and, again, thanks to pdc for, again, helping us pave the streets, which is unfortunate that we have to rely upon them but it's the only way to bring the l.i.d. But I also appreciate the fact you didn't bring it down as much in this neighborhood as did you in lents which was another area that we wouldn't have paved the streets out p.d.c's help. Thanks for the good staff work on this as well. Aye.

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

Katz: Mayor votes aye. 1015.

Item 1015.

Saltzman: This contract with montgomery watson harza allows us to moved for with the design of the buried reservoirs at mt. Tabor and I request your approval. The water bureau used a qualification based selection process to insure a level playing field, given the prior experience mwh or montgomery watson harza has had with the first phase of this project. So we entered this qualifications based selection process at the request of competitors. The water bureau received four proposals. One withdrew and two were interviewed. Montgomery watson harza was the unanimous choice of our nine-member selection committee, which included four noncity members.

The scope of the work of this contract has been organized into six elements. They included project management, construction manager, general contractor support, and coordination, preliminary design and value engineering, detailed design including plans, specifications for construction, bid phase assistance, and engineering services during construction and public involvement.

Montgomery watson harza is subcontracting 40% of the work and nearly 12% of the work is going to minority, women, or emerging small businesses. This design contract is exclusive to the underground tanks and will not involve park design. Park design will be achieved through a separate process. However, the contract does include public involvement for the entire project including the public advisory committee number two, which we are going to form which will support the park design process. The public involvement will also cover construction impacts and facilitating problem solving and information sharing throughout the combined phases of both projects. As you know, this is a complex project that has been controversial. This contract is on regular calendar to certainly allow public comment. With contract approval we will get started on public involvement work and preliminary geotechnical borings in september. More detailed design for the tanks won't start until after a design team is selected for the park improvements to allow for close coordination.

Katz: Ok. Questions? Public testimony.

Jeff Boly, Arlington Heights Neighborhood Association: Jeff boly, arlington heights neighborhood association and a representative of the friends of the reservoir. We very much object to this contract. Number one, because of the conflict issue. All the expertise that you have received regarding whether there's a safety issue has come from sources selected by this contractor. So what they have done is they are the ones that have created the needs case and they are the ones that have fashioned how this is going to play out and lo and behold they are getting the first of what I guarantee will be a series of contract that will run, if this goes forward, hundreds of millions of dollars. I believe this is an enormous conflicted to allow the company that is the one that is making the use determination or the use evaluation or the need evaluation also be the company that is

August 27, 2003

getting the work. Secondly, as far as timing part of this goes, once, I think it's already been discussed that once this begins, then there's real money committed to this since there's going to be an appeal. I really enter into entering into this contract at this time because I know that commissioner salts man has stated publicly that our appeal efforts are not very effective because a previous appeal was dismissed, I would like to point out that was very strategic and that was to get the determination that we are now appealing to luba. So I don't want you to mistake that move for any lack of effectiveness on our part or resolve. I think that the piece that was raised in today's paper is a, is right on in terms of silos of responsibility in terms of the way our government works. I admire you, commissioner Saltzman, I am a supporter of you. I agree with almost everything that you stand for. When you decide to pursue something, you are the guy I want. Unfortunately, I do believe that you are mistaken on this. And I think that the biggest problem we have here is, under this system, no one is really going to challenge you. If you make the mistake, then, the other commissioners are not going to challenge you on it and I think that we are headed for the same kind of problem on this that is happened with the police situation.

Katz: Thank you.

Robert Ballentyne: I would like to reiterate. Robert ballentyne again. On jeff's comments. I'm basically coming in here as a concerned citizen. And there sure seems to be a conflicted of interest with montgomery and watson.

John Wish: My name's john wish. I live in southeast Portland. I have made myself unpopular with some of you in previous testimony. And I do respect you but I do disagree with the proposal for the contract here. Montgomery Watson has essentially had a lifetime annuity in the time I have been looking into the four years I have been looking at water bureau issues. I don't think this contract should be renewed. Or should be written today. There has been a flawed public process. The public process has been limited to what goes on top. I was, as you will remember, I was one of the first citizens to advocate for major rehab in our reservoirs. I think we all agree that major work needs to be done. Certainly there needs to be valves put in so you can isolate the reservoirs. Certainly there needs to be a new covered reservoir in powell butte as was was planned in 2000 in the master plan. I have written testimony, which sue will distribute to you. My point is that the water bureau's actions of the past years, city council's actions of the past several months and the proposed actions of city council today have not and will not accomplish the goals of maintaining the best source and safe distribution of drinking water, maintaining our beautiful parks, and having processes that ensure citizen acceptance of important decisions. Burying the reservoirs will not guarantee safe water. The decision to bury the reservoirs made without public discussion is the most expensive solution. Water costs will increase too much. Citizens have been relegated to only discussing what goes on top. The water engineers's decision and their consultants has been made to bury the reservoirs. The four-year process of planning and construction of what goes on top will result in unsightly construction and problematic solutions. I ask you to not write the contract today and to reconsider the process of rehabilitating our drinking water system, which needs work. Thank you.

Katz: Thank you. Further testimony.

Katz: Let's go. Go ahead. Go ahead. Oh, you wanted to hand it out. My apology.

*******:** May I ask the mayor's permission to restart the clock when all the documents are distributed?

Katz: Why don't you restart the clock.

Charles Heying, Friends of the Reservoir: Charles hein, member of the friends of the reservoir. If you look at the document called "friends of the reservoir's offers alternatives to enhance water security," in this document, this is a result of many months of our research by people who had they been spending their time on their own work would be highly paid consultants. If all of our time invested in this were totaled up, it would probably reach into the hundreds of thousands of dollars.

August 27, 2003

The point is, volunteers, we made an effort that wasn't made before. We made an effort to find some serious alternatives to this. We also discussed the pending epa rule. And we discussed how that's going to affect Portland and what Portland should do about it. I can't possibly review all of this. I will just make a couple of comments about the epa rule. One, it's not about burying reservoirs. It's about cryptosporidium. The major issue is that the correct draft proposed rule under 90-day comment period, says that there's going to be an absolute the city should follow new york's lead and fight that particular ruling. Ultimately, no matter how the ruling comes out there's a simple solution. You can do treatment at outlet, uv treatment solves all the cryptosporidium problems in the proposed rule and that's a much less costly solution than any of the ones proposed. It's about dealing with cryptosporidium and lowering the amounts of chlorine and chloramine in the water right now. That's what the rule is about. We lay out about four or five pages of alternatives. We provide references for all of these places that you can go where systems are in place. And, again, I want to refer especially to new york city. New york city has chosen the route of not covering its reservoirs. It knows it's too expensive. It can't be done and it won't solve the problem. They have gone the right route of identifying and developing and work welcome developers to test real time monitoring. And if you go to the real time monitoring section, and the first one, the source sentinel system is the one new york city is using. This construction is going to take five years. In that time, most of these, most of these real time monitoring solutions are going to be in process and be in use and will have been tested. I urge you to look over this document and to realize that we are going in the wrong direction. We are not following the lead of the people who are really seriously threatened like new york city. We could do that and we should look at where the epa and other people are going with the grants that they are giving to develop these things. Please take a look at this document. It has some real important information and we should get an independent analysis of all of these alternatives. That has not been done.

Katz: Let me just ask you, where do you want us to go on the web?

Heying: All of the websites are right in the document.

Katz: I know.

Heying: Many, many, many references there.

Katz: All right. Go ahead.

Dee White: My name -- my name is dee white and I live in southeast Portland. This is the fourth time they've spoken to all of you over this continuing controversy and tragedies, destroying the reservoirs on mt. Tabor, the reservoirs that will soon be listed on the national register of historic places. They are being listed not as a result of your efforts and expense but as result of us, a group of citizens trying to protect and preserve a most valuable piece of Portland's history. Destroying the reservoirs, haul off hundreds of tons of cement and excavation does planting plastic tank will not guarantee the safety of our water. In fact, the risks versus the costs so out proportion that it is staggering and sickening. I have yet to read one document that puts open water reservoirs anywhere near the top of the high-risk list. I quote dr. Greg quist, ceo of point source technology and a member of the board of san diego water authority. There's a phrase in the water industry that people use that the solution to the pollution is dilution. That phrase carries over for the terrorist risk as well. It is very difficult to poison a reservoir over large body of water effectively. Today I move to say that I have lost respect for all of you. Why you pay consultants with our dollars to steer the public process down a narrow road, you feed the public misinformation all the way from telling us that there is a federal mandate to cover open reservoirs, and there's not, to telling us there is a real terrorist threat to open reservoirs. You rely on a beholden consultant to tell you other choices are out of the question even though hundreds of water systems in our country today are using or are planning on using these other al alternatives. You pander us the opponents of this project by granting us a public hearing only to public issue after your minds were already made up. I need to know the real reasons and benefits behind this decision. Backed up by facts from experts, not from

August 27, 2003

documents written or subcontracted by montgomery watson harza. I need to know why montgomery watson harza is running our public process. I need to know how this project which will supposedly secure our water supply takes precedence over the other real threats to our water supply. Back flow, destruction of reservoir dams, water towers, pumping stations, fire hydrants, intake valves, treatment plants, the distribution system or data control. I quote from the center for defense information in Washington, d.c. "much of the public concern is focused on the safety of water reservoirs and treatment plants. In terms of vulnerabilities the real danger may be the pipes that carry the water, not facilities that store or purify it. Most water reservoirs hold between 3 million and 30 million gallons of water which could significantly dilute any poison to the point that terrorists would have to release enormous quantities to do serious damage." my hope continue this is insane expenditure during these hard times will not happen.

Katz: Thank you.

Floy Jones: My name is floy jones. I live in southeast Portland and as you are aware the Portland water users coalition recently came out in opposition to this project. Community opposition continues to grow as more people are awakened to the facts. I know that the water bureau and commissioner Saltzman's office continue to state the cost will not exceed \$76 million. But I ask you to look at the facts. The year 2000 ch 2m hill along with joe glicker and montgomery watson harza recommended an estimated many future projects in the infrastructure master plan. And in their estimation these projects will span over 20 years but in their estimated, they note the reservoir study costs \$1 million, we know we have paid montgomery watson \$2,138,000 to date. They estimate the open reservoir construction taking place in 20 years at \$60 million. Our estimates are between \$174 million and \$220 million. Powell butte burying a tank, the cost in 2000 was \$28 million. In your document, published this year, the cost is now \$58 million. Just three years later. There's no competitive bidding any longer. There are only ongoing relationships. The only competitors for this contract, the \$6 million design services contract, were ch 2m hill and black and veach, people who subcontract with each other. Black and veach was one of the two security companies who received a subcontract under the reservoir study from montgomery watson harza. They backed up montgomery watson harza's report and now montgomery watson harza has the first and the series of contract to bury the reservoirs. Why is this contract for 10 years? It runs until 2013? We have been told all along this project will last three to five years. So why do we have a design contract going until 2013? With the build-in 10% increase. So they are automatically going to get another \$600,000 for this contract. The contract includes \$342,220 for a subcontractor margaret morton arnold to run another what goes on top program as well as manage construction conflict resolution and a media campaign. This figure does not include the 80 hours and is paid at \$150 an hour or is the rate higher for joe glicker?. To attend strategy meetings addressing how to deal well public or is 80 hours for public involvement support or the 320 hours Kathryn will receive for public improvement support for strategy meetings? None of these costs, you know, include the cost of paying water bureau employees and park bureau employees who will also be involved in dealing with the public. You know, there are many tangential issues related to the budget and to previous budget summaries and invoices. They should all be investigated. But, you know, I just ask, when is this going to stop? As many other people have said here, we never get to have a voice in the real decision. Only in the what goes on top process.

Katz: Thank you. Anybody else?

Robert Butler: I'm Robert butler, 824 s.w. 18th avenue. Here we go again. Another consulting firm hired by the water bureau. Ok. Is this the same firm that is advised city council on what to do with our reservoirs without at least available to the public any economic analysis of the alternatives and the desirability of one economically or the other? I give you the example of mt. Tabor with a \$200 million bill on it evidently, and Washington park at \$2 million? Is this the same one? That we are making decisions without economic analysis? I don't know. I'm asking. Is this the same one

August 27, 2003

that is aware that the epa is coming out with a ruling? It's out for review right now for public comment. There's pretty good chance it will be contested. Probably in courts. And changed. And yet you have made decisions before this epa ruling is formal and official and we don't know for sure if your work is going to be compliant or not. Same one? I don't know. Is this the same company that is aware that the head of the homeland security of the state of Oregon has advised you -- and I have the letters right here -- has advised to you consider moving the holocaust memorial away from that reservoir? That is the most proactive thing to do? Economic to do? Public safety-wise, a very important issue to our community? Is that the same company that didn't tell you that either? If it is, fire them: Don't hire them. Fire them: Ok. Anyway, before you make your decision, I heard the wisest thing I have heard to date in this chamber is that the mayor has asked for the costs. What are the total costs of this project? And related costs. You know your judgment is only as good as your information. I appeal to you, work for us. You're attacking us, work for us.

David Nelson: My name is David Nelson. I want to say the time has come to say no to mwh. they've already wasted hundreds of thousands of dollars now they want millions more. These contracts are extensions of a small study that have grown in an absurd manner outside the safeguards of normal competitive bidding. The purpose of this whole project is said to be security. From the original risk assessment it seems to share many of the characteristics of the president's justification of the invasion of iraq. The arguments presented are one-sided excuses for an insider corporation to get their hands on public dollars. The water users end up poorer with the water system of smaller capacity. Park users end up with an ugly scar for years cutting us off from our historic roots. The only people better off would be mwh. As the city council it's your responsibility to protect the public, not public employees, their friends and been factors. I understand that there are cities where corruption is accepted as standard operating procedure. My daughter lives near boston. She tells me about the horror of their big dig. I hope that Portland doesn't become like that. Stop the theft of offer civic virtue. End this project where it stands. As an earlier speaker says, if it ain't broke, well, particularly don't let the corrupt process set the precedent that to the citizens of this city that you can't fight city hall. The statements made earlier about the police bureau also fit for the water bureau that they fear the public and the public fears them. They have shown themselves to be wasteful, self-serving and untrustworthy. Mr. Sten. Return the public trust by admitting that you have erred: Stop the reservoir project now. You can and do should it. Thank you.

Michael Stine: Michael stein again. Just very briefly. Just asking to you please defer your decision today to spend nearly \$6 million, for me that's a mind boggling amount and certainly we can't afford wasting any more money. The land use plan is going to be appealed to luba. You received a detailed discussion of alternatives from the friends of the reservoir today just now. In your hands. Please give the luba process a chance to come to a conclusion. We ask to you carefully review the document you received today and give it some serious consideration, please. There's no need to make a premature decision. Delaying this decision will show respect to the citizens who have worked so hard.

Katz: Thank you. Anybody else?

Moore: That's all.

Katz: Questions by the council, staff?

Francesconi: I have some questions. If the people, if that's all right.

Mort Anoushiravani, Director, Water Bureau: Good morning. I'm the bureau director and with me is mary ellen collentine, the project manager for this project.

Francesconi: Forgive me. Maybe I should have asked you this sooner. I guess, can you just summarize for us how this contractor was selected? I'm asking you some basic questions. The thing i'm most concerned about is cost. That's where i'm going on this. Not conflicts of interest.

August 27, 2003

Anoushiravani: Right. Basically, what we had done, commissioner, is we had followed the established processes and procedures that are part of the city's processes, if you will. And we have asked rather than request for proposals, we have asked for a statement of qualifications. Meaning that we were looking for the most qualified firms in the region or across the country, if you will, that have this kind of expertise to participate and submit their qualifications.

Francesconi: So you got three? Was that right?

Anoushiravani: We got four. And then one withdrew and then we also had the review panel, if you will. That was that basically was nine people and four of those people were people outside of the city. So received statement of qualifications and one of the four firms withdrew, and through the review one of the firms was deemed did not meet the minimum qualifications. So that was narrowed down to two firms. And the two firms were also reviewed by the panel and the panel made the final selection and recommendation. And plus bringing it to the council.

Francesconi: Was the cost part of it? Was the cost --

Anoushiravani: The cost is as a part of it which are basically the rates that we will be charged.

Francesconi: But at the time the selection was made was the based on expertise or did cost, the cheaper cost also factor in?

Anoushiravani: It was both. Mary ellen, did you want to fill in?

Mary Ellen Collentine, Water Bureau: The selection process was a qualifications-based selection process as was stated earlier at the request of the consulting community in order to level the playing field. The scope was, the detailed scope was and cost was developed after the selection process. In a qualification-based selection process, you receive proposals. You go through scope negotiations. If you can't come to agreement on those negotiations you go on to the next consultant in that process.

Francesconi: Did you agree through the process to the scope process, or did you take the next step on the cost?

Collentine: We came to an agreement with the first consultant that was the primary selected consultant. That's what is before you today.

Francesconi: I mean, we have gotten a little away from competitive bidding here in the city. And I have done it myself on some projects. Can you assure the public that through this process, which wasn't the normal competitive bidding process, that the project is cheaper than if we had gone through the competitive process? And you may not be able to do that.

Saltzman: Let me just enter into here. This is not a construction bid. This is a request for services. And virtually every service that the city contract for is done through a qualifications-based selection base or an rfp where price is a criterion, but you don't choose an engineering consultant, a public involvement consultant, you don't choose a land use consultant strictly based on low bid.

Katz: Let him finish.

Francesconi: Thank you. That's actually helpful. But most of those service contracts aren't \$5,800,000. I kind of need to know what we can tell the public that we have tried to get the best service at the fairest price.

Anoushiravani: What I can add for the clarification that was made by commissioner Saltzman was, we look at the rates and the value, if you will, and that's how the cost is taken into account. So cost is a part of it. But then again, it is not like a construction project that you actually take bids. You have to negotiated this and the rates and the value we are getting, it is reasonable, given the complexity of the project and the scoping of it and the phasing of it.

Francesconi: Ok.

Anoushiravani: And then the other thing, if I can add, and then there are also general indices or standards of what should be reasonable fees in relationship to the total project cost.

August 27, 2003

Francesconi: And so you negotiate that between, you know, the city staff that's experienced with these kind of contract, and the contractor. Is there any outside participation in that process?

Anoushiravani: What we have, we have the city attorney's office and the purchasing and we also review the work we have done.

Francesconi: Ok. Why a 10-year contract?

Anoushiravani: That one I believe is just a boilerplate, commissioner. We can look at that again but I think that's just a boilerplate requirement that was there. But basically the project itself like a five or six-year time frame.

Francesconi: Length of contracts is not normally the thing I am used to being in boiler plates. If commissioner Saltzman is ok with this I would feel better if a more precise time line was given. My next question is on the issue of the change orders. 10% is or standard policy, I take it. Is that boilerplate?

Anoushiravani: Well, actually, the city code allows up to 25%. And we are, and then we are only allowing 10% because of the magnitude involved here. And then again, change order process, it's not basically an automatic thing that will happen. It still has to go through service, service negotiation and a scope negotiations and that's a normal part of any contract.

Francesconi: Ok. I guess I have strong feelings on the length of contract. On this one, I would prefer that the contingency be even smaller than 10%. But on this issue, I am going to defer to commissioner Saltzman. I guess I would like to hear you address it.

Saltzman: On the length of the contract, I will take a look at that. And I will haven't signed the contract and between now and when the contract gets signed, I will report back to you. Each one of you on that matter. As to the 10%, I mean the 10% is really my rule. I have that for both b.e.s. And water. The city rule is 25% but I thought that was too high so my rule is no more than 10%. Without coming back for approval.

Katz: Question for -- further questions? The other, the other firm, what was the difference in points assigns to them? Was it close or not?

Anoushiravani: One, like I said, withdrew and then the other one, they were fairly close.

Katz: They are fairly close?

Anoushiravani: I believe so.

Katz: How did you make the determination to go to one and not go to the other and get a price from the other one and then -- this is basically the same price as we went with commissioner Saltzman, through the, on the new cis.

Collentine: After going through the interview process with the two firms, the nine-member interview panel felt montgomery watson harza was clearly superior --

Katz: What was the point spread between the two?

Collentine: I would have to go -- I would have to get that information for you. I don't have it with me today.

Katz: Mort just said it was close.

Anoushiravani: From what I understand they were fairly close. What I can tell you, we didn't do what we are doing in the cis in a sense, but it is similar, meaning that we have picked one and we are start negotiation and if we can't reach an agreement we go to do second person, if you will.

Katz: No, actually, you went back to the top two and talked to the top two.

Anoushiravani: Correct.

Katz: Correct? Did do you that in this particular case?

Anoushiravani: No. The reason being, basically the reason we went back to the top two, that was still part of the first phase of selection, if you will. That was basically establishing the qualification. And making sure that they can do this type of work. They do have expertise and all that. And once we pick that, and then, and then we engage into detail the scope negotiations.

Katz: Did do you that? Did you do any of that detail scope with the second person?

August 27, 2003

Anoushiravani: No. No. The reason being because this was basically qualification-based. There wasn't, there was not the detailed scope, if you will, detailed out as a part --

Katz: But there was a price issue, wasn't there? As well? Was there a differential in price or did you not get that far?

Anoushiravani: No. We did not get that far. What we have price information-wise and you need to chime in, mary, is what we had, we had the rates for the different kind of expertise level, if you will, that were involved. And we had some general idea that what it would be. So we look at the rates and see how the rates are comparable.

Katz: That's my opinion. Were they comparable?

Collentine: The rates that were submitted were very similar between the two firms. They were both nationally recognized firms and their hourly rates for personnel are fairly standard.

Katz: Let me ask, did the panel interview the other company as well?

Collentine: Yes. The panel interviewed two firms. And going in, as mort said, going into interviews the rankings were fairly close. Coming out of the interviews, all of the panelists rated the montgomery watson harza number one and the second firm number two.

Katz: How much weight do you give to a company that continually gives contract from the city? Commissioner Saltzman, i'm not picking on you. This is an issue that's been on my radar screen from day one and we haven't -- not day one, years day one.

Collentine: Well, it's typically not part of the criteria for the selection process. We usually don't go back and do a ranking or quantification of contract for what other contracts they have.

Katz: No, no. Don't you give some number of points for the experience of working with the city or not?

Collentine: In this particular process we look looked at the experience with similar types of projects and working with water systems.

Katz: Who was the other firm?

Collentine: It was black and beech.

Katz: They've had contracts with us as well?

Collentine: They've had several with us.

Katz: All right. Thank you. Further questions? All right. Roll call.

Francesconi: There's two main points I want to make. On the underlying question about whether we should cover the reservoirs, you know, I took commissioner Saltzman's recommendation and the water bureau's recommendations seriously but, folks, I made my own judgment on that. You can disagree with it but that was my conclusion based on the risk to our citizens. And because it's my obligation as a commissioner of the whole city to make that determination. On the question of cost, it is difficult to, you know, evaluate and sitting where I sit on this. I do have a lot of confidence in the bureau folks and I like the fact that they brought in outside people to evaluate this. And I am going to vote to approve this contract. I also, though, think we need some outside reviews, especially on these major expenditures in b.e.s. And water. And that's no reflection on commissioner Saltzman. It's a reflection that I also have to vote on these rates and they are going out of control. And so we have to bring in some outside review. Intel hired a company from scotland that saved them \$100 million in construction. I don't know if that's right firm because we should do it in a competitive process but the time is long past that we should be doing. So what at my request to you you pick a project in water, and we bring somebody in from the outside and get a look at this. The other thing we have to do is figure out how to have more competition. Just good old-fashioned competition on these kind of projects. I know it's hard. And, you know, because expertise is important. But when we are getting to the opinion we are spending this kind of money with only two people at end there's a problem in my view. It's not your problem that you created. But we need to look at both of those issues. Aye.

August 27, 2003

Saltzman: Well, a lot of the questions people have asked today are questions I asked in the process of allowing this contract to come forward for your approval. So I appreciate the comments here. I will take a look at duration of the contract. But I do believe -- and contrary to some of the testimony we heard, and I think as commissioner Francesconi just stated, we are people here who reach decisions with our own brains and it's a little disingenuous to somehow assume a consulting firm controls the city council. It doesn't. So let's get over that. We made this decision and it looks like we are sticking with the decision. Montgomery Watson Harza would be just as happy to consult with us on real time monitoring or any other technology we were to choose. They are in the business of providing water supply services related to design services. So they are not leading us by the nose to this decision. I remain convinced it's a sound decision. It's the most cost effective decision, and I think this will be something that will be done expeditiously and with a beautiful design of what's going to go on top of the reservoirs. Aye.

Saltzman: Aye.

Katz: Yeah, I did ask some questions because I have some concern about extension of contracts. That's an issue that keeps coming up in most all of the construction bureaus and now with a large dollar expenditures for professional and technical work. So I am going to be watching. I appreciate commissioner Saltzman dropping the change orders because that is one of the issues that's been an issue for all of us in terms of change orders and additional work and additional extension of contracts that if you went to competitive bid, though, that's not always the right route to go. You probably sometimes you leave somebody completely out of the picture. So that is something that I have great concern and I would like to know even if it's under 10% when they get an engine tension of the contract. Aye. Thank you, everybody. We stand adjourned until 2:00.

At 12:24 p.m., Council recessed.

August 27, 2003

AUGUST 27, 2003 2:00 PM

Motions are in bold italics

Katz: Listen up. We don't have a quorum. We do have a quorum but we should have more than a quorum.

Leonard: Good morning.

Katz: Council will come to order and we will sit until we get everybody here. And please ignore commissioner Leonard. He is on vacation.

Francesconi: What do you think of his hat? What do you think?

Leonard: It says "play ball."

Katz: You have asked the wrong neighborhood.

Leonard: How about if we build it in lents? All those in favor of lents, raise your hand. The other ones must not want my vote today. Ok.

Katz: Ok. Let's do roll call.

Francesconi: Here. **Leonard:** Here. **Sten:** Here.

Katz: Mayor is present. I think commissioner Saltzman is on his way but I don't know that for sure. All right. Let's read the three items before us. Go ahead and then let me just --.

Items 1016, 1017, 1018.

Katz: Just so everybody understands, we still have unresolved issues that we need take testimony on. We will do that today and we will close down the nonparking issues -- i'm doing this -- where's Joe? I'm doing this backwards. We will close down the nonparking issues today. They will be back for us with a substitute ordinance on the 17th, and we will pass it finally on the 24th. I know -- I heard in our discussions with council members that they want to end this today. I hate to tell you that. But it isn't going to end today. It has to go through the legislative process outlined by the charter. I want to do that. Then I want to call up Gil and Joe or whoever. Come on up. Commissioner Saltzman, I just stated today that we will be taking testimony today that it will come back in an ordinance form next week, and we will have the final vote the week after. So there's nothing final today, though my hope is that we will get, we will close the testimony and let you go to work on finalizing of the language of an ordinance for next week. So let's, why don't you run through what we have left to do. I have a telephone message from Nina that I need to read. My office promised that I would read it. And I have a couple of things I want to say about one of the items. But I will wait until that actually comes up for discussion. Ok.

Gill Kelley, Director, Planning Bureau: Let me kick it off and introduce Joe. Gil Kelley, planning bureau. We hope you do reach closure, if not final action, on three issues that you sent us away to do some further work on and we have worked with commissioner offices on these proposals and there's some choices in front of you today. And really those three issues boil down to the additional f.a.r. And the northwest transition area, including the Vaughn Street corridor. The zoning provisions around the additional housing at the uptown shopping center, and the boundaries and provisions for the up sure district. We will not deal with park issues today. Those are on your calendar for tomorrow afternoon. Joe?

Joe Zehnder: I would like to start with the first item being the height bonus issue related to the uptown shopping center site. This is a site that in the previous city council hearings we have endorsed as an appropriate infill site for more intensive development. Currently it's occupied by a surface parking lot and a shopping center. In the proposed plan we have rezoned the property to Cx and put in place the opportunity for residential bonus provisions and central city we have included the site in the central city plan and the central city bonus as well. Based on testimony at the last hearing, we have gone back and taken a look at the height bonus that would apply to the site. Under the previous proposal, both the general central city height bonus and the residential height bonus, two different height bonus options would have applied to this site. The general height

August 27, 2003

bonus in the central industry plan increases the height of development on a potential on a parcel relative to how much f.a.r. Bonus you earn. The policy-backed principle for that is if we are giving f.a.r. Bonus we also want to give the height related to that so you can actually realize the height bonus. That applies throughout the central city. The issue on this particular site was that given its location and given the introduction of this more intense development next to a historic district and a residential area, that the decision of design review to make sure that the building design appropriately responded to the site and to the impacts it might have was of most importance. So we are proposing today to amend the provisions to make available to the site only the residential height bonus, not the general central city height bonuses and the impact of this is that the residential height bonus provisions are entirely discretionary subject to design review. So as the design commission is considering the design for the proposed development on this site not merely will they look at the standard sort of design standards and guidelines that they use, they also clearly have the ability to discuss and alter the amount of height bonus that would be available to the site. So the whole question of the building going from the base height of 75 feet up to the maximum bonus height of 150 feet, that additional 75 feet, all that would be discretionary under the proposal that we are putting forth today.

Katz: Let me translate that in english. To get 75 feet to reach 135, anywhere from 75 to 135 you go to the design review.

Zehnder: Right.

Katz: And we have language here that allows clearly states that the review body is permitted to require configuration of the building including reducing its height and may approve all, some, or none of the bonus height requested and require that approval of the bonus height be consistent with limiting shadows and public open spaces, insuring the building height capability, step-downs to historic districts and limiting shadows on development in new residential neighborhoods?

Zehnder: Right.

Kelley: That is distinct from the floor area ratio provision.

Katz: Say that again? Go ahead. Keep going.

Zehnder: Just moving on to the second item --

Francesconi: Can I ask questions?

Katz: Let him run through the items and we will come back.

Zehnder: The second item that is up for consideration today is an amended to the boundary of the transition subarea. This is a subarea in the northwest district plan in which we are rezoning the properties in the subarea to ex. Originally the subarea was, went no farther north than the thurman or following the express way. Based on the discussion of a some properties in the upshur area, we are proposing amending the boundary to extend north between 19th and 18th up to up sure. So it adds two more blocks in the transition zone proposed for ex zoning. The other major change that we discussed at the last city council hearing that's related to this is our original proposal had all of the upshur warehouse district north of the express way so we had a plan that came out of planning commission. Out of concern for the overall traffic capacity limitations that we are facing in northwest, we have taken that comp plan designation off. The only two pieces we are proposing to add in to the original transition zone are those two blocks in the upshur warehouse district.

The height and the awareness of the traffic situation, of course, that led to this change was brought about by the interest in increasing the f.a.r. Office capacity in the industrial area north of vaughn. So it's a tradeoff for those in part. The final item that will be under discussion today, if I will run through all three, has to do again with the transition zone. And, again with that issue of finding a way to address the limited transportation capacity in northwest. We originally had a proposal that, as I just explained, rezoned a large area to ex and comp plan changed another area to ex and also liberalized within the north of vaughn area the use, the f.a.r. Allowance for office space. Based on city council discussion, we have looked at a means to increase the amount of office space available

August 27, 2003

in the north of vaughn area from 1.85 to one. And we have also looked at ways that new development, both north of vaughn and in the transition zone, could contribute to transportation improvements that would both improve the limited capacity in the northwest area and also contribute to some of the impacts that that development might generate itself. The policy approach that we are recommending is to create a transportation system bonus for both the north of vaughn area and for the transition zone. And the way that would work would be that we would set a base f.a.r., both in the transition zone and in the north of vaughn, one 1 to 1 f.a.r. For all noncommercial uses. You can do that, a nonresidential uses. Excuse me. You can do that as of right. To get up to the 3 to 1 in the transition zone, that's allowed under ex zoning, you would pay into a transportation improvement fund and receive an additional square foot of f.a.r. Bonus per set dollar amount of charge -- of contribution for the bonus. Within the north of vaughn area, it's the same principle. You start at 1 to 1 and you can increase it up to 1.85 to 1 by paying into this transportation improvement fund. And there, but there the cap rather than 3 to 1 is capped at 1.85 to 1. The dollar amount of the, in the studies that we have done, in preparation of the plan, we have identified a number of transportation improvements that would be necessary to both address existing, existing transportation issues, growth in the overall background level of development as well as some transportation impacts that could be related to this new development so we know there's a significant amount of projects out there that would be beneficial. The fee, the contribution amount, will be set in a provision that would be brought forward by the Portland office of transportation separately, and would be housed in title 17. And we can talk about that part of this provision now as well and I will turn it over to jean mayor son to do that.

Jeanne Harrison, Office of Transportation: Thank you. Jeanne harrison, office of transportation. We have been looking at not only a list of potential projects but also at what the appropriate fee could be set at, as well as looking at how that might be structured and put into city ordinance and code. Based on our analysis, obviously there's no hard number here because there's a very potential list of projects but if you look at nonresidential development, the potential for that in these areas and you look at trying to raise enough dollars to fill out some of these projects, we are looking at a fee of between perhaps \$2.75 and \$3 per square foot. The number that we came up with is \$2.88 but there's nothing particularly magic about \$2.88. It could be rounded off to the nearest dime or whatever. We believe also based on our studies that the district will support that level of fees, that that will not inhibit development, there will be enough return on property values as this new development occurs, that the developers and property owners will be able to still see a benefit from that. As well as the benefit to the area that the improvements will make.

Zehnder: So just once again in plain english, the area as the mayor suggested, the area in orange, the base f.a.r. Would be 1 to 1 and through the bonus for nonresidential development, you could buy up to 3 to 1 by contribution to this fund. The area in green on the map has a, because of other provisions in the northwest plan, you could buy up, the maximum amount of f.a.r. In that area is 4 to 1. The blue is north of vaughn area and that would be 1.85 to 1. That could be purchased above the 1 to 1 through the contribution to the bonus. The other important thing to note is that the funds raised by this bonus fee would be for improvements within those districts so it would be spent back in the districts in which the money is raised and also this does not apply to residential development in the orange or the green area where residential development is sort of a priority of the plan. Finally, the fee amount that jean was referring to is not set so that the anticipated level of new development raises all the money that might be necessary for transportation improvements. There still will be other unfunded transportation improvements that the city would pursue through other funding means.

Katz: Ok. Let me tell you how I am going to proceed. I am going to have the council ask whatever questions they need of staff. Those will be, then we will have public testimony on just those three issues as described by joe. We are not opening up public testimony for every other

August 27, 2003

issue that we have discussed. I just found my little list of things that we had already agreed on and joe's right, these are the three issues we asked them to come back with more information and different language. And then we will take the motions formally and see where we go from there. Ok? So questions by council. I had one of jean. Remind me that the transportation financial plan, would they have to meet both the share of the city and the share from the industries before the f.a.r. Would be increased? Or do they get their bonus with just their share of the transportation dollars?

Harrison: At times, when property owner would come in for a building permit for development, they would pay what they are essentially buying up, additional f.a.r. And as funds accumulated in this transportation fund, then we would be able to do transportation projects over time.

Saltzman: So it's possible you can actually get the additional f.a.r. And no transportation improvements be made for a significant period of time?

Harrison: That's possible. In our analysis, the existing system is not broken. It does function adequately. Until we know what level of development will occur over time, we don't want to invest in transportation improvements about if they are not needed in the future.

Katz: Let me ask another question. Are you then also finding city contributions to match those of the industry?

Harrison: One of the things we have -- are going to be looking at is when our system development charge comes up for renewal in a couple of years, we will be looking at adding projects in this area to that list so that is another funding mechanism. We also could look at other kinds of funding that we would get either through federal dollars or regional dollars. But we will, if it becomes significantly big project that is need funding we will need to seek outside funding sources.

Katz: What I don't want happen and convince me and I don't know if anybody else on the council is concerned, but what I don't want to happen is people come in with permits they are approved based on what we are going to do today, they paid their dollars, \$3 per whatever, in a fund, and we don't our match, and we go ahead and allow for the increased f.a.r. With maybe, with just 50% of the improvements done.

Harrison: Well, that could happen, what I suspect would happen is money will trickle into this fund as development sort of starts getting going. If we had a lot of projects coming online right away, that he would, of course, build up the fund quickly and we would be able to do more projects.

We are really looking at these projects to be done over 20 years. We are not looking at them to be done in the first five years of the plan. There's really no need for that although there's certainly things we could do in the district to improve the environment for all modes of travel, not just the automobile. So we will do what we can. This is an area that we did not anticipate having rezoned when we did the transportation system plan. So we don't have a lot of projects in our transportation system plan. We would want to look at this area and add projects to that list as needed.

Francesconi: Can I follow up on this?

Katz: Sure.

Francesconi: Joe said it. This is better from my perspective and I want to add another amendment here. This is what I am warming up to. But this is better than the planning commission in a couple of areas because, one is, we took out the upshur which was also putting pressure on that and now we are generating some money. The estimates could be, and this is, it ranges but it could be as much as \$5 million, leaving another \$5 million. The way transportation works is if somebody's got money on the table, it's easier for us to leverage it with, that's a way of prioritizing projects. So here we have less zoning than before and now we've got at least in part and some money to try to do this.

So nina, and I am not sure why about the timing, but they just talked to us today, too. And so michael harrison has done some work, and we have talked, one of the issues was, one of their conditions was office buildings must have, and we have changed it slightly. Office must have a majority occupancy component linked to nearby industrial uses. As for instance, a factory within

August 27, 2003

five or 5,000 feet. So what I am proposing we add another condition in this area that says that office buildings must have a majority occupancy component linked to nearby industrial uses.

Katz: I wanted to add that that was, I also got the message from nina that they were -- they were -- they were never fully informed, they claim, on the tradeoff. So I think commissioner Francesconi just addressed one of their issues. I don't know how we enforce it. But, yeah.

Zehnder: The I believe that we could put a provision like that into the standards for the Guild's lake industrial area. Our experience with this kind of provision is that it is a problem to enforce when the new office would first be built and you had a certificate of occupancy, then, the people at the permit desk would be able to, if we can define clearly what majority of, majority association with an industrial use means, which we can come up with something. At that point they could check it. If there's a change in tenancy, there's no new certificate of occupancy so you really don't know. But it does leave the door open on a complaint basis to seek enforcement. But that's what we are setting's by doing this.

Francesconi: That's my thought. But if that belongs to nina and they are sitting there watching this, I think nina can be an effective voice to file complaints.

Katz: Ok.

Saltzman: What do do you? If somebody files a complaint? A sublease, you kick them out?

Zehnder: I'm not really, like I say, I am not an expert in what the zoning remedies are but it would be through the zoning violation enforcement process. I guess basically it would could be in the --

Katz: We have somebody that can answer that, dan. Hold on.

Douglas Hardy, Bureau of Development Services: Hello again. Douglas hardy with the bureau of development services. I'm not an expert on the code compliance. I do work with bds and code compliance is within bds. I would reiterate that the enforcement would be difficult, given as was indicated the certificate of occupancy is planning and zoning staff would never see if a certificate of occupancy was given for one particular use. And five years later, another tenant came in that was an office tenant or some other type, we would not be aware that that that was happening. As you know, a lot of enforcement is complaint-driven. So it most likely would, probably the principle tool in this case would be complaint driven. And it would take whoever is submitting the complaint, providing some sort of evidence to code compliance in terms of why they think they are not getting the standard. And then requiring the applicant or the property owner to demonstrate that they are meeting that standard. And if I could also just add one other point, my concern is, it sounds like the request was going beyond what was occurring on the site and more what was going on sort of in that particular subdistrict. That if you had a majority of occupancy of industrial use in that broader subdistrict that it would meet the standard.

Katz: No, I think they were also referencing the esco site as well.

Hardy: Ok. I think that would be best limited on a site by site basis as opposed to within the entire subdistrict. I don't know how it would be implemented if you implemented the subdistrict.

Katz: Ok. So we will talk about the language afterwards. I just want everybody to understand that that's going to be an amendment that will be brought forward. Does that answer your question? Anybody else have any questions?

Leonard: I did have a question about the up town tower. In reading what I have before me, it sounds as though the bonus height is 75 feet but the base 75 feet, and I understood the mayor to say it was 135 feet total.

Zehnder: The proposed building, the building that's been discussed so as far as 135 feet. But the bonus we would allow comes in a 75-foot increment so if the base height is 75 plus the 75 foot bonus could get you up to 150. That bonus is subject to design review so it's not a guaranteed 150 foot but that's the maximum envelope.

August 27, 2003

Leonard: So that extra 50 or 55 feet above the base 75 feet has to comply with the criteria that I am looking at, e, sub 3, the approval criteria, with respect to the increased height will not violate an established view corridor and so on.

*******:** Yes. Those are the criteria that design review will use?

Zehnder: Yes. And we have added one that's in the draft language that you should have. I think it's on page 95 that talks about referring back to the -- this was the language that we added that strengthened the design commission's discretion to make sure that it's an appropriate fit but those are the design standards.

Leonard: Ok. And these are all objective criteria?

Zehnder: Well, it's a discretionary -- the standard criteria from the, from our design review process. I don't know how --

Kelley: Yeah, it's not required to be part of the objective standards track because it's a discretionary act within the central city. By this action, if you accept this proposal, you are adding a bonus provision where it does not currently apply, first of all, and then second of all, you would be adding it in the central city where we can require design review with discretion. And are not obligated --

Leonard: Is that unique to this property?

Kelley: This provision would be unique to this property as far as I know. And that's being done in recognition of the factors that this property finds itself in. So, in other words, we are not taking away a right that's now there. We are conferring a new right but with limitations that are different than other properties in the central city.

Zehnder: Commissioner, discretionary review of height bonus is not unique to this site. Because the residential height bonus provision in the central city is subject to design review. So it is, you know, it is discretionary. What we have done that's different for this site but for the grounds that Gil just mentioned is taken away the as of right height bonus that get you up to 45 feet above the height, the base height, and you, in the central city, that would be just by a direct ratio how much relationship to bonus f.a.r. You get. So if you get 3 to 1 f.a.r. In the central city you automatically get a 45-height footprint. There's another 30 feet available if you went through the residential. If you added on to that the residential height bonus. What we have done in this proposal is left the 75 foot maximum that you could reach in bonus height but taken away the as of right 45 and made the whole thing discretionary. And design review is critical to making a building work in this particularly sensitive location so we think that additional variable that they get to use by being able to make review all 75 feet of that height is a valid approach to this unique situation.

Katz: Your point is you don't tie their hands.

Zehnder: Right. They still did get up to the height. And it's not absolutely unique.

Leonard: But as I understood your explanation the 45-foot was a height increased bonus they could have got by doing certain things?

Zehnder: Elsewhere in the central city, that's available.

Leonard: Are we removing that? I think we should be careful when we say tau eight way. We are only taking away a recommendation that the was forwarded with the planning commission package. It does not now exist on the ground in this location so what Joe is describing modification to the rights the planning commission would be conferring under their proposal. The modification being there's a single track to get to the height bonus, not a dual track.

Leonard: I guess I'm wondering why we are doing that in any respect than we are in the central city.

Kelley: I think that we are proposing this as a response to the concerns we heard at the council about the context in which this lot sits, which is within a historic district, and within a view shed. The various things that came out in the previous council testimony and the mayor and some of the council members expressed interest in sort of giving more discretion, if you will, to the design review commission for the height.

August 27, 2003

Leonard: I guess that leads me back to when you use the word discretion, is there some objectivity if certain conditions are met the height bonus is allowed? I'm looking --

Kelley: It's a standard of proof that falls on the applicant to demonstrate that they need these criteria. These criteria are not unusual for the kinds of cases that design review staff is used and the 69 commission is used to using as a part of their normal process. So they're common if not objective.

Katz: This is what they, this is what they do.

Kelley: Correct.

Zehnder: It's the same central city design guidelines that apply properties across the central city. This is sort of standard practice in that way.

Katz: Would you like a follow-up?

Leonard: I'll just sit on it for a minute.

Francesconi: My follow-up is, when you use the word discretionary, is it discretionary with the design commission but can that get appealed to the city council?

Kelley: It could be appealable to the council. But we just made clear the discretion can include giving none, all, or some of the requested height. That would be the case with the f.a.r. It's simply the amount of height that goes with that f.a.r.

Francesconi: I take it, you may not want to answer this, I take it that you are recommending this approach, you feel as planners if it's designed right, if it's the right kind of building and tall building might actually work there? Is that fair for us to conclude?

Kelley: Yes, I think that's true. I think what we want to avoid is trying to design this particular project. Because I think it's a little bit unfortunate that although the proposal that came forward served as a discussion point around which we could make policy, we are really not here to rule on that particular building. We are really here to examine the policy, the larger policy issue of should we encourage additional housing here and raise conditionally raise height limits to accommodate that, if that's the best way to do it. And we think a case could be made to do that. But that it ought to be done through a careful exercise of discretion because there clearly historic and view issues here.

Francesconi: Because of those reasons i'm just repeating the question commissioner leonard asked you. You are treating this piece of property differently than other parts of the central city is ok.

Kelley: I think it's warranted by the situation. I wouldn't say it's the only part of the central city that should ever be treated that way but it certainly come to light in this set of hearings that there are particular factors here that could warrant that kind of provision.

Francesconi: Thank you.

Katz: Ok. Any other questions of staff?

Saltzman: Going back to the esco situation and the proposed amendment, I don't know if anybody from esco is here but I seem to recall at one time they have talked about venturing into new lines of business that is may be very different from what we typically think of esco right now. And I am just concerned about this being too rigid. I am not contemplating the sort of future we will possibly end up with a situation where esco has a lot of space they want to make available and because we have some restriction up, we can't allow them to lease it. It sounds like a straight jacket approach. I am wondering, the issue really is additional friendship generation. Is there a way to maybe achieve the same goal through some sort of trip generation trigger rather than something about being associated with the headquarters? That just sounds pretty subjective and all that.

Kelley: Commissioner, are you speaking to the proposal that's in front of you from staff? Or are you speaking to the amendment --

Saltzman: I think i'm speaking to the proposed amendment.

Francesconi: What I wanted to say is, again, we only had four or six hours to work on this but esco is ok on this.

August 27, 2003

Saltzman: Really?

Zehnder: Yeah. I think they need to confirm it which I would like them to do but they are going to testify that's right. For the sake of speeding us up a little bit.

Saltzman: Ok.

Katz: Ok. Any further questions? All right. So what we will do is we will open it up to public testimony. We have heard a lot of this before. But we are going to today, we are going to make the final decisions as a council on these amendments.

Katz: Who's representing the neighborhood association today? I'll give a little one of you -- I see three hands up. I'll give one of you a little bit more time on the individual ones that you have done that you are going to address. Not much more but a little bit more. All right.

Leland Stapleton: Afternoon. I'm lee stapleton.

Katz: You need to talk into the mike.

Stapleton: 2445 n.w. Westover road, 97210. My concern regarding page 95 for ease of recommendation, I would suggest some rewording of e-1. I would like to see the change of wording after, on the new information that is proposed on the amendment, to change, delete, although start with this subsection allows but does not require the review body to approve the bonus height. Period. Follow that with the review body must consider the proximity to the historic district and a mix and sales of adjacent nearby housing. Followed by the lack, the review body may require reconfiguration of the building including but not limited to set backs from the streets, reduction of its height and may approve all, some, or bonus types required by creation in the criteria below. The reason I am proposing the changes to make it a must, that was addressed by council a few minutes ago, is the record for review. I would like to make sure that the record of review out of design review especially addresses these matters and before it would ever go to any council session on an appeal, it must have been considered in the design review. Otherwise you are requesting to have the same problem of going to council and possibly beyond council if there's some concern and they don't have direct findings on those issues. I think you need findings.

Katz: Lee, the language that I read doesn't address that?

Stapleton: Well, I like changing "must" into "may." I think it changes the tone of it, thank you.

Bradley: My name is john bradley, 2350 n.w. Johnson. I am chair of planning for the n.w.d.a. Which opposes the plan as a whole. Without this plan there will be no up town tower and the parking traffic mess it will make. Cnf will continue to be master planned. I think when you look at three-quarters of a million to a million square feet of new office buildings on the cnf properties, that's got to be master planned. And without this plan, without the northwest district plan, we won't have the industrial sanctuary eroded. When you look over here, especially at sub district b, what we are talking about is esco. If esco is important and esco needs some broad modifications in order to do what it is they need to do, then, give esco what it is they want. Not that huge swath of property there. There has been no planning for the traffic. We have some back of the cocktail napkin stuff for how much traffic will be generated, where the traffic will be going, how much money we may or may not need. This is not good planning. Also this is not even an office district. This is a super office district. E.g. 1, e.g. 2, if that's what it's going to be comp designated. You are already modifying that so you get more intensive office development than you would normally get in an office development area. And you are putting it into an industrial sanctuary. I'm sorry. I'm not understanding this. No one has made a good case other than for esco, of rezoning all of that into office space. The idea of the transportation plan, transportation tax of some sort, I am sorry. That really comes close to zoning for sale. And I don't think Portland wants to establish a precedent in which you have got the money, you buy the zone. And that's unfortunately I think what we are really talking about here.

Tad Savinar: Tad savinar, 3571 s.w. Council Crest drive. I am here representing my family, which owns approximately 2 1/2 contiguous blocks in what's being called the upshur warehouse

August 27, 2003

district. I am here in support of what we finally worked out amongst all the parties in terms of the zoning. I think we struggled with this for a long time in that it wasn't industrial or exd, there are so many different uses in that area. We are trying to coat it with one color and it wasn't working so staff came up with a suggestion to zone just those two parcels which brings norm thompson in compliance where we have been operating out of compliance for 40 years. It lets the rest of the properties maintain their industrial uses of which some, we own as well. And it further supports some of the values and the wishes of thurman as a connector of pedestrian connector to the river from northwest. In in our mind this is a great suggestion, one that none of us thought of until a month or so ago, until staff brought it up. So we are happy.

Katz: Thank you.

Francesconi: Thank you for your patience.

Katz: Let me ask a question.

Savinar: Sure.

Katz: Reed electric is part of that swath. Right? All right. Does reed electric know what we are doing? They do know? You believe they do? All right. Thank you. I want to come back to that in a few minutes.

Chris Smith: Chris smith, 2343 n.,. As john said, our position continues to be that we oppose the plan in its entirety. In that context I would like to offer some thoughts about the transportation system bonus and some of the issues around that. I am concerned about that approach. I appreciate the creativity because it's a new approach, and I appreciate that it reaches back into the transition areas as well as just addressing vaughn street. But I really don't think it's adequate. And concerns are that first, it's a, let's let it break and then we will fix it as opposed to planning for success as we did on pge park and doing the comprehensive management transportation plan and building in success rather than fixing something broken after it happens. I'm also concerned about the --

Francesconi: I have to talk to you about pge park and the transportation plans.

Smith: Also concerned about the expectations about being able to produce the matching revenue to get to the full required amount, which I think pdot would acknowledge is a bare minimum amount, but what it perhaps could limp by on. If we only have half in the bank, where do we get the other half? I am not an expert on federal funds but sitting on t-pac this year I know what the regional funding picture is hike like. I know current policy is that's going toward town center projects. I don't think office development and central sanctuary is going to score very high on that policy rating formula when it's time to ask for those funds. Essentially, I think it's too little. It's not well planned. I'm concerned this is essentially a fig leaf to give esco what they want. I think we need to do good planning here, not just sort of provide some political cover to make a politically popular decision. One final comment on the zoning enforcement approach to commissioner Francesconi's amendment, I have some concerns about zoning enforcement as a complaint driven process because complaints have been made about the star park operating illegally at metropolitan learning center and there's been no enforcement. I am not sure how effective that is.

Laurie Holland: I'm laurie holland I i have the 2360 n.w. Westover. I hope you have had a chance to read the letter my attorney carl neal delivered to you august 18 opposing the tower. I will be brief. I would like you to please consider the major impact your decision will have. With your vote, you become the future builders of the urban landscape in Portland. The tower, if approved, will stand for 50 years or more as a testament to your vision as urban planners. Will you be proud of this tower? The tower, if approved, will stand as a memorial to the brutality of urban architecture. Casting mile-long shadows on our historic homes, blocking our solar access, obliterating the stars at night, creating a traffic gridlock in an area that is already at capacity. I urge you to strongly consider your vote, to make the choice beyond business, a choice beyond ego, a choice beyond chaos, and cast a vote for true humanism. As our leaders, I trust that you will leave Portland a better place than where you found it. Thank you.

August 27, 2003

Elsa Warnick: My name is elsa warnick. I live and work at 636 n.w. 20th. You must deny this developer's request to exceed the building height under existing zoning. Both in its esthetic impact and on livability and traffic, this out of scale building violates the goals and mission statements of the following documents. The historic alphabet district guidelines in its september 2002 addendum, the northwest district plan submitted october 2002 and even in its revision. The traffic system plan from the Portland office of transportation. Simply by viewing the model of the area containing the proposed structure, it is evident that both design guidelines and livability are violated. Additionally a traffic engineer has described the negative impact of this proposal in the already congested area. What a waste of time and money to a have allowed the proposal of this project to have gone this far. For you already know that it transgresses all you purport to uphold. You will show your true colors and deal makers and loop hole finders if you allow this project. I quote from commissioner Francesconi's letter last week describing his. Taking care of our streets, safety, and parks, to make sure our neighborhoods are vibrant places to live and work. It's time to get back to basics. Well stated. So please do it. Thank you.

Katz: Ok.

Alex Corcoran: My name is am alex corcoran. I live at 2141 n.w. Davis street. It's my understanding that events have conspired to allow this project to escape the scrutiny of a traffic impact study. This in a neighborhood where the city is considering tearing down residential buildings in order to build parking structures to accommodate a shortage of parking that we already have in the neighborhood. The only parking problem that I have ever experienced in the neighborhood has been at the up town shopping center. It already doesn't have enough parking. And I think that considering this and what the council is proposing to do, that you absolutely must have an impact study commissioned.

Katz: Thank you.

Bing Sheldon: 123 n.w. Second, 97209. We passed out some material and there's a board over here. All I want to speak to is essentially the point of, are we taking something away or are we giving something to this site? And I guess the point is, we are giving a lot. What the diagram suggests is that each color represents the incremental heights that are possible so the upper far left is the existing height available under the current zoning, which is 45 feet. And as you can see from this particular simulated version you can hardly see the building at all. To the right is the 75-foot height, which by right you are granting by giving this zone change to this property. So that's how big the building could be without any design review. Any developer, once you approve this zone, could build to that height and wouldn't have to talk about design at all. To the bottom left is the 120-foot height which might have been available but for the language which is proposed in the staff report. And to the far right is the full height capability of the 150 feet or in other words 75 feet in addition to the 75-foot, the base zone. I think for all the reasons the staff has indicated this is hardly a downtown site. It does impact the adjacent historic neighborhood. Clearly I think that the council is within their rights to not give the house away when you are adjacent to these kind of neighborhoods. This is a very special site. As mr. Kelley has indicated and it seems to me that the most prudent way to deal with this issue is to adopt the staff report and make the height above 75 feet discretionary upon design review. But I want to I think disavow you of the notion that something has been taken away. It doesn't exist today. Today it's 45 feet. Ok? You are giving this developer and this site a lot of capability. A lot. And all we are really trying to do is make sure it's done right.

Katz: So let me ask you. Because you came in with the drawings that created an uproar in the neighborhood.

Sheldon: Did we do that?

August 27, 2003

Katz: Did you do that? [laughter] and you feel comfortable with the language that we recommend, that staff recommends and the language giving the design commission a little bit more opportunity to make some changes in the configuration of the building and --

Sheldon: Yes. Assuming they do their job, I feel quite comfortable with the language.

Katz: Ok. And I think, having said that, I think it's important sometimes to send a message to a commission. We have sent a message to the planning commission. I think we need to send the message also to the design commission that they do have a job to do. And I think that's the reason for the additional language, to give them that opportunity to do it. Sometimes I think we don't care and we don't give them that opportunity.

Sheldon: Correct.

Francesconi: Let me ask you the question I sort of asked Gil Kelley. So if this building is designed right, and not designed the way that you put on those brochures and went all over the neighborhood, do you think this site can tolerate 120 feet, 125 feet, 130 feet?

Sheldon: If it's done right, I think it can tolerate that. I think clearly in my opinion the current proposal of slamming that development that height right on Westover immediately adjacent is a very unfortunate choice of a site. But this is a big piece of ground. There's lots of area to build on. The developer currently has proposed to do it the way we illustrated it in the model. I don't think that is appropriated. At all.

Francesconi: What would you like to see in order to get it to that height?

Sheldon: I think it should be much further away from the historic neighborhood. It shouldn't -- whatever height is chosen, it should not cast shadows on the neighborhood. Or that shadow impact should be very, very minimal. And by setting it closer to Burnside clearly, which is where the other higher buildings are, and further away from the historic neighborhood, every foot you stick it further towards Burnside, to me, would justify more height. And every foot you put it close to Westover, justifies less height. It's that simple.

Francesconi: Thanks. Thank you.

Saltzman: I know you don't know the answer to this. The design commission does have the latitude to work within or where the footprint of the building might be within the parcel of property?

Sheldon: Yes. They can reconfigure the site. There is one example a design commission. We went and researched, well, has the design commission ever done anything like this before? We asked the staff. And there is a project in the Pearl District that was originally proposed as a tall tower and the design commission now, again, this was done through early intervention so one of the things I would certainly urge everybody, including the developer, let's get this resolved early in the game before we spend a lot of money on it. But in that particular case, the design commission made a recommendation to the developer that one building be heightened and another building be lowered. Because of shadows on the adjacent streets that had to do with the streetcar and the developer took that advice and that's how it's being built.

Katz: Let me just add, because you mentioned something. In a conversation that I had with folks over the period of time, we have a process where the developer can go to the design commission early on. He or she doesn't have to wait until the very end and then wring their hands and say, oh, lord, we have spent all this money, how could you ask us to make those changes? Christie knows that. The developers know that as well. And if this goes through, my recommendation would be that they go early on and get a signal from the design commission that there might be changes that are required. So they actually make that happen early on.

Sheldon: That will make the process work. Everybody gets frustrated when the developer comes in and it's a take or leave it up or down vote because everybody loses when that happens. And I would remind this council, this is a bit of ancient history, but PGE, if you recall, had almost an exactly similar situation where they proposed a high building on the waterfront and in this council

August 27, 2003

chamber in its former configuration, the council reversed that decision. But it was in that case, it was forced to an up down vote. In other words, the pge asked in this case the planning commission to vote approval for a development which in the planning commission's mind was not appropriate, and had higher height on the waterfront than was appropriate. And it actually was turned down. And the development was, in fact, twisted so the high building was on the block second back from the river. Almost an identical situation. But unfortunately, a lot of money had been spent and a lot of money could have been saved if there had been a process like we have now, where early intervention would have been possible. That wasn't part of what was available in those days.

Katz: You couldn't do it?

*******:** No. You couldn't do it then.

Katz: Thanks.

Christie White: Christie white. We are not building anything like that. And we are not being, we are not asking to be exempt from design review under any scenario so clarifying these two points we support the bop's july 10 proposal for uptown. That proposal retains the 45-foot bonus option and amends the leg for the 75-foot bonus to make clear the design commission's discretion. In either of those cases this project will be subject to design review and we will do early intervention with the design commission. Regardless of whether we are asking for 45, 55, 65, or 75 feet. You have a copy of that amendment before you. You also have a pack of materials that accurately depicts a 130-foot building on the site. As you can see from those materials this is one of if not the best infill opportunity we have left in the central city and at this western gateway. It is in part because of the unique nature of the site adjacent to the a hillside it fits into the site, does not obstruct any designated views and can be made consistent with historic neighborhoods. The density of this project was modeled by p-dot. The transportation system can accommodate the project and our own site specific studies also affirm that conclusion. If we are serious about infill and superior design as well as maintaining our u.g.b., I don't think we can afford to let this site underperform. It is a unique site. That's true. The uniqueness does not justify an exclusion from the 45-foot bonus. The opposite is true. It is unique because of its ability to graciously accommodate that height and that opportunity shouldn't be left unguarded. The 45-foot and 75-foot bonuses are partners in the code. They are interrelated and firmly rooted in the code. Throughout the central city when one applied to the other. The f.a.-based bonus was established at 45 feet because 45 feet is not substantial bonus height. On a site subject to design review such as this one. The code also recognizes that more height may be appropriate and that is at the discretion of the design commission. That is the 75-foot bonus. They are two provisions working to create planning predictability for builders and applicants at 45 feet and opportunities for greater height at 75. Both subject to design review. There is no compelling reason based on this site to reverse that course. Of the properties in the central city with the 45-foot bonus, this property is more able not less able to accommodate the development. You can look through that packet and you see a last, the packet shows a shadow study done at the accurate time of 12:00 noon to 3:00 on april 1. The only shadow intrusion is at 3:00 and it's very minimal. There are areas throughout the central city of significantly greater base heights and we have accomplished those areas very successfully. This is the central city. Height is appropriate. Infill is appropriate. Moderate height should not be converted from an objective equation under the 45-foot case to a maybe. That would be a back slide. This is not a maybe. The hallmark of good planning is being predictable. Removing that 45-foot bonus leaves any moderate height option in the air. We are not asking to be exempt from design review. We want to go to design review with a building that is approximately 130 feet. If the design review likes the building it will be get approved and come your way on appeal.

Katz: Thank you.

White: Thank you.

August 27, 2003

Leonard: Excuse me. The last thing you said, if it gets approved, it will then come our way on appeal.

White: Uh-huh.

Leonard: By.

White: By somebody who doesn't like it.

Leonard: From the community?

White: I'm hoping with early design intervention and the real facts and the real building people will understand there's minimal impact, it's a good opportunity, in a area than needs it. And they will appreciate the context of the site.

Leonard: Mr. Sheldon, have you compared their drawings to yours and do you agree they are different?

Sheldon: I haven't seen their drawings.

Katz: Why don't you take look at it. You tell me if it fits on 24th place.

White: I can guess his answer.

Katz: Thanks, christie. All right.

Katz: Let him.

Sheldon: You want an answer right now?

Katz: Later. Remind me because I will probably forget. Let's keep going.

Sarah Griffiths: My name is sarah griffiths. I like at 2066 n.w. Glisan, 97209. I want to testify just as a citizen. I like the neighborhood. I moved here in october. First time I have lived in a city. A large city. And I really considered where I wanted to live before I moved here. I am a nurse. So I had a choice of all over. And I really like Portland. I moved here and I moved to the northwest district because I really liked the neighborhood. I liked the historic field of it. I like the fact that I didn't feel like I was closed in. I didn't have a lot of buildings around so there was a lot of sunlight and that's why I chose Portland over seattle or san francisco. I like it. And I wanted to encourage the council to maintain that livability. So that's what I had to say. Thank you.

Katz: Thank you. Go ahead.

Bill Hatch: Right. Ok. Bill hatch. Owner of 2356 n.w. Overton. I was here about six weeks ago and testified also. And in opposition to some of the things that are happening. And I still am very confused about this traffic impact situation that this proposal would produce up there in the 23 -- or the overton -- westover area. And I am also I understand that if this building does not achieve the 130-foot height that's proposed that it's not economically feasible to build it. And so I would like a little input on that. Because if it doesn't reach that height, how can they build it? When how can they get a return on their money? This is another thing that's bothering me right now. Is if this isn't feasible, economically for them, it's not going to happen. What is the point here of being having the discretion to limit the height and then not have it built anyway?

Katz: Do you want an answer?

Hatch: I would like an answer.

Katz: Because they all tell us that. And sometimes it's true and sometimes it's not true. And until you see the spreadsheet, you really don't know. So they will have an opportunity to talk about it with the design commission, which is the appropriate place to talk about it.

Hatch: Well, that's what I have to say at this time.

Katz: Thank you.

Robert Simon: Madam mayor, robert simon, volunteer for dove lewis. I'm talking to you today regarding the proposed amendment to 33.562.230 g the 1 to 1 limitation for nonresidential uses for the dove lewis property. And the traffic contribution. We don't have a problem with the contribution scheme per se. What I do have a problem with is the proposed tax contradicts or at least comes in conflicted with 33.562.110 with its 20,000 square foot max on retail. So on the one hand I have 31,000 square feet I would like to do in retail because of animal hospital is considered a

August 27, 2003

retail even if it's not, if you are not counting its office spaces. And on the other hand, I have go a cap of 20. I would like a vehicle to reach the extra 11,000 square feet of retail space. Seems to me if you simply make, add something to 562.110 b, anywhere -- i'm sorry -- c -- 110 c, simply indicating to the extent that you wish to exceed the 20,000 and to get to your cap, that you can go through the conditional use process and 33.813. I wish I had gotten a chance to talk to staff earlier on this issue but they seem to be we exchanged measures so i'm bringing it to you today. If you could make that or ask staff to make that a accommodation just make it clear, that I can go through a conditional use process for that extra 11,000 square feet, that would help me out a great deal because I want the animal hospital to stay in this location for more than 20 years. And that's the kind of planning I need to do for this site.

Katz: Thank you.

Simon: I mourn your departure, Madam Mayor.

Katz: I feel your pain. Thank you.

Lloyd Lindley: Madam mayor, commissioners i'm lloyd lindsey, 620 s.w. Main, suite 710. I am here representing esco in the subdistrict b vaughn properties. And first of all, I would like to thank staff. It's been many, many years, as you guys all know, and they have done a terrific job on trying to find mechanisms and tools that will really enable a buffer and a transition to occur between the northwest district and the industrial sanctuary. What I would like to say is that we support the transportation f.a.r. Bonus provision for subdistrict b, and I think this provision will enable a number of things that the neighborhood and nina and everyone would really, what they have sought for many, many years. One is an appropriate urban transition and buffer between the neighborhood and the industrial uses. It will enable development opportunities that will help strengthen synergistic relationships between design, research, and manufacturing businesses and it will help fund necessary transportation improvements that will not only benefit the 23rd and vaughn area but northwest district as a whole. So we would encourage you to vote in favor of the amendment to include the transportation f.a.r. Bonus provision. Thank you.

Dale MacHalfie, Property Manager, Esco Corporation: Madam mayor and city council, i'm dale mac halfie. I am property manager for esco corporation and I have been working on this project for a good chunk of my life. It seems like it's 10, 12 years now. Started with esco one, then esco two. Then 2008 esco and myself that went to metro and got the big boxes that were banned through all the tri-county areas and industrial property. I'm here to tell you, esco is an industrial company. We are a hard hat company. We want the jobs to stay in Portland. And we want to protect the Guild's lake industrial sanctuary. And we have worked extremely hard and spent a lot of money to make sure that happens. We are not here to undercut the industrial sanctuary in any way. We appreciate the opportunity to be able to work with your staffs, both the bureau of transportation, bureau of planning. I think we have come up with something that is a benefit to esco. It's a benefit to the northwest district association, although they may not fully appreciate it yet. And it's a benefit to the northwest industrial neighborhood association. And what it does is allow us to put through a buffer which will protect the jobs and keep the industrial jobs there for another 90 years, like we have already been there. And we are very hopeful that the council will approve the amendment to allow us to go to 1.85 with buy-in which will help fund the traffic. It was our traffic engineers that came up with the solution and we believe that it will solve it. If that area is ever built out as industrial you don't approve this, it will have more traffic problems than it would under the office scenario. And we have run the models and we can, we know that that's a fact. So I just don't think people that are building million dollar rowhouses across from the street from a steel foundry want a steel foundry right up to the curb in northwest vaughn. And we would like to see some protection for them and some protection for us. Again, we thank you for all your support and help on the last 10 years. And we hope that we will be here for another 90 years. Thank you very much. If there's any question I would be happy to --

August 27, 2003

Katz: I can't speak for commissioner Saltzman but both of us are on impact. And I know that you can appreciate the discussion on impact about retaining industrial sanctuaries. And I have been very vocal about that. So that's why sometimes this gives at least me a little pause for concern about breaking through an central sanctuary and beginning to erode a manufacturing base. So I don't know yet how I am going to end up voting for all of this, but I just know you have been a very good corporate partner with this community. But I just wanted to flag that because I think there was a letter in my file -- I don't know if it's in dan's -- from metro kind of questioning you know, where we are on this particular issue.

MacHalvie: Yeah. The answer to that question, mayor, would be that it's not industrial use right now. There's three industrial users on it. We are one of them. And when we have our office building and a warehouse, and we also own the property that reed electric sits on. They are the second industrial user, the third one is the freeman brothers. You cannot put an industrial facility on that land today. It just -- you just can't do it. And so you are not breaking it. We would have liked to have had the boundary two blocks south of vaughn. And that's where originally we had thought it was going to be. But it didn't. Instead we have two blocks full of million dollar row houses. And so now we are saying, ok, we will make the sacrifice and put it on our side and so all we're asking is to have that buffer. And right now, we could build almost an unlimited office building, as big as we want, if we could fill it with esco people. We can't at this point. Maybe some day in the future we will. But what we have come to is a negotiated settlement that would allow us to do it and share some. Costs of building a structure so that we could put some of our people in there and be able to carry a building with significant size to shield our foundry from the eyes of people to the south.

Katz: Thank you.

Francesconi: I would appreciate it, dale, if you could respond to this motion, amendment I made today that came from nina about 50%. I am looking for the language. 50% majority --

MacHalvie: We would be happy for that. Because all along our plan had been to have some portion of the building utilized by either esco, one of our subsidiaries or one of our customers or one of our vendors.

Francesconi: Ok.

Katz: Ok. Thank you.

Ruth Roth: Hi. I am ruth roth. I reside at 2227 n.w. Johnson, Portland, 97210. I am not only a resident of northwest Portland, I am a commercial retail property owner. I am a landlord. And so I bring a variety of perspectives to these issues. If I were just living there, I would say I want what I wanted because I wanted to protect my neighborhood livability as a resident. But I can't afford to do that. I have to understand that there is a mix of issues here. The reason why northwest Portland has been successful both for residences and for retail and for commercial is that we have worked very hard to try to create the diversity of options that all the uses need. And I would put industrial in that as well. If we don't understand that there is a fragile mix of all of these uses, if we tip the balance in ways that make it less likely for the residents, for the residential owners to have the things that maintain the neighborhood livability and vital city, we could that with real expense and cost. None of these things happens in a vacuum. I just want you to really think very carefully about the tenuous balance that exists now and think very carefully about why the northwest district association has taken a position of opposing the plan as presented. They are opposing -- I have attended none of those meetings. Frank is my neighbor. We talk about it once in a while but basically this is what I think. I think that the northwest district association has chosen to oppose the whole measure because, what we are seeing in these recommendations is a tipping of the balance in ways that is not going to be sustainable. It comes close to throwing the baby out with the bath water. The tower, don't even get me started on that. I worked very hard for many years on the historic district. This is a travesty. I, too, never can find a place to park at uptown even with my

August 27, 2003

bicycle, mind you. A car is another thing so basically I walk. I don't think that that particular location can sustain that kind of development even if it goes through design commission. And please don't kid yourselves of the design commission merely because you imbue it with the authority put certain restrictions on design and on location and on footprint is going to do the task. I think by delegating that to the design commission, you are, in a sense, breathing here because, o. My goodness, you don't have to make the hard decisions and I would encourage you to think about that as well. So as a resident and as a landlord, I ask you to really think carefully about some of these compromises and settlements that have been negotiated and at whose expense have they been negotiated. Thank you.

Katz: Thank you.

Katz: Bing, we remembered.

Paul Pope, President NINA: I'll go. My name is paul pope. I am the president of nina. Good afternoon. Let me emphasize that the nina board has not met and discussed this subject since may. And in may we sent a letter to the mayor and council members and I just want to go back to that and outline the concerns we had at that time and I believe we still have. First of all we were concerned the buffer zone was thurman to vaughn. And it's gone. That buffer zone did not materialize and we recognize the need for a buffer between the residential and the industrial area. Secondly we expressed a concern about losing, if you will, a piece of the industrial sanctuary. And in some respects we have viewed as that but as our letter went on there's some merit in this proposal because it serves to create, we hope the, the buffer that we thought would be two blocks to the south that didn't happen. So we were in support of what was proposed at that time. I want to reiterate the concerns we raised at that time. We felt the developments needed to be in direct support of the industrial sanctuary. And we said, for example, 75% occupancy by a, by someone linked to the industrial area. For instance a factory distribution center. That was our suggestion. Retail use, very limited. We suggested 10% of the building internal use only. We tried to throw some thoughts at council and planning commission. No new dwelling units. That's very important to us obviously and I don't believe there's anything here that allows that that I am aware of. And we said that all new project in the subdistrict should be subject to design review to further ensure a buffer is created. One of our concerns was if we ended with was a one-story whatever, that does nothing to create the buffer that the industrial sanctuary needs. That was a concern to us. The final concern we expressed was traffic. As we build up this area or as has been mentioned earlier as we put industrial land to use, we are going to create traffic. That needs to be addressed. Nina has consistently addressed the issue of traffic that we have to be able to get our freight in and out and our people in and out. I want to reiterate those concerns. I am coming back to you with what we said in may. We have not reviewed the changes since then.

Francesconi: Just I want to make sure you are aware of one thing. Do you know that we took out upzoning all that upshur property because of the concern of traffic on --

Pope: I was not aware of that.

Francesconi: Could you tell nina that for me, please?

Pope: I will. Yes 6789.

Don Gerasci, NWDA: My name is don. I am a resident nwda. 2217 n.w. Johnson street. I am speaking against the uptown tower. One of the major issues is that the zoning is written provides no significant transition between high density development and historic neighborhood. In this case between cxd and the nwda alphabet district. This results in overshadowing of mall-scaled buildings, reducing or eliminating sunlight, and there by blighting the street which is opposite of the intent of the historic district. Overwhelming small scales, making them seem out of place and devaluing the quality of the neighborhood, qualities we have worked very hard to maintain. Incompatible uses between commercial uses which offer causes degradation of the neighborhood which you are trying to preserve and makes poor use of commercial as well because with the

August 27, 2003

commercial ends up being as isolated in relation to residential. Where zoning is incompatibility with the adjacent districts there should be a district. This transition could be affected by retaining the base building height within the cxd zone and not allowing bonuses for the first and holding it back to the first 100 feet within the zone. This would allow, in this case, a 75-foot building. Also important to the idea of transition is how this building is built. There are configurations other than the high, long slab which is proposed that would allow light and view to reach the adjacent homes, reduce the scale this overlarge proposal. An f.a.r. Of 4 to 1 could also be achieved by a lower configuration covering more of the site. And which would produce a more compatible building with the alphabet district. Zoning is at best a blunt instrument for improving our cities. Zoning combined with an examination of local conditions and an appropriate response to those conditions could make it a much better planning tool. Thank you.

Frank Dixon, President NWDA: Frank dixon, president of the nwda, 2205 n.w. Johnson street. I'm not sure if there's anything more to add or anything that I can say that will change your minds. This I don't think is really a neighborhood plan. It may be a plan by city council for northwest Portland. It may be a roll of the dice on a couple of these major issues. We don't know what the outcome will be. We sure can't tell from staff whether what you intend will happen. We had a great article in the national geographic on 97210. It featured our park and our industrial area and our residential area and our retail area. We have people moving here from all over the country. And people envious of our neighborhood. But we are today changing the character of it as far as I can tell. Maybe you're right. Maybe we won't. Maybe it will be a great success. And I hope, and I know the residents of northwest Portland, the businesses of northwest Portland, and the northwest district association wish you success.

Katz: Thank you.

Christian Gunther: Good afternoon, mayor, commissioners. I don't really know how I feel about the tower. I do know I have some thoughts on it. I live three blocks from the tower. My name is christian gunther and I live at 2243 n.w. Flanders. You see the mayor walking and actively participating in the neighborhood on a regular basis so she probably agree it's a tough call. I really hope that homer williams will put a lot of time and energy into making sure that more than likely when this building is built, that is something special. I think the reason that 97210, my neighborhood, is in the national geographic is because of its uniqueness. I have seen a lot of new buildings go up, although there's nice, there's nothing spectacular going on there. Citizens are concerned about it. I can tell you that I don't know what's going to happen when a building goes up there. I can tell you it can be a building that I will look at and roll my eyes and say, what a big mistake. Or I might be surprised and say, wow, that's not so bad. I run the streets of the city. I run a lot. And I cycle a lot. And I can tell you what's there now isn't a lot of spectacular. It's parking lot. Again, I don't know how I feel about it but I think that that issue and the industrial sanction ware are two serious issues that are part of a broader picture and illinois straight that with a comment from the p.d.c., the members of Portland development commission, in one of yesterday's papers I believe it was. Who said can't find five to seven acres for an central business in this town anymore. Yet what's occurring, what is about to occur over around thurman street is the take away of more than five to seven acres. And I understand the buffer. I think that esco needs to be coveted as an important neighborhood that can provide jobs. But I also understand that when we talk about livability in this city and people moving here when the economy is terrible most of the people who are moving here can afford to move here and many of the people can no longer afford. Many of those people work in the industrial sanctuary and work in the area that is much as I love so much that charlie Hales left for the city, charlie Hales wanted to take the inner east side and there are still members of this council that would like to and change it. Well, you are going to change it but when you change it are you going to make sure the jobs that I know that commissioner leonard has been supported by, many. People who work in those areas, when you sit up here and make these

August 27, 2003

decisions, I really, really hope you can -- I don't sit at city hall all day long. I am out there with people. I'm not saying you are out there but I am really out there and there are a lot of people who have been here quite a while I will who are concerned their businesses are not going to be able to handle it anymore, then not be able to work where they work anymore. I do deal with print shops in the pearl district. I will leave you with this. In the pearl district and the river district. Who are convinced they will not be there in three or five years. If we don't protect the things that make Portland Portland it's not going to be what we see it at. Thank you.

Katz: Ok. Anybody else? Bing? Did you want to come up and somebody asked you to give your opinion. Is that putting another architect on the spot?

Sten: He loves it.

Katz: He does what? Oh, he loves it. All right.

Leonard: Out of fairness, could christie come as well to give us the other side? If there is.

Katz: Christie did.

Sheldon: So what would you like me to do?

Katz: I don't know. Somebody else asked you what you thought.

Saltzman: You asked him.

Katz: It wasn't me.

Sheldon: Well, I guess all I can tell you is that until I can confirm the veracity of this computer generated sketch, I don't know. Clearly, this is inconsistent with our own analysis of height.

Leonard: Assume for argument's sake what you are looking at is accurate.

Sheldon: Ok. I still think putting 135-foot tower --

*****: 130.

Sheldon: Come on, christie. We all know i've talked to jack. The height will be determined by the mid point of the roof and he's told me personally it be 135 to the mid point of the roof. So unless you have changed your mind, that's right from jack's mouth.

Katz: Ok.

Sheldon: I guess the point is that assuming that this is an accurate rendition, I don't think it's appropriate in this location. It's too tall.

Katz: Thank you. All right.

Sheldon: And would you like this back?

Katz: I don't know. [laughter] all right. So staff, did you hear anything that you need, we need to -- there was a request for further amendments and I thought we had dealt with that several weeks ago with dove lewis. Am I wrong on that or not?

Zehnder: We did deal with that issue at a previous hearing. The provision, the dove lewis site falls in an area that is in the transition zone and is limited to 20,000 square feet of retail 37 and that although that provision is adjustable one would look at the purpose statement for that section and it would be a hard call to say that 31,000 that dove lewis could be granted through an adjustment. We think our best approach to dealing with this situation like that for, is to separate out the office component of dove lewis and treat that separately from the hospital component by the zoning code definition, the hospital component is retail. But there is, you know, the office could be a separate sort of use that would not fall within the 20,000 square foot limitation. That is one approach that we think could work to satisfy this particular situation without changing the code. If to liberalize that 20-,000 square foot limitation in the television zone undoes a lot of what we have built in the transition zone in terms of trying to keep it to be local serving retail and not to promote big box. So we would rather not undo that provision across the entire transition zone.

Katz: Ok.

Saltzman: I thought he was asking for conditional use, not for --

August 27, 2003

Zehnder: But to a certain extent, opening up the conditional use option would have to be opened up across the entire transition zone I guess is my point. It's for the entire plan district is where this limitation applies so the fixing for one property through that tool affects the whole plan district.

Katz: Ok. Let's take -- do you want to add anything?

Kelley: No. Back on the upshur [meant to say Uptown Heights] thing for a moment, I think it's important for the council to keep perspective in a legislative process we shouldn't be dealing with the specifics of the proposal that you saw. Really the questions in front of you are, is a housing height bonus appropriate in this location as a policy issue? If so, what should be the upper limit of that bonus potential? And, thirdly and most importantly, what should be the process for a party to obtain that bonus? And I think it's very difficult to put any parties here on the spot as to whether they like a particular configuration or not. That's really subject of a further process.

Katz: Ok. We have three -- anything else that you want to add? Maybe? We have three issues that we need to resolve and we are going -- and maybe four. We are going to resolve today. Let's take the uptown shopping center. The staff came in with revised amendments that basically would do what's identified on your staff recommendation sheet. How does council feel about it?

Leonard: I would move the staff amendment. Are we in work session?

Katz: Yeah.

Leonard: I would move the staff amendment.

Katz: Of the staff amendment dated august 27? I want to make sure you know -- there is a recommendation of 7/10. This is the august 27.

Leonard: I would like to see that. I am not looking at that.

Katz: The one that --

Zehnder: We are getting the commissioner a packet.

Leonard: Thanks.

Zehnder: Page one has a summary of this amendment.

Katz: This is the 75 feet and anything above that the design review with the descriptions of what they might be able to do.

Zehnder: Correct.

Katz: Do I hear a motion?

Sten: *I move the staff august 27 amendment.*

Saltzman: *I would second.*

Katz: Second. Any objections? All right. So we have moved the august 27 staff amendment. Hearing none, so ordered. Already. All right. *Let's go to upshur district. We need an amendment. We don't need an amendment. No. We need to deal with yours on the third one.*

Zehnder: *This is actually this would just be an amendment to support the boundary of the transition zone as represented on this -- [means EX rezoning for two blocks in the Upshur Warehouse District]*

Katz: *Ok. I was referencing commissioner Francesconi but that goes for the next one. All right. How does the council feel about this?*

Sten: *Fine? Commissioner?*

Leonard: *Fine.*

Katz: *[Mayor gavel's down]* Item three, northwest transportation fund bonus option.

Francesconi: I'm fine with that one.

Katz: You need to have your amendment.

Francesconi: *I think gave -- I gave it to you. Oh, no. The amendment includes office buildings must have a majority occupancy component linked to industrial use, nearby industrial use.*

Zehnder: Office buildings must have a majority --

Francesconi: Occupancy component linked to industrial uses.

Zehnder: Just to clarify that would apply only to the *guild's lake industrial subdistrict.*

August 27, 2003

Francesconi: *That's right. Subdistrict d, I think. [meant Subdistrict B]*

Katz: You want to point on the map what, where that would apply?

Zehnder: Just for question of clarification, we come up with the majority, it's going to be 51% of some measure of the intensity of the use. Floor space.

Francesconi: You could do from each --

Francesconi: This is where I need some help from you. Suppose the whole district, which was at each.

Kelley: Probably each user, we probably need to confer with bds staff on this one and just make sure we have the --

Francesconi: Each user.

Kelley: Ok.

Katz: *On this one. Council, how do you feel about that?*

Sten: *Fine.*

Katz: *Commissioner Leonard?*

Leonard: *I'm fine with that.*

Katz: *Let me just say I am very nervous about this one. And it may be reflected in a later vote on this one. But the council feels very strongly about this. So that measure passes.*

Leonard: Mayor.

Katz: Yes, sir.

Leonard: I have indeed confused staff recommendations on the original motion and I meant to move the July 10 staff recommendation.

Katz: On what?

Leonard: On the floor area and height bonus options.

Katz: That we just adopted August 27?

Leonard: You adopted August 27. But I intended to move July 10.

Katz: Oh.

*******:** On uptown.

Leonard: I moved originally the staff recommendations and I meant to move the July 10 staff recommendations.

Katz: *We can -- we can reconsider the vote, given an opportunity to vote that again.*

Sten: *That's fine with me.*

Katz: *Go ahead and make the motion.*

Leonard: *I would move the July 10 staff recommendations on the floor area.*

Katz: *Do I hear a second? Motion fails because of a lack of a second.* Probably have to make the motion go through the motion again.

Sten: *I was planning to move the August 27 staff recommendation.*

Katz: *Do I hear a second?*

Saltzman: *Second.*

Leonard: I do object.

Katz: *Motion carries. We have adopted the August 27th and keep our fingers crossed that it works. All right. Do we have any -- that's it? Anybody want to take any other motions? All right.*

We will -- are you sure? We will bring language back for the council to adopt on the 27th -- I'm sorry --

*******:** 17th.

Katz: On September 17. And then we will adopt the whole package on September 24.

Zehnder: Just a clarification, Mayor, the substitute ordinance will come back on the 17th at 9:30 as well as a continuation of the transit oriented development and resolution. All three.

Katz: Ok.

Saltzman: Which date?

August 27, 2003

Zehnder: September 17. 9:30 a.m.

Katz: We will probably have to take some testimony.

Zehnder: We are going to have some new language especially on the final language that we come up with for the Guild's lake provision.

Katz: I'm going to -- we are going to limit the testimony to that language. Ok. All right, everybody. Thank you very much and we will continue this item on september 17th. We stand adjourned.

At 3:48 p.m., Council recessed.

August 28, 2003

AUGUST 28, 2003 2:00 PM

Motions are in bold italics.

Katz: Sue, why don't you -- we've got commissioner Sten here, we can at least start. Why don't you read the items.

Item No. 1019.

Katz: This is what we're going to do. We have to bring staff up. I want everybody to be reminded of the things that we actually did, and that's on the summary of results from June 19 meeting, there's six items, that's the on-street parking, the t.m.a., you all have it in your report. And then we have some amendments, some other unfinished business, and then we have amendments, and I'll tell you right now, I'm going to ask the staff and then the council if there are any other amendments that are on the chart that they want to bring up for discussion. I'm not going to sit here with the council and listen to a whole slew of other amendments they don't want to deal with. So if there are amendments the council wants to hear, we'll hear them. If there are any amendments the staff thinks we need to incorporate, we'll hear those. And then we'll ask the council if there are any amendments that they want to bring forward. And then the goal here today is to finish, if we can, if we can finish and then bring the whole package back and then bring it back for a final reading in January. So why don't you come on up. Does every council member have the report where we have other amendments that have been introduced -- oh, yes, it's back here. If you want to pull any off that we haven't dealt with, that's fine, but let's go through what we actually agreed on. On page 1 in back, there are additional amendments that have been floating around, and right now we've gone through this, and if the council wants to raise any of them up, that's fine, if not, then we'll just not act on them. All right. Go ahead.

Gill Kelley, Director, Planning Bureau: Let me just introduce, Gil Kelley, planning bureau, and with me are Joe Zehnder from the planning bureau and Rob Burchfield from the office of transportation. Again, for the audience, we're only talking about the parking issues with regard to the northwest district plan today, and not the other zoning issues, which were dealt with yesterday. Joe Zehnder is going to describe how we got here. We really have no new information as staff or new proposals to bring to you as staff today. Thanks.

Katz: And I don't have anything new. Some of us thought that we could possibly get to some agreement with everybody concerned, but that -- unless something happened in the last couple of hours, that's not doable.

Kelley: Ok.

Katz: Ok.

Francesconi: Well, I want to do something different.

Katz: That's fine.

Kelley: There's nothing new coming from staff, that's all I wanted to clarify.

Joe Zehnder, Bureau of Planning: I'm going to just quickly review the status of the parking decisions that were made at the last hearing on June 19 on this topic. And it's -- as the mayor indicated, there's a list of these on the back of the agenda that in your package, so if you want to have it in front of you, that's where it is. First, the northwest parking strategy included an on-street parking regulations and permits and meters was an essential part of the strategy. At the last hearing, the council informally endorsed the concept of having on-street parking, of having permits and meters as endorsed by the c.a.c. And having pay stations on residential streets. Now, if we were to move to implement that, we would need an instruction from city council to pdot to begin the process of public hearings to establish the permit district and the on-street parking program. The second element of the parking strategy that was addressed had to do with the transportation management association. And at the previous meeting the council informally endorsed, this was not

August 28, 2003

a motion, but informally endorsed the t.m.a. Board structure that was involved in -- that was summarized in a draft memorandum of understanding between the city, the nwda and nob hill association, basically around initial powers and purposes of the t.m.a. The city council informally endorsed that structure, to implement that, we would, city council would direct pdot staff to begin a process of organizing that t.m.a. Off-street commercial parking, the third leg of the northwest parking strategy. This, the city council adopted a motion, a formal motion to support commercial off-street parking on eight residentially zoned sites in the core areas around 21st and 23rd in northwest -- in the northwest district, and those sites are shown and numbered on the map to my right. Any discussion of changes to the number or specific locations of these sites will require a motion to reconsider, we --

Katz: If somebody wants to raise that question, we can raise it. We can do what we did yesterday.

Zehnder: Great. Ok. But that was a formal motion at the previous hearing. All eight sites were moving forward. Fourth leg of the parking strategy was shared use of accessory parking. The idea here is to use existing accessory parking and residential areas for uses other than just residential parking. You could use them for employee parking, you could use them for commercial lots in that district, use them for parking for residents overnight, or for valet parking, and all of that was to be licensed by the t.m.a. The city council informally again expressed support for that concept, and those provisions in the draft plan. The fifth element is additional design regulation and review. And on this topic, the city council endorsed two informally endorsed two concepts. One was granting with the adoption of the plan the setback modification that's might be necessary to build some of the off-street parking structures in the residential zones, so this would be specific setbacks to side and rear yards around those parcels. The council also informally endorsed reducing the height of the portion of the parking structure of these commercial parking structures that would be in the residential zone. All of these are part in a c.s. Zone and part in a residential zone. Staff at the last meeting proposed 25 feet and we were instructed by city council to make sure that kind of structures that were being discussed work within that height limit and what we would do is bring back to you today the recommendation that we set that at 30 feet rather than 25, that should take care of that problem. It also matches the height of the adjacent residential zone. Finally, the last element that was discussed at the previous hearing had to do with timing and effective date of all of the provisions of the parking strategy. And here the city council informally endorsed the concept that all of these elements, on-street, off-street, t.m.a. And shared parking and design review go together as a package to be made effective at the same time at a future date. The date that we were talking about in june was october, given the time that slipped in the weeks since then, we would propose today that that whole package would have an effective date set for january 29, 2004. That summarizes the decisions that were made formally and informally at the previous hearing.

Katz: I know commissioner Francesconi you have something, let's hold off on that for a second.

Francesconi: Sure.

Katz: Let's go through on the back of the plan, there are a slew of amendments, most of them the staff does not support. You've had it before you, are there any amendments that the staff thinks needs to be implemented?

Zehnder: The amendments that are on this table -- staff did support the amendment number 23, actually proposed, which was to implemented this shared parking provision, and city council endorsed that in our discussions at the last hearing. The staff supports amendments number 20, which with we think is just a clarification, sort of a minor issue clarification that if you have shared parking and part of it is in a commercial district, the shared -- if you have accessory parking, for instance, for a business in a commercially zoned lot, and another part of that lot is used for shared parking, the commercial accessory parking is accessory parking, it's not going to get tied up in the t.m.a. Licensing, which is only for shared parking in residential districts. We support number 20.

August 28, 2003

We also have incorporated the content of number 13, which is to modify the setbacks for these parking structures that are proposed, and that language, and actually all the language of the elements that city council expressed support for the previous hearing are incorporated in the draft text you have.

Katz: In 13?

Zehnder: Yes. We support 13, and the version of our language is in the draft ordinance that you have. We supported 11, but once again, the -- our language is different than that which was brought forward, but it just to make clear the point that in -- for these particular parking structures, it may be necessary to have a curb cut on a main street, in this case it would be 23rd and 21st, and that is possible, subject to design review, subject to a finding that there's, you know, this is -- there's no other acceptable way to provide access to the garage. So the content of that amendment we are supportive.

Kelley: And 17.

Katz: Is that it?

Zehnder: Yes.

Katz: Does staff have any other amendments they want to pull out of this group? We'll go back and we'll pick up those that joe just asked us about, and then we'll have public testimony on those. Anybody else want to pull out any of the other amendments?

Zehnder: Mayor, I made -- misstated one thing. We also support number seven, which is to eliminate the two-tiered cap. Right now there's a cap for the permitted uses and a cap for the conditional uses of 450 spaces each. We just want to make it a 450-space cap on the conditional use sites as a code simplification measure.

Katz: Ok. Let me ask commissioner Francesconi for his amendment, then we'll have all of them in front of us, unless anybody else wants to put any additional amendments on the table, and then we'll have a public hearing on the amendments, and on the work that we still need to do that joe identified on those issues that we had already agreed to, but need some clarification. Does everybody understand where i'm going? Ok. Commissioner Francesconi, did you have anything?

Francesconi: Well, just briefly. I was hoping that I could play a role, or the mayor could play a role, somebody could play a role to get us to consensus since the last hearing. I don't think that's going to happen. But I received, as all of us have, we've talked to the nwda, nob hill representatives, and we've just received too much input, very good input, very well organized input from the neighborhood to let stand what we did last time, and which I supported. So by the way, we also received very well organized input on the tower, which also had an impact, at least on what I did last -- yesterday. So I think what we need to do is to do a couple things. First, we've talked to the nwda, i'll just list this as opposed to making motions at the moment. There's several parts to it. First, we talked to them again this morning, and we got some not new information, but the issue, and we're -- and transportation is also very concerned about how we implement both the on-street parking and the off-street parts of the ordinance. But the nwda -- I think it would be better not to -- for the council to pressure pdot and the neighborhood to come up with a metered and a permit parking plan quickly. I think we need to take more time, frankly. So instead of asking pdot to come back to the council with an ordinance in october or even january, I think it would be better if council directed pdot to come back with a status report in january on a comprehensive parking plan, including both permits and meters. And just see where we are. I don't think we should force this down the throats of the neighborhood, given the opposition that we've got. So that's one suggestion. The second is, I have become convinced, despite -- well, I stand by my opinion that we need more parking in northwest for the health of the business community, and the health of the neighborhoods, which I still view as intertwined. And that we're kind of in this together on that. I haven't changed my fundamental belief on that, which is contrary to many of the belief of people in the neighborhood. But I also believe that we've authorized the majority of the council authorized too

August 28, 2003

much parking, especially west of 23rd. I have become convinced of that through listening to you, which believe it or not, we try to do, and I try to do. Now, i'm not saying this is going to make everybody happy, but I do think that it's easy to eliminate the legacy good sam site, except for shared parking, and we should do that, but we should also eliminate completely the pizzicato site. The third party of it is the trader joe's and flanders professional building, which I think could be a good site. We should put a moratorium on it for five years. And not allow it to be built during that period of time. And hope that there's a little more feeling about this. Now, because I do believe that it's better to have fewer structures, frankly, with -- in and out, but since I still believe you need some parking in this neighborhood for the health of the business community and the neighborhood, who are intertwined, in my view, I think we should allow the papa hayden's site to expand. I think the height could be limited to 271/2 feet, not 30. That's something that has to be confirmed. And then finally, the last part is just to allow commercial parking on the m.l.c. Site and the elizabeth street site. I think that's right. I don't know. That's right. So that's the gist of the total of it. That pulls off some structures. **Katz:** We'll go over those. So that incorporates -- when we take testimony, incorporate that as part of the testimony. Ok. Anybody else? And then we'll have council discussion on this. All right. Go ahead.

Saltzman: I don't know if this is an amendment yet, but I did want some clarification about the height limit issue. I guess it's come to my attention that possibly through a conditional use process the heights could be greater than what we're allowing. In the plan. If i'm wrong, that's great.

*****: Let me ask debbie so we can get the facts straight on this, please. Pizzicato.

Debbie Bischoff, Planning Bureau: Good afternoon. The response to your question is the height is ruled by the base zone or the plan district regulations, and in this case the height limit for example would be 45 feet. In a commercial storefront zone. For the r.h. Zone sites, it would end up being 45 feet unless 50% of the project was in a residential use. So you can't really request -- the height is -- they could ask for an adjustment for a few feet, perhaps, but they could not really go above the base height.

Saltzman: How do we get to the point where we're talking about no more than 30 feet right now?

Bischoff: That's in the plan district regulations. That's specific to what we're creating.

Saltzman: So those plan district regulations will supersede the 45 feet allowed in the --

Bischoff: That is correct. For the commercial parking use.

Saltzman: So there's no way you could then through a conditional use process get more than 30 feet. Is that --

Bischoff: The conditional use process does allow up to 45 feet. The base zone height actually in r-5 -- excuse me --

Katz: Answer his question. He's concerned that as we put the limit through a conditional use, you could get up to 45.

Bischoff: You can. And that's why we've -- we have two types of sites. The permitted sites which have a lower height, and the conditional use sites, which you can apply for up to 45 feet.

Saltzman: And the permitted sites are which ones?

Bischoff: The five sites on the map.

Saltzman: The ones on 23rd --

Bischoff: There's a few on 23rd and restaurant row, m.l.c., papa hayden's, pizzicato.

Saltzman: The ones on third no conditional use to go --

Bischoff: In the residential portion of the site, the height would be limited at this point as we are recommending to 30 feet. The commercial storefront portion could be 45 feet, which is what is allowed by the base zone.

Saltzman: Ok. So the papa hayden, which is residential, would all be -- would be 30 feet.

Bischoff: A piece of it, which is residential, would be 30 feet, and it could build up to 45 feet along 23rd. In the c.s. Zone.

August 28, 2003

Saltzman: Ok.

Katz: Any more issues that the council wants to put on the table, and we'll open it up to public hearing if there aren't any. All right, let's open it up for public testimony. For those who are going to testify, you've heard the issues we still need to deal with, but I think the primary ones -- we'll deal with the ones that joe identified in this report, but the primary ones are really the sites and the separation of the park, the permit, and meters, and then those issues joe identified in the report. Let's proceed.

Katz: Chris, why don't you start, and are you going -- who's the representative of the northwest district --

Chris Smith, NWDA: Think frank and I will both be testifying for the association, but I have a fairly long list, so if I could have a little extra time.

Katz: I'm going to give you a little extra time. Frank, do you have a long list?

*******:** No.

Katz: Ok.

Leonard: Excuse me, mayor. This is the second day i'm looking at documents you all have, I do not have.

Katz: We're going to proceed. I got an extra one. Here.

Leonard: I'm not sure how we're distributing things. Thanks.

Chris Smith, Chair NWDA Transportation Committee: Chris smith, 2343 northwest petty grove street, chair of the nwda transportation committee. I'd like to first address the height question that debbi just spoke to, because I disagree with her reading of the code. The sites are divided into three categories, a, b, and c. A and b having set limits of the number of spaces allowed by right, c sites that are only allowed by conditional use, but the a and b sites are also eligible to go through that conditional use process, and I believe in going through that process, they would be eligible for 45 feet. The conditional use criteria only relate to transportation, not to effect the surrounding property. So I think an easy way to by pass the height limit is to go to conditional use, satisfy the transportation criteria and get 25 feet. I would ask that you modify that so the conditional use is also 25 feet or whatever height limit you decide on. I don't believe the current code provides the protection you intended.

Katz: Ok.

Smith: I'm sure staff will want to respond to that. As I launch into the rest --

Katz: He clarified, let's start from the beginning.

Smith: I want to start by saying that nwda remains in opposition to the entire plan, all components of the plan, nonetheless, i'd like to offer some thoughts on the issues you're considering today. On the setbacks implemented at your direction, from the prior session, we would continue to maintain that setbacks are a valuable tool to maintain residential livability, they are adjustable where they can be traded off against other issues that may help preserve livability. We think a blanket adjustment now is inappropriate to protect livability in the neighborhood. I'd also like to speak to the shared parking provision. While nwda is opposed to the whole plan, I can tell you in our public meetings, shared parking was one idea that seemed to resonate with all constituencies. The current plan for a two-year exemption has a number of flaws. One is that it disincentives the t.m.a. From starting soon.

Katz: Could you have the children please sit in the seats? Thanks. Go ahead.

Smith: Giving a two-year exemption to licensing of shared parking, disincentives the t.m.a. From getting started, and that may be one of the healing elements that's left by the time we finish. There are also the challenge that our experience with shared parking in the neighborhood, and we have two agreements, is that they don't have them by themselves, simply allowing the property owners to do it doesn't create the result. You need somebody actively advocating for it and making it happen. Doug has played that role, and he may testify to this later. So having the t.m.a. To do that to be a

August 28, 2003

pro active force is more likely to deliver a shared parking solution. Also, the current two-year exemption in the code would negate the shared parking agreements that we have with legacy and with flanders medical center, and take out the neighborhood protection that's are built into those agreements, and that seems unnecessary since we've already achieved the benefit on those sites. So we think the wise path here is to let the t.m.a. Do it from the beginning. To commissioner Francesconi's suggestions, with regard to slowing down the metered district process, we're supportive of that. We know our constituency right now is strongly in opposition both to the pay stations and to the parking structures. We wish you'd slow them both down, but if you're going to slow one down, that's better than have them both go full barrels ahead. Again, taking off pizzicato and legacy is not going to satisfy the neighborhood's objections, but certainly i'll sleep easier knowing the pizzicato neighbors are protected from when would truly have been an incredible impact on their livability. And I don't think I have any additional comments on the rest of your portion of the amendment, other than saying it doesn't fix the problems with the plan from our point of view. I'd like to go through the remainder of the amendments that you're considering, and you can check me if I have the right numbers.

Katz: I'll give them to you -- 7 --

*******:** 8, I believe --

Katz: 11, 13, 20, 23.

Leonard: And I have some amendments I will be proposing.

Katz: That's fine.

Leonard: I don't know if you want to do that now --

Katz: Let's finish the public testimony then we'll take them.

Smith: On number 7, we have no particular comment. Number 8, between, we have no particular comment other than our general opposition to the plan.

Katz: I was not on there.

Katz: 11.

Smith: 11, again, we they this clarifies a discussion that was there, usually policy says protect the main street, in this plan we're trying to protect side streets as well, and this leaves the ability to make the choice on a site by site basis, we think it's just a clarification of the thinking. Setbacks were opposed -- we're opposed to, that's number 13, we're opposed to any up front adjustment of setbacks. We believe the normal setbacks process should be used. Number 20, as we understand it, provides no actual new right, it's just a clarification of intent, and as such we have no comment on it. Sand 23, i've already testified we believe the two-year interim licensing is not a smart idea, that there's a much more positive path for everybody in the neighborhood to start up the t.m.a. As soon as possible.

Katz: Ok. Stay in place, commissioner -- commissioner leonard, what other ones do you have that you want to bring forward?

Leonard: I'll pass them out.

Saltzman: Can I ask a question of chris?

Katz: Go ahead.

Saltzman: How do you start up the t.m.a. And delay the parking?

Smith: To find shared parking sites, which is seeming to be something everybody wants.

Saltzman: T.m.a. Is also supposed to have financial resources, and it won't have any.

Smith: We would probably need interim staff assistance until there was a revenue stream, but having to issue permits is a vastly different task than having to investigate some sites. I think that's -- it could be done without a lot of resources.

Katz: Commissioner leonard, did you want to explain these?

Leonard: I might actually have --

Saltzman: Do you have one more?

August 28, 2003

Francesconi: I had two.

Leonard: Can you come forward, tim?

Katz: Ok. Sorry. Not now. We'll do it later. You'll have to come back. Go ahead.

Lee Stapleton: Lee stapleton, 2445 northwest westover road. I appreciate the fact that commissioner Francesconi is proposed a possible amendment. I believe it right now the amendment is not on the table, right?

Francesconi: We can move it if the mayor --

Katz: No. No, no. It's up for discussion. I don't want to move any amendments and have the council approve them and then have you come and testify, and then maybe sway the council one way or the other, and then we would have to remove them off the table. So we'll act on all the amendments later on, and i'll take the last amendments coming from tim later on.

*****: Ok.

Katz: Because it didn't come --

Stapleton: -- indicated both as a personal resident of the community as well as a member of the board the opposition of parking structures in residential zones. I'm still opposed to that. I think some of the discussions about possible reductions of the sites, especially those west of 23rd, are appropriate. I'm still committed that there's some better alternatives for parking in the neighborhood, including what I propose before as underground parking at -- on essentially 24th and glisan under the -- what could be a proposed park site, which is so-called watershed property. I still think it needs to be explored. I think there's viable alternatives to parking structures in the residential zones. Without some other component of a park. And I think that would be a great park site, and could be used for parking. I still think it should be pursued, just like other commercial sites should be pursued, if necessary, providing financial incentives to develop those sites before residential sites are done. And as we suggested at the previous hearings, the 23rd and glisan site where plaid pantry is, since dominoes is gone, it might be a very viable alternative for action on that -- it might be a very viable alternative, it could serve a lot more businesses in the community than those just west of 23rd. I'm also in favor of getting the t.m.a. Implemented immediately. I think it would serve to the benefit of a lot of things in the area. And I would actually like to give it more authority, including setting parking rates, since parking rates themselves in the neighborhood could be a viable incentive to use public transport. If you make the rates high enough, it might be a great way to do that, and encourage public transport.

Katz: I think we agreed to that. I think the council has to act affirmatively to instruct to get it going.

*****: Thank you.

Ann Small: Good afternoon, i'm ann small, 2328 northwest glisan. I strongly oppose any parking structures. I'm here in Portland from the east coast, I now spend maybe a few months here a year and hopefully eventually hope to end up here. For me it's a quality of life issue. I do appreciate when i'm here being car-free. Even though I have in my building a spot which I do not use, because I love the mass transportation, and it makes so Portland so unique and so live I can't believe, and to me so desirable. On a practical matter, I do live directly across from pizzicato, and this -- my observations speak for many people, and particularly for myself, even if pizzicato is not in the running for a structure, the lots that I observe on my walk every morning and throughout the day, and I don't care if it's the week of christmas, because i'm in and out of Portland almost every other month, they're not even a third used. So I struggle with why there would be parking structures at all, because the utilization doesn't occur. I have had many Portlanders express to me that they -- Portlanders particularly protest having to pay for parking in the northwest, and even if more parking was needed, let's say commercially before christmas, I think a more creative community friendly access to 23rd could be achieved through mass transportation adjustments. I am always on the streetcar, i'm always on the 15, sometimes on the 17, and I think that they access the neighborhood.

August 28, 2003

As far as aesthetics, I find parking garages unsightly and a ruination of neighborhoods. I put this in a letter to council. I was recently in portsmouth new hampshire, a beautiful, quaint little city, little sea port city. These parking structures are vial, I don't care if they're brick, I find them hideous, and you know, the interesting thing is they've drawn people in to portsmouth and 23rd is wonderful, I think it provides a lot for the residents and of course the outlying communities, but there's a part of me that says, build it and they will come, and it frightens me that if we invest in these parking structures or private parties do, we'll draw communities outside of Portland, lots of nice sweet families, and may they come and enjoy the city, i'm not saying it's exclusive to living there, but i've seen this happen in the northeast, in maine, in new hampshire, in other sweet, quaint areas, where it's lots of ice cream cones, no real shopping, I know there's commercial interest in parking garages, but it's really, let's find a restroom, let's get some ice cream, put the kids back in the van and go home. And I don't think that serves the community at large. I think also parking garages defeat the progressive unique and what I call sane, as in sanity stance Portland takes on mass transportation. For me, I was shocked when I read about this issue having flown out here a couple of months ago, that it's almost double speak to me to provide such a great community of mass transportation, and then enhance the use of cars. I just find it -- it's contradictory.

Katz: Thank you.

Leonard: Excuse me. I appreciate your testimony, all three of you. But I think the last comment you made is the one that puts me in a quandary. I appreciate viewing the world through the eyes of a person that doesn't drive, but most people in Portland do. And they're parking in front of your house and your neighborhoods. And i'm just curious how we get from the ideal solution that you're proposing, to the real solution that will solve the real problem of there being absolutely no place to park in front of your own house. I mean, it would seem to me that what you're advocating is the status quo, which I assume is unacceptable.

Small: Did you wish me to respond? I don't have creative transportation ideas, but I thought the streetcar was one idea of getting people around, and I thought perhaps -- it's naive of me, this is not my expertise whatsoever, but in an ideal world, I would hope if people didn't want to go on foot, they could, even add an extra shuttle if necessary, or change a bus route. I don't know how these things work. I'm going up to forest park and i'll see, i'm so happy to see a bus go up thurman, it's largely empty, but the fact that you even will access what I think of as a more suburban neighborhood is great. I wish we could build on what we had and maybe incentives or educate the public more about mass transportation.

Katz: I need to ask you a question, chris. You would support the notion of separating the meters and the permit system from the garages.

Smith: We would.

Katz: You would. How do you see the difference in the two? Because i'm not sure if the neighborhood really objects to the permit system and the meters, that that can happen whether we separate it or not.

Smith: And I think part of our challenge as neighborhood leaders is going to sort that out. Right now we have both elements in combination and we're registering both elements, and I think that won't change if we move these forward together. We'll continue to be obviously opposed to the idea of tearing down houses so other people can park in front of their houses. But once -- we can't even have the conversation right now.

Katz: I know that.

Smith: There's no point in trying to start a metered district conversation when it's just not possible. It doesn't help anybody.

Katz: The point I want to make is that i'm not sure it's ever going to be possible to do.

Francesconi: Well, i'm hopeful that we can get there someday. But now is not the time. I guess the other thing I want to say, I have talked to pdot, and we're willing to put a much higher

August 28, 2003

percentage of the proceeds and have it stay in the neighborhoods. So there will be an advantage financially to do this. I'm hoping over time people might see the value of it.

Katz: They'll buy you off with money.

Francesconi: No, no, no, for transportation improvements in the neighborhood.

Leonard: I would have to say if not now is the right time, then when? When is it going to be easy to make this decision? It's not going to be. It seems to me that the plan that we have been discussing creates incentives by having meters in neighborhoods to get people not to park in neighborhoods and giving -- and I would be open to giving residents permits for free. But if you have meters and it creates incentives not to park in the neighborhoods, and you have garages in places for people to park on 23rd, they're more inclined to park there and not in the neighborhood. So i'm still at a loss to understand the position of the neighborhood. Other than it's different than what you do now, which I assume is unacceptable.

Smith: I guess i'd make the analogy that the neighborhood views tearing down the house behind papa hayden as a punch in the face. Right after you punch somebody in the face is not the time to have a rational conversation with them about another topic.

Katz: Ok. And i'll support that notion, but I just didn't understand whether it makes any difference or not. But i'll go along with it and if you think that that would be -- the reason i'm talking to chris, chris has worked on this for years and years and years, trying with others, with frank, and others to try to bring compromise --

Smith: Consensus has always been our goal.

Katz: That's right. And I know that. And try to bring a sense of consensus to this issue. And it's -- both commissioner Francesconi and I tried, commissioner Sten tried, others have tried, and it's just not doable right now. So that's the reason that I asked that question. Ok.

Stapleton: I'm really concerned that charging people to park in the neighborhood is going to be helpful to the business interests in the community. There seems to be an assumption that those people that come to 23rd are affluent and will pay to park. I don't know they will. Somebody is going to have to pay for that, either in increased costs for services, or goods, and it's either going to be passed on to the retail tenant of a developer, or owner, or it's going to be passed on to the general public. And if you have a choice of going to hawthorne, which currently doesn't have one, but may have a parking meter district at some time, for example, or alberta or some other location, or the two new shopping centers that are going up at tanasbourne and bridgeport down in tualatin, where they won't have a parking fee, when the people become more affluent, are they going to go there? Is it going to ruin the retail district even worse by doing that? And i'm really concerned about that.

Katz: Those are legitimate questions to raise. Thank you. Let's keep going.

Dan Volkmer: On november 16, the neighborhood was officially registered as a national historic district named the alphabet district. The period of historic significance occurs from 1880 to 1940. What impressed the officials the most was how there was just enough of the fabric intact from this period to showcase a complete historic neighborhood. Churches, schools, medical facilities streetcar commercial, mansions, middle class four-squares, cottages and apartment buildings. Structures designed by premier architects of the time and utilized by prominent folks who contributed to making Portland the livable city it is today. Parking structures in eight locations for 800 more cars will tear at the fabric and deteriorate the character of this neighborhood. For example, the house on irving, the papa hayden site, is associated with julia hoffman. She was the arlene schnitzer of the art world in Portland at the turn of the century. He founded the Oregon college of arts and crafts in 1907. The first classes there were held in members' homes. Her mission was to educate the public to the value of arts and crafts in daily life. She and her husband went on to build the 705 davis building, also in the alphabet district, and a national landmark property in its own right. Even if there wasn't the julia hoffman association, replacing the original front porch and the original windows and removing the stucco could make this property which is

August 28, 2003

already historic, a contributing property. Thereby, strengthening our neighborhood fabric. The neighborhoods' abhorrence isn't about not in my back yard or that we want to preserve the neighborhood, you tear down historic buildings for parking garages and not only do you rip out the neighborhood fabric, you will lower the property values of adjoining buildings. When was the last time you had the family portrait taking with the parking garage as a backdrop? Or how many fond childhood memories do you cherish playing in a parking garage? And I don't care how much ivy you use to cover it with, a parking garage will zap the vitality out of the adjoining residential properties on all four sides. And lack of vitality leads to neglect, which leads to blight. And yes, it could happen here. Look, today quality of life is the single most significant variable in economic development. People want to live, play, work, shop in neighborhoods that have character. Rehabbing julia hoffman's house will have a more positive impact on the local economy than the alternative you're considering. When you convert noncontributing properties to contributing, the whole neighborhood benefits. Dollar for dollar, historic preservation is one of the highest job generating development options available. In Oregon, a million dollars in building rehabilitation creates 22 more jobs than cutting a million dollars of timber. So please, no tearing down of historic buildings for parking garages, and no parking garages adjacent to residential properties in the historic district. Thank you.

Katz: Thanks. [applause] [gavel pounded] no. If you support the testimony, follow that man, so that the council can see that you're supportive. This is not a rally. You'll have time for rallies, i'm sure. But not here, not now. All right. Rick. It's good to see you. Haven't seen you in a long time.

*****: No. You're very busy. [laughter]

Katz: Identify yourself for the record.

Rick Rubin: I'm rick rubin, I live at 2147 northwest irving street. I was born in the neighborhood, and have lived there almost all of my life. And it's a very organic neighborhood. The shops are made by their customers. The people who lived here, who were, by the way, way more in number than the shopkeepers, are -- have a fabric, a social fabric that's very wonderful for such a city neighborhood. The mayor lives there. The mayor before the mayor lived there. This is a prime quality neighborhood, and you can't come in from outside and make these overall patterns without really ruining the fabric of this neighborhood, which I consider one of the best in the world. Thank you.

Katz: Go ahead, mark.

Mark Whitlow: My name is mark whitlow, 1211 southwest fifth avenue, suite 1500. I have lived, owned property and worked in northwest neighborhood since 1974. Currently own a mixed use building there at 730 to 740 northwest 23rd, right at johnson. It's one of the first conversions that added new housing, so it's got a couple units at the top. So it's an example of the conflict that you would find in the neighborhood. I'm an ex-president of nwda, chaired the planning committee, I took over after bill scott, before rick michaelson, so i'm surprised at how old I am. But I have bills 76 -- 1976 piece, the old neighborhood plan, edgar's eastern edge study. They all talk about parking and conflicts between residential and commercial uses, they talk about the need to share parking. I was one of the people that set policy of the neighborhood way back then, not to provide parking, but to in fact engage in granting variances from then the required off-street parking. The notion was, don't provide parking and they won't come. Well, 30 years later, we can see clearly it didn't work. We've talked in between then at the code rewrite project in 1991 in front of your planning commission and in front of this council about how to do better zoning. And that's when the c.s. Zone came into place. That's when commercial parking was made part of, as a permitted use, the c.s. Zone. The discussion then focused on northwest 23rd as an area that needed that type of facility, notwithstanding the fact it's a pedestrian district. It recognized the multimodal transportation system under the t.p.r., it recognized the need for a mode split shift away from auto use, but it also recognized that even after the mode split shift had occurred, over the 20-year

August 28, 2003

planning period at the time, 70% of mode, would still be in auto use. So there is a need for parking, even in a pedestrian district and a neighborhood like northwest 23rd. We have tenants in our buildings that desperately need to be competitive. We're losing market share to other parts of the neighborhood -- excuse me, the city, that have structured parking. I represent a lot of retail interests throughout the region, the state, everyone asks us to put in structured parking. It's amazing to me that you have an opportunity before you to do just that without subsidy, and we're having a difficult time finding the clarity and the vision to say yes. We need some leadership, we need some help, it's an economic development issue. We have vacancy rates there for the first time that are astounding. We're losing that mom and pop, you know, one much a kind feel to the chains. We need your help.

Katz: Thank you.

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

Katz: Ok. Let's keep going.

Katz: Somebody start. Go ahead.

Robert Moore: Hi. I'm Robert Moore. I live at 529 northwest 18th. Dear lady and gentlemen, thank you for your good work and your attention this afternoon. I live in the historic district, and I have done so for 20 years. My father was born there 110 years ago. The district has changed a lot since then. Some things have not. 100 years ago, city government eager to show business how it was loved, entered into the embroilment that led to the guilds lake land scandal, and an event fired by the prospect of a world's fair in the city that works. In those days, of course, Portland was widely understood to be a safe haven for corrupt government. Not the upstanding town we are today. What hasn't changed is the ease with which elected officials at every level ask for the guidance of their citizens and then stand to act against it. Yesterday Frank Dixon said of the proposed changes that could bring new development to the uptown plaza, that it might be a good idea, but it wasn't what we had in mind. Neither are the parking proposals. I'm not a leader in the NWDA, but I have happily attended many of its meetings. They meet just two blocks from where I live. I listen to my neighbors, informed and naive, hash out what seems to be reasonable. I learned there that at some point the business association stopped negotiating with us in good faith. Apparently this cessation came about because someone in city hall, surely none of you, but someone here assured them that regardless of what we wanted, that they were loved, and they would get what they wanted. There are many wonderful things about this city, and this neighborhood that I happily live in. One of them is having a council that pays sustained and thoughtful attention to the NWDA. Thank you.

Katz: Thank you. Go ahead, sir. Grab the mike.

Larry Cwik: Madam mayor, commissioners, Larry Cwik, it's 2020 southwest salmon. Thank you for the opportunity to be here today, and I'm a long-term Portland resident, a member of the northwest district association, an owner of a business in northwest Portland, and also the owner of a house at 2325 northwest Hoyt, which is proposed for demolition under one of the amendments that had been proposed by the Nob Hill Business Association. I had brought by a letter for your consideration on Monday, and I won't repeat what's in that, but I do want to echo some of the concerns that have been addressed here today. First of all, mass transit should be considered more than it has in the future of northwest Portland. Portland wants to be a sustainable city. It should be a sustainable city. It will draw additional economic revenue if it is sustain all, and we will be a world leader if we do that. Putting in more parking garages in a neighborhood which needs parking, which has other alternatives is not the way to go. That will also lead to increased congestion, traffic, and air pollution. So I'm not against more parking. There is a need for more parking at some point, but it needs to be phased, it needs to be carefully thought through, and it needs to be thought through some kind of consensus, hopefully through the NWDA and Nob Hill Business Association. Also, the historic nature of the housing there is very important as the one

August 28, 2003

speaker dan volkmer had mentioned. That's part of our heritage as a city, and we should preserve it. These houses on northwest hoyt street, for instance, are from the 1890's. They should not be destroyed for a parking garage which isn't even needed. The house on northwest irving, if that has that historic interest from other parties, that should be looked at. I don't know if that was looked at or not. We do need leadership from the council and the mayor on these issues. We have had very good city leadership in the past, and i'm hoping that we will have a good decisions that will be made here to be very thoughtful and not just put in parking garages that will affect residential neighbors in an adverse manner. There are alternatives. If there do need to be parking garages, one example is the 24th and glisan underground site, another example was the plaid pantry site. Neither those would affect residential neighborhoods nearly to the extent of those being considered today. I would ask you to revisit this issue and be thoughtful to preserve historic housing, preserve housing for Portland residents, and support sustainability. Thank you.

Katz: Thank you.

Neil Small: Neil small. I live at 2328 glisan. I wanted to pay my respects to everybody here, people that are sitting behind me, and I have not been living here long, although I guess four years now. I also live across -- across the street from pizzicato. What I have seen has brought up questions to me. I see that the parking lot is never half full. It's a third. At most. And that's even on your busiest days or weekends. When I do have a car, i've never personally had a problem parking. I formerly lived on irving and 20th. Now, that's -- that seems to be a more congested area, a little harder to get parking than we -- than where we are. But there were some very bright educated people who, for example, on 21st, most of the restaurants there, if you want to bring your car on a friday or saturday, where it is congested as far as parking is concern, provides an attendant that will take your car and park it. Now, everything costs money, that costs money. Putting up a very large facility, as I heard today, up to 450 cars, will lead to such congestion, for example, I think one of the fellas that first spoke that works for the town, he -- they're talking about an entrance or egress on 21st or 23rd. Check the pattern of traffic when you're crossing now, which I do on a regular basis every day, several times a day. The chaos that will be presented I think is going to be monumental. I think it's also going to cause problems as far as the cost, as far as possibly having police patrols to direct some of that traffic, besides lights, and putting a light in the middle of the street that's already congested is kind of crazy. I also will look to what's -- who's the benefactor? Who is going to gain? Now, I don't believe that I will gain at all. I don't believe that friends of ours and relatives of ours that live in town and live in that area will get any gain. The only gain may be some commercial realtors. Now, what I also noted, for example, on 23rd, and I have firsthand knowledge about it through some family members, that -- it's a separate issue, but rents have increased dramatically. That seems to be where the problem is, if some of these companies are floundering. Plus, the economy, I live in the northeast most of the year, is terrible. I mean, they tell you about the gains, but there are very little gains and many of my friends, I own a fairly large company there, we're still having tremendous problems. So why wouldn't you have problems in Portland, Oregon? So before all this money, and all this planning is spent, just think of these logical alternatives that were presented today.

Katz: Thank you.

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

Katz: By the way, you're all invited to symphony in the park to meet carlos kalmar, our new symphony director. It's at 7:00, it's free. Just thought i'd share that with you. All right. We will be done by then, i'm gone: [laughter] go ahead.

Christine Brandenburg: My name is christine brandenburg, I live at 2425 northwest johnson street. I'm a lifelong Portland resident and i've owned my home on northwest johnson street for eight years. I am opposed to the meters and garages in our neighborhood. This is a residential neighborhood which I don't believe exists to support the businesses on two streets that run through

August 28, 2003

our neighborhood. My house was built in 1904. It still has the horse ring out in front in the parking structure. The streets were not built to carry the kind of traffic that it carries now. If you allow garages and metered parking, you are encouraging car trips into this neighborhood which should by your own city plan, be actively discouraged. If you build garages, you are only going to worsen an already bad homeless problem that we have in our neighborhood. Of people who walk through every night, come into my property and my neighbor's property, i've had to chase people out who have walked into my house, come into my yard, broken into my house. What you will be doing is creating a squat for homeless people. And not a safe place for my children and my neighbor's children to be living in. You will be ruining the historic character of this neighborhood. Nobody wants to have a parking meter station in front of a historic residential house. If you lived in my neighborhood, I have to ask you in all honesty, would you be voting for this? Would you be wanting to have to pay to park? Would you want your friends and family to have to pay to park? I can't believe in all good conscience you would be saying yes. It's an unfair tax. We've already been taxed for the trolley that went in. With property taxes. This is an unfair tax, just by the fact that you say, ok, we'll get free -- you'll get free parking permits, it's not free. I have neighbors that will not be able to pay a \$35 fee to get a permit for their car. And they will have to leave the neighborhood. Now, is that fair to them? No, it's not.

Katz: Thank you. I'm sorry, did you finish?

Brandenbury: Yes. I think i'm finished.

Kandis Nunn: Kandis nun, 1121 southwest salmon. I've appeared before you before, so I won't reiterate the comments i've made before. I will tell you I come today very discouraged that we find ourselves at this place in time. After decades of discussion, after three intensive exhaustive years of work by such a broad representation of people, including neighborhood interests, diligent, exhaustive staff work, businesses who honestly represent small business, represent individual renters, all of these people came together to try to craft a plan, a plan that by all means, was never going to make everybody happy about every single element. A plan that was very supportive of encouraging and continuing to educate people about mass transit. A plan that tried to figure out the best and fairest way to try to meet the greatest number of people's needs. Not only the people in the neighborhood, but the people who come to visit their friends and their families. And to patronize some of the small businesses there. I honestly think that this neighborhood needs your help today. Not defer decisions. I don't believe that we can all sit here and hope against hope that we are going to somehow arrive at some consensus if we just wish the problem away. It really does need your leadership today, and I encourage you to do that. And to be supportive of this plan. I don't think you're ever going to get to a place again in history where you're going to get as much consensus, even though it's not total consensus, as you have here today. Thanks for your time.

Katz: Kandis, you know how much I respect you, we've worked together, but i'm not sure there's any consensus in the neighborhood. I had wished for the same thing. I know there are people that worked very, very hard. The council will act. The council is anxious to deal with all of these issues. But i'm not -- unfortunately, I had hoped there would be more consensus, but I don't think it's doable.

Nunn: And I really felt the same way, particularly when we had the participation by the northwest district association early on when they signed on to a number of the elements of the plan. I really thought that they meant that. And I was drawing great comfort from the fact that I thought we were closer than what we appear to be today.

Katz: Thank you.

Rober Vrillakas: Council, roger, I live at 2438 northwest johnson, and have for 28 years. It seems odd to me that this discussion centers around the need for parking, when in fact there's plenty of parking in northwest. It's just not utilized. People have counted more than once I counted this morning, there are hundreds of empty spaces as I speak right now, within eight blocks of the

August 28, 2003

epicenter of northwest Portland. I don't -- in spite of all the work that's been done and the agony that's have been undergone, I don't think we're there yet, which is why I appreciate commissioner Francesconi's point of view of delaying this, even though that could be deadly, I think it's where we are. We don't even have remotely consensus. In fact what we have is a room full of fairly irritated people. Anything that's done today that's conclusive is going to further irritate at least half of them.

So I would think that the best and simplest thing to do would be empower the t.m.a. To fully exhaust how to get to people with the help of nob hill, obviously, to use the existing lots. And do that. And then measure the results. If that makes some incremental improvement that people are happy with, great. If it doesn't but at least it goes in the right direction, then for my point of view, I would be quite happy with building parking structures, but not in the historic district there. Are plenty of perfectly wonderful sites by my feet counting them, eight blocks away. And it seems the height of cynicism, particularly in a city like Portland, to assume that people are unwilling to walk more than three blocks to buy their latte, I find that almost revolting. And to end on a personal note, the notion of a parking kiosk in front of my house makes me think of the movie "cool hand luke" I am just itching to saw that thing down, push it over. [laughter] pull it out. Fill it full of tofu, whatever it takes, to remove the blight from my old house. Thank you.

Katz: Thank you. We didn't hear that. [laughter] go ahead.

*****: You did.

Katz: Tim, why don't I give you the opportunity for the amendments you distributed, and nothing more at this time.

Tim Ramis, Nob Hill Business Association: All right. Let me say first i'm tim ramos. I'm here on behalf of nob hill business association. Our organization has asked the large numbers of people to testify at your last hearing not to come here and repeat their testimony. So we're hoping to move the process along with that effort. I would like to recognize that on behalf of the organization, that we know the compromise is necessary, we accept that we've not been able to reach that directly with everyone in the neighborhood, and that compromise will ultimately have to be struck at the level of the council. Our view is that after three years of effort, it's time to reach some closure and conclusion on at least some of the issues. And so we encourage action today, even though the action at least as commissioner Francesconi has described it, is not completely to our liking, but we realize a decision does have to be made. I'll speak to our amendments, which you have in a chart form. They are the amendments --

Katz: No, no, no. Just the ones that commissioner leonard --

Ramis: I am going to speak only to those at this point. I have an -- will I have an opportunity --

Katz: No, you didn't hear me. I said we have amendments, and we'll do this -- not just this particular time, if any of the commissioners -- commissioner leonard wants to move all of your amendments, then we'll hear all of the amendments, and we'll have -- we'll go back and have testimony on those amendments.

Leonard: I can explain the amendments fine. I don't --

Katz: He was --

Leonard: I don't want to use -- have this be used as an opportunity to not allow him to say what he wants to say as anybody else does. I can explain the amendments, I just thought since I had assist answer in having them crafted, he could be more --

Katz: Whatever you want. You have a little bit of time. Go ahead.

Ramis: Thank you. With respect to the t.m.a., we agree with the proposal to accelerate it and bring it along as quickly as possible. It's an opportunity for all the parties to work together on shared parking, which is an issue I think we do agree on. Second, the removal of pizzicato is a bitter pill for nob hill, it has divided our group, it means the loss of net 100 spaces, it is not something we're comfortable with, but we understand the reasoning behind the proposal. The adjustment to the cap that staff spoke to as number 7, here we agree there needs to be an adjustment to the cap. We have

August 28, 2003

discussed with staff another nuance of that, which is reducing the cap on the type b sites to 110 spaces, so the type b sites would get smaller, and then moving the papa hayden's site to type b. This would be consistent with commissioner Francesconi's idea of moving the papa hayden's site to 110.

The staff can speak to that. I believe we have agreement on that concept. Height. We are in agreement --

Katz: Do you want to identify which numbers so we can follow it?

Ramis: The staff spoke to height. I didn't hear them recognize that as related to a number.

Katz: Ok. Go ahead.

Leonard: I think the mayor -- i'm --

Katz: I'm trying to work through these. Go ahead, that was another issue addressed by staff.

Ramis: They suggested residential 30 feet, commercial, 45. We agree with that. The clarification we hope the staff agrees with is that the 30 feet and the 45 feet are measured separately. That is, they're measured 30 feet in the residential zone, the 45 feet in the commercial zone from separate base points. I believe that's their intention, but I want to clarify that. Setback was also discussed. We have suggested specific language relating to setback. The key part of that is that it provides a reduction setback for structures less than 15,000 square feet. The reason for that is that these sites are already very small.

Katz: Do you have the number of that one?

Ramis: The staff presented it as the issue of setback. I don't know that they related it to a number.

Katz: 13, setbacks next to residential zones?

Ramis: 13 -- yes. Thank you. The suggestion of slowing down the meter process, we favor both the on-street and off-street programs moving ahead, but we do recognize that for that to happen practically they will have to move ahead on different schedules. So we would accept the idea of moving ahead with the off-street program, getting it implemented, getting implementation date, and then moving ahead on a separate track with the off-street program. Access, this is number 11, access from main streets. Here there would appear to be agreement with the staff that there is a problem in the code that needs to be addressed, there's language that needs to be added clarifying how it's approached. Our language is different from the staff's and is designed to do three things and avoid three pitfall that's could make some of these sites unworkable. The key from our perspective from a policy point of view is to make sure that if we have identified sites, and now it's down from eight to six, at least with commissioner Francesconi's proposal, these sites really have to work. So we propose three suggestions which we think are critical. One that's presented in the language in our matrix, is to be clear that if there's a conditional use approval of one of these sites, that it is approved and not subject to some other discretionary criteria, that those conditional use criteria are the ones that apply. Second change is to clarify a standard that we think is troublesome to some of the sites. The current proposal from the staff would require an applicant to show that --

Katz: Which amendment are you talking about now?

Ramis: This would be --

Francesconi: It's still 11.

Katz: Are you still talking about 11?

Ramis: I'm talking about 11, yes. It relates -- there are two sets of code that relate to access. One is the access provisions, and the other is the conditional use provision. I'm now speaking to the conditional use provision.

Leonard: It's item g, if you're following the amendment I passed out.

Ramis: The standard at issue is the language signalized intersection within 600 feet will operate at an acceptable level of service. That is an absolute standard as a written, and would mean that if any of the signalized intersection were below a certain level of service, large numbers of these sites could be wiped out. We've seen some information from pdot indicating that at least 23rd and

August 28, 2003

everett is operating at d, and that might make sites unrealistic. So we suggest adding language that says that the site -- that the intersection will not be significantly degraded, which means the conversation would be about the real issue, is the structure going to make the intersection worse? Will it significantly degrade it? That should be the focus of the criteria in our view. The third change relates to ingress and egress. Currently the proposed language from staff --

Katz: Where are you now?

Ramis: This is also part of the same package. It currently says, minimizes the impact of traffic circulation on local streets. Minimizes is a term which is not defined. It could be argued by some that minimizes means no impact at all. And that could be debated virtually endlessly and litigated. We therefore 30 it's important to use a term which is already defined. We suggest inserting the language "to the extent practicable." practicable is a defined term in the code. It's the standard used in other contexts successfully, and it includes a definition which brings in to play real costs of a project and the existing technology. That means reality. So we think that means talking about what's truly possible, and that's what the policy is about. Let me turn to the historic building issue that was addressed. By dan volkmer. First of all I want to compliment dan on his great work in the community. Particularly on historic buildings, and we do have great respect for that. I think it's important he brings these issues forward. He's been very persuasive to us with respect to the two buildings were that were designated historic, we're no longer asking those be removed. I think dan has made that case. Dan's work and the work of the neighborhood as well as the work of the council when the historic district was implemented adopted an evaluation of each of the structures. Those two houses were designated historic and contributing and therefore we think they should not be removed. However, the house that's involved in the papa hayden's site was determined to be noncontributing after careful analysis. So we think it's justified for that one to be at risk in this program, and that's why we are down to just asking for the removal of that one site. Recall that we had over 200 houses originally at risk now down to one. Finally let me just mention with respect to the parking program that we should go on a separate track because a great deal of education needs to be done. You heard from some of the testimony the misunderstanding that residents would have to pay for parking in front of their own homes. That's not the case. It's important to move that program ahead. Thank you.

Katz: Thanks.

Devon King: My name is devon king, I live at 2232 northwest johnson. I want to address a few of the things you talked about here. One being these meters. I think the premise behind that is turnover for the business community, and to get more customers in and out as opposed to people taking up space. Currently there is time zone parking up and down 23rd and 21st, I think limits it to mostly one or two hours. I think you could help the businesses a great deal by simply enforcing those current time zones as opposed to putting meters in all over our residential areas. I don't think that's been addressed at all, but revenue generated from ticketing and such could easily pay for the enforcement, I think. Secondly, as far as the garages are concerned, we have capacity in the neighborhood as it is. It's -- 23rd is gridlocked, to say the least. I'm very much concerned with the fact, trying to get another 3,000 cars into these garages, what's going to happen to the streets as they stay now, how are these people going to get in and out? Some of the people suggested part of the revenue from meters would be to help the transit in and out of our neighborhood. I'm not sure how you would help that problem at all. We have an existing capacity street, you can't widen it, there's buildings. I'm not sure what you would do to improve that situation. I think it would be exacerbated by adding additional parking spaces in garages. And lastly, i'd just like to say it is residential neighborhood with a vibrant commercial district that recently we saw in one of the cable news programs as one of the top 10 shopping districts in the country. This has all been achieved without any of these garages or parking meters, and I don't understand why anyone thinks it's

August 28, 2003

necessary to complicate this and perhaps destroy the very nature of our neighborhood as we have it now.

Katz: Thank you. Let me correct you. It's not 3,000. That was -- somebody here or out there said there is a need for 3,000. That's not being considered.

King: Finally on that same point, i'd just like to say that as far as being overcrowded and needing parking, I can only see that it's at capacity between some peak hours about 11:00 a.m. To 5:00 p.m. On some sunny Saturdays and some times before Christmas. I'm not sure at all why it's necessary to create all this additional parking to accommodate some peak times.

Katz: Thank you.

King: You want to have capacity. That's a desirable thing to have. And to increase that capacity, i'm not sure what the point of having a bunch of empty parking spaces, you know, six days of the week is going to accomplish.

Katz: Thank you.

King: Thank you very much for your time.

Katz: Thanks.

Katz: All right, sir, go ahead.

Steve Yousten: Good afternoon, your honor. I'm relatively a newcomer to this whole conversation. I found out about it when there was a flyer place order my car, so i'll be very brief. I'm probably the opposite side of the coin of all the people that have lived in the area for all their lives. I just moved to Portland almost a year ago to the day after living in southern California. One of the reasons I selected living in the northwest -- I live at 2210 Northwest Everett Street. One of the reasons I selected that area to live in as opposed to living downtown was that I would have a place to park my car, sometimes you do need to drive around a little while to look for a space, but that said, i've never really had a problem finding a place to put my car. Sometimes I have to walk a couple blocks, but on the whole i'm fairly happy with the area. I'll look into it a little more what you have, and get a hold of you all offline rather than waste everybody's time at this point. Thank you for your time, though.

Katz: Thank you.

Dan Anderson: Good afternoon, madam mayor, members of the city council. I'm Dan Anderson, I live at 2144 Northwest Flanders, i've been there for the last 22 years. My grandmother was born in Northwest Portland, my mother was born in Portland. A lot of this is about this notion that somehow demand has to be addressed. And I know in a private conversation with one of your number, at least that member of the commission tells me that they've never seen the study that established this 3,000-space incremental demand, and accordingly the foundation for the 500 incremental spaces. Further, that member of the city council told me that they were unaware the study fits on one side of one page. Further, the member was unaware that the study's authors acknowledge that it fails to incorporate the effects of transit at all, that it assumes levels of vehicle ownership and use which are not supported by the 2000 census, they exaggerate it, and in general it's sufficiently flawed that this whole approach to establishing a base of demand and hence a thoughtful compromise, a net 500 incremental space assist really to some degree built on a metaphysical house of cards, you really ought to consider this a about it more carefully. At some level this notion of building to accommodate peak commutes capacity, or that's the goal, that's a deeply suburban model for urban land use. It's one that you ought to reject out of hand. As many people have noted, it's deeply corrosive of the neighborhood. Mr. Verlakas before me indicated there were large numbers of spaces today which are in substantially less than 100% utilization. That fact also was not incorporated in the one side of one page study. Turns out the number of spaces not incorporated is within 50 spaces of this 3,000 magic estimated incremental demand number. The -- again, sort of the number and the character and the depth of the fallacies in this are quite notable. I'd

August 28, 2003

also encourage to you turn it over and note the realized level of weekend demand for the existing spaces. Thank you.

Katz: Thank you, dan.

Bill Aylward: My name is bill aylward, I reside at 2335 northwest irving. 97210. Good afternoon and thank you for hearing me today. I want to be clear right up front, i'm not for the structures, i'm not for the parking meters. I also want to thank dan for articulating something I could have never done, but he did it so well, I have to applaud him one more time. To address commissioner Francesconi, earlier on today you mentioned the businesses and the residents are intertwined. I fail to see this, sir. In a neighborhood where they don't service the neighborhood, where they sell persian rug and \$150 blue jeans, I have a rough time howe seeing how that's servicing me and my neighbors. I'm sure there are plenty of people who would agree with me on this. Or a store with knickknacks with a horse in front of it. I don't get this. The neighbors need wine, they need cheese, they need a restaurant, they need books, they need pharmacies, they don't need this. Ok? So I don't see how we're entwined. Secondly, I don't see what we're getting out of this. As far as I can see, the residents are getting less than nothing. Ok? To move on, I have -- and all that said, in a very tough economy, neighbors are not going to spend that kind of money on blue jeans, ok? Number 2, moving along, or 3, I have here a letter written to one of my neighbors and friends in this struggle, elsa warnick from commissioner leonard, that states that you're all voting on one story structures here. There's been some discussion here today about the exact height. 25, 30 feet does not sound like one story to me. I would love some clarification. Could somebody address this? Clarification is what we need on these height issues and we need -- I think the residents need this. By the way, just to be really clear, I live one door away from the proposed papa hayden's site. 45 feet, that's an awfully tall one-story building. So please, if you're going to tell people 45 feet or one story, be clear and be accurate. Moving along, there's a developer that likes to quote very fond of quoting a statistic, 73% of the people voted for parking, or -- wanted additional parking structures in the neighborhood. Well, to be clear about, if you want to talk about statistics, to be clear, that was the hibbitts survey. In that survey at this point in time, the year 2000, that hibbitts survey was referring to one parking structure, not eight. Ok? We need to fully disclose all the information when we're talking about statistics. And as i'm on the subject of statistics, some of you may know that my wife and I have founded a website called paveparadise.org. Perhaps you've heard of it. Here are some statistics from our website. Since we launched this site just a little over a month ago, we've had over 33,000 hits. Ok? I'm reading directly from my website statistics.

Katz: Just give us the one statistic.

Aylward: The point is, you've got an awful lot of residents saying we don't want this. A lot.

Katz: Thank you.

Aylward: Ok? Lastly, I will close and thank you once again for your time. But I will close in saying once again, the residents are getting nothing. Less than nothing from this. And the garages are going to cause you nothing more than a divided neighborhood. Thank you for your time.

Katz: Thank you.

Katz: Go ahead.

Jana Zeedyk: Thank you. I'm jana, my husband and I own a home at 2366 northwest glisan street. We also own two rental buildings at 2372 northwest glisan and 2386 northwest glisan street. We've owned our home for 20 years. I've had a business license to operate a business in Portland in the northwest neighborhood for 19 years. And we have owned investment real estate for 10 years. In this neighborhood. So we are deeply invested and we've been there quite a long time. And I would like to first make a couple of comments to some of the questions that have come up, and it might have been commissioner Francesconi that said he was at a loss to understand why the meters were objectionable to the neighborhoods, since they were going to help people get into the parking garages. And why would -- I would say it's objectionable, my child, who is the youngest paramedic

August 28, 2003

ever in Multnomah county, does come over at times a meter would be operating, and wants me to hear about how he scraped up someone off the street. I do want him to plug a meter? To come and tell me that? I have birthdays, weddings, anniversaries, in my home. Do I want my guests to plug a meter to come and see me? To do that? I don't think so. So that is our objection, that we live there, we have friends, relatives, celebrations, parties, we don't want to have a bowl of change replace the candy bowl at our front door. That addresses that question. In terms of the bitter pill of pizzicato, I would like to say that byron was instrumental in the negotiations about that parking lot. It's an interesting study in the conditional use process. The site was first given conditional use for boys and girls aids society to operate their building on that corner. It was a one-story brick building, it had a very small parking lot, a beautiful magnolia tree, people went in and out of there to adopt their babies. The pregnant girls' house used to be across the street from me, which is now mental health sevens west, halfway house. So at the time, boys and girls aid society sold the property I guess to mr. Singer, and the parking lot question emerged. The question of could that conditional use be applied to a parking lot, instead of a one-story building with a small parking and lots of landscaping. And it was determined by the city that the conditional use for boys and girls aid was transferable to a commercial parking lot, because boys and girls aid society was a commercial enterprise. It's kind of startling to think of children being adopted as a commercial enterprise, consistent with the use of a parking structure and mr. Singer at that time was applying for a multi-story parking structure on that site, and when he and I had a conversation about that site,. Years ago, he looked me straight in the eyes, as much as you're looking at me, mayor, and said, i've always gotten everything I asked for. To which I replied, maybe there's a first time. [applause] [gavel pounded]

Katz: Your time is up.

Zeedyk: Ok. So we've l.i.d. A long time, and so i'm opposed to the meters on the street, I live in the area where there are going to be numerous parking structures which will in all likelihood be empty at night, and I think the larger economic picture in the community is also reflected on 23rd street. In the years we've operated our rental real estate, we have had a zero vacancy rate except for the past seven months. In the past seven months, our vacancy rate is 10%, and in the past three months, it has been 25 to 30%, and that's a first time ever.

Katz: Thank you.

Zeedyk: And our renters don't always rent all of the available parking we have, because they find they can park on the street and we similarly have regular vacancies in our paid parking places.

Katz: Thank you.

Sharon Genasci: My name is Sharon genasci, and I live with my husband at 2217 northwest johnson street. We live right in the heart of northwest Portland on johnson street, considered by many to be the most difficult area of the neighborhood for parking. Our house does not have a garage. We use our cars daily for work and other activities, and we park on the street. In the 12 years we've been at our present address, we have never been unable to park within two blocks of our house. These disputes over parking arose several years ago when a few neighbors complained they could not park in front of their homes. I don't know what city they've previously lived in, but i've found the argument spacious then, and I do now. All proposals to introduce permits and parking meters and parking structures are a bad idea. First they're not needed. There's so much fluid movement through the neighborhood, one is always able to find a parking spot. Second, the idea of building parking structures capable of housing whether it's 110, or 800, or 500, i've heard so many different figures today, i'm not sure, more cars, is a very bad idea. I'm chairman of the nwda health and environment committee, and we have been monitoring our air shed since 1997. We've discovered very high levels of been seen in our area. Benzynes is a class a cars know general. Our levels showed it was well above the e.p.a. Cancer benchmark, and even further above the -- above the call benchmark. Clearly we do not want to encourage more cars to come into our air shed. The

August 28, 2003

proposed structures would concentrate toxic air emissions near the new garages and create potential health problems for nearby families. We have an additional problem most other neighbors do -- neighborhoods do not face. Of a large industrial sanctuary on the edge of the neighborhood. Adding more benzene would indicate further disregard for the health of our neighbors. Thank you.

Donald Genasci: My name is Donald Genasci, I live at 2217 Northwest Johnson. I'm testifying in support of the staff recommendations for proposed amendments to the development standards, specifically proposed amendments number 13. An example of the degradation of our neighborhood by the proposed amendments to allow parking garages adjacent to residential zones is the proposal for no side and rear yard setbacks commonly found only in the highest density zones. Proposed are two to four-story parking garages, two stories by right, three to four stories through a conditional use procedure. As you know, the code states that structures in the C.S. Zone abutting an R zone less than 15 feet in height should have a side yard setback of five feet with no rear yard setback. Over 15 feet in less than 30 feet in height which is likely the range of development the side and rear yard setbacks are eight feet by the code. This standard is reasonable. And it is the standard everybody else must adhere to. Why are we considering a special standard for projects that do not have the support of the residents of the neighborhood or the NWDA board? We don't have a parking problem. We don't expect to park at the front door of our house. This is a city, not a suburb. Thank you.

Katz: Thank you.

*******:** Mayor Katz, mixes, I'm here again and --

Katz: Identify yourself for the record.

Fariana Priola: I'm Fariana Priola, and I live in the neighborhood, and I have a business in the neighborhood at 704 Northwest 23rd. I've been there 18 years.

Katz: Actually you have two businesses.

Priola: Now I have two. I opened a second one, I decided to take the risk when I attended the last session and heard the support for the neighborhood, not for the businesses, but for the neighborhood. On that note, I left and I thought, ok, even though the economy is not of the best, we have seven vacancies that we've never had before. And I decided to open another store. I want to go back in history I think it's seven years. I joined the Nob Hill Business Association when I heard that the Northwest District Association was pushing for permit parking in our neighborhood. It was going through, and the Nob Hill Business Association said, wait a minute, it can't just do permit parking without taking the whole neighborhood into consideration. Not just the neighbors who want to park in front of their house, but we have a community, we have a hospital, we have businesses, we have synagogues and churches, we have day care centers. We're unlike any other neighborhood in the city, in that we have so many services that we provide to all the people who live in the neighborhood. So we said, we need to sit down at the table, you can't just do permit parking. That will drive away most of the people who want to come over here and park, if you limit their parking. So we sat down at the table and I sat there, I think it was for three years with the NWDA, the Nob Hill Business Association, and Bill Graham from the City Parking Department. And we identified 15 solutions for increasing parking in the neighborhood. We said that you cannot just put permits in and then not give anybody a place to park. So let's increase inventory. We spoke with the Northwest District Association for three years, and at the end of three years, they finally came out and said, we don't want any of those solutions. We only want permit parking. I have watched other parts of the country who have implemented permit parking in commercial, residential areas, and they have killed the commercial businesses. Is that what we want to have happen here? I don't think so. We have to be, as you said, as Commissioner Francesconi said, we have to work together, and we have to live together.

Katz: Thank you.

August 28, 2003

Priola: And you can't do it with just permit parking. You need solutions. If you're going to do permit parking, you have to provide a place for people to go that want to park for longer than two hours. You have to. You cannot do one and not do the other.

Katz: Thank you.

Priola: Ok. I just wanted to say, and the nob hill business association was not for whatever it is we're being accused of being for now. We wanted to increase parking inventory in the neighborhood. Thank you, mayor.

Katz: Ok. Who wants to go?

Sarah Griffiths: I'll go. My name is sarah, I live at 2066 northwest glisan, number 25. 97209. I came yesterday about the other thing as a citizen.

Katz: The tower.

Griffiths: The tower. And i'm coming as a citizen, I have never had a hard time finding parking. I have had to carry my groceries a couple blocks, but that's all. One thing to make the ends meet more gracefully, i'm assistant manager of my building right behind the blue moon on 21st and glisan. As I interview and show people apartments, we've had some vacancies recently, they ask about the parking, is it a hassle. I tell them, I don't know what your expectation is, but I don't mind walking a couple of blocks in order to have parking. But the people that i've talked to in the last few weeks i've told them there might be some meters coming, and that's really -- i've stopped telling people that because it seems to discourage people from wanting to rent. And I appreciate that. I don't want to, like the woman who was here that said she didn't want her friends to have to plug a meter to come see them. I -- it's already hard enough to go give them the little parking passes so they can park, because it's the zone. I don't see that there's a problem parking. Yeah, it's busy on 23rd, but if people are not wanting to walk a couple of blocks, I don't -- I don't understand what the problem is. I don't want those kinds of people in my neighborhood. [laughter] I have a car, but I park it most of the time and I use the mass transit. Especially on thursday, friday, and saturday nights, because i'm right in the middle of a bunch of restaurants. And parking is a hassle those days, I might have to walk three blocks, oh, my goodness. But there's mass transit in the area, and I think i've never heard anybody complain about the parking that's prevented them from coming to the area, unlike downtown, where i've heard people complain about having to pay for parking downtown. And I don't want that to happen again. Again, I really like living in Portland. I live living in the northwest. That's why I do all these things to make the ends meet so I can live in a great neighborhood. And I hope it doesn't change a lot. I appreciate that people are trying to solve a perceived problem, but i'm not understanding how it is a problem.

Katz: Thank you.

*******:** I really don't like coming here every day. I want you to know that.

Katz: Identify yourself, elsa.

Elsa Warnick: My name is elsa warnick, i'm at 6366 northwest 20th. I'm really reiterating a lot of what other people have said. I guess to me all this stuff is so self-evident, I don't know why people aren't getting it. You have not yet implemented shared use parking in existing lots. You have not implemented transit vouchers for employees and retail customers, and you haven't found ways to maximize the highly underutilized existing parking lots. If you would do these things, we might take care of some of the parking problems. It has been said over and over that there are pay parking lots that are very underutilized. As regarding the parking, pay for park meters, I think it's self-evident, and I think if you read the community design guidelines for the historic alphabet district, which make it clear that the placement of commercial smart park stations amidst this historic residential district is unacceptable, their design, sides, and character belong only in commercial settings. Which brings me back to the original northwest district plan from -- presented to you october 2002, which is the one that had consensus, which is the one which had years of effort from all parties. And for whatever reason, you revised it and completely altered its contents. So it is that

August 28, 2003

one which was consensus, and that original document there would not have been any metered parking anywhere. And I believe any structure parking garage would have been in a peripheral area. We've talked about that for a long, long time, to have a simple shuttle. I implore you to return to the October 2002 Northwest District Plan, which is the plan of consensus and years of hard work. I also will quote in your revised plan, on page e-4, the last paragraph of the section on land use policy states, "the importance of the Portland streetcar as part of a plan, quote, to discourage auto dependent retail uses which are not in character with the established neighborhood, end quote. So that even in your revised plan, the goals that you state are not being paid attention to. We've invested so much in livability and in that streetcar, it seems just kind of nuts-o to break it down. I don't get it. I really don't. Thank you.

Katz: Thank you. Let's keep going.

Lili Mandell: Lili Mandell, obviously I'm not living in your neighborhood, but I think this, what is happening to you and sitting by and seeing a neighborhood destroyed, I can't keep silent, and I don't think anybody should keep silent about it. This is absolutely obscene. You are now consider yourselves lucky they're not going to tear down three buildings, they are only going to tear down one for a beautiful parking structure, the Newark Tech which your for Portland that we will be known for and will be given awards for. This is really disgusting. Don't let this be done to you: You obviously had gotten together, you had a plan, this is why I shut up, because I don't think it's any of -- wasn't any -- I didn't think anything was happening against your will. And you had an agreement and you suddenly come here and it all goes down the tube. Parking structures are not going to be good for business on 23rd Street. There is no such thing as a beautiful parking structure. It's obvious it is not going to enhance your neighborhood, I don't even have to say that. It's self-evident. If the business people really, really think that they need parking, let them go underground, let them do that, not to destroy a neighborhood. Because they are going to destroy 23rd Street that is going to be such a beautiful, beautiful shopping experience, with beautiful structures overhead. There was something else that really bugged me. It is now we hear, please do this as quickly as possible. Go at it, get it over with, destroy it. This is unconscionable. Do not let them do this to you. Really fight this. Thank you.

Irwin Mandell: Irwin Mandell, 1511 Southwest Park Avenue. Obviously I don't have a particular personal vested interest in what goes on up in the Northwest except for my general concern for the livability of this city that we chose to come to 10 years ago. I think there's perhaps I can back off and take a different view than those people who have been very directly affected by what's going on. I think the choice the Council has to make is, what do you want the Northwest to be? Do you want to turn it into a regional shopping center, or do you want to keep it as a historic residential neighborhood? You have a choice. And let's hope you make the right choice on this. I don't think - you might as well put up some strip malls while you're at it, if you're that concerned about regional shopping up in that area. The other issue that I think you have to look at is, and I've heard this alluded to by one of the Commissioners, and I've heard it before, there are people in Portland who think they have a God-given right to park directly in front of where they live, no matter where that is. Perish the thought you might have to walk a couple blocks to your house. And the other God-given parking right that seems to be assumed is, no matter where I go, I have a God-given right to be parked within one block of that destination, no matter where the destination is. My lord, I thought only people in Los Angeles would eventually evolve with wheels instead of legs. Let's hope the evolutionary process isn't encouraged by what happens here for the people who live in Portland and are born here in the future. Thank you.

Katz: Thank you.

Christian Gunther: Christian Gunther, 2243 Northwest Flanders, good afternoon, Mayor, Commissioners. I think you said a lot of wise things there. Although I'm a resident of the neighborhood, I'm not the angry resident, nor am I the major stakeholder. I moved out to Portland

August 28, 2003

when I moved here, yes, because it was wonderful, but because I also understood what livability was. I have a background that takes me through marketing and entertainment all the way over to planning, I worked on downtown revitalization in new york state, etc. And so forth. My interest here lies with facts, I think what I know of mr. Singer, he seems like a decent person. The residents that live around me, wonderful neighbors, I think everyone has the best intention at heart. And you've listened to a lot today, but there are a few things I want to say that hopefully will clarify things and just maybe open a door for the three commissioners as I understand it, who are still open, or rather opposed to this. I'd like to point out that I find it a little ironic that commissioner Saltzman, who's so concerned with environmental science -- services for the city, and is doing some really good work in terms of trying to get our water to be cleaner, doesn't make the connection between the car and pollution, and all the work that was done from bud clark through the mayor, and into our future for mass transit. We just built a streetcar. Are we missing this? We just built a streetcar. It's pretty funny to me that we also have -- I know commissioner leonard feels very strongly that residents of an area should have a say in what happens to their area. You've heard it for weeks if not months. The residents who live in this neighborhood overwhelmingly do not want this. Even though it might mean that the streets in front of their houses have more spaces. That speaks volumes. And for commissioner Francesconi, you're looking to perhaps occupy that center chair, and I think if anyone wants to run the city, they have to listen, not to a bunch of hee-haws, but a bunch of well-informed, i've been very impressed, the residents who are here are very well informed. They're not just throwing out nonsense. You can look at howard dean, look at ben and jerry's, cooper -- there are other ways to go about things. Portland I thought was about doing it differently. Not saying oops we've got some car traffic, we've got to build some garages here. All you have to do in Portland is look to the mosaic. It took the canadians to show us how to do it, to say, we're going to build a building, I think in your neighborhood, and when people ask about parking, they say no parking, and people who don't want to live somewhere where they don't have guaranteed parking by the gods, don't move in here. I fail to understand why we're breaking down democracy here. And I guess i'll leave it with this -- randy skragg pointed out that it seems the residents and the developers are driving this in a city, maybe the city best known for planning in the united states, where is the intelligent planning on this one? Building eight, not two, not three, but eight big or small parking garages will definitely change the face of this neighborhood. And I really hope you'll reconsider that, despite the fact you may not live in this neighborhood.

Katz: Thank you.

Katz: The powerhouse. Come on, you two.

John Mullen: I'm john mullen, 2388 northwest lovejoy. We are here today just to kind of fill you in. I lived in boulder, I lived in san francisco, two areas that actually have quite nice to live, lots of neighborhood feeling and value, and that's. When we moved to Portland, we were attracted to the northwest. What I found in terms of shopping centers, business areas, there's a pearl area in boulder, areas in san francisco, people, if they're attracted to them, due to the beauty and the desirability, I mean, the shops in terms of the intrinsic qualities they have and the uniqueness, they will go whether there's parking or not. They're attracted to the area. If there is a bunch of traffic, a bunch of cars cruising up and down the road, it actually deters you and doesn't make the shopping experience that nice. People coming to the neighborhood, walking in, taking the trolley, that makes a lot of sense. It actually I think will help businesses maintaining people coming to the neighborhood that way, instead of arriving by car, making the shopping experience actually poor, because you're walking up and down a street with all the pollution being emitted. It also makes it dangerous in terms of walking across the street, the volume, the traffic speeds, I think are getting excessive on 23rd. Sometimes people are trying to go from one light to the other, running through, they don't care about pedestrians. And while we want -- what we want is a pedestrian friendly area, shopping street, it's going to benefit the neighborhood and the businesses.

August 28, 2003

Katz: Thank you.

John Bradley: My name is John Bradley, I reside at 2350 Northwest Johnson. I'm chair of the planning committee for the NWDA. I'm not going to take up much of your time today. I want to thank you all very much for sitting here and listening to all of this and listening very carefully to the people and what they have to say. They have said stuff far more eloquently than I could ever say it.

I just want to raise a very substantial cautionary note to the requested changes to the conditional use approval criteria. I think a lot of what we've been talking about certainly yesterday and again today is traffic. And traffic impacts. And what the -- what I perceive these requested changes are doing is lessening the extent to which traffic problems can be looked at. And I'm sorry, I think when you talk about specifically putting in parking structures into the one of the densest neighborhoods in certainly in Northwest area, and you don't look at parking structures, you don't look at the traffic and how it's slowing around them, you're looking for big trouble. Thank you.

Katz: That's the densest neighborhood in Oregon.

Frank Dixon: Good afternoon, Mayor, Council, Frank Dixon, president of the Northwest District Association, 2205 Northwest Johnson. You know, there was one of the folks that testified from Nob Hill expressed her sadness about this day. And I think I would like to echo that. This was not anyone's intent when we started conversations with Dick Singer and Tim Ramis and the planning bureau staff last January, the intent was to bring to Council a solution, a consensus, something we could all work with and live with, and that clearly has not happened. I thought even optimistically going into the June hearing that we were -- if there was a -- some give in modification to the demands to put all the structures in the historic district, and I was hopeful that we wouldn't see a bag load of amendments from either side, that we may have avoided stirring up the passions of the neighborhood again and creating this kind of environment. That opportunity, or that window has unfortunately passed. And I don't know how long it will take to get us back to a point where we can again dialogue and come to a consensus as a neighborhood. I see this right now basically no matter what happens today, as a continuation of a 20-year conflict. I would caution Commissioner Francesconi in terms of what I hear are the amendments, some of the amendments you mentioned coming forward today. I guess it's echoed to some degree, a Nob Hill proposal that was circulating in the last couple days, and I want to make a clarification something Chris Smith said about the linkage of the on and off street program. The whole basis for our discussions starting in January were that these were linked, and they -- if one didn't go forward, in other words, if the on-street program didn't go forward, the off-street program would not go forward, because Nob Hill insisted on that, and vice versa for the NWDA. I think the appropriate response unfortunately today is not to try to pick one side of the equation and move it forward and end -- and hope that the other side comes in to play at some point down in the future. I think it will make things even more difficult if we are to continue our dialogue to breach one of the fundamental understandings that we had and we engaged in in our discussions. I know that puts you in a bind, and I know there's a dilemma there, but I have to tell you that.

Francesconi: Well, see, did I think that I -- or the Council is going to settle this conflict today? No. The whole point is to try to deescalate it some, and hope over time there can be some healing. So that's the -- wait, I'm not finished. Where I'm now confused, we've had some extensive conversations with Chris Smith, and I was told, and it was repeated earlier, and I've listened to a whole lot of the residents, including today, who say they don't want these meters right now. So what I'm trying to do is to be responsive to the neighborhood.

Dixon: Ok. And my response is, it is perfectly acceptable and I don't think there's anything inconsistent with what Chris Smith is saying or what I'm saying that you put a stop to the proposal in terms of the on-street program. The meters, stop the meters. That's fine. The other part of the equation is whether you go forward with the off-street portion of the program. In other words, building the garages at this point. Or permitting changing the code to allow them. And that's --

August 28, 2003

Francesconi: Ok.

Dixon: Decoupling them. And I don't know if anybody's communicated to you officially on behalf of the nwda what the nwda position is. But the nwda has never been offered that, and it is inconsistent with the present nwda position, which is no -- at this point, no parking garages, and no meters.

Francesconi: I understand. I think I understand that point. And i'm not trying to get you to change any official positions, but I have to ask you this question -- if the council, the majority of the council, decides to go ahead with fewer parking garages because -- do you want us to go ahead with the on-street program, or do you want us to wait on that?

Dixon: You know, i'd -- again, I don't --

Francesconi: Chris told me to wait. Is that -- what's your advice?

Dixon: Well, my advice is, if you're not going to go forward with one of them, don't go forward with the other. The -- giving me that choice is not a choice could you go but there may not be the choice. So --

Leonard: I have to say --

Katz: Just a minute. That may not be the choice, frank. The choice would be, you heard part of the amendments that commissioner Francesconi put on the table. I think I know how that's going to turn out on the council, so he took the other part off. That's really the choice for -- the reality of the choice, how do you feel about that? In other words, you don't -- you don't get both in this particular case. You get probably the wrong site off, and i'll argue that later on, but you got the sites, you got one off, two off, actually, and then no meters --

Dixon: If the intent of that proposal is that somehow that's going to diffuse the passions of the neighborhood -- Then i'm telling you i'm sitting here telling you that that will not work. That will -
- [applause]

Saltzman: We know that. The question is, is it better to keep the issues coupled come for hell or high water? Keep the issues coupled regardless? Keep them coupled now, or keep them coupled later?

Dixon: I'd say the best answer is, is this falls back to the position of the nwda going into june and prior, which was, you keep them in lock step. You don't move one before the other. Now, the position nwda's changed as a result of the june meeting, and that put us in a position to oppose both. But we've never taken a position to promote or agree to one and not the other.

Francesconi: So what you're saying, excuse me, commissioner Saltzman, for interrupting. I think what you're saying is go ahead with the meters if we go ahead with the garages right now, today.

Leonard: I don't think we even need to put frank on the spot to answer that.

Francesconi: I'll withdraw that.

Leonard: I'll respond to that and say, I -- that's been what's mistified me in the last couple days exactly what you articulated. I really appreciated what you said. Because to me, as I understood this plan, they were part of a plan. You create incentives for people not to park in the neighborhoods, and you create spots for them to park in after you do that.

Saltzman: And you generate money for the t.m.a..

*******:** Exactly.

Leonard: So I have not quite gotten how we've got off that track.

Dixon: The difficulty, and I appreciate this from commissioner Francesconi's point of view, is that at present, you cannot -- trying to put parking meters in northwest Portland is a nonstarter. So you go back to the problem that we have lost our window of opportunity, which we had in june, and let's -- we need to just understand that we're not -- the -- this is a neighborhood, and the emotions have been aroused, and the window of opportunity is closed, and we should rest it out for a little bit and come back on a different day, approaching it from a different way. And again, I apologize for putting you in this position, because it's unfair -- it's grossly unfair to the council and to the staff

August 28, 2003

that's worked so hard on this. But I don't know of any other -- I can't sit here and say any other thing.

Katz: Ok. Let's move on. Did you want to --

Francesconi: You don't have to apologize. Things happen. It's not -- we end up where we are. It's -- nobody intention --

Leonard: The point was there was a well thought-out reasoned plan by a group of planners that took their task seriously, and this was part of that plan. And to somehow for us to get divided because the heat is on means we're not doing our job. I mean, it's time that we do what we're supposed to do, listen to all the messages and try to weave together a plan that is balanced and we believe is good for the neighborhood, and not so succumb to a lot of pressure that may be miss directed.

Katz: Let me just add, i'm going to be very brief, I think we would have been able to get closer to consensus if the papa hayden site was taken off the list, because the importance of that house, whether it has historical significance or not, is its encroachment in a residential area, and the history of this neighborhood about institutions ripping houses down. And this neighborhood has been bomb boarded with -- and i'm not going to make any speeches now, you'll have to wait until the day we vote on this -- but I think if the poppa hayden's site was taken off, I think the conversation might have been a little different. It may give -- have given the leadership of the northwest district association the ability, may have, I may be wrong, but may have given them the ability to come back and talk to their neighbors again. But certainly now there is no conversation. That's the point i'm trying to make. Let's continue.

Leslie Centner: Hello, my name is leslie sentner, 2903 northwest lou ray terrace. I'm not a good public speaker.

Katz: It's all right.

Centner: I did bring something to help me. And I delivered this letter actually to all you today. It is important to note that my objection is not just another argument for not in my back yard. It is not really about backyards at all, but about larger neighborhoods. What it takes to be good neighbors and who must be counted as neighbors, beyond just residents of the community. If we hope to maintain a thriving neighborhood. In this case, of parking development it seems to be more of an issue of free parking versus pay parking. We need to make better use of existing lots, they've said it over and over, before today's solutions become tomorrow's problems. It appears the most important issue facing Portland council is to create and preserve jobs, but rather than be short sighted it's important to keep in mind how that priority is connected with this issue. Oregon and the entire country is experiencing a severe economic recession. My husband was out of work for nine months last year. There was no disposable income. We're still recovering and being very cautious, dramatically curtailing expenses and buying only necessities. I suggest there are more families like us that have impacted businesses in the vicinity of northwest 23rd. Like most americans, the single most important asset that we have during that long period of unemployment was our home. If heavily taxed homeowners cannot depend on the protection of their property to hold its value, there will be no trust for the current council members. Please remember, we live in the area, walk and drive the streets, put up with the congestion, pay very high property taxes and vote for city officials. Accusations of an uncaring community are incorrect. We care, and we are still not being heard. Be careful of becoming insulate and having-to-disdain for Portland residents. Their concerns and solutions are well thought out and valid. It is important and proper to allow a developer to take the lead of our city planning, but currently it seems there is a lack of democracy with the nwda not being heard even when we have tried to compromise. Rather, we were trumped by mr. Singer's own priorities, and unilateral actions. I want to leave with you this one image. Greenwich village, under other purposes, was condemned by robert moses in the 1960's in order to accommodate more cars. One can only imagine -- . [applause] -- new york city without greenwich village. I applaud

August 28, 2003

jane jacobs and her supporters for their vision and courage. She has inspired me during this arduous effort not to lose hope. Greenwich village remains today a tight residential community where residents and business owners care about each others' lives. Greenwich village is a discreet, warm-hearted, styling community. It was the community at large that was able to preserve and save greenwich village from one man's domineering opinion and self-serving purpose.

Katz: Thank you. [applause]

Howard Glazer: Howard glazer, I have offices and own the first historic building in northwest Portland at 2068 northwest flanders. And I apologize first, apparently I was out at the men's room when my name was called. [laughter] but that's the way it goes when I get to be 80. [laughter] I want to comment about my neighbors in northwest Portland. I am near tears. I was one of the founders of the northwest district association 30-some years ago. I signed the charter. And I have never been to a council hearing before where I have heard so much intelligence and concern about neighborhoods, and presumably each one of you have given promises to all of us about being concerned about neighborhoods. So here's your chance. I'm going to suggest a radical thing. I want you to do two things. I want you first to table this. Don't give a no, just table it for the moment, and I want you to insist that you get a study of a shuttle system with perimeter parking. It's been dismissed by your staff on the basis that it was going to be expensive. But there's absolutely no evidence of what they're talking about, other than a number that they picked out of the air. The second thing they say is that there are few examples of this working. I invite them to go to google on the web. There are scores of examples all over this country of shuttle systems, very similar in commercial streets where they wanted to lower the traffic and increase pedestrian use. And it's exactly what 23rd and 21st needs. They don't need more cars close by. They need access for people who are going to walk the streets. This is not pearl district, this is not downtown Portland, it's not a primarily a destination parking area. A commercial strip. It's a walking street. I talked to dick singer before this meeting, and I hope i'm not abusing confidence, but he said, i've been misunderstood. I never thought that we should be competing with the pearl district. You can't. 23rd is not the pearl district. It's a totally different use of commercial use -- businesses. You walk 23rd. The pearl district hazardous continuation. You go to a particular place. You go to a particular place downtown. And a shuttle system, and there are many of them that are working beautiful 30. Now, I think you need to table this and insist that either through a consultant or your own staff get a study that compares -- first of all that brings up those systems that are working, and get comparable costs and the pluses and minuses of these two alternatives. Any kind of parking at all, whether it be structure -- in other words, no more parking. We don't need more cars. We need more people.

Katz: Thank you.

Glazer: And you've got land, you've got land on the perimeters of northwest neighborhood, that would be suitable for parking. There are a lot of ways to move people around.

Katz: Thank you.

Glazer: Without their driving down the street.

Katz: Thank you, howard.

Katz: All right. Chris, what -- .

Chris Smith: Can I respond --

Katz: Oh, to those amendments?

Leonard: Which ones?

Katz: The ones -- you responded --

Smith: The ones I believe you're sponsoring, commissioner leonard. Chris smith, 2343 northwest pettygrove street. To the issue of the conditional use criteria, I would simply echo what john bradley said, that these are critical to maintaining the transportation frastructure in our neighborhood, and we would oppose any weakening of those criteria. To the 30-foot height issue,

August 28, 2003

we frankly have no planning view on what that does to the different structure locations, and -- until there's been some form of study done to see what that means, it's difficult for us to have a person and we would proceed cautiously and say let's keep 25 feet. I think debbie and I have a common understanding of the code, and I think she'll be back to talk about the 25-foot versus the 45-foot issue. On the issue of changing papa hayden's designation to a site b and raising that to 110 feet, we oppose that site in its entirety, so that's just punching us a little harder in the face. And i'd like to just clarify I don't think frank and I are saying different things. The policy of the nwda is this plan is not good for the neighborhood, should be stopped now, the position has always been that the plan elements should continue together. I think what we agree on is pragmatically the metered district is a nonstarter, and please don't start a nonstarter at this point. We're not different on policy. Thanks.

Katz: Ok.

Leonard: But would you agree with frank that they -- the issues had always been coupled and decoupling them does not make sense?

Smith: The whole plan doesn't make sense.

Leonard: I'm asking you specifically if, does it make less sense if the issues are decoupled?

Smith: I think each piece of this plan that you're considering proceeding with will create incredible contention in the neighborhood, and if you do both pieces you'll get double the contention.

Katz: Ok. Come on up and respond -- let's clarify commissioner Saltzman's issue, and be careful that you're sure you know what you're talking about, because we ran into this with the tower. And I was jocelyn who said, i'm not sure that you all are right, and you think it can get more bonus without design review, so we came back and cleaned that up. So make sure that you're right on that issue. It's a related issue.

Gill Kelley: Joe has done a little research on that question, so we can answer that.

Joe Zehnder: So the answer, it's -- the specific code reference is page 23 of your handout, but the way it's currently constructed is that through a conditional use permit, those can go up to 45 feet. All of our permitted sites can also be conditional use sites. What we've done is we've permitted them for a limited number of spaces and then said, but in the future if things change, and you want to consider for conditional use, you could apply for a conditional use, even for papa hayden's. If it were to do that, the way this is written now, it could consider coming in also for up to 45 feet of height. So to be consistent with the restriction that's we're putting on the permitted use site of 35 feet, we would want to change in loophole for those permitted use sites. So it is a loophole, we can close it and that's what we would propose --

Katz: Basically the change as we did on the tower.

Zehnder: Right.

Katz: Ok.

Zehnder: It's just going to be 30 feet for those sites.

Francesconi: On the residential side?

Zehnder: On the residential portion of the site, correct.

Francesconi: And they're measured differently?

Zehnder: Correct. The c.s. Portion of the site could rise up to 45 feet, which is what the base zone -- on the commercial part, the residential part is 30.

Katz: Can they get a conditional use on the commercial to go from 45 to something else?

Zehnder: They could get a conditional use to increase the number of spaces, mayor, but we're going to build this in such a way the height cannot change.

Katz: Not increase more than 45 on commercial.

Zehnder: Right. We'll set the envelope and if they want to try to fit more spaces in there, fine.

Saltzman: So you'll fix it that 30 feet is the maximum for residential?

Zehnder: On residential, yes. That's our proposal.

August 28, 2003

Katz: All right. Go ahead, keep going.

Francesconi: If -- so based on what you just said, this amendment, moved by commissioner leonard on height, doesn't seem to be necessary, does it?

Zehnder: Well, if I can -- let me -- if I can go through --

Katz: Let go through them systematically.

Zehnder: I believe we've done what commissioner leonard's amendment wants to do.

Francesconi: That's what I thought. I thought while --

Zehnder: Yes. For -- for the height limit, the language that's in the proposal sets --

Katz: Whoa. We've got this sheet and we've got ours.

Zehnder: Right now I'm just going to go through the amendments initially that were moved by commissioner leonard. First on the setback issue, this is -- paragraph e on the handout that you have, this language waives the side and rear yard setbacks for the small permitted parking structure sites. We have a version of doing this based on the commission's input, city council's input from the last time we heard in the code already. And that's on page 21 of the proposed code. And what I would recommend is that the staff's proposal on page 21 reduces those setbacks for each of the individual sites where we believe it's necessary, sites 6 and 7 are restaurant row and papa hayden's, and you can see that in that table on page 21 the setback from the side lot is none, and the setback from the rear yard is according to a c.s. Zone. Basically what we've looked at is a specific proposal for those sites and said where they're showing you need a setback reduction, we're going ahead and granting it. Where there's some flexibility we're saying let the design review process take care of that portion of it. So this does get out of the way where we know a setback as of today is a reduction is required, it leaves in place some setback requirements but all of those are modifiable through design review.

Katz: Let me try to -- that's -- that's item 13.

Zehnder: That's item 13 on our table. It's the first item on the list of amendments that were moved by commissioner leonard. And the relevant code is on page 21 of your handout.

Katz: Ok.

Leonard: So you are saying item e in my handout would not be necessary because it's item 13?

Zehnder: Yes.

Katz: That's assuming the council will adopt it. We heard negative testimony from the northwest district association on that. They wanted more flexibility on the setbacks.

Zehnder: Right. So we basically have attempted to do what I believe the intent of e is, we have a different way of doing it. Height, so going to the second item on commissioner leonard's list, which is height limits, this is not a specific amendment --

Katz: Let me ask a question on the setbacks. Do we usually listen to the developer and acknowledge how much setback he needs for a proposed site, or do we have -- what's the normal procedure on setbacks?

Zehnder: Normally a set back like this would be modified through design review. All of the setbacks we're talking about could be modified. The concern that was raised at the last city council hearing on the part of the nob hill business association is that because of the level of controversy, we're either witnessing today, they felt unsure that they would ever get that modification. Every -- that's the reasoning. And the sentiment of city council at the last hearing was, do what it takes to get these things done of the ones that we approve.

Katz: So what are you saying? You're saying, don't give them the flexibility, but that could be an issue that could be addressed at design review? Or not?

Zehnder: I'm saying that under currently it is an issue that could be addressed under design review. They've asked for greater assurance that the --

Katz: So it can't be addressed under the design review, because they want greater assurance.

August 28, 2003

Zehnder: They want some of the setback reductions. Right now the side yard setback is five feet. Design review can look at that and say because of that design and because of the need of the structure we'll reduce that to zero. The applicants in this case they're arguing that they need greater assurance that that decision, that that decision to go from five to zero is critical to be able to make them feasible. Without that these certain sites are not feasible for parking structures.

Katz: Would the language you have here, if the -- when the issue comes before -- would the issue come before design review? And if the answer is yes, could the design review make some changes based on their notion of what an alphabet historic district should have in terms of structured parking?

Zehnder: For restaurant row and for papa haydens, we are granting the setback reduction with this change we're making to the ordinance.

Leonard: So there's no opportunity for design commission to modify that.

Zehnder: Correct.

Katz: And we don't usually do that. We don't usually do that.

Kelley: We don't usually do what this is proposing.

Katz: You've answered my question.

Zehnder: We do not usually do this. Debbie has informed me this is a lot like the uptown tower. The design commission could require that the setback be there. Because on the design grounds, they could require -- modify that setback.

Leonard: Is your interpretation of e as i've proposed it, allow for that?

Francesconi: Under what version? Now i'm confused.

Leonard: Under my motion.

Katz: E is 13.

Leonard: Recommendation 13 on page 2.

Katz: Let's clarify that. Commissioner leonard is right. Let's try to clarify. Would it allow the design commission to make some alterations with the current language? Let me say, on papa hayden's site?

Zehnder: On papa hayden's site the current language grants the setback reduction. So what's unclear is that once a setback is set to zero, if design commissions in a position to increase that setback, and I would say my understanding is that they would be.

Leonard: They would be?

Zehnder: They would be. Similar to uptown, they can move around the building --

Leonard: Item 13, under your proposed --

Zehnder: I believe commissioner it would be true under both proposals.

Katz: Let me --

Kelley: I think this requires reading two provisions of the ordinance together. And I would prefer to research this one so we --

Katz: I agree. If the council is interested in adopting 13, let's give the staff some opportunity to research it so that we don't -- council doesn't do what they probably don't want to do. Or at least they will have the information to make a decision.

Francesconi: If your research could also tell me, while you're at it, the difference between d and e from a practical -- 13 and e from a practical standpoint.

Kelley: Ok. We'll do that. If it's your intent to allow the design review process to have the discretion to require some setback if the circumstances warrant. If that's the general sense --

Leonard: No.

Kelley: That's not your proposal. Ok.

Zehnder: So we would have to take that away --

Katz: Excuse me. Let me find out what the general sense is of the council on this item 13. We don't know yet whether this would allow the design review commission some flexibility in making

August 28, 2003

the decision. And so if you're interested in having the design review have some flexibility, now is the time to give the direction to the staff. If you're not, now is the time to give direction to the staff.

Kelly: Correct.

Katz: You're not interested. Are you interested?

Francesconi: My whole point was trying to remove some parking structures. But then building some other parking structures. So I guess I'm with where the council was before, I actually want a few, and just a few parking structures actually built.

Katz: That's --

Kelley: That would be lowering the number of structures but having more certainty with regard to the ones that are remaining on the list. Ok.

Sten: I find it a hard question to answer. I think we're doing the end game before we've voted on the whole --

Katz: You're right.

Sten: I don't even know -- I'm finding it very uncomfortable to try and run this many amendments on the fly in the middle of a bigger policy discussion.

Kelly: I have to say --

Sten: I have thoughts on both sides, but I'm finding it almost impossible to make a rational decision, which is my job.

Katz: Then let's proceed with -- ok. You're probably right. Let's proceed with a summary of results from June 19. Let's start with the big issue in terms -- that commissioner Francesconi -- let me see. Let's start with the additional design regulation and review category. Council informally supported granting modifications of the setbacks for the proposed parking structures. Let's start with that.

Zehnder: So that is the topic we just discussed. We need to bring back for you a clarification or -- about whether or not design review can -- still has discretion if we grant the setbacks.

Katz: But I need to know from the council, do they agree with commissioner Francesconi, who presented an amendment to take off the legacy and to take off pizzicato site.

Francesconi: They're on a different subject.

Katz: I'm trying to get to the issue that commissioner Sten -- those are the big issues. Then we can decide where we go from there.

Kelley: If I might just add, I think related to the number of structures is also the number of cap or potentially related.

Katz: Yes, and I don't know where we are on that, because I didn't count them. So where is the council on changing the -- changing the numbers of parking structures and the suggestion that commissioner Francesconi made on taking pizzicato site off, taking trader joe's off, and taking legacy off? Is that right?

Francesconi: It was almost right.

Katz: It's your motion. So you make it.

Francesconi: Pizzicato and legacy, taking time off, but let me keep going. It would -- there's a nuance. Legacy would be allowed a shared parking, and continuing with the third one, we can do it all at once, trader joe and flanders, that -- there would be no use as a parking structure for five years.

Katz: Flanders and 23rd?

Francesconi: Trader joe's and the flanders professional building. The flanders medical building, that's the one.

Katz: That's what we call -- flanders medical building, ok. All right. What's the sense of the council?

Leonard: What's the reasoning behind removing trader joe's? For five years?

August 28, 2003

Francesconi: It's just delaying the impact on the neighborhood of additional parking structures, and hopefully we will have removed two other ones. And then hopefully, I emphasize "hopefully," the neighborhoods would be more willing to institute well within that time the the on-street portion as well.

Katz: Do you want to make that in a motion?

Francesconi: That's my motion.

Katz: Do you want to repeat it again? Repeat it again and i'll ask for a second.

Francesconi: Ok. I will move that we eliminate -- how about this. I move we eliminate the pizzicato site. And the legacy site.

Katz: Ok. Do I hear a second?

Saltzman: Second.

Katz: All right. Any discussion on the council?

Leonard: Actually --

Francesconi: Can I amend the motion? I apologize. That way I don't -- I don't want to talk about legacy and good sam again. *I'd like to eliminate the pizzicato site and limit the legacy and good sam site to shared parking. That's my motion.*

Katz: And the trader joe's you're not going to touch?

Francesconi: That's my next motion.

Saltzman: *I'll second it.*

Katz: Ok. Do I hear a second?

Saltzman: Second.

Katz: All right. Roll call. I'm going to take a roll call on this, because there are some people who may feel strongly about this.

Francesconi: Aye.

Leonard: Well, I think in an effort to try to appease both sides with this motion, what you end up doing would be much like throwing a life preserver to somebody that's 75 feet away with only 50 feet of rope. And it is not going to work. I mean, I think that I have one commitment and one commitment only, and that is to relieve what I consider to be an onerous set of conditions in the neighborhood with respect to the parking, and i've been right in the middle of this debate and gone right to the center of the neighborhood to discuss the neighborhoods' opinions, and mine, and I think the best plan is to create tasteful, well-placed parking that creates incentives for -- that was a reasoned response. Thank you. Creates incentives for people to park in those structures and out of the neighborhoods. I think that's the plan the planning bureau came up with that originally, and I think although I applaud commissioner Francesconi's attempt to find some middle ground, I think that is going to cause ironically, if we adopt this motion, this parking plan to fail. Then everybody can say, see, we told you so. So I think we need to do what the experts have told us will work, what i've become to be convinced will work, and I don't think this proposal helps. No.

Saltzman: Aye.

Sten: Well, let me share a couple views at this point. You have hearings to try and think these things through, and I found this to be a very difficult hearing. I don't think you owe me an apology, frank, but would I have loved to have been in a different situation. The last vote was 3-2 on the council for all 8 garages, so we're in a very different position. I was one of the two and I want to just say one thing, I think this is important to me personally. There's been some people in this audience who have taken some personal shots at dick singer. I think he's an honorable person who's worked very hard, and I think you can't talk about how much you love this neighborhood without talking about dick singer, because he's developed this retail property in a way that's done a huge amount to bring in the character. There's a lot of choices he could have made in terms of what he did with his property that you wouldn't love this neighborhood. And those would be things the council could never in their wildest dreams touch, like which tenants he picks, who he puts in there,

August 28, 2003

and he works like crazy to make this work. He has an economic interest of course, but to write off what he's doing as, you know, robert moses paving out greenwich village is completely unfair. And I want to say that on the record. I think he's an honorable person, and he's worked very, very hard. After saying that, what I want to say is that i'm a middle ground on this in the sense that i'm convinced that some mix of things needs to happen, and I believe that some parking garages can happen in a way that would be very helpful, and i'm going to site the m.l.c. Site. I think that would be a very strong place that would be good to help restaurant row. I think the circling on restaurant row, I live in northeast Portland, I come over and eat in your neighborhood on friday nights and it is very hard to find a parking spot. And I think particularly when you're going to the restaurants during a busy time. So I think some middle ground is necessary on this. And i've told dick and his team all along I think that they've done thoughtful work to try and design some parking structures that would have the minimum impact. And I think some are necessary. I really need to explain this position that i've come to sitting here thinking. The reason I voted no wasn't no on the garages, I thought we couldn't have eight of them last time. This time around I believe we're in the vicinity of something that could work. I think taking the pizzicato site off is a positive, I understand the neighborhood would prefer to have the papa hayden site off, but I think we're close. I also listening to this closely have come to believe sitting here that we've got to have something more like a package for this to work at all. I just don't believe this can work unless we find some way to get to some more middle ground. I understand from frank that -- I hear you loud and clear and I heard the people here, this is not possible right now. I don't think I can sit up here responsibly after people have worked on this for hours and years and years and say, all this -- i'll wait until the neighborhood simmers down, and it could be years and years, and here's people who have made investment on decent things. On the other side, i've got to say I don't think we have a package yet that can work. I think it needs more work. I think it needs more thought, and at this point, which is not what i'd thought coming into this, i'm not ready to support commissioner Francesconi's compromise package, not because I think it's not the right step in the right direction, but I don't think we've got it yet, and I want time implore the two sides to do some more work based on some of the principles you're talking about. And I know that's not what anybody wants to hear, but that's what I am -- where I am today. But i'm voting no, but for a very a different reason than commissioner leonard.

Katz: Fair enough.

Katz: This in a way I agree with commissioner Sten. I too -- i'm going to be a no on this entire -- all the garages. I may end up being a no on the entire package. But I need to also explain something that I don't want the anger pointed to dick. Dick has made the neighborhood very special. I don't agree with him on this issue. And that's the difference. And i've told him that. And I had hoped that the two sides would be able to sit down and work through these issues. I'm a firm believer that you ought to be dealing with parking where you've got a piece of land that's zoned for parking and could be developed immediately. I also believe that there are better sites than papa hayden's to deal with some parking. I do believe that 21st needs some relief from all of the traffic going to the restaurants. I'm not sure I agree with the fact that we need that much more parking on 23rd. I walked -- let me tell you a story. I bought a house in northwest Portland. I didn't even realize we didn't have a garage. [laughter] because that's what northwest Portland is all about. In fact, when people complain I tell them, i'm not sure this is the neighborhood you really want to live in. This is a very special neighborhood. People have values about how they want to treat their environment, and how they want to relate to their environment. So I am not happy with the package either. I'm going to vote -- i'm going to support this motion because the less parking garages the better, and eventually the council will come to some decision. I too would love to have a little bit more time to see if anything can work, but quite frankly, at this point I doubt it. So with the motion being made on this particular area, I will vote aye, take off a site, and we'll move on. Ok. The motion carries. [gavel pounded] all right. Let's move on.

August 28, 2003

Francesconi: Ok. Now, this is my last -- this is my attempt to try to get us to move on. And to help. I'm confused -- well, I won't say it. I'm not going to say it.

Katz: What are you confused about?

Francesconi: I'm not going to say it. Here's my second motion, actually, and that is to have the council come back with -- to direct my bureau, the bureau of transportation, to come back rather than with an implementing ordinance, to come back with a status report on the on-street parking plan, including both permits and meters, no later than february 15 of 2004. I guess i'm going to have to make a third motion. Should I do it all at once.

Katz: Before you make that motion, you wanted to make a motion on legacy and trader joe's. Do you want to do that? Was that included?

Francesconi: No.

Saltzman: Legacy was included.

Francesconi: Legacy was --

Katz: Do you want to make a motion on trader joe's?

Francesconi: Ok. Ok. *Trader joe's and flanders is delayed for a minimum of five years.*

Katz: Second?

Francesconi: Why don't I just do it all in one.

Katz: There may be people who want to vote differently on the piece -- on the pieces. So let's deal with the garage first. Then we'll deal --

Francesconi: Whatever you would prefer. Is there a second?

Katz: Was there a second? On the delay of trader joe's for -- did you say five years? Was there a second? *I'll second it.*

Francesconi: Thank you, mayor. [laughter]

Katz: All right. What's the sense of the council? I don't want to go through a long --

Francesconi: I think --

Katz: Roll call.

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

Katz: Aye. Motion fails. [gavel pounded] ok. Go now with your next motion.

Francesconi: That we -- let's see. That we -- on the off-street parking -- i'll repeat the one I started. *Instead of asking pdot to come back with an implementing ordinance, that we ask the council to direct pdot to come back with a status report on comprehensive on-street parking by february 15, 2004.*

Katz: Let me just clarify. And what's the status report going to be? You're going to -- do you want to implement it now?

Francesconi: That's the difference. Instead of implementing, we're going to come back and work with the parties, but we're not going to implement now.

Katz: You're not going to implement. *So the motion is really to delay the implementation of permit and off-street parking. [This motion was corrected later in the meeting to "permit and meter parking".]*

Francesconi: Right.

Katz: Ok. And then have -- and then have -- i'm trying to help. And have pdot come back with a recommendation or --

Francesconi: A status report.

Katz: A status report.

Zehnder: If I can just ask for clarification, it's permit and off-street?

Francesconi: It's both. And I said both.

Katz: Ok. So really the motion is to separate it. Ok. Do I hear a second? *I'll second that.* Roll call.

August 28, 2003

Francesconi: This one I have strong feelings about this one, folks. We have to -- I understand that it would have been ideal that we proceed together. But now this is not an ideal situation we find ourselves in. So what's important is not only that we pass policies, but we pass policies that we can implement and that work with the neighborhood. Now, the neighborhoods are our partners on this, and the idea that we can impose this, the on-street parking permits and meters, without more cooperation from the neighborhood, is not right. And Chris Smith is right on this one. That we have -- and we have to listen to the citizens who have really weighed in on this. So I have very strong feelings that we have to back off and slow down on this part of it. It's the only hope we have of eventually, with continued good leadership, and a sense eventually that we're in this together, that we can resolve this. Aye.

Leonard: Well, I have listened to the citizens, and I've talked to a number of the folks in that community many times, and I appreciated the testimony from the woman whose son is a paramedic, hopefully a Portland fire bureau paramedic, who would have to pay to come to visit his mom by plugging a meter. And I had to ask myself, how does he get there now? How far away does he park now to come see his mom? I don't think this plan works unless it goes forward as a plan. I think it's important that we create incentives to keep nonresidents out of the neighborhood and create incentives for people that live in the neighborhood to be able to park at least near their house with free permitting. And I don't see how we put this plan together and make it work and have it be balanced unless we make a tough decision here that are going to be required to -- cause this plan to succeed and not fail. And I'm afraid at an attempt at trying to please some we're going to feed into the notion that it will fail and cause it to fail. No.

Saltzman: I agree that off-street parking, on-street parking, t.m.a. Need to be coupled. And I am sorry the neighborhood doesn't like the way they're being coupled now, but I firmly believe for this plan to work they need to remain coupled, and I'll have to be honest, I do resent all the veiled threats that seem to have scared many city bureau people. I resent that. So let's keep them coupled. If you're going to suffer blunt force trauma, and apparently that is the perception of many of this plan, it's better to get the trauma over with over with. Let's get it over with. That's the only way you can start the healing. Don't stretch it out anymore. Aye. Wait. You want to --

Katz: You want to vote no.

Saltzman: No. Excuse me.

Sten: At this point --

Leonard: Was that an uh or an aye.

Sten: That was an uh. At this point I'm a no vote on the overall package, because I believe we can do better and I want to keep pushing both sides to do that. I'm going to vote aye on this amendment because the package is already carried and I think the idea of decoupling the two so that the meter implementation doesn't begin immediately which I heard the neighborhood say they don't want to have -- I understand they want to come together, but the council has voted to move on the garages, and -- which I don't think we should do yet, but I'd hate to see us moving on the meters at the same time. So if I understand this correctly, and I think this is going to be a vote where people try to diagnose exactly what happened here, given my position, I think the best vote is aye. But again, I'm also a little bit on this round of amendments saying out loud to the council that I think we ought to take a look what we're actually voting on here and bringing it back for a second reading, because if someone else understands the implications of how all these different things come together, it's not me. Aye.

Katz: Aye. The motion carries. [gavel pounded]

Francesconi: Here's my last motion. So what just happened is, we just decoupled it. It's clear. People in the neighborhoods, the meters and the permits, are delayed. Because from my perspective, we -- was that a question, joe?

August 28, 2003

Zehnder: The motion as I heard it was that both are put off until January, on and off-street. That's why I asked that question earlier. Or February.

Francesconi: But not for implementation. For a status report, which is a lot different than implementing. Are we all clear now? Again, this is my last motion. Again, it's because this was my attempt to try to give some healing here, not healing, to get us to move on. And it's my belief that we eliminate some structures, but we still need parking. So my last motion is, because of the overall decreases in space, which I just did, I think we should increase the Papa Hayden space to 110 total, and we should allow on the M.I.C. And Elizabeth Street commercial parking to be allowed. That's my final motion.

Katz: Oh, well, we have a problem here, because that was not -- we're going to have to have more testimony next week. This is a -- the Papa -- what are you shaking your head --

Zehnder: In terms of both were mentioned earlier today.

Katz: Not on the Elizabeth Street.

Francesconi: Just the commercial parking. Commercial surface parking.

Zehnder: The second part of the motion is to legalize what's there now, the surface lots at M.I.C. And Elizabeth.

Katz: I need to understand what Papa Hayden, what 110 is, since we've got people who want to limit the height. Now I'm confused.

Zehnder: I believe 110 is the version to get you up to 27 1/2 feet. That's the multistory Papa Hayden's, even on the residential portion.

Katz: Ok. And with the understanding that we are still coming back to discuss the limit on 30. Ok. So that's a motion.

Saltzman: That works within the limit? 30-foot --

Francesconi: I think it's going to work within 27 1/2.

*****: [inaudible]

Katz: Elizabeth Street now is zoned --

Zehnder: Elizabeth Street is zoned C.S. And R-1, and it's located at 23rd between Irving and Hoyt.

Katz: What's the impact of the motion to allow commercial --

Zehnder: The impact is the surface lot that's currently existing at Elizabeth Street, there's -- there may be 20, 30 spaces in the back there, it will be a legal use now, a legally established use where it's not exactly right now.

Katz: Ok.

Zehnder: As a surface lot.

Katz: All right. Do I hear a second?

Leonard: Will you repeat your motion, please?

Francesconi: *The existing use on Elizabeth Street, which is now going to be legal to use the surface lot as commercial parking, that's the first part, and I'm looking to my people to make sure I'm saying this right, and the maximum that can be built at Papa Hayden is 110, within the height limitations of 30 and 45.*

Leonard: *Second.*

Katz: You did -- we're not sure yet where the council is on the height issue on Papa Hayden. The notion was I think that Commissioner Saltzman and some of us I think down at that end, or at least Commissioner Saltzman and myself, wanted to limit the garage -- if you're going to build them, to 30.

Francesconi: I agree.

Leonard: That's consistent with the motion I will make.

Francesconi: I want to do it too.

Katz: You meant 45 --

August 28, 2003

Francesconi: That's in the commercial section. The residential site --

Leonard: I will have a motion that limits it.

Katz: Do I hear a second?

Leonard: Second.

Katz: Roll call.

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

Katz: This gives me an opportunity to vote no on the papa hayden's site, and there's enough votes here to limit the height. I'm going to vote to limit the height anyway, if you're going to build it, but I think this is the wrong place to put a garage. No. [gavel pounded] all right.

Francesconi: I'm done.

Leonard: Ok.

Katz: Let me just -- I think -- I think we're done on the metered and we're done on the garages, and we have the notion on the height. All right?

Leonard: Setback height, access --

Kelley: If we can come back, I think after you finish the height, probably we need to come back and --

Katz: What? I still have -- .

Katz: Council has to direct pdot staff to begin the process to organize a t.m.a.

Francesconi: Yes. Can you do it, rob?

Katz: Rob I think is going to get a heart attack before the afternoon is over. I've been watching him.

Burchfield: Before we address the t.m.a., would it be ok if I asked to clarify a question with commissioner Francesconi?

Francesconi: Uh-oh, this is bad.

Burchfield: Partly because I think it's 5:00 and we've been at this for a while, but I think maybe the motion that was made regarding the language *was permits and off-street parking. And I think --*

Francesconi: *I meant meters.*

Burchfield: *I think meters was the key issue there that we didn't get in there.*

Katz: *I'm sorry.*

Francesconi: *Permits and meters, i'm sorry. It's permits and meters.*

Burchfield: It's really the on-street regulation.

Katz: It's the other side of the equation.

Francesconi: It's not the lateness of the hour, it's me.

Katz: And I should have caught it. *Council would direct pdot staff to bring the process to organize a tma. Is everybody all right with that? All right. So ordered. [gavel pounded]*

Francesconi: Did we correct the other one?

Katz: It's corrected.

Francesconi: Ok. Thank you.

Katz: We'll go back to the timing and effective date at some point. All right. Let's go back -- let's go to the numbers now.

Leonard: The numbers?

Katz: The numbers.

Leonard: Oh, ok. Before mine?

Katz: Yours is 13. So let's take seven.

Zehnder: There's one more left on this original list.

Katz: Which is?

Zehnder: *It's the shared -- the interim shared use parking provisions. So that -- which nob hill - - nwda testified against, and the idea is that we have a list of map sites that for the period between now, whenever the zoning takes effect, and whenever the t.m.a. Is up there to license those --*

August 28, 2003

that shared use parking would be allowed on those sites. That's the proposal that's on the table that hasn't had city council action yet. And nwda is in opposition to it, over concerns that the shared use needs to be more closely regulated. And tied to the t.m.a., which --

Katz: *Wouldn't the t.m.a. Be able to regulate it?*

Zehnder: *An alternative would be not to do this interim piece at all and just wait until have you a t.m.a. The nob hill representatives were worried that might take too long and that there needs to be some shared parking sooner than later. This provision gives you a sooner than later, but on the other hand it takes away an extra impetus to get the t.m.a. Up and running.*

Katz: *What's the feeling of the council?*

Francesconi: *Isn't -- .*

Katz: *What? Council? Anybody in opposition to it? Measure carries.* [gavel pounded] all right.

Item seven. Off-street parking. That was -- I don't think I heard any opposition to that. Oh, there was some talk about type b, and I have a question mark, I didn't understand ramis's issue.

Zehnder: The proposal from nob hill was to lower the type b cap. Right now type b is m.l.c. And pizzicato. And it's at 160 spaces. The proposal that was just made would be to lower that to 110, and to move papa hayden's into that category. So it's a different way of doing exactly what -- of what the city council voted on earlier, which was to increase papa hayden to 110, and what it does is lowers the cap on those other two, really the other site that would be remaining of pizzicato is removed is m.l.c. It's a change staff could support.

Katz: And nwda ok'd it as well.

Leonard: You're talking about number 7? Does that correlate to my f?

Zehnder: No, that's -- this number 7 refers to the overall cap on the number of spaces. It doesn't deal with height.

Katz: Ok. *Any objections? Hearing none, so ordered.* [gavel pounded] item 11.

Zehnder: Mayor, before we move on, since we've reduced two sites, the overall number of off-street sites, this discussion of the cap opens up the opportunity to lower the overall cap. Right now it's 800, and since we're taking two sites off, it would be reasonable to *lower the cap and a number that's been out there is 650, that would correspond roughly to what you're taking off by removing pizzicato and legacy.*

Francesconi: *That makes sense.*

Katz: *That does. Are you sure of the number?*

Zehnder: 650, yes.

Katz: *Do we have to acknowledge that or does that --*

Zehnder: *It would -- it's an amendment.*

Katz: *All right. Anybody in opposition? Hearing none, so ordered.* [gavel pounded] all right.

Item 11. Access from main streets.

Leonard: That would correspond on the number g.

Katz: Talk about -- i'm -- I know that if you're going to have commercial parking, you need access, but --

Zehnder: Mayor, this is one we think we've already done. And our version of it is on page 25.

Katz: Ok.

Zehnder: So we support the concept that's captured in g. We believe we've already got it in there in a way that accomplishes this, and we're willing to go talk with the proposer of the amendment, to clear up the language, but we believe we've done this already.

Leonard: Can we hear a response now?

Francesconi: Before we do, I just want to say one thing about this. At first I like the idea of comparing these and making sure we know what we're doing on these technical amendments. But I also want to say something, and I think -- that john bradley addressed, which I think is important on

August 28, 2003

these conditional uses. And that is, we can't -- traffic impacts have to be analyzed. And we can't have -- if the garages are going to significantly degrade the traffic patterns, then that needs to be a grounds. But I understand that that's still true. I mean, we're not giving up the right to look at that, is the point i'm trying to make.

Zehnder: Correct. Just to clarify myself, i'm only in my last comment I was only talking about commissioner leonard's amendment g. Now, the conditional use criteria was -- but nob hill did talk about it in the same breath, that's h and i'll get to that next after we --

Katz: Ok. Let's get to 11, which is access from main streets, and that was where both ramis and leonard had an amendment, and i'm not sure I understand ramis's. Joe, do you understand his amendment?

Zehnder: For main streets?

Katz: 11 was ok with nwda, with your alternative amendment, but ramos came in with something else.

Zehnder: I really do think it's a confusion of reference that this was written looking at an old version of the code that if you look at page 25 of our proposal, it says in there specifically what this is intended to accomplish, which is that if you've got your conditional -- getting your conditional use is one of the criteria that you can use to get access from a main street approved. That's what we're both after, we've got a version of it that does that on page 25.

Katz: Did you answer my question with regard to nob hill and ramos's amendment on that?

*******:** The --

Katz: This one here.

Zehnder: Oh, yes. I'm saying that we believe that this is accomplished by what's in our plan already. We don't think this is necessary.

Katz: All right. So we'll leave that alone. Is that all right?

Leonard: That's fine.

Katz: Let's move on to --

Francesconi: I just want to make sure that you're right, that's all. Yeah.

Katz: We're not acting -- we're acting on r-13, which is buried in 24 -- on page 25. *13. Setbacks, next to residential zones.* We had a little discussion on that one. What's the feeling of the council?

Leonard: I heard one planner say that number 13 does allow for some -- some involvement beyond what the amendment I was proposing would.

Francesconi: I thought this one where gil kelley said you want to do.

Kelley: I wanted to get a sense from the council of which way you wanted us to bring language back. If it was to eliminate the uncertainty or whether it was to allow the flexibility for the design -- those are two different approaches.

Katz: Ok.

Kelley: We can write it either way, or make sure of it either way.

Zehnder: And we'll clarify it, but our understanding is we've created a provision to accomplish what the proposed amendment was to accomplish, which was to give the garages or the sites where we knew they need setbacks, those setbacks now. However, in design review it can be moved either way by that process. So we would have to -- if the intent is to take away that discretion from design review, that's what we'd have to hear from the city council now, we'd have to go back and draft something to do that.

Leonard: I've made clear my position, and I don't --

Francesconi: I did too.

Katz: What's -- .

Francesconi: I think that -- since we took away some, this one needs to be built.

Katz: Right. Ok.

August 28, 2003

Sten: I think giving the setbacks adjustment makes sense. I'm a little torn on the idea that the design review can't look at it at all.

Saltzman: I don't think we're saying that.

Zehnder: They can look at everything else, but they won't be able to move the setbacks based on this idea that you're --

Katz: Why don't you bring language -- let the council think about it. I think this is a serious language, because you're basically placing a restriction --

Leonard: I have the language.

Katz: I meant let them come back with both language and then we'll take a vote on it next week.

*******:** Great.

Katz: You're not happy with me.

Kelley: Just so everyone is clear, I think the concept we were trying to forward is that there would not automatically be a setback required, but that a setback could be required through a discretionary process design review.

Leonard: That's what we're --

Kelley: Right. *And the motion is to say, no, there should be no setback, at least in these particular cases, and the design review should be precluded from requiring a further setback. So that's the direction I wanted to get clear from council.*

Leonard: *I'm prepared to make that motion.*

Katz: *Ok. Why don't you make the motion.*

Leonard: *I'd move item e on my handout.*

Linly Rees, Deputy City Attorney: Commissioner Leonard, would you mind repeating that?

Leonard: Do you want me to read it?

Rees: Yes, please.

Leonard: *Within the northwest plan district as an alternative to the setback requirements of chapter 33.130 and chapter 33.120, no setbacks shall be required along a lot line for a commercial parking structure, including any ground floor retail when at least 50% of the proposed building area of the structure is in commercial parking use that is available to the general public, and either a, b, or c is met. A, the lot line is a street lot line. B, the lot abutting the lot line is not in residential use at the time of the proposal. Or, c, the footprint of the parking structure is no more than 15,000 square feet.*

Zehnder: Just a point of clarification, our understanding right now is that this amendment has the same problem in terms of being subject to discretionary review, so if that's really the intent to close down that discretion, it would be good to have that part of the motion and then we'll go try to draft language accordingly.

Leonard: *It would be my intent this would preclude design review in respect to the setback.*

Katz: Ok. Do I hear a second?

Francesconi: *Second.*

Katz: Roll call.

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

Sten: No.

Katz: No. [gavel pounded] I hope you folks understand what this motion does. Ok. Let's move on.

Leonard: What does this motion do, mayor?

Katz: I hope that -- basically the design -- you made a motion that the design review does not --

Leonard: That's not what my motion said. My motion said with respect to the setback, all other aspects --

Katz: I know.

Leonard: -- responsibilities are involved.

August 28, 2003

Katz: I'm talking about the setback.

Leonard: Ok. I don't want people to think they're not involved --

Katz: The setback. That's what I was referencing. 20.

Zehnder: *This is a very much a technical amendment to clarify --*

Katz: *Any objections? Hearing none, so ordered.* [gavel pounded]

[20: Short-term public parking: Apply requirement limiting shared parking to district residents and businesses only on sites in residential zones. Amend Section 33.562.290]

you know, I think there's one more. 23.

Zehnder: 23 actually, mayor, you all covered earlier.

Katz: Right. What's left? Do we have anything left? We have a time line?

Leonard: I've got my height limits.

Zehnder: We took care of that.

Katz: We took care of that.

Zehnder: We need to clarify the height limits.

Saltzman: You're going to bring us back language on that?

Leonard: I have got language I passed out.

Zehnder: I could just -- if I could just ask that city council entertain an alternative, which would be just to use the height limitation that's are in the proposed language, but set that height at 30 feet, I believe it accomplishes what the commissioner Leonard's amendment does. The specifics of what's in this height language talks about how you measure height and where you measure it from. And that, we have built into our zoning code elsewhere. So we have provisions similar --

Leonard: Where do I have to go?

Zehnder: Douglas?

Leonard: Which item?

Hardy: Douglas Hardy, bureau of development services. The code does have a comprehensive method of calculating building height. It has specifics on calculating building height if it's a flat lot, it has specifics, if it's a slope, specifics on what point of the building do you measure.

Leonard: Could you tell us what item that might be on your proposal.

Hardy: I think what the recommendation was from planning was that we just fall back on the way that the --

Leonard: On the way the current -- do we need to insert a height of 30 feet limit?

Katz: We took care of that.

Zehnder: 30 feet would be in our ordinance.

Leonard: Which is where?

Zehnder: It would be 56 to 10, let me get that page right.

Leonard: Are we going to be adopting that language today?

Zehnder: If you look at page 23, the item 4, it's the underlined one, we would change 25 to 30 and I would be great to get a motion to do that.

Leonard: If on page 23, item 6-4, I moved to make the 25 feet 30, that would accomplish the same as my item f?

Zehnder: Yes, it's subsection e, number 4, currently says on the portion of the site within an r zone, the maximum height allowed is 25 feet. We would recommend that be 30 feet.

Leonard: Is that subsection g?

Zehnder: D. Starting on page --

Leonard: Page 22 it says g, split zone sites.

Zehnder: Paragraph e, starting on page 21, subsection 4, maximum height.

Leonard: Ok. Page 21.

Zehnder: And then subsection 4, maximum height where it says 25. That would be 30.

August 28, 2003

Leonard: What you're doing now is maximum height on -- in parking, residential zones, you're going from 25 to 30 feet?

Zehnder: Correct.

Katz: And you're staying at 45 on a commercial.

Zehnder: Correct. And the other point --

Saltzman: 30 feet is not subject to any further conditional use?

Zehnder: No, and at this point it would -- I would request that you add to the motion to instruct us to bring back the language that clarifies in the next section the conditional use piece.

Katz: I need to understand why we're going in residential zones from 25 to 30 feet. Can somebody explain that to me?

Zehnder: The instruction from city council at the last meeting was to take a look at for instance the papa hayden structure 110 spaces, the designs are showing the wall gets up to 27 1/2 feet on the property line. We --

Katz: So it's either 25 or it's 30.

Zehnder: The applicant is concerned about the exact way that that 27 1/2 feet is measured. We have not sort of taken apart the plans, gone to the field, there's been no surveys done, so setting it at 30 matches the maximum height in the existing --

Katz: Ok. We've got it. What does the council want to do? Do you want to change it to 30? I don't.

Leonard: That's what my --

Katz: Make the motion and i'll take a second.

Leonard: What i'm trying to do is do it in a way that's easy for planning as possible.

Kelley: I want to make clear I think if the motion is for 30 feet, it needs to not only be in the section joe pointed out, but also in the conditional use --

Katz: Where it can't go higher --

Kelley: For residential it would have 30 feet, 45 on commercial.

Francesconi: Before you do, is there any way we can -- would this apply throughout the whole city?

Zehnder: This is only relevant to the conditional --

Katz: Wait a minute. Why is it ok in northwest? And not ok in the rest of the city?

Zehnder: This is strictly for the parking provisions in northwest.

Katz: I'd like the issue divided, please. Ok? There are two issues. It's the height, i'd like to vote no on increasing the height. I'd like to vote yes on not getting it any further. You're putting some of us -- you aren't, but in an awkward bind.

Leonard: This is the northwest plan. This isn't the city --

Katz: I understand. I want two separate motions. So make the motion on item 4.

Leonard: I see.

Katz: Ok? Make your motion on item 4.

Leonard: Ok. *I'd move to strike 25 feet and replace it with 30 feet, and item 4 on page 23 of the northwest district plan. [33.562.130 E (4) Maximum height. On the portion of a site within an R zone, the maximum height allowed is 30 feet. On the portion of a site within a C zone, the maximum height allowed is 45 feet;]*

Katz: All right. Is there a second?

Saltzman: Second

Katz: Roll call.

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

Katz: No. [gavel pounded] just want to remind everybody, if it isn't good for the rest of the city, it isn't good for northwest either. Now make your other motion.

Saltzman: *On the conditional use, 30 feet means 30 feet, means 30 feet.*

August 28, 2003

Francesconi: Which means no more. *Second.*

Kelley: *For the residentially zoned portions. Ok.*

Katz: Roll call.

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

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

Zehnder: The last of the motions, or the items, amendments proposed by commissioner Leonard, the conditional use criteria we have not addressed. So we'd want to look at that one.

Leonard: Yes.

Zehnder: On this, this is on page 2 of the handout from commissioner Leonard, it's item h, staff's position on the first two additions are really that they're not necessary but they don't do any damage. So if this is more reassuring to reemphasize that we are going to allow motor vehicle access from main streets, this is an appropriate addition. Number 1 is the one that most directly talks to traffic impacts. What the addition says is that with the current provisions, signalized intersections within 600 feet of the site will operate in an acceptable level of service, or will not be significantly degraded by the proposed use. So what that does is says that a new structure, we are going to look at the traffic impacts, we're not going to hold it completely responsible for intersections where they already are operating at a substandard level of service. So it's almost like a preexisting condition. However, their contribution to traffic impacts would still be a legitimate condition for conditional use.

Katz: Do we have this in any other language anywhere else in the code? Where is transportation?

Rob Burchfield, Office of Transportation: My understanding is no, basically the conditional use criteria are really quite general and somewhat vague, and that's part of the problem that was asked to be addressed here, is that we make it more specific. So it could be very clear what conditions we're making decisions about. So it's not necessarily trying to define a difference -- a higher or lower standard for this, but to clarify the conditions we're making.

Katz: As well as three?

Zehnder: Three is a different matter.

Francesconi: So Rob, from your answer it sounds like you're ok with one.

Burchfield: I'm ok with one because I believe it clarifies the decision and makes the decision clear, the standard clear.

Francesconi: Ok.

Katz: Can we do that for everywhere else in the city?

Francesconi: We'll look at it, mayor.

Katz: I just want to hear it from Rob.

Burchfield: Well, I think that would be a code question.

Katz: Does it make sense for the rest of the city?

Burchfield: I think it makes sense for the rest of the city. Whether it makes sense to do a rewrite of the code to do that, I don't know. But yes, it makes sense to do that for the rest of the city.

Katz: Ok. All right.

Zehnder: The last of these proposed amendments is an item three, to add the phrase, to the extent practicable for looking at the impact of ingress and egress on traffic circulation and local service streets. The way this kind of provision, which is elsewhere in the code, is typically -- I believe administered looks at the feasibility of the kind of mitigations you might ask when you're looking at what the impacts might be. This word practicable is defined in our zoning ordinance, and what it implies is that we're going to have to explicitly now take a look at whether or not the proposed improvement is capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. This is a little bit of the kind of thing that drives everyone nuts about zoning. Does that make a difference? We believe it opens the door for a conditional use hearing to have to start to take in the economic impact on the project. Which,

August 28, 2003

granted, is something that seems reasonable in one light, but is not really the responsibility of the conditional use review. We're supposed to look at the impacts on the street and see whether or not those are acceptable. So that's why we would argue against adding this language. To a certain extent it's not necessary, and if it was interpreted incorrectly it would take us in the direction of assessing economic impact that's were not prepared to assess.

Katz: Is council ok in not acting on it?

Francesconi: I think I am. I'd like to hear rob's point of view.

Burchfield: I really don't have an opinion on it.

Francesconi: Based on what I heard here, I think it's ok to not have it in, is my reaction. Because if it opens up a conditional use, i'm inclined to go with staff on this.

Zehnder: But the rest are acceptable, that's the only one we have an objection to.

Leonard: *I will move my item three, with the exception of a, sub 3.*

Katz: So you would move *“and for motor vehicle access to a parking structure from a main street”, and “or will not be significantly degraded by the proposed use”*. 33.815.308

Leonard: Everything except --

Katz: I do hear a second?

Francesconi: *Second.*

Katz: Roll call.

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

Katz: No -- mayor votes no. [gavel pounded] we have a date here. Is -- does that date still stand? Council would set the effective date of the ordinance on january -- can we hold off on that until next week to see where we are? So the next hearing, I know, we'll finish this, just have patience. The next time we get back will be when?

Zehnder: October 30. At 2:00 p.m. We'll bring back a new ordinance that consolidates all these.

Katz: Ok.

Leonard: You'll be here on saturday all by yourself?

Katz: And we'll have to have another hearing. On just these items.

Leonard: Halloween is on a friday.

Kelley: While joe is looking for the date -- .

Zehnder: It's october 30, 2:00 p.m..

Katz: Folks, we need you to either -- we need you to come back on both sides, because we're going to be still listening on just those items and I may limit the debate on both sides, because we've heard all -- I don't think you're going to change anybody's mind, but you do have the right to come back and discuss those amendments. And then when are we actually going to adopt this?

Zehnder: If -- I don't know that we have second reading. Do we have a date for second reading?

Katz: I thought you did.

Zehnder: Since we've moved this -- oh. The proposed date for second reading, if we are to link the effective date of the off-street and the on-street, the proposed effective date, second reading would be january 29, 2004. So if you delink them, we don't have a second reading date and it would be conceivably as soon as possible after --

Katz: Ok. So the next one is october 30. And then from there we'll move on. All right. Yes?

Kelley: Knowing that october 30 is a little ways away, and i'm afraid people may walk away from this meeting today with very different ideas of what is going to happen, of course people can wait and read the proposal. But i'm struggling a little bit with what the end game is with regard to this sort of central issue about the number and location of garages. I heard them vote no for different reasons on the first amendment offered by Commissioner Francesconi which did pass. But I heard a third commissioner yourself, say although were you voting yes on that, you would likely vote no of the whole of the package. Recognizing one of the other two no votes could change their vote, my

August 28, 2003

question is really, is there work, any work you want us to do on this issue, or just let it ride until october 30?

Katz: Well, look.

Kelley: I heard a variety of opinions.

Katz: I'm going to do what commissioner leonard does every once in a while. I'm going to be very sorry that i've said this. [laughter] very sorry. But you know, press always comes in, how are you going to vote on this? And I have a philosophy. I never tell anybody how i'm going to vote on something. And what I heard in the neighborhood was that -- i'm not going to even say which side. There's no sense, you know, compromising because we have the votes. That's one of the reasons I don't tell people how I vote. So there is really no reason for one side at this point to compromise, unfortunately. Now, if a miracle happens, if the stars and the moon line up, if the message finally gets to mr. Singer that he ain't going to get anything because the meter program isn't going to work, maybe by october 30 we may have a chance to come up with a compromise. So if you want to work on it --

Kelley: I'm not asking to work on it. I simply wanted to know if there's an interest on the council. Because frankly we have not worked on this since it first came to council, and i'm not clear where the votes -- I would hate to be starting this all over again.

Katz: I've sent a message to both groups right now. You still have -- you know where the council is on some of these issues. The council could change. You could get your meters back. And we could have a package that will work for both the neighborhood and the nob hill. If not, we're pretty much on track. All right? Is that an answer for you? I don't know what else to tell you. Ok. We stand adjourned. [gavel pounded]

At 5:36 p.m., Council adjourned.