



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF FEBRUARY, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Leonard, Presiding; Commissioners Adams, Saltzman and Sten, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and there was no Sergeant at Arms.

<p><b>DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK</b></p> <p><b>ALSO ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA</b></p>	<p><b>Disposition:</b></p>
<p><b>COMMUNICATIONS</b></p> <p>77 Request of Thomas Edward Mullen to address Council regarding social security, medical insurance, SAIF, discrimination and Measure 37 (Communication)</p>	<p><b>PLACED ON FILE</b></p>
<p><b>TIME CERTAINS</b></p> <p>78 <b>TIME CERTAIN: 9:30 AM</b> – Appoint four community members to serve on the Citizen Review Committee for Independent Police Review, terms to expire on February 9, 2007 (Resolution introduced by Auditor Blackmer)</p> <p>(Y-4)</p>	<p><b>36290</b></p>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Tom Potter</b></p> <p>79 Appoint the Fire and Police Disability and Retirement Fund Citizen Review Committee (Resolution)</p> <p>(Y-4)</p>	<p><b>36291</b></p>
<p>80 Authorize Intergovernmental Agreement with Multnomah County to provide access and identify work protocols during construction activities performed around County bridges for the West Side Willamette Combined Sewer Overflow Project (Ordinance)</p>	<p><b>PASSED TO SECOND READING FEBRUARY 16, 2005 AT 9:30 AM</b></p>

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**City Auditor Gary Blackmer**

**81** Assess property for sidewalk repair by the Bureau of Maintenance (Hearing;  
Ordinance; Y1053)

**PASSED TO  
SECOND READING  
FEBRUARY 16, 2005  
AT 9:30 AM**

At 10:25 a.m., Council recessed.

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**WEDNESDAY, 2:00 PM, FEBRUARY 9, 2005**

**DUE TO LACK OF AN AGENDA  
THERE WAS NO MEETING**

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **10TH DAY OF FEBRUARY, 2005** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard,  
Saltzman and Sten, 5.

Council recessed after agenda item 82.

At 4:06 p.m., Council reconvened.

Commissioner Saltzman arrived late.

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

<p><b>82     TIME CERTAIN: 2:00 PM</b> – Appeal of Sylvan-Highlands Neighborhood Association against Hearings Officer’s decision to approve the application of Douglas and Julia Pollock for a five-lot subdivision for attached housing development at 1750 SW 58<sup>th</sup> Avenue (Hearing; LU 04-039239 LDS)</p> <p><b>Motion to continue to February 24, 2005 at 2:00 p.m. Time Certain:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p>	<p><b>Disposition:</b></p> <p><b>CONTINUED TO FEBRUARY 24, 2005 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>83     TIME CERTAIN: 3:00 PM</b> - Adopt amendments to the Cascade Station/Portland International Center Plan District and related amendments to the Comprehensive Plan and Zoning Map (Previous Agenda 48; Ordinance introduced by Mayor Potter; amend Code Section 33.508; add Code Section 33.807; add Comprehensive Plan Policy 5.13)</p> <p><b>Motion to accept the amendment to amend the effective date of the Ordinance from March 18 to April 21:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)</p> <p><b>Motion to accept the amendment to amend the limitations on retail floor plate size to allow one use to reach 205,000 square feet per story:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)</p> <p><b>Motion to accept the amendment to amend the build-to line area provisions so they are not required on minor side streets:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)</p> <p><b>Motion to accept the amendment to amend the Master Street Plan Diagram to remove designation of loading areas:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)</p>	<p><b>PASSED TO SECOND READING AS AMENDED FEBRUARY 17, 2005 AT 2:00 PM</b></p>

At 5:00 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

By Susan Parsons  
Acting Clerk of the Council

**February 10, 2005**

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

**February 9, 2005**  
**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**FEBRUARY 9, 2005**

**Leonard:** Do we have any citizen?

**Parsons:** We do have a communication.

**Leonard:** Ok.

**Item 77.**

**Parsons:** Number 77, request of thomas edward mullen to address council regarding social security, medical insurance, saif, discrimination and measure 37.

**Leonard:** Welcome, mr. Mullen. When you get yourself ready, you'll have three minutes.

**Thomas Mullen:** Sir, i'm ready. My name is thomas mullen. I preside in Portland, Oregon. I'm homeless at the time and am trying to obtain a house but without the credit, whatever, i'm unable to obtain to buy a house. As you know, if you don't have an address or whatever in the united states, you can't go into business, whatever. Therefore they're refusing to register my business, and I can't afford to buy a house because I don't have a business. Therefore i'm stuck in the catch-22. This is the reason why i've seen -- seems like i've been here all my life. I've been here since I was 7, i'm 48 years old, so 41 years. With social security, saif insurance, being homeless here, i'd like to be an advocate for myself and the homeless people. I came to this council once before and tried to apply, I was denied, and was not responded by any matter. I did leave a forwarding address. No one got back to me, nothing, telling me why. I've found out since then that they was asked -- h.u.d. housing refused to do so, but they didn't respond in writing as the court demanded them to do. They were supposed to demand in writing to tell me why they didn't want to appoint me to the housing program. Since then they came up with their own housing program, work front homeless program, which took millions out of my pocket. Made me put the stuff down. You can't go into business, you don't have insurance. You're homeless, you can't do that. You can't do that. Now, measure 47 coming back saying that you guys was wrong, but I feel that I want to address this in a political forum. And so that's why i'm requesting also that you notify our senators, so they can notify the president of the united states to get him to use my life and my problems as a land case mark for we can address this whole problem for the state of Oregon and united states also. Thank you.

**Leonard:** Thank you, mr. Mullen. We have a 9:30 time certain. Read the item.

**Leonard:** Welcome.

**Richard Rosenthal:** Good morning. I'm richard rosenthal, director of the independent police review division for the city auditor's office. Gary blackmer is in the audience, a little too sick to talk today, but we're requesting the council appoint four new members to our citizen review committee. Of the members, two of them are actually returning. One is gwenn baldwin initially recommended by mayor katz, now being recommended by commissioner Sten. We also have lewellyn robison, who we're recommending for reappointment. We also have michael bingham we're recommending for reappointment, and marcella red thunder being recommended by commissioner adams.

**Leonard:** Thank you. Do they want to come forward and give any remarks so --

**Rosenthal:** I did tell them that more than likely you all were going to be the ones making the remarks, so I didn't prepare them for this obviously so --

**Leonard:** That was presumptuous of you.

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**Rosenthal:** I'm going by past experience. Actually if all four could come forward at least, at least show your faces.

**Leonard:** We'd love to meet with them, give them an opportunity to say anything and answer questions council might have. Welcome. We can pull up another chair.

**\*\*\*\*\*:** I don't think we're going to be here that long.

**Adams:** I'm happy to appoint -- or nominate marcella red thunder as a member of i.p.r. I've gotten to know marcella over the past two years working on a variety of public safety issues in her neighborhood and I found her to be interested in sort of the holistic approach to community policing and she will be a very valuable asset to i.p.r. I'm also very pleased that she -- her appointment marks one of the few native americans that have been appointed to i.p.r. I think that's an important connection that i'm very happy to make with your nomination. So very happy to be here. Happy that you're here. Is there anything that you want to say?

**Marcella Red Thunder:** Gosh. I just appreciate the opportunity that i've been given. I take it very seriously. I learned about the opportunity in the -- through a neighborhood meeting. I read about it in the paper. I gave it a great deal of thought. This is not something that was just a spur of the moment desire. I read the i.p.r. report to get a good idea, the 2003 annual report, to get a good idea of what's going on. So I just don't take this position lightly at all, and I just really appreciate the opportunity that's ahead of me.

**Leonard:** Thank you. Gwenn, do you want to say anything?

**Gwenn Baldwin:** Never give up the opportunity. Gwenn baldwin, returning member of the citizen review committee. When I was here a scant four-plus months ago I was filling the remainder of sid lezak's term, and I wasn't certain whether I would be interested, willing, desire to serve a full term four months later, but this is really been an honor, a privilege, a remarkable experience, and I think that there is an opportunity to continue to do really important work toward rebuilding the connection between the police, who serve this community so ably, and the citizens of this community who live and trust that the police will serve them ably. And sometimes that -- that bumps up -- they bump up against each other, and in ways that damage trust with both stakeholders. And I think that the citizens review commission has an opportunity to help rebuild that trust and address it in a way that I think is important and unique to the city. So I appreciate the opportunity to play a role in that in some fashion.

**Leonard:** Thank you. Good morning.

**Lewellyn Robison:** Good morning. I'm lewellyn robison --

**Leonard:** Pull that microphone in front of you.

**Robison:** I'm returning after a one-year term to the c.r.c. It's been a real honor to serve on the committee. First, i'm thrilled as a resident of Portland to find that we have such a committee as this to improve relationships between our police officers and the community. It has been certainly a challenging and sometimes heart-wrenching experience. I've been delighted that my fellow committee members took this so seriously and to heart and really worked so hard to come up to equitable solutions. And given the fact that it was a tough learning curve, i'm really pleased to be recommended for a second term, where I hope i'll be able to make a better contribution. Thank you.

**Leonard:** Thank you.

**Mike Bigham:** Mike bigham, a retired police officer with the port of Portland. I'm honored to have this opportunity to serve my community. I believe that community review of the police, the policies and their actions is important. I'm excited to be able to be involved in this process. I hope that I bring some experience, both as a police officer and working as a volunteer in the community to the community. I'm looking forward to the challenge.

**Leonard:** Thank you.

**Adams:** Thanks.

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**Leonard:** Any questions by council? If not, sue, can you call the roll please --

**Adams:** I have a question.

**Leonard:** Oh, i'm sorry.

**Adams:** It will be three years -- or it was three years the end of this calendar year for this process, and you and I have had conversations in the past as I have with the auditor about doing an outside independent review of the independent review process. Can you -- before we vote, can you give us an update on where you're at on that?

**Rosenthal:** Actually, in our most recent annual report, which came out last year, the auditor invited -- the auditor and I invited that process. That was in large part having spoken to commissioner adams, as well as other people in the community. And so we've invited an independent professional audit of the division, including -- it would include both the i.p.r. and the citizen review committee, the entire program. The only problem we've got right now is it will cost money and need to be part of an add package to our budget. So I note that the budget was submitted by the auditor just yesterday. That was not included as part of it, because we're having a problem that we have 1 1/2 staff members who were added to our program last year, but only with one-time money. So we already have an add package for them and for the park report, because we need to continue with the review of officer-involved shootings. I do know that obviously, if council is willing and interested in having that package -- and I don't want to speak out of term unless i'm certain of it -- to a package that would pay for that kind of audit, we would be in full support of it.

**Adams:** How much is the park report package?

**Rosenthal:** The Park report package is \$52,000 -- or \$54,000. It's an annual amount that we have to pay for an annual report. And the next park report is due out in about may of this year.

**Adams:** I'm sorry --

**Rosenthal:** I'm sorry, the audit?

**Adams:** How much is the audit?

**Rosenthal:** We have not checked in order to come up with a number for that, because again we've already got the number of add packages, and the mayor told us he wanted a 5% cut, you know, in each bureau.

**Adams:** Right.

**Rosenthal:** Not add packages. My general estimation would be would be about \$50,000 to \$60,000 to do an appropriate type of audit and review.

**Adams:** Thanks.

**Leonard:** Further questions? Dan handelman.

\*\*\*\*\*: Take my seat.

\*\*\*\*\*: Thank you very much.

**Leonard:** You folks can take seats back in the audience if you want. Thank you very much.

**Dan Handelman:** I bumped everybody out. Good morning members of the council. Thank you very much for allowing public testimony. I'm here today. I'm dan handelman of Portland cop watch. I'm here today not necessarily to testify about the induction of these four members specifically. I don't even know very much about the two new members, except what was written in the news release, but I do want to reiterate the concern that the citizen review committee is becoming heavy populated by people with backgrounds in law enforcement and prosecution. While people in the community file complaints about police misconduct are looking for a neutral arbiter of their complaints who can be fair to the police, but also advocate for civilians rights. I'm not saying the people on can't necessarily be fair, but just from an empirical standpoint, we have more people with backgrounds in law enforcement. Our organizations also concerned about the process for choosing the new members. The original ordinance even though it was flawed, gave a greater say to the citizens of the committee than the revised version which was instituted by auditor blackmer and director Rosenthal in the summer of 2003. During the first selection the c.r.c. members,



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members of the public, including members of our group, were allowed to sit in on some of the interview process for these very important positions, and now the public is barely notified when the selection process begins. The names of the nominees weren't announced until last friday. So we didn't have that much time. We knew about marcella's nomination because you came to the last c.r.c. meeting but otherwise we learned about their names friday. This is part of an ongoing problem with the i.p.r., which replaced piaac in 2001. Piaac was described as a window into the police bureau, but it's difficult sometimes to get the information that we need in the public from the i.p.r. An example includes citizens that receive nonsustained findings are informed of their right to appeal but they don't get an appeal form in a letter. They have to ask another layer of bureaucracy to get that form. When the director gives his report at the beginning of the crc meetings, he doesn't make it available in writing. Sub committee work, which used to be organized on a monthly basis with public notification happens in between the c.r.c. meetings with no opportunity for the public to participate. In other words, if the i.p.r. is our new window into the bureau, we need a window into the i.p.r., which means we're looking through two windows to get to the bureau. We're hoping this review will happen sooner rather than later, that we not wait for the hiring of some outside professional, and instead that we hold the public hearing as we were pretty much promised when this was created in june 2001, that there would be a review of this process after one year. As you've pointed out, commissioner adams, it's been over three years, and we haven't had that review. I think you need to hear from the public, the people who have used the process, the c.r.c. members who resigned in frustration, the people who are most vulnerable to police misconduct and of course the police bureau themselves, to see whether it's working for our community. An outside audit would be nice, but this is a Portland institution we need to review for the people here and how is it working for us. We would like you to hold full public hearings about that and determine whether this is really working the way we were promised it was going to work and whether it's actually independent. And one of the main concerns we have about the independence has to do with the fact that the city attorney's office defends the officers and the city in a lawsuit, and also advised the i.p.r. what their rights and abilities are. They at least need some independent legal counsel from time to time. I should also point that a member who was on the review board for about five years got bumped off the list and now there's an open slot. We'd hope that that slot might be made open to that person again, rick alexander is his name. And we have other concerns about how the c.r.c. use to meet more often and their role in general is being minimized by the director and the auditor. So we're really looking forward to a more public hands-on review by city council and by the public. Thank you.

**Leonard:** Does anybody have a question for dan? If not, I do. Have you noticed an improvement in the independent review committee in the last year or so, since some of these changes have occurred?

**Handelman:** Since some of the --

**Leonard:** Well, there was quite an uproar. You alluded to it in your testimony of citizens resigning and --

**Handelman:** Right. No, I haven't seen -- I haven't seen an improvement. I've seen rather a continuation of some of the things that led them to resign in frustration, which is they lack the power they need to do what the public expects them to do. As I mentioned, that their role of the citizen review committee is being minimized, but because most of the membership is new, they don't even realize how the c.r.c. has changed since it started. They used to meet twice a month and hold hearings very, very often. Now they have -- there were six months between the two last hearings that they held.

**Leonard:** Why is that? Do you know?

**Handelman:** I don't know. I think people part of it might be that people aren't trusting the system because they're seeing it's not working the way they want to it. It might be there's a heavier

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screening process on the way in for whether the cases rise to the level of being appealed. That happens in the i.p.r. office more than it does at the citizen review committee. There may be any number of reasons. And part of it might be also this -- the window allegory I was making, part of when I sat on the mayor's committee to revise piaac, we talked about having more public relations, outreach to the community, so people know it exists, and that hasn't been happening as much as it could happen. We talked about having ads on the buses and stuff, saying "do you have a complaint about the police, or a commendation, here's the citizen review committee and ipr and this is how you get involved," there was reluctance to do that, but with more publicity and higher profile for the i.p.r. and c.r.c. might be worthwhile looking at.

**Leonard:** Great. Thanks, dan. Further testimony had?

**Parsons:** Thomas mullen. Oh, ok.

**Leonard:** That's it. Discussion by council? If not, sue, please call the roll.

**Adams:** Aye.

**Leonard:** I can think of no citizen committee that we have in the city that is more important than this one. And particularly in the era that we live. It is always important to have civilian oversight of law enforcement, but particularly now that we have some of the focuses that we do, particularly on the national level. So I appreciate the work that you do. It's very important. There's no more important work as I have said that I think citizens can do for our community than what you are doing. So thank you very much for your commitment and agreeing to work with us and the city to make this a place that isn't just safe, but also a city that tolerates a variety of different opinions and a variety of different activities. Aye.

**Saltzman:** Well, thank you all for your agreeing to serve on this committee. It's a very important committee to the city and to its citizens. And i'm impressed with how hard you work. I had a chance to observe one of your meetings sometime in the last several months. Can't remember exactly when, but it was really eye-opening. What came across to me was just how seriously the members of the committee take their job and how well prepared they were for the cases that they reviewed that night and the things they discussed. So my hat's off to you for all your hard work. And to richard rosenthal and everybody else in the i.p.r. office, thank you.

**Sten:** I agree. I want to thank gary and richard for their work on this. And also dan handelmann, who's been at this for a very long time. I think we've made a lot of progress. I don't think we're yet where everyone would like to be, but you won't get there in one fell swoop. It's very, very good on the auditor's office part. And I particularly want to thank the citizens willing to serve. This is probably the most difficult volunteer task. They're all important, but certainly -- certainly if not the most important, right up there, because, you know, really you can't have community policing unless there's trust between the citizenry and the police, and cooperation. You can't have that without citizen oversight. This is absolutely critical to everything we do. I tell you, I would not want to serve on this committee, so I really appreciate the people who do. Aye. [gavel pounded]

**Leonard:** Item 78 adopted. Item 79.

**Item 79.**

**Leonard:** Great. Do you want to take this dan?

**Saltzman:** Mr. President, members of the council, thank you. Judy, did you want to come up, too? Ok. Well, in mayor Potter's absence we're assuming his appointments to the fire and police disability review -- citizen review committee. And i'm pleased to bring forward the chair and the slate of nominees to serve on this committee. As you know, two weeks ago the council did pass a resolution asking for an independent analysis of the fire/police disability and retirement system. The council understands we need to understand what works and what isn't working and making sure that taxpayer dollars are being well spent and understand what our options are for addressing any of the problems that we identify. So in the resolution, the council passed two weeks ago it gave an independent citizen committee the power to pursue four things. One is to hire an independent

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actuary to assess the future financial situation of the funds retirement program. Two, is to compare disability costs of the fire/police disability retirement system -- or disability cost of employees covered by our system with public safety employees covered by pers. And assessing steps that can be taken with -- within the present system to control costs. Third, was to assess the impacts on employee recruitment and retention of having our police and fire employees covered on a separate system than public safety employees throughout the state. And then finally to assess the legal requirements for making changes to the system and identifying which changes would railroad a change to the city's -- would require a change to the city's charter. So the late of nominees we have before us, I wanted to read through, but I wanted to start by improving jeff furnish, who has agreed to chair this committee. I'll start with jeff. Jeff is an actuary and an attorney. He retired from the aon company as vice president and senior consulting actuary. He will be assisted by judy clark, who is the vice-chair. And judy clark is the president of a firm called h.r. answers. It's an employee benefits business, and ms. Clark has more than 30 years experience in human resources and worked extensively on disability and retirement plans. And she's also a former volunteer firefighter with the city of west linn. Tom whelan is one of the three citizen members that serve on the fire/police disability and retirement system board of trustees. He retired as a fire captain from the salem fire department and has served on other boards, state boards and commissions related to retirement issues. Mariann hyland is from Oregon health sciences university, and she also is a labor and -- or a former labor and employment attorney with stoel rives. Mike greenfield is retired senior public administrator. He's most recently served as the director of the state's department of administrative services. And he's also served as deputy secretary of state. Judy rice is a -- is a management consultant. She's a retired director of human resources at u.s. Bank. And ms. Rice was also a member of the 2000 council review -- or the 2000 committee that reviewed the fpd&r -- well, it was the fpd&r review committee. Also have michael smith, vice president of fullerton company, specializing in employee benefits, and more than 20 years of experience in all aspects of employee benefit programs. We also have -- we have asked the firefighters union and the Portland police association to each appoint one member to the committee. I don't know who those members will be, it's their choice, but i'm sure they both agree that they will participate in this. Finally we have a -- an ex officio member of the committee, commander dan benson representing the Portland police commanders association. The group has agreed to, in our resolution, will have the resources and support needed to make a thorough analysis of the fpd&r system, staffed by management and finance, and costaffed by staff from the fire/police disability and retirement fund as well. I don't know where this analysis is going. I think it is needed. I'm not coming to this table with a preordained agenda. My instinct tells me there are problems that need to be addressed, I feel strongly we need to move beyond instinct and fact. That is one in fact one of the core motivations in pursuing this action now, is to get us, the council, all on a platform of understanding and information. So when we do decide -- if we do decide to take actions, we'll agree on what the problems are and what the potential solutions might look like. I think the -- the final thing I wanted to say is the committee will be overseeing the hiring of the independent actuary. They will be directing the work of the staff. They will be -- there will be an independent citizen committee in the truest sense of the word. And with that, I would urge approval of these nominees. If mr. Furnish is here to answer any questions anybody may have.

**Leonard:** Mr. Furnish, would you like to say anything?

**Jeff Furnish:** From my standpoint, this is the first chance that i've had to do any sort of volunteer work for the city. I'm a native Portlander. It's nice to have a chance to give back. Nice to see the other citizens involved with the police matters in the community. I hope I can do my part as well.

**Leonard:** Thank you. Any questions?

**Adams:** How would you define success? How would you know that the effort has been successful?

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**Furnish:** If I understand the charge, based on the resolution, I think the analysis needs to be sufficiently deep so that the facts associated with the program are laid out and there's a plan of action, whether it's to continue the current course or make some adjustments. As I understand the charge, and normally when you look at retirement and disability programs, the benefit structure itself is a question where the appropriate level of benefits. The financing is a question. This program is unusual in that it's an unfunded retirement program being carried by property taxes. So the financing is an issue. The legal questions are an issue that's been raised. There are obviously contracts in place with the police and fire that have to be respected and recognized in this process. So I would say that the if we are able to provide a comprehensive set of facts about the program, to provide a plan of action, and for that to be sufficiently detailed and convincing, that the -- that the commissioners, that police and fire employees, the citizenry feel that -- that all of the appropriate viewpoints have been taken into account, that will be a success. As to -- i'm certainly not defining success in terms of a particular answer, because I have no idea what that is.

**Adams:** How much -- just based on your professional experience, how much of this problem and opportunity can be defined by the facts verse interpretations? In other words, there's some competing nervousness on this issue, and how much do you think can be at least resolved by agreeing on a basic set of facts? Is that possible based on your previous experience, looking at these kinds of issues?

**Furnish:** That's a rather open-ended question. The -- I think the things that -- that the committee and staff can bring to the process are appropriately laying out the facts. The history of the program, the current status of the benefits, the issues that have been raised and are currently issues to the employees, to the city, to the taxpayers. The review by an independent actuary, I spent my career as a consulting actuary, so from that standpoint the -- once appropriate census information, that is the information about the current work force is provided to the actuary, it's very much possible to establish costs for particular benefit levels and benefit options, and if changes were being considered or alternatives wanted to be looked at, those could have a pretty definite contribution assigned to them based on expected experience. So I think on top of the facts, the independent consultant should be able to deliver cost analysis, which would be convincing based on the analysis available. From there, as you mentioned, there's a legal environment that surrounds this. There's a contractual environment. The state planned pers, at least in my -- from my past recollection, requires that any independent police and fire benefits in this state be equal to or better than the state benefits. So there are limits based on what can be done here by legal systems over which none of us have any control. Having said that, there are -- there are going to be a range of options. Should it be equal to, better than, how should it be funded, what are the tax implications for the taxpayers, that will undoubtedly be a -- continue to be part of a political process. I don't think that's something that the -- that this group can define, but we can get the facts and we can get costs out there that would allow people who have different viewpoints to see the consequences of their perspective. I hopefully will be able to do that.

**Adams:** One of the reasons -- first off, I would encourage you to debrief why the previous effort -- was there one before that?

**Saltzman:** There was a 1998 one.

**Adams:** Why the previous effort didn't move forward. In my opinion, one of the reasons is the solution offered up was a bond levy that was politically dead on arrival and the polling and focus groups at the time I think verified that fact. So I would encourage you to offer us a variety of options with a recommendation, but offer us a variety of options, and again to debrief on why the previous effort didn't go anywhere.

**Furnish:** I appreciate that input. And perhaps, if i'm understanding, just to sort of ask a question to see if i'm understanding, given the legal structure and the contractual structure and, you know, the nature of financing retirement programs, there are going to be certain limits to this conversation.

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You couldn't, for example, terminate this program tomorrow. It would be legally impossible in this state. So I think that the -- one of the things the committee would be able to do is define sort of the ends of the spectrum. You know, beyond here, we're out of the visible light range. We're not going to be terminating the program. There's going to be an ongoing retirement program and disability program for the police and fire and it's going to have certain characteristics. I would expect the citizens want a relatively generous treatment of these people who we all regard as public servants. Having said that, I assume it would be valuable if we can say "here's the spectrum of choices at least, and beyond these ends, because of legal constraints, financial constraints, we can't go there."

**Adams:** Thank you.

**Leonard:** Further questions? Thank you, mr. Furnish.

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

**Leonard:** Any other testimony?

**Parsons:** No.

**Leonard:** Call the roll, please.

**Adams:** Well, i'm very optimistic about this effort. And I want to thank commissioner Saltzman and commissioner leonard for their leadership in this area. I think that the way we've put this together does reflect an improvement upon previous efforts, and I look forward to your recommendations in the months ahead. I vote aye.

**Leonard:** I appreciate all those that -- that have agreed to serve on this committee. There was a similar exercise in the 1980's that went for a total of three years. It was -- I went from not understanding what an actuary was to debating them at the end of three years. And it was quite a learning process for me. But i'd want to make a couple points clear from certainly my perspective on this issue. I served on the board for 12 years and was a firefighter for 25. And my feelings on this subject come less from any affinity I may have with the firefighters, the police officers associations, and more from my own experience. Being a firefighter or police officer in Portland is a source of pride amongst those professions, because while it is a -- it is a -- both of those are professions that those members have a right to be proud of in any community, particularly in the Portland fire bureau, and given, I will say, this last week when i've had the privilege of us stepping in for mayor Potter, and as late as 11:30 last night with police officers downtown as they were dealing with fat tuesday incidents, i'm very respectful of the work they do. I'm not as accustomed as with the fire, but I -- just this past week i've gained quite an insight into the kind of professionalism and work they do. I am not interested in dumbing-down benefits to the lowest common denominator. If a plan comes back that has produced what has been discovered as the lowest possible legal level of benefits to give our police officers and firefighters, i'm not there. And would vigorously oppose that. We need to be respectful of the work they do. And when they're injured or killed make sure that we as a city stand in to take care of them and their families. The retirement -- before I touch on that, the disability system, having said that, I have long felt, and commissioner Saltzman and I agree there are substantial opportunities for reductions of costs. In 1998 the disability costs began skyrocketing, the same year that the city council eliminated light-duty positions for police officers. They still to this day at the police bureau are not sensitive when creating positions to think about people that are on the disability rolls filling those positions. So for appear example, when we recently hired two retired officers to do background checks on new police officers, it didn't occur to them to first go to disabled officers, take them off the disability rolls, put them in those spots. There are a number of examples like that that I won't bore you with, but I hope you focus on practical efforts to reduce those costs. And the retirement system, I would just say, that i've really grown weary of some of the exaggerated things i've read about the retirement system. I'm not talking about any particular person at all. From "the Oregonian" on done, the mischaracterizations at times are astonishing for those of us that understand it. The system, in fact, the city enjoys an a.a.a. Bond rating. There's a reason for that. It's because the millage rate levy

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and taxing ability of the that millage rate levy has considered to be the asset that offsets the liability owed police and firefighters. So I think that needs to be discussed. I think we need to talk about whether or not we need to diversify how we fund the system. Doesn't make sense to prefund positions to a certain level, that are then invested in stocks and bonds and other kinds of investment tools to reduce the costs. We need to talk about that, but we also need to understand once we start doing that that's a tax increase, and/or further compression of the property tax system in the city. So our generation and the next will be put in the position of spending more money to save our grandchildren money. Do we want to do that? Those are good questions to ask. I'm hoping we can have that discussion. Having said all that, you have your work cut out for you. I absolutely appreciate the commitment that you're making. You as the chair, but you representing the entire commitment, to do this really important work, because in many ways, you know, we depend on our firefighters and police officers to protect us, and now they're looking at you to make sure that when they're at their most vulnerable spot, we're there for them. Aye.

**Saltzman:** Well, I want to thank the committee for their agreement to put in a lot of work, roll up their sleeves over the next eight, 10 months. I forgot to mention the report will be due back to city council no later than January 1 of 2006. And we do want an array of options and recommendations, as well as getting us to a common platform of information. And I think this -- this exercise -- or this whole exercise is very much part of our duty as responsible public stewards of taxpayer money. We have to look at some of the major cost drivers of city government expenses, and there's just no way around it. The fire/police disability retirement fund is a major cost driver in city government. It's probably our single largest category of expenditure. Having said that, we need to keep faith with our firefighters and police. I don't think anybody is suggesting that we break commitments and recognition of the tremendously important job they provide for our city. So the committee is -- I'm sure is up for the task. And they will be capably staffed and have good independent analysis to guide them as they come back to us with recommendations and options. Aye.

**Sten:** Well, I'm just going to say thanks for your willingness to serve. Thanks to commissioner Saltzman for working on this, and commissioner Leonard for helping work on this. I look forward to what I expect will be a difficult, very important debate, and be much more comfortable having it once the citizens have a chance to give me guidance because I lack it right now. Aye.

**Leonard:** Item 78 is adopted. [gavel pounded]

**Item 79.**

**Leonard:** Mr. Marriott.

**Dean Marriott:** Good morning, members of the council. I'm dean marriott, environmental services director. With me is Paul Gribbon, our engineer. You have in front of you an intergovernmental agreement between the city and Multnomah county regarding the bridges across the Willamette river. As you know, we're in the process now of tunneling on the west side of the river, under the west support of some of these bridges, and we will be eventually tunneling on the east side. The purpose of this i.g.a. is to specify terms and conditions upon which we will resolve any disputes about any impact we may have to those bridges. We of course hope to not have any, but rather than sort of leave it to chance, in case there's someone claiming we have done something, we thought we would be best to put that down and specify in some detail. So that's really all we have to say, unless you have any questions about the -- about this agreement. I will just, as a footnote, mention we will be back in front of you next week for our regularly-scheduled periodic update on the programs. So at that point we'll have a chance to describe the -- where we are on both sides of the river.

**Leonard:** Questions?

**Adams:** So what does it do again? Can you summarize it again?

**Gribbon:** This just lays out the work protocols and allows us access underneath the ramps of each of the four county bridges. The Broadway, Burnside, Hawthorne, and Morrison bridges. We own the

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right-of-way underneath the ramps, but they're responsible for operating them. So as we're tunnelling, there's a potential chance of settlement, and so this just spells out the agreement about how they will allow us access, what we're going to do to prevent any kind of damage to the bridges, how all that will work.

**Adams:** And there's a rumor floating around the -- some neighborhoods that the ramps on the morrison bridge, on the west side, are somehow impacted by c.s.o. Is there any truth to that?

**Gribbon:** I haven't heard that one.

**Adams:** I hadn't either. I mean, I hadn't heard any substance to it.

**Sten:** How do you get all these rumors?

**Adams:** 100 businesses in 100 days. [laughter]

**Leonard:** Same adams as the energizer bunny of the city council.

**Sten:** How do you know all these things, sam? [laughter]

**Leonard:** Further questions? Any testimony? Sue, please call the roll.

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

**Leonard:** Item 80 is adopted. Thank you. [gavel pounded] item 81.

**Ben Walters, Senior Deputy City Attorney:** Before we go to the next item, that was a nonemergency ordinance. It should have passed to second reading.

**Leonard:** Thank you. Thanks for paying attention at some point.

\*\*\*\*\*: Sorry.

**Leonard:** It passes to --

**Walters:** You have four. The reason it was a nonemergency because you were only to going have three. You could add an emergency direction to it if you so desire.

**Leonard:** Dean, does it matter to you whether it pass today or next week?

\*\*\*\*\*: We've already passed the Broadway bridge. I think we can live with it waiting.

**Leonard:** Ok. It passes, then, to second reading next Wednesday. Thank you. [gavel pounded] item 81.

**Item 81.**

**Leonard:** Do we have somebody here from the bureau of maintenance?

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

**Leonard:** Ok. Do you want to just briefly describe what you're doing?

\*\*\*\*\*: We didn't sign up.

**Leonard:** Go ahead and come on up. Just a brief overview of what you're doing.

**George Bean:** I'm George Bean, supervisor of the sidewalk department. And we showed up in case there were citizens that were going to contest their bill.

**Leonard:** Ok. Can you just give us a brief overview of what you're doing.

**Bean:** The sidewalk department, we have an inspection cycle that goes through the city of Portland, and post hazards in the sidewalk area to the property owners, notifying the property owners, give them 90 days to complete the necessary repairs. And if they're not done, then that work is turned over to a contractor that works for the city of Portland to the repairs and the property owners are billed for the repair.

**Leonard:** I see. So that it's the responsibility of property owners to maintain the sidewalks in front of their property?

**Bean:** Yes, that's correct.

**Leonard:** Ok. Any questions?

**Parsons:** No one has signed up.

**Leonard:** Great. Call the roll.

**Ben Walters, Sr. Deputy City Attorney:** This is also second. Passes to second.

**Leonard:** Ok. I'm sorry, we vote next Wednesday. Passes to second reading.

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

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**Leonard:** Thank you. [gavel pounded] any other business before the council? If not, we do not have any afternoon session. We do have scheduled at 2:00 tomorrow -- excuse me one second here. We'll stand adjourned till thursday, february 10, at 2:00 p.m. Thank you. [gavel pounded]

At 10:25 a.m., Council recessed.



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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**FEBRUARY 10, 2005            2:00 PM**

**Item 82.**

[ roll call ]

**Frank Hudson, Deputy City Attorney:** Good afternoon, everyone. Welcome to council chambers. I'll begin by reading what we refer to as the legal mumbo jumbo. I'm going to be discussing three things. The order of testimony, and finally, the scope of testimony, and the kind of hearing. The kind of hearing this is is an on the record hearing. This means you have to limit your testimony to material and issues in the record. That means during this hearing you can only talk about issues, testimony, exhibits, and other evidence that were presented at the earlier hearing before the hearings officer. You can't bring up anything new. This hearing is designed only to decide if the hearings officer made the correct decision based on the evidence that was march to him or her. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded that you must limit your testimony to the record. The order of testimony will be as follows. We will begin with a staff report from the bureau of development services, staff for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order. The appellant will go first and have 10 minutes to present his or her case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to council. The three-minute time limit time limit applies to whether you're speaking for yourself or a neighborhood association. The applicant will have 15 minutes to address the city council and rebut the appellant's presentation. After the principal opponent, the council will hear from persons who oppose the appeal. If there's no person opponent, the council will move-to-directly to testimony to persons who oppose the appeal after supporters of the appeal conclude their testimony. Again, each person will have three minutes, whether you're speaking for yourself or on behalf of an organization. Finally, the scope of testimony will be as follows. Again, the evidentiary record is closed. It is not what is known as a de novo hearing or new hearing, that's a hearing where you can submit new evidence. This means you must limit your remarks to arguments based on -- in presenting your argument it is permissible to refer to evidence that was previously submitted to the hearings officer. It is not permissible to submit new evidence today that was not submitted to the hearings officer. The planning staff and I will be listening carefully to your argument and if it strays from the evidence or issues presented at the initial hearing, I may have to interrupt you. And remind you you must limit your argument to issues in evidence in the record. If your argument includes new evidence or issues, the council will not consider it and it will be rejected in the city council's final decision. If you believe a person who addressed council today improperly presented new evidence or presented a legal argument that relies on evidence that's not in the record, you may object to that argument. Council will provide a time at the end of today's hearing for anyone to offer this kind of objection. Finally, under state land use law, under issues raised by the hearings officer may be raced in this appeal to city council. If you believe another person who has raised issues today that were not raised before the hearing, you may object to the council's consideration of that issue. Again, the council will provide a time at the end of the day's proceedings for any one to offer an objection. Thank you.

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**Potter:** Thank you, frank. Do any members of the council wish to declare a conflict of interest? No council members have a conflict of interest to declare. Do any members of the council have any ex parte contacts to declare or information gathered outside of hearing to disclose? No council members have ex parte contacts to declare. Do any members of the council have questions or preliminary matters that need to be addressed before we begin this hearing? Ok. We begin the hearing. Staff, please state your names for the record and begin.

**Fabio de Freitas:** Thank you, mr. Mayor, members of the city council. My name is Fabio de Freitas from the bureau of development services with me is kurt krueger from Portland transportation to answer any technical questions you may have of us. As was introduced into the record by the clerk, we're here to discuss an appeal of the hearings officer's decision on land use review number 04039239 lds. The purpose of the hearing is to consider the appeal by the sylvan highlands neighborhood association of the hearings officer's decision to approve with conditions a five-lot subdivision for purposes of development with attached houses. The folks involved with this case, the appellant is the sylvan-highlands neighborhood association, the applicants are douglas and julia pollock, represented by ken sandblast. A belief summary of the actual project. We're talking about the creation of five lots for attached houses, lots in the range of 1764 square feet to 2793 square feet. The applicant has provided sufficient information to suggest that storm water sanitary sewer, and water services will be met. Summary of the appeal by the sylvan-highlands neighborhood association, they have submitted their appeal on the following issues. The primary issue is that the neighborhood association claims that the approval criteria for code section 33.641.020 has not been met, that the area's transportation system is not capable of safely supporting the proposed development in addition to existing uses in the area. The appellants support that claim by stating that the intersection presumably the intersection of southwest 58th and montgomery is dangerous and questions why a traffic study was not prepared. They claim the proposed development with five driveways directly onto the street will render the intersection unsafe. Another claim that the proposed attached houses will further a situation out there regarding cut-through traffic, and that the right of way technical standards have not been met to adequately addressed the safety. I will temperature upon each of these points momentarily. To familiarize the council with the area in question, my cursor is on the subject site. This is southwest montgomery. To the west of the site and heading north is southwest 58th avenue. As you can see on the map, the site is zoned r2, which is a multidwelling residential designation. I should add that this site particularly has had some form of multidwelling zoning since at least prior to 1980. Quick overview of the site plan itself, the preliminary plan. Lots fronting onto southwest 58th avenue, this is just a preliminary sketch of the layout of the buildings. The plan does show five driveways coming out onto 58th avenue, and I can understand that the neighborhood association gathered that information from this plan. Ultimately when this thing -- if this thing gets developed, the project will be a total of three driveways onto southwest 58th avenue. In considering this land use case, the hearings officer utilized the approval criteria found in section 33.660.120. On the screen those highlighted are those applicable criteria that apply to this case. Again, the hearings officer approved the proposed subdivision subject to conditions. The decision included supplemental findings to conclude that all approval criteria were met, including the question regarding adequacy of transportation services, and specifically that the transportation system is in fact capable of safely supporting the proposed development as well as existing uses in the area. Now to briefly address the appellant's various points of contentious. Again, the first one is relative to the approval criteria itself. In response, the hearings officer's decision to raw move the project, he provided supplemental information relative to the affirmative findings that staff had recommended that on balance, this criteria was in fact satisfied. The transportation system was defined as is required. The evaluation factors were considered, the required public street improvements that will be imposed on this applicant are warranted. These and incremental public street improvements will

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result in furthering the transportation system and work in the area, and off-site improvements would be disproportionate to the project's impacts. Regarding the appellant's assertion that the intersection -- i'm guessing it's the intersection of 58th avenue and montgomery, because it wasn't specified in their appeal -- is dangerous and a traffic study -- and questions why a traffic study was not prepared.

There is no evidence provided to the hearings officer by any party that supports this assertion that the intersection is in fact dangerous. Pdot did not require traffic study in this case because the project did not meet their standard threshold, which is the number of lots proposed in a particular project. So no study was required by pdot. Nor was there any evidence on the record of the intersection approaching unacceptable levels of service. Regarding the appellant's claim that directing five driveways onto southwest 58th avenue will render this intersection unsafe, the hearings officer again in his decision suggested that the project will be served again by no more than three driveways. That will be actually something that will be taken care of at the building permit stage. Again, no evidence was submitted on the record by a professional traffic -- professional traffic engineer that supports the association's claim that, again, the intersection will become unsafe because of new traffic being put on to the street by this proposed development. The appellant's claim that the proposed five attached houses will exacerbate an already difficult traffic situation relative to historical cut-through traffic in the area, I would respond that though the city does acknowledge that the presentation of cut-through traffic does exist, this traffic does not originate from the immediate neighborhood, that the applicable approval criteria does not grant the city the authority to place the burden of resolving this traffic pattern behavior issue on the applicant's shoulders. Especially considering that the project will not add to the existing cut-through traffic and since the project's impacts are negligible. This project will create a destination-type traffic of five new single family homes. Destination vehicle trips are what transportation staff deem appropriate and encourage our local service streets. And I should advise you that both southwest 58th avenue and southwest montgomery are considered -- are designated local service streets by the transportation system plan. Finally, the appellants have raised an issue that the right of way technical standards have not been adequately addressed. Development standards are clear and objective regulations, they're not similar to raw approval criteria. Compliance with the development standards as reviewed as part of the permitting process and are not considered to be discretionary reviews. Development standards associated with the required street improvements will be reviewed at the final plat and permitting stages. I'm going to assume what the appellant was referring to here were the design criteria for new public streets relative to this particular case, there are no new private streets being proposed. Your alternatives today are to deny the appeal and uphold the hearings officer's decision to approve the subdivision, deny the appeal and modify the hearings officer's decision based on review of the record, or uphold the appeal in part or in whole based -- overturning the hearings officer's decision and ultimately denying this project. A couple more minutes. I just want to orient you to the site with some photographs. We're looking east along southwest broadway -- southwest montgomery here, the site is to the left of your screen. This is the corner of southwest 58th and montgomery looking directly at the site. Looking north along southwest 58th avenue along the site frontage. Looking towards the site at the rear of the site, it abut the city of Portland fire station. There's the fire station at the intersection of skyline and montgomery. Again, showing the intersection of skyline and montgomery with the subject site in the background. This is the sylvan middle school directly across the street from the subject site on 58th avenue. Again looking north along southwest 58th with the site frontage along the cursory -- cursor here. And you'll notice in the photograph there are some -- there's an area here that's utilized for parking. There's the parking area again. Directly east through the subject site, the site does slope in approximately the same manner as does southwest 58th avenue. The abutting grace townhouse estates condo or apartments just to the north of the site. Further up 58th avenue from the site looking north before the first bend. Turning around looking south, the arrow pointing towards

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the site. You'll notice the intersection on the north side, there's a traffic calming table. And I threw this map in here to demonstrate to you what the neighbors are going to describe to you as what the issue is relative to cut-through traffic. On the north side here is Barnes Road, and what folks are doing according to the neighborhood association and their position is instead of coming out to skyline and meandering down to finally getting down to the freeway interchange down here, instead what folks are doing are coming off Barnes Road, going south on 58th Avenue, heading over to 58th and coming straight down 58th Avenue to the intersection here, and ultimately out to the freeway. So this is just used for familiarity as to what the neighborhood association is going to be addressing today. A couple of quick housekeeping items. We received, I believe have you these before you also, a number of different emails this week, including one today. I just wanted to inform you that upon the city attorney's advice, we are able to discuss the pertinent information in these emails that we've received recently if in fact they're subject to information that we addressed at the hearings officer. I would like to point out a few misunderstandings that we definitely can't talk about today. The email submitted by Gabriela Downey suggests we are reviewing a planned development. That's not the case at all. This is a straight subdivision. The email submitted by Bill and Wendy Whitsell addresses the traffic issues that we've discussed. The email submitted by Ellen Kodis suggests this was a zoning variance and the city approved a very large apartment complex. I believe there's a mistake here that this individual's actually referring to a different case north of this site. And finally the email from Bud Bowsma also suggests we're reviewing a case today that proposes more than 40 lots, which is simply not the case again. I handed to the city clerk a set of photographs that were submitted into the record by the neighborhood association, and in fairness to the neighborhood association, I'd like to offer these to the council members for your review. That concludes my presentation.

**Potter:** Before the commissioners ask questions, do you have anything to add to this, Kurt?

**Kurt Krueger, Bureau of Transportation:** At this point I think I'd probably wait for direct questions or to respond to testimony that is presented.

**Potter:** Questions from the commissioners?

**Saltzman:** Tree preservation? What was the decision, there are some trees being preserved on the site, proposed to be preserved?

**de Freitas:** That is correct, commissioner Saltzman. There are a number of trees on the site, the applicant provided the information required to address the tree preservation chapter of the code. There will be trees that will be preserved on the site, yes.

**Saltzman:** And is there anything in the record from Portland public schools expressing either concern or support about this site from a safety or student head count point of view?

**de Freitas:** I can verify this for you, I believe there is something on the record from the school district acknowledging the traffic issue in the area, but supporting the development. I can verify that for you before the end of the day.

**Adams:** Could you clarify why the application shows the five driveways and how you know that there will only be three?

**de Freitas:** Certainly. Thank you, commissioner Adams. The preliminary plan that was submitted is just that, a preliminary plan, nothing that's going to be held to stone. The applicant is required to provide us a plan demonstrating the lot layout. They went one step further and provided us information preliminarily as to what the potential attached houses, how they might fit on these lots.

And they offered individual driveways for each specific attached house. At the building permit stage, it's -- I don't know if it's a policy on PDOT's part, but -- or something stronger than a policy, the applicant will absolutely be required to pair driveways where possible so we've got five lots, five attached houses, if we pair four of them, we wind up with three driveways.

**Adams:** And at what point just for my own education, the standard threshold after which a traffic study is required on this kind of an application? What is it?

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**de Freitas:** I'm going to let kurt answer that question.

**Krueger:** I thought you might. Commissioner Adams we would typically look at approximately 25 lots, which equates to about 200 vehicle trips per day, or 100 peak hour trips. This one's probably close to three, we didn't feel it was proportionate to ask for that.

**Adams:** I've had the opportunity not to meet or discuss with the neighborhood association on this specific application, but on the issue of 58th street and had an opportunity to observe it myself and to see some of the traffic counts. It seems it's a street that's being inappropriately used, but there is no criteria to judge a development vis-a-vis the safety or the loads on a street.

**Krueger:** That's correct.

**Adams:** At what point does a street become so dangerous that any further development or driveways on it are restricted until the street's safety can be improved?

**Krueger:** Challenging question, it's a subjective one. We would rely on a number of factors, most likely accident data that would support an unsafe situation, and we don't have that.

**Potter:** Other questions? I wanted to ask two --

**Saltzman:** You said we don't have accident data, meaning there's no accidents or we don't have the data?

**Krueger:** I don't have data, we didn't pool that information from this particular case.

**Saltzman:** Ok.

**Potter:** Two questions. What is on the property now, and is there an existing driveway on that property?

**de Freitas:** I'll answer that question, mr. Mayor. The site is currently vacant, and there is a gravel driveway that leads on to the site, that's correct. There's a photograph of that if you'd like to see it.

**Potter:** I thought I noticed it in one of the pictures.

**de Freitas:** It's there, but there's nothing on the site currently. I might add, in reference to commissioner adams' questions, we should make it very clear that again, this site is zoned for multidwelling purposes. The applicant could come in tomorrow with a set of plans, obtain building permits for the plans and build essentially the same project that we have here before us today minus of course individual lots. But the site is absolutely designated for multidwelling purposes by right the applicant could build five units on this lot.

**Adams:** I guess one other follow-up question. What is transportation doing to address the inappropriate cut-through traffic on 58th?

**Krueger:** Another excellent question. I think there's a letter in the record that states what transportation has done. We've installed traffic speed bumps as appropriate on this condition -- on this particular road to minimize inappropriate trips other than short of disconnecting this road or terminating this road in the middle of somewhere, and there's little we can do until other infrastructure is in place or other interconnected streets are available to distribute the traffic in other patterns.

**Adams:** I thought there was opportunities for potentially retiming some of the signalization on skyline that would incent people to complete their trip on skyline as opposed to cutting over to 58th. What's the status of that engineering analysis?

**Krueger:** That request came to our traffic engineer, and I believe there's another letter in the record, that same letter, where the traffic engineer didn't feel it was appropriate for us to --

**Adams:** Could you speak up, I'm sorry?

**Krueger:** It didn't feel it was appropriate for us to configure signal timing in an inefficient manner to avoid trips taking a particular location -- it's a hard one to explain. We didn't want to create an inefficient signal that's not operating as officially as possible. What was asked I believe of us to do is put artificial delay in the signal too discourage trips through an intersection, and it's not a precedent that we have set in timing our signals to operate inefficiently.

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**Adams:** Even if it means 58th -- even if the current signaling configuration incents voters to cut through a neighborhood on 58th?

**Krueger:** I'm going to struggle on this one, I can tell.

**de Freitas:** I might add, I'm going to assist kurt here for once.

**Krueger:** Thanks.

**de Freitas:** I'm going to read into the record the letter that kurt has been referring to, because it specifically addresses your question, commissioner adams, and it was prepared by the city traffic engineer. In addition, our traffic engineers identified a number of issues that would be problematic if we attempted to use this approach, i.e., the approach of adjusting the timing at this signal. Based on our experience, the signal delay would not be long enough to affect the behavior of cut-through traffic. A delay would impact legitimate trips by local school traffic. The signal delay option only delays northbound traffic. The northbound left turning traffic includes local residents as well as cut-through traffic. The signal can't discriminate between the different users. And finally, people sitting in the left turn lane will see plenty of gaps in the southbound skyline traffic and will question why they're being held. Some will likely violate the signal.

**Adams:** Mr. Mayor, I realize my line of questioning is not necessarily within the total purview of whatever frank said, but it also -- this is a source of great concern to the neighborhood, and I think that a total engineering response to the -- I think a very real and dangerous problem on 58th is limited and I would encourage the bureau to think more creatively in terms of the use of signalization and how it incents drivers or not to use the appropriate roads or not.

**Leonard:** Is there any reason 58th needs to be a through street for public safety reasons?

**Krueger:** I'll address our policy on street connectivity as you're well aware in southwest Portland.

**Leonard:** I understand that. That's not my question. Is it a direct route used by the fire station?

**Krueger:** That I don't know.

**Leonard:** Has there been exploration of the possibility of not making it a connected street at both ends?

**Krueger:** I don't believe we've --

**Leonard:** Has that come up as an option?

**Krueger:** It was suggested by one of the neighborhood --

**Leonard:** It was suggested?

**Krueger:** Yes, it was.

**Leonard:** And why is that not practical, notwithstanding the connectivity policy?

**Krueger:** Without addressing the connectivity policy, i'm having a difficult time answering that question.

**Leonard:** That's the answer.

**Krueger:** That is the answer.

**Leonard:** Thanks.

**Potter:** Other questions?

**Saltzman:** So did the neighborhood officially support closing 58th at barnes road?

**Krueger:** There is testimony in the record that one individual suggested that as an option to us.

**Saltzman:** So it's not --

**Krueger:** It's not been brought to the rest of the neighborhood, to my knowledge.

**Potter:** Thank you. We'll now hear from the appellant. Please come up. Please state your name. You have 10 minutes.

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

**Sally Kneuen:** My name is sally, 5200 southwest barnes road, Portland, Oregon, 97221. I am the land use chair, and this is a presentation on behalf of appellant, sylvan-highlands neighborhood association. Good afternoon. This is a case about land use and the impacts of zoning on

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transportation and livability. We're going to be asking city council to take a look at three things -- transportation issues, configuration of the development on the property, and zoning that permits this type development. We would like to thank the applicant, mr. Pollock, for his proposal, because without it we wouldn't be here today to address the relevant larger issues that the five row house case magnifies for our neighborhood. We'd like to thank city council for its attention to a matter that affects not only sylvan-highlands, but every neighborhood coalition in the city of Portland. Let me get down to specifics. Sylvan-highlands neighborhood association has lodged an appeal of a proposal to develop five row houses at the intersection of southwest 58th avenue and southwest montgomery just west of southwest skyline boulevard. Recently the shna board of directors and general membership unanimously voted to appeal the applicant's proposal. Shna maintains the transportation system is incapable of safely supporting the development in addition to the existing uses in the area. Code 33.641.020. S.h.n.a. submits by allowing five-dwelling units with driveways facing southwest 58th, the development renders the intersections unsafe for school children, pedestrians, motorists, cyclists, and buses. It would exacerbate an already difficult traffic situation due to cut-through motorists at southwest 58th and montgomery, additionally shna maintains the technical standards relating to right of way in 33.654 have not been adequately addressed to ensure safety. Mr. De Freitas has stated that a similar proposal could have been permitted without a land use review due to the r2 zoning. The only thing that triggered a more public process was the application for a land division. The land division may reflect the applicant's desire to create fee simple lots underneath each row house. Be that as it may, shna maintains there are significant transportation-related problems that cannot be addressed by the neighborhood for the following reasons. Number one, when the area known as sylvan heights was annexed by the city of Portland in 1984, the zoning designation r2 was implemented as part of the 1986 northwest hills rezoning. Sylvan highlands wasn't incorporated until 1991, and it seems there was little or no neighborhood input on this zone change, even though the school existed at that time. Number two, shna has no design review. We have no design district or plan district. Number 3, smaller incremental development proposals do not trigger traffic or impact studies, yet the aggregate effect is debilitating for neighborhood traffic safety and livability. And number four, Portland public schools does not oppose higher density development that brings in more students. Despite the fact that east sylvan has been identified as a safe routes to school target for its transportation safety-related problems. So where does that leave us? We have a safe routes to school problem. The street out front has repeatedly been identified as a cut-through route for motorists heading for highway 26. We have short and congested bottle necks at the two intersection that's trap motorists where they cannot clear the intersections. This proposed development would amplify an already dangerous situation. Every day there's an accident waiting to happen. In my own personal visits to the school over the past two months, I have seen school personnel directing traffic in the middle of the school intersection at southwest 58th and montgomery. Because shna could not fight the r2 zoning that was already in place, we recommended downsizing the development and limiting the number of driveways to one. No attempt was made to mitigate the plan and pdot approved the proposal as it stands. We wonder how a bureau that agrees there's a problem with cut-through traffic as evidenced by the 12 speed bumps along the route and agrees this is a safe routes to school target, can grant approval for this plan. The precedent set in this case is of great significance because the applicant owns the property on the southern side of the same intersection. The only design standards that apply in this case are base zone development standards in chapter 120 of the zoning code. These standards require an 18-foot distance between the garage entry and the property line. The design that's been submitted as part of the application essentially shows snout-style housing with a garage facing the street and driveways extending out from the garage. Shna maintains this design is not adequate to solve the transportation problems in front of the proposed development. As other neighborhoods around the city have learned, it is common for cars parking

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in front of row houses to extend across the sidewalk, preventing pedestrians from passing safely. Of particular note is that this property faces the bus exit and the student cross walk. To complicate matters, there's an unofficial parking lot used by apartment dwellers, parents, and commercial vehicles across 58th in the public right of way. It accommodates 10 to 12 vehicles. With the current design, residents living in the row houseless have to back out of the driveway at the corner of the intersection. Assists this puts drivers in conflict with oncoming traffic, students crossing, buses exiting and motorists pulling out of the unofficial parking area at all times. This is not safe for anybody. As we have seen from some recent higher density development in sylvan highlands, driveways close to the street on southwest salmon caused residents to be as disgruntled about the unhappy predicament they buy into as those who try to navigate the situation. For sale signs pop up quickly, and neighborhood stability is compromised. We anticipate the headaches ahead caused by shoe horning higher density development at a congested pair of intersections will have to call code compliance to enforce sidewalk overlap issues and double parking. We'll have to worry about children walking into the street to get around cars. We'll have to worry about drivers trapped in the middle of the intersection because montgomery is too short and creates cuing nightmares on both streets. We expect more accidents and danger to school children at both intersections. We are certain that the construction phase will create transportation and safety problems as well. Construction during the summer would be the safest option. We're particularly concerned that our local service streets, mont guy -- montgomery and 58th, are operating as neighborhood and district collectors. We beg pdot to manage cut-through traffic before these streets are required to support higher density development. And we're worried about several other active and pending development proposals that will project more traffic onto the streets. We know these developments will introduce more traffic and infiltration that will ultimately destroy livability and cause the intersections to fail. When odot reconfigured the sylvan interchange, one important access point to skyline was eliminated to create a safer exit and entry ramp. Southwest 58th is one of two ways to get from burnside to 26 through our neighborhood. The infiltration of cars from forest heights continues to tax our local service streets. Neighbors are fed up with zoning and a transportation system that fails to acknowledge their problems or to provide remedial infrastructure to support the uses. Another frustration that neighbors cite is that these higher density developments are supposed to be supported by mass transportation options. I will address this topic in my rebuttal comments. Overall, shna prevails upon city council to help us prevent the failure of two intersections, protect the safety of school children, and preserve the livability of our neighborhood. We have no other means to address the problems besides your intervention. Please reduce the number of units, reduce the number of driveways to one, require the driveway to be located as far north of the intersection as possible, preserve the site lines for the corner, eliminate the possibility of snout-style housing units, and require pdot to address transportation deficiencies and manage cut-through traffic to restore the local service streets to their intended use. In the bigger picture, think about how to give neighborhoods like ours design oversight. Sergeant craig randall rezoning in school zones where safety issues should trump higher density development goals. We need the ability to weigh in on design standards so that we don't end up with a chopped-up piecemeal pattern of higher density development that defeats our neighborhood character and turns the community in a nothing but -- into nothing but real estate. Thank you for your consideration.

**Potter:** Questions?

**Leonard:** I have a question. The question I asked earlier about the street closing 58th, does that address the concerns you have to the extent that you could allow more development on 58th if it was closed?

**Kneuen:** That discussion is an ongoing discussion in our neighborhood. There are people who live on those routes who think it would be very inconvenient to have their accession points in and



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out of the neighborhood cut off at southwest barnes road particularly. So we don't have consensus, I would say, on that point. We have the -- the discussion is on, but no consensus.

**Leonard:** How else do you get to the place you want to get to?

**\*\*\*\*\*:** Well --

**Leonard:** Are there other alternatives? Let's just say this development didn't occur. Sounds like you still have a problem.

**Kneuen:** We do still have a problem.

**Leonard:** What's the resolution?

**Kneuen:** Well, we would love it if we could get some planning help on this to tell the truth. Because none of us are experts, we're all volunteers, we're doing our best to let you know this is a problem for our neighborhood, and for the school, but it doesn't mean we have the solution in place either.

**Adams:** If I could, I would argue that when I was at the neighborhood association, the argument that I thought was most compelling and had the least amount of disagreement on that I heard was -- this is just one meet and a series of emails afterwards, is to keep 58th open, but to remove what is now a sort of an incentive, a combination of a variety of different things for people to use 58th by having alternative signaling on barnes, and sounds like the engineers at -- the -- skyline, sorry. The engineers at pdot rejected that as an alternative. I'd ask them to reconsider it. It's -- in terms of trying it, it's a pretty low-cost option to try and see how much of an improvement is made in the short term.

**Kneuen:** I can tell you that even our school board representative uses the cut-through. So we have a lot of --

**Adams:** Shame on him.

**Kneuen:** -- pattern to change driver behavior pattern, and of course neighbors don't know how to change that. We need help.

**Saltzman:** You already have 12 speed bumps.

**Kneuen:** Six of which we purchased on our own by raising \$12,500 a couple years ago.

**Leonard:** Has that done anything to slow --

**Kneuen:** No, sir, it has not done a thing.

**Leonard:** I think sometimes you have to get to the place where -- I thought of an example, northeast 16th and tillamook. It used to be a through street, it's a one-way street, 15th and 16th are one-way north and south and tillamook south. And a number of years ago whereas you would drive through 16th, a barrier was put up so what was once a through street that people on the one hand had closer access to lloyd center was blocked off, so you have to go all the way around to get into the houses like you're suggesting. But they don't have cars racing down in front of their house.

**Kneuen:** There's a street that's not pictured on southwest 61st, just west of the cut-through area. Of course neighbors on southwest 61st don't want their street turning into the next cut-through. The city itself has a real problem with north and south access. Skyline is the district collector, neighborhood collector, I believe, between burnside and highway 26. That's the only legitimate route to get where you're going. So we would love to divert people onto the neighborhood collector that is designated for this use and get it off of our neighborhood streets so we can maintain our livability. I would like to add, you asked about emergency vehicles, and their use. No, they don't use that route. Actually, I know captain sergeant, and he did try that route initially, but figured out that it messed up the trucks. So they use skyline.

**Leonard:** And it's an engine.

**Kneuen:** Sorry. I know this is your bailiwick. Any other questions at this point?

**Potter:** Thank you for asking my question. We'll now take testimony from supporters of the appeal.

**Potter:** You have three minutes.

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**Gretchen Hollands:** Thank you. I'm Gretchen Hollands, I'm the president of the sylvan-highlands neighborhood association. I'm also going to show you some pictures. Thank you for listening to our appeal. I've given you a timeline outlining the neighborhood association's attempts to reduce traffic speeds and volume on 58th. We've been working on this issue since 1993. You'll notice there are multiple attempts to get bus service. Repeat visits by Will Stevens with pdot traffic, he comes out every year, tells us that solutions are just too expensive to implement because we have substandard infrastructure. So we appreciate his coming, but it's very difficult. Most recently we've been working with the Multnomah county urban pocket study transportation system plan. And this -- I wanted to read a quote from the draft description. This area suffers from cut-through traffic from the forest heights area. It has limited connection and through routes. Bicycle facilities are limited and topography makes adding additional sidewalks expensive. Transit service is limited and unlikely to improve. The sunset highway attracts high volumes of vehicles which cut through the area at high speeds. Additional traffic enforcement is needed. When we were asked to comment on this case, the unanimous gut level reaction from the 40-odd neighbors who came to that meeting were put in five driveways on a street with documented traffic problems was unwise, but you don't have to take our word for it. We're just volunteers. Dakota, the safety routes to school coordinator did an investigation and her -- in her evaluation she found that the intersection should have constant adult supervision when kids are present. And these are middle school kids, these are 12-year-olds. These are the kids when Mr. Kruger was talking about the accident data that he would need to improve the infrastructure, I was thinking about the kids who go to the school as being the accident data. I'm going to show you some pictures of the intersection that's the picture of skyline. That's the school. Across the street, the site you've already seen. That's what five driveways would look like going across the site. It's a narrow, unimproved road. You have a student there walking with no sidewalk. Cars back in and out, you can see the school buses are entering the intersection, you've got a car stopped on the sidewalk right there. On the crosswalk. It's not surprising that the safe routes to school coordinator is concerned about this. We're very concerned about it as well. So this is all the traffic from the school. There's the cuing on skyline, you can see cars stretching all the way back, trying to make that turn. School buses unable to clear the intersection because Montgomery is such a short street. This is a picture at 7:30 in the morning, the commuter traffic, the other component of our problem. We have the narrow road, people, that's more commuter traffic at night, which is flying through that intersection.

**Leonard:** Is this 58th?

**Hollands:** That's 57th. And so what they're trying to tell you is this is a destination, that the red areas are -- that's a 40-unit planned, and this is a 40-unit being built. What Mr. De Freitas doesn't know is that the nearest amenities to these, the nearest grocery store, day care, are allocated up in Washington county. So up there this development to the north. So the chances that these people are going to get on skyline and follow this long route up to Burnside to get to the nearest grocery store, the nearest video store, it seems very unlikely. So the most direct for these -- from these -- from -- the most direct route from these new developments to the new amenities is to the north and west and there are no transit options, no sidewalks, that's it. So we understand the council must balance competing interests of high density and economic opportunity with safety and livability, but we're just asking you to please help us keep our neighborhood safe. Thanks.

**Hudson:** We don't normally allow people to double up on their time. However, you do have the discretion to allow this gentleman to take somebody else's time.

**Potter:** Go ahead, sir.

**Rick Kneuen:** My name is Rick Kneuen I live at 5200 Southwest Barnes. Thank you very much for the opportunity to chat with you today. What Gretchen has showed you in still photos, I'd like to share with you a video taken at the end of school this past February 8, and put into some context. Staff was good enough to give you a still rendering of what the intersection looks like. This brings

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it home a little more in terms of reality. What I was hoping to do is give you some sense of compass headings. The video being taken right at the base, the southwestern base of the proposed property, and it is now looking north to the immediate right of where the video is being shown is where the property would be exiting onto 58th. Unfortunately what the video doesn't show is at 100 meters to the north on 58th is a proposed development for an additional 40 units. You see the buses exiting the school from the bus turnaround, as well as moving through the intersection there are no stoplights, there's only three stop signs. I believe staff referred to some form of traffic calming, and you can leave it to your own discretion about the efficacy about the traffic calming --

**Saltzman:** What time of day is this?

**R. Kneuen:** This is 3:50, between 3:50 and 4:30, school is just letting out. The bus are cuing. As the camera pans back to your left, you'll get a sense for the point that gretchen was making in terms of the shortness of montgomery and the consequence that traffic necessarily queues in montgomery and then is pushed back onto skyline in the left-hand turning lane.

**Leonard:** The people driving back and forth on 58th, where their cars are coming, they're going to do that whether this development is approved or not.

**R. Kneuen:** They probably are, that's the rationale behind the request to narrow the number of driveways and entry points into 58th. So --

**Leonard:** I guess i'm just stuck on the point of trying to focus how you stop the through traffic that's occurring now.

**R. Kneuen:** Agreed.

**Leonard:** I'm trying to get myself to the place where the neighborhood has to come to a consensus on how to do that.

**Hollands:** There is actually -- we're looking right now at 57th -- 57th is not a through street, it comes and goes down to salmon, and 57th as a soft turn so you barely have to hit your brakes as you come off barnes road. If we could build that corner out and make it a proper 90-degree intersection, that might really reduce the number of people that come into the neighborhood. When we talked about that with will stevens, our last neighborhood meeting in november, and he said that it's just too expensive. But we're going to try to work with the developer who's doing the larger development up the road to see if maybe he could bear some of the cost of that. So that's one idea. We're not traffic engineers, but it seems like if you make that a little harder of a corner, you can't just slide around it, maybe that would help.

**Leonard:** I thought I was looking at a map where 58th was straight through from barnes to skyline.

**Hollands:** No. It's a weird -- it's a weird street. It's kind of segmented, and so 57th is a street that comes off barnes and then you go down a little street called salmon and then you hit 58th. The elevation gain, you're like 1150 feet right where you come off barnes, but by the time you get here, you're at 700.

**Leonard:** So you think doing that 90-degree jog will slow traffic down?

**Hollands:** I think it would help. The property owner on the corner there is very amenable. He would love to have that. He would be happy. It's just real expensive because there's no good infrastructure in our neighborhood.

**Leonard:** That's versus just making it --

**Hollands:** A barrier, right, because we get snow and ice and fog when other parts of Portland doesn't, it's -- to close off a street makes it difficult, because sometimes the only way you can get to your house is from up above because the ice on the road, it's easier to slide downhill than go up hill. It's just a very difficult problem. We've been wrestling with it for two years that i've been involved in it, so -- but that might help.

**Adams:** Maybe this is a question for staff. Is it possible, maybe you have a comment on this. Is it possible to -- you asked for some planning support. Was that transportation planning you meant

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obviously? And what would you sketch for us what a successful transportation planning effort would include for this part of your neighborhood?

**S. Kneuen:** We would definitely want to work with with the forest heights neighborhood association and study area 94, which has been approved, that's going to put more pressure on the west coming into our neighborhood. We would like to see some bus service. We had several meetings with the forest heights neighborhood association, they too have tri-met service, like I say, we've tried it in 1997 and I think in 1999 to get better bus service. I think people would use the buses going to the max at the zoo because there's no parking at the zoo. You can't drive and park, and because of the way our neighborhood is configured, it's difficult to get to that max station any other way. So I think we'd really like to see some improved bus service, I think forest heights would support that. We have a beautiful new east-west bike lane along highway 26, but there's nothing north-south. I know b.t.a. wants skyline to have a nice bike path, we'd like to see some sort of north-south connectivity with the bike routes. In the unincorporated Multnomah packet -- pocket, taking the big loop out of skyline and using some of that land with the antenna, right now the big koin towers are there, and maybe cutting -- making skyline a more direct route without -- those are just some of the ideas.

**Adams:** You've got a variety of ideas and a variety of very difficult issues, and you have two or three different neighborhoods that own the problem, which would make a good reason to have a planning process that incorporated all three, because your views aren't necessarily the same as forest heights.

**S. Kneuen:** That's true. Forest heights does use the cut-through, but they're desperate to have transit service.

**Adams:** So your point is there might be a way forward.

**S. Kneuen:** Absolutely. And I know the hillside neighborhood, the people who live there and send their kids to lincoln high school, they have to drive their kids, because the -- they can't get them across burnside, the transit is just really -- it's poor. I'm put --

**Saltzman:** Where does the bus line that runs along skyline go to?

**S. Kneuen:** There is no bus line along skyline.

**Saltzman:** I thought the report said there's a bus stop 160 feet from the development.

**S. Kneuen:** It's on highway 26.

**Saltzman:** Oh, that's highway 26.

**S. Kneuen:** You can easily go north-south, but everything on our neighborhood is -- you can go east-west, but not north-south.

**Hudson:** I'll going to try to correct things as we go along. The movie that you watched I understand wasn't submitted before the hearings officer. So you can't really consider that in making your decision. I think Fabio picked up a few things that were mentioned during the testimony. Go ahead. Can you come on up? It needs to be on the record.

\*\*\*\*\*: Thank you, mr. Mayor. There was reference by --

**Potter:** State your name.

**de Freitas:** Fabio de Freitas. There was reference made to a 40-unit project that has been approved by the city, no such project has been approved by the city. The reference perhaps is with regard to a rezoned petition that was just approved by the hearings officer last week. There's been no development proposed on that site, however. I just wanted to clarify that.

**Adams:** May I ask a clarifying question of frank?

**Hudson:** Sure.

**Adams:** Our evaluation of this petition appeal is limited to the -- what's prescribed by state law?

**Hudson:** Yes.

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**Adams:** Ok. So when staff says an issue is -- in their write-up is not part of the criteria for accepting or rejecting the appeal, that's their way of saying it's not part of state law criteria in terms of us in terms of considering the appeal?

**Hudson:** Not so much state law, but local law, which is the city's zoning code. But that's prescribed by state law. So in other words, state law says you can't impose some -- something outside of the approval criteria.

**Adams:** So safety of the street, alleged safety or unsafety of a street is not part of the criteria, therefore we cannot use it to make our judgment regarding the appeal?

**Hudson:** If that's what the staff has said, yes. If you want to get down to specifics, specific legal questions about the criteria, then it might get a little complicated. I'm -- if you want to ask me specifically legal questions about the criteria.

**Adams:** Maybe later. I was just curious as we listen to the rest of the testimony.

**Potter:** You have three minutes.

**Abby Maier:** Abby meier, 811 southwest 58th avenue. Can I talk about the traffic on 58th or not? I'm confused. Can I address the traffic on 58th?

**Hudson:** Did you talk about it before? I believe some folks addressed that, so it's not new testimony. So, yes, you may.

**Maier:** Ok. I live at the top of 58th avenue, and i've lived there for 32 years. And use 57th, 58th, and salmon as my neighborhood street. And when i'm in the middle -- we have a lot of snow and ice and fog, and icy times, it's the only way I can get to my house. This has been a very busy street as long as i've lived there, which is 32 years. And when we talk about cut-through traffic, I -- there has been traffic on this street for ever, in the middle 1990's it was 1700 cars. Now it's 2100 cars. So it's not like this is a new deal. And sylvan schools started as a neighborhood -- closed as a neighborhood school in 1982 and reopened just this year. So we're getting increased traffic to a destination which is sylvan school. So we talk about cut-through traffic, but a lot of this traffic is destination traffic. People coming to the school, as long as we have lived there, people have used 58th, 57th and salmon as a way to get to the freeway. It's just the way things have been. It's not a new situation. And I see this situation as, this worked. This street worked when there was low density. As density is getting shoe horned in, it's starting to be a problem. And I have problems with cutting off the street so we can shoe in the most density possible. And when the four houses were built on salmon as a neighborhood, we said this, is going to be rah problem. This is a really busy street, these four driveways emptying out on the street, and we're going to have problems. And people said oh, don't worry, everything will be fine. And these people move into these four houses, and their lives are miserable. They realize that there's 2100 cars going up and down the street impacting their lifestyle. And they've put out signs saying this is our front yard, you know, slow down, but this was happening before they ever moved in. So one of the things I don't want is the street cut off just so you can keep shoe horning more development in. I would like to have an overall -- and I think many of my neighbors are very, very concerned about this. We would like an overall plan before you shoe horn in more and more development without looking at our livability. Thank you.

**David Schauffler:** David shoffler, I live on southwest 58th, a little bit above the intersection we're discussing. I've lived there for 40 years, and a little history, I never let my kids out onto that street 40 years ago because I thought it was too narrow, sort of a countrylike street with no sidewalks, no curbs, no shoulder. I notice today -- in the intervening years, the traffic has dramatically increased bit by bit over time, and I notice just yesterday or the day before that right in front of my house you can see car tracks where the cars have gone off the road into the shallow ditch, and then there's a bank immediately there. The cars are going off the road in order to avoid whatever it is, oncoming trucks or something. And I -- this is a demonstration of the fact that it's a very narrow street. I wouldn't let my grandchildren out there with bikes today. I think as we focus on the intersection at

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58th and montgomery, we have just a very mushrooming situation. We have 18 buses i'm told that come in there in the morning, circle the school, and have to come out again into the same place. We have 18 buses coming in the afternoon to pick up the kids. We have parents coming in with their children delivering or picking them up, we have kids walking, kids biking, as well as local residents such as myself walking down the street. When there's a school function, which there is several times a year, there are cars parked along that narrow country road on both sides. There's only one lane down the middle when these events occur. You can't get through. If you want to walk there, you have to walk down the middle, which is where the cars have to go. So I feel any -- I think development is inevitable. We all believe in infill to a certain extent because we don't want to impact the outer lying areas of our city. But we have to be careful with what kind of development we have, because here we have to try to limit that development, there used to be one little house on this lot. Now they want to put five units on the same lot, and even if it's down to two driveways or three or whatever, I think we have to look very carefully at what we allow to be there as it comes out into that very congested intersection. Thank you very much.

**Potter:** Thank you, sir.

**Patricia Evans:** My name is patricia evans, I live at 5805 southwest taylor street, which is right at the -- if they built 58th through the gully, it would go right in front of my house. I'm going to talk about something just a little bit different, but it all comes back to the same place. I've lived up there for 40 years also, and i've been quite active in the sylvan neighborhood association before it became the sylvan-highlands neighborhood association. And one of the things that happened when they redesigned the intersection at sylvan was that they closed canyon court that came through and connected out to skyline. And now the traffic that used to come from 61st, because 61st used to come around there, and from the apartments in Washington county that are west of that, all have to come up past sylvan school now. And get to the corner of montgomery and 58th. I don't know if you really have a picture of what it's like there. We have three roads that come from the top of the hill to the bottom. We have 61st, which is not used too much, then we have what we've been talking about a lot today, 57th, salmon, 58th, and then we have the meandering skyline that meanders right down to the same corner where all these roads have to come out. And that's 58th -- that's montgomery and skyline. So it really doesn't make any difference if you meander or cut through, or whatever, you're coming down to the same intersections. 58th and 61st are meeting right in front of the school at 58th and montgomery. And they just make a short little turn and then they meet. The official traffic from skyline. You can see that these intersections are really being put to the test all the time. We have three roads. To make -- to cut one off, to make it one-way, it's not quite like 15th and 16th, because you don't have the extra streets over there to do it. There are three roads. What happened when Portland went along with odot in saying that canyon court should be closed has just created a problem. And I think what i'm asking is that you give great consideration to decisions that build upon each other and later on provide great headaches both for the people who are already in the neighborhood, and those who come and who we have to try to help through our neighborhood association. So I hope you have the whole picture in mind rather than just this one particular thing that you see, this is part of the piece in the puzzle that we have to figure out the whole thing. Thank you.

**Potter:** Thank you.

**Potter:** You have three minutes.

**Hugh Maier:** My name is hugh maier, I live at 811 southwest 58th avenue. You heard my wife speak a little bit earlier. I want to address the issue of driveways. The current property has one driveway, and i'm afraid you folks being politicians may be thinking, well, we can settle on three driveways and it won't make anybody happy, but it will try to do something for the neighborhood. That may sound cynical to you folks, but I really have noticed something here i've been pleased to see, and that is all of you trying to think outside the box in terms of the real problem, which has

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brought everybody here, which is more than just five driveways at the bottom of this street where there is this really bad intersection. I really appreciate that thinking. I think it is entirely possible to take a single drive way and still give the applicant for the building permits, everything they want, and at the same time give the neighborhood what they want, which is a single driveway and a maximum amount of safety in this particular thing. The property in question is a rectangular shape, and I think the architect who submitted the plans saw a driveway there, an address that said 58th, so he lined up his houses long and narrow facing east and west and coming out onto 58th where the intersection gets ugly. It would be perfectly simple and while this is not the neighborhood association's plan, it would be possible to have these houses be oriented north-south with a lane at the north end that would all houses would feed into the lane and this lane would feed into a driveway at the north end of this property. The farthest from the intersection and everybody would be happy. Supposedly. But the real issue is, there is no plan for development, and this incremental process of getting building permits, getting zoning adjustment and so on, is killing neighborhoods on a piecemeal basis, and that's the issue I really hope is one that gets addressed out of here. I hope you can see fit to give everybody what they want. And still do something looking down the road that would be better than the process we're going through now, where I have had to listen to people who reside on salmon, which is the narrowest least viable piece of street that is called 58th, because 58th is really 57th salmon, and then 58th. They -- their houses are just like these, real short, they were stuck right up close to the road, and now they have spent many thousands of dollars worth of city money petitioning to have something done about this problem, and the problem was created by the approval of those lots originally, and i'm afraid this one will be another one. Thank you.

**Potter:** Thank you.

**Bonny McKnight:** Mayor Potter, members of the council, bonnie mcknight, 1617 northeast 140th street in Portland. I'm here to support the appeal of the sylvan-highlands neighborhood association of the proposed five row houses. You'll note by my address and that of the proposal that I live at the far end of this city from where this development proposal is cited. And yet it's early similar to what is going on in neighborhoods near me and throughout the city. I'm a land use chair for the roseland neighborhood association, assist the land use chair of wilkes community group with development issues, and coordinate the citywide land use group made up of neighborhood association land use commits from all -- committees from all parts of the city. As sylvan-highlands appeal correctly states, the situation presented to you does affect every neighborhood in the city. The overarching problem is that our one size fits all code does not fit all. As a new city council with a clear mandate to build stronger ties to the community and to the neighborhoods where people live, this appeal provides you the opportunity to deliver that promise. For many of us involved in land use issues, the city's single goal often appears to be to facilitate development. It appears maximums are the rule that more is assumed to be better and that the impacts on infrastructure and existing neighborhoods is a secondary concern or not on the table at all. The appeal speaks of the fact smaller incremental development does not trigger traffic studies. Yet in east Portland, even when both the developer and city traffic study stated the intersection would fail in violation of the 20-year rule set by state law, the zone change was granted and even more density was allowed for a development along sandy boulevard, a state highway which the city could not even signalize to provide safe access. A second more settle problem is described in sylvan high lands appeal, even where transit is absent inadequate or will never be provided, transit densities can be triggered in development decisions. This appeal provides you the opportunity to say that is not the intent of the code, nor of the transportation goal of the comprehensive plan. And that building maximum allowable units in a zone which transit is not an option for those living in those units is no longer acceptable. Despite the truly negative safety situations set up by this development and despite a history of the slow dismantling of the livability of their neighborhood, sylvan-highlands neighborhood association has requested reasonable solution by suggesting one less unit and a single

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driveway for this development. Your action today will be heard by other neighborhood associations in this city. It will give us hope that in new city council -- a new city council will begin to work with us on some of the important issues that new density and existing neighborhood brings, then we can find ways to avoid building problems today, which demand more public money in the future for solutions at some unspecified time by a yet-to-be-elected city council. I urge you to support the sylvan-highlands neighborhood association appeal.

**Potter:** Thank you.

**Chuck Lenard:** Chuck lenard, 1200 southwest 61st drive. Lenard is spelled incorrectly without an o. Lenard. It is properly spelled for me, but I acknowledge it may not be the best way to spell it. I've submitted a letter to the council indicating my concerns and all those concerns that have been covered here today. Would I have waived my time, but for coming to a realization as I looked at the photographs presented by pdot a. Realization or at least a major question, i'm very pleased that the council is as concerned as it is regarding the use of 58th and the volume on there. It's a serious neighborhood problem that's been brewing regardless of whether this development occurs or not. But I am concerned about the impact of this development on the intersection which you saw photographs of. One of the things that hasn't been discussed very much but you can see it in some of the photographs is when you look at the stop sign that applies to those who are coming down 58th traveling north to south, that stop sign is oddly set back from the intersection. When you look at the photographs, you see kind of a concrete hump. The stop sign is back from that. As I looked at the photo and where they pointed to the driveways, it would appear to me the driveways are not really entering 58th as such, they are enter the intersection. Maybe incorrect in that, and i'm going to have to talk to some people and find out if I am, but what I am questioning is whether that doesn't introduce a whole different set of safety issues. People are not really entering 58th as such, but it is akin to introducing new streets entering into an intersection and complicating the situation with who has right of way, a question of do you need additional stop signs entering the intersection, because if the driveways enter the intersection rather than 58th to the north of the stop sign, then those driveways are not governed by that stop sign on 58th. So I would just lay that concern out. If the driveways do not enter the intersection but enter 58th behind the stop sign, obviously my concern is for naught.

**Potter:** Thank you.

**James Rhoda:** I think this is an important matter to be addressed for the safety of my kids and our neighborhood. My daughter is going to be going to school in a year and a half, and she's told me she wants to go here because she wants to be able to walk to school. I don't think that's ever going to happen. I used to walk to school, but that's not going to be a possibility because of the traffic that's already there and the -- what's going to be happening in the future. Our goal here is to at least in my goal is to help prevent accidents and provide a safe environment for our children. My preference is to have a signal driveway, maybe that means less units, but to make it safer farther away from the intersection. I'm told that the -- with the original plan with the fifth driveway, that the lower driveway came into the crosses walk. So I don't know if that's true, and I can't confirm that. The pictures that were shown to you by pdot are not very representative of what is actually happening in this intersection. During the times of peak traffic, either during rush hour or when the kids are coming and leaving, it's very busy, and the -- you didn't get a good example in the video, it puts it into evidence in part, it's very busy and traffic is quite backed up all the way up to the interchange from the highway. There's also a large volume of traffic coming up from canyon road which may not be in the traffic study when they give you the numbers of 2100 cars. All this is coming into one intersection at the very narrow montgomery road. I hope you'll consider the appeal, and I appreciate the time you've given us. A lot of people here are comched to this and it actually has been good for our neighborhood, it's brought us together and increased the numbers to our -- each of our meetings. Thank you very much.



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**Potter:** Thank you. Is that it, sue?

**Parsons:** Yes.

**Potter:** We'll now hear from the applicant. Please come forward. You have 15 minutes.

**Ken Sandblast:** Ken sandblast, 7160 southwest fir loop, suite 201 in Portland. I guess would I begin by saying thank you, because I think i've listened quite well and seen what the issues are. We have obviously forwarded a land use application for a five-lot subdivision at land division application, and it's obviously further spurred the efforts of the neighborhood to try to deal with systemwide issues they've got in that community. I'm glad to see the city council is actually doing the same thing that one of the gentlemen spoke to earlier about thinking outside the box. I think that's a good thing. What I would like to see is that those efforts continue with the neighborhood and be encouraged by government, including with pdot. What we have to focus on today, however, is we have a single application, and we have a decision from the hearings officer on the criteria that are at that -- that that application is held to, and it's been found to meet those criteria not only in the staff recommendation, but also by the hearings officer's decision. I'm not going to go into details of all those criteria. I'd like to focus on a couple of things that have come up today primarily one is the driveways, the five driveways versus the three driveways, versus the 1 driveway. As the exhibit indicates, there was five originally proposed, and as the staff did a good job of telling you, we went above and beyond, we showed those driveways in those building envelopes more as additional information. It's not something that's required in the land division application process. Were more than willing to accept the condition of approval that says that driveways will be consolidated. I believe your staff is again correct that that is something that's in the code that would be required to be done. If the council feels it's necessary to put that condition in writing on this application, we would accept that condition to ensure that it is done. We would of course want to consolidate those driveways in the most efficient way, which may be away from the intersection to the north as much as possible. With regards to a one-driveway location, we've tried to look at this peace of property in a variety of different ways. If you looked closely at one of the exhibits that shows some of the preliminary layouts, on the south side or montgomery frontage there's an existing slope easement, a substantial slope easement. For a lot of the same reasons that were spoken to about the base zone design standards, we're dealing with some very specific standards that these future homes will have to comply with if and when this is approved. A pedestrian connectivity sidewalks connections to the street, house orientation, the snout house issue was brought up, that isn't something that we'll be dealing with in this case. The code is very clear that that does not occur, and the future buildings will be held to those standards that are already adopted in the code. So just -- I guess it's more of a combination of issues. Quite a bit like the traffic safety might be a combination of things, being able to reorient this by turning it and having a single access point on the north. When you combine all the requirements, it's not going to be possible. So at least not from what we've seen so far. So we've proposed what complies with the code, and that's why the hearings officer found that it was approvable. If you have a question I can pause.

**Adams:** Are you telling me that other city requirements regarding access, pedestrian access, and something else forestall your ability to reorient the development to a single driveway entrance and exit? And the terrain?

**Sandblast:** It's a combination of issues. The base zone design district standards, I can defer to your staff, i'm sure the planning staff can make comments on that, if you looked closely at exhibit c-2, it shows there's a retaining wall that's out there and that's actually in the right of way, but it's part of the slope easements on the property I spoke about earlier, and the retaining wall is out in the right of way. So the ability to physically make those connections topographically becomes an issue as well. Just making the connections and satisfying the design standards of the code. We looked at coming in off montgomery, that was not something that was achievable because of topography and access requirements.

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**Leonard:** That's actually subject I have a note to ask you about that.

**Sandblast:** It was a slope easement, and then trying to deal with the slope easement from odot, the retaining wall, some of that physically is more economic issues, but the odot issue prevented it and also the -- trying to recall if the base --

**Leonard:** What is the odot issue?

**Sandblast:** We have an -- on exhibit c-1, it's marked preliminary plat. You can see an indication on the south boundary of the site, crossing lots five in the southeast corner and lot four, that there's a permanent slope easement from odot. And that's not something that it's a legally granted easement. It's not something that we have the ability to deal with in terms of putting roads through it.

**Adams:** Or a single road off Montgomery.

**Leonard:** Is that the five-foot dedication?

**Sandblast:** No, that right of way dedication is on 58th. I was looking more at the south -- what would be the lower right side of the site behind -- right side of lots four and five.

**Leonard:** Why couldn't you do it toward the other end on montgomery? 58th --

**Sandblast:** Then we start getting, and would I defer to your transportation staff, I would believe you'd get too close to the intersection. You wouldn't -- the closer you go west on montgomery towards 58th, the less likely you are to be able to get the alley is about what it would amount to. I'm not sure it would be a road. I don't know, i'll defer to mr. Kruger on that.

**Saltzman:** Have you seen the drawing that was submitted by -- mr. Meiers spoke about it, I guess it was submitted by robert evanson, the architect --

**Sandblast:** No, I haven't seen that.

**Saltzman:** Orients the house to one driveway to the north. It shows the easement and retaining walls.

**Sandblast:** I haven't seen that.

**Saltzman:** There's five houses on there.

**Sandblast:** It's my understanding, I guess would I defer to the city attorney. If that wasn't submitted at the hearing, I can't consider it. Not that I wouldn't, but --

**Saltzman:** Ok.

**Sandblast:** In terms of what we're doing today.

**Saltzman:** We were just handed this, so I guess it is --

**Hudson:** It wasn't submitted.

**Saltzman:** Is this part of the record? No. Sorry about that.

**Adams:** If the city was to waive pedestrian connection requirements that would allow you to at least physically put reorient the five houses to a single driveway that had an entrance on 58th street, could you and would you?

**Sandblast:** I think originally when I was retained to get involved by the property owners, they wanted to come in off montgomery on a single access point, and we had the same problem with the connectivity. So I guess would I say we would consider it if it's something we could look at. Right now I don't know how we'd do that.

**Potter:** Go ahead.

**Sandblast:** Thank you. I just wanted to touch on a couple of the things. That is, I think the staff did a good job of pointing out to you that this application here is a land division application, it doesn't necessarily have to be a land division application. And we're here because the property owners are interested in giving the stability that comes with homeownership, not just putting in a multifamily development. I wanted to touch on that. The other thing I wanted to touch on, there was a question about -- an issue that was brought up about the transit -- the zoning -- the zoning and transit density issue that was brought up. This piece of property as your staff pointed out was zoned for this for quite some time, and this application complies with those standards and requirements.

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So i'm sensitive to the community's desire to see things fit and livability be important. I live in a community as well, so we want to try to make these things work out. The reverse side is that we have an application here that has wynn set of circumstances, those circumstances have been reviewed by the city's hearings officer, and found to comply. I would just say in closing that the -- that I would like to see the neighborhood continue to work and have the city council encourage the different bureau that's are necessary to get the -- because I think commissioner adams summed up the fact very well, that there's multiple interests that are going to be affected by these kinds of things, and what they -- what the appellant acknowledged in her initial testimony was that there's significant transportation issues that can't be addressed by the neighborhood. They can't be addressed by this applicant either, and we'd request that you proceed forward and reject or deny the appeal and allow this application to go forward we'll encouraging the necessary forward future work. Thank you very much. I'll answer any questions if you have them.

**Leonard:** I would just -- I don't know if i'm reminding you much this, but for the audience purposes, what you find as what are ability -- as to what our ability is to make a decision on this applicant is an opinion, we based it on the fact. At least from my point of view, what's being presented here, does get to the issue of a couple of the relevant criteria -- the transportation system must be capable of safely supporting the development, in addition to the existing uses in the area. So I am concerned about that. And so I really need you to put on your creative hat and help us, at least help me, but certainly I can speak to my concern, which is, i'm looking for an alternative other than what you've proposed to be able to satisfy my concern based on the evidence presented here that this criteria isn't met yet. So the idea of a single driveway with access from montgomery is intriguing to me.

**Sandblast:** What I would say is in terms of thinking creatively on that, first let me say I think it's been well established today that safety is a multifaceted issue, it's got a lot of considerations and I think one of the commissioners said earlier there isn't actually a criteria that you can objectively measure safety in. I completely appreciate and acknowledge that the city council has that role to do. What was found in this case from the report is that on balance as I think the staff said earlier when they considered all those factors about safety, particularly given you were combining the driveways that that was met. With that said, what I would say with regards to thinking outside the box is, I don't disagree with some of the testimony you got today. I think the code, there isn't a one size fits all code, and this city is a very diversion city. I work in all areas of the city, doing land division applications, and different types of land use, and it's difficult. It's very difficult because the code needs to have certainty, but it also needs to have the flexibility to deal with situations like this. I can't tell you that we wouldn't entertain looking at it, I can tell you we have looked at maybe not directly from the north because we had these combination of circumstances I spoke to earlier, but we would look at those kinds of things. I do.

**Leonard:** How about some of what we heard was a single driveway on 58th.

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

**Leonard:** I guess I need to know what's going to work --

**Sandblast:** I won't be able to give you that input today, we would have to at least leave the record open. I don't know if we need to talk to you about it --

**Leonard:** Ok.

**Sten:** You clearly have the zoning to do five units, and I think there's -- support rental housing too. But owner occupied is more beneficial to the neighborhood. Would it be your understanding if you did five units of multifamily that you would probably only get one driveway?

**Sandblast:** That would be my understanding, yes.

**Sten:** As it is now, really the proposal to the neighborhood is you get owner occupied, but you get five driveways. If this didn't get approved, you'd probably do multifamily, but my guess you'd only get one driveway on that.

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**Sandblast:** For the multifamily I think you're right. What I would say, just to clarify that, at this point five may have been what we showed, but three is what --

**Sten:** Right. I retract that. Three.

**Sandblast:** But yeah, i'm not trying to hold out any sort of -- I don't know what will happen if this doesn't go forward with regards to the future, but I know that's a possibility, and I agree it's probably one driveway that would be a multifamily driveway.

**Sten:** The neighborhood may or may not like that as an alternative, but they would probably get a type of housing they like less, but two less driveways. You can build the multifamily housing without approval from the council. I'm talking out loud, maybe trying to push both sides to something that shoots the difference.

**Sandblast:** I understand.

**Adams:** Would you like time to consider the single driveway option and come back to us?

**Sandblast:** We'll take -- I believe we could do that in a week. I don't know if you believe you need to have another continued public hearing or just need to have the record left open, but --

**Leonard:** I'm prepared to make a motion. I'm not sure it would suit your needs as well as what i've heard you describe. I -- depending on the mayor and the rest of the council, I would think a week for you and the neighborhood to see how best that might come together to suit both your needs. It might make more sense than me making a motion and may not -- that may not fit exactly.

**Adams:** Can I ask a question?

**Saltzman:** Where we -- are we on the 120-day clock?

**Hudson:** We have until march 22.

**Adams:** Could I ask question of staff?

**Potter:** Let's find out if there are any more questions for mr. Sandblast?

**Adams:** How much are you paying in s.d.c. charges?

**Sandblast:** I don't know the answer to that yet. That's good staff question.

**Potter:** Thank you.

**Adams:** First off, what's the criteria for pdot, what does it take in terms of transportation dysfunction in an area of town before pdot decides that it's time to do a transportation plan to address it?

**Krueger:** I think that could come about from a number of directives. I think council could make that directive to us to undertake that. We have areas of town we would probably feel -- kurt kruger, transportation. I believe we could bring a proposal to you in an area we felt there was significant concern and ask to work on a transportation planning study. From what I hear, that sounds like a possibility.

**Adams:** I think so. And to your colleague there, if -- does city council -- maybe frank, does city council, and I don't know that the neighbors would like this, but if the orientation of the development would be better accomplished with a single driveway from 58th or montgomery, but that and pedestrian access could not be accomplished, does the city council have the ability to waive the pedestrian access requirements?

**de Freitas:** I'll try and answer your question as best I can. Fabio de Freitas from the bureau of development services. When we -- when you're referring to a single access driveway proposal, that raises all sorts of questions in my mind in terms of orientation of these lots and/or whether or not lot frontages will be affected here and even provided here. When land divisions are proposed, there are a number of different design elements design criteria that need to be addressed. Frontage being one of them, which needs to be provided. And the code does provide alternative methods of providing frontage other than a traditional street, common greens come to mind, combination of common greens and alleys for frontages and access. Whether or not we can accomplish that on a site of this scale, I don't know. And certainly I would appreciate it if this is the direction we go, that you allow

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us to evaluate this, because it has a number of different implication was modifying the configuration of the site.

**Leonard:** But is it more of an issue for the architects to grapple with than us, the city?

**de Freitas:** It may be, yes, ultimately.

**Leonard:** Maybe they could look at this creatively, the total square feet available and maybe come up with something that's not readily apparent to us that will allow the same amount of single family dwellings to be constructed as there are now?

**de Freitas:** Yes. We were offered this proposal with this configuration, that's what we looked at. We didn't look at anything alternatively. We can spend time with the applicant looking at the site and trying to figure out a different format in which these lots can be created. I would say regarding your suggestion about possible access out to southwest montgomery, as the applicant acknowledged, there is a permanent slope easement here that's owned by odot. I don't know that he would have the ability to utilize or cut through that easement unless he got permission from odot to do so. So --

**Leonard:** What's involved in doing that?

**de Freitas:** Odot is the ultimate owners of this easement, so they have the authority to grant or not grant use of this easement for any other purpose. And I don't know why ultimately this easement was included across the site.

**Leonard:** As I recall some of those odot easements historically make some sense but they oftentimes look at requests and grant them given the change in the use of the area. Maybe that's worth inquiring about.

**de Freitas:** We can look into that. The other issue with regards to this area of the site too has been described by the applicant, it's quite steeply sloping here, so --

**Leonard:** To montgomery from the site?

**de Freitas:** That's why there's a substantial retaining wall at the toe of the slope.

**Leonard:** I see. So that by itself might be an obstacle.

**de Freitas:** That physical restraint might cause us to look at a different alternative then coming out from -- to southwest montgomery. We have to remember too that the site is within the landslide hazard area, and the landslide hazard study was prepared as is required. I don't believe, it's been a long time i've looked at that report, but I don't believe there was any portion of the site that that study suggested was more sensitive or not to be able to develop on. That's something that we need to evaluate also. There are all these underlying issues that when we start talking about reconfiguring the site, that we'd need to consider.

**Leonard:** The neighbors themselves said they thought a single driveway furthest from the intersection of montgomery and 58th would work best. So that sounds like from a technical point of view, that's not a problem. Other than the configuration of the site and the other issues you raised earlier. But in terms of the slope and the easement.

**de Freitas:** Referring to the northern part of the site, yes. We're not talking about significant slope or dealing with conflicting easement there. Again, because of the code requirements for frontage for individual lots when we're considering land divisions, we need to factor that into the equation and we need to see how, if possible, we can create access onto this site via one point.

**Leonard:** Aren't we capable of making some amendments or grant some variances as part of this --

**Potter:** Can I ask to have frank tell us what -- I think there's some legal constraints. I just want to make sure we're complying with the legal constraints.

**Hudson:** I do think in a situation like this council has the discretion to think creatively under constraints of the code.

**Adams:** Under safety.

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**Leonard:** To be clear, i'm addressing one of our approval criterion, the impact of traffic on the safety of streets. So i'm trying to figure out how to reduce the concern that I had that it does have an impact.

**de Freitas:** I appreciate that, mr. Commissioner. What we can do in working with the applicant is actually instead of me trying to figure out all of the various complications that might occur with these reconfigurations at this moment in time, allow us the opportunity to actually come back to you with what would be necessary in terms of perhaps you considering some exceptions or adjustments.

**Leonard:** I'm just making -- we're asking applicant, the neighborhood to be creative, i'm suggesting we can be creative too. If it requires a variance for us to grant the applicant in order to meet all three parties' interests, that -- the three parties being the city, the neighborhood, and the applicant, then i'm open to that. I don't know how council feels about it, but if that's part of the solution, that's fine by me.

**Adams:** That was behind my question of, if we have the right to do that, and I think I heard you say --

**de Freitas:** We may have the right to do that.

**Potter:** According to the information here, the legal, is that we can have a motion to deny the appeal, and if the appeal is tentatively denied and the hearings officer's decision is upheld, but this matter will return to council on a particular date for adoption of findings and a final vote.

**Leonard:** Or we can set over the hearing and not make a decision at all until some specific date in the future, and I guess that would be what I would recommend, that we consider doing is set the hearing over, mayor Potter, until some agreed-to point in the future so we don't have to make any decision at this point. However, we have sent a signal I think as to where we're leaning, and that will help motivate a plan that all parties can live with.

**Potter:** So that is a legal option?

**Hudson:** Yes, it is.

**Leonard:** I would never suggest anything not legal. [laughter] that I was actually on tape about.

**Potter:** I think you'd want to stop there, randy. [laughter]

**Saltzman:** I would move we set this over two weeks. Thursday the 24th or whatever.

**Potter:** Two weeks. Is that enough time? I think I heard mr. Sandblast say they may need more time.

**Leonard:** He said a week.

**Potter:** Is that ok. Okay. Is there a second?

**Leonard:** Second.

**Adams:** Third.

**Potter:** Sue please call the vote.

**Adams:** I have a question, one more. Can I ask a question as we vote?

**Potter:** Sure.

**Adams:** From my friends from transportation, within the intervening two weeks can you also come back with a proposal for whatever the appropriate phrase is for an area of transportation plan?

**Krueger:** Yes, sir.

**Adams:** And what that would entail and how much that would cost and where the resources might come from and the -- in the existing current year's budget from pdot? I intend to link those two issues within the law. Aye.

**Leonard:** Aye.

**Saltzman:** I think there's some opportunity here to think outside the box here, and maybe look at this one driveway, I prefer a one driveway on 58th and montgomery, just speaking for myself. But I don't want to microdesign this project either. But I do think we're losing sight of the important question, and that is, we want more kids living in Portland, and these are single family homes, and

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Portland school district needs kids. So that's going to factor in my ultimate decision on this too, so let's not forget about it. We're talking a lot about kids these days, safety of kids, but we also need kids living in Portland going to schools, so that's going to weigh heavily on my final decision. Aye.

**Sten:** See you all in two weeks. Aye.

**Potter:** One of the -- what this really does is it raises some citywide issues that need to be looked at as to how we develop transportation plan, and do we actually have a citywide transportation plan?

**Krueger:** Yes, we do.

**Potter:** Does it include a transportation plan for each and every neighborhood, or is it a citywide and scope?

**Krueger:** It's a citywide and scope, but it's broken up by district.

**Potter:** Do citizens have any involvement in the design review process of that?

**Krueger:** Yes, they do.

**Potter:** There seems to be a difference of opinion, I think. So perhaps you'd want to discuss that too with the citizens. I vote aye. [gavel pounded] this has been set over for two weeks.

**Parsons:** To 2:00 february 24.

**Potter:** 2:00 february 24. Thank you very much folks.

**Potter:** Sue? We've got a time certain.

At 4:06 p.m., Council reconvened.

### **Item 83.**

**Potter:** The city council has reconvened. This is for a time certain. Sue, please read the item.

Thank you. Perhaps we should have a roll call, because we're not fully staffed. [roll call taken]

**Potter:** Ok. Staff, go ahead and begin.

**Gil Kelley:** All right. Good afternoon, mayor, members of the city council. Gil Kelley, planning director. With me is Joe Zehnder of the bureau of planning. In a moment Joe is going to describe the specific action that's in front of you this afternoon, including the planning commission's recommendations that are before you today. I just wanted to mention two things. One is sort of the spirit by which this package got to you today, and secondly a bit about its importance. This has been the product of an extremely collaborative approach between city staff, the port, and the development group that is really kind of a three-party arrangement for development of the cascade station complex adjacent to the Portland international airport. The staff has included members of the Portland development commission and the bureau of transportation, as well as members of the planning bureau's area planning group and urban design group. And we've had a number of discussions over many, many months about various aspects of this. What's in front of you today are a series of changes to the plan district regulations for this area that really set the stage for investment there that we think will result in a very compelling development at this gateway to the city. The reason that we feel this is important is twofold. One is that we have had a public investment there, public and private investment there, in infrastructure without realizing the development opportunity for which that infrastructure is in place. As you know, there are two light rail stations. There's a set of city streets, and a parkway in the center of the complex. And yet for several years no development has occurred there. We feel that in this marketplace, our long-term aspirations for office, hotel, conference center, and other uses are probably a ways off, but we do feel after consultation with the development group that retail development, particularly of the kind being proposed, is a marketable phenomenon now. And to that extent traffic team regulations that are in front of you today actually will facilitate that by adjusting size and amount of retail and so forth. We think it makes a compelling and marketable concept. You may hear some testimony

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about that from the development group. The second reason that it's important is that this is in fact a gateway to Portland and from Portland out to the larger world. And for that reason we think that the aspects of this, which involve design and tenant selection are very important as we go forward, because this will mark the entrance to Portland for many, many visitors. We're dedicated to continuing to work on the design issues and on the tenant issues going forward. Those issues principally are not in front of you today. We feel the package in front of you today really sets the platform though those continued discussions. We've had very hard problem-solving sessions that have resulted in very good agreements, and we will continue to have those, including those that are necessary to address the planning commission's recommendations in their cover letter. So with that i'd like to kick it over to joe, who will sort of walk you through exactly what's in front of you today. Thanks.

**Joe Zehnder:** For the record, i'm joe zender with the bureau of planning. Today the presentation i'm going to give you is going to overview the proposed amendments to the cascade station/Portland international center plan district as recommended by the planning commission in a report of january 2005. It will touch on four additional amendments that have arisen after the planning commission's action that staff would like to recommend for city council's consideration. The site itself is 452 acres, located at the intersection of airport way and i-205 in northeast Portland. And for the purposes of the plan district, it's composed of two subdistricts. A northern district, subdistrict a, 120 acres. This is the area designated for retail office, hotel conference center, and actually currently theater development. This subarea a also contains two light rail stations, mount hood station and cascade station station, and it contains one-half mile of park blocks along a street called cascade parkway. Sub district b to the south is 332-acre industrial parcel. This map shows you what the improvements that are in place and actually the development that has taken place in cascade station. You see that the road system's in place, the park blocks are built, the two transit stations, and the transit line to the airport are complete, and a certain amount of hotel and mixed tenants industrial development has taken place on the western edge of the cascade station area. A little bit of the history, it began in 1997 when a public/private partnership was formed to bring light rail to the airport and helped finance that. That partnership included the city, p.d.c., tri-met, metro, the port and the cascade station development corporation, a private development entity that was financing and participating in the development of the site. In 1999, we created the first version of the -- of the cascade station plan district. This actually set the development rights for sub district a, carried out by the cascade station development corporation. And by 2001, the airport, light rail was complete, as well as the cascade station park blocks along cascade parkway. As gil mentioned, since that time, since the investment of these millions of dollars in infrastructure, development in subdistrict a has been stalled. Reasons for that are several, but the model for development in subdistrict a was really based on a mix of office, hotel and theater, and the market though those has been weak for a number of years. Second major component of the development approach to subdistrict a was retail, and it was a retail mix that was dependent on having office workers to really make it go, as well as for the size and type of retail it was, having nearby residential neighborhoods, which given the airport location, were not sufficient to support this smaller sort of model of retail. What's happened in the interim, and what the developers and p.d.c. Brought to us to initiate this project, is what we believe is a more viable model of cascade station, one built around a larger amount, a critical mass of retail, also one that's based around several large retail anchors in addition to the smaller stores. So specifically, what we're proposing to change within the plan district is the overall mix of development. In subdistrict a, we're bringing in the proposal would increase the amount of retail development that's possible, from approximately 500,000 square feet to 807,000 square feet. In exchange, it would have less hotel and less office development within that subdistrict. In subdistrict b there's a small increase in the amount of industrial development. The area stays predominantly or entirely industrial. Another important point to make about cascade



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station is the amount of development that we can have out there is capped. And it's capped by the fact that there's only so much transportation capacity to reach the site. And this has been the formula, the way the project's been designed since day one. So by changing this mix, we've changed the mix, we've shifted it to retail and industrial from office and stayed underneath the traffic impact cap that was established. So this mix of uses accomplishes the same transportation impacts as the previous mix. The second major change in the plan district is to allow a few large retail anchors. Currently no store can have a floor plate greater than 60,000 square feet per story. Your large retail anchors typically have floor plates larger than that. And the amendment here would be allowed three of those uses to exceed 60,000 square feet. The proposal that was in front of the planning commission had one going to 90,000 square feet and two being allowed to go to 185,000 square feet per story. The final major sort of change in the plan district has been revisions to the design standard. One major move has been to simplify the design standards that are in the plan district, so in the zoning code we've sort of streamlined and simplified those design standards and shifted them to a development agreement that is outside of the code that is between p.d.c. and cascade station development corporation as part of the urban renewal area, as part of the overall development agreement that exists today. So revised development agreement has more of the design provisions and design process in it. Secondly, we've added design standards around the mount hood station area. One of the major concepts of cascade station is that it's transit-oriented. We had standards like this around the cascade station station, and we've upped what our expectations are for the westernmost station as well. As I mentioned, we've moved design standards in the design review process out of the plan district, out of the zoning code, and into this development agreement. And so the whole proposal in front of you today is designed to work in conjunction with this development agreement. The development agreement includes a design review process that has the city, the Portland development commission, the port, and cascade station development corporation as the review parties. We all stay engaged throughout the life of the project on reviewing both the master plan on each of the sites and the architecture as it proceeds through permits, and the bureau of development services is also an advisory -- advisor to this design review process. There are also other agreements between the port and cascade station development corporation that guide this development. So we have many ways to control the quality and shape of what happens at cascade station, in addition to just the zoning code. But one important point to make here is that since we've linked the two in this way it's important that the effect of data, the zoning provisions in front of you, be linked to the effective date of this development agreement as it's -- and it continues to be negotiated. So you'll note at the end of this presentation we're recommending that we set an effective date for the zoning provisions that match when we expect the d.a. To be in place. What is not changing about the plan district? First, the original vision for design and development of cascade station, we believe, is intact with the provisions that are in front of you. It's a commitment to quality development, quality design in the buildings and uses intended. It's a commitment to have an attractive urban site plan versus a more suburban form of development and architecture. Part of that being more urban is having attractive -- being supportive of pedestrian uses and transit use. It keeps its potential for job creation, which at build-out is estimated to be nearly 8,000 jobs. And it continues to support the use of the airport max line. All of those provisions that were essential, sort of at the core of the original vision, we believe are still in the current proposal. Second, there's no increase in transportation impacts. As I explained, the total amount of development at cascade station is capped based on the capacity of the roads -- roads accessing the site. Third, the parking ratios in cascade station more than meet the transit-oriented development parking maximums that we elsewhere in the city. So even in that way it remains to be a transit-oriented development. Finally, there's no reduction in industrial land with this site, with this proposal. Actually there's a net increase in industrial development. This next is just an illustrative concept plan of the way that this development may actually materialize on the site. It's

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showing you some of these principles. We're clustering development or lining the park blocks and cascade parkway with buildings. We're clustering development around the two rail stations as part of creating a place and as part of being transit oriented. And we're -- we've established sort of a clear set of streets and blocks, even though they're in this case surrounding or creating access to surface parking that enhances its pedestrian orientation, give it a recognizable form, improve its ability to possibly grow and be infilled in the future. In addition to the changes in the plan district, the zoning code changes, there's a number of other changes that were part of the ordinance in front of you. First we are -- the planning commission approved and recommended for your approval a new master street plan. This street plan would be -- once approved by city council -- be incorporated into the city's comprehensive plan. What it does is it lays out a street hierarchy that will be used by the developers and pdot in the review of the -- to provide guidance for the placement of streets and I the design -- and the design of streets, how wide they are, what the sidewalk treatments are. In this case it treats both public and private streets. One of the moves we've done to make this urban, less suburban, is bring this order to the driveways in the parking lots, turning them into more like streets, even though those are private streets. And it will be used in the development agreement, design review, as well as in the permit review process. The second additional change is that we've added a policy to the city's comprehensive plan that specifically refers to the economic development objectives we're trying to accomplish in cascade station. So in the future it provides us with more direct and clear commitment to policy guidance for what we're trying to accomplish in cascade station. Prior to this there was no policy in the comprehensive planning referring to the -- plan referring to the site. Finally there was a minor zoning map correction in -- we found in doing a more precise survey of the sites that the lines were not aligned, so we're correcting both of those to coincide with this map correction. The planning commission also had some additional recommendations they wanted to pass on to city council. Here i've called them findings. I think that's little imprecise. These are really recommendations, points they wanted to make in the presentation. First, they were committed to that it's time to see development proceed at cascade station and these zoning changes that are being proposed they believe can be instrumental to do that. So they were highly supportive of them. They believe that the new retail strategy based on anchors and greater amount of retail made sense and was supportable. They believe that the original development and design goals for cascade station are still important and can be accomplished through the administration of this plan district. As gil mentioned, they also emphasized that the site is an important gateway to the gateway, from the airport and i-205, and this means that as we design the site distinctive and attractive design is critical, as well as optimizing the setbacks and greenspace along airport way and i-205. Finally, the planning commission asked -- wanted to pass on the recommendation that the developers and tri-met consider establishing a fareless square between the airport and this development. Once again to encourage transit use, even for the airport users to enhance -- to increase the pool of shoppers for the retail development. Finally, the planning commission recommends specifically that the city council adopt the ordinance as proposed. They -- the city council adopt the january 2005 report and amend the comp plan, the zoning code and zoning map as shown in that report, that the city council act to set an effective date for the ordinance that's no earlier than the effective date for the development agreement, and finally that the city request that the port and developers consider this fareless square option. Those were their specific recommendations. In addition to that package which was transmitted by the planning commission, there have been four additional amendments that staff would like to recommend today for city council's consideration. First, we need to amend the effective date that was in the ordinance that planning commission passed forward to you from -- we need to amend it from march 18 to april 21. That just reflects the ongoing negotiations and sort of evolution of the project and how much more time we think it's going to take to settle the development agreement issues. And I just wanted to know that the ordinance already has provisions where the city council would direct staff to return

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to city council prior to the expiration date if the development agreement has not been completely executed, so that we can either extend the effective date of this plan district ordinance or deal with it accordingly. The second amendment for today, we recommend that we'd like to amend the limitations on the retail floor plate size to allow one use to reach 205,000 square feet per story. As I said before, currently it's 90. In the proposal from planning commission, there was a two-tier system of a 90,000-square-foot box and then two 185,000-square-foot boxes. Based on the developer's research -- or actually initial contact with prospective tenants, we believe that a three-tier opening up the possibility for a slightly larger box is beneficial to the project, so we're recommending that the arrangement be changed to allow one 205,000-square-foot per story retail store. Just to note, the changing of the size of these boxes does not increase the overall amount of retail, overall amount of development, period. It's just changing how big a building we're willing to have on the site. Third minor amendment is to amend the build-to line provision so that they're not required on all minor side streets. In the plan district, there's a provision that requires buildings along cascade parkway, along those park blocks, to be built within six feet of the parkway. And that's how you get the line -- the provision to ensure that the building -- the street is lined with buildings. It also -- the way it's constructed now -- requires those buildings to -- where they front on a side street that intersects cascade parkway to be built to the street as well. That was based on a provision when we had fewer times designated in the cascade parkway plan. We have more now. So to add flexibility to how those buildings could be arranged there's -- we're proposing an amendment that would still require the build-to line area along cascade parkway, but not require it to be applied to the b or yellow streets as shown in the street master plan here. So there's an additional flexibility on how you step up to meet the build-to line provisions. Finally, the fourth amendment has to do with the amend the street -- the master street plan diagram to remove the designation of loading areas. The street plan diagram that was forwarded to planning commission had it on the places that -- designated places where loading four stories would take place. The purpose of this would be to ensure -- help ensure that there wouldn't be truck/pedestrian conflicts. In discussions with pdot and p.d.c., we've determined that a more flexibility -- and the developer -- most flexible way, more useful way to do that, have the location of loading areas be addressed through, once again, a development agreement, a side agreement, a separate agreement, between p.d.c. and in this case pdot. It would ensure that pdot's -- the timing of pdot's review of the site plan, so they could weigh in at the appropriate time of the location of those loading areas, and also another issue related that would be addressed in an agreement between p.d.c. and pdot is to acknowledge and make a -- set the timing for pdot's review of the appropriate timing and responsibility for mitigations, traffic mitigations, identified in the traffic impact study that went with the original creation of the plan district. So in conclusion, today we're asking that city council adopt four additional -- the four additional minor amendments to the -- described in the february 3, 2005 memo. And also move the ordinance and report to second reader. That concludes my presentation. I'm happy to take questions now or after further testimony.

**Potter:** Questions.

**Saltzman:** Could you go back to the photograph, the artist's rendering, the aerial? Yeah, right there. You just passed it. So there are buildings -- there will be building along the park blocks? It's not just going to be parking lots.

**Zehnder:** No. There are buildings there. I believe the developers actually have it on a board that you may be able to see more clearly. The park blocks will -- east of the main entrance to the site. On the north side of the park blocks they're lined with small retail pads, with actually at the intersection of -- you see it's sort of a red street in --

**Kelley:** Here's the mouse.

**Zehnder:** Oh, there it is. A red street right here. This is the cascade station transit station right there.

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**Saltzman:** Uh-huh.

**Zehnder:** This street is not merely is lined with buildings, but it's required to have multi-story buildings at the corner. Here's our gesture, our attempt to get development concentrated around the transit station and just try to give this once again put - - bring the building up at the same time where buildings are setting behind commissioner for the other retail core - - retail corridor here we've set the street design standards for what typically might look like a shopping center driveway to look like a street, to act like a street. Cascade station, cascade parkway clearly is a street it's built today inline with these smaller buildings this drive around the back and connecting back to cascade parkway also, although private will be designed to be like a street.

**Saltzman:** Okay. Thanks.

**Adams:** Couple of questions. The development agreement does that come to council for consideration?

**Zehnder:** I don't believe it does. It goes to the development commission.

**Adams:** Okay. And so when you talked about continuing city involvement in the design issues that's going to be set forth in the development agreement what does that mean exactly?

**Kelley:** There's a special design committee that's set up to handle design review functions including site planning, architecture, landscape architecture, signage. And that development agreement appoints a committee that's composed of a representative of myself, of the pdc director and the port director. That will make design decisions and then the development group has a place on that committee as well although their representative will not be voting on their own projects. Cause that's sort of the mixed development group there. So that's how the design functions will work. There's other provisions in the development agreement. But that's how the design piece will work.

**Adams:** So is there anything in the development agreement that would put the city council on the hook for expenses? Since we're not going to be approving it?

**Kelley:** There's a representative of pdc here and probably it's best if he answers that question.

**Adams:** Okay. Is the - how did you get the transportation impacts to stand at a cap?

**Zehnder:** The mix of uses was modeled against - the expected trip generation of the different mixes of uses was modeled. That's the core of it. Office uses typically have a greater traffic impact than retail so that's how sort of the math of it worked.

**Adams:** And does the - I didn't understand reading the materials and I have a head cold so bear with me. Is an additional traffic impact study required? Or called for or that's been done?

**Kelley:** It's been done as part of the plan district assuming a certain capacity.

**Adams:** And in terms of you said this document includes guidance on the placement on streets who will actually make the decision on where the streets go?

**Kelley:** City traffic engineer.

**Zehnder:** The public street city traffic engineer.

**Adams:** Okay. If I could get an answer to the development agreement - -

**Kelley:** Mick O'Connell is here from pdc.

**Michael O'Connell:** Good afternoon commissioner adams michael o'connell pdc. Your question was in reference to the development agreement and pdc and the developer and the development team is working on the terms of that. It's likely that will go to commission in the next month or so. With respect to any charges on the city I don't foresee any. Other than the normal plan check and review. Which would be I presume taken care of by the developer.

**Adams:** It's an obvious question if we're going to agree to a - - if we agree to this but we don't agree to the development agreement. The development agreement is still to be concluded in terms of negotiations. I'm not going to sign off on something that could put city transportation or some other general fund or other fund supported agency. You don't get to decide for us, I guess is what I'm saying.

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**Kelley:** Right. And we don't anticipate a cost there, but you do have, again, the effective date if something gets bogged down in that negotiation. We'd be obligated to return to you for the plan district rule. So will apprise you of anything that goes a rye in the development agreement negotiations. But I think from pd's point of view their cost is already sunk in the development.

**Adams:** But there's lots of transportation improvements here that you're assuming will be borne by the tax increment or the development partners or -- is that correct? Not the city.

**O'Connell:** We would see, I think, the development partners.

**Adams:** Ok. Thank you.

**Potter:** I have a couple questions. Being the new kid on the block, I guess I can ask the dumb ones. This is port property. Why is the city making decisions?

**Kelley:** The port is subject to our regulations. In fact, you'll be hearing in the next few months about an agreement between ourselves and the port for a master planning around the terminal facility itself. So they are subject to our regulations. This plan district goes back several years in its inception to really the early conception about investing in light rail to the property. So the port is in a position of owning the land but leasing it to a development group. Does that help?

**Potter:** What kind of public involvement in terms of the community or business groups being able to provide input into this project?

**Kelley:** It had a number of open houses and workshops during the process, and then had hearings at the planning commission. Joe should describe what the -- the mailing list -- the notification was for the project. There wasn't a whole lot of public present during the hearings. There's no proximate neighborhood like you might find, for example, noise issues at the airport. The development issues at cascade station were not really -- we didn't get a big turnout to be honest.

**Potter:** Ok. Thanks.

**Zehnder:** Just quickly, we had a public open house, advertised in the paper, advertised through our notification to community groups, and had a small turnout, had some turn out. At the planning commission, actually even the notification for this hearing, we sent it to our entire list of the people we notified. So that's a list of 570 community and business associations. And then for the city council step of this we also sent it to anyone who expressed an interest or showed up at the planning commission hearing to testify.

**Potter:** Ok, thank you. Any other questions? Thank you.

**Kelley:** Ok. Thank you.

**Potter:** Sue, let's -- any public testimony?

**Parsons:** We. We have several. Sonya ater, steve wells, and linda robinson.

**Potter:** Please state your name for the record, you have three minutes.

**Sonya Axter:** Good afternoon, mayor Potter, commissioners. My name is sonya axter, project manager for cascade station development company. My address is 222 southwest columbia, suite 1800, Portland, Oregon, 97201. Cascade station development company has been involved with this unique public/private partnership since 1997, and since then we've been working for three primary goals. The first being the extension of the light rail, 5.5-mile extension of light rail to the airport. Second being the participation in the quality development of 120-acre mixed-use center surrounding the two station areas along the light rail in proximity of p.d.x., and the third being the creation of roughly 8,000 quality jobs in an urban renewal district. Excuse me. Unfortunately, the second and third goals have not yet been able to be seen through to fruition, but we feel strongly that with the amendments before you today that those goals will be realized. And cascade station has -- cascade station development company has remained committed to seeing those goals from the very beginning. And are very anxious to see at a gateway site a real quality development and not a development waiting to happen. We believe with these changes that that goal can be completed. We'd also like to say that this project started off with a real win, with bringing light rail to the

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airport. We believe it can finish with another win by making these changes. We ask for your approval. Thank you.

**Potter:** Thank you.

**Steve Wells:** Good afternoon, mayor Potter, commissioners. My name is Steve Wells, with Trammell Crow Company. My address is 4949 SW Meadows in Lake Oswego. We too are very excited to be a part of this project and have been working on it for quite some time. We are involved -- we have a development partner on the retail portion who's also here with us today, but we're excited, not just about the retail, but also about the prospects for office and a hotel on this site. And over the long-term -- this is a long-term project for us, and something that we think, once it's brought to life in that way, will achieve the mix and the -- the environment that was envisioned from the beginning. We are appreciative of the efforts of the staff at P.D.C. and the Port and the Bureau of Planning and PDOT and everyone in what has been really a very complicated project, and we are very excited that it's to the point where we hope we can -- we can move forward for real. We have tenant interest and activity that is -- I think it's poised to make this an exciting result. We hope you'll approve it today and thank you very much.

**Lewellan Robinson:** Good afternoon. My name is Linda Robinson. I live at 1115 Northeast 135th Avenue. And I presently represent the Columbia Slough Watershed Council on the Airport's land use advisory committee. And I have a couple of -- basically I want to say I support what they're suggesting, because obviously the plan that's there in place now isn't working. There hasn't been any development. I do have a couple of questions and concerns I wanted to state. First of all, I had a hard time getting information about this -- this project and about this process. I think there was one public hearing, which I wasn't able to attend because of another hearing or another public meeting I was at, and I had a hard time getting information from the Port about this whole process. So I'm not sure that there's a lot of -- I have some concerns about the public process. And related to that is the design review part. And most plan districts have the design review as part of the plan district. And I guess I've not seen or had any privy to what's going into these design criteria that are going into this development agreement. And I'm hoping that there would be a little bit more public input at least into the formulation of those -- of the design criteria and what the process is. I have some concerns also about the transportation issues and the transportation impact study or whatever it is. I know there's a cap placed on it because of transportation issues, but my concern is that the -- the access there at Airport Way and I-205 is already beyond capacity. You have -- I mean, getting on to I-205 and off I-205 on to Airport Way is already very hard. And to increase all this retail and all this -- I mean, I don't see how -- it seems to me they're already at capacity. So something needs to happen in the transportation to make this work. So that's a big concern that I have. My other thing, they have to do with the design issues. The trees. The large buildings, eliminating the -- the need for any -- it specifically says that they won't have to do windows or any of the other kinds of things that get rid of those big blank walls on these three boxes they're planning. I understand that windows are not appropriate. I wouldn't like the windows like we got at Safeway on 122nd where all you get are cardboard cutouts that sit there and fade after 10 years. They're not pedestrian friendly, but they could alter the colorings along the building, architectural lines, something to break up the big walls, but it looks to me like they're being exempted from any kind of effort to break up the big walls. The 90,000 one appears it will be facing a couple of streets, and those requirements are totally being eliminated. So I have problems with that. Finally, it's my understanding that the Airport -- the Port of Portland is having to do a NEPA evaluation of this whole plan to satisfy F.A.A. requirements. I don't understand the connection between here, but it seems to me it would be appropriate to kind of wait until that analysis is complete before you move forward on development in this area. I mean, just seems to me there are two parallel processes that should be connected and I don't see a connection. Maybe I just don't understand that process correctly, but those are my concerns.

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**Potter:** Ok. Thank you. Any questions from the council? Thank you. Please state your name.

**Bob Applegate:** Mayor Potter, bob apple gate with the port of Portland, 121 northwest everett. I'm here today, we have some -- a letter from our executive director, bill wyatt, who as you know is traveling on business in asia. We also have with us today here our port project manager for this. I'm going to just turn my -- turn the mike over to him. Keith leavitt will represent the executive director's position on this.

**Keith Leavitt:** Good afternoon, mr. Mayor, members of the council. Keith leavitt, 121 northwest everett with the port of Portland. And we are supportive of the proposal that is in front of you and appreciate the hard work that has led to this. It is -- I think it's been about a year really of -- of consistent meetings among the parties to bring this proposal to you. As the landowner the port obviously has a vested interest in what happens out at p.i.c. As we granted the development rights essentially in exchange for getting light rail I think we recognize that the light rail project has been a s but the -- a success, but the development side has not, and we're hopeful this will stimulate development out there. The port has essentially focused in on three areas as we've evaluated this proposal. One is on traffic as it relates to the land use discussion you had earlier about trips and making sure that there's neutrality between the first plan and this plan. And we believe that that is the case. The second major concern for us is design and quality. And the whole gateway to our city and state. And we are comfortable with the progress by the parties on the design review process, as well as the design -- the development standards that have been referred to. And we will be working hard to get that -- get those agreements done within the next several weeks. The other area of quality that we have had some concerns with is just exactly what the tenant mix is going to look like, particularly when you move to the larger format retail. We've been wanting to get more comfortable with the anchor tenant in particular for this site. And conversations over the last several weeks, I think have led to more comfort in that area for the port. And again, that's, I think, why we're here in front of you saying it's time to move forward on the land use piece. Finally, the -- this is property that was purchased with federal funds. The f.a.a., federal aviation administration, has a pretty far reach on whatever gets developed at an airport. And we're working through an environmental assessment, as was discussed earlier. And the key area there is going to be traffic impact and mitigating for those impacts, in particular the impacts around the interchange with interstate 205. Those are processes that move independently of this, and we are working with the developers and with the jurisdictions that have responsibility for those transportation facilities to ultimately go to the f.a.a. with a package that they can support and approve and finally have this development entitled on the ground and ready to go. Thank you.

**Potter:** Thank you.

**M'Lou Christ:** Hi. M'Lou christ, buckman neighborhood, willamette watershed. I too just learned about this project. I shouldn't say maybe too. I checked with other folks in the neighborhood active in various kinds of issues like this, and nobody knew this was happening. So whatever those notification were, they didn't make it to inner southeast. So a lot of what i've learned today is totally new to me on this project. I'd like to just mention a couple of concerns I have and questions. I don't see going to 205,000 per square feet per floor as being a minor change. I don't understand legally where that term comes from, but it seems like a lot to me. And as you know, those of you in the inner southeast have been dealing with the big box issue for the burnside bridge head. As we've been talking about, the issues on that, not just at that site, we've been sort of thinking about the bigger ramifications of that issue. And hopefully you all have seen now I think the big box study, the austin study on big boxes. Yes? No? If not, be happy to give you that website. But my questions are, if the numbers originally supposed to pan out and they didn't, how can you really be sure, if you're switching to this format retail, does that really imply the same kinds of auto and trips and future use of the building? And does it imply the same kind of economic ramifications as smaller retail? And when you start thinking about the sorts of jobs, the lack of

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benefits, whatever might be that, this may not be what that's attracting, but it sounds to me like this is being tailor-made to accommodate that kind of question. We need to have you all address that question for our city as a whole, not just site by site by site. We need to start looking at what are the true implications and what does this city want as policy for that. And I guess just me and metaphors, yes, the site's got to be developed. We put a lot of money into it already. We're thirsty.

We've got to get some dollars generating out there. Thirsty, thirsty, thirsty. Here's a bottle of water. In your face, happy to come, we're eager, we're ready, we're willing. Here's a bottle half full. A little harder to find. A little harder to get them to come. A little harder to get them to show up and be there and start generating the dollars. Seems pretty obvious. But what if I tell you this one's got saltwater? What if there's some negative ramifications? What if you don't have the kind of wages, what if you don't have the benefits, and we end up sending the dollars elsewhere, a big chunk of the dollars elsewhere that are spent there, we have to back-fill for benefits and other problems that are not -- this may not be the kind of retail that that's begging for, but it looks like that is what is being set up. When I called a few people this morning, they all said "what"? Eve got to discuss this issue. Are you the sure that the folks that go to those huge retailers don't need their trucks from home. Are they going to be taking the max out there or not? Does this get the same kind of trips on the max as what was planned originally? I understand it needs to be tweaked, you need to get going, but there's big questions you have to deal with.

**Potter:** Thank you.

**\*\*\*\*\*:** That was all.

**Potter:** Council, we'll discuss this issue. Do you have any questions for the planning staff?

**Adams:** Is someone from transportation here? How would it be question time without someone from transportation? Is the intersection at i-205 and airport way at capacity?

**John Gillam, Portland Department of Transportation:** Currently I don't believe it is. There's several spots of locations, when you talk about i-205, there's different, you know, ramp locations. However, in looking at this plan, first we look into the future, and into the future then there is severe congestion, but there are also projects that can be applied that would mitigate that.

**Adams:** So, umm, under any scenario for the build-out of cascade station, there would be further congestion and the need to make further infrastructure improvements?

**Gillam:** There's a need for further infrastructure improvements, yes, in the future.

**Adams:** Ok. And in terms of the concerns raised about design requirements, you want to speak to that again?

**Kelley:** Yeah. I think that while there are, as was mentioned, we're eliminating some of the build-to line requirements, because frankly there are new streets in the plan, the notion about removing requirements for windows on certain sites is also true, but many of the issues that were raised by the speaker are in fact squarely within the design review parameters of the --

**Adams:** Can you speak up a little bit? I'm sorry.

**Kelley:** Many of the design issues, excuse me, going forward that were mentioned by the speaker are squarely within the purview of the design group that will be looking at this, including how to articulate the facades, the walls of the buildings and break up the massings. Frankly that's one of the reasons why setbacks along the major thoroughfares and landscaping are important as well.

**Adams:** And you already talked about the notification and public process. Is there anything you want to add in response to the additional concerns expressed? Do you feel it was adequate?

**Zehnder:** I do believe it was adequate. And the -- between the notifications that we mailed and actually the open house and just independent articles on this in "the Oregonian," there has been, I think, a good deal of awareness of this available to the public. On the design issues as well, design issues were actually a point of discussion, extensive discussion, for the planning commission, even though they were not zoning code provisions that we have in here. So even those at the planning commission hearings were -- were fully aired and explored.



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**Adams:** And what about the notion of a bottle of saltwater versus pure drinking water? What kind of jobs are we creating or likely to create with this amendment?

**Kelley:** She's great for metaphors. She has a point, and I think it really goes to tenant selection as opposed to size of the box. When you get into issues like wages and product lines and treatment of employees and so forth, it really goes to the individual tenant as opposed to generically what size of box they occupy. And clearly that's beyond the purview of the plan district regulations themselves. There's certainly at issue in the development discussions, under the development agreement, and with the port --

**Adams:** Who decides who the tenants will be?

**Kelley:** Well, ultimately that's the decision of the development group, but I think that awareness about the tenant selection is important for both p.d.c. and the port to sign off.

**Adams:** And does the port have veto power?

**Kelley:** Not strictly over tenant selection, but they certainly have a holdover, signing off on the final lease agreement.

**Adams:** Apparently they think they do. Great.

**Kelley:** I'm happy to know that. We've been asking that question.

**Adams:** Don't tell. [laughter]

**Kelley:** Shall we get bill wyatt on the phone?

**Adams:** Thank you, mr. Mayor.

**Potter:** Other questions? What we will do is vote on each of the amendments. There are four amendments. I need a motion to accept the first amendment to amend the effective date of the ordinance from march 18 to april 21.

**Leonard:** So moved.

**Saltzman:** Second.

**Potter:** It was moved and seconded. Sue, please call the roll.

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

**Potter:** Aye. [gavel pounded] I need a motion to accept the second amendment to amend the limitations on retail floor plate size to allow one use to reach 205,000 square feet per story.

**Leonard:** So moved.

**Saltzman:** Second.

**Potter:** Sue, please call the roll.

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

**Potter:** Aye. [gavel pounded] need a motion to accept the third amendment to amend the build-to line area provisions so they are not required on minor side streets.

**Leonard:** So moved.

**Saltzman:** Second.

**Potter:** Sue, call the roll.

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

**Potter:** Aye. [gavel pounded] I need a motion to accept the fourth amendment to amend the master street plan diagram to remove designation of loading areas.

**Leonard:** So moved.

**Saltzman:** Second.

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

**Potter:** Aye. [gavel pounded] this moves on to a second reading and a vote next week. This is our last item. We are adjourned.

At 5:00 p.m., Council adjourned.