



CITY OF
PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF FEBRUARY, 1991 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Agenda Nos. 261 and 274 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 257** Accept bid of Benge Construction Company for construction of Alameda Park Phase II sewer replacement for \$80,410 (Purchasing Report - Bid 86)

Disposition: Adopted; prepare contract.

- 258** Accept bid of Stanley Smith Security for security service for Police forfeiture unit for \$102,920 (Purchasing Report - Bid 88-A)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 259** Confirm reappointment of G. Richard Weaver to the Board of Central City Concern (Report)

Disposition: Adopted.

- *260** Agreement with Multnomah County for a Community Health nurse for the Iris Court demonstration project (Ordinance)

Disposition: Ordinance No. 163874. (Y-5)

Commissioner Earl Blumenauer

- *262** Amend contract with Zimmer-Gunsul-Frasca Partnership, Inc., to provide additional work in connection with the OCC/Lloyd District transportation projects (Ordinance; amend Contract No. 25034)

Disposition: Ordinance No. 163875. (Y-5)

- *263** Contract with Kramer, Chin & Mayo to provide a pump station value engineering study (Ordinance)

Disposition: Ordinance No. 163876. (Y-5)

- *264** Accept a stormwater detention easement for the SW Multnomah Boulevard, 380 feet west of SW 51st Avenue, stormwater detention project (FT-26), granted by Orchard Lane Associates (Ordinance)

Disposition: Ordinance No. 163877. (Y-5)

- *265** Accept a sewer easement granted by the School District No. 40, Multnomah County, and release a sewer easement, in connection with the Floyd Light sanitary sewer project (Ordinance)

Disposition: Ordinance No. 163878. (Y-5)

- *266** Accept a temporary construction easement for the Adventist (#20) sanitary sewer project, granted by Cecil J. Wolf and Irene M. Wolf, authorize payment of \$400 (Ordinance)

Disposition: Ordinance No. 163879. (Y-5)

- *267** Accept a sewer easement for the Floyd Light sanitary sewer project, granted by Portland Adventist Medical Center, Inc. (Ordinance)

Disposition: Ordinance No. 163880. (Y-5)

- *268** Accept two warranty deeds for a land development control strip, in connection with the SW 17th Avenue south of SW Stephenson Road Street improvement project, granted by Warren Edward Chale, Betty L. Chale, Lillian Dickinson, Allan K. Dickinson III, and Charlene Dickinson, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163881. (Y-5)

- *269** Accept three storm drainage reserve easements for an identical parcel of land in Oregon Hills Estate subdivision, granted by Warren E. Chale, and others, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163882. (Y-5)

- *270 Accept three sewer easements for three identical parcels of land for the development of Oregon Hills Estate subdivision, granted by Warren E. Chale, and others, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163883. (Y-5)

- *271 Accept three sewer easements for three identical parcels of land for the development of Oregon Hills Estate subdivision, granted by Warren E. Chale, and others, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163884. (Y-5)

- *272 Accept three sewer easements for the Adventist (#20) sanitary sewer project, granted by Charles W. Snyder and Roberta A. Snyder, Eva M. Jarvill, and School District No. 40, authorizing total payment of \$725 (Ordinance)

Disposition: Ordinance No. 163885. (Y-5)

- *273 Revocable permit to Oregon Amateur Sports Foundation, Inc., to maintain banners on street light poles from March 3, 1991 to March 17, 1991 (Ordinance)

Disposition: Ordinance No. 163886. (Y-5)

Commissioner Mike Lindberg

- *275 Intergovernmental Agreement with Oregon State Parks for \$3,000 for information kiosks at Crystal Springs Rhododendron Garden and at Oaks Bottom Wildlife Refuge (Ordinance)

Disposition: Ordinance No. 163887. (Y-5)

- *276 Establish hours of closure for Crystal Springs Rhododendron Garden (Ordinance; amend Code Section 20.12.210)

Disposition: Ordinance No. 163888. (Y-5)

- *277 Authorize a professional services contract with Winn-Farnham Architecture in the amount of \$59,000 (Ordinance; waive City Code Chapter 5.68)

Disposition: Ordinance No. 163889. (Y-5)

City Auditor Barbara Clark

- 278** Cancel systems development charge at 7334 SW Virginia Street (Second Reading Agenda 244)

Disposition: Ordinance No. 163890. (Y-5)

REGULAR AGENDA

- *261** Ratify a Partial Implementation Agreement between the City of Portland and AFSCME, Council 75, Local 189 (Union), signed on behalf of the City by the Personnel Director, regarding implementation of portions of a successor Labor Agreement between the parties concerning Emergency Communications Operators (Ordinance)

Discussion: Commissioner Bogle said this is the first time the City has dealt with the problem of overtime at the Bureau of Emergency Communications in a meaningful way. He credited Bridget Fallon, an Emergency Communications Supervisor, with the idea of going to four 10-hour shifts, thus creating an overlap during peak hours. He said he believes this agreement sets the stage for lower costs and higher morale.

Disposition: Ordinance No. 163891. (Y-5)

Commissioner Dick Bogle

- *274** Contract for professional services with David Chandler, Ph.D., in the amount of \$23,900 (Ordinance; waiving City Code 5.68)

Discussion: Cay Kershner, Clerk of the Council said this was being referred back to the Commissioner's Office.

Disposition: Referred to Commissioner of Public Safety (Y-5)

Mayor J. E. Bud Clark

- 279** Authorize initiation of Consultant Selection Process, hire Consultant and start design work on Eastside facility (Report)

Discussion: Commissioner Bogle said the consultant will consider inclusion of a day care center in this new facility planned for the Bureau of Emergency Communications.

Commissioner Lindberg said this process will also involve looking at alternative sites. He said one of the sites, Mt. Hood Park, is now outside the City due to the halt in our annexation efforts. He said the land was

given to the City by the State Department of Transportation and may have conditions restricting its use.

Mayor Clark said he understood there was enough room for both a park and the building on this site.

Commissioner Blumenauer asked how this related to the budget.

Mayor Clark said this will allow the City to fast-track the project and get the design and cost information needed before deciding upon a general obligation bond or other funding mechanism. He said the City does not want to put new equipment at the Kelly Butte facility.

Commissioner Kafoury asked if Council was going to get a long term plan for total capital needs.

Mayor Clark said this only authorizes the consultant process. It does not say we are going to spend the money yet.

Commissioner Blumenauer said he understood that this authorizes spending \$187,000 on the first phase by July 1, 1991. He asked how Council envisions this fitting in with the budget decisions being made now.

Mayor Clark said he thought Council had decided to fast-track this part so that it can decide whether to do it or not.

David Kish, Bureau of General Services, said Council already knows that the cost of the new BOEC facility will be \$3,800,000. He said the East Side facility report also contains a proposal for a new East Precinct, at a cost of about \$2,000,000, and a communications shop with a cost of about \$1,000,000. He said Council could split the decisions when the architectural study comes back in June and decide then about the financing.

Commissioner Blumenauer said having it come back the first of July is a little awkward.

Mr. Kish said Council could decide as it is wrapping up the budget if it wants to build all three facilities, just the BOEC replacement, or nothing, and then schedule a general obligation bond sometime in the summer to cover the cost of what has been agreed to. This would accelerate the process by four or five months.

Mayor Clark said because of the old equipment at Kelly Butte a decision needs to be made quickly and he understood it would happen when Council looked at the capital budget in the next few weeks.

Commissioner Bogle wondered if we would have the information we need within two weeks.

Mr. Kish said the original study which Council saw several weeks ago makes strong recommendations to replace BOEC, build a police facility and a communications shop. He said they need to know soon where the new CAD system is to be placed before it goes out to bid. The recommended way of financing was through a general obligation bond.

Commissioner Kafoury said she knew this was a high priority but had no idea what other capital needs were coming along.

Mayor Clark said that he was sure this would be a top priority on any list of capital needs.

Mr. Kish said if we proceed with this today, we would not be able to sign a contract with an architect for 60 to 75 days, which gives Council time to look at this more carefully as part of the budget process.

Commissioner Blumenauer said the City is sitting on a time bomb with regard to the Emergency Communications system. He said he had no problem moving forward on today's action but is concerned about how the pieces hang together and about what the best approach is.

Commissioner Lindberg asked if the study also included an alternative site analysis.

Mr. Kish said four sites were studied by the consultant and the City is now looking seriously at the old Mt. Hood Park site. Regarding possible site use restrictions, he said the federal highway administration and ODOT told him they thought things could be worked out.

Disposition: Adopted.

Commissioner Earl Blumenauer

- 280** Consider vacating certain portions of SW Canterbury Lane and a certain portion of SW 49th Avenue at the request of Orchard Lane Associates (Hearing; C-9732)

Discussion: Frank Shell, 4725 SW Canterbury Lane, asked which portion of Canterbury Lane was included, expressing concern about access from SW 48th to Garden Home Road. He said he understood the only vacation would be from 48th West, not 48th East, and if that was the case, he would recommend Council approval.

Commissioner Blumenauer said the map shows the vacation would be to the west of 48th Avenue.

Mayor Clark said there seemed to be a discrepancy between the two exhibit maps.

Kathryn Hall, Right-of-Way Acquisition, explained that Exhibit A shows the area as currently platted with the three small areas to be vacated, while Exhibit B shows the area as it will be replatted and redeveloped.

The Mayor reassured Mr. Shell that his understanding was correct.

Disposition: Adopted.

- 281** Accept petitions and adopt Resolution to initiate Local Improvement proceedings for the SW Montgomery Dr., SW Upper Dr. and private property sanitary sewer system LID (Report)

Disposition: Adopted.

- 282** Institute Local Improvement proceedings and direct the City Engineer to prepare plans, specifications and cost estimates for the SW Montgomery Dr., SW Upper Dr. and private property sanitary sewer system LID (Resolution)

Disposition: Resolution No. 34816 (Y-5)

- 283** Amend the Downtown Parking and Circulation Policy to allow the addition of up to 1,370 spaces of new parking over the specified maximum inventory in association with air quality offsets as approved by the Department of Environmental Quality (Second Reading Agenda 139)

Disposition: Ordinance No. 163892. (Y-5)

Commissioner Mike Lindberg

- *284** Lease agreement with Charles E. Faries and James D. Fulwiler for approximately 15,000 square feet of property along Macadam Avenue (Previous Agenda 251)

Discussion: Commissioner Lindberg said Fontaine Hagedorn of the Parks Bureau is still negotiating with the lessees.

Ted Gilbert, 1500 SW 5th, representing James D. Fulwiler, said his client wants to rehabilitate a warehouse but needs a long-term parking agreement before going ahead. He said Portland General Electric has stated that it is very unlikely the tower will ever be removed and, even so,

the easement would remain. He said tying the annual lease increase to the Consumer Price Index is all right with his client who is also receptive to adding language that will allow the City to use the property. He said they are trying to structure an agreement satisfactory to all parties, one that will generate a little income and eliminate a public nuisance as well as allowing their company to relocate.

Commissioner Lindberg noted that the last language includes the CPI clause. He said the agreement seems fine to him but suggested holding this over to the afternoon session to allow Mr. Hagedorn to comment.

Disposition: Continued to February 20, 1991 at 2:00 p.m.

City Auditor Barbara Clark

285 Assess property for sidewalk maintenance through May 31, 1990
(Ordinance)

Disposition: Passed to Second Reading.

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

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF FEBRUARY, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- *284** Lease agreement with Charles E. Faries and James D. Fulwiler for approximately 15,000 square feet of property along Macadam Avenue (Previous Agenda 251)

Discussion: Cay Kershner, Clerk of the Council, said a substitute exhibit was distributed showing changes on items number 2 and 36. Kathryn Imperati, Senior Deputy City Attorney, suggested that a motion be made to substitute the new exhibit.

Commissioner Lindberg so moved and Commissioner Blumenauer seconded. Council approved the motion (Y-5)

Disposition: Ordinance No. 163893 as amended. (Y-5)

Commissioner Dick Bogle

- 288** Liquor license application for Jessie D. and Richard B. Low, dba Cathay Grocery, 2858 N. Williams, package store liquor license renewal; unfavorable recommendation (Report)

Discussion: Henry Emrich, License Bureau, said Council heard the same information on this renewal application three weeks ago when it voted unfavorably on a recommendation regarding a change-of-owner application at the same store. He said the Bureau believes the same considerations apply in this case, noting that the Eliot Neighborhood Association believes that liquor sales from this store have had an adverse affect on the neighborhood and nearby Dawson Park, despite conditions placed on the license by the OLCC. Police reports confirm what the neighborhood is saying and the Police Bureau has also expressed concern about the illegal purchase of food stamps.

Rod Beard, Police Bureau, said there were two charges of unlawful possession of food stamps. He said they also do not believe the owner is doing a good job of monitoring what goes on outside his store.

Norm Lindstedt, Attorney representing Mr. and Mrs. Richard Low, asked for a favorable recommendation with conditions and with a restriction on the sale of fortified wine. He said his clients sold the premises to another applicant who was unwilling to abide by this restriction but that the Lows will accede to it.

Regarding the food stamp incidents, Mr. Lindstedt said it involved \$150 for two purchases of food stamps on a sting operation. He said the record shows that Mr. Low has complied with the conditions imposed in 1986 and done what he can to eliminate loitering and prevent sales to minors. He said he was concerned with the Eliot Neighborhood Association objection because when the OLCC interviewed Mr. Matteucci, the Chairperson, it was told the restrictions appeared to be working and the store seemed to be well run.

Mayor Clark asked about the prior sale of the store.

Mr. Lindstedt said the prospective buyer, Mr. Chan, told Council he did not want to follow the fortified wine restriction and the sale has now fallen through.

Lee Perlman, 512 NE Brazee, representing the Eliot Neighborhood Association, read a letter from President Michael Matteucci. He said the matter Mr. Lindstedt referred to did not come before the Association and, if it had, the response would have been different. He quoted a statement from Mr. Matteucci's letter noting that efforts to persuade store management to modify their business practices had been unsuccessful and that they saw no reason to believe that the passage of time would bring any improvement.

Mayor Clark said there were no other stores for several blocks.

Mr. Perlman said they would like to see a store that had something to offer other than alcohol and cigarettes.

Commissioner Lindberg asked if it did not carry the same items as a convenience store such as a Seven-Eleven.

Mr. Perlman said it has the shelves but a lot of them are empty.

Commissioner Bogle said this store is not empty.

Susan Hartnett, 28 NE Graham, said the shelves are routinely less than half full and the store lacks basic commodities.

Commissioner Lindberg asked her about the reference in Mr. Matteucci's letter to the failure of management to modify their business practices.

Ms. Hartnett said the store owner has complied with the letter, but not necessarily the spirit, of the regulations.

Commissioner Bogle said last time Council attempted to place a restriction on fortified wine sales, OLCC granted the license without it. He said he did not think Council should take lightly the food stamp violation.

Commissioner Blumenauer said it seemed to him the problems described here are of the applicant's own making.

Disposition: Unfavorably recommended (Y-5)

- 287 Tentatively grant appeal of Franklin G. Drake and Preston Hiefield, Trustees, against decision of the Planning Commission to overrule the Planning Director's interpretation of the zoning code which would limit the number of dwelling units at 2447 NW Westover (Findings; INT 8-90)

Discussion: The Clerk announced that no findings had been filed and that the City Attorney has suggested the matter be continued to March 13.

Disposition: Continued to March 13, 1991 at 2:00 p.m.

- 286 **TIME CERTAIN: 2:00 PM** - Appeal of Lents Neighborhood Association against decision of the Hearings Officer to approve the application of Schwab Properties for a zone change from R5 to C2B at 7304 SE 82nd Avenue (Hearing; 8014)

Discussion: Commissioner Blumenauer said he visited the site and had gotten feedback from an individual who was not a resident of the Lents neighborhood. At the time, he did not know there was a pending land use issue.

Jessica Richman, Planning Bureau staff, said this case is a request for a zone change from R5 to C2B (now CG) in conformance with the Comprehensive Plan and a major variance to reduce the east building setback from five feet to zero. The proposal is to build a new automotive service building and provide additional employee and customer parking. The proposed parking lot is the zone change site.

Ms. Richman said the site has an extensive history, noting that a number of conditions placed on previous approvals have not been met and that a number of enforcement actions have been taken, some successful and some not. She showed slides taken recently showing trucks parked across the sidewalk, tires stored outside and a lack of landscaping, all conditions of

previous approvals. Staff recommended approval of the zone change with 11 conditions, the major one being that there be no access from SE Knapp. She said services are adequate if the zone change site is limited to employee parking. Because of staff concern with enforcement and noncompliance with previous conditions, they recommended not only that the parking lot not access SE Knapp but that the existing access from Knapp to the building be eliminated. They also recommended denial of the variance because the criteria were not met.

Ms. Richman said the Hearings Officer approved the zone change with 13 conditions, including limiting the rear parking lot to employees only. He did, however, allow access from SE Knapp. He also recommended that applicant prepare a Good Neighbor plan within a year of final approval.

Ms. Richman said the neighborhood association contends the zoning change should not be approved until the violations are corrected. They also contend that access from SE Knapp violates the 82nd Avenue Plan. The applicant has challenged the neighborhood's standing to appeal but a Bureau review found that correct procedures were followed.

Jim Myers, Lents Neighborhood Association, asked that the zone change be denied. He said the applicant has a well-documented history of noncompliance with zoning code requirements as well as conditions of approval of previous land use matters. He cited illegal outside storage of tires, illegal servicing of cars and tires, and trucks blocking access on SE Knapp. He said the company has made no effort to work within the confines of the zoning code and has challenged the Bureau of Buildings, Planning Bureau and Council to force them to comply.

Mr. Myers said while the neighborhood realizes that the service criteria form the basis for approval, they feel applicant's lack of respect and their defiance of zoning code requirements must be considered also. He said last time this issue came before Council, it voted 4-0 to deny the zone change. No changes in services or street conditions have been made at the site since this decision was made. Mr. Myers said Council should not even consider granting this new application until such time as the services are adequate and Les Schwab proves that they can comply with all aspects of the zoning code for a minimum of one year. He also asked Council to determine if this zone change was consistent with the 82nd Avenue Study and if the change would have an adverse affect on the residential character of the neighborhood. Finally, he asked that a directive be issued to insure that all illegal activities at the site receive monetary fines and that the applicant be forced to repair the sidewalk.

Richard Borgman, Attorney for Les Schwab Properties, requested that all exhibits presented at the original hearing be entered as exhibits at this hearing. He said much of their business activity is now conducted on

Knapp and SE 82nd out of necessity. He said this proposal will take all business activity off SE Knapp and place it on SE 82nd Avenue. He said the Hearings Officer had concluded that the application met all the Code criteria. Certain conditions were added, all of which are acceptable to Schwab.

Mr. Borgman said neighborhood allegations against their operation should not serve as a basis for denial because the alleged zoning violations are not strictly relevant to the criteria under Code Section 33.102.105. He said other procedures and remedies are provided for actual violations that include due process.

Mr. Borgman said the complaints, while not legal issues, illustrate a less than ideal relationship between the neighbors and management at the 82nd Street store which have led to misunderstandings and distrust. He said they are willing to consider any reasonable arrangement for monitoring compliance with these conditions, including allowing the Hearings Officer to maintain continuing jurisdiction over the matter. They believe the Good Neighbor Plan will also help and plan to meet with the neighborhood association next month. He concluded that their goal is to move business activity off Knapp and thus resolve all neighborhood concerns about their operation on Knapp Street. He said Schwab has satisfied all the legal requirements and fully accepts all conditions imposed by the Hearings Officer.

Commissioner Lindberg asked if past violations could be considered when Council makes a decision on this zone change.

Kathryn Imperati, Senior Deputy City Attorney, said there is no criteria in our Code that allows Council to consider past non-compliance. However, if Council has concerns about their assertions that they will meet all conditions of approval, it can impose additional conditions designed to assure compliance.

Commissioner Lindberg noted the poor relationship between the company and the neighborhood.

Mr. Borgman said compliance with past conditions was not a legal criteria applied to this particular zone change.

Commissioner Blumenauer requested that the Planning Bureau and City Attorney prepare a Code amendment change that would give Council the ability to deny a zone change based on a pattern of failure to comply with applicable City Codes. He said it seemed outrageous that we would grant an economic benefit to someone who has a pattern of not being a good citizen.

Steve McRobert, 8305 SE Knapp, showed slides to demonstrate neighborhood contentions that Les Schwab disregarded zoning code regulations and conditions of earlier land use approvals. These include illegal outside storage of tires, illegal parking of trucks, lack of required landscaping and signage, unrepaired sidewalks, and truck blockage.

Commissioner Bogle asked if any sanctions could be imposed on the company based on these allegations.

Ms. Imperati said violations of conditions of past land use approvals or zoning code provisions can be enforced through the Code Enforcement Hearings Officer process, which would be independent of this proceeding.

Pat Beyer, 10133 SE Knight, asked Council to impose five additional conditions if the zone change is approved. These would require completion of landscaping requirements, installation of a sprinkler system, placement of a chain across the entrance at night, a \$150,000 performance bond and posting of a "no-through trucks" sign on 82nd.

Raymond Hites, 8827 SE Holgate, asked Council to deny this appeal. He also asked that the Code be changed to make it possible to deny zone changes on the basis of prior illegal activities.

In response to a question from Commissioner Lindberg regarding Council denial of the zone change in 1984, Ms. Richman said Council found then that transportation services were inadequate. She said the earlier proposal would have used the rear lot for customer cars, truck deliveries and servicing. This time, while staff found that transportation services were adequate if SE Knapp was not used, the Hearings Officer felt it was appropriate to use Knapp for employee parking. Ms. Richman disagreed with the appellant regarding the continued use of Knapp for business activities. She said the current proposal would maintain the service bays and loading function, in addition to the employee parking.

Commissioner Kafoury asked what might be done to ensure that any conditions are met.

Ms. Imperati said one way might be to require a performance bond. She said the Code Enforcement Hearings Officer has the authority to impose fines. Another alternative is to impose a condition which would not allow issuance of a building permit until the conditions are met.

Commissioner Bogle asked if those speaking in opposition today could take their complaints to the Hearings Officer and begin proceedings against the Schwab company.

Ms. Imperati said they could take them to the Bureau of Buildings which in turn can initiate proceedings before the Code Enforcement Hearings Officer. Appeals of Hearings Officer actions are appealable by writ of review to the Circuit Court and not to Council.

Mr. Myers, in rebuttal, said this matter came before the Code Enforcement Hearings Officer in 1985 and a civil penalty of \$1,500 in fines was imposed. He said he believed complaints had been made to the Bureau of Buildings within the last several months. Mr. Myers said there had been a misrepresentation by the company as shown in a letter from the property manager, Vern Atwood, which clearly states that the parking lot will be used for customer cars, even though they applied for an employee-only lot. He cited the lack of sewers as a service issue and the use of large trucks on the residential streets as a transportation issue.

Commissioner Lindberg asked about conditions relating to allowing trucks on SE Knapp.

Ms. Richman said the Hearings Officer said the back lot would be for employees only but allowed them to continue to use the service bays on Knapp. The staff recommendation was to close everything on Knapp and put the access on 82nd.

Mr. Borgman said Mr. Atwood had miscommunicated their intent, which is to use the parking lot strictly for employees. As for the service bays on Knapp Street, they have no intention of servicing any cars there and have no objection to closing them if Council wants to add that as a condition. He said to satisfy the service transportation requirements, the Hearings Officer recommended that there be a truck loading zone on SE Knapp to take care of the problems of loading tires on that side of the building.

Mayor Clark said he told Mr. Schwab when this issue came to Council five years ago to work things out directly with the neighborhood. He said it seemed to him that this zone change would encourage the imposition of vehicles on a street that is inadequate for such use.

Commissioner Blumenauer proposed that the following conditions be added: 1) bar access to the property from Knapp Street; 2) require that the entrance be chained after hours; 3) prevent issuance of a building permit until a finding has been made that there is full compliance with every pre-existing condition; and 4) require a reasonable performance bond.

Ms. Richman asked if he meant to eliminate the existing access to the service bays.

Commissioner Blumenauer said yes, no curb cuts would be allowed along Knapp.

Commissioner Lindberg seconded the motion.

Commissioner Bogle asked about setting over the final decision on the zone change, pending compliance with previous conditions.

Ms. Imperati said we are under the 120-day limitation here and that is controlled by the applicant.

Commissioner Blumenauer said the applicant would not be allowed to have a building permit until they complied with previous conditions. He asked if Council could retain jurisdiction in some fashion so that if some good faith action was not demonstrated within a month, Council could direct the Bureau of Buildings to proceed with enforcement action.

Ms. Imperati said the revised Zoning Code contains a procedure for revoking approvals for noncompliance. She said Council could impose a time limit and ask the Bureau of Buildings to report back in six months to see if the conditions have been met.

Mayor Clark said it sounded like there had been a miscommunication between the company and the store manager.

Mr. Borgman agreed but assured Council that the head office was in communication with the store manager and that he will be involved at every level in working with the neighborhood.

Commissioner Blumenauer moved to tentatively deny the appeal and approve the zone change with the three additional conditions he proposed and return with findings in three weeks.

Commissioner Bogle said he wished past practices could be considered today but because there is no such provision in the Code, he believes Commissioner Blumenauer's conditions adequately address neighborhood concerns.

Mayor Clark said these new conditions show a clear direction and that he would vote aye even though he did not like to give a future reward to those who have not been in compliance in the past.

Commissioner Blumenauer noted that the conditions also included all those imposed by the Hearings Officer. He also requested that the Planning Bureau or the Bureau of Buildings report back to Council by July 1, 1991 so that Council can see what is happening.

Disposition: Appeal denied tentatively with conditions (Y-5); City Attorney prepare findings for 2:00 p.m. March 13, 1991

FEBRUARY 20, 1991

At 3:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council

FEBRUARY 21, 1991

BUDGET SESSIONS

Beginning Monday, February 4 through Friday, February 22, Council will hold hearings on the FY 1991-92 Budget on Mondays, Tuesdays, Thursdays and Fridays. Regular Council business will be conducted on Wednesdays.

A schedule of budget hearings is available from the Office of Finance and Administration, 1120 SW 5th Avenue, Room 1250; 796-5288.