



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF MARCH, 1991 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Bogle, Presiding; Commissioners Blumenauer, Kafoury and Lindberg, 4.

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

Fire Chief George Monogue recognized 13 civilians and 10 firefighters for their courageous acts.

Commissioner Bogle, as President of Council, proclaimed March 29, 1991 as POW/MIA Special Recognition Day.

On a Y-4 roll call, the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**455** Cash and investment balances for February 14, 1991 through March 13, 1991 (Report; Treasurer)

**Disposition:** Adopted.

**456** Accept bid of Wentworth Chevrolet Co. for five cargo vans for \$64,145 (Purchasing Report - Bid 108)

**Disposition:** Adopted; prepare contract.

**457** Accept bid of Northside Ford Trucks Sales, Inc., for two 1.5 yd. dump trucks for \$45,800 (Purchasing Report - Bid 109)

**Disposition:** Adopted; prepare contract.

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**458** Accept bid of Northwest Mfg. & Dist., Inc., for two 33,000 GVW asphalt patch trucks for \$136,500 (Purchasing Report - Bid 110)

**Disposition:** Adopted; prepare contract.

**459** Accept bid of John Arnold Company for 12-inch main improvement, N. Center and N. Jantzen Avenue, for \$142,739 (Purchasing Report - Bid 111)

**Disposition:** Adopted; prepare contract.

**460** Accept bid of CTR Business Systems and Computerland Corporate Accounts for microcomputer hardware maintenance for \$164,066 (Purchasing Report - Bid 111-A)

**Disposition:** Adopted; prepare contract.

**461** Vacate a portion of NW 27 1/2 Street south of NW Nicolai Street, under certain conditions (Second Reading Agenda 409)

**Disposition:** Ordinance No. 163984. (Y-4)

**462** Vacate certain portions of SW Canterbury Lane and a certain portion of SW 49th Avenue, under certain conditions (Second Reading Agenda 410)

**Disposition:** Ordinance No. 163985. (Y-4)

**Mayor J. E. Bud Clark**

**\*463** Pay claim of Arthur and Shirley Isaksen (Ordinance)

**Disposition:** Ordinance No. 163986. (Y-4)

**\*464** Create eight positions in accordance with the Personnel Rules adopted by the City Council (Ordinance)

**Disposition:** Ordinance No. 163987. (Y-4)

**\*465** Application to the Innovations in State and Local Governments Program of the Kennedy School of Government at Harvard University and the Ford Foundation for a grant of \$100,000 for Landlord Training Program (Ordinance)

**Disposition:** Ordinance No. 163988. (Y-4)

Commissioner Earl Blumenauer

- \*466 Authorize the purchase of traffic signal lamp burnout sensors for the Bureau of Maintenance from Imon Electronics, Inc., a City employee-owned company (Ordinance; waive City Code Chapter 5.68)

**Disposition:** Ordinance No. 163989. (Y-4)

- \*467 Amend contract with Malarkey Roofing Co. to sell surplus digester gas generated at the Columbia Boulevard sewage treatment plant (Ordinance; amend Contract No. 21159)

**Disposition:** Ordinance No. 163990. (Y-4)

- \*468 Amend a contract with Wilsey & Ham Pacific to provide services on the N. Marine Drive, Rivergate to Interstate-5 project (Ordinance; amend Agreement No. 25845)

**Disposition:** Ordinance No. 163991. (Y-4)

- \*469 Amend an agreement with Oregon Department of Transportation, Highway Division, to provide right-of-way services for the East Burnside-9th Avenue to 82nd Avenue traffic improvements project (Ordinance; amend Agreement No. 26119)

**Disposition:** Ordinance No. 163992. (Y-4)

- \*470 Amend contract with Brown and Caldwell Consultants for professional engineering services and provide for payment (Ordinance; amend Contract No. 26224)

**Disposition:** Ordinance No. 163993. (Y-4)

- \*471 Accept a retaining wall easement for the SW US Veterans Hospital Road Street improvement project, granted by Children's Oncology Services of Oregon, Inc. (Ordinance)

**Disposition:** Ordinance No. 163994. (Y-4)

- \*472 Accept two temporary construction easements for the Linn Park (#39) sanitary sewer project, granted by Jesse J. Mosso, Jr., Nancy L. Mosso and Juanita Whitaker, and pay \$750 (Ordinance)

**Disposition:** Ordinance No. 163995. (Y-4)

- \*473 Accept two sewer easements for the Linn Park (#39) sanitary sewer project, granted by Manifold Business and Investment, Inc., Leonard F. Hanson and Dorothy M. Hanson, and pay \$850 (Ordinance)

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**Disposition:** Ordinance No. 163996. (Y-4)

**Commissioner Gretchen Kafoury**

**474** Recommendation of the Planning Commission on additional zoning map conversions and Open Space zone correction (Report)

**Disposition:** Adopted.

**\*475** Amend the Comprehensive Plan Map and the Official Zoning Maps for four sites that were annexed to the City after June 30, 1990, and correct a mapping error (Ordinance)

**Disposition:** Ordinance No. 163997. (Y-4)

**\*476** Amend the Comprehensive Plan map and change the zone of property at 10931 SW 53 Avenue from R2 (Residential) to CG (Commercial) (Ordinance; 8042-PA)

**Disposition:** Ordinance No. 163998. (Y-4)

**Commissioner Mike Lindberg**

**\*477** Authorize a contract with the City of Chicago on behalf of the Urban Consortium Energy Task Force for \$43,000 for fulfilling the role of the Urban Consortium Energy Task Force (Ordinance)

**Disposition:** Ordinance No. 163999. (Y-4)

**\*478** Call for bids for heavy earthwork and irrigation system construction (Contract A) for the Heron Lakes Golf Course expansion project (Ordinance)

**Disposition:** Ordinance No. 164000. (Y-4)

**\*479** Call for bids for seedbed preparation and seeding operations (Contract C) for the Heron Lakes Golf Course expansion project (Ordinance)

**Disposition:** Ordinance No. 164001. (Y-4)

**\*480** Lease from State of Oregon submerged and submersible land on the Willamette River adjacent to Oaks Bottom Wildlife Refuge (Ordinance)

**Disposition:** Ordinance No. 164002. (Y-4)

- 453** **TIME CERTAIN: 9:30 AM** - Recognize the week of April 1-7, 1991, as Community Development Week and call upon the citizens of Portland to display their support for the Community Development Block Grant Program (Resolution introduced by Commissioner Kafoury)

**Discussion:** Commissioner Kafoury said because of the strong efforts of our Congressional delegation, the City's allocation for this program next year should be several million dollars more than it has been.

**Disposition:** Resolution No. 34829. (Y-3; Lindberg absent)

- 454** Direct Commissioner of Public Utilities to oversee formation of a non-profit organization to undertake a public/private partnership effort to acquire real property from a bankruptcy proceeding and return to Council with an ordinance identifying and allocating the resources to undertake the predevelopment work required by the acquisition effort (Resolution introduced by Commissioner Kafoury)

**Discussion:** Commissioner Kafoury said the Oregonian's series last fall about Dominion Capital's problems caused housing advocates to consider how they might acquire these properties. She said most of the 350 houses involved are within a very small radius in Northeast Portland and acquisition could have even a larger impact than that of the Nehemiah project.

Fred Stewart, Chair of the King Neighborhood Association, supported City purchase of the properties but warned that the City should not pay too much for them.

Neil Kelly, 804 N. Alberta, expressed concern that the project not get caught up in a time-consuming bureaucracy, that the properties be updated, and that the costs be kept low.

Sharif Abdullah, Executive Director for the Forum for Community Transformation, said this buyout could help redirect ownership patterns to those actually living in the neighborhood. He suggested that any new Community Development Corporation formed to handle the Dominion Capital properties also take on the receivership responsibilities for the program enacted last year to seize derelict and abandoned buildings.

Tom Oxley, President of Rent Finders, Inc., said he believes the City is the only savior of these houses. He urged the City to involve the private sector in managing the houses.

John Campbell, Chair, Inner Northeast Public Safety Action Committee, noted that many of the Dominion-owned properties have had drug dealers operating from them or have visible Code violations. He said it is very important for a non-profit organization to purchase these homes and

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disperse them back to the community rather than having them fall into the hands of speculators. A primary goal of the non-profit group should be to promote occupancy by owners or long-term renters rather than institutional management of the units. He also urged that more ways be found to help renters buy their homes.

Commissioner Kafoury said of the 350 houses, about 100 are in the process of being sold to people living in them now. One concern, however, is that many have very high interest rates with large balloon payments.

Francis Parker, 623 SE 27th, objected to formation of a non-profit organization because it would not provide public access to information.

Commissioner Kafoury said it was not their intent to set up an agency not accessible to public scrutiny.

Commissioner Lindberg asked about how Section 108 works and the City's relation to the federal government.

Dan Steffey, Director, Bureau of Community Development, said the Section 108 loan guarantee program allows entitlement communities such as Portland to borrow against future entitlement amounts. Under new federal legislation, a community can borrow five year's worth of its block-grant entitlement and repay it over a 20-year period, in effect pledging future block grant resources as collateral. He said discussions are currently underway with community groups eligible for block grant funding about the effect of the Dominion project on them.

Commissioner Kafoury asked him to clarify that use of the loan program for the Dominion project would not replace the City's ability to use block grant monies for other programs.

Mr. Steffey said there should be no impact on current block grant resources as the City would be repaying the loan out of earnings on the properties themselves.

Commissioner Bogle asked about the role of the Housing Authority of Portland.

Mr. Steffey said HAP management of the properties is one potential option but the City is attempting to form a public-private partnership that combines the technical expertise the business community can provide with input from the community.

Commissioner Kafoury said HAP does endorse the project. She said the resolution is misleading in stating the City will form a new non-profit since the option to turn the properties over to an already existing agency is not closed. However, she said, currently both HAP and the Community

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Development Corporation (CDC) have indicated that this is not a good time for them to undertake a new project.

Commissioner Lindberg asked whether the money comes from the federal government or the private sector.

Mr. Steffey said the money is obtained from private funds through a public offering made by Housing and Urban Development.

Commissioner Kafoury said the next step would be a request for money to do the assessments.

Commissioner Blumenauer said it was essential that the City not lose this opportunity.

Commissioner Lindberg said this is a unique opportunity to stabilize an inner City neighborhood, increase home ownership and deal with the crime problems associated with many of these houses.

**Disposition:** Resolution No. 34830. (Y-4)

**REGULAR AGENDA**

**Mayor J. E. Bud Clark**

- 481** Recommend approval of annexation case A-1-91 and transmittal to the Portland Metropolitan Area Local Government Boundary Commission (Report)

**Discussion:** John Bonn, Acting Urban Services Manager, said this proposal would annex 227 islands to the City, all but one created in the last three years.

Individuals speaking against annexation of their property included:

John Clark, 409 NE 150th Place  
Kenneth F. Schumann, 441 NE 150th Place  
June Shank, 2845 SE 120th

Opponents objected to the annexations being done against their will and without majority approval. They questioned the advantages to annexation; Mr. Schumann said he believed those affected would prefer annexation to Gresham rather than Portland.

Commissioner Lindberg asked if the City had agreed on a dividing line with Gresham.

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Mr. Bonn said both Portland and Gresham adopted an urban service boundary in 1985. He described the boundary lines, noting that the Portland city limits are now at 162nd and Stark.

Commissioner Lindberg asked about the feelings of the Boundary Commission toward island annexations.

Mr. Bonn said while the Commission has some concerns, it has been approving the annexations that create these islands. He said it seems to be most concerned with the slow down in the City annexation program which leaves the islands unincorporated.

**Disposition:** Placed on file.

- 482** Authorize filing annexation case A-1-91 with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

**Disposition:** Resolution No. 34831. (Y-4)

- 483** Recommend approval of annexation case A-4-91 and transmittal to the Portland Metropolitan Area Local Government Boundary Commission (Report)

**Discussion:** Mr. Bonn said these islands were created this fiscal year through double majority cases which have been approved by the City and the Boundary Commission but are not yet effective. He said, although the City has not previously annexed islands that have not yet been created, Gresham has used this strategy in the past.

**Disposition:** Placed on file.

- 484** Authorize filing annexation case A-4-91 with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

**Disposition:** Resolution No. 34832. (Y-4)

- \*485** Accept a grant of \$34,819 from the State of Oregon Public Utilities Commission to continue the Motor Carrier Safety Inspection Program in the Police Bureau Traffic Division (Ordinance)

**Disposition:** Ordinance No. 164003. (Y-4)

**Commissioner Earl Blumenauer**

- 486** Create the NE 105th Avenue and NE Knott Street Local Improvement District and provide for constructing a sanitary sewer system (Second Reading Agenda 439)



**Disposition:** Ordinance No. 164004. (Y-4)

**Commissioner Gretchen Kafoury**

- \*487** Amend Intergovernmental Agreement between the City of Portland, Multnomah County and Washington County in the matter of the Private Industry Council (Ordinance)

**Discussion:** Commissioner Kafoury said this adds local elected officials back on to the Private Industry Council.

**Disposition:** Ordinance No. 164005. (Y-4)

**Commissioner Mike Lindberg**

- \*488** Authorize the Bureau of Parks and Recreation to make application to and borrow up to \$11,000 from the Oregon Department of Energy's Small Scale Energy Loan Program to make energy saving improvements on the Buckman Fieldhouse (Ordinance)

**Discussion:** Commissioner Lindberg said this is the first time the City has acted like a private business and gone to the state Department of Energy for a loan. He said enough money will be saved in energy costs in one year through improvements to the heating system at the Buckman Fieldhouse to pay back the loan and have a net savings of \$397 a year.

**Disposition:** Ordinance No. 164006. (Y-4)

**City Auditor Barbara Clark**

- 489** Approve June through November, 1990, sidewalk maintenance bills for assessment (Hearing; Report)

**Discussion:** Cay Kershner, Clerk of the Council, said one written remonstrance has been received and the Auditor's Office is recommending that it be referred to the Commissioner of Public Works and that the remaining bills be approved.

Tom Oxley, Rentfinders, Inc., representing Brenda Andrieu, objected to the difference in cost between the first estimate and the final charges. He said she had filed a timely remonstrance which was misrouted.

Dan Vizzini, City Assessment Manager, said cases such as this should be referred back to the bureau for a report and can then be brought back at a future assessment hearing.

Arsenio Macabeo, 1534 N. Watts, objected to his assessment. (Note: he made his objection out of order, at the end of the session).

Mr. Vizzini said his office can resolve this matter.

**Disposition:** Approved. (Y-4) Refer remonstrances to Commissioner of Public Works.

- 490** Create the NE Airport Way water and sanitary sewer Phase II Local Improvement District and provide for constructing water and sanitary sewer systems (Second Reading Agenda S-443)

**Disposition:** Ordinance No. 164007. (Y-4)

- 491** Assess improvement of streets within the SE Mitchell/68th District HCD improvement project and construction of sumps (Second Reading Agenda 444)

**Disposition:** Ordinance No. 164008. (Y-4)

The Clerk noted that due to the absence of two Council members on Thursday, April 28, no Consent agenda or emergency ordinances scheduled for that session can be considered. She suggested that the items be considered under Suspension of the Rules.

Commissioner Lindberg moved Suspension of the Rules. Commissioner Kafoury seconded and the motion carried. (Y-4)

**Commissioner Earl Blumenauer**

- \*498** Revocable permit to Northwest Natural Gas to maintain banners on street light poles from April 1 to April 17, 1991 (Ordinance)

**Disposition:** Ordinance No. 164009. (Y-4)

**Commissioner Gretchen Kafoury**

- \*499** Amend noise control regulations (Ordinance; amend Code Sections 18.04, 18.10, 18.12 and 18.14)

**Disposition:** Ordinance No. 164010. (Y-4)

**Commissioner Mike Lindberg**

- 500** Amend the City Code to increase the Portland Energy Commission from nine to eleven members (Ordinance)

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**Disposition:** Passed to Second Reading April 3, 1991 at 2 p.m.

- \*501** Grant a revocable permit with conditions to Portland Rose Society, Inc., for the construction and installation of a pavilion in the International Rose Test Garden located in Washington Park (Ordinance)

**Disposition:** Ordinance No. 164011. (Y-4)

- \*502** Grant a revocable permit with conditions to Mr. & Mrs. Robert P. Stafford for the maintenance of a driveway in Terwilliger Boulevard Park (Ordinance)

**Disposition:** Ordinance No. 164012. (Y-4)

**Commissioner Dick Bogle**

- \*503** Amend Title 31, City Code, Fire Regulations, Section 31.40.040, Permit Fees; and Chapter 31.80, Hazardous Substances and Emergency Planning (Ordinance)

**Disposition:** Ordinance No. 164013. (Y-4)

The Clerk announced that both the appellant and applicant in the land use case on the Council calendar Thursday, March 28 (Item #497) have agreed to a setover to April 3, 1991 Time Certain 2:00 p.m., if Council concurs. She said that, because only three members of Council will be present then, the continuation was requested to a time when at least four Council members would be present.

At 11:10 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF MARCH, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Bogle, Presiding; Commissioners Blumenauer, Kafoury and Lindberg, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Chief Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- 493** Tentatively grant appeal of University of Portland and approve, with conditions, application for 5,000 permanent seats at the existing soccer field at 5000 N. Willamette Blvd. (Findings; Previous Agenda 448)

**Discussion:** Regarding the scheduling of simultaneous major events at the Chiles Center and stadium, Commissioner Blumenauer said that a neighborhood representative has objected to the fact that "major event" is not defined in the findings.

Laurie Wall, Planning staff, said she understood a major event to mean something with 500 persons or more.

Commissioner Blumenauer suggested adding a definition of major event to mean 200 people from off-campus.

Ms. Wall said a sentence could be added to the condition of approval stating that a major event is one which includes 200 persons or more from off-campus.

Larry Scruggs, Director of Auxiliary Services, University of Portland, said they understood the condition to mean that they would not hold simultaneous events at the Chiles Center and the soccer facility when the event at the Chiles Center will exceed 500 persons. He said they had no way of controlling whether they had 200 or 201 people.

Commissioner Blumenauer said the University should know if people were going to be drawn from off-campus and, since it is trying to keep faith with the neighborhood, should agree to the 200 limit.

Mr. Scruggs said for the sake of the proposal and until the Master Plan is approved, the University will abide by the 200 figure and will not schedule an event in the Chiles Center with an anticipated crowd in excess of that number when a soccer game is scheduled.

Commissioner Blumenauer moved that this definition of a major event be added to the findings.

Commissioner Lindberg seconded and the motion carried. (Y-4)

Commissioner Lindberg asked about enforcement of the requirement that the additional 700 seats could not be used until the Master Plan was completed.

Ms. Wall said it would be difficult to enforce and suggested that the University rope off the additional seats so that only 4300 are available.

Mr. Scruggs agreed to rope off the seats.

Commissioner Blumenauer moved the adoption of the amended findings. Commissioner Lindberg seconded.

**Disposition:** Findings adopted as amended. (Y-4)

**Commissioner Dick Bogle**

- 494** Liquor license application for Buzz and Sandi Siler, dba Marina Market at Riverplace, 1811 SW River Drive #600, package store liquor license, change of location; favorable recommendation (Previous Agenda 449)

**Discussion:** John Werneken, License Bureau, said one remonstrance had been received from a citizen who asked Council to consider Riverplace a special area that should be protected from the deleterious impact of alcohol sales.

Mr. Werneken said the applicant had operated successfully in a location 150 feet from his proposed new location for more than five years with no complaints and therefore the License and Police Bureaus recommend approval.

**Disposition:** Favorably recommended. (Y-4)

- 492** Appeal of Selwyn Bingham against Variance Committee's decision to deny application to increase building height in order to build a 26-unit apartment building located at SW Market Street Drive (Hearing; VZ 209-90)

**Discussion:** Suzanne Searle, Planning Bureau staff, reviewed the history of this major variance proposal to build a luxury apartment building with six and eight foot towers between SW Market and Vista. The variance requested is an increase in building height from the maximum of 45 feet to 73 and 94 feet. Access to parking is off Market Street. She said the Variance Committee denied the request, finding that the proposed development does not qualify for a height variance due to its design and scale and because it is different than the one approved in 1980. Among appellants' contentions is that the committee did not consider

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previous zoning actions which contributed to the site's exceptional circumstances, difficulty and hardship.

George Fleerlage, representing applicant Selwyn Bingham, noted that Council had approved a combination of R1 zoning with a height variance for a building of up to 115 feet on this site in 1980. Combining the R1 zoning with a height variance, he maintained, would allow the project to be built while eliminating the possibility of overdevelopment, massive hillside excavation and negative traffic impacts on Vista. The zoning change, from AO to R1, was granted in 1980 and now the applicant seeks a new height variance to replace one granted in 1980, which has lapsed.

Nels Hall, architect with Yost, Grube, Hall, showed slides of the proposed project to illustrate its impact on the site and on the views from Vista. He compared the project to the previous proposal and to an alternative design which adheres to all current zoning criteria and could be built without variances. He said only one tower will impact upon the view on Vista: the remainder of the view from Vista will be completely uninterrupted and will retain its panoramic character. The other important feature of the proposed plan is retention of a beautiful and historic oak tree on SW Market. He said the site is in a transitional zone, in an area that will increase in density upon the completion of light rail.

Mr. Hall said their alternative design calls for development not only along the Market Street frontage but along the Vista frontage as well. This project would, however, obliterate much of the existing hillside vegetation and require massive reworking of the site. Regarding the impact of the project on the adjoining Victorian houses, he argued that their project is a suitable compromise between the single family housing and the much higher density development below. He said comparing other tower developments, such as the Vista St. Clair, to this one is unfair because they are much larger in area than this proposed eight-floor structure with a frontal elevation of 74 feet.

Selwyn Bingham, applicant, said this project preserves the views, the hillside and the trees, and allows access off Market Street, not Vista. He said SWRL (Southwest Hills Residential League) is not opposing this project although the Goose Hollow Foothills League, by a close vote, did. He also asserted that nearby neighbors approve of the project.

Bill Hawkins, owner of property at 1946 Market Street Drive and half owner of the Kamm House, said it is not in the public interest to permit a high rise construction in what is clearly meant to be a transitional zone between single-family (R7) and downtown commercial (C2). He said if this is allowed to proceed it will be the first high rise apartment between Terwilliger Plaza and the Vista Bridge and will usher in a whole string of new apartment buildings which will effectively destroy the tree-covered view of the west hills from the downtown, one of the City's prime assets.

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Mr. Hawkins noted that the upper half of applicant's property was single-family zoned until applicant, through a continued series of law suits, succeeded in achieving apartment zoning over the entire property. Regarding the present proposal, he said the variance requests of 73 and 94 feet do not account for two parking levels in both Towers A and B plus an additional lobby floor in Tower B, which would mean towers of eight and 11 floors, not six and eight, and heights of 118 and 110 feet above Market Street Drive. Buildings comparable in height would be Meier & Frank and the Park Vista apartment house. He called the project grossly out of scale and asked Council to abide by the opinion of the Variance Committee, as well as the Goose Hollow Neighborhood Association board and immediate neighbors, and deny this appeal.

Jane Glazer, 2378 SW Madison, said her testimony may be moot given Mr. Hall's promise that the historic oak would be preserved. She asked Council for assurance that under no circumstance would the root system or the unpruned crown of the tree be damaged.

Individuals speaking against approval of Mr. Bingham's application included:

Philip C. Smith, 2167 SW Market  
Robert Smith, 1703 SW Montgomery  
Dade Wright, 1936 SW Market Street Drive  
Bill Failing, 1708 SW Hawthorne Terrace  
Ellen Fager, 806 SW King  
July Hawkins, 1950 SW Market Street Drive

Opponents said the project is out of scale with the neighborhood and will destroy an important scenic vista. They also maintained that the project would severely impact traffic and parking on a very narrow street and create an access problem for emergency vehicles.

Jerry Power, 1441 SW Harrison and Goose Hollow Foothills League Board, said the Board opposes this particular plan. They believe the R1 site standards are residential in nature and require a limitation on height.

John Emrick, 1475 SW Vista, said he supported this project because he believes Option B, which can be developed without variances or setbacks, would be worse than the plan proposed, Option A.

Jane Hoffman, 2704 SW English Court, spokesperson for Southwest Hills Residential League, said the League neither supports nor opposes the project. She said in 1980 the Board opposed the zone change and, now that it is a fait accompli, the board believes it cannot oppose the variances.

Commissioner Lindberg asked Ms. Searle if the City had studied the traffic impacts.

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Ms. Searle said the Bureau of Transportation does not comment on variances involving height.

Mr. Fleerlage said someone from the Fire Bureau and from Transportation were available to comment on the project.

Lewis Waldrip, Bureau of Traffic Management, said they have not looked closely at this project because no determination is required as to the adequacy of the services. Regarding on-street parking, he said a request has been made to remove parking from one side of the street and a vote will be taken soon to determine which side of the street neighbors prefer. As far as capacity, he said there will be no problem at the intersections with any of the proposed developments.

Commissioner Bogle asked if it were true that the alternate proposal could be built without variances or any Council action.

Ms. Searle said that was true.

Commissioner Blumenauer said he is concerned that something could be built strictly within the Code that ends up being less desirable than this proposal. He said he agreed with Mr. Emrick that granting this variance will cause less potential damage to the hillside. He said he would support the variance with a condition preserving the oak tree. He said he believes the impact of the two towers does not equate with a Meier and Frank building.

Commissioner Kafoury asked if he were concerned about the impact of the tower on the neighborhood.

Commissioner Blumenauer said some very bizzare things have been built that are completely within the Code. He said given the possible intrusion on Vista, having a smaller footprint and protecting more of the view seems a preferable tradeoff.

Commissioner Kafoury said it seemed to her that Planning staff and neighbors were more comfortable with a bigger footprint.

Commissioner Bogle asked if the variance could be conditioned to limit the height of the taller of the two structures under Option A.

Pete Kasting, Chief Deputy City Attorney, said technically Council can act only on the application submitted to it. Council could, however, discuss with the developer at this hearing whether he would be willing to revise his application to lower the height, based on concerns about the impact of the height on the view corridor.



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Commissioner Bogle asked how much of a reduction it would take to eliminate the problem of going over Vista.

Ms. Searle said at one point the building is about one-half to one story above the road.

Commissioner Bogle then asked the developer if he would be willing to reduce it by one story.

Mr. Bingham said he would.

Mr. Hawkins suggested moving the apartments now proposed on top of the tower on Vista onto the top of two lower buildings.

Mr. Fleerlage noted that Mr. Bingham had answered Council's question "yes" but that to redesign the project from two towers to three towers in Council chambers was inappropriate.

Commissioner Blumenauer asked how the agreement to reduce the height of one tower by one story could be captured so that both parties understand exactly what has transpired.

Mr. Kasting said as he understood it, the applicant has indicated that he is revising his application to remove one floor from the taller tower. That amendment would be reflected in revised findings that would come back to Council in three weeks.

Mr. Hall said they would not like a restriction stating that nothing could go above Vista on that one tower as they would like to develop the roof gardens for tenant use. However, the structure of the building and the top floor would be below Vista.

Commissioner Lindberg said he liked the idea of decreasing the elevation. He said if Council is to follow its Comprehensive Plan and provide additional housing and density in the City, it needs to support this type of development. He said while there are questions about the tower, he is willing to support the project with the height reduction as he believes it is better than the project proposed in 1980.

Commissioner Blumenauer moved to tentatively overrule the Variance Committee and approve the variance with added conditions calling for a one-story reduction of the tower, with the potential for a roof-top garden, and for the provision of adequate protection of the root system of the historic oak on the property.

Commissioner Kafoury seconded.

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Regarding the suggested purchase of the property by the City, Commissioner Lindberg said there is a project called Greenspaces that would, pending state legislation, provide about \$20,000,000 to purchase open spaces in the metropolitan area.

**Disposition:** Tentatively grant appeal, with two conditions. Prepare findings for April 17, 1991, 2:00 p.m

**Commissioner Gretchen Kafoury**

**495** Recommendation of the Planning Commission on landscaping regulations for downtown parking lots (Report)

**Discussion:** Ruth Scott, Association for Portland Progress, said they were very pleased with staff's work on the parking lot landscaping issue.

Stephen Janik, Attorney, said the compromise worked out with staff will achieve more landscaping on downtown surface lots with virtually no reduction in parking.

Commissioner Blumenauer said this will provide better landscaping than originally provided, is better designed, and prevents the loss of parking spaces.

**Disposition:** Adopted. (Y-4)

**\*496** Amend Title 33, Planning and Zoning, to create new regulations for landscaping surface parking lots in the downtown (Ordinance)

**Disposition:** Ordinance No. 164014. (Y-4)

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

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council

**MARCH 28, 1991**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS SCHEDULED THIS 28TH DAY OF MARCH, 1991 AT 2:00 P.M.

No Council members attended.

Cay Kershner, Clerk of the Council, announced that Council at the 9:30 a.m. session on Wednesday, March 27, 1991 had moved to consider the items on the Thursday March 28, 1991 Consent and Regular Agenda on Wednesday under Suspension of the Rules. She reported that Council also agreed to continue the Time Certain item to a date when four Council members would be present.

**497 TIME CERTAIN: 2:00 PM** - Appeal of Steven Rogers et al against the Hearings Officer's decision to approve application of Volunteers of America Oregon, Inc., for a conditional use/variance for a residential care facility at 2400-2422 NE Martin Luther King Jr. Blvd. (Hearing; CU 110-90)

**Disposition:** Continued to April 3, 1991 at 2:00 p.m.