



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND OREGON WAS HELD THIS 11TH DAY OF DECEMBER, 1991 AT 9:30 a.m.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer and Kafoury, 3.

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

Agenda No. 1963 was pulled from Consent and, because only three members were present, the remainder of the Consent Agenda and the emergency ordinances (Items 1997-2000) on the Regular Agenda were continued to the 2:00 p.m. session.

REGULAR AGENDA

1963

Vacate a certain portion of NW Westover Road, under certain conditions (Ordinance; by Order of Council; C-9769)

Discussion: Jim Milligan, 2242 NE 21st Ave. read a letter from the Historic Preservation League of Oregon objecting to the City's lack of due process regarding the development of historic facilities and its failure to integrate historic preservation into the land use planning process. He said the most recent example is the Henry Thiele building, long considered a Portland landmark of Citywide significance, and currently threatened with demolition. He said the agreement on Westover reached November 20 between the City Traffic Engineers, the developer and the neighborhood association was inappropriate because of failure to submit it to the Portland Landmarks Commission beforehand. He said this agreement basically wipes out Henry Thiele's by putting a sidewalk through the building. He said now that the issue is finally coming to the Landmarks Commission, they have found that City staff is recommending against preservation, partly on the basis of the November 20 agreement.

Mayor Clark asked why Mr. Milligan was not here two weeks ago when this came before Council.

Mr. Milligan said they had no idea a street vacation would require demolition of Henry Thiele's without going to Landmarks Commission.

December 11, 1991

Vic Rhodes, Office of Transportation, said this agreement specifically does not call for the demolition of Henry Thiele's. He said the City's intent is to provide a wider sidewalk if the building is removed through the normal landmarks process. If the Thiele building remains, they will not encroach on the building or require modification. He said the street vacation is separate from the landmarks designation process.

Commissioner Blumenauer said it should be made clear that these are two separate items and that the staff report from the Landmarks Commission is in error. He said it will be corrected to show that the street vacation in no way mandates the demolition of Henry Thiele's.

Disposition: Passed to Second Reading December 18, 1991 at 9:30 a.m.

Mayor J. E. Bud Clark

1992

Affirm the City's Compensation Policy of setting employees wages and benefits that take into account internal equity, external competitiveness and the City's economic condition; that will attract and retain qualified employees, encourage high levels of performance and are based upon a valid and consistent method of job evaluation (Resolution)

Disposition: Melinda Peterson, Personnel Director, said this recognizes the City's total compensation philosophy and allows it to look at the overall compensation received, not just salary structures, in determining appropriate pay levels. She said having a clearly articulated policy in place will help Personnel make determinations regarding nonclassified positions and strengthen its bargaining position.

Commissioner Blumenauer said one thing missing from this agreement is a provision to reward outstanding performance. He asked Council members if they would support such a provision.

Mayor Clark said he would like to investigate it.

Commissioner Blumenauer suggested incorporating language stating that the Bureau of Personnel will also consider provision of incentives for good performance.

Mayor Clark said he was hesitant to approve new language right now and suggested holding this over until this afternoon.

Ms. Peterson suggested that perhaps the non-represented classification study now underway could lay the foundation for later development of a merit system. She said there had been a lot of interest in having a Citywide performance evaluation process and tying pay to performance.

December 11, 1991

Commissioner Blumenauer said he would give some proposed language to Ms. Peterson for further consideration this afternoon.

Disposition: Continued to December 11 at 2:00 p.m.

1993

Authorize agreement with Multnomah County for the conveyance of property near Forest Park to the Bureau of Parks and Recreation, authorize acceptance of deeds and authorize payment of expenses (Ordinance; Previous Agenda 1940)

Discussion: Jim Sjulín, Parks Bureau, described the proposed transfer of tax-foreclosed property from Multnomah County to the Parks Bureau at no cost. He said the rationale for accepting this property (Tax lot 49) is that it has an Environmental zone overlay along the creek, is contiguous with Forest Park (assuming that Belgrave Avenue would be vacated), and would provide a buffer between a residential and industrial zone.

Melvin Fields, 4623 NE 15th, owner of TL 40, opposed the transfer on the basis that it is better suited to housing, noting the availability of sewers and water. He suggested partitioning the property if the only reason for the transfer is to keep the stream bed in public ownership.

Chris Wrench, 3103 NW Wilson, said this property presently functions as part of Forest Park. She said the creek is a precious resource that should be protected.

Mr. Sjulín said if the City does not accept the property it ultimately could end up being auctioned off, allowing Mr. Fields an opportunity to acquire it.

Mayor Clark and Commissioner Kafoury said they were in favor of acquiring it for the City.

Discussion: Passed to Second Reading on December 18, 1991 at 9:30 a.m.

Commissioner Earl Blumenauer

1994

Delay the Time and Manner Ordinance for the NW 13th Avenue Local Improvement District until 9:30 a.m. on January 15, 1992 (Report; C-9755)

Discussion: Dan Vizzini, Assessments and Liens Manager, said they mailed notices to NW 13th property owners on November 15, notifying

December 11, 1991

them of today's hearing on formation of an LID. He said a delay in actual formation of the district is being requested until January 15.

Disposition: Approved. (Y-3)

***1995** Delay the imposition of open lien interest, penalties and collections costs for special assessments for the Boyles Sanitary Sewer Local Improvement District (Ordinance; Sewers; C-9695)

Discussion: Commissioner Blumenauer said although Council can not vote on this today, testimony should be taken.

Dan Vizzini, Assessments and Liens Manager, said Council passed the final assessing ordinance for this project on November 14 and assessment notices had been mailed to those affected. He said today they are asking Council to extend a 30-day interest free period to give Council time to act on any recommendations of the Mid County Sewer Task Force. This will also allow property owners additional time to make decisions about their payment options in light of possible Council action.

Commissioner Blumenauer said this recommendation for delay came from parties in the affected area. He said the Task Force report, tangible recommendations and an implementation plan will be presented to Council on January 8, 1992.

Grace Bauman, Boyles Sanitary Sewer area resident, thanked Council for delaying the assessments and for trying to find an equitable solution for all those involved in the Mid-County sewer project.

Pat Matson, also a Boyles Sanitary Sewer area resident, asked for assessment as a capital improvement.

Commissioner Kafoury asked how the extra interest charges would be treated.

Commissioner Blumenauer said they would be absorbed by all City residents.

Disposition: Continued to December 11, 1991 at 2 p.m.

1996 Amend Title 17 of the City Code to adopt certain residential solid waste and recycling rates and charges (Ordinance)

Discussion: Sue Keil, Environmental Services, focused on the monthly rate for yard debris. She said a financing arrangement has been worked out with the haulers to provide this service without an increase in the base rate.

December 11, 1991

Commissioner Blumenauer said to have gone this far with so little adjustment speaks well for the work that has been done. He emphasized that yard debris pickup will be available this spring. He moved to remove the emergency clause and accept the substitute map. Commissioner Kafoury seconded and the motion carried. (Y-3)

Discussion: Passed as amended to Second Reading December 18, 1991 at 9:30 a.m.

At 10:30 a.m., Council recessed.

December 11, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF DECEMBER, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Kafoury, 4.

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

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

CONSENT AGENDA - NO DISCUSSION

1962 Accept bid of Olympic Foundry, Inc., for furnishing standard manhole frames and covers for \$36,833 (Purchasing Report - Bid 41-A)

Disposition: Accepted. Prepare Contract. (Y-5)

1964 Vacate a certain portion of NE Cliff Street, under certain conditions (Ordinance by Order of Council; C-9697)

Disposition: Passed to Second Reading January 2, 1991 at 9:30 a.m.

Mayor J. E. Bud Clark

***1965** Establish eight positions and one salary rate for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 164872. (Y-4)

***1966** Cancel Contract No. 27347 with Varsity Contractors Inc., and authorize a contract with Northwest Specialty Services, Inc., for an annual amount of \$34,623 for janitorial services at the Columbia Boulevard Wastewater Plant Facility (Ordinance)

Disposition: Ordinance No. 164873. (Y-4)

***1967** Pay claim of Andre Foster (Ordinance)

Disposition: Ordinance No. 164874 (Y-4)

December 11, 1991

- *1968** Authorize contract with Booth Research Group, Inc., for assessment center services (Ordinance)
- Disposition:** Ordinance No. 164875. (Y-4)
- *1969** Amend agreement with Multnomah County for a Community Health Nurse for the Iris Court Project (Ordinance; amend Contract No. 26826)
- Disposition:** Ordinance No. 164876. (Y-4)
- *1970** Increase petty cash checking account for the Office of City Attorney to \$2,000 (Ordinance; amend Ordinance No. 162206)
- Disposition:** Ordinance No. 164877. (Y-4)

Commissioner Earl Blumenauer

- 1971** Accept Petitions and adopt Resolution to improve the HCD Street Improvement Project of N Buffalo Street from N Boston Avenue to N Delaware Avenue (Report; C-9788)
- Disposition:** Adopted.
- 1972** Direct the City Engineer to prepare plans, specifications and cost estimates for the HCD Street Improvement Project of N Buffalo Street from N Boston Avenue to N Delaware Avenue (Resolution; C-9788)
- Disposition:** Resolution No. 34922. (Y-4)
- 1973** Accept Petitions and adopt Resolution to improve the HCD Street Improvement Project of N Saratoga Street from N Vancouver Avenue to N Moore Avenue, and the construction of sumps (Report; C-9789)
- Disposition:** Adopted.
- 1974** Direct the City Engineer to prepare plans, specifications and cost estimates for the HCD Street Improvement Project of N Saratoga Street from N Vancouver Avenue to N Moore Avenue and the construction of sumps (Resolution; C-9789)
- Disposition:** Resolution No. 34923. (Y-4)
- 1975** Release a portion of the retainage withheld on the South Mid-County Interceptor, Unit 2 to the contractor, Dyad Construction, Inc. (Report; Contract No. 25029)
- Disposition:** Approved. (Y-4)

December 11, 1991

***1976** Amend Intergovernmental Agreement between Portland State University and the City to include additional work on the Columbia Slough Flow Augmentation Project and provide for payment (Ordinance)

Disposition: Ordinance No. 164878. (Y-4)

***1977** Call for bids for the SW 2nd Avenue and Ridge Drive Storm Sewer, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164879. (Y-4)

***1978** Call for bids for the SW 44th Pilot Storm Sewer Manholes Project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164880. (Y-4)

***1979** Accept a quitclaim deed granted by the State of Oregon by and through its Department of Transportation, for a slope easement located along relocated SE 96th Avenue (Ordinance)

Disposition: Ordinance No. 164881. (Y-4)

***1980** Accept a street deed for the future widening of NE 7th Avenue, granted by Timothy M. O'Callaghan and Nancy N. O'Callaghan, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164882. (Y-4)

***1981** Approve Modification No. 2 to contract with Tri-Met for preliminary engineering of Transit Transfers Site Improvements - Unit 3 Project (Ordinance;modify Contract No. 25839)

Disposition: Ordinance No. 164883. (Y-4)

Commissioner Dick Bogle

***1982** Authorize carry-over of excess accumulated vacation hours for Fire Battalion Chief George Houston, a non-represented employee of the Bureau of Fire, Rescue and Emergency Services (Ordinance)

Disposition: Ordinance No. 164884. (Y-4)

December 11, 1991

Commissioner Mike Lindberg

***1983** Authorize a contract with Westside Water Company for the sale of a firm supply of surplus water for a five year period with an additional five year renewal (Ordinance)

Disposition: Ordinance No. 164885. (Y-4)

***1984** Donate certain City-owned property for a water line right-of-way easement to the Powell Valley Road Water District (Ordinance)

Disposition: Ordinance No. 164886. (Y-4)

***1985** Authorize as easement for water line construction on the property of Walter E. and Anneke P. Hathaway at SW Greenhills Way, at a cost of \$3,100 (Ordinance)

Disposition: Ordinance No. 164887. (Y-4)

***1986** Call for bids for the construction of 8-inch and 12-inch water mains in NE Meadow and NE Marine Drive (Ordinance)

Disposition: Ordinance No. 164888. (Y-4)

***1987** Call for bids for the construction of 6-inch and 8-inch water mains in SW Upland and SW Fairhaven Drive, SE Woodward Street and SW Laview Drive (Ordinance)

Disposition: Ordinance No. 164889. (Y-4)

***1988** Execute and deliver to Lisa M. Wili an easement for access rights over a certain parcel of property owned by the City of Portland as part of the Bureau of Water Works Conduit No. 3 route (Ordinance)

Disposition: Ordinance No. 164890. (Y-4)

City Auditor Barbara Clark

***1989** Increase maximum payment on contract with Philip Grillo from \$30,948 to \$40,948 (Ordinance; Contract No. 26563)

Disposition: Ordinance No. 164891. (Y-4)

***1990** Cancel systems development charge at 10324 SE Yukon Street (Ordinance; amend Ordinance No. 163831)

Disposition: Ordinance No. 164892. (Y-4)

December 11, 1991

***1991** Reduce sidewalk assessment (Ordinance; amend Ordinance No. 163918)

Disposition: Ordinance No. 164893. (Y-4)

Regular Agenda

S-1992 Affirm the City's Compensation Policy of setting employees wages and benefits that take into account internal equity, external competitiveness and the City's economic condition; that will attract and retain qualified employees, encourage high levels of performance and are based upon a valid and consistent method of job evaluation (Resolution)

Discussion: Cay Kershner, Clerk of the Council, said a substitute resolution had been filed incorporating the language suggested by Commissioner Blumenauer.

Commissioner Blumenauer moved the substitute. Commissioner Kafoury seconded and the motion carried. (Y-4)

Disposition: Substitute Resolution No. 34924. (Y-4)

***1995** Delay the imposition of open lien interest, penalties and collections costs for special assessments for the Boyles Sanitary Sewer Local Improvement District (Ordinance; Sewers; C-9695)

Disposition: Ordinance No. 164894. (Y-4)

***1997** Authorize a contract with Weston Corporation for \$77,100 for a study of Citywide Geographic Information Systems/Automated Mapping, Facilities Management (Ordinance)

Disposition: Ordinance No. 164895. (Y-4)

Commissioner Dick Bogle

***1998** Authorize donation of surplus fire safety equipment for use on the sternwheeler Portland (Ordinance)

Discussion: Fire Chief George Monogue said two representatives of the Oregon Maritime Museum were present.

Dave Cash and Tom McDonald of the Oregon Maritime Museum, thanked everyone who worked on the restoration of the sternwheeler.

Disposition: Ordinance No. 164896. (Y-4)

December 11, 1991

Commissioner Gretchen Kafoury

***1999** Amend the Comprehensive Plan Map and change the zone of property at SW Barbur Boulevard, 23rd and 24th Avenues and SW Hume Court, from R7 Residential to CG General Commercial and R1 Multidwelling Residential (Ordinance; 91-00349 CP ZC)

Disposition: Ordinance No. 164897. (Y-4)

Commissioner Mike Lindberg

***2000** Transfer and assign parcel of Water Bureau land at the Northeast corner of Kelly Butte on NE 101st Avenue to the Bureau of Environmental Services for construction and operation of a pump station, and transfer funds for compensation (Ordinance)

Disposition: Ordinance No. 164898. (Y-4)

2004 Tentatively grant appeal of Robert Randall, Jr., applicant, against Hearings Officer's denial of an application for a major partition and interim resource protection review to develop two flag lots into three lots located west of SW 26th Avenue, between Taylors Ferry Road and I-5 (Findings; Previous Agenda 1909)

Disposition: Findings Adopted. (Y-4)

2001 **TIME CERTAIN: 2:00 PM** - Appeal of Pleasant Valley Neighborhood Association against Hearings Officer's decision to approve the application of First Home Corporation dba Pacific First Bank for a 146-unit PUD and subdivision in an R10 zone located at SE 147th Avenue near Clatsop Street (Hearing; 91-00458 PU SU)

Discussion: Steve Gerber, Planning staff, said this subdivision is part of a two-phased project now called Foothills View. He said staff recommended approval with conditions concerning erosion control and public street improvements. He said there will be subsequent environmental reviews and separate final development plans for each phase. He said the Hearings Officer agreed with staff, except that he found no need for fencing along the north property lane and called for prior approval of tree removal. The appellant contends that traffic and street routing are inadequate. He said the Office of Transportation, however, has accepted the study of the Transportation Engineer hired for this proposal and notes that all the traffic and street-related concerns were answered in the Hearings Officer's decision.

With regard to appellant issues regarding erosion and slope density, Mr. Gerber said these were addressed by both the Bureau of Buildings and Environmental Services. He said he believes the Hearings Officer

December 11, 1991

unintentionally left out conditions requested by the Bureau of Buildings and recommended that Council direct their inclusion.

Mr. Gerber said while appellants wish to retain the rural character of the area, the property is within the urban growth boundary designated for development in order to protect areas outside the boundary and to make efficient use of urban services. He said the goal of this approval has been to make the transition from rural to urban as easy as possible, noting that half the site has been left in open space.

Ron Shaffner, attorney for the Pleasant Valley Neighborhood Association, said false information was filed by the applicant for a development which is incompatible with existing homes and shows no regard for the environment. He said the geotechnical information regarding slope, soils data and drainage ways is based on incorrect 10-year old data. Mr. Shaffner contended that the traffic study is incomplete and ignores information about traffic hazards. He detailed other incorrect statements made by appellant regarding preapproval and the need for screening on the southern edge of the development. He also criticized the application for failing to consider the effect on wildlife, on adjoining jurisdictions and on Centennial School District. He requested that the applicant be required to reapply and do things right.

Mr. Shaffner also charged that the developer is basing density for this project on open space originally used as the basis for approval of the prior development. He said the application was filed just in time to avoid being subject to the requirements of the Johnson Creek Protection Plan although the property lies within its boundaries.

Bruce Magnuson, David Evans & Associates, representing the applicant, said City staff thoroughly reviewed this project prior to approval as did the Hearings Officer. He disputed Mr. Shaffner's contentions about compatibility, noting that lot size, setbacks, buffering and open space meet or exceed the requirements. He said the geological report prepared in 1981 by the previous developer for this site was accepted at that time as appropriate and the property has been vacant since that time. He said the Bureau of Environmental Services has very strict requirements which have been detailed in the conditions of approval and accepted by the applicant. Regarding environmental concerns, the Hearings Officer determined that the application met the requirements of Goal 8 dealing with the environment.

Mr. Magnuson said the density calculations and landslide potential analysis are correct, and have not changed over the past 10 years. He said requirements for the traffic analysis were set forth by Traffic

December 11, 1991

Engineer and each requirement was fully addressed. The Office of Transportation recently reviewed the record relative to the appeal and have submitted comments. Mr. Magnuson said the applicants support their conclusions.

Regarding Centennial School District charges that they were not notified about the application and can not accommodate the students such a project would add, Mr. Magnuson said the project was approved for 121 units in 1981 and could have been built then. He said the district did not oppose the project then and has responsibility for long range planning. In summary, he said the conditions of approval are very comprehensive and all concerns raised by the opponents have been addressed and resolved.

Mayor Clark asked about use of the pond as open space to determine density.

Mr. Gerber explained that rezoning of the property from R20 to R10 has allowed for a doubling in density since the first phase of the development was built.

Jim Sager, 14343 SE Crystal Springs, objected to use of a 10-year old study and called the buffering inadequate. He criticized the lack of engineering studies on the drainage system and said the traffic analysis ignores studies done by Clackamas County.

Grace Johnson, 14326 SE Harney, said having only one access, 144th Drive, to the project will lead to a very unsafe and unsatisfactory traffic situation.

Linda Bauer, 6732 SE 158th, said 144th Drive is a cul de sac and insufficient to accommodate residents of the proposed project.

Doug Marsh, 14331 SE Crystal Court, a registered geologist, disputed portions of the 10-year old report and criticized its failure to include soil samples and other documentation.

Leroy W. Johnson, 14326 SE Harney St., opposed the project because of the increased traffic and single access street. He also questioned soil stability and slope steepness.

John Jenkins, 14543 SE Tenino, said the 1981 report is inadequate, incomplete and not supported by field data.

Robert Banks, 8310 SE 144th Dr. said he is concerned because children have no other place to play or ride bikes than on this street.

December 11, 1991

Lorna Stickel, 14439 SE Tenino, objected because of the minimal amount of information, particularly regarding traffic, provided for preplat approval.

Mr. Shaffner, in rebuttal, said the land slide study is suspect because much erosion has occurred since the 1981 report submitted which was wrong to begin with.

Mr. Magnuson disagreed about the accuracy of the soils data and reiterated his belief that buffering is adequate, with over 50 per cent open space, and that the traffic plan is compatible with comprehensive plan goals. He said they have agreed to the many conditions placed on the project which require many more reviews before final approval.

Commissioner Kafoury asked about the propriety of using a 1981 report.

Commissioner Blumenauer said this is a preliminary plan review and all we are doing here is deciding whether the information provided now is sufficient to go to the next stage.

Mr. Gerber said the requirement at this stage is for a soils reconnaissance which does not require subsurface investigation. He said if the report was valid 10 years ago, it should be valid today.

Commissioner Blumenauer asked what happens if this is approved.

Mr. Gerber said more detailed information will be provided long before any development can occur. If significant changes are required, the applicant would have to come back for a public hearing to amend the proposal.

Commissioner Kafoury asked if there was any standard regarding what a cul de sac can sustain in the way of traffic.

Glen Pierce, Transportation Engineer, said the numbers generated from this project for additional traffic are well within capacity on the existing streets. He said they will review the actual design of the streets to make sure the technical requirements meet safety standards, based on the maximum generation from this site.

Mr. Gerber said while 144th is not continuous at this time, it is not designed to be a cul de sac. He said properties to the south will not be subjected to an excessive traffic burden.

Mayor Clark said this is very difficult because there are two sets of information people are relying on. He said as long as the Hearings Officer says all bases are covered, he must go along with that.

December 11, 1991

Commissioner Blumenauer said assertions were made that certain mandatory aspects of the application were not complied with. He asked staff to speak to any failure to comply with Code-mandated provisions.

Mr. Gerber said the staff and Hearings Officer had concluded there was no insufficiency.

Commissioner Blumenauer said there is a threshold question about how much information is necessary to go to the next development step. He said you do not make someone go through final engineering at this phase but legitimate questions have been raised and answers will have to be provided before construction proceeds.

Commissioner Kafoury moved the amendments proposed by the Bureau of Buildings contained in their memo of December 9, 1991 outlining additional conditions, including a geotechnical site evaluation prior to final development plan approval. Commissioner Blumenauer seconded and the motion carried.

Commissioner Kafoury said she thinks there could be an extensive impact on traffic if 144th does not go through.

Mayor Clark said he trusts the City's experts and believes the process is correct.

Disposition: Appeal denied with conditions. (N-4)

Commissioner Gretchen Kafoury

***2002** Amend Title 33, Planning and Zoning Code to clarify parking regulations for houses in multi-dwelling zones and other minor amendments (Ordinance)

Discussion: Commissioner Kafoury said this is an example of how the Planning Bureau is trying to mitigate some of the impacts of infilling and increased density.

Cary Pinnard, Planning staff, said these amendments deal with parking in front yards of houses in multi-dwelling zones. She said the issues include the amount of paving for parking allowed in front yards and the loss of curb cuts. One solution has been to reduce the amount of parking area allowed in the front yard from 40 percent to 20 percent.

Marjorie Newhouse, Planning Committee Chair, Northwest District Association, supported the amendments.

Disposition: Ordinance No. 164899. (Y-4)

December 11, 1991

2003 Volunteers of America proposal for revision of the design and size of the required open space for a residential care facility located at 2400-2422 NE Martin Luther King, Jr. Boulevard (Hearing; Previous Agenda 1931)

Discussion: Laurie Wall, Planning staff, said two weeks ago Council agreed to hear this rather than refer it back to the Hearings Officer. She said this is a revised proposal on two issues -- open space and parking. Because VOA found it was unable to afford to do the original rooftop open space it now proposes providing this space in the rear yard area. She said under this plan the specific criteria for open space (at least 6000 square feet) is met and no variance is needed unlike the original proposal. The other change is in the parking; the applicant now proposes to provide 10 spaces across the street.

Ms. Wall said the original proposal for 60 men has now been reduced to 40. She said this proposal must also support general conditional use criteria and show that use at this location is not detrimental or injurious to surrounding properties. The applicant has outlined measures to deal with the two prevalent issues in this regard -- security and compatibility. In addition, Planning staff has prepared additional conditions if Council agrees that recommendations of the neighborhood association are appropriate. The new and significant conditions include a limitation on the number of residents using the open space per day, design review approval for the parking lot, and appointment of an Irvington Neighborhood Association representative to the advisory committee. She said in order to comply with general conditional use criteria an upgrade of the parking lot is called for, which kicks in a requirement for design review. Applicant is asking for a delay in the design review for about six months.

Tom Kelly, Chairman of the Board, Volunteers of America, said they have reduced the number of residences in this facility by 20. He noted that LUBA upheld all elements of the plan except for the variance on open space.

George Fleerlage, representing VOA, asked that the LUBA record be incorporated in the City's record. He said the original rooftop plan to provide open space was denied by LUBA and they have since learned that building code requirements made it unfeasible. As an alternative, VOA would like to move the parking across the street and then use the rear yard, and a deck above it, to meet the open space requirements without a variance. The only other proposed change is a reduction by one third in the number of residents. Finally, they have asked for a delay in design review for the parking lot for six months.

December 11, 1991

Commissioner Bogle said he was concerned about safeguarding neighbors from the impact of the noise from recreational activities. Mr. Fleerlage said there will never be more than 20 people outside in the area during the day and only 10 at night, always under supervision. He said residents will be under a strict regimen.

Commissioner Bogle asked what plan VOA had to work with the neighborhood.

Mr. Fleerlage said formation of a committee to oversee the program is one of the conditions of approval. He said VOA has had extensive contact with neighborhood representatives over this proposal and expects that outreach to continue. He reminded Council that the general membership of the Eliot Neighborhood Association did approve the proposal.

Donna Ford, Department of Community Corrections, supported the VOA application, citing the extreme need for this facility.

Steve Rogers, speaking for the Eliot Neighborhood Association, opposed the new proposal because of improper notification by the Auditor's Office to all people affected by it. He said major changes have been made in response to the LUBA remand and the neighborhood has not been involved in developing the new proposal. He asked for denial or for a remand to the Hearings Officer for consideration under the new Code. Mr. Rogers said this is effectively a jail placed in a residential area and suggested using Inverness jail space instead.

Lee Perlman, 512 NE Brazee, acting Land Use Chair of the Eliot Neighborhood Association, said both the Land Use Committee and the Board oppose this application. He said the further this goes, the worse this proposal gets, with residents having to walk by a prison yard to get to Martin Luther King school. He criticized VOA's interaction with the Neighborhood Association and asked Council to reject the proposal.

Individuals speaking in support of the proposal included:

Christine Chernosky, an Eliot Neighborhood resident and Metropolitan Defenders Office employee
Audrey Bentz, 4537 SW Marigold
Michell Waters, Eliot neighborhood resident
Ricky Brothers, a VOA client

Supporters spoke of the high screening standards the VOA program imposes and the great need for treatment programs of this type.

December 11, 1991

Frances Escola, 2327 NE Rodney, spoke in opposition, citing safety concerns and the inappropriateness of placing such a facility in a primarily residential neighborhood.

Commissioner Kafoury said she does not feel concerns expressed by the Eliot Neighborhood about public safety are merited but is concerned about the apparent lack of communication between the two sides. She moved to set the matter over one week to allow Eliot representatives to meet with the VOA and try to get past their differences. Commissioner Blumenauer seconded and the motion carried. (Y-4)

Mayor Clark said while opponents call the facility a prison, he calls it a rehabilitation center and would vote for it without any problem at all.

Commissioner Bogle said he does not know why this has to be set over in order to accomplish the dialogue but will go along with the motion.

Disposition: Continued to December 18, 1991 at 2:00 p.m.

At 4:36 p.m., Council recessed.

December 12, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF DECEMBER, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Bogle Presiding; Commissioner Blumenauer and Kafoury, 3.

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

Commissioner Dick Bogle

2005 Liquor license application for Mohammed Hashem M Zamir, dba Pack Pantry, 5338 SW Beaverton-Hillsdale Highway, Package Store liquor license (new outlet); favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said no one was present to speak in opposition.

Disposition: Favorably recommended. (Y-4)

2006 Liquor license application for Theresa Norris, dba Portland Underground, 333 SW Park Avenue, Retail Malt Outlet Beverage liquor license (new outlet); unfavorable recommendation (Report)

Discussion: John Werneken, License Bureau, said while neither the applicant nor her premises have an unsatisfactory background, the Bureau is concerned because of the mixed-ages concept of the club and because of significant existing problems in the immediate vicinity. For these reasons, the Police, neighboring businesses, the Parks Bureau and other groups oppose this license.

Officer Chuck Bolliger, Portland Police, said their investigation had documented a history of problems near this establishment, particularly in O'Bryant Square.

Theresa Norris, applicant, said there was no correlation to show that her operation contributed to any increase in the number of incidents occurring in O'Bryant Square. She contended that her operation increases safety in the area because of its patrols and intolerance for illegal activity. She said they card everyone in the beer garden to make sure minors are not served alcohol and provide very tight security. She said no illegal incidents could be tied to the Portland Underground from any of the 22 times when the Club had a special permit to sell alcohol.

December 12, 1991

Bill Redden, PDX newspaper editor, said he has not witnessed the kinds of problems at the Portland Underground that he has seen at such places as The Greenhouse and O'Bryant Square. On occasions when the Underground served liquor he found it to have one of the most efficient monitoring systems in the City.

Cay Kershner, Clerk of the Council, read a statement of support from Mel Stevens.

In response to questions from Council regarding special liquor permits, Officer Bolliger said temporary one-night permits to serve liquor in mixed-ages clubs are allowed, with a limit of 25 per year. He said other clubs, such as Melody Ballroom, with mixed operations started out with regular liquor licenses and then switched to include minors with the permission of the OLCC. The City's recommendation procedure was not involved. He said the other clubs of this kind are also more isolated.

Ms. Norris described the physical layout of the club, noting the separation of the alcohol and non-alcohol sections.

Commissioner Blumenauer said this was located in a very difficult site.

Commissioner Bogle said he did not feel such a mixture would work if the two groups were not completely segregated and believes the commingling of adults and juveniles on the dance floor is a major problem.

Disposition: Unfavorably recommended. (Y-4)

At 2:40 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council