



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF DECEMBER, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

On a Y-5 roll call, the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**1870** Cash investment balances for October 21, 1993 through November 17, 1993 (Report; Treasurer)

**Disposition:** Placed on file.

**1871** Accept bid of Environetics, Inc., for furnishing furniture for the Portland Communication Center for \$61,026 (Purchasing Report - Informal Quotation)

**Disposition:** Accepted; prepare contract.

**1872** Accept bid of James W. Fowler Co. for Summerplace sanitary sewer system for \$833,758 (Purchasing Report - Bid 55)

**Disposition:** Accepted; prepare contract.

**1873** Accept bid of Albina Fuel Company, Inc., for gasoline and diesel motor vehicle fuel via Cardlock Stations for \$186,659 (Purchasing Report - Bid 60-A)

**Disposition:** Accepted; prepare contract.

**1874** Accept bid of Copenhagen Utilities & Construction for NW Doane and NW St. Helens sanitary sewer for \$157,288 (Purchasing Report - Bid C-9826)

**Disposition:** Accepted; prepare contract.

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**Mayor Vera Katz**

**\*1875** Pay claim of Joanne McIntyre (Ordinance)

**Disposition:** Ordinance No. 167152. (Y-5)

**Commissioner Earl Blumenauer**

**\*1876** Retain easement for slope, landscaping and utilities adjacent to NE Airport Way east of NE 158th Avenue (Ordinance; amend Ordinance No. 166903)

**Disposition:** Ordinance No. 167153. (Y-5)

**Commissioner Gretchen Kafoury**

**\*1877** Revise Code to make housekeeping changes to the Business License Law (Ordinance; amend Code Chapter 7.02)

**Disposition:** Ordinance No. 167154. (Y-5)

**\*1878** Amend Secondhand Dealer regulations to conform with the Business License Law (Ordinance; amend Code Chapter 14.37)

**Disposition:** Ordinance No. 167155. (Y-5)

**\*1879** Authorize contract with Hydro Temp Mechanical, Inc., for computer room cooling modifications for \$54,300 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 167156. (Y-5)

**\*1880** Contract with Simplex Time Recorder Co. for provision, installation and technical support for fire and life safety equipment in Portland Building for an amount not to exceed \$56,517 without advertising for bids (Ordinance)

**Disposition:** Ordinance No. 167157. (Y-5)

**Commissioner Mike Lindberg**

**1881** Accept Final Certificate of Completion for SE 89th Ave., south of SE Duke St. sanitary sewer system and provide for final payment (Report; Contract No. 28872)

**Disposition:** Accepted.

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**1882** Accept completion of the Rivergate Quarry drainage system and make final payment to Colt Construction Company, Inc. (Report; Contract No. 28668)

**Disposition:** Accepted.

**\*1883** Amend Agreement between the City of Portland and Merina and McCoy, CPAs, P.C. to extend the contract to December 31, 1993 (Ordinance; amend Contract no. 28584; return previous Agenda Item 1814)

**Disposition:** Ordinance No. 167158. (Y-5)

**\*1884** Authorize an Intergovernmental Agreement with the Metropolitan Service District (Metro), including acceptance of a \$49,625 grant from Metro for implementing a multifamily recycling container program (Ordinance)

**Disposition:** Ordinance No. 167159. (Y-5)

**REGULAR AGENDA**

**Commissioner Charlie Hales**

**\*1885** Authorize Cost Sharing Agreement with the U.S. Army Corps of Engineers for a Section 205 Feasibility Study of Peninsula Drainage District No. 1 (Ordinance)

**Disposition:** Ordinance No. 167160. (Y-5)

**Commissioner Gretchen Kafoury**

**1886** Establish priorities for tax increment funded projects within the South Park blocks Urban Renewal Area by the Portland Development Commission (Resolution)

**Discussion:** Commissioner Kafoury said a way has been found to use some of the remaining Gionet money for the purchase of the St. Francis Hotel, freeing up about \$700,000 that will be used to take advantage of other urban renewal opportunities, perhaps along King Boulevard. This puts the HOME grant money on reserve but does not make any commitments about its use. She said she believes this is a good way to use urban renewal money.

**Disposition:** Resolution No. 35217. (Y-5)

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**1887** Accept energy rebate of \$13,829 from Portland General Electric for installation of energy efficiency measures at the new Emergency Communications Center (Report)

**Discussion:** Commissioner Kafoury requested that this be continued one week.

**Disposition:** Continued to December 8, 1993 at 9:30 a.m.

**1869** **TIME CERTAIN: 9:30 AM** - Accept the Willamette River Eastbank Review Report and Recommendations from the Willamette River Eastbank Review Advisory Committee (Report)

**Discussion:** Commissioner Hales said the citizens advisory committee was asked to take a holistic look and craft a comprehensive and bold vision for this area. He thanked the committee, adding that he has seen few citizen groups put in as much time and effort as this committee did. He stressed the importance of integrated, not piece by piece planning. The composition of the committee was diverse and was purposely composed of independent-minded people. He also thanked Jeanne McKeever of the Water Bureau, the project manager for this effort.

Dennis Derby, Chair of the Willamette River Eastbank Review Advisory Committee, reviewed the work of the committee over the past four months. He noted that some information the committee wanted was not available due to the time constraints and the report has also not yet been subjected to public review. He said the report represents the committee response to the Council's charge and summarized the goals, which included: 1) make land use and transportation of all modes work together; 2) resolve where possible conflicts between competing land uses on the Central Eastside; 3) establish a realistic planning horizon; 4) consider the improvements needed on the Eastbank that would make it attractive to the entire City; 5) consider the role of I-5 as a major link in the regional transportation system; 6) integrate the new eastside attractors such as the Convention Center and OMSI with transportation facilities and the river and; 7) recommend a build or no-build decision on the Water Avenue ramps.

The Committee recommendations include: 1) remove the I-5 freeway between the Marquam bridge and I-84 or, if removal is not feasible, relocate the freeway to the West as part of a multi-modal transportation corridor; 2) designate the land area west of First Street between the Arena and OMSI as a transition area with a new planning effort undertaken to create a Plan District in support of the riverfront identity; 3) develop a Master Transportation plan for the Central Eastside which integrates all transportation modes and finalizes

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decisions on the Phase 4 Marquam improvement (the McLoughlin ramps) and resolve the safety needs of the I-5 N Greeley interchange; 4) build the Water Avenue ramps; 5) undertake an immediate study of the alternatives available for southbound I-5 freeway access from the Central Southeast and, if a more compatible alternative is found that could be implemented in a reasonable amount of time, use the money currently designated for the Water Avenue ramps to fund it; 6) update the Central City Plan to include the river's edge from the Broadway Bridge to Oaks Bottom; 7) further efforts to create an esplanade along the river's edge and encourage the development of multiple attractors; 8) integrate the Combined Sewer Overflow resolution with the above planning and development and; 9) create a forum for integrated planning involving all public agencies.

Doug Morgan, committee member, summarized three elements of the Committee's vision which received unanimous support. First, all members of the committee were convinced that with the development of the Arena, OMSI and the Convention Center there is a unique opportunity for bringing additional community attractors to the area. Second, there is also an opportunity to develop what is already in place into a multi-modal transportation corridor which takes advantage of vehicles other than cars and serves the land-use being developed. Third, the committee stresses the importance of integrating these pieces into a single plan which ties separate land use and transportation possibilities together to make this area of regional significance.

John Carroll, committee member, discussed the recommendation to remove the freeway over time or, if that is not possible, relocate it. The committee does believe there is a need to accommodate industry located on the Eastside and serve the regional transportation system, noting that right now that section of I-84 functions as a hub to the regional system. The committee tried to focus on an integrated plan rather than simply focusing on whether a one or two-mile stretch was to come out or stay. The idea of the removal of the freeway was married to the idea that over the long term I-5 would be rerouted away from the Eastbank, perhaps using I-405 or 205. More freeways are not solving the transportation needs around the country despite the huge sums spent trying to solve freeway systems. He said the assumptions used in transportation and land use planning in the past are outdated now and an integrated multi-modal system needs to be evaluated in the face of the region's anticipated growth. He said the City should embrace the 2040 Plan with Metro and look at Eastbank in terms of the region. It is not out of line to suggest that in 20-40 years a freeway does not necessarily need to be on the Eastbank.

Mayor Katz asked if the vision recommendation was unanimous.

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Mr. Derby said no but it does represent the collective wisdom of the committee.

Mayor Katz asked what the vote was on the vision.

Mr. Derby said the only split vote was on the Water Avenue ramps.

Paul Lorenzini, Committee member, said the propriety of going forward with the Water Avenue ramp was questioned given adoption of the vision statement calling for relocation or removal of the freeway. He said one of the factors in going forward included the promise to build it made to people in the community. The committee was concerned with the integrity of the process and mindful that southbound access to I-5 does need to be provided. Since removal of the freeway may be 20, 30, or more years in the offing, it would be unfair not to provide southbound access during that time. The Committee had reservations about the design of the ramp and questions about safety but also feared that if questions were raised the ramps might not be built and the money diverted elsewhere. The Committee recommended proceeding with the Water Avenue ramp but at the same time doing a fast-track study to see if there is a feasible alternative that addresses some of the reservations the committee had about the current design.

Mr. Derby said there was considerable testimony about the adequacy of the ramp from an engineering standpoint and the evidence from PDOT and ODOT was that the ramp was the most feasible and fundable solution to allowing freeway access south and to US 26. He said one concern was the lack of freeway access from the Southeast quadrant, which has been promised for many years but never provided. There was a great deal of discussion as to whether the ramp met the intent of the new transportation rule which calls for a reduction in vehicle miles travelled per capita. The ramp might accomplish that by providing direct access rather than a more convoluted route.

Margaret Kirkpatrick, Committee member, said she feels strongly about the integrity of the planning process and its impact on this area. She noted the Central Eastside Revitalization Study in 1978 which identified the lack of southbound access to I-5 as one of the key problems. That study launched the process that has resulted in the proposal for construction of the ramps. In 1980 the City adopted the Comprehensive Plan which included an industrial sanctuary policy to ensure that industrial uses stayed within the City by preserving industrial lands. The need for transportation services to serve the industrial sanctuary was also recognized and in 1980 the City approved the East Marquam project, including the Water Avenue ramp. Subsequently, the Central City Plan also concluded that this area was best suited for industrial uses. In 1989, the East Marquam project was

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reevaluated in great detail and other options for southbound access were studied and rejected, in part because of cost. All through this 15-year process, the Central Eastside has continued to argue very strongly for southbound access and for the Water Avenue ramp.

Ms. Kirkpatrick noted that the City has repeatedly assured business owners that this area would remain industrial and that southbound access would be provided. Her view and that of a slim majority is that people need to be able to trust the planning process if the City wants them to make investments based on land-use and transportation plans. Most of the committee members believe the Central Eastside needs direct southbound access and found no alternative to the Water Avenue ramps that seemed superior. She said a real solution is one that can be built for \$19 million or less and on the same approximate time line. Otherwise, there is a real risk of losing the money. Finally, the committee was frustrated by the lack of documentation for the Water Avenue ramp as it was unable to find the 1980 study. She concluded by stating that the City needs to honor its commitments.

Chris Olson Rogers, committee member and advocate for the no build alternative for the Water Avenue ramps, said the visual impact of the Water Avenue ramps on the east side landscape makes it look like a roller coaster. Building the ramps amounts to throwing good money after bad and would compound the error made when the freeway was built there. Traffic studies appear to indicate that the ramps would increase congestion. She noted that there is very little documentation substantiating past decisions and the case was not made in the first place for building those ramps. The ramps are totally incompatible with the committee's vision for this area and would blight the central part of the area. The compromise (Page 52) recognizes that the ramps are incompatible and a feasible alternative should be pursued. Council should ask itself upon what premise the promise to build the ramps was made.

Jo Ann Allen, committee member and advocate for the no-build alternative, said anything that is done from this day on should be compatible with the vision of the committee. She said the City did promise to build the ramps but it was a bad promise. Yes, the southbound access is needed but it is ludicrous to spend that amount of money on the ramps. She said the committee realized that more jobs have been created in the Central Eastside even without the ramps and the people who are leaving are those who need to expand beyond the capacity of the area. Over the next 20 years the area will change and the City should plan for that change so that all the pieces are in place to implement the vision, and not buckle to do things simply because we said 15 or 20 years ago that this is what we were going to do.

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Ron Paul, committee member, said the common myth has been that the river separates the two sides of the City. Actually, however, it is the freeway that separates the two sides and the committee believes changes need to be made to the freeway structure. He said adding capacity to the freeway is not consistent with the vision of the committee and the committee erred in endorsing the Water Avenue ramps as part of that vision.

Mr. Derby summarized the efforts of the committee, noting its call for integrated planning and its recognition of linkages and the need to maximize the return on investment and the public benefit. The Central Eastside deserves a community plan that provides a certainty of direction for the future while citizens of the larger community require a transportation system that serves all with efficiency and allows them to enjoy a river that does not divide a City but is its centerpiece.

Mayor Katz thanked the committee for its work.

Jim Howell, 3325 NE 45th Avenue, 97213, Citizens for Better Transit, said they emphatically support the Committee's vision and also agree with the call for a fast track study of alternatives to the Water Avenue ramps. He said they have submitted an alternative for a Flanders Street on-ramp which was never considered in previous studies and avoids many of the problems of the Water Avenue ramp. He said it is a myth that the Water Avenue ramps are the only feasible way to provide southbound access to I-5. A second myth is that removing the freeway will destroy the Eastside Industrial area. There are 300 square blocks east of the railroad tracks, while the area affected by moving the freeway is 12 square blocks. The third myth is that removing the freeway would be too expensive as the current plans for improvements are projected to cost over \$225 million, which his organization believes is an unnecessary cost.

James Beard, Oregon Environmental Council, 027 SW Arthur, 97201, said two things are needed if the Water Avenue ramp is built: 1) access must be restricted to commercial vehicles only, not private automobiles and; 2) it should be paid for by the commercial vehicles who use it. He suggested a toll for use of the ramp.

Tom O'Connor, PO Box 454, 97207, said the idea of moving a freeway is ludicrous and the City needs an industrial area, not another problem park. Property owner rights should be retained.

Marshall Glickman, Oregon Arena Corporation (OAC), said they strongly oppose removal of the section of I-5 between the Marquam and Fremont bridges. They believe this would have a critical impact on other freeway improvements, specifically fixing the dangerous weave on I-5, the Greeley-Banfield project. Although the committee's report



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seems to recommend moving forward with that project, OAC believes the report leaves it unlikely that the project will be expedited. He said there are viable and realistic alternatives for recapturing the East bank that will not hinder or delay urgent transportation priorities and not risk the availability of critical federal and state transportation dollars. He said they have made one of the largest private real estate developments in the history of the State for a use that requires a mix of transportation modes, including direct freeway access. He said OAC spent hundreds of hours working with ODOT and PDOT on a master plan for the Arena site and has a 30-year commitment to build and operate the arena and keep the Trailblazers in Portland. They also secured \$155 million in revenue bonds and if they had known that freeway access to the site might be significantly altered in 15-20 years they would have seriously considered an alternative site.

Mr. Glickman said the discussion about delay or removal of the freeway has significantly delayed the Greeley-Banfield project which ODOT considers the number one safety priority in the State. He said OAC made substantial accommodations in its site design to allow for possible solutions to the weave problem, including a 180 foot setback from the new wall of the Arena to the center line of I-5 to allow for freeway improvements to correct the weave. In exchange, they expected that these improvements would be expedited.

Don McClave, Portland Chamber of Commerce, said this is a useful vision document but there are many unanswered questions. This is the third vision for moving the freeway in the past five years, but before seriously considering removal, Council needs to ask what will happen to the Eastside and what the costs will be. Southbound access is absolutely awful from the Central Eastside and will be compounded as the area grows. In the absence of hard documented evidence supporting the recommendation, the City should follow through on its commitment and continue on as previously planned.

Commissioner Blumenauer asked if the Mayor's Roundtable had discussed this issue.

Mr. McClave said one goal in their draft report affirms the need to retain industrial sanctuaries but the ramp itself is not specifically mentioned and was not discussed.

Howard Glazer, 2378 SW Madison, 97205, said all the arguments for building the Water Avenue ramp are similar to what would have happened if the Ash Street ramp had been built on the old Harbor Drive. Building the Water Avenue ramp will compound mistakes and forestall fundamental change.

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Lamar Newkirk, Calaroga Neighborhood Association, 1400 NE 2nd, Suite 1600, said they hope ODOT will go ahead with the N. Greeley improvement, the worst section of I-5 between Mexico and Canada. They also think the direction to the Park Bureau should be changed regarding the area along the railroad, now known as hobo heaven.

Gary Coe, President, Central Eastside Industrial Council, said left out of the report is any idea of how it would be funded. East/west transportation should be kept out of downtown. He said eliminating this freeway section is inconsistent with reducing vehicle miles as cars would have to go around or through the middle of town. He said they appreciate the recommendation to build the ramps although not the suggestion to continue to study the alternatives as ODOT has already studied eight alternatives. He urged a yes vote on the Water Avenue ramp with a request to ODOT to speed up the process.

Jack Burns, 516 SE Morrison, 97214, supported building the ramps. He said it seems incredible that a committee would call for taking away the center part of the freeway and contended that eliminating it would cause gridlock.

Moshe Lenske, 4314 SE Crystal Springs Blvd., 97206, urged that Council vote not to build the ramps.

Ray Polani, Citizens for Better Transit, supported removal of the I-5 freeway in recognition of the tremendous changes that have occurred since it was built. Southbound access should be provided without the Water Avenue ramp. He said local access should not be added as it will only add to congestion. Except for the ramp on Sullivan's Gulch, he called for Council to begin downsizing the freeway.

Ed Sammons, Oregon Transfer Company in Milwaukie, said the off ramps for the McLoughlin project are needed by his company.

Richard Lishner, 2545 SE 37th, said the real issue is whether people live in the city or the suburbs. He said the City should not devote prime land to industrial uses.

Alex Pierce, 650 NW St. Helens Ave. 97229, supported relocation of the freeway.

George Ward, Consulting Engineer, 510 SW 3rd., Suite 443, 97204, said he was the one who had suggested filling in the river as an alternative to moving the freeway. He said he believes it could be done but is not saying it should be done or could be paid for.

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Peter Fry, 733 SW 2nd, #215, 97204, said the Central Eastside Industrial area will not change its function until the City population exceeds 5 million in the region. He said Council needs to understand the impact of downtown on Eastbank and the volume of traffic on the freeway. He urged the City to avoid the Baltimore Harbor syndrome where beautiful blocks are surrounded by a ghetto.

Ken McFarling, 7417 SE 20th Ave., 97202-6213, citing the Harbor Place project in Baltimore, said all the area around it is nicer than it was before. He said it would be desirable to render the surface above the projected intercepting sewer free of obstacles, which calls for removal of the freeway. He said highway men have a history of building ramps with short radius curves only to rip them out a few years later and added his suggestions for how it might be done correctly.

Cathy Galbraith, 2128 SE 35th Place, 97214, expressed concern about relocation of the freeway because of its impact on the historic buildings in its way. The area is strangling in truck and through traffic fumes. The southeast quadrant is the only one without direct freeway access and the ramps are needed and need to be tied to improvements on Grand. She said the business sector needs certainty as many business decisions were made on the strength of the Central Eastside Plan.

Ron Buel, 2817 NE 19th, said he has watched three citizen committees look at this issue. He criticized some of the people on the current committee who missed most of the meetings and still voted. He said the committee's vision can not be achieved unless the Water Avenue ramp is put to bed. He noted heavy lobbying pressure on the committee from private interests, adding that job creation is a public issue but the profit margins of private businesses are not. He cited some serious issues the committee did not resolve, including realignment versus removal as noted by Marshall Glickman, job creation of new versus existing uses and the integration of the north and south ends.

Ken Swan, 3225 NE 28th, supported moving ahead on both the Water Avenue and McLoughlin ramps because they would be beneficial to the Central Eastside, downtown and eastside neighborhoods. The Water Avenue ramp will reduce out-of-direction travel which contributes to congestion and support objectives of the Eastside historic district. They will also reduce congestion along Grand and MLK. He said several access points have already been removed, all of which contributes to congestion on the local street system.

Phil Thompson, 25925 NW St. Helens Road, Scappoose, called for extending the current riverbank, contending that there is nothing natural about the riverbank as it exists today and it could be reclaimed without moving the freeway and at far less cost. He said you could fill,

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build floating docks and dredge but first approval must be given by the Corps of Engineers and the Division of State Lands.

Jim Kelly, 2608 NW Johnson, said his business has been located in the Central Eastside for a year and has made a commitment to \$2 million in improvements. While many businesses in the neighborhood feel they have been through hell with this issue, he does not agree with most of his neighbors. For him, the issue is one of urban spirituality and the waterfront represents the City's urban soul. The freeway should not be moved; it should be removed and the Central Eastside should be a destination, like downtown. Southbound access could be created elsewhere even though it might not be as convenient as the Water Avenue ramps.

John Bradshaw, 1016 SE Hawthorne Boulevard, said without the revitalization of this area in the mid-70's it would have been a ghetto because jobs come from the near-in neighborhoods. He recalled a suggestion made during the Central City Plan process to plan for a lowered freeway in the exact same location. He said that is still doable and supported Commissioner Blumenauer's proposal to lower the freeway but move ahead with the vitally needed on-ramp in the Marquam exchange.

George Crandall, 1445 NW 30th, 97210, representing AIA Design Committee, said they support the committee report, protection of the industrial sanctuary and southbound access to I-5 but not the Water Avenue ramp. He said most people agree the location of I-5 was a mistake as was the plan for the Water Avenue ramps, which was approved by a small group that did not consider land use or urban design issues. Roads are never promised, only proposed. He noted that the Eastside says it wants certainty and a no vote as well as a yes vote can give them that while other solutions are sought to provide access. He said the ramp is a dinosaur and should be consigned to Jurassic Park.

Commissioner Hales said Council should vote on acceptance of the report with resolutions to be filed later on implementing steps. He said he believes Council should take action on the Water Avenue ramp next week. Other actions that require budget funding will take longer.

Mayor Katz said one of her concerns is inadequate documentation about why the ramp was needed. She quoted the report (page 53) which stated that the City has been unable to produce the original proposal or backup documents from July 11, 1980 when Council first approved the proposal. The base case was also not available from Metro or ODOT or the City Council records in the Archives. Also missing is a truck destination analysis. She asked Mr. Derby to comment.

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Mr. Derby said a number of committee members were concerned about this as they assumed initially that there was a scientific justification for construction of the ramp. They never did find it although later in the process they got some documentation, mostly in narrative form, from PDOT and ODOT, both of which made every effort to respond to committee questions regarding the base case. But it is fair to state that the committee never saw a comprehensive justification for the ramp although an intuitive justification can be made based on the lack of access to the freeway system from the Southeast quadrant. That is why he supports building the ramp as the only solution that the committee could move forward with.

Commissioner Blumenauer asked staff to comment on the ODOT environmental statement.

Greg Jones, Office of Transportation, said documentation on the Water Avenue ramps is certainly vague. Initial efforts to document the need came in late 1970s and was one of the first environmental documents to be prepared in the City. The requirements at that time were not as rigid as they are today as far as what items need to be included. ODOT prepared the environmental document for the City but it was based upon the economic development studies which found the Central Eastside to be an important place with businesses that needed improved access. In terms of person trips or access needs of individual businesses, that kind of work was not done.

Commissioner Blumenauer asked if this was different from what was done on other projects in the 1970's, such as the Banfield or Mt. Hood freeway. He asked if they had done any study of transportation in the area and what is likely to occur with and without the ramps.

Mr. Jones said no, what they did was state of the art in terms of transportation studies at that time.

Commissioner Blumenauer asked if any modeling had been done in terms of transportation in this area and what is likely to occur with and without ramps.

Mr. Jones said they did some modeling and found that without the ramps traffic accessing the freeway must continue to use the current routes through downtown or across the Ross Island bridge. The Water Avenue ramp would take that traffic out of downtown and place it back on the freeway.

Mayor Katz said this issue has been around for a long time and there were requests that the City or State get some documentation as to why these ramps were needed. The agencies were unwilling to do that work,

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adding that while in the past the technology might not have been available, it certainly has been available in the last several years.

Mr. Jones said there are areas where they could have improved the level of information for the project. He said he did not know if that information would have played a key role in deciding whether or not to build the Water Avenue ramps.

Commissioner Blumenauer said it was the Council in 1980 and the State that decided not to invest more money in such studies. City staff has been reacting to priorities set by Council while the State responds to priorities set by the State Transportation Commission and the Legislature.

Mayor Katz said the point is that when the City is expending the kind of resources on such a volatile project, which has created so much tension in the community, the data needs to be there. That also seemed to be a concern of committee members, including those who support the Water Avenue ramp as well as those who would have liked to consider some other alternative if it did not jeopardize the money.

Mr. Derby said it is not surprising that the City or State would not be out studying something that has already been funded and included in the six-year plan.

Roll call was taken on acceptance of the report.

Commissioner Blumenauer asked if Council would vote on the ramps.

Commissioner Hales said since this was the first airing of the report he would rather not take action on anything, including the ramps, today.

Commissioner Lindberg asked for another week.

Commissioner Blumenauer said the Mcloughlin ramps, which at one point were being considered, are now gone because the money has been lost. There will be a hearing on December 7 regarding the Water Avenue ramps and it would be useful if Council could take a preliminary position.

Commissioner Hales said he discussed that with ODOT this morning and they have no problem waiting until December 8.

Commissioner Blumenauer said it is not a problem with ODOT but rather with the regional partners. He said the sooner Council makes a decision about the \$19 million, the stronger its position will be in protecting City interests, regardless of whether the ramps are wanted or

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not. It will make a big difference in terms of the City preserving a portion of it for alternatives.

Mayor Katz said it will be before Council next week.

Commissioner Blumenauer voted to accept the report, adding that it puts under the microscope urban issues and how we balance competing interests. It will help us understand our commitments to the future as well as to the past and the manner in which the decision is carried off so that the community is pulled together and not divided.

Commissioner Hales said citizen participation has very energizing. The greatest challenge left is to routinely achieve integrated planning so that future mistakes like locating I-5 on the riverbank will not happen again.

Commissioner Lindberg said the Committee better defined the issues than in the past and produced a much more visionary effort.

**Disposition:** Accepted. (Y-5)

At Noon, Council recessed.

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A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF DECEMBER, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

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

- 1889** Deny appeal of Far Southwest Neighborhood Association and West Portland Park Neighborhood Association and modify Hearings Officer's decision to approve application of Portland Community College for the conditional use master plan for Sylvania Campus located at SW 49th Avenue and Hidalgo (Hearing; 93-00371 CU MS)

**Discussion:** Mike Hayakawa, Bureau of Planning, noted that agreement had been reached between the two neighborhood associations and the college and the findings before Council represent that agreement, but does not include some additional side agreements. He also noted that Planning, at Council's direction, has asked the College to come to Council in six months with a report on how the plan is working.

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

- 1890** Tentatively grant appeal of Barry D. Schlesinger for BPM Associates against Hearings Officer's decision to deny application for a conditional use for a parking structure in a CXd zone, located on the north half of Block 177, bounded by SW 6th, SW Washington and SW Broadway (Findings; 92-000763 CU; Previous Agenda 1824)

**Discussion:** Kathryn Imperati, Senior Deputy City Attorney, noted several items of correspondence which were filed since the record was closed in the hearing. They were letters from Steve Janik on November 17 and 30, and from Steve Pfeiffer on November 24. She recommended that they be rejected. She said she reviewed the substitute findings submitted by Mr. Pfeiffer and believes they are acceptable and Council may go ahead and adopt them. She said a motion for substitution was needed.

Commissioner Kafoury moved acceptance of the substitute findings. Roll was taken and the motion passed. (Y-4)

Commissioner Hales moved to reject the material noted by the City Attorney in her memo.



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Commissioner Blumenauer asked why, since Council set a deadline, it is necessary to make a motion to reject information that was submitted too late. Should it not be automatically rejected?

Ms. Imperati said LUBA law makes it very clear that Council must formally reject items that are filed after the deadline. Otherwise LUBA will consider them part of the record on appeal.

Council voted Y-4 not to allow the material in the record.

Commissioner Blumenauer suggested that legislation be prepared to allow those parameters to be set by local legislation.

Commissioner Hales moved to grant the appeal and adopt the findings as modified.

**Disposition:** Substitute Findings adopted. (Y-4)

**1888**

**TIME CERTAIN: 2:00 PM** - Appeal of Portsmouth Neighborhood Association and the University of Portland, applicant, against Hearings Officer's decision regarding the conditional use master plan for the university at 5000 N Willamette Blvd. (Hearing; 93-00355 CU MS)

**Discussion:** Ruth Spetter outlined the procedures and the process.

Mayor Katz outlined the time allotments for each side.

Tom Dixon, Planning staff, reviewed some of the improvements contained in the University's master plan, including a new parking lot, additional seating for the baseball field and a new academic center. The University also proposes to expand its boundary to an area north of Portsmouth up to McKenna Avenue. He referred to an aerial photo provided by the University showing the existing campus, the area proposed by the University for expansion, the area approved by the Hearings Officer and the area now proposed by the University in response. He noted that the University has a long history of land-use reviews, including construction of the Chiles Center and a follow-up review of the parking impacts. In 1990, the soccer field was approved. Master Plans have two sets of approval criteria - the first is for institutional uses in residential zones and the second is for conditional uses. He outlined the criteria for both.

Mr. Dixon said staff supported Master Plan approval but with conditions and a restriction on the proposed boundary expansion, suggesting a modified boundary extension. A further reduction was recommended based upon testimony made at the first hearing. The

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Hearings Officer accepted the recommendation of staff except for the exclusion of one block, Van Houten.

Today the University is appealing three of the 16 conditions added by the Hearings Officer. The first one (Condition h) would limit the proposed expansion. The University has now modified its original proposal. The issue becomes how far to go in allowing expansion in order to accommodate the University's needs versus the impacts on the liveability of the residential area. The second condition being appealed (i) calls for an annual public hearing to evaluate the transportation demand management plan and special events management plan. The University contends an annual report should suffice, arguing that an annual review makes it pointless to have master plan approval, which was meant to be a long term development scheme. Portsmouth Neighborhood counters that the inability to have an annual review prevents any way of dealing with problems that may arise. The third condition (n) prevents concurrent events of more than 1,000 persons from occurring on campus. The University states that the special events management plan resolves the impact of such events and the condition is not needed. Portsmouth counters that one of big impacts on the neighborhood is the result of special events.

Mr. Dixon said the Portsmouth Neighborhood Association, in its appeal, contends the master plan violates approval criteria and will harm the over-all residential appearance of the expansion area, arguing that replacement of lost single family residents with dormitories is not sufficient mitigation for the residential loss. A second criteria cited is liveability, with the neighborhood stating the area will suffer due to the impact of noise, litter, glare from lights, etc. A third criteria being appealed is the adequacy of transportation facilities serving the master plan, including deficiencies in the traffic analysis and determination of future service levels. They note that both Willamette Boulevard and Portsmouth are neighborhood collectors, the highest street designation within that part of the City.

Father David Tyson, President, University of Portland, noted the University's mission as a teaching university. Regarding expansion, he said they have no intention of increasing enrollment above 3,000 but extending the boundary will allow them to build a stronger academic infrastructure. On the second issue, the planning timetable, the decision of the Hearings Officer to require the University to submit an annual review makes having a master plan something of an oxymoron. The University and neighborhoods need a marked period of time to implement and evaluate the plan. Regarding the issue of special events, construction of the Chiles Center was intended to provide not only for university but also community needs. Condition n would impede the university's nature as a center of activity for the exchange of ideas and

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culture. He also noted student volunteer service efforts on behalf of community groups.

Steve Pfeiffer, representing the University of Portland, said they have asked for revision of three conditions but support the remaining 13. Regarding the boundary expansion, he showed a slide of the area with the boundary as originally proposed by the University, the area approved by the Hearings Officer and the area subsequently proposed by the University. He described the area proposed for inclusion. One block, the Holy Cross Court, is owned and managed by the priests who formed the University. No changes are proposed there. He described plans for use of a half block to the north, mostly already owned by the University. The third area has about seven single family homes and five vacant lots; over 50 per cent is owned by the University. They would like to develop that in the future as an intermural practice field for both the University and neighborhood. There would still be no parking north of Portsmouth.

Regarding the annual review, Mr. Pfeiffer said the master plan is valid under the Code for ten years, which is less than allowed for conditional uses, which are basically granted in perpetuity. To require an annual review of a wide range of issues leaves neither the University nor the neighborhood with any certainty whatsoever. He asked Council to adopt the University's proposal to address neighborhood concerns in the annual submittal they are having to make under two other conditions. Condition h on special events currently covers eight facilities and any event in excess of 2,000 people in one facility would preclude any activities in the other seven, even though they may involve only students already on campus. The University asks for a condition which would prohibit it from holding two concurrent events where an excess of 1,000 people are expected.

Gary Katzian, 610 SW Alder, Suite 700, Kittelson & Assoc., said the transportation analysis conducted by the University over a three-year period is based on real world observations, not theoretical analysis. City staff agreed with the methodology, findings and conclusions. The study found that University traffic comprises between 21 and 26 per cent of total traffic volumes during peak hours, but is mostly in the non-peak direction and does not significantly impact traffic flows. He described improvements already made and components of a plan to mitigate the potential long term parking shortfall.

Larry Scruggs, University of Portland, showed slides to demonstrate the effectiveness of the school's special events management plan, which has reduced events by about 50 per cent over the past three years. He noted that 95 per cent of events have an attendance of 2,699 or fewer. They believe the parking and traffic impacts they create are very

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reasonable for an institution of this size and scope and propose to substitute their events management plan for condition n. He said their plan is more restrictive than any condition of its kind placed on any public facility in the City.

Supporters of the University included:

Barbara Sue Seal, 4200 SW Mercantile Dr., Lake Oswego  
Mark Williams, 3437 N. Willamette Blvd.  
James DePriest, Music Director, the Oregon Symphony, 711 SW Alder  
Jana Ripley, 7136 N. Seward  
Larry Hecht, 4005 N. Willamette Blvd.  
Clayton Hering, 1708 SW Highland Rd., ex-member of University  
Board of Regents  
Clarice Wilsey, 6533 N. Portsmouth  
Robert Pamplin Jr., 3131 Westview Court, Lake Oswego, ex Chair of  
University Board of Regents  
Pat Harrington, 3311 NE 29th, 97212  
George Galati, 7501 N. University Ave., principal at Roosevelt High  
School (retired)  
Bob Drumm, 5706 N. Willamette Blvd.  
Willis Allen, 6605 N. Monteith Ave.  
Ken Ward, 5425 N. Syracuse  
Annette Clovis, Student Activities office, University of Portland  
George Iliff, 5127 N. Willamette Blvd.  
Dan Danielson, 6533 N. Campbell, 97217  
David Schlatter, Executive Director, North-Northeast Business  
Association, PO Box 11565, 97211  
Bill Stevenson, 4792 N. Amherst  
John Shepard, 7076 N. Cambridge, 97203  
Michael Connolly, 7304 N. Chautauqua Blvd., 97217  
Matt Kessi, University of Portland student  
Dr. Victor Vore, St. Johns area doctor  
Thompson Faller, 6906 N. Portsmouth, 97203

Supporters stressed the positive value of the University to the City and especially to North Portland, as reflected in higher property values close to the school. They said the University has taken many steps to mitigate impacts and will continue to address concerns. They argued that the events held by the school are good for the neighborhood and for North Portland businesses and that the special events restrictions placed on the school by the Hearings Officer would be unworkable at any university in the country. They said it is not fair to hobble the school in a way that would prevent scheduling a play if a basketball game was scheduled at the same time.

Lee Poe, 3911 N. Attu, representing the Portsmouth Neighborhood

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Association, referred to approval criteria regarding non-household living uses in residential zones. She said the impacted area will no longer display features which represent single family residences in appearance or function nor does the decision call for mitigation of that loss. There are no provisions to protect the community from noise, litter, glare of lights, etc. She contended that crime statistics list non-residential burglary and auto theft from the University Park district as twice that of Portsmouth. The master plan also allows significant adverse affects on privacy and public safety through the placement of non-residential uses attracting multitudes of strangers and causing traffic and parking problems. Ms. Poe said the Hearings Officer's decision allows the University too much leniency and much of the data in the transportation conclusions is misleading or in error. Most of information furnished was not submitted by engineers and unless revisions are made to the conclusions regarding traffic impacts there will be increased adverse effects. She submitted a document enumerating errors over a long period of time during discussion of the University Park master plan, most of which relate to traffic. She said the majority of peninsula residents do appreciate the University but do not wish to sacrifice any aspect of their community to a sprawling institution. She asked support for the Hearings Officer's decision and for holding the line on development. She requested that the record be kept open for seven days to allow Council to review the documentation submitted.

### Supporters of Portsmouth Appeal included:

Darla Broberg, 6030 N. Amherst  
Heber Heine, 5801 N. Warren St., 97203  
Doug Mercer, 5815 N. Warren St., 97203  
Stacey Mercer, 5815 N. Warren St., 97203  
Joan Liepelt, 6615 N. McKenna, 97203  
Ken Heine, 7304 N. Haven Ave., 97203  
Ruth Tuttle, 7306 N. Willamette Blvd., 97203

Supporters of Portsmouth said since construction of the Chiles Center, noise, traffic congestion and lack of parking during special events are decreasing neighborhood liveability. They argued that the neighborhood needs relief from the impacts of so many events. They supported the call for an annual review as called for by the Hearings Officer and opposed expanding the growth boundary beyond what she approved. They criticized the University's expansion boundaries, based on the displacement of single family households and failure of the University to replace housing.

Individuals who identified themselves as opponents of either appeal included:

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Anne Valentine, 5023 N. Yale, supported the University appeal, arguing that some of the testimony about litter and noise was grossly exaggerated.

Mary Ellen Wauk, 6314 N. Princeton, wife of a retired University of Portland professor, said the university area could use the help of the City traffic division in solving some of the traffic problems.

Jeffrey Thorns, 4812 N. Princeton, supported the Hearings Officer's report as it stands because it balances the needs of the University and the neighborhood. He said the school wants to absorb residences in order to grow and the Hearings Officer's decision on expansion is a reasonable compromise.

Leonard Chambers, 4805 N. Willamette, 97203, said parking is so bad on Willamette because students park there and if bike lanes are established, the south side will lose all of its parking and the problem will be even worse. He contended that the University has failed to ticket all cars parked on the north side as previously agreed to. He said there are also problems with drunkenness and littering and called for a traffic calming program on Willamette Boulevard.

Doug Mercer, 5815 N. Warren, read a letter from Susan Staley, a neighbor in the proposed expansion area, contending that as the school purchases property it pulls down the houses or rents them so that owner-occupied homes are at a minimum. The letter cited an increase in traffic and parking problems, noise, litter and vandalism.

David Soloos, 5254 N. Princeton, 97203, said University Park Neighborhood Association reluctantly agreed to inclusion of the Holy Cross block in the expansion plan but opposes inclusion of the block proposed for a playing field in the expansion plan because they believe the demolition of eight homes is bad policy and an untenable intrusion into the character of the area. He thanked the University for reducing the number of events, noting that when this process first began the Neighborhood Association had 23 issues and is now down to two.

Judy Chambers, 4805 N. Willamette Blvd., 97203, argued for annual review because of the variables concerning the parking situation.

Ruby Willis, 5117 N. Willamette, 97203, supported the University, stating that the college is very attentive to neighborhood concerns.

Martin Mono, 5805 N. Harvard, 97203, University of Portland professor, said misinformation about the master plan has been circulated throughout the neighborhood. The University Park

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Neighborhood Association does not oppose this, having chosen to remain neutral.

Sol Lubliner, 4788 N. Amherst, 97203, read a statement from the master plan steering committee supporting the University's appeal on the scheduling of concurrent events, adding that the remaining two issues of event scheduling for mitigation are: 1) a cap on total events at or near 270 and; 2) management of events to drastically reduce the impact on neighborhood liveability. He said the problem is not two concurrent events, it is lots of traffic. Citing articles in the student newspaper, he said without Hearings Officer's oversight, they believe the University will schedule things like a Nirvana concert. He also contended that many students park on nearby streets rather than pay to park on campus.

George Fortun, N. Foss, 97203, said the University has made every effort to resolve any problems regarding the 10-year expansion plan and contended that the traffic increase is a result of industrial expansion on peninsula.

Earl Waldram, 7415 N. Wayland, 97203, opposed the Portsmouth appeal, stating that Council should not mistake the view of a small group for those of the majority of neighbors who support the University. A yearly review is a cumbersome restriction.

Kandace Graythorns, 4812 N. Princeton, supported the Hearings Officer's conditions, particularly the call for yearly review. She said over 270,000 people are brought into the neighborhood for special events that have nothing to do with the University's day-to-day scholastic activities and quite a few of those people park on the streets.

In rebuttal, Mr. Pfeiffer said the University does not want to have to go through the process of a land use review every year as called for in condition h, believing if that happened the University would be back before Council every year or two. He noted that the neighborhood is not left without relief as there will be continued reporting and if there is noncompliance the City could reconsider approval.

Mr. Scruggs said in 1983 there were 14,900 cars per day on Willamette Boulevard. In 1991 traffic had increased to between 18,000-20,000 while enrollment had declined about 400 students. He said University policy makes it a violation to park across Willamette Boulevard and they do patrol regularly. He cited the need to keep use of Chiles Center in perspective. He said events vary greatly in size with the University using it over 300 days; outside use is very small. An event count does not take into account the many differences between events, such as who attends and where they come from. What is needed is an events

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management plan to limit the impacts on the neighborhood because that is the real issue.

In her rebuttal, Ms. Poe said the advantage to North Portland businesses cited by some is not in evidence on North Lombard which has many vacant buildings. She reiterated the accuracy of the crime statistics indicating an increase in car burglaries and theft. She also argued that the boundaries should not be extended from those set by the Hearings Officer because to do so would maroon some private homes. The City should not put all the property in the expansion area in the University's hands at bargain prices.

Commissioner Hales asked staff about the rationale for exclusion of the Holy Cross property.

Mr. Dixon said it was excluded because the University does not have direct ownership of the Holy Cross property and there are also two homes in separate ownership.

Commissioner Hales asked to what extent the Code relied on ownership patterns. He said one can obviously say the Holy Cross block is a related use to the University. Is there anything in master plan approvals that speaks to that.

Mr. Dixon said Code only requires that proposed boundaries be shown - ownership does not have to be shown even if the owner is adverse. He said the situation with ownership is always difficult and care needs to be shown from a policy standpoint about properties within and without the boundaries.

Commissioner Blumenauer said the whole concept of a master plan is to give reasonable boundaries to an institution and to the neighborhood. Otherwise the institution may buy property all over the place if Council does not send clear signals about where boundaries will be and give the neighborhood some certainty. He said he is prepared to support the University appeal but has several concerns. How does the City make sure neighborhood concerns about traffic and parking are being addressed. He said he also feels uncomfortable about the demolition of property and change in use.

Commissioner Hales asked if he is suggesting a workshop as an alternative to annual review.

Commissioner Blumenauer said he does not feel comfortable with one year reviews and does not want to do that with all institutional uses. He would like to make sure that progress is being made, but not as part of some quasi-judicial process.



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Commissioner Kafoury said she absolutely does not want to adopt something that applies to no other similar institution.

Commissioner Blumenauer said Council could add to the findings that there will be a workshop.

Mayor Katz asked if staff had a problem with that approach.

Mr. Dixon said it is something that has not been done before and the difficulty would be getting resolution of any disputes that emerge. In the past they have looked at neighborhood mediation but that might not fit in this case. He said it would not hurt to try another kind of intervention.

Mayor Katz said the question is how to devise a triggering method to bring these issues back.

Commissioner Hales said perhaps a schedule would do with a provision to reconsider as a last resort.

Mark Bechtel, Office of Transportation, suggested having the Hearings Officer retain jurisdiction for the lifetime of the plan but not necessarily convene a hearing.

Commissioner Kafoury said in a time of declining resources the City needs to encourage people to work things out themselves.

Mayor Katz said Council could try and see how it works without an automatic triggering device.

Commissioner Hales said the University's suggestion may take additional staff time.

Commissioner Blumenauer called for substituting annual review with a workshop for the neighborhood, University and appropriate City staff.

Commissioner Hales said he could use some more discussion about the boundary. He said he believes the Hearings Officer was correct in pulling back the boundary because of the character of the neighborhood. Where it gets difficult is the Holy Cross block and the other block and half. He said while there is a need to be conservative about growth, there is also a need to make sure the boundary is sufficient so that the University does not make arrangements outside the master plan.

Commissioner Blumenauer said he feels strongly about retaining a buffer on Willamette Boulevard but would like to given them a boundary that deals with their needs for a significant length of time and

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discourages activity elsewhere. The more direction Council can give, the more negative impacts can be avoided.

Mayor Katz asked staff about their boundary recommendation.

Mr. Dixon said their recommendation includes the Holy Cross block and calls for allowing controlled expansion. If the boundaries are too large it results in leap frogging conversions and negatively impacts adjoining properties.

Mayor Katz asked about the ownership pattern in the area north of Van Houten.

Jim Tuffner, speaking for the University, said that block has 10 residential properties and 15 lots, only two of which are not owned by the University. It also includes the Strong community gardens and if the University achieves 100 per cent ownership it will propose that it become a community unfenced practice field. On the other half block there are five residential structures of which the university owns three. They would convert one to an alumni house and retain the rest as homes.

Commissioner Hales said there are no specific plans regarding demolition or review in the plan.

Mr. Tuffner said there is a replacement policy.

Mayor Katz asked about modified boundary proposed by the University.

Mr. Dixon said Planning is drawing a line in the sand as to what expansion is appropriate. This is similar to what happened to Good Sam in Northwest Portland where eventually an agreement was made that they could expand within a certain area but could not buy properties outside that boundary. Perhaps that is something the University should be encouraged to do to give both the neighborhood and the school certainty.

Commissioner Kafoury said it would be good to check the demolition possibilities if more time can be taken.

Mayor Katz said the creeping approach to acquiring land will happen and she would be interested in having the University think that through and perhaps realign some of the boundaries. She said she is not prepared to support modified boundaries without some conditions.

Commissioner Blumenauer said he would also like a condition to encourage moving buildings rather than demolishing them and putting

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language in the findings that firmly states what Council believes about the character of Willamette Boulevard and the buffer.

Commissioner Hales said he would grant the University its appeal regarding special events. Commissioner Kafoury agreed. The language proposed by the school reads that if attendance is expected to be more than 1,000, the University will not schedule another concurrent event.

Commissioner Kafoury said she thought condition n was bizarre.

Mr. Bechtel said they have no objection to the University's proposed condition regarding special events. Their only concern is not to have a fully attended event at Chiles Center at same time there was one at another facility.

Mr. Dixon said Planning agrees.

Commissioner Hales said the record remains open and staff will bring back modified conditions.

Mr. Dixon clarified the need for conditions regarding the workshop, demolition and limiting expansion beyond the area granted in the plan. He asked for several weeks.

Continued to December 29, 1993 at 2:00 p.m.

At 5:55 p.m., Council adjourned.

**BARBARA CLARK**  
Auditor of the City of Portland



By Cay Kershner  
Clerk of the Council