



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF JUNE, 1994 AT 9:30 A.M.

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

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

Commissioner Lindberg honored a delegate from our Sister City in Suchou as well as 40 years of service by retiring employee E. Bernell.

Marge Kafoury, Governmental Relations Director, briefed Council on the upcoming US Conference of Mayors.

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

CONSENT AGENDA - NO DISCUSSION

- 891** Accept bid of Camera World for furnishing photographic supplies for \$83,450 (Purchasing Report - Bid 59-A)
- Disposition:** Accepted; prepare contract.
- 892** Accept bid of Eoff Electric for annual supply of street light mast arms for \$56,855 (Purchasing Report - Bid 155-A)
- Disposition:** Accepted; prepare contract.
- 893** Accept bid of Beaudoin Electric Company for Ankeny Pump Station electrical modification for \$419,470 (Purchasing Report - Bid 160)
- Disposition:** Accepted; prepare contract.
- 894** Accept bid of R & R Uniforms to furnish Police uniforms for two years at an estimated total annual amount of \$235,722 (Purchasing Report - Bid 165-A)
- Disposition:** Accepted; prepare contract.
- 895** Accept bid of Tri-State Construction for NE 148th Ave. and private property sanitary sewer system for \$777,959 (Purchasing Report - Bid 167)
- Disposition:** Accepted; prepare contract.

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896 Accept bid of Zink Commercial Contractors for restroom renovation at Columbia Park for \$52,900 (Purchasing Report - Bid 172)

Disposition: Accepted; prepare contract.

897 Accept bid of Parker NW Paving Company for Fire Bureau Training Center Phase IV parking lot for \$397,196 (Purchasing Report - Bid 179)

Disposition: Accepted; prepare contract.

898 Accept bid of Pneumatic Construction, Inc. for composter sludge bin and carbon conveyor for the Bureau of Environmental Services for \$97,800 (Purchasing Report - Bid 185)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

***899** Authorize a grant application in the amount of \$4,000,000 to the Federal Center for Substance Abuse Prevention on behalf of the Regional Drug Initiative (Ordinance)

Disposition: Ordinance No. 167736. (Y-4)

***900** Pay claim of James Davis (Ordinance)

Disposition: Ordinance No. 167737. (Y-4)

***901** Agreement to provide Portland Police Data System services to SAIF Corporation (Ordinance)

Disposition: Ordinance No. 167738. (Y-4)

***902** Agreement with Western Identification Network, Inc. for participation in the Automated Fingerprint Identification System (Ordinance)

Disposition: Ordinance No. 167739. (Y-4)

903 Issue Sewer System Revenue Bonds (Second Reading Agenda 835)

Disposition: Ordinance No. 167740. (Y-4)

Commissioner Earl Blumenauer

***904** Contract with Northwest Film Center to provide capital support for public, educational and government cable access television (Ordinance)

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Disposition: Ordinance No. 167741. (Y-4)

- *905** Contract with Portland Community College to provide capital support for public, educational and government cable access television (Ordinance)

Disposition: Ordinance No. 167742. (Y-4)

- *906** Contract with Portland Cable Access to provide capital support for public, educational and government cable access television (Ordinance)

Disposition: Ordinance No. 167743. (Y-4)

- *907** Eliminate sewer easements in a vacated alley (Ordinance; amend Ordinance No. 166755)

Disposition: Ordinance No. 167744. (Y-4)

- *908** Revocable permit to Louisiana-Pacific/Fabric of Life, Inc. to use portions of the sidewalks adjacent to Saks Fifth Avenue on June 23, 1994 (Ordinance)

Disposition: Ordinance No. 167745. (Y-4)

- *909** Revocable permit to West Coast Hotel, Inc./The Benson Hotel to close SW Broadway between SW Stark Street and SW Oak Street on July 17, 1994 (Ordinance)

Disposition: Ordinance No. 167746. (Y-4)

- *910** Approve an Intergovernmental Agreement with Metropolitan Service District for the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement (Ordinance)

Disposition: Ordinance No. 167747. (Y-4)

- *911** Amend Intergovernmental Agreement with the Metropolitan Service District to revise project budget and extend termination date involved in preparing an I-5/I-205 Portland/Vancouver Preliminary Alternative Analysis for the North/South Transit Corridor (Ordinance; amend Contract No. 50047)

Disposition: Ordinance No. 167748. (Y-4)

- *912** Amend Intergovernmental Agreement with Metropolitan Service District to revise project budget and extend the termination date involved in preparing an I-205/Milwaukie Preliminary Alternative Analysis for the North/South Transit Corridor (Ordinance; amend Contract No. 50048)

Disposition: Ordinance No. 167749. (Y-4)

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- *913** Amend the Intergovernmental Agreement with the Metropolitan Service District to conduct the Regional High Capacity Transit Study (Ordinance; amend Contract No. 50070)

Disposition: Ordinance No. 167750. (Y-4)

Commissioner Charlie Hales

- 914** Accept completion of interior painting at Multnomah Art Center, approve Change Order 1 and authorize final payment to V. M. Pilip & Son, Inc. for \$9,468 (Report; Contract No. 29010)

Disposition: Accepted.

- *915** Authorize a contract with Zink Construction to renovate the restroom at Columbia Park (Ordinance)

Disposition: Ordinance No. 167751. (Y-4)

- *916** Grant revocable permit to Rotary Club of Portland, Oregon, to construct improvements for a children's play area in Washington Park (Ordinance)

Disposition: Ordinance No. 167752. (Y-4)

- *917** Contract with Parker NW Paving Company for \$397,196 for the Fire Bureau's Training Center paving project (Ordinance)

Disposition: Ordinance No. 167753. (Y-4)

Commissioner Gretchen Kafoury

- *918** Authorize an Agreement with the Association for Portland Progress and Portland Downtown Services, Inc. to provide special downtown services (Ordinance)

Disposition: Ordinance No. 167754. (Y-4)

- *919** Amend Agreement with Pioneer Courthouse Square, Inc. to provide security services (Ordinance; amend Contract No. 20957)

Disposition: Ordinance No. 167755. (Y-4)

- *920** Contract with Portland Public Schools for \$12,000 for the TLC/TnT Program to create and maintain an Adult Outreach Helper Project and provide for payment (Ordinance)

Disposition: Ordinance No. 167756. (Y-4)

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- *921** Contract with the Urban League of Portland for \$10,000 for the Support Group for Sexual Minority Youth and provide for payment (Ordinance)

Disposition: Ordinance No. 167757. (Y-4)

Commissioner Mike Lindberg

- 922** Appoint Mary Davis, Bennett Gravatt, Michael Mlynarczyk and reappoint Bud Farm, Darlene Brouillard, Beth Sabbath and Terry Swanson to the Mid-County Citizens Sewer Advisory Board (Report)

Disposition: Confirmed.

- 923** Accept completion of the NE 13th Avenue CSO sump project Unit 16 and make final payment to Moore Excavation, Inc. (Report; Contract No. 28675)

Disposition: Accepted.

- 924** Accept revision of prior Alder Pump Station completion report and authorize payment of remaining funds, less retainage for punch-list items, to Hollinger Construction, Inc. (Report; Contract No. 27642)

Disposition: Accepted.

- 925** Authorize a contract and provide for payment for the St. John's B Basin Drainage System, Combined Sewer Separation Project (Ordinance)

Disposition: Ordinance No. 167758. (Y-4)

- *926** Amend Agreement with Tri-Met to provide for construction of the Tanner Creek sewer separation and repair project with the Westside Light Rail Tunnel Project and provide for payment (Ordinance; amend Contract No. 50056)

Disposition: Ordinance No. 167759. (Y-4)

- *927** Authorize payment to the City of Seattle Water Department for a research project relating to horizontal-axis clothes washers for \$10,000 (Ordinance)

Disposition: Ordinance No. 167760. (Y-4)

City Auditor Barbara Clark

- *928** Authorize new bonded lien interest rates for installment payment contracts financed by 1994 Series A Special Assessment Improvement Bonds (Ordinance)

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Disposition: Ordinance No. 167761. (Y-4)

***929**

Authorize new bonded lien interest rates for installment payment contracts financed by 1994 Series A Limited Tax General Obligation Improvement Bonds and establish a new interim interest rate for contracts subject to future bond sales (Ordinance)

Disposition: Ordinance No. 167762. (Y-4)

REGULAR AGENDA

930

Request from Jobs with Justice to address Council regarding selection of bond underwriters considered by the City for upcoming debt issues (Previous Agenda 871)

Discussion: Lorene Scheer, speaking for Jobs with Justice, Teamsters International and Pony Express employees, criticized the practices of Merrill Lynch and Pony Express, one of its principle investor companies, calling for the City to bar it from underwriting future bond issues. She alleged that Merrill Lynch makes kickback payments and engages in other unethical practices while Pony Express is involved in unfair labor practices.

Tom Sand, attorney representing Merrill Lynch, said the company disputes the allegations and asked that it be given additional time to respond to these charges. He noted that Pony Express is a wholly owned subsidiary of Borg Warner Security Co. and that Merrill Lynch, while it has an investment interest in the company, does not manage it nor is it an authorized vendor. He said the charges relating to race discrimination and to Pony Express are baseless.

Commissioner Hales said the City Attorney may need to review this before Council takes any action on a resolution about who the City contracts with.

Commissioner Kafoury said her office would be happy to review this and, if they decide it is appropriate to consider this resolution, they will also ask the Office of Finance and Administration to review it.

Disposition: Referred to Commissioner of Public Affairs.

931

Accept bid of Contractors, Inc. for Headworks Replacement Project at the Columbia Blvd. Wastewater Treatment Plant for the Bureau of Environmental Services for \$20,853,700 (Purchasing Report - Bid 122)

Discussion: Commissioner Lindberg said because there is a certain amount of controversy about this bid, staff will make a brief presentation.

Carleton Chayer, Purchasing Agent, said six bids were received on this

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project and the lowest was submitted by Contractors, Inc. The contract included special provisions to encourage minority, women and emerging small business participation. A team of City employees worked very hard to involve the minority, women and business community in this project. Total participation by the three groups is \$5,916,000, or about 28.5 percent.

Bill Frazier, Senior Buyer, Purchasing Bureau, said Contractors, Inc., report shows the amount of participation in the three categories as: \$3,655,595 for six minority-owned firms, two of which were also owned by women; \$1,970,451 for four women-owned firms; and \$290,000 for two emerging business firms. No firm's bid was counted in more than one category.

Mayor Katz said she would like to see the City identify the industries where there were no minority, women or small businesses and move ahead of the curve with training programs that will allow future participation by these groups.

Darrell Simms, Bureau of Environmental Services, said the major contracts were awarded in the heating and air-conditioning areas. For the Combined Sewer Overflow project, the Bureau is doing an assessment of the capability and availability of these groups and will then put things in place which will enhance their participation.

Mayor Katz said she wants to make sure there are people out in the community prepared to do the work.

Mr. Simms highlighted some of the actions taken to increase participation on the headworks project, including a major outreach meeting with contractors, mandatory prebid meetings which included subcontractors, apprenticeship training and residency requirements, a construction management skills program, educational programs in the schools and an accelerated pay program. He said they have been working very hard with organizations representing minority groups and while this is a great piece of work, the City still has more to do, including taking some corrective action in the next week.

Commissioner Lindberg said they tried to break down the project into smaller pieces and tapped into the experiences gained on the Walnut Park precinct project.

Mayor Katz asked the City Attorney what more needs to be done.

Madelyn Wessel, Deputy City Attorney, said it is not enough to set up a good faith system that provides opportunities. Rather, the City needs to break contracts down so that work can be delegated to firms that can perform smaller tasks. She said moving forward with the Croson disparity study is very important because the City cannot require certain results without mandatory goals.

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Commissioner Lindberg said one issue is that stricter requirements about the makeup of the work force may be needed, not just who the contractor is.

Mr. Sims said in some cases because of ownership, as well as the makeup of the workforce, dollars are not flowing to the communities the programs were intended to reach.

O.B. Hill, Chair, National Association of Minority Contractors (NAMCO), read a statement contending that the awarding of this contract will result in only token benefit to North/Northeast minority contractors and residents, even though well intended. He said the majority of the labor intensive subcontract work will be awarded to parties outside the area targeted by the project. He asked that the contract not be awarded until the concerns outlined in NAMCO's letter are addressed and that Contractors, Inc. be given one week to broaden its base of local MBE (Minority Business Enterprise) participation.

James Posey, NAMCO member and owner of Workhorse Construction, said they are concerned about all the activity with no resulting accomplishment. The City should be angry with the results and look at the certification process in terms of how the DBEs (Disadvantaged Business Enterprise) are utilized and the quality of the numbers. One contractor, for instance, is providing mostly steel and other equipment, material which will not provide dollars to the community. He said the amount awarded to African-American contractors does not add up to the amount given to one landscaping contractor who comes from outside the community.

Mayor Katz asked if he is concerned that contracts are given to subcontractors outside Portland.

Mr. Posey said they do not have a problem with people coming from outside as long as there is some balance. But, in this case, the amount being awarded to African-Americans is tokenism and while they appreciate Council's efforts, there is still a lot of work to do.

Mayor Katz said the question is how much can be accomplished legally. She said the City has learned where the major holes are that need to be dealt with.

Mr. Posey said this was billed as a capacity-building project to increase the number of minority contractors capable of performing the specified work. They believe the City should move beyond the learning process to aggressively take advantage of the opportunities that come along.

Mayor Katz said the Council is committed to doing a better job within the law as it figures out which areas need more attention.

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Commissioner Hales asked what would be accomplished by a one-week delay.

Mr. Posey said Council should ask Contractors, Inc. to bring about a broader participation level from North/Northeast Portland on both the employment and contracting sides.

Ms. Wessel said the question of commodity code certification regarding one of the subcontractors, which was raised by NAMCO yesterday, has not been fully explored.

Commissioner Lindberg said he supports the one-week delay to try to achieve some of these goals.

Joy Jordan, owner of Designed Automation, a woman-owned company, disputed the eligibility of Transadyne, one of the winning subcontractors, alleging that it is not licensed in Oregon, did not attend the prebid meeting and provided a bid for equipment only. She said later the contractor told her they had selected another company, United Pacific Controls, which also is not licensed in Oregon. She said this award does not meet the City's intent to create opportunities for women and emerging small businesses and she does not believe her bid was given fair consideration.

Commissioner Lindberg said staff would like a chance to review this over the next week.

Dan Siefer, attorney for Contractors, Inc., said they believe they are entitled to be awarded this contract but welcome the one-week delay. He said his client has worked hard to involve DBE participation and bring in a competitive bid. Their effort was based on the specifications put out to bid and it would be unfortunate to change the rules during the evaluation process.

Disposition: Continued to June 15, 1994 at 9:30 a.m.

Mayor Vera Katz

***935**

Authorize the Mayor and the City Auditor to execute a modification to the current Labor Agreement with the City of Portland Planning and Engineering Employees Association (COPPEEA) (Ordinance)

Discussion: Gail Johnson, Employee Relations Manager, noted the submission of two tentative labor agreements as well as the domestic partners resolution. She said they will return to Council in the next few weeks with similar agreements with other bargaining units.

David Shaff, Employee Relations, said because Personnel was scheduled to be at the table with all seven bargaining units this year, it approached the

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unions and proposed to sit down at the table with all employees on wages and benefits at the same time, something that has never been done before. The City and unions also moved to a collaborative or interest-based bargaining. The results of the agreements include an increase in wages of 3.6 percent, and the continuation of the labor-management benefits committees. The agreements provide for an increase in the maximum City contribution to the health fund of 3.6 percent. Combined with the wage settlement, the total compensation package is within the CPI and within the compensation set-aside in the upcoming fiscal year budget. Changes in the benefits package include revisions in the prescription drug program and an increase in the office visit co-payments for those enrolled in the Kaiser program. Also included in the contracts are domestic partner provisions and the projected cost of this provision is expected to be offset by other plan design changes. A Citywide productivity committee will also be created and every Bureau will be required to create its own committee to make recommendations to increase productivity and efficiency.

Mr. Shaff said both agreements are subject to ratification by the employee membership and Personnel will then return to Council with similar wage-productivity agreements for other bargaining units.

Ruth Cusack, Employee Benefits Manager, said cost of the domestic partner benefits included in the resolution and these two agreements is estimated at \$224,000, which will be offset by other plan changes.

Mayor Katz asked her to spell out the criteria for the domestic partners' designation.

Ms. Cusack said to be eligible an employee must sign an affidavit and meet certain requirements which include sharing a permanent residence for at least one year as well as joint responsibility for basic living expenses and for each other's welfare.

Mayor Katz asked how this compares with Multnomah County.

Ms. Cusack said the City has a shared residency requirement of one year while the County requires only six months.

Al Burns, President, COPPEEA, said they are very pleased with the results of this collaborative process.

Larry Attinger, Assistant Executive Director of Oregon AFSCME and President of the District Council of Trade Unions, said the bargaining process was outstanding because it brought all the bargaining units together, to achieve true labor-management partnerships. He said what is happening in the Water Bureau is a start and could be a model for a true partnership relationship throughout the City. He called for creation of a forum to look at

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Citywide issues beyond the scope of wages and working conditions that affect employees.

Mayor Katz noted the involvement of AFSCME on a national level in areas it never thought it would be involved in and thanked him for his work with the City.

Commissioner Hales commended staff and the bargaining units. He said these agreements meet Council objectives in a financially responsible way.

Commissioner Lindberg supported the collaborative bargaining process and said he is very excited about the partnerships.

Mayor Katz said Council must understand that when it bring partners to the table then it must allow them to work through the issues themselves and that this may not always result in what Council would have decided. This is a different role for the Council.

Disposition: Ordinance No. 167763. (Y-4)

- *934** Authorize the Mayor and the City Auditor to execute a modification to the current Labor Agreement with Municipal Employees, Local 483, representing Recreation Instructors (Ordinance)

Disposition: Ordinance No. 167764. (Y-4)

- 932** Authorize fringe benefits for the Domestic Partners of Non-Represented benefits-eligible employees (Resolution)

Discussion: Ruth Cusack, Employee Benefits Manager, said this resolution would establish domestic partner benefits eligibility for non-represented employees.

Mike Saba, 12-year City employee, expressed gratitude for the action taken today.

Winifred Becker, 2653 SW Talbot Road, 97201, said passing this now will contribute to the unstable lives of children, single mothers living in poverty and the breakdown of the family structure.

Mayor Katz said there is no way that Council would do anything that would impact the deterioration of the family. These are health care benefits and if the people involved are not covered here, somebody else will pay for it. It is part of the concept of universal access to health care.

Pavel Goberman, 19755 SW 68th Ave., Tualatin 97062, said he would like to help people become more fit and thereby reduce health care costs.

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Bill Casey, representing Traditional Values Coalition of Oregon and the Multnomah County Republican Party, asked if Council had made an agreement with the unions prior to this meeting, as Multnomah County did.

Mayor Katz said no.

Harry Auerbach, Deputy City Attorney, said in all the City's negotiations it is made quite clear that Council has the final say on any contract issue and no one can promise that the Council will vote in a certain way beforehand. All negotiations are subject to Council approval.

Mayor Katz said there was another issue regarding whether the negotiations are open to the public. The State grants either side the ability to request that the meetings be considered executive sessions and not open to the public. As long as one party makes such a request, it must be honored under State law.

Mr. Casey said the majority of residents are opposed to these policies, specifically those extending benefits to partners of the same sex. The issue, however, is not the cost, but the fact that it is another political attempt by the homosexual community to put a stamp of approval on its lifestyle. He said if Council was truly being fair and equitable, why is nothing done for those forced to take care of their elderly dependents, noting the exemption of blood relatives. He asked that the decision be delayed and that this issue be referred to Portland voters and let them decide. The cost of the election would be dwarfed by the cost of the benefits themselves. He also asked how Senate Bill 3500 might affect this ordinance.

Mr. Auerbach said he will be happy to research this if Council wishes. He said he would have to review the text of the measure before giving an opinion.

Commissioner Hales said the City operates on the assumption that its agreements comply with State law. If it turns out later that they are not, Council will deal with that then.

Mayor Katz said her research shows that most domestic partners receiving benefits are members of the opposite sex.

Mr. Casey said their primary point, however, is that it has been almost exclusively the homosexual community that has lobbied for this. He cited problems with similar ordinances in Minneapolis and other places.

Mayor Katz said in this case the request for benefits came from members of the opposite sex as well.

Mr. Auerbach said the basic legality of the resolution has been reviewed by

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the City's labor attorneys. They will, however, look specifically at State Bill 3500.

Commissioner Hales clarified that the City has a dependent care option available to employees. Secondly, the City bargained with the unionized work force and the employees themselves agreed to give up some other benefits in exchange for the cost of this domestic partners policy so the net cost to the public is zero.

Mr. Casey said this ordinance specifically excludes blood relatives.

Mayor Katz said they are covered elsewhere.

Mr. Auerbach said blood relatives and people who are underage are excluded because the City does not want to promote incest or child abuse.

Jason Williams, 3116 SE 71st, 97206, said his main concern is that this undermines the importance of marriage. Marriage gives certain benefits but has certain consequences while domestic partnerships have none.

Lou Beres, 3423 SE Henry, 97202, said most citizens adhere to family values and are also concerned about the economic impact as they believe the cost to the City will accelerate. He said this should be taken to the people for a vote, noting that both Austin and Minneapolis repealed similar ordinances.

Commissioner Kafoury, noting her recent reelection, said Council members are elected to make decisions, not necessarily put their fingers to the wind on every vote. She said she believes the majority of Oregonians support equal rights for all citizens and would certainly support, if they understood the issue, health benefits for domestic partners.

Commissioner Lindberg said he strongly supports this, adding that employees asked for these benefits, which have been negotiated through the contract negotiation process and are cost neutral.

Disposition: Resolution No. 35281. (Y-4)

933

Support efforts of the Portland Metropolitan Sports Authority to attract sports activities and events to Portland (Resolution)

Discussion: Craig Honeyman, Executive Director, Portland Metropolitan Sports Authority, said they are actively pursuing a number of sports events related to put Portland clearly on the map as a world class sports destination. He said this resolution formalizes an ongoing relationship with the City and they will use it as a sign of City support when they go out to bid on these events.

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Mayor Katz said the City is working closely with the Sports Authority to see if we can get a Triple A baseball team.

Mr. Honeyman said this resolution formalizes an ongoing relationship with the City.

Disposition: Resolution No. 35282. (Y-4)

Commissioner Charlie Hales

- *936** Accept a grant from the Oregon Department of Agriculture for \$14,150 to develop and implement a "Ground and Surface Water Protection Education Project" and amend the FY 94/95 Budget (Ordinance)

Disposition: Ordinance No. 167765. (Y-4)

Commissioner Mike Lindberg

- *937** Authorize contract with Contractor's, Inc. for the construction of the CBWTP Replacement Headworks Project No. 4958 and provide for payment (Ordinance)

Disposition: Continued to June 15, 1994 at 9:30 a.m.

- *938** Amend contract with Century West Corolla for the design, bid and award and construction support services for the CBWTP Replacement Headworks Project No. 4958 and provide for payment (Ordinance; amend Contract No. 28188)

Disposition: Continued to June 15, 1994 at 9:30 a.m.

- *939** Amend contract with W. Johnson & Associates for project management services for the CBWTP Headworks Replacement Project No. 4958 (Ordinance; amend Contract No. 28161)

Disposition: Continued to June 15, 1994 at 9:30 a.m.

At 11:30 am Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF JUNE, 1994 AT 2:00 P.M.

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

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

Commissioner Charlie Hales

- 941** Tentatively deny appeal of Arnold Creek Neighborhood Association and uphold Hearings Officer's decision as amended to approve the application of JMC Corporation for a Planned Unit Development, Major Subdivision, Environmental Review and amendments to overlay and existing conditions, in an R10 zone, located north of the Woodlee Heights Subdivision (Previous Agenda 888; Findings; 93-00658 PU EN AD)

Discussion: Commissioner Kafoury moved approval of the findings. Commissioner Lindberg seconded and the motion carried.

Disposition: Findings Adopted.

- *942** Amend Ordinance No. 156133, which granted a zone change on property at SW Lancaster and Stephenson, between SW 19th and 25th Avenues, from R20 to R10, Residential, to delete some of the conditions and to amend Condition 8 (Ordinance; 93-00658 SU PU EN AD)

Discussion: Commissioner Hales asked if all that was occurring was the amendment of Condition 8.

Tom Bizeau, Bureau of Planning, said conditions are being deleted from the ordinance and one is being changed.

Disposition: Ordinance No. 167766. (Y-4)

- 943** Amend the Brooklyn Neighborhood Plan and Comprehensive Plan Map and zoning in order to allow the City Life housing demonstration project in Brooklyn neighborhood (Second Reading Agenda 886)

Discussion: Cay Kershner, Clerk of the Council, said that since the record on this item would remain open until 5:00 p.m. today, this needed to be

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carried over. Council directed that, if no new information was filed, the item be considered tomorrow, at the June 9 meeting.

Disposition: Continued to June 9, 1994 at 2:00 p.m.

940

TIME CERTAIN: 2:00 PM - Appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association and Jeff Champion against Landmarks Commission's decision to approve application of Andre Cozzetto, et al, for a demolition and design review at 3403 SW First Avenue (Hearing; 93-00832 HL DZ)

Discussion: Pete Kasting, Senior Deputy City Attorney, outlined the procedures for testifying and for appeals.

Mayor Katz declared an ex parte contact.

Ruth Selid, Planning Bureau staff, said this is a joint review of demolition in the Lair Hill Historic Conservation District and design review for replacement structures on that site. The Landmarks Commission reviewed both the demolition request and the design for the new building. She noted the approval criteria. Regarding the demolition, Ms. Selid said staff recommended working to preserve the building and the Landmarks Commission upheld that recommendation. However, the 150-day demolition delay issue has now expired. The design issues under appeal are guidelines relating to the setback on Southwest First Avenue. The proposed setback is eight feet while the guidelines state that the setbacks should be the average of adjacent buildings and, if there are none, an eight-foot setback is recommended. Another issue that was appealed was surface parking. The guidelines recommend that all parking be within the structure and the proposal places half the parking within the structure and half in surface parking which, however, is not directly visible from the street. The fence height was also appealed as the proposed fence on the south property line is six feet. However, this does not extend into the front property setback area. Guidelines call for wood fences no higher than 48 inches and the proposed fence is wood and not in the front yard. An adjustment reducing the number of parking spaces from seven to six was approved by the Landmarks Commission. She showed slides of the site, noting that the staff recommendation is to uphold the Landmarks Commission's decision to approve the proposed design.

Kerry Chipman, Land Use Committee Chair, Corbett/Terwilliger/Lair Hill Neighborhood Association, said the setback requirement in this area is 15 feet and there is no justification for allowing eight-foot setbacks as it would interfere with the general character of the area. They also object to the outside parking and believe it would be more appropriate in the building. The Land-Use committee also believes that its request for a revised plan allowing the house to remain was ignored.

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Mr. Chipman said the Committee also has procedural issues. It is their understanding that the Landmarks Commission did decide the house could be renovated but elected to allow immediate demolition because they believed the 150-day delay period had expired. He said the Committee believes the demolition delay period commences, not at the time application is made but at the time the decision is made that the structure is worth renovating. In this case the planner applied the wrong time frame. By starting the date at the time of the application, the demolition delay period had already expired by the time the Commission decided it could be renovated. He asked that Council grant one last chance to renovate the house or move it somewhere else.

Mayor Katz asked if they really believe there are opportunities to renovate the house or move it.

Mr. Chipman said he understands there are a number of people who are interested in rescuing the house.

Laura Compos, 3419 SW First, said neighbors have been trying to get sidewalks and bikelanes put along Barbur Boulevard and for this reason object to the placement of a surface parking lot, rather than locating all parking beneath the building. A parking lot should not be located between the building and a major transit street. She objected also to the potential loss of a significant tree and to erection of a six-foot fence. Finally, she objected to demolition of the home.

Jeff Champion, 3419 SW 1st Ave., 97201-4606, adjacent site owner, said there have been a series of process errors, including missing information and an incomplete application, which should have been deemed null and void. He cited a letter he had written to Susan Feldman about the demolition delay process which he said was withheld from the Landmarks Commission.

Commissioner Hales said that was in the record.

Mr. Champion said this is a Planning, not a Buildings, process and the 150-day demolition delay period only kicks in after the Landmarks Commission makes its decision. That is to allow time for public or private acquisition of property in a historic district. He said Council should either force the owners to save the structure or put it in private or public hands to rehabilitate. The Planning Bureau misinterpreted the 150-day demolition delay regulation and the process before the Landmarks Commission was improper. The clock always starts after the final decision is made and that allows neighborhoods to save houses of historic significance. To save everyone a lot of time, Council should remand this back to the Commission to make sure the Code is adhered to rather than cutting the public out of the planning process. He asked Council to settle all the issues he has raised, adding that the property ownership dispute issue will be dealt with in the courts.

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Commissioner Kafoury asked if they had been involved in any efforts to save the house.

Mr. Champion said yes and described a proposal to move the house to his property. He said the Cozzettos allowed the house to go downhill and to be used as a 24-hour party and drug house.

Commissioner Kafoury asked if there is any likelihood of moving the house.

Mr. Champion said it is feasible but they have not found anyone who could or would do it because of the cost.

Commissioner Kafoury asked if it was true that the neighborhood has been working for over a year to see about getting it moved.

Mr. Champion said people have been turned off to the house's potential because of the way the house has been allowed to deteriorate.

Michael Corl, architect for the project proposed on this lot, said they were asked by the owners to investigate alternatives for the site. He said the house was found to be in disrepair and relocation costs off site proved too costly. He described the proposed development which he argued maintains the context of the neighborhood through its design and placement of the driveways. Based on this design, they requested demolition and met with the neighbors and Planning staff for their design input. Final Landmark review and approval was March 20, 1994. He asked for Council approval.

Andre Cozzetto, applicant, said he and the other heirs to this property applied for a demolition permit in August, 1992 and also held discussions with the Lair Hill Historic District Advisory Board to try to match the design with the neighborhood. He said they offered to give the house away and were told repeatedly that it would be too costly. Now, after two years, they ask approval of the project by Council.

Laurie Cozzetto Small, applicant, said they have tried very hard to get someone to move the house off the property and renovate it and do not believe another 150 days will do any good.

Jim Cozzetto, 8229 SW 2nd, said the property was given to his children by his mother and every attempt has been made to recycle the house. He said some time ago Mr. Champion got permission to place some fencing along his mother's property and this has led to an ownership dispute. He stressed that if they could have saved the house, they would have.

Dave Hallberg, 127 SE Grover, chair of the Historic District Advisory Committee to the Landmarks Commission, said the Committee asked the Cozzettos to revise their original design to make it more compatible, which

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they did. The Cozzettos also made an offer quite some time ago to the Neighborhood Association to allow the house to be salvaged.

In rebuttal, Mr. Chipman said there has not been a great deal of communication between CTLH Neighborhood Association and the District Advisory Committee.

Mr. Champion said the Neighborhood Association meets legally and publishes its agenda while the District Advisory Committee does not. He said he knows of no legal District Advisory Committee meeting as of this date. The Commission rubber stamped the Advisory Committee's decision while the Neighborhood Association was bypassed. He said Council needs to separate out what was legal.

Commissioner Kafoury asked about the setback issue.

Ms. Selid said she visited the site and reviewed the maps. She calculated the setbacks on that street and in a four-block area and found they averaged eight feet, which is compatible with the neighborhood.

Mayor Katz asked whether the application could be judged incomplete because it did not include adjacent buildings in the site plan.

Susan Feldman, Planning Bureau staff, reviewed the application requirements, noting that the Director may waive specific requirements if they are not relevant. Staff felt that they had adequate information to make a determination and forward it to the Landmarks Commission.

Mr. Kasting agreed that the Director has the discretion to waive requirements if they are not relevant.

Mayor Katz asked why all the parking could not be underneath.

Mr. Corl explained why they wanted to put the parking on Barbur but cover it, noting that the property is being buffered with landscaping. The fence is located along the southern boundary where they have had disputes with Mr. Champion.

Mayor Katz asked about the demolition delay period.

Mr. Kasting said it appears the source of this confusion is that until recently the issue of when the 150-day demolition period began had not been squarely addressed. It was closely examined in regard to the demolition of the Governor Building where it was determined that it begins on the date of application. He cited an analysis in that case submitted by Attorney Steve Janik which he believes sets out the intent.

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Commissioner Hales said the delay period was intended to prevent demolition while the significance of a building is determined and it is accurate to interpret that the clock starts when one applies for the permit as the intent is to allow time for review. Clearly in this case no matter when you start the clock, 150 days has elapsed. For the City to say the time line would start only when the final decision is made would be absurd and would make it into a penalty.

Mr. Kasting said that interpretation is completely consistent with the language of the Code.

Commissioner Hales moved to deny the appeal and uphold the Landmarks Commission in this case. Commissioner Lindberg seconded.

Commissioner Kafoury said it sounds as if every avenue has been explored to save the house and, while she would like to save it for a low-income family, she has found it very difficult to find the resources to move houses.

Mayor Katz said the City may want to explore having the developer give the City the money it would cost to demolish the house.

Commissioner Kafoury said Council might want to set a policy to encourage developers to take certain steps to save more historic houses.

Commissioner Hales said that is worth exploring at the Council retreat with the Landmarks Commission.

Ms. Feldman said it would be helpful to have incentives for houses such as the City has for buildings. Shee said when you move a house you must start over with the Buildings Code which makes it very expensive.

Mayor Katz said she would like to do a preventive strike to keep historic houses from being demolished.

Disposition: Tentatively deny appeal; Prepare findings for June 22, 1994 at 2:00 p.m.

At 3:25 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF JUNE, 1994 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Acting Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

REGULAR AGENDA

- 943** Amend the Brooklyn Neighborhood Plan and Comprehensive Plan Map and zoning in order to allow the City Life housing demonstration project in Brooklyn neighborhood (Second Reading Agenda 886)

Discussion: Commissioner Kafoury asked if any new response had been received.

Mark Bello, Planning Bureau, said the neighborhood land-use chair and everyone else had been notified that the Second Reading was today and nothing new had been received.

Disposition: Ordinance No. 167767. (Y-4)

- *944** **TIME CERTAIN: 2:00 PM** - Amend the Comprehensive Plan map and change the zone of property located south of N. Tomahawk Island Drive and N. Jantzen Avenue, between I-5 and the Lotus Isle Subdivision, from IG2, Industrial to R3, Residential (Ordinance introduced by Commissioner Hales; 93-00869 CP ZC AD EN)

Discussion: Linda Meng, Chief Deputy City Attorney, was asked to state the appeal process.

Duncan Brown, Planning Bureau, stated that the request was for a Comprehensive Plan amendment from General Industrial, or Industrial Sanctuary, to multi-dwelling residential. The purpose of the Comprehensive Plan amendment is to allow for off-street parking for relocation of a houseboat moorage on a nearby site. He outlined the approval criteria contained in the Code. He introduced the site through a series of slides and summarized the Hearings Officer's findings and conclusions.

Mr. Brown noted that, historically, the site was in unincorporated Multnomah County and received industrial zoning as it was used to pile the dredged river sand that was then trucked away. There

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was a rezoning action in 1989 changing the site from the County industrial designation to the most comparable City designation, General Industrial. As the surrounding property is residential, the City also placed a buffer zone, which prohibits pedestrian and motor vehicle access and has landscape requirements, on the north side of the property, adjacent to Tomahawk Island Drive, the main access road to the east end. Several years ago the applicant quit using this as a dredge spoils site and it has remained vacant ever since, resulting in the loss of non-conforming use status for access and now the only legal access is by water or air.

The Hearings Officer has recommended approval of the Comprehensive Plan amendment from General Industrial to R3 Multi-dwelling Residential. The major question seems to be not whether it should remain industrial, but rather what residential zone is appropriate. Surrounding zoning shows that R2, R3 and R7 are all in the immediate area, with R3 and R7 abutting the site.

Larry Epstein, 722 SW 2nd Avenue, 97204, representing the applicant, Winmar of Jantzen Beach, said Winmar objects to any continuance as they proposed settlement terms two weeks ago which the appellants rejected, asking Winmar to accept terms that it believes are unacceptable and unreasonable. Winmar has negotiated in good faith and as evidence of that intends to propose that Council amend the Hearings Officer's decision regarding the zone change, environmental review and the adjustment, which will be part of the next (Item 945) hearing. A Plan amendment is generally not subject to conditions of approval and they believe it is not timely to discuss them in this part of the hearing--he will discuss them in the next part of the hearing.

Mr. Epstein said this part of the hearing was to consider if Winmar's request for a Plan amendment should be granted. The Plan's designation of General Industrial was most similar to the zoning designation at the time the property was annexed, reflecting the historic purpose to store dredged sand. In the intervening years, land around the Plan map site has developed into a park and housing, leaving the site a small, isolated, industrially-designated island. Industrial use of the site would conflict with other uses in the area. They think those circumstances cry out for a Plan amendment. Winmar thinks there is general agreement for a Plan amendment, with the dispute being what designation to apply to the site. Winmar proposed that the City apply a multi-dwelling designation and Planning Bureau staff and the Hearings Officer agreed that it was the appropriate designation. The appellants argue that a low

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density designation is more appropriate, which is not the issue. The issue is whether the proposed designation complies with the applicable standards, not whether some other designation might also apply.

Mr. Epstein responded in anticipation to two main points that the appellants' attorney might raise, based on his earlier arguments. The first is that the Plan amendment does not comply with State-wide planning goals and the second is that it does not comply with City goals. There is no dispute that the amendment is subject to the State-wide goals; there is a dispute about which goals apply. The Hearings Officer and Winmar agree with the appellants that State-wide planning goals two, nine, ten and twelve apply. The Hearings Officer found that the application complied with those four goals and the appellants dispute that.

Regarding State goal two, Mr. Epstein said the appellants argued that Winmar failed to coordinate with the Port of Portland and the Department of Environmental Quality regarding the airport noise. This site is subject to high levels of noise from the airport. It is within the Portland International Airport Noise Overlay District. The record shows that Winmar met with Port officials and the Port submitted written and oral testimony. As DEQ has no direct, regulatory control at this point, Winmar believes no further coordination with them is necessary.

Regarding State goal nine, the diversity goal, the appellants argue the proposed plan designation is not consistent with this goal because it reduces the area available for industrial use without an adequate assessment of that impact. However, the record shows that the site is unsuitable for industrial use and that there is ample industrial land available to meet the expected need in the foreseeable future.

Regarding State goal 10, the housing goal, the appellants argue the proposed designation does not help meet housing needs because the site will be used as a parking lot. However, the proposed designation is residential and does allow housing. Therefore, it better meets the housing goal than the existing industrial designation, which prohibits housing, regardless of what Winmar intends to use the property for. The issue is the potential uses of the property under the proposed designation, not the proposed use. Even considering the proposed use as a parking lot, the proposed Plan amendment does comply with the housing goal as it will stabilize and enhance an existing residential community--the floating home residents.

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Regarding State goal 12, the transportation goal, the appellants argue that transportation is not adequate and the Plan amendment does not comply with the transportation planning rule. However, the record has expert, unrebutted testimony that this will not have a significant effect on the transportation system as defined by the State. In fact, the proposed redevelopment of the whole site will result in less traffic as the total number of moorage slips will be reduced from more than 600 to about 480. There will be an increase in traffic from roughly N. Jantzen Avenue to the proposed parking lot.

Mayor Katz asked where they park now.

Mr. Epstein said they now park in the upland area of the site and share that parking with other users of the moorage, the boat slip owners, Payless and commercial uses. The amount of parking does not comply with City standards, there is not adequate security and it is more than one quarter mile from many of the floating homes. Winmar proposes to develop a secure parking lot specifically and exclusively for the floating homes. The record also includes expert, unrebutted testimony that Tomahawk Island Drive from N. Jantzen Avenue to the Plan amendment site can accommodate the additional traffic that the site development will cause.

The appellants also argued that goals 5 and 6 apply, Mr. Epstein said, but the Hearings Officer disagreed and adopted findings explaining why they did not apply. Winmar agrees with those findings, but urged Council to adopt the findings they provided in letters dated March 14th and April 5th, that show if those goals applied, the Plan amendment would comply with them.

Regarding the Comprehensive Plan policies, the Hearings Officer found that the application complied with them and Mr. Epstein said they agree. The appellants dispute compliance with the applicable City plan policies largely for the same reasons they dispute compliance with the corresponding State-wide planning goals, which are similar, as are the issues, which he has already addressed. However, Mr. Epstein said City policy 8.21 deserves specific attention. Appellants argue that a Plan map amendment to a multi-dwelling residential designation does not comply with this policy and this objective, as it does not correspond to an R10 zone. However, the Hearings Officer observed that the Plan objective is not a standard, it is a guideline. Moreover, the amendment complies with the policy because the noise overlay district continues to apply. The Hearings Officer concluded that, on balance, the Plan map amendment does comply with the policies.

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Duncan Brown corrected an error in his earlier statement when he stated the approval criteria. Mr. Epstein mentioned that the State-wide land use planning goals must be met with this Comprehensive Plan amendment. Even though Title 33 does not include that as an approval criteria it is, in fact, the case and must be addressed and met.

The following people spoke in support of Winmar of Jantzen, noting that parking lot security, fencing, landscaping and the fire boat were of paramount importance:

Connie Hunt, 365 N. Lotus Beach Drive, 97217

Peg Johnson, 954 N. Jantzen

Terry Kingsfather, 730 N. Lotus Isle Drive

Cindy Bake, 996 N. Jantzen Avenue

Cliff Gunderman, 1008 N. Jantzen Drive, slip Y-7

Al Alexander, 982 N. Jantzen, slip B-15

Ed Sullivan, attorney at 111 SW 5th, Suite 3200, 97204, said this and the next items were heard as a consolidated matter before the Hearings Officer, but he would divide his remarks into the Plan amendment portion and then incorporate them in the next hearing.

Mr. Sullivan said Mr. Epstein correctly stated that there have been ongoing negotiations between both parties to resolve their issues. He noted that Winmar did not address the State-wide planning goals in the initial proceedings or in the application. Regarding policy 8.21, noise abatement around the airport, Mr. Sullivan said the issue is whether or not this policy is applicable. He said the Hearings Officer did a backflip, saying that it was just a guide and not binding on anyone. He believes these objectives are part of the City's plan and are binding. The proposed designation is higher than R10 but even the Code designation could not contravene the City's plan. The Hearings Officer responded further to say that the density limitations are really met by the overlay zone provisions, but the plan speaks in terms of plan and zoning designations and lists specific designations beyond which redesignation is prohibited. The moorage is on a commercially planned and zoned piece of property. The applicant proposes to put this in a residentially-zoned piece of property and wants to be trusted about inconsistencies either with the designation or conflict with the plan. It seems that the commercial designation is the correct one. Also, conditions could be imposed including use limitations as a part of the Plan amendment. He referred to the Fred Meyer plan amendment being conditioned. It is not whether or not they want another designation, it is whether or not the provisions of the City's plan are met, consistent with the State-

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wide planning goals. Mr. Epstein says coordination with the DEQ was not necessary as it does not have regulatory authority. They do not have funding, but the rules remain on the books. When plan and code provisions implement a State-wide planning goal they must be consistent with that goal. They think policy 8.21, which relates to the Portland airport noise abatement program must be construed consistently with goal 6. City policies which prohibit redesignations beyond a certain intensity level would be violated by approval of the proposed action.

Referring to an earlier speaker's mention of environmental issues, Mr. Sullivan said the City designated the area along the riverside as a goal 5 resource; fish, wildlife, open space and recreation. He said that a much greater level of study is required before this land use can be changed under provisions of the goal 5 rule and they think the Hearings Officer was incorrect here, as well.

Mr. Sullivan noted that the plan designation does not have to change to acquire secure parking. The present parking could be made secure and that would not take in more land or require a plan amendment or zone change. He said there is much more afoot than just providing secure parking and was sorry that some folks were made pawns in this effort to fool the Council.

Greg Winterowd, 700 N. Hayden Is. Dr., 97217, said there must be compatible designations with the noise contours and, also, it is unreasonable to encourage private traffic crossing a park on a regular basis to get to the boat moorage. Basically, there has been a pretty poor job of planning on Hayden Island with past mistakes being foisted off on the existing residents who could not reasonably expect to have a 125 space parking lot with people coming and going at all hours. If it were R10, there would be five housing units and 50-60 vehicle trips a day. In the 125 space lot, there would be 500-600 vehicle trips a day. Zoned R3, it might get 19 to 27 units if all the density bonuses were used. That would be the same number of parking spaces, if they could be crammed on a 1.3 acre site, but with considerably less impact. This amounts to a commercial parking lot in an area nobody would have reasonably expected to be used this way. To make some kind of compromise with Winmar, there were a number of issues they would like considered as possible conditions. If Council approves this plan amendment, they would like the access from the boat moorage to the parking lot placed at the south end of the park, as most people access the park at its northwest end, which should have a lot less impact on park users. Also, there should be some additional buffering between whatever use is sandwiched in there and the park, the only public park on Hayden Island.

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Lauren Bunderson, NE 24th and Johnson, opposed the parking lot because he travels from NE Portland to Vancouver and is stranded in Vancouver every time he rides the bus. He is not safe walking home from Vancouver and does not think the City should spend more money on a parking lot.

Jerald Bieberle, 403 N. Tomahawk Island Drive, an adjacent neighbor to the property, would prefer not to have a parking lot on the site. However, if Council decides it is appropriate use, it should be done right. He was involved with Winmar as early as 1991 over landlord/tenant issues, as a houseboat owner and moorage tenant, and learned that what you see is not necessarily what you get. He referred to earlier assurances that there would be no parking lot in the vacant lot. Mr. Bieberle said they were then assured in front of the Hearings Officer that there would never be a multi-story parking structure there and now, in the latest conversations, they have not being able to guarantee there would not be one.

Mayor Katz interjected and asked if this designated zoning change permits a multi-story parking lot.

Duncan Brown said yes, adding that staff would request a restriction on such a multi-story lot. Also, the issues of a buffer and moving access to the south end of the park will be addressed.

Amy Welch, 505 N. Tomahawk Island Drive, also owns property at 630 N. Hayden Bay Drive, and is a board member Hayden Bay condominiums and of the neighborhood association, High Noon. She submitted 13 letters of support for the appellants. She noted she was before Council last Spring to testify against the Lotus Isle park maintenance agreement between the City and Winmar. Several years ago, she represented the neighborhood association to request that Parks take over this privately-owned park to be maintained in perpetuity as a City entity. They were not and are not against the City park. Ms. Welch recalled that Mayor Katz, in agreeing to the maintenance agreement for Lotus Isle park, said she was not condoning the parking lot on the adjacent property and also stated she was not particularly in favor of a parking lot in a residential area. At that time, Winmar stated that it would be years before anything was done with the vacant lot and, in fact, did not have any idea what it was going to be--a Jiffy Lube for all they knew. Even now, they say it will be at least two years before development. Winmar has done its best to paint the neighbors as a minority of island rabble rousers, malcontents, houseboat haters and elitists. It is Winmar's further hope to pit neighbor against neighbor. The park maintenance agreement was accepted by

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Council and there were no further rights to appeal.

Ms. Welch said Winmar came to the appellants about one week ago to seek a compromise. They are still in dialogue and appreciate the offer. Over the past months, the appellants modified their position from a possible no-parking-lot stance to one that might include a parking lot under several stringent conditions. One of them includes an R10 zoning on the property with a deed restriction attached to Lotus Isle Homes, Hayden Bay condominiums and Marina River House condominiums. R10 zoning is the only one permissible under the Portland International Airport noise overlay. The reason for the deed restriction is that the issue of not enough parking has been adequately addressed. Five guest spots for 56 houseboats is not enough. Winmar states they addressed guest parking by allowing for overflow parking under their RV storage lot, over one-half mile east of the park. The obvious conclusion is that guests will park on Tomahawk Island Drive, next to the park and in front of Marina River House and River House condominiums, thereby usurping the condominium guest and overflow parking. Tomahawk Island Drive is already a narrow, winding road and promoting on-street parking is not acceptable. The obvious conclusion is that, after the structure is built, houseboat residents and affected condominium owners will clamor for a second story to the parking lot.

Mayor Katz asked how those negotiations were going.

Ms. Welch responded that they were encouraging.

Roy Griffin, 456 N. Hayden Bay Drive, 97217, opposed the parking structure because a good study of the island's east end traffic needs to be made before anything is done. He cited a number of proposed and possible commercial projects that will greatly increase traffic. He wants the livability, safety and welfare of the residents taken into consideration. Mr. Griffin asked Council, if it rejects the appeal, to take every possible action now to see that the appellants will not be back again in a couple of years fighting a request for a multi-story parking structure.

Mayor Katz noted that Tomahawk was a two-, not one-way street.

Sarah Dunagan, 511 N. Tomahawk Island Drive, lives directly across the street from the curb-cut into the proposed parking lot. She believes the residential character of Hayden Island is in jeopardy from commercial interests. At a meeting over a year ago at which Winmar representatives were promoting their plan, they

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responded, when questioned, that this was going to happen and they did not need to come down and talk. Ms. Dunagan said the appellants understood the economic forces and were not opposed per se to development on Hayden Island, but were concerned about balance and reason in the decision-making process. They are opposed to a parking and utility lot of this size in the middle of a completely residential neighborhood, the only single family home and condominium neighborhood on the island. The impact, whatever language is used, is commercial. Council is being asked to approve this impact for the financial benefit of one corporation and to serve residents who will not be adversely affected by the noise and light. Appellants ask that, if the use is granted, it be limited to a single, ground level facility, sunken below street grade and completely walled and fenced to reduce noise and light into the park and the surrounding homes. They ask that this permit be permanently and irrevocably enforced by deed restriction. Winmar proposes a path to the houseboat moorage on an easement directly through an area of the park near the street and contingent to the playground equipment in the park. Appellants are not opposed to progress, but to the expansion of commercial interests without sensitivity to the integrity of the neighborhood and its character. Improvement of the Jantzen moorage is commendable and needed. The floating home owners, many of whom have seniority on the island, are an important part of the Hayden Island community and need and deserve an improved moorage, but the nature and proposed location of this high-intensity parking lot is inappropriate.

Pamela Thomas, 375 N. Lotus Beach Drive, is a five-year resident of Hayden Island. In the Council meeting of March, 1993, she noted Winmar's plans to build a three story parking complex next to Lotus Isle park. She said that Mayor Katz firmly asked Winmar and their lawyers at that time if they planned to build a three-story parking complex, to which they all loudly answered, no. But, neighbors are now here today to ask that a restriction be put on the parking lot.

Larry Epstein, said he appreciated the concerns of the surrounding residents. He said Winmar does not want a parking structure and cannot do it if the Hearings Officer's decision is affirmed. In fact, Winmar was going to propose deed restrictions with the next item, but this item deals with the Comprehensive Plan map amendment. They believe they comply with Policy 8.21 because they do ensure compatibility of land use by using the Portland International Airport overlay zone. This is not going to be a single-family designation and to that extent they recognize that it is in conflict with objective a. under policy 8.21. But Code provides that when

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there is a conflict it must be balanced to best achieve the Comp Plan. Mr. Epstein did not think the Hearings Officer made a backflip on objective a.--an objective, not a policy. The suggestion that the best designation was a commercial one is a red herring to delay this further. Mr. Epstein said Mr. Sullivan was correct that DEQ has regulatory authority over noise matters, but coordination with them was unnecessary because of the Portland International Airport noise overlay zone that implements coordination with the Port of Portland. Mr. Winterowd suggested that five housing units could be put on the property. If the plan is amended to multi-dwelling residential or low-density residential, the Portland International Airport noise overlay zone limits the density of the property to five dwelling units. Mr. Epstein agreed that planning should have been done throughout time on Hayden and Tomahawk Islands, but that is no excuse to not take an action that has been properly brought before Council and is justified. Mr. Winterowd's projection of 500-600 trips a day is incorrect. He is not a transportation engineer. Winmar's traffic engineer, an expert in this matter, calculated there would be 260 trips per day. Characterizing this lot as a commercial parking lot is unfair, as the folks who live in the floating homes are residents of the island, entitled to have the same parking as any other residents. This lot is to serve the floating home community, giving them the stability, safety and security which do not exist in the upland parking lot.

Commissioner Hales said suggestions were made about conditions and restrictions that would apply to the overall decision but not necessarily to the Comp Plan map amendment and the zone change. Mr. Epstein made a suggestion regarding alternate findings language for State goals 5 and 6 and Commissioner Hales asked for feedback from either the Planning Bureau or the City Attorney on whether those alternative findings have merit or if the findings of the Hearings Officer are sufficient, as the Hearings Officer has concluded that those goals do not directly apply. He thought Mr. Epstein's suggestion was a conditional one and if it were found that the goals did apply, then other language would be inserted applicable to that contingency.

Ms. Meng said she did not have alternative findings. She is not sure if Mr. Epstein was saying that he had them available or that he would propose them if Council decided they applied.

Mr. Epstein said Winmar did propose findings in response to those goals in the event they apply. Winmar is prepared to return with specific findings in response to those goals, based on the information submitted in their letters of March 14 and April 5.

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Commissioner Hales asked if this decision were to be upheld or approved, could findings be returned in the interim between the tentative and final decisions.

Ms. Meng said, yes.

Mayor Katz asked if conditions were placed on the next item, what process would Winmar have to go through to get a larger parking lot.

Mr. Sullivan said if the condition of approval was modified as proposed by Winmar, a deed restriction could be placed on the lot stating that, without prior written consent of Marina Riverhouse Condominium Association, Lotus Isle Homeowners Association and Hayden Bay Condominium Association, a multi-story structure could not be built. In addition, this would become a condition of approval of a Type three land-use action, so the City would have to approve that multi-story structure through a change of conditions, another Type three action.

In response to Commissioner Hales' question, Ms. Meng pointed out that the ordinance has an emergency clause. If they want to propose findings, it would need to be brought back.

Commissioner Hales moved to remove the emergency clause and to make a tentative decision, with findings to be returned in the interim.

Mayor Katz, hearing no objections, so ordered.

Commissioner Hales said he will vote in support of this ordinance and the Comp Plan and zone change it authorizes. Mr. Epstein's point about the need for the Council to resolve and balance conflicts in the Code or applicable criteria is an important one. Like a lot of places that were annexed from the County, there was spot zoning. If that site was developed to that zoning we would in effect be saying that a concrete batch plant would be a better use on this site than housing. That is absurd and everybody here would agree that is absurd.

Disposition: Passed to Second Reading September 21, 1994 at 2:00 p.m.

945

Appeal of Amy Welch, Steve Posey, et al, against Hearings Officer's decision to approve application of Winmar of Jantzen Beach for a zone change, adjustment, environmental review and code interpretation on property located south of N. Tomahawk Island Drive and N. Jantzen Avenue between I-5 and Lotus Isle Subdivision (Hearing; 93-00689 CP ZC AD EN)

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Discussion: Linda Meng, Chief Deputy City Attorney, announced guidelines for testimony and participation in the hearing.

Duncan Brown, Planning Bureau, said this is a request for a zone change from general industrial, IG2, to R3, multi-family residential, in conformance with the Comprehensive Plan; for removal of a buffer zone from the northern portion of the applicant's site; for environmental review to allow for in-water portions of a houseboat/boat moorage renovation and reconfiguration; and for related development within 25 feet of the top of the bank of the south channel of the Columbia River and an adjustment to allow use of land rezoned R3 for a parking lot for the moorage although it is not on the same site. Mr. Brown showed slides to point out specifics and possible issues with the proposal. The applicant's site is on the south side of Hayden Island and not only includes the one and one-third acre site, but also the houseboat moorage to the west, which includes a parcel of land which is leased from the Division of State Lands within the submerged portion of the Columbia River and an upland portion owned by Winmar directly, which is used for the moorage parking. At present, there are a little over 600 boat spaces and 74 houseboat spaces in the moorage. The moorage has expanded in a number of phases over the years prior to annexation into the City.

Mayor Katz asked where the southern access would occur.

Mr. Brown pointed out the fire station and noted that the Fire Bureau is proposing to rebuild the station and add moorage for a fire boat in that vicinity. The net result from the approval of the environmental review would be a reduction in intensity of use of this moorage. In addition to reconfiguring the moorage, the applicant is also proposing to take out a boat launching ramp on the west end. They would restore the riparian strip and plant riparian trees.

Mr. Brown said the Hearings Officer again recommended approval, but with a number of conditions. There are nine conditions related to adjustment, including a restriction on the height of any development. There will be no multi-story parking structure. The Hearings Officer also approved the base zone change subject to removal of the buffer zone and one condition. There were four conditions attached to environmental review.

Commissioner Hales asked Mr. Brown about the change in intensity of use--how many short-term moorage sites, how many floating home sites, old and new.

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Mr. Brown said there are presently 74 floating homes and that number stays the same, but 56 would move east to take advantage of the proposed parking lot. The remainder would be on the extreme west end. The boat slips would be reduced from about 600 to 480.

Commissioner Lindberg asked how the restrictions, conditions and requirements compare to what they have heard in testimony. Generally speaking, are all these conditions ones that came from the neighborhood.

Mr. Brown said the conditions were a response by the staff and the Hearings Officer to concerns expressed by the neighborhood to try to have the development more compatible with the surrounding area.

Commissioner Hales noted that there was a proposal for a modification to the condition dealing with possible multi-story parking to add with a deed restriction.

Mayor Katz asked about the buffer issue.

Commissioner Hales said he thought they were addressing the buffer between the proposed parking lot and Lotus Isle park.

Ed Sullivan, attorney at 111 SW 5th, Suite 3200, 97204, representing the applicants, incorporated his testimony from the Comp Plan proceedings. He said most of the detailed issues they raised are in the record, in various memoranda prepared for the Hearings Officer and in the tapes. He said they made a series of proposals in response to the applicant's final submission. The Hearings Officer said that because they did not use the magic words "reopen the record" that she would not consider those conditions, which is one reason this matter is before Council now. There is no rule that requires the words, "reopen the record." The Hearings Officer should have considered the proposals they made in response to the applicant's closing remarks.

Mr. Sullivan noted that aside from the Comp Plan amendment, all the other matters were joined in one, consolidated application. They were heard together, the Hearings Officer made one decision and the applicants were advised by staff that this would all automatically go to the Council. They were then told, just before the expiration of the appeal period, that they would be well advised to appeal the three other decisions. They were required to pay over \$500 for those appeals to ensure they went to Council. He said these applications are dependent on the plan change and

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automatically come before Council without the necessity of an appeal. Mr. Sullivan requested that Council decide that assignment was in error and order a refund of the fees.

Regarding the environmental reviews, Mr. Sullivan said the Hearings Officer did not respond to one of the major issues they raised which was a request that the applicant be able to modify, after approval, the timing, sequence and actions that were approved under the environmental reviews. The environmental reviews must be based on the application as submitted and, if approved, no post-approval modifications should be allowed without the opportunity for a hearing. Also, the adjustment for off-site parking to be located on another parcel creates harm by imposing access conflicts. Moving the access is the better way to handle this.

Greg Winterowd, land use planner, focused on the conditions they would like to see attached to this proposal. They appreciate the offer of deed restriction Winmar has provided. The perimeter fencing around the parking lot is adjacent to both rather expensive condominiums and single family homes, as well as the park. Winmar has suggested a brick and wood fence of some kind. Mr. Winterowd said they would like to see a solid wood fence or at least to know what the fence would look like. They also request that there be additional landscaping separating the parking lot from the public park. The condition of approval suggests that that all be done on public property in the public park, which seems unusual since the impact they are trying to mitigate is on the public park. It seems more appropriate to put the additional landscaping on the private property. They also asked that the lighting be designed consistent with the lighting proposed for the public park, which would be about waist level, not on tall standards. As there may be a question of doing that on the ramp for handicapped purposes, they suggest a condition that limits lighting to three feet above ground level, which could then be as high as seven feet, directed downward, in the parking lot which is four feet below the park level, provided that it does not conflict with handicapped access standards.

Mr. Winterowd said the location of the easement to the ramp is a design disagreement between Winmar and the neighbors. Winmar proposes access through the north end of the park, the most commonly used portion, near the front entrance. The neighbors would like the access at the south end into the center tier of the docks, which would provide adequate access to all the floating homes. They think that location would discourage people from leaving their shopping carts nearby and encourage more use of the

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parking lot. Also, it would not bisect the park by pedestrian traffic.

Amy Welch, 505 N. Tomahawk Island Drive, said the Park Bureau agrees with the proposed access as it is a high use area. She thinks that is a weak argument as there will be a picnic table soon and the play structure is there, meaning there will be more intrusion. She said the ramp comes very close to the nearby condominiums. Also, the south end access would ensure parking in the lot, rather than on the street.

Sarah Dunagan, 511 N. Tomahawk Island Drive, also wanted the access moved from the play area. She showed pictures of shopping carts filled with garbage.

Lauren Bunderson, NW 24th and Johnson, asked that both these items be referred to the voters as the northwest area is being taken over by businesses from California. He sees a hidden agenda and is willing to get people to sign petitions to get on the ballot.

Jerald Bieberle, 403 N. Tomahawk Island Drive, supported moving the access further south to preserve the park's integrity as much as possible. He offered a picture of how the fencing might look.

Ken Olson, Fire Bureau, said he was assigned to logistics which is responsible for coordinating the construction of the new fire station on Hayden Island. He was also the commanding officer at Station 17 before the present staff assignment. Winmar is willing to accommodate their need for a fire boat moorage and Captain Olson thinks everyone would agree there is a need for a fire boat in the area. The Fire Bureau built the new station on Hayden Island with the expectation of co-location of a fire boat, manned by a swing crew. To do that, the fire boat must be moored as close to the station as possible. The proposed configuration facilitates that quite well.

Larry Epstein, representing Winmar, said this part of the hearing is to consider Winmar's request for three land use reviews, which the Hearings Officer approved and which have been appealed. The first is a zone change to R3 for the proposed parking lot site, the second is an environmental review for work in the marina and along the shoreline adjoining the marina, and the third is an adjustment to allow parking for the floating home community, treated as a multi-dwelling use, on a lot separate from the lot where the floating homes are situated. He proposed six new conditions of approval. The first creates a deed restriction

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prohibiting building a multi-level structure on the parking lot, unless the three homeowner associations in the vicinity of the property agree to it. The second and third require Winmar to submit plans for the proposed fence and landscaping to the three surrounding condominium associations, obligating Winmar to make a diligent, good faith effort to consider responses. The fourth requires Winmar to place the pathway as far south as practicable within the easement. The location of the easement is important as they do not want to renegotiate with Parks and everyone else. The path will only be 90 feet from the parking lot to the ramp so there is no incentive to park on the street. Moving the pathway south will double the distance between the parking lot and the floating homes. The fifth amendment to the conditions of approval would require landscaping on Hayden Bay condominium property to reduce the potential of headlight glare. The sixth amendment requires rules for the floating home moorage that prohibit people from storing or leaving shopping carts in the park. The proposed lot will have cart storage, as will the moorage and Winmar is adopting and will enforce a shopping cart rule.

Mr. Epstein presented more specific responses to the appeal regarding the zone change. The appellants argue that it does not comply with the Comp Plan and State-wide goals, but he thinks they are wrong and that it is consistent with the City's plan and State-wide goals, for the same reason the Plan amendment was. The appellants argue that transportation services are not adequate, but Winmar believes that expert evidence shows that Tomahawk Island Drive is or will be improved to City standard and can amply accommodate additional traffic from this site. City staff and the Hearings Officer agree and appellants have not submitted any substantial evidence to the contrary. Regarding the adjustment, the appellants argue it does not comply with the standard that requires it to equally or better meet the purpose of the regulation to be modified. There is no stated purpose for the standard in this question. The standard requires parking for residential use to be on the same lot as that use, but this is a floating home community. Appellants argue the parking lot will substantially detract from the livability or appearance of the residential area. The Hearings Officer disagreed as the lot will be fenced, landscaped, lighted, managed, maintained and limited to a surface lot which is depressed below the adjoining street. The parking lot is separated from surrounding homes by 13 feet of landscaping on the north, plus a six to eight foot wall, plus 100 feet of right-of-way and adjoining landscaping. It is buffered on both the east and on the west and Winmar is willing to install an additional 10 feet of landscaping on the park side of the property.

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Mr. Epstein said if Council wants to delete the phrase "if the Parks division requests it" from the Hearings Officer's decision, it is fine with Winmar. The appellants argue the adjustment will affect City-designated resources, which is not correct, as it is not a City-designated resource. Appellants argue impacts from the adjustment are not mitigated to the extent practical, which is wrong. The floating home residents will have to walk from the parking lot to the moorage, which is not a significant adverse impact. The route between the lot and moorage will be improved to safely accommodate them. Appellants argue the adjustment does not comply with standards for property in the Columbia Southshore which is wrong as it is not even in that area. Appellants argue the application proposes significant detrimental impacts to natural resources in the transition area, which is the area within 25 feet of the top of the bank; this is also wrong. The standard for environmental zone review in the transition area prohibits significant detrimental impacts due to changes in drainage patterns, erosion, sedimentation, hazardous materials, litter and exterior lighting. The only work in the transition zone subject to environmental review is the construction of the ramp--the ramp has to cross the transition area to reach the upland area. This will not impact the zone. Moving the ramp does not change this situation. Lastly, the appellants argue the work in the environmental zone will conflict with public recreational trails, but there is no public recreational trail along this site. Winmar urges denial of the appeal, affirmation of the Hearings Officer's decision, with the incorporation of the six conditions Mr. Epstein introduced and the seventh which was discussed during his testimony.

Commissioner Hales said there was a recommendation to modify Condition C, dealing with the lighting, and rather than an eight foot standard, designate a low-level standard across the entire length of the lighted walkway.

Mr. Epstein said they would do that if they could without widening the walkway and without violating requirements of the disabilities act.

Commissioner Hales asked about the location of the landscaping, whether it was on the park or the parking lot site.

Mr. Epstein said it is important to them and the neighbors that there is ample parking on the site to serve the floating home residents and their guests. If some of those spaces are consumed for landscaping, the consequence is less parking. Winmar's proposal does comply with the applicable City standards in the R3 zone and the applicable off-street parking standards by providing a

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five foot landscape strip. They exceed the City standards by providing the proposed fence. They agree to landscape the park, again exceeding the City standards. They believe that should be sufficient and that it best serves the public's interest by allowing as many spaces to fit into the lot as possible.

Mayor Katz said she had a list of issues, but thinks the deed restrictions, the fencing with all the associations' approval, the lighting at the three foot level and providing amendments to Condition G have answered most of them.

Commissioner Hales asked about the location of the easement.

Susan Hathaway-Marxer, Park Bureau, said there is a 100-foot wide strip now and the condition reads that the applicant will build the pathway on the southernmost portion of that. The easement will come to the City from the Division of State Lands as 100 feet wide and the path that will be granted for non-exclusive use to Winmar is 15 feet wide and Winmar has agreed to place it on the southernmost portion of the 100-foot corridor.

Commissioner Hales asked her about the suggestion that it be further south.

Ms. Hathaway-Marxer responded that John Sewell, Chief Planner for Parks, examined that option and concluded that it was not in the Parks best interest. She looked at the site and agreed with him. The area to the south is the most beautiful part of Lotus Isle park--there is a water view and a point to walk out on away from the playground. The location of the 100-foot wide corridor for the easement is best placed where it is and it was in the agreement made with Winmar last year.

Deborah Thomas, 970 N. Jantzen, slip Y-1, said she uses shopping carts and will be glad to see storage for them.

Joseph Thomas, 970 N. Jantzen, slip Y-1, said they had been in favor of this from the beginning, especially as the floating home community was asked for their ideas. His wife's mother, who uses a wheelchair, will be able to visit. He noted that just that morning a man from the floating homes needed to be taken by stretcher the quarter mile to the road. Mr. Thomas said that the back south side of the park was not well lit and drug paraphenalia has been littered there. He and his wife are in favor of the path where it is.

Mike McCuddy, 250 N. Tomahawk Island Drive, said he was a marina operator on Hayden Island, had grown up on the river and

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been in the boat business all his life. He thinks, even though Winmar is a competitor, that they have dramatically improved Hayden Island and conditions for the marine industry. He has seen the plans for the new marina and relocation of the 56 houses and is in full support of it.

Mr. Sullivan said what is before Council are the issues raised on appeal and in the record of the proceedings. This has to do with whether or not the criteria are met. He said they believe they are not, for the reasons given in the record and in the appeal. Regarding conditions of approval, he complimented Winmar and Mr. Epstein for the approach they have taken in attempting to resolve some of the issues here. They are not all resolved and probably will not be resolved in these proceedings. The first condition appears with some caveats to settle the issue of the parking structure. The second and third require only that a good faith effort be made to consult. They would prefer a more public process for a design review and allow the issue of the fence and landscaping to be developed. Mr. Sullivan suggested that words such as "as practicable" be made clearer or guidelines be given as to what practicability means.

Greg Winterowd said Mr. Epstein is correct, there is no stated purpose in the parking standard, but in the parking section the requirement is that the parking lot not be separated. In residential zones there are many purpose sections that talk about enhancing the appearance of neighborhoods, safety factors for motorists and pedestrians, and creating a desirable living area. He said it is not appropriate, or this Council's policy, to say that the only purpose of a section in the Code is safety and convenience of the users, which is what the staff report says. He thinks neighborhood impacts are also important. Although they still believe the south access is better, the writing appears to be on the wall against it, based on testimony from the Parks Bureau. He provided a photograph of a nice brick wall in Kruse Way and said something like it would go a long way in satisfying them that Winmar is serious about doing something attractive. They respectfully request that the wall look substantially like the photograph and be constructed around the parking facility. They appreciate the offer to do landscaping across the street and would prefer a similar wall.

Commissioner Hales asked if, procedurally, both the previously approved Comp Plan map amendment and this decision were consolidated.

Duncan Brown answered that they were.

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Commissioner Hales asked Ms. Meng if they could consolidate these decisions and order the refund of fees based on that consolidation.

Ms. Meng said she did not believe there was any jeopardy in Council waiving the fee and treating them together.

Commissioner Hales suggested waiving the fee, as these processes are arcane and strange enough. If they could make them more accessible to people by consolidating applications generally, he wants to support that.

Mayor Katz thought, in terms of bringing the island together and making this a far more positive process for the community, Winmar might want to consider a public process on Conditions 2 and 3.

Larry Epstein responded that they have had no success in working with their neighbors in reaching settlements on anything. If there is a public process, there will be an appeal, no matter what happens. It will just bring the matter to Council to decide on the fence and landscaping. Also, he said the Code does not require this. He said Winmar is willing to take the appellants' input seriously but is not willing to be told what their development has to be. Mr. Epstein said that is the alternative they have been given.

Mayor Katz said she thinks the public process is something that helps a community. There seems to have been a dialogue with someone listening, as Winmar has been very generous in approving a lot of the conditions that have been raised. She asked if the language regarding construction of the fence precludes constructing a wall.

Mr. Epstein answered, not at all. They intend to build a part wood and part masonry wall.

Commissioner Hales moved that the appeal be denied, the Hearings Officer's decision be upheld, with modifications to the conditions which will include the June 9th submission entitled "Applicant's request to amend the recommended conditions of approval," change Condition C to read three feet, not eight feet, and Condition E to read wood and masonry fence or wall, and change Condition G to read that the applicant will install landscaping approved by the Bureau of Parks and Recreation to at least an L2 standard, etc.

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Mr. Epstein said they had no objection to the motion as long as Condition C's amendment to three feet complies with the ADA.

Commissioner Hales added that this was all tentative, pending the drafting of findings. He also moved the decision to consolidate the two proceedings on today's calendar and refund the appeal fees to the appellant due to that consolidation.

Commissioner Kafoury seconded the motion. The motion carried.
(Y-4)

Commissioner Hales thanked both the appellants and the applicant for their patience with the process and for their suggestions. He believes the Council's decision was appropriate and well summed up in the Hearings Officer's decision about the benefits in the reduction of the number of boat slips, creating a more efficient moorage and reducing walkway distances. How it is done will matter very much and Council has ensured that the details will be done correctly. He also stated he was serious about Condition G and that it was the intent of the Park Bureau to attend carefully to how the landscaping is done.

Commissioner Lindberg said that over all the project would offer something more positive to the neighborhood. Although the process has been lengthy and somewhat agonizing, he thinks they ended up with a better product because of all the public input and he appreciates the applicant voluntarily coming up with the series of conditions which minimized the neighborhood impact.

Mayor Katz said the appeal caused the applicant to mitigate the project to make it a far better one.

Disposition: Tentatively deny appeal; uphold Hearings Officer's decision, with conditions: Applicant prepare findings for June 29, 1994 at 2:00 p.m.

At 4:50 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner (June 8)
Clerk of the Council

Britta Olson
By Britta Olson (June 9)
Acting Clerk of the Council