



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF OCTOBER, 1996 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 Martin Cavinaw, Sergeant at Arms.

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

CONSENT AGENDA - NO DISCUSSION

1567 Cash investment balances August 22 through September 18, 1996 (Report; Treasurer)

Disposition: Placed on File.

1568 Accept bid of Payne Construction, Inc. for Station 13 demolition and remodel for \$66,075 (Purchasing Report - Bid 16)

Disposition: Accepted; prepare contract.

1569 Accept bid of KLB Construction for slide repair in Forest Park for \$446,962 (Purchasing Report - Bid 23)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

***1570** Pay claim of Michael Payne (Ordinance)

Disposition: Ordinance No. 170587. (Y-4)

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***1571** Agreement to provide photographic developing services to the Washington County Sheriff's Office (Ordinance)

Disposition: Ordinance No. 170588. (Y-4)

***1572** Agreement to provide photographic developing services to the City of Fairview (Ordinance)

Disposition: Ordinance No. 170589. (Y-4)

***1573** Agreement to provide photographic developing services to the City of Gresham Police Department (Ordinance)

Disposition: Ordinance No. 170590. (Y-4)

***1574** Authorize a Contingent Loan Agreement with Housing Authority of Portland for Union Station Project, Phase A (Ordinance)

Disposition: Ordinance No. 170591. (Y-4)

***1575** Pay claim of Julie and Rodney Hale (Previous Agenda 1508)

Disposition: Ordinance No. 170592. (Y-4)

Commissioner Charlie Hales

***1576** Authorize the Bureau of General Services to begin the site selection process for a new compost site (Ordinance)

Disposition: Ordinance No. 170593. (Y-4)

***1577** Grant a nonexclusive right-of-way easement with conditions at Lotus Isle Park on Hayden Island to Winmar of Jantzen Beach, Inc. (Ordinance)

Disposition: Ordinance No. 170594. (Y-4)

***1578** Amend contract with Cross-Continent Engineers and provide for payment (Ordinance; amend Contract No. 29950)

Disposition: Ordinance No. 170595. (Y-4)

***1579** Designate a parcel of land for sewer easement purposes in connection with the Forest Heights Phase 7 project (Ordinance)

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Disposition: Ordinance No. 170596. (Y-4)

Commissioner Gretchen Miller Kafoury

1580 Accept contract with McCoy Plumbing as complete for plumbing upgrade at Station 4 and make final payment (Report; Contract No. 30686)

Disposition: Accepted.

***1581** Contract with the Housing Authority of Portland for the implementation of activities under the HOME Investment Partnership Program in the amount of \$1,693,904 and provide for payment (Ordinance)

Disposition: Ordinance No. 170597. (Y-4)

***1582** Contract with the Housing Authority of Portland for \$226,331 for staffing to develop facilities for the homeless and special needs populations and provide for payment (Ordinance)

Disposition: Ordinance No. 170598. (Y-4)

***1583** Authorize application to the US Department of Housing and Urban Development for Economic Initiative funds in the amount of \$2,250,000 (Ordinance)

Disposition: Ordinance No. 170599. (Y-4)

Commissioner Mike Lindberg

1584 Accept completion of the Tanner Creek sewer relief Phase 1-Unit 1 and authorize final payment to Larson, Inc. (Report; Contract No. 30504; Project 5664)

Disposition: Accepted.

1585 Accept completion of the SE 40th Avenue from 1828 to 1614 and private property sewer reconstruction and authorize final payment to K & R Plumbing Co., Inc. (Report; Contract No. 30539; Project 5603)

Disposition: Accepted.

***1586** Authorize application to the Environmental Protection Agency for a grant in the amount of \$1 million for implementation of the Tanner Creek Stream Diversion project (Ordinance)

Disposition: Ordinance No. 170600. (Y-4)

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***1587** Authorize a contract and provide for payment for the Insley Basin CSO sump project, Unit 1.1-Phase 2 (Ordinance; Project 5923)

Disposition: Ordinance No. 170601. (Y-4)

***1588** Authorize a contract and provide for payment for the N Overlook Terrace south of N Mason Street sanitary sewer (Ordinance; Project 5876)

Disposition: Ordinance No. 170602. (Y-4)

***1589** Authorize a contract and provide for payment for the Willamette River basins test sump project, Unit 10 (Ordinance; Project 5922)

Disposition: Ordinance No. 170603. (Y-4)

***1590** Authorize a contract and provide for payment for the Taggart Basin CSO sump project, Unit 2-3, Phase 1 (Ordinance; Project 5491)

Disposition: Ordinance No. 170604. (Y-4)

***1591** Authorize a contract and provide for payment for the St. Johns sewer extension, No. 3 (Ordinance; Project 5897)

Disposition: Ordinance No. 170605. (Y-4)

***1592** Increase Bureau of Environmental Services Financial Management Division petty cash fund from \$3,000 to \$7,500 (Ordinance; amend Ordinance No. 152321)

Disposition: Ordinance No. 170606. (Y-4)

***1593** Contract with Black & Veatch for professional engineering services for Columbia Boulevard Wastewater Treatment Plant digester modification project and provide for payment (Ordinance)

Disposition: Ordinance No. 170607. (Y-4)

***1594** Authorize a contract with Cornforth Consultants, Inc. for \$469,600 to provide professional services for a feasibility study and preliminary engineering report for the relocation of the water supply conduit overcrossings of the Sandy River into undercrossings and provide for payment (Ordinance)

Disposition: Ordinance No. 170608. (Y-4)

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- *1595 Intergovernmental Agreement with Multnomah County Department of Juvenile Justice to hire at-risk youth in work experience positions in the Water Bureau and provide for payment (Ordinance)

Disposition: Ordinance No. 170609. (Y-4)

City Auditor Barbara Clark

- *1596 Amend sidewalk repair assessment (Ordinance; amend Ordinance No. 170284)

Disposition: Ordinance No. 170610. (Y-4)

REGULAR AGENDA

Commissioner Lindberg said passage of the federal budget bill this week permanently bans timber harvesting in the Bull Run watershed, an outcome the City has been advocating for the last three years. The bill also calls for a two-year study of the Little Sandy with a moratorium on harvesting during that time.

- 1565 **TIME CERTAIN: 9:30 AM** - Debut of the Clean Rivers: Why Should I Care? video (Presentation introduced by Commissioner Lindberg)

Discussion: Cathryn Collis and Deanna Hinton, Bureau of Environmental Services (BES), introduced the video, which was produced by a group of young people as part of the stormwater public participation process.

Participants in the video performed "live" and discussed their involvement in the project.

Disposition: Placed on File.

- 1566 **TIME CERTAIN: 10:00 AM** - Adopt the Police Bureau 1996-98 Strategic Plan (Resolution introduced by Mayor Katz)

Discussion: Police Chief Charles Moose said this plan is more consistent, more focused and more sensitive than the past two Community Policing plans and reflects extensive public involvement and feedback. He said the 1996-98 plan is also more user friendly and detailed enough to provide a road map to managers. He noted that, on the basis of community concern, Police energy had been focused on auto crimes, resulting in a 34 percent drop in the first six months of 1996. Crisis intervention teams and the expansion of services to elders, domestic violence victims and disabled people also came about as a result of community input.

Chief Moose said it was especially helpful to have a strong directive from Council that Community Policing is the way the City is going to do business. He said one

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area that is not yet directly connected into the Plan is the role of the Public Safety Coordinating Council, which was established in November, 1995, late in the planning process. He anticipates that the group will be much more involved in the 1998-2000 plan.

Marsha Palmer, Co-Chair, Chief's Forum, said the plan addresses practical and specific activities to be undertaken. It also names other partners responsible for achieving each strategy.

William Warren, Co-Chair, Chief's Forum, said the performance measures will be published for the first time, thus providing accountability. The published plan helps the public understand the City's goals and reinforces the need for full community involvement.

Ray Mathis, Executive Director, Citizens Crime Committee, which is affiliated with the Chamber of Commerce, said each year the Committee focuses on two or three issues with the goal of making the system more efficient. He said they are pleased with the specificity of this plan and with the outcome measurements assigned to various areas.

Mayor Katz noted that the Bureau's Budget Advisory Committee had asked that the aerial support unit be added to last year's budget but she said no. This year she said yes.

Regarding the mapping system, Commissioner Hales stressed the need to use the GIS computer map system and build on Metro's efforts in this area.

Chief Moose said they have some mapping capacity in the precincts but are not duplicating what Metro does.

Commissioner Hales said he would like to see crime statistics cross-referenced with the mapping information. He said Metro has had this for six years but the City has been slow and clumsy about participating because bureaus wanted their own mapping system. He asked why a neighborhood/Parks partnership was proposed only for North Portland.

Chief Moose said North Precinct has taken the lead in this and is developing the model for others. It is also a focus in North Precinct Commander Rictor's work plan.

Commissioner Hales said he and Parks Director Charles Jordan are very interested in that. Regarding the community newsletter, he said the Police Bureau should use the existing Neighborhood District Coalition newsletters and not publish a separate one.

In response to a question about the housing initiative for Police Bureau employees,

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Chief Moose said over a dozen have taken advantage of it to buy homes in distressed areas. Because of privacy issues regarding bank loans, there may be others they do not know about.

Commissioner Hales asked about community contact offices and how the Bureau determined that they were needed.

Chief Moose said the community needs to show that they have enough volunteers to staff an office.

Commissioner Kafoury asked for more detail about the number of domestic abuse crimes and about car thefts. She said the alarm system, although stabilized for a few years, needs to be readdressed as there has recently been an epidemic of false alarms. This is an absolute waste of Police and Fire Bureau energy.

Commissioner Lindberg asked what percentage of police cars now have MDTs.

Chief Rebecca Webber, said MDTs are in all precincts and all supervisors' cars. All non-emergency calls go on the MDTs.

Commissioner Lindberg asked for an assessment of the Police Internal Investigations Auditing Committee's work.

Chief Moose said they are very satisfied with the changes made over the last several years and he has high hopes for mediation.

Bruce Fronk, Police Internal Affairs Division, said mediation is now back on track. More resources were allocated to Internal Affairs in the last budget and citizens now are able to make complaints on-line.

Peter Ozan, Executive Director of the Public Safety Coordinating Council, said the Council had its first meeting in January, 1996 and has given short shrift to community policing so far because of its need to address other priorities imposed by the State legislature. The immediate focus is on the number of offenders the community needs to absorb when Senate Bill 1 goes into effect. He expects that the Strategic Plan will be used later when the Council can focus on more long-term goals.

Commissioner Hales said it is very heartening to see that both the crime rate and the fear of crime are down. He said this indicates that the additional resources -- more police officers and tools to do the job -- were well allocated and that community policing is really working.

Commissioner Lindberg said this is a tremendous success story, especially in the relationships that have been developed with citizens.

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Mayor Katz said one priority has risen to the top in this report and that is service orientation to the community. The performance measurements have been expanded and tied to the benchmarks, although this aspect is still in the infancy stage. She said they need to analyze whether the decrease in the crime rate for the first six months, due primarily to a reduction in auto thefts, can be linked to burglary/larceny rates. She noted also the kickoff of the Bureau's Neighborhood Safety program this month.

Disposition: Resolution No. 35552. (Y-4)

Mayor Vera Katz

***1597**

Approve a memorandum of agreement between the City of Portland and the Portland Fire Fighter's Association and authorize the Mayor and Auditor to execute the associated labor agreement, relating to terms and conditions of employment of represented personnel (Ordinance)

Discussion: Laird Cusack, Bureau of Personnel, said this tentative agreement for a three-year contract, now in the process of ratification, is the result of a collaborative bargaining process.

Ed Wilson, Fire Bureau, said the wage increase does not exceed the Consumer Price Index, per Council policy, with two exceptions: 1) the realignment of the fire investigations unit; and 2) the James Harder discharge settlement. The new agreement increases the duties of the battalion chiefs, clarifies Bureau policies regarding off-duty criminal activities and, most important, allows the Bureau to move towards an internal labor/management process and away from collective bargaining.

Commissioner Hales said resolving the Harder case makes it clear that in the future the Fire Chief can fire someone who has been convicted of a bias crime and does not have to go to an arbitrator.

Mayor Katz said public safety representatives need to be held to a higher standard and the City now has clear language to accomplish this. She said the Council feels very strongly about this and looks forward to the Code changes which will put this into effect.

Disposition: Ordinance No. 170611. (Y-4)

Commissioner Gretchen Miller Kafoury

1598

Liquor license application for David Schulber, et al, dba Laundryland, 8233 N Syracuse Street, Restaurant liquor license (new outlet); Favorable recommendation (Previous Agenda 1564)

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Discussion: Mike Sanderson, License Bureau, said while it is unusual for a laundromat to apply for a liquor license, this application is more about video poker since the State Lottery Commission requires their licensees to have liquor licenses. He noted that liquor sales at the laundromat will be limited to two six packs of beer and one bottle each of white and red wine per day. While the License Bureau agrees there are alcohol-related problems in the wider St. Johns neighborhood, the operation proposed here has little in common with the outlets currently generating problems. Therefore, the License and Police Bureaus recommend a favorable endorsement.

Commissioner Hales asked why the Lottery Commission requires liquor licenses for video poker outlets.

Mr. Sanderson said it was probably an attempt to avoid creating an additional bureaucracy given the many similarities in regulations for lottery games and liquor licenses. There are no other laundromats in the City with liquor licenses but there is one in Oregon City.

Perry Christianson, Police Drug and Vice Division, said there have been no problems attributed to this specific location.

Richard Palaniuk, applicant, said they are trying to enhance their business -- the nicest laundromat in Portland -- and have already added a children's playroom. Now they would like to add a lounge in the back for video poker. He said a poll of his customers, especially seniors, indicates strong support for video poker. He also noted that he does not intend to operate as a tavern.

Terri Ratliff, 1012 N. Allegheny, 97203, objected to granting this license. She said there are already numerous outlets selling alcohol, eight within a two-block area with a high concentration of low income and minority residents. She said people with minimum incomes are the ones who use laundromats and questioned whether they should use their money on video poker.

Joe Hustad, 7232 N. Richmond Avenue, 97203, owner of Hustad's Mortuary, said selling liquor in a laundromat is silly and not right for the community.

Larry Hollibaugh, 8006 N. Oswego Ave., 97203, said access to the small back room where these machines will be located is through the children's playroom. He said he fears children will be left in the playroom so parents can gamble and that the people playing video poker will be a bad influence on kids. He said the St. Johns Neighborhood Association, Kienows (LaundryLand's landlord), and other local businesses all think this is a bad idea. He questioned the precedent this will set if anyone with a spare back room can get a liquor license and video poker.

Dennis Keepes, Chair, St. Johns Neighborhood Association, said the Association

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opposes this request based on neighborhood livability. He challenged the License Bureau's notice, claiming that it erred in not listing the statutory authority or the criteria. He said he met with the applicant and agrees with him that this is the nicest laundromat in Portland but he still opposes granting the license. He said the Bureau's recommendation hinges on unenforceable promises, such as not to sell more than two six packs or two bottles of wine a day. But once the license is granted, the applicant can sell as much as the license permits. He questioned the staff report which recommends granting a license to sell alcohol based on the applicant's promises to virtually not sell any. He also cited existing liquor-related problems with Duffy's, a tavern across the street.

Commissioner Hales agreed with Mr. Keepes' contention that the notice needs to include the criteria for making recommendations on liquor licenses. He noted the three criteria: 1) is the applicant a problem; 2) is the place itself a problem; 3) does the neighborhood have existing problems that another liquor license would exacerbate. He believes the third criteria is the only one Council could use to make an unfavorable recommendation. Council cannot make a negative recommendation based on the fact that this is video poker even though he thinks it is dumb. Because of a twisted State policy, applicants are forced to say something is a restaurant that is not a restaurant and that is not in the public interest.

Mr. Sanderson said the licensee is not required to have any food service in order to get video poker and the laundromat might better be classified as a retail malt beverage outlet. The OLCC will determine that but it does not affect the video poker issue that is driving this whole licensing process.

Commissioner Hales asked if staff found any basis in the Code to allow Council to make a negative recommendation to the OLCC in this case.

Mr. Sanderson said they could not find one that affected the bottom line decision. He said the licensee is some distance from the core problem-drinking area although Duffy's, across the street, has had some late night noise problems.

Commissioner Hales said he would like to deny this and make the neighborhood happy but he believes the OLCC will overrule that recommendation because it is not based on the criteria. If Council starts being political with its recommendations, the OLCC will ignore them.

Commissioner Kafoury said this, however, would establish a troublesome precedent, making laundromats or even shoe stores eligible for liquor licenses or video poker machines. While there is no basis in the Code for turning it down, there is nothing that says that non-traditional places are eligible for liquor licenses or video poker machines. She said Council has no obligation to go in this direction and has consistently said liquor licenses are a privilege, not an automatic right.

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Mayor Katz agreed. She said Council should take a risk and tell the OLCC why it is denying this application even though it does not meet its existing criteria for an unfavorable recommendation. She said the City may also want to tell the OLCC that it is prepared to go to the legislature with this issue. After the laundromat and shoe repair stores, what about the hairdressers?

Mr. Sanderson said video poker is driving a lot of the liquor license applications coming through now. It has opened up an economically viable avenue that would not be there without video poker.

Commissioner Hales moved to forward an unfavorable recommendation based on Council concern that it will be forced to approve liquor licenses for a wide variety of businesses who want them only so they can offer video poker. Commissioner Kafoury seconded.

Commissioner Lindberg said approving this license could open the door to a proliferation and affect the quality of the neighborhoods.

Mayor Katz said she thinks the City can make a good case to the OLCC about the precedent and the fact that when the legislature passed this nobody in their right mind thought this would be the result. This has hit an all time low in terms of finding a way to put five machines in an establishment. She said perhaps Council could testify before the OLCC and also add this issue to the City's legislative package.

Disposition: Unfavorably recommended. (Y-4)

Commissioner Mike Lindberg

***1599** Authorize a loan in the amount of \$125,000 to the Oregon Film and Video Foundation (Ordinance)

Disposition: Ordinance No. 170612. (Y-4)

***1600** Amend City Code Chapter 17.36, exempting temporary connection to the sanitary sewer system for environmental remediation activities from sanitary and storm system development charges when such connection is temporary as defined by Code, if approved by the Director (Ordinance; amend Code Chapter 17.36)

Disposition: Ordinance No. 170613. (Y-4)

At 11:40 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF OCTOBER, 1996 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; Rick Faus, City Attorney, City of Gresham, Deputy City Attorney; and Martin Cavinaw, Sergeant at Arms.

Commissioner Charlie Hales

***1601** Amend the Comprehensive Plan Map and change the zone of property between N Columbia Boulevard and Bank Street, Barr Street and Oswego Avenue from OS (Open Space) and R5 (Residential) to R2 (Residential) (Previous Agenda 1502; LUR 96-00234 CP ZC SU)

Discussion: Duncan Brown, Planning Bureau, responded to questions raised at the prior hearing. Regarding the advisability of attaching conditions to a Comprehensive Plan Map and zone change, he said nothing prohibits conditioning although it is generally not a good idea because of the difficulty in tracking them over time, which can result in unequal treatment, sometimes odd development and the tendency to custom design for outright uses through the use of conditions in quasi-judicial zone changes or Comprehensive Plan amendments. However, it is done in unusual circumstances, such as for the 9-1-1 facility on Powell Boulevard and for the Safeway/Target project at 122nd and Glisan. Regarding the bicycle/pedestrian connection to Columbia Boulevard, the existing plan shows such a connection in the northeast corner. There was also a question about the extension of the pedestrianway due west from N. Sprague to Pier Park. Transportation staff had recommended that the extension be added as a condition of approval. The future improvement of N. Bank Street, now a partial street totally unimproved, would occur in the third phase, with development of Lot 104. Additional dedication would be required from the private properties to the south when and if they ever develop. However, if HOST wants to develop Lot 102 prior to those properties developing, then it would be obligated for an additional 15-foot dedication and full street improvements.

Mayor Katz asked about the notion of the Planned Unit Development (PUD).

Mr. Brown said HOST's original proposal for a PUD included parts of Pier Park in the density calculations. The Parks Bureau did not agree to this and it was also pointed out that all open space in a PUD must be in common ownership. Therefore, the only way they could proceed was through a Comprehensive Plan amendment to R2. He said to do a PUD now would require major modifications.

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Commissioner Kafoury asked if a change from R5 to R2 would allow more efficiency and variety of units, since it did not pencil out to do a PUD with R5 zoning and get the needed density or requisite open space. She asked if there was a way to go back to a PUD if the zone change were granted.

Mr. Brown said that could be done if the Comprehensive Plan map and zone change were approved and Council decided not to act on the subdivision at this time.

Mayor Katz noted that the decision to designate the land as surplus property would come later and Council could then decide whether to work out an arrangement with a specific party or go to bid. She said she feels a little awkward about moving ahead with this when those decisions have not yet been made. However, today Council should talk only about the technical aspects of the zone change.

Commissioner Kafoury asked whether the School District had projected its needs in this area. She noted that people are growing concerned about parks and other open space needs as the region grows.

Mr. Brown said he has not talked to them.

Commissioner Hales said normally tree preservation requirements are not a part of subdivisions but he has no problem requiring a higher standard here.

Mayor Katz said she is very concerned about preserving the trees in the northeast corner.

Commissioner Kafoury said she would be willing to seek a small grant from the livable housing money to help preserve the trees and consider a redesign. She said the detached single-family design was done primarily because that was originally what the neighborhood wanted. Now residents are telling Council they do not want this project in any configuration. She suggested trying to come up with a more creative design and not just put in single-family lots.

Commissioner Hales said if tree preservation is added as a condition, he would like it confined to the northeast corner of the site and then allow the lots there (Lots 26 to 30) to have attached units in order to save the trees.

Commissioner Kafoury said Council wants to do the best job it can here because people will point to it as an example of what higher density does.

Mayor Katz said she is not sure that Commissioner Hales' suggestion makes good design sense. She suggested redesigning it as a PUD, either as R2, with a mix of different housing units and open space, or as R5.

Commissioner Kafoury said R5 does not work out financially for a PUD.

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Mr. Brown suggested acting on the CP amendment and ZC today but asking the applicant to return with a new site plan, in response to Council direction regarding maximum number of units, tree preservation and other concerns.

Mayor Katz said Council has not yet declared whether this is surplus property and whether it wants to go out to bid.

Commissioner Hales said it is not unusual to allow applicants who do not own the land to go through the land-use process.

Commissioner Lindberg said he is opposed to going out to bid and awarding this property to a private sector firm that wants to maximize its profit. He favors trying to save the trees, doing some redesign and perhaps adding density, if HOST is willing to try that approach.

Commissioner Kafoury said HOST, which is a non-profit organization, has already spent quite a bit of money to go through this process and she would be willing to try to get a grant to help them do the redesign.

Mayor Katz said if Council wants to redesign this, it may want to involve the community in that process. She noted that initially density, housing and transportation were the issues for the neighborhood, not the park.

Commissioner Kafoury questioned whether HOST would have to go so far as to resubmit a new application under a PUD.

Commissioner Hales said Council could approve the Comprehensive Plan amendment and the Zone Change but set over the subdivision and then allow the applicant to bring back either subdivision or PUD proposals.

Commissioner Kafoury said she is not interested in making HOST go through the whole process again.

Mayor Katz said the community does need to be somewhat involved, however.

Mr. Brown said because of the significant change in the design, notification and public testimony would be needed.

Mayor Katz said her concern is not so much with the public testimony, as it is having the community work with HOST on the redesign. That could help get to somewhat of a win.

Commissioner Hales said HOST could just bring back an amended site plan if it still fell under the limits of the R2 zone. Council could modify the condition limiting

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single-family lot size to 4,000 square feet and then a new application would not be required.

Linda Meng, Senior Deputy City Attorney, said if Council wants to request design changes, it would be best to give a tentative approval of the zone change and send the whole thing back, rather than separating them, as this subdivision, Zone Change and Comprehensive Map amendment were all tied together. For instance, the Hearings Officer's decision says the zone change should be allowed with single-family development only. If that is not going to be there, it would have to be denied. Separating them might create significant problems as the findings regarding whether the criteria are met is all tied together with the current design. However, Council could state that it would look favorably upon the zone change if the design were changed.

Commissioner Hales moved to tentatively approve the Hearings Officer's recommendation but require that a number of steps be taken prior to final approval. These include: 1) development of an alternative site plan to preserve a significant portion of the trees in the northeast portion of the site; and 2) allow up to 10 percent attached housing in order to redo the site and yet maintain the density. He said he is interested in having them redesign for tree preservation, but is satisfied that the design provides sufficient pedestrian connections. The only other unresolved problem is Lot 104 as it is unclear how it is supposed to get developed. He would be willing to have the redesigned site plan include that parcel.

Commissioner Kafoury seconded.

Mayor Katz noted that his motion would modify the Hearings Officer's condition requiring single-family, detached housing.

Commissioner Kafoury said she is willing to see if a grant could be arranged to help HOST pay for the redesign.

Commissioner Lindberg said he supports the first three conditions proposed by Commissioner Hales. He asked if there would be an opportunity for the neighborhood to provide input.

Mr. Brown said yes and described several approaches that could be taken.

Mayor Katz said the neighborhood should be involved in the redesign process.

Commissioner Kafoury asked if the City will still move ahead with the land sale.

Commissioner Hales said he did not think that Council would even take up the question of surplus property and the sale until the land-use application is complete.

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Commissioner Kafoury said she is not interested in another long process, although she is happy to allow comments. HOST heard for two years that the neighborhood thought this was a good project and suddenly it was not.

Mr. Brown suggested requiring HOST to return with a new design by a specific date, perhaps 30 or 60 days.

Ted Gilbert, HOST Development, said HOST is committed to preserving every tree possible, but transportation requirements need to be considered as well.

Commissioner Hales asked how much time HOST would need for a redesign.

Mr. Gilbert said they can do a tree preservation plan very soon. Lot 104 was left the way it is, not by choice, but because the approval of property owners on the other side of the dedicated street is needed before any other development can occur there. It could be left as open space, however. He said HOST was willing to have attached row or apartment houses but right from the start the neighborhood strongly objected, indicating its desire to have only single-family, detached homes.

Commissioner Kafoury said all Council is saying is to consider attached housing if it is needed to preserve the trees. If the redesign can be done on smaller lot sizes with single-family units, she has no objection. Her big issues are trees and the design.

Commissioner Hales said Council would like HOST to give the site plan another try and try to do better on the tree preservation and use of Lot 104. If some attached housing has to be incorporated to maintain the number of units, Council is willing to consider that. All the rest of the proposal is fine.

Mayor Katz said she is interested in an alternative site design with more open space and the tree preservation. She does not want them to return with the same design.

Mr. Gilbert said this was originally proposed as a PUD with R5 zoning and included buying a strip of park land which they then planned to return to open space. However, the Parks Bureau did not concur. The only difference between that and the current plan is that HOST does not have to buy the extra park property only to turn around and give it back.

Mayor Katz said she still wants to see more trees preserved and more open space.

Commissioner Kafoury said the question is whether that will be next to impossible with the restriction that no lots be less than 4,000 square feet.

Mr. Gilbert said they are building a community garden although he is not sure if that is considered as open space. Leaving Lot 104 as open space is a possibility.

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Commissioner Hales asked if HOST could consider doing a redesign incorporating those elements noted in his motion. How long would HOST need?

Mr. Gilbert said HOST is being asked to do something subjective, to design something that some Council members may like and others may not. They can address open space, tree preservation and Lot 104.

Mayor Katz said Council is willing to allow smaller lot sizes to provide more space and a more interesting design.

Commissioner Hales said the site plan attempted to provide a high level of uniformity to meet City regulations and neighborhood concerns. Council is now saying that it is willing to be more flexible if there is better tree preservation and use of Lot 104.

Mayor Katz said this will have to be redesigned and the neighborhood should have an opportunity for input.

Mr. Gilbert asked for 60 days to develop a new site plan.

Mr. Brown noted the need for some level of public review. Public testimony limited to the new site plan would be needed.

Ms. Meng said adequate time for public notice and comment is needed also.

Commissioner Hales said Council could notify the new hearing today. He said he wants it to be clear that Council approves the Zone Change and Comprehensive Plan amendment.

Jeff Bachrach, attorney representing HOST, said Council has suggested conditions that the site plan needs to meet. Council could approve this with those conditions and require HOST to come back for a hearing on those.

Dennis Keepes, St. Johns Neighborhood Association Chair, said it is a denial of due process not to formally involve the neighborhood in the redesign process. Also, since the Hearings Officer's decision on the Comprehensive Plan amendment and Zone Change was tied to this particular design, he believes this is a vote up or down on this design.

Ms. Meng said no, Council can modify the Hearings Officer's recommendation.

Mr. Keepes questioned approving a redesign not before Council.

Commissioner Hales said Council is not approving it today as this has to come back for final approval of the subdivision. He is willing to add a condition requiring

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review and comment by the St. Johns Neighborhood Association.

Commissioner Kafoury said Council needs to make it clear, however, that it is in agreement with the Zone Change and Comp Plan amendment.

Mayor Katz said she would like to see the neighborhood truly involved in the redesign.

David Knowles, Director of Planning, said the Planning Bureau will convene a meeting and arrange for both the applicant and the neighborhood to be present. He said he would be happy to facilitate such a meeting and do it as early as possible so it can be done in 60 days.

Commissioner Kafoury said the goal is to have both the meeting and provide notice of the hearing within 60 days.

Mr. Knowles said he would like to issue a notice within 21 days of the hearing date that includes the revised site plan.

Commissioner Hales restated his previous motion. He moved to tentatively approve the Hearings Officer's recommendation but require that the applicant return to the City Council in 60 days with an alternative site plan that better addresses tree preservation and the use of Lot 104. Also, in developing that alternative plan, the applicant will participate in a meeting called by the Bureau of Planning which will provide opportunity for review and comment by the St. Johns Neighborhood Association and interested citizens. Council further instructs the applicant that it would consider a site plan with up to 10 percent attached units and smaller lot sizes if necessary to accomplish the objectives already described -- tree preservation and open space. Commissioner Kafoury seconded and the motion carried (Y-4).

In response to a question from Rosemary Seminara, Mayor Katz noted that this was a tentative decision approving the Comprehensive Plan Map Amendment and Zone Change and that the property had not yet been declared surplus. She added that the neighborhood's involvement in the redesign process over the next 60 days will not preclude the right to appeal Council's final decision even if they support the design changes.

Disposition: Tentatively approve Hearings Officer's recommendation as amended (Y-4); continued to December 4, 1996 at 2:00 p.m.

***1603**

Amend the Comprehensive Plan and change the zone of property at NE 33rd Avenue, south of NE Killingsworth Street, from R5ah (Residential) and CN1 (Commercial) to CSdh (Commercial), remove the Buffer overlay zone from a portion of the property and add the Design Review zone to the entire site (Previous Agenda 1499; LUR 95-00589 CP ZC AD)

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Discussion: Commissioner Kafoury noted her desire to decouple the no-net housing loss requirement with approval of HOST development projects.

Susan McKinney, Planning Bureau staff, said she was not sure that could be done in this specific case.

David Knowles, Planning Bureau Director said he thought decoupling could be achieved here by adding "or by other means."

Kathryn Beaumont, Senior Deputy City Attorney, concurred.

Commissioner Hales moved to recommend adoption with the addition of language stating: "or other means approved by the Planning Director." Commissioner Kafoury seconded and the motion carried (Y-4).

Disposition: Ordinance No. 170614 as amended. (Y-4)

1602

Appeal of Mill Park Neighborhood Association against Hearings Officer's decision to approve application of City of Portland Bureau of Parks and David Douglas School District for a conditional use to develop a community center adjacent to Floyd Light Middle School at SE 106th Avenue, between SE Washington and Salmon (Hearing; 96-00430 CU AD)

Discussion: Mayor Katz noted that Richard Faus, a City of Gresham City Attorney, would act as legal counsel for Council on this appeal as the City Attorney's office is representing the Parks Bureau.

Richard Faus, Senior Assistant City Attorney, outlined the procedures to be followed for on-the-record appeals.

Commissioner Hales read a statement regarding ex parte contacts he had as Commissioner-in-Charge of the Parks Bureau in regard to this matter.

Commissioner Kafoury noted that she had spent a lot of time in that area because of the Precinct and housing being built there.

Mayor Katz asked legal counsel about the legality of the notice and whether the matter should be continued to another date.

Mr. Faus said he had reviewed the statements of Rosemary Seminara and the Neighborhood Association and found no violation of the regulations.

William Goode, attorney representing the Mill Park Neighborhood Association, said the notice was deficient and people receiving the September 11 notice had no idea what the issues were because the Hearings Officer's decision was not mailed until

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the next day. He said it would be more appropriate to meet the spirit of due process and continue this item for 21 days and mail the notice tomorrow. This would allow his clients a full and fair opportunity to prepare for the hearing.

Mr. Faus said the issue is whether the time frames are lawful and he believes that they are. However, he has not reviewed the notice itself to see if it provided an adequate description of the issues.

Kathryn Beaumont, Senior Deputy City Attorney, representing the Parks Bureau, said notice was adequate to inform interested parties about the hearing and the likely issues of appeal.

After discussion of a number of options, Council authorized a continued hearing on October 16, 1996 at 3 p.m. Time Certain, with no renote.

Steve Gerber, Planning Bureau, described the project and showed slides. He emphasized that no structures will be created in the Open Space zone and said the proposal has been found to be in compliance with the appropriate Code requirements and neighborhood plans. No development is occurring in Environmental Zones. Mr. Gerber cited two exhibits (Exhibits 1-45 and 1-81) in the Hearings Officer's report. Exhibit 1-45 is a very clear statement of the Mill Park position and Exhibit 1-81 is the Planning Bureau's response to its objections. He said staff recommends adoption by incorporation of the Planning Bureau memo (Exhibit 1-81) which responds to the objections raised by the Neighborhood Association and supports the Hearings Officer's decision.

Mr. Goode said his clients were denied due process because the notice did not allow them a meaningful opportunity to prepare and the shortened time frame may have discouraged other parties from being parties to the appeal. He questioned whether the appellants would be seriously listened to if they are not fully prepared. He also noted that the Neighborhood Association is required to deliberate in an open meeting prior to deciding whether to appeal and it would be better for Council to set the hearing over to October 24 and mail out new notices in order to avoid a lot of legal argument. He said it is difficult for the lay person to believe this notice was appropriate, particularly since the applicant had already waived the 120-day rule, which is the usual reason given to justify an expedited process. He said the notice's identification of Rose Marie Opp as an appellant was incorrect.

Rose Marie Opp said she would defer her time to the next hearing.

Arnold Rochlin, PO Box 83645, 97283, said legal counsel has made the wrong decision about what testimony can be taken.

Mr. Faus said in an on the record appeal, it is standard to raise only the issues on appeal.

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Mayor Katz ruled to support Mr. Faus' position.

Rosemary Seminara, 8433 N. Olympia St., 97203, questioned why the Floyd Light site was selected since the Task Force's original preferences were Mill Park, Glendoveer and Russellville. She asserted that the selection of Floyd Light was proposed by the City Club and Commissioner Hales, rather than by the Task Force. She criticized taking park land out of public ownership for the center and expressed concern about the location of a future swimming pool, the size of the project and the cutting of 21 trees. She criticized the response to her enquiries by City staff and said the notification process was flawed and confusing.

Art Lewellan, 27 SE 74th, said park spaces should be preserved and protected from growth. He said he had designed a plan for the center for Council consideration.

Mayor Katz asked the City Attorney for a written explanation of the ORS statute cited above.

Ms. Beaumont said the Parks Bureau would also like to defer its testimony to October 16th since it wishes to respond to the appeal issues and there is nothing yet to respond to.

Don Gardner, David Douglas School Board member, said the David Douglas School Board unanimously supports siting the community center at Floyd Light.

Dick Cooley, Chair, Citizens Site Selection Task Force, said the 15-member task force spent 18 months on the selection process. He said this site best meets the criteria and Council should support the Hearings Officer's decision.

Other individuals speaking in support of building the Eastside Recreation Center at the Floyd Light Middle School site included:

Norma Schacher, 4031 SE 122nd, #72

Grace Fitzgerald, 11440 NE Morris St.

Estill Deitz, 1025 NE 152nd

Mark Paresi, Police Commander, East Precinct

Leslie Houston, Multnomah County Aging Services

Regina Harris, 12721 SE Division St., 97236

Lois Sheldon, Loaves and Fishes

Jo Bell, 8631 NE Tillamook, 97220

George Martin, principal, Floyd Light Middle School

Disposition: Continued to October 16, 1996 at 3:00 p.m. Time Certain.

At 5:10 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF OCTOBER, 1996 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; Ruth Spetter, Senior Deputy City Attorney; and Martin Cavinaw, Sergeant at Arms.

Commissioner Charlie Hales

1605 Appeal of Karen Kenny, applicant, against Hearings Officer's decision to deny a 16-unit subdivision and PUD, and appeal of the Crestwood Neighborhood Association against approval of zone change from R10 to R7 at SW 53rd Avenue south of SW Alfred Street (Previous Agenda 1500; 95-00285 PU SU ZC EN)

Discussion: Ruth Spetter, Senior Deputy City Attorney, said the Crestwood Neighborhood Association and the applicant have come to an agreement and the Neighborhood Association wishes to withdraw its appeal. Council needs to acknowledge that and make a tentative decision on the applicant's appeal. She noted letters filed by Amamda Fritz, John Alland, Paul Fishman and Jere Retzer should be excluded from the record because they responded to applicant's final argument and not just to the Bureau of Environmental Services (BES) staff memos as instructed.

Mike Robinson, attorney for the applicant, described the agreement, including applicant's intent to convey the property to Metro if an agreement can be reached.

Jere Retzer, Chair, Crestwood Neighborhood Association, confirmed the withdrawal of the neighborhood's appeal.

Commissioner Hales moved to tentatively overturn the Hearings Officer's decision and grant the application.

Disposition: Crestwood Neighborhood Association appeal withdrawn; tentatively approve applicant's appeal; applicant prepare findings for October 16, 1996 at 3:00 p.m.

***1604** **TIME CERTAIN: 2:00 PM** - Amend the Comprehensive Plan Map and change the zone of property at 16501 SE Division Street from CG (Commercial) to R1 (Residential) for one portion of the site; and from R2a (Residential) to CG (Commercial) for another portion of the site (Previous Agenda 1473; LUR 96-00135 CP ZC)

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Discussion: Steve Gerber, Planning Bureau, described the expansion proposal made by the owners, Act III, Inc., and showed slides of the site, presently owned by the Rose Moyer Theatre. He noted that Act III proposes to reduce by one-half the area of R2 zoning behind the theatre and rezone it CG to allow for expansion of the theatre and parking lot. The area currently zoned R2 now connects to Division Street through a flagpole lot but, if approved, a public street would be constructed to access the theatre, the residential property to the north and the mobile home court to the east, if and when it redevelops. It would reintroduce a public street into an area where public rights-of-way have been vacated and/or never provided. The applicant proposes to reduce the area of R2 property by one-half, upzoning it to R1 to preserve the housing potential. The other half of the property would be rezoned to General Commercial, expanding the total amount of commercial zoning by about two acres.

Mr. Gerber said the area lacks public streets and this proposal will provide a public right-of-way which could be the beginning of a street system here, allowing for future extensions to both the north and east. Currently this area is occupied by residents of Mobile Estates whose owners have expressed concern about a public street at this location and about the density of the R1 zone. There is also an issue of property ownership which must be settled privately. Staff and the Hearings Officer agree that the proposal complies with the approval criteria and State Transportation Rule. To preserve the housing potential, the applicant proposes to rezone the remaining residential property from R2 up to R1, although it creates concern among neighbors that the housing will adversely affect the surrounding R3 and R7 properties. Staff notes that R2 and R1 zones allow the same kinds of development although the R1 zone requires a minimum density. The Centennial Community Plan designated this as an area appropriate for expansion and staff and the Hearings Officer recommend approval.

Ms. Spetter outlined the procedures to be followed in presenting testimony.

Commissioner Hales noted a visit to the site at the time the Outer Southeast Plan was being considered.

Mike Robinson, attorney for Act III, noted support from the Centennial Neighborhood Association for this proposal. He said Act III is not proposing to build apartments but the property needs to meet the City's no-net housing loss requirements.

Mr. Robinson reviewed the issues regarding the public road and use compatibility between the theatre and the adjacent mobile home park. He said it is clear that Policy 6.1 requires a public road here. The current public road location is the stem of a flag lot so there will be a road here, with or without this application. That stem is adjacent to the mobile home park and the applicant has talked to Transportation staff about how the road ought to be constructed. All agree that within the 40-foot

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right-of-way, there will be two 12-foot travel lanes with two landscaping strips on each side which separate the theatre use from the mobile home park. Whether or not the road should go there or be a public road, however, is not driven by this application. That decision is driven by policies favoring connectivity and public roads. He said there has been some talk about access to the R2 piece from Lincoln Street but their research indicates that there is no public right-of-way there. Staff and the applicant agree it is far better to serve the R2 piece with a public road now from SE Division, rather than get into thorny property issues on Lincoln Street. Mr. Robinson also addressed use compatibility between the theatre, the R1 district and the mobile home park, which is R3. He said there is virtually no difference between the current R2 zoning and the R1 zoning. The biggest difference is density but the physical characteristics are virtually the same, including rear yard setbacks, height restrictions and open space requirements. Regarding access to the mobile home park, he believes that if the public road is developed, the driveway currently on Division ought to come off the public road. However, while the applicant will dedicate and construct a public road, it is up to the City Engineer to decide where the driveway goes. He said if residents are concerned about having a road right next to them, his client would be glad to dedicate the right-of-way to the City now but defer construction until the R1 piece develops. They would develop the parking lot for the theatre and then, when the R1 is developed, they would rip out the landscaping and return with an appropriate road design. Staff, however, may not like the uncertainty of that. He said the bottom line is that only a small piece of R2 will change to CG and the impacts are unlikely to change what is here now.

Commissioner Hales asked how the residents of the future R1 project would get anywhere other than by car.

Mr. Robinson said a sidewalk would connect the R1 to SE Division.

Commissioner Hales questioned whether enough property would remain in the R1 parcel to allow development if a right-of-way were established along the northern edge.

Mr. Robinson said that would be the logical location for a connection to Lincoln Street with another portion coming off the mobile home park. He said their consultants believe that the R2 density can be achieved without encroaching on the existing easement.

Commissioner Hales asked if there is any reasonable expectation that any other street, either Lincoln or something to the north, might reach the R1 parcel, if and when it develops.

Mr. Robinson said there is no reasonable expectation of developing the R1 or R2 in the immediate future any other way than down SE Division because of the ownership questions involved in getting to 162nd.

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Commissioner Hales asked what the dotted line along the southern edge of the R3 parcel immediately north of the subject property indicated.

Mr. Gerber said an easement or right-of-way may have existed in the past there.

Commissioner Hales asked if, in the future, the City might possibly require a right-of-way dedication to create a section of SE Lincoln extending from 162nd to 167th. Would enough land still be left in the R1 strip to build something or is the City creating an unbuildable piece of land by reducing the size of the residentially-zoned land by half.

Mr. Gerber said development would be feasible with a 100-foot depth in the R1 portion but loss of property to the north or on the eastern edges makes this undevelopable.

Louise Cody, Centennial Neighborhood Association, said the Neighborhood Association voted to approve this application as it believes the expansion is desirable, with appropriate buffering, and its concerns regarding the change from R2 to R1 zoning have been addressed. This endorsement is based on the fact that the Act III has no plans to develop apartments at this time. Also, they believe the R1 and R2 zones are very comparable in their density requirements. The minimum density for R1 is 22 units while the maximum for R2 is 22 units, producing 44 units on the two acres, not 95. Centennial is not endorsing this plan as a medium-density housing development. It became aware of concerns about the location of the 40-foot public road on the western side of the mobile home park only three days ago and those are not addressed by the Neighborhood Association.

Jim Worthington, 3232 SE 153rd, 97236, questioned whether the car wash and an insurance company, two of the lots shown on the plan, would like traffic running through their properties. He said the roads here are very confusing, raising a number of questions. He also asked whether the street had to be improved until after the R1 lot is improved. He suggested this might be a good candidate for a "skinny" street. He also questioned ownership of the driveway adjacent to the China Hut and said, if the street does go through, it should go all the way across the R1 to the north end in case they want to develop the R3 in the future.

Bruce Davis, 4120 Douglas Blvd., #306-123, Granite Bay, CA 95746, said he represents two adjacent mobile home parks with 300 units that covers 60 percent of the perimeter of the subject parcel. He said much misinformation has been presented regarding this development. He quoted from the Outer SE Community Plan regarding provision of a variety of housing choices for all income levels and to preserve existing mobile home parks. His units, which serve over 500 senior occupants, have been there 30 years and he has no interest in redeveloping the mobile home parks site. He said it would be far more likely for any redevelopment to occur on the theatre site. Another objective of the SE Community Plan is to

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ensure that housing blends with the surrounding residential areas and that through-streets are created, not dead ends, at frequent intervals. The City's Transportation staff states that the new proposal includes a 20-foot half-street future dedication along the north and east lot lines of the subject location but a 40-foot right-of-way through the east flagpole portion was later proposed by the applicant and the half street was dropped. The original plan had a completely different configuration but includes the half street and states that it is a vacated street easement. He questioned why the traffic report does not include some of these things. The site vicinity map does not even show housing for 300 senior citizens encompassing 60 percent of the perimeter.

Mr. Davis criticized the Kittelson traffic analysis which states that the subject site is bordered to the north by residential housing and to the west, south and east by commercial establishments. His property, however, has over 1,000 feet of common abutting property lines that are not commercial establishment. The Kittelson report also does not identify that the primary point of egress from the 207-bay mobile estates abuts and parallels for 160 feet the proposed public roadway applicant wishes to construct. No documentary information is provided regarding the conflicts that will result there. He said Council must disregard the Kittelson report and, consequently, the staff report as well. A second point of egress exists but is difficult to use. He also claimed that, once the zone change is granted, there is nothing to stop ACT III from selling the property to a developer who will build apartments to the full potential, or 142 units, granted by the zone change. That would be within five to 14 feet of his property line, with no buffering proposed. He said there is no reason for the public street to extend beyond the entrance to the theatre, as that is all it will ever serve. The easement on their property has been vacated; his still exists and is only 20-feet wide. Lincoln street has all public utilities and is on every public map. There was road access to it when the drive-in theatre existed so it was utilized earlier. He said they are not opposed to either the theatre or new housing but would like their questions answered. They tried to meet with the principals but to no avail.

Commissioner Hales said he is still trying to figure out the long term prospects for the use of Lincoln Street. He noted a submission from Mr. Davis which shows the back lot lines of the mobile home park (Lots 159-175) stopping at the northern edge of a right-of-way for Lincoln Street. Is that accurate and is there a remnant easement on both his property and the adjacent one.

Mr. Davis said there is an easement on their property but not in favor of anyone. It was set aside for the future extension.

Commissioner Hales asked Mr. Davis if he thought it was at least feasible that at some point Lincoln Street could be built out along that section by somebody. Potentially there could be a 40-foot or greater public right-of-way with street, sidewalk and street trees in it, between the mobile home park and whatever is built

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on the apartment-land strip. Why is that a problem since the apartments would be across the street from the backyards of the mobile park lots?

Mr. Davis said they want to protect the privacy of existing residents from the intrusion of a four-story apartment building with 142 units. He said residents have come up with some very good ideas for placing a street on the west side and moving the apartments to the western edge of the parcel.

Mr. Robinson asked that the written record be left open for seven days, with seven days more for final written argument. He said what Council heard from Mr. Davis is a concern about the impact of the street on the mobile home park, rather than a discussion of applicable approval criteria. However, the street will go in there whether or not this proposal is granted. Applicant initially requested a half street, not a full street, but after meeting with City staff found this would not work and agreed to grant a 40-foot right-of-way on their property to provide connectivity. He said Lincoln is not a great access option because of the thorny legal issues and the only thing that works now is to access Division Street. He said most residents at the mobile home park are retired and not driving at rush hours so the traffic conflicts with the theatre will be minimal. Kittelson's study looked at all the traffic on Division and did not have to mention the mobile home park per se. He said no one likes high density but this is the only way to meet the no-net-housing-loss policy. There is very little physical difference between R1 and R2 and Council can find evidence in the record to reject most of Mr. Brown's testimony and approve this application.

Mark Vandehay, Kittelson and Associates, said they always believed that it was logical to connect up the existing driveway rather than have two parallel facilities to provide public access. The theatre traffic peaks at different hours than the mobile home park, minimizing conflicts with its existing driveway. He said they worked closely with City staff on these transportation issues.

Commissioner Hales asked the applicant to summarize how this project, particularly with three proposed curb cuts, parking spaces and this particular orientation, advances the Comprehensive Plan goal of urban design better than the existing land use plan.

Mr. Robinson said no more curb cuts are proposed than already exist. With establishment of the public street, which will not be built if the property is not developed, there may be a reduction in the curb cuts. The theatre orientation is towards a transit stop on SE Division, an identified pedestrian connection that takes people to the theatre.

Commissioner Hales asked for that response in writing during the seven days.

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Mayor Katz said she has some concerns about the road and the character of the neighborhood at maximum build-out. She is not yet ready to make a decision.

Disposition: Continued to October 23, 1996 at 2:00 p.m.

At 3:15 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council