



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH 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; Ben Walters, Deputy City Attorney; and Martin Cavinaw, Sergeant at Arms.

Agenda No. 1732 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1721 Cash investment balances for September 19 through October 16, 1996 (Report; Treasurer)

Disposition: Accepted.

1722 Accept bid of Pnuematic Construction, Inc. dba PCI Mechanical Construction for Mallory Pump Station renovation project for the Bureau of Environmental Services for \$291,154 (Purchasing Report - Bid 17)

Disposition: Accepted; prepare contract.

1723 Accept bid of Pacific Coast Construction, Inc. for the renovation of various swimming pool bathhouses and pool mechanical systems for a fee of 7% of the Guaranteed Maximum Price (Purchasing Report - Bid 40)

Disposition: Accepted; prepare contract.

1724 Reject all bids for Essex Park Improvements (Purchasing Report - Bid 41)

Disposition: Accepted.

1725 Accept bid of Ebony Iron Works, Inc. for harbor wall flood railing for \$334,030 (Purchasing Report - Bid 45)

Disposition: Accepted; prepare contract.

1726 Accept bid of NTA Contracting, Inc. for Willamette River Basin test sump unit 10 for \$135,325 (Purchasing Report - Bid 48)

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Disposition: Accepted; prepare contract.

Mayor Vera Katz

1727 Establish the Information Technology Strategic Planning Executive Committee (Resolution)

Disposition: Resolution No. 35560. (Y-4)

1728 Recommend approval of State of Oregon Business Development Fund loan to Gladys McCoy Apartments Limited Partnership for \$125,000 (Resolution)

Disposition: Resolution No. 35561. (Y-4)

***1729** Authorize the limited term appointment, with benefits, not to exceed nine months, of Susan Schreiber as Program Manager IV at the top rate for the classification pay grade (Ordinance)

Disposition: Ordinance No. 170668. (Y-4)

***1730** Authorize the Purchasing Agent to sign a 26-month Purchase Order to serve as a contact with Trudy Cooper and Associates for assistance in developing and facilitating a City-wide Service Improvement Initiative without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 170669. (Y-4)

***1731** Authorize Urban Renewal and Redevelopment Bonds (South Park Blocks) Series 1996 (Ordinance)

Disposition: Ordinance No. 170670. (Y-4)

***1733** Agreement with the U.S. Department of Justice, Immigration Services to provide access to the Portland Police Data system (Ordinance)

Disposition: Ordinance No. 170671. (Y-4)

***1734** Donation of a vehicle from Lotus Motors-Harley Davidson, Inc. to the Portland Police Bureau (Ordinance)

Disposition: Ordinance No. 170672. (Y-4)

***1735** Accept a \$65,350 grant funded by the U.S. Department of Justice, COPS MORE 96 grant program (Ordinance)

Disposition: Ordinance No. 170673. (Y-4)

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Commissioner Charlie Hales

1736 Accept Contract No. 30370 as substantially complete, authorize final payment and release of retainage (Report)

Disposition: Accepted.

***1737** Authorize application to Metro for a grant in the amount of \$20,000 for the Delta Park Slough Restoration Project (Ordinance)

Disposition: Ordinance No. 170674. (Y-4)

***1738** Contract with M. Stearns Construction for the construction of Wilson Pool new facilities building and waterslide, in the amount of \$372,000 (Ordinance)

Disposition: Ordinance No. 170675. (Y-4)

***1739** Agreement with Oregon Department of Transportation to provide for the preliminary engineering of the N. Lombard St. Rail Overcrossing Improvement Project (Ordinance)

Disposition: Ordinance No. 170676. (Y-4)

***1740** Amend the procedure for processing applications for parking under the Central City Transportation Management Plan and Zoning Code (Ordinance; supersedes Ordinance No. 169799)

Disposition: Ordinance No. 170677. (Y-4)

Commissioner Gretchen Miller Kafoury

***1741** Amend contracts with Carl Mileff & Associates (\$15,000), EsGil Corporation (40,000), and Linhart Peterson Powers Associates Incorporated (\$15,000) to provide plan review and engineering services (Ordinance; amend Contract Nos. 30268, 30269, 30272)

Disposition: Ordinance No. 170678. (Y-4)

***1742** Increase Contract with Boucher Mouchla Larson Architects, for additional services for 4th & Yamhill Garage two floor addition (Ordinance; amend Contract No. 30606)

Disposition: Ordinance No. 170679. (Y-4)

***1743** Contract with Volunteers of America to provide services for victims of domestic violence for \$69,627 and provide for payment (Ordinance)

Disposition: Ordinance No. 170680. (Y-4)

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- *1744** Increase agreement with Northeast Coalition of Neighborhoods, Inc. for the Youth Outreach Project by \$5,235, extend the completion date and provide for payment (Ordinance; amend Contract No. 30768)

Disposition: Ordinance No. 170681. (Y-4)

- 1745** Contract with Trauma Intervention Programs, Inc. for crisis intervention training for \$48,000 (Second Reading Agenda 1691; waive City Code 5.68)

Disposition: Ordinance No. 170682. (Y-4)

Commissioner Mike Lindberg

- 1746** Accept completion of the Insley Basin CSO Sump Unit 2, Phase 1 and authorize final payment to NTA Contracting, Inc. (Report; Contract No. 30631; Project 5496)

Disposition: Accepted.

- *1747** Authorize a Contract and provide for payment for the Insley Basin CSO Sump Unit 2 - Phase II (Ordinance; Project 5967)

Disposition: Ordinance No. 170683. (Y-4)

- *1748** Authorize a Contract and provide for payment for the Willamette River Basins Test Sump Project, Unit 11 (Ordinance; Project 5931)

Disposition: Ordinance No. 170684. (Y-4)

REGULAR AGENDA

- S-*1732** Authorize the issuance of sewer system revenue bonds (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, noted that a substitute had been filed. Commissioner Hales moved the Substitute and, hearing no objections, the Mayor so ordered. (Y-4)

Disposition: Substitute 170685. (Y-4)

- 1719 TIME CERTAIN: 9:30 AM** - Grant a franchise to KBL-Portland Cablesystems, L.P. to operate a cable system (Ordinance introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg said after 15 years Time Warner seeks renewal of this franchise. He outlined some of the changes that have occurred since the original franchise was granted, including three changes in federal legislation and establishment of the Mt. Hood Cable Regulatory Commission. He said this is a state-of-the-art franchise agreement which was negotiated countywide and should serve as a model for other jurisdictions.

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Dennis Quail, Chair, Mt. Hood Cable Regulatory Commission, described the negotiation process and noted that the Commission has unanimously recommended this for approval.

David Olson, Office of Cable Communications and Franchise Management, summarized the major new components of the agreement, including cable optic upgrades and increased support for public, education and government access. It is also consistent with the TCI franchise agreement.

Jeanne Benneke, Public Affairs Manager, Paragon Cable, said this represents many months of negotiations. It benefits the community, the City and also recognizes new technology.

Others testifying in support of the agreement included:

Joella Werlin, President, Portland Cable Access Board
John Snead, Director, Distance Learning, Portland Community
College
Lew Frederick, Portland Public Schools

Disposition: Passed to Second Reading December 4, 1996 at 9:30 a.m.

1720 TIME CERTAIN: 10:00 AM - Update Council on the Combined Sewer Overflow Project (Report introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg said less sewage will go into the rivers as this project is implemented. He also noted that to date the Bureau of Environmental Services (BES) has saved \$50 million over the initial estimated cost.

Dean Marriott, Director, BES, said of the \$175 million in BES capital improvement projects in this year's budget, \$60 million is for the CSO project. He described what steps are planned to remove sewage and stormwater runoff from the Slough and Willamette River, including the installation of sumps, downspout disconnections and some sewer expansion for the Slough. On the Willamette River, some stream diversion involving Tanner Creek is planned. He said they hope to remove half the problem with stormwater runoff through implementation of the Cornerstone Projects.

John Lang, Director, BES Combined Sewer Overflow (CSO) Program, said they have a 20-year schedule of major milestones they must reach to comply with the Stipulated Order. All the Columbia Slough projects should be completed by the end of 2000 and the current cost estimates are about \$50 million less than the \$700 million originally estimated. Both the downspout disconnect and the HUB (Historically Underutilized Businesses) programs have been very successful. Mr. Lang introduced some of the HUB contractors involved in the design phase but noted that their participation in the construction phase will be a tougher challenge. To meet that challenge, BES will break down the construction contracts to give more opportunities to local and HUB firms. They expect to have 15 to 20 different construction contractors operating at a single site and plan to do partnering, dispute resolution and monitoring of HUB participation.

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Mayor Katz said it is also critical that minorities be represented in the workforce itself.

Commissioner Hales said this project meets a number of City objectives and will need the cooperation of the Office of Transportation and the Parks and Planning Bureaus so that streets are not paved and then torn up again.

Mr. Marriott said the Willamette River Basin Project must be finished by 2011 and over the next two years critical decisions will need to be made about the various options that could be taken. He said a Willamette River Stakeholders Task Force will recommend, sometime in 1997, the issues they believe should be tackled. There is some concern that even after spending \$350 million the expected results regarding the quality of the Willamette River water may not be achieved because the water is already polluted when it reaches the City. To ensure that the City does not do more than its fair share, consultants will be hired to help analyze the issues and offer options.

Lissa Druback, BES, described how the Willamette predesign work will be organized and the involvement of technical experts, the stakeholders and the public. She emphasized the importance of community support.

Disposition: Accepted. (Y-4)

1749 Accept bid of 2KG Contractors for Emergency Communications Center addition for \$443,500 (Previous Agenda 1704; Bid 29)

Discussion: Mayor Katz thanked David Agazzi and the Office of Finance and Administration (OFA) for their analysis of this bid.

Commissioner Kafoury said this will be returned to the Purchasing Agent and rebid in the Spring. Negotiations with OFA are still ongoing as the Bureau of General Services hopes that the scope of this contract does not have to be reduced. They also regret not being able to accept the low bid because of technical omissions.

Mayor Katz expressed concern about having no method for tracking the reasons why change orders are requested or why costs go higher than the contract bids.

David Agazzi, Director, Bureau of Financial Planning, said his office does not want to look at every change order but does want to look at the change in scope. He said a change in the way contracts are reviewed is also in process.

David Kish, Director, Bureau of General Services, said OFA recommended that this be rebid, which is okay with him as they may be able to get a better price the second time around. OFA is also recommending a change in scope, back to 3,000 square feet.

Commissioner Hales said there is an opportunity here to examine some of the basic assumptions about office space.

Disposition: Referred to Purchasing Agent.

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- 1758** Accept bid of 2KG Contractors, Inc. authorize a contract and provide payment for the Emergency Communications Center (Previous Agenda 1711)

Disposition: Referred to Commissioner of Public Affairs

Mayor Vera Katz

- *1750** Approve a Memorandum of Agreement between the City of Portland and the City of Portland Professional Employees Association (COPPEA) and authorize the Mayor and Auditor to execute the associated labor agreement, relating to terms and conditions of employment of represented personnel (Ordinance)

Discussion: Al Burns, representing COPPEA, said this was a successful, collaborative bargaining process and the agreement has been approved by 95 percent of the Association membership.

Disposition: Ordinance No. 170686. (Y-4)

- *1751** Approve a Memorandum of Agreement between the City of Portland and the Portland Police Association (PPA) and authorize the Mayor and Auditor to execute the associated labor agreement, relating to terms and conditions of employment of represented personnel (Ordinance)

Discussion: Jeff Barker, representing the PPA, said they expect passage of this agreement.

Commissioner Kafoury asked about scheduling of overtime for special events.

Mr. Barker said the PPA will assign overtime on a rotating basis and introduce a new call procedure to increase fairness.

David Shaff, Bureau of Personnel, said administration of this procedure will pass to the PPA, which will eliminate grievances from those who believe they have been passed over for overtime.

Commissioner Kafoury said it needs to be a process that is easy for film companies and others to arrange.

Mr. Barker said they believe this will improve that process.

Mayor Katz noted that the overtime issue has not yet been resolved.

Mr. Barker said they will try to find a solution and cut down on unnecessary overtime.

Disposition: Ordinance No. 170687. (Y-4)

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- *1752** Revise various provisions regarding Portland Utility Review Board (Ordinance; amend City Code Chapter 3.123)

Discussion: Mayor Katz said this clarifies what is meant by geographic areas.

Disposition: Ordinance No. 170688. (Y-4)

- *1753** Accept a \$1,858,636 grant from U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance (Ordinance)

Discussion: Mayor Katz said most of the resources from this law enforcement grant will go to pay overtime rather than hiring additional police because this is a one-time grant and they did not want to hire new officers they were not sure they could retain.

Disposition: Ordinance No. 170689. (Y-4)

Commissioner Charlie Hales

- 1754** Accept Metro's proposed Urban Services Boundary Settlement with Beaverton, Washington County and affect Special Service Districts (Resolution)

Discussion: Commissioner Hales said Metro got involved in this after Portland and Beaverton adopted conflicting boundaries. Metro has now proposed this settlement, which has already been acted upon by some of the other jurisdictions.

John Bonn, Urban Services Manager, described the City's response to Beaverton and Washington County's recommendation that the Multnomah/Washington County line be designated as the urban service boundary. After the courts remanded the dispute to Metro, the City was asked to propose the minimum urban service boundary that would be acceptable, dubbed the 1996 Compromise Line. Based on that boundary, four public meetings were held and two surveys of residents were conducted, both indicating about a three-to-one preference for Beaverton. Mr. Bonn then described the areas that would be included within the City under the boundary that Metro subsequently drew. It includes the Meadow Ridge subdivision adjacent to Forest Heights, which could only be developed because Portland allowed the extension of its water and sewer services into that area. A second area straddles the Sunset Highway and includes areas where there is some connectivity to the Portland service area in Multnomah County. Another small portion proposed for inclusion is the intersection of Beaverton/Hillsdale, Oleson Road and Scholls Ferry Road which is designated to become a Regional Town Center in the 2040 Plan. The largest area proposed for inclusion is west of Oleson Road between Vermont and Garden Home. Metro will ensure that Portland will be a full partner in the Washington County ORS 195 process requiring cities, counties and special districts to develop mutually agreeable Urban Service agreements for the area between Portland and Beaverton.

Commissioner Lindberg asked what it means to the residents in these areas if Portland votes to accept this boundary today.

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Mr. Bonn said if the City and Metro approve this boundary it will not, in the near term, change the residents' lives in any way.

Commissioner Hales said in the long run, however, both Multnomah and Washington Counties have stated they are getting out of providing urban services in unincorporated areas and this sets the stage for future annexations upon request by the property owners.

Commissioner Lindberg asked about the timing and whether this is a done deal.

Mr. Bonn said annexation could occur within five to 10 years but noted that, using the double majority method, the City cannot annex without citizen support. An absolute majority of both land area and voters is needed.

Citizens testifying against the inclusion of Meadow Ridge included:

Erica Hoffman, 9480 NW Wells St., 97229
Edward Bednarz, 9025 NW Marshall, 97229
Patrice Westphal, 1811 NW 93rd, 97229

Residents of Meadow Ridge said they feel more sense of community with Cedar Mill than Portland and believe Beaverton can better provide their urban services.

Citizens testifying against the inclusion of the Garden Home area between Oleson Road and the Multnomah County line included:

Mary Alice Ford, 620 SW Hickman Lane
Tom Curtis, 6836 SW Peyton Rd.

Ms. Ford and Mr. Curtis criticized this as a political decision and said it makes far more sense for them to be part of Beaverton. Mr. Curtis submitted a copy of a petition presented to the City of Beaverton requesting annexation and said the Urban Service Boundary should coincide with the county line, not along Oleson Road.

Mayor Katz noted that citizens may not be able to annex to Beaverton because of this agreement but may also never agree to annex to Portland either.

Mr. Bonn said services will continue to be provided by the existing providers and the City is hoping to reach some agreement with the Tualatin Valley Parks District to service these areas. He said this gives the City time to do a service analysis and talk to citizens.

Commissioner Lindberg asked if a yes vote will prevent future annexation to Beaverton.

Mr. Bonn said yes.

Commissioner Hales said there are a lot of different ways to draw the line for four Portland streets in the southern section, from Maplewood to Oleson Road. He said the county line approach is not the best in terms of providing services in a sensible way. He said they tried to

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get all the major roads under one jurisdiction but were not always successful. He noted that while many are reluctant to annex to Portland because of its size, Beaverton now becomes, with acceptance of this agreement, the second largest city in the State.

Mr. Bonn said the annexation proposals were driven mainly by the desire of citizens to not be in Portland rather than by their desire to be in Beaverton.

Commissioner Kafoury said she is troubled because of the lack of policy discussions about annexation. She expressed concern about neighborhood identity in these cases, particularly Garden Home.

Commissioner Hales said three corners of the major intersection in Garden Home are in the City. This is the best shot at solving an impossible situation.

Mayor Katz predicted that nothing will change and these areas will never annex to the City.

Commissioner Hales said this is about the provision of services. Portland keeps getting awards for its services, which are among the best in the business.

Commissioner Kafoury said this compromise has been a long time in the making and at some point one has to say stop.

Commissioner Lindberg noted that annexation cannot occur without a favorable vote and the residents will be able to determine their own destiny.

Mayor Katz said it was clear the two cities could not agree on the boundaries and this compromise is less than what Council originally supported.

Disposition: Resolution No. 35562. (Y-4)

Commissioner Gretchen Miller Kafoury

1755 Liquor license application for Dale S. Richardson, dba Park Avenue Market, 1434 SW Park Package Store liquor license (new outlet); favorable recommendation (Report)

Discussion: Judy Ritt, License Bureau, described this package store application for a liquor license. She noted that this was originally set for late July but was delayed while the applicant and opponents worked out a good neighbor plan with the help of the Association for Portland Progress. The Police and License Bureaus forward a favorable recommendation. Issues of contention focus on the impact on the surrounding environment, including close proximity to churches and day care facilities, problems related to street drinkers and the number of convenience stores already in the area. The applicant entered into a good neighbor plan with the Downtown Community Association, Association of Downtown Churches and Portland State University. He also signed the community policing partnership agreement stipulating that he would not sell alcohol to street drinkers and will not stock or sell products frequently associated with street drinkers. His operating plan, including restricted hours of operation, does not indicate this would be a potential problem outlet.

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Sergeant Greg Hendricks, representing Commander Richtor, said the Police Bureau had no problem with this particular operation but do have concerns about the opening of another establishment in the South Park Blocks, given the problems that have occurred there in recent months.

Commissioner Lindberg asked if it were possible to draw a line on the map and place a moratorium on any more liquor license applications.

Captain Hendricks said the Bureaus' recommendation was based on its practical realization of what the OLCC will approve.

Commissioner Kafoury said Council has some subjective criteria.

Commissioner Lindberg said the more subjective the criteria, however, the less credibility Council will have with the OLCC.

Mayor Katz asked if the South Park blocks could be classified as an impact area.

Sergeant Hendricks said they are not ready to say that but there are many problems related to alcohol. He said the Bureau is not sure, however, that there are grounds to deny this application.

Ms. Ritt said this is a new operator so it is difficult to access the percentage of his business that results from the sale of beer and wine. Right now it is under five percent. She said staff has emphasized to the applicant the need for close scrutiny.

Mayor Katz asked if the City could require that the bottles be stamped with the store's name prior to sale so that the origination can be determined.

Captain Hendricks said OLCC procedures tend to drag things out for years.

Dale Richardson, applicant, Park Avenue Market, said his target customers are nearby residents, not young people, and he stocks only limited supplies of beer and wine. As part of a good neighbor agreement, he will sell no fortified wines, oversized containers of beer or full or half cases. He has also agreed to watch the park blocks and will patrol the area as necessary. He said he is also willing to mark bottles.

Citizens testifying in opposition to granting this application included:

Linda Sejfulla, 1417 SW 10th Avenue, #409
Wayne Bryant, Senior Minister, First Christian Church, 1315 SW
Broadway, 97201-3410
Colleen Smith, 1525 SW Park Ave., B-402, 97201
Lilli Mandel, 1511 SW Park, 97201
Irwin Mandel, 1511 SW Park, 97201

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Opponents cited many alcohol-related problems that are occurring in the South Park Blocks, endangering this area as a viable "cultural corridor" and discouraging people from living here. They said there are five other convenience stores within two blocks of the park and more are not needed.

Commissioner Hales said if one or two convenience stores are cavalierly selling liquor the question is whether the City is in a better position to deal with them by approving or disapproving this application. He noted this is not a one-store problem.

Gary McGrew, License Bureau said the License Bureau is working with the neighborhood and good neighbor agreements have been established with Plaid Pantry and Safeway.

Commissioner Kafoury said this is a saturation issue as there are so many places to buy alcohol.

Mr. Richardson said he has never contributed to the problems here and said Council should focus on the stores causing the problems.

Commissioner Lindberg left the meeting.

Commissioner Hales moved to send an unfavorable recommendation to the OLCC based on the saturation issue. He admitted that this is a case where the last man in the door is being punished and perhaps Mr. Richardson is not being treated fairly. He said perhaps the bureaus can return with a more global solution and he is prepared to reconsider this recommendation in six months.

Commissioner Kafoury seconded.

Mayor Katz said the City needs to make sure other stores abide by the good neighbor agreements. She said it would be unfair to penalize Mr. Richardson and let others off the hook.

Disposition: Unfavorably recommended. (Y-3)

1756 Report on the City Hall renovation project from the Director of the Bureau of General Services (Report)

Discussion: David Kish, Director, Bureau of General Services, updated Council on the renovation project and noted that they hope to make up the four to six week delay caused by their discovery that the walls were not plumb.

Disposition: Accepted. (Y-3)

1757 Accept the "Flood and Landslide Mitigation Plan" prepared by the Bureau of Buildings and the Flood and Mitigation Work Group (Report)

Discussion: Margaret Mahoney, Director, Bureau of Buildings, said three areas of concern were identified by the group: 1) Johnson Creek; 2) the levy system on the Columbia River;

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and 3) landslide-prone areas. A subsequent report will come to Council on Johnson Creek and the Bureau will support additional drainage district improvements to maintain the levies. Thirty-four specific recommendations are assigned to Bureaus for incorporation in their work plans.

Bob Robinson, Fire Bureau staff, said the importance of the levies and their possible impact on the well fields should not be underestimated.

Disposition: Accepted. (Y-3)

Commissioner Mike Lindberg

- *1759 Grant a temporary, revocable permit to Worldcom Network Services, Inc. and establish terms and conditions (Ordinance)

Disposition: Continued to October 30, 1996 at 2:00 p.m.

City Auditor Barbara Clark

- 1760 Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending October 22, 1996 (Hearing; Ordinance; P0020)

Disposition: Passed to Second Reading November 6, 1996 at 9:30 a.m.

- 1761 Assess property for sewer system development contracts of the Mid-County Sewer Project for the period ending September 24, 1996 and Non Mid-County for the period ending September 24, 1996 (Hearing; Ordinance; Z0639, Z0640)

Disposition: Passed to Second Reading November 6, 1996 at 9:30 a.m.

At 1:00 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH 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 Officer Chuck Bolliger, Sergeant at Arms.

Commissioner Lindberg expressed appreciation to Senators Hatfield and Wyden and Representatives Furse and Blumenauer who worked tirelessly to achieve permanent protection of the Bull Run Watershed from logging.

- *1759** Grant a temporary, revocable permit to Worldcom Network Services, Inc. and establish terms and conditions (Ordinance)

Discussion: Mary Beth Henry, Office of Cable and Franchise Management, said this will allow Worldcom to construct up to 5600 feet of fiber within City right-of-way. Worldcom will pay the City about \$14,000 a year for that privilege and will provide fiber and conduit for City telecommunications use.

Disposition: Ordinance No. 170690. (Y-4)

Commissioner Charlie Hales

- *1764** 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 1716; LUR 96-00135 CP ZC)

Discussion: Steve Gerber, Planning Bureau, announced that all parties involved in the case have now reached agreement, including the owners of the mobile home park. Applicant is now back to the original proposal as approved by the Hearings Officer.

Dominic Colletta, attorney representing HMC III, owner of the mobile home park, said the agreement resolves all their concerns about the application and they withdraw all prior objections.

Mike Robinson, attorney for the applicant (Act III), said this is a rare occasion where there is now absolutely no opposition. They have also tried very hard to meet the no-net housing loss requirements.

Louise Cody, Centennial Neighborhood Association, stated support for the proposal.

Disposition: Ordinance No. 170691. (Y-4)

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S-1762 TIME CERTAIN: 2:00 PM - Amend the Zoning Code to comply with the interim requirements of the State Transportation Planning Rule (Ordinance introduced by Commissioner Hales; amend City Code Title 33)

Discussion: Commissioner Hales said these recommendations respond to the realization that development needs to encourage people to get around other than by automobile. A lot of things need to change in order to make that happen. He said a substantial level of agreement with interested parties has been reached although there is not complete consensus.

He moved acceptance of the Substitute, which includes the six amendments in the memorandum. Commissioner Lindberg seconded and, hearing no objections, the Mayor so ordered.

Cary Pinnard, Planning Bureau, said these amendments will bring the City into partial compliance with the interim requirements of the Transportation Planning Rule. It is partial because the land division Code rewrite project currently underway will bring the City into compliance with the part dealing with subdivisions. It is interim because the Rule itself required compliance with certain standards by May 8, 1994 and calls for additional transportation planning, which the City is currently engaged in. The overall purpose of the amendments is to reduce reliance on the automobile and encourage the use of alternative modes of transportation such as walking, bicycling and mass transit. The amendments add requirements for long- and short-term bicycle parking, additional car pool parking requirements on some lots as well as site development standards along transit streets and in pedestrian districts to encourage pedestrian and transit-friendly development. The standards include minimum and maximum setbacks, limits on the placement of parking areas and the siting of main entrances close to sidewalks. Today's testimony will deal with these site development issues and the hearing on Thursday will deal with bicycle parking.

Bob LeFeber, Government Affairs Chair, International Council of Shopping Centers (ICSC) of Oregon, 50 SW Pine, #400, 97204, said no input was sought from his organization. He said the building orientation and setback requirements and parking restrictions will make retail development extremely difficult here, forcing people to drive out to the suburbs for competitive, affordable prices. He asked Council to consider the Retail Tasks Force's proposals for a more flexible standard to see if some compromise is possible. He said the compromise the Task Force suggested would allow some retail development to still occur here. While the City's goals are laudable, the proposal is anti-auto instead of being multi-modal. He said it would be economic suicide for retailers to ignore that 95 percent of their customers come by automobile.

Mayor Katz asked what recommendations the retailers would make.

Mr. LeFeber said the retailers suggested a hierarchy rather than requiring that all transit streets be subject to these very restrictive regulations. They believe that streets already developed as auto-oriented streets should have more flexible standards.

Commissioner Hales said he thought the Planning Commission heard considerable testimony from retailers and also does not believe the rules are quite as Draconian as implied. As an

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example, he noted the shopping center at Oleson Road and Garden Home where the developer has re-oriented a Sheri's restaurant so that the front door faces the sidewalk.

Mr. LeFeber said it is a very different story for large retailers than for a small restaurant like Sheri's, with only 4,000 square feet.

Ms. Pinnard said a representative from ICSC did testify before the Planning Commission.

Mr. LeFeber said they asked for a meeting with staff to go through the specifics of their proposed but it never occurred and they believe there was no desire to hear from this industry, which is substantially impacted by these rules. The retailers will not complain because they have given up on doing any development in the City.

Mayor Katz said he should share with Council what retailers have given up on the City. She said the big issue appears to be setbacks.

Mr. LeFeber said the site planning issues need to be addressed on a case-by-case basis and be more sensitive to the type of street where development is being proposed. These rules are too restrictive.

Keith Bartholomew, 1000 Friends of Oregon, 534 SW 3rd, #300, 97204, disagreed with Mr. LeFeber about the lack of opportunity interested parties had to address the standards. He said this thing has been beaten to death but a satisfying product is the result. This is fundamentally about creating an inviting environment to encourage people to leave their cars at home. Some retail interests believe that only the minimum standards needed to keep people from dying on their way to the store should be enacted. Under that scenario, people with choices will choose to drive. Removing the car from the space between sidewalks and building fronts is the most important step the City can take to create a pedestrian-friendly environment. He said 1000 Friends' one suggestion is to require that building entrances be on the front face of the building and not allow them to be around the corner on the side, within 25 feet of the right-of-way. They also support the alternative language proposed today by the Willamette Pedestrian Coalition. Because they recognize that some flexibility is needed for big-box retailers, they support the accommodation for big boxes larger than 100,000 square feet. They also support methods that will allow for reasonable adjustments in some cases. He said some retailers want the City to apply the standards only in areas that already have high-quality pedestrian environments. However, the question is how to change the status quo over time to make the City more livable for everyone and reduce reliance on the automobile. Passing this ordinance will help make that goal a reality.

Commissioner Hales asked how the City's proposed standards compare to other jurisdictions.

Mr. Bartholomew said Gresham has already adopted a more aggressive and restrictive standard. If retailers flee Portland, they will not be going to Gresham or Clackamas County, which has a standard comparable to Portland's. Washington County and Hillsboro have much more restrictive standards on streets served by the Westside light rail.

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Commissioner Hales asked whether there was an adequate adjustment mechanism for special cases.

Mr. Bartholomew said this proposal relies on the conventional adjustment process but is very careful in articulating the purposes. He said the purpose statement is what counts. In response to a question from Mayor Katz, he said it is his perception that Portland is regaining shoppers from the suburbs. He noted the rise of Nature's and Zupan's.

Commissioner Hales noted the success of Pioneer Square.

Mr. LeFeber said those are specialty retailers but when it comes to things people buy on a daily basis, the dominant retailers are in the suburbs and they find it very difficult to serve the central areas under these restrictions.

Doug Klotz, Willamette Pedestrian Coalition, 2630 SE 43rd, 97206, said they would like a minimum setback of 15 feet measured from the curb, not the property line, to provide for a sidewalk. The maximum setback would be 25 feet. They believe this would be a good way to address streets such as 39th, Belmont and Hawthorne, which have substandard sidewalks. The Coalition also opposes allowing the entrance to move to the side.

Ms. Pinnard said earlier drafts required entrances to face transit streets. Retailers wanted more flexibility and the Planning Commission approved a compromise proposal which allowed the entrance to face into the side parking but it had to be close to the transit street, or within 25 feet.

Mr. Klotz said they propose that the door face the street and be set back no more than six feet. Also, they propose language which would allow entrances to be 25 feet back when the development includes a courtyard.

Mr. LeFeber said the standards work for smaller buildings but big stores depend on having doors in the center of their building, central to the parking. If the door is moved to the front of the street, it would increase parking congestion around the door and create confusion among shoppers.

Jay Mower, 777 SW Chestnut, 97219, supported the intent of the new rules as he believes these changes will make a more livable city and build community.

Steve Hill, attorney representing Waremart, 111 SW 5th, #3400, 97204, said retailers are not against encouraging pedestrian access or transit ridership but do oppose placing the burden on retailers to drive this fundamental change. Building orientation is not the single most critical factor. Other factors that need to occur to make this work include increased density, more on-street parking to slow down traffic, sufficient transit service and transportation system changes. He said the Retail Task Force, in which Waremart participated, was involved earlier but there was never a follow-up meeting on the proposal they presented. Much more effort was put into bicycle parking regulations and this issue should have gotten the same attention. He said neighborhood retail stores charge significantly more and lower-income residents are forced to go elsewhere for affordable prices. This ordinance will have

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unintended consequences. He asked Council to see if a more reasonable compromise can be worked out.

Mayor Katz said "elsewhere" is fast disappearing and the big box retailers need to rethink how they can design a store more compactly to fit within an urban setting.

Mr. Hill said most Waremart customers buy in quantities which do not ordinarily get carried on the bus, a bicycle or on foot. They can provide a better environment for pedestrians and transit than has been done in the past but they do not think the only way to do that is to move the building entrance to the street front. Hillsboro, for instance, allows such flexibility.

Frank Bird, President, Northwest District Association, said he wanted to discuss the amendment regarding the changes to dwellings.

Ms. Pinnard said Commissioner Hales is proposing an amendment to the Zoning Code to allow redevelopment in very specific situation in order to get increased multi-family density. The situation is where there are already platted lots in more than one ownership. One platted lot has existing development, such as a large apartment building, while the vacant platted lots next to it keep the existing apartment building from being out of compliance with such things as maximum lot coverage and parking requirements. The proposed amendment would allow existing development on one lot that is held in common ownership with adjacent nondeveloped lots to be split off.

Commissioner Hales said three choices are available regarding this situation. The first is to do something now so that the individual who has been caught in a Kafkasque loop by the Planning Bureau can proceed. If there is no consensus to do that, then it should be sent to the Planning Commission. The other option is to wait until the Subdivision Code rewrite project is completed.

Mr. Bird said because this is a Code amendment, this request could have unintended consequences in Northwest Portland even though this project appears to be a good one. He asked for more time for review.

Commissioner Hales said he would ask the Planning Commission to make a recommendation as soon as possible. He said in this case someone with a good development proposal, who has gone through the land-use process and has a letter of support from the neighborhood association, has been caught in the Twilight Zone because of the Code.

Margaret Labadie, 2381 NW Johnson, 97210, said there had been no time to review this amendment and asked for advance notice, especially for something which seems to be extraneous to the Transportation Planning Rule.

Commissioner Hales said it appeared to be a parking problem when he first heard about it. This is a case where someone has been caught in an embarrassing glitch because of the Code and would otherwise have to wait a year to resolve it. In December, the Planning Commission will hold a hearing to take testimony from citizens on similar Code problems.

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Ms. Labadie said the more citizen input there is before making Code amendments, the less chance there is of unforeseen consequences.

Thia Bankey, Pedestrian Citizens Advisory Committee and American Institute of Architects, 424 SE 45th Ave., 97215, supported the recommendations requiring closer placement of buildings along transit streets and pedestrian districts. Keeping parked cars behind buildings is necessary to achieve the critical mass of pedestrian density needed for a vital community.

Pamela Alegria, President, Willamette Pedestrian Coalition, 3750 SE Henry, 97202, said as a pedestrian she resents having the big box stores set back a great distance as well as implications that pedestrians are the cause for their failure. She said studies show malls are becoming less popular with the public in general. The Coalition supports these amendments, which create a viable alternative transportation system rather than a piecemeal approach with isolated pedestrian pockets. The success of a pedestrian-friendly system depends on the inclusion of all the components in the Plan and removal of even one will weaken it. Such a system will help alleviate both traffic congestion and crime, putting eyes on the street and reducing urban isolation. People will walk if access is convenient and safe.

Thomasina Gabriele, Institutional Facilities Coalition, 3334 NW Vaughan, 97210, said they believe these amendments give institutions the flexibility they need to make their campuses pedestrian friendly. While the adjustment process does not list specific approval criteria, they think they can make this work on an individual basis.

Marjorie Newhouse, Chair, Northwest District Association Planning Committee, said they really struggled with the Code issue Commissioner Hales has identified and with this developer. She said it is really important to take a look at this and see what its effect might be on other properties.

Dave Rasmussen, Brooklyn Action Corp, 4768 SE Milwaukie, 97202, said they are trying to look at places that could be light rail stations and every time they add these Transportation rules it just makes things better.

Peter Fry, representing Retail Task Force, Chili's Restaurants and Burger King, said the problem with these regulations is that they really do not solve the problem. He said regulations cannot force businesses to meet a market that does not exist. He asked Council to focus on aggressively improving the street system to enhance pedestrian use so retailers can build to a market that actually does exist. Until that occurs, retailers need flexibility.

Timothy Wilder, Chair, SE Uplift Land-Use and Transportation Committee, 3534 SE Main, 97214, supported these proposals and said there has been plenty of discussion. He said building orientation, pedestrian amenities and bicycle parking are all important although there may be a need for parking in front of stores, which can best be accomplished through on-street parking. He called for follow-up to see how well these work and whether they change the way people move within the communities.

Kenneth Farlington, 7417 SE 20th Avenue, Willamette Pedestrian Coalition, said shoppers at big box stores and malls often have to walk a considerable distance from their cars to the

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front of the buildings as it is. It is no wonder that 90 percent of shoppers come by car when driving is the only convenient way to get to the stores. If parking lots were appropriately taxed for the amount of stormwater drainage required, that money could be spent for free delivery service, making it unnecessary for people to carry things home.

Commissioner Hales moved the amendments proposed by Doug Klotz of the Willamette Pedestrian Coalition. Action can be taken tomorrow. Commissioner Kafoury seconded.

Ms. Pinnard said a big box exemption is included which would allow retail establishments of over 100,000 square feet to bring the street to the big box if they cannot bring the building to the street. It turns the internal circulation streets into mini-main streets and provides an opportunity for infill development over the years as well as pedestrian orientation.

Commissioner Hales said the City has already been enforcing the Transportation Rule on a case-by-case basis. This is pretty similar to what was required for the Eastport Plaza redevelopment.

Ms. Pinnard said all the rules adopted today will be adjustable, allowing a case-by-case review process. There are some parking limitations. For instance, along the frontage of a street, the amount that can be in parking is limited to 50 percent of the width of the site. Regarding Mr. Klotz' amendment requests, she asked for Council direction as she believes the proposed language is too restrictive. His only exception is for a courtyard.

Commissioner Hales said he believes Mr. Klotz is right and that the Planning Commission erred in giving away too much. The original version of the Rule started with "entrances will face the street." Then people asked about courtyards so that was accommodated. But one cannot put the entrance facing the parking lot within 25 feet and call it compliance.

Council agreed with Commissioner Hales.

Ms. Pinnard said often the street and buildings are not exactly parallel and asked if Council wanted language that allowed some flexibility to handle that situation.

Commissioner Hales said Council wants to adhere pretty closely to the Transportation Planning Rule's stated intent regarding building entrance orientation.

Ms. Pinnard asked if it would be all right to angle to the side, half to the parking lot and half to the sidewalk.

Commissioner Hales said that would be okay. The 25-foot setback off the sidewalk with the door facing 90 degrees away has gone too far from the Rule's intent. He is open to how much flexibility should be allowed but Mr. Klotz got closer to the mark, which is that entrances fundamentally should face the street.

Commissioner Lindberg asked how this might apply to a store such as the Fred Meyer store on 39th and Hawthorne.

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Ms. Pinnard said that was an existing building and they do not require them to come into conformance when they are only remodeling. If the store were newly vacant, 50 percent of the store front along the street would have to be in windows. There is no street entrance requirement in that zone. She noted that stores could have more than one main entrance.

Commissioner Lindberg and the other Council members said they were nervous about not requiring street entrances on the sidewalks for such stores.

Disposition: Substitute continued to October 31, 1996 at 2:00 p.m.

S-1763 Direct the Office of Transportation and the Bureau of Planning to further analyze the implementation of bicycle parking regulations for existing development (Resolution introduced by Commissioner Hales)

Discussion: Commissioner Hales moved the substitute. Commissioner Lindberg seconded and, hearing no objections, the Mayor so ordered.

Disposition: Substitute continued to October 31, 1996 2:00 p.m.

At 3:50 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST 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; Linda Meng, Chief Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

S-1765 TIME CERTAIN: 2:00 PM - Amend the Zoning Code to comply with the interim requirements of the State Transportation Planning Rule (Previous Agenda 1762)

Discussion: Commissioner Hales said more than four years of work has gone into this plan to increase the supply of bicycle parking downtown. While Portland was once in the vanguard in its provisions for bicyclists, now its Code lags far behind that of other cities and is inadequate to meet the needs of the State-mandated Transportation Planning Rule and the City's Bicycle Master Plan. This proposal reflects the work of two Task Forces, dozens of drafts and many compromises. While consensus was not reached among the affected parties, this proposal does reflect some level of agreement.

David Kish, Director, Bureau of General Services, described what is being planned in City-owned facilities to increase bicycle parking spaces and accommodate bicyclists.

Mia Birk, Bicycle Coordinator, Office of Transportation, said the regulations on private buildings are flexible, reasonable and represent significant compromises between the business community and bicycle advocates. In terms of flexibility, there are eight different ways to meet the short-term bicycle parking requirements. A key change is to require bicycle parking for existing buildings, 90 percent of which either have no or substandard bicycle parking. She noted that when buildings spend more than \$10,000 to remodel they are required to spend up to 10 percent to do a list of things prescribed in the Code, most of which relate to landscaping on surface lots. Today they propose to add bicycle parking in third position on that list so that it would not change the total amount any building owner would have to spend. They believe that most buildings over time would add bicycle parking. Ms. Birk said they found that it would be extremely difficult to apply these regulation to buildings without surface parking and so have exempted them. Also exempted from long-term or commuter bike parking are small buildings of less than 2,500 square feet. The third major exemption is to place the downtown and Lloyd District under a different system for compliance to the Code. Instead, they will work collaboratively with the City on a voluntary program to install bicycle parking. The project will emphasize upgrading and adding current bicycle parking and has an initial target of meeting the 3.3 percent of trips to the Central City estimated to be made by bicycle today, or about 3,000 long-term bicycle parking spaces downtown and about 600 in the Lloyd District. It would triple what is in effect today. Staff will report back to Council every six months and, if this does not work, after five years the City will reconsider. However, businesses have committed to meeting these goals. She showed slides to indicate how the regulations will affect some existing buildings.

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Matt Klein, Association for Portland Progress and the Lloyd District, said this proposal provides effective choices and a voluntary collaborative approach which they believe will be successful. Over 25 businesses have already indicated that they are ready to participate and have donated \$30,000 to the program -- enough for 600 spaces.

Bob Naito, 5 N. Front Street, suggested that the proposal be amended to also allow property owners outside the downtown and Lloyd District to participate in a voluntary program. He cited Montgomery Park as an example, noting that the new regulations would require 80 bicycle parking spaces, far more than current usage would seem to indicate a need for.

Commissioner Lindberg asked if they thought there should be any guidelines or if building owners should be free to do whatever they felt was needed.

Mr. Klein said the premise of the collaborative approach is that the Downtown and Lloyd District business owners would work in conjunction with the Office of Transportation and the Bicycle Transportation Alliance (BTA) on an approach that was community based, not necessarily building specific.

Commissioner Lindberg asked if the requirements were based on office space or included atria, courtyards, etc.

Robin White, Building Owners and Managers Association (BOMA), said it is based on the amount of net building area.

Mr. Naito questioned why, particularly in the light of what was done downtown, the requirement for bicycle parking spaces would be quadrupled even when there is already an adequate supply.

Commissioner Lindberg asked staff if there was any flexibility for individual situations.

Ms. Birk said one reason why so few bicyclists park at Montgomery Park is because it has a very poor bike rack and is also hard to reach by a bike. Building owners who believe the requirements are impractical may ask for adjustment.

Ms. Pinnard said the proposal is to require one space per 10,000 square feet of net building area of office space. They look at all the uses, such as office, warehouse, entertainment, etc. and calculate the requirement based on size and use. It can be further fine-tuned on a case-by-base basis. Atrium area is probably a part of the overall office use as most buildings have a lobby. If one is especially large, it provides a rationale for an adjustment.

Mr. Klein said they believe the voluntary program could be more effective than a regulatory one and would like the chance to prove it.

Ms. White said BOMA is totally opposed to a mandatory program in the outlying area and does not believe usage is sufficient to require the proposed increase in the number of bicycle parking spaces. She said not one prospective tenant has made bicycle parking a priority but all would end up paying for it. The number should be market driven by tenants as it is

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ludicrous to require more spaces when the existing ones are not being used, particularly given all the other requirements placed on building owners now. Many locations, such as Sylvan or by the airport, are not easily accessible by bike. The requirement for covered and secure parking is defined as either in a locked space inside a building or in a cyclone cage. Building owners find these costly. She called for adoption of a voluntary program everywhere or the City should allow upgrades of bicycle facilities to count as an offset in non-conforming use situations. She said existing usage plus 10 percent would be a more reasonable standard.

Commissioner Hales asked if other areas had transportation management groups as does downtown and the Lloyd District.

Ms. White said not in the outlying areas but BOMA is committed to having all its members make the voluntary program work.

Commissioner Hales noted that the Lloyd District Transportation Association is trying to meet the State requirement for employee commuting, something scattered buildings do not have to comply with.

Ms. White said that is why she suggested that rather than putting bicycle parking in as a non-conforming use, it could be given as a credit or offset toward what a business is required to do.

Ms. Pinnard said bring existing substandard bicycle parking up to standard counts on the non-conforming use list and would be done first.

Commissioner Lindberg questioned the long-term effect of a market driven parking program. He said the building owners need to look at the long-term benefits of transportation alternatives.

Ms. White said at this point business owners, looking at low utilization, consider this to be water going down the drain. There is also only so much they can pay for and life safety issues are a much higher priority than bicycle parking.

Mayor Katz said there should be some flexibility based on location and asked whether that would be taken into consideration when granting adjustments.

Ms. Pinnard said each specific case would be reviewed as to accessibility. What may result is a program to meet demand with added conditions to provide more spaces if demand rises. Some businesses may be able to meet the requirements over time rather than all at once. She said in some places bike access over the short term may be difficult but could improve later with bike lanes and other improvements.

Ms. White noted that it costs businesses both time and money to go through the adjustment process, making it harder to move new tenants in quickly.

Lynda Clark, SW Macadam Boulevard, said Johns Landing should also be included in a voluntary program. The River Forum building, for instance, currently has a bike rack which

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no one uses.

Mayor Katz asked why only downtown and the Lloyd District are voluntary.

Commissioner Hales said those areas have associations in place to foster compliance.

Ms. Clarke said they recognize that the trend to bicycling is growing but a mandatory program requires lots of unused bicycle parking. It would be better to respond to tenants' demands.

Gary Haselton, 5302 SW 49th Drive, property owner on Beaverton/Hillsdale, said the program should be voluntary in suburban areas where there is little demand instead of requiring an expensive adjustment process. He said these efforts would be better spent on building more sidewalks.

Bruce Kindler, 6413 Palomino Way, West Linn, 97008, said bicycle parking is just one component of a total system but can be viewed as a chicken and egg situation where the more parking is available, the more will be used. Good facilities are needed, not bad, poorly located racks.

Steven Scott, 826 SE 52nd, a regular bike commuter, stressed the need for secure bike parking. He said currently spaces may be underutilized because people do not know they are available. He supported the new regulations.

Rick Browning, 1903 NW 27th Ave., representing the City Citizen Bike Advisory Committee and the Bicycle Regulations Task Force, said they approve the Planning Commission recommendations except for Amendment No. 6. He said the Task Force recommendation calling for inclusion of bicycle parking in existing buildings is more important over time than requirements on new buildings as Portland is almost built out. He said they object to the short-term parking requirement for institutional campuses as it allows a single bicycle parking area, rather than building by building. He said at Portland State University (PSU) people go to the closest place they can chain their bikes, rather than using bicycle parking 100 feet away. The bike rack at Montgomery Park is not used because it is located so far from the building and because of street access difficulties.

Jay Graves, 6816 NE Tillamook, said he represents 15 bicycle dealers who support these recommendations. He said bicycles are not toys and need to have secure places to park.

Will Moore, 8440 SW Godwin Court, 97223, said bicyclists who work at Montgomery Park take their bicycles to their offices as they need more security. He said adding more bicycle parking at schools should be a priority.

Scott Bricken, 1704 SE Main, #2, 97214, PSU student, said adding more bicycle parking at schools is a good idea. Schools could also provide locks. He said location of the racks is critical because people take their bikes where it is most safe.

Commissioner Lindberg asked how critical it is to provide showers.

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Mr. Bricken said it is a huge factor at PSU and Metro.

Mari Ruth Patzing, student, Northeast Community School, said 20 percent of the student body is now biking to school because of the concerted effort to find safe bicycle routes.

Curtis Roth, 6937 SW 10th, 97219, said it is hard to recommend bicycles as an appropriate mode of transportation without safe and adequate parking.

Karen Frost Mecey, 5704 SE Liebe, 97206, Executive Director, Bicycle Transportation Alliance, cited examples of poor bike racks which people will not use. She said it is time for the private sector to help implement the Transportation Planning Rule and the Code has been gutted so that the City cannot meet its goals. Other cities are now more progressive than Portland but this is a start for downtown and the Lloyd District.

Ethan Melooper, 3006 NE 11th, 97212, called for more bicycle parking at schools.

Dan Petrusich, 111 SW Columbia, #1380, 97201, representing Melvin Mark Development Corp., said the FAR bonus for shower/locker rooms should be transferable to new development sites. Otherwise, his company supports the recommendations.

Janet Anderson, 919 NE 122nd, 97230, said the bikes-on-bus program can be used to reach inaccessible areas. She said she does not bike to work at the Lloyd Center because the only parking is outside.

Chris Pierce, 4334 NE 32nd, Bicycle Transportation Alliance board member, said the availability of good, secure bicycle parking will lead to a more livable City. This ordinance, while a compromise, is a good start.

Commissioner Hales asked about the FAR (Floor to Area Ratio).

Mr. Petrusich said what this means is that if a company builds a shower in a parking structure it could transfer the ratio to a high rise.

Commissioner Hales asked if there would be some limit on the distance between the two.

Mr. Petrusich said the City's goal is to get "bike centrals." What matters is that the facilities get built. New buildings would still need to meet the base Code and showers are more convenient to build in parking structures than in high rises.

Randy Albright, Task Force member, said they support these recommendations but only with Commissioner Hales' amendments. He said this represents much compromise and hard work with the business community and other interested parties. While it is a good first step towards compliance with TPR Goal 12 it is still not on par with other communities regarding the amount of bicycle parking required. He said the City has committed to provide the on-street infrastructure to make bicycling safer and now private interests must do their part to provide better bike parking and end-of-trip facilities. Bicycle parking is not expensive compared to automobile parking and when underutilized it is usually due to poor

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communication about bike rack locations, poor security, and substandard racks. He said the Portland Public School District has resisted bicycle parking requirements all through this process but they should be implemented at the middle schools. Many schools have poor or no racks at all.

Keith Bartholomew, 1000 Friends of Oregon, 534 SW 3rd, said bicycle parking by itself is not sufficient to achieve the bicycling mode share goal. However, it is necessary and good quality bicycle parking does attract more users.

Mayor Katz noted that the Office of Transportation committed to using the international standard for signage as changes are made. She asked what happened at the Planning Commission regarding bicycle parking.

Ms. Pinnard said the Planning Commission dealt with a staff recommendation stating that because adding bicycle parking to existing buildings would be problematic, the City should adopt the bicycle parking laws for new buildings but continue to work on the problems for existing buildings. In the meantime, Ms. Birk and staff have worked that out and returned with a solution.

Commissioner Hales said staff efforts have improved the Planning Commission's recommendations.

Ms. Birk said the initial proposal was to require bicycle parking for all existing buildings but the Planning Bureau discovered that administration would be very difficult, particularly because most downtown buildings have no parking at all. They wanted to acknowledge that the downtown and the Lloyd District needed to be treated differently. The voluntary program could be a potential model for other areas that wish to adopt parking management strategies. If that occurs, staff is willing to reexamine a voluntary approach for them as well. She said they hope businesses will be encouraged to add the parking and this program is very flexible and offers many ways to meet the Code requirements.

Mayor Katz asked if there were benchmarks to measure the effectiveness of voluntary compliance.

Ms. Birk said not yet but the project management team plans to establish them.

Commissioner Kafoury noted the letter from the Portland School District asking for more flexibility.

Ms. Birk said the schools fall under Conditional Use review, which gives staff a chance to add bicycle parking requirements as appropriate.

Commissioner Hales asked about the Petrusich amendment regarding the transfer of FARs.

Ms. Pinnard said the Code already allows some FAR transfers although it is somewhat more restrictive than the floor area transfers allowed for Single Resident Occupancies. What Mr. Petrusich is recommending may already be allowed if Council adopts the extra bonus. Staff

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has already indicated to the Planning Commission that all the bonuses need to be reviewed. The appropriateness of transfers for these other bonuses could be reviewed then too.

Commissioner Hales said he would like to review that as the bonus provisions have not been widely used. Here staff has tried to make them generous enough that they get used. He noted the amendment language that has been proposed by staff.

Mayor Katz said Doug Klotz does not think that the front entrance standards are included in CS and CM zones.

Ms. Pinnard said there are main entrance requirements in the current Code that would apply there but the proposed amendments would apply because most of those zones are applied along transit streets. However, Mr. Klotz would probably want it to be more restrictive than what is proposed here.

Commissioner Hales said this, however, is a good start and closes the worst of the loophole the Planning Commission recommendation created. He moved the amendments proposed by staff. Commissioner Lindberg seconded and the Mayor so ordered.

Commissioner Lindberg said he hopes the Planning Bureau can determine if there are ways to set up an expedited adjustment review process.

Ms. Pinnard said that is the goal of the Bureau for all reviews.

Disposition: Passed to Second Reading as amended November 6, 1996 at 2:00 p.m.

S-1766 Direct the Office of Transportation and the Bureau of Planning to further analyze the implementation of bicycle parking regulations for existing development (Previous Agenda 1763)

Disposition: Continued to November 6, 1996 at 2:00 p.m.

Commissioner Hales moved acceptance of the Four-Fifths agenda item. Commissioner Lindberg seconded and the motion carried. (Y-4)

Four-Fifths Agenda

***1767** Contract with Ebony Iron Works, Inc. to furnish Harbor Wall flood railing for the Bureau of Transportation Engineering and Development for \$334,030 and provide for payment (Ordinance introduced by Commissioner Hales)

Discussion: Terry Bray, Bureau of Transportation Engineering, said they hope to complete the wall in less than 90 days after the notice to proceed is given, probably in about two weeks.

Disposition: Ordinance No. 170692. (Y-4)

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At 4:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By **Cay Kershner**
Clerk of the Council