



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF DECEMBER, 1997 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi (late), Hales, Kafoury and Sten, 5.

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

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

CONSENT AGENDA - NO DISCUSSION

1819 Cash investment balances October 16 through November 12, 1997 (Report; Treasurer)

Disposition: Placed on file.

1820 Accept bid of Sea-Western, Inc. for annual supply furnishing turnout coats and pants for \$143,863 annually for 2 years (Purchasing Report - Bid 98048)

Disposition: Accepted; prepare contract.

1821 Accept bid of Boyington Construction, Inc. for Columbia Park restroom renovation for \$74,500 (Purchasing Report - Bid 98064)

Disposition: Accepted; prepare contract.

1822 Accept bid of Lone Star Northwest for furnishing mixed concrete for \$414,872 annually for two years (Purchasing Report - Bid 98069)

Disposition: Accepted; prepare contract.

1823 Accept bids of Jones Chemical, Inc. for furnishing chlorine in containers for \$193,290 and of All Pure Chemical Co. for furnishing chlorine in tank cars for \$145,800 annually for two years (Purchasing Report - Bid 98077)

Disposition: Accepted; prepare contract.

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1824 Vacate a certain portion of NW Hilltop Court east of NW Hilltop Drive, under certain conditions (Ordinance by Order of Council; C-9916)

Disposition: Passed to Second Reading December 10, 1997 at 9:30 a.m.

1825 Vacate a certain portion of SE Mt. Scott Boulevard east of I-205 and west of SE 98th Avenue, under certain conditions (Ordinance by Order of Council; C-9934)

Disposition: Passed to Second Reading December 10, 1997 at 9:30 a.m.

Mayor Vera Katz

***1826** Authorize the Purchasing Agent to sign a service agreement with Bentley Systems, Inc. for the continued use of Bentley licensed software products and services (Ordinance)

Disposition: Ordinance No. 171817. (Y-5)

***1827** Authorize the Purchasing Agent to issue a Purchase Order to serve as a contract with GEAC (Dun & Bradstreet Software) in the amount of \$52,694 without advertising for bids (Ordinance)

Disposition: Ordinance No. 171818. (Y-5)

***1828** Pay claim of Richard Griesenauer civil rights lawsuit (Ordinance)

Disposition: Ordinance No. 171819. (Y-5)

***1829** Extend legal services agreement with Bogle & Gates (Ordinance; amend Agreement No. 31184)

Disposition: Ordinance No. 171820. (Y-5)

Commissioner Jim Francesconi

***1830** Amend contract with SERA Architects, PC for architectural services for the City Hall renovation project to provide additional services and extend the contract termination date (Ordinance; amend Contract No. 29088)

Disposition: Ordinance No. 171821. (Y-5)

Commissioner Charlie Hales

1831 Accept contract with Brant Construction for Lairhill Park improvements as substantially complete and authorize final payment with retainage to be released in full upon authorization of the Project Manager (Report; Contract No. 30649)

Disposition: Accepted.

- 1832 . Accept contract with G.R. Morgan for Glenwood Park as substantially complete and authorize final payment with retainage to be released in full upon authorization of the Project Manager (Report; Contract No. 30703)

Disposition: Accepted.

Commissioner Gretchen Miller Kafoury

- *1833 Donate a 1970 fire truck to Khabarovsk, Russia (Ordinance)

Disposition: Ordinance No. 171822. (Y-5)

- *1834 Amend agreement with Unlimited Choices, Inc. by increasing the budget by \$40,000; amend the scope of work and provide for payment (Ordinance; amend Agreement No. 31373)

Disposition: Ordinance No. 171823. (Y-5)

Commissioner Erik Sten

- 1835 Reappoint Jerry A. Moss and Regna Merritt to three-year terms on the Water Quality Advisory Committee (Report)

Disposition: Confirmed.

- *1836 Authorize the City Attorney to commence condemnation proceedings to obtain early possession of temporary and permanent easements needed for the South Airport sanitary trunk sewer project (Ordinance)

Disposition: Ordinance No. 171824. (Y-5)

- *1837 Authorize an amendment to a contract with Century West Carollo to include in the scope of work for the Combined Sewer Overflow headworks project the provision of plans and specifications for the CSO effluent equalization facility project and the packaging resources building use project (Ordinance; amend Contract No. 30381)

Disposition: Ordinance No. 171825. (Y-5)

- 1838 Amend contract with Roger N. Smith Associates, Inc. for engineering services to expand a monitoring well network for the Columbia South Shore well field (Second Reading Agenda 1808; amend Contract No. 31095)

Disposition: Ordinance No. 171826. (Y-5)

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REGULAR AGENDA

1818 **TIME CERTAIN: 9:30 AM** - East Precinct Pawn Shop presentation (Report introduced by Mayor Katz)

Discussion: Police Chief Charles Moose said this will help police address the problem of property crimes in East and Southeast Portland.

Police Commander Mark Paresi said there has been a horrific increase in property-related crimes in East Portland lately. While the availability of drugs is a problem, Police believe that area pawn shops are involved in transferring stolen property into money.

Police Detective Paul Barr said they realized that a lot of known drug users were repeatedly going to pawn shops and used a profiling scheme to make traffic stops, arresting 80 percent of those stopped. Police were amazed at the extent of the problem.

Commander Paresi said after police missions in June and September the Police did extensive debriefings and found a subculture of chronically underemployed drug abusers who commit these crimes and have a ready ability to change stolen property into dollars.

Detective Barr noted that this population is comprised largely of white males who commit crimes in East County. Part of the problem rests with a lack of education for homeowners about their need to lock garages, etc.

David Lesch, Multnomah County District Attorney's Office, said they see a lot of people who commit crimes because of drug addictions. These people are generally released from jail and more than 50 percent do not show up for court hearings. As of July 1, a new sentencing bill became effective which targets repeat offenders and as a result they are seeing more chronic addicts.

Mayor Katz asked what the next steps are.

Commander Paresi said the pawn shop regulations should be strengthened and a crime prevention program should be targeted to East Portland. He said methamphetamines are the scourge there and need to be attacked just as much as crack is. Other social agencies should be involved in this part of the City too to deal with problems resulting from the dearth of jobs and other social problems.

Commissioner Hales asked if the City can order forfeiture of offenders' automobiles after a certain number of charges.

Commissioner Sten asked if there was any way to target dollars to treat "meth" addicts.

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Mr. Lesch said drug treatment is not required on misdemeanors but is for those who commit felonies. Practically, however, it takes a lot of screwups for an individual to get to the felony stage. The answer is "in prison" drug treatment, as is done at the Columbia River Correctional Facility.

Commissioner Francesconi asked if citizens are safer if more people are locked up or if it is better to put some of those resources into treatment.

Mr. Lesch said everyone agrees more drug treatment programs are needed but his office has not seen many individuals following through on their own or taking advantage of the treatment programs that are available. In the meantime, crime victims are very angry and frustrated.

Commissioner Francesconi said the County needs to get the word out about how it is dealing with chronic offenders.

Mr. Lesch said there is a maximum six month sentence for most property crimes and offenders usually serve a third of that. There are not enough bodies to supervise all those on parole.

Dennis Nelson, Manager, License Bureau, said his Bureau is taking a new look at the second hand dealer Code to see what revisions might help. The current Code has cut down on the amount of stolen property going through these dealers but this has not helped solve the problem.

Mayor Katz said it is very frustrating to see the same people commit these crimes over and over again.

Disposition: Accepted. (Y-5)

Mayor Vera Katz

1839 Authorize City Attorney to file a declaratory judgment action in a public records matter (Resolution)

Discussion: Mayor Katz said the City received a court order to release records regarding a disciplinary action. While it is a close call, the majority of Council believes that decision needs to be appealed.

Jeff Rogers, City Attorney, said this involves a District Attorney initial ruling, not a court ruling, in a situation where there is very little clarity about what the law means. The question is whether the records requested are exempt. He noted that generally personnel and disciplinary records are exempt unless the public interest requires disclosure. He said he hopes this appeal will clarify the balance between respect for privacy and the public interest. He said one disadvantage is that an appeal makes the City appear to be hiding information but in this case the

additional records concerning Commander Garvey contain little information that is not already known. Because he has filed a tort claim notice, disclosing additional information without his consent could give him an additional argument that he has been harmed.

Mayor Katz asked about the City's criteria for releasing personnel records.

Mr. Rogers said the guidelines for release are unclear and most labor bargaining agreements call for confidentiality. Clearer criteria need to be developed.

Commissioner Francesconi said it makes sense to be open to the public and he does not accept that the City's trial strategy requires non-disclosure. However, he will vote in favor because the law and City guidelines are currently unclear and it makes sense to get clarification.

Disposition: Resolution No. 35657. (Y-5)

- *1840** Authorize the Mayor and Auditor to execute Amendment #1 to the Agreement for Development between the City of Portland and Hoyt Street Properties, LLC revising the time for submission of a Master Plan Amendment and the scope of the Parks Planning Process (Ordinance; amend Contract No. 50932)

Discussion: Bruce Allen, Portland Development Commission, said this extends the period for submission of the Master Plan Amendment to allow more time for the parks planning process, which will take 12 months.

Disposition: Ordinance No. 171827. (Y-5)

Commissioner Charlie Hales

- 1841** Consider vacating portions of SW 2nd Avenue and SW Richardson Street at the request of Stan Culver (Hearing; Report; C-9920)

Discussion: Commissioner Hales said all issues involving this vacation appear to have been successfully resolved.

Disposition: Approved; City Engineer prepare ordinance. (Y-5)

- 1842** Consider vacating a portion of NW Harris Street and NW Bailey Street south of NW Springville Road at the request of John Illias (Hearing; Report; C-9935)

Disposition: Approved; City Engineer prepare ordinance. (Y-5)

- 1843 Thank Peter Stott and the employees of Crown Pacific Company for their generosity and hard work in providing and transporting the 1997 Christmas tree to the Pioneer Courthouse Square (Resolution)

Discussion: Commissioner Hales said it is most appropriate for the City to thank Mr. Stott and Crown Pacific for the Christmas tree.

Disposition: Resolution No. 35658. (Y-5)

Commissioner Gretchen Miller Kafoury

- *1844 Extend the operation of the Neighborhood Mediation Center at full service levels through June 30, 1998, increasing the Office of Neighborhood Associations budget by \$93,153 (Ordinance)

Discussion: Commissioner Kafoury said this was one of the earliest targets for budget cuts under Ballot Measure No. 47. However, they found it impossible to conclude the process of contracting this out to a non-profit organization within six months. This will extend the contract so as to avoid disruption in services for another six months while a non-profit group is sought to take over this operation.

Commissioner Kafoury moved the amendment to authorize that funds for extension be appropriated during the winter budget adjustment ordinance and not from contingency. Commissioner Hales seconded and, hearing no objections, the Mayor so ordered. (Y-5)

Celia Heron, Office of Neighborhood Associations, explained what actions will be taken to facilitate the transition process. She said right now it looks as if a new non-profit will have to be formed, although the preference is for an existing one to take on this function.

Disposition: Ordinance No. 171828 as amended. (Y-5)

Commissioner Erik Sten

- 1845 Grant a franchise to Qwest Communications Corporation for a period of ten years (Ordinance)

Discussion: Commissioner Sten said this franchise will bring new fees and better services to the City.

Disposition: Passed to Second Reading January 7, 1998 at 9:30 a.m.

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City Auditor Barbara Clark

1846 Assess benefitted property for the cost of constructing street, storm sewer and sanitary sewer improvements at the NE Jarrett/138th Avenue Local Improvement District (Second Reading Agenda 1816; C-9896)

Disposition: Ordinance No. 171829. (Y-5)

1847 Assess property for sidewalk repair for Lloyd District, Bureau of Engineering and Development and Bureau of Maintenance (Second Reading Agenda 1817; Y1024)

Disposition: Ordinance No. 171830. (Y-5)

At 10:40 a.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 DECEMBER, 1997 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Kafoury and Sten, 5.

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

Commissioner Charlie Hales

S-*1849 Amend the Comprehensive Plan Map and change the zone of the majority of the property at 5055 N. Greeley Avenue from Institutional Residential to Office Commercial (Bess Kaiser Medical Center) (Findings; Previous Agenda 1736; LUR 97-00685 CP ZC)

Discussion: Commissioner Hales moved the Substitute Ordinance. Commissioner Sten seconded and, hearing no objections, the Mayor so ordered.

Steve Gerber, Planning Bureau, said the Substitute reflects Council's decision to zone Tax Lot 17 as CO2d, as proposed by the applicant, rather than R2, as recommended by the Hearings Officer.

Commissioner Hales moved adoption of the findings as amended. Commissioner Kafoury seconded and roll was called. (Y-5)

Disposition: Findings adopted; Substitute Ordinance No. 171831. (Y-5)

S-1848 **TIME CERTAIN: 2:00 PM** - Amend Chapter 33.205 Accessory Rental Units and related provisions of the Portland Zoning Code (Previous Agenda 1554; amend Title 33)

Discussion: Commissioner Hales noted the Planning staff memo which addresses the questions raised at the October hearing about the effect of the Code change.

Deborah Stein, Planning Bureau staff, said the substitute ordinance does not alter the Planning Commission recommendations except for an additional clause calling for a staff evaluation over the next four years. She said her experience in California on the impacts of accessory units indicated that most were created by seniors who, by adding these units, could continue to live in homes they otherwise could not afford. Also, she found that few units were built and some cities were disappointed.

Jim Claypool, Planning Bureau, reviewed the major concerns addressed in the staff memo. Regarding non-profit exemption from owner occupancy, they believe it is

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premature to address that in the Zoning Code until the Community Development Corporations (CDCs) have articulated a clear strategy for creating home ownership. For the most part the CDCs will use all their current available housing stock for rentals and it would be difficult to acquire additional homes.

Commissioner Sten said the question was whether CDCs which own rentals would be exempt if there is an owner-occupancy requirement so that they could add accessory rentals. The neighborhoods did not seem to think that would be a problem.

Mr. Claypool said that is tied to the other questions, such as whether there is an opportunity for eventual home ownership there.

Commissioner Sten said one question is whether the City can limit this to owner occupancy or should the accessory rental be allowed in all units. This would be the first time the City would say a certain type of housing can only be owned by a certain type of person. Also, if owner occupancy is required on these types of units, can non-profits be exempted?

Commissioner Francesconi said it is his opinion that creating an exemption for non-profits may not be possible. If the owner-occupancy requirement remains, he will propose language that would allow non-profits to temporarily offer leases as part of a longer-range homeowner program. He said one cannot treat for-profits and non-profits differently without a clear rationale.

Ruth Spetter, Senior Deputy City Attorney, said her office was initially asked to look at the difference between new development which would have the accessory unit built as part of it and existing home owners where owner occupancy would be required when a unit was built but not after it was sold. Her office reviewed that distinction to see if there were any equal protection problems. However, they were unable to issue a definitive conclusion because that distinction depends on the City's objectives and whether the distinction can reasonably be said to help achieve them. The City Attorney's office was also asked if non-profits can be exempt. Its reply was that the City would have to show what legitimate governmental objectives would be obtained if non-profits were exempted. The non-profit exemption might also affect in some way the proposed requirement that existing properties remain in ownership to the point of conversion. The City Attorney's office needs more facts about the objectives, especially with respect to the non-profit situation.

Mr. Claypool said there is not enough data to make a good estimate about how many accessory units may result. Previously, they projected 130 units while acknowledging that the rate may vary in different areas and be contingent on market factors. Areas that are likely to have more Accessory Dwelling Units (ADUs) are likely to be close to intensive and mixed uses, as well as universities and colleges. The owner-occupancy requirement will be a leading development factor and, if that is not required, the Planning Commission projects 130 new units a year. If it is required, the number will probably remain at about six to 12 legal units. Staff hopes

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to gather substantive data during the four-year evaluation period and could evaluate ADUs within the A-overlay as well as Citywide. A more restrictive set of standards will apply in areas like Albina and Outer Southeast which have the A-overlay and an owner-occupancy requirement.

Regarding design guidelines, Mr. Claypool said the objective standards in the proposed amendments affect design compatibility between the primary and the accessory units. Other design guidelines, including the base zone standards, are being considered for all residential zones or historic district and deal more with the public realm, i.e. the block and neighborhood. ADUs would have to meet the higher standards. The definition of ADUs has been clarified to make it clear that "Accessory" refers to a single dwelling in order to clear up any confusion about what would happen in multi-dwelling zones.

Mayor Katz asked if there were design criteria for single homes in multi-dwelling zones.

Mr. Claypool said that is being considered now as part of the new base-zone development standards for design review.

Mayor Katz said that is a problem in Northwest where residents are adding on third stories to single-family homes. She said if these homes meet the design standards, then there is something wrong with the standards.

Ms. Stein said the design standards are not there now, but are being considered.

Regarding the issue of tenure, Mr. Claypool said development is influenced less by zoning and more by factors such as income, age and type of housing and adjoining land uses. Key ingredients of stability in blue collar neighborhoods are more likely to be affordable housing and plentiful jobs, not zoning or ownership.

Mayor Katz asked about neighborhood notification.

Mr. Claypool said right now notification to adjoining properties is done if an adjustment to the standards is proposed. It would be unusual for the Bureau to notify adjoining property owners if an application meets Code standards. It could be done, however.

Ms. Stein said since some units will be added internally it would be much like any remodeling project.

Commissioner Francesconi questioned Ms. Stein about her experience with ADUs in California, noting that if the greatest demand was for housing units for seniors and grown children, they would have a home ownership component. He said Mr. Claypool's statement that there would be no increase in ADUs if the home ownership component remains does not seem consistent.

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Mr. Claypool said they would expect six to 12 units if they retain the owner-occupancy requirement, which is what they get now. It could be 40 or 50 but it will not reach 130, which is what is projected under the revised Planning Commission recommendation concerning home ownerships.

Commissioner Sten said the Planning Commission allows sale, which is unenforceable.

Ms. Stein said basing the decision on any number would be wrong because this is all guesswork. That is one reason the evaluation is being proposed.

Commissioner Francesconi said what he is trying to get at is who is the City trying to house.

Ms. Stein said Planning still believes that a sustained owner occupancy requirement would have some enforcement issues and limits people's flexibility.

Mr. Claypool said in Gresham, which provides for ADUs without owner occupancy, had three in the first year.

Commissioner Francesconi said he will propose a two-year evaluation period as he does not wish to wait four years.

Commissioner Kafoury said she plans to move an amendment to remove the owner occupancy provision on Page 13, Section 2.

Commissioner Francesconi said he plans one that would strengthen the owner occupancy regulations but exempt non-profits.

Commissioner Sten said he would like to hear more about the City's ability to enforce owner occupancy.

Deborah Howe, Professor of Urban Studies and Planning, Portland State University, showed slides of ADUs to show how they were created and how they blend into their neighborhoods. She said ADUs traditionally have been an important means of responding to changing household needs. Adding diversity to the housing stock through ADUs can be done in a way that reinforces the single-family image of neighborhoods without overwhelming or dramatically changing neighborhoods.

Kermit Robinson, Bureau of Buildings, said the Bureau has never had a definition of what owner occupancy is and this proposal still does not contain one. He asked how his Bureau is to judge whether someone is an owner occupant and noted that the Bureau completes its final inspection on new construction before it is occupied.

Susan Harnett, Planning Bureau, said an owner occupancy requirement can make it difficult to get financing from the banks.

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Mayor Katz asked how the Planning Commission responded to this issue.

Ms. Hartnett said it came up with the compromise now before Council.

John Fregonese, Director of Growth Management, Metro, said Metro's Urban Growth Management Functional Plan requires all cities to permit accessory units although it allows reasonable regulations. That requirement reflects the need to respond to changing regional demographics, with household size decreasing and average ages increasing. Portland dropped in population from 1960 to 1990 east of the Willamette and only by adding units was that trend reversed to achieve modest increases. He said his personal view is that the City should liberally permit accessory units.

Robert Peterson, Chair, Overlook Neighborhood Association, opposed the Planning Commission's recommendation to amend the accessory rental units and related Code. He said his neighborhood successfully had the A-overlay removed during consideration of the Albina Community Plan (ACP). He cited a statement in the ACP which requires changes to conform with it, as well as with the Comprehensive Plan. He said the ADU requirement will jeopardize the livability of the Overlook neighborhood by adding more traffic and on-street parking in an area with narrow streets and many dead ends. He asked if Overlook will be penalized now because it had the A-overlay removed.

Mayor Katz said the A-overlay, which is more restrictive than what is proposed, actually protects neighborhoods.

Bob Frederickson, South Tabor Neighborhood Association, asked Council to give the A-overlay a chance to work before adopting this. He said the owner occupancy requirement should be kept until the City knows what is happening and there should be a short period of review. Regarding enforcement, he said currently the Bureau of Buildings is fairly lax in enforcing the Code. He also asked for notification to neighborhood associations, if not to immediate areas.

Thelma Skelton, East Portland Planning Group, said ADUs will help meet the increasing demand for housing, especially low cost units for seniors and young people.

Hilda Kemp, Sumner Neighborhood Association, said Sumner opposes the ADUs. She said her neighborhood is zoned for very small homes and there is already enough low-cost housing in the area. The neighborhood believes the ADUs should be tried on a trial basis first.

Louise Cody, Centennial Neighborhood Association, said adopting this may well abolish, for all practical purposes, single-family zones intended for single-family use. These changes permit detached rental houses in back yards which means there will be two houses on one single-family lot. This also allows the creation of duplexes in older homes on corner lots in established single-family neighborhoods. These

changes turn single-family zones into multi-family ones. Abolishment of the owner-occupancy requirement will create more absentee landlords and endanger stable and viable neighborhoods. Rental housing is not the issue but permitting two rental units on one lot is. All this is being done to create only 130 housing units and in the face of opposition from the majority of City residents and neighborhoods. She disputed assertions that the owner occupancy requirement is not legal or enforceable. She said it has been considered legal for years all over the country, except in Gresham. She said the A-overlay provision will be repealed, eliminating owner occupancy and permitting detached units throughout the Albina and Outer Southeast Community Plan districts. She said many neighborhoods are requesting permanent owner occupancy for the life of the unit, as exists now in the Code. Requiring owner occupancy only when units are created does not alleviate the public concern that rental companies and developers will buy and convert large amounts of houses, or convert existing rental homes into accessory rentals. She said neighborhoods that wish to try these changes should be allowed to do so while those opposing them should be allowed to continue as they are.

Mayor Katz said this does not repeal the A-overlay zone.

Ms. Cody said she meant the A-overlay accessory rental provision. The A-overlay liberalized the accessory rental provision. It guarantees home ownership and no detached units for the most part. But you can put rentals in very small houses anywhere in the house whereas in the regular Code you cannot.

Matthew Carter, Beaumont-Wilshire Neighborhood Association, said the neighborhood association has voted twice to oppose this as does the Central Northeast Neighbors land-use group. There is no general community support for this proposal and the proponents' arguments are not supported. He said 130 to 140 units will not affect rents in any measurable way or provide affordable housing. To do that one would have to have very high conversion rates, which would severely impact neighborhoods. Given the cost of remodeling, people do conversions to provide housing for family members, not to make money. He said conversions will make neighborhoods undesirable, causing people to move and the tax base to decline.

Matt Anderson, 2109 NW Irving, 97210, supported the ADU ordinance. He said Portland is no longer affordable and over the last decade has seen increasing gentrification in close-in neighborhoods and a severe lack of affordable rentals. Passage of the proposed ordinance will allow long time residents to afford to stay in their homes and provide an additional source of affordable housing that is desperately needed.

Paula Froh, 3368 NE Multnomah Street, said accessory units and duplexes are not compatible with family-oriented neighborhoods. She described population growth patterns in the East Portland Community Plan area and explained that they reflect the growing desirability of many previously marginal neighborhoods for families and children. Concern should be shown to families who have chosen to move into the

City rather than the suburbs. She called for the continuing protection of single-family neighborhoods and asked why the City would want to risk a negative impact for an insignificant increase of 130 units.

Art Lewellan, Brooklyn neighborhood resident, opposed infilling single-family lots due to the loss of open space. He said by densifying residential areas in this way, the City will not get the healthy mix of uses it needs. He said to meet their needs people will have to travel outside a strictly residential neighborhood, increasing automobile use. It is the asphalt commercial corridors districts that need housing infill.

Jim Worthington, 3232 SE 153rd, said no one has really explained the purpose of this, whether it is to provide low cost housing or more housing. His neighborhood opposes detached units unless the density is R2 or higher. Putting two houses on one lot changes the zoning without going through the zone change process. People should also have to apply for a zone change to put duplexes on single-family corner lots. He supports granny flats but believes at least one unit should be owner occupied. He said the ADU regulations should be imposed only on neighborhoods that want them.

Commissioner Francesconi said he does not believe it is legal to do this in one neighborhood and not another.

Commissioner Kafoury said when individual district plans, such as Albina, were being considered, the Council said the regulations would be applied citywide.

Ken Swan, 3225 NE 28th, realtor with Township Properties, supported the proposal to liberalize provisions for adding accessory units. Over the last six years he has seen many rental houses sold to owner occupants. This and the conversion to condos has resulted in a scarcity of rental units. He said many first time home owners cannot take on the task of fixing up dilapidated housing or adding accessory units while investors can. They will in turn usually sell them to owner occupants.

Joan Gray, 4626 NE 89th Ave., opposed the Code changes. She said the slides are a beautiful example of what can be done now and asked why any Code changes are needed. Neighborhoods should be able to say what they want to make them livable.

Chuck Lundeen, vice president, Laurelhurst Neighborhood Association, said the slides did not show some of the really ugly accessory units that also exist in the City. He said if these units are seen as a way to keep elderly people in their homes or move grandma into a house, then clearly owner occupancy is appropriate. Pride of ownership is a key to maintaining livability and owner occupancy here is below national standards at this time. He said the owner occupancy requirement is well established legally and he does not understand why it should be thought illegal. He asked Commissioners Kafoury and Sten if there was anything that would convince them to change their minds on this.

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Nan Koerner, Southwest Hills Residential League, said the League recommends no changes be made in the existing accessory unit Code. She said houses in Southwest are being built on what were previously considered "unbuildable" lots and accessory units have been added, whether legally or illegally. The current Code is fairly flexible, permitting granny flats and allowing five unrelated persons to live in a house. Parking, lot coverage and emergency vehicle accessibility should be considered in granting accessory unit permits. If the new accessory unit Code is instituted, she asked for review and neighborhood association notice. She also supported retaining an owner-occupancy requirement.

Michael Roche, Southwest Neighborhood Information (SWNI), said SWNI's concern is with detached units and believes that under this proposal row houses could be built behind row houses. He said the size, 800-square feet, is too large and could affect livability. He has personally witnessed neighborhoods destroyed by slum lords buying up homes, splitting them into apartments and not maintaining them. He said single-family homes are the rock basis for a community and its schools.

Mayor Katz asked if he would object to having the current unit owner occupied and the accessory unit rented out.

Mr. Roche said there are no concerns as long as one of the units is owner occupied.

Scott Pratt, 3545 SE Ankeny, said liberalizing the accessory unit provisions ignores community input on neighborhood planning efforts and tells citizens they have wasted their time participating.

Commissioner Kafoury said Council agreed during the neighborhood plans in Albina and Outer Southeast that regulations would not be imposed on a spot zoning basis. She is confused now to hear that people think the Council has broken faith by proposing something it has long thought would be a viable tool.

Mr. Pratt said he thought the A-overlays in Albina were an attempt to try this out.

Commissioner Kafoury said Overlook and Irvington residents, which really objected to the A-overlay, were excused from it because they pressed for a citywide policy. She said improving trust between government and citizens is a major Council objective.

Anthony Boutard, 1640 SW Davenport, 97201, said owner occupancy is very important in providing neighborhood stability. He cited statistics which indicate that the rental community is a less stable one. Notification is an important enforcement mechanism and adequate parking and fire truck access are also very important in places where there are very narrow streets, particularly in the West Hills. He strongly opposed detached units but not attached. He said the A-overlay may be appropriate when you know in advance that you have the facilities to deal with the additional units. If the City only gets 130 units a year, he does not

understand why neighborhood needs are being ignored.

Mayor Katz said the length of occupancy by renters can differ greatly from neighborhood to neighborhood.

Mr. Boutard said neighborhoods need to know what actually has worked in other places in the country, how many units are being converted by seniors, etc. He objected to the sloppy statistical reporting. He said there is a 55/45 percent split between owners and renters and he objects to the City saying it is almost 50/50.

Commissioner Hales said fire response standards are important because there have been problems with access. He asked Mr. Boutard what effect the block of apartments on Vista and Spring has had on Portland Heights.

Mr. Boutard said they tend to be more expensive rentals and that affects the type of people who live there but that is not a major concern. He said when you have churning neighborhoods with a high turnover of residents you lose the connection between neighbors.

Corrine Webber, 6245 SW 39th, supported the Planning Commission's proposal but with the elimination of detached units. She said in a two-year period she looked at 4,000 homes in Southwest and she saw absolutely no correlation between the maintenance of owner occupied homes and those occupied by tenants. As the owner of an accessory unit for 40 years, she had no occupants who stayed less than five years. She said the place to deal with noise and neighborhood disruption is through the Nuisance Code, not zoning. However, she vehemently opposes detached units, especially allowing 800-square feet as this upzones a lot and creates a second house on the property.

Dick Bogue, 1139 NE Imperial Ave., Chair, Laurelhurst Neighborhood Association, said the neighborhood recently voted by an 80 percent margin to oppose ADUs and duplexes. By increasing density, crime, traffic and parking problems will also increase as will overuse of the infrastructure.

Steven Brier, President, Irvington Community Association, said the Association supports allowing internal conversions but opposes blanket authorization of detached units. In either case, they strongly oppose ADUs, whether attached or detached, without requiring that one of the units be owner occupied. They oppose the proposal because they believe it effectively eliminates single-family zoning. Irvington does not oppose multi-family housing but this proposal allows duplexes and two structures on single lots throughout neighborhoods.

Charlotte Uris, 2526 NE 10th, said except for Gresham and one other jurisdiction, all municipalities currently have owner occupancy requirements for ADUs in single-family, residential areas. There is no data to support what will happen if the owner occupancy requirement is removed. Removal would be a huge, untested experiment

with the potential to affect every single residential lot in the City and increase the instability of neighborhoods. She said Metro only requires that no prohibitions be made on internal conversions but says nothing about owner occupancy or detached units. Council should heed the Planning Commission recommendation to retain the owner occupancy requirement despite the Planning Bureau's recommendation to remove it. She said when owner occupancy is not required, speculation is invited.

David Mowry, no address stated, said after being diagnosed as manic depressive and losing everything, he and his family were taken in by friends who built an accessory unit for them to live in, even though it was illegal. That should be changed.

Betsy Radigan, Piedmont Neighborhood Association, said ADUs seem to work very well on new construction and large lots. Piedmont recommends a minimum lot size of R7 to allow garage conversions and detached units with an owner occupancy requirement as a protection against speculation and absentee landlords. (They accepted the A-overlay zone in the part of Piedmont that has large homes.)

Charley Lostrom, 1101 SW Hemlock, Lake Oswego, a property owner and landlord in Multnomah, said more flexibility is needed in housing. Housing prices are almost unaffordable, with about only 14 percent in the 25-44 age group able to afford a \$156,000 house. He believes most housing will convert to single-family occupancy and there will be a lack of available rental units.

David Redlich, 3944 SW Condor Ave., 97219, supported the need for a strong owner-occupancy requirement in order to provide needed neighborhood stability. What keeps neighborhoods viable is the enlightened self-interest of families who live in their houses and without owner occupancy, he fears the wholesale conversion of single-family housing units into rental units. He supports neighborhood notification but strongly opposes duplexes on corner lots and said the 800-square feet proposed for detached units is way too big. Off-street parking is needed too as there are already too few on-street parking spaces available.

Mr. Claypool addressed the issues raised today. He said this proposal does not change the base zoning; one cannot split a single-family lot into two. He noted that the height allowed on detached units has shrunk from 30 feet, which one can do now, down to 18 feet. The units would also have to blend with the existing home. Staff has addressed narrow streets and cul-de-sacs, with a provision calling for an extra parking space for an ADU if the roadway is less than 28-feet wide. He said many people would rather see ADUs in their neighborhoods than more apartments and this will allow more efficient use of existing housing stock and infrastructure, provide a mix of housing that responds to changing family needs and smaller households, give residents an opportunity to remain in their homes and obtain extra income, and offer a broader range of affordable housing.

Ms. Stein said all the cities she worked with 15 years ago had an owner occupancy requirement on paper but no one had a good way to measure it. If a unit was found

not to be owner occupied it was the renter who suffered. This was not considered equitable so officials looked the other way.

Ms. Hartnett said the East Portland Community Plan numbers cited were from 1980 to 1994, not the numbers from 1960 to 1980 when there were significant decreases in population throughout the City and a significant shrinkage in household sizes. East Portland is one of the few places in the City where there has been an incremental reversal in the last 15 years but that has not been seen in many other areas. Regarding tenure rates, Citywide the owner occupancy rate is 50.37 while rental occupancy is 44.12. The other six percent is in institutional and other living arrangements. The A-overlay will be more restrictive if ADU regulations are adopted, a reversal of what staff and the Planning Commission had initially intended. The Planning Commission has asked staff to see if that can be evened out and the Planning Bureau would like to review the A-overlay as a whole to see if it is functioning as planned. Both are work program issues. If Council requests an evaluation, staff could compare the A-overlay with the more liberalized ADU regulations.

Commissioner Francesconi asked about turnover regarding owners versus renters and whether staff preferred a four year rather than two year review.

Ms. Hartnett said that information was not provided. It is reasonable to say that renter tenure is shorter but it does vary by neighborhood and by the age of the occupant. She said staff believes four years is a more reasonable time to determine what is really happening.

Mayor Katz said Council could vote conceptually on any amendments, without having the exact language, and then would not have to vote on them again. Testimony on the amendments will be allowed and written comment can be turned in until December 10.

Commissioner Francesconi moved to change the evaluation period to two, rather than four, years. Commissioner Hales seconded and hearing no objections, the Mayor so ordered.

Commissioner Kafoury moved to delete Section 2, Page 13, on owner occupancy. Commissioner Hales seconded.

Commissioner Kafoury said Council is doing this, not just for all the reasons listed by the Planning Bureau, but also because of the cost of additional units and the matter of individual choice. When Council has struggled so hard to find ways to subsidize rental units and has to spend upwards of \$60,000 to get one affordable unit, then even 100 units is worthwhile. She believes strongly in not having an owner-occupied regulation because she has not heard of one jurisdiction in the country that has been able to enforce this. The City has been willing to be a leader in the region in enhancing affordable housing and this is yet another opportunity.

Gresham has already done so and this will help in getting other jurisdictions to take their share of affordable housing.

Commissioner Hales agreed with Commissioner Kafoury. He said the addition of the two-year evaluation and neighborhood notification is a better compromise than the Planning Commission's proposal for owner occupancy. In addition to enforcement considerations, he is not sure it is right to invade people's lives in this way to determine who is an owner occupant and who is not. The testimony was mostly speculative and those with real experience with accessory units found there was no correlation with owner occupancy. What the City cares about is whether they are well built and well maintained and owner occupancy is not the right tool to address these.

Commissioner Francesconi said Council, in trying to address changing demographics and a housing crisis, needs to liberalize and allow ADUs. At the same time neighborhoods must be protected. Either more must be spent on enforcement or Council must look at some tried and true methods for doing so, one of which is home ownership. He said when a city has 50 percent home ownership when the national goal is 65 percent, that is a problem. When there are neighborhoods like Hollywood with 39 percent home ownership, Boise at 33 percent, Eliot at 24 and Humboldt at 34 percent, Portland has a problem. He said it is wrong to think there will not be speculation and he heard no affordability guarantees in these rental accessory units. Given those numbers on home ownership, the City must be very careful about turnover, especially in schools. Finally, this should be done gradually so the City does not lose the trust of the neighborhoods. In his view, and Mr. Michaelson's, the City is moving too fast on this. He said he was never going to propose home ownership on new construction but planned to propose an amendment to extend home ownership beyond the creation of a single family unit. Given the difficulty of enforcement, however, he will instead support the Planning Commission which will allow detached units and allow ADUs on new construction without owner occupancy. He would also like to exempt non-profits who do home ownership. He said the City cannot continue to step up and do more than its share compared to other jurisdictions, especially when there are no guarantees these units will be affordable.

Commissioner Sten said he strongly believes the home ownership rate will slip in the next few years because the average person cannot afford the average house. The only way to get housing prices to come down is through providing a higher supply. With families shrinking, smaller houses must be built. Planning Commission members told him an owner occupancy requirement will not make any difference because it is unenforceable but it is a good thing to give the neighborhoods. Adding that requirement will make the neighborhoods feel better but will not change the fact that smaller units are being allowed. He said he is not willing to go along with the contention that renters do not care about their neighborhoods. That is a myth of class. He himself lived in a rented Irvington duplex for many years and cannot accept that the continuity of schools is guaranteed by owner occupancy when half the City does not own a house. He is very concerned about neighborhoods and if he

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thought this would radically change Irvington he would not vote for it.

Mayor Katz asked for a tentative conceptual vote on Commissioner Kafoury's amendment. (Y-3; N-2, Francesconi and Katz)

Commissioner Hales moved to amend the ordinance to provide for neighborhood association notification at the time an application for an accessory rental unit is made. It is not appealable.

Mr. Claypool said this would be unusual in that notice is usually given when comment is expected. In this case, no comment could be made.

Shannon Buono, Planning Bureau, asked if this would require notice for any type of unit that would currently be allowed under the existing Code.

Commissioner Hales said yes, even though that means more notices.

Mayor Katz said Council will vote on this amendment language next week. Council will allow people to testify on the three amendments only if they have not previously testified.

Disposition: Substitute continued as amended to December 10, 1997 at 2:00 p.m.

At 5:30 p.m., Council adjourned.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF DECEMBER, 1997 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Kafoury and Sten, 5.

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

Mayor Vera Katz

1852 Hear appeal of Julie Horrocks to the Police Internal Investigations Auditing Committee per City Code 3.21.085(4)(d) (Report)

Discussion: Lisa Botsko, PIIAC staff person, said the Citizens Advisors declined to review this file, which called for a police investigation from Ms. Horrocks who claimed that her telephone was being tapped, she was being followed, etc. The Advisors refusal to overrule the Internal Affairs Division's (IAD) declination of this claim, was based on a lack of sufficient information to determine specific illegal acts.

Julie Horrocks, appellant, said she found illegal documents which she believes were part of a money-laundering scheme at her former place of employment. She said when she threatened to go to the police she was then threatened in return. She said the Police failed to investigate her charges or take her seriously.

Ms. Bosko said IAD declined to open an investigation based on the information she furnished. It did delay sending a letter of explanation to her.

Mayor Katz asked if the Advisors requested that the entire file be turned over to Internal Affairs.

Ms. Botsko said IAD made its decision based on the what it had, which was not the entire file.

Mayor Katz asked if the file is all together now.

Ms. Horrocks said she can put it together.

Ms. Botsko said the information the Advisors saw was disorganized. She said the Advisors did not debate the validity of the complaint, but found it hard to fathom such a huge conspiracy. She said if the appellant has new evidence IAD has not seen that can always be presented again and the Advisors could then consider another

appeal based on the new information.

Commissioner Sten asked what specific police conduct Ms. Horrocks would like PIIAC to review at this point. He said the IRS or the Attorney General's office seem more appropriate places to review fraud or racketeering charges.

Ms. Horrocks said the District Attorney, FBI and everyone else sent her back to the Portland police, who hung up the phone and said they would not touch this. It was the officer's conduct in telling her to drop it that caused her to file the complaint.

Mayor Katz said there are two issues here. First is the issue of how the complaint was dealt with by the Police and the PIIAC Advisors. The second concerns the charges about what was going on in Ms. Horrocks' place of work.

Commissioner Francesconi moved to uphold the Citizen Advisors' recommendation to decline review of this appeal. Commissioner Hales seconded.

Disposition: Appeal denied. (Y-5)

Mayor Katz left and Commissioner Sten, as President of Council, presided at the remainder of the meeting.

1850 TIME CERTAIN: 2:00 PM - Adopt and implement the Sellwood-Moreland Neighborhood Plan (Previous Agenda 1690; amend Title 33)

Discussion: Mark Bello, Planning Bureau, noted that at the last hearing on this Plan most citizens testified about appropriate Comprehensive Plan designations and zoning. Much of it centered on areas currently zoned R2 in the north and south ends of the neighborhood. Other testimony raised questions about the City's ability to provide public services to support development. At the close of that hearing, Council asked for additional information on density, environment and infrastructure issues and directed preparation of an amendment report. He summarized the information related to the residential areas in the north and in Sellwood currently zoned R2 but where the neighborhood has proposed R5 and the Planning Commission proposed R2.5. He said the downzoning will have no effect on existing residential properties although it will make some properties non-conforming in density, such as apartments. However, existing units may continue, be enlarged or replaced. The effect of downzoning on housing opportunities would have more impacts. Downzoning to R2.5 eliminates one-third of the theoretical housing opportunity in both residential areas while downzoning to R5 eliminates all additional housing. Downzoning to R5a eliminates all except that built as accessory dwelling units, which staff estimates would allow a three percent increase over the number of existing units over the next 20 years. He emphasized that because Sellwood is almost completely developed, development to the theoretical maximum would never occur. Regarding transit service, particularly if light rail is not built, Mr. Bello said current service is good and the City continues to plan for light rail. Regarding

possible landslide hazards in the north end that would limit redevelopment, he said four structures near Oaks Bottom Bluff were required to undertake stabilization measures last year. The Bureau of Buildings takes landslide hazards into account in the permitting process and would require geotechnical engineering studies prior to any new construction. Mr. Bello described how the natural areas along the Willamette River, Johnson Creek and Crystal Springs will be protected, noting that all property along the River is subject to the greenway overlay zones. The final question posed was whether infrastructure deficiencies in Sellwood/Moreland limit redevelopment opportunities. Planning staff consulted with Transportation, the Water Bureau and the Bureau of Environmental Services and all report services are adequate or will be made adequate.

Michael Harrison, Planning Bureau, noted that the hearing had been closed last week and it was up to Council as to whether it wished to take further testimony.

Commissioners Francesconi and Hales said they would like to take more testimony.

Mr. Bello then reviewed the nine amendments (seven geographic and two technical corrections) that were proposed and the Bureau's recommendation in each case. Two amendments recommended by Sellwood Moreland Improvement League (SMILE) deal with downzoning from R2 to R5a. Staff recommends approval with modifications of the first, which deals with residences in the north end, but does not recommend approval of SMILE's second request for downzoning without prior notification. Amendment No. 6, requested by Brummell Construction, would apply the EX (Central Employment) map designation along SE 17th south of Tenino. Staff does not recommend approval, preferring to retain the existing CS (Storefront Commercial) zone. Staff does support the amendments proposed by Jim Wasson for CS for his office building.

Commissioner Hales said he understands the design overlay will be applied in the RH, R1, R2 and R2.5 zones, wherever they are in the area.

Mr. Harrison said yes.

Commissioner Francesconi said the main controversy seems to center around amendment No. 3 which deals with downzoning to R5.

Mr. Bello said Amendment No. 1 also deals with downzoning but of a much smaller area and with much less effect. Staff recommends dropping two lots that would become non-conforming and so has proposed R5 for the north end, leaving only the Sellwood area on the south end.

Commissioner Francesconi said that area comprises about 70 units. He noted that staff has recommended that if Council wants to downzone, it should wait until there has been prior notification of the neighborhood.

Mr. Harrison said while they have exceeded all notification requirements, some owners may see downzoning from R2 to R5 as a significant reduction in the value of their property. Given the potential financial impact and the Planning Commission's recommendation to limit the downzoning to R2.5, staff believes another notification and hearing would be appropriate.

Commissioner Francesconi said Council could approve the whole plan now or approve part of the plan now and hold another public hearing regarding the R5. Another option might be downzoning to R5 now and not taking the Planning Commission's advice. He personally believes a public hearing should be held, although it would cost about \$5,000 to notify and hold the hearing.

Clyde Brummell, Home Builders Service Center, 8435 SE 17th, 97202, said he has 54 properties in the area which some people propose to downzone to R5. He said this will have a major economic impact on his business and requested retention of the R2.5 zoning. He also contended that R5 will have the effect of segregating those south of Tacoma from those on the north. As a Native American builder and long-time community activist, he has built public housing and recently received a permit to build 88 units of senior/disabled housing on SE Sherrett and 17th.

Curtis Jones, Office Manager, Home Builders Service Center, also opposed the downzoning to R5 on Mr. Brummell's properties.

Michael Roche, 8920 SW 40th Street, said an analysis done for the Southwest Community Plan showed that R2 is being developed at 60 to 80 percent rowhouses and the consultant suggested that Planning Bureau might want to consider setting minimum densities for R2 if it really wanted to achieve multi-family. The Planning Bureau said they wanted to leave it as it was with the understanding that R2 was developing out basically as rowhouses. So the difference between R2 and R2.5 is basically non-existent and the real question is whether it should be 2 or 2.5 versus R5, not R2 versus R2.5. The question is whether the City will allow the neighborhood to stabilize or open it up for rowhouse development.

Shari Gilevich, 1344 SE Rex, 97202, opposed R2.5 zoning along 13th and 17th as it will result in a wall of rowhouses, to the detriment of adjoining single-family neighborhoods.

Lee Leighton, SMILE President, supported the R5a designation in the Sellwood area as well as the north end. He denied that any segregation was intended or would result and noted that the A overlay specifically is intended to create lower-cost housing. If Council wants to carry over the question of whether to impose R5a on Sellwood, SMILE would like to be part of that discussion.

Commissioner Hales said he does not agree that R2.5 zoning will have that large an effect as most of the area has been R2 for many years. Adding design review will be a big benefit and protect against bad development. He does not think there will be

that much difference between R2.5 and R5a.

Mr. Leighton said staff's suggestion in the north end was to make some simple adjustments that eliminated the non-conforming uses. SMILE would like a chance to do similar fine tuning in Sellwood, based on the information in the inventory now available.

Cathy Girard, President, Sellwood Moreland Business Association (SMBA), said the entire area being considered for downzoning is a huge one and SMBA's interests do not include all of it. She said there is a reasonable chance they could find another solution that allows the part they are not concerned with to be zoned R5 and yet addresses concerns of the businesses in that area as well.

Commissioner Hales asked if she is mainly talking about map work.

She said SMBA reluctantly disagrees with SMILE in this case. She said the SMBA Board believes the eastern end of that development area, south of Tacoma, is economically depressed, with a number of empty buildings, and wants to help that neighborhood develop and become healthier. The Board recommends that Council accept the Planning Bureau's recommendation of R2.5 for that portion but is willing to work on a compromise.

Commissioner Francesconi said after further review it has become clear to him that staff let the neighborhood know there would be a problem in going to R5.

Ms. Girard said currently City policy does not require that business associations be informed in circumstances like this. Recently there was at least one planning process that the business association was actually denied the ability to participate in.

Mr. Leighton said SMILE never thought Planning staff would support R5.

Marilyn Cooney, 1817 SE Umatilla, 97202, supported the SMILE plan to downzone south of Tacoma to R5 because of increased traffic problems and because her side of Tacoma has a disproportionate number of multi-family units. She said the problem is not just one of design review but also of density.

Robert Boulware, 1216 SE Tenino, 97202, said the difference between R5 and R2.5 is houses versus rowhouse development. He contended that the City also saw R2.5 zoning as a way to increase tax revenues.

Commissioner Hales said raising tax revenues is not the issue. Under Measure 50 the tax rate changes only when property is upzoned, not downzoned from R2.

Peter Donahue, 1026 SE Lexington, said R2.5 will make it profitable for people to tear down their houses and replace them with more profitable row houses. This will

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displace people and cause Sellwood to lose its sense of community. He said transit infrastructure and capacity questions have not been addressed. If this is a model consensual process, it is fake, non-representative one.

Ray Husari, 5238 SE Milwaukie Ave., 97202, said proposed light rail station locations have still not received any additional densification. Since a potential earthquake problem had been identified here by Metro, he questioned whether it is proper to put large buildings close to the River.

Mr. Harrison said the State requires building engineering standards to address seismic stability and there are very stringent standards in place now.

Renee Kimball, 2224 SE Umatilla, said if R2.5 zoning is placed on the area south of Tacoma, many people will be very unhappy as they were led to believe R5 zoning would be applied.

Commissioner Francesconi asked how Council wished to proceed and if it wished to approve the plan except for the area south of Tacoma, see if the parties can work out an agreement and, if not, give notice and then decide.

Commissioner Hales said he is willing to take another look at this but, based on everything he has heard, believes R2.5 is the best designation for that area. He is open to setting over that portion of the plan for later consideration, however.

Commissioner Francesconi asked Mr. Leighton and Planning staff how much time they would need.

Mr. Leighton said about two months. Ms. Girard said SMBA is willing to help too.

Mr. Harrison said this project is way over budget already and the Bureau would prefer to bring this to closure as soon as possible but is willing to work with the neighborhood and do a notice regarding the R5 downzoning to property owners potentially affected.

Commissioner Kafoury said this is a lot of fuss about a very small potential for change but she is willing to wait.

Commissioner Francesconi suggested bringing this piece back in three months.

Commissioner Sten said he is willing to wait and see if some harmony can be reached on this issue but would like to go ahead and adopt the rest of the plan.

Commissioner Hales moved to adopt the Planning Bureau recommendations on the proposed amendments as contained in its memo of November 25, except for

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Amendment No. 3, where the existing zoning would be retained until staff returns in February with additional zoning designation information. Commissioner Kafoury seconded. (Y-4)

Mr. Leighton said if no action is taken on this area, then there is a potential for it to stay in the R2 zone without an A or design overlay. He said he hopes everyone agrees that is not a desirable outcome.

Roll was called on Commissioner Hales' amendment. (Y-4)

Commissioner Hales said the existing zoning is R2 with no design review and the choice will be which downzoning will be applied. He said if the neighborhood can come up with a better solution than what has been proposed, he will be happy to adopt it in three months.

Mr. Harrison said they will return February 18 on this particular issue.

Disposition: Passed to Second Reading as amended December 10, 1997 at 2:00 p.m.

1851 Adopt and implement the Sellwood-Moreland Neighborhood Plan (Previous Agenda 1691)

Disposition: Continued to December 10, 1997 at 2:00 p.m.

At 3:20 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council