



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF JUNE, 1999 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Saltzman, 4.

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

**CONSENT AGENDA - NO DISCUSSION**

Agenda No. 919 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

- 913** Reject bid to furnish Columbia Boulevard Wastewater Treatment Plant odor control project for sewer cleanings unloading area (Purchasing Report - Bid 99202 SMP)

**Disposition:** Accepted.

- 914** Accept bid of All Concrete Specialties, Inc. to furnish school safety projects (1999) for \$173,864 (Purchasing Report - Bid 99207)

**Disposition:** Accepted; prepare contract.

- 915** Accept bid of Gelco Services, Inc. to furnish Columbia Boulevard Wastewater Treatment Plant outfall line rehabilitation project for \$102,300 (Purchasing Report - Bid 99209)

**Disposition:** Accepted; prepare contract.

- 916** Accept bid of Coria Contracting, Inc. to furnish annual service contract for vegetation mowing/cutting for \$406,150 (Purchasing Report - Bid 99217)

**Disposition:** Accepted; prepare contract.

- 917** Accept bid of John L. Jersey & Son, Inc. to furnish Whitaker Slough culvert replacement, NE 92nd Drive and NE Marx Drive sanitary sewer extension project for \$549,729 (Purchasing Report - Bid 99218)

**Disposition:** Accepted; prepare contract.

- 918** Accept bid of J.P. Contractors, Inc. to furnish Mt. Tabor Park improvements for \$923,169 (Purchasing Report - Bid 99220)

**Disposition:** Accepted; prepare contract.

JUNE 30, 1999

- 920** Accept bid of Columbia River Sand & Gravel annual supply to furnish greens mix, tees mix and pea gravel for \$141,272 (Purchasing Report - Bid 99230)

**Disposition:** Accepted; prepare contract.

- 921** Accept bid of Oregon Asphaltic Paving Co. to furnish Bull Run reconstruction 1999 improvements for \$146,722 (Purchasing Report - Bid 99232)

**Disposition:** Accepted; prepare contract.

- \*922** Authorize an Intergovernmental Agreement with Portland State University for an integrated monitoring program to assess the health of Portland watersheds (Ordinance introduced by Commissioners Saltzman and Sten)

**Disposition:** Ordinance No. 173504. (Y-4)

**Mayor Vera Katz**

- \*923** Pay claim of Lois Thomas (Ordinance)

**Disposition:** Ordinance No. 173505. (Y-4)

- \*924** Contract with Warner Pacific College for use of college facilities, not to exceed \$49,000 (Ordinance)

**Disposition:** Ordinance No. 173506. (Y-4)

- \*925** Authorize contract with Wells Fargo Bank N.A. for banking and trust services (Ordinance)

**Disposition:** Ordinance No. 173507. (Y-4)

- 926** Authorize settlement agreements with George Monogue, Tom Potter and Lynn Davis (Ordinance)

**Disposition:** Passed to Second Reading July 7, 1999 at 9:30 a.m.

**Commissioner Jim Francesconi**

- 927** Accept Peninsula and Montavilla Parks, pools and community centers, construction manager/general contractor contract as substantially complete, approve Change Order Nos. 1 and 2, release partial retainage and make payments as authorized by the Project Manager (Report; Contract No. 31388)

**Disposition:** Accepted.

- \*928** Contract for emergency generator installations at two Fire Bureau locations (Ordinance)

**Disposition:** Ordinance No. 153508. (Y-4)

- \*929** Increase agreement with Hennebery/Eddy Architects for The Portland Building 7th, 8th and 9th floor remodels for the Office of Transportation and provide for payment (Ordinance; amend Agreement No. 31637)

**Disposition:** Ordinance No. 173509. (Y-4)

**Commissioner Charlie Hales**

- \*930** Amend contract with Construction Management and Inspection, Inc. to supply qualified personnel upon request and provide for payment (Ordinance; amend Contract No. 31292)

**Disposition:** Ordinance No. 173510. (Y-4)

- \*931** Authorize contract with Nutter Corporation on NE Martin Luther King Jr. Blvd. and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173511. (Y-4)

- \*932** Amend Ordinance No. 166616 to allow the Director of the Bureau of Environmental Services, or designee, to release Bureau of Environmental Services easements (Ordinance)

**Disposition:** Ordinance No. 173512. (Y-4)

- \*933** Amend Ordinance No. 165059 to allow Director of the Bureau of Environmental Services, or designee, to accept sewer easements and other interests in real property required for public improvements to the sewerage system of the City (Ordinance)

**Disposition:** Ordinance No. 173513. (Y-4)

- \*934** Contract with CMTS to supply qualified street construction inspection personnel upon request and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173514. (Y-4)

- \*935** Designate and assign a parcel of Bureau of Parks and Recreation land as public street area and allow use of a parcel of land for temporary construction purposes, located along SW Capitol Highway between SW 31st and 34th Avenues as part of the Office of Transportation's SW Capitol Highway improvement project (Ordinance)

**Disposition:** Ordinance No. 173515. (Y-4)

- \*936** Accept, designate and assign four tax foreclosed properties granted by Multnomah County, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 173516. (Y-4)

- \*937** Amend professional services agreement with Becker Projects for publication services to increase the amount by \$18,000 (Ordinance; amend Contract No. 31194)

**Disposition:** Ordinance No. 173517. (Y-4)

- \*938** Amend professional services agreement with Becker Projects for Permit Center newsletter to increase the amount by \$18,500 (Ordinance; amend Contract No. 30650)

**Disposition:** Ordinance No. 173518. (Y-4)

**Commissioner Dan Saltzman**

- 939** Accept completion of the Inverness Force main section "D," Project No. 5837, and authorize final payment to John L. Jersey & Son, Inc. (Report; Contract No. 31795)

**Disposition:** Accepted.

- 940** Accept completion of the NW Couch and Everett relief sewer construction project, Project No. 6126, and authorize final payment to John L. Jersey & Son (Report; Contract No. 32174)

**Disposition:** Accepted.

- 941** Accept completion of the Taggart Basin CSO sump project, Unit 4, Phase II, Project No. 6116, and authorize final payment to S-2 Contractors, Inc. (Report; Contract No. 32209)

**Disposition:** Accepted.

- \*942** Contract with five neighborhood association district coalitions for the operation of respective neighborhood office programs, including citizen participation coordination, facilitation and activities for the period July 1, 1999 through June 30, 2000 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173519. (Y-4)

- \*943** Authorize a contract with Peter B. Tobey and provide for payment for sewer mapping technical support services and Net-Map license upgrades (Ordinance)

**Disposition:** Ordinance No. 173520. (Y-4)

- \*944** Intergovernmental agreement with East Multnomah Soil and Water Conservation District to fund the Johnson Creek Watershed Council (Ordinance)

**Disposition:** Ordinance No. 173521. (Y-4)

- \*945** Authorize a contract with the lowest responsible bidder to construct the Fanno Creek streambank enhancement project, SW Shattuck Road to SW 59th Avenue, Project No. 6574 (Ordinance)

**Disposition:** Ordinance No. 173522. (Y-4)

- 946 Authorize intergovernmental agreement with Multnomah County for vector control services and provide for payment (Second Reading Agenda 896)

**Disposition:** Ordinance No. 173523. (Y-4)

**Commissioner Erik Sten**

- 947 Appoint Roserria Roberts, Bill VanVliet and James H. Winkler and reappoint Judy Estes, Janice Frater and Michael Silver to the County-wide Housing and Community Development Commission (Resolution)

**Disposition:** Resolution No. 35804. (Y-4)

- \*948 Contract with Human Solutions, Inc. for \$50,000 to administer the Individual Development Account program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173524. (Y-4)

- \*949 Amend contract with Northeast Coalition of Neighborhoods to increase total compensation by \$1,200 and provide for payment (Ordinance; amend Contract No. 31845)

**Disposition:** Ordinance No. 173525. (Y-4)

- \*950 Contract with the Northeast Coalition of Neighborhoods for \$27,950 to conduct HCD project-related citizen participation activities in inner north/northeast HCD eligible neighborhoods and provide for payment (Ordinance)

**Disposition:** Ordinance No. 173526. (Y-4)

**REGULAR AGENDA**

- 919 Accept bid of Heiberg Garbage & Recycling to furnish annual supply for garbage hauling for \$264,468 (Purchasing Report - Bid 99229)

**Disposition:** Accepted as amended; prepare contract.

- 911 **TIME CERTAIN: 9:30 AM** – Accept progress report on Community's Response to Youth Violence: An Enforcement, Intervention and Prevention Plan for greater Portland (Report introduced by Mayor Katz)

**Discussion:** Mayor Katz described how the Strategic Approach to Community Safety (STAC) program was developed and listed the many partners in the community that were involved.

Lynnae Berg, Acting Police Chief, said this effort exemplifies the successful way forming partnerships to problem solve can reduce violent crime rates among youth. She described STAC's success in reducing gun-related crime.

Cliff Jensen, Police Bureau, reviewed the trends and accomplishments of this program, which has resulted in a decrease in drive-by shootings; youth victims of murder, elimination of violence in neighborhood "hot spots;" and youth enhancement strategies to reach young people. He also described the work of the Youth Gun Anti-Violence Team (YGAT), which focused on removing guns from the streets and disrupting the illegal flow of guns.

Commissioner Francesconi described the prevention strategy. He said 94 percent of young people never get involved in the criminal justice system and of the remaining six percent, only one percent get involved in any violent activity. He cited the importance of after-school programs as a means of offering alternatives to crime and noted that the City has contributed \$400,000 to leverage other dollars to provide such alternative programs. He said the City wants to be a player with the County and community groups to achieve consensus about what programs are most appropriate. He said if there is no prevention/intervention program, incarceration rates for African-Americans could possibly increase as currently 25 percent of youth involved in the justice system are African-American although they make up only 10 percent of the population. Commissioner Francesconi also stressed the importance of establishing mentorship programs with ministers, the Bridge Builders and other groups.

Officer Johnnie Gage, Community Coordinator, said community involvement is a necessity. This program provides avenues for the creation of partnerships with the community and other youth-serving agencies. They would also like to expand the capacity of programs which have already shown success.

Reverend A. Bailey, pastor, Vancouver Avenue First Baptist Church, said his church and others in the North/Northeast Portland faith community realized they had to become involved in anti-gun violence efforts and formed the "We're here; we care" program. Their strategy emphasizes mentorships, prevention and intervention. The group works with other organizations to increase the number of parenting classes, after-school programs and employee readiness.

Neva Bailey, First Baptist Church, noted the importance of parenting classes and the need for more trainers.

Kevin Fuller, Executive Director, Bridge Builders, stressed the importance of having good mentors and described some of the successes the group has had working with young people in the schools.

Ederlinda Ortiz, Director of Health Centers, Oregon Council for Hispanic Advancement (OCHA), described the LISTOS alternative school's success in helping students obtain their GED and achieve other academic successes. She said they have created a non-confrontational program with the police and are also working with tech companies to open a technical training center. All students receive employment services and case management and intervention tools are used to stop gang retaliation.

Joanne Fuller, Multnomah County, Intervention Strategy, said strong schools, after-school programs and social service programs are very important. She said juvenile crime is going down and the decrease in weapons incidents last year was remarkable. She said the bulk of kids who get involved in crime are kids of color and the idea is to involve them in more promising activities rather than getting sucked into the juvenile justice system.

Carl Jabor, District Probation Manager, Multnomah County, said he supervises 225 people on probation who are identified as gang members. He said 86 prisoners with gang connections are due to be released within the year and half are expected to come to the Portland area. He said the sanctioning program is a unique element of this plan and allows authorities to send gang offenders back to jail.

John Miller, Supervisor, Gang Resource Intervention Team, described the Team's efforts to reduce the number of youth of color that are referred to the penitentiary.

Peter Ozanne, Executive Assistant to the U.S. Attorney, described the Strategic Approaches to Community Safety (STAC) initiative, a federal program. It identified youth gun violence as a major problem to address, mainly through assistance and support to local entities. They hope to engage the local research community, including Reed College and Portland State University, to assist on a practical level in analysis of the data. The second emphasis of the initiative is to include all strategies, not just one, and have the program driven by those who deal with these problems on a day-to-day basis, not just from the top down. The strategic intervention team needs both sanctions and an open hand that can be extended through mentoring and other programs. Mr. Ozanne noted that the system is good at locking people up but needs to pay more attention to what happens when people leave prison as sometimes they become more gang involved there than they were before. He said the program has also stepped up prosecutions of gun-related crimes.

Robin Cole, Oregon Youth Authority (OYA), said OYA operates youth correctional facilities and parole and probation services and has taken an active role in YGAT. She said OYA is trying to create better transitional services through mentoring and vocational rehabilitation. They see the YGAT program as particularly helpful in providing clear sanctions.

Eric Bergstrom, Deputy District Attorney and Special U.S. Attorney, said YGAT submitted 19 cases for prosecution in last year and the U.S. Attorney's office has prosecuted a significantly larger number of them than usual. Word is getting out to the criminal population about sanctions.

Dan Noelle, Sheriff, Multnomah County, said he is responsible for the "end game" so that others feel safe because guns are off the streets.

Billy Hoover, local representative, Alcohol Tobacco and Firearms (ATF), said his office focuses attention on firearm traffickers and has already sent 60 for prosecution this fiscal year. Two ATF agents have been assigned full time to YGAT to look for those who deal and illegally sell guns.

Commissioner Francesconi said he is glad to see the Sheriff's Office advocate for prevention. He said while Measure 11 has provided more resources for prisons, the lack of

resources for those coming out of prisons is staggering. He said it would be helpful for everyone to spread the message to the public that more prevention efforts at an early age are needed, such as after-school programs.

Commissioner Hales said there is a need for early intervention to keep kids out of the system in first place.

Commissioner Saltzman said this is a remarkable partnership to get guns out of the hands of kids.

Mayor Katz thanked the Oregon State Police and Portland Public School police, who are also partners in this effort. She said she requested testimony today about the number of prosecutions because she wanted the National Rifle Association to hear that this community is serious about prosecuting violators of gun laws. This has been a successful but difficult attempt because of turf issues. The goal is for officers who meet kids in trouble to be able to pick up the phone and call a pastor. The best prevention investments are in education and providing jobs to young people.

**Disposition:** Accepted. (Y-4)

- 912 TIME CERTAIN: 10:30 AM** – Declare City Council's support for the Service Improvement Initiative, the labor-management partnership approach and structure (Resolution introduced by Mayor Katz, Commissioners Francesconi, Hales, Saltzman and Sten)

**Discussion:** Tim Grewe, Director, Office of Finance and Administration (OFA), introduced members of the leadership group and said this reaffirms the City's commitment to collaborative management-labor service improvements. Today the group is presenting a work plan which will include substantially expanded management leadership groups. Some bureaus are already initiating service improvements and next year they will begin to improve central support services, including OFA and the Bureau of General Services. He said they are also working on policies to define market-based impacts and labor's involvement in the budget process. This resolution allows Council to reaffirm its support and the goal is to have each Council member support at least one more service improvement initiative in one of the bureaus in their portfolios.

Mike Rosenberger, Director, Bureau of Water Works and a member of the leadership group, said this resolution calls for publishing the group's results and reporting to Council on its progress. Holding the leadership group's feet to the fire is what will make this work.

Grant Zano, President, District Council of Trade Unions, said this gives labor a good basis for looking at service improvements for the City. He noted that without Council support, there is a certain apprehension on the part of workers to participate.

Tom O'Dea, staff representative, Local 189, and chair of the labor caucus in this effort, said the progressiveness of Council, management and the labor teams has demonstrated that with Council backing, management and labor can work out their issues and avoid critical crises. He said the group has already worked through some very difficult issues and, now that



JUNE 30, 1999

employees have been given a voice in the process, their productivity has improved. He said labor appreciates Council's financial support for increasing labor-management cooperation.

Commissioner Francesconi asked if a formal system is being set up so that some issues automatically go to this group.

Mr. Grewe said there will be some limitations on what issues can be referred to the group and it will probably have to prepare an annual work plan for Council to review plus a process for referring issues.

Commissioner Francesconi asked how Council can explain the benefits of this to the taxpayers in terms of productivity, customer service or cost savings.

Mr. Rosenberger explained some of the performance indicators that are tracked. These include the level of customer satisfaction and the cost of service compared to other jurisdictions in the region.

Mr. Grewe agreed that the group needs to do better a job of communicating these measurements to the public.

Mayor Katz said everyone involved can do a better job of taking seriously the service issues raised by the public.

Commissioner Saltzman said the Bureau of Environmental Services (BES) proposed an innovative gainsharing proposal for the Tryon Creek Wastewater Treatment Plan, which gave employees more job autonomy and saved ratepayer money. However, this has been dropped, after a year's worth of work, because of problems with labor. He would like the leadership group to review this and give him its perspective.

Mr. O'Dea said gainsharing proposals are very complicated. He noted that there has been a gainsharing program in the Bureau of General Services (BGS) since 1991 but it took a year to develop and there were setbacks. He said BGS was able to document that its rates stabilized and costs have not risen since then while employees have been able to share in the rewards of increased performance.

Mr. Grewe said representatives of BES presented that program at a meeting of the management advisory group several weeks ago. There were management issues but the group felt they could be worked through given some more time.

Commissioner Francesconi said there is still a gap between a Council that wants to do the right thing and the impacts on on-line workers. More specifically, he is struck by the fact that Multnomah County may be doing a better job on diversifying its workforce than the City is. The City needs to work through the barriers that prevent this diversification.

Mayor Katz said she naively thought this would be an easy job. She said a sense of trust is essential and it is now incumbent on Council to ensure that it continually thinks about service delivery. She noted that each Council member had committed to implementing a service improvement initiative in one of the bureaus in their portfolio. The issue of release time to allow employees to volunteer in schools still needs to be solved. Measurement is

JUNE 30, 1999

also important for continuous improvement and the Auditor's report provides good information when trends turn negative.

**Disposition:** Resolution No. 35805. (Y-4)

**Mayor Vera Katz**

- \*951** Amend FY 1998-99 budget by transferring appropriation within City funds to prevent over-expenditure in controlled expenditure categories (Ordinance)

**Disposition:** Ordinance No. 173527. (Y-4)

- 952** Amend Title 33, Planning and Zoning, to change sign regulations to clarify the regulation of certain signs and make Title 33 consistent with Title 32, Signs and Awnings (Second Reading Agenda 908; amend Title 33)

**Discussion:** Mayor Katz said she will present a work plan to Council when they meet in executive session next week to discuss the whole issue of sign regulations.

**Disposition:** Ordinance No. 173528 as amended. (Y-4)

**Commissioner Jim Francesconi**

- 953** Liquor license application for The Southland Corporation, dba 7-Eleven 2352-19909J, 1931 N. Lombard, Package Store liquor license (change ownership); Unfavorable recommendation (Report)

**Discussion:** Mike Sanderson, License Bureau, said three illegal sales occurred before the license was removed and then a fourth illegal sale occurred afterwards. Both the Police and License Bureaus believe Southland has been the owner at this location and is responsible for what goes on at its store. Yesterday the OLCC determined that they will take a further look to determine how to treat owners with a majority ownership who do not wish to be listed on the license.

Brian Steve, Police Drugs and Vice Division, reviewed the history of the activity that occurred here and the earlier protest by Southland that it was not listed as the owner and was therefore not responsible. However, an administrative judge has held that they are responsible. He noted there were four sales to minors in less than one year and although 7-Eleven has removed its name from the license, both the License and Police Bureaus believe it should be held responsible for actions of its franchisee.

Captain Jim Ferraris, Portland Police Bureau, said the Police feel strongly about maintaining the four-sale standard.

Mr. Sanderson said he does not believe it is good public policy to allow a company to take profits without accepting responsibility for how those profits are generated. He said while Southland does not want to be responsible for the sale of alcohol it can still take 52 percent of profits and not be listed on the license.

Mayor Katz asked what happens if this store loses its liquor license.

Mr. Sanderson said Southland would terminate the franchisee.

Bill Linden, attorney representing Southland, said 7-Eleven is a franchise operation which gives franchisees daily control, including training and supervision of employees. The former franchisee had its franchise terminated because Southland does not tolerate sales to minors. This has happened three times and, in each case, 7-Eleven came in and operated the store while it sought a new franchisee. During the 17 months 7-Eleven managed those stores, there were no violations. He said day-to-day management is the key and explained the controls in place to prevent such sales. He said Southland does not dispute that problems occurred with prior management but believes the City should now look at the actual record of new operators. Franchise agreements do create independent operators and 7-Eleven's view is that the current structure gives them the worst of both worlds, having little day-to-day control but being held accountable for it.

Grant Allen, Market Manager, 7-Eleven, said franchise law determines the lines of responsibility between a franchisee and 7-Eleven. The company set a clear pattern of performance when it terminated the three franchisees and in two of the three cases it found new franchisees who are stellar operators who have prevented any and all violations.

Commissioner Hales said in this case a responsible operator is asking to have it both ways. First, it is asking Council to set aside its past record on this site because it was the fault of the franchisee, not 7-Eleven, and yet at the same time it has stated there will be another franchisee sometime soon. Will there be interludes of responsible operation between franchisees with 7-Eleven stating that it cannot control them?

Mr. Linden said the vast majority of 7-Eleven's franchisees have operated for years with exemplary records of not selling alcohol to minors. He said there have been three incidents where the management of a franchised store has failed and when that happens, 7-Eleven wants to find a new franchisee and 7-Eleven operates that store while the search is conducted. Three out of 140 stores is not a bad record. When there are problems, the company's response is to terminate the agreement and find someone responsible to run the outlet.

Commissioner Hales asked if a good neighbor agreement might be crafted with the corporation which holds it to some additional requirements because of its franchise structure when an occasional irresponsible franchisee comes along. That would give the public an additional level of protection while acknowledging that 7-Eleven's corporate structure requires an occasional change in franchisees.

Commissioner Saltzman asked if a minor bought alcohol and then killed someone, would 7-Eleven believe the independent contractor is liable but it is not.

Mr. Linden said it has been established that 7-Eleven has an independent contractor relationship with its franchisees and that dictates what liability rests with both parties. The day-to-day operations and decisions to sell or not sell to someone are the exclusive province of the franchise operator. Training classes are offered but Southland cannot make the operators take them.

Mr. Allen said any threat to public safety ends when the franchise is terminated.

Rey Cabral, 1011 NE Prescott, 97211, said he has seen people drinking in the parking lot of this 7-Eleven store and has seen Tri-Met police arrive because people are liquored up. He said the same restrictions should be placed on this store as are on the BP store on Martin Luther King Blvd.

Commissioner Francesconi said he will support the License Bureau's unfavorable recommendation as 7-Eleven wrote the regulations by which these stores operate. He does not believe the City should create an exception here.

Commissioner Hales said Council cannot treat one store differently from another.

**Disposition:** Unfavorably recommended (Y-4)

- \*954** Authorize addendum to agreement with Double Eagle Golf, Inc. regarding the Progress Downs Golf Course (Ordinance; amend Agreement No. 13306)

**Discussion:** Commissioner Francesconi said the operation of the Progress Downs Golf Course has been a thorn in the side of both the Parks Bureau and the operators for seven years. Now, after tough negotiations with Double Eagle, the City has an agreement which would extend a long term lease for an additional eight years. The agreement will bring added financial benefits to the City and to golfers from improved facilities.

Gordon Wilson, Bureau of Parks and Recreation, said this increases the term of the lease, creates some provisions for arbitration and mediation and for co-investments by both parties. In short, it has lots of financial benefits to both.

Ron Buell, 2817 NE 19<sup>th</sup>, agent for Double Eagle, said the relationship between Double Eagle and the City has been stormy and resulted in litigation that went to the Supreme Court. This agreement demonstrates the ability to move on and provide both a successful partnership and a much larger revenue stream to the City. Double Eagle is committed to building new facilities.

Mike Sherwood, General Manager, Progress Downs, said golf is a very important asset to the City and the redesign of the course by John Zoller is outstanding.

Lee Hill, Golf Advisory Committee, said this is a peace accord and through negotiations the Committee found out why both parties were so intransigent. They found this was a lousy golf course and that a ton of business has been lost, which they expect to get back with the new course. He said they believe they can produce great revenues to go back into the youth fund and charge more to play at this course but still make it accessible and affordable to kids and seniors.

Commissioner Francesconi said this is a good financial deal for the City.

**Disposition:** Ordinance No. 173529. (Y-4)

- 955** Amend City Code relating to Parks, General Provisions and Permits, to make it more understandable, enforceable and consistent (Second Reading Agenda 904; repeal and replace Chapters 20.04 and 20.08)

**Discussion:** Doug Capps, consultant, said this is a giant step forward for managing parking in Northwest Portland and how well parking is managed there tells much about its livability. Some past efforts failed because of their inability to capture the good will of residents and businesses. This ordinance has significance beyond the specific provisions as it signals that both residents and businesses can work together to solve a neighborhood problem. The new provisions will allow parking controls to be initiated which will reserve spaces for residents, employees and retail customers. He noted the extensive public notification efforts, including fliers which were sent to all residents and taken door-to-door by parking committee members. The committee also funded an extra mailing. Well over 50 percent of those contacted returned the ballots and over 80 percent voted in favor. The next priorities are shared parking lots and the need to address commuter parking in other areas of Northwest.

Tim Ramis, 1727 NW Hoyt, said his law firm allows shared parking but has been very wary of past proposals for permit parking as it saw them as pitting businesses against residents. This program encourages preserving parking resources for all users. Some institutions may need parking that extends beyond the two-hour limits proposed here but he believes that can be adjusted later.

Others speaking in support included:

Lonnie Morris, Northwest area business owner  
John Bradley, Northwest District Association  
Steve Fosler, Nob Hill Business Association.  
Rick Michaelson, 906 NW 23<sup>rd</sup> Avenue, 97210

Mr. Michaelson said the City should be careful to have signs that say "two hour parking" allowed, not "visitors only parking."

Bill Graham, Office of Transportation, said the signs have been changed to do that.

**Disposition:** Ordinance No. 173530. (Y-4)

#### **Commissioner Charlie Hales**

- 956** Consider vacating SW 62nd Avenue south of SW Pomona Street, as initiated by Resolution No. 35788, in connection with the consolidation of property owned by the Oregon Department of Transportation (Previous Agenda 856; C-9957)

**Disposition:** Continued to July 22, 1999 at 2:00 p.m.

- \*957** Modify certain code provisions in City Code Title 16 to establish a Pilot Area Parking Permit Program in a certain area of Northwest Portland (Ordinance; modify Code Chapter 16.20)

**Disposition:** Ordinance No. 173531. (Y-4)

**S - \*958** Amend Title 24 to clarify Office of Planning and Development Review Director's authority to restrict grading activities in order to limit impacts (Previous Agenda 894; amend City Code Chapter 24.70)

**Discussion:** Commissioner Hales moved the Substitute ordinance. Commissioner Francesconi seconded and, hearing no objections, the Mayor so ordered.

Kermit Robinson, Permit Review, Office of Planning and Development Review, said he worked with the Bureau of Environmental Services and Commissioner Saltzman to clarify how much space is exposed during construction at one time. The exemption of public utilities from these regulations has also been eliminated.

Commissioner Saltzman said it is important to regulate for erosion control, impose seasonal restrictions and hold developers accountable.

**Disposition:** Substitute Ordinance No. 173532. (Y-4)

### Communications

**959** Request of Rey Cabral to address Council regarding the confidentiality of records (Communication)

**Discussion:** Rey Cabral, 1011 NE Prescott, 97211, said it is wrong for the Police and Tri-Met to use social security numbers to identify people. These numbers are easily stolen and the theft of Social Security numbers is a serious problem. He called for removal of Social Security numbers from all police records. He said the Police Records division should divorce itself from impoundment division and criticized the attitude of Records staff as well as its high copying charges.

**Disposition:** Placed on File.

**960** Request of Dan Blazing to address Council regarding his sewer connection fees (Report)

**Discussion:** Dan Blazing, 12231 SE Kelly Street, 97236, asked for a ruling in his favor about his sewer connection charges, which have been an issue for him for 11 years.

Commissioner Saltzman said because this issue is now in his portfolio, he met with Mr. Blazing and Dan Vizzini in the Bureau of Environmental Services to explore what solutions can be found to get out of this 11-year-old ordeal.

Mr. Blazing said that solution still puts the onus on him.

**Disposition:** Placed on File.

At 1:10 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF JUNE, 1999 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Saltzman, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Larry Siewert, Sergeant at Arms.

- 961 TIME CERTAIN: 6:00 PM** – Amend the Zoning Code to add development standards aimed at improving how development fits into neighborhoods; apply standards to houses, attached houses and duplexes in all base zones that allow household living (Ordinance introduced by Mayor Katz; amend Title 33)

**Discussion:** Commissioner Hales said he appreciates the work staff and the Planning and Design Commissions did in trying to balance the friction between the desire to do what we please with our property and the desire to be good neighbors.

Susan Hartnett, Bureau of Planning, showed a video by Richard Rodriguez originally played on National Public Radio illustrating the conflict between the desire to use cars to enhance mobility and the desire for a sense of place and community. Those contradictory desires are seen in the development patterns of U.S. cities and suburbs over the last 50 years.

Steve Abel, President, Portland Planning Commission, said the Commission's recommendation is the result of several years of dialogue on a variety of issues in front of it, including the Outer Southeast Community Plan, the Southwest Community Plan, the land division code rewrite and design issues. One common theme heard from citizens was the need to have some design control in order to maintain the livability of the City. While he believes the Urban Growth Boundary (UGB) is appropriate, because of the government's policy to promote infill within the boundary, the trade-off is that what goes on inside it has to be controlled to some extent. That is the genesis of this proposal. The Planning Commission knew that design review of every individual house would not work, even though it does work on commercial buildings and large apartment complexes and in certain districts. That is not an available option in a single family setting so the Commission asked staff to find some clear and objective standards that would help achieve the objective of achieving compatibility inside the UGB, especially for infill areas and new construction. Staff returned with 22 different proposals, some of which were far-reaching and included restraints on roof pitches, window types, door trims, etc. That received quite a bit of criticism from the design and development communities and neighborhoods who felt it was too restrictive on individual home builders and buyers. Ultimately the Planning Commission pared the list down to three elements, based on its desire to maintain and enhance the relationship of the house to the public realm, the street, and create compatibility with existing neighborhoods. The three requirements are: 1) put the windows up front; 2) place the front door in front of the house and give it credit toward the percentage requirement for windows; and 3) reduce the size of the garage and maintain its balance with the house so that it does not stick out in the public realm or cut off visibility from the windows. He said they believe they have created simple, non-confrontational and objective

requirements that meet their philosophy about the relation of the public realm to the house. Mr. Abel said he met on numerous occasions with members of the homebuilders industry about their concerns and recommended numerous changes as a result, reducing the proposal down to these three requirements. He personally believes that, given anything less than these three requirements, Council should not adopt the program. The program cannot accept less and still meet the objective. He said he sees these more as compatibility, not design, regulations. He introduced an amendment approved by the Planning Commission about vested rights for existing subdivisions or PUD projects that are in the pipeline right now. He said this amendment provides a placeholder to protect those subdivisions for the time being.

Rick Michaelson, Vice-President, Planning Commission, said for the last 20 years he has made his living as a land developer, design consultant and home builder. He said all his houses could meet these regulations and he is evidence that one can survive in this industry and still do what this code calls for. These regulations directly support the recently adopted City Housing policy in three specific areas. It encourages diversity in neighborhoods, provides more opportunities for smaller "humble" houses and makes it easier to have a variety of lot sizes in existing neighborhoods in exchange for assuring that the quality of the houses meets the expectations of the neighborhoods. He said this is not about dictating style and design even though that is how the project started. All such rules have been deleted. He said opponents may say that this will eliminate certain needed housing types in the City but he does not believe that is true. It may require people, however, to redesign and rethink how certain markets are being served. He believes all types of houses will be able to be built under these regulations. Mr. Michaelson said while the City has an obligation to ensure that all lots created through subdivision are buildable, it has no obligation to ensure that every housing type can fit on every lot. To meet the City's housing goals, it is crucial to create some smaller lots that are reserved for affordable housing. One issue Council will hear tonight is that certain lots will not accommodate a two-car garage under these regulations. That is true but there are many lots where a one-car garage or tandem two-car garage is appropriate and will provide a needed housing type. Finally, Council may hear testimony about the number of lots where it will be difficult to accommodate these regulations. The Commission basically excluded from these regulations all sloping, difficult lots and flag lots to ensure that they will be buildable. He agreed with Mr. Abel that if Council changes these regulations significantly, it would be better not to adopt this program at all. If this program is not adopted, he does not believe the Title 34 rewrite, as proposed, can be adopted either because this is integral to that project.

Ms. Hartnett reviewed the project and the regulations. She said the project's origins are rooted in the City's ongoing efforts to meet the region's growth management objectives while maintaining the quality of life Portlanders enjoy today. She said the initial draft, with its 22 regulations, was being considered for both single and multi-dwelling developments. However, testimony before the Planning Commission indicated these ideas were too broad and gave architects and builders too little flexibility to create housing people might want to live in. The Commission then determined that a focus on the public realm that addressed the relationship between the street and the living area of the building was more appropriate. The design concerns they are trying to address are houses with street-facing facades dominated by garages, front yards used primarily for automobile parking, living areas set behind an attached garage that have little visual or physical connection to the surrounding



neighborhood and houses with main entrances for cars that are subordinate to the main entrances for people. She displayed examples of housing types to illustrate those concerns.

Ms. Hartnett described the public outreach efforts that have been made since the project began in the summer of 1998. She said the regulations build on existing standards already in place, things that address minimum lot area, width and depth, minimum front, side and rear building setbacks, minimum garage setbacks and limitations on the paving in the front yard. She said main entrances cannot be more than six feet behind the longest wall of the living area of the dwelling unit and must face the street, up to an angle of 45 degrees. If the front door exceeds the 45 degrees, a small front porch needs to be added, to help mark the location of the front door. Any facade facing the street must have 15 percent of its area in windows or a front door. That was added as an extra incentive to keep the front door facing the street. The garage wall can be no more than 50 percent of a street facade and if the house is less than 24 feet it can still have a 12-foot garage wall, even though it is less than 50 percent, assuring that a single-car garage wall can occur even on a small house. The garage wall cannot be closer to the street than the longest wall of the living area of the house but can be up to six feet in front if it is 40 percent or less of the total facade length and a porch is added. She showed examples of the wide variety of housing styles that can meet those standards. The standards address compatibility with the public realm, maximize design flexibility, are adjustable to meet the constraints of difficult sites, and are not incompatible with many of the new houses being built.

John Spencer, Chair, Portland Design Commission, said all Commission members urge support for these standards. He said 10 years ago when Metro conducted a visual preference survey, the overall preference was for buildings and houses that had a strong relationship to the street and respected traditional neighborhoods. That set the tone for what is before Council today. The three standards evolved from public comments which indicated a desire for high quality design in all City neighborhoods while efficiently maintaining the current UGB. Implementing the Metro 2040 plan mandates that the design bar be raised if existing neighborhoods are to accommodate more growth. The three standards represent the most basic design principles for residential infill. They are flexible, do not prescribe an architectural style, embrace the concept that new development must be considerate of its neighbors and contribute to the safety and livability of the public streets. In its letter to Council, the Design Commission outlined three important points about the standards: 1) they address major concerns heard about infill and new residential development; 2) they will not stifle creativity and are appropriate for different neighborhoods; and 3) they reinforce the positive character of the neighborhood, the streets and the public realm.

Bruce Prunk, Assistant Police Chief, said the Police Bureau believes these guidelines will direct residents' attention to the street by placing garages behind the front walls of homes and requiring sufficient amounts of window space on street-facing walls. He recommended adding a requirement for new detached single-dwelling houses that have a covered balcony or porch. These would have to face the street, have a minimum size of 48-square feet and be at least eight feet wide. He said this is already a proposed requirement for attached housing and should be considered a high priority for single dwellings as well. This would provide additional eyes on the street, a standard recommendation of the Crime Prevention Through Environmental Design (CPTED) effort. He said such designs encourage resident participation in the public realm of the street through increased surveillance and also

promote territoriality. This means people are more willing to care for their own space and challenge those who are not supposed to be there. He said crimes are lowest in buildings with the most visibility and best surveillance opportunities based on building orientation and street location. He said community policing only works when people are involved in keeping an eye on their neighborhood streets.

Commissioner Saltzman asked if there is a legal definition of the public realm.

Ms. Hartnett said the generally accepted definition is that it is the area including the street, sidewalk, planting strip and typically the area between the public street and the private property that is made up by the front yard. It is the semi-public space, the space between the edges of the publicly-owned street and the privately-owned house that can make a contribution to crime prevention through environmental design.

Mr. Michaelson said he considers the public realm to be that area visible by the public and clearly includes the street-facing facades of buildings.

Commissioner Saltzman asked what the split is estimated to be between what the City expects to achieve in infill versus higher-density, mixed-used density along transit corridors.

Ms. Hartnett said she is unsure but believes it is 70 percent for mixed-use areas, such as town and regional centers, downtown and main streets, and 30 percent for infill.

Mr. Michaelson said there are enough developable infill lots that, if they are developed with quality buildings, will improve the neighborhoods.

Commissioner Saltzman said some people are saying they do not want to see every infill lot become a house anyway.

Mr. Michaelson said if they are legal lots, people have the right to build on them and probably will.

Commissioner Saltzman asked how can banning a "snout" house not be a constrict on design, even though it may be one that we do not like.

Mr. Abel said the kinds of constraints originally proposed were design elements and went far further than a restriction on a garage-dominated home. That comes closer to a design than pure compatibility but so do the windows. The words design and compatibility are misnomers to some degree as the real goal is to create a relationship between the house and street. In many instances, "snout" houses are not compatible or consistent with existing facades.

Commissioner Francesconi asked how these requirements will affect affordability.

Mr. Michaelson said the earlier proposals were expensive and would potentially have added to their affordability. He sees nothing in these standards that would force someone to build a more expensive house unless they wanted to build a two-car garage with the garage brought forward because then they have to build a porch. But if the face of the garage is flush with the house, it is no more expensive.

Commissioner Francesconi said the study done by Peter Wilcox shows that the cost of a two-car garage on smaller lots could be as much as \$10,000 on a \$180,000 house, which would be significant. But according to Mr. Michaelson, one would not build a two-car garage on a smaller lot.

Mr. Michaelson said his argument is that smaller lots are unsuitable for two-car side-by-side garages. Houses built with one-car garages are less expensive and more appropriate for the affordable market.

Ms. Harnett said Mr. Wilcox is referencing the cost of a second story. Typically on narrow lots, one will build two stories anyway.

Commissioner Francesconi asked if it is an appropriate role for government to say that people who want to build two-car garages cannot.

Mr. Michaelson said the present role of government is to say that lot width must be a minimum of 50 feet and that would accommodate a two-car garage. What the Planning Commission is saying is that if they foster more diversity in lot sizes, not every lot would accommodate two-car garages.

Commissioner Francesconi said he understands the Title 34 rewrite will allow smaller lots, which may arouse opposition from some neighbors. He asked about the tradeoffs between having more regulation in order to foster more compatibility with the neighborhoods and the importance of going ahead with smaller lots.

Mr. Michaelson said it is consistent with the housing policy to foster more diversity and place less emphasis on having uniform lot sizes with two-car garages. He said during the Title 34 discussion people will testify that the City has not gone far enough in ensuring compatibility and call for a review of every subdivision for housing style, driveway location, etc. The Commission does not think that approach is administratively supportable as it would lead to great delays and expense and defeat some affordable housing objectives. The Commission has tried to address the compatibility issue on a house by house basis through these base zone design regulations and then allow more flexibility to bring lots down to 30 feet instead of 50. In terms of protection for the neighborhood and the ability of developers to produce housing, he predicts there will be about the same balance there is today but with better quality and more flexibility.

Mr. Abel said much of what is going on in the City relates to a more regional desire to maintain the UGB by allowing more infill. To achieve that there should be design constraints that add very simple compatibility requirements to the Code to make the neighborhoods livable.

Jane Leo, Portland Metropolitan Association of Realtors, said the 5,200 members of the Association oppose adoption of the base zone design standards for three reasons: 1) they unnecessarily restrict the housing market; 2) they will result in a loss of builders willing to build in the City; and 3) they will add to the cost of building and owning a home. It has been stated that the design standards will only increase the cost of a home by 1.6 percent but when the average price of a home is \$180,000, that means an additional \$2,880. If these

design standards are adopted, the City will continue to fail to meet the need for affordable, marketable housing that will keep the middle class in Portland.

Ernie Platt, President-Elect, Portland Home Builders Association, said the Association has submitted a 10-page memo outlining why they believe passage of these standards will negatively affect the housing market. They also question whether the general public really is demanding these restrictions. He said if the goal of these standards is to largely benefit the community as a whole rather than the residents of the particular structures, then the community as a whole should bear some of the burden of complying with these regulations, not just the homebuilders and buyers. He said an incentive program that identifies homes that are quicker, easier and cheaper to build would be much fairer. Designating these designs as the path of least resistance would ensure that they become the logical choice unless other circumstances dictate. One suggestion is to provide pre-approved plans for such homes to builders at either no or minimal charge and possibly reduce permitting fees for such housing types. He said using a carrot rather than a stick is a much better way to achieve the goals the City is trying to achieve. Mr. Platt said these standards prevent flexibility and one of the most telling signs that these standards go too far is demonstrated by the fact that 16 of the 30 house plans presented in a joint publication of Livable Oregon and the Oregon Department of Transportation Growth Management Program could not be built.

Commissioner Hales asked how the design standards in Gresham and Cannon Beach have worked in practice. What is happening in the market place there?

Mr. Platt said he does not know right now about those places but a great many members believe they cannot build houses here under these standards that are as readily marketable as they need to be. He noted that Gresham just voted to increase minimum lot size from 4,000 to 5,000 square feet because they were tired of trying to meet the density requirement.

Marcy McInelly, Planning Commission member, said the Commission is proposing the absolute minimum of new regulations that still address the concerns expressed by the people who attended the workshops and testified at the meetings. The regulations are limited to parts of the house that affect the right-of-way or public realm and, in her opinion, the house belongs to individuals but the street belongs to the public. These regulations recognize the need to compromise between the need for individual property rights, the rights of builders to build as they like and the rights of Portlanders to enjoy their streets. She said these regulations do not alter anyone's choice of housing styles but do streamline the approval process for those that meet the standards. Those who wish to deviate can apply for an adjustment, which is rarely rejected. She questioned the assertion that customized home plans are the only alternative to garage-dominated ones. She said the houses in the book displayed by Mr. Platt that do not meet the standards are the ones that need an alley to work. While the incentives mentioned are very good, late last year members of the Homebuilders Association participated in one work session with staff and the Commission and then refused to attend future sessions on the grounds that they would not participate in the formation of regulations. Assertions that people will be driven to the suburbs because they will not want to buy houses that government planners desire are also wrong. These regulations support the City's growth management goals because they promote design and she believes the City will fail at managing growth if design in the public realm is not addressed, especially now that neighborhoods are being infilled. She

noted that Portland is famous for its downtown, the result of years of design regulation, but neighborhoods are suffering from the lack of the same attention.

Other individuals speaking in support of the standards included:

Edmund Jordan, 3911 SE 97<sup>th</sup> Avenue  
Steve Satterlee, 3805 SE Liebe, 97202  
Tom Johnson, 4905 SE 48<sup>th</sup> Ave., 97206  
Bob Eckland, 1245 SE 52<sup>nd</sup> Avenue, 97215  
Paul Leistner, Research Director, City Club of Portland  
Jada Mae Langloss, no address stated  
Karla Urbanowicz, 4012 SE 51<sup>st</sup> Avenue, 97206  
Adonica Marshall, 2117 NE Kane Rd., Gresham, 97030  
Douglas Klotz, 2630 SE 43<sup>rd</sup> Ave., 97206, Willamette  
Pedestrian Coalition  
Marsha Hanchrow, 1908 SE 35<sup>th</sup> Place, 97214  
Terry Griffiths, Woodstock Neighborhood Association  
Land-Use Committee  
Jerry Hanson, 3204 SE Woodward, 97202  
Michael Roche, 3920 SW 45th, 97219, Southwest  
Neighborhoods Information  
David Redlick, 3949 W Condor, 97201, Homestead  
Neighborhood Association  
Dan Kent, 805 SE 32<sup>nd</sup> Ave., 97214  
Diane Dulken, 3281 SE Main, 97214  
Betty Walker, Northeast Coalition Land Use Chair  
Mary Kyle McCurdy, 534 SW Third, #300, 97204  
Alan Hipolita, Urban League of Portland  
Mike Houck, Audubon Society  
Deb Lippoldt, Oregon Food Bank  
Britt Parrott, Coalition for a Livable Future  
Ross Williams, Citizens for Sensible Transportation  
Michael Marx, Sienna Architecture, 411 SW 6<sup>th</sup>, 97204  
Suzanne Zuniga, Portland Community Design  
Sara King, 1932 SE 35<sup>th</sup> Ave., 97214  
Amanda Fritz, Portland Planning Commission, 4106 SW  
Vacuna, 97219  
Jim Worthington, 3232 SE 153<sup>rd</sup>, 97276  
Barbara Lance, 3510 NE Bryce, 97212  
Irwin Mandel, 1511 SW Park Ave., 97210  
Peter Meijer, Roseway Neighborhood Association, 2936 NE 66<sup>th</sup> Avenue  
Martha White, 4312 SW Freeman, 97219  
John Wolz, 2009 NE 16<sup>th</sup> Ave., 97212  
Lee Leighton, 6113 SE 17<sup>th</sup> Avenue, 97202  
Arlene Kimura, 112 NE 133<sup>rd</sup> Ave., 97230  
Richard Lishner, 2545 SE 37<sup>th</sup> Ave., 97202  
Victor von Salzen, 4918 SW 37<sup>th</sup> Ave., 97221  
Martha Peck Andrews, 205 SE Grand Ave., #207  
Jeff Joslin, 14700 NW Callihan Road, City Planning Bureau and

JUNE 30, 1999

Administrator of the Design Review programs for the City  
Dave Johnston, 0550 SW Palatine Hill Road, 97219  
Dixie Johnston, 0550 SW Palatine Hill Road, 97219

Supporters stressed the need to adopt design standards in order to preserve neighborhood character as the City grows denser and there is more infill development on small lots. They testified that they did not want garages or "snout" houses to dominate the streetscape and instead wanted a friendly, inviting streetscape that was welcoming and safe for pedestrians, with windows and porches that create "eyes on the street." They noted that builders seem to have been able to build creative buildings within the Central City following the design guidelines. Mr. Roche and several other neighborhood association representatives stated that if design standards are not adopted, the neighborhoods will oppose new infill development proposed in their area. Mr. Joslin said community design standards have been in place in some parts of the City since 1993 and have not sent builders heading for the hills and more houses have been approved through the standards than through the design review track. Many of those standards have been much more prescriptive than what is proposed here. Mr. Joslin also suggested that houses meet the "trick or treat" standard, based on whether you would feel uncomfortable sending your children to find the front door.

Opponents testifying against adoption of the standards included:

Michael Burkhardt, 5675 SW Ash Creek Lane, 97219  
David Ewing, 1426 SE Harrison, 97214  
Mark D. Hylland, 4628 SE 44<sup>th</sup> Ave., 97206  
Tom Sears, 8104 NE Halsey, #202  
David Rohr, 6345 SW Edgewood, 97035  
Jeff Fish, 1834 SW 58<sup>th</sup>, #206, 97221  
Wally Greiner, 8333 SE Stark, 97216  
Paula Hylland, 4628 SE 44<sup>th</sup> Avenue, 97206  
Kathleen Marta, 338 SW Cervantes, 972035  
Thomas Spathas, 1305 NW 18<sup>th</sup>, 97209  
Ron Crutcher, 15700 NW Norwich, Beaverton, 97006  
Jerry C. Reeves, 4850 SW Scholls Ferry, 97225  
David McMilen, 5375 SW Humphrey Blvd., 97220  
Jim Irvine, homebuilder, Boring OR  
Laura Crestwick, no address stated

Opponents said these design standards will make housing more costly and take away people's right to choose the housing design they want. They said government has no place in the design of homes and these regulations ignore the increasing cost of land-use reviews in Portland, the added costs for covered porches, longer driveways and second stories. Opponents also objected to the cost of getting exemptions and adjustments and the cost of redesigning homes. There is a cost to go into a review process, even if there is no charge, forcing people to go to outlying areas where they do not have to go through an arduous review process. They also criticized the appropriateness to slope, stating that 20 percent slope does not work on a 100-foot lot or a plateau lot that goes up five to 10 feet. Several showed examples of houses, many of which are included in the Livable Oregon handbook, that the new base zone standards will no longer allow. There is existing architectural review in place within the Covenants, Conditions and Restrictions (CC&Rs) in the newer subdivisions and these should not have to be repeated. Title 33 created

the "snout" house and turning it around just creates a "pug" house. They said this is government run amok as most people, given a choice, do not care about having porches in front as their major concern is privacy and peaceful enjoyment of their homes. Portlanders embrace diversity but are now being asked to forego their own rights to satisfy someone else's ideas of what looks nice. The courts have already found that aesthetic purposes alone are not a valid exercise of police power and opponents said a more substantial relationship between these standards and the health, safety and the general welfare of residents needs to be shown first. They said if connectivity to the public realm is a legitimate means of achieving such goals as a reduction in crime, it is impossible to understand how excluding homes with dominant garages could be construed as substantially related to achieving them. Since psychiatrists have concluded that certain colors have a calming effect on behavior, why not require that all new construction be painted in non-violent colors in order to reduce crime. Mr. Fish said he served on the Oregon Livable Council and only two plans in the book will work on the smaller lots he builds.

Commissioner Francesconi asked Mr. Fish about affordability and how much these regulations will cost.

Mr. Fish said the Wilcox report says it will cost \$15,700 to \$15,897 to implement the new designs. That is a big difference in the affordable market and will take a lot of people out.

Mayor Katz asked for information about the cost of houses built by community based organizations, especially the Northeast Development Community, that have front porches, meet all these standards and sell very quickly. While she understands that the front porch requirement was dropped, she needs to understand how community-based organizations and for-profit developers are able to build affordable homes in Northeast that have front porches.

Commissioner Hales asked staff about flag lots and streets, such as Skyline or Fairmount, where people might not meet the slope requirement but where there are understandable design reasons why the houses might not need to face the street as much as those on streets with sidewalks. Is the adjustment process the right track for those? Finally, what about communities where architectural review requirements already exist in CC&Rs?

Mr. Joslin said he was involved in discussions about adjustments to the schedule and whether design review was an alternative to the adjustment process. Staff felt that the purpose statements provided good guidance and yet did not preclude new solutions.

Commissioner Hales asked if that meant the path that has been taken is to weigh an adjustment request against a carefully crafted purpose statement instead of weighing it as a design review option against a list of design criteria.

Mr. Joslin said procedurally it would seem similar. In terms of scope of review what the design review alternative path does is put the entire project under review, rather than isolating a single element.

Mayor Katz asked why the development community prefers design review over the adjustment process.

Mr. Joslin said his sense is that they thought there was a greater certainty of getting to yes through a design review but he is not sure why.



Commissioner Hales said he would like to hear about CC&Rs between now and next week.

Mayor Katz said she is very curious about Multnomah County design standards.

Ms. Hartnett said what one of those testifying (Jim Worthington) was referring to was site review which speaks more to building placement and its relationship to the street than to design elements.

Mr. Michaelson said it was an administrative process that had a great deal of flexibility but was not a full land-use review. Changes in State law prevented the City from enacting something similar in Portland without full discretionary review.

Commissioner Saltzman asked if one could built a "snout house" putting the garage in back.

Mr. Michaelson said that would be legal as long as the garage is behind or on the side.

Ms. Hartnett said "snout" houses typically mean that the garage is fully in front of the living area, not just because it is an "L" shape.

Commissioner Saltzman said he believes many of the neighborhoods represented tonight, inner northeast and southeast, are not slated for much infill so he would like to know the infill target for some of those neighborhoods as well as the aggregate for the City level. He would also like to know if the Police have any statistics to show how many burglars use the front versus the back entrance.

Mayor Katz said from personal experience she believes barriers, such as garages or hedges, that cut off a resident's view of the street, increase the potential for crime.

Commissioner Hales said he would still like to know the options for flag lots and CC&Rs.

Mr. Michaelson said those will be addressed in writing. Regarding the adjustment process, he said when that was first established as a replacement for the variance process, the hope was that the adjustment process would be viewed as an alternative without any bias that this was a variance from the Code. However, adjustments have come to be viewed just as much as bids for special privilege as variances ever were and it is perhaps harder to get adjustments now than variances. That is one reason people prefer to go through design review. The disadvantage of design review is that includes a review of the whole building, not just one change. In the Environmental Codes there is an ability to take a design review approach to one or two issues. For administrative reasons, staff felt adjustments were better than design review but neither is a particularly good fit for what you want to do here.

Ms. Hartnett said in the purpose statements they have made it clear that these regulations work together and the standards have been specifically linked so if someone asks for an adjustment to one of them, applicants can see if they are better meeting the purpose by addressing another of the standards without necessarily having to apply for adjustments on all three. They are intended to be viewed as a body without having to talk about the entire building, which is what design review does.



Mayor Katz asked staff if they heard anything tonight that was not factual, on either side.

Ms. Hartnett said these standards will not add another layer of permitting or review. They will be reviewed as part of the standard building permit process and staff, as part of this process, measured the standards against some current projects in the permit center. They found it takes five to ten minutes to get this information so it will not add a layer of review, cost or time. Also these standards will not replace the Community Design Standards and Historic Design Districts.

Commissioner Hales asked if those requirements are set aside if you are in Ladd's Addition, for instance.

Ms. Hartnett said if you are in a Design or Historic District where the community design standards apply, they will continue to apply and the base zone design standards will also apply. If the community design standards are higher ones, they will be applied.

Mayor Katz noted that the affordable housing information will be brought to Council later.

Commissioner Francesconi said he would like to know if there is anything Council might consider on the incentive side within the next few days.

Mr. Michaelson said it is clear the City is moving towards a new model of housing and the industry needs some help in getting there, through design examples, assistance in moving through the process and other kinds of incentives. He does not think there is any need for a price incentive. If incentives are provided they should be for affordable housing and other community needs.

Mayor Katz said one idea is to have a design competition.

Commissioner Saltzman said he believes Commissioner Sten has Peter Wilcox working on that.

Ms. Hartnett said none of Mr. Wilcox's designs include an attached garage. She said a number of the examples shown on the slides are being built and she is not sure a competition is needed as much as just making them more available. She said she would be happy to look at some of the incentives but needs to know what kind of budget Council might be able to provide.

Commissioner Saltzman said it seemed to be the consensus of Planning Commission members that if this minimalist approach is not adopted, Council should not bother. Does that mean Council should not bother with the incentive-based approach.

Mr. Michaelson said yes, if one intends to substitute the incentive-based approach for these regulations. However, incentives in addition to these regulations are a good idea.

Mayor Katz asked if it would cost the City additional money to provide the models.

Ms. Hartnett said they would have to go outside the Planning Bureau and do some sort of contract.

JUNE 30, 1999

Commissioner Hales said it might be a good idea to look at what Mr. Wilcox has produced to see if Council might want to ask him for some additional work. He said offering some plans for infill lots is a public service.

Mr. Michaelson said anything to further design ideas on very small lots would be helpful.

Commissioner Francesconi asked for options.

Mayor Katz said one option is having Peter Wilcox provide some prototypes with attached garages that can be provided to builders.

Mr. Michaelson said the Planning Commission will be happy to work on incentives.

Ms. Hartnett said they will return in two weeks with the additional information requested and then the ordinance will be passed to second reading.

Mayor Katz agreed that this a starting place, even if it is minimal, and thanked staff and the Planning Commission.

**Disposition:** Continued to July 14, 1999 at 2:00 p.m.

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

JULY 1, 1999

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON  
WAS HELD THIS 1ST DAY OF JULY, 1999 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi and  
Saltzman, 3.

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

**Mayor Vera Katz**

- 962 Amend Title 33 of the City Code relating to base zone tree requirements and amend Chapter 33.248, Landscaping and Screening, and authorize the establishment of a Tree Fund amend Title 33)

**Discussion:** Mayor Katz said all the proposed amendments have been taken care of. She noted Commissioner Saltzman's concern about involving the Watershed Councils in the Tree Fund and noted that the Urban Forestry Commission has committed to work with him on that issue.

**Disposition:** Ordinance No. 173533 as amended. (Y-3)

- 963 Extend street tree planting requirements to residential construction and improvements that exceed \$25,000 and to all land divisions, provide for the enforcement of these requirements and authorize inspection fees (Second Reading Agenda 910; amend Code Sections 20.40.070 and 20.40.110)

**Disposition:** Ordinance No. 173534 as amended. (Y-3)

At 2:05 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Clerk of the Council