



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF FEBRUARY, 2007** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

Commissioner Adams arrived at 9:39 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jim Van Dyke, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<p><b>139</b> Request of Rachel Elizabeth to address Council regarding the development process (Communication)</p> <hr/> <p><b>TIME CERTAINS</b></p> <p><b>*140 TIME CERTAIN: 9:30 AM</b> – Adopt budget adjustment recommendations and the Minor Supplemental Budget for the FY 2006-07 Winter Budget Adjustment Process and make budget adjustments in various funds (Ordinance introduced by Mayor Potter)</p> <p>(Y-5)</p>	<p><b>PLACED ON FILE</b></p> <hr/> <p><b>180771</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>141</b> Statement of cash and investments December 14, 2006 through January 10, 2007 (Report; Treasurer)</p> <p>(Y-5)</p>	<p><b>PLACED ON FILE</b></p>
<p><b>Mayor Tom Potter</b></p> <p><b>142</b> Reappoint Mary Manilla to the Investment Advisory Committee for term to expire February 21, 2009 (Report)</p> <p>(Y-5)</p>	<p><b>CONFIRMED</b></p>

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<p><b>143</b> Reappoint John Wrenn to the Investment Advisory Committee for term to expire February 21, 2009 (Report) (Y-5)</p>	<p align="center"><b>CONFIRMED</b></p>
<p align="center"><b>City Attorney</b></p>	
<p><b>*144</b> Amend contract with Preston Gates Ellis, LLP for outside counsel assistance (Ordinance; amend Contract No. 34486) (Y-5)</p>	<p align="center"><b>180764</b></p>
<p align="center"><b>Office of Emergency Management</b></p>	
<p><b>*145</b> Authorize contract with Pierce Manufacturing, Inc., to furnish chemical, biological, radiological, nuclear and explosive command and control apparatus (Ordinance; Contract No. 35699) (Y-5)</p>	<p align="center"><b>180765</b></p>
<p align="center"><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>*146</b> Authorize acquisition of a Rock Crusher for use by City bureaus (Ordinance) (Y-5)</p>	<p align="center"><b>180766</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>*147</b> Authorize first lien sewer revenue refunding bonds (Ordinance) (Y-5)</p>	<p align="center"><b>180767</b></p>
<p align="center"><b>Office of Management and Finance – Purchases</b></p>	
<p><b>*148</b> Amend contract with Cayenta Canada to authorize customer information system improvements in support of Electronic Bill Presentment and Payment (Ordinance; amend Contract No. 35151) (Y-5)</p>	<p align="center"><b>180768</b></p>
<p align="center"><b>Office of Management and Finance – Technology Services</b></p>	
<p><b>*149</b> Authorize a purchase order with Bridge Masters for repair services (Ordinance) (Y-5)</p>	<p align="center"><b>180769</b></p>
<p align="center"><b>Commissioner Sam Adams</b></p>	
<p align="center"><b>Bureau of Environmental Services</b></p>	
<p><b>150</b> Authorize low-interest State Revolving Fund loan agreement with Oregon Department of Environmental Quality for \$100,000 for work in Johnson Creek Watershed (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p><b>151</b> Authorize a formal bidding process and contracts to be executed for the NW Glisan Street, between NW 11th and NW 15th Ave, Sewer Replacement Project No. 8333 (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p align="center"><b>Office of Transportation</b></p>	

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<p><b>*152</b> Authorize an Intergovernmental Agreement with Metro for \$32,000 to study the feasibility of establishing a Transportation Management Association in South Waterfront (Ordinance)</p> <p>(Y-5)</p>	<p><b>180770</b></p>
<p><b>Commissioner Dan Saltzman</b></p>	
<p><b>Parks and Recreation</b></p>	
<p><b>153</b> Amend Intergovernmental Agreement with Oregon Department of Transportation for Springwater Corridor Three Bridges improvement project (Ordinance; amend Contract No. 51912)</p>	<p><b>PASSED TO SECOND READING FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p><b>154</b> Authorize a Submerged and Submersible Land Lease with the Department of State Lands for a portion of the Willamette River adjacent to Gov. Tom McCall Waterfront Park (Ordinance)</p>	<p><b>PASSED TO SECOND READING FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>*155</b> Authorize settlement agreement regarding Fire Station 1 relocation (Ordinance introduced by Mayor Potter and Commissioner Sten)</p> <p>(Y-5)</p>	<p><b>180772</b></p>
<p><b>156</b> Amend City 2007 Legislative Package and authorize the Office of Government Relations to support state legislation designed to enhance the collective bargaining rights of public safety personnel by allowing them to bargain issues exclusively related to their safety, which may include staffing levels (Resolution introduced by Commissioners Leonard and Sten)</p> <p><b>Motion to continue to February 28, 2007 at 9:30 a.m.:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-5)</p>	<p><b>CONTINUED TO FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p><b>157</b> Declare City support of Portland Development Commission employee efforts to organize (Resolution introduced by Commissioners Leonard and Sten)</p> <p><b>Motion to accept amendment to add the language declare the City of Portland support of Portland Development Commission employees right to organize if they choose:</b> Moved by Mayor Potter after passing the gavel to President of the Council Leonard and seconded by Commissioner Saltzman. (Y-5)</p> <p><b>Motion to accept amendment to add the language BE IT FURTHER RESOLVED, that the Portland City Council expresses its deep appreciation for the work that all the employees at PDC do on behalf of the citizens of Portland:</b> Moved by Commissioner Saltzman and seconded by Commissioner Adams. (Y-5)</p> <p>(Y-5)</p>	<p><b>36483</b> AS AMENDED</p>
<p><b>Mayor Tom Potter</b></p> <p><b>Office of Management and Finance – Business Operations</b></p>	

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<p><b>*158</b> Amend contract with Skyward Construction, Inc. to provide additional services for facility improvements at Union Station (Ordinance; amend Contract No. 36867)  (Y-5)</p>	<p align="center"><b>180773</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>159</b> Authorize revenue bonds to finance the Enterprise Business Solution Project (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Sam Adams</b></p> <p align="center"><b>Office of Transportation</b></p>	
<p><b>160</b> Support the Portland to Milwaukie Light Rail Project and the Portland Streetcar Loop Project and seek funding commitments from the Oregon State Legislature (Resolution)</p>	<p align="center"><b>CONTINUED TO FEBRUARY 28, 2007 AT 9:30 AM</b></p>
<p><b>*161</b> Authorize an Intergovernmental Agreement with Tri-County Metropolitan Transportation District of Oregon for preparation and submittal of a Small Starts Project development application for the Portland Streetcar Loop Project (Ordinance)  (Y-5)</p>	<p align="center"><b>180774</b></p>
<p align="center"><b>Commissioner Dan Saltzman</b></p> <p align="center"><b>Parks and Recreation</b></p>	
<p><b>*162</b> Authorize an agreement with American Specialty Health Networks, Inc. for East Portland Community Center, Matt Dishman Community Center, Mt. Scott Community Center, Southwest Community Center and University Park Community Center to promote the use of Portland Parks and Recreation fitness facilities to seniors (Ordinance)  (Y-5)</p>	<p align="center"><b>180775</b></p>
<p><b>163</b> Authorize a facility use agreement with the African American Health Coalition for Matt Dishman Community Center, University Park Community Center and Columbia Pool (Second Reading Agenda 137)  (Y-5)</p>	<p align="center"><b>180776</b></p>
<p><b>164</b> Authorize license agreement with the State of Oregon, on behalf of Portland State University to develop, manage and operate a food-based educational gardening program on Portland Parks and Recreation Green Thumb property (Second Reading Agenda 138)  (Y-5)</p>	<p align="center"><b>180777</b></p>

At 11:45 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF FEBRUARY, 2007 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

<p><b>165</b>    <b>TIME CERTAIN: 6:00 PM</b> - Appeal of Northwest District Neighborhood Association against the Landmark Commission decision to approve the application of William De Bellis, Donald Singer, Singer Thurman LLC, GFV Enterprises LLC and 2311-2317 NW Irving Street LLC for the Irving Street Parking Garage at 2311-2317 NW Irving Street (Hearing; LU 06-132367 HDZM)</p> <p><b>Motion to uphold appeal and reverse Portland Historic Landmarks Commission decision:</b> Moved by Commissioner Adams and seconded by Commissioner Sten.</p> <p>(Y-3; N-2, Leonard and Saltzman)</p>	<p><b>Disposition:</b></p> <p><b>TENTATIVELY UPHOLD THE APPEAL AND REVERSE THE PORTLAND HISTORIC LANDMARKS COMMISSION DECISION; PREPARE FINDINGS FOR MARCH 21, 2007 AT 9:30 AM</b></p>
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At 9:31 p.m., Council

GARY BLACKMER  
Auditor of the City of Portland

  
By Karla Moore-Love  
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

**February 21, 2007**  
**Closed Caption File of Portland City Council Meeting**

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: \*\*\*\*\* means unidentified speaker.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript ] \* \* \*

**FEBRUARY 21, 2007            9:30AM**

**Potter:** Before we begin, each wednesday morning we ask a question of the people in this room and the folks who watch this on t.v. The question is, how are the children? The reason we ask that question is because we know that when the children are well, the community is well. In some countries when adults pass each other, they ask, "how are the children." we invite a person in each week to talk with us. This morning we have a young woman named nellie, and she's age 16 and goes to reynolds high school. Could you please come forward? Thank you for being here. Please tell the city council of Portland what you would like us to hear.

**Nelly Kuitunen:** I live in a neighborhood in -- it's at 162nd, and I moved here from san diego, california, in 1999. And when I first moved there it was a nice place, but I don't know who is responsible, but someone put a methadone clinic across the street, and that neighborhood just started falling apart. And it's gone from bad to worse. And I go to reynolds high school, and that's the only high school in the reynolds district, and it's a very, very big school. It's very crowded. And -- yeah. I don't know what else to say.

**Potter:** I think that says a lot. I was down visiting the legislature monday, and talking to them about the need for money for facilities because a number of schools in the state are growing and need more school space. And it's awfully hard to have small classrooms when you have kids crowded in because there are no more classrooms to send them to. So I think that's a very important thing, and I appreciate you coming in and talking about it. You talked about the methadone clinic. Did you see that as sort of the problem with --

**Nelly:** Yes.

**Potter:** In the neighborhood, that that was the cause?

**Nelly:** I -- most of my friends and my mom's friends don't -- especially women can't walk down the street without carrying a pocket knife or something.

**Potter:** Wow. I'm also the police commissioner, so i'll have the discussion with the police bureau about that. Thank you very much for coming in.

**Nelly:** No problem.

**Potter:** Let's give this young lady a hand. [applause] thanks for the folks who brought her in. [gavel pounded] city council will come to order. Please call the roll.

**Potter:** Prior to offering public testimony to city council, a lobbyist must declare which entity he or she is authorized to represent. Please read the communication.

**Item 139.**

**Rachel Elizabeth:** I was hoping sam Adams canning show up too, because it's a pdot issue.

**Leonard:** I saw him out in the hall.

**\*\*\*\*\*:** Ok. Do you mind if I --

**Potter:** We'll just wait just a second.

**Potter:** Please state your name for the record. You have three minutes.

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**Elizabeth:** Ok. My name is Rachel Elizabeth. I'm a mother and I'm also a real estate developer. I own the Rexall building and a vacant lot on the corner of Mississippi and Shaver and I've owned my building for 17 years. I'm here to ask the mayor and the city council members to revoke the two building permits that were issued to the Mississippi Lofts. A third permit that pertains to the street frontage improvements has not yet been issued. They were issued on the basis of a private back room deal between PDOT and the developer. The secret deal making circumvented the public process and undermined the existing zoning code on the street. Code Title 17 requires that all new construction projects set their buildings back two feet from the lot line. This two-foot dedication is critical because it allows us to have 12-foot sidewalks. Last summer at the Landmarks Commission hearing regarding the Mississippi Lofts, many neighbors, including myself, spoke of our concerns that the loft building was too big in its mass and scale and that it would overwhelm the two-story streetcar era buildings. I also talked about how important it is to have a sidewalk that's wide enough to accommodate street trees, cafe tables, strollers, wheelchairs, and lots of people. It's equally important to have a street that is wide enough to safely accommodate bicycles, cars, buses, and trucks. On Mississippi Avenue, we are fortunate to have a 40-foot-wide street. It is precisely this combination of wide streets and all lined along with a stunning array of streetcar era buildings and a large inventory of vintage houses that are the defining characteristics of the historic Mississippi Avenue Conservation District. Title 17 is the most elegant solution for infill development. What is the point of having design guidelines or codes if the city of Portland fails to enforce them or if city bureaucrats set them aside arbitrarily? The Mississippi Lofts developers knowingly designed a building whose footprint is two feet too big. Their plans were originally denied by PDOT and instead of redesigning and scaling back the building, Peter Wilcox, one of the developers, had a private meeting with Kurt Krueger and what do you know, the Mississippi Lofts was granted an exception, and now a host of other developers are anxious to gain the extra free square footage of their -- for their projects too. The precedent has been set to ignore the code, the guidelines, and the neighbors. I want the city to stop making private deals with developers, and I want Title 17 enforced. That means a two-foot setback from the lot line that extends the full height of the front of every new building on Mississippi. I have only three more sentences. The land use review process has been set up to solicit neighborhood feedback. I do not understand why in this case a single planner decided to ignore huge neighborhood dissent and grant this project an exception to the zoning code setback requirement. Kurt Krueger of PDOT admitted he made a mistake. I don't want the city of Portland to approve a building permit that was the result of a mistake. I'm here today to urge the city to revoke the permits for this development and enforce Code Title 17 for every building on North Mississippi Avenue. Thank you.

**Adams:** Could I get a copy of your testimony? Oh, it's right here? Is your contact information here?

**Elizabeth:** No, but I'll give it to you.

**Adams:** And just clarifying, it sounds like you have a concern about the two-foot setback, but you oppose the development beyond that as well?

**Elizabeth:** I don't oppose the development beyond that. I just want everyone on my street to observe the two-foot setback. There's about 25 more buildings slated for being built in the next two years.

**Adams:** Ok. Thanks very much.

**Potter:** Was that the sole communication? We'll move to the consent agenda. Are there -- do any commissioners wish to pull any items from the consent agenda? Any person in this room wish to pull any item from the consent agenda? Please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] please read the 9:30 time certain.

**Item 140.**

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**Casey Short, Interim Financial Planning Manager:** Good morning. I'm Casey Short, interim financial planning manager here to give you a brief synopsis of the winter bump and answer any questions. This is one of three periodic adjustments to the budget we make during the year. It's the smallest of the three. It includes midyear budget adjustments and performance reporting for halfway through the fiscal year. You'll see there's a good deal of performance reporting information in the winter bump analysis that was distributed to your offices last week, I believe. That you going through on your own. I'm just going to talk today about the budget adjustments that are being requested in the winter bump and focus on the general fund there. Are really no noteworthy actions outside the general fund there. Are six requests for draws on general fund contingency totalling \$1,250,000. There's another \$516,000 coming into the general fund adding to contingency that will leave for the rest of the year a total of about \$770,000 in the general fund contingency for a fund that's over \$400 million. So it's thin, lasting through the rest of the year. Those are funds that are not otherwise spoken for. We have some things in reserve in the general fund contingency for specific items. I'll just quickly go through the six requests for draws on contingency and then I'll be open to questions. There's a request from police for \$314,000, adding 14 positions to civilianized background investigations, and expedite the hiring process to get the process for hiring more police officers to run a little faster. There's a request from commissioner Leonard, and I believe he wants to speak to this for support for the rose festival of \$250,000, we have in the bump implementing action to appropriate an additional \$200,000 to the regional arts and culture council pursuant to council's action two weeks ago to match conation -- donations that are made to racc. There are two items for staffing in b.d.s. And in the planning bureau in response to the measure 37 claims that came in the end of last year right up against the deadline. And there's \$82,000 for project respond. If there are any -- before we get into questions, I'd like to see if anybody has anything to say. I think commissioner Leonard was planning to say something about rose festival.

**Leonard:** I was. I do that now or when I vote.

**Short:** That's my presentation. Are there any questions?

**Adams:** Thank you.

**Potter:** Is anybody signed up to testify?

**Moore:** No one has signed up.

**Potter:** Ok. Emergency vote, please call the roll.

**Adams:** Aye.

**Leonard:** I learned that the quickest way sometimes is to have budget requests outside the city go away as to ask them to provide financial details about why they need the request. And specifically identify where in their budget they have a shortfall that requires city funds to make up the difference. I actually expected the rose festival when I made the request to respond, and they did, to my delight, and in fact this \$250,000 which I'm pleased each of us on the council are supporting is helping the rose festival meet not just the goals it has as a signature event annually in Portland, but this is actually the 100-year anniversary of the rose festival. And because of that and a number of outstanding events that will occur, they've asked for us to help meet their budget goals which -- this year which I'm very pleased to bring forward and to have the council support. Aye.

**Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] under the regular agenda. Please read the first item.

**Item 155.**

**Sten:** I just wanted to put this on record, if there are any questions. This is the final settlement with the Portland development commission. It precedes many of the council members' time, but a few years back p.d.c. wanted to look at moving fire station one from its current location on naito parkway down to the import plaza block. And we explored that for several years. The fire bureau was more than willing to go along with that. It was essentially a decision that was not driven by any needs of the fire bureau, but was driven by a strategy p.d.c. was working on to redevelop naito

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avenue. And the agreement that was signed between the development commission, the fire bureau essentially said that the fire bureau had certain amount of money in the range of \$12 million from the bond measure to redo the station. It was anticipated it would cost more to move it and that if we explored moving it and for any reason the project did not happen, it was likely the inflated costs would exceed the \$12 million or so that was in the bond. So that's where we are today. The commission has agreed to pay the extra cost of the original project that really come about because we've delayed and the price of steel and everything has gone up. So this is an amicable settlement. I think its in line with what everybody agreed to, and at this point it's back to the future, we're going back to where station one is right now, and they're going to get it rebuilt. There are questions about how to best integrate the station into plaza and a new saturday market, and potentially I think everybody remains committed as to fire bureau revitalized part of the waterfront. We basically said we're going to pretty much leave the exterior plaza of the building up to the community planning process and there's just a lot of different ways to configure that. And we're going to not move on that part of the project until p.d.c. decides the future of the area. But we're going to hopefully be underway very soon on a seismic upgrade and revitalization that are frankly way overdue. I had not planned -- the chief is here, I imagine someone from p.d.c. is here, but we had not intended to make a presentation unless there are questions.

**Potter:** Are there questions from the commissioners? Is anyone signed up to testify?

**Moore:** No one signed up.

**Potter:** Is there anyone here who wishes to testify on this matter? Please call the vote.

**Adams:** I think it's worth noting that this is one of the rare times when an issue or an idea with a lot of passion was pursued and given due diligence, and was not moved forward. So I want to just thank you, commissioner Sten, and p.d.c., and everyone else involved that there's a lot of due diligence done with this, and the decision was to not pursue the building of a new fire station, but to remodel the old. And I think that's unusual, and the 14 odd year i've been here, and I wanted to note it. Thank you for it. Aye.

**Leonard:** One of the things I appreciate about this form of government is the kind of attention this issue got. Commissioner Sten was -- I happened to know because i'm have particular interest in this issue for -- because of professional reasons, former professional reasons, was reluctant to agree to the move in the first place, built in some frankly conditions if it didn't go through that I don't know that I would have thought to put in, and sure enough, at the end of the day he was able to hold the p.d.c. To an agreement that he had the foresight to make sure had what I felt like were excellent protections for the not only the general fund, and the city, but for the firefighters of Portland. I never was very emotionally enthusiastic about the move for purely selfish reasons. I hopefully can envision myself one day walking along the waterfront as a little old man and pointing to people at the building and saying, that's where I got hired as a firefighter, and -- versus saying, that's where the fire bureau used to be, now it's this other place. I'm happy it's staying there and i'm enthused by the plans i've seen for the remodel, and I think all in all this is an excellent example of how Portland works currently. Aye.

**Saltzman:** Aye.

**Sten:** I just want to be clear, as much as I like the notion that -- at that point I think former commissioner Leonard's walk was not part of the decision making process. And did I want to say, I want to thank you mayor Potter because he really helped me get through this piece, is that this is -- the decision to not to proceed was strictly financial. It's a great idea, but not worth the money, and I think that's what mayor Potter helped me in saying. So this is the last chapter in this one, I hope, and glad to vote aye.

**Potter:** I support this because I think in the long run it not only serves the citizens better, but it's going to save the city money to use another area that we -- to use in other areas that we can help

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redevelop an area of our old town and river district that really need the help. So I vote aye. [gavel pounded] please read the next item.

**Item 156.**

**Leonard:** Anybody watching -- as some of our wonkish citizens are apt to do -- the council agendas the last couple weeks must be scratching their head trying to figure out the various iterations that this proposed resolution has taken. And I think it's important for the public to understand and for me to explain how this last iteration has evolved to the point that it has. I originally wrote a resolution about three weeks ago that said that the city of Portland would amend its legislative package to actually endorse and support a specific piece of legislation, and the legislature that purports to give the rights to firefighters and police officers the ability to bargain, to talk about with their employer issues relating to their safety as it is impacted by staffing levels. For a variety of reasons I know that is a real issue. I've been to a number of firefighter and police officer deaths in my career, directly relating to the lack of appropriate levels of staffing, and it's something I feel strongly about. When I began shopping that around, as one is wont to do, two of my colleagues agreed to sign on in addition to myself, a fourth said that he could support it if the wording was changed from supporting the legislation to staying neutral. I've been in the legislative process much longer than just my tenure on the council. And so I look for collaboration and compromise and support where I can. And based on that conversation, I went back and rewrote the resolution to say that the city of Portland would stay neutral on the issue of the specific legislation currently in the legislature being debated that allows firefighters and police to bargain over their safety. I met with the mayor, the mayor expressed to me he could not support that. And so with four cosigners, it went forward to last week's agenda to be discussed. One of the original supporters of my proposal happened to be out of town that day. The mayor was out of town as well, so there were three of us here. When one of the original cosponsors said on reconsideration he could not support the legislation, I may be a lot of things, but not having the ability to count is not one of them. I realized I didn't have three votes. So I came to the council and basically said that I was going to withdraw the resolution pending this week and that I intended at that point to have a resolution before council that actually did what I wanted to do in the first place -- support efforts by firefighters and police officers to be able to talk to their employers about their safety. In that debate -- what ended up to be a debate chief rosie sizer came forward, and I think she's here today, if i'm not -- there she is -- and made some observations about what it was in particular she was concerned about the bill in the legislature. I didn't -- I don't agree that that was a -- something that I could agree with. But notwithstanding, her concerns specifically here were not that firefighters and police could bargain about their safety, that she in essence thinks that's an important thing for employees to be able to do, to bargain actually about life and death issues. That may affect them in their workplace. But rather the bill had been written in such a way as to actually go further than allowing firefighters and police to bargain their safety, but also bargain things such as transfers and routine personnel decisions that may impact workload. That are management and not safety issues. Again, I didn't necessarily agree with that interpretation, but I listened. And again, with the idea of trying to find cooperation and collaboration, I left that council meeting, worked closely with commissioner Sten who frankly is more objective about this issue than i, and helped me craft what you see before you today. And I want to make sure that we today are debating what this says, and not what somebody thinks this says, or not something that was written two weeks ago, or not some bill in salem. We're debating a resolution that says that we support as a council the rights of public safety personnel to bargain issues, and i'm quoting, exclusively related to their safety which may include staffing levels. One of the whereas, I won't read the whole resolution, but one of the whereases commissioner Sten helped me craft to address the concern raised by chief sizer says this -- whereas assignments, transfers, and other routine personnel decisions made by management are not safety issues. In other words, this council will not support legislation that is written that gives the rights to firefighters and police

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officers to bargain over issues such as transfers, or workload issues. This has been written narrowly to only give support by this council of efforts in the legislature to pass legislation that would allow a firefighter or police officer to talk to their employer, and not be charged with violating the collective bargaining law about those issues that could affect whether or not they go home at the end of their shift. Which I think is fair. And right, and I would hope each of us here would agree is an important thing for us to embrace. So I hope this discussion today can find itself to what this actually says and not something else. Thank you.

**Saltzman:** Can we hear from the director of human resources and the police chief?

**Potter:** Chief, also the city attorney. And I guess we'll have Ken Rust after that.

**Rosie Sizer, Police Chief:** This feels a little bit like déjà vu all over again, so I'm going to be somewhat redundant and -- in what I had to say last week, but recognize there are two members who weren't here this week.

**Leonard:** And I hope you recognize this is not the same resolution we discussed last week.

**Sizer:** I guess I'm a little bit confused. And I applaud your effort to tailor a resolution more closely to what you want it to say. But essentially what we're talking about is a bill at the legislature that may at some point if it passes become labor law in the state of Oregon. So --

**Leonard:** With all due respect, we're not debating that. We're debating resolution number 156. We're not debating a bill in the legislature. And what this resolution speaks to is specifically the issues I just outlined. And if the bill in Salem does the things you testified to last week, we do not support that.

**Saltzman:** With all due respect, we're talking about a resolution that directly affects a position we take in our legislative agenda, so if we could let chief speak her -- to her concerns about what could become labor law in Oregon, I would appreciate it.

**Sizer:** Ok. And I just -- I'll just quote the bill. I'm sorry, commissioner. It covers staffing levels and safety issues that have a potential impact on the on the job safety and the workload of employees. The Portland police bureau has two bargaining units that are strike prohibited. The Portland police association covering officers, sergeants, detectives, and criminalists, and the Portland police commanding officers association, covering lieutenants, captains, and commanders. Similarly, the bill will cover dispatchers and call takers at the bureau of emergency communications, and in the county corrections officers in the Multnomah county sheriff's office. Senate bill 400 would cover an enormous breath of the issues undertaken by the Portland police bureau. These issues include but are not limited to the uniforms we wear, the vehicles we drive, and other equipment to include lethal and less lethal weapons systems. Much of the training that police officers receive the creation or dissolution of divisions, staffing levels within each Portland police division, and on each shift, staffing level of levels for a variety of tactical operations to include search warrant and certificate operations, and a variety of policies to include the police bureau's use of force policies. Senate bill 400 is being portrayed as an expression of concern for safety. Providing a safe work environment for employees is already an inherent and critical part of our decision-making process in a top priority. In my 22-year career with the Portland police bureau, with one possible exception, I cannot recall a safety-related concern that was not immediately addressed through a safety committee, or through cooperation between management and labor. The one possible exception is the current 800 megahertz radio system which has several dead spots within the boundaries of the city of Portland, and these dead spots have not been resolved, although not through lack of effort. No radio system is flawless, even the most expensive. And I would have you witness the over \$600 million radio system that's being proposed for the state of Oregon in the governor's budget. You might be interested to know that the vast majority of safety incidents testified about in the senate committee hearing on senate bill 400 occurred or framed around the state department of corrections. If there is a problem with the d.o.c., shouldn't the resolution be to fix the d.o.c.? Similarly other testimony around this bill framed it as a vehicle

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for getting more cops on the street? I hardly support that, but also recognize through the budgeting process more cops on the street mean lesser municipal services in other areas. Under current state law, if a collective bargaining agreement is in effect, no unilateral change in a mandatory subject of bargaining may be made unless agreement is reached at the bargaining table or 90 days have passed. Senate bill 400 would require bargaining of the aforementioned items or issues or delay in the implementation past 90 days. As one labor leader told me last week, demand to bargain letters would be flying if senate bill 400 is passed. Some of the issues may result in binding arbitration based on labor associations and management's last best effort. -- offer. One thing that's been made clear to me during my tenure as police chief is how difficult it is to affect change. Change is difficult, even under current labor law. Change would be more difficult under a new law. Change would come more slowly and probably at greater cost. And finally, would I like to make very clear that i'm not antiunion. I have been a member of a labor union virtually my whole adult life. I like robert king and respect his role as president of Portland police association. I believe the city council can identify many and different ways to show its support for their public safety personnel rather than to support senate bill 400. I believe the bill is too broad in its current state for the city of Portland.

**Sten:** This is deja vu, because I don't think this panel heard what I said last week, and I assume it's because I was inarticulate. The challenge I tried to present last week was one that -- I think the political reality is this bill was likely to pass in salem. As I listened to both sides, i've heard both sides say that think don't believe the extremes are likely to happen and they also don't believe that the extremes should happen, which are two different things. What I continue to hear from our side on management is a list of coulds. Another thing that could happen is it's going to pass. So what I said last week was -- that has nothing to do with whether this council weighs in or not. The -- salem is not on hold to see what our position is. They don't care that much. The votes are being waged in different ways. So what I tried to frame last week was, could we come up with a scenario that perhaps we could present as a united front with our management and labor in the tradition of Portland labor management that tried to parse this down a little bit, tried to clarify, and it appears nobody put any effort on that, the effort was to come in with another list of how the sky could fall. So randy and I did right up a resolution that does not say we support senate bill 400 written as it is, it says we would support a bill that got to what we think the heart of the fire and police union's legitimate arguments are, and some of the pieces I think they probably push right now in arbitration is just not lined up. But limit at least the majority of coulds that you -- that you put forward and with all due respect, to hear the list again doesn't really get me anywhere. I get those things could happen under 400. I think this council is passing on a chance to weigh in with a a more thoughtful approach that perhaps we could all bring. But it appears the goal is to have the debate that's going to happen in salem anyway. So that leaves me having to figure out a way to vote on this exactly, but that had been my hope, that we could come in and say, here's some ways that we would recommend changing this bill. As it is now, you're playing this like an arbitration with all due respect, you're playing it a win or lose, and 400 passes, the sky is falling. The argument i'm looking for in this resolution is what is middle ground on this thing. I don't think routine transfers, staffing levels, I don't think robert was lying when he said he didn't intend to grieve those and I don't think he was lying when he said that since you don't intend to grieve those, if we could work on amending the legislation to clearly exclude those, he wouldn't mind. And he said, no, I wouldn't. So -- but instead we're basically saying, ok, we don't want to amend this thing, we don't want to do any work on it, we just want to do this list of all the things that could happen. So that's my frustration.

**Adams:** I just want to confirm through your eyes what I see, and that this particular resolution that - - I was gone last week, that is before us takes position on an slaw, it does not take a position on a house bill or senate bill. Do you agree with that interpretation?

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**Linda Meng, City Attorney:** Yes, I think that's clear in the resolution, that it's not directed at a particular bill. Someone could take it and use it I suppose in lobbying effort to support some bill or other, but it doesn't take a position on a bill.

**Leonard:** To be clear on that point, I wrote this with commissioner Sten thinking that it would be used as a tool by a government relations staff to draft amendments to senate bill 400 to address the very concerns you raised last week, chief sizer. So i'm just disappointed to hear what i'm hearing today, because this was drafted actually to restrict it more than what it was originally drafted to do, which was originally to actually support senate bill 400. This has been dramatically changed to make sure that we're all talking about the same thing, and we're not having disagreements that aren't healthy. And I don't think this is a healthy disagreement, because I think we're having two complete conversations. We're having a conversation about senate bill 400 as it's written, and i'm having a conversation about a resolution that essentially empowers the city to amend senate bill 400 to take out the concerns that you raise.

**Adams:** Do you agree in addition to what you just said in the first answer to my question that that is also a scenario, that this particular resolution could be used to help amend the bill in salem?

**Meng:** That's a government relations matter, but I certainly believe they would take it and use it as directed by the council as expressing the council's position.

**Potter:** I would like to weigh in on this matter as the police commissioner. I like to go to the issue that was at the core of this, and that's around officer safety. The Portland police bureau does have a safety committee that is composed of rank and file and management that looks at safety issues for Portland police officers. There is also regular meetings, labor management committees, between administration and unions over all issues. The current law that the way it is constructed about the state level is that there is requirement for a substantial and direct impact on the safety of employees. What the state law does, and it's not addressed by this resolution, is it changes the bar. It moves it from substantial and direct, which means now to one that has a potential impact on safety or workload -- and workload. I wanted to just -- I looked up the word "potential" because I think that's an interesting word that's been used to describe this new bar. And the first definition under potential was that it's possible as opposed to actual is that it's not existing but it has the possibility to exist. That's a different bar than saying there's a substantial and direct impact. That was one of my major concerns with this particular legislation, is that it changes the bar in terms of what is a requirement for the city and the unions to bargain. All of this is base on a basic question -- is there a problem currently in this city of Portland with the issue of safety of police or fire officers? I have not heard it. So in terms of how it affects the city of Portland, I think that because it changes the bar for bargaining, that it will impact the city of Portland. And that's where my concern lies. So it to me is not an issue of safety. We take care of our people. Yes, there is an issue with the 800 system. We are in the process of working across all the bureaus of the city to try to come up with a comprehensive solution to our communications, public safety communications. In fact we're going to be making a large investment in it. So even that is being addressed. But it is a money issue, and it's also being able to develop an effective collaborative interoperable system. And that's the goal and that's what we're moving towards. So from my perspective, this isn't just about the particular resolution, it's also the other part of the only legislation i'm aware of which are two, house bill 2404 and senate bill 400, that go to this specific issue in a subsection which changes the bar from substantial and direct impact which is an actual event, to a potential impact, which is one that is possible but not actual. So i'm concerned that this place is the city -- this places the city in jeopardy, in terms of its ability to negotiate fairly and honestly with its unions.

**Leonard:** At the risk of repeating myself for the fourth time, this resolution does not weigh in on any particular legislative bill. This resolution states a position by the city that can actually be used to craft amendments to address the very concerns you just raised, mayor Potter.

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**Potter:** The league of cities has actually crafted an amendment to rather than as bargaining, is to require sit-down discussions between labor and unions at least every three months --

**Leonard:** Why don't you extend that to wages and holidays and vacations? What's the difference? We're nice to our employees, they don't need a pesky collective bargaining agreement.

**Potter:** What is the problem --

**Leonard:** Let me just say, when you have the right to collective buy bargain in the private sector, there are no restrictions such as we're discussing here. Electricians, carpenters, laborers, sit-down and bargain on any subject. It is only in Oregon collective public employee collective bargaining law that there are any restrictions at all on anything that can be talked about. That is unusual. What this resolution seeks to say is to allow public employees, police officers and firefighters, in Portland, to sit down and talk about only those issues that relate to their safety exclusively and does not include by the words of this resolution, which I hope you've actually read, mayor Potter, that does not include assignments or transfers, or routine personnel decisions, made by management and are not safety issues. That's what it says. You're debating senate bill 400.

**Potter:** I'm debating you. You're saying there's a problem. If this allows for the police unions to sit with management, they already do that.

**Leonard:** Mayor Potter --

**Potter:** They've got labor management committees. We've got a state statute that provides for that.

**Leonard:** Let me point out something to you. Portland isn't synonymous with the state of Oregon. We may have good relationships with our employees, but this is a bill in the legislature that affects every jurisdiction from the southeast corner to the northwest corner of the state, and every point in between, that those employees don't enjoy the same relationship with their councils or their fire districts or their sheriffs office that our employees do. I hope you understand this is a bill that affects firefighters and police throughout Oregon, not just Portland, Oregon.

**Potter:** You should have crafted it rather than saying this is about our unions being able to sit down with the police and fire --

**Leonard:** I should have crafted what?

**Potter:** Initially that's how you start the out, by saying this is about public safety b. Protecting our officers and firefighters -- and that they have a right to talk about it. So what does this solve for Portland?

**Leonard:** It codifies in statute from this point on, if this council changes and that union leadership changes, that employees have the inherent right to sit down and talk with their managers, their employers about issues that could affect their safety. Which I think is a fundamental human right, not just a right firefighters and police should have.

**Potter:** And you're saying the current statute does not provide for that?

**Leonard:** Obviously not, there's a bill to change it.

**Saltzman:** The current law says you can negotiate --

**Leonard:** Why do you change -- oppose change in the statute along the lines i've outlined?

**Saltzman:** Because the word potential --

**Leonard:** You're debating senate bill 400. We're debating this resolution. This resolution says not potential.

**Sten:** I think it's -- I think it's important to go back to the context of how one raises these issues. Because they can't strike, police and fire have to go to binding arbitration. All this allows them to do, if you take out, and this is what i'm focused on, as the fire commissioner I don't fear them bringing up anything. Anything that an employee think assist a potential for their danger, if they believe it's serious enough to bring to the bargaining table, I want to hear it. I don't want to assume the chief's thought of everything, and certainly not me. This allows them to take a potential issue and bring it to the bargaining table. The end result is a very, very risky arbitration if we can't reach

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agreement. And I have no reason to believe in the real world that the fire and police unions are going to bet their whole arbitration on the kind of things that you guys are lining up, because arbitration is an either/or category. The danger based on this, unless you fear the discussion of somebody saying I want to call this potential safety and think an arbitrator is going to see through is not going to see through something that is not, is if they can bring this in to day-to-day transfers and other pieces and grieve things based on the contract language to basically make it hard to run the bureau. That is the issue. I have yet to actually hear, mayor you're the first time i've heard anybody argue aggressively they don't want to hear potential issues. I've heard people say here's a laundry list of things that could happen if this passes, which is why I was trying to get at last week the question of is there a way to agree, and i've heard the unions agree that's not the issue, but given the fact you can bring up a potential issue in a debate, should not scare us. If we're right on our analysis. We're right and the officers are safe, we will prevail at arbitration. It's not like if they can bring it up they can impose something. They have to make an overall argument on a package. If you're risky in a package you're not going to win the package. I really think this is -- the danger in the senate bill 400 would be in the disruption on the day-to-day ability to manage it. We should not fear giving employees room to talk about things in a broad negotiation that takes place every three years and at the end of the day is about their work conditions.

**Saltzman:** It seems like in my experience, nine years on the council, negotiations include a laundry list of items. Every time a contract comes up there's many items being negotiated, and this in my opinion will open it up for more potential issues. So people put in issues knowing they're not going to get anywhere, but they become takeaways and things that get to you a settlement. That's the concern I have, we're adding a potential whole other laundry list of issues related to potential impacts. I wanted to ask yvonne deckard, you wrote to us concerned about house bill 2404, for example saying these are issues that could be -- could raise a demand or grievance for bargaining such as redeploying school police officers could be challenged as increasing officer workload for those officers who don't respond to schools. And more important to me is the impact on return to work programs. 80% of the voters just recently weighed in, they want to see among other things more aggressive return to work policies, and you're concerned that it could be argued by the police association that return to work essentially endangers the safety of officers by putting people in jobs that aren't fully capable of performing at the level of nondisabled police officers. So I wanted to ask you, those concerns -- you still have those concerns, and the language that was added, whether that mitigates any of your concerns about those type of scenarios. Interfering with return to work policies or redeployments.

**Yvonne Deckard, Director, Bureau of Human Resources:** Yvonne deckard, director for the bureau of human resources. The way the bill is written today, the terminology potential impact on safety or workload I agree with the chief, is very broad and whether we're in contact negotiations certainly we're in contact negotiations issues come up and we've met them through negotiations. But if the type of programs you're talking about or that i've mentioned this would certainly occur outside of contract negotiations, what it would mean is that the union would still be able to give us a demand to bargain for before we could implement even though we're not into contract negotiations. So we would -- once we get a demand to bargain, under the current language the way the bill is written, we would have an obligation to bargain and we would have an obligation to bargain potential impact and to bargain workload, and staffing as well as safety. I heard -- I was here last week and heard roberts' testimony, and what I know is that any time we've gone to contract negotiations if safety issues have come up we've never refused to bargain over, though, whether it's during contract negotiations or not. Commissioner Sten is correct, any issues that have come up we have been able to bargain over them. When you have programs like wayne ellis return to work, robert is very amiable and I haven't had a lot of experience with ken burns, but my experience with ken is that he's very reasonable. But they also have e-boards, memberships, they have an obligation

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to represent. And ken or robert or susan as far as 9-1-1 may decide as a union rep that is not something that they want to bring forward. But their e-board could ask them to bring it anyway, or their member could -- membership could ask them to bring it forward and they would be obligated to do so.

**Sten:** Can I focus you in right there? I think that -- i'm not sure there's dispute over the primary statement you just made which is that we're the bill to pass, it could force you and management to bargain over transfers, routine transfers assignment and workloads. That's why I continue to see that one of the opportunities that this council has that appears to be passing on in favor of the broad rhetoric would be to bring our police union and our fire union which are the biggest in the state into a unified position with us that says we can support legislation if it nailed all the things that in your memo and took them off of consideration. And I have at least -- haven't had the long conversation with accident, but have had the conversation with robert to say that is not their intent. And so I guesses -- i'm not going to repeat myself again, that's what I was hoping for last week, was to try and -- it's my personal political prediction this bill is going to pass. It's my personal political prediction it's going to pass whether or not this council weighs in either way. It's also my personal sense that if if council and its unions which would be the only one on the state coming in in lock step came in and said, we're not as scared about people putting potential safety issues on the table, we let them do it anyway, because it's the right thing to do, what we are scared of is this list of what-ifs. And we've got a couple of sentences here that we're presenting jointly with fire and police unions that clarify that that is not the intent. I think we have a shot at passing that, because I think the two sides probably could get the bill amended. I doubt the two sides splitting change the fate of the bill. That again is my intent in sponsoring this resolution, which I think was probably not as clear as I intended it to be based on today's conversation.

**Deckard:** I was asked to comment on the bill that -- as it's written --

**Sten:** I get that and I agree with many of your points.

**Deckard:** If the city through government yacht relations, worked on an amendment to the bill until I see that amendment, i'm not sure what the impact of that would be. But if we were working to amend the bill the way -- until the direction that I hear that the conversation is going, then that would represent certainly a different scenario for the city. So right now i'm excepting on the bill as its written today and what the impact would be on the city if that was to pass as is.

**Sten:** I could be -- it feels to be -- it's not your fault, it feels a little circle going on, I just have a premonition that dan bates is going to call you and say, what would that sentence look like? If that happened I could certainly -- I would be willing to sit down and work with dan what that sentence would look like and council has to decide if that's the direction that they want to go. But my phone today, no one has called, i'm only faced with the language as it exists right now. So that's the only thing I can deal with, is what's in front of me.

**Saltzman:** Have you encountered any concerns from the union about return to work policies to date? We are under mayor Potter's leadership, getting more aggressive about that. Have there been any concerns expressed about the safety of street officers because of using officers with some form of disability in the workplace?

**Sizer:** No, I haven't. And we've identified positions for them where any physical limitations would not have an impact on them nor any street officer. So that has gone very smoothly.

**Saltzman:** I want to ask linda, the whereas that commissioner Leonard and Sten added says whereas assignments, transfers, and other routine personnel decisions made by management are not safety issues. Does that have -- if we pass this does that have any policy impact, via I have us and our bargaining units?

**Meng:** As opposed to in salem?

**Potter:** Current current statute and proposed change?

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**Saltzman:** Let's say something passes in salem, but we've gone on record with this resolution, maybe if we took the whereas and made it a resolved, does that give us -- i'd want to hear from the unions about this, but does that give us sort of, this is the council's position, that these issues are not safety issues? Realizing that whatever happened in salem could --

**Meng:** I don't believe it would change the meaning of the statute. If the statute passed with the current broad language in the statute, I don't think the council's interpretation of that language in a resolution would have any impact on the courts would interpret that statute or the arbitrators would interpret that statute when it was being enacted. The council can't create history -- .

**Saltzman:** Could we use this as a policy statement? Once it gets out of our hands into the courts, who knows, realizing that?

**Meng:** You could probably use it. I'm not sure it could take you very far.

**Deckard:** Commissioner Saltzman, if you're asking whether or not if i'm sitting at the bargaining table and I say what council's policy is is not to have us negotiate over assignments, transfers, routine personnel decisions and therefore we're not going to talk about it, I would imagine we'd get a u.l.p. I would imagine we'd get an unfair labor practice shall are because the state statute would give the unions the right to talk about it and we would have to talk about it. So I hope that answers the question.

**Saltzman:** I only want to mention one other thing that weighs on my mind. I do appreciate the new whereas. I also realize this is an issue as I think commissioner Leonard states will affect every police and firefighter throughout the state of Oregon who also affect every government, every governing body who has police and fire responsibilities. And I can't help but -- I think we've talked a lot on this council about recognizing we are part of the state as opposed to that old familiar city of 500,000 or more people that always gets carved out of legislation. And that we need to work consistently with our colleagues throughout the state. And right now you pick up the paper, all you're hearing about is how josephine county and douglas county are shutting down libraries and losing 68% of their general fund due to tax postgames for timber receipts going away, expired. The league of Oregon cities has together strongly opposed the legislation 2404 and 400, as have police, fire, and chiefs throughout the state. And sheriffs as well. So I have to weigh what position we take on a resolution that kind of touches on those bills with what I feel is sort of a consistent position that we have to demonstrate if we're truly serious about saying we are -- Portland is part of the rest of the state of Oregon. And we want to work together on issues.

**Sten:** On that, I just want to be clear on the record that i'm not going to let that stand on debate it. They recognize it's -- that we have a duty to work with our unions as well as theirs, and that we do have a different situation in terms of how we bargain things, and so it's influx, they're pushing and pulling, I wouldn't say there's agreement, but the idea that if we do in fact take a different position than the league of cities board, that signals we're not serious about working with the rest of the state, is inflammatory and not accurate.

**Potter:** Further questions for these three folks? Thank you. How many people are signed up to testify?

**Moore:** We have two people signed up.

**Leonard:** I would like to announce that this is his maiden appearance before the council since being elected president of Portland firefighters association last december, and so I want to recognize and welcome ken to city council.

**Ken Burns, President, Portland Firefighters Association:** Mr. Mayor, council members, I appreciate you taking the time today to discuss this important resolution. Senate bill 400, or let's just call it the safety bill for now, I see maybe a variance of that resolution coming down, is really about communication. This bill allows safety issues to be discussed at the bargaining table. The city of Portland has already demonstrated the importance of communication, safety, and partnership between city officials and public safety officers. Portland fire has four person on every apparatus,

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key to safety. We're working as funds become available for radios for all members, we're working towards a fourth district to help in accountability. Through processes like our safety committee, labor management committee, Portland has become a leader in the state of how to communicate effectively between management and labor. Unfortunately not every city has the processes that Portland has to discuss those safety issues. This is actually an opportunity for Portland to once again take the lead and by supporting senate bill 400, or a version of that makes safety a key component of bargaining, we're doing the right thing. We need to support safety for all emergency responders throughout the state. It's not just about Portland fire. Senate bill 400 does not obligate anyone, it does not impose the union's will on anyone. It simply provides the ground work for discussions regarding safety issues. It does not affect the last best offer and it does not affect ability to pay for those cities who are less fortunate financial than we are who can't afford four persons on an apparatus that this bill will not make them wake up one morning and have to double and quadruple their size of personnel. The financial costs has to be available for the city to absorb that cost. Thus the ability to pay is an important part to remember. In closing, this bill makes sense. The men and women who are on the streets risking their lives have a right to have a discussion regarding safety during their bargaining process. For those cities such as ours who are already having those decisions, this bill has no affect. We will continue labor management process, safety committee, we will continue doing the right thing. For the other cities who have been unwilling to discuss safety issues, this will merely provide the ground work for that discussion to occur. It cso not impose the union's will, it merely lies the foundation for a discussion regarding safety. Thank you for your time. If you have any questions regarding our position on this measure --

**Potter:** I have one, ken. Recognizing you're new, I would just like to ask you what the current law is in regards to direct and substantial impact versus potential. How do you see the difference playing out both here in Portland and around the state?

**Burns:** Here's what I would say, is that there's a potential impact for a firefighter to get hurt on every call he goes on. One day someone wakes up and says I think we should put two people on a fire engine instead of four. They haven't went on a call yet, so they haven't got hurt yet. As soon as they go on a call and they try to save someone's life, but they don't have the manpower or the backup, and they get hurt. The potential was there, but until they respond on the call, you can't prove it. So the potential is important. One can theorize one person on a fire engine is -- would not be satisfactory. In the way of safety. Four is better than one. So the idea of potential, one might think for the potential -- where the potential was there, someone else might not think so until after the accident occurred. So once cause -- one is cause in effect, in my opinion.

**Potter:** The actual wording is substantial and direct impact. I assume you know that's a different bar than potential. In terms of bringing an actual issue to negotiation.

**Burns:** Right. I totally agree with that. That's why I gave the extremes of the potential substantial is going from one person to -- from four person to one. That's pretty substantial difference. The potential would be, you went down to three. It's a potential that -- but not a bigger gap. One is the potential and -- it's probably more likely. To allow the conversation doesn't obligate anybody. The conversation can be about, is this substantial or is this potential. Without the conversation we couldn't get to what the true impact could be.

**Potter:** Are you aware of fire departments around this state that when they feel like they have a substantial impact or direct -- that they're not allowed to discuss witness their jurisdiction?

**Burns:** I believe that most local departments are doing the right thing. What happens is there's -- there's the ability to have that conversation makes everybody's relationships better. We can have it in a safety committee meeting and that's ok, but we can't have it at the bargaining table. And why would that be?

**Potter:** Are you aware of any fire department around the state that does not -- that is not allowed to discuss substantial or direct impact of safety to fire person?

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**Burns:** I believe once they can get an agreement to the word "substantial" then the conversation exist, but that's the debate. Is it substantial or is it potential? And that's the debate that happens before we can even talk about it. And without talking about it, how do we find out whether it's substantial or potential without having that conversation? I believe this legislative bill is going to be helpful in communicating and creating partnerships between labor and management. I think for the most part that happens in our state, but I think this bill will give everybody an understanding that the conversation should take place.

**Potter:** Are you talking about this resolution today, or the bills in salem?

**Burns:** I came prepared today to talk about the bill in salem. Safety is paramount to me. I would agree that transfers per se from one station house to the other for a specific example, should not be part of this collective mandatory bargaining process. Again, if I transfer to one person -- one person transfers to a fire station by themselves, then that transfer should be because it's different than going from one four-person house to another four-person house if we build a new station and we're going to send one person up there, that transfer should be discussed as a safety component.

**Saltzman:** One person total?

**Burns:** Correct.

**Saltzman:** Going from a four-person to one-person --

**Burns:** When I say transfer I can say, I want everybody walk over there, you're all transferred. If only one person walks over there, it's still a transfer. So the conversation would still take place under the idea of safety not the transfer itself.

**Potter:** The police chief was asked about the specific program return to work, if the police union had any concerns about that. I'd like to ask you the same question in terms of the fire union regarding the return to work program.

**Burns:** I wasn't prepared to answer those questions, but I would love to. And that is, i've met several occasions, several meeting -- meaning more than three, and i've, when trying to get answers to fairly complex questions, i've -- and maybe you've seen them, i've provided ron mcgee, i've provided our fire chief with a list of questions that we needed to get answers to to gain our full support to the return to work program. One of them that is the most concerning, and there's several, i'd love to meet with you privately and discuss all of them, but as a member is -- falls off a roof, he's got a hurt back, he's been disabled for seven years. His back flares up on him. His doctor oks him for the return to work program. He comes back now he does some inspections for five or six years. If when he retires is his back the medical treatment for his back injury going to be covered? And I would ask you, do you know the answer to that question?

**Potter:** I've never heard the question before, so i'd like to look at it. I'm not the fire commissioner. I would like to meet with you in regards to that. I thought they did prepare a response.

**Burns:** I've got a response to my nine questions, but the key component is if someone gives up their bodily ability to live their life and then they come back to return to work program, as I understand it by the fact they've returned to work, at time of retirement, their medical condition would not be covered. And yes, our union has concerns about that. So I would love to -- i'd love to discuss that in further, but that's probably another discussion.

**Sten:** My understanding was that was not the intension and we were going to try to fix it. I thought we'd all talked about that.

**Burns:** Would I love to sit down and discuss in-depth the nine questions I proposed about a month ago.

**Saltzman:** One more question for you, mr. Burns. Do you agree with the whereas that was added that says assignments, transfers, and other routine personnel decisions made by management are not safety issues?

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**Burns:** I wasn't aware of the actual content of the resolution. So I would reserve the right to look at it further at another point and weigh in, of course. But I think in essence, yes, if it's not a safety-related issue, the resolution helps protect the lives of firefighters and public safety officers.

**Saltzman:** Those aren't safety issues?

**Burns:** Correct. Other than the example I gave, that transfers, a one-person transfers to a station by themselves is a safety component.

**Saltzman:** I understand. And I would ask -- elaborate, would you also agree return to work is not a safety issue? I agree there's an issue about the coverage for an injury, but return to work itself is not a safety issue.

**Burns:** Right. As long as the doctor has the appropriate doctor has approved that person to come back to work, to do an -- assigned position, that in itself is not a safety concern. Our union would reserve the right if we make up new positions as a result of the return to work program. We feel we should have that conversation whether it's a bargaining or just a meeting that says can we outline who qualifies for these position and for how long, and what would their pay be? We would like to have that discussion still.

**Leonard:** If I can make one observations, if the firefighters in Portland have watched this exchange, and from my experience they probably are, they're probably quite pleased with your performance today.

**Burns:** Thank you.

**Leonard:** Excellent performance right out of the gate.

**Amanda Fritz:** Amanda fritz, speaking for myself. Commissioner Adams, it's good to see you back. Did you receive good nursing care while you were in the hospital?

**Adams:** I received excellent nursing care. At emanuel hospital

**Leonard:** That was the right answer.

**Fritz:** I'm glad to hear it that. Is the answer I was expecting. One is the reasons is because the 2003-2005 legislatures passed house bills 2800. Those required input of staff nurses in preparing hospital staffing plans. Safe staffing was one of the reasons for the Oregon nurses association strike in 2001. My strike survivor t-shirt says respect nurses. I'm asking to you respect your public -- your public safety staff. What are you afraid of? Public safety staff are not allowed to strike, this merely allows them to talk. From my observation we don't have a problem with police and firefighters sitting around with too little too do. I've more often seen officers insist, I can do that by myself and end up with on the job injuries. Trust your staff. This bill and this resolution allows them to participate in safe staffing discussions. What is so dangerous about that? Safe staffing affects citizens as well as officers. You do not want me as your nurse after 16 hours of working mandatory overtime. Neither do we as citizens want our officers having to work mandatory overtime when they don't feel safe to do so. Please pass this resolution.

**Robert King, President, Portland Police Association:** Good morning. I'm robert cane, president of the police association. I am genuinely grateful to each of you that this discussion is playing out in the way that it is. Mayor, you routinely say we'll often kiss agree and we should do so respectfully. I value and appreciate the way that the dialogue unfolds among the five of you. As -- the officers, the 950 officers, sergeants, detectives, and criminalists I represent, are not always happy with the decisions that you arrive at. What I respect and value is the way in which democracy and our government happens here in Portland. It's powerful to watch, and I think it leads us to a better product. The reason I say that is because we're talking I think for everybody in the room who's looking at this senate bill or this issue, looks at it maybe from their perspective. The chief from hers, yvonne from hers, mayor from yours, and I certainly have a unique view of it. I don't doubt anybody here cares about our safety. I believe you do, I believe b.h.r. Does, I know the chief cares about our safety. What I think is really unfortunate, I have to scold myself and probably everybody else that has anything to do with this, since last week I didn't make any effort to

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contact anybody. I didn't call the chief and try to sit down and talk with her about my concerns. I didn't call you and suggest that I should talk with you about the concerns that I have, mayor. I didn't call b.h.r. Likewise, none of the people that I named called me. There was no discussion that unfolded over the week about this issue that brought the matter here before you today. I think that's an unfortunate for a whole variety of different reasons. It's instructive to me. I hope I learned something from that and do a better job at commune indicating with you that's an important -- about an issue that's important like this in the future. Of the other really important thing for me to say here today is that senator prozanski, we're talking about two things -- one is the resolution, the other is the senate bill. On the senate bill, senator prozanski made a suggestion or recommendation to the chiefs and to the sheriff's association that they eliminate potential and workload, the words "potential" and "workload." i've had a -- heard a lot of the discussion today focused on those words and the impact it would have on the city and its operation. Yes, the sponsors of the bill are willing to make those modifications to make senate bill 400 happen. In the state of Oregon. So that I think is really unfortunate, that the sheriffs and the chiefs said no in the same way you heard the chief say no today. With respect to the resolution, I do not run the police bureau. I don't want to run the police bureau. I -- it's clear there are certain rights recorded to management, the transfer, the assignment of work. The operation of the bureau schedules, there's a whole host of things. We're not subject to the grievance procedure. I don't want them to be. I just think it's unfortunate that safety is as much of a concern to all of us as it is, and yet there's such a hinderance or a block to us having a conversation about a it collectively that actually leads to us a compromise and a resolution that makes us safe or satisfies your concerns. I think that's the most disappointing thing about this whole process. And I think -- I appreciate commissioner Sten's words and leadership. When I say leadership, usually you hear leadership used in a way that's pa tronizing. I think leadership is disappointing people that are right that they can tolerate, or that they can absorb. And when I say that about commissioner Sten, he's not giving me everything I want. He's not giving the fire union everything they want. He's not giving the city everything they want. He's recognizing we're in this situation together and in all likelihood the bill is going to pass. And that really wouldn't it be better to work on language that fits better so that you have your concerns met and we have our concerns met? And at the end of the day, so everybody is clear, we've done a better job of protecting police officers and firefighters we've done that together? And most importantly we've done a good job of protecting our community, which is what our job is. Thank you.

**Saltzman:** I wanted to ask you the same question I asked mr. Burns. The statement assignments, transfers, and other routine personnel decision made by management are not safety issues?

**King:** Correct.

**Saltzman:** And also return to work issues are not safety issues?

**King:** Mayor, commissioner Saltzman, I understand you have a focus and concern on fpd&r. I've watched that play out over the last couple years. I do not believe that this is a way in which we can raise issues about return to work. I do want you to know in the same way that ken has spelled out that I have real concerns about the return to work program. Not that people are return to work and that they have jobs and they're taking -- taken off disability, but a couple of examples. One, the example that ken mentioned, I really am concerned that the charter language for the city allows for the disability of the injured officer or firefighter -- that the medical costs related to the disability to be paid for in their retirement only if they complete 30 years of service. And they then retire. It's the only way in which the back injury gets paid for. What's happened in the fire and police bureau recently is people who have been off work for a substantial period of time have been forced back to work. One police officer, for example, has 29 years and some months service. He has a bad back. Among other injuries. And he is being -- he was sent a letter telling him, get back to work. We're going to cut your disability benefits. You have to return to work f he retires, he loses out on the opportunity to have his back injury paid for, which I don't think is fair, and if he comes back to

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work, then he retires at 30 years, he's not on disability. And his insurance is likely not to cover a preexisting work-related injury. So that's wrong, i'd like to find a way for to us address that. The other concern is the political pressure that's being brought to fpd&r and our disability system I think has in some bays merited and valuable given the recent ballot measure that passed. There was community support for that. But there's one officer who is a pilot for the governor of montana. He was injured, he was medically retired, he was disabled, and he was retrained as a pilot. Now he's being told by the city he's relocated with his wife and family to montana, get back to Portland, we have a job for you. If you don't come back to work we're going to cut your disability benefits. So he's having to choose between staying in montana and flying for the governor of the state of montana, or returning to Portland, which as you can imagine, creates a whole host of problems for him and his family. So I don't think senate bill 400 passed in its current form or with the amendments that i've suggested, is a way for us, an opportunity for us to raise concerns about the return to work program. I think generally speaking the return to work program is important and it's positive, and it was really the failure of the past council that eliminate the the desk positions, eliminated return to work. We've always been in support of that.

**Potter:** I want to ask you, robert, as I did ken, about the difference that you see between substantial and direct impact versus potential.

**King:** As I said, mayor, we're willing to take the word "potential" out of the law. So I don't see where that's an issue really for us at all.

**Potter:** To keep it as substantial and direct impact?

**King:** This bill, one of the points that was made is an important one, direct and substantial as you look back over the years and the arbitration, the bargaining that's happened, it doesn't relate to staffing and safety the way we'd like to. This allows us to talk about safety, and it allows to us talk about staffing, and in a way that we think is more meaningful. And the real problem that I see is unfortunate is that everybody is just fundamentally afraid that they'll be grievances, afraid there will be u.l.p.'s. We haven't used that process since 2004 in the contract talks because we weren't able to reach a settlement. We think often we'll be able to reach settlements, and it just provides a way for us to talk about it in the law in a way that isn't written today.

**Saltzman:** I just want to -- you mentioned, I appreciate the candor, you were remiss in picking up the phone last week, but nor did anybody else. So if people picked up their phones this week and we set this over one week do you think we could come up with something we could all support?

**Leonard:** You asked, I don't feel good about that. If this passes, what this does is create the form to actually do what you want to do? I'm just really taken aback at the reaching for straws that is going on here to justify a no vote. This resolution creates the form that you're asking for. This actually gives direction to us I think to sit down with the union and say, ok, given this resolution passed, what is the appropriate language for an amendment to the senate bill 400 to allow this discussion to actually find itself into some balanced language that we can all support?

**Sten:** Just so it's clear, that randy and I don't work in lock step, if the members of the council that were -- I appreciate your passion, commissioner Leonard, if the members of the council who are arguing against this resolution sincerely felt something of the kind that i've been trying to articulate today had some promise, would I certainly be amenable to taking a week to see if we could get there. Because I do think whether or not we weigh in heavily in salem can be debated. When we weigh in on split voices, there's no doubt that we have vertically no impact.

**Leonard:** But that's to me an important consideration, but frankly right now we have a mayor who spent most of monday and an entire bureaucracy that's spent last two weeks focus order killing this bill in salem. And that remains the policy of the city of Portland, excuse me, that remains the policy of the city of Portland until this council acts in a deliberate way to change that. That's what we're doing here today.

**Potter:** I thought you said this resolution had nothing to do with 24, 4, or 400 s that correct?

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**Leonard:** What I said was the current policy of the city as adopted in the legislative program, is to oppose any legislation specifically 400. What this resolution says is that we will support it on the condition that any language in it that deals with transfers or workload be remote.

**Potter:** And it also could be read that we would continue to oppose it until that has changed. Into section has changed.

**Leonard:** Of course. Absolutely. Thank you for finally getting that.

**Potter:** Frankly, robert, I think you make a very compelling case. We could sit down and I think commissioner Sten said f. We have 5 folks voting for this, it has more impact in salem than just a split vote. And I think we're all being remiss in terms of not sitting down to talk about this about -- I would commit the resources of my bureaus to work with you and the fire union and boec to come up with something that we can -- I don't know that we're too far off. I just think that it needs to be worked out. And i'm --

**Leonard:** What is that in this resolution that we're looking at that needs to be changed?

**Potter:** This makes no reference to the issue of potential versus, direct or substantial. So I think that would be something worthy of discussion. Robert said he doesn't mind taking that out.

**Leonard:** If we're going to start a collaborative process, i'm all for it. I've been waiting to see that happen. So if that happens in the next week, i'm on board. But that hasn't been my experience up until now. If that's what you're committing to and we come back, committed to come back with another resolution, i'm fine with that. But excuse me for being a little bit skeptical that that's going to happen. But i'll give it a chance for a week if that's what i'm hearing. But the-to-come back with an amendment to this resolution, not that we're going to blow this off and not go anything --

**Sten:** Frankly, in the spirit of mr. King's comments, diplomacy, which I appreciate, i'm -- disappointing people at a reasonable rate. I know the context of that theory. I tend to agree with that. I could use another week to work with the league of cities. I think there's been some misunderstanding of my position in particular, and I also think that -- I think we are in a heated -- that's what I was -- I think we're in a sort of -- an arbitration environment. You get all or you get nothing. I think particularly those folks who are against senate bill 400, I think would be well advised to try and change that, because I think they're likely to get nothing is my read of the votes. So I think this is a good opportunity to actually though they may not see it at this moment, help some of the other cities who don't have as much of the bill -- built-up relationship. So I could use a week to work with legion of league of cities.

**Leonard:** Just so I understand. Your request is to actually craft language we would amend into this resolution that woe would vote on a week from now.

**Sten:** Yes.

**Potter:** With the unions b.h.r.? A group coming together that is committed, and i'm committing, as I think you would for boec, commissioner Sten for fire, to have those resources available to craft that kind of language?

**Sten:** Absolutely.

**Potter:** I think it would be good if we could also see there are ways the l.o.c. could be crafted into it as well. So it means of meets a larger statewide interest as well.

**Leonard:** I --

**Burns:** Is it your impression right now that if one was in salem that they would have the impression that this city council opposes house bill 400 currently?

**Leonard:** They do.

**Potter:** We're on record as that.

**Burns:** I guess my request would be if we're not able to craft a resolution today, is that there would be some neutral ground formed, because every day, every week that goes by, with the opposition, it would be more and more difficult to go back and stay neutral or in fact actually craft language that everybody can accept. Right now that would be my impression, that your personal or the

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commissioners weighing in opposing every day carries weight. And I agree we don't swing the whole state, but I think it's important as when Robert and I speak, that we're speaking for a unified group. So that would be my only concern, that it sits for a week when it sounds like we might even be neutral and we're working on something, but in the meantime we're opposed to it. I just want to know if that can be communicated.

**Potter:** Actually it's been communicated by various people on this council. Let me finish. The point is that rather than talking about who is opposing it and who is supporting it, what I heard Robert's saying is that we're going to try to find that middle ground over the next week, so that's not the issue. And I doubt very much that in is going to be vote order in the next week. There's a lot of stuff to be done yet. So I think by doing this we may eliminate sort of the both ends of the spectrum and find that sweet spot in the middle that everybody can live with, because it does protect the officers, it does protect the cities, and it does so in a manner that moves forward our common agendas. And that's what I want.

**Leonard:** Are you willing to let our lobbyist in Salem know they should stay out of the discussion on this until we resolve it?

**Potter:** Yes.

**Leonard:** Thank you. Just to stay out of the discussion.

**Potter:** Is that fair?

**Saltzman:** Motion to set it over? Or take it back to your office?

**Leonard:** I would just ask that we set this over until the regular -- its regular and proper place on Wednesday's calendar following.

**Potter:** I also would like us then to meet after this adjournment at least figure how we're going to get the group together, who will be the group --

**Leonard:** And since you mention that, I really don't think it's appropriate for us to have a member of the league of Oregon cities in a discussion that this city is having as its own sovereign municipalities about its policy with respect to this issue.

**Potter:** Are you saying you want to exclude Commissioner Sten?

**Leonard:** You wanted to adopt --

**Potter:** He's a member of the league of Oregon cities, and what he's saying is they're crafting some legislation, by him having that connection --

**Sten:** I'm not suggesting they be on our work group. I need a little more time to talk with them about what they're --

**Leonard:** I heard you say there was something you wanted from them that would --

**Potter:** To Commissioner Sten.

**Sten:** We were talking yesterday and all morning, and we're -- we may end up differing from the league's position. There's no doubt about that in the sense that -- we may not, but the very small cities don't have the mechanisms we have to work with their unions. And it's just a very different dynamic. So they may -- ultimately take a position that they want no change in the law that. Would not surprise me. On the other end, they understand this thing is from their point of view precariously close to passing, and I've been putting forward to them while the dynamics are different in Portland, some of our council may have different views on this legislation, I think we might be able to help craft an outcome that's better for everybody. And they certainly are hearing that.

**Leonard:** I appreciate that.

**Sten:** Where that leads them in terms of the league of cities' parks I'm not sure. It's a heated issue on that board.

**Potter:** Commissioner Adams?

**Adams:** I just want to make a few comments. I appreciate the effort. I will have involvement and my staff involved in the efforts over the next week to come up with an alternative. But I do support

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given the fact that as amanda mentioned that public safety workers do not have the ability to strike, I do support the direction and in resolution as written allowing them to bring public safety issues and potential public safety issues to the bargaining table. And I do so from my inside point of view for 11 years as chief of staff to the former police commissioner, where there were issues that were in the environment that were public safety, worker related safety issues that were not part of the bargaining process but were definitely in the environment. We have a mayor who is aggressively pursuing the necessary technology upgrades, 800 megahertz and other technology issues that have been real public safety issues for officers for a long time. And you are addressing those, mayor, and it's your leadership and your work as the commissioner in charge. But those issues have been around for a number of years. Commissioner Leonard has been aggressive in seeking the necessary upgrades at boec that have hindered or put at risk public safety workers. I think those issues would have been dealt with quicker by previous council, sooner if this safety was an allowable bargaining topic. So i'm supporting this because from my inside view of 11 years working on these issues with the former police commissioner, I like the fact this resolution is narrowly tailored to the safety issues, and I think it's the appropriate position of the city. Thank you.

**Potter:** Is that all the folks sign the up?

**Moore:** That was all who signed up.

**Leonard:** Do we have to take a formal --

**Potter:** We have to vote --

**Leonard:** To set it over for a week?

**Potter:** A motion?

**Leonard:** Move to postpone until next wednesday's regular calendar.

**Sten:** Second.

**Potter:** Call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] please read the next item.

**Item 157.**

**Potter:** Have you an amendment. Would you like to do the amendment before any remarks are made?

**Potter:** In order to do that I have to hand you the gavel. You're going to take care of it?

**Adams:** No throwing.

**Potter:** I think this resolution -- amendment, has been discussed with each of your staffs. It says declare the city of Portland support of Portland development commission employees' right to organize if they choose. And that was the major point for me, was sort of the neutrality of this, if that's their choice, we support that. And that's the purpose of this particular motion, and I move to amend the language to include this amendment.

**Leonard:** I do hear a second?

**Potter:** Discussion?

**Saltzman:** Second.

**Leonard:** From my view, your language clarifies what I think is implicit in what I originally drafted with commissioner Sten. So I think it's absolutely fine.

**Potter:** Further discussion?

**Saltzman:** As the cosponsor of this resolution, I have no objection to the amendment.

**Leonard:** Further discussion?

**Saltzman:** I have an amendment to offer.

**Leonard:** Do you want to do that before this is adopted? Can we call the roll on this?

**Potter:** Call the roll.

**Adams:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Potter:** Aye.

**Leonard:** Aye. [gavel pounded] pass. That was a peaceful transition of power.

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**Saltzman:** Having just served with commissioner Sten for the last month or so, along with p.d.c. Commissioners rosenbaum and will hoyt and john cruz, going through the p.d.c.'s budget, urban renewal area by urban renewal area, hearing from a lot of the employees, I think i'm concerned there's a lot of great --

**Leonard:** Do you have a copy of the amendment?

**Saltzman:** I was going to read it.

**Adams:** Can you read it first so we get that in our heads?

**Saltzman:** Be it further resolved the Portland city council expresses its deep appreciation for the work that all the individuals at p.d.c. do on behalf of the citizens of Portland.

**Adams:** That's very controversial.

**Leonard:** Is that to replace the existing language?

**Saltzman:** Just be added as a further resolved.

**Adams:** Second.

**Saltzman:** I think we all appreciate the work and realize there's a lot of talented employees at p.d.c. And I think we also realize for a variety of reasons there's a lot of mixed messages in the media these days about the caliber of the work p.d.c. is doing, and I think this council should go on record as stating -- we may have different opinions about who should have ultimate budget authority and things like that, but the work they do is high caliber and this is all simply says that.

**Adams:** Second.

**Potter:** Call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded]

**Leonard:** Ok. Maybe I can give some explanation. With those amendments in place I do it think they change the substance of what commissioner Sten and I drafted. Most of us are aware -- I do characterize what has happened at p.d.c. as a transition. I think it's actually a healthy transition. I would disagree with those who have interpreted some of what has been said here in general, but in general specifically by me as attempts to undermine the goals of the agency. I couldn't disagree more. I actually very much in my whole political career have been a strong proponent of economic development initiatives. In salem I often times supported economic development initiatives that other democrats didn't. And I did because I do connect doing smart things was -- with tax dollars and property creates good family wage jobs. And creates a better in this case city for all of us. So my efforts at the p.d.c. or with the p.d.c. have been to create a path upon which it can be the agency that I think Portlanders want it to be. And I fear that it is not that now. One of the I think actually signs of health restoring itself to that agency is that now the workers want to collectively organize. I have been disappointed to read, and hear criticisms that the attempt to unionize the work force is one more symptom of the lack of direction of the p.d.c. and one more sill tomorrow of the failure of management to be able to control its destiny. That's offensive to workers. And it is offensive to those who believe as I do that people are not products but are people whose labors should be respected and thus should have the right to have somebody speak for them with their employer about their issues. That's -- what I believe is a fundamental right of all employees. I actually think it's healthy when we get to the place that an organization is asking questions of itself internally. And challenging decisions that are being made in a productive way. Not a destructive bay. There's a fine line I would agree with anyone about that. But what i'm hearing happen at the agency is not destructive, and not I think demeaning to the mission of the Portland development commission, but rather a healthy sign of growth. And what I think will finally see here in a short period of time, meaning the next year or two, the arrival of an agency that balances the commissioner development with the poorest communities in Portland, with the people that work for it, with the goals of the city council. And all of those things aren't happening right now. And when those do happen, I think we'll find they're not at odds with each other, but actually much like st. Johns in an engine that fire

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systemically. Systematically in a coordinated fashion, that working together creates more horsepower than if one of the pistons isn't firing. That's how I view the agency today. So I think this effort bite council to recognize, and I want you to know I also spoke with the executive director about this, and suggested to him that versus the traditional adversarial approach taken from management to employees to union eyes, to do something different. To actually go to the employee and say, i've rethought the position I have taken. And I think it's a healthy thing for you the work force to organize and I not only support it, I want to help facilitate. I want to start off on the right foot, and having us organize labor and management committees, which have successfully turned around the bureau of development services in this city. And I just honestly believe if p.d.c. adopted some of these strategies we used at Portland development -- at the bureau development services, it would have similar results. I appreciate the ability to have this discussion today and hope the council can support this. Thank you.

**Potter:** Do we have a sign-up sheet?

**Moore:** No one signed up.

**Potter:** Please call the vote. Further discussion? Please call the vote.

**Adams:** I want to thank commissioner Leonard for bringing this forward, because it gives me the opportunity to reiterate what is a central and core value for me and to reiterate the fact my values, that it is the nation's workers anywhere right to organize themselves or to seek to organize themselves that is a fundamental right of this nation, one that I support, not just in the private sector, not just another public agency's organizations, but in our own. I would just also use this as an opportunity to underscore two other sort of related issues in our own house, and that is we continue to employ seasonal workers in the city of Portland that have I believe inadequate access to health care, I voted against the last renewal that came forward as a protest vote for that, and I want to reiterate to our staff that's listening that we need to move on that. It doesn't necessarily -- not necessarily asking for nor does it necessarily mean they have the same package as every other full-time worker in the city, but I have seasonal workers in my bureau, the bureaus, there are other seasonal workers, and we need to do something that is equitable for them. The other issue is that over the years there has been creeping nonrepresented -- how would I say? There's been a creeping designation of nonrepresented employees in the city that I believe indeed should be allowed to consider being part of organized labor bargaining units. And we need to be honest with ourselves about that issue as well. So i'm going to support this using as an opportunity as well to thank the folks at p.d.c. for being responsive to our concerns. Our concerns have been well intentioned, and we appreciate those that have been willing to work with on those concerns. Aye.

**Leonard:** Well, I apparently overestimated what I thought was going to be happening. I thought bewould have quite a lively discussion and i'm pleasantly taken aback, but that's not happening. I actually appreciate that. So I do want to kind of screen board -- spring board and say there have been some who have communed to me some of the criticisms I have made may have been criticisms that the front line staff have thought I was making of them. That I just want to be able to say, because I hope they're not listening maybe at some point they will hear that nothing can be further from the truth. I have as many opportunities as i've been able to take said how great my relationship has been with front line staff people, and very specifically on in initiative to bring a biodiesel industry to Portland. And i've worked very closely with them over the last 18 months or so on very specific efforts to do that, and I cannot be more impressed with the work that the staff has done with the knowledge that they bring to me and the folks that we have been talking with that are interested in creating what ends up being a huge tax base here in Portland, and family wage jobs that I think we're going to see occur very soon as a result of this excellent work that p.d.c. Has done in working with us in bringing some cutting edge technology that will produce biofuels for not just local use, but actually to be an export product that will be exported from the port of Portland to

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points as i've said here before, around not only the united states, but the western hemisphere. So I just want to make it really clear that I am a strong defender of their good work. Aye.

**Saltzman:** This council in january passed a resolution supporting union organizing and collective bargaining. In march of 2005 we declared our support for workers' freedom to form unions, and urge congress to pass the employee free choice act. So I think this resolution we're passing today as amended as entirely consistent with the position I think each one of us shares individually, but we've also -- workers rights to organize unfettered from campaigns against those by management. So I think the resolution has ended in a good place, landed in a good place, and it truly does make this -- put this council on record as saying to the employees, exercise your right to choose. And I know as we all stated too, we have a lot of respect for the caliber of the employees there. They're very talented individuals and i'm sure they're more than capable of deciding to join a union or not is in their best interest. So I look forward to finding out what the results are, when that election happens, but this is a good resolution. Aye.

**Sten:** I appreciate all the comments. I've worked closely with p.d.c. For a decade and a half, and as any would probably agree, I think p.d.c. has been extraordinarily pivotal in the shaping of our city. Many of the good things people talk about and identify with Portland they had a major hand in. They also have in years that precede I think probably everybody that works there have been a very destructive first force in Portland. That the current charter was used to clear out vacant land eight around emanuel hospital, it's still vacant and bothers people to this date. It's like anything, it can be good or bad. And I think we have terrific employee there's who have been doing a very good job, and I very much appreciate commissioner Saltzman's language to make that clear. I also believe that it's a time of change, and that the agency that was set up in the 1950's will not be successful until it revamps itself, and my push and at times criticisms and challenges to the agency are based on a notion that I think Portland's future is tied to the future of the Portland development commission, and I don't think as it stand right now it's ready for that task. And I think it's time to keep pushing harder but kellen roberts tivoli, hopefully with some humbleness that we don't all have the answers. The way I originally wrote this resolution was I believe that employees should organize. As I look at the turnover that's, there the issues, as I talk with people confidentially and on the record, I hear a sense that they need a clearer voice. So I certainly didn't have any problem with the mayor amending this to say exercise your right and if they choose not to organize, I stand completely by that. But my personal opinion is is that actually having worked with many large agencies, I actually find it easier to make significant cultural change when the employees are able to negotiate through representatives and have that ability to make changes, and not feel that if they go out there on a limb they're going to be the one that gets axed for it. So I think when you look at an agency that we desperately need that has done terrific work that needs to go through cultural change, having the employees represented I think is a good step. So I agree with the council taking the right position, i'm just giving my own personal view on it as we -- in addition to the council's point of view, and I look forward to p.d.c. continuing through this and becoming an agency that can be a successful throughout the city, is that can work to do affordable housing that they're doing very well right now in addition to redevelopment. And can change I think from a extra decisional view of economic development which is essentially bricks and march terror -- mortar in a central city. I think this agency moving in the right direction, and I think it's been tough. And I think this step could potentially fits done right and if the employees choose help the agency get where it needs to government aye.

**Potter:** One of the issues -- interesting things about this council is we tend to see all the problems that other folks don't resolve and they eventually come to us for resolution. And thus I think often it's perceived in the public's mind that when we're dealing with these issues, that it's only the problems that comprise an agency or bureau of the city. And that I have been guilty myself of not balancing out the fact of all the good work that p.d.c. does with the issues and problems that we

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know that they're struggling with and that our commitment is to help them get through that and be a better agency as a result. So I really appreciate commissioner Saltzman, you adding the part about the good work, and your comments, commissioner Sten, and Leonard, about what this organization does, because they do much good work and I think that has to be recognized, but it's also recognized as commissioner Sten has said, we don't have all the answers, but we know what we want to work toward and this is part of that process, is working toward answer organization that's not only transparent, but it helps engage its employees in making better decisions. So I support this, and I look forward to working with p.d.c. on whatever the result of the vote is on whether to unionize or not, and I think that this was a good resolution. I vote aye. [gavel pounded] please read the next item.

**Item 158.**

**Jim Coker, Project Manager, Facility Services:** I am jim coker, project manager with the office of management and finance facilities services. This ordinance is for emergency structural repairs that were required as part of the union station facilities improvement project. In august of last year, skyward construction was authorized to proceed with the construction phase of this project which includes the baggage claim area, masonry repairs and historic door replacement and repairs. Construction began in september of last year. When the roof sheathing was removed over the baggage claim area in early december, we found a number of broken and cracked joists and we found that one of the four large skylights had collapsed by about four inches due to significant joist failures. On december 12, the structural engineer issued a letter designating the roof as a dangerous structure as defined by city code. When the situation was discovered a major part of the roof was demolished and was being temporarily protected with plastic sheeting from the rain. Skyward construction was able to minimize some of the rain infiltration into the baggage claim area, but rain still got in and affected amtrak's operations. Also the engineers required that we install temporary shoring within the baggage claim area to support the structure. While we were doing the repairs, which also impacted amtrak's operations. Because of these issues we designated the repairs as an emergency, and we directed the engineers to proceed with their redesign. Given the attached ordinance, which includes change order number two, is for all those structural repairs that are now done and totals just under 288,000. With the first change order which was slightly under 20,000, we're 37% over the original contract of \$832,000. This is a federally funded project through the Oregon department of transportation's transportation enhancement grant project because of that odot will provide 50% of the additional funds or approximately \$143,000. P.d.c. Is also providing slightly less than 9% of the funds for the construction phase, which for this change order will be about \$24,000. The additional 41% or slightly under 1 lunn 20,000 will come from available union station operational funds. Also as part of this ordinance the overall project is now about 60% complete and we do expect, because we're still fairly early in the construction phase, to encourage -- incur additional costs due to unforeseen projects. We're requesting authority to expend an additional 10% or \$83,200 of the original contract amount to account for those future changes. As a final note, an amendment to the contract with architectural resources group which is the prime consultant, professional services consultant under the contract, will be filed as an ordinance in the near future for the additional structural engineering work that was required. I would be happy to answer any questions.

**Potter:** Questions? Thank you. Anybody signed up to testify?

**Moore:** No one signed up.

**Potter:** Please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] please read item 159.

**Item 159.**

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**Eric Johansen, Debt Manager, Office of Management and Finance:** I'm eric johansen, debt manager in the office of management and finance. Today's proposed ordinance shannon torrezs the issues of \$9.1 million additional bonds to complete the funding of the enterprise business solution project. You may recall in december of 2004 council approved a previous ordinance that authorized \$14 million funding for the project. Today's proposed ordinance together with the december 2004 ordinance will authorize the issuance of up to \$23.1 million in limited tax revenue bonds for the project. The source of repayment of the bonds as well as for the \$4.8 million in costs that will not be debt financed is expected to come from annual bureau contributions in the amount of \$3.4 million per year. Finally as required by the uniform revenue bond act, today's council action authorizing the additional borrowing must be done as a nonemergency ordinance. With that i'd be happy to answer any questions.

**Adams:** I think I have questions for jennifer.

**Leonard:** Where do you stand on unionization? Just kidding.

**Adams:** When you came before us in december 8 of 2004, and we approved ordinance number 178947, the amount, the cost for the project was what amount?

**Jennifer Sims, Office of Management and Finance:** \$14 million was the estimate in 2004.

**Adams:** And the cost of the project -- I guess maybe I wasn't around then. Was I around then? 2004? No.

**Potter:** Could you tell him where he was?

**Leonard:** Spiritually or physically?

**Sims:** Let me check my g.p.s.

**Adams:** I said us. I should have said the city council. And what is the estimated cost of the project now?

**Sims:** The current project budget is \$27.9 million.

**Adams:** Ok. You were before us at one point with this project if I do recall correctly, it might not have been december 8 when I was sitting here, but did you sit before us and discuss this project and the reason for the cost increase is correct?

**Sims:** Yes in October whether we had the implementing contract before you, I reviewed with you the budget at that time and you asked me about the confidence level and I told you that it was high.

**Sims:** It was 27.9 when we met in october and approved that contract. And it has not changed. The -- what has happened is we got an authorization in favor for \$14 million for bonds, since that time we developed the project and refined the costs, the project budget has been set. Before we went into implementing it at \$27.9 million, this resolution or ordinance, actually, would authorize us to issue \$23.1 million of bonds, the balance of the project budget unchanged from when we were before you before to be paid from cash, we're well into the project knew. We had our official kickoff for it in the first part of december. And we're almost through with the blueprinting phase for the finance track, and we're going to be live in november. So we're still on budget and on track with the project.

**Adams:** Thank you. Thank you, mayor.

**Potter:** Further questions? Thank you, folks. Is there a sign-up sheet?

**Moore:** Did I not have one.

**Potter:** Anybody here who wishes to discuss this issue? It's a nonemergency, moves to second reading. The next two items, item 160 and 161 commissioner Adams has requested they be pulled back to his office until next week.

**Items 160 and 161.**

**Adams:** If -- i'm still getting up to speed. Are both of them -- do both of them come back or just 160? I misspoke. 160 comes back. And if we could consider 161. Thanks.

**Potter:** Hearing no objection --

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**Saltzman:** Can I make a statement on 160? When it does come back I want to know that tri-met and metro are in full support of 160. I've heard concerns to the contrary.

**Adams:** That's why i'm pulling it back to my office.

**Moore:** If we could read it into -- I should read it into the record first. Item 160.

**Potter:** Hearing no objection, please read the item 161.

**Adams:** This is the official application that we're making to seek the federal funding for streetcar loop to omsi. It is a request of \$75 million. It is now called the Portland streetcar loop project, formerly known as the east side streetcar project. And it is in cooperation and with the support of metro and with tri-met. We have vicky here if you have any questions.

**Potter:** Questions from the commissioners? This is an emergency vote, please call the vote. Is there anybody signed up to testify.

**Moore:** I did not have a sign-up sheet.

**Potter:** Anybody here to wishes to testify?

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye [gavel pounded] please read item 162.

**Item 162.**

**Saltzman:** I thought this was a second reading. I know we talked about this --

**Moore:** That's the other one, 163.

**Saltzman:** This is something that provides -- it's a good thing.

**Leonard:** It should pass.

**Saltzman:** It helps make our park facilities -- fitness facilities available to senior. It's a good thing.

**Adams:** I'm all for it. I don't care what randy says, i'm all for it.

**Potter:** Is there anybody signed up to testify?

**Moore:** I didn't have a sign-up sheet.

**Potter:** Is there anybody here to wishes to testify? Emergency vote, please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] item 163.

**Item 163.**

**Potter:** Second reading, vote-only.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Always a good thing. Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] please read item 164, second reading.

**Item 164.**

**Potter:** Second reading, vote-only.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] recessed until 6:00 p.m.

At 11:45 a.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: \*\*\*\*\* means unidentified speaker.

**FEBRUARY 21, 2007            6:00 PM**

[Gavel pounded]

**Potter:** City council will come to order. Karla, please call the roll.

**Adams:** Here. **Leonard:** Here. **Saltzman:** Here. **Sten:** Here.

**Potter:** Here. I would like to remind folks prior to offering public testimony to city council a lobbyist must declare which lobbying entity he or she is authorized to represent. Please read the 6:00 p.m. Time certain. Lu06132-hdzm.

**Item 165.**

**Potter:** Thank you. The city attorney will describe the hearing process.

**Kathryn Beaumont, Sr. Deputy City Attorney:** Thank you. I have several announcements to make before we begin the hearing. These announcements are required by state law. They concern the kind of hearing we are having today, the order of testimony, and guidelines for presenting testimony. First as to the kind of hearing we're having today, this is an evidentiary hearing. This means you may submit new evidence to the council in support of your arguments. This evidence may be in any form such as testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, maps or any other items you show to do council during your testimony should be given to the council clerk at the end of your testimony to make sure that they become part of the record. As to do order of testimony, we will begin with a staff report by tim her written from the bureau of development services staff for approximately 10 minutes. Following the staff report city council will hear from interested persons in the following order. The appellant will go first and will have 10 minutes to present the appellant's case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the council. Next will be the applicant who will have 15 minutes to address the city council and rebut the appellant's presentation. After the appellant the council will hear from persons who oppose the appeal and support the applicant's position. Again, each person will have three minutes. Finally, the appellant will have five minutes to rebut the presentation of the applicants and supporters of the applicants. 9 council may then close the hearing, deliberate and take a final vote on the appeal. If the vote is a tentative vote the council will set a future date for adoption of findings and a final vote on the appeal. If the council takes a final vote today that will conclude the matter before the council last, I would like to announce several guidelines for those presenting testimony and participating in the hearings. These are established by the zoning code and state law and are as follows: First, testimony must be directed to the approval criteria. Any testimony and evidence you present must be directed toward the applicable approval criteria for this land use review or other cry tear that the city's comprehensive plan or zoning code you believe apply to the decision. The b.d.s. Staff will identify the criteria as part of their staff report to the council. Second, if you fail to raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue, you will be precluded from appealing to the land use board of appeals based on that issue. Additionally if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing an act shouldn't for damages in circuit court to challenge the conditions of approval. That concludes my announcements.

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**Potter:** Thank you.

**Saltzman:** May I ask a question?

**Potter:** Please.

**Saltzman:** When you say the criteria for this land use review, are you talking about the decision by the landmark commission?

**Beaumont:** Yes, I am talking about the design guidelines and the approval criteria for the design review.

**Potter:** Any members of the council wish to declare a conflict of interest? No council members have a conflict of interest to declare. The members of council have any ex parte contacts to declare or information gathered outside of the hearing to disclose? My staff met with representatives from the neighborhood association and the applicant on October 14, 2006. I joined a neighborhood tour with members of the northwest district association. We reviewed this site. At that time I heard concerns relating to several issues. I attend to listen to the testimony tonight and evidence in order to make a decision on the appeal. Any members of council have any questions or other preliminary matters that need to be addressed before we begin the hearing? We will begin the hearing. Please come forward, staff.

**Tim Heron, Bureau of Development Services:** Good evening, economics, mr. Mayor. I am Tim Heron with the bureau of development services design review, historic design review. Nice to be with you this evening. As council clerk stated, this is an appeal of the approval of the Portland historic landmarks commission decision on the Irving Street parking garage land use review case LU-13267HDM. Slides I am about to present you will carry you through the decision-making process and some details about the garage proposal. Starting with the zoning map on the right, the enhancement on the lower left, applicable approval criteria for this project. The community design guidelines, the alphabet historic guidelines and modification through design review. Notably the site you will see here on the lower left is separated by a CS zone as well as an R-1 zone. On the right you will notice the large circle indicating the six locations where parking garages have already been approved as far as locations through the northwest district plan. The site in particular is site number one. And at these sites where a submitted zone is located, zoning of this particular type B lot, multi-dwelling and CS zoning, the development standards of the CS zone apply to the whole site effectively making the site a CS zone property. This is an aerial shot to put this into context. On the dashed line above shows the lots where the garage is proposed to be constructed. The two structures on the left are proposed to be demolished. They are identified as non-contributing structures in the alphabet historic district. The lower right, the approximate building envelope of the garage as it sits behind the Papa Hayden restaurant on the corner of 23rd and Irving. Quick shots of some of the historic context of the district. Lots of brick, newer, some older, auto-oriented store front and more modern. Summary approval was for a structured parking garage with 103 parking stalls, one curbing cut allows for vehicular access and egress noted by the red arrows in and out. Two pedestrian entrances are located at the street adjacent to the stairs and upper access of the garage. Noted by the green arrows on the right and left. Decorative brick facade has been incorporated into this design as well as fabric awnings, steel canopies, store front and fixed windows above. Externally illuminated signage is proposed including modest roof deck lighting as well as wall sconces along the street edge. Decorative street screening and bike parking is located at each floor level. Modifications requested through the review process include modification of the actual parking stall depth for the central core of parking stalls. This is a sign of how tightly built this garage will be to meet minimum standard sizes for Portland parking stalls. Again, the red arrows indicating access, egress and access for vehicles, green for pedestrians. Other modification relating to ground floor windows. And the area in red shows the qualifying window area. Areas in green which are also windows that allow clear views into the garage space are considered non-qualifying and why the modification request was asked and subsequently approved. An

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additional modification request while looked at specifically by the Portland historic landmarks commission had to do with a wall that set behind the papa hayden's restaurant. It was not addressed specifically as part of the code. However, there was specific discussion with the historic landmarks commission on this specific item and it has to do with window areas that would otherwise be required on what will be an internal lot line wall. We looked at this very closely, looked at decorative brick, building code would have concerns with any openings on this lot line wall for fire reasons. Land use process, this proposal was submitted on may 16, 2006. Four public hearings with the Portland historic landmarks commission conducted between october 14 and november 13, 2006. Substantial changes occurred during the Portland historic landmarks commission's hearings. Final approval was on november 13, 2006. Quickly running through the appellant's appeal points, had to do with, did not respond to do plan area character, that the facade lacked visual interest and sense of enclosure, that the exterior design is not compatible with the area nor with adjacent properties. Vehicle access was not safely designed for northwest irving street. Double car garage door fails to minimize negative impacts on the community and pedestrians. As well as with vehicle conflicts. Parking garages are known places where crime occurs and auto oriented use attracts nonlocal traffic to a local street. So in result of the hearings with the Portland historic landmarks commission, the process -- this project changed significantly. Original drawing is a little the top. The ultimately approved drawing is at the bottom. There were several responses of the commission and of staff and neighborhood. Starting with reduce curb cuts and narrow parking spaces. The red areas in the upper right show the original proposal. Those were for two two-way garage entrances. They were reduced to one set of one entrance and one egress for vehicles as in the lower left. The massing of the structure also changed allowing for a step down massing that went down towards the neighborhood. Store front windows were added as mentioned here and also in the related ground floor window modification. These allow clear views either into the lobby area for stair and elevator or into the garage area itself and vice versa. Distinct pedestrian entrance were improved from the original proposal to the one today with canopies, store front glazing. And windows were added to the upper level of the eastern half of the building. So in conclusion, city council has the following options. You can deny the appeal and uphold the Portland historic around marks commission approval. Project will be approved as is. You may uphold the appeal and reverse the Portland historic landmarks commission's approve. Staff would need to revise the findings and return for a second hearing. Project would be denied. You can request design changes and again staff would need to revise findings and return. Project could be approved with chase. The other is to simply request additional information. That's the end of my presentation. I am happy to answer any questions.

**Potter:** You said there were two structures, the currently existing structures were not contributing. What does that mean?

**Heron:** It means they have been deemed in the alphabet historic district as to not have historic value. There are several classifications within the alphabet historic district that are classified primarily contribute go, secondary contributing as well as nonhistoric or noncontributing structures.

**Potter:** Thank you. Other questions?

**Saltzman:** I guess I wasn't quite clear on the, what's being proposed for the upper face of the garage that's right above papa haydens and faces 23rd. Windows or not windows?

**Heron:** In terms of the additional modification request, commissioner?

**Saltzman:** Yes.

**Heron:** What's being proposed is a series of decorative brick bands as well as some of the brick facade that fronts irving, will actually wrap that wall area.

**Saltzman:** Did you say windows were a fire concern?

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**Heron:** Yeah. It was raised in terms of not only just structural but windows have a hard time being fire rated and because that wall line would ultimately be an interior property line the adjacent building would need to be fire protected each direction.

**Saltzman:** No windows it will be brick.

**Heron:** Right.

**Potter:** Thank you. We will hear from the appellant. Thanks for being here, folks. When you speak, please state your name for the record and you have a total of 10 minutes.

**\*\*\*\*\*:** Wait a minute.

**Potter:** I understand.

**Potter:** Is it possible 2 put those over here so we can have line of sight with the council clerk? I guess I forgot the other side. We will need to see our attorney.

**John Bradley, Chair NW District Association:** Good evening. I'm John Bradley. I reside at 2350 n.w. Irving. We are here today to appeal the decision of the landmarks commission concerning Irving street parking garage. We are not here out of the sense of the inevitable but rather to point out there are certain important key criteria in title 33 of the northwest district plan, the community design guidelines, historic guidelines and the comp plan that this project does not meet. As you listen to our testimony we ask you to keep in mind we are keeping this in relation to higher standards. Does this garage fit the design standard as opposed to the development standards? Guideline p1 plan area characteristics reads "enhance the sense of place and incorporating site and building feature that is respond to the area's desired characteristics and traditions." because the site fall us a cross two distinct design areas, two desired characteristic statements must be considered. The knob hill residential area statement reads in part, new development should utilize elements that distinguish the residential side streets from the more intensely hard scaped main streets. The design emphasis for the western half of the garage zoned r must therefore be residential. I would ask the commissioners if they see anything in the western half of the garage that represents or is reminiscent of a residential structure. For that, number one, ask you to compare it to the house standing right beside it. For instance are there any windows on the western portion that look like they belong in an old Mike Holmgren? Is there a true front door? Is there a porch? Clearly the western half of the garage doesn't meet this guideline. The propose also does not meet community guide standard e-3. E-3 states create visual interest to the buildings along the sidewalks, pedestrian areas by incorporating small scale building design features creating an effective gathering place and differentiating street level facades. The western half of the garage is not all effective at creating gathering place. Who will want to stand in front of two large garage door openings? The western facade fails to incorporate any small scale design features that are the hallmarks of the surrounding residential area. Alphabet historic district guidelines two and three speak to compatibility and the necessity to enhance the historic feeling of the place. Again, does the western half of this structure resemble anything in the Alphabet historic district? We have a blank 20-foot wall exposure on the west side of the building with no openings and a small glass lobby whose whole essence is modern. Does this remind you have an Alphabet historic building? Again our answer is no. Landmark commission aired in the part of the decision that approves an adjustment to the window standard. The decision states the purpose of the standard is to avoid blank walls. It further states that blank wallers limbed, provide a rich, pleasant and pedestrian environment and avoid a monotonous pedestrian environment. The purpose behind these regulations are aimed at limiting blank walls and are not met. The code includes three options for meeting this standard. They are providing windows, providing display windows or through an adjustment by adding public art. The finding that the design offers interesting details is not adequate. The code does not offer interesting details as a means of meeting this code. For this code language I refer to you chapter 33.130.203. I'm sorry. 230. Waiving of this option is not, other than for based on other design consideration, is not available. I relinquish my time.

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**Kim Carlson, Transportation Committee Co-chair, NW District Association :** I'm kim carlson.

I am the nwda transportation committee co-chair and I live on northwest thurman. The irving garage proposal conflicts with comprehensive plan code 6.3, 6.39b and 6.5-f. This creates an auto oriented use and in conflicted with the goal of strengthening the multimodal system. The irving garage is an auto oriented land use for purpose of attracting nonlocal traffic to roll service traffic street. Community design guidelines e-4 requires the design to minimize impacts to pedestrians. Our neighborhood is a pedestrian district. It's a people place and there are a lot of people in our neighborhood. Pick two-way pedestrian traffic was measured at northwest irving and 23rd avenue last summer by pdot. They counted 829 pedestrians in one hour. That is more than twice the number of pedestrians they counted at 14 other similar main street locations across the city. The irving garage as designed and sited puts those pedestrians unnecessarily at risk of the vehicle crash history of irving street at 23rd avenue is second only to northwest burnside and 23rd. In the four years between 2000 and 2004, there were 11 crashes at northwest irving and 23rd avenue. Two of those involved pedestrians in the pedestrian right of way and both were driver error. The irving garage as it is designed and sited only exacerbates unsafe conditions for pedestrians. There is already a high concentration of auto activity on northwest irving. The fruit and flower child care center is located at 2378 n.w. Irving. 119 preschool-aged children are served at this center and according to the staff there are 90% of them are dropped off and picked up in a car. This accounts for 100 vehicle trips each weekday morning and 100 in the evening. The cambridge condominiums at northwest irving street when occupied will generate an estimated 568 trips per day from 140 parking spaces. The irving garage as it is designed and sited only intensifies already congested traffic conditions making it an unsafe for pedestrians. Northwest Portland streets now carry a huge volume of traffic. On may 25 of last year, a pdot traffic volume count at northwest 23rd and avenue pettygrove street reported 15,905 vehicles in a 35-hour period. Peak hour volume at this location was 1281 cars. This was before new residents began occupying the veau at 24th and raleigh at kittle son and associates estimates will generate 730 trips a day from its 180 parking places. This is before the estimated 568 trips a day we can expect from the came ridge as I already mentioned and this doesn't count the 75 condominiums that could generate another 600 trips per day. It does not count the 104 condos at 23rd placed a burnside which could generate 468 trips per day. It doesn't include the trips generated from an additional 57 public places at the westerly. The irving garage as it is designed and sited will only worsen traffic conditions in northwest Portland making it unsafe for pedestrians. Finally, no transportation study has been done for the proposed irving garage. The transportation portion of the nwda neighborhood plan has been remanded until the 1994 metro travel survey can be fully entered into the city travel demand model. Large scale development at north end of our neighborhood is prohibited without a transportation study of the impacts of their development on the i-405 intersection. Each new development in northwest Portland some of which I have mentioned including the irving garage has an impact on this lynchpin intersection. The cumulative effect of these developments has a significant impact. The irving garage as it is designed and cited will only add to the congestion at i-405-23rd avenue and vaughn street. I respectfully ask you to find the design commission decision has not carried the burden of proof to show the evidence submitted demonstrates each and every element of the criteria is satisfied.

**Juliet Hyams, Acting President, NW District Association:** Good evening, mayor and commissioners. My name is julie. I live the 2324 n.w. Marshall and I am acting president of the northwest district association. I am going to address community design guidelines and the comp plan goal related to safety. Chap mall school can provide an indicater how the population of children is increasing in northwest Portland. In 2004, chapman's enrollment was 400 students. This fall they started with 490, a dramatic increase. Chapman's excellence attracts home buyers with children. Also we all know how much housing is developing in the area ever attendance and many other children circumstance rate land m.l.c., fruit and flower and class academy. This year chapman

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became part of pdot's safe routes to school encouraging children to walk and bike safely to children but they don't walk. They charge down the sidewalk especially on a street like irving with a slight incline. Children can easily grasp the concept of stopping at corners but navigating a 29-foot driveway had the driver may not see them until the car is on the sidewalk is more complicated. We also have a sig can't aging population many of whom walk regularly and may lack the eyesight and reflexes of younger people. The proposed garage fails to address community design guideline e-1c as entrances and lack of set backs disrupt the safe network of sidewalks. It does not address comprehensive plan code 6.39b which seeks to minimize automobile conflicts. The garage would create a new and significant source of such conflicts. Northwest Portland is specified as a pedestrian district and is therefore held to a higher standard of pedestrian safety. The proposed site's faction people live and a preschool operates. Thus the block accommodates a lot of pedestrians including at least 119 children. Garage is two doors do not meet guideline e4. Fi failing to minimize negative impacts on the community. And finally publicly accessible garages offer seclusion that invites vagrants and petty criminals. Good samaritan hospital has structures that are well lit and patrolled 24 hours a day. They have a lot of problems in them. And this garage will not be secure in the same manner. The garage is not satisfied community design approval guideline d-5 which requires the development reduce will likelihood of crime. D-5 crime prevention and criterion d-7 are directly in conflict. D-7 requires into the structure, into the neighborhood and it is unlikely a park structure could be both unobstructive and secure at the same time. Please think about children who thrive outside of automobiles. We need your help to implement these policies. Thank you.

**Potter:** Thank you, folks. Before we begin the signed up testimony, we have a total of 62 people who have signed up to testify. 36 in support and 26 opposed. Because of the large number of people, I am going to restrict the testimony to two minutes. So we will begin with persons who are here to support the appeal and, Karla, please read the first names.

**Moore:** Come up three at a time. The first three are leland stapleton, sharon and carolyn skinner followed by dan volkmer, susan, and nancy panstat, I believe it is.

**Potter:** Thanks for being here, folks. When you speak --

**Leland Stapleton:** I'm leland stapleton. I reside in unit 24. Mayor Potter, council. Today I would like to focus my comments before council on pedestrian safety. Ed a here reasons to meeting historic alphabet district guideline number 3 that is compatibility with adjacent properties will promote that goal. I have serious concerns about safety as a pedestrian using northwest irving between 23rd and 24th at the location of the proposed project. Here right proposed design allows no set back from the sidewalk or northwest irving to the entry or exit from the garage. It needs a set back. With without a set back there's an inherently unsafe situation. It can be remedied. A similar concern was brought up during the design review of the westerly condominium at the head of northwest everett at westover. Garage entrance was set back from northwest westover to allow for vehicle space before entering the street or alternatively into, the parking garage. That modification was made in part to provide for better pedestrian safety. The residential portion of the structure if not the entire structure needs to be set back from the street to allow space for vehicles that would exited or enter the garage. It would prevent vehicles from blocking the sidewalk when exiting or entering the structure. It would provide better site lines and allow the structure to be more compatible to the adjacent properties and allow a porch light design similar to the residences. I now request city council allow the appeal. It would give the city to reconsider its decision. If the garage is still deemed feasible even though not desirable all the parties involved should deal with implementing a better and safer alternative to the one before council today.

**Sharon Genasci:** Good evening. My name is sharon. I am the chairman of the nwda health and environment committee. It's a committee of the nwda board. Our group has been concerned about air quality in northwest Portland since the 1990's. For a number of years we monitored the air

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ourselves working with an air quality specialist and in our samples over the years we found high levels of ben seen ranging from 16 to 73 times above the e.p.a. Cancer benchmark. From 67 to 293 times above the california cancer benchmark. It's a class a carcinogen with the same legal status as tobacco for causing cancer. Studies show breathing air contaminated with benzene has damage to child hoot hood leukemia. Today e.p.a.'s national air toxic assessment shows the state of Oregon's average benzene are at the same elevated level of 20 time the cancer benchmark. However, this does not adequately portrait danger to northwest Portland since we are located next to an industrial area that permits industrial emissions of benzene added to do mobile sources of vehicles. We do not want any more traffic in our neighborhood that would bring us even higher levels of benzene. Building large parking garages in the middle of our neighborhood would bring more traffic into northwest Portland. Please consider the public health cost to us of this decision and do not proceed with plans to build the garage.

**Caroline Skinner:** Caroline skinner, 2420 n.w. Quimby street. I oppose the parking garage as site and I support the appeal. I live in an apartment and I am a renter. All around me I am seeing apartment buildings of a similar vintage being converted to condominiums. I find this to be a worrisome trend since I am not seeing any new rental units coming in. There will always be people who want to rent and not own such as seniors, students, and single parents who want to live near but not in downtown. I find it's an unfortunate and acceptable plan to tear down a four plex rental in favor of parking for our first neighborhood parking garage. Also I have been an active participant with sharon in the health and environment committee meeting meteorology to work on solutions for local air quality problems. We have been saying for years that we are over health benchmarks in benzene. Bottom line is parking will bring in this type of parking garage will bring in more cars, more traffic congestion and pollution. Benzene is a known carcinogen. Residential areas of northwest should not be exposed to even higher levels of vehicle emissions than they already are. Clearly a parking garage is great if you are a business person seeking parking for clients and customers but not so great if you live in a nearby home that will experience negative effects. I understand that nwda has identified six acceptable sites for a garage with existing surface lots already on them. I know I can't totally oppose a parking garage but I do oppose the removal of residential housing and I oppose zero set backs in this particular case. Too many residences have already been lost for use as parking in northwest Portland. Thank you.

**Potter:** Thank you, folks.

**Moore:** Dan volkmer, susan and nancy on northwest 22nd. They will be followed by perry heightman, sandra stapleton, and rachel co-de.

**\*\*\*\*\*:** We have dan here.

**Potter:** Call two more.

**Moore:** Perry heightman and sandra stapleton. Come on up.

**Potter:** Thanks for being here. Please state your name when you speak and you each have two minutes.

**Sandra Stapleton:** My name is sandra stapleton. I reside at 2445 n.w. Westover road, unit number 204. I am here to talk really about the plans approved by the landmarks commission that covers property other than the garage site. I am concerned that the plans approved by landmark commission require improvements in an adjacent property not owned or controlled by the garage's developer. The landmarks commission's decision requires that the submitted plans be fully implemented as shown in the approved drawings. Changes must go back to the commission for consideration and possible approval. But the commission's decision is only binding for the property that is part of the application. The approved plan shows five trees being planted on the adjacent property that to the west of the proposed garage site. This property is not a part of the application, yet landscape improvements that are part of the approval are shown there. It is clear that the

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landmark's commission's approval of the proposal requires offsite landscaping mitigate the commercial parking garage. Yet since the offsite location is not part of the proposal site, there can be no assurance of the required offsite landscaping will be installed or if it is installed, that it will be maintained. I urge to you vote yes on the appeal since development of the approved plans requires the applicants to make and maintain improvements on property that is owned by another party. An alternative would be to delay consideration until after the landmarks commission can clarify their decision to acquire the offsite landscaping as part of this decision. Thank you for allowing me time to address you tonight.

**Perry Heitman:** Mr. Mayor, commissioners, my name is perry heightman. I live at 2353 n.w. Employee san street and I would like to shear with you my thoughts and experiences since moving to Portland as it relates to this garage. I believe the plan to construct this parking garage in Portland's historic northwest neighborhood is a solution in search of a problem. I won't sit here and say that parking is plentiful or that I haven't had to circle the block to park but I will tell you that I knew that that was the case when I purchased two homes in northwest. In fact, my partner and I embrace that aspect of northwest as part of an active mixed use urban neighborhood. I take the bus to work and we walk to most other destinations and we didn't always do that. We adopted those habits when we moved to Portland because we came to appreciate Portland's values. Portland has prided itself on planning for sustainable growth and planning for the greater good of the whole community. Building this garage in northwest runs contrary to that vision. I moved here from atlanta, where parking lots are plentiful and walking is unheard of unless it's in a shopping mall. When we were looking for a home in Portland eight years ago we were attracted to northwest's scale and historic homes and active pedestrian focus. We appreciate those qualities even more now. Two years ago when we began looking for a larger home, we looked only in northwest Portland. And we found a home on northwest glisan two blocks from this proposed garage. We are concerned that the parking garage will destroy the intimacy of our neighborhood because it will compromise the scale and residential character of the northwest neighborhood. Northwest is riddled with parking lots where historic homes have been torn down or where historic homes used to lie. These lots stand out like sore thumbs and you have the benefit of learning from these past decisions. And I encourage you not to repeat the mistakes of the past and support the appeal. Thank you.

**Dan Volkmer:** Gentlemen, I am dan volkmer, nwda historic preservation committee, 2205 n.w. Johnson. Historic alphabet district guideline number tuesday requires new construction is to be compatible with historic qualities identified in the historic context statement. First paragraph in the context statement cites criteria for a neighborhood to attain landmark status is that the neighborhood must have produced prominent people who shaped the city. The parking ordinance calls for demolition of the julia and lee holly hoffman house. The applicant will say the hoffman house is not up for discussion because it's listed as noncontributing property. Probably the suck co-but with its demolition guideline two is invite laid because it removes the heritage left by the hoffmans there by removing historic qualities of our neighborhood. Go to the context statement and you will find they are about important people, churches, schools, medical facilities, the streetcar, residential architecture. Nowhere in the context statement does it mention contributing versus noncontributing properties nor is there a single mention of commercial parking structures. On the other hand, although deceased for over 70 years julia hoffman was recently featured in Portland magazine as one of the 100 most influential people in the city. She brought art to the city. She founded the Oregon school of arts and craft. Julia started her family in the home and founded hoffman construction. You cannot demolish the former dwelling of Portlanders who have contributed so much to what our city is today, replace it with the commercial parking garage and say, that's compatible with historic qualities identified in the historic context statement. Guideline three is not met either. For the garage to incorporate design themes characteristic of similar buildings, it would

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have to be a one-story parking garage. Complying with these two historic design guidelines requires far more than just brick and metal work. That is pointed here as making good. The design fails to meet both two and three. Thank you.

**Potter:** Thank you, folks.

**Moore:** Next we have Rachel Cody, Judy Moore and Joy Strand. They will be followed by Elliott, Bud Clark and Vera Katz. Rachel Cody, Judy Moore and Joy Strand. How about Elliott Tremald.

**Potter:** Thanks for being here, folks. When you speak state your name for the record and you each have two minutes.

\*\*\*\*\*: Who's first?

\*\*\*\*\*: You start.

**Joy Strand:** I'll go ahead. My name is Joy Strand. I live at 2144 N.W. Flanders. I have lived in Portland since 1984. That's 23 years. I would like to talk to you this evening about the offsite impacts of the garage. City code chapter 33.262 regulates the offsite impacts associated with nonresidential developments. This section of the code requires that the development of the proposed commercial parking garage must not have objectionable noise, odors, or glare impacts on adjacent and nearby residential uses. Specific standards are provided to measure the impacts of noise, odors, vibration and glare. Offsite impacts are a strong possibility when an above ground commercial parking garage is built. Inherent nature of cars in a garage is that they make noise, they exhaust fumes, they shake and at night their headlights can disturb nearby residents. These impacts into the surrounding residential neighborhood area are of great concern. Offsite impacts are normally considered during the review of construction documents. However, the introduction into a residentially zoned area of a commercial parking garage that could be open 24 by seven creates the potential for such significant impacts that how these impacts are mitigated should be considered before the garage is permitted. The garage development proposal and the landmarks commission ruling do not address these offsite impacts nor how they will be kept to nonobjectionable levels per the requirements of the city code. Community deserves to know what will be done to ensure offsite impacts will be kept to nonobjectionable levels. Furthermore it is the city's responsibility to protect neighborhoods from the impacts that could negatively impact on livability and health. I urge you to vote on the appeal to support, yes on the appeal and to direct the bureau of development services to discharge its obligation to ensure that this commercial parking garage is offsite impacts will not exceed the limits explicitly delineated in the code. Additionally.

**Potter:** Your time is up.

**Strand:** Sorry. Thank you.

**Rachel Cody:** Good evening. My name is Rachel Cody. I'm battling laryngitis. I live on Northwest Overton. And I love this neighborhood and my three young children are thriving there. And they're the primary consideration that I have in look at this parking structure. First is the impact on the character of the neighborhood. The charm and the uniqueness of this neighborhood derive from its eclectic mix of merchants, national chains and local independents, its combination of retail and residential and its walkability. The proposed parking structure as is is unsafe and it's totally out of synch and scale with the surrounding community. Governor grade parking structures as this within is are relics more suited to suburban mall than urban core let alone a historic district. The second is leveraging existing public investment. We have already invested, we, the public, with our taxpayer dollars, large amounts in public parking lots downtown and the public transportation to bring people from those lots to Northwest 23rd. So structures like this one would not deteriorate the character of the neighborhood. I think it's a slap in the face to the public support both in terms of dollars and ridership and to Portland's long standing preference for public transportation to put this parking structure on Irving. Third, study the alternatives. I can't quote you the exact numbers but if someone were to study it I would hazard they would find hundreds of existing surface parking within a short distance of the proposed site. There's the pay lot to the south

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up the top of my head. Legacy, conway, montgomery park. It warrants further standard. I urge you to think outside the box, the parking structure box, and support the appeal. Portland is known for innovative planning and problem solving and for listening to the community voices. The proposed parking structure represents none of this. And it's a step backwards. In fact, if you tried I don't think you could pick a worse location or design in terms of negative impact on the community than the one proposed. It will have real problems and dangerous for the neighborhoods and the city as a whole. It manages to be an awful throw back and precedent which the city council will be hard pressed to rescind in the future. Thank you.

**Elliott Trommald:** I'm Elliott Tremmald. I live on northwest Irving Street, a recent arrival. I have heard a lot of technical talk here tonight and I would like to inject a human note on behalf of a lot of confused but enthusiastic people who come to Portland recently. On a whim I bought into the northwest district. Trees, grass, homes, sense of history, easy shopping and good public transportation. Yet in the middle of a thriving city, that's an irresistible combination. Shortly after I arrived here, I met you, Mayor Potter at a meeting down at McMenamin's Tavern and I had over 30-minute conversation with you about your plans. You were running for mayor at that point and I was impressed by those. I got a lot of heat for monopolizing your time but you tried to explain to meet wonders and confusion of Portland and city government. I don't know that I fully understood it but I see you have done quite a job since you have gotten in there. But you also spoke of the unique position of neighborhoods, vital neighborhoods, and how they define the character of the city. I liked your views. And I say tonight that neighborhoods generally I speak for and mine specifically I really am speaking for. Parking predates my arrival but the issue is at 9 center of a debate about how my neighborhood will design itself in the future. And I see a weakening of neighborhood control which given our conversation is something I don't think you want to see happen. I have also talked to a number of people all of whom wanted parking, almost all express reservations about turning residential property to commercial use. No resident I know was for it. And this is a city that I think needs to preserve that. And I suspect that you also agree with me that the northwest historic district much as I do, should remain as it is and a parking structure is simply off the place so I beg literally beg to you support this appeal and this instance a small part of history is being replaced by concrete and steel. It's lost forever. Please don't let this parking structure become the definition or the design of the future.

**Potter:** Thank you, folks.

\*\*\*\*\*: Next we have Larry Owe Gill Tree, Brian Bramlett and Jake Aon.

**Potter:** Call the names again.

**Moore:** Larry, Brian Bramlett and Jake Aon. Ayon. Come on up. How about pedestrian Pete.

**Potter:** Call the next.

**Moore:** Rick Young. Then we will have Marcia Freed, Bill Alers and Chris Smith.

**Potter:** Thanks for being here, folks. When you speak, please state your name for the record and you each have two minutes.

**Brian Bramlett:** I'm Brian Bramlett. From 2130 N.W. Everett. When I look back at the path that brought us here I see many issues riddled in bypassing established code and process and hard won plans. This kind of proposal enabled by spot zoning is fundamental contradiction to the intent of zoning and guidelines and local and comprehensive plans. In this case we have an on the other hand that allow as de facto rezoning of R-1 to CS the proposed. The ordinance removes some requirements that otherwise be in force and limits the ability to amend constraints. This is unprecedented. Even more significantly the proposal would remove existing affordable housing but does not replace this housing on this property or anywhere in the neighborhood. It removes housing for people, our neighborhoods and replaces it with temporary housing for cars. In addition this proposal would remove an existing commercial building, replacing the space for businesses and local jobs with support for cars most likely driven from places served, extensive investments in

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transit planning. This proposal is a solution not only in search of a problem but a problem of its own creation. Housing and commercial density actually decreases with this land use. The structure cannot reasonably be repurchased in the future and would require demolition. This extremely poor use of increasingly valuable space within the city comes with no compensatory conditions or requirements for identification or replacement resources. All of it stems directly from a document that could be viewed as incompetently written if it didn't so specifically attempt to write this particular garage design into code. As much as we have heard about the horrors of code that dictates design this is far worse. It's design written into code. It's bad practice, bad policy, and truly bad precedent. Even if the proposal is allowed by this ordinance that does not mean it must be nor that the even possible to implement within other constraints claiming it is an allowed use does not be a grow bait the responsibility of meeting all conditions and denied deny sees nor does it turn the issue into a negotiation resolvable between neighbors and developers on design details. It requires the stewards of this process to act with responsibility to which they have been hired, appointed or elected to serve. Thank you.

**Kevin Colt:** I'm Kevin. My friends call me pedestrian Pete. I agree with the man, I came, when I first came to Portland, Mayor Potter, you were running for office and I said cool guy but let me tell you why you came to Portland. My doctor told me I had the beginning of emphysema for having smoke forwards 31 years and I needed hip replacements so I decided to do something good for myself. I got on the internet and researched what city in America would be the kind of city that would give me a healthful lifestyle and I came up with Portland so thank you all for that because it's result of your hard work that I am here actually. When I first came here I went to Northwest 23rd and saw how beautiful that street is for that I want to thank you, Mr. Singer. It's a really nice street. Here's the thing. When all this came to pass we had no idea there might be -- there might be a streetcar going on Burnside. You know, we already have a streetcar on Lovejoy. We have a great neighborhood. It's really walkable. You guys know this. Enough walked through our neighborhood. My concern is this. Hoffman House is historic. It's important to Portland. But again it comes down to with me, pedestrian safety. I came here and I gave up my car to enjoy all the wonders of this town. We see this downtown all the time. People back up their cars when they are trying to get in and out of a parking structure. And that, pack is going to run around the corner and on to Irving. And it's going to be really bad news for all the pedestrians walking there. It's just going to be just so much traffic. So many cars. So much going on. Please don't do it. There's got to be some other way to get around this. Let me tell you. If I can give up smoking, if I can learn how to walk, and if I can take public transit believe me we are going to hear people coming after me saying they looking for park, they are looking for parking, they are looking for parking. Please get off the your car and walk. Thanks.

**Jake Ayon:** My name is Jake Ayon. The photograph I have brought is from Google Earth. I can say that the images taken at approximately 12 noon most likely on a weekend. Arrive at this conclusion because all of the weekday only business lots are empty. All the weekday only business lots are empty. You can see well if you get up close that the 21st and 23rd as well as all the residential side streets have cars park along the curbs. Dia quick visible parking spaces only survey of what I could see in the area that encompasses the Northwest Plan district. To the south you have two medical buildings, a Chinese restaurant a. Small business building, the paid parking lot behind Pizzicato. The M.I.C. Faculty parking lot and the bank. 216 visible stalls. 22 of them are occupied. 22 of 216. In the mid section, we of course have good sam 6789 visible stalls. 385 occupied 33. This does not take into account that three of these are existing multilevel parking structures and they have an estimated 500 additional stalls not visible. The northern district weekday business parking lots visible, 1,000-plus stalls. Occupied, 22. The Northwest Plan enacted in 2003 fundamentally limbs the usage of 95% of the area's mentions as the only the six original areas ear marked in the Northwest Plan may be converted to commercial parking and of those only two are allowed to be

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converted as is meaning as surface parking. M.I.c. And the current lot between heid and irving off 23rd. All the others by code require new parking structures, trader joe's, the block, flanders medical and, of course, the papa haydens in the two lots behind it. The overall effect of the entire section of code it creates a surface parking crisis not rectifies one. The commercial parking section as written is not one of them. It is written to circumvent underlying zoning. It creates false shortage by eliminating other possibilities and it is to the detriment of the residents of the neighborhood. Thank you.

**Potter:** Thank you.

**Moore:** Next we have rick young, marcia freed, and bill alers. How about chris smith. And they will be followed by david hopkins, rick -- I believe it's yoang and dan anderson.

**Potter:** Thanks for being here, folks. State your name when you speak and you each have two minutes.

**Chris Smith:** Good evening, mayor Potter and members of the city council. I am chris smith. And I am going to speak to the final appeal point. I have a letter which Karla has that goes through this.

About bringing traffic from outside the district on to local neighborhoods surface street and I am going to address that by talking about what's not happening as we're talking about this parking structure. What's not happening is the 2002 northwest parking plan developed by a group of citizens over 18 months, citizens from both sides of the aisle here tonight. Which unfortunately went by the wayside when we started adding parking structures to this plan. This called for a combination of metered parking, a residential permit system, and the transportation managed association to help reduce auto demand and parking demand in the neighborhood. In the four years since the parking structure plan was approved a lot has changed and I would like to spend a minute to review that. In 2003, 23rd avenue was suffering from the bottom of a recession. Since that time the recession has ended. 23rd avenue is vibrant again. There are lots of new businesses. There's a new retail building that houses a williamson know ma home store and Pottery barn, bed and bath store which was built and occupied with no new parking added to the neighborhood. Apple computer was prepared to locate a store in the neighborhood without any additional parking. Commissioner Adams knows that the city has become acquainted with the writings of donald shupe, the high cost of free parking and the fact the plan that I referenced is very much in line with there shupe's thinking and what commissioner Adams has proposed for business districts. We are fighting a war in iraq. This council has opposed over oil to fuel our cars. Global warming has gone from a nagging concern to a scientific fact and your task force includes among its recommendations prevent overexpansion of infrastructure that may not be a good investment with higher fuel prices. I would submit the last four years and what we have learned suggests this is the answer, not the parking structure you are reviewing tonight. Thank you.

**Rick Younge:** My name is rick younge. I am a neighbor on northwest 24th. I live 50 feet from the silver cloud inn and I am here to speak about the negative impact of having a parking structure close to residential. And I think that the impact of this structure would have on the immediate neighborhoods so the experiences that we've had are people coming home from dinner, having a little too much wine, and you know how that can go. Your voice sometimes gets louder than you think it is. The immediate neighbors will have that along with couple that is can quarrel that can raise the noise level and also we have had physical and verbal fights I have had to call police for and that's a in a relatively quiet section of town and the silver cloud does maintain staff there that sort of look after it. I am not sure if this parking structure will have anybody that would be able to alert the police if there's a problem and I don't think that these kinds of negative impacts are fair for the people that bought their homes on irving before the parking structure was proposed.

**Bill Ehlers:** Well, my name is bill alers. Good afternoon. Good evening. I live at 3060 n.w. Wilson. I have come as a cyclist and pedestrian to oppose any parking garages on particularly on irving. That's busy street. Any car traffic just adds to congestion, makes cycling unsafe. Makes

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pedestrian traffic unsafe. And it's just against all the planning commissions and the reasons I live in Portland to be a pedestrian friendly cycling friendly town. Thanks. Please approve the appeal.

**Moore:** We have david hopkins, dan anderson, I believe it is on 2144 n.w. Flanders, charles gris. What about sarah beech. Matt krueger. Next we have gizelle white, john hanlon and don gennasy after this em.

**Potter:** Thanks for being here, folks. State your name when you speak and you each have two minutes.

**Dan Anderson:** Good evening. My name is dan anderson, 2144 n.w. Flanders. I would like to talk to you about set backs between commercial and residential land uses. In Portland, unlike houston, we have a zoning code that controls development and when the code requires that a development occur or not occur in a particular manner, the code describes the purpose of the requirement set out in the code. In part these purpose statements are intended to guide decision-makers when the specific requirements of the code are modified via an adjustment or other process. And generally, adjustments are only allowed if the modification equally or better meets the purpose of the regulations being modified. Bear this in mind when we set out to look at some of the purposes for set back in the city's code relative lieu spacing between commercial and residential uses. They include the maintenance of lighted and air in and the potential for privacy. They include separation to provide for fire protection and access for firefighters and other matters. Since the city has adopted the above purposes and requiring set backs, it's historic design commission landmark commission erred badly when it waived the set back requirements for the garage in the plan district's regulation with, in its approvals with no evidence whatsoever that the waiver and modifications equally or better met the stated purposes of set backs and the code. As it does in other modifications of standards, it behooves the city to assure that development will meet these purposes, that the regulations are intended to address. That's not the case here. I would encourage you to vote to support the appeal, and to take further steps to ensure that the expressed purposes of the code relative to set backs are, in fact, met by this development. Thank you.

**Matt Krueger:** My name is matt krueger. I live at 1955 n.w. Raleigh, number three. Good evening. I want to talk to you briefly about actions of an incumbent city council which modify or reverse the decisions of predecessor councils. Briefly put, happens with some frequency. In fact, every time the zoning code is amended to change zoning to a particular part of our community the council adopting that is modifying or reverses the decision of a presidents says sorry council. To go a step further some of the qualities we celebrate most willing in Portland is the council which had the vision to recognize an error in judgment and reverse a prior council of decision to general betterment of the community. More than 20 years ago, the predecessor council was able to recognize the follow knee of the mount hood freeway. One of the real sources of development pride in our city and in our region. The ability to change our mind and to learn from new experience and doing so avoid repeating mistakes of the past is a singular virtue. Revisit the decisions which led us here this evening. Please vote to support the appeal and this community's best traditions. Thank you.

**Charlie Grist:** Mayor Potter, commissioners, my name is charlie grist. I live on northwest overton street and I will be really brief. I don't think there is a showing of conformance with the city transportation system plan nor metro's 2040 transportation plan. And I think you need some sort of a finding in that regard. Plus i've got to say that it seems really silly to me in any transportation plan to put parking garage with that much vehicle entrance and egress, the most busy pedestrian street corner in the district. This is just going to make a lot of tangled-up traffic between cars and people on that corner. It just doesn't seem to me to be very prudent part of any logically not out transportation and parking plan for anyone. Chief meteorologist I skipped bud clark and vera katz. [laughter]

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**Grist:** Vera isn't here in person but we have a cd of her voice so if she would follow me and it's set for three minutes so I would like it to be three minutes if it will be all right for the former mayor -- not me. I have cut mine back to two minutes.

**Potter:** Who else is here to testify?

**Moore:** Was david hopkins here? You are going to pass. Thank you. Let's go with gizelle white. John hanlon. Holland. H-a-l-l-i-n? Gizelle or john. Then don. Susan haywood.

**Bud Clark:** My name is bud clark. A good evening, mayor and council members, I live at 2522 n.w. Northrup. The 1997 district plan drew lines of demarcation which defined where housing will be and commercial will be. The northwest plan saved housing and provided the foundation for the commercial prosperity you see on 21st and 23rd today. The house of five apartments of low cost apartments will be attorney down crosses the line on to sacred ground. If you cross that demarcation line and tear down housing you build housing not a garage. That's been defend by every city council since the plan was adopted in 1977, except the council just before this council. There are two parking facilities on this block both grandfathered in by the 1977 northwest plan. The parking lot behind the sing are building is an entry only and does not pose threat to pedestrians an exited does but it is set back from the property line two feet six inches. Up the street, fruit and flower daycare has a one oar story parking garage. Its entry exit is set back six feet two inches from the property line. This gives an exiting driver the visibility to see pedestrians on the sidewalk who are approach be exited without the front of their automobile crossing the sidewalk. Does not this example with a set back of 6'2" set a press dents for this block? I want hope so. Why is this proposed garage to be built right up to the property line with zero set back? A driver exiting from this proposed garage will not be able to see approaching pedestrians until the automobile's front end is all the way across the sidewalk and exiting driver will not be able to see a child running down the sidewalk until its too late and the child is struck. Please consider the safety of children, pedestrians, in our neighborhood and have the design of this building follow the set back standards of other buildings in this block. I support the appeal. Vote yes. Thank you.

**John Hallin:** Hell mow. My is name is jack. I live at 2174 n.w. Davis. I wasn't prepared to speak but here I am. I just would like to state my opposition to the parking structure. Northwest 23 ready is a vibrant pedestrian street. It's been designed that way. I see it really out of character to be putting a parking garage there. And losing the vibrant store front that's supposed to be there. And instead of inducing car demand into this parking garage, I would suggest to you try to reinforce the alternatives that is make it a better pedestrian environment instead of a worse one. Create better bicycling opportunities throughout the district and increase the transit to make more people want to take transit there.

\*\*\*\*\*: How do we do vera?

**Susan Haywood:** You called me but I was upstairs. How do you do. I'm susan haywood. I live the 2146 n.w. Everett. I am a pedestrian in this area. And I want to say that there we are addressing a lot of safety issues here. It's already a difficult area for pedestrians when come to a street corner or any passage way where cars are coming through. The other, also air quality is a big issue in this area. You can smell the quality of air not being great in the northwest. Often smell the benzene. And in parking structures I think there's an inherent danger in the parking structures often draw people that are vagrants, rapes and robberies occur there so there are three safety issues that I am worried about and with this parking structure. As well as the social and esthetic aspects. The house will be torn down is a historic house. This is a historic district. I know of a private individual wanted to change a historic house in this area, there are lots of rules and regulations and not much leeway. So to be tearing down a really nice house and putting up a parking structure seems totally wrong. The set back also no landscaping, no visibility, and then the social aspects of housing. There are limited housing, there's limited public housing available in the area. There are a lot of nice homes and some of them are divided and there are apartments but there aren't a lot

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available and they are being condominiumized. Finally public transport is already good in this area.

So I don't think that we should be bringing cars in here. Thank you.

**Potter:** Thank you.

**Clark:** Mr. Mayor, I would like to ask permission for the cd of mayor katz's remarks to be played if I could.

**Potter:** Any objection?

**Adams:** No.

\*\*\*\*\*: Thank you.

\*\*\*\*\*: Thank you very much.

**Adams:** I know her voice is louder than that. [laughter]

**Leonard:** So do i.

**Leonard:** We will wait as long as it takes.

**Potter:** Commissioner Leonard may have exaggerated that point of waiting as long as it takes.

**Moore:** Just a second.

**Leonard:** Not be pleasant if we didn't hear her. Is there is a way to work on it while we listen to other folks?

**Moore:** Yeah.

**Saltzman:** If she is watching she can just call in.

**Adams:** I want to note for the report this is as quiet as it's ever been in a room full of northwest neighborhood advocates in my life.

**Moore:** I don't know what's wrong. I says it's playing but there's no sound.

\*\*\*\*\*: Get another computer that might play it.

**Potter:** While you are setting that up we will call up some more folks to testify.

**Moore:** Next we have norwood chapman, professor sam oakland and spencer burton. Norwood chapman, professor oakland.

**Potter:** Call the next two names.

**Moore:** And spencer burton. Looks like he's upstairs.

**Potter:** Where's the third party?

**Moore:** That's all who signed up.

**Saltzman:** Why don't you go ahead.

**Sam Oakland:** May I speak, mr. Mayor. I'm sam oakland. I have a lit 3446 n.w. Thurman in Portland, Oregon. I discovered Portland in 1964 and came here in 1966 to live and to die. And I will die in this place. If not somewhere else in the world. I grew up in detroit, michigan. 2 million people, an exciting visible place with trolley cars everywhere. Detroit edison was a very nice company. It will give you light bulbs if yours burned out. If one of your fixtures burned out on electric from detroit edison, it would fix your machine or whatever for the cost of the part. No service charge. Then just before the korean war they started building freeways all over detroit and parking structures. They put in the john lodge, walter chrysler and the he had sell freeways, destroyed the neighborhoods, put clover leafs everywhere and parking structures and detroit went from 2 million people to 500,000 people and a destroyed city. The automobile destroyed detroit with the help of parking structures and all that go with parking structures. I ask you not to put a parking structure in my historic neighborhood. I don't want to die here knowing one was built in my neighborhood. Thank you.

**Joe Meyer:** Good evening. My name is joe meyer. I am coming from 1915 s.e. Alder. Good evening. I am happy to be here tonight. I love living in Portland. I love when I get to come up here and talk to you guys. It's not so easy in some cities. I wanted you to support the appeal. Vote yes. I think this kind of microzoning is basically stealing. If my neighborhood stolen I will come across the river and say so. People bought into that neighborhood with certain zoning just as what they can do to their homes and they must be protected on what their neighbors do on theirs. If I

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stand by and allow my neighborhood to be stolen from, perhaps I will be tomorrow or maybe it was last monday. I ask you to vote yes. Don't let this structure be built. Reform b.d.c. And let obvious happy lives here in beautiful Portland. Thank you.

**Spencer Burton:** Gentlemen, I am spencer burton. I have lived off and on in the northwest neighborhood since 1987 between my junior and senior years at the university of Oregon. I have seen a lot of changes. I know sam has seen a lot of changes I would like to speak out against having up to a half dozen garages built in our neighborhood. It's not a good neighbor. I think we have already have enough traffic. I think we have already got more than enough retail space. I think it's already built out. I think if we start to add more parking, I think it's not for us in the neighborhood. I think it's for people to come outside of the neighborhood. I would like you to consider us that lived there. We had one fatality this year in that neighborhood and it's because of the traffic on 23rd street. If you go across 23rd street, you got to hurry across because there's a lot of traffic. And I just don't think that it adds to the livability of our neighborhood and I think that should be considered first. That's what I would like to say. Thank you.

**Potter:** Thank you, folks. Do we have mayor katz on there?

**Vera Katz (audio recording):** The neighborhood has survived -- when we started this I told you all that this is a neighborhood that I live in. And I have lived in the neighborhood since 1964. The neighborhood has survived many challenges and fought so hard to preserve the best parts of what's so unique about it. It is the densest neighborhood in this community. There are no nimby's in northwest Portland. It's a prosperous community in terms of housing and housing starts as well as businesses. And it has become a destination retail. Area planning is supposed to maintain quality of life. I think the traffic impacts that the council supported will have a negative, negative quality of life and hurt the transportation efforts that this council wants to maintain. Even though there was support on this council, unanimous support for commercial lots to be converted into parking garages, you supported the construction of parking structures on a residentially zoned land. And a house will come down. We have granted zero set backs, taller parking structures adjacent to residential areas. Even going so far as removing the ability of design review to consider the impacts of the neighborhoods. No other neighborhood in the city of Portland has to be subjected or has ever been subjected to these kinds of low standards. I hope that we all realize that the message this sends to other neighborhoods is that they all are in peril. I have to smile when I hear people saying, we need garages to reduce traffic. That is not the Portland way. We've invested millions and millions of dollars to keep the cars out of neighborhoods, to keep people out of the cars and give them choices. We invested \$40 million on the streetcar. Right in the heart of northwest. And the best bus system in the city. And yet we argue here on the council and many of you have argued that that's not enough. We need to get the traffic off and the only way we can do that is by building garages. That's absolutely insane and quite frankly it is not the Portland way. [applause]

**Potter:** Excuse me, folks. Hey. We don't clap. You want to show support please wave your hand like that. Thank you. We will now hear from the principal opponent. Please come forward.

**Potter:** Folks, would you not block the city attorney, please. Thank you. .you folks ready?

**\*\*\*\*\*:** Yes, we are.

**Potter:** State your name when you speak and you have a total of 15 minutes.

**Jeff Stuhr:** Thank you, mayor. Thank you, commissioner. I'm jeff stuhr with host architecture 110 s.e. Eighth avenue. I am representing the singer properties as lead designer. And together with at the table with me here is tim ramis with ramis corrigan and crew, our lead counsel. I would like to very quickly recognize the efforts and work of the landmarks commission design review staff, staff bureaus of planning and transportation. Also at this moment, to also recognize a considerable efforts of the nob hill district association. Participate are participation of all these people have led to what I believe is very successful project and has helped us meet all the planning goals and district design guidelines for the northwest district and alphabet historic district. About

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the neighborhood association, I want to commend them on their efforts. They were with us all along. They, their voice as I think helped assure a top quality design. And that should not go unmentioned. I think the public process really was honored in this case. We listened to many of their suggestions and were able to incorporate many of those changes into our plans that staff acknowledged. Staff also did a very thorough job of outlining all the relevant zoning criteria for this project. They have done also an excellent job defining the specific design criteria for what you should base your deliberations tonight. Some people may continue to object to the propose the parking use by dismissing in this public forum the considerable attributes of our design. Many. Comments you heard tonight by previous testimony really kind of centered around public policy and the past discussions that went on in this very chamber. And I hope that you can distinguish behind -- between them and some of the design issues here. I also would like to say the record shows that many of the people that have opposed this project have publicly through media but also to me in private come up afterwards and complimented the design. And I appreciate those statements from the most people. We have worked hard to honor some of their wishes in this situation regarding terms and the appearance of this garage. I should remind that you this process started over five years ago, 2001 is when I first started working on the project. So it is a healing to get all this testimony into 15 minutes. I am going to try my best. You recall back in 2002, historic district was still in its infancy. And the ink had barely begun to dry on the final provisions of the newly adopted district plan. As a result of that plan, we have come up with a design that we are very proud of. And it was a challenge, of course. We have got a site that has very specific and expensive set of criteria tied to this site. And it's, in particular, it's a very tight and restrictive site. 10,000 square feet is unusually small I would say for parking garages in Portland. As a result of that, we obviously I think anybody would struggle with trying to get a parking structure parking design into this area. Also as a result of the tight set of rules that kind of govern structured parking design this has to do with ramping, the parking space dimensions we must live with and allowing generous enough aisles for free movement through the garage. The result is that we want to make sure that we have a functioning and viable garage at the end of this process. In spite of these challenges, though, I really do believe that we have a design in front of you that will be among the most handsome garages in Portland. And will be a precedent in the future for future small garages should they be designed. Let me quickly go over some of the ground design criteria that we went through. All our design complies with all the relevant zoning criteria. I want to make this clear. We have met all the criteria. These requirements are height, set back, maximum floor area, and allowed use is all ready part of the adopted code. We have not asked for any specific provisions to build this garage. These provisions are especially set forth in the city zoning ordinance that was adopted in 2003, I believe -- 2002 -- no, 2003, excuse me in chapter 33.33652 the northwest plan district. I also want to tell you that this design was -- was thoroughly debated and thoroughly vetted in front of the historic landmarks commission. There were four meetings we attended. We have gone over and over many of these provisions that were brought up today. Out of that came a five to one vote. I think that was significant. I also would like to point out that all the relevant zoning code provisions that are on the code that this council adopted have thoroughly been vetted at state level through lura, through the state court of appeals all the way up to the Oregon supreme court and have always come back and upheld the code that this council put into place. I also want to say that this design upholds the comprehensive plans urban design goals which specifically calls for addressing the scarcity of parking in northwest. And that plan also said made the statement that there was a shortage of 3,000 spaces. That modest garage is only adding 105 spaces to that district. I think it's a good first step. Let me very quickly go over some of the design of the garage and highlight some of the significant architectural responses. First of all, I wanted to review the pertinent desired characteristics and tradition statements from the northwest district plan. This sets up the framework for our design. Those characteristics call for buildings locate against sidewalks.

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And I am quoting directly from the plan. Large store front windows. Awnings, entrances at the sidewalk level. Cornices or ornaments pair sets. Masonry construction and buildings of one to four stories. You will see in front of you right here our plan and I think you have got it in your packets in front of you as well. We meet every one of those desired characteristics and traditions. Further more I also want to point out as was pointed out in the staff findings that the mass and scale and placement of this building is consistent with all the main street streetcar development plat are patterns. The massing of the building as well has further been reduced mostly by the offset and the idea of trying to create across this 100 foot frontage two separated buildings. Both those buildings and I will show you the red line that's at the top there are well below the established heights in this area and as you might recall council specifically low either the height for this site on the westerly half of the street -- of the facade there. That height is allows 30 feet right there. The front of our facade right there is 20 feet six inches. We have come in substantially lower in deference to theed a jay send neighborhood. This 50-foot frontage is a standard up and down northwest 23rd street. It fits in that same cadence of many of the historical buildings in that district. I also want to discuss the transition of this building into the historic neighborhood. You can see not only does it come down we have intentionally in a somewhat abstract way I will admit but we have met some of the desired -- the desired characteristics and tradition of the nob hill district by doing special brick patterning and allowing ornamental metal work to recall the historical victorian front porches in that area. This distinguishes the differences between the two garage. Therefore I believe that this building is in conformance with the requirements that council placed on this primarily around height and quality put into that. We also made a very strong commitment to use high quality materials on this building. It is an all masonry building. We have carried that masonry around all four sides of the building. Most buildings and zero lot line conditions like this will cheapen their materials as they go back on the sides and the rear of the building. Often that's just painted cmu block. We have carried that same brick all the way around the building. We have continued with our historical brick patterning as well in that situation. In this case, we have also method with all theed a jay send neighbors in this neighbor. Dick singer, the owner of this project, and also myself and had very, very thorough conversations with those neighbors. There was a question that was brought up about light rail this is conditioned on landscaping on the neighbors' yards. We were by no means conditioned on that in that case. What we've always said is that we are willing to work with the neighbors and put additional landscaping on their property should they want it. In this case, in most cases, my client has entered into agreements with the neighbors to add trellises, climbing vines, shrubs should they want them. We have also used other high quality materials including the precast concrete cornice when cheaper metal coping is used. High quality steel sash windows. Ornaments railing and fan brick awning. These are part of the district characteristics. Fine grain details, we have used patterned brick materials that are very reminiscent of our parking garages in the neighborhood. I know I am running out of time. Other common design elements, the steel sash windows. Really recall some of these other auto oriented buildings that have been in this neighborhood since 1905. There has benefit an auto presence and this will fit nicely in the other as well as the other historical buildings in that way. We have taken into consideration design for pedestrians and pedestrian scale. The cadence and rhythm of the solid brick peers across the front of that building recalls many of the buildings in the district. Northwest 23rd street in particular and the other streetcar main streets. Upper level windows are offered in this case. One, to deal with such offsite impact such as noise. We have full glazing in those openings. Brick latticework on this area also will help with ventilation of that garage. Our mechanical ventilation is completely in tuned inside the building. It's not outside on top of this building as well. Most importantly is public safety. Along the bottom ground floor you will notice that over 80% of this, of the store front is glazed. This is clear glass. Cars and pedestrians are going to have clear interaction back and forth and I have some additional -- sight lines here that I can show you. This is our situation right here. I

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kind of call it the rising sun diagram but as cars approach knows, this sidewalk right here, those are combination of planter strips and vision glass through that area that I think more than adequately solves the safety problem there. This is your standard condition in garages throughout most of downtown and the central city where usually there isn't this kind of side bay vision that comes through the garage because these center areas this is the denver street garage way by way downtown. This is common area and I think that our windows will help allow for that negotiation between pedestrian and that. We also want to point out there are other means to solve the safety issue and that is speed bumps at the actual garages as we exit. Signage inside. Audible signals. These are all things that will be worked out during the permit process. We are already talked and initiated the process with the bureau of transportation on this. That will all be facilitated. I am going to let tim kind of follow up here on some remarks about this as well. And I would certainly be open to any questions from you that you have about this garage. I would ask for your support on this project and would ask that you deny the appeal. Thank you.

**Tim Ramis:** Mr. Mayor, members of the council, tim ramis on behalf of the appellant. My address is 1727 n.w. Hoyt in Portland. I want to make three quick points. First ask you to harken back to the comments of the city attorney about the limitations of the hearing. The case is to be decided on the adopted criteria. Much of what you heard today is reargument of the policy questions that were debated originally when the northwest parking policy was taking place. Those arguments are no longer before you. And not part of the disputed. These are claims like parking is not needed anymore, the use is inherently inappropriate. Rental housing will be lost. Historic structures will be lost. Comp plan policies prohibited the use, set backs should be changed, all of those are beyond the scope of this hearing because they were decided earlier. The city successfully defended those positions and now the issue is simply compliance with the design criteria. Second, the second floor window requirement, we join with the staff. We think they have taken the right approach in suggesting modification to that requirement. It is something that design landmarks commission looked at carefully and felt that that was the best design. Staff has presented to you an argument which I think is the correct one that the design is superior. I want to respond to mr. Bradley's claim that the window modification standard is not met. I know that was a well intended comment but that misses the mark because he cites the ground floor window requirement and we are asking for a modification to the second floor windows on main street requirement which is modifiable. And therefore I ask you to adopt the findings as suggested by your staff. Finally, a third matter, and this is the question of whether set backs should be increased. The set backs were determined as mayor katz said legislatively. She is correct in her statement there. They are set at zero and they are not part of your discretion today to change. That was a legislative decision that's now final and been appealed and upheld on appeal.

**Potter:** Questions. I have a question. That has to do with some of the discussion I heard about vehicle, daily vehicle trips in the area, the schools, day center. Obviously, parking lots don't exist in vacuums. How do -- did you folks look at that? And see how to mitigate the impact of both the vehicles as well as the issue about the high pedestrian usage of that area?

**Ramis:** Let me begin on that and then we will turn to the design. The baseline for that discussion was the study by the pdot originally during the legislative process. The issue was raised and examined in some detail and pdot has done, mr. Birchfield as done a study of traffic impact in the area and concluded that even if you assume an additional 121 spaces west of new spaces west of 23rd, which exceeds anything being proposed, that there's not a significant impact on the traffic system, no lowering of the level of service and only a .7 of a second additional delay at the critical intersection of glisan and 23rd. So the traffic analysis was done early. Since that time, we've had kittle son look at the access in detail as to the landmark commission. Landmarks commission required that 80% of the front of that building be glass so that you could see through it and that's what these illustrations show. And jeff can show them to you. Second, kittleson examined it and

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their expert opinion was it would function safely with minimal impact on pedestrians. That's in your packet.

**Sten:** One question, mr. Mayor.

**Potter:** Please.

**Sten:** Tim, I don't think I quite heard you right but I might have heard your arguments that you said there's no grounds this council could object to this design because it was legislatively written in.

**Ramis:** I said that's true with respect to the set back. There was a suggestion --

**Sten:** Which would be the areas you consider discretionary?

**Ramis:** They are the design criteria. Those are the tests that were used by the land marks commission. Now, those are certainly the applicable criteria, the ones you have to make a judgments on. Our view is that in order to deny the application, you have to identify some specific feature of the design and relate it to the specific language of the criteria and explain to us why we don't measure up. Because as an applicant we have the right to know exactly what would need to be changed in order to meet the criteria.

**Sten:** Well, that's a secondary argument to what I was asking. I guess, are you aware of any other place where the council has legislated set backs and in a specific split zone site?

**Ramis:** The council adopted policy is that in a submitted zone site like this, the provisions of the cs zone apply. That's long standing policy. So a zero set back applies on the front and that's the first example, I think. That's not unusual and it's what you've done for years.

**Sten:** Can you give me some other sites where that's happened then?

**Ramis:** It's the policy in this zone. And with respect to --

**Sten:** Is that the policy city wide or is that in the northwest plan?

**Ramis:** It applies to all.

**Stuhr:** No. It's specific to the northwest district plan. And, erik --

**Sten:** You were not correct on this last statement that this is a city wide standard of operating?

**Ramis:** It's historically the way it's operated in the northwest. It's not simply a product of --

**Sten:** You are statement I can't say this is how we do this city wide.

**Stuhr:** I think eric the confusion was there, sorry to interrupt --

**Sten:** I'm not confused.

**Stuhr:** On the cs zone, the base on cs zone I think tim is answering in that case. Zero set back. That's city wide for all cs zone lots. This side yard and rear yard set back was adopted by this council in this situation when policy was specifically discussed with these parking sites. And on this site you will see the tradeoff was, is that the policy limited height in this area, because the only way to build a parking garage was you needed that 100 please feet to make a parking garage viable.

**Sten:** I was actually on the legislative body at the time so I know the intent pretty well. I think the legislative intent, to be blunt, was to allow a park garage on this site. And so I guess what I am looking at both the decision to say the cs prevails and that's the piece, and that the zero set back is a legislative decision was designed specifically to allow this garage to be built because if you followed city wood standards which I think you incorrectly in all fairness misrepresented you couldn't believe this parking garage on this site so the question, the council legislated the ability to put a parking garage where frankly you couldn't just about anywhere else based on basic city norms. The question now in front of us and in front of me as somebody who objected to that decision is whether or not this meets the design criteria because I agree with you completely now, this parking garage is allowed. And so I am trying to get in your opinion what would be the fair design standards to view this on. But I don't think it's fair to represent or imply that this is a standard type of garage site that general city policy would allow a garage to be built.

**Ramis:** No. It's in the my argument. My argument is the council made a specific policy decision which was that the city would avoid megasites in this area and instead use small ones. In order to

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make small ones work, they had to be tiny and they were on tiny sites and they had to use the entirety of the foot print of the site. It was therefore necessary in order to make them work to modify the set backs. That was the policy.

**Sten:** When you say them are any of the other six sites --

**Ramis:** Three of the six sites the council found that to be the case. They remember the small it is sites.

**Sten:** And they had specifically had the same criteria? This one I don't remember.

**Ramis:** They all three of them reduced the set back to zero and contained in the statement in the text that the minimums may not be increased.

**Potter:** I thought that was on the side and back.

**Ramis:** It is with respect to the side and back. That's in the plan district. It was not necessary to include that language with respect to the front set back because that's controlled by the cs zone which is zero.

**Sten:** Question. I'm done. Thank you very much.

**Ramis:** I think there will be some other testimonies in parts of the city that do have these modifications, not city wide but specific areas of the city.

**Adams:** Did your transportation analysis include a study of pedestrians traffic?

**Ramis:** I don't believe there was a count. And, of course, I think the main point with respect to that is it's not a requirement.

**Adams:** That's all I wanted to know.

**Ramis:** I wanted the record to be clear that it's not a requirement of design review that we do a transportation analysis at all.

**Adams:** I understand. But you did reference a transportation analysis. Whether it included pedestrian counts. Thanks. And is Kurt Krueger here?

**Stuhr:** He's hiding behind our drawings, yes.

**Adams:** If I could clarify one point. Did your analysis of this or your section within pdot include an analysis of pedestrian counts?

**Kurt Krueger:** No.

**Adams:** Thank you.

**Leonard:** So I was following the line of questioning until this point. So I wanted to understand. Is pedestrian counts part of the information that would related to the criteria for which we can make a judgment?

**Krueger:** Not in the approval criteria that we were review you can the design review, no.

**Leonard:** So maybe I can ask any of you to answer, what relationship would, having or not having pedestrian counts have with what we are charged with doing here tonight? Or commissioner Adams?

**Adams:** And then I can answer.

**Leonard:** Or if you want to just answer that that would help me understand.

**Ramis:** To answer the question from our perspective, the analysis of transportation issues be they pedestrian counts or auto counts, none of that is required or historically has been required in design review or historic design review cases in the city.

**Leonard:** So I am interested in commissioner Adams' --

**Adams:** Pedestrian safety, location, design issues, in my opinion, are criteria under which we have judgment.

**Stuhr:** Sam, that is part of the design review as well. At least in the design sense. And that's why those discussions at landmark centered around the openness of the ground floor, issues such as the parking that we have put in the building frontage zone as well. It's two feet deep. So that keeps the pedestrian away from the building line here.

**Adams:** I got your presentation. I think I understand.

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**Stuhr:** So that was discussed throughout the process.

**Leonard:** So i'm hearing --

**Adams:** My understanding that pedestrian safety as it relates to the design of the proposal is an allowed or is a topic for discussion at the various stages of this process including here.

**Leonard:** I am not arguing one side or the other. I am trying to understand what the interpretation maybe of the city attorney is on this point. She can help me on this specific -- because I am actually hearing two different things right now and I would like to just understand from your perspective what the weight, if any, is given to a pedestrian count in the decision of our making.

**Beaumont:** There's nothing in the approval criteria or application requirements for design review that require this is party to submit a traffic study or pedestrian counts. Issues relating to dealing with the building's relationship to the pedestrian network are part of the design criteria. There's one design criterion called pedestrian network that says create an efficient, pleasant network for pedestrians. There's another criterion d4 that talks about locate parking that minimizes negative impacts on the community and its pedestrians. So pedestrian safety itself did can be relevant, too the design criteria.

**Ramis:** We argue it's certainly relevant to consider pedestrian traffic. It's not a requirement of the submission. That's why we have introduced some expert opinion on the subject.

**Leonard:** Ok.

**Adams:** It's -- last four words?

**Ramis:** We introduced expert opinion on the subject of safety.

**Adams:** Last eight words.

**Ramis:** That it is not a requirement but it is relevant.

**Adams:** Got it. I agree with you.

**Saltzman:** I guess I would be curious to get some feedback maybe from kurt, certainly the opponent and I know the appellants will be coming up later. But I saw somebody in written testimony or maybe several people mailed the point in support of the garage that the danger of having people sort of circulating around northwest Portland blocks looking for a parking space is, you know, in fact, a hazard to pedestrians. I know that from my search of park space. You are looking a block down the street. You are looking for some bright lights to go on and your peripheral vision is frankly not that well tuned. I wonder is there any way of quantifying that from a pedestrian safety point of view or just intuitively my mind anyway an interesting and good argument?

**Krueger:** Commissioner Saltzman, good question. We don't have any specific data that state the obvious as well. Any time you have a vehicle crossing pedestrian crosswalk you are going to create a conflict and there is certainly amount of safety in jeopardy at that location. We don't have any that specifically says having parking garage is going to reduce those vehicles intuitively, yes. Parking in a garage versus driving around a neighborhood looking for a particular place to park, there would be reduction in the pedestrian conflicts at the street intersections.

**Potter:** How come there seems to be such a disconnect between the issue of pedestrian and vehicular traffic in an area where that's not even a consideration?

**Adams:** I would like an answer to that. Because there is a tradition, and I think an accurate tradition in traffic engineering in this nation where when you do a transportation study it does not, by tradition, include a study of pedestrians or even bicycle usage in the right of way. And I think that is faulty and does not capture a complete picture of right of way safety issues. But please answer from your point.

**Krueger:** Well said, commissioner Adams. I couldn't agree more. We ought to have better ways of measuring pedestrian and bicycle congestion and safety. There are a number of jurisdictions that are working on this throughout the country. Pdot is working with consultants right now to find better ways to measure this. Unfortunately, we don't have intersection was signals to measure

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pedestrians like you do with vehicles. So putting engineering numbers on pedestrians is a much more difficult task and I wish we had something that was a little better.

**Stuhr:** Sam, lacking those numbers, though, I want to underscore that we took every effort into consideration in this area to deal with that pedestrian safety issue. And we are willing to do more based on the recommendations that kittleson made in their memo. And this has been discussed with the neighborhood as well. There was some concerns whether they wanted an audible signal or not wanting one. That kind of came up with favoring not having one but this is still something that can be handled in the permitting process when we endeavor to take that next step.

**Potter:** Further questions? Thank you, folks.

**Ramis:** Mr. Mayor, I would like the record to reflect that we have asked to be included in the record that kittleson technical memo of february 15, the supplemental findings for modification, both of which I think the city attorney have, a copy of my testimony, and the traffic analysis from pdot dated june 9, 2003. I will make sure the city attorney has all of those.

**Adams:** Now we have it in front of us.

**Potter:** How many folks have signed up?

**Moore:** 25.

**Potter:** 25.

**Potter:** With the last grouping, testimony will be restricted to two minutes each. Please call up the first three people.

**Moore:** Our first three are rob friedman, walt mcmonies and deborah haines. They will be follow by mike lindberg, erin and thane tienson.

**Potter:** Thanks for being here, folks. When you speak, state your name for the record. You each have two minutes.

**Rob Friedman:** My name is rob friedman. I live on thurman street and have for the last 17 years. I own a small business on 23rd and irving called urbino. I have seen a lot of changes on 23rd. I love my neighborhood. I love all of it. I love the commercial. I love the design of all the old homes. I treasure it all. I have spent a lot of time looking at this proposed garage, parking structure. I think it's well designed. I think it fits in the mode of the neighborhood. I think that the scale of it works well. I think we need parking. I think that my customers always looking for parking spaces. I am always looking for parking spaces. I think this will help go a long way towards solving some of our issues right down on the street where I am concerned. So that's my two cents. I know. I wanted to go fast.

**Deborah Haynes:** Ok. Hi. I'm deborah haynes. I'm born and bred Oregonian. Just wanted to say that. And I own blush beauty bar up on the corner of 23rd and glisan. And you, dan, pink letter, that was me. So I just want to give a spin on pedestrian safety because that is a big concern of mine. Not only am I a pedestrian, you know, out there walking so are customers, people that work, live and play thin neighborhood and I wanted to give you a snapshot of a typical day in this area because I am up there every day. The snapshot is, you know, people playing, walking around, many people with little dogs, children, big dogs, a little bit of everybody down there and cars trying to find a place to park. The parking lots are full. I can testify for that because I am not even able to park in them myself as well. And people are driving around and around and around for at least 15 minutes if not longer at this point. And unfortunately, when people are driving around and around and around, looking for a parking spot, they are not necessarily looking at the people walking in front of them. And this is something that I see on a regular basis, unfortunately. I wish that they would pay a little more attention. Unfortunately, it's not just people that are shopping in the neighborhood, though. It is people that live in the neighborhood as well that have cars and are looking for a place to park. So I believe mayor katz has said in her presentation, you know, that this is a destination area. And being that people are coming there to work to play and live and I am

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obviously for the garage because I think the cars are there. So let's park it. And get people out there and make it safer for everybody. Including me. Thank you.

**Walt McMonies:** Hi. I'm walt mcmonies. My residence is in hillsdale in Portland but my business address is 601 s.w. Second avenue. And I am here as a apartment owner and a historic preservation person. I own three historic apartment -- three historic buildings in northwest Portland, one of which is a garage and two of which are apartment buildings and I have also been involved in eight historic renovations of other apartment buildings. From the point of view of an apartment owner I have about 89 units in this particular part of northwest, in the outer northwest I have another 55 units on thurman. And my tenants need secure covered offstreet parking. Fortunately we were able in 1995 to purchase the fred meyer photo lab on northwest 20th and we renovated that. It's a historic structure built in 1910. We renovated and it now provides 33 accessory parking places which we built which was a todd. You guys helped subsidize our building. And I want to debunk the notion that garages are some strange alien structure that doesn't occur in a historic district like northwest Portland. And for this purpose I brought a little slide show which I think appears on computers before you. I am reasonably incompetent at power point but let me try. These are garages. I have eight garages here that were originally built as garages between 1910 and 1930. And of these eight -- there we go. Ok. Of these eight, my rose city electric garage is now back and functioning as a garage. The other one other one is active auto body on northwest 20th. And it's on 18th and couch. It's functioning as an auto body shop. These have been lost as parking. You go through. These my rose city. Next one first one was on northwest 23rd across from fred meyer. It's now western culinary college. It was a garage. Next one is, my garage. Here's one on 21st and everett. It's no longer in garage use. Here's the windermere next to the movie theater on northwest 20th. It's no longer a garage. Packard service building on 23rd and westover was a garage. It is a kept to service packards and stored them there. Also william temple house.

**Potter:** Sir, your time is up.

**McMonies:** Lots of garage. They are very much historic and part of the fabric of northwest Portland. Thank you.

**Potter:** Thank you, folks.

**Moore:** We have mike lindberg, aaron babny and thane tienson. They will be followed by --  
\*\*\*\*\*: Full dramatic effect.

**Moore:** Peggy anderson and tom.

**Potter:** Thanks for being here. When you speak please state your name for the record. You each have two minutes.

**Mike Lindberg:** Mike lindberg, 4023 s.e. Ash. Mayor and members of the council, it's an honor for me to appear before you on an issue that I have been involved in for at least four years. I support what I consider is a good design that was produced out of a lengthy process. The second longest that I have seen in the past 27 years. It has involved five city council hearings, two planning commission here's, two. Luba appeals, a supreme court decision, and four landmarks commission hearings. And up until this hearing all of those bodies have approved the need for more parking and a garage. Landmarks commission did an excellent job in determining that this garage met the criteria. Extraordinary efforts were made to have it be compatible in terms of size, scale, height, use of bricks, and the detailed exterior. In terms of traffic and pedestrian safety it's my understanding that the landmarks commission level that p-dot actually commented and a you proved this and it also I would say all the time that I have been working on this project, I probably have had 100 people that have asked me why and what I have talked, what I have been doing and I say i'm working on this all of them have described their numerous experiences in looking for a parking space and circling and circling until they found one which I think basically causes more pedestrian safety problems. If I were in your shoes I will be asking if the nob hill business

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association, mr. Singer, the apartment house owners and residents who want it have been flexible and I think they have made incredible compromises all along the way to try to satisfy the citizens of the area. I thank you for your time.

**Aaron Babhne:** Good evening, mr. Mayor, commissioners. My name is aaron. I live on northwest 29th avenue in the district. I know one of the developers and I also sat on the nwda board in 2005-2006 session. I do feel because of that I have a good understanding of the process that has taken place leading up to and including the landmark commission decision. While I have a great deal of respect for the people that I served with on the nwda board this is simply an issue where I differ in opinion. While I don't have a strong emotional opinion on either side of this, I am a firm believer in the process. And in my opinion, I believe that the developer has gone through the burden of fulfilling the process of developing this property in a way that has obviously come to be validated in my opinion by the landmark commission decision. So therefore would encourage the council to affirm the land mark commission decision.

**Thane Tienson:** Excuse me. Thane tienson. 2067 n.w. Irving. I am also a former member of the nwda board and also a member of the city's advisory parking. I have lived in my home for 19 years, a little over two blocks from where this garage will be located. I have seen a lot of changes in that period of time and frankly all things being equal, I would just soon not have the need for parking in the neighborhood and not have the need for something like this. But that hasn't been the case. About nine years ago much to the display of allene class I had to put in a parking strip in my little parking slot in front of my home because my car had been towed and I was circling the block 10 or 15 minutes. I was run over by a car or a van actually 21st and glisan about two years ago who told me he was distracted because he had seen a parking space available and I wanted to be sure to get to that. And i, too, am a lawyer therefore I believer in process. And I tell you luke at this design right next to me, a multi-- old turn of the search housing unit was attorney down and replaced by a square block devoid of any ornamentation. Very nice restaurant, nice business but it is a square block with no ornamentation whatsoever. There was never any effort made to demonstrate any kind of esthetic quality. This however in fairness to I think dick and the people who have really worked hard to make this building about as pleasing from an architectural estimate as possible, it deserves to be approved. Certainly the process that he's been through deserves it and there's unquestionably a need. I too am a little discerned about the pedestrian safety quality of this. I like the fact that they have got the glass in there. I was thinking about the radio cab building at 17th where you honk twice. They don't have the glass there. That might not be a bad idea. But for many of the reasons just voiced I urge your support of this project. Thank you.

**Potter:** Thanks, folks.

**Leonard:** Next we have peggy anderson, vic wolf and tom rainieri. They will be followed by deb, nancy and joanne pemberton.

**Potter:** Thanks for being here, folks. When you speak, please state your name for the record. You each have two minutes.

**Peggy Andersen:** I'm peggy anderson, president of the nob hill business association and I am here to let you know that the nob hill business association is in support of this design of the irving street garage. The design attributes reflect existing patterns throughout the alphabet district includes high quality brick all around. Ornate metal work, precast concrete and metal sash windows. These design elements are the same as many small commercial structures that you find throughout the neighborhood. And often next to residences. Pedestrian safety is a major priority four or association and I have been involved with nwda and the transportation department with pedestrian safety issues. In addition to the combined entrance and exit single curb cut makes it easy for pedestrians to look for cars. Cars leaving the garage can see out of many window, opening to watch for pedestrians. It's significant p dot the bureau charged with pedestrian safety strongly supports the design. In terms of general safety we are fortunate to have the police contact office on the

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northwest irving street located on a commercial building right across from the proposed garage. The existing guidelines and city policies shape this design garage design from the small size of structure both the footprint and height and to the zero foot set backs. The parking policy was created over years of public process involving the neighborhood association, the business association, neighborhood stakeholders, and reflects the compromises that were made to reduce height while allowing a viable parking garage. The design structure is more than 18 feet low are than parking policies height limits. Nob hill business association strongly encouraging the city council to affirm the landmarks commission decision to approve this design and as far as parking garages go thing this is a beautiful design. I look for parking garages and trash cans so this is a good design.

**Vic Wolf:** My name is vic wolf. My business address is 910 n.w. 23rd avenue. I have been on 23rd since 1979. And had a small business in a victorian on 23rd for 25 years. Northwest was a little rough around the edges back then, as you well know, and -- but it's been my home. Parking has always been key for myself and my clients. Over years I have had off street parking for myself that I have rented and it's all been taken away. I like every other business owner and staff hunt for a place to park in the neighborhood that is not time regulated. Parking garage would be a huge help. Centrally located and very practical for the neighborhood. I was excited when I saw the design. And now in complete support. It has a nice look, finished look. And it has low impact on the surrounding area. This is a great win-win for the neighborhood. And meets the great need. Please support the garage design and oppose the appeal.

**Tom Ranieri:** Good evening. My name is tom rainieri and I separate the cinema 21 at 616 n.w. 21st avenue. In less hand two months I will observe my 27th anniversary at cinema 21 during the hole time, we have been keeping track of the most often asked questions at the theater. The first figure on the overhead represents total number of times people have asked "what's playing?" as you can see it's just a short of 150,000 times. The second figure, slightly higher is the 258ly of times customers have asked "where do we park?" there it is, the question is haunted me for decades. And not just me. The obvious point here is that I am one of those people in northwest Portland that believes in neighborhood desperately needs solutions to parking shortages. Some real offstreet options. And now the 12 years they've been involved in the parking negotiations I think it's pretty accurate to say that practically nothing has been accomplished. This hearing is ostensibly concerned with the design issues of the proposed papa haydens parking facility. I like most people in this room have no expert on design matters. However, I will say by now I have a pretty good idea of what the neighborhood looks like. What fits in, the character and what doesn't. I have seen dozens of drawings of that building and as many variations which reflects the compromises that were made and in my opinion this is a handsome structure. It looks as good as many of the buildings in the neighborhood. It looks better than that. ... I am in. The one that's next door to me, the sip gypsy across the street or the three houses on hoyt street that have a few roofing shingles short of being condemned. I think that if this hearing really is about form and not function, I say rely on the opinions of the actual experts who have examined this project with colonoscopy thoroughness. Before I run out of time here, about I have been involved for 12 years in the parking wars and three months into the first set of meetings that we've had, an nwda member that is in this chamber tonight brought the meeting to a close with the warning that nob hill would not tolerate as he saw as foot dragging on and I am sorry, nwda would not tolerate foot dragging on nob's part. He needed action and he needed it soon and his actual words were very nearly as follows. A certain cynicism begins to accrue who the sole product of process is merely more process. So what has accrued in the last 12 years?

**Potter:** Your time is up.

\*\*\*\*\*: Sorry.

**Potter:** Thanks.

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**Moore:** Next we have debbie geoff forward, nancy, and joanne pembernton. They will be followed by fabiano, kevin cobb, and virgil.

**Potter:** Please state your name when you speak and you each have two minutes.

**Debbie Geffrad:** Debbie 333 n.w. Ninth avenue. I have lived in the northwest area all of my adult life and I now sell real estate in that area as well as other urban core areas throughout Portland. I couldn't agree moore with what commissioner Saltzman brought up about the fact the safety issue. People circling, circling, circling. I find that so much more distracting than going to a designated parking structure. That being said we are here to talk about the 69 tonight. Design of this parking structure gives me great confidence for one primary reason and that is because it is being constructed and proposed by a developer with the vision and that he has had for this neighborhood and he cares more about the design of any of his buildings than anyone else that I have ever run across in my life. And he's been involved in the whole team has been involved with many of the best design buildings and projects in the neighborhood. And redevelopments as well. It's clear that a lot of attention went into making sure this was a small scale structure. It has the windows, awnings and brick that I think of when I think of the nob hill style. The garage design reflects existing patterns throughout the alphabet district including high quality brick, which as someone he will pointed out a lot of people would forego in the effort to make it economically more feasible. They have put ornate metal work, precast concrete and metal sash windows and again, on the safety issue, a lot of glass which is better than any parking structure that I can think of. These design elements are the same as many small commercial structures found on the side streets throughout the neighborhood often next to residences. I can't think of a more thoughtful or sensitive design to fit into the charm of this neighborhood. And it's a beautiful structure to be implemented by a team with a fantastic track record. I strongly support the garage. Please uphold the landmarks commission decision to approve this design. Thank you very much.

**Nancy Lichtwardt:** I'm nancy and I live at 3114 n.e. 36th avenue. I am a stylist and I work in the advertising business. I spend tons of time on 23rd and I need what the neighborhood is all about. Small independent retailers where I can wardrobe and proponent for my business and restaurants for meetings and catering and I must be able to come and go and have parking easy and accessible. I also treasure the historic beauty of the neighborhood and understand how important and necessary it is to preserve this quality while living in the 21st century. This parking structure does it all. The design is impeccable. It's in sync with the neighborhood and its history. I would like to add that I travel all over the u.s. For my work and I am always on the hunt for areas like 23rd in order to proponent, wardrobe, eat, and experience the soul of a city. I cannot think of any historic neighborhood from venice, california, to baltimore, where I have seen parking design done as well or as respectful of the surrounding neighborhood and its history. I see no reason why the design couldn't come from the landmark commission decision to approve this design and by the way, I testified back in 2003, and can't understand why this is not been resolved. It's ridiculous. Build the garage as it's designed. And the neighborhood will function better with absolutely no esthetic compromise.

**Joanne Pembernton:** Hi. My name is joanne pembernton and I live in lake oswego, Oregon. I frequent the neighborhood for dining, shopping and other services but primarily to drop off for pick up my niece at fruit and flower child care center which is just up the street from the proposed garage at northwest 24th. Typically at the end of the day there is no park available at the center so I have to drive around the neighborhood and it sounds like everyone else is, too, in search of a place to park. I am not going to go into the circling that I was going to because I have heard it and I think everybody understands that. In my opinion, having a parking garage available would help cut down on the circling and improve pedestrian safety. For six years, I owned and operated a bed and breakfast in a historic home in a historic district just outside of birmingham, alabama. I am very sensitive to design and protective of historic resources. The garage is designed is attractive and fits

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into this historic district mulch like those that I have seen in other historic districts in other cities primarily throughout the south. And also used to serve as parking structures that were in this neighborhood. One was brought up earlier at northwest 21st and everett. In closing I am a second generation Portlander. And I have seen all of the changes that have taken place in northwest 23rd and I think it is a jewel in the crown for Portland. Thank you for this opportunity to speak.

**Moore:** Next we have fabiano, kevin cobb, and virgil oval. Don ballister. They will be followed by candace brewer-91 and michael gibson.

**Potter:** Thanks for being here. Please state your name had you speak and you each have two minutes.

**Virgil Oval:** My name is virgil oval, 610 s.w. Alder street. I have been working as a parking professional in Portland for 36 years. I am familiar with the northwest neighborhood parking issues and participated in the initial design charette for this garage. I am here to oppose the appeal for the northwest irving street garage. I believe the garage design to be very sense I have and attractive. You don't normally find this level of detail in small scale very often. The entree exit lanes of the garage seem to me to be safe with adequate sight lines for pedestrians. Many garages in Portland as many of us know have much more difficult sight lines with higher traffic and pedestrian volumes. The windows approved to this project greatly improve the views of the traffic movement for the pedestrians. I know that great efforts were made to mitigate any negative impacts and I believe as provided in the design to complements the surrounding area. In order to accomplish this, the set backs had to be zero to ensure both a small and viable parking structure. Small garages are much less intrusive and easily fitted into the fabric of the neighborhood. And I encourage you to deny the appeal. Thank you.

**Don Vallaster:** Don vallaster. I own property on the same block, 733 s.w. -- or n.w. 23rd avenue. I watched with some interest the travails and dick singer has gone through trying to get this project to bring it to fruition. Has process has seemed impeccable to me. He's gone through auto will steps and I would hope from that standpoint that he gets approval from the council. As an architect I think he's done a commendable job. The whole design team. Frankly I am somewhat surprised when I saw the design because it was not look like an average parking garage that one would find. There's nothing expendable about it. The materials are very g steps down into the neighborhood. It has, meets all the store front requirements. I think he's probably would be willing to put side windows on if that were deem desirable, but there are code issues and they can be overcome. I would hope that the council supports this. Thank you.

**Faviana Priola:** I am faviana. I live and work in the neighborhood. I live in the neighborhood for 37 years. And I have had a small business in Portland for 31. It is my 22nd year on northwest 23rd. And I have been working and hoping and praying for parking solutions to happen in my neighborhood since 1995. I am totally astonished that, in 2003, when I testified before you, not you, mayor Potter but mayor katz, I thought we were going somewhere. And I am astonished that it's 2007 and we are sitting here again. One of the parts of my 31 -- 31 years of being in business in this city, I owned an art gallery downtown for 51 years. I think that -- 21 years. That give me some credit for having the ability to see good design. I think the building meets all of the criteria that the committee was asked to meet. I think dick has impeccable taste and design is more important to him than anything else. I would like to ask you to support this. I hear the safety issues. And I think they're willing to address them and I would really like you to go forward and help us with having a solution to the neighborhood that is really, really necessary. We really need it. Thank you.

**Potter:** Thank you.

**Moore:** Next candace brewer-nunn, robin johnson and michael gibson. They will be followed by ted thomas, jeff reingold and duray thirdgill.

**Potter:** Thanks for being here. You each have two minutes.

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**Kandis Brewer-Nunn:** Thank you, kandis brewer-nunn. I am at 1121 s.w. Salmon street. I come before you today as participant in the citizens advisory committee process that's now gone on for some six or seven years as part of a 12-year process. And part of that I also sat through all of the landmarks commission hearings and I can attest that significant due diligence was done by all of your citizen volunteer leaders as well as the staff there to try to grapple with the issues that you have heard tonight. I won't go over a lot of the testimony. I was going to provide that other people have already mentioned this evening. But I can tell you I visited charleston, I know of other areas along mulberry street in boston, shady side in pittsburgh, all cities in america who have handled this issue who have sensitively sited garages in historic areas. Very notable historic areas. And I would say that the Portland way is in charleston can do it and pittsburgh can do it and boston can do it, Portland can certainly find a creative solution to this challenge and I think that is the Portland way is that we, after significant deliberations we do find creative solutions to significant challenges. I think the tough issue here is balancing opposing needs and interests. And I would say that not only means opposing needs and interests in the neighborhood but within the broader community. This is not a gated community. People in our community come and go throughout all of our neighborhoods. And it's important to be able to get them to their destinations safely and as quickly as possible. In closing I would like to urge you to approve the project as the design -- the landmarks commission has proposed to you. And to understand that significant compromises have happened all along the way and that's where we are this evening. Thank you very much for your time and attention.

**Robin Johnson:** My name is robin johnson. I live the 922 n.w. 11th. I would like you to think of the northwest district as a fabric with threads being the stakeholders, the residents, the business owners, the customers, the visitors, the employees. Carefully woven those threads create a strength in the material. You start picking at those threads, any of those stakeholders, anyone gets more bearing than the other, and you start to weaken the very fabric that creates that neighborhood. The northwest district shares this distinction with other historical districts in the u.s. Candace just mentioned a number of them. In addition to that there's summit hill in st. Paul, which just recently has gone through this exact situation, releasing a report into december of last year, and they are still addressing it. There's also mt. Washington in cincinnati, old pasadena. Each one of these communities have had to pass it is face this. The commonality amongst you will every one of them a garage or ramp is an integral part of the solution. It's not the sole solution. It creates community awareness. It causes the need for awareness. But it does piece together a part of the overall solution. I would encourage you to support the project. It's gone throughout process. As a believer in process they have gone through years and years of establishing, documenting and doing the due diligence required. The design meets the needs and in all of the cases I have been in -- i've been in shady side. I have been in the st. Paul area. And I have been in mt. Washington, I have been to every parking structure in each one of those neighborhoods. And in each case, this structure far exceeds the design elements. And each of those blended with their neighborhood so i.

> I encourage your support.

**Michael Gibbons:** Good evening, mr. Mayor, city council members. My name is michael gibbons. I own the building that houses papa hayden and I am a partner in the restaurant as well. So I think i'm fairly directly affected by this matter. And I urge your support to deny the appeal. We opened for business almost 24 years ago this coming august. And at that time, I leased 10 spaces in the lot behind the street from across the street from us. And that wasn't enough parking. It's full every day at 30 space lot by 12:00 and my restaurant is not full. I'm losing business. And thankfully I am still here in business. But frustratingly I still have the same problem. I don't have enough parking. I believe the design of the garage complies with the guidelines set out in the community design guidelines addendum and in the alpha bet district historic statement. Guideline number two states the design of new construction will be compatible with the historic qualities of

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the district as identified in the historic statement." through the garage's use of multipattern brick work, store front, street level window treatment, use of awning along with a number of other architectural details and finishes the garage is design clearly looks like it belongs to the districts. In fact, it could easily sit alongside the pictures of existing buildings used in the guidelines as an example of alphabet district design. As the historic context statement points out "avenues such as 21st and 23rd contain a mix of both multifamily housing and retail and service businesses producing a historic streetscape of a type no longer found in the city. The combination of such high population density and nearby commercial use appear to no other Portland neighborhood both then and now." the garage's commercial use not only fits in its design but it also fits in its use in keeping with our neighborhood's unique blend of commercial and residential. Thank you for your time.

**Potter:** Thank you, folks. Excuse me, folks.

**Adams:** Aid question. How many customers do you get per day per week? By what unit of time?

**Gibbons:** That's a good question. That I can get you the answer to. We do a head count. And I can do it and break it down by hours and stuff for you if you would like but I don't have that right at my fingertips. I would be happy to email it to you.

**Adams:** Thank you.

**Gibbons:** No problem.

**Moore:** Next we have ted thomas, jeff reingold and duray third gill. They will be followed by joshua cohen and kristi white.

**Potter:** Thanks for being here, folks. Please state your name when you speak. You each have two minutes.

**Ted Thomas:** My name is ted thomas and I live the 819 n.w. 23rd. I just want to make two points. I live in northwest. Upper northwest and I my office is at union station so I generally walk to work. I walk by a parking structure at good sam which is designed similarly to the proposed design where you have a side entrance and cars coming out of the parking structure and pedestrians right on the sidewalk with it and pedestrians can see the cars, cars can see the pedestrians. And it's it works fine. I think in -- I suspect the traffic going in and out of that doctor's parking lot would be higher than the which is in the proposed structure. Other point I want to make is that, when my wife and I moved into northwest in 1986, we moved into a very cool lot of at tick apartment that had been built in two adjacent historic victorian houses that had been rehabbed for retail on the first two -- the basement, main, and second story and then two apartments in the attic. I can probably name two similar historic buildings that have been rehabbed within a block and a half of this proposed parking structure. At that time, we could always get a place to park on the street and we tried to park right down there where we could see our car right underneath the front of the building.

It's not that way anymore. And I think there's a very specific connection between the availability of covered parking and the ability for people to choose to rehab historic buildings and put some of these neat residential units in the second and third stories along with retail. And so the idea that you tear down one building and somehow that's a zero sum event, the availability of covered, secure parking is materially effects the ability for people to continue to rehab and restore these buildings.

**Jeff Reingold:** Good evening, mr. Mayor, members of the council. My name is jeff reingold. And I have to say since over people have given their lineage I was actually born in northwest Portland. I am here today to urge your affirmation of the decision of the landmarks commission to approve the design of the irving street garage as it has been amended. It's been a very public process. Process included four landmarks hearings between august and november of 2006, meetings with the neighborhood land use planning committee, and others as was a very long history of prior work. Has to be the most prolonged process involving any parking structure in the city and it's led to substantial improvements in the design that will benefit everyone. But the time has now come for the design to speak for itself and to be affirmed on its merits. My involvement in the process began in november of 21 when I was asked by commissioner hales to participate in the

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citizens advisory committee as a participant in this process now for over almost seven years including the cac subcommittee that identified and agreed to the six garage sites. I can say with certainty that no voice went unheard and all interests were ably represented, none more so than those of the neighbors objecting to the design. It's now been six and a half years since my first involvement. It's time for the process to end. I am very appreciative of all the work that's gone into the process. I am appreciative frankly of all the value of the resources that the city has dedicated to the process. But if the process is to have any meaning at all, there must be a point at which a final decision is to be made and we move forward. We are clearly at that point. The design is very respectful of its surroundings. It's a master full blend of function and attractiveness and I have seen this design evolve over the years. It's exceeded the design requirements as first set forth. Turf say as well that I have heard from many of my tenants. They are in need of parking. And they need it for themselves and their visitors so I urge you to affirm the decision and move forward. Thank you.

**Duray Thirdgil:** Good evening, mayor and council. My name is duray thirdgill. And I am the operations manager at music millennium. We have been in the community for more than 20 years. Myself I have been the manager there since 1998. And before that I definitely visited the neighborhood on a regular basis to take part in the restaurants and as well as the shopping experience. From a business estimate, we hear continually from our customers base and anyone that visits our company that parking is necessary. I know it's not a solution to all the traffic problems in northwest Portland. But it definitely will take care of a big portion of it. I think lots of the customers and people that visit that area are people that are interested in the businesses that are there. That's why they come. A lot of the times, they spend numerous, numerous minutes, you know, look for parking. And a lot of that is december tri-mental to our business. Outside of that I think being a part of this process over the last six years, and seeing the progress made, getting a lot of these things approved, it's been a lot of work. To overlook that and really put a stamp on this not to move forward after all the work has been done is sort of a dissatisfaction from the business community. I think all the hard work has been put in. From the design standpoint, we think the design is great. The building that we are in now, it's definitely similar to the size of the parking building that mr. Singer has designed or had designed. 100 by 100. Enough been to the music millennium store it's a very beautiful building. If the parking structure is anything like this which the pictures in the design definitely seems to be I think it's going to be something that fits the community. Fits the area and so music millennium is definitely in support of this parking structure. Real quick from a estimate of somebody that definitely visits the neighborhood i've been bumped by cars that were parked in the street. I've dealt with the troubles of crossing the street. It is at issue. But I think by having the garage it's definitely going to be something that helps. Thank you.

**Potter:** Thank you, folks.

**Moore:** Our last two people are joshua cohen and kristi white.

**Potter:** Thanks for being here, folks. State your name when you speak and you have two minutes each.

**Joshua Cohen:** Good evening. My name is joshua cohen. I live at 636 n.w. 20th avenue and I wanted to share three perspectives on the irving street garage. First, from the viewpoint of an architectural design professional, this garage on a small lot it's a tough job. Making a garage that's attractive and fits I believe a neighborhood with the rest of the block harder still. They have done an admirable job. Particularly successful is to split it into two separate masses. Results in proportions that fit the context of the site. Second perspective from the resident of a historic district, it's easy to love olds buildings and details from my living room I look out on the apartments, they have great brick work. The proposed garage has ornate brick work all around the building. Other direction I see the excellent metal sash windows on the alhambra condominiums.

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We will see that in the garage, too. So I appreciate the detailing that has been put into the design. I think it started strong and it's gotten better through the review process and finally I would like to share my perspective as a citizen. I think I'm pretty typical of a northwest resident. I've been in Portland for five years. I have lived that time in northwest. I rented an apartment. I share a one single car with my wife. We park on the street and every day we have the same conversation. Honey, where did you put the car last night? You know, we have to put a white board by the front door with a map on it sometimes to figure out where the car is and it was funny at first but it got kind of old and I respect the process. I came in and sat in chair in november of 2003. To support the northwest district plan including the parking priorities. The parking policy that Chris Smith held up earlier. I think the reasonable steps to improve the situation. Garage is one of those steps. So when the plan was adopted I was hopeful for improvement but what's really changed in three years? I was a two-year-old son and a lot more stuff to cart out to do car but the parking is just as bad or make worse and why? All this energy has gone into neighborhood leaders and city staff fighting about the garage. I think meanwhile, we got constant circling of vehicles and it amounts to a garage in my block garage in the next block, garage on the block over. Let's move forward. Get this first element of the parking plan finished and move on to the rest of the priorities. Thank you.

**Christe White:** Good evening. My name is Christe White. I am representing Elizabeth Hartung and Elizabeth Street Apparel and have worked as a consultant for Dick Singer for purposes of full disclosure under that ordinance. I asked Mr. Stewart to borrow this vision diagram and I am going to dispense with my prior prepared testimony because I think there is an important issue here about pedestrian safety that was raised and I just want to be sure that we hit some of the points. I fear that the technical arguments before what applies and what didn't apply kind of obscures the fact that this is a darned safe garage. And how much time and energy went into focus on safety and I just want to go over some of the things really quickly that resulted from that safety discussion. One this I think you called it a rising sun diagram. It demonstrates the opening for this garage is 30 feet. What we learned from PDOT is some of 20 in the central city with a zero setback. This significantly expanded the view angle just in the garage opening itself. Further, the visibility afforded by the glass work and the facade is significant. If you want to compare it to a ground floor window requirement which requires 50% of a facade, this facade went to 80%. And that was part of what occurred in the Landmarks Commission. So in addition to that 30-foot view angle you have this other opportunity as you are approaching it to see clear glass and see if there's a pedestrian that's approaching. That as I understand it is very atypical of garages in the central city. Lastly something that wasn't recognized is that there's landscape plants on both sides of the access opening that serve as pedestrian refuge and give that additional opportunity to avoid a pedestrian vehicular conflict. I would also suggest as I sat back there, that Mr. Singer adopts some if not all of the provisions in the Kittleson memo which ask for internal striping, yield to pedestrians signs, speed bumps at base of the ramp. When I asked him whether he will be willing to go another step and adopt these it was an unequivocal "of course." especially if it's believed that it will increase pedestrian safety. I think you will conclude because my time has run out but if Eric, if you want another answer to your question about setbacks and legislation I think I can give it a shot. All right. Thanks. The shot I will take thinks. I am not sure I understand the question but I think I do and the question as I understand it is whether or not setbacks have been imposed in other legislative processes that are specific to particular sites.

**Sten:** Building and residential zones.

**White:** Can't answer that. I don't know that.

**Sten:** I just, you reopened it. I have a hard time that with design analogy as a central city parking opening in the middle of downtown when the reality, this is residentially zoned land.

**White:** It's actually CS zoned land that by the code carries because it's split zone the CS.

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**Sten:** It's residentially zoned land that in a legislative amendment put in on a 3-2 vote is considered cs for purposes of building a garage thin site.

**White:** That's true. And I think that was a policy decision of the city.

**Sten:** I was asking the question which I think you are agreeing with me is has this been done in other places, is it a city wide change? Clearly no. You opened the question not me.

**White:** I don't know the answer.

**Sten:** I wasn't going to ask you the question. You asked me.

**White:** I just don't know. I'm sorry if i'm not clear. I am not sure what the answer is. I wouldn't say, no, it's never happened. I just don't know the answer.

**Potter:** Thank you.

**Moore:** That's all who signed up.

**Potter:** We will have the rebuttal by the appellant now.

**John Bradley:** I'm john bradley. 2350 n.w. Johnson.

**Potter:** A total of five minutes.

**Bradley:** Right. There seems to be some confusion here as to whether or not we have met the burden of proof concerning very specific criteria. And I think we have met that burden of proof. If you go over and look at my applicant statement, I have clearly delineated which guideline I am talking about and why it doesn't meet it. So let me go through these again once more. P-1 guideline, d-7 guideline, e-3 guideline, historic alphabet design guidelines 2 and 3 I mentioned. Community design guideline e-1, e-4, comprehensive goal 6.39b, also another community design guideline e-1c and three more comprehensive goals 6.39, 6.39b and 6.5f. You know, those have all been laid out. The opponents of this have been consistently trying to narrow this down to just a bricks and mortar thing. We have not only taken the bricks and mortar tack, how does this fitted in, but we have also gone ahead and lapped over into what the city attorney said, which was comprehensive plan. There are comprehensive plan goals and policy goals that the siting of this garage violate and we hope we have carefully laid that out. I would also like to say, with all due respect, that the ground floor window requirement and the modification to that is in there. I mentioned it in my testimony. I will cite the code and chapter then. 33.1 three 0.3230d. Another couple of sporadic things. The cac was mentioned. The cac never chose sites. And I think that's it. I would also like to just mention, too, that, you know, there's mays places for park. There's places for parking structures. Anywhere along the cs zone it's allowed. It's just that the developer has chosen to offload the burden on to a parking on to the residential area 6789 and I think that that's a policy that you really have to look at. Thank you.

**Kim Carlson:** We heard -- my name is kim carlson. I live on northwest thurman and I am the nwda transportation committee co-chair and we have heard over and over today that the irving garage is in fact an auto oriented land use for the purpose of attracting nonlocal traffic to a local service traffic street. I want to remind you that a peak two way pedestrian traffic was measured by pdot at this corner at northwest irving and 23rd avenue and they counted 829 pedestrians in one hour. And that is twice the number of anywhere else in this city of a similar main street location.

**\*\*\*\*\*:** Well, I would certainly would underscore whats an auto oriented solution. It's also I think as citizen smith noted a frag men terry solution. What was proposed in that 2002 report was something much broader that would involve transportation management. Would involve much more thoughtful use of existing parking resources. The proposal set out there have frankly been neglected. And I think it's incumbent on the city as it looks to sort of engage with this to kind of frankly willing beyond the fragmentory solution to not build something that our pending experience with peak oil will further reveal to us as a policy folly and in the process, to under mine \$40 million in investment in the streetcar. It's just this is not what we ought to be doing with our infrastructure investments. It's not a particularly thoughtful stewardship of an investment of that magnitude. The

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cac did recommend a holistic approach and frankly it's been neglected. I would encourage you to engage with it.

**Bradley:** One more quick point. Someone mentioned that Chris Smith mentioned and one of the opponents mentioned that let's get going on this first element of parking solution. I would like to suggest that a structured parking garage is the last element of a parking solution in accordance to the way I think Portland views things. Thank you very much.

**Potter:** Thank you, folks. I want to thank everybody who came here to testify. This is now time for council discussion.

**Adams:** For purposes of looking at the time -- looking at the time and unless council has technical questions of staff and for the purposes of trying to get us to a decision I am ready to make a motion if the council is ready to hear one. All right. I move to uphold the appeal and reverse the Portland historic landmarks commission approval.

**Sten:** Second.

**Adams:** If I could speak to my motion, mayor.

**Potter:** Please.

**Adams:** I would ask you to bear with me because this testimony has been I think very useful. Northwest Portland needs offstreet parking garages. I believe that. Of I don't know how many years in northwest Portland in two different locations i, too, treasure the unique nature of the neighborhood both on the business side and the residential side, and I want both to succeed. I have friends on all sides of this issue. I have campaign contributors on both sides of this issue and I respect everyone who testified. And I do consider and have studied the record that has been provided to me, the work that has gone into this thus far. And it's my job along with my colleagues' job to sort of interpret that along with the law and come up with the decision. We are part of the process. We the city council as my colleague commissioner Leonard and other issues has said repeatedly, we are part of the process. We happen to be at the end point of the process. But we have a stake in this. The northwest district plan indicates a parking garage is allowed for consideration at this site and other sites in the neighborhood. But the northwest district plan did not nor couldn't determine whether it actually meets the community design guidelines. And the ones that I am going to reference and focus on and other members of council might have other guidelines to focus on are summarized in the findings and decisions on page 6. And were reserved earlier by the city attorney specifically e-1 and d-4. And this needs to meet those guidelines. E-1 is entitled pedestrian network. Create a safe network of sidewalks and paths for pedestrians and then it continues on. D-4 titled parking area and garages. Second sentence, "locate parking in a manner that minimize negative impacts on the community and its pedestrians." we are allowed to consider the garage design as it relates to the location of the proposal as its relates to pedestrian safety itself. So I want to touch upon that. It's already been established by Curt Krueger from PDOT that it would be hard pressed for this applicant even if they did a transportation study to show that they met the design guidelines because it is a misguided tradition of transportation planning studies, transportation traffic studies not to look at pedestrian, not to look at bikes, and they only look mostly at cars. Mr. Birchfield was referenced as someone who did a study in 2003 and he did in terms of traffic counts and determine at that time that was negligible in a sort of generalized sense but since then as was referenced by a member who testified I have asked on a separate project for PDOT to begin the studies of use of the right of way which includes more than just cars. And PDOT now recognizes that in the city of Portland there are certain business districts that have density of both cars and pedestrians that require a unique set of safety considerations including sections of Belmont, Fremont, 21st and 23rd. So this is not about being pro car for me pro bike, pro ped, it's about pro accurate and that we Theodore look at pedestrian studies and traffic studies together and we are now reviewing policies with that kind of new approach to use of the right of way in mind including as a result a change in the way that the city now decides where crosswalks are

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implemented. We are putting crosswalks across intersections in those areas for the first time based on sound and measured and studied public policy approach. Another item I wanted to raise in terms of specific concerns about this, this is pro-- one of them was talked about the circling, circling looking for parking spots. I have definitely experienced that myself. There's no question about that. In terms of least to most dangerous cars in the traffic lane, least dangerous cars that intersections more dangerous, more cars going over sidewalks for what are reason even more dangerous. Papa haydens having lived feet away from papa haydens for years is one of the number one destinations in the neighborhood for both people driving and both people walking. It is an intensely popular and for good reason neighborhood destination. This particular garage is in the wrong location given the microworkings of that area and my opinion does not meet the guidelines. This proposal calls for motor vehicle -- to summarize this calls for more motor vehicles crossing the sidewalk in a pedestrian dense environment in one of the most pedestrian dense environments creating more conflicts with pedestrians than if there were just on street parking. This proposal cites a new structure that is open 24 hours within a busy neighborhood without adequate staffing or security from what I have been able to tell, and I can speak with firsthand witness to this having a porch for three years two houses away and a number of people that I had to evict at various times during the day was more substantial than my neighbors across town in another neighborhoods and creating a great vault of unwatched area open 24 hours, I haven't heard any, from the proponents any sort of speaking to staffing or security issues that concerns me. I am glad to hear that they are willing to make changes and as part of the record include things like speed bumps and more -- sufficient warning systems for pedestrians. There's I think inadequate lighting on the front of the building. I am glad to hear that is something that they are willing to do but in this particular place where you have to look at everything, not a parking garage somewhere else in the city but a parking garage based on what is actually happening in the surrounding areas where they propose it, this does not meet the design guidelines. That's the reasons for my motion. Thank you, mayor.

**Potter:** Further discussion?

**Leonard:** Well, I listened carefully as I sensed that this was the argument that commissioner Adams would be making so I have looked at what he was relying on and what I understand that criterion to say or actually what it says is that the design needs to take into consideration impacts on the community and its pedestrians. And I am trying very hard to connect commissioner Adams' concerns with that designed guideline. And I am failing to be able to do so. Is that it does very much take into consideration in its design and its placement what impact there would be on 9 community and the pedestrians obviously surrounding the structure. So i'm not making the connection.

**Adams:** Try to summarize. They are suggesting that cars should breach a crosswalk in one of the most dense pedestrian parts of what is already a very dense pedestrian and dense automobile business district. And that that is by its location at this specific site, this is not all garages in northwest or all every other garage mentioned in the northwest district plan but that this location, which is one of, you know, this is a prepared by the by our staff that its location allowing for more vehicles to cross the sidewalk where we have a lot of pedestrians is inherently unsafe and that this has not been studied or met the guidelines because it was not studied by the applicant.

**Leonard:** Well, I would just have to say that having been involved in this from the prior hearing in 1993 until now, and what we've heard accurately said here tonight is the decision isn't the placement of the garage structure. That was a legislative decision that was debated in 19 nay and had some debate here tonight. I am really trying very hard to look at this as the law requires me to look at it without the emotion that obviously is on both sides of this argument or any subjectivity and I am approaching this as neutrally as I can to see if they have met the criteria that is required to be met and what I am hearing you say is you have a concern with the placement of the garage where it's at. I fear that that wanders into an area that we are not allowed to wander into at this point but

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rather whether or not the design of the garage meets the criteria. And you by definition is saying there's no way that garage can ever be designed in a way to comply with the decision legislative decision made by the council in 19 -- 2003. And I just -- that seems to be a contradiction in terms to me. You have defined it, the issue, in such a way it's actually impossible to build it on that site which seems to run afoul of what our instructions are.

**Adams:** There are a number of different ways you can look at it but the northwest district plan did not guarantee a garage on this site. They said a garage was allowable. It still had to go back. A proposal specific proposal still had to go back and meet the community design guidelines and it does not meet e-1 and d-4 in my estimation. When you have -- you have to take in the externalities into part of the equation and the externalities are that this garage has to meet guidelines based on the actual pedestrian usage around the proposed site.

**Sten:** I don't have a just -- the reason I asked Mr. Ramis, who is a friend and very good attorney what did he view as the discretionary cry because I think that was very important. The flip side of the conundrum you are setting up is that you could be -- be arguing you allowed this, you now have to vote objectively to put it in.

**Leonard:** That is not my view at all. I view this is they have to design to it a standard that meets the criteria. The criteria that I am has to take into consideration impacts on the community and its pedestrians.

**Sten:** But if you strike out Sam's argument, you make the pedestrian ones meaningless. You don't have to agree with it but you can't say it's just windows and to say that the design review is simply which is essentially some. Argument that is have come through it's a beautiful building.

**Leonard:** Absolutely not.

**Sten:** But beautiful building is the heart of it.

**Leonard:** You actually touched on it. I think the fact that the design does incorporate windows reflects the designers' attempt at the design criteria I am persuaded a garage that has windows in it allows a pedestrian to see what's coming as well as audible device that might be put on, or a light or whatever but definitely having an opportunity to look through it in my view meets that standard. Otherwise I would agree with you.

**Adams:** I agree they made an attempt. I don't believe that they method the design guidelines.

**Leonard:** The opposite is actually what I am fearing is the result of commissioner Adams' motion is there is no way, absolutely no conditions under which this could be designed in a way that satisfies that criterion. I don't quite understand --

**Sten:** And again, I think you actually have a very good argument, Randy. I am thinking about the pedestrian safety myself. If you presume that the only possible way to put in a parking garage is to maximize, there's all kinds of things that can be done on this site. You could have voted not to give it special zoning that nobody else in the city is -- gets. The provisions you gave --

**Leonard:** As I understand the discussion that's not accurate.

**Sten:** That is. There's no other site in the city have you have a half r, half cs where it was specifically written into the -- you would never get a parking garage on here without the legislative room that the council gave. So then the question becomes, it's entirely logically possible the council basically created a situation where it's very hard to ever meet the design review because it's not what was intended there. I mean, that's -- i'm just the logical part of your argument is, and you could not have known whether it would work or not until you saw the design.

**Adams:** Another way of saying that is, while the clearly, I know Jeff did all his efforts to make this and all the efforts to make this as safe as possible the question remains does it meet the design guidelines for being safe for pedestrians?

**Leonard:** I agree that's the question. Is it what we did in 2003 is that irrelevant it happened and it is what it is.

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**Sten:** It's relevant if you are going to argue but I am not sure that you are, that it's impossible to come to the conclusion that a garage just doesn't work there. Because --

**Leonard:** It's impossible to.

**Sten:** You at one point are saying if sam's argument makes it impossible to improve a garage, then therefore maybe his argument is not valid but it may in fact be the legislation that did that. By putting a garage into a place where it can't meet the design criteria based on reasonable --

**Adams:** My argument is not about all garages in the northwest district plan. My concern, my argument with the bar that they had to meet was for this proposal at this site and the plan says that they can pursue it and we can consider it. There's no question about that. The question is that the end of the day did they meet the design guidelines and I do not believe they did as it relates to pedestrian safety.

**Leonard:** I just hearing what you said just gets me back to my point. I don't think listening to your concern that it's possible then to design a garage on that site that satisfies the issue you raised.

**Adams:** No. The applicant that came forward has not satisfied it.

**Leonard:** What would be an example of what you could envision could satisfy it?

**Adams:** It is not my job to do their work for them.

**Leonard:** But it is our job to apply the criterion fairly. That's a reasonable question to ask what would be a an example of what could possibly happen to -- i'm looking for some help in trying to understand what I am going to do here. What would happen to address your concern?

**Adams:** Size of what they are proposing. Volume of what they are proposing. Set backs of what they are proposing. These all arguably are changes or elements of a proposal that they could have brought forward but they chose not to. And the design that they put forward is inherently unsafe.

**Saltzman:** What about the issue of cars circling the blocks being unsafe to pedestrians than pedestrians exiting or accessing the across the sidewalk? I mean, I have got to think people are more concentrating on finding a parking space than they are looking out for pedestrians and we heard testimony to that fact from several businesses and citizens and I think we all know that intuitively to be true. So where does that kind of intuitive sense enter into this lofty discussion of criteria?

**Adams:** I think we are at, where we are at we are judging a specifically proposal and a specific site. And I think that it's dangerous to think that we are going to solve all the problems in northwest Portland with this one site. You can also make the argument that cars are being allowed to transect a sidewalk next to one of the busiest establishments in northwest Portland makes it unsafe as well. Makes it less safe than cars staying in their lanes, going around the street. You know, look for a parking spot. This is a point of contact, a much more vulnerable point of contact between the cars and pedestrians by allowing them to go over a sidewalk feet from a restaurant.

**Saltzman:** But when you are walking in front of a garage you know that. And when people are coming out a of a garage they know that. When they are circling by fruit and flower, they may not be looking for the children going to and from fruit and flower or parents with the children because they are looking for a parking space.

**Adams:** Fair enough. My friend who lives across the street to the entrance to the parking lot behind elizabeth street and I will tell you that the near misses was startling, the number of collisions between cars and other sort of users of the right of way was really startling. I will really worried about this particular street, this particular proposal, with what's going on in the adjacent area. You have to look at what's actually going on there. This is an actual proposal for an actual site. The not a debate about an overall debate about parking garages in northwest Portland. That was done by the previous council and they set the parameters and our job is to decide whether this particular proposal meets the design guidelines that are actually sit out by what was previously approved by council.

**Potter:** Further discussion?

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**Adams:** We have to vote. Figure out if there's any support for it.

**Potter:** Call the vote.

**Moore:** Adams.

**Adams:** Aye.

**Moore:** Leonard.

**Leonard:** Well, this is obviously is a emotionally charged issue. And I have try very hard over the last four years, in spite of what they think to listen to everybody and balance what has been said. And provided as evidence to help me make decisions on this and most times in these kinds of situations, for an example, we had somewhat similar analogous situation down the street on -- the last time I think mayor clark testified here was the project across from the Multnomah club to build really an overreaching high rise condominium project that my sense was being the opportunity to do that was one that was being to exploited by the developers. And really taking advantage of rules. And my sense was then that that was not fair. And I did not support that. And when you approach problems like this, and attempt at least to be consistent, and I am trying to be consist tent, you find that as decisions arise, you make some people happy and, you know, a short time later that same group of impeach will be really mad at you. And I have gotten used to that more than I used to. And but I cannot get myself to the place where I can understand the logic of this motion to the place where I am comfortable explaining it to somebody and rationalizing why I did what I did. I try to be consistent about that and it may not appear to people that I am but I really do try. So based on that I cannot support commissioner Adams' motion. No.

**Moore:** Saltzman.

**Saltzman:** I also believe that this garage does meet the design criteria and was rightly approved by the landmark commission. So having said the official part I guess looking back at this and sort of as what I would say is a common point of view is this issue has become like the middle east. It's people fight and they have long since forgotten why they are fighting and I think it's time to move on. It's again at least 12 years. And when I think of all the energy and all the money that's benefit put into legal appeals, burning our plans on the sidewalks and stuff, I think of all the constructive creative energy that's out there and the people I look at, I think all the other positive issues they could be working on that affect the livability and the well-being of children, it's time to make a decision and I think this time has come. I can almost name everybody in this audience. I have seen them all in 2003, I have heard your testimony before, I don't understand the point. We should give this a try. I think it's well designed. It's not going to be -- I think it's safer for pedestrians than cars circling the block with their attention focused down the block, not what's on the periphery in front of them. So I really do think, you know, we owe it as a city council. We have been involved in this process. We are involved in this process right now. And we ought to make a decision of finality so I do vote no on this motion.

**Moore:** Sten.

**Sten:** Before I send this straight into mayor Potter's lap and end the suspense I will give him a few more minutes to think.

**Leonard:** He would be disappointed if you didn't.

**Sten:** I won't be too long. I agree this has gone on for a long time but there's also another perspective and it's to both sides and part of why Portland is strong. I am more sick of it probably than just about anybody. But I think part of why Portland is strong because people do really work very hard on the details on both of own both of this have work hard and I wish you could have come to an agreement but I admire that people are going to stick with it and keep working until they get sew something they can support and we are not there yet. For those of you on the side of the garage who did argue repeatedly tonight that you can't believe you are here, this process went on and on, I got to tell you I am not blessed with esp. And I could have told you had four years ago after that 3-2 vote on this the plan this is where we were headed. Council stopped its work tucson

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on the northwest plan. And it was in part because the votes developed and it's not easy up here. I have made mistakes on votes I have made in the past. I have done things right. It's hard to get them right but the council should not have voted for that plan that the time because it was obvious that it was not going to lead to a solution. This is not a solution whichever way garage goes. We are nowhere closer hardly to having a parking plan. I want to say I said it in 2003, and I really would stand by it. I would personally testify to any award body about the merits of dick and don singer's businesses. They are heroes of the ability they are done to turn the city around and investment. I think they are wonderful developers and do a great job. In this case three-point I think the property owners decided on pushing this and I don't completely understand the logic. I am sure it's there in terms of strategies. In deciding what we have to do to start the parking plan is get a garage into residential land and ignore the vacant lots on 23rd and other places. There's been substantial development in cs zones since the time of this plan which parking would be outright allowed and you wouldn't have to go through all these issues so the idea that we, that the side who wants garages I go going to demand and force and push and pulling to they will get it into the residential zone guaranteed this fight. There's no way around it. And I think it's wrong to say at neighborhood you are wrong to fight this because it was obvious that was the line. The line was never parking garages. The line was never trying to get, to stop the strategy. It was going into the residential zone. That was the, that was what happened here. And if that's like some other famous conflicts, I think it's a little overblown to say the middle east but I think there's something to the conflicts. That's all the past. The decision in front of us is the design review criteria. And I actually have come into this hearing and, boy, you listen, you see mayor clark and mike lindberg on the other side. If there's two people I listen to carefully and they split so they kind of cancelled each other out a little bit. But they would know that -- they would know you would come -- he's the mayor. That's right. He would come into these things and you don't know how the case is going to unfold until you hear the whole case and in this case, I did believe despite the fact that I strongly disagreed with the council's legislative decision on this site, that we had to look the design criteria and I would likely more likely than not, I never try and make up my mind because you never know things are going to appear, more likely than not support this even though it would be with a heavy heart. As I listened to the testimony, I just don't believe it meets the criteria I have listened carefully. I think that the appellants have made the case and I think I wasn't so much trying to convince my colleague commissioner Leonard on this so much to say with what was a quick decision at the end of a 12-year process the council set up a situation in which it basically created a special zoning for this site in northwest 23rd so that you could put a parking garage there in a way that it would never be allowed anywhere else and by doing that it created a bar and the developers are certainly not a victim of this. They were involved in crafting the language that allowed this to happen but the folks who put this in place essentially created a bar that while I wouldn't say you could never get over is extremely hard to get over and in this case you didn't so I vote yes to sam's motion.

**Potter:** Is it my turn now? [laughter] I think both sides have done a remarkable job of presenting their point of view. I am not sure I compare to it middle east because I haven't seen any guns pulled but I do believe that it's got long term consequences and because we don't make a decision attorney that doesn't mean it's the end of it. I listened carefully as both sides explained their point of view. And quite frankly I thought both were compelling. What sort of persuaded me was not all of you folks talking tonight. Although I thought you were eloquent. It's when I went out and walked around and I saw as I stood on that property and looked up to see the height of the parking structure, the issues with the pedestrians in the area that made me feel that this parking structure, they say did not meet design criteria, it didn't meet my criteria for something that I felt wasn't about fitting with the community but was in a place that would not be safe. Not be safe for pedestrians. I can't imagine the 105 cars that would be going out of there on a regular basis. But I listened very carefully to what you folks said tonight. And I listened to my colleagues and as you can tell, this

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podium is in the same position you are. Folks feel strongly on both sides. But in this particular place I side with the neighborhood because I think that this case has not been met to my justification as far as proving that it's consistent with the design guidelines. I feel that this parking garage specific to this parking garage would be better suited somewhere else. So I want to make sure I vote the right way. Yes, I vote for the motion yes. [gavel pounded]

**Beaumont:** Mayor Potter, this would be a tentative decision. We would neat to set a future date to bring this back for adoption and findings?

**Potter:** Ok. Please set the date.

**Moore:** Two weeks.

**Beaumont:** Karla, maybe four weeks.

**Potter:** Four weeks?

**Moore:** March 21. Is the morning ok? Because that's the six o'clock p.m. And there's nothing else on the agenda yet.

**Beaumont:** We can do it in the morning. March 21 at nine 9:30 a.m.? Regular agenda? 9:30 agenda on march 21.

**Potter:** March 21?

**Moore:** The 9:30 regular agenda.

**Potter:** Ok. We are adjourned. [gavel pounded]

At 9:31 p.m., Council