



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF OCTOBER, 2008** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Adams, Fish and Leonard, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

	Disposition:
COMMUNICATIONS	
1365 Request of Larry P. Mucken to address Council regarding property crimes and the alleyways (Communication)	PLACED ON FILE
1366 Request of Don Strong to address Council regarding school taxes and funding (Communication)	PLACED ON FILE
TIME CERTAINS	
1367 TIME CERTAIN: 9:30 AM – Community Watershed Stewardship Program wins Carter Award (Presentation introduced by Commissioner Adams)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION	
Mayor Tom Potter	
Bureau of Planning	
*1368 Authorize a \$100,000 grant application to the Oregon Department of Land Conservation and Development to supplement funding for the Economic Opportunities Analysis as part of Goal 9 Periodic Review requirements for the State of Oregon (Ordinance) (Y-4)	182237
Office of Management and Finance – Business Operations	

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<p>1369 Amend Intergovernmental Agreement between Portland Development Commission and the Office of Management and Finance Business Operations Division Printing and Distribution Program for copy and mail distribution services at Mason-Ehrman Building (Ordinance; amend Contract)</p>	<p align="center">PASSED TO SECOND READING OCTOBER 15, 2008 AT 9:30 AM</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>1370 Create a new Nonrepresented classification, Regulatory Division Manager (Second Reading Agenda 1343) (Y-4)</p>	<p align="center">182238</p>
<p align="center">Office of Management and Finance – Purchases</p>	
<p>*1371 Authorize Flexible Services contracts with Cerium Networks for Telecommunications Services for Avaya PBX and Subsystems (Ordinance) (Y-4)</p>	<p align="center">182239</p>
<p align="center">Police Bureau</p>	
<p>*1372 Accept a \$268,331 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the Gang Resistance Education and Training Western Regional Training Center (Ordinance) (Y-4)</p>	<p align="center">182240</p>
<p>*1373 Accept a \$257,316 grant from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice for solving cold case homicides with DNA (Ordinance) (Y-4)</p>	<p align="center">182241</p>
<p>*1374 Accept a \$76,153 grant from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice to improve the quality and timeliness of forensic science services (Ordinance) (Y-4)</p>	<p align="center">182242</p>
<p align="center">Commissioner Sam Adams</p>	
<p align="center">Bureau of Environmental Services</p>	
<p>*1375 Amend contract with ICF/Jones and Stokes to satisfy obligations under the Endangered Species Act, the Watershed Management Plan and Superfund (Ordinance; amend Contract No. 36500) (Y-4)</p>	<p align="center">182243</p>
<p>*1376 Authorize agreement for conveyance of the Kenneth and Jonalee Elske property, located in the Johnson Creek floodplain project area to the Bureau of Environmental Services (Ordinance) (Y-4)</p>	<p align="center">182244</p>

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<p>1377 Authorize the Director of the Bureau of Environmental Services to execute an easement with the Union Pacific Railroad as part of the East Side Combined Sewer Overflow Tunnel Project No. 7594, including and indemnification from the City to Union Pacific Railroad (Ordinance)</p>	<p>PASSED TO SECOND READING OCTOBER 15, 2008 AT 9:30 AM</p>
<p>Office of Transportation</p>	
<p>*1378 Authorize application to Metro for a Regional Travel Options grant in the amount not to exceed \$100,000 for up to three Sunday Parkways projects in 2009 (Ordinance) (Y-4)</p>	<p>182245</p>
<p>*1379 Amend contract with Henderson, Young & Company to add tasks and increase compensation to develop a Transportation System Development Charge overlay for the North Macadam area (Ordinance; amend Contract No. 36811) (Y-4)</p>	<p>182246</p>
<p>Commissioner Nick Fish</p>	
<p>Bureau of Housing and Community Development</p>	
<p>*1380 Amend the Tenant Readiness Rent Guarantee Agreement grant from the State of Oregon Housing and Community Services Department to increase the total grant amount up to \$150,000 to assist low-income renters who face barriers to housing and receive payment (Ordinance; amend Contract) (Y-4)</p>	<p>182247</p>
<p>Fire and Rescue</p>	
<p>*1381 Accept an equipment donation from Galvanizers Company with a value of \$10,380 (Ordinance) (Y-4)</p>	<p>182248</p>
<p>*1382 Authorize contract with Alder Creek Lumber Company, Inc. for fire prevention, suppression and emergency response services for FY 2008-09 (Ordinance) (Y-4)</p>	<p>182249</p>
<p>Commissioner Dan Saltzman</p>	
<p>Office of Sustainable Development</p>	
<p>1383 Apply for a grant from the State of Oregon Department of Environmental Quality for \$13,895 for expansion for the ReBuilding Center facilities to divert waste from regional landfills (Second Reading Agenda 1352) (Y-4)</p>	<p>182250</p>

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<p>1384 Apply for a grant from the State of Oregon Department of Environmental Quality for \$18,470 to allow Skyline School to hire an AmeriCorps worker to implement programs to become more sustainable (Second Reading Agenda 1353) (Y-4)</p>	<p>182251</p>
<p>1385 Apply for a grant from the State of Oregon Department of Environmental Quality for \$27,080 for ResourceFull Use, Zero Waste Alliance to develop and expand a resource exchange program (Second Reading Agenda 1354) (Y-4)</p>	<p>182252</p>
<p>1386 Apply for a grant from the State of Oregon Department of Environmental Quality for \$50,100 to allow Portland Metro ReStore to develop a strategic marketing plan to educate businesses and individuals about the value of new salvage materials (Second Reading Agenda 1355) (Y-4)</p>	<p>182253</p>
<p>REGULAR AGENDA</p> <p>Mayor Tom Potter</p>	
<p>1387 Appoint John Branam to the Portland community Media Board of Directors for a term to expire November 30, 2010 (Report) (Y-4)</p>	<p>CONFIRMED</p>
<p>Office of Management and Finance – Business Operations</p>	
<p>*1388 Pay claim of Estate of Dennis Young (Ordinance) (Y-4)</p>	<p>182254</p>
<p>Office of Management and Finance – Financial Services</p>	
<p>*1389 Authorize general obligation emergency facilities bonds and general obligation refunding bonds to finance capital improvements related to fire, rescue and emergency facilities (Ordinance) (Y-4)</p>	<p>182255</p>
<p>Office of Management and Finance – Purchases</p>	
<p>*1390 Authorize an exemption to the competitive bidding process to the Bureau of Purchases pursuant to ORS 279C and City Code 5.34 for the Portland Streetcar Loop Project (Ordinance) (Y-4)</p>	<p>182256</p>
<p>Commissioner Sam Adams</p> <p>Office of Transportation</p>	

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1391 Vacate SE 44th Ave between SE Umatilla St and SE Harney St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10060)	PASSED TO SECOND READING OCTOBER 15, 2008 AT 9:30 AM
1392 Accept City Engineer report on Designing for Truck Movements and Other Large Vehicles in Portland (Report) (Y-4)	ACCEPTED
Commissioner Nick Fish Bureau of Housing and Community Development *1393 Authorize an Intergovernmental Agreement with the Housing Authority of Portland and the Portland Development Commission for development and operation of the Resource Access Center Development on Block U in North Old Town/Chinatown (Ordinance) (Y-4)	REFERRED TO COMMISSIONER OF PUBLIC WORKS
Commissioner Dan Saltzman 1394 Authorize a Ground Lease Agreement with Portland Hope Meadows for intergenerational housing at 4221 N Willis Blvd (Second Reading Agenda 1364) (Y-4)	182257
City Auditor Gary Blackmer 1395 Accept 2007 Annual Report by the Independent Police Review Division (Report) (Y-4)	ACCEPTED

At 12:18 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **8TH DAY OF OCTOBER, 2008** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Adams, Fish and Leonard, 4. Mayor Potter teleconferenced at 2:30 p.m., 5.

At 2:27 p.m., Council recessed
At 2:37 p.m., Council reconvened.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

	Disposition:
<p>1396 TIME CERTAIN: 2:00 PM – Consider the proposal of Albert W Solheim and Chris Brehmer and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment for property located at 1734 NW 15th Ave (Hearing; LU 08-132399 CP ZC)</p> <p>Motion to accept Hearings Officer’s recommendation: Moved by Commissioner Adams and seconded by Commissioner Fish</p> <p>(Y-4)</p>	<p>ACCEPT HEARINGS OFFICER’S RECOMMENDATION</p>
<p>*1397 Amend the Comprehensive Plan Map designations and change zoning at 1734 NW 15th Ave at the request of Albert W. Solheim and Chris Brehmer (Ordinance; LU 08-132399 CP ZC)</p> <p>(Y-4)</p>	<p>182258</p>
<p>1398 TIME CERTAIN: 2:30 PM – Appeal of Northwest District Association against the Historic Landmarks Commission’s decision to approve with conditions the application of GFV Enterprises LLC, William V. DeBellis and Singer Properties for an 87-stall parking garage at 2311-2317 NW Irving St (Hearing; LU 08-121424 HDZM)</p> <p>Motion to tentatively deny the appeal and uphold the Historic Landmarks Commission’s decision with the condition that Mr. Singer provide landscaping assistance and other related amenities to adjoining properties: Moved by Commissioner Leonard and seconded by Commissioner Fish</p> <p>(Y-4; N-1, Adams)</p>	<p>TENTATIVELY DENY THE APPEAL AND UPHOLD THE HISTORIC LANDMARKS COMMISSION’S DECISION WITH A CONDITION; PREPARE FINDINGS FOR NOVEMBER 5, 2008 AT 2:00 PM TIME CERTAIN</p>

At 5:36 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

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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.

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9:00 AM

Saltzman: Good morning everyone. Welcome to the Portland city council. Mayor Potter is not feeling well today, so he's not here to read this proclamation which i'm pleased to do in his stead. And this proclamation is declaring october disability awareness month. And i'm going to read the proclamation and then present it to our disability services coordinator. Whereas Portland is the city dedicated to the americans with disabilities and other civil rights acts as well as the united nations convention on the rights of persons with disabilities and whereas Portland treasures all its residents as the greatest resource and foundation of a strong community and whereas Portland affirms that persons with disabilities are our colleagues and deserve mutual respect and universal access and whereas Portland believes that advancing the common good is about changing systems to help all people with disabilities benefit and enjoy all of its services, programs, activities, and participatory governments and whereas Portland believes that we are all connected and enter dependent, we all win when persons with disabilities are supported and engaged through collaborative efforts. And whereas Portland depends on people with community spirit to support the work and solutions to address pressing issues of all people with disabilities and citizens most in need, whereas Portland expresses deep-seated appreciation to families, volunteers, advocates, nonprofit organizations, and employees of the various city bureaus to continue to contribute time, energy, passion, as saids and expertise to address the needs of people with disabilities and whereas Portland seizes this opportunity to extend gratitude to all people with disabilities for their contribution to building a vibrant community and whereas Portland acknowledges the voice of all persons with disabilities and strives to enhance collaboration and accelerate effective interbureau coordination and critical disability policy issues in order to make better decisions for our future, now therefore i, tom Potter, mayor of the city of Portland, Oregon, the city of roses, do here by declare and encourage all residents to observe october, 2008, as the official disability awareness month and participate in the various programs carried out through this month. That is our proclamation, and i'm going to present the mayor's proclamation to nicole.

Fish: Nicole, I want to thank you for organizing what you refer to as -- I think it's a roll and stroll the other day in which I was able to join you and a number of other folks in city government on a tour of downtown. I had the opportunity to ride in an electric vehicle, a human-powered vehicle. I wore glasses that impaired my vision so I was able to get the sense of what it was like to be blind or impaired. And there were some other things, and I tell you it was very humbling, the experience, to feel so vulnerable walking around a city that prides itself on its accessibility. Even with all the strides that we've made, including those yellow strips that we have on the cuts, we know that we have more to do. I want to thank you for your good work. I'm hoping that the committee that addresses disability rights in our city becomes a full-blown commission and has commission status, and I also want to tell you that something i'm very proud of is that my father served in the congress 26 years and said his proudest achievement was serving at the principle republican sponsor on the american disabilities act in the house. He was a little chagrined that his son switched over and became a democrat, but we were very proud of his work on the a.d.a., and so thank you for your advocacy at the city level.

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Saltzman: This is the time for council kids where we have youth here to talk to us, and I think, commissioner Adams, were you going to introduce this item?

Adams: Yes, mr. President. If I could have aidan, ocean, and mark come forward? You can just take a seat in one of those chairs and try to get those microphones as close to you as possible. Today is international walk and bike to school day, and we are very lucky to have three students with us who participate in the safer routes to school program through the world's best transportation department, the Portland office of transportation. Over 40 schools across Portland are participating in today's activities which highlight the environmental, social, and health benefits of walking and biking to school. We're very pleased to have aidan, ocean, and mara here today. Welcome to the Portland city council. We're glad you're here. And we understand that you might want to -- you might have some comments to say to us. Who would like to go first? Ocean?

Ocean Anderson: I think riding your bike is health, safety, and better for our ecosystem. You can save money, and you're not putting car gases in the air. You can get to places just like you can with cars and trucks. It's good to go for a ride every day. I love and enjoy riding my bike.

Adams: Thank you. Mara?

Mara McLaughlin: Hi. I'm mara, and I l. I have in a quiet neighborhood. My younger brother has autism. It affects the whole family. Soccer is my favorite sport. I also play basketball and fence. I'm an ok student. There are really no issues in my neighborhood except for once we got broken into as well as a few other cars. Other than that, I feel very safe in my neighborhood. At school, I think our school would be more successful if we put in some grass. Other than that, we have a strong school and p.t.a. Our school and neighborhood would be a lot safer if we installed some bike paths and sidewalks. We need bike paths so that it's safe for bikers, and we need the sidewalks on taylor's ferry so it isn't as dangerous for pedestrians.

Aiden Burden: I like walking and biking because it gives you exercise and it's fun. I think walking and biking is important because, if you drive in a car, it pollutes the air, but if you walk or bike, it doesn't. If you drive a car, it costs money for gas. If you drive a car, it wears it out. And if you don't, it won't wear out as fast. If you walk or bike, nothing wares out except your bike a little bit.

Adams: You all did a great job.

*****: [applause]

Leonard: Some of us wear out other things when we ride a bike, too. I wish it was just the bike.

Adams: You all did a fantastic job. Is this your first time testifying before the city council? Based on your experience here looking at the four of us, do you have a favorite yet up here?

*****: [laughter]

Adams: You don't have to answer that.

Leonard: I used to be a fireman.

Adams: And now he's old. We really appreciate you being here. Be sure to keep walking and keep biking. We're going to work really hard to make it easier and safer for you to do that. We really appreciate you being here. Thank you.

Leonard: Thanks for coming.

Saltzman: Thank you very much.

*****: [applause]

Adams: And now you can go back to school.

Saltzman: City council will come to order.

[roll call]

Saltzman: If you could read the first communication?

Item 1365.

Saltzman: Welcome, mr. Mucken. If you could just state your name for the record, you have three minutes.

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Larry P. Mucken: My name is Larry Mucken. I live in southeast Portland. I was hoping to look at Mr. Potter, 'cause he lives in my neighborhood. We've been having an increase in property crimes in our area, and in particular we have alley ways that we've had in southeast Portland for many years, and we were promised 25 years ago that they would be eliminated because there were easements for the telephone company and the telephone companies wanted to run their wires on p.g.e. Well, they got that, and they're still there, and we have a lot of crime and the alley ways seem to be conduits of taking the property and leaving, police officers chasing people throughout the night, and now we're starting to get people dumping garbage in our alley ways. There seems to be an increase in crime depending on how many are let out of jail. I did get a questionnaire for the people that live in my neighborhood with three simple questions. Have you ever had property crime? Did you report the crime? And, if not, why? And I have those here. I didn't make seven copies.

Saltzman: Just give those to the clerk, and she'll make sure we get copies.

Mucken: In the neighborhood magazine, Mayor Potter is talking about prostitution on 82nd and how he's going to hold hands with these people and eliminate the prostitutes and johns. We don't have prostitutes and johns breaking into my garage and my house. I know that's important. But if he wants to hold hands or anybody wants to hold hands, come hold the citizens' hands that are having havoc wreaked upon them with criminals that are breaking into people's houses. I also have the "Willamette Week." I don't know if all of you read this. There's a perfectly good article right there about jail junkies and this jail person talks about what we can do about some of this crime. It's a very good article. I hope you folks have time to read it. Anyway, we have a neighborhood watch.

We're trying to do a process of trying to eliminate this, and we're not getting much help, because we have a perfectly good jail sitting out here empty. It should be full. And then the property crimes can go down. That's automatic. And I don't see why people that paid for this, authorized it, voted on it aren't getting what they paid for, and that's all I have to say.

Adams: In your reason to request the testimony today and also your comments, you talk about a promise made 20, 25 years ago by the utilities or the cities to close the alleys?

Mucken: Yes. I don't know who they were at the time. We were voting on having curbs, streets, and sidewalks put into our neighborhood. We authorized that. At that time, a lot of the older folks said, what about these alley ways? This is 25 years ago. We were promised that these alley ways would be taken out. There are such few alley ways, and we're experiencing a lot of crime and have the least amount -- we have very few alley ways in the city of Portland, but yet we're having to experience this.

Adams: I just wanted to know about the promise.

Mucken: I don't know who the person was, but the question was -- and it was a person who was representing -- representing the city. It's an easement for the utility company, and they're going to leave the alleys and run their wires on p.g.e. Because they had a lawsuit that they wanted to be able to use. Since then, they've gotten what they wanted, but they're still using the alley ways.

Adams: If you could stop by my office and get a card for Dan Anderson, who's our public advocate in transportation from our transportation point of view we'll look into it with Dan Anderson. Sam Adams' office off in the corner.

*****: Thank you.

Saltzman: Next communication, please.

Item 1366.

Parsons: He apologizes he can't make it today.

Saltzman: That brings us to our time certain if you could please read that, Sue.

Parsons: Consent agenda should we do next?

Saltzman: Ok. Whatever you say.

Adams: Good answer.

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Parsons: Any pulls?

Saltzman: Anyone wish to pull anything from the consent agenda? Ok. Please call the roll. Add.

Fish: Aye. **Leonard:** Aye. **Saltzman:** Aye. Ok. That brings us to our first time certain. Our only time certain. Commissioner fish, go ahead.

Fish: With respect to our regular agenda, i'd like to pull 1393 and return it to my office.

Saltzman: Ok. Without objection, that will be returned to commissioner fish's office, 1393. And now we'll go to our time certain, 1367.

Item 1367.

Saltzman: Mr. Adams?

Adams: Thank you, mr. President. I'm very, very pleased and excited to announce today here in council chambers that the collaboration between the bureau of environmental services, the best bureau on planet, and Portland state university, the best urban university on the planet, has won a very prestigious award, the national award, the jimmy and roslyn carter partnership award for campus/community collaboration for best practices. And it recognizes the effort of the environmental stewardship that has been an expression of that p.s.u. And city of Portland partnership in the community watershed stewardship program. This is consistent with their efforts on the greater green initiative that was approved by council earlier this year for including our work in the brooklyn creek basin restoration area. This particular basin has been so damaged by urban development that we kind of have to describe to people that brooklyn is named for a basin that was called the brooklyn creek basin in our brooklyn neighborhood and that there used to be a basin that ran from part of the way between the river and mount tabor to the river. We faced a lot of environmental challenges here, but this award today shows that working together in collaboration with our great university and other nonprofits, that we can do a lot, including recognition from an organization that doesn't give recognition very easily or very often. To begin our presentation today, dean marriott.

Dean Marriott, Director, Bureau of Environmental Services: I'm dean marriott, environmental services director for Portland. On my left, roy cook from Portland state. And ed kearns on my right. As was indicated, on june 3rd of this year, we were very fortunate to receive the community watershed stewardship program, winning the inaugural award for campus community collaboration. The program is a partnership between Portland state university and the city of Portland bureau of environmental services. It's done a lot to improve the health of our watersheds over the years and made our community more livable. Most importantly, it actually engages thousands of community volunteers and students in the hard work of preserving and protecting and enhancing our city. And since this program began back in 1994, the program has granted out -- as we've handed out over half a million dollars worth of grants to 150 community-based projects, I should say that sometimes it's nice to have been around a long time, because this program started in 1994, the same year I began with the city, and i'm so pleased to be able to see such fabulous results from this effort. Now, these projects include invasive plant removal, restoring native plantings, the construction of bioswales, building of eco roofs, naturescaping of areas, cleanup and restoration of our watersheds. And this is a great example of what everybody talks about when they talk about grassroots initiatives. These are bottom-up ideas, ideas that come from the community. They don't really come from us. We work with the folks who are proposing these ideas and Portland state university to develop them into a real-life project, and then they're implemented. We've been able to leverage this half a million dollars investment by these programs to add over \$2 million worth of private investment to go with it, so it's been a fabulous investment of the public resources. Over a quarter million hours of volunteer time has been donated, and over 80,000 native plants and trees have been added to our natural inventory and over 25,000 people have volunteered their efforts to help out. 43 acres have been restored and 12,000 feet of streamside restoration has taken place. And it's because of the dedication of these volunteers and the important work they do that the community watershed

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stewardship program was selected for the inaugural carter partnership award. And all the staff at the city and our partner agencies and all the many volunteers who have contributed to -- contributed to these stewardship projects deserve our thanks and congratulations for the fact that we were able to be successfully recognized. What we'd like to do now is show a very short video. It talk as little about the program. A portion of this video was used in the nomination process. We've added to it the fact that we actually were selected for the award. After that, i'd like to have roy and ed say a few words. I always wanted to be able to hold up one of these things.

*****: [laughter]

Saltzman: That's a nice-looking award.

Adams: Wow.

[start – video presentation]

*****: As 1 of over 1000 community university partnerships worldwide, the community watershed stewardship program is an exemplar of Portland state university's commitment to engagement. This map represents the breadth of Portland state university's community relationships. Exploring the partnership gives a keen sense of the power and depth of this work. In 1994, when Portland state university joined the city of Portland bureau of environmental services, they created a wave of engagement that has improved student learning and creates faculty scholarships and empowered neighborhoods throughout the region.

*****: The partnership between the city of Portland bureau of environmental services and Portland state university has been a wonderful opportunity to establish a foundation for involvement, involvement of students, involvement of community members, involvement of the city at large.

*****: Quist provides an infrastructure of engagement in which the bureau of environmental services and Portland state university provide support for students and community members to work on grassroots strategies to improve watershed health. 130 projects have been completed throughout the city of Portland. Quist supports a wide variety of projects including eco roofs, storm features, education, restorations, and naturescaping. Volunteers have planted over 80 thousand native plants, restored 2 million square feet of upland and riparian habitat, and enhanced 12,000 linear feet of --
Marriott: 12,000 linear feet of stream side environments. We seem to have frozen up the video.

*****: The work of quisp is to reach out into the community and provide opportunities for participation to improve the health of local watersheds and neighborhoods.

*****: Some communities are ready to do watershed stewardship projects, communities that come to your door knocking. I'm ready to move some native plants. I guess there are some communities that you need to go to. This action thing was different for me. Ones that are prepared and ones you kind of have to do more engagement, show people why who don't really who what the invasives here and are still planting english ivy in their yards.

*****: The real value of this program has been working with the kids to see them come out here and to roll up their sleeves together and own this together and work together truly inspiring.

*****: The community also reaches in to the university for assistance, which in turn has sent hundreds of students out into the community to learn and serve.

*****: I think where the Portland state students -- I really see them as really the hub of the whole project here. This program moves the city into new ways of doing things. It's very dynamic and creative and almost unstoppable. I was a student who was introduced to a project, and I thought it was a great opportunity to get my feet wet and learn a little bit more about my neighborhood and about working with the community and about storm water management, and so I applied for a grant and receive the grant funding and started working on a project and a year later was offered to be the grant coordinator for the program. I have the experience both of being an applicant and of managing the program.

Adams: Good job, lisa. That was great.

Saltzman: Let's rewind it.

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*****: Results of this partnership include peer-revealed articles, graduate theses, and curricular innovation.

*****: Community university partnerships are a key component of our overall commitment of engagement to the institution. Let me say engaged is a bit of a different approach than simply doing community service. When we're engaged with the community, we really work with them to try to identify what the problems are, what the issues are, and what it is that we can really help with.

*****: Over the past few years, Portland state's partnership work and indeed the quisp watershed model has responded to another type of community reaching in, this time an international community with its own university and own localized watershed challenges.

*****: This is a very new approach for us and learning from the experience of p.s.u. And with their help we can look for a very good local community partnership with our university partnership with p.s.u. They already have a lot of experience in watersheds, so they help us very much in working with our local community partners.

*****: One of the key aspects of our success is to have --

Leonard: Boo.

*****: -- university/community focus with p.s.u. Its motto is let knowledge serve the city, and it's really done a great job in the community watershed stewardship program. It's been invaluable. 27,000 volunteers have been part of the community watershed stewardship program, and a good portion of that 27,000 are now the crusaders for watershed health.

[end – video presentation]

Adams: Great video. I haven't seen it before.

Marriott: I'd like to turn it over to roy now.

Roy Cook, Portland State University: Thank you, dean. Good morning, commissioners. I'm roy kirk, the provost at Portland state, and I bring greetings from our new president who unfortunately couldn't be here this morning to talk to you. I have a few comments, but before I start I really do want to recognize barry messer, who you saw in the video, as kind of the heart and soul of this project at Portland state. He's taken it from an idea in the early '90s to a very important contributor to the community, and I want to make sure we recognize his contributions. Of course we're very proud of this collaboration. The collaboration between Portland state, the city of Portland, and the community is an outstanding example of our approach to teaching, learning, and research through community engagement, and it clearly does exemplify, as commissioner Adams observed, our motto of let knowledge serve the city. And our new president can actually say that in latin, an engineer, so i'm not going to try. This project is one of our inaugural activities in the early 1990s. As you've heard, it was part of a set of projects with the city of Portland as part of a great city, great university initiative quite a number of years ago. Thousands of students, faculty, and community volunteers have participated. And when those students leave Portland state after having participated in this kind of project, they understand how to engage with communities to build livable environments and actively participate in our democracy. Portland state is a national leader in engagement. We believe that our community engagement the activities strengthen the educational experience of our students as well as providing important service to the metropolitan region. Last year, over 8200 Portland state university students participated in community-based learning activities with several hundred community partners. Just as an aside, we value this at about \$1.3 million annually, and i'm assuming that will increase over time. This particular project also exemplifies another area where the university and the city work closely together for the benefit of both our students and the community as a whole, and that's sustainability. Our current commitment to sustainability is one exciting way we bring our leadership and engagement to life. Through participation in this project, our students take the spirit of service and engagement along with an understanding of sustainability with them into the communities. The carter grant for campus community collaboration, along with a recent grant we received from the miller foundation,

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a \$25 million challenge, will help us expand our programs in sustainability and put us on a much stronger position to advance both our engagement and sustainability goals. It will also allow us to further develop the community watershed stewardship program and our partnership with the city. We'll be able to expand habitat restoration, engage more students in rigorous community-based inquiry and service. The carter award recognizes our contributions. We look forward to increased collaboration and to strengthening the ties between Portland state university and the city of Portland. Our work together from here forward will only grow and deepen. Thank you.

Marriott: Ed, would you like to say something?

Ed Kerns, Portland State University: Sure. I'm ed kearns, and 13 years ago I started a little program on the spring water corridor out in the lents neighborhood, and this program has been the recipient of seven or eight quisp grants over the years to coordinate tree planting along the spring water corridor. Cleanup and tree planting in the lengths neighborhood. Mostly for the kids of that neighborhood. Over the past 13 years, we've had probably -- I have lost track of the numbers, but at least 80 plantings -- tree plantings -- of native trees and shrubs. We've planted well over 25 to 30,000 native trees and shrubs and have removed hundreds of truckloads of garbage and -- right now, we're working on a four-year project out on the spring water corridor at about 101st street where, when the corridor was a railroad, there was a lumber mill site next to it, and there was a lot of gravel, concrete, and asphalt encroachment over on to the railroad, which was appropriate when it was a railroad. So this lumber mill had all of these loading docks and staging areas for loading and unloading log trucks, et cetera. That was all abandoned when the railroad was decommissioned, and so I wrote the grants two years ago to start this four-year project to remove all of this old concrete, gravel, and asphalt, probably about 800 cubic yards of it, with heavy equipment. So we've removed about half of that over the past two years, brought in an equal amount of clean soil, compost, and mulch and ripped that into the ground and then planted 7000 native trees and shrubs in this four- or five-block stretch. And now we're doing the second half of it over the next two years. So, all together, it will be 800 yards of old concrete, gravel, and asphalt and probably 1000 cubic yards of clean soil and compost at least 15,000 native trees and shrubs, in that area. All of these plantings will be done by the kids of that neighborhood this wouldn't happen without the quisp grant that i've received and many other grants but mainly the bureau of environmental services has been the main supporters of this project.

Adams: This is a great opportunity for me to be able to tell you thank you. I mean, the work that you've done literally in the trenches and streams and watersheds is very inspiring. Thank you. Do we have more people to testify?

Marriott: I want to just say thanks to some people, but please go ahead.

Leonard: I actually use that portion of the springwater trail often and observed the work and didn't know who to credit for that, so it's great to have you here. I really appreciate the work. It's very nice.

Kerns: I want to express my appreciation to the city of Portland, and I wouldn't be able to do any of that without the willingness of the city of Portland to make the city as accessible as it is and as accommodating to someone in a paralyzed body, and I really appreciate that, and I speak for a lot of people that have much better lives because of people's caring and awareness, so thanks.

Marriott: First I want to thank this city council and previous city councils who have supported community watershed stewardship program. Also our colleagues at Portland state. I want to ask kevin keskus to stand up and bar roy messer to stand up. Kevin helped put together the application for the carter award. Without his work, obviously we wouldn't have been considered, and there forewe wouldn't have won. Couldn't ask for a better partner in kevin. Also thank you the people who helped produce the video. There are a number of people. I'd like to ask them to stand up, because they are either currently working in the community watershed stewardship program or were involved at earlier stages to help make it the great program it is. And a lot of them work for mary

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wall, who's our watershed director for b.e.s. I know mary is here if you'd stand up. Jennifer devlin is the community watershed stewardship program manager. If she would stand up. All the way along the line there, I know you have people.

Adams: Don't be shy. Stand up.

Marriott: Thanks very much to the city council for letting us come in and share this award with you.

Saltzman: Is anybody signed up to testify?

Parsons: I didn't have a sign-up sheet out for this.

Saltzman: Anybody who would like to testify? There really is no vote on this. I'd like to say that -- go ahead.

Adams: I just want to acknowledge the commissioners in charge of environmental services that have come before me that have been part of this program, earl blumenthal, mike bloomberg, erik Sten, and commissioner dan Saltzman who all share in this award as well. I also want to thank lisa libby, my senior policy director for the environment. I appreciate all your good work on this. And, dean, finally you. The leadership you provide to the bureau has been fantastic. The two sides of the brain, both utility and the green sustainability efforts have been just cutting edge, and we are the most innovative environmental services agency in the planet. So keep going. The bar just got raised.

Saltzman: I think this is an excellent prestigious just award for p.s.u. And the bureau. Environmental services to receive, and I know it's founded on a lot of good work, a lot of integrity between the university and the city, and i've seen the energy and enthusiasm of p.s.u. Students in rolling up their sleeves, getting dirty, planting trees, and doing other things to restore streams, and it's a great example of the city and the university working together. Who gets to keep that award, i'm wondering.

*****: [laughter]

Marriott: This one is --

Saltzman: One for p.s.u. And one for us? Just one?

Marriott: This is in a display case in our office. We can arm wrestle over it later.

Saltzman: Ok. It's a nice-looking award, well deserved.

Leonard: I wouldn't mind -- i've said this here before many times, and I know dan's heard this a lot, but I am historically familiar with the columbia slough, having grown up in that area, and I don't know that everybody always appreciates the transformation that occurred there. I remember the first time -- and I believe you conducted the tour when I was in the legislature, getting off the bus at the st. John's landfill, and everybody just walked around and looked. I was speechless, remembering what it looked like before. Today, to go there and look at it, one would never know it's the same place. It's been transformed into some magical places, urban stream settings that are really phenomenal. Dean and I have talked before about this idea I had instead of earthen dams, locks, but of course you'd have to close it at certain times of the year to avoid flooding, but I thought he would plant that idea again today and warn you, if I ever had some free time, I would --

Adams: Start digging?

Leonard: Start digging, yeah. We'd get a water bureau crew out there.

*****: Y better start counting your shovels to see where they are.

Leonard: Really good job, and I appreciate it a lot, knowing what it was like before and what it is today. It's phenomenal.

Fish: My family moved to Oregon in the 90s because my wife got a job at Portland state, and we have plenty of reasons to be a proud viking family, but today I think we're especially proud. Congratulations to you and everyone at p.s.u. For this honor.

Saltzman: We'll now go to our regular agenda.

Item 1387.

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Saltzman: Welcome, John.

John Branam: Happy to be here.

Fish: Ask a procedural question. Do we have to have cause to oppose this nomination?

*****: [laughter]

Saltzman: You don't have to justify your vote.

Fish: I have two speeches. I just want to make sure.

Branam: That's your first crack, but that's your last one.

Leonard: Right. You got my vote right there.

*****: [laughter]

Saltzman: Portland community media, as you know, is a nonprofit that empowers individuals and organizations to use cable television as a community communication tool. John Branam will bring - - does bring experience in community outreach as a neighborhood association chair and his work with Portland public schools. He will be a great liaison between Portland community media's current work with Portland public schools, and I'm very pleased to bring forward his nomination to the Portland community media board.

Branam: Thank you, Commissioner Saltzman and to all of the commissioners. I appreciate the invitation and opportunity and very much look forward to serving the city and the community in this way. I think Portland community media is a tremendous asset for the city, and I'm looking forward to finding additional opportunities to provide services to the community. Thank you very much.

Saltzman: Anybody signed up to testify on this?

Adams: I had a request. I think it was Commissioner Leonard that encouraged or made as part of the budget process broadcast of the planning commission meeting. Has that become true voluntary for p.d.c.?

Leonard: I don't know about p.d.c.

Adams: Not only does it give former Mayor Vera Katz something to do, watching those.

Saltzman: She's got a job now.

Adams: I've had a lot of good feedback from folks, because they can -- it's also booked online, so people can go back and view them if a controversy or people become aware of something. When it comes to us, usually we don't have a lot of tools for them to sort of go back and see initial discussions, and I think there are a lot of those kinds of meetings that we would benefit from having broadcast and the seasons would appreciate it. People become aware of it, know the controversy. Anything you can do to work with us, and I know we might have to pay for that, but anything you can do to work with us to get more of our -- where it's sustainability commission broadcast, I think we would appreciate that.

Branam: Thank you. And I'll certainly look forward to that. I think looking for ways to celebrate the variety of conversations that we're having in this city that really appeal to people, I know these meetings are very exciting and people love to watch them, and I think there are other meetings that people would enjoy seeing, so looking forward to exploring those opportunities as well. Thank you, guys, again.

Saltzman: Please call the roll on 1387.

Adams: Thanks for your willingness to serve. Writer.

Fish: Aye.

Leonard: Aye.

Saltzman: Thanks John. Look forward to your service. Aye. Ok. Item 1388.

Item 1388.

Becky Chaio, Risk Management: Morning commissioners. My name is Becky Chaio. I'm with risk management for the city of Portland. This ordinance will pay a settlement from a claim from the estate of Dennis Young. The beneficiaries of the estate are Mr. Young's mother and his two

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children. This was an incident in which dennis young was shot and killed by a Portland police lieutenant in january, 2006. There was not a lawsuit filed. The city attorney's office and risk management sought to mediate this claim before a lawsuit was pending, and we used a federal judge to assist us as a mediator. She has approved of this settlement in principle, and so has the state probate court. More than half of the settlement proceeds will be put in annuities for the two sons and the other portion of the settlement will go to mr. Young's mother and for attorney's fees.

Saltzman: Questions? Thank you. Is there anybody signed up who wishes to testify on this?

Parsons: We have dan handleman.

Saltzman: Welcome, dan. You have three minutes.

Dan Handelman: Good morning, president Saltzman and commissioners. My name is dan handelman. I'm with the group Portland cop watch. A few weeks ago, I sat at the same table as you talked about the settlement for the shooting of james jahar perez. With today's amount, the perez settlement and the amount that you paid out for gorter's death, that brings us to almost a million dollars for police-related deaths. Hiring out the police assessment resource center to analyze incidents two years after the fact, this is far too long for the community to wait for changes to poor policies and training that lead to incidents like the death of mr. Young. Furthermore, there are still unanswered questions that the community will never learn, because the parc reports don't provide details or name names. For instance, in this case, why wasn't lieutenant kaer's use of his badge in a personal dispute at his sister's house a violation of policy? This wasn't among the reasons mayor Potter issued for firing kaer. If kaer was in danger of being hit by the car that mr. Young was driving, your the bullet holes in the side of his car? And wasn't his shooting in a moving car violation of a new policy that was recommended by parks and adopted by the bureau? We may never know, not because of the nature of auditor blackmer and the i.p.r.'s contract with the park solely that that contract is designed to avoid liability buy the city if the reports uncover misconduct for the two-year window to file a lawsuit runs out but also because parks' five-year contract apparently ends after the report that's about to come out about the 2004 and 2005 shootings, out later this year. Mr. Young's death may never even be studied unless there's a new contract with park or some other agency. Here are some related issues. Parks' report apparently will not cover the perez shooting because the settlement last month came to a close to their publication date for their draft report. We believe this shooting should be included in the new park report, and we hope you'll be able to convey that message to auditor blackmer. Examine shootings immediately and publicly with independent investigators will save money in the long run fit provides quicker policy changes. The shooting of raymond gorter, for instance, included an almost exact replication of problems that happened when leslie paul stewart was shot last year when an officer shot an assault rifle at the suspect while he was on the phone with negotiators. Had that been dealt with immediately or gorter's death, maybe that shooting wouldn't have happened. This new settlement shows the city will probably lose money way in the long run, so please invest this taxpayer money into a fully independent board that examines shootings contemporaneously and publicly and makes their findings public. Even as the number of shootings is down, the payments for these shootings and custody have been going up over the years. We actually created a chart around that. It'll show you that the amount of money the city's been paying out in police misconduct in general has been going up even after we instituted the i.p.r. Thank you very much for your time.

Saltzman: Anybody else wish to testify? Sue, please call the roll.

Adams: Well, I want to compliment the city attorney and the risk management and the bureau for seeking a mediated settlement to this issue and not waiting for a lawsuit to be filed, so I just wanted to compliment you for that approach. Aye.

Fish: Aye.

Leonard: Aye.

Saltzman: Aye. The ordinance passes. 1389.

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Item 1389.

Eric Johansen, Office of Management and Finance: Eric Johanson, debt manager in the office of management finance. This particular ordinance authorizes 15.36 million of general obligation bonds for emergency facilities, including the renovation of fire station 1. If you remember, voters approved in 1998 about a \$53 million geo bond authorization. This ordinance will authorize the last piece of that particular voter authorization. The proposed bonds will mature over a period of 20 years and will be repaid from property taxes levied on taxable property within the city. The projected annual debt service will result in a tax increase of about three cents per thousand and. So an owner of a property with assessed value of \$200,000 would pay about \$6 a year for this particular bond authorization. The ordinance also authorizes a refinancing of some bonds we sold in 1999. The purpose of this refinancing would simply be to reduce debt service cost on that particular issue. If we were selling the bonds today and if we could accurately project where the market is right now, I think we could be looking at something around \$50,000 a year in death savings. The bonds are scheduled to sell on October 28th by competitive bid, and you're probably wondering right now whether we're going to be able to do that, and I'm wondering the same thing. The municipal market is certainly not immune from the things going on in the greater financial markets in the country. About 85% of municipal bonds scheduled to come to market since the Lehman Brothers bankruptcy have been deferred or postponed. However, a number of issues are going forward, those with characteristics similar to what the city has. They're highly rated bonds. Our bonds, we expect, will be graded A.A.A. These are geobonds, and they're relatively small compared to others issued in the market, so there is reason to think that we will be successful in getting the bonds sold on the 28th, but it really is a day-to-day and week-to-week situation right now. If we're not able to get the bonds sold on the 28th, we are looking at other options, including enter fund -- interfund bonds from the city. We do have some options, but I'm hopeful that, by the time almost three weeks from now rolls around, we will start to see some thawing of the credit markets on the municipal side as well as the rest of the markets in the country. And there's also some reason to think that will happen, because yesterday we saw more bonds being issued than we've seen since the Lehman bankruptcy across the country. There is maybe some beginning thaws of the market occurring right now. Right now, the best I can say is that it is kind of a day-to-day situation, but we are somewhat optimistic we'll be able to get the bonds sold on the 28th. I'd be happy to answer any questions.

Saltzman: Thank you, Eric. Is there anybody signed up to testify on this item?

Parsons: I did not have a sheet out for this one.

Saltzman: Anybody here wish to testify on this item? Please call the roll.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. The ordinance passes. Item 1390.

Item 1390.

Jeff Baer, Director, Bureau of Purchases: For the record, I'm Jeff Bayer with the Bureau of Purchasing. With me is Vicki Didi from the Office of Transportation. This request is seeking authorities to exempt out this particular construction project for extending the streetcar loop from the competitive or the traditional low-bid process. Under Oregon law, we're required to provide an exemption and highlight a number of different findings which are attached as the exhibit A to the ordinance. What that will do is provide a mechanism for us to pursue a competitive request for proposal process to which we can then include, instead of just low price -- price will be just one element or one criteria for selecting the contractor. Vicki's here in case there are particular project questions you might have questions on.

Adams: I just want to underscore that you always try to -- I want to underscore that we always put in the title of this thing, quoting the state law, the practice. This has been the practice that has resulted in streetcar projects, streetcar extensions, all these coming in on time and on budget. And

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so I just want to -- the council to know this is a continuation of what has been a very successful approach to these projects. Vicki, would you like to amplify on any of that?

Baer: Yeah. Just a little bit in that, if our past construction projects for the streetcar were complex enough to qualify to do this particular alternative competitive process, the east side loop project is infinity more complex. We're going across the river, across an active railroad. And there's a lot of utility work to be doing, so it's really an appropriate project to do this.

Adams: The other point i'd like to underscore and air out is that, as we wait longer than we want for federal government response to our request for 75 million-dollars under the small starts program and that we don't know when and if they might have a response to that, the work that we're doing here helps keep the project on time. The inflationary costs to this project are about a half a million dollars a month. So worst-case scenario, if the federal government does not act on this until into next year, the work that is done as part of this portion of the project helps us keep the overall time line more intact. And, again, this comes back to council in the form of an actual selected bidder. This is simply authorizing that the bids go out. So, council, this is not authorizing that we actually sign up a contractor. This just authorizing the bids to go out. Council will have the opportunity, given what we know are in the connecticut couple of months, to say yes or no or actually signing on the contract. Correct?

*******:** Yes.

Saltzman: Questions? Thank you. Do we have anybody signed up to testify?

Parsons: I did not have a sheet out for this one.

Saltzman: Anybody here who wishes to testify on this item? Ok. Please call the roll.

Adams: Aye.

Fish: I appreciate, sam, your comments. It answered some questions that I had. Aye.

Leonard: Aye.

Saltzman: Aye. The ordinance passes, and we're now to item 1391.

Item 1391.

Dee Walker, Office of Transportation: Good morning, commissioners, mr. President, mayor elect. For the record, my name is dee walker, office of transportation, right of acquisition, and i'm here to present a street vacation request. And actually the presentation of the carter award is the perfect segue into this, because it's another watershed program. As you can see, b.e.s., who is the petitioner, owns three out of the four budding properties. So this vacation is proposed to consolidate property for construction of the arrow creek and wetlands habitat restoration project, which will improve fish and wildlife habitat, and it helps to implement the johnson creek watershed council's watershed action plan along with b.e.s.'s johnson creek restoration plan. There have been no objections. Notices have been sent out to all the bureaus and agencies.

Saltzman: We're vacating this for b.e.s.?

Walker: Yes. They're petitioner. Actually ellie young with b.e.s. Is here if you have any questions for her.

Saltzman: Definitely is well-timed with the carter award.

Walker: That's what I thought.

Saltzman: Any questions? Ok. Thanks, dee. Anybody wishes to testify?

Parsons: No one signed up.

Saltzman: Anybody here wish to testify? Ok.

Walker: First reading.

Saltzman: It will pass to second reading.

Adams: Thanks for your work.

Saltzman: 1392.

Item 1392.

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Adams: Come on up. The work of the city's first freight master plan, we have sought to be really clear to the community and clear to ourselves what are freight routes, what are not freight routes. As the third most trade dependent regional economy in the us per capita, transportation for us is a key part of our job creation efforts, and freight is a key part of that. Today we're continuing on the track of perfecting our efforts around the movement of freight. In this particular case, there are design guidelines, and they are -- they've been worked through not only the freight advisory committee where we're going to hear from folks today, but they've also been worked through with neighborhoods. This will guide our efforts in our ongoing work to improve and maintain the system, as poorly funded as it is.

*****: [laughter]

Bob Hillier, Office of Transportation: That works. Thank you. Thank you, commissioner Adams and council members for the opportunity to present the designing for truck movements and other large vehicles in Portland for your consideration. My name is bob hillier. I'm the freight clinic coordinator. This is bob russell, president of the Oregon trucking association and also member of the Portland freight committee. What i'd like to do today -- is this too loud? Ok. What i'd like to do today is provide a brief presentation and provide an overview of the policy basis for these guidelines, describe how they were developed and really focus on the key elements that better contain the guidelines. First, why should we care about freight and truck movement in Portland in the first place? Portland is a gateway city and has historically been a center of trading commerce in the northwest, the fourth largest freight hub on the west coast due in part to the convergence the key highways, railroads, and marine routes. 11% of our regional workforce is employed in a transportation sector. This is the third highest concentration of employment in these industries in the nation. We're only behind atlanta and miami, so transportation play as big role in our overall economy. A wide variety of goods are moved throughout the Portland region over a transportation network that includes highways, heavy rail, marine, river barge, pipeline, and air cargo. About 70% of all freight tonnage either passing through our region or being delivered to local businesses moves by truck. How does the city address freight transportation issues? This is done through our transportation system plan, also known as t.s.p., serving was a 20-year guide for implementing the city's transportation policies, projects, activities, promos of transportation. The t.s.p. Policy umbrella has little master plans providing for infrastructure needs and implementing actions. You can see in this chart the bicycle and pedestrian master plans were adopted about 10 years ago by the city council in 1996 and 1998 respectively. More recently, the Portland freight master plan was adopted by city council in may of 2006. In developing street design guidelines for trucks, one of the key implementing actions called for in the freight master plan. This map shows the freight classification system adopted as part of the freight master plan. I'm not sure how it shows up on your screens. Basically this system is based on the hierarchy of freight streets and related land-use actives. All streets within the city of Portland have a freight classification. They also have a classification for all the other transportation modes as well. This map shows the city's freight districts, which are highlighted in the red hatching at the top of the screen, including rivergate, airport industrial districts located along the columbia corridor in north Portland and also the northwest industrial district, which is located along the u.s. 30 corridor in northwest Portland. Now, streets in these areas are primarily designed to serve heavy freight activities and access to port terminals, rail yards, warehousing and manufacturers facilities and also to provide direct access to the interstate highway network. These facilities include north brigham drive, columbia boulevard, and north going street. At the other end of the street hierarchy are the truck access streets, which are represented by the blue lines on this map, and these streets are primarily designed to serve local delivery of goods. An example of these areas include southeast division, hawthorne, northeast Broadway boulevard, and northeast freemont. The street design guidelines are based on these adopt a street classifications. The commercial delivery of goods and services, you can see the t.s.p.

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Classifications are shown on the left side of the chart, and the black dots represent the primary activities or categories of freight movements. As you can see, the regional truck waves, the truck streets and freight district streets, they're primarily designed to serve heavy freight activities, again serving the major transportation terminals, warehousing activities. An example is our interstate 5, columbia boulevard, northwest front avenue. Whereas the major truck streets and truck access streets are further down the hierarchy, they're designed primarily to give good goods delivery. M.I.k., northeast sandy boulevard, and southeast powell. As I previously mentioned, all streets have a freight classification. The last category here on this chart are local service truck streets, providing access for fedex, u.p.s. Vehicles, solid waste haulers, an occasional moving van, also emergency access vehicles as well. So that's pretty much summarizing the policy basis for designing the street design guidelines. I just want to briefly go over the process for developing the guidelines. Work initiated on design guidelines during the development of the freight master plan by the project consultant team, and a working draft was prepared. Early this year, we provided more work on the final draft, management and senior level staff in the various pdot divisions, these are the folks that actually design the road. The other technical review team, bob russell to my left was part of that team. These are made up of members and citizens that provide commercial delivery in freight-moving services within the city. So this is a group that actually uses the roadway facilities. After a final working draft was prepared, the guidelines were presented to the city's three mobile advisory committees. I met with the aidry committees and gave them the guidelines, presented to the full Portland freight committee. Then, in april, I met with scott bricker, the bicycle transportation alliance. We went over the design guidelines as well, and he was also involved with developing the freight master plan process and was interested in the guidelines. Just recently, about a month ago, I presented to the regional freight tech advisor committee the metro committee made up of freight planners like myself from all over the metro region, and to various counties, so we had a pretty thorough involvement in this, wanted a lot of input again from various people that would be impacted by this document, both the designers and users of this document. What these guidelines primarily do is compile all existing federal, state, and local guidance and summarize it into one document. Essentially this provides a quick reference document for engineers and planners. Currently what designers use right now is a vast array of different guidance such as federal ash toe guidelines for geometric design, state and federal freight policies, and also the transportation system plan. This puts it all under one roof, so to speak. The other key aspect -- visitors here. Ok. The other key aspect of the guidelines is that we recommend street dimensions based on the city's adopt of land use, transportation policies and street classification system. Review considerations assist roadway designers both at the design table and in the field. This came out of the development of the design guidelines from some of our engineers and design staff, and basically they wanted to see just a real brief checklist, so to speak, of a list of a whole array of items they would like to consider and should consider during the design of local streets. Examples of that would be when they go out in the field, looking at what some of the dominant truck sizes are as they move through a corridor, how they're turning, look for tire tracks on curbs and sidewalks to see if there's adequate or inadequate length and width on the right-of-way. Another aspect of the guidelines, they also include design vehicle characteristics, all truck types from what we call a single unit, 30-foot local delivery truck all the way to a 53-foot tractor/trailer rig. Again, selecting a design vehicle is contact sensitive, which really means it depends on the various urban environment we're planning for. When we're planning for roadway improvements in areas like rivergate and the freight district, the predominant vehicle is going to be a large tractor/trailer rig, so we will design a road to accommodate that type of vehicle.

Fish: Do you mind if I ask a question on that? One thing i've noticed is there are an increasing number of tractor/trailers particularly on the arterials that have multiple trailers attached, and they seem awfully long, and i've noticed that, when they switch lanes, it's a greater challenge. When

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they exit and make turns, they sometimes have to have people pull over so they can make the turn. Is there a limit on the length of those multiple trailer hookups under federal law?

Hillier: I'm going to turn to bob russell.

Bob Russell: Bob russell, president of the Oregon trucking association. Yes, there is a limit. There has been a freeze on truck sizes and weights since 1991. At that time, all of the states had to submit their current regulations to the federal government, and it was adopted into rule by the federal highway administration. The current limit for trucks -- and we're talking trucks that operate every day -- is 105 feet. What you're seeing mostly on arterials is what we refer to as doubles with two trailers. The reason we use those often in the urban environment is because they are articulated and actually turn better than a single trailer would turn. The single trailer, the standard box that bob was talking about, the 53-foot trailer, actually has the worst turning movements of the types of vehicles that we traditionally utilize.

Fish: Are they limited to a double or can they be a triple?

Russell: There can be triples, authorized in Oregon as they are in a number of states. However, their usage is confined to certain highways, primarily the interstates. Although the terminals of the trucking companies that use them, the trucking company will make up the set of triples and be able to open presidential candidate on city -- open on city streets or whatever to get to the interstate.

Fish: Is there any evidence that what you call doubles or triples provide a greater has to other cars or greater risk of accident than single tractor/trailers?

Russell: Actually, triple trailers are the safest combination that operate in the state of Oregon and primarily because there are some additional requirements on those particular vehicles than on your regular trucks, drivers have to be experienced. There's a whole bunch of things that go into that. But the safety record of triples is exemplary. It's outstanding.

Hillier: I'd like to make one other point about selecting a design vehicle. Again it depends on the urban environment we're looking at. Up in an area like rivergate, we're going to be looking at large tractor/trailer rigs. Often what we use as a design vehicle is a standard 40-foot city bus, 'cause these are usually major transit corridors. Typically we could accommodate a city bus, accommodate a lot of the delivery vehicles to serve the local businesses located along these areas as well. Finally, one thing we also included in the design guidelines, we then applied a number of case studies that the city staff has recently looked at and resolved some design problems. One key study that we wanted to include in here was the north -- the pearl district, safe way, which was recently approved, and basically we wanted to show how trucks could be accommodated, could accommodate a grocery store in a very dense urban environment and really kind of identify what some of those access and circulation needs are for these businesses and some of the challenges they pose to both designers and truck drivers. That basically concludes my presentation and overview of the design guidelines. The recommendations here today is for the city council to accept these guidelines for inclusion in the design standards for public streets, which are a part of the city's transportation policies and administrative rules. I can answer any questions you might have. What I just presented. But first i'd like to have bob russell on my left speak on behalf of the Portland freight committee.

Russell: Again, mr. President, members of the council, my name is bob russell, president of the Oregon trucking associations. I'm here to testify in support of the street guidelines. One of our principle goals as the Portland freight committee has been to incorporate freight considerations and sort of the every-day workings of pdot and the city, and we think this is a huge step forward where the designers will actually be considering truck movements as they design projects around the city. We also think that it's an excellent balance between the competing modes, particularly in the urban environment. You've got lots of modes competing for the same space. We think the street design guidelines balance those competing interests very well. We also think that it will allow us to continue to efficiently serve the businesses that are located in the city. But perhaps more importantly, we think that the street design guidelines will have a significant impact on safety

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because the truck movements are designed for, in the first place, so we won't have the conflicts when we're using the streets. So I would urge your support, and I would like to thank the good staff at pdot, bob, john gill lamb, that's sitting in the back, and of course commissioner Adams who's the sponsor of the Portland freight committee and pdot. Thank you very much.

Adams: Based on your experience around the state and sort of networking nationally, in terms of planning for freight and sort of making it work in an urban environment, where would you say Portland sort of ranks in terms of being innovative, progressive versus other cities?

Russell: In my opinion, Portland is doing an outstanding job. Many of my colleagues in other states are very envious that our large -- envious that our large city has a freight committee and talk about freight issues this and we're doing things like adopting the street design guidelines to accommodate trucks. Portland's doing an outstanding job.

Adams: That was just a bald-faced effort at --

*****: I appreciate it.

Adams: But I do want to use it was a springboard.

Saltzman: We're number 1 of course.

Adams: Best in the world. I want to use this was an opportunity to thank bob for the great staff work. I might be the commissioner in charge, but you're the person that staffs this effort and staffs the freight committee, so I want to thank you for your great innovation, your great staff work.

Saltzman: Anybody signed up to testify?

Parsons: I did not have a sign up.

Saltzman: This is a report. Do I need a motion to accept that or do we just call the roll? Need a motion to accept. Need a motion you accept the report.

Adams: Moved.

Leonard: Seconded.

Adams: And also thanks to shoshanna uppenheim in my office for her work on transportation. Aye.

Fish: Aye.

Leonard: Aye.

Saltzman: Good work. Aye. That brings us now to item 1394.

Item 1393.

Parsons: And that has been referred back to commissioner Fish's office.

Item 1394.

Saltzman: This is a second reading. Please call the role.

Adams: I voted against this award of this -- consideration of Portland hope meadows for receiving this piece of property. I had concerns about the process, lack of process that was used to choose the hope meadows for use on this property, but I absolutely am very supportive of what they do and their mission, and it's no reflection on their organization. Council made a decision, and I'm going to vote to move forward with that council decision, and I want to thank you for your commitment to design the project so that it blends in with the neighborhood and has neighborhood benefit as well. I want to encourage you to keep going with fund-raising, both on the capital and operating side, and I recognize that we need to take this step in order for you to be take-away kept seriously by a lot of perspective funding organizations and foundations. I'd like to -- I like the fact that what we're considering today gives you a window to do that, and it also requires you to come up with some operating support as well. So I like the way this has been written in terms of expectations, and ask that you continue to work with the neighborhood on all issues as you have in past year. So with all of that good work recently, I vote aye.

Fish: I want to thank all the people who took time to testify on this issue. I listened carefully to the testimony, I reviewed all the written materials that were furnished to me, including correspondence, I had a chance to meet with a number of concerned citizens, and I asked my bureau to look at the

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budget pro forma for the development that we were furnished. Since I was not part of any prior deliberations on this issue, I of course have taken a fresh look at the application, and have come to it with an open mind. Tony hopson, who testified last week, I think provided a useful framework for evaluating this application. He described it as three-part process of what, how, and who. So i'm going to steal that framework in terms of my assessment of this opportunity. Let's start with the what. Hope meadows is based on a model that has been successful nationally, is an intergenerational community designed to match loving, caring adults with foster children. I'm particularly impressed with the commitment to not only a safe environment for kids, but to very high levels of high school graduation rates. How. I have reviewed the budget pro forma with my bureau and with others, and clearly as with many developments of this kind, the financing depends on a variety of sources, including tax credits, foundation money, and private fund-raising. And an \$11 million for a development of this kind would be challenging in any environment. In the current economic climate, I think we recognize that hope me doadz faces significant challenges going forward. It is for this reason that it is especially important to me to look at the who. Who is part of this team moving forward? In this area, I believe that the team that hope meadows has assembled is as good as it gets in the affordable housing field. I've had extensive experience with carlton hart architects, most recently with the jerome sears site in southwest Portland. They have a record, and they're highly skilled at the developing attractive, grien, affordable housing, and equally important from my point of view, to working collaboratively with neighbors to develop these kinds of projects. Walsh construction. Walsh construction has a distinguished reputation for delivering affordable housing on time and on budget, most recently at the humboldt gardens development. They are highly skilled at helping people make challenging projects pencil out. The board of hope meadows, I have to say i'm impressed with the composition of the board and its allies. I think it's the right blend of community leaders and people who are skilled in fund-raising, and folks who are hard-headed. They have already demonstrated success in attracting foundation money, and i'm not prepared to bet against this board. Based on the forgoing, I believe hope meadows has made an & exceeded -- has made a good-faith effort to address the issues with my colleagues raised last year before I joined this body, and has presented to us a proposal which has a reasonable chance of success. But there are additional safeguards and protections built into this proposal which tip the balance even further for me. Tt draft lease agreement with the city has a number of deadlines and benchmarks in it and failure to meet these deadlines and benchmarks would result in the return of the property to the city. Hope meadows has agreed to enter into a good neighbor agreement with the portsmouth neighborhood association, and has in fact been meeting regularly with concerned neighbors as they have been moving forward. The board of hope meadows, confirmed by their architect, has agreed to include the community in all faiths of the planning process. O.m.f. On behalf of the city will be overseeing the project to make sure that it is meeting its lease obligation and providing timely reports to this council. And finally, hope meadows will be required to seek and obtain a conditional use permit which will provide additional protections and opportunities to be heard for the neighborhood. I'd like to congratulate commissioner Saltzman and in particular shannon callahan, who I don't see, but hopefully --

Leonard: Right over here.

Fish: She might be listening. Shannon is hide can, and she is reluctant typically to take credit for her good work, but she's done a terrific job. And the rest of the folks who have worked on this. And i'd also like to acknowledge and thank the leadership of the portsmouth neighborhood association for their willingness to engage this issue and for their testimony last week before this council, which I think we all felt was among the best presentations we've ever had from a neighborhood association and clearly was offered in the spirit of trying to work a reconciliation, not to place unnecessary barriers. This is not a perfect project, and there are clear risks going forward.

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However, on balance, I believe moving forward with this project is in the best interest of the city and I proudly vote aye.

Leonard: I too did not support this when it first came before council a couple years back, and primarily because I didn't believe that the neighborhood had been given the opportunity to be involved in the decision. Naft, I think a review of my record in the past six years would confirm that in hearing after hearing on issues that affect neighborhoods, whether they're land use hearings or public policy discussion such as new hope meadows, I am inclined to give the benefit of the doubt to neighbors and neighborhoods. And the amount that I defer to neighborhoods increases as the sophistication of the other side increases. So the more money and highly sophisticated attorneys that show up on behalf of a developer or anybody who has an idea, the more i'm inclined to gift benefit of the doubt to the lay folks who make their case. I hope in that context those in north Portland understand that the hearing last time eliminated any doubt that I had, and in fact not to contradict commissioner fish, in essence I agree with his observations, but I was disappointed in some of the presentations made here, and specifically some of the comments made by those who live in the north Portland neighborhood. I attempted to give them an opportunity to specifically identify which parts of the plan that they were particularly concerned with, in my attempt to resolve that. And I drew the conclusion that no meteorite what was done, they were essentially and I revocably opposed to the concept of new hope meadows in the neighborhood. I was disappointed the lack of acknowledgment of the goal of this proposal to help some of the most challenged and fragile children in our society. And those are kids is that are in foster care. I have some familiarity with that system. Both as former legislator and a one-time foster parent. It is a trying circumstance to be kind. And I hope that some of what I heard here last week is the last that that neighborhood hears that. And I certainly hope that the children that end up being there are not subjected to those kinds of comments, because I will go from being even-handed to having some amount of ire to those that would direct unseemly comments to those kids who are doing nothing more than try to survive in a world that hasn't treated them very well. So having said that, I did appreciate the presentation by new hope meadows. I did appreciate the focus on exactly what the mission was, not allowing themselves to get distracted by some of the comments, and observations that were made by others, and for those reasons, I did something I don't rarely do, I changed my position with respect to the placement of this neighborhood, and I congratulations new hope meadows and commissioner Saltzman and wish you all well. Aye so I i want to thank my colleagues. I also know that if mayor Potter would here he would be voting in favor of this too. There are really few if any innovations in helping foster kids find adoptive families. Hope meadows, Portland hope meadows, is one of those innovations. More than three years ago I was introduced to the hope meadows model for an intergenerational community to help our city's foster children by a very driven and dedicated woman, rhonda meadows. Who was here last week. Thank you, rhonda, for sharing your vision, and your tenacity in making Portland hope meadows a reality. I'm very pleased with the progress that has been made over the last few years. Portland hope meadows has put together a wonderful board, hired an extremely capable executive director, contracted with top-notch developer and architect, and raised millions of dollars in the private sector. I would also like to thank everyone who testified last week, both those in favor and those who raised concerns. One of the concerns we heard about was about how the design of the project would integrate with the surrounding neighborhood. Since that hearing, my staff, a.k.a. Shannon callahan, has spoken to the chair of the portsmouth neighborhood association, greg willhelm, and to darinda schubert, and has confirmed that it is our expectation that the neighborhood will be involved at every step in the design of the project. And i'm pleased to note Portland hope meadows has committed to ensuring that Portland will -- that this will happen, and is creating a design advisory team with members of the neighborhood association. Portland hope meadows will be a model community, a community that will bring together three generations to share their lives. Hope meadows will offer a caring,

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supportive family environment, not just to the former foster children who will reside there, but to their parents and their surrogate grandparents. The children of hope meadows will have a bright future, a future they might not otherwise have without hope meadows. They will have a permanent, supporting, loving family to help support them through high school, college, and beyond. This truly is an innovation. Before I cast my vote I also want to recognize shan an callahan of my office. She has done an outstanding job. Her passion for this project is reflected in the caliber of her work and her commitment to going over every line item of the lease, and hammering everything out and bringing this project to where it is today, which is on the verge of happening. I'm pleased to vote aye. The ordinance passes unanimously. Thank you, shannon. We now move to item 1395.

Item 1395.

Mary Beth Baptista, Director, Independent Police Review: I believe i've met each one of you. My name is mary beth ba tease attachment i'm the director of i.p.r., independent police review. I'd like to take this opportunity to introduce our new assistant director.

Constantine Severe: I'm constantin severe.

Baptista: Constantine start as our assistant director yesterday. I told him to bring his tie and come here and have a conversation with you all today. He earned his degree at vanderbilt university, a j.d. Degree, and he has spent the last three years as a metropolitan public defender, and i'm pleased he's going to bring in a fresh perspective for us, and I think we're going to be a good fit.

Adams: Welcome.

Severe: Thank you.

Baptista: So on to business, i'm here to introduce the report of the 2007 annual report. We released this publicly on september 17th. I did provide each of your offices a copy of that report. My apologies in the few-week delay in getting here in front of you all. The reason being is that i'm a member and a participant of the performance review board across the street with Portland police. They also meet on wednesday, so I was previously committed to those important meetings, which is why this is my first opportunity to be here. But i'm sure that gave us all extra time to read the 61-page report that I trust that you are as encouraged as I am by the findings that are in that report. I wanted to highlight some of the important and positive trends that are happening in Portland police that are described in the annual report. First, police shootings and use of force complaints. Police shootings are down 48%. 48% fewer shootings in the past five years compared to the previous six. This reduction coincided with a five-plus percent decline in contact between police and citizens, widespread introduction of disabling weapons likes tasers and beanbag guns. I have the graph in front of you. I want to have a quick note on why 1997 was chosen for that. I.p.r. wasn't in existence then, but the reason we chose that start date was in 2003 Parc, the police assessment resource center conducted a review of 32 officer shootings and two in-custody deaths that occurred in Portland between january 1, 1997, and june 30th, 2000. Park picked that number for that report because they determined that was as far back as reliable data was available for a meaningful analysis. So that's why we used that as our start date. Excessive force complaints were down 37% since its peak in 2004. The number of force complaints per thousand citizen police contacts has declined 34%. The year 2002 was chosen as start date because that's when i.p.r. began to collect that important data. We also reported add very positive trend in accountability in our 2007 report. Accountability is up in the Portland police bureau. Police commanders are sustaining more allegations against their officers. In 2006 and 2007, commanders sustained more -- one or more allegations in 30% of the disciplinary actions. Investigations. Compared to 15% of the investigations in the proceeding four years. An average of 30 officers per year received discipline or command counseling in 2006 and 2007. As compared to 2005, the first year date was tracked where 17 officers received counseling. We also reported evidence that officers are correcting their own behavior. There is a culture of accountability that is gaining momentum. We saw significant drop in individual officers receiving multiple complaints. That is also a positive trend. A

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significant amount of work was done in 2007 in developing a new policy on the use of nonlethal force. The policy emphasizes deescalation and resolution of confrontation was less force than the maximum allowed by law. It provides significant new guidance for officers and supervisors and requires that operational units regularly review unit force practices in individual officers' performances in confrontations. Based on that work done in early 2007 and March of 2008, the Portland police did adopt this new force policy. Generally this report regally signals to me there's a real positive momentum that is happening with i.p.r. As well as Portland police. We have a high level of confidence in this data and the data is good news for the Portland police and the citizens of Portland. The trends we've identified in this report are solid and document real change in opportunities for continued progress. I'm very encouraged by what the successful collaboration of individuals can do at ipr and the citizen review committee and the Portland police. I'd actually like—from my shop, I'd like to extend thanks to the folks that really made this report happen. Derek Reinke, senior management analyst, responsible for crunching every number on that 61 page report. Pete sandrock, the other assistant director, contributed the significant amount of text in that report. And carol kirschner, our office assistant, helped with the layout and the release and every part of that report. Without them we couldn't bring this good news to you. And in addition I want to make a comment on the release of this report, because I think that also shows some real positive momentum that's happening. As we all know in our line of work, very rarely does good news actually get reported. But in this case the good news in the positive trends that we were reported got significant news coverage. We were on the front page of the metro section of "the Oregonian," we were covered by two major network news on both the noon, 5:00, 6:00, and 11:00 news. And opb radio covered it in their evening and morning drive times. So to me that really signals the public is listening. And that we have a real opportunity time prove the communication with the public. And I am very excited for i.p.r., i'm very excited to be the director of this outstanding organization, and I look forward to increasing our level of service to the community, improve our relationship with council, and the mayor, and the mayor-elect, and continue our positive working relationship with the bureau.

Adams: I might have questions after the testimony.

Leonard: I did have a couple questions. I have read the report, and I agree with your observations. This is very good work that's been done by both you and the police bureau, and I want to acknowledge that. And I have a long history of service here in the city, and I think it's fair to have different standards for different employees based on their responsibilities. And so I have one standard, for example, at the water bureau for employees that work there, and a different standard for the 9-1-1 operators that i'm responsible for. And I think that's fair. There is no group of people that should -- that have a higher standard in my view of conduct and performance, than police officers. And the reason of course is not only can they deny one civil liberties and properties, but take their life. For that reason I think it's important to focus on especially the good stuff you've done, but also to talk about a couple areas that you observed of concern, that is not frankly, the first time i've heard these areas of concern, and they are found on page 20 of your report. I'll quote -- you say despite excellent overall progress on findings, i.p.r. Remains concern that the bureau has sustained only one citizen allegation of excessive nonlethal force in the past six years. Do you care to talk about that and give me your sense of why that might be, and if that is an indication of some other problem that we need to do some work on?

Baptista: We pointed that out, because we share your concern.

Leonard: I wasn't saying I was concerned, I was reading it back to you and giving you an opportunity -- I don't know if i'm concerned yet or not.

Baptista: We're concerned.

Leonard: Ok.

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Baptista: We think this is an area that we need to look at. And we need to take a hard look at it and understand why that is happening.

Leonard: Do you have any opinions or observations now?

Baptista: Well, the one opinion I do have is since i've been here, the end of may, so we have to assess that i'm new to the scene, so i'm looking at these investigations, and I gotta tell you, i've reviewed significant number of i.a.d. Investigations, and had conversations with the assistant director about them, and they are improving with every investigation. They are stepping up to the plate, they are accepting the challenge, they're asking the hard questions. I don't know if that's always been the case. But I can tell you I know that assistant director, sandrock, who has significant more experience in reviewing those, just by the time being here, has notice add real trend in increased level of investigation and quality of investigation. So it's my hope that with these more thorough investigations will see this number of change, but this is an area of concern, that's why we highlighted it. And we're going to watch it.

Leonard: Do you hope it changes because in your work you've concluded that some of these cases probably deserve some level of discipline, and then you have observed the bureau has not pursued that, and is that why you're concerned? Or do you think the numbers should be higher and you're not sure why?

Baptista: You know, in my view i'm looking at -- that these allegations that are coming forward, and these investigations that have been done, and there are times we don't necessarily agree.

Leonard: With the finding of the bureau?

Baptista: That's right.

Leonard: Ok.

Gary Blackmer, City Auditor: If I could add a little more history to this, we raised this issue a number of years ago in our annual report, and one of the big steps I think we're seeing was the new force policy is going to change I think the level of expectation of the officers, and I think there's easier ability to clearly identify misconduct and to follow through. My sense is we'll see some changes not only in terms of good investigations, but clearer expectations of officers.

Leonard: I appreciate that. The second one is not one that i've become aware of by reading your report, but it's a common observation, and i'll quote that that. It says p.p.b.'s review process for complete i.a.d. Investigations is slow. Timeliness in this stage of case handling continues to be of concern. The process began to show slight improvements by commanders and managers made fewer recommendations within 30 days in 2007. So maybe you could expand on that.

Baptista: The process is slow. We all understand the experience of having more work and less people to do it. I think that's a concern. I think it's very important for accountability that we speak to the officers and to the citizens as quickly as possible. That's an area we agree with you needs improvement. It's not something we're ignoring.

Leonard: I'm asking to you tell me why you think it needs improvement. I don't want you to misread my question. I'm wanting to hear what it is you observe so I can decide if it isn't appropriate or not. Let me clarify the issue that i've heard. The perspective i've heard this from is mostly from the officer perspective. Who is in limbo sometimes two years, waiting to hear what ends up happening to that officer as a result of an investigation. And so -- to me that just -- there has to be some reason for that happening.

Baptista: There's two things to look at. One, a lot of these -- if we're talking about force review board and performance review board investigation --

Leonard: Whatever you were talking about. You said on page 20 under p.p.b. Review and discipline process, I read to you your comment. So whatever you were talking about.

Baptista: Right. I heard you say something about performance review. I thought I did.

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Leonard: I just read you said the review process began to show slight improvements, but commanders and managers made far fewer recommendations within 30 days in 2007. So I'm asking you to tell me what that means.

Baptista: There's two things to look at. When we do the performance review and force review board, where i.a.d. Investigations go to that level, we're also somewhat tied to the civil litigation process. And so there are delays that are completely out of our hands. I know that's -- when the officers are really expressing their concern about not being able to move on and things take two years, and it's not fair to them, but there's things we cannot control.

Leonard: I'm not asking you about you, I'm asking about your observation about commanders and managers. And the observation that your report makes that they made far fewer recommendation within 30 days.

Blackmer: I think one of the reasons is there's a lot of change going on in the organization. There's a real need for leadership and coordination at that level. Plus more attention on these cases draws the management away from their day-to-day change and day-to-day duties of managing the organization. I don't often say this, but I think frankly the management team the chief has is putting in as many hours as they can and do as much as they can, but ultimately trying to schedule these meetings to talk about disciplinary matters, as well as trying to handle the day-to-day crises of a police agency makes it difficult for that to happen quickly. Spreading that workload out over one more manager might be a way to accelerate that.

Leonard: An observation you might make time prove that is to hire somebody that might be more focused order resolving disciplinary --

Blackmer: I would check with the chief. My sense is she may say, well, I've got 14 things to do and three people to do them, and I might -- with one more --

Leonard: I didn't see this as a criticism of the assistant chief --

Blackmer: No. There's only so many hours in the day and trying to get them all together in a room to do the command level reviews is very difficult.

Saltzman: Questions? Ok. Thank you. I'm sure we have people signed up to testify. If you could call the first three. Please give us your name. You each have three minutes.

Barbara Fredericks: My name is Barbara Fredericks. I'm here representing the league of women voters of Portland. First we'd like to thank the i.p.r. Staff for completing another annual report, and for its commitment to publish future reports in a timely manner. As professor Luna Firebaugh explained in her performance review of the i.p.r., one of the fundamental principles underlying civilian review boards is the people's right to know the people's business. Comprehensive reports are an excellent tool for accomplishing that goal. There are several issues from the report we'd like to highlight today. First according to the report, 60% of the cases referred to internal affairs were classified as service complaints. A 21% increase over 2006. These are considered minor rule infractions and complainants do not have a right of appeal. Given their increasing number and option for a complainant request the review or reconsideration, we suggest should be explored. Secondly, the use of force complaints have decreased over the past years, along with complaints overall. We share commissioner Leonard's view that of a total of 594 citizen allegations of excessive use of force in the last six years, only one was sustained. It's possible citizens feel it's futile to file a complaint, similarly given the limitations of the complaint survey. The complainants surveyed we do not know if the decreasing number of complaints overall can be attributed to better policing or to a lack of trust in the i.p.r. Third, the report points out the shortcomings of the complainants' survey with its low response rate and lack of follow-up. It's essential that we understand how the system is working from the perspective of those who use it. When resources permit the league recommends contracting with an outside expert perhaps to develop a survey instrument that would result in a more accurate assessment of the system. Fourth, there are several excellent suggestions in the report of items needing citizen review committee auditing or study.

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Considering the substantial workload these volunteers already carry, the league continues to believe council should consider increasing the committee's size. And finally, in a few cases, the highlighted comments in the report, in the executive summary, are not consistent with the more detailed examination of the data. It would take some time for me to explain those. We've included them in our written testimony that we've submitted. Once again we appreciate the ipr's work on the report and are pleased that it is being presented at a city council meeting. Next time we hope that a bit more notice will be given. Thank you.

Leonard: I'd like to ask a question. I'd like to ask you to give me at least one example what it is that gave us in writing so the public can hear that, and if you need to give two, that's fine as well.

Fredericks: Sure. The executive summary correctly states the number of forced complaints per thousand police contacts has declined 34% since 2004. That statement, however, doesn't tell the whole story. Table 2.4, page 9, called citizen initiated complaint allegations reported by category, shows that use of force allegations as a percentage of total allegations have remained at a consistent 8% since 2004. So if you took -- look at the data, there's been no change in use of force allegations since 2004.

Leonard: What's the reason for the distinction? What the executive summary says and what you've concluded?

Fredericks: The executive summary says there's been a 34% declined in police -- in the number of force complaints per thousand police contacts since 2004. If you look, you can see the numbers in the box. But if you look at the chart more carefully, you'll see that the rate of complaints is still the same. For instance, it's just 8% every year.

Leonard: How is it they concluded in the executive report that there's a decline?

Fredericks: I don't know.

Leonard: So I didn't miss it.

Fredericks: That's our point, it's not clear. A second example. The executive summary accurately points out the complainants' satisfaction in the outcome of their cases increased by more than 11%, and dissatisfaction decreased by 18% in 2007. On the other hand, going back to the report again, page 57, figure 5.10 shows that 32% of complainants are satisfied, but 50% are dissatisfied and 17.9%, neither are satisfied nor dissatisfied. So, in other words, a large proportion of complainants are not satisfied with the outcome of their cases. And it's not clear if one reads only the highlighted points of the executive summary and furthermore, this data should be interpreted with caution because it's based on a very small sample. 33 complaints due to a large reduction in the number of surveys mailed in 2007. There was a decrease in funding that resulted in fewer surveys going out. So that statement in the executive summary of the increase in satisfaction rating is not borne out by the facts.

Leonard: Thank you. That's helpful.

Adams: I wanted to thank you and the league of women voters of Portland for continuing to track this issue. I wanted to sort of get your perspective on the officer-involved shootings and the report states that there's a 48% fewer police shootings in the past five years compared to the proceedings six-year averages. The organization is really followed this. What do you attribute that reduction to?

Fredericks: I would have to defer to my comrade, debbie, who has been following this issue for all of these many years.

Debbie Iona: I'm a little shy. To tell you the truth, I study these things pretty hard, I do not have an answer to your question, and the league sort of -- we focused on a lot of stuff about process and the way information is presented. We haven't spent a lot of time focusing on the shootings question. So I don't feel equipped to give you a good answer.

Adams: When you come before us you have a limited amount of time and you want to focus on the places for improvement, but now that we're asking you some question, have you a little more time.

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Are there things that -- a little more time you have before us, are there changes, are there good things happening, you want to make -- you want to recognize and make sure that the police continue?

Iona: The other thing to tell you the truth, I think we focus more on the i.p.r. And the citizen review committee and the whole process of having police oversight. I know that indirectly that affects the police bureau. I think that their willingness to work with the i.p.r. And to listen to the recommendations that are made by i.p.r. Is definitely a really important step. And I think having a good police oversight system will be to a better police bureau. And that's what we all hope for.

Adams: Is there anything in the i.p.r. Process that you think is positive that you want to make sure that we not mess around with?

Iona: That you don't mess around with?

Adams: Right.

Iona: Oh. You know, i'm not sure i'm going to answer your question directly. After last night's debate I think that's ok. [laughter] I think that there's room for improvement in this system. And I -- just so you know, the c.r.c. Is working really hard on this, and we're engaged in their work by attending work groups. They're thinking carefully about what was in the luna firebaugh and will eventually come back to you as some ideas for making changes to the system to improve it. And we're very supportive of that process and will give you ideas as that continues for how to strengthen what we've got.

Dan Handelman: Dan handelman, Portland cop watch. The i.p.r.'s new annual report implies they're responsible for the drop in police shootings. They also note the use of force complaints are down 34% while failing to question whether citizens who learn the i.p.r. System only held one officer accountable for excessive force in six years might be reluctant to file. Portland cop watch applauds the i.p.r. For getting the new report out -- before the end of the calendar year and for including details about the use of force review board. However, if the i.p.r. Continues to try make themselves look better by manipulating statistics they'll do nothing time prove their trust with the community as highlighted in january's luna Firebaugh review. Her report claims more officers have been found guilty of misconduct. The number of sustained findings last year was 22, but it was 26 in 2003. The i.p.r. Failed to connect that one of two shootings last year repeated a tactical error that the use of force review board highlighted. The lack of communication in 2005 between leo [last name] and hostage negotiators who were on the phone with Raymond b when he was shot. Last august, officer Stephanie r shot paul stewart while he was on the phone with a police sergeant. Furthermore, the shootings chart arbitrarily compares last five years to the previous six years. I know you heard an explanation, but if you look back to 1996 there were only five shootins and there was only one in 1995. So the apparent precipitous drop would not be so stark if you went back just one or two more years. It is dangerous for the ipr make claims about the number of shootings when the Portland police officers shot as many people in three days in may as it did last year. While they deserve credit for mentioning tasers, they don't use statistics to correlate the rising use of electro shock weapons to lower the rate of number of shootings. Making the issue of how often police use deadly force their number one highlight is disingenuous since the charter forces them to defer such questions to an outside contractor. As for the drop in use of force complaints, there has been a similar 3-4% drop in the over all number of allegations resulting in consistent proportion of force allegations compared to all those, 8% a year. Demographic information shows african-americans account for 18% of complaints each year while being only 6.6% of the population. Statistics show african-americans make up 14% of traffic stops, are searched twice the rate of white drivers, and are 24% pedestrian stops. They make up 29% of those who have force used against them. Nowhere dots i.p.r. show an intellectual curiosity as to why these percentages are so high. In describing why 5 of the 172 tort claim cases refused to analyze, why they were rejected, the i.p.r. Says they contained, quote, random conspiracy theories filed by unrepresented

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claimants. Which don't make anybody want to file a complaint with ipr if they are treated that way. Perhaps explaining some of the drop-off in use of force complaints, the i.p.r. Relabeled the use of pepper spray as a control hold as opposed to use of force at some point in the last few years.. Anyone who has been affected by pepper spray, include dickie dow's family, since he died after being pepper sprayed in 1998, they would argue aerosol restraints are as much use of force as a baton or bean beanbag gun. The report notes the i.p.r. Can conduct fully independent investigations but fails to report the i.p.r. Has never done so. One of the largest complaints of the old system that was agreed by everyone in the Mayor's piac work group was lack timeliness and investigations, however, the report leaves out the fact 49% of case were handled in the ideal 10-week time in 2002 while the rate today is only 20%. Our concern remains that ipr should show its accomplishments and shortcomings honestly without playing with statistics to make themselves look better. we expect to revise this analysis once we have more time to discuss these concerns with the i.p.r. Staff themselves.

Saltzman: Thank you.

Adams: In terms of all the areas we could choose time prove, what would you -- you've mentioned a few, what would you prioritize?

Handelman: In terms of the i.p.r.? I would prioritize the looking at use of force complaints, and deadly force complaints, combine them, and let the citizens look at them contemporaneously instead of having the parc reports happen two years later. I think when we compartmentalize police accountability, everything from rudeness to shooting is part of a continuum. As long as it's all broken up into smaller pieces, we're never going to get a full picture.

Adams: Thank you.

Saltzman: Thank you very much. Is there anyone who is not signed up who wishes to testify? We need a motion to accept the report.

Leonard: So moved.

Saltzman: Moved and seconded. Sue, please call the roll.

Adams: I thought our council work session on this issue of however many months ago was useful. When you feel like you've got your sea legs and your staff have your sea legs, I welcome you to come back and have a follow-up discussion. After i.p.r. Has an opportunity to go through their process, encourage you to come back for a follow-up council work session. It doesn't have to be in my opinion except to everyone up here, it doesn't have to be figured out before coming back to us with a discussion, but I want to thank you for your work in this effort, and I want to thank auditor blackmer who is committed to ever improving this very important function of the city. I know that you struggle hard with it because you want to do well. And I appreciate that very much. Your leadership in this area. Aye.

Fish: [inaudible] Aye.

Leonard: I do appreciate the work of i.p.r. And the c.r.c. And I appreciate auditor blackmer responding to some of the questions I have that didn't escape my notice that there was nobody here from the police bureau. It would have been more appropriate to answer --

Saltzman: There is somebody here.

Leonard: That would have been nice when I was asking those questions if I would have had john. I didn't see him back there. I was curious about the questions about the timeliness are you prepared to talk about that, john? The timeliness?

*****: [inaudible]

John Tellis, Portland Police Bureau: Yes.

*****: [inaudible]

Saltzman: We're in the middle of the vote. I guess we can hold off the vote if commissioner

Leonard: I did -- you'd like him to come up?

Adams: I'm ready to take back my vote.

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Leonard: It does feel like there was a huge gap. John, if you -- what's your rank in the bureau?

Tellis: Captain internal affairs, Portland police bureau and resident of northeast Portland.

Leonard: I'm sorry I didn't see you back there. You heard my questions about the observations. Are you a captain in charge of internal affairs?

Tellis: Correct.

Leonard: Can you help me better understand from your perspective why only one citizen allegation of excessive use of nonlethal force has been -- you had the benefit of hearing many both saying they didn't agree with some of your conclusions.

Tellis: I'm in charge of the investigation itself. I do not make findings or recommendation of findings.

Tellis: When allegations of misconduct come forward from the independent police review, when they come to the internal affairs division for investigation, one of my investigators will do the full investigation of that allegation.

Leonard: Just so I can have you explain for people that are watching, one of these cases that we're talking about here, a complaint of nonlethal excessive force, gets made at i.p.r. They look at it, and they send it to you.

Tellis: Correct. Force complaints will come to me.

Leonard: Ok.

Tellis: And I will assign it to an investigation. And the results of that investigation will then be forwarded to that officer's commander at the -- usually a precinct. There's going to be someone who works at a precinct. So the commander of that precinct will get the results of the investigation and they will make a determination, what we call findings. And findings can be sustained --

Leonard: In this example, only one has been sustained in six years. Have more than one of those sustained complaints been contrary to what your investigations found?

Tellis: Again, my investigation will produce the evidence, the interpretation of that evidence as to the -- as up to the commander.

Leonard: I'm asking, and I understand that. But I'm asking you based on your investigation, and the observation that one complaint has been sustained in six years, do your investigations support the concerns raised in this i.p.r. Report?

Tellis: I'm just not in a position to answer that. It would -- I guess it would be --

Leonard: It's also an opportunity for you to explain why that is.

Tellis: Generally speaking I've been there for three years, and in those three years since we're looking at a six-year window, I can say with a degree of certainty that the quality of the investigations has improved in that in the past, the investigation, some of them have been inadequate to sustain a finding.

Leonard: Since you've been there, they've improved. I'm trying -- I'm not trying to pin you down, but this is an area that's -- outlined in the report. I'm trying to mesh what your investigation produces, and what appears not to happen at a commander level. Let me ask you this another way so you don't feel like you're on the spot. Do you find your investigations are sustained by what the commander does?

Tellis: Let me finish the piece of the process. When the finding is made it comes back for my review. And I have to make sure the finding is supported or the decision is within the bounds of what's in the investigation. And I have not found anything to be completely outside of the realm of what the finding could be. There's always a certain amount of interpretation that one can make that would be different from someone else. There's always that, but in terms of what the evidence says, what -- the statements taken from the officers, what the evidence from the witness -- to the events say, the findings have been consistent with what's contained in the file. So -- because if it's not, I can controvert and say I can disagree and I can send something to review.

Leonard: But you've never done that?

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Tellis: I've always worked with people to come to a different decision. Now in force cases I guess we'll stick to force case, I have never controverted a force case there. Have been a number of cases sent to review board, so my controverting it would be irrelevant, because it's going to go to the full review board anyhow. I will not controvert cases destined for review board. The full board will hear that, and then the full board will make the recommendation to the chief what the finding should be. So a lot of the force cases now go through an entire process where they're heard by the full review board with recommendations to the chief. But my controverting something at this point would be irrelevant because the board will make the decision. Or make the recommendation.

Adams: If I could follow up on two points. Working backwards, the assumption that your opinion is irrelevant going to review board strikes me as not -- maybe I don't know enough, strikes me as odd. If you've -- if you've been -- played the role of facilitator, getting good information and something -- and a commander makes a decision, comes back to you, I don't understand how you it this would be irrelevant for a review board to know the professional opinion of the

Tellis: Maybe irrelevant wasn't the right word. The structure of the review board is I am a nonvoting member. So not being part of that review board, my opinion is not really germane to the discussion and the process. The review board will take the results of the internal investigation and they will then dissect that investigation, and they will have the discussions, and they will apply the policy, and not being a voting member, I don't have a voice there. So relevant might not have been the right word. I'm not part of that process. So I don't weigh in.

Adams: You don't vote, but you do participate. True or false?

Tellis: I'm not part of the body. I am there to advise on ai process. If the board wants something followed up on by iad, then I will take that back.

Leonard: But you're there.

Tellis: I'm present.

Leonard: And you participate to the extent you can enter into the discussion.

Tellis: No, I'm not part of the discussion. I'm there kind of to be there, should they ask a question of me. I'm not a participating member of the review board.

Adams: Do you opine to the review board your opinion on the quality of the investigation done by a.i.d.?

Tellis: Yes, I will not forward something I do not think is up to par.

Adams: So I just put on the table, I don't know enough to have an opinion, but I would put on the table, i'd like to hear more in the future about whether you should have an opinion. To the review board. I'm trying to figure out ways to build in more points of accountability. The second question, I put it out there as a question, the other question I have, on the quality of investigation. And again, i'm not sure, I'd like your professional opinion, to what degree is the insufficiency of the aid investigations contribute to a lack of more than one showing up in the past six years in terms of being sustained. They only have to go on what is produced by the investigation. Everyone has acknowledged that there have been improvements. I infer by that -- they started good and now they're getting excellent, or did they start out somewhere more inferior and they're getting up to -- i'd like to know a little bit more about your professional view of all that.

Tellis: I think the investigations are more thorough than they were in the past. For example, my investigators will always recontact the person who made the complaint and interviewed them directly instead of relying on the intake interview done by ipr. So we will gather more information. We will call more witnesses than we would have. We will take questions a little bit further in terms of the follow-up to questions instead of taking things at face value, we'll probe a little more. So I think over time the investigations have become more thorough, more complete, and have asked the appropriate follow-up questions that perhaps were not asked in the past. I think that's how I have seen the internal affairs division grow during my tenure there. As far as the findings, I think a large piece is the policy change. Policy in the past was written in a way that I can see where it would be

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difficult to sustain, because the policy was not specific enough. So I think the other piece of this equation has to do with the implementation of the new use of force policy being more specific, giving more direction, and providing more of the requirements, so to speak, that it will be easier to take information, apply a policy and make findings. I think that's the other piece, is the policy piece. In the past it was nebulous enough, loose enough that it was very difficult to sustain specific findings and misconduct. I think the new policy --

Leonard: As I understood your answer to my initial question, that's not your job. You just do the investigation.

Tellis: I do the investigation, i'm in charge of the investigations. And I make sure that they're thorough and complete. As far as findings and interpretations of my investigations and the application of policy, that is the commander's or the manager's job.

Leonard: The use of force policy went into effect march of '08?

Tellis: I believe.

Leonard: From that date until now have you done any investigations of nonlethal excessive force complaints?

Tellis: I have a number of complaints that include force as an allegation that are ongoing.

Leonard: Have you completed any of those?

Tellis: I will assume we have completed the case or two that would include force.

Leonard: Have we had any of those complaints go to the commander and have we had a decision position --

Tellis: I can't say for certainty that something has gone through the process all the way at this point.

Leonard: Would somebody from the chief's office have known that.

Tellis: I have to go back to my office and look it up.

Leonard: If I understand -- i'd appreciate the delicacy of the position you're in, you can't really give us an opinion about whether or not a finding by a commander was appropriate or not, given that some of what you find in your investigation can be interpreted a number of different ways. Based on what the officer may say the justification for doing what they did was.

Tellis: Again, I review finding and I find -- to this date I have not found the commander's finding to be inappropriate or out of bounds, so to speak. I can see --

Leonard: When you say, that i'm listening to your words, and what i'm hearing is they're not inappropriate or out of bounds, but i'm also hearing you may not have drawn the same conclusion. Am I inferring your comment incorrectly when I say that?

Tellis: You could draw a number of conclusions. I mean -- [laughter] you're asking for my opinion, maybe there's a case that I might have sustained that.

Leonard: I'm not trying to put you on the spot, but that's helpful to know.

Fish: You've piqued my curiosity. I will tell you, I think commissioner Adams has put a marker out to want to know a little more about the sequence. The potential utility of having this gentleman controvert, and that going up. One of the challenges the civil rights bar has is that when we go to administrative agencies, like the eeoc, they will generally take the position that if there is controverted evidence and it could reasonably lead to you two different conclusions, they won't sustain a finding, and they will force someone to then get a right to sue letter and find a lawyer to go to court, which is very unlikely in that circumstance, and some of us in the bar used to joke unless we had the videotape, and a signed confession, we weren't going to get a finding at the administrative level. Partly it's because the administrative bodies are overwhelmed with complaints. The people who review them are sincere and they do best they can, but they don't have the time to do a thorough investigation. If it's controverted, you're left with, we've got a credibility issue, you don't generally resolve those without taking sworn testimony and letting the fact finder -- so the issues you're raising about this is near and dear to my heart because a lot of administrative

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bodies struggle with this, and you could say at the e.o.c., for example, that the decision not to make a finding is within the boundaries of applaudability. But that in my opinion at least in this other context doesn't excuse the fact that we almost never get a finding.

Leonard: And I greatly appreciate your perspective as an attorney in this area. I have a different perspective, and that is as a person who has managed people in the bureaus for a number of time, and the fire bureau. One of the biggest challenges, any bureau, 9-1-1 or b.d.s., or b.e.s., is having managers manage. That's the biggest challenge. And it would be not surprising to me to find that there were managers that found the confrontational aspect about to sit down and discipline somebody they like who is an officer, not something they enjoy doing. It's difficult and it requires a lot of systems to make sure that happens. So I think that's more of what i'm observing, less maybe that they're overwhelmed.

Adams: I do appreciate your comments in terms of making the assumption that we will always have more requests for services than we will have services to provide. So appropriately triaging our efforts I think is realistic and moving forward. What causes -- cases get deep evaluations I think is realistic. I wanted to give you a chance to make any general observations of the report as well, since we have you before us. Have you had a chance to study the report?

Tellis: I've read the report, and I agree with the information contained in the report. I think that the independent police review is a very helpful body for the police bureau. I rely on them for guidance. I look to them for input. I have a lot of respect for the work that they do, and I appreciate that. It helps me stay in touch with the citizens of Portland. I regularly attend the c.r.c. Meetings and I find them --

Leonard: I was going to ask you. You do go and listen?

Tellis: I regularly attend c.r.c.meetings. To me that's a conduit to the community to get input. I find invaluable. It keeps me grounded in the community in terms of looking at things from a variety of perspectives. It's easy to look at things and get wrapped up in your world, and I find the independent police review helps me do that through a number of ways.

Leonard: Your perspective is refreshing. Thank you.

Tellis: I appreciate their work very much.

Leonard: I had one more question, too. So thank you for your answer. That was a good answer. I wanted to ask about the second part I asked auditor blackmer about, this isn't directly related to you. In fact I think your -- you're somewhat complimented in here. The review process for complete i.a.d. Investigation, which su, right? Is slow. So i'm assuming that means after you do your investigation, you hand off the report and it lingers.

Tellis: Well, the question you had was that the i.a.d. Part is slow?

Leonard: The Portland police bureau's review process complete i.a.d. Investigation assist slow.

Tellis: The review process.

Leonard: The timeliness of this stage of case handling continues to be an issue of concern.

Tellis: Right. And the process is a number of commanders once they get the results of my investigation, have to make findings, the 30-day window is talking about the time that the commander has to make the findings. And --

Leonard: Do you know why that don't happen?

Tellis: Part of that is the volume of work that commanders have. They have a number of responsibilities, and i'm sure it's a workload issue. For them. One of the things is the squeaky wheel gets the grease, so to speak, and one of the things i'm doing to help facilitate the timeliness issue on that level is, i'm -- i've actually just the other day spoke with my boss, director stevens, and i'm beginning to start to accumulate records every on month on what's out there in terms of timeliness. I'm starting to be the squeaky wheel. I called one manager yesterday to talk about, where's the finding? So i'm going to start to apply pressure no that. It's a workload issue, and crisis of the day, whatever that is in operational terms, will generally take priority over administrative

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tasks. So I can see where an i.a. Clays get buried, and i'm going to start ringing dispoans saying, hey, we've got a 30-day window. We're accountable to this also. So it's similar play workload issue.

Adams: I think it would be easeful if you see a pattern.

Tellis: Do you want me to name the commanders who are slow?

Leonard: We already know who they are.

Adams: It would be nice know if a particular precinct is overwhelmed to the point that it can't get --

Tellis: I haven't seen a pattern. We're all slow.

Adams: Any other general observations?

Tellis: Again, I it this report was thorough and complete and accurate, and like I say, i'm very complimentary of the work they do.

Leonard: I'm glad you came up, because I feel better now than I did before I was getting ready to vote.

Tellis: And i'm always available if you ever want to call or chat or want information. I would be more than happy to sit with you and give you details about process. And answer those kinds of questions.

Leonard: Thank you.

Saltzman: Thank you.

Adams: I do think if council would indulge me, I would like to hear your response to the league of women voters' issues. I should have done that benefit vote.

Baptista: I wrote down as much as I could. The service complaint issue, service complaints are an important tool, and one because of the timeliness issue. Service complaints are important when there are these minor rule violations that really the immediacy of sitting down with that officer is going to have such a greater impact in these cases than to do a long, drawn-out investigation that will probably date exactly back to the point sight down and having that conversation with the officers. We do screenings, we're not sending things over that are likely to result in discipline, we're sending these things over that are minor rule violation and we think it's been really effective. I've read service complaint memos that are more thorough than finds memos. I think they're an important tool, and we're going to see improvement in behavior of the police based on the service complaints. I understand there's a concern from the right to appeal, but a lot of the people who are getting -- these cases that are getting sent over a complaint, when the explain -- when it's explained what a service complaint is, they want it to be handled that way. They don't -- their thought was they just really want officer to know how this situation affected them or their family. So service complaints are important tool. I think the officers like them, the citizens like them. I think it will help with our overall goal more speedy handling of cases. Those that can be handled with a sit-down are being handled that way. So that's my response to the service complaint. The regarding the use of force complaints, how she point out differences in the graph. I'd have to have a more thorough analysis, I can't really do this on the spot, but the 2.4 graph she point out, those are allegations, so there's a reduction in the number of complaints with force as part of the complaint. I wrote that down and i'm not sure if it makes as much sense as I thought. Basically what the difference is is that those are two different -- we're reporting on two different things. This is the findings of allegations within the citizen come plants, rather than a reduction in overall force complaints. Choose make sense?

Blackmer: A complaint, have multiple allegations. So that partly that gets counted, there can be more than one force allegation also. In a particular complaint that just a series of acts. So my sense is we'll look at that more and figure out, we didn't see that when we were putting the report together. We were looking at the raw number of force complaints that's gone down over the last four years.

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Leonard: Are you responding to that concern that the league raised about the 34% decline not reflecting the tape -- .

Blackmer: The 34% is actually decline of the raw numbers of complaint. That chart, those are actually the complaints with force as an allegation. So that's the 34%, as opposed to this is a percent of all complaints coming in. But our complaints haven't dropped by 34%, so we have to go back and look at why.

Leonard: That would be great if you can follow that up with a memo.

Blackmer: Certainly.

Adams: And I -- we're going to lose a member of the council, so maybe just -- any hot button responses that you have? And then I think commissioner Leonard's suggestion of a memo follow-up --

Baptista: Sure. I think that part of everyone's concern is whether the reason complaints are down, force complaints are down is because lack -- that we're not relevant and we're not efficient, and that people don't have faith in us. I think you should focus on the fact that a significant amount of time and effort of i.p.r. And c.r.c. And the Portland police bureau have been spent on force and spent on profanity, and rudeness complaints. That's where you see the numbers correspond with the number of work we've done. Although there will be criticism and we won't know quite for sure, I point to the fact these are areas that we really focused our attention are, and we've seen results. That to me is a possible and hopeful answer.

Blackmer: There are many more areas we could be working on. Many more issues of police quality and service that we would -- we can work on. We picked off things that we thought were most important. Shootings, force, profanity, a lot of issues where we think it ruptures the police community relations. So just because we haven't addressed some of these other issues, we see in our annual report, doesn't mean we don't care. It's that we're taking on things as quickly as we in the police bureau can handle.

Adams: Your point is maybe there's a reduction in areas for reasons of people not kloosing tone gauge with the system, but your point is during a similar period of time there were actually proactive efforts made on these particular issues, and it's possible that that might have had an impact.

Blackmer: We also get complaints from people who -- the complaints are very minor, and that kind of a complaint hasn't diminished. Meaning they have faith by calling us with a minor complaint that something will happen. So it's hard for me to imagine someone who was violated by physical force would feel like they shunted even try, it's that much more serious. It's hard for us to kind of understand what's unreported and reported, but we aren't seeing any indications that people have given up on our situation. In fact, the data that we do a survey citywide every year shows a greater confidence in the ability of the city to hold police accountable.

Baptista: Briefly on your point about coming back and speaking to council, the concern whether or not we're engage citizen satisfaction, those are issues we are working on actively. We've started the work on c.r.c. Started the work on the performance review, we're going to come up with a strategy. We've hired a consultant to help us with our outreach efforts so we can more effectively communicate with the public, including a review of how we have the conversation with the public. So we're paying attention to that as well. We're going to have them review our communications and including those survey satisfaction.

Blackmer: Portland was the first city in the entire united states to actually look at its police shootings review in an open, voluntary manner as opposed to a federal court decree when the federal marshals come in to look at how the police bureau does its work. We did this, we were the first city to do that. We got national experts to work on it. It was clear that we weren't going to get the cooperation of all witnesses in order to do that kind of a review until all of the litigation had been settled. City council was clear that we would wait until the litigation was done and then do the

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review, and I think we've seen the positive benefits in terms of a reduction in the number of shooting incidents. And we still only have two this year, and two last year. Which is a significant change. Sometimes that's a necessary part of police work on occasion, and just counting the numbers by themselves isn't meaningful, but it is a big change.

Adams: Aye.

Fish: Aye.

Leonard: Thank you, captain, for coming up and answering those questions. I have a much better sense of some of what the issues are now. Thank you. Aye.

Saltzman: Good report. It looks like it's encouraging trends. I'm pleased to vote aye. So the report is accept and we're adjourned until 2:00 p.m.

At 12:18 p.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.

OCTOBER 8, 2008 2:00 PM

Saltzman: The city council will come to order for the 2:00 meeting.
[roll call]

Saltzman: If you could read 1396 and 1397.

Items 1396 and 1397.

Saltzman: Is sylvia, you are going to give us an overview? Do I need to do an ex parte? Ok. Ok.

Kathryn Beaumont, Sr. Deputy City Attorney: Before we begin the hearing, i've several announcements that i'm required to make by virtue of state law. These announcements concern the type of hearing we're having today, the order of testimony, and scope of testimony. First, this is an evidentiary hearing. This means that you may submit new evidence to the council in support of your arguments, which may be any form. Testimony, letters, petitions, slides, photographs, maps or drawings. And any items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure that they become a part of the record.

Testimony concerning the hearings officer's recommendation will be heard as follows, we'll begin with a staff report by Sylvia cate from the bds staff for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order -- the applicant will go first and will have 15 minutes to address the council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes to speak. Next, the council will hear from persons or organizations who oppose the applicant's proposal, and again, each person will have three minutes. And if there was testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut the testimony given in opposition to the proposal. The council may then close the hearing, deliberate and take a vote on the hearings, hearings officer's recommendation. If the vote is a tentative vote the council will set a future date for the adoption of findings and a final vote on the hearings officer's recommendation. If the council takes a final vote today, that will conclude the matter before the council. And I will note that there are two matters for the council to consider today. One is the hearings officer's recommendation and the second is the ordinance implementing the hearings officer's recommendation. Finally, i'd like to announce several guidelines for those presenting testimony and participating in the hearings. The guidelines are established by the zoning code and state law and are as follows -- any testimony and evidence you present must be directed toward the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code you believe applies to the decision. The bds staff will identify the applicable approval criteria as part of the 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 the land use board of appeals based on that issue, and that concludes the opening announcements.

Saltzman: Thank you, kathyn. Do any members of council have any ex parte contacts or conflicts of interest they wish to declare? Ok. Hearing none. Then why don we bring up sylvia for the staff presentation.

Sylvia Cate, Bureau of Development Services: Good afternoon, council. I'm sylvia, the assigned planner for this review. The applicant requests a comprehensive plan map amendment and

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concurrent zone map amendment to rezone the site from general industrial 1 to central employment with the design overlay. No specific development proposal has been submitted at this time. The subject site is the 6,620 square foot triangular parcel that is surrounded on most sides by e.x.d. Zoning. The site is zoned i.g.1 but given the zoning pattern of adjacent parcels the site is somewhat anomalous, is a somewhat anomalous bumpout of industrial zoning into the surrounding e.x.d. Area. With approval of the proposed changes, there will still remain a slender finger of i.g.1 zoning, however, that parcel is still within the ig-1 zone is owned by odot and is directly under two flyover ramps to the fremont bridge. The site has frontage on the west with, with northwest 15th avenue and on the north with northwest thurman. It is developed with a two-story building and associated parking lot. The hearings officer found that the proposal is on balance with the comprehensive plan goals and policies, and therefore, meets the applicable approval criteria found at 33.810.050 for a comprehensive plan map amendment. With the condition of approval, the proposal also meets the approval criteria found at 338855.050 for zone changes. Therefore, the hearings officer recommends approval of the request and recommends one condition of approval based on the bureau of environmental services response to the application. That condition requires sewer and stormwater upgrades to meet current standards when the site is redeveloped. Now we'll go on a virtual tour of the site here. We are looking at the existing two-story building on the site, which is located very close to the flyover ramps leading to the fremont bridge.

*****: [inaudible]

*****: I don't think so. It has had a hard life. [laughter]

Cate: Looking southwest from the site, the flyover ramps continue farther to the south and southwest. We can see a corner of the building that, that currently houses a montessori school, which is directly west of the site. This is another view looking south along northwest 15th avenue. Again, the flyover ramps of interstate 405 connecting with the fremont bridge are significant structures found in this immediate area. These elevated highway structures are so visually dominant that they are a significant part of the urban development in this portion of the northwest plan district. And looking directly west from this site, is the brick building that I mentioned a moment ago, which currently houses the montessori school, and the reported will reflect that the principal of that school did write a letter in support of the proposal. And this is a view looking directly north along northwest 15th avenue towards thurman street. Again, the site is to the right, in this image. And this photo was taken from the odot owned parcel that is immediately adjacent to the site. Again, elevated interstate ramps leading to and from the fremont bridge are a dominant part of the streetscape in this part of northwest. And this view looking to the northeast of the site shows how those elevated ramps connect to the fremont bridge and, and again, we see the site and the building, the back corner of the building on the right. With the exception of the odot-owned parcel, abutting the site to the southeast, the site is surrounded by e.x.e. Zoning. The slide shows examples of rehabilitated buildings in the area that have been converted to office uses and other uses, business uses allowed in the e.x.e. Zone. This final slide shows four more examples of the x.e. Development in the immediate area approximate to the site. As previously mentioned the elevated highway ramps are, again, a significant element in the built environment in this area. > and finally, I would want to mention that there was another notified property owner who wrote in support of the proposal. That concludes my presentation. If council has any questions, I will be happy to field them.

Leonard: Is that new software you are using?

*****: Yes, it is.

Leonard: It is very impressive. I like that, very nice.

Fish: Just to be clear, have we received any rip or --

Adams: Have we received any written or oral --

Cate: No, it's totally unproposed.

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Saltzman: You have a question? Thank you, sylvia. We will now have the applicant. We'll hear from the applicant. Welcome. Give us your name and you have up to 15 minutes.

*****: Thank you.

Adams: You are not required to take the whole 15 minutes.

Renee France: Don't worry, I won't. Emenrey france, 101 southwest main street, suite 1100, Portland, Oregon 97204. I am here on behalf of the applicant, and I believe the staff has done a really great job of summarizing the reasons for the approval of the request. However, I want to take a few short moments to emphasize a few of the key elements of this application. First to quote from the hearings officer decision, proposal in this case makes good planning sense. And that's because as noted in staff's presentation, the subject site is surrounded by e.x.e. Zoning, and therefore, the zoning and associated uses on the neighboring properties are inconsistent with the current industrial zoning designation. This is ideally suited for the zone change, and will make the use of the property more compatible with the surrounding properties, which staff noted, includes the child piece montessori school to the west. Their playground is also located directly north of this site, and then surrounding other, other office and mixed use developments. To emphasize a point, I think it's instructive to consider what the outcome would be if we were asking for the reverse. If the site were zoned e.x.e. And we were requesting the general industrial zone, given the surrounding zoning and uses, it will be very difficult, if not possible to meet the criteria and compatibility requirements for such a zone change. So, I think when you look at it from that perspective it highlights the fact that the proposed amendment is consistent with sound planning principles and necessary for neighborhood compatibility. Second, as detailed in the written materials, this amendment will help realize the goal for this area, expressed in the northwest district plan and the north pearl district plan. That borders the site to the south. And further, it will add a design overlay to the site to ensure that any future redevelopment will be consistent with the desired aesthetic of the changing area. For these reasons and for those set forth in our written materials, I respectfully request you approve the comprehensive plan amend and zone change to rezone this from i.g.1 to e.x.e. I would be happy to answer any questions, and also available are chris brehmer from kittleson who prepared the transportation impact analysis as well as the owners of the property, and commissioner Adams, to answer your question, apparently the awning was hit by a truck when that picture was taken, and it's since been replaced and repaired.

Adams: I know the owner is supportive of modern art so I wanted to know if, perhaps, I was seeing new installation of public art that I was supposed to be impressed by, so i'm just from newport, Oregon, what do I know. [laughter]

*****: Not the case this time around.

Saltzman: Thank you. Any questions? Thanks. Well, now, erik, is anybody here to testify in opposition to the proposal or the hearings officer recommendation? Seeing none, see no need for rebuttal. Any council discussion?

Adams: Move that we accept the recommendation.

Fish: Second.

Saltzman: Sue, please call the roll.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye.

*****: The hearings officer investigation approved and now -- we need to call the roll on the ordinance to amend the comp amendment.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye.

Saltzman: Look forward to seeing something exciting, aye.

Adams: Thank you.

Saltzman: Thank you. We have a 2:30 time certain so we'll recess for 10 minutes.

*****: Ok.

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Council recessed for 10 minutes.

Council reconvened at 2:37 P.M.

Item 1398.

Saltzman: 2:30, not 3:30. [10-minute recess taken] come to order, please call the roll again. We had the roll call at 2:00. Ok. We're all back. Ok, would you please read the 2:30 time certain. Item 1398, and I do want to announce, go ahead and read it, and then I will make the announcement.

Saltzman: Ok, mayor tom Potter is going to participate by telephone. The mayor feels this is an emergency in that it jeopardizes the public interest in not getting this matter resolved expeditiously. So, this matter has been in front of council previously and has been noticed again and the hearing is today. The mayor also feels his participation is important in resolving the issue in upholding the public interest and getting this matter resolved. Unless any member of council objects or the public objects, we will have mayor tom Potter dialed in.

Parsons: I will conference you right now. Hold on. Mayor Potter, do you hear us?

Potter: Yes.

Saltzman: Welcome, mayor tom Potter.

Potter: Thank you.

Saltzman: Ok. Now, you read the item, so now we will hear from our attorney.

Kathryn Beaumont, Sr. Deputy City Attorney: Good afternoon. Before we begin the hearing for the presentation part of the hearing, there are several announcements I need to make, they are required by state law concerning the kind of hearing that we're having today, the order of testimony, and the scope of testimony. First, this is an evidentiary hearing. This means that you may submit new evidence to the council in support of your argument. This evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, maps, or other items you show to council during your testimony should be given to the council clerk at the end of your testimony to make sure that they are a part of the record. We will begin with a staff report by the bureau of development services staff for approximately 10 minutes. Following the staff report the 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 principal opponent, in this case the applicant will have 15 minutes to address the city council and rebut the appellant's presentation. After the applicant, the council will hear from persons who oppose the appeal. Again, each person will have three minutes to speak to the council. Finally, the appellant will have five minutes to rebut the presentation of the opponent's of the appeal. The council may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote the council will set a future date for the adoption of findings and a final vote on appeal. And I would alert the council that my recommendation to you today will be whatever the outcome that your decision be a tentative one today and we set a future date for the adoption of findings. Finally, i'd like to announce several guidelines for those presenting testimony and participating in the hearings. These guidelines are established by the zoning code and state law are as follows -- first, any testimony and evidence you present must be directed towards the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code you believe apply to the decision. The bds staff will identify the applicable approval criteria as part of their staff report to 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 preclude from appealing to the land use board of appeals based on that issue. And finally, if the applicant fails to raise constitutional or other issues relating to the proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be preclude from

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bringing an action for damages in circuit court to challenge the conditions of approval. That concludes the opening statements.

Saltzman: Ok, thank you, kathyn. Do any members of council have any ex parte contacts that they wish to declare?

Leonard: I have had a number of meetings with opponents of the garage from the neighborhood over an extended period of time. I have remained as impartial as I could during those meetings and basically listened.

Saltzman: Commissioner Adams.

Adams: My staff, Shoshana Oppenheim has met with both the applicant and opponents and topics discussed were safety pedestrian conflict and design changes to the most recent proposal for the structured garage. I have had maybe a passing comment from folks of all sides of the issue, just with my participation in community issues.

Fish: As an elected official, I have had no ex parte contact with anyone. I have staff people who have been briefed by people on both sides of the issue, and as a candidate, which was my status before may 20 of this year, I did hear from people on both sides of the issue.

Saltzman: Ok. Do any members of council have any conflicts of interest they wish to report? Does anybody in the audience wish to challenge council on having no apparent conflicts of interest? Ok. Great. Let's begin with the staff report.

Tim Heron, Bureau of Development Services: Good afternoon, commissioners. My name is tim heron with b.d.s., historic design review team, commissioner Fish, my pleasure to be in front of you for the first time. I have worked with all of you before. So, with that, I will be as sufficiently brief as I can. This is, of course, staff's presentation to Portland city council on the appeal of an approval by the Portland historic landmarks commission for the irving street parking garage land use review 08-12142 4-h dzm, historic design review with modification requests. The zoning map indicates the site on the larger part of the northwest district and also the alphabet historic district, the site is shown in red by the arrow. Approval criteria are the guidelines, the alphabet's historic district guidelines, modifications through historic design review, and the Oregon state-wide planning goals.

As stated in the district plan, two specific areas of, of the district plan are urban character areas, and these two areas apply to the site because it is split, the west half is for the non hill residential areas, has its own desired characteristics and tradition statement and for the east half of the site, streetcar main streets has its own characteristics and tradition statement. The commercial parking garage, were very specifically approved as part of the northwest district plan. This slide here shows the compilation of the larger area of six specifically designated sites for commercial parking garages. The site, it is here before you today under an appeal, is, in fact, location number 1. And let's see. All right. This is an aerial view of the site as exists. Google errs wan sufficient this last year. The existing building that you see in this slide, since has been demolished and a surface parking lot is in its place today as shown by this slide, that was previously approved several years ago. And these are quick views. I know you are all familiar with the site, both of the site and the approximate boundaries of the garage, as well as across irving street. And I believe that we are all very familiar with the northwest district and the alphabet historic district. And again, this shows more specifically the structure that is deemed non contributing in the historic district will be demolished as a part of this development proposal, and the existing surface parking lot will, of course, be removed. And this slide on the lower right shows an approximate envelope of where the building would be located, parking level. Immediately behind papa haydn's. From a historic context standpoint there is a history of parking garages and auto oriented buildings throughout the district. Some of the other slides show more of the storefront detail and the quality of brickwork expected both in new developments because of what exists in the old. So, the land use history of this project is somewhat extensive. I did fit it on one slide, however. The original proposal was submitted in may 16, 2006, after four public hearings with the Portland historic landmarks

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commission, from august of 2006 through november, the project was ultimately approved because of the substantial changes made to the development. And this approved project occurred in november of 2006. The project was appealed by the northwest district association, the city council, and at the request of council, mediation was pursued to come to an agreement on this project. That did not conclude in time. The land use requires us to process our applications within the, a year's time, and as a result, the applicant withdrew the proposal before a final vote was made by city council. This new proposal before you today was submitted earlier this year in april of 2008. And quickly, this shows above the original garage proposal, as it came in, to staff in may of 2006. Several changes occurred as a result of the, the historic design review process. Starting with, with the, the reduced number of curb cuts and the narrow parking access shown in red going from two double wide spaces, to a pair of single wide spaces. The step massing of the original proposal was in fact taller, of course, was at 103 parking stalls. Storefront windows were added to the proposal. Storefront style of windows, and, and as well as much more delineated pedestrian entrances into this commercial parking garage structure, by awnings and doors being added, and as well as upper story industrial sash windows in the upper bay of the east half of the garage. The one before you today is the structure parking garage of fewer stalls now at 87. You will notice most clearly the upper story the east half of the building has been removed we're the other cars would have been. And it is still brick construction. The glaze, storefront system, fabric is still canopies. The eastern portion is built for the property line. Western portion is set back two feet. Two pedestrian entrances exist at the street as indicated before, and one curb cut allows for vehicular access and egress. External illuminated signage is proposed, as well as the additional safety features including audio and visual alarms, pedestrian safety signage, control gate for vehicles, speed bumps, and a detectable pavement surface. These have been added since and from the direction and advice by council the last time this project was here before you. Going through some of the side elevations, obviously, this is a brick facade building on all sides. Papa hayden's is showed grayed out because of abutting that part of the building, you would not see it, of course. And quickly, I will go through this. You are familiar. Three modification requests were proposed and approved by the landmarks commission. These had to do with parking stalls aisle dimentions, a ground floor window requirement, as well as required windows above the ground floor. I'll go through those quickly. Because of the narrowness of the site, the stall depths, otherwise required to be 16 feet deep, were reduced to 14 feet, 4 inches for several stalls to allow circulation to occur on this garage. And the modification as it applies to groundfloor windows, windows into garage area does not count towards the standard. However, is found, considering it was a garage use and detailed accordingly, found to be approvable. And, and the requirement also for ground floor windows above the ground floor, excuse me, above the ground floor, there is a requirement for them. This was impossible for the structure because of the exterior bearing walls and the brick structure, and in consideration of its location and, and depth and setback behind papa hayden, that was deemed approvable, and that is exactly what the Portland historic landmarks commission did again for this parking garage structure now at 87 stalls and approval of all the modification requests. The appeals summary, i'll go through briefly, addressed issues of community design guidelines met, pedestrian safety, reference to a spot zone, as well as parking problems that exist in the district, and that the project has goals of promoting mass transit, as well as sets a progressive and attractive precedent. Of those, the upper portion are what relate to the approval criteria of the project, and that is to the design guidelines, and to some degree, to pedestrian safety. Pdot has submitted and has approved this project from their perspective in front of the landmarks commission because of the additional safety features that have been added. And so, in conclusion, city council has several options today. I think the city attorney addressed them already so I won't go through this slide. That's the end of my presentation and I will be happy to answer any questions.

Saltzman: Actually, back up and go through that last slide.

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Heron: Sure. Let me roll through it. You can deny the appeal and uphold the Portland historic landmarks commission approval. The project would be approved as is. My only comment on that is the city attorney has offered that we look at the findings again and come back to adopt them. And you can uphold the appeal and reverse the Portland historic landmarks commission's decision of approval. Staff would need to revise the findings, of course, and we would need to return for a second hearing. This would deny the project. You could request changes, the design changes or additional conditions of approval, and again, in that case, you would need to revise the findings and the project could be approved with those changes of council's consideration. And you can, of course, request information to be reviewed at a future hearing date.

*******:** Ok.

Saltzman: Questions?

Adams: Can we go back two slides?

Saltzman: Only questions from council.

Adams: So the project does not meet criteria, 1-3, then the design guideline addendums and those numbers and have you opined on that?

Heron: Yes, I have looked at the testimony and I think it's just a matter of disagreement on what aspects of the garage and whether it meets those criteria related to the historic integrity or the use of brick detailing or storefront windows. Those all reference those, those specific design guidelines to their garage.

Adams: Then in terms of lights, audible signals, do you have an opinion on, on that?

Heron: Does staff have an opinion? It's safer than it was approved the first time. With pdot weighing in on it, as well, I know that there was some concerns relating to audible signals being, being inappropriate in a residential neighborhood, and I understand that there is some conversation about limiting those tones in the evening time. And so, there is, there has been some, some fine tuning or, or looking at kind of this microapproach of how to make this a safety system that doesn't intrude on residential character.

Saltzman: Any other questions? Ok. Thanks, tim. Thanks. We will now have the appellant, and I forgot, council, what was the time for the appellant? 10 minutes?

Beaumont: We gave the appellant 10 minutes and then they will have five minutes at the end if rebuttal.

Saltzman: Ok. We will hear from the appellant. Welcome. If you could just give us your name and then you have 10 minutes.

Juliet Hyams, NW District Association: I am juliette hyams, president of the northwest district association, and I live at 2324 marshall. This afternoon, tavo cruz, my second vice president is helping me out. Good afternoon. Thanks for having us. We appreciate all your time and consideration of the matter of the irving street garage. I realize this complex issue has caused the city a great deal of time and discussion and I would like to reassure you it is merited. First I want to tell you about my board of directors. It is an honor to preside over such an active and professional team. The nwda board includes land use and urban planners, architects, transit planners, lawyers, writers, small business owners, and a former mayor. They are the third board in a row to propose the project. They were elected during the first contested nwda election in recent memory. Careful research and analysis and discussion lie behind every policy decision that we make. Why we spent so much time studying and opposing this project? Because it is a pivotal piece of policy in anomalous land use that if constructed will set a troublesome precedent. As a result, the rest of the city is watching. This decision affects not just one lot or just one neighborhood, but the perception of Portland's values and evolution. The nwda --

Saltzman: Excuse me, sue, can you stop the clock, first? There is something with the microphone.

Hyams: Should I switch to a different one? I'm sorry, is that the phone connection?

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Parson: Mayor, I think we're hearing some interference from your phone. Well, we'll proceed.

Saltzman: Are you there? He's still connected, right? Ok.

Hyams: Are they all the same?

Saltzman: Actually, try that one or move that one over.

Hyams: Would you scoot over?

Saltzman: Ok. Ok. Resume the clock.

Hyams: The nwda is concerned about this project's conflict with the historic alphabet district to meet the design guidelines, the community design guidelines and the comp plan. During previous hearings on this project it has been opposed by three of Portland's mayors as well as our incoming mayor. The historic landmarks commission itself narrowly approved this in a 3-2 vote. Their job is difficult because the commercial use on a residential lot is fundamentally incompatible with the historic design guidelines. During lengthy deliberation commissioners commented that we're having to make the decisions we feel violate our guiding principles and the character of the neighborhood is at stake. They also identified some other larger issues about preserving landmark properties and preserving the viability of neighborhoods but they concluded that we are not in a position to fix that. City council is. And neighbors frequently talk to me about the proposed garage as do residents from other parts of the city. They questioned the need for it and are wary of the implications for other parts of Portland. They dislike its placement and such effective transit. They worry about the seemingly arbitrary use of spot zoning. It's auto oriented nature seems contradictory in a progressive city that includes a peak oil taskforce and is deliberately increasing its tree canopy. A garage like this placed on the periphery of the neighborhood would be one thing. However, such an intensive use at a central location raises significant safety issues. Note that pdot's applicable traffic study does not reflect the numerous dense developments added near the site in the last two years and considers only cars, disregarding cyclists and pedestrians. Because this land use is unorthodox we need new traffic and safety studies to evaluate it. Therefore, we have requested two tools from pdot, pedestrian safety criteria for parking garages and residential areas and pedestrian districts, and a multi-modal traffic study for the intersection of northwest 23rd and irving. We consider these necessary to achieve state transportation goals. The garage's blank walls and setbacks will degrade the granularity and character of our historic district. Furthermore, demolishing affordable housing to create a parking structure accelerates a trend away from the small, independent businesses we now enjoy towards large national chains. Some refer to this as the mallfication of northwest 23rd. Such a shift benefits distant corporations rather than our own community and undermines policies supporting sustainability and reduced carbon emissions. In fact, the recommendations of Portland's own peakoil tax force adopted last year state that we will reduce transportation needs, promote walkability, and design infrastructure to promote transportation options and facilitate sufficient movement of freight. Let's talk about the economics for a moment. The papa hayden restaurant currently has a 19-space surface parking lot behind it. A survey conducted this summer showed an 84% vacancy rate. One could argue that because the lot is relatively new, many potential patrons did not yet know of its existence however even when the restaurant is busy, the lot is not full, and surely most of the restaurant patrons know of its existence. Similarly, two other nearby established paid lots experienced about a 50% vacancy this summer and during last year's christmas season. Should Portland realize its goals of reduced vehicular traffic and increased transit use urban parking structures occupying scarce land could become obsolete. Some say that our businesses will suffer without more parking. However, on september 29, the daily journal of commerce reported that retailers are drawn to northwest 23rd, investing time and money to upgrade the spaces. This is, this has occurred without more paid parking, and in fact, the, with the demand, it is critical to distinguish between free parking and paid parking. The demand appears to be for free, not paid lots or structures. Do we really want to compromise the policies that make Portland so attractive and promising for a project of dubious

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merit that so many residents oppose? Should we look for a simpler comprehensive flexible program that will benefit the majority rather than a few? This council has made so many decisions that set Portland apart. Today make one more that will distinguish us and support this appeal.

Gustavo Cruze: Good afternoon mayor Tom Potter and commissioner, I am Gustavo Cruze, a board member and second vice president of the Northwest District Association, and I am a lifelong resident of Northwest Portland and live at 2224 NW Johnson St approximately two blocks from this project. The purpose of my testimony is to highlight several points raised in the appellant's statement, which we submitted in support of this appeal. First we believe that the proposed garage fails to satisfy the applicable design criteria. We submitted a detailed discussion to guidelines but I would like to draw your attention to guidelines two and three of the historic Alphabet District Community Design Guidelines Addendum. Which both speak to neighborhood compatibility issues. Despite the efforts to improve the aesthetic features of the project, the proposed garage still fails the test of compatibility with the neighborhood. This project is a new 31,000 square foot parking garage on three levels with 87 spaces. The proposed garage may be compatible with other garages and commercial districts but not with the historic district and a block dominated by residential properties. The mere size and scale of the garage will dwarf the residential structures and the character of the immediate area will change dramatically. The community design guidelines also apply. I draw your attention to e-1, which deals with sidewalks and pedestrian areas. This project would demolish an existing multi-family residence and replace it with an oversized garage. Traffic flow to and from the garage will interrupt the pedestrian and bicycle traffic flow on Northwest Irving Street. Numerous additional guidelines apply to this project, and we have discussed them in our statement, but the bottom line is the issues of scale and mass, neighborhood compatibility, increased propensity for crime and mischief and safety concerns are all implicated here. Regarding safety issues, this new design does not alleviate the well founded safety concerns raised by the city council and the NWDA during consideration of the original design. The applicant made changes to the entry way and added warning buzzers and lights but this is still intended to be a more intensive use than the existing residence and surface parking lot. Regardless of the new safety features it is difficult to mitigate the effects of cars crossing the sidewalk regularly to and from the 87 spots. Exiting cars will not see sidewalk traffic until they are in it and the likelihood of a collision with pedestrian, bicyclists or other motorists will increase. Third, there remains a legal argument that the spot zoning scheme allowing the garage to be built on this site may not be effective as a matter of law. Council for the appellant presented their argument on this point in a letter to the Historic Landmarks Commission, and we have responded in the form of an email to the city council, which is now of record. We encourage the council to ask the city attorney to consider this issue and render a formal opinion as to the effectiveness of the plan in this zoning scheme. Along those lines we also encourage the council to consider whether setback requirements were adequately dealt with in adopting the zoning scheme. It is highly unusual to eliminate setback requirements by ordinance as opposed to an adjustment or design review process and we note the issue of setbacks is only considered late in the original process. It's my understanding that this is not thoroughly vetted by the neighborhood or by the planning bureau staff. Also, please note that the garage is a one-of structure and is not part of a comprehensive parking lot for our neighborhood. As Juliette mentioned there is ample parking in the Northwest District, but there is a scarcity of free parking. Rather than approve individual garage projects which cannot solve our parking problem the city council should actively promote the adoption of a balanced comprehensive plan. If you deny the appeal and allow the garage to go forward, you will in effect reward a piecemeal approach to parking in our neighborhood. We need a balanced comprehensive plan to benefit the businesses, residents and visitors alike. And finally, I noticed in the editorial in yesterday's "New York Times" regarding California's innovative anti-sprawl law aimed at curbing urban sprawl and auto use to reduce greenhouse gases, after promoting the car culture for decades California is a late comer to

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this issue. However, in Oregon and Portland, in particular we have long supported smart urban planning and alternative forms of transportation. Why then, at a time when our car centric neighbors to the south are embracing urban density and mass transit would the city of Portland approve a new parking garage and a dense urban historic district? We encourage to you reject this application and allow us to pursue a parking solution that does not clash so dramatically with our civic values and what makes our neighborhood special. Thank you for your time and consideration.

Saltzman: Questions for the appellant? Ok. Thank you. We're going to hear from supporters of the appellant and I will limit testimony to two minutes because I think that there is quite a few people signed up to testify. Two minutes apiece.

Saltzman: If you could each just give us your name and you will have two minutes.

Lee Stapleton: I am lee stapleton. I live at 2445 northwest westover road, unit 204. I have submitted written comments for you. I wish to reiterate even though the ordinance allowing zero setbacks the design criteria should require setbacks to allow transition to the residential structures to the west and north of here, so stupid enough to allow this, this building to be built. And now, I wish to relate an incident occurring yesterday afternoon while I was walking in the neighborhood. I was walking west on northwest irving adjacent to the current surface parking lot. A cadillac, s.u.v. exited the lot without stopping at the sidewalk. What's really ironic is that the driver of the vehicle is in this room is one of the applicants. Maybe that individual was a like to address how any parking facility at this site could ever be safe. Thank you.

Saltzman: Go ahead.

Jim Ferguson: I am jim ferguson, 2333 northwest irving street and I appreciate this opportunity to address the council. My property will be due west of the proposed parking structure. I've been a resident of the part of Portland for 22 years. And i'm looking forward to having a 100 foot times 25 foot high brick wall along my property line with no setbacks. I have four windows that are facing east. They will all be less than 30 inches away from the brick wall. I have one window facing southeast. And every day at 9:00, the sun comes in through that window. It will not, I will not see the sun when the wall is there. If I sit on my porch over half of my field of view will be obscured by a brick wall. When they put the service lot in, I had several objects fall from my shelves. Now, the wall is going to be 32 inches away from my 104-year-old foundation and will undercut my foundation by over 10 feet in, on the south end. My roof will be less than 10 inches from the top of the structure. And anyone will have, have access to my roof or my neighbor's roof. The construction is estimated to last 18 months. We are all familiar with these types of parking structures downtown. I'm sure that the flashing lights and audible alarms will help with the clash of the pedestrians and increased auto traffic that are predicted. I moved into a neighborhood. My two nearest neighbors included a 95-year-old who has never had a driver's license and still walks to the store and will be subject to the increased activity on our street. My other nearest neighbor has become a proud new parent last month. And I hope that some day to see their son playing on the sidewalk in front of the house. But our concerns are being next to this structure. Thanks very much.

Saltzman: Thank you.

Sandra Stapleton: My name is sandra stapleton, I reside at 2445 northwest westover road. I have been a resident of Portland all my life, having been born and raised here. And I have a deep concern about our city, always have and always will. Several months ago, I attended a public forum put on by the city of Portland bureau of planning. Gail kelly presided over it. The topic was the concept of 20-minute neighborhoods in order to help reduce auto traffic. At no time during the forum did I hear anyone in attendance advocate for more garages. And my question to you is why are you wasting my time and the time of many others, including city planners in attending such

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forums promoting better livability and less pollution on our city and then you will possibly allow what is being proposed today.

Saltzman: Thank you. Could you call the next three.

Carmella Ettinger: I am Carmella, I own the El Carlos apartments at 2324 Northwest Johnson Street behind the proposed garage. The El Carlos was built in 1906. There are leaded glass cabinets in the kitchen, hardwood floors, extremely large rooms and closets and 10-foot high ceilings. One of the residents has been there since 1979, another since 1981. The rents are very affordable. Behind the building there is a small private landscaped yard, some of the pictures are going up that one of the residents took out of his living room window. There is a large birch tree which provides shade and screening in the middle of the yard. If the garage is built the residents are facing the loss of all the greenery outside of the windows and instead there will be a brick wall 30 feet high, and unbroken by any design elements. I object to allowing the garage to be built on the property line or over the line as the developers hopes to do. I was told that it was --

Parsons: That's all right. We'll call him. It may be appropriate to teleconference him when we are ready. He's watching this.

Potter: I am listening --

Parsons: Mayor? Yes, we have you in again.

Leonard: When he's online we're getting that static. I wonder since he's watching on channel 30, if we can have him call in at the end of the testimony when we're having council discussion. I'm sorry.

Beaumont: According to the code, if he's going to participate electronically he needs to be present electronically.

Leonard: Isn't he by watching channel 30?

Beaumont: We need to hear his static. [laughter]

Leonard: I have heard quite enough of that, thank you. [laughter] [inaudible]

Leonard: He's here. He heard that. [laughter]

Ettinger: I had almost two minutes when we started talking about the mayor. Do I lose all my time? I'll talk faster. I was told it was impossible to --

*****: [inaudible]

Leonard: Just do it. Just do it.

Ettinger: I was told that it was impossible to build the garage with a full 100-foot gap. The proposal is for it to be 98 feet deep on the west side. It is my conviction if a garage is built at this location it should be no more than 93 feet deep and there should be a landscape buffer. The city requires set backs to reduce the impact of development on adjacent properties and to allow sunlight, landscaping, fire protection and reasonable privacy. Waving the set back deprives the El Carlos residents from all of that. Through many discussions with the developers trying to mitigate the damage to my property, I asked where exactly the wall was going to be. And I was then told that the intention is to build the wall three feet on my side of the fence between the properties directly through the birch tree. Several months ago just before submitting the application, the developers removed the corner of the fence on my property and I discovered the contractor digging holes in my landscaping to [unintelligible] the surface parking lot. At this time, I'm not going to let the developers or the contractors on my property at all since I believe it will be extremely disruptive for the property. And people have asked me why I'm concerned about the garage when it's only a rental property. And it's because I believe that renters have a right to high quality, clean, well cared for, beautiful, and affordable housing in Portland, and I think that the residents at the El Carlos have that and should have the same rights that homeowners have. I do support changing the rules when it serves the community as a whole, however it makes no sense to me to allow private developers to build a commercial parking garage on a residential lot and to wave all setbacks and landscaping requirements when there is no clearly consensus that this will benefit the neighborhood. I have also

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addressed the specific standards in writing and I hope that you will take the time to look at it.

Thank you very much and thanks for listening to me.

Adams: Good job. [laughter]

Dan Volkmer: The guidelines are clear that the parking garage will never integrate with the neighborhood. This is from architect and landmarks commissioner peter mizer. Scores of neighbors with the diverse backgrounds and who share a common love for and understand the need to maintain balance have consistently spoke up against the garage. We all point to the guidelines and say, no. The parking garage increases hazards to the pedestrians. No, the commercial parking garage is too big and out of scale on this residential side street. No, the parking garage causes the demolition of affordable housing and 100-year-old julia and lee holly hoffman house, and no, the parking garage reflects an outdated carbon producing type of thinking that is so not where Portland wants to go in 2008. Today we asked you, be a city council that says yes we put neighborhood livability above individual private gains. That's why we went to all the trouble to produce these guidelines. Let's not let these precious guidelines be defeated by lawyering and lobbying. If you vote for this garage, you are, basically, saying the guidelines are ineffective. I'm here to ask you to support and uphold the guidelines and support nwda's appeal. Thank you.

Kim Carlson: My name is kim carlson, I live at 2442 northwest thurman street. I'm an active member and on the transportation committee. This contradicts with 6.5f, 8, 6.25b and 6.27c. The irving garage proposal creates an auto owner use and conflict with the local service traffic street that irving is. Creates an auto oriented use and conflict with pedestrian district that it's in. Creates new parking spaces where is they conflict with land use, transportation environmental objectives and the irving garage proposal does not consider transportation capacity in parking demand for all motor vehicles. Just because you can squeeze 87 parking spaces onto a local service residential street doesn't make it, is not a reason to do it. Just up the way on the corner of northwest irving street, pdot counted 829 pedestrians in a single hour. This is a single busiest corner for pedestrians outside of the central city. After years of ignoring the transportation impact of the development related to the remand west Portland commander brian shehan came to my October transportation committee meeting and told us that development does have a transportation impact and it will now be considered. That needs to apply to a parking garage development and should apply to the impact on the pedestrian environment. No such transportation study has been done for the proposed irving street garage. It is especially important due to the high concentration of auto activity already on northwest irving. Fruit and flower childcare accounts for 200 vehicle trips each weekday and the cambridge condominiums is, generates an estimated 568 trips per day, in their garage, is right at the next block. The vehicle crash history on northwest irving street at 23rd avenue is second only to burnside and 23rd, and four years between 2000 and 2004 there were 11 crashes at northwest irving and 23rd avenue. Those, two of those involved pedestrians and the pedestrian right-of-way and both were driver error. The irving garage and its design only exacerbates unsafe conditions for pedestrians. As you think about the future of our city and how your approval of a parking garage will impact our livability -- I wanted you to know that the northwest streetcar discussion work group did a survey this summer. 545 people volunteered, voluntarily took it, about the future of streetcar northwest Portland, 84% of all survey respondents said a streetcar paring of 23rd avenue and 21st avenue should be considered. I think that's incredible. Half of the survey respondents live in the 2709 and 2710 zip codes. The other half were from outside of the neighborhood and that still was the case. I respectfully ask you to uphold the appeal and reverse the landmark commission decision. Thank you.

Saltzman: Thank you.

Pete Colt: Thank you. Hi, pete colt and i'll just throw this away. I have two minutes. First I share the northwest district association public safety and livability committee and my concern about the garage is this, last month, a criminal fleeing from the police grabbed a woman off northwest 21st

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and followed her and raped her in her home. And i'm wondering if, on this project, as should be on every project from this inception here in Portland, we have an addition to pdot and the other departments, we should be having the police department involved so that as a project moves along, the police can say, this is a good sighting, this is a bad sighting, this needs to be changed here or changed there. In terms of the garage, it's not been done because there are stairways in and out and someone could be grabbed and pulled off the street. Just as important is that, is this, the kids this morning were darling, and they had it right. They want to bike and to walk, and in our neighborhood the northwest district, which is .66 of a mile from the freeway to the west hills and .13 of a mile from burnside to the river. We have, basically the crown jewel in Portland. We have what every other city wants. A residential community literally, a 20-minute walk from downtown as opposed to a 20-minute drive from downtown. I love our small neighborhood businesses. I love the fact that inc change Portland's ratings in terms of the small business lovability. It's moved up 30 points from 2006 to 2007 and a large part of that I attribute to you gentleman sitting up there on the city council and your small business-friendly attitudes. I think our small businesses, especially the ones in our neighborhood need to step up to the plate at this time. We have northwest 21st is, northwest thurman and east 23rd, designated as a main street. 21st and thurman, they gear their businesses to us, the 14,000 people who live in this tiny district and who walk or bike. Northwest 23rd needs to get with it. The internet is taking away their business. Lifestyle centers, like bridgeport village is taking away their business and we're asking them to start looking to us and their neighbors to generate their income because we will very happily support them. Thanks.

Steve Pinger: Good afternoon. My name is steve pinger. I'm a Portland native and lived in northwest Portland for 25 years. I've submitted written comments and I will summarize them in my two-minute version. I wish to speak specifically to the question of the protections intended under title 33 of our municipal code. I am deeply troubled by the apparent failure of the northwest plan district ordinance as adopted in 2003. To uphold the fundamental protections provided to neighboring property owners, they are typical between residential and commercial uses. The owner of a parcel of residentially zoned property must be able to have a reasonable expectation that he will be protected by ordinance from a neighboring parcel of residentially zoned property being developed with a use that is not permitted in residential zone. But this is precisely what is being allowed to happen here. Furthermore, this illegal use is being allowed by ordinance to be constructed without any setbacks and with a massing that would not remotely be allowed by the base zone requirements. This constitutes a failure of fundamental land use protections and a taking of individual property rights. I do believe in contrast to the staff's position that the underlying zoning issues are relevant and fundamental here. I recommend that the council overturn the decision of the landmarks commission on the grounds of the underlying enabling ordinance, is legally invalid. And direct the commission to deny approval of the proposal until the subject site is rezoned to accommodate this proposed use through the normal and appropriate public processes. Thank you.

Jeff Love: Hello, I am jeff love, I live at 2925 northwest raleigh street, and I used to live at 2344 northwest johnson street right behind the proposed site, and I moved shortly after in 2003 the, the council approved the site and, and at the time I had, I had, my family was living there, we had two small children, and the ages were I believe nine and 11, and you know, the harm that a garage like this, a commercial garage on a residential block does is not just the harm to the people who are injured because they are hit as one witness testified, he was recently hit at that site by a car coming out of the lot but also the harm, you know, to families, mothers and fathers who have young kids who want to raise them on the block, as many families have for generations. But who feel like now the blocks are becoming too unsafe. It's a very residential block. Most of the lots are single family residences. I urge the city council to deny this design for two specific reasons. One is it's is a massive site. A big block that does not satisfy the design criteria for the landscaping and for scale

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and proportion that's in keeping with the other, with the buildings on the other lots on the block. And from my house on Johnson Street over half of my lot was dedicated to bamboo trees, cedar trees, magnolia trees, Japanese plum tree. We had landscaping and that made it more livable for everybody. And that's the same is true with most of the other family homes on that block, expect for that lot, they want to use up almost every available inch of it, to just build a big block structure and it makes it ugly, and it also makes it unsafe for the families that want to raise children there. What they want to do is to increase the amount of traffic going along that sidewalk by hundreds of cars per day crossing that sidewalk going in and out several times. That's a serious risk. They haven't shown that it's safe. They have showed that they made efforts to make it safer but it's not nearly as safe as it is now and it should be rejected for safety and design reasons. Thank you.

Colt: Thank you. I hope you feel better Mayor Tom Potter.

Saltzman: Welcome. We'll start with Mayor Clark.

Bud Clark: Ok. Well, good afternoon, gentlemen, Mayor Tom Potter and Council, I am Bud Clark, homeowner at 2522 Northwest Northrop and a board member of the District Association. I'm here again to appeal for respect for the sacred line, sacred line marks the separation of commercial properties from housing properties in my neighborhood, the Northwest District. The NWDA has been a positive influence for both the residents and commercial owners of our neighborhood since 1969. The NWDA worked together with the business community to create the 1977 Northwest District Plan. The 1977 Northwest District Plan established the sacred line, which secured the commercial properties for the best interests of the business owners and secured the housing properties with the best interests of the residents. We both have thrived beyond anyone's expectations since the plan was adopted. Christmastime reminds me of those cooperative times. We, residents volunteered and had broke the concrete to plant the trees on 21st and 23rd. We, the residents planted the trees and the business owners brightened our winter nights with Christmas lights. Ogden Beaman, the founder of the NWDA was interviewed in 1999 by Ernie Bonner with the P.S.U. School of Urban Studies and Planning. In 1999, speaking about how times have changed since the 1970s, Ogden said, "now you would be laughed at if you wanted to talk about destroying houses to build parking lots," unquote. He died January 12 of this year. With his quote in mind and all the cooperation between the business community and residents which made my neighborhood prosper, the sacred line means to me if you put in parking on the housing side of the sacred line, it will have housing above it, if it does not have housing above it, it is violating the design guidelines of our neighborhood. I hope we will all be laughing again when your vote is taken. Thank you. [applause]

Saltzman: No applause. If you want to indicate your support, wave your hands. Ok. Bonnie next.

Bonny McKnight: Mayor Potter and members of the Council, my name is Bonnie McKnight. I live at 1617 Northeast 140th of Portland, and I coordinate the city-wide land use group but speak for myself in support of this appeal. More than 15 years have passed since members of this community began working with the city to develop a plan which all interests could live with and support. As all such plans, it was made up of compromises, individual losses and victories, and a balance being struck between competing views and interests. It seems to me that is the essence of how a city can be built to fit more than just a few of its residents. We need to recognize the importance and the unique opportunity this historic area of Portland provides to the city residents. This Northwest area is a destination sought out by people throughout the city to shop, eat, and experience a neighborhood. All at the same time. It has managed a mix of variety of lifestyles, public parks, medical facilities, and entertainment sites, restaurants, and small businesses and shops in a way unique from any other in the city. It already has multi-modal transportation, and is exploring adding streetcar to its already frequent transit service appropriate auto access and pedestrian ways. The current comprehensive plan Portland plan process is beginning to better define and guide us to a 20 minute neighborhood. While there's no firm definition of what that means, the comfort

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provided by the term responds to what I believe is present in the whole of nw Portland. It is not a place to ride in and out of. It is a place to leave your car at the edges and then take time to explore for it's variety of experiences. And it's a place to live. I hope you will not support the addition of a parking structure in the center of this historic area. A parking structure will only disrupt the complex fabric of this setting. I ask you to preserve this 20 minute neighborhood and the integrity of the public planning process that was completed long ago.

Saltzman: Thank you. Mike.

Mike Ryerson: My name is mike ryerson, i'm a 68-year resident in northwest Portland, as was my mother and grandfather. I'd like to bring your attention to three graphic helps I brought with me. The first being a map from pettygrove to burnside. From 20th to 25th. It shows over 100 red d.o.t.s. Each of those is a parking lot. And a house was torn down to make room for every one of them. We started doing this in the '50s when we did away with the streetcar. We now have a streetcar again, and we're still building parking lots. The lot will go to the second illustration there, the green line is 23rd avenue. The purple line on either side is what bud refers to as the sacred line. You can see the red boxes to the side of that. Those are parking lots that are out of the commercial area. The yellow box there shows you how the developer proposes to extend into the residential area. On the third graphic, called empty spaces, I spent over a year surveying these lots taking photographs, and never have I seen a lot full. Only on a given day when they give free parking. Each of those three columns is a parking lot owned by Richard singer, the developer. The new one at 23rd and irving which is 19 spots now you see is highly unused, has an average of 3.1 cars in it at any given busy peak time. What good another 58 spots is going to do I don't know. I hope you'll vote against this. Thank you.

Leonard: One question of mayor clark. Just so I understand, your objection isn't so much the garage as it is the loss of the residential house.

Clark: There are all sorts of other reasons because of the safety. That's what I testified about the last time. There's been some improvement on that, but not the setbacks. I agree with all the other reasons too, but the point is this sacred line -- that's something that shouldn't even have been thought of doing, is crossing that sacred line to tear down a house. And there's a lot of other places they can build parking lots too. We don't need any more traffic in northwest Portland, certainly not with the crisis now with the fuel and etc. We should be -- I think you ought to make 23rd a walking street.

Leonard: Not a bad idea.

Saltzman: Thank you all. Next three.

Parsons: There's one more, cathy galbraith.

Saltzman: Is there anyone else who wishes to speak in support of the appellant who didn't sign up? Ok.

Cathy Galbraith: Cathy galbraith, I'm the director for bosco milligan foundation we own and operate the architectural heritage center on southeast grand avenue. Our board of directors considered this proposal a few months back. I was directed to address a couple of particular issues. One is the impact of the garage on the northwest historic district. There will always be an endless demand for parking and there's no evidence that this garage will begin to satisfy the demand for parking. This location is easy walking distance from the streetcar line, and we ask the question why this use is appropriate, given the location of the line and show this project not going to diminish the integrity of the neighborhood there. There are ramifications for this issue, which is why i'm here for historic district citywide. This is a precedent setting application. The second issue is the historic significance of the julia hoffman house that will be demolished if this application is approved, and its history was uncovered after the start of the development proposal process. Historic buildings don't always look like we think they should. But in this particular case julia hoffman is considered one of the 100 most influential people in Oregon. She found the Oregon school of art and craft and

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started teaching her classes in this house. Her son, lee holly hoffman started his family and began hoffman construction while he lived in this house. Finally in an era of diminishing historic resources and diminishing petroleum resources, Portland dispensed considerable sums of federal and local money investing in alternative forms of transportation. Construction of a new parking garage in the heart of the alphabet historic district does need to be considered in this light, especially given numerous public policies that you apply day in and day out that encourage transportation alternatives to the private automobile in this application certainly does not support those. Thank you.

Saltzman: Mr. Fish has a question.

Fish: I just was curious, maybe you could clear up some confusion I have on this issue. What evidence do we have that julia hoffman actually lived in the house?

Galbraith: All of the research. When the national register district nomination was done, properties, if they have art alterations to them are ranked lower than houses or buildings that have few or no alterations. This house was not considered very seriously because it had been altered over time. After that initial classification all of the research about the significance of julia hoffman and who she was has come to light. You can say is julia hoffman an important Oregon historic figure? Yes, she is. This is the house associated with her. It's having some degree of alteration. Should we write off her history because her house doesn't look like we think it should?

Fish: I just wanted to know what evidence we have that she actually lived in the house.

Galbraith: Property research records. And city directories which document who actually lives in a house rather than who owns it. The city directories over time document who actually lived in the house and their adult children.

Paul (did not give last name): I don't usually give out my name because I have so many names, they're like toilet paper in the winds of time. I'm old. I've lived in Oregon off and on for 20 years when I was in the service or protecting my country overseas or working on things. My issue is this community is based around developmental properties that proceed from the 1817 era, or maybe before, 1805. A lot of these are historic landmarks. Like she said, the hoffmans. I don't know if you're familiar, the hoffmans, fujis or any of the families that lived here in the '40s and '50s which were mostly italian on the southeast side, and some on the northwest side, but the issue is not the authenticity of the house or the person that lived in it, the big issue is why are we tearing down permanent houses, people's houses to build substandard structures that don't bring in much payola? Let's be straight about it. It doesn't bring in anything. It doesn't bring in a dime. We could build a big parking lot at fujitsu, for the parking employees so they would not have to scramble in there. They would love it. They probably would pay \$1 to do it. Or now microchip. Or any of the other intel lots or other places to build parking lots where people need them. Why in a residential neighborhood? I'm from the midwest. My 97-year-old grandma told me once that that wasn't equitable deal. That was not equitable. In german it was. [speaking german] I don't know. It means nonsense to me. You don't -- i'm a linguist. You don't just build stuff everywhere for no reason.

Saltzman: Thank you. Ok. So now we will hear from the applicant. 10 or 15 minutes?

Beaumont: 15 minutes.

*******:** Good afternoon.

Saltzman: Give us your name. Have you 15 minutes.

Richard Singer: Good afternoon. For the record, my name is richard singer. 2311 northwest irving, Portland, 97210. There's been a lot of speculation about my motives for sticking with the project. Quite frankly, they shouldn't question my motives. They should really question my sanity. I just want you to know, i've continued on with this project for one reason and for one reason only. Parking is desperately needed for the entire northwest community. Over time the parking issue has only become more severe. We also need to sustain the viability and the health and vitality of our

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small businesses in the area. This is a neighborhood that I grew up in. I lived around 23rd, i've been around 23rd all of my life. And this area deserves to be not only competitive, but to be beautifully designed with the buildings that replicate the historic and the unique qualities of architecture that I have tried to do for my entire career. It also needs to operate safely, and we need to maximize safety features for everyone. A year and a half ago city council looked at our first design for a garage project to address the approximately 3,000-parking space deficit in the alphabet district. That was a good design and it came from years of outreach, compromise, discussions with all neighbors, but you pushed us to do better. You asked us to take another look at it to see if we could make it smaller and to do everything possible we could for pedestrian safety. We heard you. And the council supported mediation between nwda representatives and us. And that was much more successful than I would have ever imagined. We all work in good faith to identify the specific ways to come up and reach the city council goals. We reported our progress to council. Michael harrison was here, tim ramis, I even withdrew my proposal at nwda's insistence. Unfortunately, the nwda's board terminated mediation before we were done. But the benefits of the work we accomplished through mediation are evident on the changes you're going to see. They're substantial. In the end your direction made this a better project. Before I turn it over to jeff and to tim, i'd like to say a couple things. First of all, the observations on vacancy on those lots are erroneous. City center parking has had the lots under management for years. And they can speak to this. The new lot, which we say are empty, is substantially. It's substantially different than that. Also, I did not want to demolish that house. I have said to everybody that anybody can take that house for free. At one time we did have a place to move it. It's expensive to move, it's available for anybody, and we will add \$30,000 additional to giving that house away to have it moved. Demolition is the last thing we want. Also, I want to talk to you about two other quick things. One is that I've gone around to every single neighbor. When Carmella Ettinger comes up here and shows you a brick wall, she forgets to tell you about the numerous times jeff stuhr and I have met with her, with her landscape architect. I've gone to every single neighbor to say to them, I want to mitigate the impact. What would you like me to do? We will put in mature plantings, we will do everything in our power to mitigate this. Trellises, so on and so forth. But the last thing i'd like to say is the misimpression of the historic hoffman house. This has twice been rejected by shipo. Julia hoffman never lived there. I'm surprised the bosco-milligan foundation would find that. We've had the research done extensively because we wanted to know as well. So with that, I'd like to turn this over to tim ramis and jeff stewart and thank you very much.

Tim Ramis: Tim ramis, on behalf of the applicant. On the two key issues that were of concern to the council in this project previously, safety and size, you see in this case a substantially revised design. And jeff stewart, the project architect, will detail how the changes in design rooted in the mediation process addressed the design criteria. My job is to spend a minute addressing the nondesign issues and indicating that the record extensively addresses these nondesign issues. In order to save time I provided in the record a few days ago, i've given you copies, a chart which details all the issues and the responses as well as the memorandum that does the same thing. This project passed muster with the planning staff, with pdot, with the land marks commission, and also with the nwda transportation committee. And what we have done is to compile the analysis of each of those groups with respect to the issues that were raised. And what you will see in the matrix is that item by item each one of those issues has been detailed and addressed very, very carefully. The memo -- to give you some examples and highlights, as dick mentioned, the status of the house at 2323 irving, julia hoffman never lived there and the record shows that. There is a study from heritage consultants in the record that analyzes the history, and also includes a review of the polk directory that you heard mentioned. It demonstrates she never lived there. Also Hoffman construction was not begun there. So that is a fallacious claim. Also on the issue of our parking garages as a magnet, the evidence in the record is that the incidence of crime were mapped for this

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area. And then compared to the locations of parking structures. And that analysis shows no correlation at all between the incidents of crime and the presence of a parking structure. So there's no empirical evidence to support that claim. Next, the idea that you've heard from some people that the zoning that you adopted in 2003 isn't really applicable yet. It turns out the zoning code in force, is effective, has been upheld by luba and the courts. This is a conclusion agreed to by your planning department as well as your city attorney. The additional claim that there should be a multimodal traffic analysis. This sort of analysis is not required by the criteria, but the applicant undertook it anyway. And that analysis confirmed pdot's conclusion that the design does an excellent job of addressing safety. There's also a question whether there's a burden to show need. In 2003, the council adopted findings that we all know, and that is that there is a critical shortage of spaces in the area and there's a need for additional offstreet spaces. The planning department placed that need at 3,000 spaces, though that is not an issue in the hearing today. Finally, is there a need for a new parking program? The record establishes that there is already a parking program for northwest, one that is far more comprehensive than what you heard described today. A plan that was the product of three years, a three-year-long city led process conducted by the citizens advisory group. And that plan includes the provision of additional offstreet spaces as being proposed here today. These and other issues have been addressed in detail, but because this is primarily a design hearing, i'll stop and we can focus on the real issues in the case, which are design.

Jeff Stuhr: Can I first ask what you're seeing on your screen? The.

Leonard: We see nothing. I've got it on the screen up here --

Stuhr: We've actually shrunk that. So --

Fish: We could move and watch it from behind --

Stuhr: Just keep in mind it's probably half as wide as it needs to be. I'm going to run quickly through the design. I'm down to six minutes. As you all know, we were in a mediation process with the neighborhood and several design changes were agreed to by the singer properties during that mediation and subsequent neighborhood reach meetings. First and foremost we reduced the mass of the building by eliminate the third floor parking deck. This brings the building down an additional nine feet. This is also seen in our boards to the left right here. By doing that we subtracted the parking stalls by 16. Down from 103 to 87. This is a 20% reduction in parking. We've also set the western facade back. This is next to the residential neighbor back two feet. This is also to enhance visibility between automobiles and pedestrians. There are other pedestrian safety measures that we will detail further on here. I also want to clearly show to you that -- it's unfortunate we're having these technical problems. To show to you that we have commercial in this entire area, all you the way up to 24th. These are existing uses in that sense. Our site right here is right behind papa hayden's. It's where the planning and the guidelines have told us to put parking in these six sites. You're all familiar with music millenium. This shows a common condition between residential and commercial structures. You'll see slides later on I think of other parking garages. Tim heron showed these earlier. It's these garages that historically have been in the neighborhood that we're were pulling brick and materials, cast stone, you name it, it's all part of our proposal. When you were here before you saw the proposal on the top of the third floor. We have scaled that building back down to two stories. This is much in keeping with the neighborhood. It's on a level with the neighboring eve line, so we're not overwhelming the building, as purported, we are actually at the same height with the eve. So let's go into the design itself. The building facade has been broken down into two distinct structures. This is to reflect change from commercial to residential zones. Also with this south facade, we continue to break the patterning down so the proportion on the right, which is a commercial portion, is more solid with storefront windows, the portion on the left is rendered much more like a residential design. It's got brick lattice, trellises, and brick that recalls residential -- excuse me. Residential front porches. I don't know what you're getting from this. I think probably if I can -- I think if I can direct to you these boards most in this situation --

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this is the overall -- I also want to direct you most importantly the interior here. And really talk about the pedestrian lane in this area. We've got -- you can see into the garage and out. When you come out of that garage, I just want to point out you've got windows across that entire front in that area so that if pedestrians cross that way you're seeing a vision that is completely uncommon in the downtown core. If we have an automated arm to stop traffic coming down. We also have speed bumps in that area. On the exterior of the building you'll see we have bollards. Those will have lights on them will also flash as cars come down[inaudible] we also have put audible and visual signals on the interior of the garage. Another thing we did in this garage as well is placed all the bicycle parking toward the front. That's one of the things you see from the interior. I feel like we have strongly met the guidelines that are before you today and the criteria that you do need to deliberate on in this situation. We also have with us beth whimple from kittleson and associates who would be happy to answer any questions of you. Regarding the traffic study that was done. And what I do want to leave with you as well, this garage is in scale with the district. It's seven feet below the allowed maximum allowed height on the residential side, we're at 21 feet below on the commercial side down from 45 feet. So we have taken every measure to keep this building in scale. Thank you. I apologize we have not been able to show you what I consider to be fundamentally good drawings, but I think those have been -- .

Saltzman: We have those in the staff report. Questions?

Fish: We've had a fair amount of testimony about landscaping mitigation. Particularly I guess to the west and to the north. In the renderings I've seen there are some vines and other things, but I imagine there would be folks in the area who would be pushing for trees, bushes, irrigation systems, other kinds of mitigation measures that go beyond this. Would you speak to that, please?

Singer: We've offered all of those. We -- to the extent we can control the vines, for example, as you see them on the front over here, we can control those for the building itself. We can control what you see right there. But for the surrounding neighbors, we've gone to them in the case of Carmela, we met with our landscape architect, we have said to every one, we'll put a sprinkling system in, mature trees, we'll put trellises in, we will do whatever you feel is necessary to create a soft and an amenity for yourself. And people whether they support me or not, that has been an offer. Recently to the north is Suli of the Orient Antique Shop, unfortunately she's ill, but we just reiterated that even with the surface parking lot, through her attorney, trying to say that we are happy at this point to go in and mitigate whatever situation she feels -- .

Fish: If I could ask your counsel a question, Mr. Singer has made this commitment, but does it have the force of law? Is it part of any application before us? Or is it simply his commitment of this proceeding? How binding would that be?

Ramis: These comments -- first of all, we would be quite open to a drafting of a condition that would make it clear that that kind of offer run was the land. And given that your council has suggested any decision you might make that's favorable to the application would be tentative, there would be the opportunity to draft that and bring it back to you. Second, under Oregon law, a case called Franklin versus Lake Oswego, if we make the offer, and you make it a basis of your decision, it becomes binding on the applicant. So even without the condition, it would be my view it's binding.

Leonard: You heard the testimony earlier with respect to the house. And Commissioner Fish asked the testifier if there is some evidence that Julia Hoffman lived in the house and two things were said, as I wrote them down. That there are property tax records that indicated that and the city directory. So have you researched those?

Ramis: Yes, Commissioner. In your record currently there are copies of the Polk directory that you referred to. An analysis of that directory done by Heritage Consulting Group demonstrates Julia Hoffman did not live there. There's also a history of Lee Holly Hoffman, which is included in the record which demonstrates he did not start Hoffman construction in that house.

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Singer: Could I just add to that, Tim? There is of course the Hoffman family owned the house.

Leonard: I was just going to ask. There has to be a basis for that being said.

Ramis: She acquired the house from her lawyer. During a bank failure. In 1907. But did not own it.

Singer: It was rental. She lived where Papa Hayden is right now, and then she moved into 705 Davis after she built that.

Leonard: The second question, in some of the meetings I've had that I disclosed earlier, it was indicated to me there's no setback of the garage from the property line when Tim Heron was making his staff presentation indicated there was a two-foot setback. So what is the difference?

Ramis: I think the difference is that the regulations do not require setback, but the design has been modified on the western side to create a setback.

Stuhr: This came out of our meetings with the neighborhood. We volunteered to -- this was the done in public forums as well. We agreed to set that western facade back in deference to the neighboring residents, and that also set up a situation where it would offer us more of a buffer zone, when cars came out of the garage into the public right of way. So rather than being a 12-foot right of way, now it's 14 feet. We've got landscaping around that area that helps keep auto and pedestrians apart from each other until they come into view.

*****: [inaudible]

Leonard: I want to be clear, on the west --

Stuhr: On the west side there's no setback. It's on the property line, and that's what the code allows.

Singer: The reason for that --

Leonard: Could I have sworn Tim specifically said the western portion of the property had a two-foot setback the western half.

Stuhr: Can I clarify, commissioner?

Ramis: Do you have a site plan? When I mentioned the western half, it is actually the south property line--

Leonard: Ok, I misunderstood.

Ramis: Set back from Irving. Ok.

Singer: We couldn't set it back any farther because you're actually parking on the ramps and it's to the point where we're at an angle now where we have door swinging open if we go any farther than that.

Leonard: I see.

Saltzman: The pedestrian gate, is that activated by pedestrians?

Stuhr: That would be actually activated by cars. So they will pull up on to a level area, go over the speed bump, stop. The arm won't raise until after the car is in a stopped position. That will go up and then the car can proceed out. It will have to cross over another speed bump as well. So we set up a series of gate checks, so to speak.

Singer: You can see it right here.

Saltzman: I got a good picture of it, I just wanted to ask about the mechanics of it.

Fish: If I may, the question of safety, we saw some in the front? -- two poles that illuminate when a car is coming out.

Stuhr: Bollards.

Fish: And what about noise in the evening? Is there some audible sound as well?

Stuhr: We've placed those audible warnings inside the garage. To try to contain the noise inside the garage. We're working with PDOT to have those be adjustable, so they might come down a decibel. We installed these in the Williams Sonoma building just up the street, we worked with the vendor in that case, and found the most pleasing but still detectable alarm in that area. This garage

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is intended also to shut down I believe at midnight, and at that point there would not -- we'd keep that sound inside the garage.

Singer: That's adjustable too. We have committed and we said to the mediation team from nwda that we would adjust those levels or if they preferred to do it differently, whatever they felt was necessary, we did not want to compromise pedestrian safety.

Fish: Is there any code about the hours of operation of a garage in this area?

Ramis: No code limitation.

Fish: But your position is to intend to shut this garage down at midnight?

Singer: Well, i'm not going to say exactly at midnight. 12, 1:00. But we will have the ability for people to have residential monthly passes to have a remote control to get in and out. This is not just for businesses. You will hear today, there are a ton of residents that want this as well.

Leonard: That's the first i've heard that. You're going to offer to it residents on a monthly basis?

Singer: Absolutely.

Saltzman: Further questions of the applicanta? Thank you.

*****: Thank you.

Saltzman: Now we will hear from opponents of the appeal. Supporters of the applicant. Go ahead and call the first three. The time limit is two minutes. We'll start with -- of you on the right, on my right, and please give us your name and have you two minutes.

Teri Jane: Good afternoon. My name is Teri Jane. I reside at 14800 southwest pleasant valley road beaverton, Oregon. 97007. I am here today to read testimony from my sister-in-law Joe Ann Pemberton, who could not be here due to complications from surgery but wants her testimony read into record. It is as follows. I am often on northwest Irving dropping off or picking up my niece at Fruit and Flower Child Care which is just up the street from the proposed garage at northwest 24th. Fruit and Flower has small amount of parking as well as half circle drive way for the pick up drop off area. Even when it's busy with many cars coming and going has never been a problem crossing the sidewalk with my car. Everything operates safely. However, at the end of the day there's typically no parking available at the center. I have to drive around the neighborhood in search of a place to park on the street. What you notice when you're circling the area in search of parking is that there are many other people like you who are circling the area looking for parking. Walking back to your car have you to be doubly aware of those same drivers who may be more frustrated at that point and more focused on finding that rare parking place than they are focused on people crossing the street. In my opinion, having a small well-designed parking garage available would help cut down on the circling and improve pedestrian safety, traffic congestion, and decrease auto exhaust. Knowing that there's a specific place i'm likely to get parking will also allow me to spend more time at the many wonderful local shops in the neighborhood. As for the visual aspects of this design, I am sensitive to design and protective of historic resources. For six years I ran a bed and breakfast in my antebellum home in historic district outside of Birmingham, Alabama. The proposed Irving Street garage as designed is attractive and fits into this historic district. In similar fashion as those in the Tobacco Road district in Richmond, Virginia, and those once used to serve as parking structures in this neighborhood such as the former garage at northwest 21st and Everett that was converted into Stars Antique Mall. For these reasons, I strongly urge the council to support this small and safe garage and deny the appeal. Thank you.

Vic Wolf: Vic Wolf, I have a hair salon on 23rd Avenue. I've been there over 25 years now and seen the neighborhood change from being a little rough around the edges, to a vibrant mix of small businesses and homes. I want to make sure my small business continues to thrive. It's incredibly competitive in the hair care world and i'm trying to keep pace with that. For me having more customer parking centrally located in the northwest 23rd area is critical for the future of my business. Offstreet parking has really tightened. I personally have had several parking spaces for my clients disappear with new development. Contrary to the appeal I think the design for the

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structure absolutely fits the scale and style of the neighborhood and has been very sensitive to surrounding neighbors. It looks like two small storefronts with windows and details, very fitting to the neighborhood. The appeal also claims the garage will be a magnet for crime but the garage design reduces the likelihood of crime. It has windows or openings for 80% of the frontage so people can easily see in and out. The garage is right off 23rd. Providing many eyes on the street. The garage is well lit, and there are no internal sheer walls, eliminating potential hiding places. Besides most users of the garage, my clients, will be using it when street parking is not available. Which is when shops are open, not after hours. I urge city council to deny this appeal.

Jeff Reingold: My name is jeff, i'm a property manager with i.p.m., 721 southwest oak. We own and manage a number of properties in the northwest area. And i'm speaking to you, mayor Potter, and to the council to urge your affirmation of the landmarks commission to approve the design for the garage as it has been amended through a very public and lengthy process. The process included numerous and very well attended public hearings but led to many beneficial changes in the design of this garage which frankly I think make it work perfectly for the neighborhood. My way, by way of background, my involvement in this process began in 2000 as a participant of the citizens advisory committee and through that very public process the c.a.c. Identified acceptable garage sites of which this was one. As a participant in the c.a.c. I can say with certainty that no voice was unheard through that process. It was very lengthy and very thorough. It's now been eight years since my first involvement in that process, and we are clearly at what should be the point where we're ending the process. There has to be a time wherein we make a final decision to move forward and frankly I think we're now that point. The design is respectful of its surroundings, it masterfully blends its function and attractiveness, it blends in very well with the neighborhood and as a long-time owner and manager of property in that neighborhood i've heard loud and clear from our many of our several hundred tenants in the area that we need more parking. We need this parking. So it's time for you, with all due respect, to act in favor of this garage and city policy. Let's get this thing built.

Saltzman: Thank you all. Next three. Welcome. Please give us your name. Have you two minutes.

Deborah Haynes: I am a small business owner, and I work at blush beauty bar on nw 23rd and glisan. I work a lot.. I'm up there six days a week. So I see a lot. And I don't want to go on about the pedestrian safety and the cars circling, because you're going to hear a lot of that. Just the issues that go around with that. Not only pedestrian safety, but environmental issues cars circling, not a good thing. I wanted to address the parking. It seems like there's a lot of talk about the lots that are currently up there, not being full. And I wanted to state there's a lot behind my store, which I have a pass to park there. And it's on a first come, first serve, so when the lots are full, I don't get to park there. And I just want you to know that happens a little too often, because I wear high heels and it takes a long walk to get to my store. I'd rather park in the back, but it's full. (Trying to be funny a little bit, sorry..) Most importantly i'm going to read my notes so I can really say what I want to safety most importantly I feel that the city council needs to rise to the occasion and dot right thing. I've been here throughout watching the process of these garage hearings, reading the documents, testifying, and I understand that singer properties has operated in good faith. They have been -- done everything they have done everything that has been asked of them and even more, as you guys have seen today. So most importantly city council needs to uphold their responsibilities as government officials. So I ask that you please deny this appeal.

Kim Lane: My name is kim lane, I also am a small business owner formerly in the neighborhood as well and now I have moved my store. I have been coming to northwest 23rd for probably over 20 years. Just not only as a business owner, but also as a visitor. And I just know that again, I don't want to go into the whole thing about circling, but everybody knows it's true. I do think that off-street parking is crucial to the area. Also, i'm going to read some things I wrote down. I think all of

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the obviously with all the safety issues have been addressed, and gone over, endlessly here and many other times, but the reality is, historically there are less parking garages than ever before. There were many, many parking garages in this area that have been converted into other buildings and retail, and such. More and more people are moving into the district, and visitors, and where are all these people going to park? Where do the visitors park? If I want to -- I have a girlfriend who actually lives on Hoyt, 23rd and Hoyt. She's right behind 23 Hoyt. And anyway, I can't ever find a spot to go -- to park when I visit her. So it becomes a little bit of an issue. And then secondly as a small business owner, offstreet parking is crucial. When construction eliminated virtually all of my on-street parking near my store, it literally killed my revenue. I know commissioner Adams you're aware of this, because I had written letters and contacted the city council regarding this issue, and I had to move my store to the Pearl, and the reality is, as small business owner, I can't rely on just the people in my neighborhood to support my business. So I really do urge that you deny this appeal and uphold the landmark commission's decision.

Virgil Oval: My name is Virgil, my address is 610 Southwest Alder Street. I've been working as a parking and transportation professional in Portland for 37 years. I've been a founding member and chair of a transportation management association and spent many years as chair of a Portland city neighborhood association. I'm familiar with this project and participated in the initial design charrette for this garage. I'm here today to oppose the appeal of the Irving Street garage design. In my experience, it's rare to see a property owner go to such lengths and expense to build attractive, user friendly parking on a small scale that is safe for pedestrians and vehicles and also in such a neighborhood friendly design. I believe the garage design to be sensitive to its surroundings, attractive, and safe. You don't normally find this level of detail and small scale together very often. Instead of building large monolithic garages, I favor small neighborhood friendly garages that serve a localized and confined area, as this garage does. The Irving Street garage is a very good example of that. Operationally, the way the garage is designed, the entry exit lanes of the garage are designed well above the standards for other central city garages to be pedestrian safe. Many central city garages with several hundred parking stalls do not have this level of attention to pedestrian and driver safety. And this includes the visual alerts, safety striping, the entry-exit gates. The alert light can, and the entry bars, the quiet, the adjustable audible warning signal, and the audible driver warning. The speed bump and then even the texture on the pavement to really go way over and above to alert people, to pay attention as they exit this garage. I know that great efforts were made to mitigate negative impacts and I believe this project provides a design that compliments surrounding area. Small garages are less intrusive and easily fit into the fabric of the neighborhood. I encourage you to deny the appeal.

Saltzman: You each have two minutes. Start on this side.

Dennis Batke: Dennis, I was born in Portland, I live in northwest Portland, my office is in northwest Portland. My first house that I owned was on Johnson Street just off 21st at the turn of the century Victorian, which was restored by hand. The scale of this project really fits the northwest Portland -- most of the retail spaces on 23rd are much larger. As you turn the corner they scale this thing down to a retail 50-foot-wide lot. They've got every detail, scale element you could possibly put on the facade. It's open, it has to look like a parking garage just for safety sake so you wouldn't be looking for a car to come out of a retail space. As far as the need for parking, all you have to do is walk up in the neighborhood and see that all these cars parked in front of people's houses, there's a tremendous need. I sat on the adjustment committee for 14 years and I don't care how many times we've had people come in wanting an adjustment for parking in their front yard, and I hate it. The description sometimes people talk about northwest Portland as being Victorian houses with awnings and the balconies in front. They never talk about all these cars parked in front. The existing house has cars packed all the way back. As far as safety, they're all backing up into the sidewalk. They're much more dangerous. Just up the street there's an open lot between two houses.

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It's filled with cars. Obviously there's an incredible need for parking in the neighborhood. So I hope you let this parking garage be built. I think it's a great asset. And it's obviously needed.

Saltzman: Thank you.

Paula Bixel: Paula bixel, I own guilt on 23rd. A small jewelry boutique. I have had my business on 23rd for 10 years. And I just want to say that lori and richard singer have been strong supporters of small businesses in Portland, and I believe the parking structure will be a much needed improvement to the neighborhood. It will benefit not only those of us who own small businesses on 23rd and our customers, but the the people who live in the neighborhood by freeing up on-street parking, maybe closer to their house. I can't imagine what it's like to come home with groceries and not be able to get anywhere near your home. I hear on a daily basis the frustration of my customers over the parking situation and the time it takes them to find a space. Even in the pay lots, honestly.

Because I always offer to reimburse my customers any amount that it costs them to park in a lot. In this economy, it would be nice to have fewer deterrents to bring my customers through the front door. We are small business, and cannot offer a parking solution to our customers at this time. It would be nice if we could offer it in the future. It would be nice when my customers call me and ask me if there's a secret if I could give them one. We do need all the help we can get to compete with big businesses right now, and I would like to see this parking lot, because it would help keep our money local. I would like for them to be able to come and see me when they only have a little bit of time, and not give their money to a big business because they know they can park there. It would be nice if my customers could come to my store knowing they would have a place to park. Thank you. And hopefully they'll be driving a hybrid.

Joshua Cohen: My name is joshua cohen, I live at 6464 -- I did live at the corner of northwest 20th and irving between 2003-2007. I spoke in favor of the northwest district plan on several occasions-- i'm very happy that each time there's a new and better feature to see in the design my profession is architectural illustration, so today I was very happy to see the interior rendering on display. It does very good job of helping us visualize the safety features that are incorporated into this garage. It's got all the usual things, but most interesting to me is the windows all the way along the front and that bike parking up front. That's my primary mode of transportation, so I expect i'll be able to utilize that hopefully it will be free. But free parking for cars is what makes it tough in this neighborhood. 95-100% on-street parking utilization all the time except for three mornings a year for street cleaning. I lived with that for four years, and it got tough to take the kid and all the strollers two or three blocks sometimes. So I like my new neighborhood, but i'd still like to see this problem solved, and I do know that adding a parking garage, off-street parking as well as on-street parking control can take a good step towards improving the parking situation in northwest Portland. I hope you'll oppose the appeal and provide leadership toward get can that plan implemented.

Saltzman: Thank you. Next three.

Don Valboster: Thank you. Don valboster on alder. I own a piece of property on 23rd on the corner of Johnson, same block 733. I've been looking for a tenant for the space. I deliberately stayed away from restaurant use because of parking issues and location and have found a retailer that will take the space that will be a little less impact on parking. I think it's pretty well established that it's a difficult situation in the area. In terms of dick singer's response, I think he's done a very responsible design. He's certainly been immensely patient going through this whole process. I think he's addressed all the safety issues the neighborhood has brought up. He's done the set backs, height, density of materials and in terms of other neighborhoods, someone raised a specter of something like this happening in other neighborhoods, I hope that it's as responsible a proposal as he has put forth for this location.

Phil Geffner: Hello, my name is phil geffner, I own escape from new york pizza 25 years now on 23rd. 25 years I've been in business. I think the real discussion here is whether you want a parking lot there. That seems to be the thing, not the design, cause it looks pretty and everybody kind of

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knows it looks pretty. It's safe in that spot, you know, and there is a lot of work going on. But it was site with the city council over there. But the real question is if people want a parking lot there. The guy next door, I can respect him. I mean things should be done to help him and things seem to be—discussion was open in helping him a lot and I hope things come to a good resolution with that. That's an issue the guy next door and the people right on the street that's an issue. For everybody else that lived in a neighborhood, like me, I live on quimby, I think you know, in the overall big picture of things, the urban growth boundary, you want a lot of infill, and you have this business of condoization of the whole neighborhood and nobody talks about in this process. You get blocks and blocks of condos built and blocks and blocks of parking taken away for private parking, it's like these people have money. It's a moneyed kind of a group where they have one car, two cars, three cars, where all those people go, that takes public parking away. Then you get people with houses where it's really easy to make curb cuts so that takes parking a you away. A lot of people who are against the garage go and have curb cuts in front of their house. That doesn't help the whole of the situation. If you deal with a 20-year plan and you have all this infill and you don't want urban sprawl, you want infill so it's even more denser over time, if you have a 20-year plan, well, something's got to give somewhere. Like if yogi berra were here I would I would say, the only way to make more parking is to make more parking. There's nowhere for people to park. At the end of the day, you know, I just want to just since i've been doing this since I was a little kid now i'm an old guy I want to say one more thing which is like where's the outrage with all these neighbors? And i'm a neighbor and i'm a business owner and I don't think one is different than the other. It's like one neighborhood. It's not one against the other. I don't even like how this is set up the pro's and the cons. I'd like to be sitting next to someone and have a discussion.

Saltzman: Phil's your time's up.

Geffner: Where's the outrage? People getting kicked out of their apartments, for condos, theres no outrage for that? Where's the outrage for westport villa? 40 people get kicked out of their place. They have no where to go. That's what I would be outraged for living here. But they are outraged about their parking lot. I think there are things to be outraged a little more about.

Saltzman: Thank you. Walt.

Walt McMonies: Walt mcmonies. My business is 601 s.w. 2nd live and I live in the hillsboro neighborhood. I have lived in the northwest in a couple apartment buildings which I own. I'm coming here with a couple of hats. I'm an apartment owner. I won't 144 units in northwest. Not that there are plenty of people who own a lot more units than that. So I have got a significant stake in residential housing in northwest Portland. I have also renovated seven historic buildings, including a historic garage most of which was in northwest Portland. First on the point of, I have submitted written testimony which hopefully you guys have got. On, I am not a historian nor am I anywhere near as competent as cathy galbraith to speak on the history of Portland. I have individually researched the research of julia hoffman and I have read the corporate history of hoffman construction by steven dallbeck, a historian at lewis and clark college, renowned as one of the best historians on Oregon history. And I have read the family history of julia hoffman. There's a book put out with her, the julia e. Hoffman family album, published in 1977, which marguerite hoffman smith was the consultant, the family member who consulted on this. Neither of those books mention this house in any way whatsoever. They make it clear julia never lived there. This is ratified by the polk directories. There's a lot of misinformation floating around. This is a rental house owned by a very rich lady who built 705 Davis as her own personal apartment building and which is one of the most beautiful apartment buildings ever built in Portland. She was not living in this dumpy now little house behind what is now papa haydn's. She for awhile lived in the house on the papa haydn's but she never lived in this house. She may have owned it as a rental house. Her company was wauna land company who owned it at one point. Second point i'm kind of a garage, the ray polani of garages. I'm excited about historic garages. I think they have been mistreated and

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in this neighborhood, I have got a slide show of 9 or 10 historic garages in this neighborhood that are really beautiful. I am insulted people don't think garages are part of the historic fabric of nw portland. Thank you.

Saltzman: Thank you all. Next three.

Saltzman: Welcome. Start over here. Give us your name and you have two minutes.

Alise Goforth: Ok. Hello. My name is alise goforth. I live at 506 n.e. Bridgeton. I am a partner in a project management firm in which I supervise commercial and residential construction. I have an 18-year history with 23rd avenue. I moved to northwest petty grove after acquiring a degree in interior architecture in 1990. I worked at papa haydn's and lived on pettygrove for five years. Since then for the last 13 years in my project management company, I do considerable amount of my work on 23rd avenue and, numerous restaurant and retail clients including, I am going to date myself here, macheesmo mouse, pizzicato, coffee people, elizabeth street, suchi's, galleni's, zelda's shoe bar, papa hayden's and many others. I would like to comment today on the singer family support of my small business clients. My experience of parking on 23rd avenue and comment, give my comments on the new design of the parking structure. In responses to the idea that the building of the garage is a move from supporting a small business to perhaps trying to attract more big box businesses, I would like to let you know about my experience with the singer family supporting small businesses on 23rd avenue. Most of my clients on 23rd began their businesses because of the support and nurturing and in some instances even courting from dick singer. My clients and consequently my business also a small business, has flourished in part due to dick's ongoing stewardship of local small businesses. Dick will often, in order to further the ability of a business to thrive, he will take a small business that perhaps has a less than desirable location perhaps below grade, I can think of mimi and lena's and where he took the steps to move that business to another location that he knew was coming available across the street, not his property. Not at his expense

Saltzman: Thank you.

Faviana Priola: Hi. I'm faviana priola. You've seen me here before I am I own dazzle on nw 23rd. I just celebrated my 23rd year on 23rd avenue and I have been a resident in northwest Portland for 38 years. I value all the people who enjoy and live in our neighborhood. Those who take the bus, those who drive or walk which is what I have started doing every day to get to my store. In 1995, through 1998, I worked on a committee with the nwda, the city and the nob hill business association to hopefully create parking relief for the neighborhood. At the end of three years, the nwda turned down every one of the 15 creative parking solutions that we came up during that period. Five years later, city council approved a modest plan. Now another five years has gone by, and still we have no relief. I am here today to plead for that. Now that the policy has been decided, the issue before you, if I understand it, is design and pedestrian safety. I need relief from the traffic and parking congestion, as do the apartment dwellers, the residents, and the other businesses in northwest. Every day I watch the cars circle. I have a window out on to 23rd and irving and that's not really safe for anyone. The design for the new parking structure carefully addresses the safety issues with lights and sound warning alerts to the pedestrians. I'll go right to, i've invested 23 years in northwest Portland. If we don't get parking relief, what is it that you have planned for us? And what is the hope for me and the future of my business? After 21 years in downtown Portland parking issues made me go out of business. Is that my future? I beg to you deny this appeal.

Saltzman: Thank you.

Lamont Smith: Good afternoon, mayor Potter, commissioner, my name is lamont smith. I reside at 1030 n.w. Johnson. It's my sincere opinion that the developers who have earned -- who have earned a very proven track record and who I hold in high regard have designed a much needed parking garage that was recently approved by our city's landmarks commission. More specifically, it's in my view the design elements are of a very high quality, and the execution meets the criteria of

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the northwest district parking plan. Furthermore I believe the parking garage is well located and will improve pedestrian safety at the subject site but also in the immediate neighborhood, and has the support of the Portland department of transportation. For these reasons, quality development, well located and the benefit of safer pedestrian activity, I encourage you, the members of the city council, to support the landmark commission and -- design approval and deny the appeal. Thank you very much.

Saltzman: Thank you. Next three.

Saltzman: Welcome.

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

Saltzman: We will start with you, ma'am. Give us your name and you have two minutes.

Debbie Thomas: Debbie thomas. I live on northwest 9th avenue in the pearl district. I support the northwest irving street garage and ask council to deny nwda's appeal. I lived and worked in the northwest area for over 23 years, and I have embraced the changes that have occurred to make -- to transform it into the thriving mixed use model community that it is today. One of the things that sells this neighborhood is its charm and small scale and that's something I value. The proposed parking structure fits well within this neighborhood context. It's clear a lot of attention went into making sure this was a small-scale structure, including removing the top floor from the previous design. It has the detail that I think of when I think about the nob hill style and it occurs in many small commercial structures found on side streets throughout the neighborhood, often next to residences. There are examples of residential and commercial side by side all over northwest Portland, and the only difference between those and this one is that a lot more thoughtful design has been put into this one. The structure is designed to look like two small buildings, awning, brick work and other similar elements to area store front businesses on one side and the metal railings, landscaping and latticework of residential homes and porches on the other side. I can't think of a more thoughtful or sensitive design to fit into the charm of the neighborhood. I think it's quite beautiful, and I have never known dick singer do anything that wasn't of the highest quality design and consistent with all of the neighboring properties. Please deny this appeal and uphold the landmark commission approval. Thank you.

Saltzman: Thank you. Go ahead.

Loanda Schaad: Good afternoon. I'm loanda schaad. I live in ne Portland Irvington district. I have lived in Portland all my life. I can't count the number of times I have gone to northwest Portland just to visit and enjoy the shops or to eat at the restaurants. And parking is absolutely necessary there right now because it's only gotten worse and worse and worse and it will only get worse. I did not go there yesterday even though I had an errand to run up there because I knew that there would be nowhere for me to park. It was kind of a hassle and I only had a small time frame so I decided to put it off. And that's not fair to the small business owners whatsoever. Especially because being the daughter of a guy who owns his own small business I know how critical having parking is. Otherwise people will take a different route. They will choose a different option and when it comes to the actual building, I think it's extremely handled some and I think it's appropriate for that neighborhood. And when it comes to safety, I think, I think Portlanders or Oregonians as a whole take pedestrian for granted. They kind of assume that people will stop for them or they don't have to pay attention or they don't have to obey crosswalks. At the same time I don't think it's fair that the driver v. To continue circling the block and looking for spots and trying to park their big s.u.v.s into spots that they don't fit in and trying to parallel park and cars are honking at them behind them because they are trying to get around to find the next opening. It's not fair to the pedestrians and it's not fair to the drivers and it's definitely not fair to any of the business owners. I encourage to you deny the appeal and I think dick singer is absolutely 100% right in trying to fight for this parking garage because it needs to happen sooner rather than later.

Saltzman: Thank you.

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Noah Lichthardt: I'm noah. And I am born and raised in Portland. For the last 10 years I spent every saturday and sunday on northwest 23rd between kearney and flanders. I pick up the litter and I empty all the overflowing trash cans and take it to the dump. And I could talk at great length about the parking issues and the amount of people I see double parking and circling the block, and like she said, trying to fit into park space that is they don't fit into and causing more congestion running into more cars. That being said because i'm sure it's going to get beat to death, I also live in northeast Portland. And I think that anybody would be remiss to think that small businesses on 23rd or anywhere else could survive solely based upon people that live in the neighborhoods. And i'm all for riding bikes. I do that lot. I'm all for walking. I'm all for alternate forms of transportation other than cars but the fact remains that cars are a part of our lives and in order for businesses and probably the sanity of people that live in the neighborhood, more parking is necessary. Period. I'll keep it short.

Saltzman: Thank you. Next three.

Saltzman: Welcome. Why don't we start with you. Give us your name.

Libby Hartung: My name is libby hartung. I'm sorry. I have laryngitis and I own elizabeth street on irving street right across from the lot proposed structure. And I have owned my business for 14 years. And at that time I was a resident of northwest Portland as well, and parking was an issue for me back then as a resident as well as a business. And I have been waiting it teams like 10 years for this structure to come to fruition. And I have known dick singer and laurie, to always put thoughtful consideration into design and function and quality and I think it's time that we finally got the structure that we have all been longing for the small businesses will go away and indeed the big people will come. Please deny this appeal.

Saltzman: Thank you.

Nick Osdorff: My name is nick. I own the clifton apartments which is a 2356 n., irving, a few doors up from the proposed garage right next to fruit and flower. The clifton apartments is 14 units, built in about 1911, I believe. It's not on the national historic register but it is a historically significant building. I think it's a beautiful building and like many of these buildings in northwest Portland this building was built without parking. So I have 14 tenants which are circling the block as everybody talks about. And I know it so well because as a landlord when I go there to do landlord repairs and landlord duties, I plan an extra five to 10 minutes into my trip to circle the block and look for a parking place. And quite often I end up at dick singer's parking lot up the street paying to park and walking backing five blocks down to work on my building. So my tenants are going through a lot of issues trying to park when they come home from work and so forth. It's a really big issue. And dick has assured me that, assured this group that he will allow tenants to rent parking spaces. And I don't believe all my tenants will rent parking spaces, I do believe a few tenants will rent parking spaces and will quit competing for the on street parking. I think dick's a good developer. I've known him, known what he's done. I do know him a little bit. I think he's one of the best quality developers we got. I think that is good project and I support it. That's all I got to say.

Saltzman: Thank you.

Michael Gibbons: Good afternoon. My name is michael gibbons. I reside on northwest cumberland and I own papa haydn and the building therein. I am neither quick enough nor eloquent enough in two minutes to offer persuasive testimony. I submitted testimony to your staff via email. I hope you take the time to read that. What was true in 1983 when I started the business is true today in 2008, 25 years later. My neighborhood needs parking. It is a necessary condition? Obviously not. I am still in business. Will it be a sufficient condition for the success of my business? No. I have still got to do my business but it will put me on a level playing field with other neighborhoods and other destinations in Portland area that have since arisen and been competitive with me and are now have a little bit of competitive edge because I don't have the

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perception is northwest has a parking problem. That's a correct perception and perception is 9/10 of reality and a parking garage would go a long way to correct that. I want to address a couple things helen said. One is that my neighbor three houses up, and there's no getting around the fact that it's going to impact him negatively. And I feel real bad about that. And I wish there was some sort of magic thing we could do and we can't. I could just say that if it was an apartment building or an office building or a condo, the impact would be the same. That doesn't make it any less worse but I guess with the garage a car garage, it seems a lot worse. That's something that is a cost of the development. The other was that northwest district association characterized the lots as being empty. When my restaurant was busy. Nobody ever goes there because it's always so busy. My business is down. It's down 13% over last year, which was down another 7% over the previous year. I am not busy all the time. Part of that is due to the lack of parking. Thanks.

Saltzman: Thank you.

Parsons: We have nine speakers left remaining.

Saltzman: Go ahead.

Peter Andrews: My name is peter andrews. I am a commercial real estate broker. I am speaking on behalf as a resident of the neighborhood. I live at 2503 n.w. Raleigh and I'm long time resident of Portland. I really truly believe in vibrant 20 minute neighborhoods. I think to have a vibrant 20-minute neighborhood you need to have viable commercial within an area. And I am going to speak and reiterate what others have said numerous times this lack of space decreases access to some of the commercial spaces. I find this one within my business in working with tenants in the neighborhood, but also with what you see in the vacancies there. Finally, I am going to reiterate what others have said as well in that the individual's inability to find parking forces them to drive throughout neighborhoods which I feel creates greater safety issues and increases the use of fuels, which is obviously something that we as a city have to decrease. I encourage the mayor and council to deny the appeal to make this a safe, vibrant and active neighborhood.

Saltzman: Thank you.

Stacey Korn: Hi. my name is stacey korn and I used to own hello Portland. 525 n.w. 23rd. Not having park, on northwest 23rd is choking the small businesses on northwest 23rd from my perspective not having a parking lot is a primary reason why I closed my business, abandoned my dream exactly a week ago. I opened my business three years ago the first year we were in the black. Second year sales you were down 40%. Parking was minimal. I realized my friends in the northeast were no longer coming to northwest 23rd because of parking. More importantly i'm going to talk about richard singer's character, no longer my landlord. I think this parking structure is so important to other people on northwest 23rd and because I want to tell you what his motivations were. We moved here from martha's vineyard. We didn't know anything about Portland and when bridgeport village courted us and offered us \$125,000 to move there we emailed pictures to richard to see if he was interested. He courted us. He said people to see us. Itself warmly persistent and he convinced us we could fill a gap on northwest 23rd. He could match bridgeport village offer but he was encouraging and he encouraged us to go to the most beautiful main street in Portland. Richard would call. He would stop by. He was our best customer. I suspected on days we didn't have any business that he actually sent in secret shoppers to buy stuff to lift my spirits. My husband and I sat down with him when things were really bad he gave us free rent for two months. Later he lowered the rent and when I was at the new york gift show when I was looking at my ringer and it was richard. It was new year's message and he was wishing me good luck and telling me how happy he was that my store is on northwest 23rd and what it went to him. He has treated us with respect and dignity during the most humiliating 18 months of my life. There's more I can say for all my other vendors I needed more customers. He really cares about local business. I wish I could say more.

Saltzman: Thank you. We are sorry about the closure of your business.

*******:** That's ok.

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Peggy Anderson: My name is peggy anderson with the nob hill business association, and we wrote a letter to mayor potter. Hope you are feeling better. I would like to read that letter that he received. "dear mayor Potter, the nob hill business association urges city council to deny the appeal. We believe that the design addresses the concerns raised to city council in 2007, both in terms of reducing the size of the structure and maximizing the pedestrian safety features of the garage and sidewalk area. The overall design reflects existing patterns throughout the alphabet district. It includes high quality brick all around the building, ornate metal work, precast concrete and metal stash windows. Based on the discussions with nwda association, the size has been reduced to 87 spaces. A nearly 20% reduction. The top floor of the east portion of the structure was removed making it 21 feet lower than the 45 foot allowed by code. The structure is slightly low are than the house next door in keeping with context of area. Pedestrian safety is a major priority for our association. And this garage will help reduce cars circling the neighborhood as visitors and customers look for parking. Reducing this circling will also reduce auto emissions and overall traffic on the street. In addition the design specifically offers many safety features that is alert pedestrians to cars as we discussed earlier today. Nw -- nob hill business association feels this parking structure is an important step in addressing the parking problem in northwest Portland. At the same time the other parts of the comprehensive parking plan approved by the city in 2003, the on street program and the transportation management association, are also important. Nob hill business association remains a strong supporter of the stakeholder's developed plan and urges it to be developed immediately for full benefit to the neighborhood. In summary this structure is beautifully designed and with great sensitivity to do context in the feel of the alphabet district. Nob hill business association urges the council to approve this design." thank you.

Saltzman: Thank you all.

Saltzman: Welcome.

*******:** May I approach --

Saltzman: Sure. You got it upside down, I think. Ok. Welcome. Why don't we start with candace. We'll start with jordan. Two minutes once you get to your seat. Give us your name for the record and you have two minutes.

Jordan Schnitzer: Jordan schnitzer. Office is 1121 s.w. Salmon. As you can see from the sheets that I gave the council and the board, we have owned property in this neighborhood since 1962. I think what hasn't been talked about is going back in time a bit. When we first bought our properties here and when we moved our office to northwest 19th and johnson in the early '60s, there were almost monthly meetings with the police about the crime in the neighborhood, about the issues. This was not a desirable place to be. Ok. When we bought in the early '70s the garage where laura russo's gallery is now, we were the first to take a garage building and convert that to retail and restaurants. And that's what really has dick has says began to give him the ideas to buy the victorians to come in and start turning the neighborhood around. When I bought the royal armstrong apartments and half dozen apartments that were in fires and condemned and redid those, remodeled those with p.d.c.'s help those were the first new renovated project in 30 and 40 years in that neighborhood. The fact is quickly that at what time, those of us involved with the neighborhood only dreamed about the kind of neighborhoods now become. The kind of streetscape activity, the shops, the stores, the people that make it the kind of sheik place people want to be. During a time of transition like that there are always impacts. We helped carmela's parents buy their first house in the neighborhood and it's because of the neighborhood increasing in activity that's caused all the wonderful properties they bought to go up in value. Now, it's critical as we remember where we were compared to before we are and the parking is absolutely critical piece to this. And the last point to bring up is, you know what I think from a city policy has not been the fairest thing. Dick has been working on this project for 10 years. He's probably spent hundreds and hundreds of thousands of dollars and the meantime in the pearl district, the city through p.d.c. And

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all support of it spent tens of millions of dollars supporting gerding's park, and so forth for that neighborhood to thrive. The parking is critical in this northwest 23rd street. I have people here from salt lake last week, from an art museum. Raved about the street. All of them did. All of us do. When we go to get escape from new york pizza and that cheese pizza, phil, not pepperoni for my nine and 11-year-olds it's impossible to park. I appreciate your support of this and support to the denial of the appeal and I think we need to look back and appreciate dick and all the other people that have done so much that's made this part of our community wonderful and continue to create the livability we are all proud of. Thank you.

Saltzman: Thank you.

Fish: I waited a long time. It's late in the day but you were not here when we took up another issue a few weeks ago which was the naming of a particular park downtown after a director. Who I understand is your maternal grandparents?

Schnitzer: Yes.

Fish: Since you weren't here to accept our thanks I would like to publicly thank you for the contribution you made that allowed us to move forward and finish that park. And we thank you for your contribution on that.

Schnitzer: Thank you. And again, I praised at Washington park ceremony the parks foundation has been a wonderful asset for the community and the parks board is wonderful to work with and the staff and the parks are a critical part of the livability as the street is part of that livability fabric, too. Thank you, commissioner.

Fish: Sure.

Christian Fox: My name is christian fox. I'm a real estate manager with g group property manager. We are long term stakeholders along northwest 23rd and the northwest district. Our group manages and owns the square on burnside where there was a parking garage as well as medical buildings along the district there. And we have for a long time been advocating for increased parking capacity to the district. During the time of our ownership we have witnessed city investment in mass district in the district what has been flourished and received high marks from the public obviously. Unfortunately during the same time our private garage as well as vehicle traffic to the area has increased to the point we have to hire staff to manage it during the year. Other times. Year we have maximum capacity that does not require the staffing but obviously the need is there. Unfortunately, the district neighbors continue to suffer from the overflow of vehicle traffic due to the limited available parking options to the public. Most existing parking lots in the area are private and do not benefit the capacity needs of the neighborhood. We believe the central location of this site to be beneficial and appropriate to the district. We believe the establishment of known public parking destinations to the district will reduce the nuisance vehicle congestion of circling the block. It's in keeping with the eclectic nature of the neighborhood. This is no small task to meet the varying architectural designs in the area. Please deny the appeal. Thank you.

Saltzman: Thank you. Hand those to sue and she will give them to us.

Kandis Nunn: Kandis nunn. Thank you for having us here today and your patience this afternoon. I would like to remind us back in 2000 where we began, we began with a study by davis hibbets who indicated 70% of visitors, 70% of residents, 70% of employees in the district all said that the district desperately needed parking. From there the citizen advisory committee grew out of that process. We spent three years of pizza and parking in the basement ever consolidated freightways on wednesday nights for more weeks and years than I care to recall. That's one thing. Secondarily I did provide you of testimony of other communities throughout the united states who have done a fabulous job of integrating parking into their neighborhood both in terms of character and scale. Charleston, south beach arc deck co, key west, boston's newbury street, on and on. Those people care as much about their historic districts as we do here in Portland and they have managed a way to do it and I think dick's design does it fabulously for northwest 23rd. The next thing I would like to

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say that is we are very proud that Portland is considered a city of neighborhoods. Most people think of southwest broadway as being our main street. Really northwest 23rd is the main street in northwest, as alberta is becoming in northeast, hawthorne is in southeast. It goes on and on. In order to have a main street and a community like that you need a mix of commercial and residential and you can't have that if you don't have one of the integral amenities that are necessary for both and that is parking. I hate to tell you this but the design that I gave out to you right there would indicate that there is no bright line between commercial, one of the characteristics of northwest Portland is the intermixing of those buildings. In closing I would like to say this area enjoys the highest rate of multimodal transportation and mass use of transportation in the region. We have to understand that cars are continuing to be a mix of that. Our neighborhoods cannot be enclaves unto themselves. People in other parts of Portland deserve to be able to visit northwest Portland and vice versa. Thank you very much for your time and your patience sighing thank you.

Saltzman: Thank you.

Parsons: Our final three, tom rainieri, thane tienson and ted thomas.

Saltzman: I think we might have lost some. There is anyone else who wishes to speak against the appeal? Tom, I guess you are the wrapup.

Tom Ranieri: My name is tom rainieri and I operate cinema 21. With respect to this hearing there were several items in this month's northwest examiner I would like to contest account two minutes we will see how far I get. First in an editorial commissioner Saltzman and Leonard were more or less put on notice their votes today will be a litmus test to gauge how committed they really are to a green agenda. Voting against the environment appeal is equal to voting against the environment. Apparently all of the other construction project, for example, the hundreds and hundreds of residential units built in the northwest in the last 10 years that have offstreet parking doesn't bother mr. klauson. This one project he singled out as a loyalty test to green goals but I remind everyone the issues are both are the same on both sides of that sacred line. Secondly, the examiner strongly suggests there isn't a need for offstreet parking anymore. This remains big surprise to the hundreds of patrons who routinely ask us where to park. This isn't just about the huge impact that the parking deficit has on my business. It remains a problem for everyone in the neighborhood. That's why I understand where architect don genasi's design for residents on lovejoy included offstreet parking, why john bradley got a curb cut in front of his home and dan volkmer and frank dixon built their own microparking structure on 22nd. Why mayor Potter was forced to park in a very restricted space at the theater when he was the opening night spear at the queer festival. Why commissioner Adams when he came to the benefit for rock and roll camp for girls in march of this year had to park his vehicle in the truck loading zone 30 minutes before 6:00 p.m. People -- I know. [laughter] people do what they have to do. They do what they have to do in northwest because --

Saltzman: Statute of limitations?

Ranieri: Please show -- please show some leadership in allowing this project to go forward, a project that's seen more scrutiny and process than the average space shuttle launch. Provide us with some offstreet parking that we all desperately need. Thank you very much.

Saltzman: Thank you.

Ranieri: Saved the best for last. [laughter]

Adams: I need neither deny nor admit to anything.

Saltzman: That completes the testimony in opposition to the appeal. Now is the time for the appellant to have a rebuttal. And you have five minutes. Again, if you could just give us your names when you speak.

Gustavo Cruz: My name is gustavo cruz on behalf. Nwda. I will take a few points in no particular order. First of all I note staff pointed out at the very outset this was a design issue and there likely of disagreements how the design criteria are to be applied. That's absolutely true.

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These are subjective obviously and there are strong disagreements on both sides. My good friend phil geffner pointed out what's the truth in this case this is more a land use and policy disagreement than a pure design matter to be considered by the council. With respect to the spot zoning issue, that issue has been disputed by the parties and our point from the nwda side is that we would like to have the city attorney take a look at that issue as opposed to just assume that the zoning overlay applies. With respect to the parking itself, I would note that there -- we have tried to show numerically there's no shortage of commercial parking. Only a shortage of free park. That's what people complain about. people come to the neighborhood. They at the want to park. They want to go shopping. They want to do things. But there aren't enough spots free on the street for them to park at. So what do they do? They circle. And eventually they find a spot or maybe they break down and pay for a spot. This development will add to the incentive for people to come to the neighborhood but you are still going to have people driving around circling looking for spaces. It's not going to improve the traffic flow. Offers to mitigate and beautify the structure, I note and perhaps I didn't hear this correctly but it sounded to me as though those were proposed on the neighbor's property as opposed to on the property that's actually the subject of the application. In other words, there are no set backs except for that one corner of the building. So if there are going to be trellises and plantings and things like that that offer really applies to the other party's property, not the party of the -- the property of the applicant. There are several factual assertions that are up in the air one being the status of hoffman house and the history of julia hoffman. We would be happy to provide some supplemental materials. It's my understanding other board members -- I haven't done the due diligence but my understanding is other board members have materials they can share. The same thing holds true with usage of the lots. We have strongly disagree with the assertion that the lots are fully utilized and that there's a shortage of paid spaces and we have statistics to back that up. There are also a number of comments about the parking plan which was said to have been approved by the council as though it's ready to be implemented and rolled out right now. In fact, that isn't the case and there were a number of deal killers in the original plan that were never resolved. Let's see. Finally, I would just point out that the neighborhood is obviously evolved over the years. But I think that owes as much to the efforts of neighborhood residents like bud clark who worked on the nwda many, many years ago for neighborhood improvements as it does to business development, which is certainly improved the quality of the neighborhood. Thanks very much.

Fish: May I ask a question? Because we have had a lot of testimony and you have been very thoughtful in your presentation. I want to make sure I understand something. Because you reference mayor clark as someone everybody up here admires greatly and he talked about a sacred line. And I think it's fair to ask whether either you or nwda would accept a parking garage at 23 2311-2317 n.w. Irving street under any conditions. It would be help nhl for me if there's a yes or know it would be helpful. Because the mayor has talked about a sacred line. I respect his view. But I think we can talk about conditions. We can continue to talk about the legal issues. But I think it's a fair question to ask whether there are any set of conditions which would lead to you support a parking garage at this site.

Hyams: I will have a crack at that. Of course there's a range of opinion but I think we would accept it if the base zone were honored and that, you know, if the property set backs were put back. I think that's kind of the bottom line. You know, there's a range of opinions but I think basically we want to see the zoning honored. The basic problem is commercial use on a residential lot is, it's hard to make it compatible and compatible with design guidelines. If you can keep it on the commercial side it would be a different story?

Saltzman: You still have a minute and 30 seconds.

Hyams: We'll go for a minute right now.

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Cruze: The gentleman from cinema 21 almost had me because I was going to say to the city council because there are no business owners from northwest 21st. No business owners here from northwest thurman. These are the two other main streets in our neighborhood. Why are they not here? Because they cater us to. Where the gentleman from cinema 21 lost me when I realized as he walked by allen klaussen and whispered under his breath that was a long time coming and I thought, so it wasn't about this garage. It's about alan clausson and i'm sorry you did that, sir. People who drive to malls are like people to come to northwest 23rd. People who drive to malls will see an empty mall towards the end of the mall and they will drive around, drive around looking for that one space that's close to that door as possible. The other thing that I wanted to say is, in talking about business plans, the women who live in my neighborhood who are 40 years old and older, when I talk with them, they say they would love to shop on northwest 23rd but they can't because the stores on northwest 23rd cater to 20 somethings and 30 somethings, and they are not geared towards the women like yourself, carol and others who live in the neighborhood who are dying to shop on northwest 23rd if only some of the businesses would say, the demographics have changed, gentrification has made hawthorne district have what nw 23rd has. 23rd is no longer special. We have hawthorne, we have belmont, mississippi, all these beautiful neighborhoods all you guys have been advocating for what we have on northwest 23rd. Why are they surviving and nw 23rd is not? They are catering to the demographics in the neighborhood. I'm asking again, please, member of the nob hill business association look at your business plans and start catering to those of us who live in the neighborhood. The demographics have changed. Thank you.

Leonard: It's a question. I saw him have a reaction when the question was asked of commissioner Fish which I thought was an excellent question. I appreciate him asking that. I don't want to repeat it for the audience so they can hear. Were there any conditions under which the neighborhood would agree, and then you came up and testified that the underlying zoning, you had a strong reaction to that.

Bud Clark: I have -- that line to me is sacred. And there are things were approved at a few years ago with the plan that was approved by the previous city council that put this parking lot and overlapping that sacred line. They had other parking lots. Why don't they build one in one of those other location that is do not cross that line in a commercial area? To me, I don't know what the neighborhood association will do, but to me, crossing that line is a fatal mistake.

Leonard: And that line, when you were talking, I didn't write down you said either 1969 or 1979 was developed.

Clark: The first district plan was done in cooperation with the business association, the business group at that time. There was no association then. There was no businesses then. And we --

Leonard: What year?

Clark: There was businesses there but very few compared and we made the plan and it was finished in 1977. But took about three years to complete. And at that time, commercial property was -- commercial zoning was set-aside and then there was adjustments in that. It's not a straight line. Mike said it was kind of a straight line but it jogs because there was a grandfathered in. But then, what I am saying, the whole district association started because of the encroachment of commercial, mainly at that time, it was medical centers and so forth tearing, down houses and so forth. Ogden beaman was on board early to stop the parking of parking garages. He lived just behind Frid Meyers. Fred meyers tore down a budget bunch of houses. When I was on city council, downtown was asking for parking all the time. They always wanted parking down here. That was what was going to save downtown. Well, there's parking all over the place downtown and it's been the mass transportation that's really made the difference in downtown. And now is northwest Portland trying to compete with downtown? We used to pay \$110 a month for our office at 817 n.w. 23rd when the neighborhood association started. And it was all done by private donations. We paid \$110 a month for rent. What right rents on that street now? It's happened

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because the neighborhood association defined where the commercial was going to be. They got rid of the crime in the neighborhood because we were organized and so forth. And with the commercial and it's developed into something that's been extremely good. I have always admired Dick Singer and all the other business people on the corner for making this a destination shopping area without parking. But there is plenty commercial parking but people want free parking as it was pointed out.

Leonard: Thanks for that history. I appreciate it.

Fish: Thank you, mayor.

Saltzman: Do any members of the council wish to bring staff up?

Hyams: I want to tell you one more thing. There's one more free parking resource in the neighborhood which is the neighborhood association has an agreement with legacy that they provide spaces free from like 6:00 at night to 7:00 in the morning which a lot of residents avail themselves of and it's all weekend free 200 spots.

Saltzman: Thank you. Members of council wish to bring up staff? Are we ready for deliberations and -- whatever?

Leonard: I would -- I would like to include in my motion the conditions that Tim had previously agreed to, which I forgot. I did not write them down. Partly because I'm old, yes, Commissioner Adams.

Ramis: We would be happy to work with the staff with the details of the language. The idea was to assure that we would provide landscaping assistance and landscaping improvements including irrigation to the adjoining property owners if they desired it.

Leonard: I would move to deny the appeal and uphold the historic landmarks commission approval with the condition that the Mr. Singer agree to provide landscaping assistance and any other related amenities to adjoining properties.

Fish: Second the motion for purposes of having a brief discussion.

Leonard: Right. And I appreciate that. And I appreciate us having discussion about this. Just to kind of clarify my own position here, because I think that's important, for everybody listening, I try very hard, as I sit through these hearings, and I have sat through a number of them in the past six years, to operate from the principle of a man or a woman's home is their castle. And a lot of my votes have been guided by that principle. I have been the only member of the council to oppose racing permits at speedway in north Portland because of the noise it causes to neighbors. It was interesting that somebody brought up Westport Villa, where was the outrage over Westport Villa. I am the cause for the Westport Villa being converted to condos. And the reason is because the Westport Villa was in northwest Portland, a haven for criminal activity, prostitution, drug use, mentally ill people were living there and victimized by drug dealers and had been going on as had been reported to me for a generation. I brought together the police bureau, the fire bureau, the housing inspectors and mental health specialists from the county and we targeted the property and until the owner decided to clean up his act and sell it and he decided to sell it. And that was driven by my philosophy that people who lived on that street and in that neighborhood deserved better than to live in the midst of criminal activity. No. No. One of the rare privileges I have to be elected. The issue here is whether or not then this garage violates for my perspective and the motion I made my perspective that it violates that kind of premise that I operate from. People should be secure in their home. They should be -- have the best conditions possible and we should do everything we can as city council members to make sure people's homes are honored and that -- and I mean by that whether they rent their homes or they live in their homes -- as property owners. And in my view this is one of those rare examples where there is a balance that has been reached notwithstanding some of the vehement opposition to the garage. And the balance is achieved in my view by stepping back from the hyperbole that has surrounded this issue since I arrived on council and look at the dynamics of the neighborhood. And there's probably nobody that I have respected more in

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my lifetime in Portland that served on council than mayor clark. And I defer to his judgment on a lot of things. I am influenced greatly when he comes to testify. When he came and testified on the allegro project. Frankly it influenced my decision a lot. And it pains me not to agree with him on this issue and particularly with the historical perspective he brings to it. But I also believe that Portland is a growing, breathing thing that evolves and matures, and as we do that we have to be nimble enough to adjust and make changes as we see our neighborhoods and businesses evolve. In this instance I think that that means trying to do something to alleviate the atrocious conditions that exist for people that live in the neighborhood not to mention the people that want to come shop there and the people that try to survive with the businesses. And in my view we have a garage that's being proposed. If there is a better designed garage anywhere in the world please bring it to me so I can see it. I would be interested to see if anybody's ever designed anything as esthetically appealing and as appropriate to a residential setting as the one that's being proposed here today. And in my view, we have achieved what is oftentimes not done in these hearings, and that is a balance. And I oftentimes walk away from these land use appeals and these various kinds of proceedings where we try to find some justice and I don't always feel as though it got exactly where I wanted to. I think this does. I believe that the design and frankly, the extraordinary amount of patience and I will say goodwill by mr. Singer has achieved that. If he had done what I have seen developer after developer after developer done in these chambers, I promise you I would not be voting to support his garage today. But he has, in my view, been extraordinary in his attempt to address and sometimes I will tell you rather unfair attacks, concerns that he's heard, he's I think delivered in an atmosphere that some of us would understand if he didn't deliver in a very tasteful, appropriate design that I think -- I think actually respects a lot of what mayor clark's concerns are for the neighborhood and does it in a way that I think achieves the balance that I needed to have to be able to get to where i'm at on this today. So I hope that helps explain at least my rationale.

Saltzman: Other comments? Ok. So we have a motion and this would be a tentative decision. Am I correct?

Beaumont: Correct.

Saltzman: Before we call the roll? Sue, please call the roll.

Adams: Well, I want to thank the thoughtful testimony presented by both sides, all sides of this issue. It was reasoned and rational and deeper than the previous testimony we had on this similar site and I really appreciate that very much. I want businesses to succeed in the alphabet historic district. I want businesses to prosper. I have reworked transportation projects at the request of the local businesses to try to minimize the impact on those businesses in the area while still trying to keep basic infrastructure flowing. We do a pretty poor job so far on 23rd but we continue to work at it. Also I want residents to have a very high quality of urban life and I want to emphasize the word "urban life." this neighborhood has changed a lot. It has always been rather dense but it has become more dense and it will probably come even more dense under existing zoning. We won't have to approve a lot of the as we do now, cannot stop and do not have the opportunity to approve a lot of the infill that is happening all across the city in every neighborhood. I have lived on this street and so I bring to this issue sort of the perspective of someone who has lived on this street. And i, too, want, in addition to allotting the fine tradition of the neighborhood association in their activism, I also don't think I take anything away from the neighborhood by also complimenting dick singer and the singer family for their efforts on 23rd as well. Having worked on projects, having worked in neighborhoods across the city, you could do a lot worse with the land owner and a developer and a lot of business districts do. So I just want to put that out there as well. I think that dick, on this issue, has worked very hard to try to come to an accommodation on this issue and I know that members of the neighborhood association have as well. Reasonable people can disagree on a lot of issues and I am going to provide a reasonable disagreement with the maker of this motion. There is already a parking structure on irving with fruit and flower. There is the possibility

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of another structure across the street where the existing parking lot is and then this structure. As I said in my testimony last time, part of my testimony last time, I think that there is just too many structures on this particular street. That's not to say I wouldn't approve other structures in the center of the neighborhood, although I believe that parking structures on the outer perimeter are preferable. I also know that pdot which in these situations acts independently, exercises independent judgments from the commissioner in charge, and did provide a blessing for this project, I also know that, like a lot of transportation district -- like a lot of transportation agencies and ours I think is despite its money woes one of the best -- does not as a matter of course take bike or pedestrian counts. So I'm going to oppose this measure but I want to also acknowledge that a lot of improvements have been made to it. I want to acknowledge the neighborhood association for offering very reasoned arguments against it and for me it is the density of potential parking lots and parking garages on this particular street. So I vote no.

Fish: Well, first I want to say I think I'm plus or minus my first 100 days on the job. I'm actually up for reelection in two and a half years so I may be shortest serving commissioner in the history of Portland but I want to say one of the pleasures of this job is to be sitting in a room like this listening to the kind of reasoned debate we have had over the last few hours and I am especially proud to be a citizen in a community that respects good dialogue, good debate, honest debate and I think the presentations on both sides today were superb. Occasionally, I have found that another colleague states something so clearly and eloquently it would be a mistake to try to compete and it's better for me to associate myself. So this may be becoming a bad habit but I want to associated myself with commissioner Leonard's comments. The word "balance" is more to me because I think in all that we do we seek to find a balance. In my prior life as a lawyer, all too often we had a winner and a loser and not something in between. I think today we do have a chance to achieve some balance and to come up with something which meets the interests of a lot of people. It's not a perfect solution. Perfect solutions we will leave for another body and another time but I think it's a balanced and thoughtful solution. So let me tell you a little bit about my thought process. I perhaps don't have the same experience sitting up here reviewing these matters so what I do is go to the text of what's before me. Maybe I'm a victim of my legal training. So for me I have to look at title 33. Portland zoning code and read very carefully the decision of the body that's on appeal, the decision that's on appeal. Then I make sure I read all the materials that are submitted. And have a chance to think about them and then I have the great pleasure of having hired some terrific staff people that help me clarify my thinking. But as they know, I make the final decision and I make it after I have read the testimony, not before. For me, I believe that the garage that's been proposed sets a new standard for parking garages in terms of esthetics and safety. And I also have concluded that it meets all the required conditions and then some. So on the narrow question that I believe is before us, I believe that I'm compelled to deny the appeal and uphold the approval that's before us with conditions that have been outlined by the commissioner Leonard. A lot of people have put a lot of time and energy into this debate so I want to take a moment to thank tim heron for a superb job. We have come to expect that from bds. To kurt krueger with pdot for his staffing on transportation safety issues. I want to thank both the nwda, which is an organization that has some very dear friends of mine who serve on it, and the nob hill business association for your engagement and participation in this issue. And I want to thank dick singer and his team for work diligently with the community to try to address some but not all their concerns but to work I think in good faith towards a compromise. So after hearing all the testimony and balancing against standards that I have set for my conduct and my service, I will vote aye.

Leonard: Aye.

Saltzman: Wait a second. Commissioner Leonard voted already.

Leonard: No. I was just speaking to my motion. I could repeat everything I said --

Saltzman: No, no, no.

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Leonard: I was trying spare you that.

Parsons: Call on mayor Potter next?

Saltzman: He goes last. I want to thank everybody for their testimony today. There's a lot of energetic and thoughtful testimony that's gone into this. When we last visited this issue in 2006, there were two issues I think that led to the turning down the proposal. One was its scale and bulk, particularly as it related to looking at building from northwest 23rd. And secondly was the issue about safety or issues about safety. What I find before we me now is a design that I think is, well, is factually smaller. I believe it to be safer. Safer than what I believe is an issue that most of us accept and that is that it's far more dangerous for people to be looking down the block or two for a parking space than it is to pull off into an offstreet garage and park. I think that provides a greater risk to pedestrians. I particularly find the windows on the street level to contribute much to the safety. The pedestrian gate or the automobile gate, the speed bumps, the fact that must come to a full stop. All of these things I think address the principal concerns that were raised last time and I think it's a good design. I am not an expert on design but it's pleasing to my eye. So with that, I am -- and I guess I want to say that as I said, I think in 2006, there's so much energy and talent around these issues, I'd love to see people in northwest literally put this issue in the rearview mirror and work together to focus on many issues that we facing as a city, both to be livable and great in northwest Portland and throughout the cities. It's time to put this issue behind us and I vote aye.

Potter: I want to thank the applicant, the opponent, and the city staff for a fine presentation. Listening to the discussion, reviewing the information, the design addresses my concerns and I am satisfied that this, that the parking garage will be an addition, a good addition to northwest Portland. I vote yes.

Saltzman: Ok. The motion passes 4-1, and Katherine, do you want just outline procedurally what needs to occur between now and when we adopt the final?

Beaumont: We will need to set a date and time for to bring back findings for the council adoption and final vote. And I believe, sue, you have a date?

Parsons: November 5th at 2:00 p.m. Is the next time when all the council will be present.

Saltzman: Ok. Is the record closed? Is it still open?

Beaumont: I believe at this point the evidentiary record is closed. You should make that official.

Saltzman: At this point the evidentiary record is closed. Ok. We will recess until 9:30 on Wednesday.

At 5:37 p.m., Council adjourned.