



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF JUNE, 2013 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees Deputy City Attorney; and Jim Wood, Sergeant at Arms.

Item No. 558 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

| COMMUNICATIONS | Disposition: |
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| 543 Request of Shedrick Jay Wilkins to address Council regarding SoLo power (Communication) | PLACED ON FILE |
| 544 Request of Dan Evans to address Council regarding development of a park (Communication) | PLACED ON FILE |
| 545 Request of Chloé Roesch to address Council regarding community development (Communication) | PLACED ON FILE |
| 546 Janie Wilson to address Council regarding abandoned vehicles (Communication) | PLACED ON FILE |
| TIMES CERTAIN | |
| 547 TIME CERTAIN: 9:30 AM – Appoint Teresa Baldwin, Keeble Giscombe and Pamela Dunham to the Citizen Review Committee advisory board to the Independent Police Review, a division of the City Auditor’s Office (Resolution introduced by Auditor Griffin-Valade) 30 minutes requested (Y-5) | 37020 |
| *548 TIME CERTAIN: 10:00 AM – Adopt City of Portland 2013-2017 Equal Employment Opportunity Affirmative Action Plan (Ordinance introduced by Mayor Hales) 30 minutes requested (Y-5) | 186084 |

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| <p>*549 TIME CERTAIN: 10:30 AM – Ratify a Successor Collective Bargaining Agreement between the City and the City of Portland Professional Employees Association for terms and conditions of employment of represented employees in the bargaining unit for 2013-2017 (Ordinance introduced by Mayor Hales) 20 minutes requested</p> <p>Motion to accept substitute exhibit A and revise exhibit page reference in ordinance Findings paragraph 4: Moved by Fritz and seconded by Saltzman. (Y-4; Fish absent)</p> <p>(Y-5)</p> | <p>186085 AS AMENDED</p> |
| CONSENT AGENDA – NO DISCUSSION | |
| <p>*550 Authorize a grant agreement with Oregon Community Warehouse, Inc. dba Community Warehouse, an Oregon nonprofit corporation, in the amount of \$24,000 to provide household goods and furniture to families and individuals in need throughout the City (Ordinance introduced by Commissioners Novick and Fish)</p> <p>(Y-5)</p> | <p>186077</p> |
| Mayor Charlie Hales | |
| <p>551 Proclaim Measure 26-150, Renew five-year levy to prevent child abuse, child hunger, enacted and in effect (Proclamation)</p> <p>(Y-5)</p> | <p>PLACED ON FILE</p> |
| Office of Government Relations | |
| <p>*552 Authorize an Intergovernmental Agreement with the Portland Development Commission for Federal and State lobbying activities (Ordinance)</p> <p>(Y-5)</p> | <p>186078</p> |
| Office of Management and Finance | |
| <p>553 Consent to franchise transfer from Portland LFG Joint Venture to Rivergate LFG, Inc. to construct, operate and maintain pipeline facilities within City streets (Ordinance)</p> | <p>PASSED TO SECOND READING JUNE 19, 2013 AT 9:30 AM</p> |
| <p>554 Grant a franchise to Kinder Morgan Cochin LLC for a period of 20 years to use City streets to own and operate a Pipeline System (Ordinance)</p> | <p>PASSED TO SECOND READING JULY 17, 2013 AT 9:30 AM</p> |
| <p>555 Grant franchise to Portland State University to use the right of way to provide telecommunications, electrical and district heating and cooling services for a period of ten years (Ordinance)</p> | <p>PASSED TO SECOND READING JULY 17, 2013 AT 9:30 AM</p> |
| <p>Commissioner Nick Fish Position No. 2</p> <p>Bureau of Environmental Services</p> | |

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| <p>556 Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Safeway Pump Station Remodel Project No. E10292 through the exercise of the City's Eminent Domain Authority (Ordinance)</p> | <p>PASSED TO SECOND READING JUNE 19, 2013 AT 9:30 AM</p> |
| <p>Commissioner Dan Saltzman Position No. 3</p> | |
| <p>Portland Housing Bureau</p> | |
| <p>557 Approve and terminate Limited Tax Exemptions for properties under the Homebuyer Opportunity and Transit Oriented Development Limited Tax Exemption Programs (Resolution) (Y-5)</p> | <p>37019</p> |
| <p>*558 Accept a grant in the amount of \$3,000,000 from the Office of Healthy Homes and Lead Hazard Control of the U.S. Department of Housing and Urban Development for lead hazard reduction activities (Ordinance) (Y-5)</p> | <p>186087</p> |
| <p>*559 Approve an amended application under the Multiple-Unit Limited Tax Exemption Program for The Wilmore Apartments located at 4327 N Williams Ave (Ordinance) (Y-5)</p> | <p>186079</p> |
| <p>Commissioner Steve Novick Position No. 4</p> | |
| <p>Bureau of Transportation</p> | |
| <p>*560 Accept a grant in the amount of \$100,000 from Oregon Department of Transportation for the City of Portland Central City Multimodal Mixed Use Area and Transportation Policies Project and authorize an Intergovernmental Agreement (Ordinance) (Y-5)</p> | <p>186080</p> |
| <p>*561 Accept a grant in the amount of \$135,000 from the Oregon Department of Transportation for the Division-Midway Neighborhood Street Plan and authorize an Intergovernmental Agreement (Ordinance) (Y-5)</p> | <p>186081</p> |
| <p>*562 Authorize application to the Oregon Department of Transportation and Department of Land Conservation and Development for four Transportation and Growth Management grants in the amount of \$774,300 (Ordinance) (Y-5)</p> | <p>186082</p> |
| <p>563 Increase time period for property owners to repair sidewalks, curbs and driveways to 60 days (Second Reading Agenda 524; amend Code Sections 17.28.080, 17.28.090 and 17.28.110) (Y-5)</p> | <p>186083</p> |

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| <p>City Auditor LaVonne Griffin-Valade</p> | |
| <p>564 Certify abstract of votes cast, results of Municipal Non-Partisan Special Election held in the City of Portland on May 21, 2013 (Report) (Y-5)</p> | <p>ACCEPTED</p> |
| <p>REGULAR AGENDA</p> <p>Mayor Charlie Hales</p> <p>Bureau of Police</p> | |
| <p>*565 Authorize a Memorandum of Understanding with Portland State University for the cooperative use of information related to financial investigations in forensic accounting courses (Ordinance) (Y-5)</p> | <p>186086</p> |
| <p>*566 Authorize a contract with Cascadia Behavioral Healthcare, Inc. to provide mental health services through Project Respond (Ordinance) (Y-5)</p> | <p>186088</p> |
| <p>Office of Management and Finance</p> | |
| <p>567 Authorize a contract with Versaterm, Inc. to replace the Portland Police Data System for a not to exceed amount of \$6,600,000 (Procurement Report - RFP No. 113551) 10 minutes requested Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-5)</p> | <p>ACCEPTED PREPARE CONTRACT</p> |
| <p>Commissioner Nick Fish</p> <p>Position No. 2</p> <p>Bureau of Environmental Services</p> | |
| <p>568 Authorize a contract and provide for payment for the construction of the Eastmoreland-Woodstock Sewer Rehabilitation Project No. E10269 for \$12,000,000 (Second Reading Agenda 535) (Y-5)</p> | <p>186089</p> |
| <p>Commissioner Steve Novick</p> <p>Position No. 4</p> <p>Bureau of Transportation</p> | |
| <p>569 Declare two City owned properties as surplus and authorize the Director of the Bureau of Transportation to sell the properties (Second Reading Agenda 538) (Y-5)</p> | <p>186090</p> |

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| <p>570 Amend Intergovernmental Agreement with TriMet to increase total not-to-exceed services by \$235,800 for construction between SW Moody Ave Improvement Project, SW Harbor Dr / SW River Pkwy Project, and Portland-Milwaukie Light Rail Project (Second Reading Agenda 539; amend Contract No. 30002351)</p> <p>(Y-5)</p> | <p>186091</p> |
| <p>City Auditor LaVonne Griffin-Valade</p> <p>571 Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1080) 15 minutes requested</p> | <p>PASSED TO SECOND READING JUNE 19, 2013 AT 9:30 AM</p> |

At 11:49 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF JUNE, 2013 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney at 2:00 p.m. and Linly Rees, Deputy City Attorney at 3:00 p.m.; and Mike Cohen, Sergeant at Arms.

The meeting recessed at 2:50 p.m. and reconvened at 3:06 p.m.

| | Disposition: |
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| 572 TIME CERTAIN: 2:00 PM – Adopt the City of Portland’s Civil Rights Title VI Plan (Ordinance introduced by Mayor Hales) 1 hour requested | PASSED TO SECOND READING JUNE 19, 2013 AT 9:30 AM |
| 573 TIME CERTAIN: 3:00 PM – Appeal of Northwest District Association against the Design Commission’s decision to conditionally approve the application for the Riverscape Apartments, a four building complex to be located on the eastside of NW Front Ave between NW 16 th and 18 th Avenues (Hearing; LU 12-212602 DZM GW AD) 2 hours requested Motion to uphold Design Commission’s decision and deny the appeal. Prepare findings for July 3, 2013 at 9:30 a.m. Time Certain: Moved by Fish and seconded by Saltzman. (Y-5) | TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION’S DECISION; PREPARE FINDINGS FOR JULY 3, 2013 AT 9:30 AM TIME CERTAIN |

At 4:42 p.m., Council recessed.

June 13, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 13TH DAY OF JUNE, 2013 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fritz, Novick and Saltzman, 4. Saltzman left at 3:45 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief City Attorney; and Ron Willis, Sergeant at Arms.

| | Disposition: |
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| 574 TIME CERTAIN: 2:00 PM – Consider the proposal of Back Bridge Lofts LLC and the recommendation from the Hearings Officer for approval with conditions, to change the Comprehensive Plan Map designation from Medium-Density Multi-Dwelling to Central Residential and the Zoning Map designation from R1, Multi-Dwelling Residential to RX Central Residential with a design overlay at the southeast corner of N. Williams Ave and NE Fremont St (Hearing; LU 13-109305 CP ZC) 1.5 hours requested for items 574 and 575 | CONTINUED TO JUNE 27, 2013 AT 2:00 PM TIME CERTAIN |
| 575 Amend the Comprehensive Plan Map designation and change zoning of property at the southeast corner of N Williams Ave and NE Fremont St at the request of Back Bridge Lofts LLC (Ordinance introduced by Auditor Griffin-Valade; LU 13-109305 CP ZC) Motion to remove emergency clause: Moved by Saltzman and seconded by Fritz. (Y-4) | CONTINUED TO JUNE 27, 2013 AT 2:00 PM TIME CERTAIN AS AMENDED |

At 3:58 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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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 and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JUNE 12, 2013 9:30 AM

Hales: Welcome to the wednesday, june 12 meeting of the Portland city council. Karla, please call the roll. [roll taken] good morning, we have communications items, four of them, number 543, please.

Item 543.

Hales: Good morning.

Shedrick Jay Wilkins: I am here for shedrick jay wilkins.

Hales: Welcome.

Wilkins: It's been a long time since I have done this.

Hales: We are glad you are here, thanks for coming.

Wilkins: I am still alive. Anyway, solar power was a company in north Portland that made these solar panels. Some claim some day we would have a solar single or plastic electronic solar panel you can walk on, the, the, the polysilicone, the blue ones are kind of robust. They last a long time. But, I wonder what happened to this thing. Some solar panels have a shelf life, so, what's going on here, why did they, they not pay back or something. And another, another sunny topic, on july 20, I was homeless two years ago, there is a thing called compassion connection. At the memorial coliseum, it was great and, and I got some dental Treatment. And there is outreach. And needs to be promoted. I like, and to tie the two conversations together, I think low income and homeless people need to know that Portland could serve some purpose to making this new kind of technology, whether it's worth anything or not. I just want to know what the state of this solar power thing is. Does it work? Maybe it does not work. I don't know. But, homeless people need some, some, idea that Portland is making contribution, as far as I know, there is company called nano solar in san francisco. The idea was, that we could use the hydroelectric power here to develop this. It's like a single. Like a roofing material that's made out of plastic. They are just worrying about the price of it. And not that this could be developed in, in -- I would imagine in los angeles, a big place to deploy these things or we can sell them to l.a. It rains more here than the sunshine. We do have the hydro electric power.

Hales: Thanks, that's a complicate story. There is a woman in the back row reading a newspaper who might be more current on it than I am. About, about the latest twists and turns, but, it has been a complicated tale. Thank you.

Item 544.

Hales: He's not here, ok, 545.

Item 545.

Hales: Nope. Ok.

Item 546.

Hales: Good morning, miss wilson. Hi, how are you.

Janie Wilson: Good morning. Thank you for letting me address the council. I am here comparing - do you have my papers?

Hales: Yes.

Wilson: I am comparing the vancouver abandoned auto laws, that's the first page, and I have highlighted the request I am making to add that additional wordage to our city law, so the second page the Portland abandoned auto law, and then my third and fourth pages are the letter that i'm

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using to address today. So, the vehicle law that i'm asking to be added to, to our abandoned auto law, states a vehicle is considered abandoned if it has been parked for more than 14 days on a street other than the street recorded as the address of the registered owner. So, the way the Portland law leaves that out, then, we're subject to, to the only things that we can get, a car removed for, if it has a flat tire, if it's inoperable, or the license plate is expired. And so, the reason that i'm here today is, is to, is to -- my story consists of my ownership of the triplex on 162nd and harrison. It's a corner lot. And I have, I have, I have the front doors of my, my unit states 162nd, it's a four-lane highway but we're only 15 feet from this street. And there is parking out front on the street. I'm in Multnomah county. I live in one unit and we rented out two spaces. On may 6, juan sandoval was arrested for drug possession on his person as he picked up a tenant, my tenant in unit b, and so his car was last in front of our unit. It has a stick shift, and there was no drugs found in the car but the arresting officer, sheriff joshua swick parked it there because it was illegally parked in front of the unit. And left the car keys with my tenant, so that she could have the car removed, but when we spoke to her about it, she does not drive stick shift. So, she ended up, up going to move out the end of the month. And by may 11, the car was parked there, so I got back to the officer and to explain, we do have three attached garages to those units, to the north end of the building. But, they use that for storage, and we have four offstreet parking spaces. But, most tenants have two cars, and then in the front, there is a, a third of the street frontage that is taken off by a block of post office boxes, which, which not only cover my units, but the houses all on the deadened street harrison, so it's a large, about third of the parking area in the front of the units there. And there is no street parking allowed on harrison, so, my understanding, that parking in the street is, is not designated For my, my triplex, but, I did talk to the officer about, about how long was juan going to be in jail and why was his car not impounded as part of a drug bust. And he told me that, that I only have two, two seconds left. So, you can read the remainder of it, but, I was told that they did not want the max train riders, so they don't mark the car tires to discourage that, and I don't understand why if the law reads that they have two weeks to move it, why that would affect them. And, and so, it affected my neighbor, my relationship with my neighbor, and you can read about that and, and so, i'm just asking for a response to my request, and you can read the rest of the letter.

Hales: Thank you very much for bringing there to our attention, thank you.

Wilson: I appreciate you listening to, to my dilemma.

Hales: And any other folks here? Mr. Evans or Chloé roesch. If not, we'll move to consent calendar. I don't believe that we have any requests to pull an item. Do we have one?

Fish: I have a request to remove 558 and to place it first on the regular agenda.

Hales: Ok. Any other requests? Let's take a roll call on the remainder of the calendar, please.

Fish: Aye. **Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye.

Hales: Aye. [gavel pounded]

Hales: All right. Time certain, number 547, please.

Item 547.

Hales: Good morning, auditor griffin-valade.

Auditor LaVonne Griffin-Valade: Good morning. Mayor hales, and council members. LaVonne Griffin-Valade, city auditor here. Happy to bring before you these three fabulous members of the crc for your appointment.

Hales: Pull that microphone down just a bit. There we go. That's good.

Griffin-Valade: There was a very successful recruitment, our outreach coordinator, irene, did a fabulous job, and she is very hard working, incredibly dedicated to this, to our function, and the work that she does out in the community. And she was able to recruit a richly diverse pool of 53 applicants, which is a huge number by comparison to what we, we, we have been able to draw for consideration in the years past. And, and we have also struggle in the past to recruit more women to, to be on crc. And but, this year, 29 of the 53 applicants were women. And we're very pleased

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that, today to introduce you to couple of them. The three new members today will fill the seats of three crc members leaving, including former chair michael bigham. So, here with me today is Pamela dunham, keeble giscombe, and teresa baldwin. So, I will begin by just giving you bit about their bios. Teresa received her degree in political, economics of natural resources at u.c. Berkeley. And received a teaching certificate from the institute of education, university london. She served as a member of the public involvement advisory council, and as a founding board member of building blocks for kids, a local charity. And in london, miss teresa baldwin worked as a teacher, ran a small business, offered commentary about education for bbc radio london, and helped to start an educational advocacy group. She has lived in Portland since 2005. Miss dunham is a retired service officer who served at u.s. embassies in rome, Bangkok, ankora and nassau. Prior to joining the Foreign Service, ms. Dunham worked as a tri-met spokesperson, also as the general manager of Portland energy conservation corporation. And, and as a public relations consultant to the local governments. And, and hospitals. She has served on several nonprofit boards, both in Portland and overseas and presently volunteers at the Oregon history museum, the ohsu hospital, and at the national alliance and mental illness. She studied at psu and has a masters in public administration from harvard university. Keeble giscombe is an east coast transplant, welcome. Who has resided in the Portland area for three years. He received his degree in criminology and criminal justice from the university of maryland, has a masters in clinic counseling from johns hopkins university, and his law degree from the university of new hampshire, and former franklin pierce law center. Has several years of experience working with at-risk populations, and in various settings. He's been part of the creation of several initiatives that address increasing equity and accessibility to social service agencies. He currently works in Portland as a mental health consultant. So, I think you will agree with me this is, this is very impressive group, and we, we are, we are very fortunate to have them as part of the, this important advisory committee, and the citizen review committee. And so, without further ado I will turn it over to you for, for questions, or any comments that, that, that the members of the, of the new members of the crc would like to make.

Hales: Great. Any comments you would like to make before, before taking any questions here? No. Questions from the council, if any?

Fish: I don't think that we have such a distinguished group of candidates for any position, and I am, mayor, upset that miss baldwin with her background in natural resources resources that we could not land her on the superfund task rather than this, but perhaps when she finishes her service here, we can get her on the superfund panel. But, I just want to say that we are in your debt for stepping up to take on this incredibly challenging assignment. And, and, and mr. Keeble giscombe, we will not hold it against that you are an east coast transplant, I think to some in this room that's a compliment. But to step up and do this work at this time is, is incredibly important, and I just, you know, personally I want to say thank you for accepting this leadership position, and being willing to, to guide us in this work.

Hales: Other questions? Comments? And is there anyone that's planning to testify on this item?

Moore-Love: Yes, we have one person signed up.

Hales: Ok. Let's, let's hear public testimony, there may be more questions afterwards but stand by and thank you very much.

Hales: Good morning, dan.

Dan Handelman: Good morning, mayor. City council members. I am dan handelman with the Portland cop watch. And i'm here to testify about the nominations this morning, and mostly in the administrative sense. I sent an e-mail out last night that I had tried to get copies of the actual applications for the nominees, and was unable to yesterday, but I received them just before council began This morning. It is one of the only for duties prescribed to council in this ordinance under 3.21.00 that need to review those applications yourselves before approving the candidates. That this, we have no particular problem with the candidates. Reading just the biographies originally

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post to the council agenda website, it was impossible to tell why the candidates were interested in police accountability issues, except, perhaps, mr. Keeble giscombe's background in law, but, reading the full applications gave me better idea and in fact, with mr. Keeble giscombe and baldwin, particularly they talk about what we always see as an ideal candidate for the crc, somebody who has had family members or experience with police problems and also has worked with the police. That's the ideal candidate that can see both sides clearly. So, I appreciate the opportunity and that there is going to be more diversity on the crc after, after some, some attrition has led to it being an undiverse panel. And the ordinance is very important, the crc had asked the council to change the standard of review. Last time it was opened found changes and that did not happen. And the doj agreement calls for the crc appeal to be finished in 21 days, and they asked for that to be changed, and there was no response on that. And there were two recent cases of racial profiling originally not investigated by ipr and Internal affairs. And crc sent both them back. I understand last night, ipr and ia agreed to investigate the racial profiling aspect of the case before the crc but after a 4.5-hour hearing. So, there are clearly issues with the structure that need to be cleared up. And, and once the crc is expanded to a limited number, which is part of the doj agreement, when that happens I am hoping the council will look at the ordinance and the other, the other recommendations that have been made over the years, and not just limit it to whatever the doj agreement says, that we have another discussion about what, what we do to make the system better. And that said, I am looking forward to the ipr's annual report so we can have more discussion about the overall system, obviously, rear talking about the new members of the crc, and I am interjecting stuff about the ipr because it's, there's very little opportunity to talk about this system, and they have an annual report that came out a few weeks ago and I am hoping it will be presented to you. Again, I don't know exactly when you received the application, but with the hope that they will stop trying to cut corners, around issues, such as they have a, a finding called cannot approve Multnomah county where they, they predict what the outcome is going to be, and we're just hoping for more, a more thorough, thorough action from the ipr in the future.

Hales: Thanks very much. And any further questions from council? No one else signed up to testify? Let's take roll call, please.

Fish: Again, I want to thank all three candidates for stepping up and agreeing to serve. In the materials that we were furnish, we get information about your background, your life stories, and why you are interested in this work. And I am particularly encouraged, ms dunham that you have an extensive background in mental health issues, which is something that this city is fully engaged in addressing. Ms baldwin has life experience growing up in l.a. With herself and family members interacting with the police, that kind of experience can be incredibly helpful to understand the experience folks who have come before. And mr. Keeble giscombe has had extensive experience in another big city as a parole officer so bring the life experience that I think will be enormously helpful to giving wise and considerate counsel on tough matters. I thank the auditor for this group of candidates and I am very proud today to cast my vote as aye.

Saltzman: I also want to thank ms baldwin, mr. Keeble giscombe and ms dunnham for your service to come. It's a lot of work being on the crc, as dan handelman just attested to 4.5 hour hearings, but I appreciate taking the effort, and your backgrounds really are outstanding and, and I want to, to give a shout out To Irene konev to doing a good job in recruiting members. That's very impressive, the field of candidates you are recruiting, so these three rose to the top and, and I am sure that they will prove themselves to prove their metal soon so thank you, aye.

Novick: I want to thank all of the candidates, as well, and also, to thank your family and friends because this is, as commissioner Saltzman said, a huge time commitment, and it will cut into your lives, and we appreciate this, sacrifice that you are making, that they are making and putting your time into this. I also had to say that you had many impressive credentials, the fact that you are the

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product of a republican atheist father and a democratic catholic mother is, indeed, impressive everyday that you could see both sides of any issue. And I am pleased to vote aye.

Fritz: Thank you for being here today, and this is a very important committee, probably more important than ever now that we are facing the department of justice agreement, and the implementation, and the firm commitment on the council and on my part for, for making sure that we are, a city that we can be proud of, our police and our community. And so, you are stepping up to help with this, is truly appreciated, and thanks to all the 53 candidates who applied and, and irene from the auditor's office for doing that amount of outreach, and that, again, is evidence, that that people in our community are very aware how Important this committee is, and how important the work is. We cannot fail in this effort, and we need to get results very quickly, and I appreciate both mayor adams and mayor hales for being committed to this process, and thanks to rachelle silva, my liaison, with the, the interview committee who gave a briefing yesterday, so I encourage you to develop relationships with the members of the council and consider us your allies in this important work. Aye.

Hales: I want to echo these good comments, both to commend the process that the auditor's office has conducted to come up with a great field of candidates, and for your willingness to serve. And just to add maybe bit of context about, about how Portland operates and why this is so important. And we have a strange form of government in Portland in many ways, but one of the ways in which it is strange, there are five of us, for city this size, and so, organizationally we depend a great deal on committed citizens who are willing to develop policy in places like the planning and sustainability commission, or the human rights' commission, and places where, where we need specific expertise like the design commission, and where we need oversight on behalf of the community because that enables us to, to, to better govern and to better be connected to the community that we're representing. And culturally here in Portland, we really do believe in open and in good government and in citizens making difference. So, having highly qualified people who are willing to put in the time and, and the attention to these really important matters is, is really critical to how the whole community works. So, thank you and, and it really is important. The only other, other, looking at your application, that was very impressed, the only other comment that I would make is, is, is, you know, I really love my job. And but, for my next job, I want to be foreign service officer posted to nassau. That sounds like a good gig. Thank you all very much. Aye. [gavel pounded] all right. We are almost to 10:00, but not quite, so, why don't we take the first regular agenda item, which is the one that we pulled, right?

*****: We were timing it.

Hales: Ok. Can we take 560? No, sorry, 556? Are we ready for that one? Let's take a four-minute break, my gosh. We could take second reading, let's take four-minute break and make phone call or two and come back. I got commissioner Fish's hopes up there.

[Council recessed at 9:56 a.m. and reconvened at 10:01 a.m.]

Hales: One of our communications folks, ms chloe roesch has arrived and I wanted to give her the opportunity to speak, so, come on up and welcome.

Item 545.

Hales: Good morning, give us your name, and you have three minutes.

Chloe Roesch: Good morning, I am chloe roesch, I wanted to just ask really briefly if our commissioners are interested in kind of expanding the recent developments in seattle to create public food for us, and see what we can do about utilizing unused lands. A lot of lots are around Portland that would look better with plants in them, and I am sure that there is a lot of legalities that i'm not aware of. That's also why I wanted to come modestly in more of an asking what can be done and who I can ask, and what resources are available to be looking into, into creating more, more beautiful spaces in Portland.

Hales: Thinking about community gardens in particular?

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Roesch: Yeah, community gardens in particular. I think would be great, especially if we fund them to, to help the, the lower income populations, and having public food for us would get people more, more, more invested in our community, I think, and would also create, are help further, further Portland's reputation being great.

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

Hales: I hope you can get in touch with commissioner Fritz's office because we have a community garden program and looking for opportunities to grow, and I was just recently at the planting of a community orchard, new columbia, and low income communities so there is effort underway but always looking for more creative ideas From people.

Roesch: Absolutely. I was thinking in, in places where lots were abandoned, for long period of time, if we can put pressure on the private, the private owners, land to it, or maybe enforce policies that, that if the land goes unused for long period of time, that it becomes, becomes a part a project. It can become part a project, and that would, I think, also help put more of an emphasis on, on business and, and commerce.

Fish: Could we suggest that we have a Portland friends community garden, a citizen-led body, that guides, provides advice to the council and parks could also give you some information if you want to choose to apply to be on that body.

Roesch: Ok.

Hales: It's a, a great idea, there is other, you will find there is other folks in Portland interested in working with you on that.

Roesch: Ok. Thank you very much.

Hales: Thanks for coming. Appreciate it. All right. So, let's move to the time certain item then, 548, please.

Item 548.

Anna Kanwit, Director Bureau of Human Resources: Mayor, commissioners, anna kanwit, director of the bureau human resources and with me is lynda lewis, the affirmative action officer, as well as the manager our outreach employment and diversity resources office within human resource is responsible for our recruitments And outreach activities and, and, and affirmative action reporting, and donny adair has been our consultant working on putting this plan together. I am just going to do couple of quick opening remarks, and then turn it over to lynda, but, as recipient of federal funding, the city is required by law to have an equal opportunity affirmative action plan in place, the last comprehensive plan that we developed was done in 2008 for four years, the city did request and received a one-year extension, extending that plan through june 30 of 2013. So, the plan before is, is our new four-year plan, and reflects the collaborative effort with council offices, with our bureaus, and with my office, and as well as offices, equity and human rights. It's a \$750 plus page document, and includes the bureau's strategies and looks at, at employment of women and minorities, and the various eeo classes in the city. With, that I am going to turn this over to lynda lewis to talk about the high points of the plan.

Lynda Lewis, Manager, Outreach, Employment & Diversity Resources: Thank you, good morning. I want to start out by, by letting all of you know how we created this plan. We started out by creating a bureau of affirmative action strategy manual and that, we created that manual so, so that we could, we could train whoever was going to help us in creating this plan. They would know what needs to go into, into this plan. The, the manual was, was reviewed after the human rights, in fact, it was approved by dante james, he looked at it and he says yeah, I think it's covering everything. We send an email asking directors to identify representative that would work with us in gathering the information for this plan. Once we had list of who was going to be representing the different bureaus and offices, we met with those either individually or, or in groups, and we explained what we needed, we asked, we answer any questions that they had, and we gave them our phone numbers because we knew that they were going to be calling us, and we knew that they were

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going to have some questions. The bureau reps were, and we called them reps in regards to this project. And, and they were asked to create an affirmative action strategic report, and that report was, was an introduction to, to their bureau, and an assessment of their current affirmative action strategies and, and a placement of objectives, and the affirmative action strategy baseline report. All business reps were given a deadline on when they needed to get this information back to us. And upon receipt of the affirmative action strategy reports, we reviewed and edited the report and, and if we needed to return that report, we returned it to the rep to revise it in the way that it should have been written up. The final affirmative action strategies were sent back to the Rep to share that with their, their bureau of directors to get that approval that they approved these reports, and yes, this is what we are going to do in those areas. The affirmative action plan is, was distributed to, to all of and, and I think the report is 700 pages so that's a lot of pages for you to be reviewing. But, we do have an executive summary and the summary identifies those job groups that we are underutilized in. It also lets you know the different bureaus that are, actually, underutilized, and I think that you would be very happy to know it's not all the bureaus and offices of the city so that's great. And it also gives you a quick glance of the number of females or the number of minorities that are underutilized in the bureaus. You also get, you are also able to see the offices and bureaus that are not underutilized. They are at parity so that's great. We did not look at the city budget office because it's so new, and we did not have that information we needed to give you statistics on that. However, they did do report, and they do have a baseline on what they are going to do, either to maintain what they have or if we find that they are underutilized, work on their underutilization. We also gave you the affirmative action plan. And I just want to hold it up because I knew that you have seen it. This is the plan. But, you've been assigned already to the different bureaus, so don't have to read all of this report but your bureau is in here, and again, it will give the, the introduction, and it shows you where it's underutilized, but one thing it has in here, it has the baseline strategy. Those baseline strategies are, this is what the bureau has identified. What they are going to do. To, to rectify this underutilization in their bureaus, okay, so, we are here. And, and we're here because we would like for you to approve this ordinance. But, it does not end there. Once this is approved, then the tracking begins. I will be tracking the baseline strategies every six months. You will receive a report, the director will receive a report, and whomever that director wants us to work with to gather this information in regards to their bureaus, they will be receiving report. We'll also be working with outreach employment, diversity, resources, senior analyst who do the recruitments for the city of Portland, what they will be able to do, they can, they can identify what, what positions have opened up, and particularly, if they are underutilized, you can see where they did the outreach, and you will be able to see the number of minorities and in women and, and, and disabled and Veterans that, that were, actually, on the list, and you will also be able to see if any of the, of the classes, if they were hired for that position. Ok. So, so, you will have a copy of that, and that's every six months, and I will be meeting with the directors in the month of July to go over their basic strategies and, and talk through what we will be doing and, and so, this is only, only just a part of the tools that, that we're using, within the city. And to, to help us have equity within the city. We're working with, with dante's area a lot in regards to this, we're also doing outreach, we have a lot of things going on in regards to the outreach recruitment, and we're out there in the community and, and sharing with the community how to apply for a position through just getting the word out there. So, that's all that I have to say today, and I would like to see if you have anything to add to that?

Donny Adair: Good morning, I am donny adair, consulting in north Portland. Former city employee. And really, pleased that, to work with anna and lynda as project manager, and also snow buchanan, who is in charge doing all the data, which is a big part of this analysis and is a big foundation that we lay our plans on. I am pleased to see the progress that the city has made. Actually, I worked as a consultant on the affirmative Action plan in the 1981. As donnie adair associates so i've been around long time, and I was in the former diversity affirmative action office

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from may of 2005 through, through 2011, and actually, put together the previous two plans. So, i've been able to kind of chronical the progress the city has made, and it has been considerable, yet challenges do remain. And I think the bureaus have done an excellent job of outlining how they are going to continue to approve and reduce the underutilization of women and minorities, in addition to that, I just want to highlight this, that the plan also includes affirmative action for veterans, and individuals with disabilities as required by, by the contractors and recipients of federal assistance. That plan does not have numbers because it is so hard to come up with a baseline for the numbers people who have, have disabilities, for example, and it does not require are that, but it does require a good faith effort, which the bureaus have all outlined that they will take to do better job of getting out and recruiting people with disabilities and also veterans. So, that's a key thing for us, as well. And in an area where the city can, you know, has miles to go and can make some, some strides in that area.

Lewis: I would like to add that this is from the previous plants plans that I have seen, this is the first time that we identified people with disabilities, and veterans to identify baselines and how they are going to go out there and work with knows two areas and get people to apply and try to get them in here to get jobs with the city of Portland, so we're really excited about that.

Saltzman: So we do have baselines for veterans?

Lewis: Yes, yes. For veterans, yes. Yes. In this plan. Yes.

Saltzman: And for people with disabilities.

Saltzman: But it's not that hard to quantify veterans, is it?

Adair: No, and we have a veteran's report that's required so we have that data, but for people with disabilities it's more difficult.

*******:** Right.

Kanwit: And one of the things that we're looking at is, is, is how to create a definition for, for an applicant, who is disabled to put that on the tracking just as we do with, with gender and race, ethnicity, it's anonymous, we identify that data, but to have that as part of the tracking for the applicant pool, but, it's a little more difficult to, to create that definition, and again, we've been working both with, with travis wall and, and dante james' office on setting that up, as well.

Adair: I want to share, when I worked with the state, they had a definition severely disabled, and under a state law for state employment only. They had, a numerical goal, but, they used this term, certified disabled, and you had to be Certified by both rehab as severely disabled, but still, that does not, not encompass everyone who would be under the definition of disabled under, under many laws. So, some people would be left out so it's something that we have to, to continue to research and, and, and come up with better definition as anna indicated.

Fish: I have a couple questions, if I could, mayor. In the executive summary, on page 4 -- Used the term underutilized, that is probably not a term that the average person understands, and I think it would be helpful to define what we mean and remind us of the data use to determine that.

Adair: Another word for that might be underrepresentation. And, and, and we use a group called berkshire that provides updated data on, on, by job, job group, which is a family of similar jobs having similar skill education experience requirements, and having similar duties, and so forth. And so we look for each one of those families and determine what is the availability of women and minorities.

Fish: In some of our work we use census data, here we use a different subset, and when you say community what are the borders use?

Adair: Each group will determine what is the reasonable recruitment area for that job group. For example, in your executive positions it would be at least regional or west coast. A recruitment area that we recruited, so if you are a deputy director at the water bureau position, and that type of thing, the reasonable recruitment area would be greater than if you were an administrative assistant, which

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would be local Portland estimates, standard metropolitan area, so each family has a reasonable recruitment area that, that has been designated for that.

Fish: At some point I would be interested in maybe in the 700 pages but I would be interested in learning more about that part of your analysis? And, and the other thing that, that I was struck on, as I was looking at, at the tab on, on identification of problem areas by organization and job groups and, and on page 2 of that memo, it identifies the, the principles that apply to our work. We have identified underrepresentation. But at the same time, one of the principles that we make employment decisions in a non discriminatory manner. So, so, I take it from that, that one of the primary tools that you used, therefore, because you have to operate in a non discriminatory fashion, is it to things like more robust recruitment, and one of our goals is to have more diverse pool of qualified applicants for each job, and that has to be very intentional in each of the hires.

Adair: Well, you know, sometimes, I call it stacking the deck. You get more people from the Groups that you are underutilized in the pool as you indicated, so that you have more choice, you would never make, a an individual decision based upon something like, like race or gender or that kind of thing. But, by doing, doing better job or a more focused job of recruiting for groups that are underutilized, you can get them into the pool and you have a better chance for them to, to be selected out of that pool.

Lewis: And if hiring manager, because the hiring manager will be aware of the underutilization that maybe the class that they are hiring for, and if they have two or three people that they are looking at for that position, and they are all about the same, we do want them to think about their underutilization, I mean, the person is qualified, these three people are about, about the same, yes, we want them to think about that, we cannot tell them who to hire. Because they will make that decision, but we want them to think about their underutilization and, and, you know, and bring that into, into, into effect.

Fish: And in the couple searches i've been involved in, one of the things I learned is that once upon time people may be thought it was sufficient to have it in the Oregonian and wait to see resumes come in. But what we understand now is that you really have to find what are the networks. And what are the information sources that, that allow us to speak to a broader community? So, it's not enough to put it in The Oregonian any more, and it needs to go in the scanner. You need professional organizations. There might be one women, and that, in that job category, that that have a listserv, and all of that is an intentional part of the beginning of recruitment. And dictates whether the pool has diverse candidates.

Lewis: And that's what we're doing right now, we do that, not only do we, we -- it was really funny because someone asked us the other day, you know, why did we not use a head hunter and we said we are. That's exactly what we do, we go into the organizations, we do cold calls, and we talk to people, we go out, and we give informational, informational sessions to, to, to minorities and women and, and people with disabilities. And in fact, we're looking at -- and this would be the first time, but we're looking at holding a career fair for, for people with disabilities in september of this year. And I had them give us call, and they would like to know if we would do that. I talked to anna, and it sounds like great idea so that's something else that will be new, and that's the step that I think that you are talking about.

Fish: One other thing can I just ask? I think it would be interesting to my colleagues to have your perspectives, so, sometimes we do searches, and we develop tremendous talent but they don't quite fit the job. But, we have now met someone who may be in denver, or, or the Portland area or somewhere else that they don't quite fit the job but they have, they have mvp written all over them, and there might be another job, if not in parks, maybe in transportation or bes. Do we have a way of tracking the talent that we identified in searches that may not make the final list because something in from, something doesn't quite match. But, that might be qualified for the next opening in another bureau? And do we have way of sharing that information?

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Kanwit: We are doing that now, and, and it's a fair informal thing but part of this is because in lynda's shop we have someone whose job is to do the outreach, to have presence in the community. And where the we fell short before is we went out to various groups but only when we had a job to offer. We did not have a presence otherwise, and that, that really didn't create the connection, that that we really need to, to, to market the city as an employer and, and Diane is the person that we assigned to this, but, she has candidates, and she will tell the bureau, you know, so and so is really good here, and this was not the greatest fit but we have this person, and I think that you should talk to them. We are doing that. It's informal.

Fish: It's important to keep the resumes on file and they would think it's another job and in our form of government, where communication is a challenge in general. Having a centralized place where you are coming to a commissioner in charge or bureau director and saying, you have a short list of talented. Make sure that they are in this pool. We have met with knows, with this person. And, and think that they have a future in the city, if not here, but there. That would be helpful. I know that we do identify a lot of talent in these searches, that don't make the final selection, but really, should be in the pool for the next opening.

Saltzman: I had a question. In your executive summary with respect to Portland fire and rescue, say that they have attained parity for minorities and females. But then say the bureau is still underutilized with five females and three minorities. I'm confused.

Adair: They have obtained parity at the entry level, which is tremendous accomplishment. Mayor Hales you remember from your previous service and you, too, commissioner Saltzman, in that the fire bureau was, was very underutilized from the sworn positions, when I went there 13 years ago, and they have made tremendous improvement but they do recognize that higher levels of management and all of the managers go, come up through the ranks, that they are underutilized in those areas, so they are making efforts to encourage people on the line, a diverse group people to seek Upper mobility so that's their --

Saltzman: As opposed to the upper levels --

Lewis: Yes so we are excited about fire because, because they are there, and now, all they have to do, is lose that. I say "all they have to do." [laughter]

Adair: You have a woman who is the fire chief now so we know that it can be done, and they know or recognize the underutilization and have a good plan to, to encourage people for mobility.

Saltzman: And lynda, you said you would send reports to directors. Will that include the commissioner in charge?

Lewis: Oh, I'm sorry, if I left out, I'm sorry because I will -- commissioners and the mayor, the ones, that that the assigned bureaus, your assigned bureaus, I will be sending that to you. And I will give you everything. I will give the bureaus, but you are, your assigned bureaus I will give that report.

Saltzman: Thanks.

Lewis: You won't get the first report until January, I will tell you that.

Saltzman: Okay.

Hales: Other questions for the team?

Fritz: In the executive summary, I need to understand better, that it says the bureau of development services is underutilized by six females and three minorities, the minority piece I get but I was informed that gender makes it at 52-48, which is pretty darn close to parity, so I don't understand the identification of there being less women involved there.

Adair: That would not be by job group, ok. The underutilization that is list idea is by job group. And again, I don't have it, of course, in my head, but, overall, they could give, they could get mix. When you look at it by job group, there is some underutilization there.

Fritz: So for instance, building inspectors, and we looked into what's the availability of that?

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Lewis: Yes, that's what this berkshire program is all about. We input the data. And Berkshire's program is called balanced aap so we input our sap information in there every personnel transaction, and they give us -- they have all the other information. That's what we pay for them to have that information for us to see where we're underutilized.

Adair: Commissioner Fritz, when you get a chance, look at the individual history of your bureaus that you have. What you will find is there are other issues such as the, you know, about half bes, is half the size that it was, so, when you are having staff reductions and all these things, they do impact the plans you have and those reductions are not based in any way, shape or form on criteria such as the diversity or ethnicity or gender. And so, it would be based only on the length of service and all Of that, so if shrink further, and you know, I understand the city may have some budget issues, and requiring reductions or holding the line, that that, too is, a factor that, that can make the underutilization go up, when you have the last hired and first fired, and that situation where the bureaus have made, made progress.

Fritz: Right. And I think we're getting more detailed analysis on a briefing basis or new bureaus would be helpful. And I am, I am intrigued that it says the bureau emergency communications. It does not reflect what we've been getting in the budget process, we've been getting the bare numbers of women and minorities employed in bureaus, and I know that that was something that I have been addressing in the bureau of emergency communications and I am somewhat surprised to see where they are so successful so when commissioner novick gets his briefing on that, I would like to understand how came to that conclusion on that and several other bureaus.

Hales: Other questions or comments?

Fish: Just a comment, and I just want to have you ratify what I am about, what I am about to say, we are talking about policies which create opportunities at the beginning of employment, and we're talking about policies that make sure that people are a chance to, to climb the ladder of opportunity once they are here. The third leg of that stool is The policies that we have which prohibit discrimination against employees while they are in the service of the city. And the mayor and I talked about this, the mayor will be sending out a friendly reminder to bureau directors, and to, to commissioners because they serve as directors their offices. There are a number of policies which must be part of a hiring process, and that includes 2.02, which is the prohibition against workplace harassment, and discrimination. And there must be training of all employees and, and what the mayor will emphasize is that ultimately, it is the bureau directors and the commissioners who are accountable for making sure that these policies are enforced. That means upon hire, people signing forms, acknowledging receipt and reading and being bound by them, and means training employees so they get the practical training that they need to understand how these policies work. And in concert with the good work you are doing, all of these are designed to remove barriers of opportunity for underrepresented groups. And I think that this is, this is a good time to remind everybody, in a leadership position that we are accountable for making sure that this is not, that this is done correctly.

Kanwit: I think it's important and based on the council mandate, my office has spent the last year plus insuring that, that employees and managers are trained in our 2.2 policy, harassment Discrimination, but excellent to remind bureaus of that mandate, and also, the need to have the critical work rules of which 2.02 is one of them. Reviews at the time of hire. Just as we require the paperwork to be done at the time of hire, this should be done then, as well. So, I think that that's really important. Thank you.

Hales: Thank you.

Fritz: And what are the opportunities for commissioner Fish, commissioner Fish mentioned the bureau director was responsible for it. We have affirmative action coordinators in each of the bureaus, is that correct?

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Kanwit: They are -- the people working on the plan, in each bureau, so, and then there is also the bureaus have members of the city-wide equity committee, as well, and we still have equal employment opportunity representatives, in each bureau, so, sometimes they are the same people, and sometimes they are not.

Fritz: What ongoing training do those key staff get? Beyond the basic 2.02 as commissioner Fish referenced?

Kanwit: Really, it is -- there's been some formal training that happened, and I know dante james started to work with the city-wide equity committee because we moved that committee from, from my bureau to his office. And, and he's continuing to work on some of those, as well as his office is going out to the bureaus, as well as providing some training. We just finished several sessions, I know one that dante and his staff did on the broader issues. So, that's, that's, you know, obviously, different than simply the training on, on the cities rules, but, it's encompassed within that, as well.

Fish: I got an email with the date's upcoming training sessions, and I also understand that your department is moving to, towards a web-based system, that allows people to do it remotely, which I compliment you for that. And, and I would say that, that, that commissioners are also free to ask for the city attorney's office to come down and give these trainings. We spend an hour over lunch, and we have found that very useful.

Kanwit: Yes.

Fish: Thank you.

Hales: Other questions, comments for the team? Do we have anyone signed up to testify on this item?

Moore-Love: Yes, we have one person, joe walsh.

Hales: Thank you very much. Stand by in case we have further questions for you. Thanks. Good morning.

Joe Walsh: Good morning, my name is joe walsh, represent the individuals of justice. Our concern is not so much the two tiers, it's the third one that commissioner Fish brought up. I think that we do good job in recruiting really good people. And I think that we do good job dealing with those people from, from an administrative point of view. But I don't think that we do good job in letting people know that we have zero tolerance for any kind of statement, action, essential. Statement in nature. And we are involved right now in a scandal. Because some jerk made a comment in front of 40 people that embarrassed a county commissioner. And you can have all the rules that you want. You can have not 700 pages, but 800 pages, but unless the people of this city feel that this body will not tolerate that in their staff, that if the staff does something like that, they will be suspended with pay pending the investigation, and charlie, you ought to remove yourself from voting on this because you are under investigation on this, it's your staff member. A senior staff member. And you have done nothing as far as I know. And I may be wrong on that, but something happened this morning, or last night, but as last night it should have happened immediately. And you knew about it. And you did nothing. That man should have been suspended with pay immediately. That's zero tolerance. That's -- let, that's not let me think about it or talk to the city attorney or to, to the commissioner Fish, he's, he's over there. You suspend them. You don't tolerate that. That's the message that we need to send. Not 700 pages of words. That's process. You have to have action. You have to look that man in the eye and say, what in god's name were you anything: That's what you need to do. Thank you.

Hales: Further testimony? Roll call on the emergency ordinance, please.

Fish: I want to thank the team that presented this morning. I have not read every page of the 700 pages. But I am going to pay attention to the tabs that you presented for my new bureaus, and i'm very proud of the progress that the Portland housing bureau has made in overachieving in the areas that you tracked. Having been involved in a couple of searches, where I have had the chance to work with professionals in the city who guide this process, I have learned a lot, and what I learned is

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that, that if we have a plan at the front end and cast a broad net and we are intentional, and we're going to capture all of the talent that's out there, that we want to have in a pool, so when it comes down to picking three or four finalists and making the tough call, we're looking at a group people that represent the great diversity america, and the great skill sets that we want for these jobs. And as I said earlier, my hope is that, is that, is that we never think of these as failed searches, in any respect, or in there are people that fall short at the end, that we look at those people as cornerstones of the next search, and maybe there is another job where that person, that's how the private sector does it. Once they have their eye on talent, they keep looking until they find a position where that person can shine. And since you are doing all that work, and issue how hard you work, to make sure that net and cast very wide, and we get that talent. And let's as a group commit to, to, to being creative about the folks that maybe fall short just because they don't have the experience or maybe the seasoning or whatever we determine. Maybe there is another job that we can take that talent and place them in and get the benefit of their, their, of their gifts in the city. But, the goal is, is to have a workforce that looks like our community, and the goal is to remove those barriers, which were, which prevented people based on who they are, and not what they do from having opportunity. This is a terrific report, and we're proud of your work, and I am pleased to support it. Aye.

Saltzman: I want to thank lynda and donnie and anna and all the other people who, who helped to put together this, this plan. I just can't help but be struck by the fact that it was, was 50 years ago yesterday that, that governor george wallace of alabama tried unsuccessfully thanks to president kennedy to block the first two african-americans from entering the university of alabama. And thankfully president kennedy federalized the alabama national guard, and those two students began their schooling that day. However, tragically later that day, as a result, perhaps, he was assassinated. Those bold actions 50 years ago were bold and heroic actions and important. And today what we're doing is really, really, you know, not only carrying on the legacy of a, of affirmative action, and ratifying its importance today, as much as ever, but also, recognizing that the way to do it is to get precise, to get down to the numbers, and to look under a microscope at our hiring policies, our recruitment efforts, and everything, and to, to be able to quantify where we need to really work, that gives us all the direction, that takes us, you know, away from a lot of the rhetoric, and puts us down into how do we actually make this happen. How do we achieve parity for minorities and females and those with disabilities and veterans. These are going to be ongoing challenges, but, you have given us a great road map, and I know that you will continue to, to monitor you will of our progress, those involved with hiring, so I am proud of this document and, and the collective efforts that we will all place to make sure that we achieve parity. Or exceed it. That's even better. So, thank you all, and I am pleased to vote aye.

Novick: Thank you very much for, for all of your work. I just have to note that the Phenomenal performance last night of gary neil of the san antonio spurs who was not drafted, was a dramatic example of the value to an organization looking beyond the usual places networks to find good talents, and you have reminded us of that. And I am also very pleased as we're in the process, of deciding on new director of p-dot, the largest bureau that I have the honor of working with, we have this ordinance, this information available to turn over to where this will be so I am glad that they can start off with that. Thank you very much, and I am pleased to vote aye.

Fritz: Thank you anna, lynda, and donnie for your work on this impressive volume of documentation, and there are reasons for that. There is legal reasons that we have a history in this country of not doing the right thing on these issues. And we have a history in this city, and so, that is reflected. And I appreciate that we are now being very intentional, that the office of equity and human rights creation and the impressive partnership with the bureau of human resources, and the way that we're moving forward, we had earlier today the citizen review committee nominees showing, showing, that that outreach in specific communities, pay dividends and we got spectacular candidates. Later today we'll look at the title 6 plan, and all these things need to work together, and

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I am impressed with the commitments of my colleagues on The council to make sure that we make difference in the measurable times to ensure -- well, we cannot ensure but only promote and try and try again, and that's what we continue to do. I appreciated the effort. Aye.

Hales: Well, thank you, team, for great work. You know, it occurred to me listening to this and reviewing the report that, that sometimes in government speak, or management speak, we use some terminology that is kind of dry. Affirmative action. What does in that mean? We all know what it means, but it sounds a little obscure. Or continuous improvement, what does that mean? Well, this is what it means. It means real opportunity that you can count on for real worlders. They have a shot at coming to work here. And, and it means real progress. That's what we see in this report. And I am really proud of that progress, and there is a lot of, a lot of kudos that need to be distributed to bureau managers, and h.r. Folks, and others in our organization who have continued the progress. And in fact, you look at this summary, and you see eight city bureaus that are at parity. That's a nice honor roll. And it's a roll that we'll keep growing. And then you see these mentions, significant progress in the office of management and finance, parks, chief parity in 23 of 32 job groups, the police Bureau changed the recruiting strategies to ensure more minorities and females. Bes has increased their representation of minorities and females in the professional and skilled craft areas in botanic and engineering. That's a tough one. Has somebody who used to work at an engineering company, you recruit female engineers, that's impressive progress. And it's been mentioned already, but just to see the plain words on the page, that Portland fire and rescue has added parity for the 650 positions in the major job groups, at entry, mid level and senior level firefighters. That's nice to see. So, great work so far. And more to come. Well done. Aye. [gavel pounded]

Hales: Thank you all. All right. And anna is here in another capacity. 549, please.

Item 549.

Anna Kanwit, Director, Bureau of Human Resources: Mayor and commissioners, I'm anna kanwit, this is a very different matter, but is also, I think, very important accomplishment for the city, as we are here presenting to you the tentative agreement for ratification with the city of Portland professional employees association. And we do have one administrative matter to get to, which is we need a motion because we had an updated exhibit a, and there was a typo in the ordinance. That needs to be adopted.

Hales: So we need to move the technical amendments?

Fritz: So moved.

Saltzman: And seconded.

Hales: And so, we need to take a roll call to have those on the floor, please.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye.

Hales: Aye. Now you can proceed.

Kanwit: Thank you. And, and anyway, with me today, john is the spokesperson for the city in these negotiations. You are the president of copea and mr. Nelsen is the business rep, actually, the director now of local 17 organization out of seattle. This negotiation really is an example, collaboration between the union, the labor leaders in the city, and recognizing the need for shared sacrifice, given the economic issues with the city, and the local members truly understood that. It was a ratification of 94%. And yes, with reduce cola of 50% of the cost of living is under the index that we used. It is a four-year agreement. The, they agreed to language that is very important to the union members. The bureau has recognized this for a professional development fund, and the bureau is not only continuing to fund it but agreed to increase that funding over the life of the contract. And copea also recognized some of the things the city really needed in terms of reducing overtime expenses and agreed to a cap on compensatory time to an annual cap of 80 hours and, and we addressed issues with the sick leave language to make the abuse and misuse much clearer, that's been a continual issue across the city and, and this group made really good progress. And I am going to turn it over to gerry and behnae, but I just want to close with this is what happens when

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both sides work together, and they are professional, and they understand each other's issues, and willing to make compromises, and I am pleased to present this to the counselor.

Saltzman: Before you hand it off you tell our audience what copea is?

Kanwit: It's the city of Portland professional employees association.

Gerry Verhoef: Council members, gerry verhoef, president of copea, the professional employees association. I am very pleased to bring this forward, also. We had a lot of feedback from our membership as anna mentioned, we had a 94% ratification vote that happened recently so we are very, we were pleased with that, and we were able to work collaboratively with the management team that was at the table. And come out with a very, very, I believe, working, as a win for both sides on this. So, thanks to the team that was there from both sides. And I appreciate the effort put forward for collaboration. Thank you.

Hales: Thank you.

Behnae Nelson: Mr. Mayor and commissioners, behnae nelson, professional and technical employees union 17, representative for copea. I flew in today for the day, and I will fly out in the afternoon because I could not pass up the opportunity to say thank you in person. It was a rewarding experience and not just the delicious snacks that we have at every session. That goes a long way, and I don't want to negate the value food. Our goal for negotiations was to get in, get out, and get back to work. And we met that goal. And along the way, copea members made sacrifice, and the city, in turn, made an investment. And I assure you that your investment will yield dividends many times over. So I wanted to come today and applaud you for realizing the value of, engaging your employees, developing their morale and recognizing the value they bring to work every day for your, for yourselves and the citizens, and I want to tell you it was great experience. Thanks very much.

Hales: Great, questions. Comments for the team?

Fritz: I have one, and I think that I heard that you polled your members to see if they would be willing to have a lower cola?

Nelson: That's correct, so the city came to us and said, we need a sacrifice, we have a budget deficit. And so, we did what unions do. We gathered our members and we rallied but we rallied the way that professionals rally. We send out an electronic survey. That's how we roll. And our survey yielded 40% Results, and our members resounding were in favor helping the city achieve the goals to rectify the budget provided that our interests were also heard. And we also, in turn, praised our members for recognizing the, the value in contributing and the collaboration that was going to be needed, so yes, we did.

Hales: Other questions? Comments for the team? And is there anyone else signed up to testify on this item?

Moore-Love: No one else signed up.

Hales: And I think that we should take a roll call and in ratifying this agreement.

Fish: I think our out of town guests said it best. The cornerstone is shared sacrifice and investment. Face with a 22 million hole, your members stepped up, with shared sacrifice, but based on, on our commitment to seeing opportunity and growth for the members, we have an investment in the professional development fund, which is so important to your members. That's called a partnership. In good times and bad, and you have set an example for the rest of our labor partners. We in your for being first to come forward. And, and the briefings that we get from, from our team said that this was a very, very professional and civil negotiation, and you did it in a record time, so today, we say thank you to our team on our side of the table. And thank you for our valued partners on the other side of the table. And we are blessed to have a Great workforce in this city, and many are represented by copea. Aye.

Saltzman: Well, thank you all, thank you for, to all sides for coming to a realatively quick agreement and a good agreement. I am pleased to, to vote to ratify this. Aye.

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Novick: And Anna, thanks to you and your team for your work, and I just want to make it clear for the record, that the members cope in agreeing to take not a full cola, that's pay cut. Inflation is real. That it is a pay cut. And I think that sometimes that does not get recognized, and I want to -- your members are taking that pay cut means that we're able to preserve services for the citizens of Portland. That's what the tradeoff is. So I want you to know and your members to know how much we appreciate that very real sacrifice. Thank you. Aye.

Fritz: Thanks to Anna and the bargaining team from H.R. and also the City of Portland Professional Employees Association for a very professional approach to bargaining. I am also proud to continue to be a dues paying member of professional union that is also a professional organization at the Oregon Nurse's Association so I understand the work your members do and the way that your organization approaches bargaining, and indeed, approaches good relationships throughout our time on the council. I so appreciate, Gerry, your continuing to meet with me on a semi-regular basis over the last four years, and I hope you will continue to do so because indeed we have things to talk about between bargaining and a lot more to talk about in a constructive manner, and I appreciate that, the City of Portland Professional Employees members made a sacrifice, and the City of Portland made an investment. Very glad to vote aye.

Hales: This is really public service at its finest, so thank you. It's a great effort. And it's a service to the taxpayers because we're trying to stretch less than we should have to do what we must do. And thanks to your members we're going to continue to provide services with temporarily diminished resources, so thank you for not only setting the tone but giving our, our constituents hope that the public sector can operate this way, so thank you very much. It's really a great, a great example, and it helps to solve really tough problem for this council, so, it's noticed and appreciated. And finally, if we need new slogan so the next set of trucks that we buy, I think that we may have it now. Get in. Get out. Get back to work. I love it. Thank you. Aye.

Hales: Let's move to the Regular agenda and come back after that.

Item 565.

Hales: Good morning.

George Burke, Portland Police Bureau: Good morning. I am Commander George Burke. I brought the Sergeant Dody to talk about this ordinance. Just in brief from my position, this is a great opportunity to develop partnerships at Portland State and help us to develop people who will be able to become or look into being certified forensic examiners. So it's a great opportunity to develop those relationships with Portland State as well as to work with some small business owners who would, who would not be able to afford this analysis, and, if they had to go out and pay for this themselves. So, in order to really get into the details of the project and the ordinance, I would like to, to ask the sergeant to explain the details of it.

Sergeant Vic Dody: Good morning. I am Sergeant Dody, I supervised the white crime unit at the Portland Police Bureau. We are modeling this after a program that Gonzaga University started in Washington. We partnered with Portland State University. I look at cases that may not have detectives to assign to or may need some forensic accounting that the small business can't afford. I set those aside and keep those for this class. What we do with those cases is, is the detective works with Portland State University at their forensic accounting class, and they have certified forensic accountants that also supervise the students. The students are background checked before they start the class. We get permission from the victims of the crimes, the embezzlements and whatever else cases that we find, and we assign them to the students. The students spend the time period of their class, and they provide like forensic accounting for these cases, at the end they provide report analysis that the detectives can use. The detectives take these to the prosecutors and we're able to prosecute cases we may not have been able to prosecute in the past. It provides real life experience for the students also. They get to do forensic accounting on real life cases which is good experience for them.

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Saltzman: So these are graduates, undergrads?

Dody: These are graduate students.

Saltzman: Sounds great.

Hales: Questions? Anyone sign up to testify

Moore-Love: I did not have anyone sign up.

Hales: Thank you for the presentation. Let's take a roll call.

Fish: Sounds like a great idea and program. Aye.

Saltzman: I want to commend the bureau. This is a great example of a partnership with Portland state which is what we try to do in the city. But this one provides dividends to many small businesses who find themselves victims of a crime, and this provides some resources to help all those -- some of those businesses to see justice. So thank you, and i'm pleased to vote aye.

Novick: Very impressed to hear about this partnership. Aye.

Fritz: Thank you for thinking outside the box and finding ways not only to nurture the students, but to get the work done, and hopefully this will encouraging the other students to look into careers with the police bureau. Aye.

Hales: Speaking of slogans, we have this urban university up the street that has the slogan over Broadway that says what knowledge serves the city. And they mean it, and this is the case where that's put into practice. And we work smarter, their students get real experience, everybody benefits. So we don't necessarily avail ourselves of all the opportunities there are for this kind of synergy and partnership, but this is a great one and I appreciate the good work of the bureau that put it together. Thank you. Aye. [gavel pounded]

Fish: May we move 558 out of Sequence?

Hales: We may.

Item 558.

Hales: Do we have a presentation on this? Or it's just on consent.

Fish: I pulled this because of something Amanda Fritz taught me, which is, while this is not my bureau, and while it was on consent, there are times when a bureau does something that's so great that it's argued that we ought to shine a light on it and thank folks for outstanding service. Because once again they've stepped up and secured an enormous \$3 million grant to address lead hazards in our community, I thought it would be appropriate to have Andrea tell us about it and just take a bow for her good work.

Hales: Great. Welcome.

Andrea Matthiessen, Portland Housing Bureau: Thank you. Pleased to be here. So I just wanted to take two minutes of your time and highlight the valuable nature of these resources and my appreciation for staff at the Portland housing bureau who worked very diligently to produce these great outcomes for the children of our community. The city of Portland has been successful in securing this resource consecutively since 1998. HUD has generously bestowed \$19 million on the city of Portland to remove lead-based paint hazards in homes that are occupied by low-income families with children under the age of 6. And so since 1998, the housing bureau formerly bhcd, in partnership with the Portland Development Commission, has removed lead-based paint hazards in over 1600 low-income housing units. And the number of children that we've been able to protect from lead-based paint poisoning is over 3,300. And so for those folks who don't know about lead-based paint and hazards that it can create for young children, it can cause just briefly permanent learning disabilities, behavioral challenges that have longer-term impacts on our other systems -- education, criminal justice, and so by being able to prevent lead-based poisoning up front, we're hopefully reducing impacts to those systems downstream. I would be remiss if I didn't call out our great partners at the water bureau, they have been providing match for this grant since its inception also. They provide match in the form of ratepayer dollars as part of their compliance with the EPA lead and copper rule for drinking water. And because we don't have very much lead in our drinking

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water, they're able to meet those other compliance requirements by preventing lead poisoning through the paint. And it's primarily valuable for Portland in particular because over 50% of the housing stock here in Portland was built before 1978, when lead-based paint is banned, so we have high risk factors here. So thank you for your acknowledgment of the bureau's work. We also appreciate the ongoing support for our attempts to continue getting this resource To the city of Portland.

Hales: Other questions?

Fritz: If a parent is living in an older home and wants to access this program, how would they go about doing that?

Matthiessen: They can call the Portland housing bureau's intake line, 823-3400. There's also quite a bit of information on our website as well.

Fritz: Thank you.

Hales: Other questions? Comments? There was no one else to testify, I don't believe.

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

Hales: Let's take a roll call.

Fish: You're one of the stars of the housing bureau and this is a competitive grant program, and it is because of the success that we have had in implementing this program that we continue to get funded. And as you described, this has a huge impact on children in our community, particularly low-income children. And I know as housing bureau has migrated to commissioner Saltzman, I know this is a particular concern of his, healthy homes for young people. And this is perhaps something we can continue to grow the partnership and the water bureau is pleased to participate in this as well. So thank you for your good work. Aye.

Saltzman: Well, thanks for a great partnership with the water bureau, Portland housing bureau, and I want to thank commissioner Fish for his leadership too in securing -- and a stellar track record of securing a major grant from hud for 19 years now. That's really impressive. And it's making a difference in the lives of young people. So that's very important. So thank you. Aye.

Novick: Andrea, I just wanted to take the opportunity to underscore one of the points you made in your presentation, which is the implications of lead in the environment for the criminal justice system. There's a fair amount of pretty convincing research that suggests that a large part of the explanation for both the spike in crime in the united states in the '60s, '70s, and '80s and the reduction in crime since then, is that we had an explosion of lead in the environment, because of leaded gasoline, and then a dramatic reduction of the amount of lead in the environment, both from the elimination of lead in gasoline plus through efforts such as this. And as you said, lead has an impact on the brain that -- has a big impact on people's tendency toward criminal activity. So I want people to know you're involved in what is among other things a dramatic crime-fighting effort, and i'm pleased to vote aye.

Fritz: Thank you commissioner Fish for considering my advice and bringing this off the consent agenda, and thank you for being here to present about it. It's an example we get a lot of flak for doing the wrong thing, this is an example where we're seeking federal money to do the right thing. It also illustrates in fact our bureau are interconnected and commissioner Fish's new bureau is contributing funds to this program to keep us in compliance with environmental protection agency regulations. So sometimes the epa give us as well as taketh away. I appreciate the partnership with the Multnomah county health department, the community alliance of tenants, the fair housing council of Oregon and happy homes coalition of Multnomah county. This is a multijurisdictional effort and wouldn't work without it. It's evidence of governments working together quietly and efficiently to do good things in our community. Aye.

Hales: I want to second commissioner novick's comments in particular, it's great that the police chief and some of the leadership of the bureau is here, as well as representative evidence of the sheriff's office, because I actually first heard that factoid from presiding judge ed jones, that the

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reduction of lead paint and lead in the atmosphere has actually contributed to a change in the crime rate. I thought it was an off the wall statement when I first heard it, but now we've heard it from multiple experts and even in criminal justice, and this behavior disruptions and loss of learning capacity that lead causes in people, particularly Young people, affects their behavior. And we know who gets to deal with behavior when it doesn't go well. So it really is a fascinating and appalling example of how these things are interconnected, and why this work is so important, and why it pays dividends that sometimes until people do some later research we might not even see the connection. But now we get it, and this is important. It's important to the lives of each of those people, those young kids particularly who have a different future because their level of lead exposure is lower. But then that affects us all. So great work, great track record, more to come. Thank you. Aye. [gavel pounded] [applause] let's return to the next item on the regular agenda, please.

Hales: Good morning.

Item 566.

Captain Sara Westbrook, Portland Police Bureau: I'm captain westbrook from central precinct, and the behavioral health unit. Part of our behavioral health unit we have three mobile crisis units, each one has a police officer and a project responder working together. They are assigned geographically by precinct, and it's been working tremendously. We've gotten great result and we would like to continue to do the work we're doing. If you have any questions i'd be happy to answer them.

Hales: Questions. Concerns.

Saltzman: The three units Work primarily the day shift? Is that right?

Westbrook: Right now they're kind of a follow-up function. We do a lot of work behind the scenes, deciding which cases to assign them, and the priorities are people who are having frequent contact with police, and people who we believe are a danger to other people due to their mental illness.

Fish: I have a question --

Novick: I have a question and a comment. My understanding is one of your unit officers, I can't remember whether it's burton or barton --

Westbrook: Burton.

Novick: Was involved in talking down somebody who was going to jump from the hawthorne bridge a week or so ago. I just wanted to say thank you, and congratulations on that work.

Westbrook: Thank you. I'll pass that along.

Hales: Thank you. Other questions. Thanks, captain. Appreciate it. Anyone else signed up to testify?

Moore: No one else signed up.

Hales: Let's take a roll call, please.

Fish: Aye. **Saltzman:** Aye. **Novick:** Aye.

Fritz: This is part of our important work on the department of justice settlement and it's something captain westbrook has pioneered, so I very much appreciate this ongoing attention to all of the related issues. Aye.

Hales: Chief and the bureau have been making steady progress in implementing the requirements of our department of justice settlement, even though it's not formally rat identified. I think wore around the halfway mark on the list of items. This is a really important one, and the community is focused on this as a key step, and we're making it, and i'm happy that we are. So thank you. Progress and again, more to come. Thank you. Aye. [gavel pounded] ok. Item 567, please.

Item 567.

*******:** Good morning.

Hales: A high-powered team with a big project. So thank you for being here.

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Christine Moody, Chief Procurement Officer: Good morning mayor, commissioners. My name is christine moody, i'm the chief procurement officer, and in february of 2012 a request for proposal was issued for a law enforcement records management system. In may of 2012, five proposals were received. The proposals were reviewed, evaluated and scored by an 11-person evaluation committee that included representation from the minority evaluator program. On-site demonstrations of the three short listed systems were attended by over 140 stakeholders and subject matter experts representing over 20 law enforcement agencies. The proposal from versaterm was deemed responsive to the requirements of the rfp and received the high eggs Evaluation score. You have before you the procurement report recommending authorization of a contract to versaterm to provide and install a modernized law enforcement data collection and record keeping system for a not-to-exceed amount of \$6,600,000. I will turn this over to chief reese to talk about why this project is so important for the city and our regional partners.

Hales: Thank you.

Chief Mike Reese, Portland Police Bureau: I'm mike reese, the chief of police for the Portland police bureau. I hope you're looking at your screens, we've got a little power point presentation.

Hales: Yes, there we are.

Reese: Thank you. I'm hoping it's coming up soon for me. Our Portland police data system is incredibly antiquated. It was built in 1982, and I wanted to give you insight into what was going on in 1982. In computers, the commodore 64 was state of the art, and personal computers, and late night with david letterman debuted and I was still in college. It was a long time ago, and the data system that we've been using for the last 30 years is incredibly fragile. The people that constructed it and worked on it have retired. And we are in a situation where when it breaks, we have to hire them back as contractors, and it is very difficult to -- now it's nearly impossible to make any changes in it to update it. So the regional project that we've been working on is really a substantial shift forward for us. It does a lot more than -- the versaterm system does more than ppds, it has a report-writing capability integrated into the system, does crime analysis for us, it allows for timely data entry. So police officers can write police reports that goes into the system, it's seamless, and it allows a police officer in one jurisdiction to pull up a report from another jurisdiction. You're looking at some of the screen shots of the information that we can gather. It also auto populates, so it's a system that works well with our computer aided dispatch system, because it's the same vendor. If an officer is on a call and that call involves report writing, they can take information from the cad system and put it into the report system, which then goes into our record management system. It is a system that has a lot of regional partners. Currently ppds is used by a number of agencies, we have about 22 region will expand that capability to 38 with room to grow. And there's potential for connectivity throughout the i-5 corridor, both seattle and vancouver, b.c., which are regional partners in public safety, use the same system, and there's a possibility of us sharing information as we move forward. Again, the 50s to the community, crime knows no boundaries. It's important for us in law enforcement to share information and to share it quickly. It connects communities that have never been connected before, so with region, we move across the columbia river into clark county, and bring in some of those agencies. And then interoperability. The language is the same, we're all in the same record management systems, so we're going to be able to share information seamlessly and also communicate better. With, that i'll turn it over to captain john brooks, who is our lead in the Portland police bureau.

Captain John Brooks: I am the records captain, so i'm the police liaison for this project. I'm going to talk about the time line. We're at the point in the time line for the council to authorize the contract. Where we're heading now with it is the finish line for december of 2014. For the project to go live. There is a phase one where we're stepping in a little early, where we will have the mobile reporting, so that will take place in the spring of 2014. This is really good for us, because we're not launching a big change all at once, we're incrementally changing the culture of the police bureau,

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and so as they get used to writing the reports with the new system, then when it comes time for the new system go completely online, the change or the adaptation will not be as big a jump for them. So that's a good thing for us. Plus our current electronic field reporting system is fragile, we have a break down quite a bit, and this new one is very stable. So we're really looking forward to that opportunity. There is a break in there to make sure that we will be able to meet our time line by december of 2014. So this has been a great opportunity for us to affect both the culture of the police bureau, but also to get all the agencies in our region on the same system, and get us talking the same language. Ben?

Ben Berry, Chief Technology Officer: Mayor, commissioners, i'm ben berry, chief technology officer for the city of Portland. I'm going to speak about technology accountability. We do have monthly reports for the program, the project that deal with constraints of scope, schedule, and budget. All of which are in sync. As many of you know, if you move one constraint you sometimes have to move another one. In this case we're in balance, which is a good thing. We also have an executive steering committee with citizen representatives on board, i've attended about three of the meetings so far, and they're engaging. We have the ability to challenge ideas and ask questions, and then if the questions are forthcoming, they need to get back to us, we don't the information later on. So I think the committee is an effective group. We also have outside insurance in terms of case and associates, and necessity have helped us along the way in all components of the project, where we've needed to make changes, we have. And where things have gone well, they simply have been going well, we're all in green today with all three of our areas of scope, budget, and schedule for the project. We also have had the project come in to the toc as the overview, just as an overview, not as oversight. As you may recall, the toc came in after the pssrp program was established. So we did have a great presentation and the members appreciated that. That was on march 18th, 2013.

Hales: Questions for the team?

Brooks: We have one more member, jeff baer from pssrp to talk about contractual safeguards.

Jeff Baer, Office of Management and Finance: Good morning mayor, city council, I want to talk quickly about some of the remedies we have on our contract with versaterm. We've included a number of different measures to protect the city's investment and interest in executing a successful project. We have a performance bond, we have technology errors and emission insurance, payments based on specific deliverables and milestones, including a hold-back provision we hold back 10% of the payment for a final checklist to go through a final system's acceptance, sort of like retainage in a construction contract so we hold back a portion of the contract value for final payment. We also include a very rigorous Reliability testing of the final systems acceptance test. And has been mentioned we have outside q.a., making sure things are on track, on schedule, on budget. I also want to point out that versaterm is an organization has been around since 1977. And so it's very well tested system that's in place throughout the country, a couple of the different cities as chief reese mentioned, city of vancouver, british columbia, but it's also throughout all the municipalities within the british columbia province. So it has over 8,000 public safety officers using this system. Including the city of seattle, san jose, sacramento, tampa, florida, so it's a well-tested system, and they're getting ready to go live at the city of toronto in november this year. With that i'll pause, and if there are any questions re, i'll answer those.

Saltzman: So who owns the source code, or the dna for this software?

Baer: We actually get title to the source code once they install the system. So we can go in and modify it, but it becomes an issue of whether or not we make modifications at the versaterm can or cannot support.

Saltzman: Thanks.

Fish: I have a question for mr. Berry. First, on the last slide I was going to tell commissioner novick i'm delighted, we now have cops -- cots -- we'll go to our subcommittee for further

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evaluation. Mr. Berry, you're our sort of expert in looking at risk, and these kinds of projects. So what are the three things that keep you up at night about this contract?

Berry: The contract itself has enough protection at this point that i'm very comfortable. I've asked this question three times, commissioner, around what protections does the city have in case the contract with the business or doesn't make the deliverables in a timely fashion. And i've been assured because of retainage, we hope at certain dollar amounts from payments, because of the bond that has been incorporated into this, those two alone are good enablers for successful remedy for contract negotiations, or contracts that go south on us. So I have asked that and I know jeff is going to see me do that twice in our executive steering committee.

Fish: Chief, a question to you, sir. You have an aggressive time line within a prior slide in terms of implementation. If you're unable to meet those deadlines, and you certainly have experience in this city with delays and these processes, does that in any way compromise your and the people you supervise ability to do their job?

Reese: Any delay in implementing a new record management system is going to be problematic for the police bureau. The current ppds system is fragile and we have no one to Repair it. It has the underlying knowledge of the infrastructure of it to repair it that works with the city. We are at the mercy of hiring people back who have retired on a contract basis. So our currencies item is so fragile that any delay in implementing is going to be problematic for us. I do have great confidence in versaterm. We have experience with the cad system with them. They're very aware of our systems in the police bureau, and how the interrelationship between the bureaus -- so I have great confidence in them to deliver on this. And in a timely manner.

Berry: If I might add, we do have in our schedule a go -- no-go decision point in summer of next year for a december launch. The reason why is that we'll have to push it off to a march 2015 launch, if the decision is such that we're not quite ready. We're doing that because -- the reason for the extended delay is simply because of the holiday and the end of the year time frame, with the training we have to do to launch the system.

Fritz: Who decides which jurisdictions and staff have access to this system? The information in it?

Reese: All of the -- each news agency provides their -- user agency provides their data, and we share it. So everyone has access to any information that we allow other members to have access to.

Fritz: You mentioned other jurisdictions might join in. Who makes the decision about whether we want them to?

Reese: We would encouraging -- the only jurisdiction large jurisdiction in the metro area that's not part of it is Clackamas County, and we would encouraging them to join in. Other than clackamas, almost all of the other regional police and sheriff's departments are part of it.

Fritz: Oregon has different standards for collection of information, compared with Washington, and i'm assuming british columbia. How do we ensure that information we get from them complies with Oregon standards of not unduly surveiling if we don't have a suspicion of criminal intent?

Reese: That's a great question. We're working through with the city attorney on mous between user organizations to guard against that release of information. Washington does have different laws about public information release, so they're concerned about how information is shared. We have those same concerns and we'll work with the city attorney in the mou process.

Fritz: I'd like to see that before it's finalized, if I may. To get a better understanding. Presumably there will be some mechanisms that our offices wouldn't be able to see information gathered elsewhere that doesn't comply with our gathering regulations.

Reese: I think the city attorney's office will work that information out as we build the Mou for each of the user agencies.

Fritz: Do we have the capacity to unfriend an agency if we find that they have staff who have been using the information inappropriately?

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Reese: There's systems of accountability in each of the departments. You have to be in Oregon a member of the law enforcement data system to access it. So it's a very robust check and balance on who has access to those systems. I am certain Washington has very similar mechanisms. Violations of those user agreements with the state is very serious, and would result in probably discipline or some sort of mechanism to control that.

Fritz: So we would make sure they're staffed -- appropriate staff comply.

Reese: Yes.

Fritz: Would the joint terrorism task force have access to this information?

Reese: The individual user groups that are part of it that are local agencies would, so for example, lake oswego is one of the users of the new region data system, and they're a member of the joint terrorism task force. Their access to the data would be through region, the collaboration, not through jttf. So federal partners are not going to be a part of this system.

Fritz: The fbi doesn't have direct access?

Reese: Not to my knowledge.

Brooks: The fbi is an inquiry user, so they can buy in at inquiry level, they're are not adding to The system. It's very similar, same agreement that we currently have with ppds.

Fritz: Thank you.

Reese: I wanted to acknowledge we have many chiefs and a sheriff here today, and they are beaverton chief jeff spaulding, scappoose chief greisen, vancouver chief sutter, mcso bureau, pat garrett and lake oswego chief don johnson. And chief spaulding, scappoose chief greisen and sheriff pat garrett would like to come up and give a regional perspective and offer their thoughts on it as well.

Hales: Thank you. Thanks very much. Welcome. Come on up.

Sheriff Pat Garrett, Washington County: Good morning, i'm sheriff with Washington county, I want to first thank chief reese and his team for their leadership on this important project. I think the value added that this system bring assist just recognizing the local partnerships that are represented, will be represented in this system. It will simply increase the quality, quantity, and timeliness of crime-related data that neighboring jurisdictions can share, and it will better enable us to not only solve crime, but prevent crime. No single agency here today could probably afford to do this on their own. It's simply our committed partnerships to working together that enable technology improvement on this scale to be realized. So it's my strong and respectful Recommendation to you to support this important regional system, critical for keeping our community safe. Thank you.

Hales: Thank you. Good morning.

Geoff Spaulding, Chief of Police, Beaverton: Good morning mr. Mayor, commissioners, i'm geoff spaulding, the police chief of beaverton. I've been in Oregon for five years now, and prior to Oregon I retired from the city of fullerton in orange county, california, after 31 years there. The reason I mention that is because I was a project manager on a cad arm system, and versaterm was one of the three vendors that applied, and we selected versaterm. Went through the transition with versaterm and I echo the comments chief reese and others that versaterm is a quality agency and they delivered on what they shed they would deliver. It was painful process, I will say that, and it takes a lot of resources, and I know Portland is well aware of that, but at the end of the day it resulted in a system that was very effective and reduced the redundancies and it delivered everything they said it would do. I am sold on the company, I am sold on the system, like Portland, we had a legacy system, an old dos-based system, and this was a night and day difference, and it truly made a difference in terms of our ability to communicate and solve crime at the end of the day. I too appreciate Portland taking The lead on this system, their leadership in this system, and look forward to working with them in partnership as we've done in many other programs, and once again, i'm just -- thank you for your consideration in approving this new system.

Hales: Good morning.

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Doug Greisen, Chief of Police, Scappoose: I'm doug greisen, chief of police for scappoose. We're a rural area, population 6800 people. We're only 25 miles away. Prior to 2001, we had our own records management system. And 2001 Portland allowed us to be part of ppds. That was the first time we were communicating with our criminals with stuff happening in Portland. With data entry, with ppds, by the time information got out it would be a couple days. Now with this new region, we're going to be able to communicate better, with other law enforcement agencies. So if one of our officers are out on the streets, last night, and they contacted the individual, Portland officers could be contacting that same individual just hours later, and we're able to identify pinpointing what is occurring in both our communities. It's very exciting. In columbia county we're only 25 miles away, but all the law enforcement agencies are going to be participating with this. So again, thank you very much. I thank Portland police, they're way ahead of the curve, and we're pretty excited about this.

Hales: Thank you. Good morning.

Chris Sutter, Chief of Police, Vancouver: Good morning, mayor. Chris sutter, interim chief vancouver police department. We too strongly support this partnership. We as the other agencies have expressed, are operating with an antiquated, outdated, nonsupported electronic police reporting system. This is a project we couldn't afford to do on our own, and the regional benefit is truly great. The interstate sharing of information, we know that crime has no boundaries. And the individuals that we're dealing with today in vancouver, tomorrow could be in Portland. This will allow us to better serve our citizens and our victims of crime too by sharing this information, and we just see this as a very critical project for us in vancouver, and we're very pleased to be partnering with the city of Portland and Portland police bureau. Thank you.

Hales: Thank you. Any questions for our partners here?

Saltzman: I have a question for maybe the chief and jeff baer, or captain brooks.

Hales: Thank you all. Appreciate it.

Novick: Mr. Mayor, I can't resist saying sheriff garrett. I'm sure you've heard this, but thank you once again for your initiative and the termination in the case of billy the kid. [laughter]

Garrett: Thank you, my pleasure.

Hales: He's never heard that.

Saltzman: A question I should Have asked yesterday, does ppds have display a -- whether somebody has a restraining order issues against them? Does that show up in the field?

Brooks: That is on leds, so it is on the county -- the statewide system when there's active warrants. It's in that area. This system will help feed into that. So we can check that as well.

Saltzman: So an officer pulls somebody over, they're going to check ppds, right? They're not going to check leds.

Brooks: It checks it -- there are commands to check everything all at the same time. The name, date of birth, and it will check for warrants, restraining orders, it can pull up their criminal history.

Saltzman: Ok. So it's seamless.

Brooks: Yes.

Saltzman: Great. Thank you.

Hales: Other questions?

Novick: On the issue of contract remedies, we had an issue a few months ago where there was a contract which had remedies for sort of the obvious direct effects of noncompliance by a vendor, but we had to approve an increase in the contract amount for kind of an oversight entity. And there wasn't anything in the contract with the prime vendor to account for that. I'm just -- it sounds like a vague question, but do the contract remedies apply to both direct and indirect obvious indirect losses to the city from noncompliance by the vendor?

Baer: The indirect and direct consequences for nonperformance could be remedied through the performance bond. Additionally through the errors and omission insurance we have. The bulk of

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the work we're doing right now is through the statement of work, which is to really clearly identify and articulate what exactly it is that we're going to configure the system around. That's really, if you look at the contract, that's where the bulk of the work has taken place. So it's a very clearly laid-out plan for implementation, and also configuration. We are also, captain brooks is working with our different regional partner agencies to have a collaborative implementation team from all the partners to really go through and we're going to have a series of configuration workshops over the next few weeks to nail that statement down. I'm not sure if that answers that question.

Novick: Say, for instance, I don't know if this is even a plausible scenario, but if we had to spend more in costs for training officers because of glitches in the system, then we would if we had a correct on-time delivery. Would we be able to go after the contractor through performance bond or something to say, we ended up incurring more in training costs than if you had behaved correctly, therefore we want compensation?

Baer: In both cases the city and the contractor, versaterm in this case, we're going to be held to the contractual terms. So if we did not clearly say there's options for -- if we didn't clearly identify what the training would be, and they said, that wasn't in the contract, then we would have to increase that amount to pay for that. If that was our cause for failing to identify that.

Novick: If we had identified it and it turned out because of their action it wound up being more complicated and expensive than it should have been, we have some recourse.

Baer: Yes.

Novick: Thank you.

Hales: Other questions. And we have anyone else signed up to testify?

Moore: No one else signed up for this.

Hales: I think we need a motion to adopt the record.

Fish: So moved.

Fritz: Second.

Hales: Further discussion? Roll call on the motion.

Fish: First welcome to our guests from the other jurisdictions, and I certainly hope you don't read tomorrow about a crime spree in each of your jurisdictions in your absence. It is my belief based on the information i've had over the years in this job that when we share information in law enforcement, we get better outcomes. It is true that there are constitutional and statutory protections in Oregon which govern, and we have to be vigilant with that. It seems to me just common sense that when information is shared and partners have access to information, we can do a better job maintaining public safety. And I think this is yet another example of that, and again, with adequate safeguards to make sure that people's rights are protected, but it seems common sense to me. So i'm delighted that we're moving forward with this, and i'm also pleased to hear from our partners in the region who have complimented the bureau and chief reese for the collaborative attitude approach to policing as a region. We thank you for that, and I vote aye.

Saltzman: I look forward to the dramatic improvements in information available to officers throughout the region. So looks like a great system, I will also be diligently monitoring its implementation. As all of us will up here. Aye.

Novick: I really appreciate the presentation, both from our folks and from partner jurisdictions, and also appreciated the reminder of what part of life was like in 1982. Aye.

Fritz: I'm very pleased that mayor hales is keeping this project in his portfolio with the police bureau and the office of management and finance and the bureau of technology services. Thanks to jeff baer the manager and jerry schlessinger the project manager, and everybody who is working so collaboratively on this. We are very honored to be Visited by leaders from other jurisdictions, and like the implementation of the new computer aided dispatch system in the bureau of emergency communications, we will need good partners and we'll need to work together, and as commissioner novick has alluded to, training is going to be extremely important, and each jurisdiction's

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commitment to making sure all offices are properly trained is going to be key to this success. I was very happy last year when I saw that versaterm was amongst the finalist and selected, because it did confirm our choice to go with the versaterm system in the bureau of emergency communications. We have an excellent experience with the company, delivered on time, on budget, and it works really well. And yes, I also -- our visitor from down south has been through that challenge of a system which you have to go over, you have to switch over all in one go. And so i'm happy to hear that with this one it can be eased in. It will require particular diligence to encouraging officers to put much more data into the system, certainly it can pull out whatever is in there, but it can't invent what the on the ground reports should be, and the more details now that officers put into their daily reports, the more the system is going to help coordinate and perhaps provide information to our mobile response units with project respond, to be able to check before incidents become somebody wanting to jump from a bridge, that somebody is having a really bad time, and that perhaps we need to dispatch not police or fire, but other kinds of workers. And this system will enable us to do that. So it's an example of an expensive investment in technology, but it's going to improve our system with the appropriate safeguards, and we always need to be diligent about that, which I know chief reese shares my concern in that regard. Aye.

Hales: Well, anybody who's done a ride-along with a police officer knows that it can answer the why now question that our team presented here. It's definitely now. It's a clunky old system, and it's definitely due for replacement. And I totally echo the comments that crime knows no municipal boundary, and actually our citizens of all of our jurisdictions don't care much about turf either, and they would expect us to have this kind of collaboration. It doesn't always happen. It happens when there's leadership and professional respect, and a team that knows how to get something done together, and I really respect the work that you've all done together and are now going to do to make this happen. I also appreciate the good work of our procurement officer and our chief technology officer and their staffs, because this is a big buy. Computer systems and software are perilous purchases, for public agencies. I could probably keep that alliteration going if I tried. And president Washington said once eternal vigilance is the price of liberty. It's probably also the price of bringing complicated it projects in on time and on budget. So we look forward to success and eternal vigilance until it's all working. Thank you very much. Good work. Aye. [gavel pounded] all right. A couple more items here. Item 568.

Item 568.

Hales: Second reading, roll call.

Fish: Mayor, I just want to note that one of my liaison assignment assist venture Portland, and we've already begun a conversation with venture Portland and with steve novick and the bureau of transportation about looking at the mechanisms that we currently use to notify impacted businesses of these kinds of construction projects, and thinking about ways we might even enhance the level of coordination and communication with our affected businesses. So it's another synergy that has emerged in the assignments I have. Aye.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye.

Hales: I'll note a central conflict of interest, I will probably be buttonholed more often in my neighborhood grocery Store or barber shop in the near term, but it will be great when this great work is done. Aye. Next item.

Item 569.

Hales: Roll call.

Fish: Aye. **Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye.

Hales: Aye. [gavel pounded] 570.

Item 570.

Hales: Second reading and roll call.

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Fish: One thing I love about this, it makes it easier for Portlanders to visit the three steam locomotives that we own, that are located -- the Oregon rail museum, and this gives them a direct route from omsi. Aye.

Saltzman: Aye. **Fritz:** Aye.

Hales: Aye. [gavel pounded] and 571.

Item 571.

Hales: This is a hearing. A presentation, may or may not have property owners to testify. Good morning.

Sharon Simrin: Good morning. I'm Sharon, I'm from the city auditor's office. This ordinance is for property assessment for sidewalk repair for work that the city requires done. And any of the remonstrances we had are pulled out of this, so there's nobody -- I don't think anybody signed up to testify.

Hales: So no remaining remonstrances included in the project.

Simrin: No.

Hales: Good. All right. Anything else you want to add? Questions?

Jody Yates, Bureau of Transportation: I'm with the bureau of transportation, I'm here to answer any questions you have.

Hales: Do we have any property owners signed up to testify?

Moore: No one signed up.

Hales: We'll put you back to work out there. All right. If there's no one to testify on the hearing we'll close the hearing and move to second reading. [gavel pounded] thank you. Thanks for waiting. And we're recessed until this afternoon at 2:00 p.m. [gavel pounded]

At 11:49 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JUNE 12, 2013 2:00 PM

*** [roll call]

Hales: Okay. Welcome everyone. We only have a couple of items this afternoon. The first is 572.

Item 572.

Hales: Good afternoon.

Bryant Enge, Director, Internal Business Services: Good afternoon mayor and commissioners. How are you? My name is bryant enge, internal business services director. In front of you is an ordinance for your approval regarding the city civil rights title vi plan. Here on behalf of jack graham. Jack graham is not here, but he is in full support of the plan that you have in front of you today. Along with me is shoshanah oppenheim. Shoshanah is the civil rights title ii and the -- did I get the right numbers? Civil rights title vi and title ii program manager. We are here with a few colleagues along with community members here to ask you to adopt the city civil rights title vi plan. This plan has the origin in the 1964 civil rights act. Foundation to ensure that no person shall be excluded from participation in or denied the benefits or subjected to discrimination under any program or activity receiving federal financial assistance. As part of the Portland plan, adopted by the city, city council directed omf to develop the city of Portland civil rights title 6 -- with adoption of this plan, compliance with the federal law enacted, all people have full access to benefits of their government. Framework of policies and actions the city will take forward from this day forward to accomplish this goal. This plan provides a path forward to achieve the vision of the Portland plan, which is a prosperous educated, healthy and equitable Portland for all. In the next few minutes, you will hear from several people about the significance of the plan. There are a few of the many people who have given their time and consideration to the creation of this plan. We are here to share with you why the plan is important to the city, why it is important to the community, and they will tell you why they're committed to what -- what this plan represents. Shoshanah will share more detail about the plan in front of you today. After you hear from shoshanah, you will hear from three city partners intimately involved in improving equity of access and benefit of all -- joe wahl, office of equity and human rights, Amalia Alarcon Morris, office of neighborhood involvement and Greg jones, from the bureau of transportation will talk about how the plan will advance their work and then you will hear from our community partners.

Shoshanah Oppenheim, Office of Management and Finance: I wanted to thank some of the many people who worked tirelessly to bring the plan to the city council today. City attorney, tracy reeve, director dante james and entire office of equity and human rights. Public involvement advisory council and its members. Afifa ahmed-shafi, professor lisa k bates, deseree Williams rajee, and thank you to the efforts of victor Salinas of the latino network, patricia rojas of the catholic charities, john oster of opal, Katie sawicki of the urban league and all of the community members that made this product much better document than ultimately improved the work that i'm sharing with you today. To begin with, the city of Portland is required to comply with the 1964 civil rights act and associated federal nondiscrimination regulations. Important component of compliance to develop a plan that is -- outlines how the city will comply with title vi, which is the

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title that obligates local government to deliver services free from discrimination based on race, color, national origin. Civil rights plan is an outline of how the city will meet -- the city of Portland will meet its obligations and provide access to all Portlanders to our programs, services and activities. Adopting the plan gives the city another tool in our toolbox to advance equity. Part of the city's effort to remove physical and cultural barriers and conditions that prevent persons of color, persons of disabilities, low income persons, persons with limited english proficiency and other groups from accessing the city's services, programs, and benefits. As outlined in the Portland plan and strategy guide, adoption and implementation of the title vi plan is the next step in our citywide equities agenda. Objectives of the plan are to ensure that the city of Portland is in compliance with title vi, including compliance by our grantees, sub-grantees and contractors and to assign compliance responsibilities. To ensure that all persons are able to receive the benefits of the city's program services and activities and to ensure that limited english proficiency individuals, provided meaningful access to city services and activities. One of the objectives is to avoid, minimize, and mitigate the disproportionate adverse environmental effects, including social and economic effects on communities of color and low-income populations. As a result of the city's decision making. We will also establish clear procedures for filing and investigating and resolving complaints on a timely basis and hopefully at the lowest possible level. The plan will meet these objectives by promoting early and meaningful public involvement and engagement in planning and project decision-making and all processes that the city is involved in. Promoting access to our programs, services, and activities for persons with limited english proficiency, and ensuring fair treatment and just distribution of the benefits and burdens resulting from the execution of the city's policies and programs. Administration of the program will be performed in partnership with the bureau citywide. This important work requires partnership, coordination, and cooperation across all bureaus. And an important element of the program is creating that formalized complaint procedure that I mentioned. The complaint process is housed in the bureau of internal business services and we will strive to develop an easy to use procedure that is acceptable in the language of the complainant. Annual reporting from the bureaus will demonstrate the city's success and challenges in meeting the title vi requirement, and program manager, report to council evaluating the city's ability to achieve our goals and summarizing complaints and their resolution. And in addition, the title vi program will establish an evaluation program to determine if the plan requires revisions or updating. The next step is implementation. And we will be developing a full implementation plan with our partners and the community. We will inform the community of the protections by the title vi plan, training city staff on the requirements and expectations of the implementation of the title vi plan and promoting access to all services for all Portlanders. Posting nondiscrimination policies and notices prominently so that the public understands the civil rights protections and i'm already beginning to work with the city bureaus to determine the best way to meet our lep obligations. Appropriate plans -- thank you. I would like to introduce the next panel.

Hales: Thank you, shoshanah. Good afternoon. Who is on first here?

Joseph Wahl, Office of Equity and Human Rights: I guess I will go first. Good afternoon, mayor hales and members of the council. My name is joseph wall. Assistant director of city office of equity and human rights. The title vi plan is in direct alignment with the equity offices vision of city services administered and delivered in a way that gives all Portlanders access to the opportunities necessary to satisfy their essential needs, advance their well being, and achieve their full potential. It also supports our office's mission to provide education and technical support to city, staff, and elected officials. Recognition and removal of systemic barriers to fair and just distribution of resources, access, and opportunity starting with issues of race and disability. Bring this plan to council and see it as an important tool in our work to further equity and reduce disparities in city services. Compliance with legal mandates is only one dimension of the

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advancing equity, our office recognizes it as an essential dimension. Therefore, we fully support the work of omf and the title two and title vi programs to ensure compliance with federal law. We hope that council and bureau leaders will see this plan as establishing a baseline rather than a ceiling for creating a more accessible city government for all Portlanders and that it won't be used and reviewed solely as a compliance tool. The equity office will be able to utilize this document in our work with city bureaus to assist them in developing their equity strategic plans. It will also assist us in providing a framework for the work being done in regard to accessibility for a limited english language or lep speakers and people with disabilities and environmental justice issues. -- develop broader goals and objectives. As an aside for some data that might be of interest to you, in regard to our limited english language users and speakers, one in five neighbors are foreign born in the city of Portland. So, it is about 18%. And these tend to be segregated in certain neighborhoods, powelhurst, gilbert neighborhood, over 70% foreign born. Portland resettles about 100 refugees each month, 11 to 1,300 annually. This is a need for the city to become truly accessible and inclusive to all of the residents of the city of Portland. We see adoption as another meaningful step to the city to show we're serious about changing the way we do business at the city of Portland. To that end, it will be important for us to focus on proactively addressing the areas outlined in the plan rather than waiting for issues or complaints to arise. Our focus needs to be on implementation rather than on compliance. Key stakeholder and partner in the work of this plan and we look forward to advancing its goals. Thank you.

Hales: Thank you.

Greg Jones, Bureau of Transportation: I'm representing the bureau of transportation today. In 2009, council adopted the title vi plan for the bureau of transportation prepared by tracey reeve, daniel brooks and I with the understanding by odot and federal highway administration that council in the city would expand the program to address all bureaus, as you are undoubtedly aware, it is not just those spending federal funds that are obligated to abide by this rule. It is all dollars that are spent within the jurisdiction. Since 2009, i've been working with daniel brooks, tracy and shoshanah oppenheim to advance the citywide plan. Groundwork for the 2013 citywide plan is a result of danielle's work with our community partners and policy work of the Portland plan, racial equity strategy guide developed over the last few years. Shoshanah has now stepped up to engage the bureau leadership, identify key areas of importance and develop a legal framework that will help us implement the citywide plan. She has asked bureaus for feedback and sought out experts that can improve on the framework previously adopted and much effort and thought to develop a complaint process in this proposed plan that allows the public to have the civil rights protections allowed for by the 1964 civil rights act, subsequent congressional actions. Pbot supports this plan. I will be submitting this plan upon adoption to odot and federal highway administration to further update our pass work and -- this work benefits all of the bureaus, all of the people of Portland, and represents a significant step forward. Thank you.

Hales: Thank you. Thank you for your work.

Amalia Alarcon Morris, Director, Office of Neighborhood Involvement: Thank you for having me here today. I had a canadian student call me a couple of weeks ago working on her dissertation. In her research on social sustainability, she has found two cities to focus on. One is in canada. Don't ask me which one. I can't remember right now. We are the second city that she is including in her dissertation. And she asked me during our conversation whether I believed that the city got the connection between public involvement and equity. And I told her that it hadn't always been the case but I really felt we had made great strides in the last few years in that direction. Equitable community involvement is a major element of the title vi compliance plan. Policy framework before you address our need to ensure early and meaningful public involvement in the city's decision making processes and to be sure that the public is provided opportunities to be engaged in and involved in the decision-making of the bureaus. Public involvement advisory

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council -- civil rights is the marriage between public involvement and equity. In order to truly achieve equity in our city, it is necessary for us to meaningfully and -- to engage all -- what is the role that we play? Public involvement advisory council, furthers the city's ability to consistently and inclusively involve the public. Citywide equity committee which joe touched on which will provide guidance to bureaus of equity practice, title vi and title ii -- staff will be partnering with title vi to present three citywide trainings this fall. A training that has been offered multiple times to local, national, international audiences. To great acclaim. The training is designed to build city staff capacity to engage the full diversity of our community in official decision-making processes. I want to thank city council and commissioner Fritz particularly and the office of equity and human rights for their leadership, your leadership in improving equity in the city of Portland. Your leadership is reflective of the critical need of moving beyond diversity, recognition and celebration of differences to equity, which is the intentional examination of our policies, programs and systems to see where historical legacies of discrimination and injustices still taint our current practices. In doing this work, Portland joins a small elite community of municipal governments seeking to do this important and intentional work. Danielle brooks, already mentioned, and probably will be again several times, started this work with the Portland plans equity framework and urban league, coalition of government and community partners -- last but not least, shoshanah oppenheim, all of her outreach and input making this before you a very collaborative effort and modeling of what it is we are trying to accomplish. Thank you.

Hales: Any questions for our panel? Thanks. Good work.

Hales: Do you have more folks to call up?

Oppenheim: I'd like to invite the next panel up. Katie from the urban league, lisa bates, from psu, and victor from the latino network -- subcommittee on the commission of disability.

Hales: If you need another chair, slide one up there. Good afternoon.

Katie Sawicki: Good afternoon mayor and commissioners. I work for the urban league of Portland. Today the urban league wants to show our support of the adoption of the title vi plan for implementing the protections provided under the 1964 civil rights act passed 49 years ago. Ultimately, implementation of this plan that will have a real and lasting impact. Urban league has been working on this for a few years now. Shoshanah's -- we have made our voice heard. Advocated for the creation of office of equity and human rights and helped to inform this plan. We believe that it will serve as a foundational support for the city's work in equity, through hiring service delivery, contracting practices, program development, budget prioritization, and allocation, as well as many other areas. We applaud the goals of the title vi plan. Title vi outlines a minimum level of compliance. To truly create the change our communities are calling for, we must approach all of the city's work through an equity lens -- and to treat this plan as one of many tools we need to get there. The plan will help ensure basic compliance of the civil rights act, support community participation and engagement. We believe through the process of identifying deficiencies and developing mechanisms to eliminate disparities, existing benefits, burdens, projects, programs, services, an opportunity to educate all of us about how institutional biases are created and how to eliminate them. We are pleased how seriously environmental justice is taken in this document. Staff fully supported in understanding the cumulative and -- impacts on the community's decision -- meaningful engagement means just that, that we will continue to be at the table. Thank you to mayor hales for bringing this forward now, for building on our work for the last few years, and asked founding organization of the partnership for -- we see the title vi plan as an important component -- thank you.

Hales: Thank you.

Lisa Bates: Lisa, Portland state university. I'm really pleased to be here today supporting the adoption of this plan for achieving the goals of title vi of the civil rights act. I believe the plan demonstrates our city's commitment to prioritizing racial equity. A milestone in what has been a

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multiyear movement -- over the past few years, community leaders, city staff, elected officials have been working together to understand how racial disparities can arise from often unintentional discrimination in public institutions. I want to highlight some of the partnerships that have brought us to this step of officially adopting a title vi plan and moving into implementation. During the Portland plan process, technical advisory group on equity, which I was a member and colead for, developed a framework for a racial and ethnic justice initiative and explicitly linked that mission to the letter and spirit of title vi. The plan recognizes that identifying institutionalized bias and developing new procedures for equitable and public service delivery are themselves activities that demonstrate compliance of the civil rights act. Not a tedious technicality or reporting requirement, provides the real underpinnings for the city's work on equity. Recognizing that translating the spirit of the civil rights act into the daily work of the city is a real challenge to implementation. Commissioner Fritz, creation committee, this effort continued to be a joint project, accountability to the public at the forefront of the office's work and I really appreciated that experience, commissioner Fritz. The partnership for racial equity, continues the work of community policy expert, along with city staff, working together to focus on joint learning, strategy development, research on best practices, consultation with policy and community experts and building understanding of community needs public sector, procedures and roles. Guide highlighting practices already existing in the city as models for implementing a civil rights agenda. Repeat this history to emphasize that the work of the title vi program has been collaborative work with danielle brooks and shoshanah oppenheim with involvement by an accountability to the community, outreach to policy experts, and time and effort by city staff. Many participants in the processes have worked with shoshanah oppenheim to confirm that the title vi -- we look forward to continuing the efforts to implement civil rights agenda in the city of Portland.

Hales: Thank you very much.

Alan DeLa Torre: Good afternoon, mayor hales and commissioners. Nice to see you again. A couple of new faces in the audience. My name is alan, commissioner on the Portland commission on disabilities. Chair of the accessibility and built environment sub committee. i'm a project manager for portland's age friendly cities project. I'll try not to reiterate what has been said already. I would like to applaud the city's efforts in bringing title vi and civil rights to the forefront. Shoshanah oppenheim and danielle brooks for their efforts and -- I would like to say that the commission on disability and the disability community appreciates the outreach and participation that has occurred in the last -- since the beginning of the office of equity and human rights but continuing through this effort. I also would like to note that it is very important to recognize that we are aging in an unprecedented fashion and we will see a continued number of people with disabilities living in community settings as we move forward. These are other issues that need to be included and thought about in our push for environment justice and equity. I would also just like to point out that when we talk about accessibility and talk about environments, we're talking about environments that are good for people that are pushing strollers in wheelchairs and in walkers. There is a very diverse range of individuals and I think that the work that is going on here is very much a part of that. So, I just would like to put on the record our support for the work that the office of management and finance is doing to draft administrative rules. Moving forward. We look forward to being involved in the implementation and continued engagement for the city and thank you again for your efforts.

Hales: Thank you. There you go.

Victor Salinas: Good afternoon mayor hales and city council members. Thank you for allowing this time to share with you some thoughts on the implementation of title vi, civil rights plan. Kind of interesting for me. I think for the few times that I have been able to speak before you, as somebody providing testimony, rather than interpreting, for community members, it is a treat that it happens to be for adoption of the title vi. It is -- my name is victor salinas. Latino network,

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latino network provides opportunities, services and advocacy for the education, leadership and civil engagement of youth, family, and communities. Oftentimes the work that we're doing is helping the latino community learn how to engage with the city. So, to be able to have materials and access and language access to the services that the city provides the programs and resources is quite valuable. For example, one of the services that we offer is a six month leadership academy, which is offered thanks to the diversity and civic leadership program, office of neighborhood involvement. Through that program we go through the process of helping the communities learn how to engage with city, county, and metro. Part of the way that we do this is with a -- with some materials that different municipalities offer us, like this brochure that we had previously from the city that helps people know how to provide testimony, how to engage and advocate. The adoption of a translation policy as part of the title vi plan will greatly impact immigrant and refugee communities as well as people who are not english-language proficient interact with the city in an engaging and meaningful way. I did want to point out a couple of suggestions. As part of the plan from municipalities, opted to use google translate as opposed to having their -- their web pages translated. Or the materials, digital materials translated, and that is a really truly a baseline. It gives you the gist of what is stated in the document, but it doesn't actually provide a full understanding of a translated document. And so, that is one of the suggestions that I wanted to offer since I know so many municipalities do that. The other one, thank you for beginning to offer more and more interpreters at forums and making them available in the different bureaus so that our community members can participate on committees. For example, jackie, latino network, has been working -- for the Portland plan in the last year. She has worked with the same interpreter and has had a wonderful experience because she has been able to engage, interact, and be a part of that community in a meaningful way. Our community members, not only from the latino community, but -- to have that experience to participate even if language is not their first language or strong language. So, thank you.

Hales: Thank you. Great. Questions. Thank you very much all of you for your partnership on this. Others that are set up or signed up to testify?

Moore-Love: Two people signed up.

Hales: Good afternoon. Our high-tech microphone system there.

Chabre Vickers: Good afternoon mayor and commissioners. I'm a member of the Portland african-american leadership forum executive committee, also known as paal -- our civil engagement committee, of which I am a co-chair, met with mrs. Oppenheim, title vi civil rights plan, outlined in the endorsement letter that you all have. Supports this plan and process and commends the city for taking steps to comply with the federal government. Whereas we think this plan is a proper step in the right direction, we state that this is only a beginning and much work is to be done -- a true priority under the letter of the law. Success of title vi will be based upon sounds implementation. Therefore, we have a few expectations of this program. Ensure meaningful involvement of communities by including substantial representation of culturally diverse community groups at the development, implementation, and evaluation stages of the title vi program. We are also looking for to ensuring that development and implementation -- develop and implement culturally and linguistically specific awareness, and campaigns around the title vi program to ensure that communities are aware of their legal rights. We also hope that this plan will allocate substantial budgetary support to the program with a focus on ensuring that staff across city bureaus are adequately implementing title vi law in addition to centrally located staff focused solely on title vi, act as an accountability body to support the compliance of individual bureaus. And lastly looking to develop metrix and benchmarks for evaluating title vi program based on priorities set by culturally diverse communities that can be tracked consistently over time.

Hales: Thank you.

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Glenn Bridger: good morning. I'm a community activist and a member of the Portland's public involvement advisory council. I come to speak in support of the title vi plan in front of you. A little background on why I love this opportunity to speak about the title vi plan. During my 38 years with the federal highway administration, I had varying responsibilities for overseeing the administration of this plan and I know that it is important and it works. Civil rights issues today are not smoking guns. We don't see someone say, you can't do this because you are. Most of what goes on are either subtle policies that need to be evaluated and by subtle policies, I mean meeting to -- that really aren't accessible. I have seen this, signs for farm workers that are only in spanish. Property records for projects that are only in the first and last name of the husband, not of both or all owners. These types of things tend to insult people that sees this taking place, and we need to overcome that because they were acceptable 50 years ago, but they're not acceptable today and we need to change those. The other part of civil rights programs are data driven. We need to have information and data in order to analyze that a good job is really being done. That means we have to administer this program in a manner that is not blind to those protected classes. But that is neutral to those protected classes. We need data to know who we are affecting, who is participating, who is not participating so that we can analyze it and say we are failing here or meeting our goals here. We need data in order to do this. Now, our public advisory council has sent a letter in support of this. There are so many important things in here that come forward to the public involvement process. We need early and meaningful public involvement. We need to have people know where they are and how they can participate in programs. We need to be positive and have outreach. Why am I here? Why do I care? Well, inclusiveness in the public involvement process leads to better informed decisions and better decisions generally. And that means it helps me as an individual and it helps our city as a whole. That is why I support this program. I look forward to working with council, shoshanah, and the rest of the people in implementing this as our city moves forward.

Hales: Thank you. Thanks very much. Anyone else signed up?

Moore-Love: That is all who signed up.

Hales: Shoshanah do you want to come wrap it up?

Oppenheim: If you have any questions, we're happy to take them now.

Hales: Council questions, concerns? This will come back on second reading. It is not an emergency ordinance. We might want to make sure that we get board council members opportunity to comment today. Because I suspect that this might pass next week on second reading, and therefore we can talk about it while the folks who worked so hard on it are here with us.

Fish: I have a question. Shoshanah, the materials that we have outlined a process for complaints being filed and then heard and adjudicated. When you set up a complaint process, you have to be prepared for a lot of people using it and do we have capacity to address it in a timely fashion. In the not too distant past, policies that looked great on paper but too forever to be resolved and they did not work very well. So, could you give us a sense about what you're expecting in terms of work flow and do we have a capacity to address what we think may come our way under this new policy?

Oppenheim: Good question. We were very clear to set timelines within the complaint process that are -- that we, staff are required to meet the time lines in terms of responding. At this point, I am the complaint officer for the city of Portland, title vi. I'll know shortly whether or not my capacity in that record needs to be supplemented.

Fish: So, this report contemplates triannual reports back to us

Oppenheim: That's correct.

Fish: Which means --

Oppenheim: Every three years.

Fish: It may very well be that in one of our bumps, that you come back to us saying that you're swamped with the work under this and we need additional resources, is that correct?

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Oppenheim: I do hope i'm spending more of my time on the proactive side rather than resolving complaints, proactive, teaching staff how to be effective in terms of public involvement and avoiding complaints. But if there is the likelihood that there will be complaints that as people learn about the process, as people learn about protections, that they are exercising their opportunities to complain. So, that might very well be a budget --

Fish: If I could offer a comment.

Hales: Please.

Oppenheim: Shoshanah, thank you very much for your good work and the briefings that you gave each of the commissioners and mayor on this. One of the people testifying earlier, made a comment about the grain of Portland. As someone heading into the mid-50s, I have a personal experience with the graying of Portland. I also in my work here, I serve as liaison to elders in action. I offer this observation. For a long time, elders in action has had as one of its key advocacy items a requirement that local government put all of their materials in a font that is readable for older adults. Because it turns out, as we get older, our eyes don't work as well. And they have been, you know, beating this drum that they want bigger fonts and that has led to I think on our web site, at least in the redesign, something that you can drop down and pick a bigger font if you want to read it if you have a challenge with your eyesight. Well, like a lot of people, that was an abstraction to me when I was in my 30s and 40s. It was something that someone was advocating for but I didn't really appreciate what it meant until I hit my 50s. And found that i'm dealing with tremendous challenges with my eyes. Myopia, nearsightedness, 2300, and now glaucoma. It now resonates with me because I can't read the font that most of our documents come in. Part of what we are saying here, we're setting up institutionally a system so that we are more prepared to address these issues, not as someone else's problem, but as an established barrier to people exercising their full citizen rights and serving in a democratic society. What can be more fundamental than not being able to read, either because we're using a google pull down without a proper translation, or because the font is so small that someone can't read it. To the extent we're talking about institutionalizing in everything we do, sensitivity about how we bring everybody into our system of government and let them participate, I would say bravo. And this is a small start. But I think it is the right start. And so the other piece I wanted to comment on is the environmental justice piece. It looks like with my two bureaus, we are going to have a big say about that with water and the bureau of environmental services. And I will want to know from you as we go forward what does this actually look like on the ground? And when we're taking up superfund or we're taking up rate making or any of these complex things, what do these guidelines mean to make sure that we do a better process, more inclusive process and get better outcomes? I wanted to thank you for the leadership that you've shown on this to date and we certainly look forward to working with you.

Fritz: Commissioner Fish, as you say that, i'm looking at jerry sandoval williams talking about environmental justice before I knew what the term meant. We have great resources in the city to assist with that. I'm mindful that the bureau of development services is bigger than the entire budget of the office of neighborhood involvement and office of equity put together and recognizing that those two bureaus are not responsible for implementing this plan. Shoshanah, the one person who is doing title vi and title ii, not responsible for implementing this plan. All of the bureaus are. So when my daughter asks, as she does every day, how was your day, I will tell her today we had a good day at the office. Not only did we do the affirmative action plan this morning and now we're taking this next step. I just want to read the first section of the ordinance which says, title vi, 1964 civil rights act provided ground-breaking protection from discrimination in federally funded programs, services and activities based on a person's race, color or national origin. Over time, title vi and related statutes have been expanded to address discrimination based on age, sex, disability, and limited english proficiency. As the pulse letter says, this is a step.

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And we are not where we should be in all of these years since 1964. So, I appreciate, shoshanah, your excellent work over the last six months in reaching out to different communities and doing the legwork and pulling this plan together. I, again, concur with my colleague, commissioner Fish, in all probability, one person cannot do both title ii and title vi compliance and everything else that needs to be done. You have done magnificent work to date and we have much more to do. I certainly will be supporting any requests for additional staffing for those needs and to finally note that Jennifer yocom, the community participation manager, bureau of parks, over to my office at lunchtime, brought a stack of summer flyers in spanish because she had seen that i'm the keynote speaker at the voz celebration tonight. We already have bureaus who are looking at what needs to be done and getting out there and doing it. So, i'm very proud to be in a city that has recognized that we have some failings and is stepping up to meet the challenges with a very diverse partnership. So, thank you to lisa bates for your work at Portland state and alan for your work there and with the commission of disabilities. As commissioner Fish just said, I think the inclusion of disability, i'm never going to experience what it is like to live in a skin color that is other than mine, but I have increasing difficulties with disabilities as I grow older. Some of the challenges of being an immigrant, but I speak english or a version of american that most people can understand most of the time and that is a different experience. I want to recognize afifa ahmed-shafi of office of neighborhood involvement for her ground breaking work over many years with the public involvement advisory committee. We would not be where we are today without that stalwart group of both city employees and citizens. thank you, Glenn for putting in a tremendous amount of time to give us great work. Our job is not to just have this wonderful document, but it has to be a moving document and we have to act on that and I take that charge to heart and I thank everybody for your good work.

Hales: Other comments?

Novick: Just two comments. Lisa bates and I had conversations during the city budget process about continually striving to ensure that we incorporate more of an equity discussion into the budget process and I expect we will all work together on that going into the next year. And I also just have to respond to allen's statement that people in Portland are aging in an unprecedented fashion. I know that we all like to think that we in Portland do things in different ways but I personally plan to age the old fashioned way by doing such things as yelling at kids to get off of my lawn.

Hales: One of the options anyway. I would like to reflect. I think these comments are great. My only addition would be just taking in this presentation this afternoon, it is just so clearly both internally and externally collaborative. Just the sense of how the bureaus have worked together with you, shoshanah, and how we've, you know, really seamlessly engaged academic leaders, communities of color, culturally specific groups in the city and advocacy groups to work on this. And the tone of the presentation and the folks that came here to talk about it today really reflects that collaborative effort. I think this is important policy and it is important protection and it could be developed, you know, without that level of engagement and maybe you could still have good policy. But I think the way you've done it matters just about as much as what you have done. So, thank you for the way this has been put together in the spirit of what I heard from everyone who worked together with you on this. Thank you all very much. This will come back for a second reading next week and thank you for the great work.

Hales: A time certain in 10 minutes. I think we should take a 10-minute break and take it up promptly at 3:00.

[The meeting recessed at 2:50 p.m. and reconvened at 3:06 p.m.]

Hales: Come back to order. Call the roll, please. [roll call]

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Hales: Could you read the item, please.

Item 573.

Hales: Thank you. City attorney, could you go through the procedural requirements here?

Linly Rees, Deputy City Attorney: Sure. This is an on the record hearing which means you must limit your testimony to material and issues in the record. We will begin with a staff report by the bureau of development services staff for approximately 10 minutes. Following the staff report, council will hear from interested persons in the following order. The appellee will go first, 10 minutes to present his or her case. Persons who support the appeal will go next. Each person will have three minutes to speak to council. Principle opponent in this case, applicant will have 15 minutes to address the city council, and rebut the appellant's presentation. If there is no principle opponent, council moves directly to testimony to persons who oppose the appeal. After the principle opponent, the council will hear from persons who oppose the appeal. Each person has three minutes. Appellant will have five minutes to rebut the presentation of the opponents. Council may close the hearing then, deliberate, and take a vote on the appeal. If the vote is tentative, a future date for adoption of findings and final vote on the appeal. If council takes the final vote today, that will conclude the matter before council. Several guidelines. The evidentiary record is closed. This is an on the record hearing, to decide only if in this case the design commission made the correct decision based on the evidence that was presented to it. This means you must limit your remarks to arguments based on the record compiled by the design commission. You may refer to evidence previously submitted to the design commission. You may not submit new evidence today not submitted to them. If your argument includes new evidence and issues, you may be interrupted and reminded to limit your testimony to the record. Council will not consider the new information. Second, if you believe a person who addressed council today improperly presented new evidence or presented a legal argument that relies on evidence not in the record, you may object to that argument today. Third, finally, under state law, only issues raised before the design commission may be raised in this appeal to council. If you believe another person raised issue today that were not previously raised, you may object to the council's consideration. Finally, if the applicant fails to raise constitutional other issues -- with enough specificity to allow council to respond, applicant will be precluded from bringing an action for damages in circuit court.

Hales: Thank you. Now it is time for any disclosures to any members of the council wish to declare potential conflict of interest?

Fish: I wanted to be clear that my staff met with lee novak, listed as the developer. Did not review any material outside of the record, and I have not been briefed on it.

Hales: Okay. Any other potential conflicts of interest or ex parte contacts? Site visits? Commissioner novick.

Novick: I got a couple of emails about this issue, and did not read, but I did receive them.

Hales: And my staff member, ed mcnamara and I visited the site today ourselves. We spoke to no one, and we simply wanted to view the context for the hearing. Does anyone have questions or concerns or challenges for councilmember declarations? If not, let's begin the hearing with a staff report.

Mark Walhood, Bureau of Development Services: Good afternoon mayor hales and commissioners. I'm here representing the design commission decision and design review. I'm going to go through this quickly so stop me if you need to. Again, case number is lu 12-212602 DZM GO AD, riverscape apartments. On april 18th, this year, design commission made their final decision at a third public hearing. They did impose eight additional design related condition of approvals I will go through later. The appeal was filed on May 17th, and we're here today for the appeal hearing. We have followed all of the code and public notices, and neighbors have been notified. Brief summary of the proposal. It is four a five-story apartment building on

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two long, linear vacant blocks in the riverscape neighborhood. Project has 243 dwelling units, garage, parking for 236 cars, with loading and bike parking spaces. Two public courtyards at the middle of each of the two blocks. The applicants pursuing a one to one floor area increase through the percent per art bonus option, a separate process through the regional arts and culture council, exempt from land use. They do need that to get the far. We have a total of six reviews all together. Design, greenway, modification to allow tandem or stacked parking spaces in the garage, modification to reduce the vertical clearance for the loading spaces in the underground garages, modification to reduce the width for 104 parking spaces because of structural support columns, and adjustment to reduce the required loading spaces from four to three. Quickly through the zoning and identifying the site here. Four lots in red, just east of front avenue, little bit north of the fremont bridge. Site is rx, central residential high density residential zone. 100 foot height limit. No minimum vehicle parking required. There are requirement for loading and bike parking. Approval criteria in question in the appeal, design guidelines, central city fundamentals and river district design guidelines. Remainder of the review criteria from green layer review adjustment and modifications. This is an aerial view of the site. It's two long rectangular blocks in orange on this plan. It is lots nine and 10 on the north block, and 11 and 12 on the south block. Nine to 12 north to south. You can connect down south downtown pearl district front avenue and 17th avenue. Sort of intersects across front at the exact middle of the site. I just have a few site visit pictures here. Looking north from 17th avenue. It's two, grassy open parcels right now. Sort of serves as an unofficial dog park between the riverscape development and front avenue. This is looking north at the north block and flipping around looking south at the south block. You can see how close the fremont bridge is just to the south. Existing development includes eight-story pacifica condominium building. Three-story town homes. Three-story, between riverscape street and the river. There is a really nice public greenway trail along the river that includes a dock that extends out over the water and nice public art. You can see multiple east/west connections that connect from riverscape street through to the river. There are additionally supplemental pathways between the public easements. This is showing the central connection through an alignment with 17, through from the greenway trail, riverscape street, front avenue in the distance you can see the traffic signal. Another view on the south end of the southernmost town homes and a walkway through to the river. Directly across front street, dock side tavern, which is something of a landmark. And then this is just another shot looking back through 17th avenue from the west side of front. And sort of showing the direct view you get at the street level from front to the river. The project went through several changes. It came in originally and went through the first hearing with this proposal that you see before you. Four nearly identical buildings, two, 46-foot wide public courtyards between each of the two clustered buildings. Deep setbacks as you will notice in this drawing from the side streets or from the avenues. Neighbors raised concerns about the project providing inadequate parking, about the scale and impacts to the light, air, and view for the adjacent town homes and suggesting that there be greater design diversity among the buildings. Design commission at the first hearing raised concerns about the commercial space and where they were located and how they were designed. Similar concerns about the design of the buildings raised by the neighbors and some additional suggestions that they improve and soften the courtyard spaces. The red arrows indicate the original design, which had framed views along the public greenways courtyards out to the river. And a little bit more space on the edges. The second proposal came back for another hearing a couple of weeks later. Buildings had been simplified. A little more brick. More seating in the courtyards, relocated the commercial spaces. Neighbors continued to raise concerns about the way the commercial spaces were oriented to front avenue, about how the project oriented itself to the river with suggestions that there be more direct industrial design views taken in the project. Also concerns about weather protection and site visibility and clearances and parking. I'm just going to point out here, kirk kruger is here from

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Portland transportation if there is any transportation questions. There is no minimum parking in this zone and no parking-related criteria for design review. There are some issues being looked at with front avenue, about restriping it, changing the way the lanes are configured and on-street parking. But that is tied to a project across the street to the west going through a zone change. We don't really have a hook in the design review to talk so much about transportation. Design commission concern on the second proposal, simplify the designs further. Make two of the four buildings more distinct. Just sort of four, two similar buildings. Specific suggestions for a dock along front avenue. Shift the buildings towards the side streets to increase the size of the courtyard in between, create a visual point at the end of 17th avenue where it hits the building on the lots. Quickly, this shows the final and third proposal brought to a hearing on april 18th. The middle two buildings have been completely redesigned. The two end buildings were further simplified. The floor level was lowered along front. So you have this almost at grade floor level on front facing front avenue for the commercial spaces. Canopies and docks were added along front avenue. Courtyards redesigned and increased from 46 to 100 feet wide. Buildings removed. Neighbors continued to raise concerns about on-street parking and visibility concerns, river views, and suggested that the building further be lowered towards front avenue. Design commission was pushing for further confinement on this stage. The third version. Applicant was not interested in extending the time line. Design commission went through an hour and a half of deliberations and came up with eight specific design related conditions of approval that allowed them to approve it. This drawing -- I have these red arrows that -- a lot in the guidelines about addressing the river. And these better framed the main pedestrian connections out to the river and by increasing the width of the green spaces enlarged the oblique views from front avenue to the river. Guidelines are really more talking about the public experience. So, public pedestrians and passers by and how they experience at the pedestrian level the connection to the river as opposed to residents of the apartments getting views or having balconies for their private use of the river. Quickly a couple of other images of the final design showing the revised sort of warehouse-like inspiration for the two buildings in the middle. Sort of barrel vault feature in the middle of the building. And just quickly, revised courtyard design, more than twice as big as they were originally. Quickly, because i've gone over my 10 minutes. Design commission imposed these in blue eight additional conditions of approval. I won't go through them specifically. And in the appeal -- I will let the neighborhood represent their appeal issues with just simply the statement that 33.5 feet, which is where one of the conditions required all of the floors be lowered to, as low as they can go because of a floodplain, they can't go lower and the conditions allow them to go for grade, sidewalk. Council has their standard three alternatives, grant the appeal, overturn, deny the appeal but modify the decision with some direction or deny the appeal and uphold the design commission decision.

Hales: Thank you. Questions from staff? All right. Thank you so much. Now, we will move to the appellant. Good afternoon.

John Bradley: Good afternoon. Good afternoon mayor hales and commissioners. My name is john bradley, 2350 northwest johnson. I am chair of the nwda planning committee and i'm here today speaking on their behalf. While there can be little doubt that the project before you today is improved over the first iteration, and that is thanks to the design commission, we feel that more work needs to be done. The commission was constrained by the 120-day limit, as you can see by the multiple conditions in -- of approval imposed on this project and by the less than unanimous vote on their part. First, palliative material for the façades is less than coherent and represents an odd mixture seemingly done for graphic effect or in an attempt to break up four identically masked buildings. Next pedestrian environment through and around the buildings needs to be re-evaluated and better planned. Currently the courtyards and plazas do not respond well to either the public or the private realm. Ramps and transition grades are awkward, especially in

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relationship to the raised planter and no real thought has been put forward as to who will use these areas and what needs they will serve. Because this set of buildings is in a special design area, the river district, one must ask do they enhance, identify, and re-enforce the waterfront area? We feel they do not. This assemblage of buildings could be located anywhere. There is little response -- little commercial space in these buildings that would help to establish this area as a 20 minute community and re-enforce its identity and little response or orientation towards the river. In short, this project needs to work to establish itself in the context of the river and as part of a full community. Thank you.

Gustavo J. Cruz: Hello. Good afternoon. I'm going to read testimony on my own behalf and on behalf of one of our committee members unable to attend but also prepared written testimony. For my own part, to begin, my name is gustavo cruz, 2224 northwest johnson street and i'm speaking on behalf of the planning committee for the northwest district association. Highlight three particular areas of concern that are part of our appeal of the riverscape design. First proposed pedestrian courtyards emphasize movement through the spaces rather than focusing on more typical residential uses like simply sitting, reading, interacting with neighbors. The buildings are not oriented toward the courtyard through entryways or lobbies, balconies, generous windows overlooking the courtyards that would interact with the open spaces. We prefer to see more of a plaza-style design and buildings that respond to the context of the site. Second, sidewalk context is awkward with semi private patios, awkward ramps and grade transitions. Our committee would prefer a more simplified approach without the loading dock features and with floor levels at the sidewalk level to the extent feasible in commercial areas and the live-work spaces. Thirdly our committee felt strongly that the buildings do not take full advantage of their proximity to the river. Although there are visual obstructions between some apartments and the river, our community members felt that at least the ends of the buildings could be redesigned to offer some opportunities to view the river. We felt that the buildings were similar to buildings found elsewhere in the city with nothing particularly significant about them to signal that they are near the river and waterfront. Next, I'll read the testimony of greg thissen, one of our committee members. Greg, his testimony by the way you should have in hard copy form and it will include photos of other buildings in the area. Thank you for the opportunity to discuss this project with you. As has been summarized by others, one of our main concerns with the structures is their design and their response to the river setting. Structures fail to respond to or take advantage of the location 200 feet from the river. This city is known for celebrating and enriching its waterfront. Unfortunately there is nothing about these buildings that speaks to that rich history. This is a unique site within the city, northwest neighborhood district. The four narrow blocks within 200' of the river are unlike any other site in the downtown or south waterfront. The narrow blocks are only the depth of the average city lot. About 100 feet. How do you take advantage of such a site that respects the code requirements? Here's what the applicant has proposed. The major outdoor apartment spaces are on narrow emphasades, balconies that face the adjacent building. There doesn't appear to be other outdoor spaces, terraces, decks or balconies that face naito or the river. Buildings could just as readily be on se division or north Vancouver. Nothing about them says welcome to the waterfront. There are alternative building designs in the city that might suggest a path forward. There are two that come to mind. 937 northwest glisan and waterfront pearl. The 937 glisan building is at 9th and Glisan, with the long façade facing Glisan st. The building is about 75 feet in depth. Includes real balconies for each unit on every façade, narrow and long. These elements would work on a shorter building such as at riverscape and there are photos in your materials that show that. The waterfront pearl buildings adjacent to albers mill, on naito are the second set of buildings comparable to the riverscape apartments. In this case right on the water. Design elements of this building, transferable to the riverscape apartments, multiple balconies, the considerable breaks in the façades, the narrowing of the buildings as they progress toward the river

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and the faceted building ends. Though each waterfront pearl building is similar in shape, each building is quite different at the façade. They share the same materials but used in different ways, varying the height of which darker materials utilized. Overall the color is lighter and compliments the river, water and sky rather than contradict or ignore, as at Riverscape. The nwda urges you to allow for additional discussion to address the shortcomings of the riverscape apartments. Greg thissen. Thank you.

Hales: Questions for the appellant appellant?

Fritz: You mentioned in your appeal you'd like a stronger block structure. What did you mean by that?

Bradley: I think originally we wanted all of the streets to line up as they do in the rest of Portland. Here we've got everything a little bit off. You don't see streets going through and you just have very long kind of wall buildings that obstruct that.

Fritz: Is the third proposal better in your opinion?

Bradley: It's still not enough. To a certain extent I feel the design commission was going in the right direction with a lot of this stuff, but because the record was-- the 120 day limit was reached they were not capable of discussing a lot of this stuff further and actually getting it right. In doing such I feel this is an incomplete project in many respects. Especially, as I said in my testimony, given where it is located.

Fritz: And what were the other things that the design commission were considering, if it had had more time.

Bradley: You know, I don't want to speak for the design commission. I believe tad savinar would agree with us that this doesn't look like it belongs in the river. It belongs somewhere else. They are just buildings, and when you look at the surrounding environment, again, this is not a 20 minute community. This is going to end up being a cul-de-sac. There's very little commercial. And there is certainly not enough stuff people will use on a regular basis. So it seems like a cul-de-sac and a wall and I think more could be done with this.

Fritz: And the photos you gave from greg thissen, those are helpful examples of things that do look more riverish. I thought your appeal was very well written and then I saw that in fact, there are not many good views to the river because of the development that is in front of it.

Bradely: Yes, but if we could get more balconies, maybe reshape the buildings so they are pointed out more to the river. I think that you would find that, that you had a better building, and better project.

Fritz: And was consideration given to having taller buildings, so they, so they could get up above that?

Bradley: That was mentioned, in terms varying the heights of the building, but that went nowhere.

Fritz: And what was the design commission's vote?

Bradley: I think it was 4-2.

Fritz: Ok. And, and, actually, I have a question for staff.

Hales: Any other questions for the appellants? Thank you.

Bradley: Great, thank you.

Hales: Is there anyone signed up, supporters of the appeal?

Moore-Love: Yes. We have three people signed up.

Hales: Ok.

Moore-Love: I believe the first name is meyers, and colin o'brady.

Cheryl Meyers: Good afternoon, I am Cheryl meyers. I live at 1742 northwest riverscape. I am also chair of the hoa for riverscapes and a business owner at 1826 northwest thurman. This unique property falls within the River district guidelines. Previously Jameson english submitted a written commentary and why it does not meet the river district guidelines. This document is a part of the record, and if you have not read it, I would encourage you to. And in preparing to speak today, I

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reread the river district guidelines, and if you have not done so, before you make any decision on this project, I would ask you do so. Base on the guidelines of the river district this project fails for many reasons. Most significant, I have noted on page 10, guideline a-1, it should link the the Willamette river to the community reinforcing the river's linkage to the community and the project to celebrate the river or draw attention to it. Page 36, guideline 89-1. When developing a gateway locations, provide a distinct sense of entry and exit that relates to the special qualities of the areas. Areas with a sense of arrival. And most significant page 41, guideline c-1. Increase riverview opportunities to emphasize the river district ambience, via features that link the views of the river, and link the views to the river district activities. Most important is this orienting open spaces to emphasize, not just access the river view. And the current residential units neighboring this site have been carefullily designed so that each residence has outdoor space, thus leaving large walkways and etc. For the use of those accessing the northern edge of the willamette greenway. The walkways are used by those who fish, run, ride bikes, and walk and bring their families to the river. As a walkway is wide open and flowing, the community feels welcomed and free to come and go. And in the pictures that mark presented you could see the open space currently in existence and welcoming to the community. The project under consideration does not meet the guidelines as it does not invite the community to access the river. The developer, instead of providing outdoor spaces for the units, wants to use courtyard as common areas for the units. And these courtyards he also wants to use as an access point for the community to the river. And using these courtyards for dual purposes serves no one, the residents will not use them if they feel people will be walking, biking through them, and the community will not use them because they will feel like they are invading private property. And certainly, if you are biking on the greenway there is not a straight access from the greenway to the street. And in an article from the april 13 issue of the northwest examiner titled what's wrong with the pearl, there is a section entitled river orientation. To quote the article, neighbors feel separated from the river, unable to readily see, touch or experience the water in their daily lives. This project simply separates the community from the river. As the city of Portland rightfully deals with our lovely river and how to bring the community to the River, and the river to the community, the projects like this need to be carefully considered and the decisions need to be base on how our lovely river and our community come together. When considering your decision on this project, I would ask that consider the wisdom of the country of bhutan. There is a government policy of gnh, gross national happiness. The decisions are based not only on economics but also on the welfare of the community as a whole. The decision on this project, I would encourage council, should be based on the needs of the community and the movement of our city to enhance the lovely river that we all live on. Thank you.

Hales: Thank you.

Fritz: I have a question. Do people currently use the pathways?

Meyers: They are open pathways, and they are used heavy. I live right on the corner, and on a weekend, you will have on any given day several hundred people. You have people fishing, you have people biking and people running, and you have families, bring children down, and because the pearl area is, as it moves our way it's the only open access point to the greenway right there.

Fritz: I'm not clear why they currently use these narrow pathways.

Meyers: It's not narrow.

Fritz: Well, the ones proposed are, are wider, in one case. So, could you explain why you think that people won't use those?

Meyers: Because they are not open. They have got planters. They have got benches, if you are coming to the community, you are going to see them as courtyards for the apartments. You're not going to see them as we have the wide open spaces for people to come and go up and down, and it is biking community. And so, when they come off of our wide open paths, they hit the courtyards that

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are blocked. And just the average person will look at them and see them as private areas for these apartments. And, and not as open pathways to the river.

Fritz: So even straight pass through the courtyard that lines up with the pass through the existing development would be better?

Meyers: It would be an improvement, yes, but it leaves the people living in the apartment, the apartments, because they don't have an outside space. We all have outside spaces. That are attached to the units so we can enjoy the river, and still leave these wide open spaces.

Fritz: Thank you, that's helpful.

Hales: Is there, while we're on that subject, from the perspective of, those of you who live in the district, this part of the district now, is there a preferred route from say 17th and front to the river, other than the most direct one? In other words, where do you want people other than neighbors flowing to and from the greenway?

Meyers: Where do we want them to come? From all ends, the 18 and 17 and 16th because as everything develops, we feel the area should be open. To the community, as a whole.

Hales: Ok. Thank you. Further questions? Thanks very much.

Meyers: You are welcome.

Hales: There was some other folks signed up in support of the appeal.

Hales: Good afternoon.

Veda Nomura: Mine will be short, I live at 1734 northwest riverscape street. And I am just speaking about the parking, even though I know that the project satisfies the guidelines. We realize as property owners, in discussing this, the impacts, we just wanted to emphasize again because of the unique location of our site. Because with most, 50% of the households in Oregon, having two cars, the addition of these units, and the removal of eight of the existing limited parking spaces, should make us all stop and consider what's best for the community and neighborhood. Right now, we are very limited on street parking, the regular tri-met service with none on sunday, we don't have a trolley service yet or max, and there is really no official bike paths, no parking, big parking garages, and there is no parking in front of this property. And so, lots of time, as cheryl mentioned, we have people that come on the weekends to park their cars, and use the area for Biking. And Fishing and enjoy the waterfront. What ends up happening it, fills up the limited parking spaces available and, and then there is like a lot or a gravel lot in front of the pacifica building that people end up parking, so we feel like, especially on weekends, that it's overfilling and we don't have space or if we have visitors, so, we just all anticipate that. That's the number one thing, we talk about is the parking. So, the extremely limited parking makes the site unlike others on the waterfront and in the pearl, so we just ask that these issues be taken into consideration when making decisions on this project.

Hales: Thank you.

Fritz: How much parking do you have in your development or unit?

Nomura: Right now, each unit, we have, we have two cars.

Fritz: Thank you.

Colin O'Brady: I am colin o'brady. And I am an owner at 1720 northwest riverscape. And two years ago, when there was new development, very excited to move in there. Because I believe that this area was going to be developed. I want to make it clear that we are for development in this area, and saw this is part of the beginning of a nice development down here. I think that Portland has had a tremendous number of visionaries developing the river district, or the river area over the last decades from tom mccall removing the highways to create waterfront park between the steel bridge and, and the Hawthorne bridge, and beyond. Certainly, it was an improvement by mayor katz in the 1990s to create the eastbank esplanade over the last 20 years, and fast forward to the last 10 or 15 years we have seen the development in the south waterfront. And as our city expands, we're getting to the point that we're conscious of developing the river beyond both the marquam bridge on

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the south and the fremont bridge on the north. One of the most exciting projects, I think, the city is facing is what to do with the zidell site, and figuring that out. I know there was the failed attempt with putting nike there, but there is a lot of other things on the books on how to create a thriving access to the river through that site. We have got ohsu coming in there, that's obviously underway, as well as the pedestrian bridge. With the max line coming over there. So I think those are great examples of how the city has done well to develop the river district. I think that this is the outer edge on the north side, and we have a great opportunity here for, for development. Unfortunately, I think with these buildings that are on the books here, it does not take advantage of many of that, like many of the people who have testified, these four buildings could be anywhere. I think one of my largest concerns is there is a huge opportunity here for mix use. I think the commercial spaces are extremely inadequate, in this development. This can be and will be a destination for people right now. It already is, to some degree. But if you have commercial spaces, that inspire development on the first floors of the buildings designed here, I think people will come, and want to come, and stay on the weekends, whether it becomes destination, you can access the river in a meaningful way and go to coffee shop or whatever. The developers met with our hoa last week to go over, have a dialogue. And one of his points with that, the commercial real estate broker said that there is nobody that wants to move in commercial space here. I would argue that that's not true as seen within a quarter mile of the site, both olympic provisions and rostretta roasters have moved in, which are two marquee Portland establishments, know thing or two about development. They moved into this area, and also dock side, who has been there 20 to 30 years, which is a destination restaurant people come to. In closing, I think that there could be better use to create commercial space, and I think that everyone has touched on the parking issues and how the buildings can interact better with the river to create a thriving river district area.

Hales: Great, thank you. Questions? Thanks very much. Nobody else signed up in support of the appeal so let's hear from the principal opponent to the appeal. The applicant. Good afternoon. You have powerpoint slides there? Ok. Karla can help get those queued up.

Steve Pfeiffer: Good afternoon. Steve, 1120 northwest couch, 97204. And I am attorney with perkins coie, land use council to fore property in this projects, and let me begin and off with comments at the beginning, and I will be followed by lee novak, who will, to my far right is, a principal with for the property and a project manager and most intimately involved with the project as it has evolved, and then following him, rather impromptu, is steve shapiro, but given commissioner Fritz's questions about the park, in particular, the emphasis on the testimony, I think it would be good if we gave him a chance to explain how that park evolved and why. It looks the way it does. He'll follow, and again, I asked him two minutes ago to make this presentation so bear with him. Procedurally at the outset, there is, as there often is, a bit of a, an open question as to the 120-day clock, and whether it was extended with the continuances, in front of the design commission and the like, and frankly, in working with linly and the bds staff I think we take a cautious approach and say there was no extensions penciled per se. I'm here today to confirm that an extension on the 120-day clock is granted until the end of july, and we will go further if we need. I think we agreed that we should be able to resolve this with final action by council by the end of july, and if we need to, I can extend it again but that should put to rest the 120-day clock issue, and we have that much time and more if needed. Otherwise because this is bit of an unusual case for a land use appeal, most of the appeals that we have seen over the years here and in other communities involve not what something looks like, but whether it should be there at all. And what you often here are requests, somebody attempting to rezone from commercial to industrial, actually, that's not very frequent, from industrial to commercial is more frequent. And conditional use permits, and master plans, and any number of institutional master plans. Those are questions of policy choice for the council. Those are questions of, as a matter of policy, should we change the existing map designation. Should we change the uses allowed at that location or increase the height or increase

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far? All those are legitimately policy choices based on a desire to change established policy. The establish policies are important because it provides certainty to all of us. The developer, the landowner, the neighbor. The conservationists, depending on the setting, and the city because by having in place in Oregon more than anywhere else in the country, established Policies, we know what at least generally we can expect. And that's not what we have here. And so frankly, you are not going to hear a lot of esoteric discussion between two lawyers about what a criteria plan means. This is a design review case. It is really a function of we know what the policy is down to the subdivision plat. Which dictates the locations of the streets. Which dictates when it was approved as a plat. The existing east-west public access easements that extend through our property and through the condos to the west or to the east just heard. Those are fixed, as are the street locations. There is not much that we can do, and as lee will tell you in a minute, there were more constraints associated with it. It really comes down to a judgment by the council, in the same way that drc was called upon to make a determination of what it should look like and how it should function for the occupants, the community at large and the residents in the immediate vicinity. It's down to a design question, and did the drc, after three hearings and many hours of testimony, get it right or as close to right as possible. And with that i'm going to turn it over to lee at this point.

Fish: Since you highlighted this issue, this is an unusual proceeding for us, what is -- what is your position on our role and to what extent do we owe any deference to the design commission on this question? Each of us has our own aesthetic guide posts, so what is, as, as an advocate in this proceeding, trying to give us some advice as to what we're doing here, what is, what is your best sense of our legal role and the scope of that role.

Pfeiffer: Well, it's a fair question and I would, I asked myself that over the last day or so because I tried to figure out how I would perceive it, as I always do, from your perspective as a decision-maker. I have been on the design commission, and I have a sympathy to that process, as well. Let me answer you this way, commissioner, in the other cases that I have mentioned, be it a map amendment or should conditional use be allowed or whatever the criterion. You are the creator, you've inherited from your predecessors, you are the keeper of the language in the case of what a criterion means and when the planning commission or the hearings officer says it means x, you are the backstop because the council is the creator and the keeper of the code, that's why you are entitled to the deference on appeal. Those are easy. You substitute your judgment as the keeper of the communities best circumstances, and you substitute your judgment there. A hearings officer makes a call, it's a technical legal answer, he reads the words and greg will tell, he does not feel empowered to change them, and he will make an interpretation, subjected to your review. This is different in my line. You created a board, in this case the design review commission. These people put in long hours. They are very experienced. Some of them in architecture, some landscape architecture, one at least is a developer. And you have created the board and asked them to participate to great degree on a frequent level with a lot of effort, and in this case, three times, three different settings plus the dars that they would have to do. I guess that I would submit, there is some deference to the design commission. If for no other reason, you need to continue to empower them to feel free to make the determinations with highly subjective criteria, as you well know, things like build corners are not easy to deal with. I would submit that there is a deference due. They are the keeper of it, and most important they are also the keeper of collective wisdom of the design process, as it has evolved in the city. They sit through multiple cases every month, and they build on their experience. And they make mistakes and they learn from them, and they are reminded by these and others that they made one.

Fish: Let me follow-up on that point, counsel. Let's use the analogy that therefore we're sort like referee, and we're trying to make sure that, that procedurally, things are gone properly and, and let's say that we adopted your view of deference. In the presentation that we received, we were told that because of time constraints, they don't feel they were able to do their job as fully as they would like

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so they put conditions but couldn't go through all the steps that they wanted. Now, obviously, we cannot just have an open-ended process and say, take as long as you want, get extension and is come back. But, should that be a concern to us?

Pfeiffer: Two points. Number one, I think you do owe them deference but I think you are charged with and must make decision on whether they got it right. In making that, there is deference due to them that's not due me or others who testified or for or even bds staff, they deserve more but not absolute. You have to see if they got it right. I simply don't agree with that assessment. And I don't agree with it in the sense that I was not at the last hearing and, and I do know that having been through the design commission, both as an applicant and as a commissioner, three hearings, one of which I think was four hours, and is an exceedingly lengthy design review. I have had 25-story condo towers go through in one hearing. That's not what happened here. They put a lot of energy into this. Secondly, I don't accept the notion, frankly, that they were cut off, stopped short and would have continued to evolve this to significant degree, and I do say so for no other reason than this. If you look at the conditions at the back, they are not sweeping conditions. They are very, very minor housekeeping conditions. Delegating to staff limited discretion on the public art question. Modifying some, some, some of the architectural coverings on one of the buildings. Very direct. They had the opportunity, and they took it. When they got to the end of the deliberation, they had a deliberation and they had a vote and they imposed conditions, and I believe those conditions reflect what was left that they wanted to resolve to make this approvable and they did so. I don't believe that they did this by default so they could go home at 5:00. That's the implication.

Saltzman: Just to follow-up on that, somewhere there exists a record, I assume, and did anyone --

Pfeiffer: There is a box here somewhere.

Saltzman: Maybe this is not for you, steve, but, did somebody say, at that last hearing, that it, you know, we're going to invoke the 120-day rule if we don't get a decision from you tonight?

Pfeiffer: And at that point, I will have to leave it to lee, lee and robert lee, who is also here, I forgot to introduce robert, the architect robert lee, who is, who was the architect of the first phase of the pacifica condo building as well as this. He's here today and available for questions.

Lee Novak: I am lee novak, the vice president of fore property, we did, at about two hours into the last hearing, say that we would like to try and get, to a resolution that evening, and the drc, did take the time at that Point to say, did decide instead of rejecting, which is one of their options, they could have said well, we're going to deny and, and start over. They felt that they were far enough along that we were close enough to conclusion, that we could, through the next hour and a half of conversation, reach a set of conditions that would satisfy the small number of outstanding issues. So, we did, we wanted to drive the process, and focus everybody, I think, they felt like we were close enough that they felt like the project wouldn't benefit from another whole hearing, that this was, was, this was an opportunity to get to conclusion.

Saltzman: Thank you.

Hales: Other questions before we move on? I have one, and i'm not sure that I understood your point in passing at the end of july. Are you suggesting that we, we further extend the 120 days?

Pfeiffer: Technically, mayor, the 120-day clock which begins on the day the application is deemed complete, it expired on may 29th. And I think from talking with staff, and with linly, that there was sense that, that the process was evolving and there was additional hearings, and there was an understanding that I can appreciate from staff that maybe that was being extend by just agreeing to the continuance of the hearings. So, when we had this, and the appellants never raised this. I just want to clear up your record. I have suggested to the staff we take, the conservative approach That it did run on may 29th. From, yeah, may 29th, and I will hear, confirm on the record that it's extended at our initiation until july 30th. So there is no question about the 120-day notice time you have. I don't see any reason to wonder whether it was a de facto extension because we agreed to a continuance.

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Hales: I get it, yeah.

Pfeifer: I want to get into the questions you have so I will turn it over to lee.

Novak: Can I get the power point, please.

Pfeifer: These are all images from the record, by the way.

Novak: Into the afternoon, not quite evening yet, but it's, issue it's getting dark out there. I wanted to talk to you --

Hales: What's your name?

Novak: Lee novak with fore property company. I want to talk to you about the project goal and the size constraints we faced when we first approached this site. And the design evolution and address the neighborhood concerns. First I want to start with the fact that this is our first project in the Portland area. We are incredibly excited to be here. And that this is -- we think we do have a special location and, and a project that, that treats that special location with the deference and the importance that it deserves. I want to talk about the project goal. And our goal was to give renters an opportunity to live close to the pearl and downtown. And, and in nicely sized Apartments with significant amenities including nearly one to one parking and elite gold rating. We're targeting rents that are somewhat below the highrise development that's occurring. We think this is important because it allows for diversity of incomes in the neighborhood. We're also providing mix of unit types, so, we have studios, one and two bedrooms ranging up to 1160 square feet. And this allows for the diversity of the households, and so we think rental apartments, especially in this neighborhood, especially in the pearl, which is a neighborhood that has some challenges facing it in the diversity of households with the new high rise development that's occurring. We think this is an excellent opportunity to create another, another housing type or a diversity of housing type.

Fish: On this slide because the color scheme on this slide is different than the printed slide, could just tell us, could you describe for us what is the color shading that you are using as best as -- on the three different colors, what, how would you describe them?

Novak: Sure. The lower three floors, are, are a sand-color brick, a light color brick, and on the upper two floors there's a vertical ribbed terra cotta semitious product.

Hales: Say the product?

Novak: A semitious product at sarah clyde, the brand name of the product.

Fish: On the lower three floors, is that, for example, roughly the brick at bud clark commons, the Off-white brick that's over by the train station? Or even on the, the slide we saw earlier, the 921 building, is that, is that -- that's, that off-white creamy brick?

Novak: I didn't see that earlier. I apologize. I'm not familiar enough with that building to -- I would say it's a similar color to what actually exists in the neighboring condos.

Fish: And the terra cotta piece above, is that more burnt orange or salmon or is it more okra?

Novak: I think I might bring up the architect. I have trouble picking out my tie, so I'd rather allow the architect speak to that.

Robert Leeb: Yeah, thanks, I am robert leeb. One of the leeb architects, 71 southwest oak street, Portland. There are two schemes, there is the, four buildings and two of the schemes, two of the buildings in this part in the middle, flanking 17th street, have a buff brick, it's a combination of three different blended Oregon bricks from mutual materials, kind of an, a blended sandy buff color. Three -- a blend of those three bricks, and, and then for the first three floors, it looks like the ground floor is a different color but that's just a shading factor of the rendering program. So, basically, those three stories have brick in that range. And above, there is a -- I guess you would say kind rust color from the top two floors, sera clad, a japanese product, sophisticated rib product, and the outside buildings are, are three layers, three levels of, of a brick, It's traditional in Portland, used a lot, and very similar to the brick across the street in the warehouse. It has been there forever. So, there will be three floors of that red brick, and above that, we have a gray metal. So, basically, just that's the palette.

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Hales: So four kinds of materials. Two kinds of brick.

Leeb: Yes, and there is a sera clad up on that building, too. I have to take a look at it. Yeah. It relates to the other buildings.

Fish: I appreciate what you said about the shading on the ground floor because it looked like it was tricolor.

Leeb: It's part of the rendering program, so yes, I apologize for that.

Fish: Thank you.

Novak: I just wanted to spend couple moments going through the site constraints very quickly. We're not directly on the river but we are on the flood zone, that was mentioned by mark earlier, and that does drive the first floor height to get the building out of the flood zone. It also creates some challenges with the ada later. As you probably know, this was the pier 1 of Port of Portland, extensive cleanup of the soils was done and, and around 2000, and 2001, there was an existing record decision and no further action letter that allows for the development on this site. But, during that cleanup, the soil contamination was not removed below 15 feet of depth so we have, in our approved soil management plan with deq, we limited ourselves to only going to 15 feet below the current depth. That drives somewhat why the design of our garage level and how that, how we deal with that. We also have another challenge, in that another ada site challenge in that we dropped three feet in elevation from riverscape to front. Riverscape is three feet higher than front. And so that drove much of the design with the docks and the pier, as well. And we talked a lot about the shades, this is not your standard 200-foot Portland block. It's 86 by 230 feet, so it does constrain that. We do have two pedestrian easements, and those are important to point out, in the courtyards, the reason the 46 feet started was that there is a 46-foot wide pedestrian easement as required by the plat. On the northern two lots, there is also a 30-foot sewer easement which runs concurrently. So on the southern two lots we have a parking garage that extends the entire distance below both buildings, and below the open space. On the northern two lots we have to split the garage because we have this sewer, and the easement running through the middle of the site so we can run under the pedestrian easement on the south but not on the north. And we also have an overlay district limitation on the length of the project, on the length of the buildings base on the open space required on each of the lots. We are within six inches, each building is within six inches of the maximum width. So, that's important as we talk about this issue. And you heard about the far limitation. We are doing the 1% for art, have had an excellent experience working with racc, they have been wonderful to work with. And the design evolution, I think, has been covered extensively. We have we went through multiple alliterations with staff. The lengthy time of the hearings, over 100 hours of design time. And I think it was a healthy process, from somebody who had not gone through that before as much as there were evenings I would have rather than elsewhere, in the end we think it created a better project and, and created an improvement, and it was, the process worked. I want to talk very quickly about, about a couple of the appeal points that i'm going to turn it over to steve and talk about the parks. A couple items. The stronger block structure, as we move the buildings closer to the avenues, we think that really did strengthen the block structure by pulling the buildings to the ends. And in addition, it gave us the larger parts, parks, excuse me. And the ground floor we went through some very challenging architectural gymnastics to lower the ground floors at these corner commercial spaces, at 17th, to really emphasize the commercial at that intersection of 17th and, and front. We pulled the commercial to the front side and we lowered it in both on, on both sides of 17th. And we also raised the ceiling heights on the first floor of the center two buildings by a foot. To increase the viability that over time, if there is an evolution, more demand for commercial that these buildings could evolve, and you know, uses could transition from residential to commercial. And then we had more a stupola in the earlier ideas, and we went to the docks to, to create, again, the flexibility over time, and that relates to, similarly to the experience on 13th. One of the conditions that's noted was to make the, the docks continuous, so that you could move up and down

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the spaces, and the dock has the added benefit of raising the first floor for residential above what is very busy street, creating separation on the front side, on the riverscape side there is an 18-inch separation. It is a much less busy street. A more residential solution was there. We heard a bit about the design style today, and again, these are quickly -- you could see the pink is the docks, and the orange are the lowered spaces, and the green are the potentially future live-work locations. And this is the riverscape aspect. We talked bit about the design style. This was an enormously -- a significant part of the discussion. We went through a lot of design styles and material selections, and at the end, the quality of the materials that are specified for this project are very high quality. And this is not going to look like a suburban style product, these are urban buildings with urban materials. Also I want to talk about the balconies' concept. We made decision that as renters, the space is a premium. And you pay for every square foot you get, and we thought, given the climate and the site, that indoor space is more of a priority for people than balconies, that it will be more useful for them and more beneficial for them to have, to have indoor space. Frankly, as a manager, our company manages 5,000 units nation-wide. Our property management people fight an endless war against the junk on the balcony condition, and so, there is another added benefit of indoor space over balconies.

Saltzman: Do the windows open?

Novak: Yes, the building is lee gold so that's a significant portion of it.

Fritz: Do the balconies count toward the far?

Novak: I do not know that.

Fritz: I'll ask staff.

Novak: I wanted to quickly talk about parking, and then I will turn it to steve. I know that it's not an issue on appeal, but the drc made a strong point that it's not an issue that they should consider. We do understand concerns. That's why we designed the project with nearly one space Per unit. Parking garages are not cheap. That's the most expensive portion of the project is probably the garage. We think it's not only benefit to the neighborhood, but an amenity for us and future residents. I think it's one of the main marketing tools we'll have is to offer parking. We also know that you cannot build your way out of a parking problem in an urban situation. That we need to build density so that transit will come so the opportunities for multi-modal will come. Just, just -- i'll talk quickly on the river, I want to mainly turn that over to steve. We think that the enhanced open spaces do serve a dual purpose, and I will let steve take a moment on that.

Steve Shapiro: My name is steve shapiro, with Shapiro didway landscape architecture. We were responsible for the design of both open spaces. The goal for the project was to promote circulation from naito parkway to the existing walkways on to the river. Maintain and, and embrace the views to the river from naito, and also to provide a pleasing space for residents and visitors passing through the site. Given the nature of the site, that is, and its public, we have promoted seating areas, it's very gardenesque, there is lots and lots of native plantings incorporated within the site. And, and we are planning public art that is going to embrace their, their river theme of the Site. And all in all, we tried to create an invigorating, warm space for the residents and the public.

Fish: Two questions if I could. Does the -- did the park spaces help you with any of your storm water runoff? Have you, incorporated that into those? Or is it separate?

Shapiro: That is completely separate. It's not being used for that.

Fish: And this is probably more legal question for your counsel. But, does the public -- is this a public right-of-way? Is this -- is there a -- are we getting an easement or how does it work on this, on something like this?

Pfeiffer: What happened, commissioner, is that the time of platting, back when, obviously, the first step in the process when the streets were created and the right of ways were created, my understanding is that those are public access easements. Kurt can confirm. I think that they are probably 40 feet, I hope. 46 feet wide and, and they run all the way from the front to the river

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esplanade so those are public access easements created in addition to the north and south streets, much like you would a street, and in the public, and what you are going to get to, probably, is I think the neighbors, not today but in a letter, who maintains those is the next question? And the way that it happens here, those are public access easements that afford the public the right of access, not just Residents but the public, generally. My guess the hoa maintains them on the condominium side within their geography and will be required to do the o and m and maintenance construction and o&m for the walkways, the parks that steve spoke to within that access easement.

Hales: It's your real estate and, and it's an easement, not dedicated park space.

Fish: Do we have to clarify that in anything we do, that you have the obligation to maintain?

Novak: It's explicit in the existing plat documents and in the existing title documents.

Fish: And this is open to the public 24-7?

Novak: That's the requirements of the easement, yes.

Fish: There is lots development, there is a plaza but it has a fence around it for residents. This is public right-of-way that will be available to the public at all times.

Pfeiffer: And as you know, commissioner, lee's right, that will be governed by the terms of the easement. The easements have no restrictions so they are 24-7 by default unless they are constrained.

Novak: That's our understanding, now, somebody is out there playing tuba at 2:00 a.m., we may ask them to move along so our residents can sleep. But, beyond that, our access -- we understand that to be public.

Pfeiffer: And let me put it this way, if that's a condition that you felt necessary to impose, we would take it.

Hales: I have some questions, just on the design issues that got raised in the appeal and that relate to the criteria, and that seem to sort of be indicated by what I see in the renderings. Are there balconies that overlook the plaza space?

Hales: The view just had there, there we go. In the right hand corner there are balconies on the ends of the buildings that overlook the public spaces. Or the easements.

Leeb: Ok. We have quite a few balconies, and the only place that we really don't, is in on this side. We have balconies on the ends, and most of the units have balconies or terraces on the ground floor.

Hales: And that's true on the east side?

Leeb: Yes, and the only units that don't are some small units, but typically, it is 75% of the units have balconies.

Hales: What i'm seeing in the upper left-hand corner of the upper left-hand image in the slides you have up there, on the ground floor, is that a balcony space for an apartment? Is that an entrance to the building? What is that?

Leeb: That's a terrace for two apartments.

Hales: They are equivalent of the balcony?

Leeb: Yes.

Hales: Ok. I am looking at this, yeah, that space right there. So, I think you commented on this quite a bit already. But, one sensitivity that I have, I suspect, shared here, is that there's been a remarkable propensity in this country, not maybe so much here because we tended to do better job of Designing privately managed public spaces that don't work. It's amazing how many empty landscaped places there are. Even here. There are a few here. So, I think a lot of us that are, that are trying to make both the development and public space work are sensitive to the question of will this design cause people to want to be there, and then we try to get at that with criteria that, that say, you know, orient windows and entrances and balconies to surrounding points of interest and activities, which is why I raised that question. This space will have supervision, it sounds like, the units look down on that space so that, that gives me some hope. The developed transition areas. You know. Where private development directly abuts a dedicated public open space. So, it sounds

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like again, you have the opportunity for the people living in these buildings to get out into that space, not just by coming around the end of the building from the entrance, but in the case of the residents on the ground floor directly, right?

Novak: Yes. The ground floor units that have the terrace space would be able to access the park.

Hales: Ok. Ok. I think that answers that. The question got raised, who will use these public spaces. So, your intent is to design them for community use and resident use, to keep them public easements and the way that you have furnish that space, is intended to create areas for seating. Might want to put that design slide back up again just for this.

Pfeiffer: It's interesting, as I listen there, I was trying to think of 100-foot wide because I can think of numerous examples of small or most of them are in the pearl, some in south waterfront

Hales: In the south waterfront.

Pfeiffer: Right, just, just -- I don't know the scale, I have to think about it, 30, 40 feet, but they are intimidating to the passerby if you are not a resident. Especially when the buildings are six or seven or eight stories. My guess and steve would be the one to answer this much more as a designer of the space. My guess is there were two reasons to widen it by the commission. One was the funnel effect which creates a broad portal that goes down to the existing 40-foot one. The second is my guess, the bigger the space the more inviting it is to a non resident.

Shapiro: That's the intent. And in doing, in developing the design, we try to make the gateway to each space gracious and inviting and, and clear in the sense that you could see the adjoining walkway, and the river, for example, there are not trees in the middle of each of the spaces. The views have been maintained as being open.

Fish: As I look at the design, I think that you created an Inviting space, and I am guessing from the picture here it's well lit.

Shapiro: It would be, yes.

Fish: And there seemed to be lots of modern lamp posts throughout it.

Shapiro: Right.

Shapiro: So as lee mentioned, we also had a three-foot elevation difference between the east and west sides of the, of each park, that necessitated the ramps as well as the stairs.

Fritz: I am interested in the design of the two public spaces. The one to the west, one straight-through pass but also got a curve path. What are you thinking would happen differently in those two? Who would you assess differently?

Shapiro: That would be the northern, more northern open space, and that has the broader, more direct passageway connector. It will, it also is going to be modified slightly by a request by the commission, and that, that it accommodates informal event spaces. So, we may widen.

Fritz: I'm not clear why you have got a straight pavement and a curved pavement on the left.

Shapiro: Oh, the curb is a ramp.

Hales: There is an elevation change?

Shapiro: Because of the three-foot difference. The stairs. It's hard to see in the rendering.

Fritz: I see. It still seems pretty wide, it's the one on the right of that, the picture on the left, the straight path, the one with the stairs, and then it's not going to, to be accommodating wheelchairs side-by-side or bikes. They are going to go down the road, right?

Shapiro: Correct.

Fritz: So why does it need to be that wide? It looks like there is a lot of pavement rather than green, green.

Novak: We are trying to reflect the open space between the pacifica and the townhomes.

Hales: Ok.

Fritz: Say that again?

Novak: Well, we are reflecting the open space to the, to the riverside.

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Shapiro: And we also have a sewer easement within that space. We tried to keep the pavement off of that space.

Fritz: My, my comment is that there is a lot of pavement in that particular green space. I am wondering if it could be more vegetation than less. That's one question I have about the green spaces.

Shapiro: We requested to have more pavement by the commission.

Fritz: Why?

Shapiro: For event space.

Hales: So, they are programming these two differently. One of them is more green space and quiet and one is more public --

Fritz: What kind of events would you have in a linear space like that?

Shapiro: The apartment may have an opening -- i'm not really sure.

Fritz: You are doing what they asked you.

Novak: We think that there are Opportunities. We have a roof deck, which is relatively small, 1500 square feet. And where, you know, I think is probably a more private space for events, but I don't think that there is anything that precludes events from occurring in that space. And you know, I think that there is enough openness. They asked us to reduce the planting because they did not feel it was conducive enough to events. So I think having bit more openness, a bit more space allows somebody to come in and do something special for an event.

Fritz: It reminds me of the psu plaza. By the streetcar line, where there is a lot of pavement, and so I am concerned about that but my other question is about the one on the right-hand side, why isn't there a straight path to invite people to go through there rather than to sit there and make sure you have the alignment to see the river.

Shapiro: The idea was to create a more interesting space, kind of like a garden room for residents, and also, promote circulation through it.

Fritz: I think I can, I concur with the appellants on that piece. It looks like a private space because of the configuration. My third question is about the street, at 17th. It does not look like there are street trees there, no planter strip?

Shapiro: There are street trees.

Hales: It's not shown in the rendering.

Fritz: How deep are the Terraces shown in one of the photographs? The outdoor space for the ground floor units.

Novak: I'm sorry.

Hales: The upper left-hand corner slide, talking about that?

Fritz: On the, the front avenue site. We saw a rendering at the front avenue site and there were a bunch of courtyard areas in front of them. How big those planters or areas?

Novak: Approximately, I think, four feet.

Shapiro: Seven.

Fish: That's facing east.

Novak: Yes, facing --

Hales: West. I'm sorry, this is on, this is on the riverscape side. Ok. Got it. And could show, please, the, the ground floor uses scheme again? Ok. So, on the front avenue side, there are -- i'm sorry, the management office, which side of the building is that on?

Novak: That is on the north side of 17th.

Hales: Ok.

Fish: I have one last question, mayor, for the attorney. The bonus for the art, we keep saying 1%. Why is it 1% and not 2%? We bumped our percent for the art to 2%, and I don't know --

Pfeiffer: My immediate answer is I think the code says 1%, that's the reason we use it.

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Fish: The council in -- yeah, 2004 or 2006, bumped it to 2% for the art, and that's off our public Projects. Are you saying the crossroad still lags and it's a 1%, and tim, is that an oversight or intentional?

Pfeiffer: It hasn't caught up yet.

*******:** I don't know.

Fish: As long as you tell me it's the code.

Hales: Current code is 1%.

Fish: Why don't we revisit that, I would like to understand why it's inconsistent.

Pfeiffer: For this or the code?

Fish: Why there is 2% for one and 1% for one.

Pfeiffer: If we are trying to revisit the code, now is the time because we are in the middle of the central city update.

Hales: Yes, we are.

Fish: On the 1% for the art in this project, how is the, how is the art selected?

Novak: We worked with the regional arts commission. They are managing the art selection process. So, we have worked with them to select group of about 10 to 12 different artists that we are going out to with the project scope and saying, are you interested? Is this scope that you can meet the time lines and the budget for, based on that, we'll narrow the group to three or four. We'll interview them and the regional arts commission will also approve that selection.

Fish: So it sounds like you are contemplating a sculptural elements in the public plazas.

Novak: Right, and the approval allows for a 10% modification of the public spaces in order to accommodate the future Art.

Hales: Ok. Further questions? Thank you very much.

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

Hales: Are there any people signed up to support the, of the opponents?

Moore-Love: No one else signed up.

Hales: Ok. Give the opportunity for the appellants to come back up for any rebuttal.

John Bradley: I just wanted to comment briefly on -- oh, sorry, john bradley, 2315 northwest johnson. You know, I just wanted to comment briefly on the role of the design commission here. And I would like to, to make two quick comments. First, you know, there is no question that they spent a tremendous amount of time on this. There were three very long meetings. But, I think that reflects on two things here. First their commitment to the importance of this area. In terms of the whole river district. And second, you have to figure out where this project started from. And if you go back and look at the original drawings, there's been quite a bit of improvement. I would like to reemphasize that I don't think that we're there yet, and that this is an unfinished project. The other thing is we are left to interpret whether -- how each individual design commissioner felt when they came up against the wall and realized this was going to be the last meeting. And so you are left to interpret what are my options. My options are I either kill this project or I give it the go ahead. And so, you know, I would like to, to suggest that they spent so much time and effort, that the tendency would be to say, well, it's ok. We'll pass it this time. Thank you.

Hales: Thank you.

Hales: All right, time for council discussion and motions.

Fish: I am prepared to make a motion, mayor.

Hales: Ok. Proceed.

Fish: I would like to make a motion to uphold the approval and deny the appeal.

Hales: Is there a second?

Saltzman: Second.

Hales: Further discussion before we --

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Fish: One comment I would like to make by way of discussion, mayor. I think the last testimony we had was directly on point for me because as I look at the original proposal, and how it evolved to the third proposal, I think that there has been just substantial improvement in the, the massing of the building. The positioning. The public spaces, the materials on the exterior, the colors. And, and I don't feel that at this point the need to add an additional condition as the public plaza. I think the record is clear from the testimony that this, that there is, a public easement and this is intended to be open. So I don't feel the need to burden the conditions with another one since it is official on the record.

Hales: Ok. Thanks.

Fritz: I have a question for staff. Can you tell me more about the discussion of the design commission, the other conditions that they were looking at, and particularly, in general and also in relation to the points I raised about the plazas.

Mark Walhood: Sure. It was a 4-2 vote. The two commissioners who withheld had real similar concerns, mostly related to the orientation and the design and location of the commercial space. They were talking about getting the commercial spaces more oriented to the plazas. Getting more commercial spaces. The remainder of the points were for the most part, that I have in my notes, encapsulated in the conditions, they did not like the shingle siding that got changed out. They wanted the one open space, a boxier square space to lose one of the two internal planners, to have a bigger gathering plaza space. Mostly it was about the commercial space. Its design and its placement and orientation. The other commissioners had pointed out during the deliberations, and as I think as a strict code reading, it's true, is that there is no requirement for the commercial. And the guidelines speak to orienting your building and your space to the pedestrian environment and various ways, whether it's residential or commercial. So, I think that there were two commissioners who felt that they could, they could, they could, the commercial space could be improved and, and but I think it was a minority opinion. But it does not mean that -- they don't -- they are not -- they don't usually like to make specific design related suggestions. They raise issues and the applicant will go away. So, but, from the, the deliberation I heard, most of the specific objections raised were addressed and captured by the conditions of approval. The two commissioners that voted no actually crafted the majority of the conditions.

Fritz: Thank you, and how about the plaza design? You said -- is it the, the plaza on the right that they wanted to get rid of that center planter?

Walhood: Yes, that's one of the conditions, get rid of one of the center planters, they did not specify which but one of the two to have more gathering space.

Fritz: In the right one?

Hales: That's condition j there.

Fritz: Would that allow and/or require a straight shot through that one?

Walhood: It did not necessarily require that the two entry paths be moved. So, it was just asking for one of the two internal raised planters to come out. There is already condition of approval for allowing 10% change in the design and Location of the planted areas for the public art and i'm just throwing this out, but if I get a nod up and down from lee and robert, as a friendly amendment, if they were willing to align those, you know, I don't know if they are willing -- no, i'm looking at lee. I'm seeing a nod. i'm doing the building permit so I can make sure that happens if, I see them nod.

Fritz: I saw a no.

Walhood: I'm doing the building permit so I can make sure that happens if, I see them nod.

Fish: I think we saw two arms raised. A head one way but I think that's a yes.

Fritz: Commissioner Fish are you willing to accept a friendly amendment that there be an alignment in the right hand plaza so it's clear that people are welcome to go through and get to the other public space, to get to the river.

Fish: Is that the, the --

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Walhood: We might keep that off the record to having to return with revised findings, as a staff suggestion. I can give my word as the permit reviewer. There's the hand again. Because we already have a condition allowing that, basically.

Fish: If the, if commissioner Fritz, if that's acceptable to you with that caveat, I accept it as a friendly amendment.

Fritz: Thank you. As the commissioner in charge of bds, I think that I can make sure that --

Walhood: Call me later.

Fritz: Won't be interfering, but I will be looking for that to be done, and I appreciate everybody's good work.

Hales: Any further discussion? Then thank you, mark and we'll take a roll call on the motion, and there won't -- we're not modifying the decision, so at the advice of council, that time line.

Linly Rees, Deputy City Attorney: There would be a question as to whether to make a tentative vote or a final vote. Oftentimes we leave it to the applicant to determine whether they want to supplement the findings or whether staff believes they need to be supplemented in some way for the final decision. So I think that I would ask the applicant to let us know whether they wanted to.

Hales: Any reason for the council to not take a final vote in your opinion versus a tentative one?

Pfeiffer: As much as I would, I would like that, I would suggest instead that you take a tentative vote and return in three weeks, which gives us time to prepare specific findings, which I think, frankly, it's good to have findings that respond directly to the issues presented, and your response to those. And I know the time line is such that if I have those to linly within a week, and that puts us quickly to the third of july. That's what we would prefer.

Hales: Is that ok with the maker and seconder of the motion?

Fish: Yes.

Hales: Let's proceed. Roll call.

Fish: I cannot help but think today that whoever owns and operates the dock side restaurant is extremely happy with the outcome. They are going to be doubling their customer base at this location, but, thank you for an outstanding hearing. The testimony on all sides, the discussion, and the thoughtfulness and, and as I look at the handout that we got showing the evolution of this project, it's startling to me how it went from an original to the third and final proposal incorporating the community suggestions. And that's how this process is supposed to work. And I believe that at this stage our role is to be like a referee to make sure that it has been a fair and honest process and open to ask all the questions that we have of the applicant and, and the appellant. And I think that we have made a good record. And I appreciate, as always, the thoughtfulness of the neighborhood's position and the testimony of the people here, and based on the conditions in the record and this conversation, I support the motion. And I vote aye.

Saltzman: Well, I feel that yeah, I guess that I have great deference, I don't consider myself a design professional by any stretch, so I feel a great deference to the work of our design review commission on this project, and on a lot of projects, we don't get very many design review appeals before us. So, I don't feel that I have any, I have not heard the testimony today that, that persuades me that this project hasn't, in fact, through three hearings, come in a positive direction, and that it's time to follow the, the support of the commission and approve this project. Aye.

Novick: I also very much appreciate the work of the design review commission, and i'm glad that we, as a city, have a process that results in, a buildingscape that makes this a more beautiful city, and I am pleased to vote aye.

Fritz: I appreciate the northwest district association bringing this appeal and raising these issues because I think it does show that our design guidelines are not as strong as they need to be, particularly with relationship to the river. And many of the concerns raised appeared warranted, however there's the issue the buildings in between the new development, and the river, not being able to allow for many of the views and the orientation, so I agree that it's somewhat, these buildings

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could be in any place in the city to a certain extent, and I think that there was significant changes made in response to your participation at the hearings and the design commission's intervention. The wider plazas and the amendment that's not in the amendment, the understanding we just got to, about the connection to the river, is particularly important and it's challenging -- I don't think that we are referees, we are the replay booth upstairs deciding whether the referee made the initial call correctly and we get to overturn it if we feel that way, and i, I think that in preparation for our hearing tomorrow, which as Mr. Pfeiffer pointed out is a decision about whether do rather than did they make the right decision, that's a different process, but, I appreciate being on the council, and I thank my staff and the bureau development services and in transportation and elsewhere. Obviously a lot of work has gone into this project. And as a citizen advocate sitting where John and others have sat, and as a city commissioner I appreciate the work of the staff in making sure that everybody's concerns are heard and considered. I do thank the design commission for their work. A lot of work has gone into trying to get the best project, and Mr. Pfeiffer, I appreciate your offering to come back with, with the revised findings potentially and also the extension at the time line. I think whether it comes down to, when you have good developers, nobody wants a rush job that does not get to the right outcome. So, with those comments in mind, I vote aye.

Hales: Well, these are really important decisions, whether they are made by staff or the design commission or here, even if it's only on an occasional basis because the buildings last for hundreds of years and street grids last for thousands sometimes. So, it's really important that we get this stuff right, as a community. And that's what in whole process is designed to do. And I agree with the comments here that this project has been approved by, by the pressure from the community in the, in the design review process, both by the neighbors themselves and by the neighborhood association. And I appreciate that good work. I agree with commissioner Fritz, actually, that our role is more than a referee in these cases. Yes, we do owe the design commission some deference for their work and their expertise. But, we're also the final arbitrators of the shape of the city and what happens in the neighborhoods. This is a neighborhood. It's a neighborhood already. People live there. They like living there. They want this to work from neighborhood standpoint. I, actually, one of the reasons that I questioned the team closely is I want to make sure that this project is good neighbor. I think this process has helped assure that can happen. And that it has been designed with a careful eye to the context, the buildings, the homes of the people that live there. I think this project has been approved by this process, and I don't see, really, any substantial opening for the council today to substitute our judgment in ways that would make a material difference so for all those reasons, I will vote aye, and we denied the appeal. We'll return for findings in three weeks.

Rees: Could we designate a time certain? Is there a time certain on the 3rd?

Moore-Love: If the morning is ok, 9:30.

Hales: That's when it will be, and you are in recess to tomorrow until 2:00 p.m.

At 3:58 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 and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JUNE 13, 2013 2:00 PM

Hales: Ok I think were ready to begin. Welcome to the Thursday, June 13th meeting of the portland city council. Karla will you please call the roll.

Saltzman: here. **Novick:** here. **Fritz:** here.

Hales: Here. And we have an item on the calendar that you can read for us.

Moore: Should I read both of those now?

Hales: I think you have to read the item first.

Kathryn Beaumont, Chief Deputy City Attorney, Office of the City Attorney: Sure read both items.

Item 574 and 575.

Hales: Thank you very much. City attorney has some required provisions that we need to get on the record up front, and so do I. Proceed.

Beaumont: Thank you. I have a few announcements I need to make at the outset of this hearing. They're required by state law and the city code. They will identify the kind of hearing we're having today, the order in which testimony will be presented, and then some guidelines for presenting testimony. First, this is an evidentiary hearing, which means you may submit new evidence to the city council in support of your arguments. Second, what the council is hearing today is a recommendation from the hearing's officer on a proposed comprehensive plan map amendment and zone change. The council will hear testimony on this recommendation in the following order. We'll begin with a staff report by 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. And 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. Again, each person will have three minutes. If there was testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut testimony given in opposition to the proposal. The council may then close the hearing and deliberate. The council may vote today on the hearing officer's recommendation. If the vote is tentative, the council will set a future date for the adoption of findings and a final vote on the hearings officer's recommendations if they take a final vote today, that will conclude the matter before the council. Finally as to guidelines for presenting testimony, any letters or documents you wish to become part of the record, including maps, photos, or any other matter, should be submitted to the council clerk after you testify. Any item you show to the council during your testimony, including power point presentations, should be given to the council Clerk to make sure they become part of the record. Your testimony arguments, and evidence you present must be directed toward the applicable approval criteria for this land use review, or any other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. The bds staff will identify the applicable approval criteria as part of their staff report to the council. You also must raise issues clearly enough to give the council and the parties an opportunity to respond to the issue. If you don't, you'll be precluded 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 related to proposed conditions of approval, with

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enough specificity to allow the council to respond, the applicant will be precluded from bringing in action for damages in circuit court. That concludes the opening statements I need to make.

Hales: Thank you. Now it's time to check and see if there are any potential conflicts of interest. Or ex parte contacts. Are there any council members who have ex parte contacts to disclose, or potential conflicts of interest to note?

Novick: I have received a couple emails on this issue. I stopped reading them, but I did see them.

Fritz: I have received many emails I have read, and for those that haven't yet been put into record I'll be cc'ing Karla with my responses.

Hales: And I visited the site earlier this week with ed mcnamara on my staff, we visited the site and got a good view of the situation to remind me of the circumstances, but we didn't speak with anyone there or -- including any of the parties to the hearing today. Anything else any questions about the council's declarations? Yes.

*****: [inaudible - speaking from the audience]

Hales: That's right there's a time allotted for principle opponent if there is one.

Beaumont: [inaudible] -- three minutes each for supporters of the applicant. 15 minutes for principle opponent, three minutes for supporters of the principle opponent, and then the applicant can rebut for five minutes. My apologies.

Hales: Thank you. Let's begin the hearing -- i'm sorry, before we begin with a staff report I believe we need to take a procedural action here, which is that there's an emergency clause applied to one or both of these.

Beaumont: The first item 574 is a report. The second item is the ordinance. That has the emergency --

Hales: Which has the emergency clause on it. And we are unlikely to maintain a quorum sufficient to pass an emergency ordinance, even if that was a good idea later today, so a motion would be in order to remove the emergency clause if that's the council's desire.

Saltzman: I would make that motion.

Fritz: Second.

Hales: Any discussion? Anyone want to testify on that question? If not, a roll call on the removal of the emergency clause, please.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye.

Hales: Aye. [gavel pounded] thank you. It's removed and we can proceed with the staff report.

Douglas Hardy: Thank you mayor hales, council members. Douglas hardy with the bureau of development services. The proposal you have before you today, it's a type three comprehensive plan map amendment from a medium density multidwelling designation to the central -- central residential comprehensive plan designation. It also includes a concurrent type iii zoning map amendment from multidwelling residential 1000 with a design overlay to the central residential or rx zone also with a design overlay. The r1 zone is a multidwelling zone that would allow up to 33 dwelling units on the applicant's site at a maximum height of 45 feet. No nonresidential uses are allowed outright in the r1 zone. The rx zone is also multidwelling zone that allows both residential use as well as some limited retail and office uses, typically on the ground level of the building. While buildings in the rx zone are allowed up to a maximum height of 100 feet, the maximum allowed floor area is limited to four times the size of the site. So this floor area limit Typically results in a building that's considerably less than that hundred feet allowed height. The d or design overlay requires that any development be approved either through a public design review process, or that development meets the community design standards at the time of building permit review. The 33,000-square-foot site as seen here in red, slightly over 33,000 square feet it is a flat site located at the east side of williams avenue, south of fremont. You have ivy street bordering the site to the south, and the site is located in the elliot neighborhood association, and currently the site is entirely vacant. For a broader view, a vicinity map, the site is located on the southern edge of the williams-

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vancouver mixed use corridor. Both vancouver and williams avenue as well as northeast fremont are all designated transit streets, and all three streets are designated city bikeways with heavy bike use along williams and vancouver in particular. Properties typically to the east and west of that corridor are developed with single dwelling or low-density multidwelling buildings, whereas development along the corridor itself is pretty eclectic, it ranges from one to two-story commercial uses, to mid density residential uses. Institutional uses are also located along this corridor, including the emanuel legacy emanuel hospital located just south about three blocks south of this site. As noted, the site itself is proposed to be rezoned to the rxd zone, as seen here in the zoning map, there's quite a variety of zoning in the surrounding area. Along the williams-vancouver corridor you primarily see in this location ex zoning, or central employment zoning. The ex zone, it is a mixed use zone that allows buildings up to five to six stories in height. This ex zone is bounded to the south by rx zoning, rx multidwelling zoning, you do see some multidwelling r1 zoning immediately south of the site, and multidwelling r2 zoning immediately east of the site. And lastly, sort of catty corner to the site, northeast is some r25 single dwelling on the north side of fremont. Next for a quick tour of the site and vicinity, this is a view of the site looking from the corner of ivy and williams, looking northeast across the site. As evident here, the site is an entirely undeveloped. And a view looking north along north williams, with the site here to the right. Evident in the slide is a variety of density and types of development found along the corridor. There is the -- new seasons development going on immediately west of the site across williams. There's some mid density, multidwelling residential about a half block north along williams, and then you do see some lower-scale single-dwelling residential uses along Fremont here. And also there is lower density single dwelling one to two-story dwelling along ivy, so this is a view along the street south, immediately south of the site. While this area in the r2 zone is currently predominantly developed with single dwelling residences, as I mentioned earlier, the site is zone the r2. It is a multidwelling zone that allows buildings up to roughly four stories in height. And then moving again farther south down the corridor, along vancouver, this is a photo of legacy emanuel hospital. They have buildings at various heights up to eight to nine stories in height. This next photo is a view, just east of the site at the i-405 ramp near the cross street of northeast cook and vancouver. It's located about two to three blocks east of the applicant site. Both the cook and vancouver and the cook and williams intersections are basically heavily impacted by the ramp here, particularly during the a.m. and peak hours as vehicles are coming in -- going back and forth from that on-ramp. It does create traffic delays and potential safety risks, particularly with heavy bike corridor that is along vancouver-williams. Both the applicant and -- applicant's traffic consultant as well as the Portland bureau of transportation have identified the need for traffic signals to be installed at both the cook and vancouver and cook And williams intersections. In terms of the approval criteria for the comprehensive plan map amendment, those are found in 33.810.050 of the zoning code, and for the zoning map amendment, those are found in 33.855.050 of the zoning code. The substantive approval criteria for the comprehensive plan map amendment is that the requested designation is on balance, equally or more supportive of the comprehensive plan goals and policies as the existing designation on the site, and the substantive zone map approval criteria addresses adequacy of public services, including water, police, fire, sanitary storm water, and transportation. As for the comprehensive plan map amendment, the hearings officer's report you have before you identified more than 75 comprehensive plans -- plan goals and policies that were relevant to the request. And that were evaluated by the hearings officer. The hearings officer did include a table in the back of his report that identifies what those policies are and he identified the relevancy of the policies to the requested proposal, and identified whether the proposal was equally supportive, more supportive, or less supportive of the policy of these policies than the existing comprehensive plan map designation. And on balance the hearings officer did find that the proposal -- i'll say the hearings officer did find the proposal was less supportive of only two of the 75 plus policies that were evaluated for the

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remaining of -- remainder of the comprehensive plan policies, the hearings officer did find the proposal to be equally or more supportive than the existing r1 designation on the site. Some of the key findings in the hearings officer's recommendation included these listed on the three bullets here. First was the rx central residential designation promotes increased opportunities for housing production on the site, and particularly on the site that is supported by high-quality transit, pedestrian, and bicycle corridor. The hearings officer found that the proposal provides additional goods and services to area residents and employees, and complements the existing commercial corridor, and that the neighborhood compatibility would largely be mitigated by development standards of the ex zone and requirements for design review.

Hales: Could you go back to that again, i'm sorry. Ok. Thank you.

Hardy: As for the zoning map amendments, the hearings officer did as indicated earlier reiterate the need for traffic signals at the williams, cook, and vancouver-cook intersections, and basically included a condition that until the traffic signals are funded, that the number of vehicle trips associated with any development under the proposed designation would be limited to basically the number of vehicle trips you could do under the existing r1 designation. And again, that condition would be removed once those two traffic signals were funded. So based on those recommendations that the hearings officer did recommend to council to approve both the comprehensive plan map and zoning map requests with that one condition of approval related to the traffic signals.

Novick: Could I ask a dumb question as a novice? How do you enforce a condition like that?

Hardy: It basically would be enforced at time of building permit. If ultimately council does approve the designation and it gets rezoned to rx, any time the applicant came in with a building permit, planning and zoning staff would review it against that condition to make sure it was in conformance with that. If there was any question whether the traffic signals had been funded, planning and zoning would go coordinate with bureau of transportation to determine whether that condition had been met.

Novick: So you estimate how many trips would be generated by particular building, you can't like sit there and like count the number of trips.

Hardy: No. The way the condition was written, there's a table that equates -- it identifies different land use categories, equates the number of vehicle trips per square foot, so it translates vehicle trips to square footage so we could directly apply that at time of building permit.

Novick: Thank you.

Hales: Go ahead.

Fritz: This application presumably came in before we changed the parking regulations. What would be the parking required in the new zone?

Hardy: They would be required to meet the current -- the new parking regulations, so assuming the building is over the 55 dwelling units, they would be required to provide the .33 parking spaces per unit. So this land use review by itself does not invest them under the old standards.

Fritz: If we thought in this particular location that was not adequate, we could add a condition of approval of requiring more parking?

Hardy: You could -- council could. You would have to address it per the applicable comprehensive plan goals and policies. As you may have noted for the hearings officer in his findings, that question did come up at the hearings officer level from some surrounding neighbors. The way the related comprehensive plan policy reads is make all attempts to reduce the amount of parking and particularly reduce the amount of parking along high-quality transit corridors, so the hearings officer basically, his hand were tied from at least the comprehensive plan perspective.

Fritz: Right. I'll state up front i'm struggling with this quasi judicial zone change, knowing we're currently revising our comprehensive plan and looking for the zoning for the entire area. So it's going to be challenging for me to figure out what the appropriate thing to do is. But under the current zoning, why did you -- why did the applicant go for rx versus ex versus r1?

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Hardy: In terms of going from our -- from ex or rx, ultimately i'll let the applicant address that, my understanding is the intent was to allow a mixed use development at this corner, given the vancouver-williams corridor is mixed use commercial corridor. He basically wanted to participate if you will in that corridor through -- improve the urban vitality of that corner. In terms of the ex versus the rx, the applicant in fact first did propose the exd zone, and speaking with the elliot neighborhood association, their request was, don't do the ex, do the rx, because they didn't basically is they didn't want to see basically a predominantly nonresidential building at this corner. So the elliot neighborhood association was the one basically recommending the rx as opposed to the ex zone.

Fritz: Commercial is allowed in rx?

Hardy: Limited commercial. You can have either 40% of the ground floor in retail or office, or if it's elsewhere in the building, up to 20% of the floor area can be either retail or office. In the rx zone.

Hales: Ex it's greater?

Hardy: Ex is a mixed use zone. Basically anything goes in the ex zone. It can go from industrial, to housing, to commercial.

Hales: A related question for me, I guess we will hear from the parties to the case on this question, but regardless of what the applicant proposes, in a situation like this is the planning staff free and/or is the hearings officer free to recommend and consider a different zoning designation than someone has applied for? In other words, if they applied for rx but you as a planner or the hearings officer as a hearings officer felt, no, ex would be more appropriate, is this a yes-no decision on the application, or do we have the opportunity in this situation to consider a third alternative, namely something else like that?

Hardy: Right. Basically staff -- the responsibility is to review the proposal submitted by the applicant. At best what we can do is work with the applicant to put conditions on the -- on what is requested in order to effectively get to a yes.

Hales: But you're not free under the process as we have it to say, I hear you that you'd like r1, but i'm going to recommend r2.

Hardy: Not unless the applicant voluntarily agrees over the course of that land use review to say, ok, i'm withdrawing my rx request and propose a different zone. And at that point we probably would have to start the whole land use review process over.

Fritz: The council is also not free to say no? We'd prefer something else?

Beaumont: You can certainly say that to the applicant but in terms of agreeing to change the zone to something else, besides what the applicant is asked for, no, you're not free to do that.

Hales: That would be a legislative process.

Beaumont: It would be thumbs up or thumbs down on what they've asked for.

Hales: That option exists in the legislative process, but not in the quasi judicial process when we're considering an application.

Beaumont: Correct.

Hales: Thank you. I needed that refresher myself. Other questions from council for staff? Ok. Thank you, douglas. Let's move to presentation of the applicant.

Beaumont: Mayor hales, I was remind bite clerk I may have misstated the time limits in my announcements. The goal of the time limits is to give the applicant and the principal opponent equal amounts of time and typically that's divided into 10 minutes for the applicant's main presentation, and then five minutes for rebuttal. I indicated the applicant would have 15 minutes for a main presentation and then five minutes for rebuttal. So the choice would be either to limit the applicant to 10 minutes with the five for the rebuttal and give the opponent, principal opponent 15 minutes, or leave it at 15 and five and give the principal opponent 20 minutes. So the two are equal.

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Hales: Unless there are strong feelings on the council's part I'd rather err on the side of completeness, given we don't have 150 people here to testify and go with the longer time limits.

Beaumont: My apologies for misstating that.

Hales: No problem. Good afternoon.

Ben Kaiser: Good afternoon. My name is Ben Kaiser, the applicant, and to my left is Destin Ferdin, who assisted me in this process. Which started about a year ago. I'm an architect and a developer here in Portland, and I've been practicing architecture and development for the past 20 years or so. Over the last 15 years I've been in predominantly north and northeast, focused on infill development, small-scale residential, condominium projects, and also for the last seven years I've been a member of the Portland Design Commission, and as you're all aware, that's stated in the website, it provides leadership and expertise on urban design and architecture, and on maintaining and enhancing Portland's historical and architectural heritage. So I've been privileged to sit on that group with six other great people from around the community who -- and I have to say I've learned more on that commission than I think I've actually offered back. The site I purchased back in 2004, approximately 32,000 feet, and in 2004 it sat on that property and the property across the street sat on the market for about a year and a half. And no one wanted it. That section, that intersection which is quickly becoming a very exciting I think was long overlooked by the city of Portland, and it always befuddled me because it's one of the most critical hubs and intersections in the city. I think it's responsible for the linkage from downtown from the Sabin, Irvington, Alameda neighborhoods as well as north Portland and beyond. It's heavily used, but for un-- for reasons both known and unknown, it laid fallow, was overlooked. What we're working on now, we're working in a couple of locations around that area, to the north of Fremont, pretty exciting, we're working on a building called the Radiator, and we have team members to the south of us along Fremont, and together we're developing in my opinion a pretty innovative project. This is just good background for what we're talking about today, in that we're breaking ground on a few substantive issues such as one of the first ecodistricts in quite a few years here, we've recently drilled beneath Fremont and hooked into new seasons, taking their excess heat off their condensers which alone will allow 40,000 feet of building to be heated annually for no cost, and now we just made a great breakthrough, Emanuel Hospital is at the table with us and they have their north plant, which is about 1400 feet from this site, and they've agreed to get into negotiations about allowing all their excess heat, which has the capacity to heat over 800,000 square feet of building and the potential to cool it as well. So our site to the north of Fremont and this site in question today, we are anxious and working on making that connection, which will be a first in Portland. And in that process, like I say over the last six months, eight months, we've worked with Pbot and the Franchise Department, and Odor, as well as New Seasons, and Emanuel Hospital and local and area property owners, and all I have to say, have been very -- it's been a real exciting process because everybody has worked very well together, and the hurdles, we're overcoming hurdles one by one and may pull this off, as you all know, an ecodistrict is extremely hard undertaking and we're excited about the potential there. The ex as was mentioned by Mr. Hardy, we originally proposed an ex because the only intent I had with that rezone was so -- to enable the project not to have residential doors right along Fremont and Williams. As we all know, residential door that happens along a busy corridor like that usually ends up in Venetian blinds or closed full-time, and can completely deactivate a street and probably the most important subject that comes up on the Design Commission is exactly the opposite. How do you activate a street. So for an R1 designation to land along busy corridors along part of the city that we want to be dense and active, I thought that was inappropriate. So I went to the neighborhood association asking for an ex. The neighborhood association proposed actually an rx as you heard from Mr. Hardy. An ex would allow only commercial, so in other words, that whole 32,000 feet under an ex designation could be a Walgreens with a surface parking lot. And we all know examples of that, in my opinion that's another way I think the neighborhood, the land chair, and the

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rest of the group was understandably questioning the idea that that could be just a full lot, walgreens, single level, and not at all kind of living up to the hopes and aspirations we have as a city of high-density corridors, and mixed use operations that takes advantage of those corridors. So that's why we then said, ok, we totally understand because we always wanted to have a mixed use project anyway, so the rx designation, if that was going to be the request of the neighborhood association, that's the direction we went with the application. In this, the one partnership I left out is pbot, we have worked well because the problems in that area both for this site in question today as well as the new seasons site in north and south is a lack of signals at the two intersections on cook. So we worked with pbot to author one of the first public-private partnership on paying for those, so area landowners, including new seasons and my partners and partners to the north and south, are agreeing to pay for one of those signals, and so that's exciting, and I think that will be a great improvement for the area as well. There's been some concern and understandable concern from the neighborhood about me finishing this zone change and selling the property. Because as we know the rx designation, ex or whatever the designation may be, goes with the property, not necessarily the team that's in place to develop it, but I have no intention of selling the property. I've been working too hard and long to make this intersection come together. We already have a great team in place to make this come to fruition. I'm excited about that. I did want to just touch on as a developer, I wanted to read something I wrote down here. For many decades we as a city have been working very hard on improving our urban planning and as a result, are now respected around the world for our past decision and present results. The ideas of 20-minute neighborhoods, dense urban core, mixed use buildings, a strong public transportation system, a very vibrant bike community, the decision to deemphasize automobiles, and nodes of high density interspersed among existing neighborhoods are all ideas that are working together in my opinion to achieve visions set in motion by brilliant forward thinkers from our past. These past decisions are so respected and so successful in fact, we have had international visitors from around the world studying our city and the public policies that we put into practice here. And we've had a couple visitors from canada come to pass design commission meetings as well. Change is difficult for all of us. Going forward there are going to be uncomfortable moments, such as today, and i'm sure we'll hear from folks behind me as we seek to achieve these over arching visions of an exciting resilient, dense, diverse, and environmentally evolved city. In my opinion we can't disregard these public policies that have been put into place for this reason to monitor and control these developments. And to that note I want to pause and say that I am making a pledge today and to -- I don't know how we can commemorate this, but that I will go through a design review process and not use the community design standards, and I think community design standards have had some negative effects in the neighborhood, and around the city of Portland. So I think as a city we need to revisit those. And I have great respect for the staff at design review level to work out these issues. I also had a great meeting this morning with the principal opponent and agreed that another good thing that we can do is in this project, and maybe even push farther into the city's fabric is, in the design review process, have a group of the interested community members, part of that process, and that hasn't usually been the case in my experience so far, but on this case maybe we can -- in this case maybe we can work out something with the opponents that are here today to form some kind of coalition that works with me and our team to make sure, and the design review process and staff to get to something that I think we all like. And that is our intent as architects, as developers, our intent, my office is in the area, I live in the area, so all there. Also as we know zone change is a very public and expensive process. This has been in the works for over a year now. Site postings, public mailings, neighborhood notification and multiple meetings with neighbors, in my opinion these 11th hour and beyond now we're having at the city, disagreements are sending the wrong message in my opinion, to the architecture, development, and construction community, and I think it has negative effect in that it could undermine the very relationships I think we're working on building. So I not to say this is an 11th

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hour event, but only to speak about the neighborhood and outreach we're doing the best we can in the development architectural world and as city staff and city policy, mailings to 500 feet, we put up signs on the property, and these have all been months and months ago. So it's interesting these last-minute changes catch everybody off guard. So I think we as a city, i'm not faulting the community on, that i'm faulting somehow the process. Do we need to refine to get that message out? The principal opponent -- opponent and I have had some good discussions about how to change that. So there's still seems to be a disconnect between the process and the public. And I went on to say about how we would like to use design review process, and we'll continue to work like I say, with staff and the neighbors to get to the best project we can. Thank you. And destin helped with the whole application, and it was a very thorough great application in my opinion. So any questions you have for either of us, we'd be happy to answer them.

Fritz: Many of the concerns that i've heard from neighbors through emails and the record are about the height. And would you be willing to have a condition of approval limiting the height?

Kaiser: We discussed that this morning. I think it would be interesting conversation to have where that limit is and what the limit is, but yes, I would absolutely enjoy that conversation to arrive at some balance.

Fritz: The ex zone, I believe the height is 55 feet.

Kaiser: 65.

Fritz: 65 feet. Would that be acceptable? Workable?

Kaiser: I think what's interesting about f-a-r, as you're well aware, and height limits, both work in tandem to come up with a great project. I think we in this site particular work with the neighborhood association and design process, we can -- if we're allowed a little more height along the northeast -- northwest corner of the site, we can actually diminish the pressures on the r2 zone to the east. And on that note, I wanted to mention that there's a burned-out house to the east of the site in question today. Along fremont. We recently purchased that burned-out house, so right then we'll have a 50-foot r2 buffer that is limited by its constraints, so already we've just add a 50-foot buffer to our projects along fremont, and we'll work, i've mentioned this morning, what I would like to do is work with -- through the design review process of transferring f-a-r so we can have that as true open space, that's all through the process of -- through -- with design review. So i'm open to that as well. But -- and also to address your earlier question about parking, what's really exciting is the teaming and -- that we're building in that neighborhood. So my -- in my opinion, the churches are growing very quickly in that area, and there's a direct problem with morning brunches on sunday morning now with the success of area restaurants. So we've been working with the churches because I agree there's a parking problem that's on the horizon, so actually we're going to -- we're working with pdc, talking to pdc as well as carl at united family funds, to actually dig a deeper parking garage, to not only take care of our project, take care of the other projects that have no opportunity for expanding their parking. Because not only -- this is not only our project, but -- and again, I call this a success for the city, that whole corridor, the amount of units, projects in the works is dumbfounding. The density is going to infill just as we all hoped. Again, in my opinion. So I think to get a jump on this parking issue we're all about that. So I would actually like to put more parking than we need on our site, and help alleviate some of the pressures in the neighborhood.

Fritz: You're planning to do underground parking?

Kaiser: Yes.

Fritz: Thank you.

Hales: So the -- you mentioned purchasing the next parcel to the east, which has the burned-out house on it. It looks like that might have been subject to some other land use application at some point. But at any rate, you would intend to develop that to its base zoning as part of this project? Or perhaps separately, or you don't know yet?

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Kaiser: That's a good question, mayor. I would -- I don't know yet. But I would not seek a zone change on it, so it's going to remain an r2. What I would envision seeing it as an architect is just even further stepping down toward r2 to the east. So we'll use it whether it's access to the site in some way, but right now it's exciting because we have that 50-foot buffer just by right of the property.

Hales: Thank you. Good. Other questions? Anything else you want to add at this point? Great. Thank you very much.

Kaiser: Thank you.

Hales: Do we have any individuals signed up in support of the application?

Moore: Two more people signed up.

Hales: Come on up.

Mike Warwick: I'm mike warwick, I am the land use chair of the elliot neighborhood association. I've lived in my house in elliot for 36 years. I've seen a lot of stuff go on there. I was instrumental along with lee and others in the development of the elliot plan, which was a subpart of the albina community plan. And I recognize there's a lot of other people speaking in opposition to this, it seems a little peculiar for the neighborhood association to be supporting a project, and i'd like to make it clear that I think once you hear all the testimony, this is not a case of the neighborhood association being a bunch of elitists that don't listen to the neighbors. That's really not the case. I enjoyed your exchange with the applicant, amanda and charlie, about what was and wasn't allowed with the zone change decision. That was exactly the situation we were put in when this came before us. When we developed the albina plan, the area where new seasons today was a major employment center. It was wonder bread. Nobody anticipated it would go bankrupt, and that the site would be redeveloped as a grocery store which elliot is totally thrilled with. In fact I think the last time I was here was to testify in support of the new seasons project. Obviously that changes the dynamics of this corridor, which has been happening north of elliot along williams north of fremont for several years. So when the applicant came to us and said, I have a housing project, and this is not the first time he's come to us to talk about a housing project at this site, or the property across the street as he discussed, he's one of the more forward thinking I guess developers, comes to us frequently with ideas about things we'd like to do on this property, so we're not blind sided. We're well acquainted with ben and his projects and thinking. He's one of the more creative developers in town. He said, well, now that the new seasons is going in, i'd like to do more ground floor commercial. And I can't do that in the r1 zone. So I would be looking to do something like ex. Elliot's experience with people who go for an ex zone change is one of two things. Either immediately sell the height site based on entire value or they put in something like walgreens that is more parking lot than building. In the albina plan and in the elliot part of the albina plan, our focus on the sites we targeted for e zoning was as e says -- employment. The people in the neighborhood, then as now, need jobs. We have a moral obligation to try and make sure that the e zone is used that way. Unfortunately, as has been -- as the hearings officer said, you can do anything in those zones, and we've seen churches, and we've seen low-income housing, and we've seen other projects go on those sites that have not added a single living wage job to the neighborhood. That's really unfortunate. Don't begrudge the - - I guess i'm over time.

Hales: Go ahead and wrap up.

Warwick: Anyhow, we were looking at the same decision, we said rather than endorse an ex zone that would allow ben, if he chose to, or some successor to develop something that did not have a housing component, we decided let's go for rx. We support that, but we would not support an ex zone. He considered it, and said that makes sense to me. Then we raised the question, which the proponents are raising, which is you know this will allow hundred-foot-tall building and we do not want to see something that looks like the six-story buildings north of fremont. And he said that's not my intent. My intent is to have ground floor commercial, residential project, at the time he was

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considering condos, which would be very compatible I think with our housing goals. And that made sense. He may have a different development scheme in mind today, but at the time we were depending on his intentions, and his trustworthiness to us as a developer, because we have worked with him a number of times over the years in projects. And have confidence that if he can has the wherewithal to follow through, he will follow through on what he's going to do. And that's how we reached the decision we reached.

Hales: Thank you. Appreciate the context.

Lee Perlman: My name is lee perlman, I live at 512 northeast brazee street, i'm a newcomer, just 30 years there. Nearly all of that time member of the elliot neighborhood association, past land use chair, and one of the -- part of the committee that wrote the elliot neighborhood plan. As part of that, I would say that this doesn't meet the letter of the plan, if it did we wouldn't be here, but I do believe it meets the intent and spirit of it. When we started work on that in 1989, the neighborhood had lost more than half of the housing over the previous 30 years. For some highly publicized things like Emanuel's broad expansion, rose quarter, freeways. A lot of it also block by block. Three residential structures on my block alone have been gone in a time that i've been there. We needed -- we felt we needed to restore that housing. To provide a viable neighborhood and also to have provide a level of housing for people who perhaps could not afford homeownership. We did not want to lose the single family housing we have left. We've zoned it r2 and kind of hoped that nobody would tear it down -- tear down the housing. Our solution was in long vacant parcels, to zone it for fairly high density. We had set a goal of a thousand new housing units, we're not going to make it. There are other places where development has taken place at less than the projected density, so here it's a little more. There is another important provision of the elliot plan, which is very strong language against residential to commercial zone changes. That was critical, that's how we lost a lot of our housing, the view of people that this is a temporary use, and treat it as such. So we kind of were partial to mr. Kaiser's proposal, but we said we would absolutely fight ex-d. I would also say that I believe our position on this is that we support it in principle, your mayor hales, commissioner Fritz, mr. Kaiser, you're all familiar with the phrase "how, not whether." so we have yet to see the proposal. It's subject to differences there.

Hales: Questions?

Fritz: I appreciate the historical context from you two who have both lived in the neighborhood for over 30 years and worked part of the albina plan. I'm not quite understanding the trusting the applicant to do this plan with rx versus not trusting him to do an ex similar plan, but with residential but also with more commercial on the ground floor.

Warwick: Obviously we can't tell ben what he can and can't do once he has the zone change. Ben has had some other projects and other properties he's owned that he has disposed of. So we're certainly willing to trust him to appoint. But we want to see housing on the site, and the r zone stipulates it will be used for housing, whereas if he did for some reason gets hit by a bus or whatever, and the property goes to somebody else, they could do the parking lot with a small building on it.

Pearlman: I would add there is a greater level of risk if we -- if he pursued ex-d. An example might have been a kind of low-level industrial use on martin luther king boulevard called the raven creamery. Low-impact, family wage jobs, nice -- at their request we gave them ex-d zoning. Within a year they had been bought out, and the property was declared surplus. Next proposed use, mcdonald's. And a long battle over that.

Fritz: It sounds like you -- I haven't asked the city attorney or my colleagues, but if there was an option for having allowing more commercial on the ground floor that the neighborhood association that you want more family wage jobs.

Warwick: I think that's correct. I'm not sure -- to go to that point, i'm not sure that the kind of retail that you're going to get on the ground floor of these buildings is going to result in living wage

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jobs necessarily. New seasons does 2,000 square foot ice cream, probably not. Which is why we have large parcels zoned for ex. More commercial would be better if the entire floor plate was commercial along williams, I think it would be much more desirable than 40% of the floor plate. But depending on how he configures the property, he may get all of that. So, yes, again, since we can't put conditions on our position, although you can, anything that would allow that with conditions would be something we'd certainly be welcome to see.

Fritz: Thank you. And my last question, based on the feedback you've heard from your neighbors and I know you do have an inclusive process at the neighborhood association, what do you think would be a height limit that would be reasonable?

Warwick: When we talked to ben about that, he said clearly we do not want to see the six-story building that looks like the albert north of fremont. But we did talk about, as he noted in his comments, perhaps you could have the building mass so on the corner of fremont and williams it would be a tower or something that would be a bit of a gateway that would be more prominent than just a flat building would be. And that could be something where the massing would be sorted out so with the far you could get there. I don't expect to see a hundred-foot-tall building, there but i'm not an architect and i'm not sure how much room each floor needs to be for what he's trying to do. I can't say it should be 65 feet it should be 75 feet, I have no clue. That's where we have to trust him a bit. That's where the faith comes in on this process.

Fritz: Thank you.

Hales: The applicant mentioned in this testimony his willingness to go through the design review process as opposed to following the standards, and also proposed some potential community review element to the design review process, at least in this case. What are your reactions to those suggested potential conditions?

Wickman: We certainly welcome that idea. I have to say our experience with design review process in terms of the designs that come out of it being respectful of the historic nature of elliot's residential areas, have not been very good. So I don't have a lot of confidence with that process is going to turn into something, but on this particular location where it can front or it fronts a brand-new commercial building and looks out on an institutional setting, not too worried. Obviously the step-down issue is the bigger concern, both for the neighbors and of us, because that's how you protect the historic area. And we have done -- we had extensive discussion of that in the northeast quadrant planning process. And that is one of the things that came out of it that I think we're happy with. So I know that's the neighbors' concern, it's our concern as well. On the land use committee we do not want to see an albert style building right up abutting single family residences. That's insanity. But ben said he wouldn't do that, I have confidence he wouldn't do that. In any kind of design review requirements he's willing to accepts, we're all for.

Pearlman: I might say I disagree slightly with mr. Warwick. Not the first time. That I have a lot more confidence in design review process than I do in the design standards.

Hales: -- that's true.

Fritz: Question later for staff, would it be a type iii review that would come back to council? It would only be a ii? That's the problem. If it were a type iii we would have --

Warwick: This process has some flaws in it.

Hales: But still, the -- given the choice of a type ii design review process versus the application of the community design standards, you'd --

Warwick: We'd prefer the design review.

Hales: Ok. I just wanted to get that clear on the record.

Warwick: Absolutely right. Yeah.

Hales: Any other questions? Thank you both very much. Anyone else signed up in support of the application?

Moore: That's all I had.

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Hales: Let's hear from the principle opponents.

Paul Van Orden: Good afternoon. My name is Paul Van Orden, I've been a resident on northeast Fremont for the last 16 plus years. Mayor Hales and members of the city council, I intentionally chose to move to this neighborhood over 16 years ago to be an active part of one of the last neighborhoods that offers true diversity and an abundance of culture for its neighbors. I'm testifying in opposition today to elements of the project, not as a NIMBY style neighbor, but as an engaged member of my community. I sincerely believe that bigger dialogue that helps the city reach successful urban planning implementation is an equal balance of three primary elements. These are the developers' proposals, the design review and city staff portion of the project or review phase, and finally, most important, is the input of the actual community members. This hearing today is one of the few opportunities that is open to citizens to offer their input on the project, and to help shape where the vision of our community may be directed. I want to state first for the record that I am thankful for all the hard work of city staff for city staff on this difficult land use decision, and its related impact on other city bureaus. I recognize how hard city staff worked to find solutions that balance out the needs of the community members who live in neighborhoods, and the desire of Portland as a community to become a more dense, vibrant, and livable city. I have utmost respect for hearings officer Greg Frank and planning staff assigned to this case. I had a conversation with the developer today further clarifying community concerns regarding the site. And the potential for far too open ended development to take place that could radically transform our community. After our most recent conversation, I believe the developer, the nearby neighbors, and the Elliot neighborhood association may be in far more agreement on how to proceed than this agreement. My testimony is intended to support the decisions that ensures an equitable balance for the community members who live here, and that we will not face yet another poorly designed project in our neighborhood. I want to speak initially to the transportation elements, and in the code hearings officer's decision on page 40, there's an element b on page 40 of the approval -- 4-0 -- and in that particular element I'll read the initial segment. Until funding has been approved to install traffic signals at the intersection of North Williams Avenue and North Cook Street and North Vancouver Avenue North Cook Street, uses on this site under the RX zone are limited to a total of 25 new weekday p.m. peak hour trips. So I wanted to comment that the code hearings officer has taken what I see as an unprecedented stance on this project, recommending city council include a requirement for specific set of intersections relating improvements before the highest density of development or as spelled out in the recommendation the maximum number of trips can be achieved. I cannot recall seeing this intense of a condition on a comprehensive plan map or zoning map amendment in my 17 years as a citizen following land use decisions. I feel for the record this concern is serious enough as to raise valid questions as to whether or not the added infrastructure of the new intersection improvements will handle the added maximum new weekday p.m. peak hour trips. We would ask for a modification of the recommendation of the hearings officer to require that the project not move forward at whatever density and massing is approved until the funding is not only identified for the intersections, but the completion of the actual work on the intersections is completely finished. To address the traffic issues. If the decision is held over today in any capacity, I would respectfully ask for access to any transportation analysis documents and potentially a community meeting with some of the help if staff in the bureau of -- Portland bureau of transportation so we can further understand as a community the potential ability to find a balance with these increased trips through our community. On the issue of massing, which is really a major issue for the community here, Elliot neighborhood better known historically as Albina is truly one of the oldest sections of the Portland metro region. The house next door to my home demonstrates the issue with its pedigree reaching back into the 1880s. While other neighborhoods get the moniker of historic Irvington or a similar name, Elliot is one of the most important neighborhoods in Portland. The potential for council to offer development rights that are too open ended would be a concern for any community member living

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near the site of parcels. It's hard to argue to community members that a uniform five or up to 10-story rectangular box on this lot is compatible in any context, whether it's the massing of the future structure, or whether it's the design continuity as interfacing historic homes found next door in Elliot's conservation district. The massing on this property can be capped to give the developer whether it's Ben Kaiser or another development party, a balance of greater density than the R1 zoning, and some additional height while still protecting and working in harmony with the existing fabric and design elements of Elliot's historic homes. I would respectfully ask council to consider allowing no greater than a three-story or 32-foot development element all along the interface to the east with the historic housing stock found on Northeast Fremont and Northeast Ivy at a point 30 feet from the eastern property line. Within the setback if we were to start going up higher than two stories, we'd go no greater than three after -- within that element of the first 35 feet from the eastern portion heading towards the west within that lot. It seems compatible with the North Williams alignment to reach, this is my own perspective, to reach five or six stories right along Williams, but not higher than 66 feet. And speaking specifically to a higher height standard, as we get away from the historic homes and along where we're starting to get a much more vibrancy along Williams and Vancouver. I'm also willing to offer as a community member the support for greater massing for a small footprint of let's say 800 square feet at the most in the northwest corner of the project to allow the project to become an effective gateway into Elliot and Northeast Portland. This small corner element may be allowed to go to a slightly higher height standard to offer some prominence to the corner. Since a development proposal is already approved at this lot for a much lower height standard, only 47 units, anything bigger than the 66 feet along North Williams is too large. But nonetheless, that is hard for me to explain since we're talking about multiple massings, but the concept of a massing of 66 or 60 feet along Williams I'm comfortable with seeing it step up just in that corner which wouldn't create solar issues and other elements for the existing residents.

Fritz: Step up to what height?

Van Orden: That's a hard call. In terms of I may feel comfortable with the folks within the design staff, because I don't think they're going to sign off on 10 stories there, they might give them an extra story or two, so from an architectural perspective it has the prominence necessary to make it a building that's successful in terms of its aesthetics and other elements. But I would say at least for the record that I'm not in favor of that stepping all the way up to nine or 10 stories. That might be a bit too much. I'm also certain many of my neighbors today may testify that anything greater than four stories is too much. I can actually respect this perspective based on the Albert to the north. The massing is a sensitive issue for us and our direct neighborhood. The recently completed Albert building project north of this comprehensive plan zoning map amendment proposal was approved using the community design standards and almost zero of the community comments and input were incorporated. The project is such a hulking mass one of our neighbors moved out of their home as a result of the impacts of the development. The project has the potential -- this project has the potential to be a turning point for city council to find a new sense of balance with the needs of the existing and future community members in Elliot. We believe a capping on the elements as I described earlier are a fair way not to limit the ability of the developer to reach a reasonably higher number of units than the 47 units that were recently approved through the land use process. I would like to also see this project incorporate a team of actual neighbors to help the architect successfully bring this project through the design process. Mr. Kaiser has expressed he sees himself as a local developer. Through a new and more intense level of involvement through the actual neighbors who -- we may find ourselves headed in a new and innovative Portland way to address our growth and our respect for community and our livability. Thank you for listening to the concerns I've raised today. Our neighborhood is very diverse, I cannot possibly represent all my neighbors in the room today, but I can thank you as the council for taking the time to listen to all the perspectives that we

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bring to the table, and helping find the balance in our urban planning process that we are so well known for around the world. Thank you very much.

Hales: Thank you. Questions? Thank you very much. Do we have a sign-up sheet of individual opponents to the application?

Moore: I have six people signed up.

Hales: Welcome.

Angela Goldsmith: I'm angela goldsmith, i'm a commercial, property -- commercial and residential property owner on the williams and vancouver avenue corridors. I'm opposing this -- mostly because of the potential for the slippery slope concept. Changing that zoning just for one particular property, it doesn't make sense for the rest of the community. It opens the door for other developers to come in and say, we did it for this one. I've seen that happen before. I've used the albina community plan and the elliot historic preservation district overlays to my benefit on some of my properties in the past, I know there are loopholes, I know there are opportunities for bigger developers to come in who aren't as ethically driven as ben to come in and use that new designation to their advantage against the neighborhood image.

Hales: Thank you.

Erin Howell: My name is erin howell, i've lived in the neighborhood for eight years, so I am new there, but I would like to represent somebody who lives right next to the project. Between my house there's one house and there's the burnt down house they're going to tear down. So i'm very close to this. This is going to completely change the way our lives are, and I just want to stand up for my neighbor lawrence, who's lived in the neighborhood for 50 years, and my neighbor uncle charles, who's lived in the neighborhood his whole life. These guys, they're not here because they're at work, but they're scared there's going to be this huge building pressed right up against their house. And it scares me as well. My main concern is parking, and if there was parking that went down, that would be great. Down into the -- if they built it in. I'm concerned about the traffic. I have a small child, i'm planning to be in the neighborhood forever, and I just want it to be safe. And it's hard to get out of my driveway, and with the developments continuing, the traffic is crazy. Sometimes I can't even get out of my driveway and sometimes with all the cars parked right up against the my house I can't see. So i'm concerned about that and I think the traffic lights would be great, but i'm also concerned about just getting our voices heard, that this is our neighborhood, this isn't a new neighborhood. This has been around, and even though i'm new to the neighborhood I feel we need a respect -- we need to respect the neighbors who have been there for 50, 60 years, and have a voice for them. I think it would be nice to have something there, but maybe just not give, you know, a lot of open-ended faith, put some rules, put some restrictions so we can all be happy. Thank you.

Fritz: Are you on fremont or ivy?

Howell: Fremont.

Fritz: Are there sidewalks?

Howell: Yes.

Fritz: Thank you.

Paul Regan: Paul Regan, i've lived on 68 northeast ivy for about 16 years now. And i'm just concerned that things would go higher and bigger than we'd want them to. A lot of what i've heard today is very positive, encouraging that those things would be taken into account, but as you know from being on that spot, and I know from being at my house, coming to the door, that it's a really nice neighborhood, and I think anything higher than, say, four, five, six stories would start to get into changing the feel of that neighborhood. So my concerns would be the parking and the height as far as staying congruent with everything else that's going on in that area.

Fritz: Are there sidewalks on ivy?

Regan: Yes, there are.

Hales: Other questions? Thank you very much.

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Moore: We've had a request for one more person to speak who didn't sign up.

Hales: Come on up. Thank you.

Christopher Nepper: I'm christopher nepper, I live on 3737 northeast cleveland, one block east of williams. I've lived there for 22 years, before anybody wanted to live there. I work with legacy, I know what it's like coming off of the 405 bridge and trying to cross over to cook. The gentleman over there said that he would never put a real tall building right next to some low houses. One block south of me there's a 44-unit apartment complex. If you get a picture of it, there are some one and two-story granted, they're older homes, right behind it. I don't know how the rose bushes get any sunlight. But I look out my front window now and I see that 44-thing, and I thought, how are they ever going to get sun? Even six or eight stories tall? I know parking and noise is going to be a part of life. But not something that's almost as big as what we have downtown. And i'm begging you to let my neighborhood be the way that it was. Thank you.

Hales: Thank you. Good afternoon.

Hozie Howell: Good afternoon. I'm Hozie Howell, I own a building, an older duplex on northeast cook street, right next to the new development where the old morningstar church property was. There's always been a traffic problem coming off of that -- that has been mentioned coming off of the freeway and up cook street and williams avenue. And that was one of my concerns, that cook street and williams has been an issue for a long time. I've owned the building since 1957. So I remember raven creamery and all of that. And I know that you can't live all in the past. But some of the developments like the building I think you were mentioning on northeast beech and williams, i'm not sure how much parking there is, I know there's a new development on martin luther king at cook street, and there's another building on the corner of cook street on the -- southwest corner of cook street, used to be a parking lot, or car lot. There's another building on northeast monroe street. And martin luther king. There's one on morris and martin luther king. So one of my concerns is for the density of the traffic, the number of cars, everyone is not riding bikes. There's just a lot of traffic now. I'm thankful that the developer that developed the morning store property had garages, each building has garage, and I thought that was pretty well thought out. It's too dense for my taste, but it was pretty well thought out. And the concern was that my -- one of my tenants gave me this to come and talk to you all about it. This development, it was the height concern that most people seem to have, how tall is it going to be. I know on beech street it's pretty big. My aunt lives behind it, can't see williams avenue from her house anymore. So those are the kind of things i'm concerned about, if we're going to have density, well thought-out about the people who currently live there or who might want to live there in the future.

Hales: Thank you.

Ray Culi: My name is ray culi, I am a resident in the elliot conservation district. And on -- I live with my wife and three children, we live along fremont street, just a few doors east of the subject property. Although our family has lived in the neighborhood for only 12 years, i'd like to speak on behalf of quite a number of neighbors in our area who have lived there much longer than we have. And who are not able to express their concerns for whatever reason. We strongly oppose the proposed zoning change from r1 to rx. We strongly oppose the zoning change that would allow such an increase in density floor area ratio, and height from the current zoning. The current zoning allows more than enough density for a site that directly abuts an r2 zone with one to 1 1/2-story homes. It would be a detriment to the neighborhood and to the city of Portland as a whole if it allowed high-density zone adjacent to a low-density zone, not to mention that this low-density zone is in the conservation district. My wife and I are building designers with our own home-based practice that focuses on sustainable design. We're proud to be doing such work here in the city of Portland. Prior to starting our practice seven years ago, my wife and I worked in local architecture and planning firms that specialized in affordable housing, multifamily housing, and mixed use projects. So in our work we strive to design high-density and mixed use projects that are sensitive

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to its surroundings, and in context of the greater urban fabric. We bought and moved into this area because of the density and character of a modest neighborhood, it's very close to both downtown and the lloyd district. Residents of this neighborhood have a good balance of outdoor space, privacy, solar access, and proximity to amenities and services. So the impacts to such a zoning change are too numerous to elaborate on. We've already, many of them have been addressed here today. Massing, so the building bulk, solar access, privacy, traffic, parking, pollution, and overall environmental impact. If rx zoning is allowed at this location, and we know what the possibilities could be if it -- that zone is allowed, if you lived in a 1 1/2-story single family home in the neighborhood of similar size homes, and suddenly a possibly eight to 10-story building is built right next to you, how would you feel? I'm also a member of solar Oregon and my wife and I have invested in solar panels for our house, and we have encouraged other neighbors to do the same for the sake of reduced reliance on fossil fuels. And a building taller than three or four stories will essentially eliminate half of the day's solar energy access for the abutting houses. The houses that are directly adjacent to this property. Not to mention the amount of light and privacy that will be lost when up to nine stories of dwelling units or a wall could be looming over your back yards. So williams avenue and fremont are already a problem with regards to traffic parking and pollution. Fremont street is a narrow but very busy residential street with only on-street parking for many of its residents. A density increase would only make the parking and traffic issue much worse for the existing residents than a project under the current zoning would create.

Hales: Thank you very much. Any questions?

Moore: We have a request for one more person who wishes to speak.

Hales: State your name for the record.

Alise Munson: Hi, i'm alise munson. I live at 72 ne fremont. It's nice to see some of my neighbors out, not in their gardening clothes. I'm here to echo what everybody else has been saying, i've lived 13 years on that street, my house is a former crack house, totally redone from the floorboards and the walls to what I have today. I have seen that neighborhood change so much. I can't imagine living here for 36 years and seeing some of the changes. But some of the changes that i've witnessed, and i've come to terms with them, is the traffic situation. I have a nice driveway that goes up to my house. I can't tell you how many people i've had to apologize to just to pull out of my driveway. I have to stop traffic, the cyclists that go up and down there, it's almost impossible to see them now. I need someone to guide me out of the driveway. And that's on fremont. Williams and vancouver are tremendously worse. I just fear that if we don't put limitations on some of the massing of the buildings that are happening there, it's just going to get overwhelmingly worse. There's near accidents and seriously, anybody who drives there between 2:00 and 6:00 in the evening, you lose your mind. Its has become so hard to get around the neighborhood. I take side streets, and that has become impossible to navigate as well. So traffic, that's one major issue. I also -- it confounds me that I had to put so much research and energy and have people sign off on the design of my front porch, and the steps that I had to put up there, to be in a historic house. My house is 1900. But then we have people talking about putting a gateway that is 10 stories high on a piece of land when I had to jump through hoops just to make sure my steps were perfect. To me that doesn't feel like it really is supporting your community, but supporting development. I also have a huge garden in the back yard. That was one reason I picked this house, not only was it affordable for a 30-something trying to buy land, I have a huge garden, and I would strongly ask you to keep the size, keep it to r1 instead of rx, because my garden will suffer. I know it's really small, but I use my garden. There are people behind me who I have given fruits and vegetables to, and really tried to make a difference in our community, and I know one person's garden is not going to make or break any decision the city makes. But it is a focal point of our community, and if you use that as a metaphor, taking away our garden to build a development, that changes our whole community. It really breaks my heart. So I ask you to keep the zoning where it is, it's a slippery slope if we open

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the door to this, and I like shorter buildings. And I like to keep traffic and our neighborhood safe. And livable.

Hales: Thank you. Thanks very much. Questions? Thanks for coming. That's a sign-up sheet. Additional testimony. Now we'll have an opportunity for rebuttal. For the applicant.

Kaiser: Can we use the time from the previous we did not use?

Hales: If - I think if necessary if you didn't use up all of your time before.

*****: [inaudible]

Kaiser: Is it possible city attorney to utilize the time we did not use in the previous?

Beaumont: That's at the discretion of the mayor and council.

Hales: If necessary, just try to be succinct and proceed. We're nearing the end of this hearing, so we can be a little flexible.

*****: We'll go quick.

Kaiser: Appreciate the comments of my neighbors. And it points to -- it appears we need a new zoning designation for neighborhoods like this. I think we're kind of caught in between an rx and an ex discussion. So what that solution is i'm not sure, but the diagram I gave to you may be a step towards that. Because this is also one of the main topics that comes to design review, is these mid block zoning changes and how to address them. But it's something we have to address as a city, because that's one of the comprehensive plan almost requirements going forward as a city, to have these dense sections amidst lower density areas for all the reasons i've mentioned earlier, 20-minute neighborhoods, walkable community centers, and such. So it would interesting to keep this discussion going later outside of this arena and discuss the potential for a new zone that addresses some of the things we're talking about today. That is a gateway I see that location, and as I mentioned earlier, I think that's a very important hub, and it is a gateway to north-northeast Portland. So it would be interesting architecturally to address that, other than the one-story grocery store, and I think that's one thing that we're excited about as architects and developers, to address what's long been missing there. Interesting discussion too about r1, whether it's r1, r5, rx, ex, ig1, ih, a good theme can make or break a project regardless of zoning. So you can take an r5 zone and do serious detriment to a neighborhood with a bad development team, architectural group, just as you can with an r5, r1, r2, rx. So we talk a lot about design commission the potential of a site is often in the hands of those that are developing and designing it, because both can have bad effects. The albert was gone through, went through design community design standards, it was not at design review process. That community design standard was trying to address all the step-down issues and massing issues, and that outcome is not very pleasing to the neighborhood. So what we're doing as I mentioned earlier is avoiding that and going straight to design review as well as a community investment component as well. Commissioner Fritz, you mentioned more commercial. I think more commercial in this rx zone would be very helpful, because it is the whole intent as I mentioned earlier, to get commercial on the ground floor, and that 40% requirement diminishes that. It's always been our intent to have residential on ivy, because ivy is a very residential street, so we're going to continue residential down ivy, commercial along that strip makes no sense. But along williams and fremont it does make sense in my opinion. Again, as the gateway. In regard to the last testimony about the front steps and all the scrutiny that went through, design review is very reviewed by a lot of departments and folks and staff, and I think it's a very successful process. It has made vast improvements across the city, and on large projects, small projects, infrastructure projects, transportation projects, so -- I don't expect any less on this project that we're going to go through with them. So thank you. Dustin, did you have anything to add?

Hales: Would you explain this --

Kaiser: Oh, sorry. This is something I put together following my meeting this morning with the principal opponent about stepping it in some how putting some constraints on what height is. As you may imagine, I never imagined as a developer as an architect put a hundred-foot wall against

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anybody's house, but I was excited when the neighborhood asked for the rx designation for the opportunity to have that gateway, to have some component that rises up higher at that corner to allow it to be demarcated as a gateway into north-northeast Portland. To be again something other than the grocery store, one level. And so then this would dictate stepping down of sorts, and as you mentioned commissioner Fritz, 65-foot height limit is the limit of an ex, so had I gone in for ex that's establishing the majority of the site as an ex designation. 40-foot height limit is an r2 designation, so the balance of the properties to the east, whether they're small, 1800 era homes, or whatnot, they can still be built to 40 feet. So what this shows is just matching that 40 feet for a buffer zone before we even start the process of investigating what could have been an ex zone, so that's the hatch mark. And stepping up eventually to not even the full potential of an rx, rx is hundred feet, this is designating 80 feet. My opinion we won't even be at 80 feet. I want to leave the opportunity open as a development team to come up with the project that's best for the neighborhood. In that struggle with the far and height limits, I think if we constrain ourselves too much we may end up with zones around the city that we regret in retrospect. When you too constrain a zoning envelope you end up with pretty homologous neighborhoods because developers just fill zoning envelopes. When your being too prescriptive with that path, it often has a negative effect. I would like to leave a little more opportunity to play architecturally with it, to solve it with the design review staff as well as this local community group and come up with the best solution for everybody.

Fritz: Remind me, what's the height limit in r1?

Kaiser: R1 is 45 feet, I believe. 45 feet.

Fritz: Yes. Thank you.

Hales: Anything else that you want to add?

Destin Ferdun: I'll just underline a little bit on the community design standards. Sounds like there's a lot of talk about limiting heights and setting set backs. Obviously the community design standards do those kind of activities and they haven't been totally successful in the past on that. the design review process was really designed in order for people to have eyes on and get input from the community. It's fully appealable it goes all the way up to luba. So it is what the city has put in place in order to protect the community from those issues. I want to speak a little bit to the traffic and to solar access. Solar access is something that we don't have in the code currently. But the development is to the west of the residents. They have significant south exposures as well as east exposures. It is not like anybody is going to lose their access to the sun entirely from that, those aspects. And then traffic, a lot of the problems with this issue with traffic are about the lack of the two signals, the local hospital managed to side step signaling the exit to 405. And its created a lot of issues over time as those growths and transportation corridors have occurred. This side is obviously a very important focal point. At the end of that node again, all of the more reason to provide, and allow more density, commercial use and support that node in that circumstance. And help cause the traffic lights to be put in. As ben said, he's actually going to be contributing to the cost of making that area safer for traffic.

Kaiser: On that note, we have no intention of building this project without those in place. I commute through that area on a bike and a car. I agree with everybody, it is not working right now. It is one of the most dangerous intersections in the city. So its my intent to -- the doors would not open regardless of overlying requirements on this project until those are in place.

Fritz: Has the principle opponent and the neighborhood association seen this?

Kaiser: You are the first to see it.

Fritz: This is really helpful. Why on the ivy street frontage did you not follow the lot line in your suggestion for the [inaudible] in the height?

Kaiser: Well, again, because if you kind of -- just imagining what the massing may be. I think very well it may. I'm trying to envision where the floor line end up and everything. If you are --

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because indiscriminate line. We can put that line anywhere. I think regardless, we still have the setback requirements of -- and the stepping requirements that come into to play through design review, going with the community. I think this is just a starting point, commissioner. Open to a suggestion --

Ferdun: Right now, underneath the zoning code, there's a 14-foot setback if you have a wall up to -- and i'm going to forget the height, probably a 14-foot setback on that whole edge anyway.

Kaiser: This is starting with a 25-foot setback just to start even with. At the 40-foot height limit. Again the 40 foot height limit matches the properties to the east already. Does that make sense?

Fritz: I have a couple of questions for staff and then --

Hales: I do too.

Saltzman: I just have one question. Mr. Kaiser, this map you gave us, are you suggesting that this would become a condition because of the heights?

Kaiser: I would certainly agree to that. I don't know how this exact process works but I would certainly agree to that, commissioner.

Fritz: While you're both here, I will say thank you for that collaborative approach that you are taking and talking, meeting with the neighborhood early and continuing to meet with him and I hope that we can get to a solution that most folks feel comfortable with.

Kaiser: I totally agree. Meeting with paul van orden this morning, we even spoke about that. If communication lines are kept open and discussions are civil, I think it does in the end make a better project. I think where it derails is when the communication is not civil and there's kind of emotions get involved and I think the best thing for any of us to do in these situations is to keep our egos out of it and study the bigger picture of where we are as a city. I think paul van orden was totally adept at that and I hope that I have a knack for that. It would be nice to continue that conversation. I look forward to it.

Fritz: I think that council wants to encourage good development and obviously so does the neighborhood. The concern is that both have been burned in the past by turnovers beyond sometimes the control of the applicants. So, i'm interested setting conditions that will make it work, hopefully you'll be the developer in the future as well.

Kaiser: Sure. On that note, it would be interesting, because this is not always possible, of course, this kind of discourse and the discourse that we've had over the past six months with neighbors. It will be interesting to talk as a city outside of this how to do that going forward, too. I don't think you always want to be getting into the weeds on heights and zoning and so that we need to work on something that will solve this before it gets to this location.

Fritz: It is a good discussion to be having as the mayor and his staff are working on the comprehensive plan updates and as the neighborhoods participate in that, I think you're right, we probably do need new zoning designations and/or some new standards within the current ones. I have found in my community organizing that having a specific example is sometimes very helpful to say okay moving now from this specific to the general, instead of the general to the specific. I think its very helpful that you've been here today.

Kaiser: I agree. Thank you.

Hales: Other questions? Great, thank you very much. We do want staff back and probably transportation staff as well. So, questions for staff.

Fritz: Have you had a chance to look at this?

Hardy: We have, yes.

Fritz: Do you have any initial reaction, in fact, do you have any reaction to anything that you have heard so far this afternoon?

Hardy: Um, I certainly -- I think the graphic provided by the applicant, from my perspective does directly address a lot of the concerns you did hear. Particularly the principle opponent paul van orden was talking about something very similar to what is being proposed here. I would agree with

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one comment that the applicant made about what he's proposed in this graphic is sort of the beginning step. And what we may not want to do is literally design the building before it has the opportunity to go through the design review process. As you indicated that this would go through a type two design review. It does not require a hearing unless it is appealed. If it is appealed, it goes to the design commission. One possibility that may address some of your concerns as well as the neighborhood concerns is the bureau of development services has what is called a design advice request. Where it is voluntary for the applicant to present early in the process their proposal to the design commission for sort of early input. The design advice request is noticed to the neighborhood and the neighborhood can come and effectively participate in that meeting. That may be something that council wants to consider. In fact, requiring design advice request. And then also for -- because this is in the albina plan area, before they can even submit for the design review, they have to do what is called the neighborhood contacts requirement. That is where they literally go to the neighborhood and begin dialogue at the neighborhood level, which with the hope of influencing the design of the proposal. But, yeah, again, certainly I think this graphic is -- does quite a bit in terms of addressing many of the neighborhood concerns.

Novick: Can you talk a bit about how the suggestions and concerns that mr. Van orden in particular brought up would be addressed in the design review process?

Hardy: We do have somebody from our design team. Who supervises the design review. I think I would be more comfortable having him.

Tim Heron: Hi, Tim Heron bureau of development services. Which -- anything specific about mr. Van orden's concerns?

Novick: Give me an indication -- you heard what he said. How would those concerns be addressed in the design review process?

Heron: If the process goes through a type two review, the design guidelines that apply, being very subjective over a broad range of issues relative to new construction on the building materials, setbacks, trash enclosures, entryways and curb cut access to the site in coordination with pbob. A lot of the issues are addressed, and most importantly, allows the opportunity for the public to communicate and address staff and potentially through the design request process.

Novick: Thanks.

Heron: Thank you. That opportunity is for them to be heard by the commission, once the design commission -- one thing the design commission is attuned to is neighborhood input. The first question asked at a hearing, have you been to the neighborhood yet? We have had projects been sent away because they have not been to the neighborhood yet.

Novick: Concerns about height, height at different -- different sides, that would be design review commission?

Heron: Yeah, I was also doodling with respect to ben Kaiser -- I think mine is easier to read. But I think it gets at that issue and also allows the forum to have that conversation.

Hales: Questions for transportation staff. So, the applicant has offered, and maybe there are discussions already underway to partially fund the construction of one or more of the two signals that are needed here to improve this part of the city, how is that going to work?

Kurt Krueger: Mayor hales, commissioners, kurt Krueger with the office of transportation. Hard to get excited about transportation signals, but I am on this one. We don't have an opportunity to bring public private partnerships to council very often. But bens let the cat out of the bag a little bit early here. Probably within four to six weeks we should have an lid before council to put this partnership together. We are putting the numbers together to make sure that the development team is comfortable with the lid mechanism. The city is this summer designing and constructing the williams signal with the Williams bike project. These two intersections work better having at having two signals tied together that speak to each other. And ben and new seasons and three others have voluntarily come together and said we recognize that the city is short on cash. This

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area would benefit from this. We would benefit from this. We're excited to come be a partner here. We are doing the number crunching, what is the best mechanism to finance the private side of this equation. This is a unique condition we placed on here because we had an interesting timing situation. When Ben and I met almost a year ago, I said you are going to be up against a wall here because the signals are not funded. We are going to have to limit your development potential until that signal is there. That signal didn't happen before he was here with his application. My best guess the signals will be operational before he breaks ground with his building will have to go through design review.

Fritz: It would be entirely okay to put on a condition that the signals be installed, because they probably will be.

Krueger: I think that's safe.

Hales: Other questions for staff? All right. Thank you all very much. So, is there anyone who is feeling ready for a motion, or make a tentative decision.

Fritz: I have a suggestion and that is it seems like were very -- Kathryn was going to say something.

Beaumont: Carry on with your discussion. I wanted to note that since this is now a nonemergency ordinance, it would pass to second reading, and since the hearings officers report constitutes the findings that would support approval of the zone change and comp plan amendment, it ought to travel with the ordinance. So you would probably not vote on the report today.

Hales: But if the council were to adopt additional conditions to attach them to the proposed zone change, that would -- could be accomplished today?

Beaumont: You could -- certainly if you have the language for particular conditions, you could propose those and I guess propose amendments to the hearings officers report in the ordinance to incorporate those.

Hales: Or direct staff to prepare those for when it returns to second reading?

Beaumont: Yes, you could -- either you need to have the precise language for the conditions today, in order to be able to vote when it comes up at second reading, or you can identify the concepts that you want incorporated in conditions, staff can bring the language back to you at second reading, and one of two things could happen. If everybody is happy with it, and would vote in favor of it, you could reattach the emergency clause and vote on it then. Otherwise, by amending it and adding the precise conditions, it would be a new first reading of the non-emergency ordinance and you need to pass it to second reading again. I'm sorry for the procedural complexity.

Hales: My sense is, and let me see how the council feels, my sense is that there is an interest in discussing some of these proposed conditions, and giving some both indications to the parties to this case today and to staff about what the council would like to see in the approval documents that come back to us, and that's my --

Saltzman: I apologize, I'm excused to leave right now, but I will give my two cents before I leave. I'm in support of moving ahead on the zone change. I do think the stepping back and the height limits that have been proposed by Mr. Kaiser I think are responsive to the concerns of some of the opponents of the project. I also, certainly support a condition that the traffic signals be fully up and operational before your development.

Hales: Thank you, Dan.

Fritz: I came here expecting to oppose this because of the increased height to 100 feet, and potentially across the entire site. This has been one of the most constructive hearings that I can remember in my 20 years of participating. I'm concerned that the neighborhood and others have not had time to comment on this and I would like to get our design review teams -- I would like to see what Tim's simplified version is. I certainly -- much more supportive of the proposal with some kind of height stepping on the blocks. And I would also like to explore having an increase

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in commercial beyond the 40% on fremont and williams as to how much that would be, I would like staffs advice on that. I also think that it sounds like the neighborhood and the applicant are very close to being where most people can be comfortable and obviously not everybody will be entirely happy on either side. If we give a week or two for that continuing conversation to happen, we might be able to get to we could indeed put the emergency clause back on and pass.

Novick: That sounds right to me. What does the applicant think about the idea of giving this another week or so?

*****: [inaudible]

Hales: Sure. With direction from the council, that is.

Kaiser: In what form commissioner? What would happen in those two weeks?

Novick: Commissioner?

Fritz: I think staff would work with you and the community to see -- i'd like to hear from the community, do they like this or not? Or do they like tim's. I think there could be some very focused conversations over the next week to say -- to bring back a proposal. Because i'm not comfortable on the fly saying that this is the right map. And indeed i'm not comfortable -- I don't know how much more commercial would be a reasonable amount of commercial to have. But i'm responding to your intent. And the neighborhood's desire to have more employment.

Kaiser: And I very much appreciate that. I guess i'm just curious, as you mention, if we go back out to the public with it, in what form does approval need to come back because there are some folks, I think, that you mentioned that are not here even that are upset, and I think even beyond what you've heard. I'm wondering if I do out to the community and if were adding voices to this conversation or if were --

Fritz: I would suggest that we continue the hearing for a time certain so that people can continue to give us feedback on whatever it is you come up with and you come back with staff and principal opponent to say, yeah, i'm not proposing another two months to hold notice in the neighborhood association newsletter.

Kaiser: I think it is a great idea. I'm just curious what it will be that we bring back. Is it a community sign off saying yes were behind this --

Fritz: It is more the specifics on the conditions of approval.

Kaiser: Sure, got it.

Fritz: And maybe a refinement of this map or maybe it is a sign off of this map. I don't know whether the extra, you know, 5 feet from 75 to 80 is crucially important to anybody or to you.

Ferdun: I would have some slight concern about the wording around the traffic signals. Basically if ben can't go in for even a development issues meeting or design review meeting or submit anything for additional land use prior to the signals being completed, it is going to set us back --

Fritz: I think -- and I agree. I want to make sure that the language works for you.

Ferdun: Are we coming up with the language?

Fritz: No, you are going to work with staff, having heard the legislative intent of the council --

Ferdun: That's fantastic.

Hales: Let me add some comments to this. I think we're pretty close. General scale, it seems to me -- first of all, we will cobble together a solution in this case with some existing zoning designation and some conditions. That's what we're about here. I think we are going to get to yes in terms of at least what the applicant wants to do and what many of those who have been concerned about the project want to see and not see. I think this has been an enormously illuminating hearing, not just about this case. First it shows that a principled developer negotiating with the neighborhood in good faith, can, as you stated, regardless of the zoning, get to much better results than the zoning would ever dictate on its own. It shows the value of a collaborative process in bringing projects forward. Room for improvement citywide on that score. But this is

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an example of a particularly robust discussion between people in the neighborhood level who really know what they're talking about, care about their neighborhood and developer who is willing to work with them. With all cases involved this much goodwill and expertise. Secondly, it shows the weakness of the community design standards as opposed to design review in situations like this to avoid the big box building next to the existing neighborhood, overshadowing gardens and back yards and looming over people's houses. It shows that we have work to do in the revisions of the comp plan in expanding the use of more inclusive and thoughtful design review to more places, rather than relying on the gears turning just the right way in code to get us what this kind of dialogue can produce. That's what I'm aiming for and I think what we all want to see more of in the next version of the comp plan and expansion design review to more areas of the city. So, I think this hearing for me, and I bet for the rest of the council, has really highlighted the importance of that work, not to mention the big amount buildings popping up all over town under other zoning and other cases. We get that that is a problem. This hearing has really showed us the difference I think between the sort of dumbed down mechanical effect of standards, even the best standards that we can write and what you can get out of community informed process. I think if we -- if we instruct staff to come back with conditions that say that -- if we can enshrine your intent to go to design review and condition, I would like to do that. You said you would like to do it. It is better than the standards. If we can put that into a condition in this case, I would love to see that. You haven't responded specifically to the design advice request provision, but --

Kaiser: Great idea.

Hales: If you are okay with that, I'd like to enshrine that so that this sort of community review process will happen in this case, again were sort of cobbling together what might be normal in the future process. The fact that there is a local improvement district in the works to fund the signal is great. It sounds to me like we ought to be able to construct a condition that says please get that done, you know, with the lid and city funding so that by the time these units are occupied, that the signal is working. It sounds like it will be long before that. So, I guess those are some of the things I would like to see in terms of conditions. Does that match up here? So, I don't think we've really missed anything. And then -- yeah, this is a little trickier one, is there a way and condition to say, a massing scheme that looks about like this. Exhibit to say -- this kind of massing scheme makes sense to us. No, we will not hold you to 65 feet on the northwest corner, you pointed out rightly and I suspect most of those here to testify would agree, thoughtful design review process, rather than a council imposed height limit is the better choice. I'd rather say this is the intent that a massing scheme that steps down from the high point in the northwest corner to the remainder of the site and interfaces with the height and neighborhood r-2 zone next door, something along those lines which I bet our staff can do a better job than I just did verbally --

Fritz: I would still like to have something --

Hales: Yeah this is good as an exhibit.

Fritz: with a maximum because as I said if it were to go through a different developer in the future, this is -- that would be good.

Kaiser: I absolutely agree. I guess I would like to say one thing. And I agree with you on all of those points. If this conversation that we had today is burdening my fellow developers going forward with more potential requirements, dar's and going down the design review process route, I think outside of this forum, we should discuss fees in that process. Because I'm -- I definitely question how expensive it has become and I don't fault necessarily the bureau, because I think they're constrained by other many other systems, but the fees are now inhibiting the process. It is becoming so expensive, unless the project is of a certain scale, design review process, people avoid it at all costs. We as a city, if we make that inexpensive, or free, which would be the best, I

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think you would have more people going through the public process of dar's and design reviews. I think that will help the city overall. We may be charging a lot and shorting out the process --

Fritz: Nine days of being commissioner in charge of development services bureau, that is already on my list of things to look at. That is a great point. The only other issue I heard resonating from several testifiers both here and in email was about parking. As to whether there is anything that can make us feel more comfortable about that, I will leave that to you and discussions with the staff.

Hales: It sounds like your intent is to build more parking than the zoning requires.

Kaiser: I agree, I would be less hesitant to put that on as a requirement, that is something that I can't yet control --

Hales: Yeah, your negotiating that.

Kaiser: I will definitely be above requirement. I can say that with confidence.

Hales: Again just more in the way of commentary, than instructions. It seems to me if this decision by the council, if we approve this when we resume the continued hearing, if we make this decision, if we enshrine this set of agreements in this particular land use case, and you build the project that you think is possible from this discussion and these requirements, I hope it sets an example architecturally, as well as in terms of process of what the majority of the community wants to see in terms of thoughtful addition of density on main streets in the city. We have seen frankly some of the other kind, too much of it, and I think we're all looking for ways to get to -- with the kind of result that seems possible here.

Kaiser: We're excited about that responsibilities.

Hales: Thank you. Any other questions or comments from council? We will continue this hearing and ask staff to return with revised conditions of approval. Anything else that you need from us?

Beaumont: No, staff will come back with conditions of approval that can be added to the decision as well as the ordinance. I think we need a date and time certain.

Hales: Okay do you have a suggestion.

Beaumont: Staff? Two weeks?

Hales: Two weeks, fine.

Beaumont: And so, Karla, that would be what date and what time?

Moore-Love: Two weeks would be thursday, the 27th, at 2:00.

Beaumont: The only other thing you might want to clarify is whether the hearing record is closed. That is are you going to accept testimony when it comes back in two weeks or not?

Fritz: I would like to get it because as I said, the height thing was introduced after the neighbors had a chance to comment. So, I would -- I would like to get more testimony.

Hales: Leave the record open.

Beaumont: Leave the hearing record open yes.

Hales: While the hearing is being continued. Any further discussion. We are continued until thursday, 27th, 2:00 p.m. Thank you all very much.

Kaiser: Thank you.

At 3:58 p.m., Council adjourned.