



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **18TH DAY OF NOVEMBER, 2015** AT 9:30 A.M.

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

Commissioner Fish arrived at 9:32 a.m. and left at 11:30.
Commissioner Saltzman left at 11:30

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Denis Vannier, Deputy City Attorney; and Jason King, Sergeant at Arms.

Item Nos. 1189 and 1193 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1180 Request of Adam Brunelle to address Council regarding climate change and displacement (Communication)	PLACED ON FILE
1181 Request of Wayne Wignes to address Council regarding homeless people's rights and de-partitioned housing (Communication)	PLACED ON FILE
1182 Request of Mike Summers to address Council regarding houseless issues (Communication)	PLACED ON FILE
1183 Request of Crystal Elinski to address Council regarding emergency resilience and investment in future generations (Communication)	PLACED ON FILE
1184 Request of Shane Wrosen to address Council regarding grace and peril (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>1185 TIME CERTAIN: 9:45 AM – Environmental Services commemorates the Columbia Boulevard Wastewater Treatment Plant Citizen Advisory Committee’s 20 years of service providing a community perspective on plant projects and odor issues (Report introduced by Commissioner Fish) 30 minutes requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Fritz.</p> <p>(Y-5)</p>	<p>ACCEPTED</p>	
<p>1186 TIME CERTAIN: 10:15 AM – Appoint Michael Luna to the Citizen Review Committee advisory board to the Independent Police Review, a division of the City Auditor’s Office (Resolution introduced by Auditor Hull Caballero) 15 minutes requested</p> <p>(Y-5)</p>	<p>37169</p>	
<p>1187 TIME CERTAIN:10:30 AM – Require activation of closed captioning on televisions in public areas (Previous Agenda 741; Ordinance introduced by Commissioner Fritz; add Code Section 23.01.075) 15 minutes requested</p> <p>(Y-5)</p>	<p>187454</p>	
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Charlie Hales</p> <p>Bureau of Police</p>		
<p>*1188 Authorize a grant agreement with the Rosewood Initiative in the amount of \$30,000 to support a community safety pilot program (Ordinance)</p> <p>(Y-5)</p>	<p>187443</p>	
<p>*1189 Accept and appropriate a grant in the amount of \$138,112 from the State of Oregon Military Department, Office of Emergency Management for the FY 2015 State Homeland Security Grant Program Phase Five to fund joint state bomb teams equipment and training (Ordinance)</p> <p>(Y-5)</p>	<p>187452</p>	
<p>1190 Authorize a Memorandum of Understanding with the partner agencies that constitute the Domestic Violence Enhanced Response Team for the stated project goals listed in the Office on Violence Against Women FY14 Grants to Encourage Arrest Policies and Enforcement of Protection Orders grant program award (Ordinance)</p>	<p>PASSED TO SECOND READING NOVEMBER 25, 2015 AT 9:30 AM</p>	
<p>Office of Management and Finance</p>		
<p>*1191 Authorize an Intergovernmental Agreement with Oregon Metro for the maintenance and repair service of Oregon Metro vehicles (Ordinance)</p> <p>(Y-5)</p>	<p>187444</p>	

<p>*1192 Amend contract with Nelson Capitol Construction Program Management, LLC to add \$24,100 for additional construction project management and cost estimation services at the Veterans Memorial Coliseum (Ordinance; amend Contract No. 30004168) (Y-5)</p>	<p>187445</p>
<p>Commissioner Nick Fish Position No. 2 Bureau of Environmental Services</p> <p>*1193 Authorize a contract with ALS Group USA Corp. dba ALS Environmental for laboratory services as needed in an amount not to exceed \$1,500,000 over five years (Ordinance) (Y-5)</p>	
<p>REGULAR AGENDA</p> <p>Mayor Charlie Hales</p> <p>1194 Award eight contractors with Business Equity Performance Awards for their efforts in supporting equity in workforce and contracting (Report introduced by Mayor Hales) 10 minutes requested</p>	
<p>1195 Amend loan agreement with Oregon Infrastructure Finance Authority for the Levee Ready Columbia effort to extend project completion deadline (Second Reading Agenda 1172; amend Loan Agreement) (Y-5)</p>	<p>187446</p>
<p>1196 Amend Intergovernmental Agreement with Metro, Port of Portland, Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1 and No. 2 for the Levee Ready Columbia effort to accommodate certain changes to the arrangement among the parties (Second Reading Agenda 1173; amend Contract No. 30004151) (Y-5)</p>	<p>187447</p>
<p>1197 Authorize cost-sharing Intergovernmental Agreements with jurisdictions participating in the Levee Ready Columbia effort for expenses not covered by the Phase I Loan and for repayment of Phase II Loans (Second Reading Agenda 1174) (Y-5)</p>	<p>187448</p>
<p>Bureau of Planning & Sustainability</p>	

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<p>1198 Improve land use regulations through the Accessory Structures Zoning Code Update Project (Second Reading 1164; amend Title 33)</p> <p>Motion to amend 33.110.250 C. 2.b to add "and accessory dwelling units": Moved by Fritz and seconded by Fish. Vote on amendments to be taken December 2, 2015.</p>	<p>PASSED TO SECOND READING DECEMBER 2, 2015 AT 9:45 AM TIME CERTAIN</p>
<p>Office of Management and Finance</p> <p>1199 Authorize \$45 million of financing for the costs of carrying out the urban renewal plan for the River District Urban Renewal Area and authorize refunding of any interim financing (Second Reading Agenda 1160) (Y-5)</p>	<p>187449</p>
<p>1200 Authorize \$90 million of interim financing for the costs of carrying out the urban renewal plan for the River District Urban Renewal Area and long-term bonds to repay the interim financing (Second Reading Agenda 1161) (Y-5)</p>	<p>187450</p>
<p>Commissioner Steve Novick Position No. 4 Bureau of Transportation</p> <p>1201 Repeal Ordinance which vacated a certain portion of NE Emerson St between NE Martin Luther King, Jr. Blvd and NE 6th Ave under certain conditions (Ordinance; repeal Ordinance No. 169325)</p>	<p>PASSED TO SECOND READING NOVEMBER 25, 2015 AT 9:30 AM</p>
<p>Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation</p> <p>*1202 Authorize a grant agreement with Metropolitan Contractor Improvement Partnership to support sub-contractors by providing technical assistance on the Beech and Gateway Parks projects for a not-to-exceed grant amount of \$27,500 (Ordinance) 10 minutes requested for items 1202 - 1204 Rescheduled to November 18, 2015 at 2:00 pm. (Y-5)</p>	<p>187455</p>
<p>*1203 Authorize a grant agreement with Oregon Tradeswomen, Inc. to support outreach, workforce training and hiring efforts in East Portland neighborhoods that surround the Beech and Gateway park project sites for a not-to-exceed grant amount of \$41,250 (Ordinance) Rescheduled to November 18, 2015 at 2:00 pm. (Y-5)</p>	<p>187456</p>

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<p>*1204 Authorize a grant agreement with Portland YouthBuilders to support outreach, workforce training and hiring efforts in East Portland neighborhoods that surround the Beech and Gateway Park project sites for a not-to-exceed grant amount of \$41,250 (Ordinance) Rescheduled to November 18, 2015 at 2:00 pm. (Y-5)</p>	<p>187457</p>
<p>Commissioner Nick Fish Position No. 2 Bureau of Environmental Services</p> <p>1205 Amend contract with BergerABAM Inc. for additional work and compensation for the Tryon Creek Trunk Sewer Upgrade Project No. E10251 for \$325,025 (Second Reading Agenda 1170; amend Contract No. 30003097) (Y-5)</p>	<p>187451</p>
<p>Commissioner Dan Saltzman Position No. 3 Portland Housing Bureau</p> <p>1206 Authorize a subrecipient contract with Portland Housing Center for \$123,000 for homeownership counseling and education (Ordinance; Contract No. 32001218)</p>	<p>PASSED TO SECOND READING NOVEMBER 25, 2015 AT 9:30 AM</p>

At 11:38 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF NOVEMBER, 2015 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; Judy Prosper, Deputy City Attorney and Harry Auerbach, Chief Deputy City Attorney at 2:51 p.m.; and John Paolazzi, Sergeant at Arms.

<p>1207 TIME CERTAIN: 2:00 PM – Accept the Portland Historic Landmarks Commission State of the City Preservation Report (Report introduced by Commissioner Saltzman) 45 minutes requested</p> <p>Motion to accept the report: Moved by Saltzman and seconded by Fish. (Y-5)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
<p>1208 TIME CERTAIN: 2:45 PM – Add Code Removing Barriers to Employment to establish procedures for the use of criminal history information by employers within the City (Ordinance introduced by Mayor Hales; add Code Chapter 23.10) 2 hours requested</p> <ol style="list-style-type: none">1. Motion to accept scrivener correction to 23.10.060 B: Moved by Hales and seconded by Fish.2. Motion to amend directive c to direct City Attorney to negotiate an intergovernmental agreement, subject to Council approval, with BOLI to conduct enforcement of Chapter 23: Moved by Hales and seconded by Fish.3. Motion to add notification language "orally or" to 23.10.030 F: Moved by Hales and seconded by Fish. Motion withdrawn.4. Motion to add directive d providing Council with a one-year report on claims: Moved by Hales and seconded by Fritz.5. Motion to amend 23.10.030 E 3. to add "for offenses not involving physical harm or attempted physical harm to a person": Moved by Novick and seconded by Hales. <p>Votes:</p> <p>Motion to accept motions 1, 2 and 4: Moved by Hales and seconded by Fish. (Y-5)</p> <p>Motion to amend directive b and 23.10.050 A to direct City Attorney to draft Administrative Rules for Council authorization: Moved by Hales and seconded by Fish. (Y-5)</p> <p>Motion to accept motion 5: Moved by Novick and seconded by Hales. (Y-4; N-1 Fritz)</p>	<p>PASSED TO SECOND READING AS AMENDED NOVEMBER 25, 2015 AT 9:30 AM</p>

At 5:41 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **19TH DAY OF NOVEMBER, 2015** AT 2:00 P.M.

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

Commissioner Fish left at 5:16 p.m. and Commissioner Saltzman left at 6:00 p.m.

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

<p>1209 TIME CERTAIN: 2:00 PM – Adopt new and amended supporting documents for an update of Portland’s Comprehensive Plan; accept report of the Citizen Involvement Committee (Ordinance introduced by Mayor Hales) 1 hour requested</p>	<p>Disposition: CONTINUED TO DECEMBER 3, 2015 AT 6:00 PM TIME CERTAIN</p>
<p>1210 TIME CERTAIN: 3:00 PM – Adopt a new Comprehensive Plan for the City of Portland (Ordinance introduced by Mayor Hales) 3 hours requested</p>	<p>CONTINUED TO DECEMBER 3, 2015 AT 6:00 PM TIME CERTAIN</p> <p>Location for continued items 1209 and 1210: Mittleman Jewish Community Center 6651 SW Capitol Hwy</p>

At 6:12 p.m., Council adjourned.

MARY HULL CABALLERO
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.

NOVEMBER 18, 2015 9:30 AM

[Technical difficulties with audio at the beginning of the meeting for roll call and Mayor's opening remarks.]

Hales opening remarks, continued: If you agree with someone's testimony on a counselor calendar item and want to give them support, give them a thumbs up or wave of the hand, if you disagree, a polite hand gesture to the negative is fine. But we ask that we not applaud or make vocal demonstrations in favor or against our fellow citizens' points of view so we can hear everyone. So that's it in terms of the procedure. Are there any requests to pull things from the consent calendar to the regular -- yes, I see one. 1189, and 1193. Right? So those two items have been requested to pull over to the regular calendar. Any others? Ok. So then let's hear council communications, please, item 1180.

Item 1180.

Hales: Good morning, welcome.

Adam Brunelle: Thank you. My name is Adam Brunelle, and I am a planning student doing research and community engagement as well as a climate organizer with 350, pdx, I am here today to talk about climate change and displacement, the city passed a resolution banning all new fossil fuel infrastructure, a landmark step on the road to a sustainable future. From Pembina to Shell to the export policy, the people have been heard loud and clear and I want to thank you. We're in a housing emergency. Home rents have been rising steadily. Communities in east Portland and beyond are finding themselves increasingly susceptible to displacement pressures. Take Lents, for example, where I've been helping a community organization, Livable Lents expand the outreach and understand past efforts taken by the city, in the last year, Lents has seen the average rent for a two-bedroom unit increase more than 14%. Increasing economic development, fueled by PDX's urban renewal has raised concerns over how Lents will change in the future. The community is among the state's most vulnerable to the health effects of climate change while facing the acute risk of flooding and the rising cost of flood insurance in the so-called double vulnerable of climate change. To understand the planning processes, I have heard more than 1,000 pages of public records, and countless hours working, intervening, surveying and mapping and engaging with hundreds of people in the Lents community. During this process I have found little to no evidence that the city's public process to guide development in Lents was even remotely inclusive or representative of the neighborhoods' diversity. Lents is one of the city's most culturally diverse and affordable neighborhoods with immigrants, many of whom are low income, and speak languages other than English. The neighborhood's affordability and diversability are increasingly threatened by market forces and planning decisions with no sale to account for them. For Portland, adjust transition, requires that the city fights to end this displacement and preserve affordability in its neighborhoods failing to do so is a clear violation of the equity principles set forth in the climate action plan. And I apologize, getting a bit emotional on this, with the spirit of Portland award last night, in the anti-displacement pdx story, kind of has moved me quite a bit, and with my last 45 seconds, I want to announce that 350, pdx, a climate

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organization which I mentioned, I am an organizer with, in addition to supporting the city's approach, to industrial lands, in the comprehensive plan, we've become increasingly concerned with displacement and recognize it as a climate justice issue. The city has to prioritize healthy, affordable neighborhoods, with stable housing that have a high degree of opportunity and empower existing residents. This means changing how we develop for density, sustainability, as an existing residence, or not displaced, the displacement crisis like the climate crisis requires extraordinary and urgent action, and we believe that there are ample opportunities to ensure that the city's green climate action strategies fully incorporate the anti-displacement measures every step of the way. 350, pdx endorses every one of the 28 measures that anti-displacement pdx has won in the draft comprehensive plan. Thank you all, and I hope to see the same, both leadership we saw last week, but on the anti-displacement.

Hales: Thank you. Thanks for your advocacy. Ok, let's hear from the next citizen who signed up. 1181.

Item 1181.

Hales: Good morning.

Wayne Wignes: I would like to start with the idea of packing a warehouse full of bunk beds and renting them as an alternative to a new mission. Maybe even, you know, encapsulate the bunk beds with plywood, security, and had been or privacy, charge 200 to 300 a month, something that even homeless people can afford. Physically, this is similar to a mission, but different from a mission since people have the autonomy to come and go as they please. The ability to access bags, take a shower when needed, no 5:00, 6:00, or 7:00 p.m. Curfew for full-grown adults. People don't the get along in situations like this. It's like I said last time I was here, when you allow a large body of homeless people to congregate, it quickly becomes apparent that the peaceful, outnumber the unpeaceful. This changes the dynamics and the way that people get along. Some other things that come into play are, is there enough room for everybody to sit? Are they subject to time limits? Is there autonomy intact? What I was proposing would abolish the time limits. You are going to have enough room for everybody to fit, assuming you are not renting more beds than are available. And it would restore people's autonomy. Secondly, not everybody needs their privacy. Not at all points. Times in their lives, especially homeless people accustomed to this, but even if on a transitional scale, many people would go for this, for temporary amount of time, some benefits for the city or the middle class are that it would pull rental prices down for the surrounding area. You have got to figure, if you run it with no strings attached you are going to attract the struggling college students, the person between jobs, and if they are going for this rather than the costly alternative, you are going to pull the rental prices down. And that's something that nothing on the market can currently do. It would clear room for already developed affordable housing units. So rather than paying or subsidizing for every homeless person to have their own place, you could put someone that's truly affordable on the market, and make money off of the property rather than throwing more and more money at it. Play around with the numbers. You have got 200 to 500 beds that, at \$200 to \$300 a month, that's 60 to \$150 grand a month. Missions get by with one or two staff onboard. Keep an eye out in the hallway, they are probably half asleep. That's all you need in terms of the staffing costs, so this would prove sustainable, if not profitable for the city. We need to try something new, this gentrification and homeless thing, is not going to work out any differently than it did in any other town if we don't try something new, and missions, I will say it, they work for many, but for many they are like prison. That's not living. Thank you.

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Hales: Thank you very much. Appreciate it. Thank you. Ok. 1182.

Item 1182.

Hales: Good morning.

Mike Summers: Good morning. I am not sure how I am going to, you know, follow that, but you know, I am going to give it my best shot. I am Mike Summers, for the record. I reside at right to survive, or right 2 dream too. I came here today to cut to kind of to discuss a business improvement district, basically, say what they are and what the purpose of them is. This is improvement districts are special legal subdivisions, of cities, in which certain functions like policing, security, or maintenance are usually performed by city governments, are instead, transit centered to property owners. In these districts, property taxes paid to the city are reduced and replaced by assessments, by the business improvement district agencies, which use the money to promote business interests. Municipalities also have to pay into the bids for assessments done on municipal properties that fall within the bid, and I will use bid instead of the full business improvement district. This situates the bids somewhere between public and private spaces. While they are funded by local tax revenue, they avoid the standards of transparency and accountability, usually applied to local governments. The account -- that's what I have issue with. The accountable, accountability and the transparency. There is none within the business improvement districts. The purpose of the bids have historically been created to promote interests of businesses, in particular areas of our city. As many begin to move out of the cities and into the suburbs in the 1970s and 1980s, property owners argued that in order to keep their businesses competitive, they needed to revitalize and clean up the business districts. This often involved pushing poor and homeless people out and raising property values, putting pressure on homeowners and residents. Many bids hire security and maintenance personnel to work with these directives. They often wear distinctive uniforms or vests identifying them as ambassadors. I would say that 99.9% of the homeless community would not call these people ambassadors. Just for simple fact that they are told to move along. Move along. Move along. The reason why I say this, as far as bids are concerned, is with the city now saying that they are not going to sweep or criminalize homeless, the homeless people, with the accountability and the non transparency the bid districts are going to continue to criminalize the homeless people. Or their own interests. I don't see how that can be explained to the federal government when we have to, you know, go in and get grant money from them when they are asking, what are we going to do about criminalization.

Hales: Thank you, thank you very much. Appreciate you coming. Thank you. Ok. Next one is 1183.

Item 1183.

Hales: Crystal, are you here? We'll have to have her sign up another day. 1184.

Item 1184.

Hales: Good morning.

Shane Wrosen: Good morning. Oh, no. A wardrobe malfunction, I think they call that. Good morning, commissioners. First off I want to apologize to you, Mr. Mayor, because the last time I was in here, you were gracious enough to give me an extra minute, and I was not satisfied with that.

Hales: I appreciate you coming back. You can't do that today.

Wrosen: I understand, I will try to make it less than three minutes today. So, I started this series with state of the city in which I declared the city in peril. And I think that the answer to all of our problems is the application of grace in its many forms. By peril, what I

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mean is, when I came back to town, aaron campbell was murdered by ronald frashour, and the mayor and the police chief judged that -- the officer should be fired and he's still on the force. And so he's not the only one. There is other officers, I don't know what's going on there, but I don't know where the grace comes in there, but we really need to hold the officers' association to the fire. Grace is the answer there, I know it is.

Forgiveness has to have a way, or there is no future. So, with the transportation thing, last time I presented, I read a poem that I had read to Mayor Katz, and that was a poem that demanded bicycle streets and threatened extradition of car drivers to Antarctica and ended with the caveat that we could all stick together and share the streets. That's the grace in that piece, and that's why I read that poem. We're experiencing some grace in the homeless issue. You have heard commentary this morning, and relentlessly over the last few years, and things are happening, and it's really great to see. I gave you a handout last week, and in that handout was the information about a woman named karen holtz, who is a marine biologist, and very enthusiastic, and really beautiful person who is, who was murdered or killed, Accidentally, by a drunk driver. But, her organs went into six different people. She gave life to six different people, and in that handout there was, also, an excerpt from a book where she inspired people after her death in making life choices profound, profound life choices. And I talked about the grace that the bicycle community exhibited to the drunk driver's family who had lost their bread winner. That's the kind of grace that we need. So, the handout that I have today is pictures of diverters. The first is on 16th and Tillamook. The residents put that in without the city's permission but because it's a hoitey, toitey neighborhood they got away with it. Recently, rodney has a diverter set up just off of Fremont, and that has curtailed the traffic there and made the streets safe. You see that? And historically one of the only dividers that used to be around, I will finish up, there is only one more picture, 30 seconds, please. This is Ankeny and 20th. That's been there for years, and cars -- I have seen cars drive over it, but 99% of them don't. This is the answer to the transportation problem that we have. It's very affordable. We could crowd fund this, and the citizens would do the labor, and the cars could still be on the streets, and the bikes would feel safe because the cars would be diverted every three or four Blocks, instead of these bumps, which feel better if you go over them faster. So thank you for your time. I'm sorry I couldn't keep it to two.

Hales: Ok. Thank you very much. Ok. Thank you all, we're going to move on and deal with the consent calendar minus the two items that have been pulled off. So, let's take a roll call, vote, please on the balance of the consent.

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

Hales: Aye. We'll move to 1185.

Moore-Love: Are we going to do the awards?

Hales: Sorry, yes, we should do the awards, if that's all right, commissioner Fish? We'll do the awards first because I think that those folks are here. Is that right? Is everyone here? Ok. So we will move to 1194, please.

Item 1194.

Hales: Ok. Welcome. We have most, if not all the honorees here. This is a program that recognizes socially responsible businesses in our city. We'll be honoring eight outstanding contractors for their efforts in supporting equity and workforce, and contracting for the city for the housing bureau and for pdc projects, as well as other bureaus. These contractors have been doing great work. It's for contractors who meet our apprenticeship requirements, who meet our goals for minority and women workforce, and who meet our requirements for minority women and emerging small business

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subcontractors. So, we're very pleased to recognize these contractors this morning. I will read off the name of each award recipient, and I think that Rachel has their awards. And she is going to play Vanna here, if you don't mind that comparison, Rachel. We will have them in different categories. The first is for small projects, that is projects of \$200,000 to \$1 million. The first of the firms is titan utilities, who completed a bes project in southeast salmon street and 23rd. It was a sewer replacement project, so congratulations, titan utilities.

Fish: Do you want the commissioner in charge --

Hales: I would love the commissioner in charge, in each case, to be up there with Rachel to present this award. So, is there someone here this morning from titan utilities?

Accepting the award is the commissioner in charge -- i'm sorry. Come on up. Thank you very much.

*****: We are very honored. Thank you.

Hales: Congratulations. [applause] great work. Thank you. And you might as well stay there, commissioner Fish, because the next one is also a Bes project, baseline industrial construction for the alder creek fish passage. I will say that properly. Is baseline here?

Good morning and congratulations. [applause] good work, thank you very much. The third of our smaller contracts is a contractor for our transportation bureau for pbob. They did three different pbob projects. Curry closure at southwest macadam and curry street. Southeast 136th avenue from Holgate to Powell sidewalk infill project, and North Vancouver Avenue from north Russell Street to north Monroe Street, and the firm is dirt and aggregate interchange. Is dirt and aggregate here this morning? Good morning. [applause] thank you very much. Take a photo together. Thanks. Great work. Thank you. [applause]

*****: I would like to thank the city of Portland. [inaudible] edwards and mary fitzpatrick.

Hales: Thank you very much. [applause] excellent. And then commissioner novick, we had the next one in the lineup is also a pbob contractor for a large contractor category above \$10 million. It's for the southwest moody avenue roadway and streetcar track relocation. It was a construction management General contractor project, and the firm is stacy and woodbeck. Stacy and woodbeck here this morning? Yes, you are.

Congratulations. [applause]

Hales: Some of you that follow this kind of work know that a lot of these firms, dirt and aggregate and stacy and witbeck have done a lot of work for the city over the years, and we appreciate you very much as partners. Thank you. Good work. Thank you.

[applause] now we have three housing projects, commissioner Saltzman, for the housing bureau. The first was two projects. The otesha apartments and the greenview apartments, and the firm was lmc. Are you here this morning? Lmc construction here?

Good morning. [applause] thank you. Well done. And then the next firm in the housing group is r&h construction. Thank you very much. Let's hear it for r&h. Thank you. Thank you very much.

And then the third one, in the housing group, is again, another firm, like a lot of these, that have been working for the city frequently over the years, the o'neal walsh community builders for beach street apartments. Someone here from o'neal or walsh?

[applause] thank you. And then the final one, I will present the award, if someone from bremick is here, it's a Portland development commission project. Thank you, bremick construction for being a good partner for pdc. [applause] thank you. We really appreciate these contractors. I know other members of the council might have comments about these because these are shared goals about making sure that our values are matched and how we do business with the construction industry, but we, obviously, have to have

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reciprocal understanding with the construction industry about getting this work done the right way, and we really appreciate you all for being good partners for us. Other members of the council, want to reflect on this? So again, we want to thank all the honorees and appreciate your ability to move our city forward in a way that's both building a great city but also getting other people the opportunity to get into the construction industry, and get work, who might not have been in the past. So, let's hear it for all the honorees.

[applause]

Hales: Great work. Thank you very much. Ok. So, we'll move on now to our first type certain item. We will read, and have commissioner Fish and the bureau introduce.

Item 1185.

Hales: Commissioner Fish.

Fish: Thank you, mayor. Portland's Columbia wastewater treatment plant serves our community by cleaning an average of 70 million gallons of wastewater daily. To put that in context, a few weeks ago, we had, essentially, monsoon rain in our community, and the treatment plant, at one point, was cleaning up to 450 million gallons of wastewater, just to tell you about how unrivaled that storm was. And I am proud to say that the system, the backup systems worked quite efficiently. The plant frequently plans and constructs new projects to meet the city's obligations and to serve a growing population. Since 1994, the treatment plant's citizen advisory committee has worked together with the city reviewing projects and advising city staff. Today, we would like to acknowledge the committee's good work, and to thank committee members for their service. Here with more information are Mike Jordan, who is the director of the bureau of environmental services, and Steve Barrent, the best wastewater group manager. Mike, take it away.

Mike Jordan, Director, Bureau of Environmental Services: Thank you, commissioner. Mr. Mayor, members of the council, thanks for giving us time on our agenda this morning. I just want to say a couple brief things to put what we're going to talk about today in a bit of a broader context, at least for the bureau. Commissioner Fish mentioned that the wastewater treatment plant is an amazing facility. We tend to like to think of it as a resource recovery facility. We recover clean water. We recover methane, and we recover solids, which are converted into fertilizers for crops, east of the mountains. And it is an amazing facility. It's also the largest facility in Oregon. Being as large as it is, and doing what it does, occasionally it could be seen as not the best neighbor in the world on occasion. We are here today to honor our partnership between the city, the staff at the treatment plant, and the citizens from the neighborhoods surrounding the plant, in working together over the last 20 years to mature a relationship, which now works seamlessly, really, to keep the treatment plant a really good neighbor out in that part of Portland. The thing that provides context for us is that 20 years ago, it was extremely unusual for an infrastructure bureau to engage with citizens about its business. Today, the bureau now has a very robust citizen engagement process that is built into the way we do business. Often when we do our work, we are disrupting many neighborhoods across the city when we are tearing up streets, frankly, or replacing pump stations or doing the work that we do. And out of the kind of genesis of the relationship at the plant, we have now built a citizen engagement and information process that really is rivaled by no one else. That we're aware of, in engaging citizens about what is sometimes very disruptive work. So I just want to pass this onto Steve. He's going to go through a bit of information about the plant, and we'll have a couple of members come up and speak to you about their experience. So, Steve.

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Steve Behrndt: Thanks, Mike and Commissioner Fish, and members of Council. I am Steve Behrndt, the wastewater group manager, and before I start showing a few slides, maybe I could ask Pam and Mark Kennedy to come up and sit with me. A little bit of context, just with a few slides. The Columbia Boulevard wastewater treatment plant is the triangle in the center of this photograph. It's an asset worth, with the replacement value well over \$1 billion, it's one of the city's most valuable assets. Where we're located, you can see from the slides, is -- there is Heron Lakes, beautiful West Delta Park and the Heron Lakes Golf Course on the right, and Smith Bybee Lake on the left, and just to the south of the treatment plant is the Portsmouth neighborhood, and you can see a bit of new Columbia in the photographs. That's where we're located in North Portland. So, the plant serves 614,000 residential and commercial customers, and we treat an average of 70 million gallons a day every day that, that adds up to be between 25 and 30 billion gallons a year at this wastewater treatment plant. And we have staff there 24 hours a day, seven days a week throughout the year. The only location in the bureau that, actually, has staff on duty every day of the year, and every hour during the day. The plant was dedicated in 1952, and before the plant was dedicated, Portland didn't have wastewater treatment, so this was the start of wastewater treatment in Portland, and as recently as 1952, it was amazing. This is Mayor Dorothy McCullough Lee in the photograph.

Hales: A very high-tech stage, too.

Behrndt: Yeah. Yeah. Here's what the original treatment plant looked like in 1952, and since then, obviously, we have gone to, as you can see from the first photograph, many iterations of development and expansion over the years, but it was a pretty simple process from the beginning. And since that time, we have done many things, and of late, the last 20 years, we have installed the CSO control system, and you see that reflected in the upper right with one of the big pipes, and some other facilities like in the bottom left, that, actually, helped to take the additional flow from the combined sewer system, but the projects going on at the plant over the last 20 years, but over, really, the 63-year life, have been extensive. Most notable and relevant for today's presentation, is since 1995, we installed motor control in any major expansion at the treatment plant with the guidance of the Citizen Advisory Committee. We have also gotten into resource recovery as Mike alluded to, and the bottom right photograph shows one of the engines in our co-generation facility, which generates electricity from digester gas and reuses the waste heat off the engines to defer some of the costs that we would have had to pay for electricity.

Fish: When you say digest the gas, we are referring to methane?

Behrndt: Yes, methane is the major component.

Fish: The methane is used both to generate electricity, but also, is sold to a company to make roofing supplies.

Behrndt: That's true. And we use some of the methane on-site to fire boilers, to heat the digester process that creates methane in the first place, so we have three current uses for methane. Thank you for that. But above all, and why we're really here today, is to recognize that the Citizen Advisory Committee has helped us over the past 20 plus years to be a good neighbor in the community. We wouldn't have been able to achieve all of what we've been able to achieve without this guidance from the committee. Before we had the CAC, plant managers worked with a group called the North Portland Odor Abatement Committee, and that committee helped us develop something like an odor monitoring process, and that monitoring process was -- included some training where we were looking for a few good noses. We, actually, did training on how to sniff out odors, and identify the areas where we could make improvements. The CAC started in the 1992,

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when an overlapping group of citizens came together to advise us on the design of the wastewater treatment plant's new headwards process that was about to get into the phase, and the cac worked with the bureau for 18 months on that process, including coming up with a vision and guiding principles for the treatment plant. What we were and what we wanted -- what the citizens hoped that we wanted to be, in the future. So, during that process, that was the first major process where odor control was included as a key element to the process. So, following that, 1994, I think the citizens in the city were interested in continuing that relationship for an ongoing period of time, and we formed a follow-up citizen advisory committee, and so, when the facility plan was completed, we, actually, did that process to establish the citizen advisory committee, and council, actually, in 1995, approved, in some kind of official forum, an ordinance to establish the cac as a bureau cac. And that's why 20 years later, we are recognizing that 20-year commitment now to public engagement in the citizen advisory committee. One of the things that we were able to do very soon after that 1999, council passed an odor resolution that established a commitment by the bureau that we will be a good neighbor with regard to odor monitoring, mitigation, and reporting. We also established an innovative notification process where as we can notify our neighbors, if the treatment plant has a maintenance activity or an operational activity that has the potential to generate odors, and we can send out a notification and provide some warning of that event. Today, the cac members represent neighborhoods and businesses and industry and environmental concerns, recreational, educational interests, and they work and guide us on any number over the years of new projects and programs that we're engaged in. And members also assist us in public outreach, attending meetings or us attending their neighborhood meetings, and so forth. And we have created and given us feedback on the odor reporting and notification processes that are available through the bureau's website. So, the members today, the current members, some of who are here today, are pam Arden, a member since 1994, seated to my far left. And pam is a resident of the Kenton neighborhood, and actively involved in the 40-mile loop projects, and as I said, she was an original cac member. Pam and I worked together since before there was a cac. Jim Robison, I don't think he's here today but if he is, please stand up, is a member, also, since 1994, who has particular interest in odor abatement in the north Portland area, and was an original cac member. Gordon Busse, who lives in a floating home on the Columbia River, since 1998, and there's Gordon. Mark Kennedy is seated to my left, the associated dean of -- at the University of Portland College of Engineering, and has served on the cac since 1998, relative newby. Matthew Denton is here, and he's from the Portsmouth neighborhood, and has served on the cac since 2008. Matthew.

Hales: Good morning.

Behrndt: And a few members who I don't think are here, Charles Robertson is the member, a resident of new Columbia and joined the cac in 2011. Charles, if you are here, please stand up. And Jerry Fadden is with the St. John's neighborhood and joined the committee in 2014. So that's our current cac, a great group of people to work with, and I would like to thank them and recognize them for the very long and valuable service. We have met probably 150 times over that period of time on all things going on at the plant so that has been a huge commitment for these engaged citizens, and with that, I would like to invite pam and mark to say a few words.

Hales: Good morning.

Pam Arden: Thank you. I am pam Arden, and I started this endeavor because I was the chair of the Kenton neighborhood association, and the plant is, actually, in the Kenton

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neighborhood, the way the map goes, we encompass the wastewater treatment plant. So, when I was invited by Lee, The chair of the Portsmouth neighborhood association, to help form the north Portland odor abatement committee, and this was a group that just was kind of fed up with what was going on in north Portland. Lee had, actually, set up is a tour of the odor sites, and she would take anybody who was interested on a tour of the odorous sites of north Portland. And unfortunately, the plant was one of them. And it was members of the committee who helped to point out some of the flaws that were happening at the plant, that were affecting the livability of north Portland. And we were lucky, in that we were invited to come and meet at the plant, have our meetings with the staff, and we were able to go on tours around the plant, and some of our members, one of which was an engineer, actually stood there and said, osha asked you to use venting of the headworks building. And that is what's causing some of the odors into our neighborhood. So, they were making the plant better for the workers, but we are shipping everything else out to us, and other people had come out, at 5:00 in the morning to watch a tank truck come in, and offload their load, and it turned out that they were from lake Oswego, and that was another odor thing that came into the neighborhood every morning at 5:00. And so, it was the neighbors and the citizens who came in and pointed out some of the flaws. And we were lucky enough to be able to have a responsive staff. Things with the plant, at that time, were not -- plant members were not saying well, I think that there is a problem over here. That has changed. That has changed dramatically. So, now, the staff is, actually, saying that we have a problem over in this section. And they figure out a way to solve it. So, that is a giant change from what started out in 1992. So, things are not perfect in north Portland, that's for sure. We have gotten rid of our landfill and odor abatement at the plant, and those two things are enormous, when you start thinking about the livability of our area. When you are talking about odor control that was one of the first things when we talked about the headworks. How do you control some of this stuff? Is there a way to do it? They have figured out on every project, through all these years, how to do odor abatement, and it's a very important process, and it's a very important that they recognize what that does to the neighborhood. They are sitting below the neighborhood, so every whiff of anything comes up the hill, just like the noise from pir comes up the hill, so, that's our problem that we are -- the location that we have. I have also always joked, that whatever happens up on mount hood, somebody in there is flushing a toilet, and eventually it will end up down in the Columbia boulevard. So, to that extent, I would always have hoped that we would have had some kind of enhancement fund, somewhat like metro with the transfer stations, to recognize that north Portland had lived with this for many, many years. That fund would have been able to help out a lot of different communities. We never have managed to get that passed, just to the talking stage. Hopefully some year. But, they have spent many, many dollars on odor abatement, and we really appreciate that. One of the things that happened was the headworks project, and this was an interesting thing, is that they were responsible for building a segment of the 40-mile loop trail. On the north side of the loop. And it was like oh, really? So how are we going to get there? You have the plant on the south side, and a bit of trail on the north side, and how do we get there? We ended up having a meeting at the plant, and they redirected our view with the Portsmouth neighborhood to say well, there is a lot of problems over here on the street that was never built, and that became the crossing trail, which is now part of the 40-mile loop. They built a bridge across the loop that had sewer pipes in it. That was a unique item because it was like well, why should we do that? Well, it would be a really helpful thing for the plant because they can get their trucks across

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easier. But also, it helps for the trail, and they built a trail around the plant, and they now have a wonderful connection to the 40-mile loop, and we're very, very happy about that. It seems a little weird to be going to the plant from 20 years, or something like this, but I really have appreciated the attitude that has changed at the planted and the attitude of the des for this. It's really, really something that other bureaus should look at, to how they treat citizens and how they accept our suggestions and work with us on it. Thank you.

Hales: Thank you, pam. Good morning.

Mark Kennedy: Good morning and thank you. I arrived a few years later as pam on the committee. I moved to Portland and starting my teaching career at the University of Portland and lived in the neighborhood, as well. And was invited to join the committee, and thought, this would be, I thought, a great opportunity for me to learn more about the infrastructure. I happen to teach in environmental engineering at the University of Portland. I thought it was a great opportunity. I had never really done any kind of citizen advisory or advocacy, but I thought this would be a great chance, and I remember -- I can remember that first meeting being amazed, and almost intimidated by the amount of citizen input. I worked in other metro areas, Akron, Ohio, and Sioux Falls, South Dakota, with their Utilities and their wastewater treatment. There was nothing to compare. So, it was quite an eye-opening experience. I realized that this was going to be a good 17-year run. I just think it's wonderful that we have a committee that is proactive rather than reactive. I should say, really, the bes being proactive rather than reactive with the help of the committee because taking that approach, makes it a much smoother process with the citizenry that are involved, the neighborhoods. Mike mentioned that it's a resource recovery operation, and -- in terms of methane and clean water and fertilizer, and I also say that in my unique participation, it's been a great resource for students, as well. I have tried to get as many of my engineering students to meetings as possible so that they can see that important part of the engineering profession, which is interaction with the public. Involving citizens, and realizing that, and in civil engineering the public is your customers, and you need to listen to them. So, I tried as much as possible to have my students involved in meetings as much as possible. So, summing up, it's been great experience for me, and I hope that I have contributed to the efforts of bes, and to make the treatment plant a good neighbor for north Portland.

Hales: Thank you. Thank you both.

Fish: Thank you both, very much. And mayor, that's our report.

Hales: Thank you. Any questions? Thank you all. Appreciate both the good work at the bureau and the great partnership with volunteers that have put in a lot of time. So, thank you very much, commissioner.

Fish: Mayor, I move the report.

Fritz: Second.

Hales: Further discussion? Roll call to accept the report.

Moore-Love: Nobody signed up to testify.

Hales: Sorry. Move past that, after talking about citizen involvement. So, if anyone wants to speak, we'll take action to accept the report. Roll call, please.

Novick: Really appreciated the testimony, appreciated everybody's work over the last 20 years. Aye.

Fish: Pam, can you stick around for one second? This is our chance to, actually, thank you, so don't leave.

Hales: Yeah, we want to embarrass you.

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Fritz: Thank you very much for all of your work. I would have to say that serving on the odor control committee is one of the last glamorous titles that one can aspire to and one of the most necessary, so thank you for all of your diligence, and it is an issue that requires ongoing dedication, not something you can just step into, to thank you very much for your report. And thank you commissioner, for bringing this to us. Aye.

Fish: Pam and mark and all the committee members, thank you for your service. Steve, Steve has one of those jobs where on a good day you don't hear much about what he's doing, and I just want to acknowledge one thing, you change a lot when you get one of these elected jobs, and I have a completely different reaction to snowstorms and rainstorms now because I have a better understanding of how they impact people and systems. We have a big snow storm, we worry about all of the people sleeping outside. And how do we get them inside? And it takes an army to make that happen. When we have a lot of rainwater and flooding, it puts enormous strain on our combined sewer overflow system, and it puts enormous strains on our Columbia wastewater facility. What we have come to take for granted is that those systems work very well. And we don't have many discharges into the river, and we don't often hear about the systems being inundated and overwhelmed, but I can tell you that it takes an awful a lot of hard work behind the scenes to make that happen. Today I want to acknowledge the tremendous support we have had from the community and the volunteers who help us get it right, and I love what you said about being proactive and not reactive. The vein of our existence is always being reactive. But when we engage our partners upstream, we can be proactive, and that's where the magic happens. So thank you very much, and to Steve and all of the professionals who work for the bureau, please know how proud we are of your service. Aye. And Debbie Casselton, I have to acknowledge Debbie, and thanks for all your great work with the community, too. Aye.

Saltzman: Well, thank you to the citizen advisory committee. Pam, I worked with you on these issues for many years and on many other issues in north Portland, so I appreciated your service and the staff for the well-run facility, and it is remarkable when you think that we have only had a sewage treatment plant for a little over 50 years. I mean, it's really incredible when you think about where all that waister water went before, which was the rivers and the Columbia slough, so it's remarkable achievement of civilization to have things like sewage treatment plants. Good work. Aye.

Hales: Great partnership, great results. Thank you all. Aye. [gavel pounded] thank you. [applause]

Hales: We are moving to the next time certain all, 1186, please.

Moore-Love: They may not be here.

Hales: We can return to that when they come back. Let's move to 1187, please.

Fritz: I thought that was a Time certain.

Hales: We are ahead of ourselves.

Moore-Love: We were going to take some of those items.

Hales: Let's start with 1195, please.

Item 1195.

Hales: Roll call, please.

Novick: Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye. [gavel pounded]

Hales: And 1196.

Item 1196.

Hales: Roll call, vote please.

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

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Hales: Aye. [gavel pounded] 1197.

Item 1197.

Hales: Roll call, vote, please.

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

Hales: Aye. [gavel pounded] 1198.

Fritz: Let's skip that one.

Hales: Sorry, yes. Right. 1199.

Item 1199.

Hales: Roll call, vote.

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

Hales: Aye. [gavel pounded] 1200.

Item 1200.

Hales: Roll call, please.

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

Hales: Aye. And let's take 1205.

Item 1205.

Hales: Roll call, vote, please.

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

Hales: Aye. [gavel pounded] ok. 1206, a -- ok. Let's do 1206, please. Oh, yeah.

Item 1206.

Hales: Commissioner Saltzman.

Saltzman: Thank you, mayor. This authorizes more resources for one of our best partners, the Portland housing center, which provides home ownership counseling and education for low to moderate income Portland families. These funds will provide those families with the support needed to navigate the home-buying process through financial fitness courses, and home buyer education courses, and also, one-on-one counseling. The funding contained in the ordinance is included in the approved housing bureau budget.

Hales: Ok. Is there anyone who wants to speak on this item? If not, then thank you very much, and it passes to second reading next week. [gavel pounded] and I think that we are -- do we have the auditor here yet? No. Ok. How about we go to 1198, Commissioner Fritz, is that all right? You want to move to that now? We'll see what else we can -- hang on a minute, folks. We're losing a couple of council Members in an hour so we're trying to deal with things like second readings that can't be -- can be addressed quickly. The parks items? Let's do the parks items.

Fish: Also, I have my -- did someone pull 1193?

Hales: Yes, someone did.

Fish: I could do that in two minutes.

Hales: Let's do the items pulled. That's a good idea. That's a good idea. Let's do 1189 and 1193, which were pulled from the consent calendar for discussion. So let's take 1189 first.

Item 1189.

Hales: Ok. Good morning, Sergeant Collins, how are you?

Steve Collins: Great, mayor, thank you. Mayor and council, my name is Steve Collins. I am a sergeant with the Portland bomb squad. I actually run the bomb squad, and we are here today asking you to accept 2015 operability grant.

Hales: This funds both the equipment and the training for the bureaus, to be prepared for a bomb incident?

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Collins: Yes, it does.

Hales: Ok. Important work, obviously. Questions for either Sergeant Collins or the officer. Who pulled this to speak?

Moore-Love: Mr. Lightning did.

Hales: Thank you both. Please stand by and we'll see if we have any other questions for you after testimony. Thank you. Come on up if you would like to speak on this item.

Lightning: Yes, my name is lightning. I represent lightning watchdog pdx. One of the concerns, I guess, I had on the overall agreement is I wanted to ask if on the -- it's kind of a simple change, but I think it is an important change to make on your commercial general liability, you have \$500,000 per occurrence. I would like that pushed up to \$1 million, if this agreement could be amended. Number one, on the agreement. And a couple other issues I had on this, is that I noticed that the homeland security grant program, they had an amount, on exhibit d, of \$6,837,000. I wasn't quite sure what that amount, actually, meant because I noticed that you applied for a grant of about \$138,000. Does that mean that you could possibly apply for a higher number, and you decided not to do that? If so, I kind of would like an explanation on that, if there were additional funds that you could apply for, and why you did not. And basically, that's where I was on my position. I wanted to have a clear understanding on what these funds were for, and again, maybe making an adjustment on the insurance from the 500,000 commercial liability up to 1 million, if at all possible. I think that that could be done easily with an amendment today, and also, have it passed. Thank you very much.

Hales: Thank you. I think that the answer on the grant amount, unless sergeant Collins wants to corrected me, I think the answer is we applied for everything they would give us, right?

Collins: That's correct.

Hales: So, and that's almost always the case with grant applications. So, we rarely hold back from applying for the full amount. Lightning, a legitimate question about the insurance, but I think that's better taken up than the question of the overall liability rather than just this particular function. So ok. Any other questions from council? Anyone else want to speak? It's an emergency ordinance, please, let's take a roll call vote.

Novick: Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Appreciate your good work, aye.

Hales: Thank you, aye. [gavel pounded] and we also pulled 1193.

Item 1193.

Hales: Commissioner Fish.

Fish: Colleagues, the bureau of environmental services operates the Portland water pollution control laboratory in St. John's. The lab analyzes thousands of water and sediment samples a year to make sure the treatment plants operate in compliance with the permits, and to monitor water quality in our rivers and our streams. This ordinance would authorize a contract to provide laboratory services that the water pollution control lab cannot provide, either because it lacks the necessary equipment or expertise, or because of the Staff's current workload. And Dwayne Leonard from environmental services is here to answer any of your questions.

Dwayne Leonard, Bureau of Environmental Services: Good morning.

Hales: Good morning. So, any questions for Dwayne about this item? So, yeah, it's over our threshold amount for consented calendar, so appreciate you pulling it off so that we could discuss it. Any questions? Any concerns? Thank you. Unless you have anything that you want to add.

Leonard: No.

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Hales: Thank you.

Fish: Good answer.

Hales: That's right. Anyone want to speak on this item? If not, let's please take a vote.

Novick: Aye. **Fritz:** Aye. **Fish:** Thanks very much for your good work. Aye.

Saltzman: Aye.

Hales: Aye. Thank you. [gavel pounded] ok. Now, let's move back to our type certain items. 1186. Are they here?

Moore-Love: They were not expected to come until 11:00.

Hales: We'll wait, let's go to 1187.

Item 1187.

Hales: Commissioner Fritz.

Fritz: As everyone recalls we held a public hearing on this issue in July. Council asked us to do additional outreach and more discussions with, particularly The Oregon restaurant and lodging association. We have done that. We are comfortable with the ordinance that's originally proposed, and I would like to proceed to the vote.

Fish: I have just a question of procedure. The gentleman grabbed me when I was outside for a second, saying that they have been here at the last hearing and didn't have an opportunity to testify. I guess the question is, is there any new issue -- are there any groups of people that have not had a chance to testify on this based on the procedure that we're following?

Fritz: No, there was no time limitation on the previous hearing. There was a lot of -- you were the person who raised the competent of additional outreach. So since July, my staff and I have talked with the Portland business alliance, Carol Studenmund, one of the advocates has worked with Steve, the former president and CEO of the Oregon restaurant and lodging association, my staff met with him, as well. I held a town hall on September 30th, and met with community members at PCC Cascade, and we looked at various options and concluded this is the one that works the best.

Fish: Is the policy that we were -- we would be voting on today, is that the policy that the FAA is currently implementing across the country?

Fritz: Yes, which is that captions have to be turned on.

Fish: Thank you.

Hales: Other questions? So, yeah, I don't see any particular reason to reopen the hearing. I know we may have heard some correspondence on the subject, but the ordinance in front of us is the same one we held the hearing on so we should proceed to a vote.

Novick: I think that this is an important step in civil rights, and the city. I want to note that I did consider offering a couple of amendments. There was a suggestion that well, shouldn't the captions only be required when the sound is on because if the sound is off, then everybody is in the same boat. And my friend, Carol Studenmund, observed to me that well, how are people without hearing going to know if the sound is on or off in order to know when they should complain? I thought that was an insuperable obstacle to that idea. And there was the suggestion that we could have that requirement of sound on, sound off only for athletic events because some sports fans are concerned that the captions might obscure some of the action. And one thing Carol informed me there is caption technology available that is less, much less obscuring than we might have seen in the past, and also, the city attorney said that discrimination would be illegal. So, I passed on that, as well. So, having thoroughly considered various possible amendments, I am not proposing any and pleased to vote aye.

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Fritz: Thanks very much to everybody who gathered here today on all sides. Thanks, particularly, to carol studenmund, david viers, steven brown and jim house for your work with my staff to get this done. Thanks to steve for meeting with my staff and his efforts to work with us, and thank you to the community organizations for your support, the Oregon association of the deaf, hearing loss association of america, Oregon state association, Oregon communications access project, which is a local grassroots advocacy group that is credited with implementing captioning at the Oregon shakespeare festival, university of Oregon, Oregon state university, Portland trail blazers, and many others. Thanks to jasmine on my staff, who has done a great job on this one. I do need to note, I have a note, what did I do with my note? I have lost my notes. I will have to do it from memory. Always dangerous. That this ordinance applies to all public places, which are defined as even if you have to pay to get in, that's a public membership, that's a public place. So it applies to gyms and other facilities, as well as to restaurants, bars, and other places. It doesn't apply to federal and state buildings, but that's federal and state law, so we don't need to state that in the Ordinance. And this ordinance benefits everyone. It promotes access for everyone. And I am not concerned that it's going to impact business in Portland's public places. In fact, I think it will rapidly become the standard for the nation that people will flock to be able to, like I do, monitor the sports game at the same time that I am pretending to be interested in what, in the person I am having dinner with might have to say. Well, I usually am interested but I like to watch the sports at the same time. As a rabid sports fan, I am convinced this is not a problem for sports fans, and so, I am really proud to be sponsoring this. I very much appreciate all the work that was done. Commissioner Fish, I do appreciate your asking us to take more time and to get more input, the more input I get, the more I am convinced this is the right thing to do. Aye.

Fish: First, for anyone who doubts that commissioner Fritz is a rabid sports fan, I encourage them to send her an email at 12:30 on Saturday and see if you get the customary response, boom. You won't, of course, because she'll be at autzen stadium, cheering on her beloved ducks. Commissioner Fritz, thank you for your leadership on this issue. I think through this process, the council has learned a number of very important things. For me, one of the most important things was learning that one in five Americans have some kind of hearing loss or impairment. That's 20% of the people in this country are immediately impacted by the action we're prepared to take today. I think collectively, the people in this council share a core value, which is that one of government's primary responsibilities is to remove barriers that get in the way of people exercising the full rights of citizenship. And I think access to information is, in fact, a basic, a basic civil right. I appreciate the outreach you have done, and I note that particularly, from the Portland business alliance and venture Portland, we received no negative comments. And in terms of the sports bars, as someone who also enjoys going out and watching sports and having a beer, I think that this is something that we can all adjust to, and I have a feeling technology will catch up with this resolution, so that we'll have no negative impact on anyone, in fact, it will simply make it easier for all to enjoy sports in public venues, so commissioner Fritz, thank you for your leadership on this, and today I am proud to vote aye.

Saltzman: Thank you, Commissioner Fritz. Aye.

Hales: Good work. And I think this is another case where Portland has thoughtfully tried to make this a city that's hospitable for everybody, so I appreciate your work and the advocates, as long as this doesn't have the unintended side effect of having the Portland airport actually install more televisions, I will be a happy guy, as someone who traveled

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frequently, one of the things I love about the Portland airport is that we don't have televisions blaring at us at each and every gate, and I hope that we never become that airport, but I digress, and this is good work, and I am proud to support it. Aye. [gavel pounded] thank you. Thank you very much.

Fritz: I remembered the other point written down by my staff. And that is that the city attorney's office has been absolutely fantastic. Ben Walters, unfortunately, had to leave, we very much appreciate him working with us, and they are offering to provide support to restaurants, to any business who wants to know what the regulations are and how they can best implement them. This is not an emergency ordinance. This is a second reading, so it will be 30 days before it goes into effect. So, folks can contact my office or the city attorney's office if you would like assistance on implementation. Thank you very much for being here.

Hales: Thank you all. Ok. Then, let's move to, I think we should go ahead and move to 1198. All right. We still are going to wait.

Moore-Love: 1186. The 10:15 are here.

Hales: They are here? Ok, let's do 98 first. 1186, I don't think will take very long. So if they are here, let's do 1186. Ok. 1186, and then move onto that one.

Item 1186.

Hales: Good morning, and welcome.

Anika Bent: Good morning. I am Anika Bent, the assistant director for the independent police review. And I am here with Irene Konev from the outreach coordinator. And Michael Luna, who volunteered to be with the citizen's review committee. We are here seeking city council approval to appoint Michael Luna to the citizens review committee advisory board to the independent police review. At this point I would present his biography to the council. Mr. Michael Luna received his bachelors of Science degree in social sciences from Seattle pacific university, and masters of special education, working with emotionally disturbed students from Portland state university. He's worked in the mental health and substance abuse field for 24 years, he's a full-time high school teacher, at David Douglas high school. And a part-time teacher in the criminal justice program at Clackamas community college. He's also worked in the juvenile probation and corrections. He's lived in Multnomah County for 26 years.

Hales: Great.

Bent: Any questions for us?

Hales: Michael, welcome.

Michael Luna: Thank you.

Hales: So we appreciate your willingness to serve, and this is a really critical function of city government. So, the fact that you are willing to take this on is much appreciated here. Do any council members have any questions for Mr. Luna? Well, thank you very much. We'll see if there is anyone else that wants to speak about your appointment. But again, we appreciate your willingness to serve. Thank you all very much. Anyone else want to speak on this item?

Moore-Love: We have two people signed up, Charles Johnson and Dan handelman.

Hales: Come on up, please. Mr. Johnson, I think you are on first.

Charles Johnson: Good morning, commissioners, for the record, I am Charles Johnson. And while I want to thank Mr. Luna for his willingness to take on this task that really addresses some of the most contentious issues that are among some of our Portland citizens, I want to encourage this council to work closely with the auditor's office to make sure that the council has is a good feeling for public sentiment about the independent

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police review. When we look at our situation under the legal case of the United States of America, versus the city of Portland, for Portland police problems, against people appearing to have mental illness or suffering from mental illness, we know that there still is ground to be gained in the community confidence in the police, and general satisfaction. So, I hope that to help make Mr. Luna's job easier, there will be frequent and candid conversations between the citizens, the ipr, and you, commissioners, and the auditor's office, thank you very much.

Hales: Thank you. Good morning.

Dan Handelman: Good morning, mayor and commissioners. I am Dan handelman with Portland cop watch. And reading through Mr. Luna's biography or application, which I am sure you did since it is part of the public record, it's interesting to see that he was part of the corrections division in Clackamas county for a while, and we have had former law enforcement officers on the crc before, and sometimes, actually, were harsher on the Portland police than their colleagues, so we're not making an adjustment at this time. We you know, we see that he's involved in mental health and addictions work, which is a key element of the settlement agreement. So, we look forward to seeing Mr. Luna work on this board. It's a concern, though, that there are many people now on the crc who are professionals, who are still working, and even though it's good to see a more diversity in the age range of who is on there, there seems to be less time for them to do work outside of their monthly meetings, the work groups haven't been meeting as much as They used to, and you received a report in january about crowd control. That was the last official report from any work groups from the crc that came out, and we're hoping that balance will, maybe, swing back a little bit the other way towards people who are maybe retired and have more time to invest. This is very important work. It's an interesting time that this came up because I remember reading the annual report from the ipr, which just came out last week, and there is really no mention of the crc's crowd control report, and if they are valued, I am hoping that maybe the council will ask the auditor to consider the existing report as the summary of the executive summary and ask for a full report with more information in it. You will be seeing our analysis later this week of how much information is missing from the annual report. Last two weeks ago, today, there was a hearing at the crc where there was a case being considered, where an officer admitted pushing a flashlight in somebody's hand, during a protest action, and the captain, kelly shepherd of the traffic division declared it was not a use of force because that is defined as mechanical intervention against resistance, and by that logic, if a cop went up and punched somebody in the face with no resistance, that's not a use of force. So, we are very concerned that the police made this analysis, and that at least the ipr and internal affairs signed off on this, and we're hoping that is going to change in the future. And finally, I guess we learned at judge Simon's courtroom, that there is a series of meetings going on to overhaul the byzantine oversight system that, you know, Portland cop watch, which has been involved in this system for our entire existence since 1992, was not aware of it until then, and we have made numerous recommendations, sat on the work group to change piac into what's now the ipr, and we have sat on the stakeholder's committee in 2010, and we're hoping that at least our group and other stakeholders, involved in this process now, and not after the city council has decided what they want to do.

Hales: Thank you. Thanks very much. Thank you both.

Johnson: I want to say black lives matter so we can be surveilled by the state department of justice.

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Hales: Anyone else want to speak? All right, let's take a vote, please, on the resolution to appoint Mr. Luna.

Novick: Thanks to Mr. Luna and all the existing and past, for that matter, members of the committee, aye.

Fritz: Thank you for stepping up to perform this very valuable service. What I'm hearing from my liaisons from this citizens review committee is that it's becoming ever more functional, and I view it as a huge component of the response to the department of justice settlement, so thank you for being willing to do that. Thanks to Irene Konev for your ongoing amazing-ness and finding great people, and particularly, having read the, your application, because I knew that Dan was going to ask me if I had read it or not, I am very pleased that we have your experience from east Portland coming in on the committee, and also, your past experiences as a drug and alcohol counselor, and the things you wrote in your application were very compelling to me. Thank you very much. Aye.

Fish: Thanks for your willingness to serve. Aye.

Saltzman: Also, thanks to Irene for great work and recruitment for the citizen review committee and Mr. Luna, if you can teach high school at David Douglas, this should be a piece of cake. Aye. Thank you.

Hales: I want to echo the sentiments, thank you for doing this, Michael. The fact that you are part of the David Douglas team, is important. I think it's great we're getting more staff and faculty, staff and parents from David Douglas involved in the civic life, it's great so your willingness to squeeze this in with your other responsibilities is great, and I was heartened looking at your background, that you had some involvement with so-called street kids, as well, because in addition, to dealing with the sensitivities of mental illness or race or any of the other issues that have troubled the Police bureau, our ability to work humanely with the homeless community is important. So, the fact that you have had that background, I think, is going to serve the community well. So thank you for all you bring to this and your willingness to make it happen in terms of your own life. Thank you very much. Aye. [gavel pounded] ok. Let us now move onto 1198, please.

Item 1198.

Hales: Ok, we had a hearing, there was proposed amendments, and we wanted to get those on the table. And get staff a chance to confer with us and to see if there is anyone that wants to speak on the amendments. Ok. Commissioner Fritz.

Fritz: Thank you, mayor. And what I would like to propose is that we put the amendments, my amendments on the table, and perhaps, defer it to another hearing on it, since its last minute. It was worked out with, in conjunction with your staff, and I know that there is a lot more people interested in this issue, both pro and con, and are able to be here today, so I am passing out my amendment, which is to not allow accessory dwelling units in the five foot setback in single family zones. And I would like to speak to the amendments --

Hales: I will second it.

Fritz: Thank you very much. I forgot that small detail. And I also handed to you the Definition, of the setbacks, in 33.110-220 for single family zones. The setback regulations for buildings and garage engines serve several purposes. They maintain light, air, separation for fire protection, and access for firefighting. They reflect the general building scale and placement of the houses in the city's neighborhood. And they promote reasonable relationships between residents, so those are the first three, and there is several other bullets, and in all, all of when I am making decisions on the counselor, and elsewhere, I think about what -- would I like this if it was going to happen to me? And so

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when I think about what was proposed in allowing accessory dwelling units, the wall could be ten foot high, 24 feet long, on the, right on the property line on the sides of my property. It would be particularly challenging in my situation because the lots behind me, the lot line is in the center of my back property line. So, in fact, although it says that each property can only have a 24-foot limitation, I could have two of them, that sat right next to each other for 48 feet of a 10-foot blank wall on the property line, since I live on a slope, it would, actually, be higher than 10 feet because the property is behind me are five feet higher than mine. I could have another one to the, on the other sideline that would be kitty corner with the 48-foot wall and have another 24-foot Blank wall, again, five feet higher than my backyard, and that would significantly impede on the light air and separation of my property, of my home, and my ability to enjoy my property. Not to mention the fact that the owners of the dwelling unions would have to access my property to paint the blank walls and otherwise maintain them. So, that's one of the reasons that I am proposing this amendment. We have heard already from advocates that one of the reasons for allowing smaller accessory dwelling units and setbacks is to encourage new dwelling units to be smaller. If we want accessory dwelling units to be smaller, we should require them to be smaller in all situations. Commissioner novick brought up the issue that since we first did the accessory dwelling unit regulations like when I was on the planning commission, we have changed the regulations for and allowed airbnb's and other rentals to be accessory dwelling units, so there is a big incentive for the homeowners to build accessory dwelling units, not as rentals or low-cost living for relatives, but for commercial enterprises, so this proposed amendment allowing them to be on the neighbor's property line, I think, severely impinges on the rights of the adjacent neighbors, and while we heard a lot of reports, I haven't heard any concerns from those who are fine with having the structures on the property line, that's the reason for my amendment.

Hales: Thank you. So further discussion about that?

Saltzman: I appreciate commissioner Fritz coming by and visiting with me about this amendment yesterday, but, and contemplated by it but we received emails from members of the planning sustainability mission, mike and Chris Smith who spoke against this because they really feel that, and I think that we all feel this, there is an affordable housing crisis in the city right now, and we are sort of slowly putting the nail in the coffin of accessory dwelling units. We, the city and the county. We plan to have our sdc waivers expire next year. The county has an interpretation on reassessments of property values when somebody builds an adu that increases the property taxes, and this amendment is only going to make, by requiring going through an adjustment committee, one more, as I said, nail in the coffin of a viable option that's not being used for all Airbnb purposes only, these are people living you know, older relatives. Housing, housing engaging parents, and housing siblings who you know, haven't played it on their own, so I think that there is a lot of valid uses for adu and we're slowly killing them off. So I respectfully will oppose this amendment.

Hales: I want to get the staff up, and there is folks that want to testify. I was favorable to this but, listening to what I have heard from the members of the advisory committee, and from planning commission members, I think that our staff and the task force that worked on this might have gotten it right the first place, so, it's always good for us to listen carefully to what our professional staff say, so --

Fish: Can I ask a question. We are a little pressed for time. Was it the sponsor's request that we vote on the underlying matter and continue this to another hearing?

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Hales: We have a few people that want to speak. We might want a conversation. With our professional staff, Sandra and phil, in particular, and see what our thoughts are about this one issue. My sense of the counselor, we were ready to move forward on the rest of this. Except for this issue, and we have got to resolve this, one way or the other, but I didn't hear a lot of other issues within this package that needed further discussion, so, again, I would like to hear from Sandra, and Phil, their response to the suggested amendment, and I know that there is some people here that would like to testify on the amendment. And that should not, actually, looking at the size of the group here today, take that long.

Fritz: The issue is, that's been raised by those opposing my amendment is that the proposal, as is, incents the smaller accessory dwelling units, so it raises the concern as we're amending all the covered structures, have we, in fact, allowed the units to be too large on the rest of the lot?

Hales: They have thought about this, so come on up, please. We'll put them on the hot seat. Yeah, I thought about this from a personal standpoint as someone who has a garage on my property line. And that garage is within a foot of the line. A long time ago, someone, probably my neighbor, planted a hedge next to it, so it's not terribly visible. If someone were to build an adu on the property line, it would -- it would create the potential visual problem for the neighbor. So, what did you -- how did you address that issue? As you talked about it with the task force?

Phil Nameny, Bureau of Planning and Sustainability: So, Phil Nameny with the city of Portland, bureau of planning and sustainability. Just for the folks in the audience, I want to reiterate that Commissioner Fritz's amendment is only four words, so from a code standpoint it's a simple fix. It does have some implications, and as we were talking to our focus group, and as we have taken this out to the public and continued to receive calls and emails, I would say the idea of using this for adus is the most anticipated change or provision that is most anticipated by folks out there, property owners and architects and so on. I think there is a possible pent up demand to build smaller units, and take advantage of the provision to put them in the setbacks. I think from a focus group standpoint this was discussed quite a bit we did start at the very beginning with the idea of do we decide to not let any structures in the setback or do we decide to swing the pendulum the other way or do we go ahead and look at creating more flexibility. The concern with swinging it the other way was it would result in a greater policy shift in the way our code has been heading over the past 30 years. Especially since about 10, 12 years ago we did allow the ability for someone to convert a garage into another type of accessory structure, the issue with that is that often time's older garages from a building standpoint can't really be converted, but there's a desire to maybe use those same kind of foot prints to be able to build a different type of accessory structure. The one thing I want to mention with Commissioner Fritz's concern is I think it may bring up the bigger issue because if the issue is too many blank walls along the property line there could be three garages. There would be three garages on property lines. Our thought was that with some of these provisions to require potentially screening of the structure say a covered patio requires screening from a visual standpoint and/or limit the amount of windows or openings that would help with some of the privacy issues.

Fritz: Homes already have garages. There's no financial incentive to put another garage in the backyard. There is a financial incentive to have an accessory dwelling unit.

Hales: If the how doesn't have a garage or if it burns down there may be an incentive.

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Fritz: I was originally saying if we wanted to defy the code let's not have the garages here either. Making it more narrowly accessory dwelling units which may have a sleeping area, bathroom and kitchen that would still allow people to have limited situations to do the garage and plus it wouldn't make the garages nonconforming that are there now.

Fish: So I have one this is a very complicated issue. The issue that Commissioner Fritz is raising is important. I'm not sure if I'm comfortable jamming it in the context of the work already done original proposal to move forward with the adoption and continue her amendment, for example I haven't had the benefit of extensive briefing the way Dan has, I would like to understand the issue better. Also I have an interest in having a deeper understanding of what we know about accessory dwelling units generally. I know that when we as a council waive the development charges we did so because they were being built largely outside of our review and our code, so the thought was waive the sdc's and people will come in and actually file for permits, they will be regulated, we have a chance to make sure they are safer, built to code. I have my own anecdotal sense about what's happening with adus, it's along the lines of unintended consequences that we unleashed when we welcomed short term rentals into our community. We have monetized spaces that actually didn't used to be available for affordable housing. Giving people financial incentive to do short term rentals over long term rentals, it isn't as if we had a lot of capacity to begin with. To me it's a complicated question that goes beyond the issue of the placement of the structure and the noise and impact although I'm very acutely sensitive to that, there's a larger policy question. Mayor, we can have a vote on this today, but I think the offer to continue the amendment and adopt the underlying ordinance made sense so that if council show chooses we can go deeper into this issue.

Hales: That's one option.

Novick: I would say I agree with that. My knee jerk response to the amendment was to support it. Given that we have had communications from people whose views I generally respect about this issue I would like further time to think about it. I would concur.

Hales: You're comfortable with adopting the proposal now and further addressing commissioner Fritz's proposal later?

Fritz: That doesn't make any sense to me.

Hales: That's what commissioner Fish just articulated I think, that you would like to act on the proposal --

Fritz: I'm asking to amend the proposal. What I requested was that we just put the amendment on the table, take testimony but not act until we have had more input to hold the record open.

Hales: But that's different --

Fish: How does that leave the underlying ordinance?

Fritz: It doesn't have to be adopted today. There's no urgency to adopt the underlying ordinance.

Fish: Maybe I misunderstood. What's the harm in adopting the ordinance and continuing the amendment and deciding whether to subsequently amend the ordinance? Procedural if there's no controversy on the bulk of what we have, why don't don't we --

Nameny: There's a bit of an issue with the idea of opening up a flood gate. Adopting the amendment would allow the adus to be built right to the property line then we would be having to scale back.

Fritz: If you adopt the underlying ordinance you're basically rejecting my amendment so everybody and their brother puts in their applications tomorrow and they are allowed.

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Fish: Because you're a leader in guiding us through these kinds of issues typically, my sense is that council might reject your amendment because they don't understand it or don't understand the consequences, so if you would like to proceed to a vote my guess is it's voted down for that reason. If there's some way to decouple it seems to me we can have a broader discussion.

Fritz: I don't understand why folks are wanting to vote on the underlying ordinance. Whenever we have code changes coming to us and there's some question about one piece of it, we just continue the hearing until we can vote on the whole thing. I have never been asked to vote on the underlying ordinance without having a robust discussion of the amendment.

Fish: Is there any harm to our process to continue this for further discussions on the amendment? Are we up against -- I don't want to say up against the lot line -- deadline that requires us to act?

Nameny: No. We didn't propose this be an emergency ordinance. We fully understood there would be a 30-day period before it was effective. The only pressure that sort of gets applied is the fact that there's a window of opportunity between when this becomes effective and when potentially the system development charges get reapplied, but that is not a weak window. Its seven months. So I mean, it really isn't an issue with delaying this a week or two.

Fish: What if we took testimony and continued it at least a week for the purpose of Commissioner Fritz's colleagues having further discussion?

Hales: At the least we ought to hear testimony today.

Fish: I'm sorry, I misunderstood the question.

Saltzman: We had a task force that looked at this package and went through the planning and sustainability commission?

Hales: That's correct.

Nameny: The task force met from January until about April, and we also had some outreach with the coalitions and went through -- there was a residential infill design expo in northeast Portland that was attended by several hundred folks. Then once we released the discussion draft we had the standard public process of notification and going to hearing.

Hales: All right. Other questions for anyone?

Sandra Wood: One clarification after you take testimony today if you could clarify at the ends of testimony or holding it open for another week.

Hales: Thank you. We'll get that clear. Thank you. So let's see who would like to testify on the amendment. Come on up. If you have not already signed up that's fine. If you would like to speak on the proposed amendment, come on up.

Fritz: As they are coming up, we have three emergency ordinances on for parks that really need to get done today.

Hales: We'll get to those. We may have to get to them in the afternoon. Good morning.

Eli Spevak: Nice to be back. I was part of the focus group. The first adu I developed in Portland was a corner garage. It had been so for about a decade. I converted it to a livable accessory building and sold it for \$117,000 and everything in the neighborhood was three times that. With the proposed amendment you couldn't do that. Even seven years have passed it has turned over once or twice and continues to be half to a third the cost of any other home in that neighborhood. For rentals it's a different scheme but very similar. These provide affordable housing options in neighborhoods that have few choices. We do have a housing crisis and we need to have little houses have to be part of

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the tool box for that. I want to share -- the Oregon deq, there's not much data about how adus are used but they did a study two years ago, not ancient history, they wanted to know how they would be used to house people. Makes a difference. They found that nearly 80% use long term residences and 4.5% short term housing. Two years have passed. Short term housing users have grown but it's a fallacy to think they are all being used as airbnb. People have a reason to advertise if they want people to rent them but most adus are almost certainly used for long term housing options.

Fish: We actually don't know the answer to that question in fairness. We have two problems. One, you are not the typical developer. We have to put an asterisk every time you testify. The kinds of co-housing things you advocate, the kinds of affordable housing options, all the things you come before us are not typical of your peer group and I say that as a compliment. Second two years ago short term rentals were not legal in our community. There are thousands of units listed now online. The bulk of them illegal. And we have no way of knowing. We cannot document it. I appreciate from a philosophical point of view your conviction around this but we simply don't know. In my neighborhood little houses are not being fixed up to be made affordable they are being demolished and replaced with big houses that nobody can afford. Respectfully I don't think we have the data to make the judgment you just made about the impact on these little houses.

Spevak: I wish we had the data. I totally agree.

Fish: And more of you, but again, you're not typical people we're dealing with in this market.

Saltzman: So this was a deq report --

Spevak: Did the report would have been here if he could have been. He's in salem.

Saltzman: Two years ago, 4.5% of the adus were used for short term rentals?

Spevak: Yes.

Saltzman: Even if it quadrupled in the last two years we're still talking about 20% being used for adus.

Spevak: We don't have information. Obviously thing have changed but it's a jump to conclusion to assume they are mostly short term rentals.

Fish: The problem that Dan is well aware of is that most of the adus were illegal so I don't know how we can do a survey when the bulk were built without people bothering to get a permit. I don't know what universe we looked at.

Hales: I'm sure that's true.

Spevak: Two years ago it was after the waiver was first put in place.

Fish: At the time we waived the sdcs we were told there was rampant -- basically the bulk of the adus were not legal. That is they did not go through our code process which is the reason we went to rather extraordinary step of waiving sdcs.

Spevak: I just want to share one more. A lot of them are for nothing. This rings true I think for the experiences I have heard of. They are used by friends, relatives, who would be paying rent in any other situation. Almost 20% rented for 500 bucks a month. We need stuff like that. That's affordable housing unsubsidized by government for small units where household's sizes tend to be small. We're changing the anecdotes, good friend, she housed her grandma, 80-year-old, for the last years of her life in a converted garage right next to the property line. I don't know if it was illegal or not but it was an accessible small unit that someone can live in. We have neighborhoods that are at risk of becoming only affordable to millionaires. These are the kinds of housing we need more of in a housing crisis.

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Fish: We're not going to be taking up the sdc issue today but I would love to have your thoughts as we're considering sun setting the waiver, as to whether you think we should only sunset it on those units where the owner is willing to make the unit affordable. If there's some way to link those two.

Hales: The other option might be to have the sdc waiver -- we have had trouble -- and Phil explained we had trouble in the past with regulations that were incenting people to do a work-around. This is just an office. It's not really a housing unit. They were even carrying out sink agreements about whether or not you're installing a sink. They got crazy and convoluted but there a maybe is a simple tool like you've just described that could focus the waiver on what we want, not on what we don't want.

Fish: Then we could have a mechanism for tracking it.

Hales: One way would be to say it's only waved for units that are not short term rentals. It's obvious if you check the websites whether the unit is short term or not and the owner may be liable for paying that sdc in the first five or ten years. We do have options. Couple of ways to do that.

Spevak: I would be happy to be part of the discussion.

Fish: Incentivize the type of housing he's talking about.

Spevak: Whatever it is, it would help a lot.

Hales: Okay.

Spevak: Thank you. I think i'll -- one other thing to bring up, the biggest obstacle is cost and design and compatibility requirements. This update does something to provide uniform requirements on compatibility. So all structures would have to be compatible as well. Intern conversions and small one-story structures. I think this opens the door to some that are allowed already if you're going to be housing a car but we have more people on the streets and we need to provide housing for people too. Thanks.

Hales: Thank you very much. Good morning.

Cole Peterson: Good morning. Thanks. I'm Cole Peterson. I do a lot of advocacy education policy work around adus. I teach classes for homeowners. I have taught 600 plus homeowners full day classes. I teach realtor classes for adus. I'm passionate about them for reasons i'm passionate about the housing better, more affordable, more efficient, greener housing options in Portland. Commissioner Fritz's amendment effectively puts a damper on the ability for there to be an incentive to develop small, 576 or less square foot adus yet the concept you mentioned regarding downsizing adus could be another consideration, I suppose, but I think what's nifty about the proposal as it stands is economically every additional square foot you add to an adu is a very small cost. This is why when people demo a house and rebuild something they build the maximum possible size. There's a minimum fixed cost for any unit of development, roughly 60, \$70,000. Every additional square foot is relatively low marginal cost. Therefore people are incentivized economically to build the largest possible adu they can. What this regulation does is says we are going to give you basically a regulatory incentive if you build a small one-story, which happens to be the form of adu most accessible to people with disabilities, which is the form we need more of. It happens to incentivize also waiving design code matching requirements if you build them small therefore there's more flexibility in being able to build adus that are cheaper because you don't have to do custom design for each unit. The amendment is unintentional consequences that it incentivizes which means more adus will cost more and have to be used for income generating properties where right now 20% potentially greater are used for no cost rental for family members, for friends. It's a form of organic affordable housing that doesn't require government subsidy

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other than the sdc waiver which I would love to see extended. As I alluded to, the only data we really have about the airbnb thing is 5% are being used for short term rental as of three years ago. That number probably has increased. I think I am totally with the council in terms of thinking about being more diligent about enforcing the policy. I think it's a great policy that the city could pass. I think it needs to be enforced more but coupling the airbnb issue with adus isn't a fair coupling to make. I don't think there's any stats that really back up what these hypotheses are. Story that has con freighted adus and airbnbs but the reality is they are being used for affordable housing. As somebody who deals with probably more adu owners than anybody else airbnb is used in some cases, but it's not -- definitely not the majority. By far the minority. I'll leave it at that. Thanks. Heals thank you. Morning, crystal.

Crystal Elinski: I'm crystal elinski. I represent 10,000. It's a pity to use up this precious time if it's not urgent if you're not voting on it. Just offer a couple questions. I don't really understand who is being affected here right now. Are there applications for building that are being put on hold because of this revamping of the zoning?

Hales: There might be.

Elinski: So there might be. So it's not urgent. You don't know of people struggling to go forth with their applications to build.

Hales: I think we'll hear from people today that can help answer that question. Go ahead.

Elinski: That confirms to me it seems like you still -- I feel like dan Saltzman has a lot of homework to do, and since he's in charge of this, the zoning in the city is a debacle, a catastrophe. Every time I turn around even in parks and recreation to give away a former golf course where we had a biosphere, an entire green space in north Portland where I lived, and allow it to be used for industrial use, I understand the Portland business alliance says there's not enough industrial space in north Portland, but I know there's hordes of it. We need to fix our zoning so we can't just give it away -- give away golf courses as industrial land in exchange for small little park along the Columbia slough. Dan Saltzman has expressed concern with zoning rules being thrown haphazardly and he even said so to a colleague of yours, randy Leonard, who had a neon rose up on a beautiful historic building on the river. They made exceptions for him. This is all very important but I don't trust your zoning rules in general. I'm coming from the perspective of somebody who has traversed the city due to displacement thanks to the housing authority mostly, but before that I was a slum lord victim and I have been all over the city. When I see people building haphazardly and not protecting the environment, asking their neighbors, that's what we should do, get neighborhoods involved, think this thing clearly through to add amendments like this are very logical but I think there's a lot more here. Having been at for example your housing meeting, mayor hales, on mlk, to give 20 million for low-income housing it ends up going into a big four-story tyvek particle board complex that no one can afford and everybody in that room said we want small houses. We want these. We want to be able to rent to our family, to stay in our neighborhood and rent to others. It's huge. This is coming from the perspective of people that don't own their own quaint little land.

Hales: Thank you. Thank you all. Let's hear from some more folks here to speak this morning. Good morning.

*****: Good morning.

Annie Rose Shapiro: Good morning. I'm Annie rose shapiro, a realtor with urban mass realty, homeowner and owner of rental property. I have been in Portland for 13 years. I want to -- I have a lot of clients who are interested in buying adus and building them. Anecdotaly I can speak to the interest. People want to take care of their families. I think

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we need to do everything we can to support adus and this, the proposal as is does support the build of more adus. Smaller are more environmental. That's the bottom line. The smaller you go, the greener you are. We need to do everything we can to support that but also adus all sizes provide a safety net for our community that can be provided by our community. No owner of an apartment building, no property manager is ever going to let your brother stay in an apartment because he lost his job. They are going to say, have fun in your Toyota corolla on Burnside. I think we need to do everything we can to empower our community to provide this safety net. Somebody uses it for airbnb sometimes that doesn't mean when their brother falls on hard luck they are not going to open their doors to them and we need to make use of this resource and trust our community to do the right thing. It's also about putting -- who do we want to have control of our rental market? Who do we want to benefit? Do we want it to be large corporations? They have a role in our community but by incentivizing adus in every way possible we put this income and these choices into the lands of hands of the little people, who live here, who contribute to this economy. If they are using it for airbnb they are turning that money and putting it right back into our local economy. I don't think that's what usually happens. I think most of the time or often what it can be is it's a mix. If people are using airbnb they are also reserving it for when their mother gets old and she needs to have somewhere to live. It's a short-term. It's a combination. We need to empower the people of Portland to have control of our rental market because it's getting out of hand. I think that's it.

Hales: Thank you. Good morning.

Liz: Good morning. Liz, also a local realtor. I work for urban myth. I have three quick points. First I believe from Fish complimented you on being a unique developer. One reason is that the city makes it impossible for individuals to do their development. Adus are short term rentals, they are also long term rentals, they are solutions for people for income generation, they are for affordable housing. We can create actually infill, not up fill. Communities, people that walk by each other engage with their neighbors. I'm shaking because Ms. Fritz brought up the most important point by saying a wall against your neighbor. That's what we are creating. The people that are coming here are actually coming on the past belief that Portland is better than that. We are. So when you say that you don't want a wall next to you I think if your zoning doesn't allow for it, then purchase that problem. Have a r5 with adu available built as needed. Know what you bought next to you when you bought it so you are buying something that you can use to your use. But we buy and purchase land and many of us it is the only thing we have to call home. If you have to stay in your home by allowing others to come in and support you by creating a basement unit or you use the \$40,000 on a good year to help convert the garage into something that helps generate income for the city and affordable housing, the reason eli is unique is because development of anything is difficult. The adu has been the option for the individual to create somewhat affordable development in Portland. By taking away that you take away opportunity that makes us what we are and why people are coming. That's all I have.

Hales: Thank you very much.

Fritz: Just to clarify. I love adus. They are great. For 30 years we have had certainty that there's a five-foot setback. We're proposing to change that.

Liz: Considering San Francisco, Seattle -- we watch other cities that have bigger set -- less setbacks and they are still having growth issues. We do not have a solution tore it. There is no opportunity for affordable right now for most people and the developers have not gotten on board.

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Fritz: The issue is whether the affordable housing is a place within the setback. There's still an opportunity for a homeowner to have a smaller unit within their space.

Liz: You're telling my clients that bought in the last two years a garage on their property line that's larger than 500 feet they can no longer be converted. [shouting]

Fritz: They can apply for an adjustment.

Hales: Hey, hey:

Fritz: We heard testimony last week about a woman who went through the adjustment process for less than \$2,000. She had a very good experience talking with her neighbors, came to a good conclusion. That would still be allowed under my amendment.

Hales: Thank you. Good morning.

Lightning: I'm lightning. I represent lightning watchdog pdx. I absolutely agree with Commissioner Fritz's amendment. One of the concerns I have is obviously when you get within these setbacks too close wall-to-wall i'm looking at more from a safety concern, also a noise concern. I think that we still have enough room that we can develop a lot of adus. I think we still need that waiver to be extended on the sdc's. Pertaining to airbnb I don't think airbnb is taking that much inventory out of the market currently. I know there's going to be more studies. I think a lot of the inventory that was out in the market was being rented illegally. I think that's being brought to the surface, being taxed properly. I think more safety measures are being put into place so again, I do agree with Commissioner Fritz's position on this. I'm looking at it more from a safety issue. I think that if we extend this out a year and we monitor this I think there will still be a lot of adus built. Again, if we extend that waiver out farther I think that will continue. Then to look at it again maybe two three years out maybe make that change to allow within the setback, but at this time I agree with the amendment that has been proposed. Thank you.

Hales: Thank you very much anyone else want to speak on this item? Come on up.

Charles Johnson: Charles Johnson for the record. Obviously, given the number of people I have seen sleeping on 5th avenue, sleeping here on southwest 5th avenue like on New York's 5th avenue, there is a need to get adus that are taking in low income people. However, I do not have much pity for people who may have bought a house in the past two years with the idea that they could put an airbnb in it within one inch of the lot line. These are two completely different situations. So I would encourage the delay on this, delay of income for people, you know, seeing as they are not going to quickly materialize to be a massive assistance for the number of people sleeping on the streets, I think that although there has been a report in a hearing committee -- there needs to be more public involvement to digest this idea of every home owner Portland now knowing that if you pass this today any of their neighbors could build any size adu right on the lot line. Which if you pass it then change it, as commissioner Fritz pointed out, we have the question will people be grandfathered, will there be litigation land use hearings, please, perhaps more due diligence. Thank you.

Hales: Thank you. Anyone else? So what I would recommend that we do is i'm going to close the public hearing --

Fritz: Could we leave it open, please?

Hales: Close the public hearing but leave the record open for people to submit testimony.

Fritz: I would suggest, mayor, that there may be others who after this debate becomes public today may want to testify next time.

Hales: We have had two public hearings and a rather extensive process. We have had a rather extensive process --

Fritz: Just for written testimony.

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Hales: If people want to write in between now and next week we'll give them the opportunity to do that.

Fritz: Could we compromise, I have a town hall on the 30th, which is two weeks from here. If we could hold it over until after thanksgiving, that way I can ask folks at the public hearing -- at the town hall, which is on November 30th at the southeast Portland community college, if i'm told everybody is fine with it then I will be happy to support the proposal as proposed. I would just like a little more time to have my own scoping of whether people agree with me or not.

Hales: The morning of the 2nd is the possibility. We have the parental leave policy.

Fritz: If we're not taking testimony it doesn't need to be a time certain.

Hales: Could be a time certain for a vote.

******:** I would recommend this be set for a time certain.

Hales: I want to set it for a time certain among other things i'm going to be leaving council at 11:30 myself that day. My recommendation which I set it for 9:15 on the 2nd, sorry -- we should start early. What's wrong with that? 9:45 on the 2nd. So close the public hearing for testimony. Let people that want to correspond with us we have great letters and emails about this already. That will give people a chance to do more. We'll take a vote on Commissioner Fritz's amendment then take a vote on the proposal. See where we stand.

Fritz: Thank you.

Hales: 9:45 on December 2. Feel free to keep the cards and letters coming on the subject. Talk about it further. Thanks, everybody.

Hales; let's see. We have a few items remaining that the three of us can accomplish I think.

Fritz: Unfortunately we can't do the emergency ordinance -- [speaking simultaneously] apologize to my staff. Can we come back this afternoon?

Hales: We'll put those up first thing at 2:00 p.m. Is there anything else left? I don't think so, carla. Is that right? We've bounced around enough this morning.

Hales: We did not do 1201. It's not an emergency ordinance so let's take 1201.

Item 1201.

Hales: Commissioner novick.

Novick: I'll turn this over to lance.

Lance Lindahl, Portland Bureau of Transportation: Acquisition, bureau of transportation. This is a bit different than the others you have seen recurrently. Council approved ordinance 169325 in September of 1995 approving vacation of Emerson Street between northeast martin Luther king and northeast 6th avenue. Conditions required construction of additional sidewalks and pedestrian amenities and these conditions were not met. Due to the lengths of time that has passed and since the vacation ordinance was never recorded this needs to be repealed so the project file can be closed. The bureau of transportation, office of management and finance and boys and girls clubs of Portland no longer wish to pursue this vacation and supports this action. Boys and girls club recently donated public easement to allow the existing parking and sidewalks to remain open for public use. No physical changes are planned at this time and no anticipated cost to boys and girls club. I'm happy to answer any questions.

Hales: I know that street well. Right next door to north precinct. I spend a lot of time up there. Any questions?

Novick: What do you think the term should be for devacation? Just cation? I'm going to hold out an opinion on that.

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Lindahl: I'm going to hold out on an opinion on that one cause the term vacation is confusing enough to most folks.

Hales: Has nothing to do with time off for beaches. Unfortunately. Anyone want to speak? If not then it passes to second reading. Any other items that have been left undone here other than the parks, three parks items? We will recess until 2:00 p.m. At which point we will take 1202, 1203, 1204 and our afternoon agenda.

Fritz: Thank you very much.

At 11:38 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.

NOVEMBER 18, 2015 2:00 PM

Hales: Everyone, welcome to the November 18th meeting of the city council, please call the roll. [roll call taken]

Hales: Welcome, everyone. We have three items left over from our morning calendar which we will take up first. Then we will get to what you came for, what most of you came for.

Item 1202.

Item 1203.

Item 1204.

Moore: 1202, authorize a grant agreement with metropolitan contractor improvement partnership to support subcontractors by providing technical assistance on the beech and gateway park projects for a not to exceed grant in the amount of \$27,500. 1203, authorize a grant agreement with Oregon tradeswomen, inc., to support outreach, workforce training and hiring effort in east Portland neighborhoods for a not to exceed grant amount of \$41,250. And 1204, authorize a grant agreement with Portland youth builder to support outreach, workforce training and hiring efforts in east Portland neighborhoods that surround the beech and gateway park project sites for a not to exceed grant amount of \$41,250.

Hales: Commissioner Fritz.

Fritz: These are grant agreements with community partners to implement the community benefits plan for construction of beech park and gateway plaza in east Portland.

Kia Selley, Portland Parks and Recreation: Thank you, Commissioner Fritz. Good afternoon, i'm the planning development asset manager for Portland parks and recreation. I am very pleased to be here this afternoon to request city council approval of three grant agreements that will support technical business assistance for subcontractors, and workforce outreach training and hiring for the construction of the beech and gateway park projects. The community benefits plans for each of these projects has made this funding possible, specifically allocating .25% for technical assistance, focusing on supporting disarranged, minority and women subcontractors, and .75% of the total construction costs to support outreach, training and hiring. Working with Procurement staff on a competitive process to select these grant recipients. The first recipient is with metropolitan contractor improvement partnership for 27,500. The intent is to maximize participation of disadvantage minority and women subcontractors in construction, and provide them with really practical technical business experience, and support to make their businesses successful both during the construction project, as well after the construction project. The other two grant agreements will support workforce outreach training and hiring, focused on east Portland. Oregon tradeswomen, inc. Will receive \$41,250. And also Portland youth builders will similarly receive \$41,250. Portland parks and recreation is glad to have the opportunity, and i'm really pleased to report that we already have productive

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conversations between Oregon tradeswomen and Portland youthbuilders as well as mcip, and our general contractors for the beech and gateway park projects. They are already finding ways to make subcontractors more successful and think about how they are going to use those newly trained people on the projects. I had earlier anticipated that a lot of our work would be paying it forward, training folks for the future, particularly with the outreach workforce training and hiring. But we're actually making some great strides in getting some of those newly trained workers out into the field for these two park projects. That's very exciting.

Hales: Great, thank you. Questions for Kia?

Hales: Thanks very much. Other folks here to speak on these items? Support team in place, but not necessarily to speak? Okay. Thank you very much.

Hales: All right. If anyone wants to testify on these items we can take them up in turn and they are emergency ordinances and we can vote on them today. Roll call on 1202, please.

Novick: Aye.

Fritz: We're not required to do this by city policy because it's under the threshold for our community benefits policy. We're doing this because it's the right thing to do. I'm particularly grateful for Kia and her team working on this and getting such great outcomes already. Also for Christine Moody, our community partners were instrumental in helping it get defined, also city attorney Lisa Gramp who has worked on the community agreements has been extremely helpful to us. Thank you very much, aye.

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

Hales: And aye. 1203.

Novick: Aye.

Fritz: The unique thing about this community benefits plan is that it looks toward providing businesses in Portland so it's very location specific. And traditionally it's more focused on union and wage policies and skilled trainings, I'm very please bad that, too. Aye.

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

Hales: Aye. And 1204.

Novick: Aye.

Fritz: I'm trying to think what else I've forgotten. Thanks very much Betty Howard for working on this. Aye.

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

Hales: It's nice to see more progress in east Portland. Aye. Thank you all very much. Okay. Let's move on then to the afternoon agenda which starts with 1207.

Item 1207.

Moore-Love: Accept the Portland historic landmarks commission state of the city preservation report.

Hales: Commissioner Saltzman

Saltzman: It's a pleasure to bring forward the 2015 state of the city preservation report for the landmarks commission. The first item of business is to thank the dedicated volunteers who serve on the landmarks commission. This commission meets a minimum of twice a month and often for many hours as they review land use cases, and provide the advice -- and provide advice. They are a very hardworking group and I'd like to call out their names. If they could please stand, Brian Emerick, the chair. Jessica Hingeman, vice-chair. Karen Carlson, Kirk Ranzetta. Paul Solomano. And Carolyn Dow. We thank you all for your hard work. This is the commission's seventh annual report before council but the historic landmarks commission has been operating in the city since 1975, providing

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leadership and expertise on preservation, enhancing Portland's historical and architectural heritage. This report comes to council at an important time for the city, and its historic overlay districts. With our pending adoption of the comprehensive plan, and the amount of construction and growth our region is seeing, there's no better time than now to hear from this distinguished group of experts. Tim Heron and he will be joined by Brian Emerick. Take it away.

Tim Heron, Bureau of Development Services: Thanks. Tim heron, senior planner. I'm going to speak for director scarlet and just acknowledge the commission and just this one item. The commission not only reviews land use cases but they also do a variety of advocacy work in terms of inviting different bureaus or other jurisdictions to present before the landmarks commission on a variety of issues. So the commission's been working very hard on developing new design guidelines for skidmore old town. The ankeny project with pbot, more recently a survey l.a. Team completing their inventory. Without further ado brian emerick and kirk ranzetta.

Heron: Come on up, gentlemen.

Hales: Good afternoon, thank you for being here.

Brian Emerick: Good afternoon, thank you for having us, i'm the chair of the Portland history landmarks commission, and we're really honored to be in front of you. This is my final draws to city council. I'm in my eighth year of service that ends in December. But it's been a real honest and pleasure to contribute at the landmarks commission, and to be a responsible steward of our past there.

Hales: Final presentation of this volunteer job.

Emerick: Correct.

Hales: Who knows what we'll tap you for next.

Emerick: More on that later. I just got an email from Commissioner Fritz the other day. [laughter]

Emerick: So over my tenure i've worked on a wide array of projects, mothers very corps, the white stag sign, most recently the mount tabor reservoirs and Chinatown. I've looked at review proposals, including three in last year alone. I'm happy to report of the process really is working. I've been able to contribute at number of high-level policy panels including most recently the west quadrant plan and the seismic task of course. I believe we're headed in the right direction as a city when it comes to preservation policy. I think we can and should do more and we need your help for that. In the report that follows we're going outline strategic objectives that we can achieve given the right investment of energy. We have an incredible dedicated body of professionals that make up the landmarks commission who volunteer countless hours to help us carry out our city's mission for preservation. We believe in leaving this place better than we found it, which I think we're all trying to do as a city. Making the most of this effort for current and future generations of this beloved place we call home. I'm assuming you've had a chance to read the report, we've got a PowerPoint presentation where we'll hit some of the high points and have a little more of a free-flowing dialogue, I guess. Wow, that really stretches it out there. So there's that non-flattering picture of the commission. You can see who we're made up of. Real estate, historic development professional, we've got a vacancy right now, archeologist, attorney, and myself, trained architect. This next slide shows what our purview is in landmark districts, that's the gold-shaded area as well as nationally and locally listed landmark areas, which are the red dots. Some of the highlights we accomplished last year, we'll talk a little more toward the end of this. One of the skidmore old town design guidelines, also one of our priorities, we got this forwarded

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to staff to be sent to you guys for approval at your direction in last year's preservation address. And they are ready to go, they are just getting some final tuning. They got kind of waylaid with staff resource issues. But we're expecting those to come to you guys in January at this point of 2016. It was my goal to get that done while I was on the commission so we're not missing my too much. I wanted to see that followed through. And then the seismic upgrade committee, commissioner novick, thank you for spearheading this. Vice chair jessica engman served on the feasibility committee and the policy committee. I'm looking forward to helping with that and seeing that through.

Novick: Thank you.

Emerick: It's a huge important issue on both sides of public safety but also our cultural resources and how to get that best balance there. Then of course the demolition, that was a big deal when it came here last year. We've definitely made progress as a city on this. Kind of getting some of those loopholes closed. Commissioner dow served on the drac advisory committee. I think we need to start thinking about that next level of policy, thinking about density and balancing livability and more of the broader planning spectrum which the commissioner is going to talk a little more about. We've got five priorities outlined in the report. First is preservation planning commission.

Kirk Ranzetta: We wanted to thank the council for creating this opportunity for a planner position within bps. And the interviewing process is currently underway for a candidate from this program. What that position will do will help to I think create a historic preservation program within the city that will put it on a par with a lot of other cities of a similar size on the west coast, if not in the United States. That's certainly one of the priorities we felt as a commission should come to the fore. Just demonstrating that commitment to creating a program, as a significant a step in the right direction.

Emerick: One of our key charges really is policy-based. Everybody thinks about the landmarks commission when it comes to case-based, where we're looking at potential additions or new projects within an historical district. We're also response for thinking about those bigger planning areas and we need the report from the bps side. It would allow us to be able to continue that good energy going forward. Since we're a volunteer based commission, we lose commissioners like myself periodically. Having that institutional memory within the city is important to be able to maintain momentum on long-range planning and ideas. Priority two is the design guidelines. We're really excited to be getting skidmore old town done and before you guys. Next up, really all of our design guidelines are pretty outdated in some areas we do not have design guidelines. Most important is Chinatown to our district. We're at this wonderful crossroads right now with finally things are happening in Chinatown. There are some great projects, one our firm is working on just went through. It's shaped the discussion about what we want to have as a community there. Pdc I understand has got funding assigned to help us develop these. The target was 2017 but we're wanting to push to it 2016 if possible because there's a lot of activity going on there. This next slide shows kind of value design guidelines. This is block 8l where the university campus extension is going, and the developers, a three-quarter block project that came to the landmarks commission last year. To the applicants' credit, they did a great job of understanding we don't have the skidmore old town guidelines in place. So we were able to move from this first kind of iteration you see on the top, which really looks like it's a fine building, something more like the brewery blocks, to something a little bit more context specific and reflects the older scale of the adjacent resources. That's kind of the purpose of the guidelines. We will have those kind of discussions on a more finite level essentially.

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Ranzetta: The next priority was the implementation of a new hri. That's been a topic of conversation I think for several years before council. I think that the primary obstacle is just identifying a funding source in order to implement it. One of the things that's really difficult to do is to make sound planning decisions in regards to your historic resources when you're dealing with information that's about 35 years old. During that period other buildings have come in that next round of significance that maybe our midcentury modern resources. When you look at the 500 demolitions that have occurred in the city over this past year, I don't know if you can say whether they were significant or not. Principally because they were either uninventoried or not considered within this larger planning realm. Returning to hri would help the city to make more sound decisions on the comprehensive level for the city.

Emerick: The purpose of meeting with them was to understand what other jurisdictions are doing. They are quite advanced in being able to do gis kind of mapping with this, it's all integrated into the whole -- basically the services type systems. That's something we were hoping the city could explore, working with bureau of planning and sustainability, how much would it cost to get our arms around what that would look like.

Ranzetta: And just to add one more thing, I think it would help with predictability and allow property owners and citizens better understand the decisions behind a development project. I think if folks knew how significant the resources were to the community up front we wouldn't be confronted with situations down the line that come forth at the last minute and become contentious, perhaps unnecessarily.

Emerick: This slide shows anything before I think its 1950 is red, correct, and gold is 1950-ish. It's a lot of resources really, and all of these east Portland really hasn't been survey, that predated the survey.

Ranzetta: And what's happening in other jurisdictions, too, you can faze hri in areas of the most intense redevelopment. So that over time you eventually get coverage, but you address coverage in the areas most likely to experience change in the very near future.

Emerick: Priority four, not surprising, resources. Obviously this is a really important public safety item as well as a cultural resource protection item. We want to see these buildings survive the next big event, and also make sure that they are not going to be torn down because it's too costly to upgrade them, too.

Fish: I believe that's the old leach pharmacy on foster.

Emerick: Yep.

Fish: Is there something planned for that location?

Emerick: That's a good question. I actually worked for the owner, which is buc of buc's stove palace. We did quite a bit of work on that and it does need a seismic upgrade. That's part of the challenge in that particular area, they are just on the edge of development. They have tried several things and it hasn't quite got off the ground yet.

Fish: Because that was the place where the leach family of leach botanical garden, is that listed as a national historical landmark?

Emerick: It is not, we did research on that but because of the botanical connection and the unique architecture, it's a pretty significant iconic resource there. It's also kind of your typical challenge what, we're up against with a lot of these resources, they're historic with a lower case h. A lot of them aren't listed yet so they don't have any real protection. As we see development pressure increase, it doesn't necessarily fennel to have that building done in a seismic upgrade. A lot of times historic resources is going to lose. It's in everybody's interests to upgrade that on the historical side and the public safety side. That's the point of this commission we're talking about too, on the task force.

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Novick: I think we have to anticipate there may be some stuff choices. I know we will try to identify whatever resources we can to assist in retrofitting buildings rather than tearing them down. I wouldn't rule out of possibility where there might be some cases where it appears prohibitively expensive to do the retrofit and in some cases demolition might be the only practical option.

Emerick: We would probably agree with that, I think. We have a better understanding of how to rank those resources and we just don't want to lose things we don't even know about. It's definitely a challenge, I've worked with a lot of private development and its one thing to rehab a project that's part of an overall project, say this one was to give her new life? So that's been what we've been talking about, how to face that in without tossing ash turmoil and what's going on there.

Ranzetta: The fifth priority is balancing preservation and density. You may hear this a little later with some of the folks testifying about this issue. One of the things to keep in mind is the demolition of homes is not necessarily a link to density. I think only about 10% of the demolitions that have occurred in the city are related to multifamily housing as opposed to just a change for like -- so you're swapping out a single family residential for a single family residential. It's not necessarily a preservation versus density battle. It's more of a sustainability and conservation of resource issue. I think that it's also a neighborhood livability issue, as well, especially when you have new dwellings being constructed there of different proportionate scale and massing, there's a fundamental change to the character of a neighborhood. Without an hri we don't know the impact from a historic district standpoint because there are several areas of the city that are ideal potential historic districts. But their integrities every time there is a demolition occurs within that neighborhood. [inaudible]

Emerick: Okay. So back again to our Portland preservation and watch list, which we kind of track this ongoing in the last seven addresses actually. Kind of a quick snapshot of buildings on there. The one in the center right is the Portland gas and coke building which has been demolished since last year. Chinatown is where a lot of the pressure lies on there.

Fish: Is that the post office?

Emerick: Yes, I think that is.

Ranzetta: Just in terms of that area ripe for redevelopment. It was actually determined eligible by the keeper of the national register, which means it's not a listed landmark again, but it's just a federal characterization. There was a memorandum of agreement signed and mitigation package proposed. That package has almost been completed.

Novick: The city just took up the first stage of a deal to acquire at a aside down the road.

Fish: How does that impact what the city has been thinking?

Emerick: Great question.

Ranzetta: It doesn't really because it's not a landmark or a national register listed, just eligible.

Emerick: Could it be listed as a public resource? That's a great question, commissioner Fish, that's kind of what happened with memorial coliseum and some of these properties we don't necessarily associate as being historic because they are midcentury and next frontier things are coming forward. Once it's a publicly owned property it could be listed I would think by public process.

Fish: One big difference is a sturdy majority of the council has said they want to save memorial coliseum. We have explicitly said we will do it where the post office is.

Hales: That's why it's good that it's not listed.

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Emerick: Yea right I'm only bringing this up just because I think that with h.r. Maybe if it's listable, okay, this this is something we can strategize around. I'm just bringing that up because memorial coliseum was slated for redevelopment at one point. Then a bigger conversation ended up happening around that, which changed course essentially. That was going to be the ballpark. Some of the key projects we reviewed, you guys know this one as well as we do probably the Washington Park and mount Tabor reservoirs.

Fish: Thank you for the work done on the mount tabor reservoirs. The idea that we would have a soft landing and considerable community support for the plans going forward, in fact Commissioner Fritz was so moved she gave out a spirit of Portland award on one of them. A few years ago i'm not sure I would have anticipated a soft landing on both. Now we have something with the help of landmarks I think we probably got it right.

Emerick: I think there was a lot of careful conversation around both of these, productive I think in the end. I think the community process was well served there. These are some of the bigger kind of infill development projects we're looking at in the alphabet district. One is a half block and the other is basically a quarter block. People think we're just looking at historic resources. But we're reviewing infill development projects because there's so much pressure for development. That's where our guidelines become key. That's the issue you're going to have with the developer and the developer wants to have certainty going in, they don't like risk. Knowing what to expect helps define what they can do and they appreciate that. These are more historic resources that are being remodeled that we reviewed last year. Chinatown and downtown. Downtown and then on Chinatown, the grove project, we're really excited about this one. That one passed just a pretty narrow margin, 3-2 split vote. I think that it's going to be a huge catalyst for the district I would say this was a challenging discussion we had at the landmarks commission because again, there's absolutely no guidelines for Chinatown, just defaults to the river addition, not specific at all. Basically what happens is you were kind of having a reactionary discussion with the public, the developer and the commission on what size is appropriate here? What kind of development is appropriate? A nine-story building in the background was pretty controversial. Then we're facing this right now, the example is the tops, we're looking at grand avenue historic district now as kind of another frontier. All of the buildings are two and three stories with the exception of the weatherly building. Now we have this humongous resource coming in there, and how is that going to impact the traditional main street feel and is that appropriate. That's the dialogue right now at the landmarks commission. This is an unfortunate one. But the historic resource inventory index, it's great but doesn't really allow any protections right now. We have a little bit of a snafu in the code, it's at the city's attorney's office whether or not there's a reason the 120-day demolition stay has somehow been removed from the code. Others can talk more intelligently than I can on the legal parts. But the temple building on the bottom and then the lotus building most historically significant but still on the inventory. Both were removed at the owner's request from the inventory and essentially can proceed with demolition immediately. The workman temples building, that one is probably on the list. It's going to be shocking and not reflect well on the city's values of cultural integrity and preservation if that building goes away. It's cited for a full block hotel development, both of those assets would be removed. The design commission is hearing a design request from the applicant I believe Thursday. The landmarks commission wrote a letter strongly advising that they find in the plan guidelines that removing historic assets don't better further the comp plan goals. It's kind of alarming.

Hales: Yeah. Thank you.

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Emerick: I think that's all we have.

Hales: Thank you both. Questions? We really appreciate your work that is lot of work as volunteers. You've been on the commission for eight years or less it's still a lot of work. It's really important. As you said, it's probably never been more important given the pace of change now and we'll be dealing with it as far as we can see. It's pretty important that we get it right.

Emerick: Yeah.

Ranzetta: Thank you.

Hales: Thank you, appreciate it.

Hales: I think we probably have a sign-up sheet for others who want to speak to this report.

Moore-Love: We have 13 people signed up. The first three please come on up. [names being read]

Hales: How are you? Good afternoon.

*****: Hello, good afternoon.

Hales: She'll probably need a little help from Karla with our arcane system.

*****: That'll come up in the last point.

*****: Go ahead, please.

Peggy Moretti: Good afternoon, I'm Peggy Moretti, executive director of restore Oregon. We're a nonprofit that working statewide to preserve and pass forward Oregon's historic resources and promote livable communities. I'm here on behalf of my organization to endorse the report given by the landmarks commission, and reiterate the need for an updated historic resources inventory because we certainly cannot manage assets -- and these are assets -- if you don't know what you have and where it is. So it speaks for itself. I have some additional comments and observations and recommendations to share today. I think it's important we note some of the positive things going on here and really good projects that enrich our city culturally and economically. They include the restoration of the 511 building as the new headquarters for pnca. The transformation of Washington high school as office space and an event venue. And the hotel, mixed income housing in old town, all of these illustrate preservation at its best. They received an award from restore Oregon just this last Friday. Other projects in the skidmore district that we're very heartened by are the society hotel and the proposed infill project next to the new markets theater. They are looking at reincorporating some of the historic cast iron. That's really, really good news. We had listed it as an endangered place and we have good indicators that that district is on the rise and we're really glad for that. However, on the negative side we do remain as Brian said in the midst of a demolition epidemic. Our phones are ringing off the hook about that. It's chewing away at the character of many older Portland neighborhoods. Restore Oregon reviews copies of all the demolition requests. We're on pace to lose 400 single-family homes this year and only 9% are having impact on increasing density. There's stuff going on that isn't necessarily achieving bigger goals. We do think some small steps of progress have been made in that arena, defining definitions, but we need a lot more. The market has created financial incentives for demolition so we need to balance that out a bit with some disincentives. A demolition epidemic is as we were seeing in the closing slides from the landmarks commission, this is now spreading to downtown. The pending application to demolish the Lotus Cafe building and the Workman's Temple. It's absurd that these buildings could come down without so much as one bit of public comment or conversation about that. My colleague Brandon Spencer-Hartle is going to speak to the contradictory loophole in our code that's

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allowing that to happen. But what a loss this would be to the historic fabric of our city. We should not be rewarding property owners who have let their buildings sit and disintegrate for decades and then they claim it can't be saved. This is I think a case of demolition by neglect. I don't think people should be profiting from that. I think we would be in a better position to see buildings like the workman's temple restored and repurposed. If a few more things were in place in the areas of carrots and sticks. We do need financial incentives for seismic retrofitting and the flexibility to do upgrades in phases. You probably remember that we have been proposing a state historic rap incentives in the last session that received the city support, thank you very much for that. We couldn't find fund for it there in the capitol. I'm hoping you will join with us in keeping the pressure on for that. That still needs to happen. And as proposed I assume it would be similar to what would come forward in the future, a 20% rebate for historic rehabilitation. And that's particularly important for the smaller historic buildings that don't attract deep-pocketed developers to do the work.

Hales: I need to get to you wrap up, we're running out of time.

Moretti: Oh, sorry.

Moretti: I think other ideas we need to consider is an ordinance that prohibits demolition by neglect. There are a lot of cities that have that, and that's an idea we should explore. I appreciate the idea of a tax on demolition. We need to make sure that we do enforce meaningful demolition delay periods that allow conversations about alternatives to demolition. And we definitely need those design guidelines in the residential infill arena, in the skidmore district, Japan town, Chinatown, making it easier for the historic projects to happen and the compatible infill to happen. We thank you very much for allowing our input into so many commissions and task forces over the past year. We look forward to contributing more good ideas as we also build for the future.

Hales: Thank you, please keep those coming.

Novick: Could I ask a question? The term demolition epidemic, I'd like to get a sense of what you expect to be a normal and acceptable amount of demolition. You don't expect for the average house to last for 1000 years so if one tenth of 1% of all houses are coming down every year that to me would seem abnormal. You expect houses to last more than 10 years and 10% of houses were being torn down, obviously that would be an epidemic. What do you think is a normal level? What's a demolition disease and what rises to an epidemic?

Moretti: Well, we clearly have a rapidly increased number of demolitions. And so many of those demolitions are on houses and structures that have a lot of good life left in them. It's one thing if it's something that's just, like I say, has run its course and doesn't have much value left in it. And there are some of those. Certainly not every one of these house comes down should have been kept. But there's an awful lot of good use left in places that are being demolished. To me that's what's out of whack here, out of balance.

Novick: But what's a lot? What percentage of the housing stock would you think of as a lot? If 10 good houses are being torn down, is that an epidemic, even though it's a small number?

Moretti: Well, I don't know what the right percentage should be. To me I think there is something of a value judgment in that. But the acceleration that we have seen, I don't think is average at all. He and I think it's probably tripled is what we've seen. Every single day we receive demolition applications in our mail, Two to four every single day. That seems lot like a lot to me.

Hales: One way to look at it, it's a fair question, Steve.

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Hales: If you believe that a well-constructed wood frame house can last 300 years, and since my parents-in-law live in a 250-year-old wood frame house in new Hampshire that looks like it's going to be around for at least another hundred years, then maybe 400 house as year statistically is the right rate. But we don't have any 250-year-old houses in Portland. We're tearing down houses that are 100 years old and in the first third of their useful life even on a statistical basis. We're at that replacement rate 200 years early.

Moretti: The average age of the demolished house if i'm not mistaken is circa 1920. It's historic, has really good materials in it and I would say in many of the cases it had a lot more life to it.

Brandon Spencer-Hartle: Mayor Hales, commissioners, i'm here to talk about what it is to be a historic resource. I work around the state with the 70-some communities that have landmarks commissions and what we have here is a treasure. The city of Portland recognizes four categories, national register projects properties, local landmark properties, and historic resource vantage point props. The inventory was adopted in 1984, it includes approximately 5,000 properties. Unfortunately, since 2002 properties on the historic resource inventory have been able to be demolished without any protection or delay period as prescribed by the zoning code. This provision of the code title 33.445.510 subsection b was inserted in 2002 as part of a larger package of amendments altering the zoning code. Owners of historic resource properties like the one on the screen in a second, to be removed on the same day their owners request removal. Properties are included in the zoning code as a type of historic resource and subject to a 120-day demolition day this code loophole allows those property owners to come off the inventory. Over 170 prompts have come off the inventory in this way. Most of those are small single-family houses, the kinds of things not noticed until after they are gone. Two properties you can see from the front door the city hall have been removed from the inventory. Because of our state's unique owner consent law there is no opportunity to designate the resources or protect them with the type of expertise the landmarks commission can offer. Once a property is off of the inventory it's not subject to documentation and salvage requirements otherwise expected for a property on the inventory. In our estimation allowing prompts to come off the inventory without any notice, hearing or delay cripples the ability of the historic landmarks committee to find alternatives to demolition. The removal of the united workman's temple and the lotus cafe represent the most egregious just is use of this since 2002. I'll stop there.

Fritz: Does stay law not require to us take a property off if the owner asks?

Spencer-Hartle: The state owner consent law requires for local designations the owner to provide their consent for that local designation. Law goes on to explain that any owner who refuses consent is required to wait 120 days before modifying or demolishing that structure.

Fritz: that's to put it on, those. What's the rules for taking a designation off?

Spencer-Hartle: That is an item that we've been engaging with at the state supreme court and actually this commission has included the city attorney here in that discussion because there is still a legal question as to which owners can request removal from historic designation. In the past it was assumed only that owner designation imposed on them could request removal. It was broadened to potentially any owner to request removal. That was a week ago yesterday, that question of who can come off.

Fritz: I'll be interested from our city attorneys later to know if there's something in the interim while this court case is pending that we could do to protect those two resources that you've noted.

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Spencer-Hartle: I'll say one more thing.

Moretti: 120-day delay should still apply.

Spencer-Hartle: That 120 days for an organization like ours, while it might not save every building provides an opportunity to provide a feasibility and dialogue. If the code allowed for that 120 days we could be engaging in discussions rather than here reacting to something.

Fish: You have on the back of your testimony a proposed council action. You propose that we strike sub b of 3.445.510. Would that have the effect of then providing a 120-day clock before it can be taken off?

Spencer-Hartle: It would. And that would be in our estimation the right response to state law and the remainder of zoning code which does specifically say historic inventory resource properties are subject to a 120-day delay.

Fish: If the council was persuaded to do that, we could not apply the retroactively to any property that has been delisted, correct?

Spencer-Hartle: I wouldn't imagine so in a legislative action. But Carey Richter will follow up my testimony.

Fish: Just guessing, that sounds like something we can't do. But we could entertain whether we want to make this change going forward and perhaps even have a hearing on it.

Spencer-Hartle: That would be great.

Moretti: Please.

Fish: By the way, you said it was part of a package that we adopted in 2002. My memory isn't that good. Actually I wasn't actually on the council then.

Fish: It's worse than I thought [laughter] Was this an issue in the package that was clearly framed for council's consideration? Was this a considered action or part of an omnibus action that did not get the attention you think it deserves?

Spencer-Hartle: That's a good question and I probably have less reference I had my learner's permit at the time, it was a long time ago. From the records from those deliberations, there's no -- in the official records from the stakeholder advisory committee and the discussions around the broader package of code changes, I can't find any language explaining why that subsection was added other than to assume it was a response to the 1995 owner consent law that may be only read part of that law. The rest of those code changes are full of change notes from commission members and city staff.

Moretti: It's certainly contradicting the clear intent of putting in the 120-day delay. Why would you have that if you could instantly remove it? It doesn't make sense.

Hales: You've called this to our attention in a very useful way.

Carrie Richter: My name is Carrie Richter, I am an attorney at the law firm Garvey Baer. I served an eight-year term at the Landmarks Commission. I want to myself congratulate the chair for leading the commission in a masterful way upon my retirement. And I am so grateful to them for all the work they have done in taking on the policy charges in a lot of ways I think as a commission we were not able to do in terms of being involved proactively in the new comprehensive plan. The quadrant planning. And this unreinforced masonry work I think is wonderful. That's my first point. My second point is I was the attorney representing Restore Oregon and the city of Portland on the Carmen House case, the Lake Oswego case that has to do with the owner consent law. I think we are all encouraged that that is going to turn out to be something that the Supreme Court understands the owner consent law was only intended to apply to the owner at the time the designation was imposed and not intended to carry forward. We've identified about

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1700 designated resources in Portland that are at risk of delisting by subsequent owners. If the Supreme Court rules the way the court of appeals does. Third point, I want to just follow up on the demolition code revision issue that restore Oregon has raised. I want to point out that there is ambiguity within your code already. Commissioner Fish pointed out the provision that restore Oregon wants removed. There is another provision, a little further down in the code, 33.445.520a2 that says: Issuance of a demolition perm after demolition review -- this is for hri resources -- requires 120-day delay. And in the case of the ancient united workmen temple and the hotel albion, design review advice has happened to take down these buildings already. City staff knew the intent with as to demolish the buildings. If we know the intent is to demolish, it seems the appropriate review standard would have been this one I just read to you that would have subjected this resource to a 120-day delay. It's not as though the city didn't know these buildings were going to come down. That's a real problem that first of all, necessities amending the code. And second of all, being more rigorous until the code is amended when these applications come in. It is not as those fees folks are just wanting to come off. Thank you.

Hales: Thank you very much, Carrie. Thank you all. The next three folks, please. [names being read]

Hales: Good afternoon, why don't you get started?

Maryhelen Kincaid: Last time I was here commissioner novick had a great quote and george brett said go royals they went and now they are world champions. I hope we score a world series here. A common issue, I sit on drac and a common issue, demolition task force, information shared with city council and their staff, there are houses and neighborhoods that are significant. Not necessarily historic but significant and some have the potential to be saved but neighborhoods don't have the capacity to deal with the process in place. There are no tools to do that. The tools we've been trying to use are not adequate. Neighborhoods are frustrated. We do not have the right tools to identify what's significant. My last testimony I said I had a plan. And we have -- and i've discovered a tool to assist neighborhoods and save some houses from demolition. It identifies houses that are significant and targets houses because of their lack of configuration or historic nature or significance. One is the hri, we have heard and know the hri is in need of great revision. The work of the demolition task force and how it addresses the issues of demolition, notification and appeals process, and urges continued funding to support of compliance. While compliance is good it's not going to stop demolitions. Six appeals have been files, no houses have been saved. A group of concerned neighborhood land use activists including restore Oregon who headed the effort, included have created a toolkit for best practices and extending the delay to 95 days. To appeal at this stage when the developer has invested a lot of money is not the best time. By all accounts it is outdated and some of those are not so good tools. I agree hri needs to have the start-over button hit. It would enhance the work of any future efforts of hri. A revised historic resources inventory would bring the city's interests in maintaining neighborhood livability to the forefront and allow neighborhoods to explore their historic identity has to a grass roots and well planned inventory effort. We're there now, we just need to help the neighborhoods in their efforts. We've presented this project to paul scarlet, director of bds, commissioner saltzman's staff. Susan Anderson and Joe Zehnder, bps. We think it would augment the new position for the historic preservation planner. That will focus solely on historic. While this is about hri, hour project will enhance those efforts towards neighborhood livability and significance. Developers and

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landowners would have the tools to start the conversation before demolition is filed. It'll preemptive and restore neighborhood character. It'll lay groundwork for future work to preserve historic residential structures we don't even know about. Quote: Good management is the art of making problems so interesting and the solution to constructive that everyone want to get to work and deal with them. You'll hear testimony a little later from Mark Molinaro about this project.

Hales: Thank you.

Denise McGriff: I'm Denise McGriff and I have the privilege of working with the national trust for preserve sayings. I'm representing. [audio not understandable] the committee strongly supports the recognition and resource Oregon have recommended to you regarding removal of the zoning code section that allows property owners to remove their hri designation. I'd like to give you a little personal observation. Last year I attended the historic preservation programs awards. You all know about George Mcmath and his history in starting our historic preservation program. Leo g. Williams was the recipient of the award. During Leo's presentation and discussion about the work done with George to start that program, I was disturbingly reminded of how far we have not gone in the city of Portland to do all the work that I think George envisioned, Leo envisioned, and our late friends envisioned. I really urge you to seriously implement all of the recommendations that the landmarks commission has proposed to you, because they are the foundation of this city's program. And we have so much to be thankful for in terms of the resources of this city. The national trust was hosted in the stiff Portland. I just came back from d.c. And they are still talking about the Portland conference, which is great. That said something real good about what we did. I really urge you to not only talk the talk about our preservation program here in the city of Portland but to walk the walk and implement these changes. Thank you.

Hales: Thank you.

Cath Galbraith: [inaudible] we own and operate the architectural heritage center at 701 southeast grand avenue, the oldest building integrand avenue east Portland district. We're well aware of the threatened developments in our environment. In addition to commenting on the report for the history landmarks commission seventh annual report i'm here to focus on the emergency happening where our vintage buildings are being deliberately erased at a rate never before seen in the city of Portland. We were building new buildings and not demolishing what was old. We support recommendations and the comments in the report about design guidelines for skidmore old town, and seismic upgrades for historic buildings. But the epidemic of demolitions that continues to rage through the city, unfortunately the conclusion reached by bds is that the city is balancing the concerns of the various stakeholders and we disagree with that. Only demolitions in low density residential zones are subject to the review and we receive all of those notices. We know the magnitude of those. We're also paying attention to the demolition applications and there are at least at many demolitions happening of building not in low density residential zones. We're losing a tremendous number of vintage and historic buildings without any delay or review. We've heard a lot of discussion about the status of Portland's historic resources inventory and all the flawed issues around it lack of formal evaluation and adoption when it was finished. And I don't need to go into that. But we have a process that's essentially voluntary for the city the caliber of Portland to be the single city with this weak and ineffective process, it's really a national embarrassment when I deal with my colleagues around the country. They just cannot believe our program is as weak and ineffective as it is given Portland's reputation on a number of other fronts.

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There's a particular concern I want to bring to your attention today. My organization was chosen to update the cornerstones african-american documentation project which we started in 1993. It was to be used in work on the north-northeast quadrant plan to protect african-american resources but nothing was done as we provided the update. 10 of the original 1284 standing buildings that we had identified had been demolished between 1998 and 2010, over a 12-year period. More recently we've been looking at all of the demolition applications and the impact on our inventory. We've done a very preliminary review which shows at least 12 of the african-american historic resources have been demolished between 2010 and august of 2015 with a startling acceleration in 2015 and of course none of these buildings are subject to any delay and there's no protection for them. So we have our work cut out for us. And I know all of you, you have incredible tolerance to sit here and listen to us go on and on and on about our favorite subject. This is one of thousands of issues that you're obligated to deal with. You have tremendous tolerance. Try to come down here as little and possible and bother you about things. But Portland's beloved reputation, character, quality of life, its place that everybody wants to be is in large part based on what the city feels like. It's based on what it looks like and in large part on its natural character and building character. We can't afford to risk squandering that building character but not paying enough attention to the resources that my profession cares about. And I know you do, too.

Fish: Cathy, first of all, we never tire of hearing from you.

Galbraith: Thank you.

Fish: I've lived in cities that created egregious acts of vandalism and they look back and the in to regret what was demolished or neglected or whatever. Because we have so much coming at us, it does strike me when we identify one or two or three discrete things that we're asked to do, it's more likely that we'll do it. Earlier we heard a particular statutory problem about the 120-day clock and we have a proposed remedy. We could tackle that very quickly and put something in place. And there are some other things here that seem very targeted. So my sense is the more we identify and specific problems and outcomes and we're clear the more likely we'll be able to address it in an expeditious manner.

Hales: Thank you very much, thank you all. A few more folks that want to testify and then there are a lot of people here for the next item. We have five or six more people signed up to speak. We'll hear them and move on. [inaudible].

Moore-Love: We have a comp plan hearing tomorrow night. [names being read]

William Willingham: My name is bill Willingham, I'm a consulting historian. I'd like to speak to you today about the need to update the historic resources inventory. I bring to that some special knowledge in that I was the historian, along with the architect, who did the research that created the very first inventory back in the early eighties. What you all know but we probably need to think about it again, is the fact that Portland is blessed with a built environment that reflects 150 years of virtually every architectural style as buildings reflect those. They are important not only for architecture but also for their association with culture, with commerce, with ethnic diversity. So what is really key is that we build our knowledge base so that we know what out of that 150 years' worth of built environment we need to preserve. So the inventory is only the first step of that. Then you have to evaluate those properties according to appropriate standards so you can rank or determine significance. When you come to the issues of demolition that present a building in a microcosm, you know where it fits in that larger universe so that you can make rational decisions. I would just encourage that you as quickly as possible find the

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resources to update that inventory because as others have pointed out, the city of Portland has grown and we have marched 30 years ahead so that we're now able to evaluate buildings from the fifties and sixties according to the 50 year standards as the cutoff date. If we don't get the inventory updated we can't deal with the new resources that need to be effective. I won't take any more time to repeat what others have said. I think the focus needs to be on updating that inventory. I'd like to see my work carried on. Thank you.

Hales: Thank you very much, we would, too. Good afternoon, mike.

Michael Molinaro: I'm michael molinaro, approximate I want to thank maryhelen for her referring to me as a tool. I think it's the first time it's ever happened.

Hales: She didn't mean it that way. Present. [laughter]

Molinaro: One of the reason jane and I moved to Portland so many years ago having renovated and restored over 500,000 square feet of local and national landmark buildings, I was attracted here by the major landmarks we all know but to the historic character of Portland's neighborhoods. They are named after a mountain, a creek or even a waterfall. But we moved into one named for an idea: Sunnyside. I soon discovered a gap in the recognition of historic Sunnyside structures since the hri was completed in the eighties. I could not find an updated account of this these 133 properties. I set off to examine them myself. By looking at every single residential property I documented not only the hri but over 300 additional residences that I feel could be considered as an asset to that historic resource. Dropped into a database I could now search and group them using over 50 different categories. In my opinion these are the properties that make up the residential fabric of Sunnyside. Many of these are also the properties most vulnerable to demolition. No tax, fee or appeal process can ever bring them back once they are gone. So in addition to my own historical survey, I have added to this database underlying lot line information. Now by combining the two, and with current data on market values, I can predict which of these properties is most likely to be demolished. This study, called inventory of significant residential properties, has been presented to city staff with two more presentations scheduled. If our pilot project is funded it will be expanded to four other neighborhoods and can be utilized by all parties, owners, neighborhood associations and developers to potentially chart a course other than demolition and help maintain the affordability of housing. Thank you.

Hales: Thank you. Good afternoon.

Alyson Clair: Good afternoon, I'm Alyson Clair, I'm a small clothing maker in town and an apparel consultant. I've lived in Portland for the last 15 years and i'm here on behalf of ancient order of workmen temple. I rode the 12 bus for over an hour to come and visit it. I would visit it when I was walking which is kind of silly. I was crushed when I saw this happen with the hotel and this building potentially slated for demolition. It may be the straw that breaks the camel's back for staying in this city. The character is what draws me and everyone that comes here and that loves it. It's sort of a plea to keep these extremely historic buildings. It's beautiful and breathtaking and I was almost in tears when I saw the plans for raising it. The building shows the current structure with the building around it and the plans have been outdated. Just here to voice my concern and thank you for your time.

Hales: Thank you, thank you very much. Thank you all.

Moore: The last three who signed up. [names being read]

Hales: Come on up.

Therese Dupay: My husband is not going to speak today.

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Hales: Welcome.

Dupay: Hi.

Hales: You can go ahead.

Dupay: My name is Therese Kennedy Dupay and I'm a local writer here in Portland. One is a crime history book on organized crime here in Portland. I'm coauthoring that book with J. D. Chandler and it's a history book. It's my love of history that brings me here today. I was born and raised here, I've lived here my whole lifetime. I have two favorite buildings in downtown Portland, the Lotus Hotel, formerly the Albion Hotel. And the Ancient Order of the Workmen Temple. I was able to do a tour through the upper portion of the Lotus Hotel. I took over 100 photographs and did a video and wrote an eight-page paper I was going to submit to local places around town and I could never get my head around how to do that. The paper details the significance of the Lotus Hotel, the 1978 murder that happened in the bar of the Lotus Hotel, the ghost that lives in the basement and the upper portion of the hotel and all the history that goes with it. It was a wonderful experience, and as a writer I benefited greatly because I learned about the history of Portland in a way that I hadn't really known before. I always wondered about the possibility that the Lotus might be demolished, and it's very distressing to me because the appeal of Portland, Oregon is so tied to our architectural history, and the character of downtown Portland is suffering with these consistent demolitions of old buildings. I want to state that it's not impossible to restore these old buildings. The Cornelius suffered a catastrophic fire in 1988, it's been restored. The Harlow Block 82 on Northwest Glisan Street is being restored. There's no reason why the Lotus Hotel cannot also be restored. But I also just want to state much like the woman who spoke before, I was almost -- I was baffled when I saw that the Ancient Order of the United Workman Temple was designated for demolition. I am shocked, I'm horrified, I'm outraged that this could even be considered. It is so priceless a building. We have to do what we can to save the Ancient Order of the United Workman Temple and the Lotus Hotel. That's my statement.

Hales: One more nugget of information for your history which I think I should disclose now that Commissioner Novick is in charge of the transportation bureau. It's been the afterhours hangout for there for many years. I can now reveal that the one of the named city engineers at the time, Vick Rhodes and I drew the street plan on a bar napkin at the Lotus. Unfortunately we didn't keep the bar napkin but we drew the street plan.

Dupay: It's booming, yeah.

Hales: Thank you very much. Good afternoon.

Sarah Stevenson: I'm Sarah Stevenson, I'm here today as cochair of the Old Town China Town Land Use and Design Committee. We want to thank the members of the 69 Landmarks Commission for their work in our city and their 2015 priorities and goals, specifically the development of historic design guidelines. I'd like to speak about two that sit within Old Town Chinatown, the Skidmore and New Chinatown/Japantown Historic District. The Skidmore needs to be updated, sound like they are done and will be in front of you very soon. We'd like to thank Planning and Landmarks for that work and encourage you to approve them as soon as you can. We've never had design guidelines in New Chinatown and Japantown. They are facing development pressures and desperately need those plan guidelines. They are important not only to preserve our historic fabric but also to give developers what they can do in the neighborhood and how to proceed. We thank the city for listening to our earlier requests and taking steps to move these guidelines forward. We urge all parties involved to now prioritize their development as we would very much like to see guidelines in New Chinatown and Japantown for 2016. We think 2017 is a little bit

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late. Insuring compatibility with new development and preserving the aesthetics of historic districts is important work. Sometimes people ask why, it's just an old building. Sometimes it's not even a very pretty old building. These physical places preserve a space for us to tell stories about the people who built our communities. Sometimes the stories are inspiring sometimes they are ugly. But it's important for us to know and remember our own history so we can continue to create the community that we want Portland to be. Thank you.

Hales: Thank you very much. Thank you all. Okay. Commissioner Saltzman, I think a motion may be in order.

Saltzman: I would move to accept the report.

Fritz: Second

Hales: Discussion? Let's take a roll call vote on that subject.

Novick: I'm continually amazed at the amount of hard work from our volunteer commissions. Thank you very much he very, very much for your work. Aye.

Fritz: I second that, after eight years of dedicated service, I want to echo commissioner Fish's kudos for your handling of the Mount Tabor reservoirs and the Mount Washington reservoirs. You get to look at all kind of different issues. I smiled when somebody said the skidmore design guidelines will be coming to council soon. I've heard that every year for the last seven. I'm looking forward to you bringing home right after the New Year, mayor. And also the new chinatown and japantown guidelines. I'm shocked about the two buildings slated for demolition and horrified to think they could be replaced by some out of the box hotel some out-of-town developer thinks is in keeping with our city there are so many beautiful buildings in downtown Portland that make me proud to be a Portlander and contribute to the character of our city in a way that a standard box hotel is not going to. Mayor, I hope you'll be able to intervene in that. I need to tell my own lotus hotel story or at least a restaurant story. I go there at least once a month whenever I want to have a private conversation. The acoustics in that beautiful wood bar are such that if you go at noon it's very noisy, you can perfectly hear your companion talking even if you try you can't eavesdrop on the next table. But it's the perfect place to go and have a secret conversation right in the public. It's really quite nice. Thank you very much for the report and for all the work that you do. Aye.

Hales: The reporter's here so you've probably had your cover blown.

Fritz: Try it, it's possible.

Fish: Thanks very much for this report. Each year when we get this presentation I find it inspiring and sobering. There's a number of things on your action list which I think we should prioritize, quite frankly. One is taking a quick look at title 33 and saying if we can make a discrete change. That's something we'll be discussing with dan of bds. The second is having a full-time preservation person in the bureau, a senior person, senior planning position. This is a tough budget cycle, the mayor has given guidance every bureau has to identify a 5% cut package as a fallback. I'd like to know more about the staffing around this, it seems like a reasonable request. I, too, am looking forward to the skidmore old town stuff coming back to us. The last time we took it up, Commissioner Fritz, was four years ago? And as to the general sentiment about the kind of soul of our city as reflected in historic structures, I could not agree more. In fact, cities that have been far-sight bad this have protected buildings and districts and they have turned out to be high-rent areas also and people whose to live in areas that have historical roots so. Thank you for your good work. I'm pleased to vote aye.

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Saltzman: Thank you, commission members for your hard work and past and present members, as well. I also want to acknowledge the role of staff, tim heron has staffed this commission well. I think the testimony as well as the commission members have raised some good issues we need to take a close look at like this 120 -- lifting of the 120-day delay. That's something I will look at as commissioner Fish says and see if we can't bring something bad for remedy that. Thank you very much, aye.

Hales: Some of you who may be here today and not here often may not know this but we get these reports every year from both the design commission and landmarks commission. They are an excellent way for us to check in on what's working. You've shown us some things that are, like how much better the block 81 development was after your review than it started before. It's good to hear about what's working. But frankly I don't think there's been a report at a time more important than right now that calls out what's not working. You have really given us a call to action just in time to save some buildings that are otherwise going to be lost. I really appreciate as has been set by other members of the count, the clarity and call to action. You've got my commitment and I think you've heard others here on the council as well, committed to moving swiftly to make improvements that will avoid the losses that you have flagged. We really don't have an excuse not to act if you've given us this much clarity. We all can look around and see the rate of change that's underway. We have a short time in the work we begin tomorrow afternoon in our first public hearing on the comprehensive plan, and in the specific issues you've called out here today. We have a little bit of time to keep Portland, Portland when we're forecast to accommodate 250,000 more people and 140,000 more jobs over the next 20 years. It's really important work. Thank you very much for what you've brought us here today and we look forward to having you back in the council chambers very soon for changes in our code. Aye. [gavel pounded] thank you all very much. Let's move on to our second item this afternoon, item 1208.

Item 1208.

Moore: Add code removing barriers to employment to establish procedures for the use of criminal history information by employers within the city.

Hales: Thank you. Let me set this discussion up and then we have some invited testimony and staff presentations on this proposal this afternoon. The best way to break the cycle of imprisonment is a job. We hear that again and again from people that do this work, from people who have been in the criminal justice system. In fact, the city club heard it last week when arthur davis so poignantly talked about how his future was determine beside his father's gang involvement and his own choices. And then right there at the city club pointed out that he could use a job. We hear that story way too often. And in fact we formed this amazing effort in Portland along with other cities around the country called the blackmail achievement initiative. There are people who work on that wonderful effort. I got to know a couple of young men who visited with us as we did the work, stephan fowler and robert white. At the time I met them, they were both in the criminal justice system serving time in an Oregon prison. Robert has since been released and is doing well. Stephan is still in the system. If you have ever had the chance to be inspired by a young person, I can tell what you that was like. I was so inspired by them. I wanted to hire both of these young men on the spot with you I know how difficult it'll be for them to get through the interview process and get a job. That's why we're here. Meanwhile, i'm the police commissioner and we're having the worst year ever for gang violence. We've had 171 gang violence incidents in our city, we've had 163 shootings, 65 people hit nearly a thousand shell casings recovered and 12 people killed. Some of the people that have

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been perpetrators of the violence are going to go into the system, some of them are going to make amends and change their lives. When they come out of prison the best thing that can happen is for them to get a job. So that's what this ordinance is about. It is both an economic issue, a public safety issue and a racial justice issue. It's the best way for us to make sure as community that we give people a chance and that we get great employs considered when they are out looking for work. What we're proposing here is a potential breaking down the barriers, consistent with what we've done in other ways to do that. The original policy proposal went through both work groups and also through my mayor's business round table that made some improvements in the proposal that you'll hear about today. Those include having the state bureau of labor and industries rather than the city serve as the enforcement entity, provide some tuning for particular situations like early background checks and public safety related businesses, and for staffing companies. So -- and a clear understanding that there are situations where out of business necessity an employer needs to know this information early. But remember, what we're changing here is when the question is asked. That's all we're changing, is when the question is asked in the employment process. It used to be that we could inquire as employers about someone's religion or sexual orientation. No longer legal. It's still going to be legal in Portland to inquire about someone's criminal history. But there's a right time to do that and there's a wrong time to do that and that's what this ordinance is about. So I want to ask city attorney judy prosper to come up and walk us through the code changes between again, the proposal that was in front of the council earlier this year and the one that's here today, Josh Alpert and rachel wiggins on my staff have worked hard on this and they are available as well, and then we have some invited testimony. Judy, Welcome.

Judy Prosper, Deputy City Attorney: Thank you, mayor hales. Good afternoon mayor and commissioners, I am Judy prosper, deputy city attorney who helped your office draft the code changes. So the first thing I'd like to say is to acknowledge that the state earlier this year passed a version of ban the box HB3025 it was passed on June 26th---sorry signed by the governor June 26th. Im going to review some of the code changes as you've mentioned mayor and just highlight the differences so I'm not going to go verbatim through the whole proposed code change. I'll bring your attention to 23-10-030 which talks precisely about the timing that you mentioned making it unlawful. I believe before you, you have a comparison that I may have distributed earlier it says comparison between ban the box state law and proposed code changes.

Hales: She's handing that out now.

Prosper: ok

Fish: This thing?

Prosper: Yes

Hales: Thank you

Prosper: So again I am at 23-10-030 and it—the code proposes it is an unlawful practice for an employer to exclude an applicant from consideration solely because of the applicant's criminal history. B talks about the timing that should happen after the conditional offer of employment and D talks about the test in making the determination about whether an applicant's criminal history is job related for the position in question and consistent with business necessity. An employer must conduct an individualized assessment of the nature and gravity of the offense, the time that has elapsed since the criminal defense took place, and the nature of the employment held or sought. Again, as you mentioned, mayor hales, E talks about that this is not, again, something that prevents employers from checking criminal history. It merely delays the time when they can do so.

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Things that cannot be considered that are mentioned in section e, and arrests not leading to a conviction, convictions that have been judicially avoided or expunged, and charges resolved through the completion of a diversion or a deferral of judgment program. I am going to move down to section 23.10.040, exceptions. This chapter would not apply where federal, state, or local law require the consideration of an applicant's criminal history to law enforcement, employees in the criminal justice system, and volunteer employees. B is -- there is another handout that you may or may not have received yet, and it is what's known as the matrix, I will talk a bit about that, but it's -- maybe Rachel can get that up to you. So, 23.10.040, exceptions, part b, for the following positions, an employer may consider an applicant's criminal history, as any point in the hiring process. And may use the city criminal history matrix, provided by the administrative rules to screen applicants but must comply with all other requirements of this chapter. And an individualized assessment shall be required for any conviction not contained in the criminal matrix. So, again, it speaks to the administrative rules, which have yet to be drafted. And what's before you now, is what the state uses, the department of human services, for employees that will be coming into contact with older folks, and people with disabilities, or developmental disabilities. And what it is, is a chart of convictions that will allow an employer, at the department of human services, dealing with this population, to either have a five-year ban, a ten-year ban, or a permanent ban. So, as it says, and the city has, of course, yet to adopt this. It will most likely, if the ordinance is adopted, look like this, and I am just going to set an example because this is another question that has come up often, so maybe I will head it off a bit. The non underlying ones, are your most egregious crimes. Aggravated murder. Murder. It goes through rape, sexual abuse, crimes against children, etc. The ten-year crime bans are drug crimes. So those are indicated. Actually, not indicated on this list, so any selling of drugs, would be a ten-year bar, so the underlying one from this list would be five-year bars, and that includes public indecency, invasion of personal privacy, and computer crime. If charged as a felony, so I can go back to that if you have questions, but I will continue down 9 the highlights of the ordinance.

Saltzman: I have to confess, I am still trying to figure out how this list of crimes you just handed us, where does that fit into what we're talking about right now? I don't get it.

Prosper: Ok, so we're at the exceptions, we're at .040, exceptions, to what was stated earlier, which is that the inquiry into a criminal conviction has to come at the conditional offer phase. What this is, what we are proposing, is an exception to that, for the crimes listed on in that matrix. So, the ones that are not underlined, sorry --

Saltzman: How would you know unless somebody voluntarily discloses to you?

Prosper: It's related to certain positions as commissioner Fish said, that have to do with vulnerable populations. If you continue to look -- if you look at 1, if the subsection is under b, positions involving direct access to or provision of services to children, the elderly, persons with disabilities, persons with mental illness, or individuals with alcohol or drug dependence Or substance abuse disorders. Positions that have been determined by the administrative rules to present heightened public safety concerns or business necessity, and positions designated by the employer as part of a federal, state, or local government program designed to encourage the employment of those with criminal histories. So if you are soliciting employees for jobs that fit in any of these categories, you would be able to use the matrix ahead of time, which means you would be able to ask before the conditional offer phase, whether a person has a criminal history, and match that criminal history up against the matrix. Is that clear?

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Fish: I think it would be helpful between now and next week if you gave us some illustrative examples of positions covered by these categories. So, I think that we can all sort of pick this, as the poster child for each of these, but it would be nice to have some additional examples of what's covered by one, two, and three categorically. You are proposing an exception that's clear enough that the person hiring for that position knows that they have more latitude. It's because it's a sensitive job involving public safety or a vulnerable population or whatever, and we're making a judgment that the rules don't apply in the same way to those positions. And by administrative rule we'll flush that out, but to the extent these are taken from other codes, and are sort of meant to be short-hand for a childcare provider, a domestic violence shelter or whatever, whatever it is, I think it would be had her for us to see those.

Hales: All right. Other particular points that you want to raise in your questions?

Prosper: About the exceptions? I am just going to move down to 23.060, enforcement. The last time that we proposed this code changes, we had proposed a, perhaps, enforcement by the city attorney's office. And that is a change that's made, and the enforcement is proposed to be with the bureau of labor and industries, and that is in line with what's happening, what will happen with the state law.

Fish: The state law is very clear that enforcement is to be done by the bureau of labor and industries. Why have we chosen the word, may? City may contract? Why does it not say shall.

Harry Auerbach, Chief Deputy Attorney: Maybe I can help with that. We cannot force the bureau of labor and industries to do anything. So, they would have to be willing to do it, and then we would be able to negotiate a contract. My study is that, in fact, they are willing to do it, and our concern at the beginning was whether they would be willing to do it or not.

Fish: So that's why you used the conditional may, but it's our intent to have them do the administrative enforcement?

Hales: And they indicated that they are prepared to do that?

Saltzman: Can we say the city's intent is to contract with them rather than the city may contract with? Given this discussion that we just had?

Auerbach: Sure.

Saltzman: The contract with the bureau of labor and industries.

Fish: This was a big discussion previously about whether we were going to create our own enforcement wing of the city attorney's office, or access the established professional services of the bureau of labor and industries, and I think that we've all been persuaded this is the better way to go.

Auerbach: I understand that the mayor has a proposed amendment that will direct us to negotiate with them, and I think that will capture your intent.

Hales: I will run through those.

Fish: But since we're talking about enforcement, will you, also, as you walk us through the enforcement section, would you explain how it dovetails with the 23.10.100, an application? The last sentence says that enforcement shall commence July 1, 2016. I just want to make sure that I understand how those two fit together.

Prosper: Can you point me to -- 23.10.100.

Fish: In the last sentence, says enforcement of this chapter, under subsection, blah, blah, shall commence July 1, 2016, so I want to make sure that I understand, enforcement, and then the Trigger date.

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Prosper: I am going to confess that my copy has a line there for the date. Thank you for letting me know that it's intended to be July 1st. 2016. So I think the intention with put that go date in, is that between -- if the time the ordinance and code changes were to be passed by council, the city attorney would commence the negotiations with boli to contract for them to do the enforcement. And that is contemplated to be done by July 1st.

Hales: There is some amendment language that might clear this up when we get to that.

Prosper: Ok.

Hales: So maybe I should go ahead and put those amendments before the council now. So that they just have -- we would have these here before we call up to invited testimony. Can we do that?

Prosper: Do you want me to finish?

Prosper: Go ahead.

Hales: I think I have all the amendments.

Hales: No, go ahead. I'm sorry.

Prosper: I am done. That's the enforcement mechanism through boli, and an amendment to that, from commissioner Saltzman saying that it is the city's intent to contract with boli to enforce the provision.

Fish: Let's take your amendment on the table, and we can take that, and we have more questions to make sure that we understand it.

Hales: Okay, so Rachel, I believe, has copies of the amendments, maybe in front of everyone, and I am not sure that I have them in the same order that everyone else does.

Amendment #1. But, one is the scrivener's error. To 23.10.060, enforcement that merely is a numerical change from eight to six, under sub b.

Fish: Second.

Hales: There is that one.

Saltzman: Scrivener's error?

Hales: That is the first one. There is a -- an

Amendment #2. Amendment to the criminal history, and employment decisions section, that adds the words, orally or, so what the effect is, if after consideration of an applicant's criminal history an employer rescinds the conditional offer of employment, the employer shall notify the applicant orally or in writing of its decision.

Fish: Mayor, I will second this but I oppose this amendment for reasons I will explain.

Hales: And I might need other up staff up with Judy to walk through these amendments, as we deal with them. So that one is a second.

Amendment #3. Directive c. And then we have this one about boli, the directive c is amended to read as follows, the city my contract with the Oregon bureau of labor and industries for enforcement of the city code chapter 2310. The city attorney is directed to association an intergovernmental agreement with boli for enforcement of chapter 23.10 and return to council for authorization of such agreement upon completion of the negotiations. The directive c, under --

Prosper: So the first two pages, sorry to interrupt you. In the ordinance, at the now, after now, therefore. So, it's the third page of the ordinance.

Fish: I am looking at the proposed code.

Prosper: Before that is the ordinance.

Fish: Right.

Prosper: And the third page of the ordinance, after number 13, says now, therefore, the council directs. And what the mayor is attempting to amend is c.

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Hales: So again, the effect of it is that requiring the city attorney to prepare intergovernmental agreement, bring it back to council, for approval that does, indeed, have boli conducting the enforcement.

Fish: And then what's the, what's the, if we make that change, which I support, mayor, enforcement of the chapter, would start when?

Rachel Wiggins, Mayors office: Right now, within the language that we have at July 1, 2016.

Fish: Ok, so there is a phasein period of public education, and blah-blah-blah, and that's when the hammer comes down in terms of the penalty, the damages in penalties.

Hales: Right.

Wiggins: That's my understanding, yes.

Hales: Ok, so is there a second to that?

Fish: Second that.

Hales: And then what am I missing, rachel?

Wiggins: Amendment #4. The final one is adding a directive d to the city Attorney, provides council with a one-year report on claims.

Hales: Ok, so this is a new directive, right. It says the council directs d, that the city attorney provide council with a one-year report on claims by individuals or actions by the attorney general for both the state ask the city.

Fritz: Second.

Saltzman: The attorney?

Fish: The labor commissioner?

Auerbach: The attorney general will be enforcing this state statute, on behalf of boli. And then I don't know if --

Hales: The attorney general always enforces the state agency.

Fish: But, data I think we want is data of claims filed with boli so that tells us statistically how many people are filing claims. Some of those are determined administratively before, without the necessity of the a.g. taking action. So, I think what we mean is claims with boli, enforcement action taken by the attorney general, and then I think that mayor, since the state law contemplates setting up an oversight body, we ought to have something in here about at least engaging the oversight body that the governor is establishing to get whatever data that they have for part of the report.

Hales: And that's an oversight body at boli?

Fish: It's a, a -- there is a provision, in state law that sets up a group that has oversight of the law, and their job is to collect data and monitor the compliance. It's made up of legislators, I believe.

Prosper: Can I correct one thing you said, commissioner Fish? Claims filed by boli, enforcement taken by --

Fish: With boli.

Prosper: Sorry, with boli. I wrote with, enforcement taken by the commissioner of boli. The a.g. may bring an action, but the enforcement, is taken by the commissioner of boli. Not by the a.g.

Fish: The attorney general may have some --

Prosper: The attorney general can bring a claim, as well.

Fish: So I think the intent of the mayor's office amendment is that there be a report with all the available data on how this is working. And my understanding, i'm not an expert on this, and state law hasn't kicked in yet, but i'm guessing that its claims with boli, enforcement actions taken by boli, and any actions taken by the state attorney general.

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Josh Alpert, Mayors Office: Correct.

Hales: Ok.

Hales: Ok. And then I believe that we have one more amendment, which is yours, commissioner novick, is that right?

Novick: Amendment #5. That's right. It would be an amendment to 23.10.030, use of criminal history in employment decisions, and the amendment to paragraph 3, which says that charges that have been -- that -- ok, this is a list of the things that an employer shall not consider, such as an arrest not leading to a conviction, and convictions judicially voided or expunged, and item 3, charges resolved to the completion of the diversion or deferral of judgment program, and the original draft ended there. I want to add that the language, for offenses not involving physical_harm or attempted physical harm to a person. I am, actually, I don't know if there are any such things as diversion or deferral programs for crimes involving physical or attempted physical harm but just in case there should be or might be in the future, I think that it's worth adding that caveat.

Hales: I think that's legitimate. Assault charges are sometimes resolved through diversions. Somebody can clarify that for me, but I think that that's true. Ok, so before we move on to questions, any other amendments to put on the table? So, all those -- I will second commissioner novick's amendments.

Saltzman: I have some questions, and they may lead to an amendment.

Fish: I have questions on the amendment. I have some mixed feelings about the mayor's amendment inserting, in 23.10.030, the option of notifying the applicant orally or in writing, let me explain. We are creating the new system, that for some employers, and we exempted, we are proposing to exempt the employers of less than six, but for some employers, is, it's going to require some time to get it right, understand the nuance, and there is -- because it's a pretty sensitive thing we're regulating, there is going to be at least, it seems to me, as someone who used to bring these kinds of cases, a ripe opportunity for people to miss understand each other. There is going to be plenty of opportunity for people to have different impressions of how the interaction went, and what happened. What that means is that there is a likelihood that if these things get to an enforcement phase, you have a lot of the he said, she said, I think, this happened. In which case, those cases end up in the civil rights' context being very unsatisfactory. Because the burden of proof is substantial evidence. And if there is a contest between people's recollections or what they think happened and whatever, typically, that case doesn't get to a finding. The virtue, and I am not -- i'm torn on this because I understand, I am guessing the mayor doesn't want to make this a formal and bureaucratic that it's too prescribed. But I would just raise a caution flag. The virtue of something in writing, is, it controls for all purposes going forward. It's a statement, and it has to follow a certain form, and that document cannot be challenged. On an enforcement action. It either complies or doesn't. The challenge of allowing an exception for oral communication is that one or both of the parties could have a completely different understanding of what happens, in which case you are asking an administrative body to reconcile that, and I will tell you historically, that works as a disadvantage of the Complainant because it's a contest. Again, I think that, the point you are making, I believe, in making this, and it may be that we want to keep it, adopt your approach, and test it. But, he said, she said, doesn't end up very well for a complaining party. Something in writing does tend to be more solid evidence, and I am torn on this one.

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Hales: We may get testimony on this point because this came out of the business roundtable discussion, and I think that it was -- it is an effort on our part to make this more practicable for employers, but --

Fish: In that case, I am torn.

Hales: I hear you.

Fish: The question I wanted to ask the panel is, there is still one piece of this process, which we're not addressing, which for many prospective employees, is fatal to the process. Which is, the gap in the resume. The reality is, that for most people, who have done time, there is a gap in the resume that at the front end of the process, an employer is going to take notice of it. And to my knowledge, there is virtually no way to address that. Let's be clear. The resume comes in with a cover letter. The last ten or 15 years has no employment history. We can prescribe that you can't ask certain questions, but how likely is that person going to get to a conditional offer. Worse, because i'm not sure that we can regulate that, are we, and this is the worst case scenario, are we encouraging a certain kind of profiling at the front end? Where that, combined with something else, is used to take someone out of the pipeline, so that the person doesn't get to the conditional offer, because the entire, the enforcement system for this proposal, is all triggered off of a conditional offer. Any thoughts on that?

Hales: That's a good question. Go ahead, josh.

Alpert: And that was, also, debated at the mayor's office roundtable, and I think that commissioner -- it's one thing for me to give my opinion, but it's probably better to have the folks on the invited panel, and then folks testifying to answer that, because they have lived experience in those situations, whereas I don't. But, I will tell you that one thing that we heard because we asked that question, too, is how is that situation different than a parent, a mother or a father, staying home, being a stay at home parent.

Fish: A big difference.

Alpert: And --

Fish: Nothing in the current law prohibits you from saying to someone, I see a 20-year gap. The person saying, yeah, I raised a family. I traveled the world, and whatever. That same question, in this context, triggers a response that then has an administrative consequence, and then gets us into an area that this particular proposal cautions us against. So, that's a big difference. I am just telling you, since I spent a long time being an employment lawyer, that is the first place people look, is to the resume, and if there is a gap, that's a red flag.

Alpert: I agree. We will avail ourselves of having someone from the employment law project, skyping in as testimony, and I would encourage you to ask her that question, as well. It also will lead into a discussion, I have no doubt, over the bigger issue of voluntary disclosure. Because as you may remember, from the last time that we were at council, that was a particularly big issue, and a pretty controversial one, and I would imagine that through the course of this evening's hearing, you will hear the pros and cons of addressing that issue, which your issue is wrapped up in, I think.

Fish: Final question, under the state law that kicks in, January 1, what is the -- what is the remedy for a violation, first violation, and under our proposal, what is the remedy for a first violation?

Prosper: So the answer will be the same. For both. We are mirroring the state remedies, and I will bring you to the Oregon law statute no. 659a-850. the proposed -- the state law, and our proposed code, used 659a, the remedies and complaint process, starting with 820 and going only until 865, that's part of the scrivener's error that was

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mentioned earlier. So, we're starting with 820, which talks about the complaint process and moves through 865, which is retaliation. So in terms of the remedies, they can -- and I will direct, look at sort of the boli's short, shortcut, on how these, how the process happens. So, remedies can include up to cease and desist orders. Acts and series of acts designated in the order reasonably calculated to carry out the purpose of the chapter. In our case, the code, and eliminate the effects of the practice, and including but not limited to paying an award of the actual damages suffered by the complainant, and complying with the injunctive and other equitable relief. Goes on to talk about submitting reports to boli on complying with a cease and desist order, like how many folks, so this is what exists in the state law.

Fish: And all of these are pegged to with the withdrawal of a conditional offer?

Prosper: In the code, yes.

Fish: So in our system, if a conditional offer is made, and withdrawn, that's the triggering event that could allow you to go to boli and say, it was withdrawn for an improper reason?

Prosper: Yes, but you would have to meet the threshold of the substantial evidence, as you mentioned earlier. There are investigators at boli who would accept the complaint and review it for a substantial evidence, threshold.

Fish: If you jumped the gun under the proposal and asked the question, and it is determined that you solely denied employment to that person, on that basis, that's an unlawful employment practice?

Prosper: It is, sir.

Fish: That's the risk of someone jumping the gun and having that be the only reason that they did not move forward with that person's application?

Prosper: Yes.

Hales: Any other quick questions before we call on the panel? We will get staff back up.

Saltzman: I have questions. I don't know if they are going to be quick but I have questions I would like to ask now. So, I guess, my overriding question to you, mayor, really, is so, when we first had this hearing, whenever it was.

Prosper: March.

Saltzman: March. Ok. We all talked about the Holy Grail being god, if we can just really ban the box, and we were told that we could not do that because the employers have first amendment rights to do that. Well, the legislature stepped up, and, actually, banned the box. So, I am trying to understand why, why are we here today looking at doing a city ordinance when the state did, I think, what, we consider doing the Holy Grail.

Hales: The people you are going to hear from next will do a better job so I want to be respectful of the people we invited here, and I think I will answer that question, but let's let them answer it first.

Saltzman: So, there is no private right of action in this city ordinance?

Prosper: No, there is not. Excuse me, 659a, 865 is the statutory provision where it ends, and that's retaliation. The next 870 is election of remedies, which include private right of action. So, the ordinance proposal, the code change proposal, and the state law stop at 865 retaliation. They don't go to private right of action.

Saltzman: If an employer, you are prohibited under the ordinance to access somebody's criminal history prior to a conditional offer. So, what if somebody googles somebody's name, which everybody does this. Everybody googles everybody else these days. Everybody is nosy, so what happens if an employer does that?

Prosper: I think that's something that we'll discuss if the code changes are enacted under the administrative rules, because certainly, that is a possibility.

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Saltzman: Isn't googling a first amendment right, too? Google or other forms of social media? I should not grant it exclusively.

Alpert: And commissioner, I would have to imagine, although I don't know, but I would have to imagine that the vast majority of ex-offenders wouldn't show up on a google search as being an ex-offender. Those records, you would have to, actually, conduct online a private background check to do that. I know several -- quite a few ex-offenders who I know if I went to google them I would have no idea that they were ex-offenders.

Saltzman: What if it's a sensational offense?

Alpert: You are probably going to know that, generally, anyway. We can't --

Saltzman: By googling.

Alpert: Or just by reading the paper.

Saltzman: So, I guess, and I know that there is going to be rules to deal with this, but do we want to say that an employer is prohibited from intentionally accessing somebody's social media background or via social media?

Hales: We should consider that.

Saltzman: I would put that out there as a potential amendment. And I just -- a couple more questions. I was curious, so if somebody, a position that involves a landlord you know, or maybe somebody having access to master keys, to apartments, and things like that, is there a prior screening, short of the conditional offer that an employer is able to do when the position is sensitive or the crime involves, I don't know, embezzlement or sexual offenses or something like that?

Prosper: Commissioner, to answer your question, if you look to the exceptions under 231-0040, i'm proposing that might fall under b-2. Positions, which have been determined by administrative Rule to present height and public safety concerns or business necessity.

Hales: So, if you are a remodeling company and you sends crews into people's houses, that's a business assessment.

Saltzman: But you are saying it may be considered in the rules. I'm saying it seems like it should be. Is there any doubt that a position like a remodeler or a landlord's on-site management or off-site management who has keys, should be subject to some higher level of screening? Ok.

Hales: Exactly. And I think that --

Saltzman: We're not going to see the administrative rules, are we?

Prosper: They have to be publicly vetted. They don't come back to council, they are written by the city attorney's office, but there is public comment.

Saltzman: Ok.

Alpert: And there was, you know, commissioner, we had a work group that met after the march hearing, and it was always, I think, the mayor's office intention to convene that work group, initially, actually, was the intention to convene that work group to craft the administrative rules, after council were to pass the ordinance. And to do it with the attorneys and give advice on what should be considered business assessment here or not, and I think that that's still the intent is to bring the group back to, actually, then fill out The details. One thing that we did address during work group was employment agencies being a strange creature, when it comes into employment law, and you won't see that spelled out in the draft ordinance because we decided that it goes in under the business necessity, and we have a fix for it, but, that would come in the administrative rules.

Saltzman: Is the issue, I think, we just touched on briefly, and that is the voluntary disclosure. If I had a big gap in my resume, I might want to tell the employer, at the first interview you know, I have a conviction, I served some time for embezzlement or

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whatever. So what happens if somebody discloses that thinking that they are doing the right thing?

Alpert: And, you know, truthfully, commissioner, this was an issue that I wrestled with from the very beginning, as well, because practicably it seemed to me difficult if you are an employer, and someone is doing that, for you to ignore it, and I couldn't quite wrestle with, well, I understand the intent of not having that in there, but how practically do we allow that, and someone who will be coming up with invited testimony made a good case to me, convincing me that there are ways around that of, actually, saying when that happens because ex-offenders currently are being told when they are still imprisoned that they are supposed to disclose those things, but when that does happen for the employer to have, I know Judy will get irritated if I say this, but a safe harbor provision of saying, we will discuss that at the conditional offer phase, right now, we are only discussing the qualifications for this job. And to me, that made sense, I think that there are ways that we can, actually, finesse that in the ordinance or the administrative rules so that employers know what they are supposed to do in those situations, and during the education period of this work with the social agencies that, actually, do train offenders who are about to become ex-offenders on, no longer offering the voluntary disclosure at the beginning. And you will hear, I know, from the national employment law project that for them, this is a massive issue, and I'm sure that Michelle will do a better job of complaining it than I have, but I went through my own evolution on that issue because it's a difficult one.

Saltzman: One last question, or did you want to say something?

Prosper: I wanted to help Josh a bit.

Fish: We all do.

Prosper: So, employers are very sophisticated in their hiring. If a person of color or a person in a protected class walks in, they know immediately that they cannot discriminate. They cannot use their characteristic to discriminate. If a person who is pregnant, very noticeably pregnant comes in for an interview, the employer knows, and already is sophisticated enough to understand that they can't not hire that person for that reason. Someone wheels in a wheelchair, etc., so this is a similar thing. Sometimes, we know things that we're not allowed to use in our decision-making process.

Hales: Well said.

Saltzman: Last question is, is a conditional offer, I know there is a definition, but is a conditional offer exclusive to one person? One offer to one person? Or can there be, I don't know, can you have multiple conditional offers out?

Hales: I think this is about one transaction, which is the employer and the prospect, so they are one at a time.

Prosper: So conditional, an easy example is, on your resume it says you type 70 words a minute, you can have the job. On the condition that you take this typing test and you can type 70 words a minute. You have a job, and here's the condition that has to be met in order for you to really have the job.

Alpert: I think nothing would prohibit an employer from making several conditional offers for the same position, but that would probably be a disaster because then, you could have five people accepting one job. Probably unlikely.

Hales: Thank you all, stand by and we'll have no questions.

Novick: I want to underscore one of commissioner Saltzman's concerns. We know that there are employers looking at the language, if a employer determines a specific offense or conduct is job Related, for the position in question, inconsistent with the necessity, and some are asking well, we'll be litigating endlessly over what that means. So, I do think it's

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important that we are going to try to refine that a bit and give people guidance in the administrative rules.

Hales: Good point. Thank you. All right, thank you all. We'll have you, obviously, back here a little later, I suspect. Let me call the I was if, the first invited panels, which is Nkenge harmon johnson from the urban league, and emanuel price, and representative lew frederick, so the three of you would please come up, we can get this discuss further along. Thank you. Oh, somebody left their -- ok. I think that's yours. Thank you. Good afternoon. I think you are on first, unless you want to defer the ever to the elected official to your right. He's deferring to you.

Nkenge Harmon Johnson: He said I could. So, good afternoon. I am Nkenge harmon johnson, and I am pleased to before you on behalf of the urban league of Portland, of which I am the president and ceo. You will see around the room, supporters of the urban league of Portland and members of my staff. I thank you for being here on this important day. We heard earlier about the fact that the state passed the ban the box law so why does Portland need that? That's the question that some Commissioners and others have been asking. What makes our city so different from other places in Oregon that means this law would be a good thing to have in Portland? Why is it urgent that we pass the law now, rather than waiting to see what happens with the state version? So, there is some questions that have been tumbling around, I imagine, in your minds but also, for others outside the room. So, here's some facts that help lead us to an answer. First, there have been some recent studies, one in 2015, and another from, that occurred in 2014, and by the council of state governments, justin center, a nonprofit organization that helps to advise policy-makers at a local, state, and municipal level. And that center found a few things. Both black and Hispanic men were less likely to receive a positive response from employers, including a call-back or e-mail for an interviewer or job interview, or a job offer, compared to white men. And this is after a study with similar resumes, just different names. And instead of bob jones, it was [inaudible] jimenez, and instead of that, it was kwame johnson. But other than that, these resumes were on par. And they found that white men were more likely to get a call back. Men with criminal records, were more likely than women with criminal records to receive a negative response from employers. White men with a criminal record had more positive responses you, than black men with no criminal records. Let me say that again. White men with a criminal record had more positive responses from the employers than black men with no criminal record. 80% of Oregon's black population lives in Portland. Black Oregonians are six times more likely to be incarcerated than white Oregonians. I won't discuss the reasons behind the things that happen in the criminal justice system. African-Americans are six times more likely to be incarcerated than white Oregonians. Well, Oregon state unemployment rate continues to decline, the economic recovery for african-americans is far slower. The urban league of Portland released the state of black Oregon report with which some of you are familiar with. We talked about the fact that the unemployment rate for african-americans, in Portland, is 21%. When the overall unemployment rate in Oregon was 11%, we considered that to be a crisis. And yet, black folks in Portland, are dealing with far higher numbers, and we're not treating it with the response that it deserves. Portland, is indeed, the hub of Oregon's communities of color. And as such, you as elected officials have been given responsibility to address those unemployment rates, and to do what you can to change those numbers. For black Portlanders and for others. So, why do we need this ordinance? Because we know the playing field is not level for people of color. We know what the data tells us, and I would be happy to provide that for your office if you would like

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to follow up on the facts and figures, folks who look like me already start from behind. If you add a conviction to their history, for whatever reason, at whatever time, for which they have served their time, done everything that we have asked them to do, and come out with training, prepared to work, to take care of themselves and their families, they are saddled with this additional burden that makes it hard for them to do so, and there is someone with more issues than I from any l.p. That will speak to you later so I won't go deeply into this but the idea of talking about a gap in employment, certainly, there are different ways to talk about that. And we know that parents, for example, don't have to say I was at home taking care of kids. Because there is some studies that say if parents do reveal that information to a potential employer, they will too, be dinged. There is sort of the mommy tax, I don't want to hire this lady because she's at home and she might be out more often, so even moms don't necessarily have the -- aren't in the best situation whether it comes to an employment gap in their initial letter to the employers so imagine what that means for people who somewhere convictions In their past, but there are ways to deal with it. And so, it's the ordinance that we are discussing now, is one step along the path. So, we've been working on this issue in Portland for more than a year and a half now. It started in Portland. And in the state, was smart enough to pick it up and run with it. And then it fizzled out a bit on a state level. That's ok. We know that we, here in Portland, can pick it back up and do what needs to be done and show the leadership necessary for the people who live here, even as folks and the legislature couldn't quite make it happen. The next step, after we pass this ordinance, which I hope that you will each support, is for the urban league and other organizations like the afl-cio and other partners of the coalition to go out into the community to educate folks who this ordinance will most helpful. That means employers. It also means potential applicants, folks who have given up looking for work because time and time again, they found their application, in a circular file before they go the a chance. Before I close let me say one more thing. When we think about the kinds of jobs that are most often impacted by a rule like this, it can sometimes be hard for the middle class folks like me to get a picture of that. I imagine the same can be true for you on the council, even though you deal with the issues at least as often as I do at the urban league. We're not necessarily talking about the applicant, the candidates for the urban league of Portland, not necessarily talking for those as a partner at a law firm. And what ban the box might mean to them. I hire folks to work with youth, to visiting the citizens in their homes, to deal with vulnerable populations on a regular basis. That is the work that we do, so I understand the employer position of wanting to have the right people and the right jobs to keep the folks they serve safe. It makes all the difference in the world, and I get it. I also know, however, there are plenty of positions I do hire for, and it does not make as much difference as you might think, what someone's history of arrest or conviction is. And even though I, at my little nonprofit you, I don't have an h.r. Officer, got a coordinator and an h.r. Assistant, I can figure out how to make this work, and we have, at the urban league. Because of that, I am confident that other companies in our city, as progressive as we are, as right minded and smart and as many resource that is we have at our disposal, can find a way to make this work, too, for the benefit of all of us. It's one way for us, for this council, for this city to tackle the racial disparities that we see with unemployment in this town. Finally, I am prepared to work with folks who have had challenges around this ordinance. The Portland business alliance and the urban league have considered whether we can work together to help educate employers, and whether we can work together on the things that we do agree on, whether it comes to banning the box and creating additional opportunity for folks to get

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jobs. We don't see eye-to-eye on these details, but we are prepared to do the best that we can to make this work because we do agree that it's better for folks to be working. Better for folks to have jobs, and then it is to spend our tax dollars locking them up. And if they are not working, we know that their recidivism rate is far, far too high. Thank you for your time and I look forward to your questions.

Hales: Thank you. Good afternoon, representative.

Lew Fredrickson: Good afternoon. I am Lew Frederickson state representative from district 43, that's north and northeast Portland. Hello mayor and council, good to see you. As you all know, the legislative process is one of compromise, and those have come in with the position that they will settle for nothing less than all of what they ask for, those who, basically, say all or nothing, usually end up with nothing. It was something, it was important in crafting this law to get something. When enacting a law such as this one, it's not just compromise between positions, but also a compromise among different Oregon communities with different needs. This law needed to work for the whole state. So, the something that we got should be seen as a base on which local jurisdictions that craft policies that fit their communities, I don't need to rehash the evidence about how black and brown folks experience the criminal justice system, is different from that of white folks. I don't need to rehash the evidence, or the anecdotal or statistical that in every step of the process, from the possibility of a stop to the finality of a sentence, tends to be more harsh for certain members of the community. Particularly, those who are identified by some measure as others. And the reality is, that every felony conviction carries a lifetime sentence. A sentence to facing an additional steep hurdle on the path to housing, employment, or education. It is really understood during the plea bargaining process. Whenever someone completes his or her sentence. Lawfully, economic opportunity is the foundation for building a life, as a net contributor to the community, and that usually means that employment, barriers to employment are barriers to family is that right and neighborhood peace. I will be proud of my city for taking this step building on the base set of the legislature to delay asking that question about prior convictions until the potential employer has a good look at an applicant's qualifications. The chance to convince an employer of his or her work based on knowledge, skill, ability, and enthusiasm, may be the most important thing that we can do for an ex-felon seeking to get on the right track. I urge you to move the timing of the disclosure to conditional offer phase of the application process, and I also wanted to say something else. We are, I hope, starting to turn the corner on how we address what's happening in terms of the criminal justice. To a point where we're no longer deciding that the primary role of criminal justice is punishment for the life of the person. But, in fact, is, in fact, trying to find a way that we are going to try to make sure that the people are reintegrated into our community, and are getting along well so that we are all getting along well. That's the approach that I think that this begins, and I hope that we begin to do that, and I want to thank you for giving me the time to talk with you about this, and for, frankly, for taking up this ordinance.

Fish: Can I ask you a question that you are uniquely suited to answer?

Fredrickson: Ok.

Fish: You are our representative from the legislature. So, the house passed one version to ban the box, the senate passed another version, and my understanding is the senate version prevailed. And that's why we have heard that the legislature may not have made it happen, as the urban league would have wished because I think that the house version was the urban league version, and the senate was a different version. We're used to being preempted from acting in certain areas. It shows up in our legislative agenda every

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year to lift the preemptions because the legislature, in its wisdom keeps handcuffing us on things that we cannot do. My understanding is that senator winters and others, could have insisted on a preemption. When the state statute was passed. Which would have preclude us from having this conversation. Since this is a slightly unusual situation for us, of acting ahead of the state law even taking effect, what guidance can you give us as to what the legislative intent was in not preempting local jurisdictions from regulating in this area?

Fredrickson: You are putting me in a very awkward situation here for a couple of reasons. One is, first, just very simply, I was not involved in those discussions. I was involved in caucus discussions and involved --

Fish: I'm not trying to put you in an awkward situation.

Fredrickson: No, no. There is another awkward position you are butting me, in I hope to move over to the senate, so I have to be careful. [laughter]

Fredrickson: I have to be careful about that. No, the fact is, that there were some significant differences between how the senate was approaching this and the way that the house was approaching this. And you see that. And the discussions within the senate chambers, and the senate committees were something that I was not privy to. And why one, one path was followed, by senator winters, or others, is just simply unknown to me. I know that there were a lot of discussions, and I know that they were heated discussions. And in terms of the approach, I think that we're going to see, by way of how well this ordinance works, or how well this ordinance is put into place, and works, the question on whether we're going to, whether it might be able to move along in other places, and frankly, the city of Portland, as I said, you, as a counselor, you make me proud that we are bringing this up. Because it begins to focus the attention on this issue, statewide, and that's, that's an important factor. How you decide to handle it, and the rules and regulations that you come up with, by way of your administrative rules, is going to be important, as well, because other people are going to try to follow that. Or at least, see if it works, and so, you are going to be seen as not just a model, but it's going to be how well do they do this. How well does Portland handle this situation? And in passing that along to the House, and to the senate, is going to be different, a different issue for it, but also something very important for how we work on it at the state level. And in terms of the preemption, you know that I have ended up talking a lot about the preemption issues both for the city and the county, and in Salem, because we have some real problems down there in terms of how they understand how to deal with it, but we have also had a compromise take place with the marijuana bill that dealt with how different groups, different communities wanted to deal with the sales. And that's part of the compromise and the discussions that take place. So this is an ongoing process, and I don't expect that we're going to have a final say on this, but i'm really looking forward to seeing how well the city of Portland handles it.

Fish: Thank you very much. I don't think that answer is going to get you in trouble.

Fredrickson: Oh, yeah, it will. [laughter]

Novick: Dear senator frederickson, to the extent that you can engage in this without upsetting your future colleagues, I ask you to help in explaining the conduct that we're afraid might still be allowed under the legislative bill, that it would not enter this ordinance, and I will just throw out what my understanding is one of the major concerns is. The legislature simply bans the box in the initial written application. It's my understanding that the legislative action wouldn't prevent an employer from asking, the first question, out of the box, no pun intended, in the interview, at a criminal history.

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Fredrickson: That part of the discussion was something that was part of the discussion in the legislature. And how you handle that. I think that your ordinance will, will take the next step, and I think that it's appropriate to take that next step. And see if we can, in fact, get that, get that accomplished so that we can see what really happens, rather than the hypotheticals that are, that get thrown out, rather constantly. I think that you have hit upon an approach that says let's wait until you can see what the skill set is, what the talent, what the enthusiasm is for a candidate before you start to try to eliminate them. And I know that there is a desire to just in terms of the time, I don't want to have to deal with this number of people. Well, ok, I understand that. But, you know, at a certain point, we have already seen what that does. Really, it doesn't matter -- in my past, applying for jobs in Oregon, and in Portland, I recall my application being thrown out, and going back to the same institution and finding out that they had lost it. And then they lost it and they lost it and they lost it. Before I got a chance to talk with anyone, I think that allows us to begin the process of changing the -- that level Playing field, that's really getting to that, so that's how I look at that. I am sorry that I just really -- I can't see a problem with waiting until you make that decision.

Novick: Ms. Harmon Johnson, since you don't have to worry about offending your fellow legislators, by outlining one of your concerns about the legislative language, in saying that it would allow an employer, as the first question in an interview, to ask about the criminal history.

Johnson: It means that nothing much has changed. As an employer, I am looking for ways to exclude candidates, at the initial, and even at the second phase. Often when I post a position, there are far more candidates than I have the time or interest to interview. So I am looking for reasons to not interview people, and looking for reasons to not schedule folks to come in the door, whether it's typos in the resume or something else. So, when I do get folks in the door, if I have had to -- whatever it is, I am still looking for ways to figure out who is not the right candidate. So, then I can zero in and really spend quality time with throws who are the right candidates. So, thank you very much mr. Novick for your application. Have you ever been convicted of a crime? Thank you very much, and you have a nice day. Amanda Fritz, thank you very much for coming in today, and so on, that will save me time. But it does not do much in terms of the changing of the game for the candidates who have served their time, ready and willing and able to work, and have at least the opportunity, the opportunity to tell employers who they are, to show their skills and their talents, and as the representative frederickson just mentioned. That's what this ordinance does that the state legislature failed to do in its work.

Hales: Thank you very much. Mr. Price, welcome back to the council chambers.

Emanuel Price: Thank you. Thank you for having us, I am emanuel price, the founder of SSAFE, it is a nonprofit to help men and women after they get out of incarceration. It may sound jargony but I want to hit every point. So, while state law, excuse me, while state law to ban the box was in Portland, it simply removes the box from job applications, people with lifts are often encouraged to honestly disclose their histories. We need an ordinance in the city that can connect people with the past convictions to the jobs that will build better, better families, and stronger communities, these entry level positions are the jobs that are most desirable and accessible for those affiliated backgrounds, and when we, because I am a convicted felon, as well, when we voluntarily and honestly disclose our backgrounds on applications, it is an opportunity for the interview is decreased by 100%. The opportunity to gain Employment is also decreased by 100%. And this is for the people I am speaking on behalf of, and we have the same scenario whether it comes

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to looking for jobs, employment, healthcare, and education, sometimes. Not only is this true for me, as a person with a felony background, my conviction is 19 years old, and as a 38-year-old single father, it creates unnecessary barriers for me. Over the years, it has hurt me and hindered me when I have not been able to provide for my family due to the barriers that have prevented my consideration for jobs that I have experienced and the skill set to do. This is an opportunity for the city of Portland to help increase the employment opportunities for those who have past convictions, and that apply for entry level positions. With this ordinance and support, unstable communities are more fragile, and people become more dependent on social services, while less likely to be employed. Lastly, there may sound snarky, but with all due respect, seriously, people are able to vote immediately when they are released from prison. So, the same people we're talking about can vote and each and every one of you into office and have put their ballot and voted you into office, so we trust, when we put our ballot in and when we vote and sign the signature, when we vote for you, and you and you, or you, that you will have our best interest at heart. And when we cast those ballots, and we vote and we see people in office, and we come and make this case for a simple living, we don't get that. This is an extremely large population of people that anybody can have access to, that should be paid more attention to because it's a growing population, and when they get out, they can vote for you. They can vote for me. They can vote for the next young african-american latino person who wants to run for office, so not only pass this ordinance, but also look at it from kind of a selfish standpoint like what I could do in another four years because these people want to vote, and we want to get out and work and take care of our families. And lastly, I appreciate the time that you guys are taking to show attention to this, and this is a serious matter. I am 38. My conviction is 19 years old but I still have the same barrier when I apply for any job. When I was 24, I applied for a job at arby's, I thought that I was above food service and you know, I didn't want to be working in that environment, but they did not hire me because of my past convictions, and I had been out four years at the time. So, it's not like people don't want to work. We want to work. Nobody wants to go to jail and sit there and rot and do nothing, but at least afford that opportunity for people to come out and be able to have an interview, like michael alexander said, let us show our work history and showcase our talents, rather than be judged on, oh, yeah, you have a conviction, let's push that application aside. I live this every day, not just up here speaking from no experience. I work with these people every day, and I hear the same story over and over because I live it. So, thank you for your time.

Hales: Thank you.

Hales: Any other questions for this package? Thank you very much, and I appreciate you being here. Our next panel is bill dickey, tom chamberlain and london elliott.

Bill Dickey: I am bill dickey, and I am a business owner in northeast Portland, and I have 25 and 40 employees depending on the season of the year. It's interesting, I went back and picked out an application for an employee that I hired in 2004. And I didn't have the box on my application then, so apparently, I self-banned in this situation. And I do have employees involved in the company who have criminal backgrounds. I think that we, you know, in general, life is about second chances, and continually getting second chances when you make mistakes, but this ordinance, that I am in favor of, takes it a step further than the state law, and sort of educates us, to move the employers, and teaches the employers to do the thing that is not obvious, in other words, right now, it's obvious that, it was a great example. I'm not sure the woman's name that the city lawyer, who was here, and who said that it's obvious when a woman walks in and she is pregnant, you are not

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going to ask her questions about you know, whether her pregnancy or family are going to be a deterrence to her job. This rule of asking this question after you make the decision, is just sort of a way for us to move ourselves a little further along, and help to change a societal problem that we have that is something that we're addressing now, that, you know, that -- which is great. Other things got addressed earlier. But, this one is just another thing we need to do to make our situation better. And it is great that the city of Portland is taking the opportunity to lead the way on this because we have the ability to do that. And you know, the -- currently right now, this is completely aside from this, but there is stuff going on, on social media right now that it's just crazy ever since the paris attacks, and those -- that kind of prejudice is going on, really bothers me greatly, and it's embarrassing. And i, honestly, sit at red lights on occasion, and think why do these people think differently than I do? And just in general? Because I live here and I love this place, and so anyway, I just think that this is a great opportunity, and I am definitely in favor of it, and I am also a member of the Portland business alliance, in case anyone wanted to know about that. So, I guess that that's all for me, and thank you.

Hales: Would you like to be next? Welcome back to council chambers.

London Elliot: Nice seeing you again. I am london. I am 18 years old and I am a third generation born and raised Portlander, and my father, my brother, and several other family members have records. To me, that has been a life of unemployment resulting in instability for all of us. Not having access to employment, changes how society, your community, and your family sees you, most importantly, how you see yourself. Resulting in a lack of confidence, opportunity, and hope. This affects every relationship in that person's life, such as the relationship between parent and child. Taking away one of the most fundamental relationships in life, and far too often setting the stage for that child to repeat the path of the parent. Growing up, I experienced what it was like not having access to employment. I had the fear of coming home from school to see eviction notices and past-due bills. Have you guys ever eaten sleep for dinner? Do you know what that means? That makes you feel powerless. Especially since you see your family trying so hard. Mass incarceration, subsequent joblessness, is a problem all across Oregon. If i'm being honest, it's reached epidemic levels for my community here in Portland. In a city like Portland where I see people who look like me, treated as if they are guilty until proven innocent. Many of my peers and friends are on a lifelong journey towards recidivism and chronic unemployment. This is something that the city of Portland has the opportunity to fix. Oregon already took the first step. But Portland can lay down a path towards success for people like me, and my community. I urge you to pass this ordinance without delay and help thousands of families like mine in Portland. Thank you.

Hales: Thank you. Mr. Chamberlin, welcome.

Tom Chamberlain: Good afternoon, Mayor Katz and commissioners --

Hales: Now that's something.

Fish: I was thinking about that. Wow. Tom.

Chamberlain: I've been at this job way too long.

Hales: That's my praise.

Chamberlain: Mayor hales. Glad to be there, too. I am here today on behalf of the 300,000 men and women of the Oregon afl-cio. I encourage you to take swift action on this ordinance. We represent a broad coalition of groups that have come together to advocate to ban the box. And previous testimony, you heard that the city, that the state of Oregon has taken an initial step, a critical step, an important step, but a step that does not go far enough. And maybe a good policy, but it's not an excellent policy. We're the city of

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Portland, and we believe in second chances. We're the city of Portland, is a national leader. We're the city of Portland, we're -- we don't go along to get along. I expect great things from the city. And in moving forward, with a policy that just mimics what the state did, isn't enough. We need is a policy that really does something. It really gives ex-felons is a second chance for a better life. And while this may be more than other cities have done, other states have done, it's important that Portland does more than they do. We encourage fast action on this. We support this, thank you.

Hales: Thank you, thanks very much for your help. Thank you all. Questions? Thank you all very much. I have one more invited speaker, and we'll see if the technology supports her arrival, and that's Michelle Natividad Rodriguez from the national employment law project, so I believe we have her set up to skype in. We'll see if that, actually, works. Karla is attempting to make that connection.

Moore-Love: Pcm is doing that.

Hales: Ok.

Michelle Natividad Rodriguez: Hi everyone, can you hear me ok? I am having trouble hearing you, but I can go ahead and share some thoughts. Thank you very much for having me and using the technology to get me in here. Just a bit of background about myself. I am a senior staff attorney with the nation employment law project, we worked the last several years with jurisdictions across the country, policy-makers and advocates on fair chance laws and ban the box laws, and I, myself, personally, was involved in the San Francisco fair chance ordinance and worked three years on that. I worked two years on the California legislation, personally, as well. That was a straightforward ban the box and have been involved in a variety of the movements that have happened, including recently, with president Obama's announcement that did apply to federal agencies, as well. So that's my background. And what we tried to do in situations that policy-makers like yourselves, are facing, is to gather the inclination about what's working, what's not working, and to help you in insuring that you are doing what you can with the goals that you want to achieve, which is what we can all agree on, we have a broken criminal justice system, we have seen the impact on the community, and we have heard the heartbreak, and pain, just even in today of what that has caused, so we are committed to doing all that we can, and that means getting people jobs, that means taking away the unnecessary barriers. And so, we all have that shared goal, and then the question becomes how do we do that well? How do we make sure that the laws that we can put in place, will, actually, accomplish that goal, and I just want to invoke a bit of what, what bill shared from his perspective as a business person, hit it right on the head. What this law does and has the opportunity to do, is really educate employers, and teach them how to take the bias out of the hiring process. It starts to address how can we make a cultural shift because really, what we're dealing with, as you heard from Mr. Price, and others, is a deeply stigmatized population, and because of that stigma, we have to take seriously having the laws in place that are going to make an impact. So, that's, that's our starting point. And what I want to do is just cover a couple of details that have been raised, and I have been listening in, and there were a few questions that were is, directed my way, so I will try to address them, as well. One point that I noticed, which I think is a very common misunderstanding, and it comes into your question of thinking about exemptions. I heard references to when there are these heightened public safety concerns, we need to ensure that we have enough exemptions. Now, I want to point out to everyone, and I think that this is a very natural misunderstanding, is that your process, the laws that you laid out here, even without the exemptions, make your hiring process and your public safety concerns addressing those,

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no less rigorous. Alameda county is an example of a jurisdiction that has had this in place since 2007, and when their h.r. Person came before the California legislature about their experiences is, and with a more comprehensive, fair hiring law that included the conditional offer threshold, they made it very clear that this did not change how rigorous their process was. Even in heightened safety positions. And when I think about, as well, the example of some of the most safety sensitive positions in our country, which is under national security, I will just also point to the fact that the office of personnel management, who is in charge of those national security jobs, also recommend waving to the conditional offer stage before the background check is given. Now, why is that? It's because it does not change the fact that we can still do the analysis that's needed. The benefit of that, just period, is what we have seen, is that for most of these, most of these jobs, what you are going to find is most convictions, that people have are not going to be job related. And I point to the experiences in San Francisco. They released a report under their current analysis of how their jobs are considered, and they found of the amount of people that had conviction records, when they did their own job analysis, and looked at job relatedness, in the end, they only found that 2% total, should be disqualified. So it's all to say that you have a low percentage, if you are actually looking at job relatedness, of individuals, that should be disqualified from the job position, period. So, those are some of the broad points that I just wanted to cover, and drilling into a couple of questions that were raised, there was a question about voluntary disclosure, and I, actually, thought that Judy and Josh did a great job of addressing that. The concern with the voluntary disclosure, in having that included in the law is that you are not really going to see the kind of cultural shift the law has intended to create, which is that you want the conversation to happen after the conditional offer phase. The reason for that is because you are trying to minimize the bias and the process, and the way that other jurisdictions have handled this is much the way that Josh and Judy describe. You can do it with a notice at the beginning, to indicate that any discussion of a conviction record will happen after the conditional offer, that's the path San Francisco has taken and others. And you can also say, you know, during the job interview phase right at the beginning, as an employer, you know, we're going to talk about the background check, not at this time. So, there are very simple ways to deal with that, and the benefit of it, of course, is that you are really aiming at the kind of cultural shift, and the debiasing, the hope of these Laws, are trying to make happen. You are getting closer to that, and I also just want to harken back to a point that one of the commissioners made, which I think is a very important one around enforcement. We found with jurisdictions across the country, that really, the difficulty is not with employers facing a gotcha situation. Employers are finding that we can meet the standards, such as conditional offer, and job relatedness just fine. The problem has been, enforcement. We are not seeing as many people coming forward. There is a lot of reasons for that. One of them being that already job applicants, people with records, are in vulnerable situations. You are dealing with individuals that are not going to be as willing to come forward. So, keeping that in mind, we want to make sure that we're not getting into a situation of he said, she said, as the commissioner indicated. We want to ensure that enforcement can be as solid as possible, and just generally, that's something to keep in mind. You don't want to be in the position that some jurisdictions are in now, which is trying to go back to their prior law, to make improvements, so that it's not a law in name only but working on the ground. I am happy to drill down into any further questions you may have or any particulars, we do have a lot of materials and experiences with other jurisdictions that I am happy to share.

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Hales: Thank you very much. There are a couple of questions for members of the council. So, I hope that you can hear us.

Fish: Miss Rodriguez, can you hear us?

Hales: We'll see if we can make this work.

Fish: Can you hear us?

Rodriguez: Yes.

Fish: Its nick Fish, and I appreciated what you said, your most recent comment, about the he said, she said, and in a prior life I represented someone with a claim of discrimination based on retaliation for opposing hiv discrimination, retaliation claim. And the key evidence in the case was the employer putting in writing the reasons for the termination. Because the reasons were legally insufficient, it was the key piece of evidence to show that they did not have a good faith basis, so that's what, is in the back of my mind. Is it unduly burdensome to, in your judgment, to require that the withdrawal of the conditional offer, the explanation for that withdrawal, be in writing?

Rodriguez: I don't believe it is so, for the very reason that you mentioned. If this is going to be something that you have working in practice, we have to think of the mechanism to ensure that it does, and certainly be able to say in writing, this is the reason for the denial. Help ensure that the employer is going through an analysis, and As well, it can help the applicant see what the issue is, and it will help enforcement. In the end, by having that clarity, I think in that everybody in the process will not have to go through the he said, she said, which will take the agencies time to figure that out. You get the benefit of clarity with writing, and I think that's what your pointed is trying to say.

Fish: I assume that it does not matter what form the writing takes, whether it's a document, an email, or whatever. It's something in writing.

Rodriguez: Exactly. I think that the point being that we have some kind of documentation that indicates what the asal is, even if it's simple. There is some jurisdictions that have provided a copy of the background checks, and literally, highlighted what the issue was. It can be as simple as that.

Fish: One last question, when you look around the country, what's an example of a city that has gotten this right? And how do you measure success?

Rodriguez: It's a very good question. Thank you for that. You know, part of the larger issue here is that we're not seeing a lot of cities and counties, and I sympathize, but we're not seeing a lot of them collect the data. So, we are not seeing what the problems are as clearly, we'll see the number of complaints filed and how those are resolved. But, I do encourage you for what you can for your contractors or for the city, itself, to actually look at the number of people that are being fired, who have records, so that at least you can identify yourself, is our law working? Maybe that's not as practical for the employers themselves, but it is something that we're trying to explore. That's kind of a side note. This larger question of what I have seen working from jurisdictions are a couple of points. One, the District of Columbia in their ordinance, which became effective in December of 2014, which does have the conditional offer threshold, has stated, in a letter, I think, that you may have that letter, in fact, that the conditional offer threshold has been very helpful for their enforcement. As well, they have had an amount of penalties go to complainants. Now, the reason that they had a certain amount of penalties going to the complainant, is for the very reason that I alluded to earlier. Workers that are low income, that have records, are not going to have as much time, period, to come forward and make a complaint, especially if they don't see now that's going to get them that job immediately. So, you are asking individuals, who don't have a lot of time, who need to take care of their

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family, to come forward to a government agency that they probably don't trust, to make it better for the next people after them, which is a wonderful, altruistic thing to do but not something that a lot of people have the luxury for. And so in the district of Columbia, they have found that by having that small amount of the penalty go to the complainant, they are, actually, compensating people a little bit for their time that they are giving to help ensure that the laws is being enforced properly. I have been impressed with the outreach and education efforts, and the dedication of reason enforcements for Seattle, for the District of Columbia, and for San Francisco, as well. One of the things that hasn't worked as well for San Francisco is that they have very low penalties. And it's not just to say that they are not working with employers, and most employers, don't, don't mean the best, and won't try to follow the letter of the law. It's very difficult for them to have employers who are not taking the law seriously, pay any attention to them when their penalties are so low. So, their hands are tied. As an enforcement agency, in that regard because of their low penalty structure. And it probably is going to have to be something that we go back and try to change in the law, which is going -- going to be a difficult process. I would recommend you don't take those -- you try to get it right, at the first.

Hales: Thank you very much. Other questions for miss rodriguez? Thank you very much for being part of this process today. You have added a lot of value and clarity to our Deliberations, so thank you very much.

Rodriguez: Thank you.

Hales: Let's move now to folks that have signed up to speak in addition to the ones that we heard from, that were invited, I know we probably have a few of you here who would like to speak so let's go to the sign-up sheet and who remains. Good afternoon, welcome.

Mikal Shabazz: Thank you. I am Mikal Shabazz, mr. Mayor and council, thank you very much for this opportunity. I am the director of oico, the Oregon islamic chapter organization. We were a part of the mercy corps, northwest, reentry, coalition, which is a faith-based coalition, been in place for 15 years. We provide in-reach services, in most of Oregon's prisons, as well as reentry services for those who are hosts, incarcerated. I am here to support, and I am willing to support this change in code but to promote it, I think that it's a big step in the right direction for those who are facing the obstacles that we have all discussed today, the long list of difficulties that people face, men and women coming out of these prisons, are endless, and I think it is very important that the education process is being spoken of here. It extends itself to the intended recipients, ie, it's one thing to inform the community outside, that we have to do the in-reach on the inside, with the individuals who are incarcerated and will be coming out so that they know and understand that this is now a new opportunity or a renewed opportunity for them to find employment, and that there is some teeth in the code, that will allow them to god willing, obtain the employment that they are seeking to obtain, so I think it's very important that the goal, both ways, with what's being projected. I would like to also suggest, after listening to all of this wonderful testimony, that the city regularly encourages, inclusion, participation, diversity, and inclusion, etc., and it rewards those contractors who comply and who show good faith efforts in this manner, and perhaps, somewhere along the line, as you are drafting these rules and regulations, and codes, etc., that could be considered, as well. That when looking at particularly those who are contracting to the city, if they have the means of being vetted to see if they are being offering employment to those who are applying that have criminal backgrounds, and if they are offering employment to them, and they are doing the outreach and they are making it known that they are open to do

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business, with people, and they are not checking them off at the door, they also be given some measure of recognition for doing so. That would encourage them to be forthcoming. The organizations I work with, miracles, for instance, harp, which is another organization, phoenix rising, women of purpose, many organizations that are in the reentry community That can utilize this law, in our arsenal, when it comes to assisting people that are transitioning out of prison and into community life, so to wind it up, I am here to support it. I think that this is a great move. And I understand that the things that have taken place in the city of Portland, and not only, have the opportunity you, as the mayor and the council, have the opportunity to set the bar, but also, to set the example. I worked for the city of Portland for 20 years. Outreach, recruitment, programs through commissioner Leonard, understanding how to bring people into the workforce that did not traditionally have access through skills, etc., so I think that the city, itself, bans the box and sets the example, others will be more likely to follow. I want to thank you for what you are doing, it's important what you are doing, and it's meaningful, it's very meaningful to people to know they have a chance, some of the individuals I deal with and my organization deal with, we see them going into prison, and we started our organization 15 years ago, and some of them are still there, on their way out. And we see people that go in, and with many years ahead of them, and we see the life change, but when the life takes a change, it also needs to have hope that those changes can be executed and bread and butter, bread and butter, our core values and issues, people have to be able to maintain themselves. We work with them and let them know that they can work for us, or they have no other alternatives than to work against us. I am a businessman, also, and I have a plumbing company, and it is my protocol, also, to bring into my shop those who have criminal backgrounds, and in today's society, I think that most of us will find that we have a little criminal in us. Thank you.

Hales: Thank you very much. Thank you. Good evening.

Christine Gage: Hi. Commissioners. I am Christine gage, and I work for a company called higher image, which is the background screening firm. I am also a member of the national association of professional background screeners. And I am here today on behalf of the na pbs. It represents more than 825 companies nation-wide. Many of whom work with businesses within the city of Portland. Providing the public a safe place to live and work. And our member companies are defined as consumer reporting agencies, and we're regulated by both the federal trade commission and the financial protection bureau. We appreciate the opportunity to offer our professional insight on whether or not Portland should impose increased restrictions on criminal background checks, and above and beyond what's regulated by the fdc, under the fdc as well as What's impending with hb3025. And for the following reasons, we are going to say we oppose this change, of course, the biggest issue we're seeing is that this is imposing itself already on in existence, we wholeheartedly support providing consumers safe places to live and work, and efforts to helping individuals find employment and avoiding recidivism, and we believe that the ban the box in the purest form as hb3025 is presenting in the state of Oregon will do that, going to go a long way in helping to avoid the situation where employers just tossing out applications. We need to consider the imposition of changes to law would have as it relates to things that exist on the books. So, for example, Portland's ordinance goes beyond Oregon's because it's requiring that we state the criminal history that's the problem. We covered that, we are required, our employers are required, any employer that uses one like ours is required to go through a two-step process before they can either rescind an offer or decline employment, using criminal history is a basis for that, you have

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to go through the process which requires that they sent the report in its entirety to the applicant. On top of that, they have to give a five-day waiting period for that applicant to come back with information that would clear up the history of the, if there was a problem and gives a time period for the employer to consider whether or not that's relevant to the job. After that, they can take action and do the final adverse action and go ahead and rescind the offer.

Fish: That would have to be in writing?

Gage: In writing, and it's all actually regulated, wording in terms of the whole process, is regulated.

Fish: With respect to the federal law, you are talking about, has your experience become that there is a virtue in having it in writing so there is no misunderstanding of the reasons?

Gage: Correct.

Fish: We try to bring clarity to this.

Gage: All processes are governed by specific rules, so for instance, we have to provide, also, the employer provides the fcra summary of rights before a background check is done, and it's provided again at the point that the report is given to the applicant.

Fish: I just want -- you raised an important question, so let me jump to the chase. Do you, do you believe that our requirement is redundant in light of federal law?

Gage: Yeah, I am getting there.

Hales: Try to get there soon.

Fish: We're running out of time so I wanted to give you a lifeline.

Gage: The eeoc provided guidance around individual assessment in 2012. And they provided that in the form of arrest and conviction records under title 7, of the civil rights act of 1964. And in that, they provide the same sort of criteria, that you are suggesting, you look at the actual crime or crimes, the age of the person at the time, what is the relevance to the job being applied for, so all of that is in place.

Fish: The big difference is about timing, and the eeoc did not address the issue about timing. They have another stick, by the way, if they think that the employers are whole sale barring people at the front door, it's about timing. And admittedly, the proposal is, has a different timing than your industry enforces nationally, and have you found any particular challenges enforcing the Washington law arrest any other, Baltimore or any other city that has taken the approach that we're evaluating?

Gage: Well, I think in the purest form, which is saying that we cannot ask for, on the application, and even the ones that go as far as to say that you cannot ask until interview, like 3025 is doing or if no interview, until a conditional offer of employment, I think that those, in our experience, have been wonderful. Not a problem, but it's when you start implementing rules around the subjectivity of me evaluating the criminal records, and what is it going to look like, how do I put it in writing in the right way. We have talked about it with eeoc and how that should happen so I think that that's been the issue.

Fish: So if the council ends up disagreeing with you on the policy matter, what I hear you saying is that there is a body of law, particularly, at the eeoc. Why, that you want us to review as guidance, as we do our regulations, is that correct?

Gage: Correct.

Hales: I hope you would be willing to be involved in this. Thank you very much.

Gage: Thank you.

Hales: Thank you. As we call the next group, let's include Sonia from the social ignition because I neglected to call her earlier.

Hales: Good evening, Sonia, go ahead.

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Sonia Scarvalla: If you did call my name earlier I apologize, I was with a client.

Hales: We failed to call your name earlier.

Scarvalla: Perfect. All the better. So my name is Sonia Scarvella and I run a social ignition. You met me before. I was here at the last hearing, with ban the box, I work with men incarcerated at Columbia River. We talk about entrepreneurial venture says and personal development. So I was there this morning, and through a conversation, unrelated to this topic, I was meeting with the gentleman in Jamal, whom you know, and he's getting out in a couple of weeks. And he said to me today, I am going to read it from my notes. My biggest fear, is to be judged for the person that I was, at a point in time ten years ago, and versus the person that I am now. We talk about timing. About the ban the box, when are we going to ask? And I know that that's what this hearing is about, and you will, we all make a decision based on really wonderful evidence. But, what I'm concerned before is what this comes down to is the intersection between public safety and discrimination. And regardless of when you asked the questions, companies are able to automatically disqualify someone, on the mere existence of a criminal record. A social ignition, and my work is when getting to the root issue, and what are we scared of? What are we nervous will happen? If we invite someone into our business that we have built? I would like to see more conversations around that, whenever all of you work out the details on the timing, before or after, any of those, is to really sit down with the business owners and say what are you scared of? What are you nervous about and how can we address those things specifically? Whether it's more education, more programs inside, as the gentleman was saying earlier, and more opportunities for people to meet, and get to trust each other, and that's what this is about, at the core, and that's what I would like to see more of as you all decide on timing, and when to ask the questions, and when is it ok, for me to discriminate against you. And the work that you have done before. Thank you.

Hales: Thank you. Welcome.

Rod Such: Thank you. I am Rod Such, and I am reading in statement today on behalf of The Portland chapter of Jewish Voice for Peace. The Portland chapter of Jewish Voice for Peace strongly endorses the mayor's office proposed ordinance to remove a barrier that stands in the way of many people, seeking an opportunity for a second chance. This proposed ordinance is a significant improvement on recently enacted state legislation, and will clarify for many Portland employers the importance that the city attaches to this initiative. Everyone deserves a second chance in life. This is especially true for people of color who face institutional barriers of discrimination, and who have been disproportionately affected by our draconian drug sentencing laws, and in an era of mass incarceration. If you have not yesterday read Michelle Alexander's ground-breaking study, *The New Jim Crow*, we urge you to do so. In it you will learn not only about the racist and political motivations behind many of the get tough on crime laws, of the 1970 and 1980s, but also, you will become more aware of the lasting impact that felony convictions have on people's lives. These include not only their ability to obtain work, but also to obtain housing and other social services not to mention disenfranchisement in many states. Lives from the Jewish organization weigh in on this issue, JVP as a human rights organization. And equalizing opportunities on employment applications is one of the civil rights issues of our day. The civil rights movement of the 1960's lifted all boats, civil rights legislation made it more difficult for Jewish people to be subjected to restrictive housing covenants and tokenism in hiring and college admissions. At the same time Jews in this country enjoy white privileges denied to communities of color. It is therefore incumbent on us to align

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ourselves with those still fighting discrimination and with those still seeking a second chance. Ban the box. Thank you very much.

Hales: Thank you. Welcome.

Kayse Jama: Thank you, mr. Mayor, thank you for commissioners to allowing me to speak in front of you. First of all, mayor hales, I want to thank you for you putting out in a statement in support of welcoming refugees in the city of Portland.

Hales: Thank you.

Jama: As a refugee it mean to me a lot. It meant a lot to other folks. I would encourage all of the other commissioners to do the same thing. We are facing very difficult and challenging time. I'm Kayse Jama. Cio stands urban league of Portland, afl-cio, fair shot coalition in support of banning the box. We believe qualified applicants who have served their time deserve a second chance. A fair chance we support efforts to ban the box and I encourage you to have a conditional offer. For years cio members support has been waiting for progress in Portland. We -- know that it was only first step to addressing this issue. It denies people to have fair chance to move forward. Personally, I can do a parallel my own personal experience. 15 years ago I came to this country and this great city of Portland. My resume was as plank as this piece of paper. All I want is someone to give me a chance. A chance to work, a chance to earn a living. When I applied and get my first job. You have no clue how I felt when I got that offer. It made whole difference to me personally because I didn't know anybody. I didn't have any backup plan. I didn't know anybody city of Portland. I was alone by myself. And that first step opportunity that I was given is all the folks here today are asking. Nobody is asking anything else. We want to give an opportunity for people. For that reason, I encourage you to ban the box. Thank you.

Hales: Thank you all. Next group on the list.

Moore-Love: The last three people.

Hales: Come on up. Marion, I think you're first.

Marion Haynes: Good evening, mayor hales, council members. I'm Marion Haynes with Portland business alliance. I frankly feel like i'm in a very awkward role here before you today. As we have said from the very beginning when this conversation started, we support the goal of banning the box. We supported the bill in Salem to ban the box. So much so that when I was here testifying last time I remember sitting next to Michael talking about how urban league and Portland business alliance were in violent agreement about the goals we were trying to accomplish here and that's true. It's hard to disagree with a lot of what has been said about the impact that people have when they have a criminal conviction, what that history has been, how that impacts communities of color. We don't disagree with that. That is why we support the goal. It's why we understand the value of a job. That being said, our strong preference is to let the state bill work. We have heard a lot today about how it doesn't go far enough and my question is, how do we know? The state bill has not been implemented yet. There's been no data gathered. We haven't seen whether there's a number of claims, whether more people are getting into jobs. That data has not been collected. State employment department is in a position to do that. We just don't know. I think there's been a lot of good questions raised about how jobs will be determined, whether that job fits into the matrix or not, whether a particular job fits into the public safety and business necessity requirement. That would be left up to rules. I know some examples of ones that could fit into those rules that we don't know the examples of all the jobs out there. Employers are in the best position to know whether that job has a public necessity or business necessity element that a certain criminal

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conviction, not everyone but a certain one may be relevant to. I think there's been a lot of good questions raised. We strongly believe in the goal. We believe what the state has done was a good step forward and we ought to let that work, be implemented. It's only another month and a half from now. Thank you.

Hales: Thank you. Good evening.

James Taylor: Good evening. Mayor Hales, commissioners, I kind of hesitated to come up. First of all I'm James Taylor. I have been a homeowner and residents of the city since 1981. Been a banker in the community since 1980. I hesitated to come up as I said but after hearing the testimony I do applaud the work that's gone into this code, and I applaud the urban league for taking the steps they have taken. However, I don't believe that it goes far enough. When I hear that the senate and the house had two versions and I guess the watered one won out, and then I hear the city of Portland tackling the same issue and I applaud you for tackling the issue but I don't think it's gone far enough. If people that are incarcerated serve their time, they have paid their debt to society. I think we can all agree upon that. So banning the box is the correct thing, but I think it should end there. People have paid their dues. Let's ban the box. There should be no additional steps that the individual has to go through to prove the worthiness as a citizen. I understand the business community is pushing for certain concessions. I can understand why. That's why you guys have proposed compromises to appease the business community. But individuals have paid their debts to society. There should be no conditional letter and then let's find out what crime you did. What's the purpose? I mean the deputy city attorney testified earlier and she gave the example of a pregnant woman. If a pregnant woman came into an employer or she appeared to be pregnant the employer is prohibited by law from asking her certain questions. Now, if that employer wanted to offer her a job and tendered a conditional letter of employment can that employer then ask her how many kids she plans on having? How much time she plans on spending with her kids at home? It's again the law. We have civil rights laws, employment laws on the books presently to protect discrimination in the workplace. For some reason when it comes to people of color, whenever there are laws, there has to be conditions put upon it.

Fish: Can I correct you on one point? You make a very compelling case, but currently people who have served time and are released to society are not a protected class. The big difference in the area that you've described are race, gender, status, marital status. Those are protected classes. A judgment has been made that they are protected. So one of the challenges we and everyone else has is how do you structure a system to provide some protections for someone who isn't -- has not been determined to be a protected class? Your point about race is important because disproportionately people we're talking about happen to be African-American. There's a disparate impact but just to be clear, the difference between the pregnant woman and the person who is released from prison technically has to do with the fact that one is a protected class, the other isn't.

Taylor: I agree with you. My point is that if you get to the point of a conditional offer the employer has made a decision to hire that person based on their interview and their skills. So why does there need to be a question of it background? My premise is if a person has paid their debts to society, why can't we let it end there? That's my point. I'm asking you to make the tough decision. It's a compromise to do what you've done and I applaud you but I'm asking you to make the tough decision and ban the box and let that be it.

Hales: Thank you very much. Good evening.

Jeri Jimenez: Good evening. I'm Jeri Jiménez. I work for the city of Portland. I'm off the clock. Past 5:00. I am a survivor of domestic violence, childhood sexual abuse, being

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trafficked when I first came back to Portland in 1989 I was trafficked by a gang of people. I got charges on me because I was with that gang full of people even though I was locked in a room every day and only let out at night to walk up and down the street. I then got involved with someone who did some drug stuff and I was affiliated with that even though I wasn't doing it I was going to Portland community college to become an alcohol and drug counselor and got a felony conviction on drugs. That has been with me for 22 years. It means that whenever I apply for a place to live like this summer when the investment firms bought my affordable housing and kicked us out I had to get a much more expensive place. Wherever I move I have to write a letter. What I found was interesting in that I want to do more research was it seems as though the inner ring of Portland actually all of those management companies have come together and said, we're not going to take felons no matter what. Then you go further and further by the time you get to Gresham you felons can live out there. Luckily I found a company in north Portland where I wanted to stay who said we only check seven years back. If you haven't done anything in seven years you're good but it was very disconcerting to see that folks are organized in that way because that's economic red lining. This is what we're doing. Not we the city of Portland but the folks who work with us on this. Those are some of the issues that need to be addressed. I came to the city of Portland after going through those hard times, living in a shelter for 14 months, becoming a community organizer, a labor organizer, becoming -- raising the minimum wage which we're going to do again, yes, and working for the environmental justice action group which defeated the expansion of the i-5 freeway north. Organizing saved and changed my life. I'm now at the city of Portland as the program coordinator for the diversity and civic leadership partners which many were here earlier and last night. Very proud of the program. I want to thank you for supporting the program but what happened when I came here I had three interviews. I was afraid. I'll get through one interview i'm going to have hope. I got through the second, I want to have hope but i'm putting it in god's hands. What if I get to the third interview they say what about this background check? The one I got there, my director said, no, we know who you are. We know you're a great organizer, we know you know a lot of people. That's what we want you for. What you did in the past didn't have anything to do with that. That type of looking and having redemption for people is what we're talking about when we talk about redemption. When I signed up for class or signed up for someplace to live I have always had to write a letter explaining that's who I was, this is who I am. Leave it in the hands of people that I don't know whether or not people are hopeful and believe in redemption. If we don't believe in redemption and we don't believe jail reforms people we need to stop putting so much energy into the jailing system and do something different. Thank you.

Fritz: How long have you been an employee?

Jimenez: Nine years this month.

Fritz: Thank you very much for your service.

Hales: Great note to ends our testimony on. Jeri, thank you. We appreciate you. Some questions for staff and I have some suggestions about amendments. What i'm going to suggest, two things about amendments. Based on what we have heard today if my seconder will agree i'm going to withdraw the amendment about oral notice. I think written notice makes sense and it's not so great a burden based on what we have heard here this evening. I think you seconded it. Not sure.

Fish: I withdraw the second.

Hales: I want to recommend an amendment that requires that the proposed administrative rules come back to council for review.

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Fish: Second.

Hales: So if the council -- it pleases the council what I would suggest is because of the complexity of the multiple amendments that we ask staff to come back with a consolidated version of this and then at our next hearing.

Fish: Can I make another request, mayor?

Hales: Yes.

Fish: It was -- the lady who testified about the current state of federal law on background checks and the sequencing and the requirements, what got my attention, Judy, about that is that since that's already a heavily regulated area, I think the council would benefit from just getting a one-pager on what that current legal framework is. And does it or does it not help us in fashioning administrative rules.

Prosper: Can I say what I know now? The fair credit reporting act is for financial credit. There's still a question as to whether criminal history -- my understanding still a question whether criminal history is included in this rigorous test. So I will do exactly as you say.

Fish: If there's a legal question you'll let us know. If there's a scheme that's already been established, obviously if there was a federal rule that already applied it was a first cousin of what we're considering we would want to track it as much as possible so there was alignment. I would still be interested in knowing the architecture of that and to whom it applies.

Harry Auebach: Commissioner, I want to reinforce that it may be instructive but probably not entirely determinative. The ordinance is going to apply to a slightly wider class of employers than title 7 does.

Fish: I have great confidence you'll make that -- make that clear in a memo. Even so it's instructive and I would just like to know what those requirements are so we understand soup to nuts what we're potentially asking someone to do.

Hales: Good point. Other requests of staff? So --

Auebach: Are you intending to vote on the amendments then at the next hearing and have essentially a third reading?

Hales: My suggestion is we close the public hearing. That we ask staff to enroll the amendments that we have discussed and moved and seconded minus the one that we just withdrew and plus the one that I just added verbally, but rather than asking people to vote on a package that's that complicated without having it literally in front of us red lined would be flew I would like to close the public hearing and schedule this for adoption and second reading at the same time. I believe we can do that.

Auebach: No, you can't amend a nonemergency ordinance within five days of passage.

Hales: We can adopted amendments next week and have second reading the week after that, right, josh? Want to help us out here? Calendar issues?

Fritz: I'm prepared to vote on the amendments.

Hales: We can vote on the amendments if you're comfortable with that and then council have a chance to review the ordinance as amended when it comes back for second reading.

Fish: If the purpose on voting now is to give us a chance at a second reading to vote on it that's the option.

Hales: Yes.

Fish: Council can come back and say we want further action on the amendments.

Hales: I'll accept a motion -- we'll take a vote on the amendments as moved and seconded. All of them. Again, with an understanding that the ordinance will come back to

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us with those clarified and highlighted for adoption at second reading or if council does note please to adopt it at second reading -- [audio not understandable]

Fish: May I be clear? You have proposed a series of amendments, one you have withdrawn, one added as oral amendment.

Hales: That's correct. It's also moved and seconded.

Fish: Why don't we take up your package, mayor, then take up the oral amendment you just made so we're clear.

Hales: Good idea. My amendments are the scrivener's error to section b which changed the number 8 to the number 6. The direct ordinance amendment number 2, which changes directive c and requires that the city attorney negotiate and intergovernmental agreement with boli. The addition of a directive d, that the city attorney provide council with a one-year report on claims by individuals or action by the attorney general.

Fish: As amended in our discussion.

Hales: Yes. Exactly. I have withdrawn the amendment about oral notice to the prospective employees. Those are my amendments. So moved. [audio not understandable] I got that one. I just mentioned that one. Those are my original amendments.

Fish: Second and move those.

Hales: A vote please on those amendments to incorporate those.

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

Hales: I also want to move that we add an amendment that will require that the proposed administrative rules be brought to council for approval.

Fish: Second.

Hales: Further discussion about that one? Straightforward enough. Roll call on that.

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

Hales: Aye. Then we have commissioner novick's amendment that added for offenses not involving physical harm or attempted physical harm to a person.

Novick: This is 23.10.030 e, nothing prevents an employer from considering an applicant's criminal history after making additional offer of employment except an employer shall not consider an arrest but not leading to conviction, conviction expunged or charges resolved through completion of diversion or deferral of judgment program. I wanted to add to that for offenses not involving physical harm or attempted physical harm to a person. In other words, if there's a diversion of judgment program for offenses involving physical harm or attempted physical harm, then I would suggest it might be possible for an employer to consider that.

Hales: That's fairly routine, for a drug offense or drunk driving that doesn't involve an injury people are given an opportunity at plea to go through diversion instead. So your intent is if it's that kind of criminal conviction that that would not be -- that that would not be worthy of consideration.

Novick: Yes.

Fish: This sounds like you're drawing a distinction between violent and nonviolent.

Novick: Yes.

Fish: It actually expands safe harbor?

Novick: Allows an employer to consider charges if the offense involved physical harm or attempted physical harm.

Hales: It narrows the safe harbor. At least in theory you could have a diversion for simple assault in a bar fight, you're convicted of assault. You go through diversion and I don't know if this actually happens or not but theoretically that could happen.

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Fish: May be late but if by creating that qualification you're expanding the safe harbor. I want to be clear.

Novick: Depending what we mean by safe harbor. I assume it means yes there are some things an employer can consider.

Hales: For the employer.

Novick: Yes. This would expand such a safe harbor.

Fish: Then i'm prepared to vote.

Fritz: I would like to know do we know what deferrals are available for people who have done physical harm?

Novick: I don't know. Judy knows some.

Prosper: I know for example driving under the influence of intoxicants is one. Beyond that I do not know. That's one specifically called out for diversion.

Fritz: In other words you may have caused physical harm by your dui.

Prosper: That's something we need to clarify. Whether there are --

Fritz: Another concern I have is with domestic violence which I assume there are diversion programs for in which case perpetrator may have specific violence against a domestic partner not necessarily a danger to the public at large.

Hales: Says involving harm or attempted harm.

Fritz: Domestic violence can be that.

Hales: That's why it wouldn't be subject to this --

Fritz: That's my point. Apparently i'm not making it very well. In that case the harm is only directed to a partner. There is not necessarily any particular risk of harm to the general public. Particularly if the person has taken anger management classes or whatever. Therefore, they should still not be allowed to consider deferral.

Fish: For my point of view it's propensity for violence. I think we should vote it up or down. If we vote it up if we support it we're saying to Judy in the regulations we would like to see thoughtful treatment of this and we have the final say on whether it's right or wrong.

Hales: We can ask the police bureau and district attorney and others for council.

Fish: It would have to be worked out in the regulars.

Hales: I'm okay with that too. Content to take a vote? Let's do.

Novick: Aye. **Fritz:** No. **Fish:** Aye. **Saltzman:** Aye.

Hales: Aye. Okay. Those are our amendments. We have covered them all. I will bring the ordinance back for second reading with those included and with the questions council members opposed answered.

Fish: Is this coming back in the regular agenda next week?

Moore-Love: It doesn't have a time certain.

Hales: Yes. Doesn't have to have time certain. Just the regular agenda. Thank you all very much. We are recessed until tomorrow at 2:00 p.m.

At 5:41 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.

NOVEMBER 19, 2015 2:00 PM

Hales: Welcome to the November 19 meeting of the Portland city council. Please call the roll. [roll call taken]

Hales: Welcome, everyone. So some introductory points here, you may be aware already but there are actually two related hearings today regarding the comprehensive plan. For the first hour we'll discuss agenda item 1209, the series of supporting documents, then the second item 1210 is testimony on the plan itself. We'll take testimony in both cases but we're going to limit individual testimony to two minutes because we believe we're going to have a very large number of people who want to speak to us on these documents. That's going to be true at this hearing and some other hearings which follow. This is the beginning of the public hearing portion of readopting our city comprehensive plan. It's a big deal. It governs how we're going to grow for the next 20 years and we're estimated to grow by about 250,000 people and 140,000 jobs. Those are daunting statistics of change that we're trying to shape here. So since good places don't happen by accident we're going to do some planning with your help. We have already had a lot of help, about 4,000 comments I think at the planning and sustainability commission on the proposed draft and I want to thank the commission for their huge amount of service. We'll be hearing from them as we proceed today. So let's start with our director at the bureau of planning and sustainability after Karla reads the items. Read both of them then Susan can proceed.

Moore-Love: Are we just taking 1209, the 2:00, then the 1210 at 3:00?

Hales: Go ahead and read 1209, then.

Item 1209.

Hales: Good afternoon.

Susan Anderson, Director, Bureau of Planning and Sustainability: Good afternoon. As the mayor mentioned the first hour of testimony is focused just on the four comprehensive plan supporting documents. The four documents include first the report that outlines the work of our community involvement committee that has met for about five or six years now. Second, the economic opportunity analysis. This report shows we have inadequate land supply. The third report is the growth scenarios report, the fourth the city-wide systems plan. We have asked at the public to focus just on these four reports and then comments on the rest of the comp plan can be at 3:00 p.m. I would really recommend that after you listen today that we hold the record open for written testimony until January 7th to give people ample time to comment. I'm not going to talk more about the reports. We had five work sessions. A lot of -- ten hours of time together getting ready for today's meetings. I would like to invite both Stan Pinkon and Howard Shapiro up to join me. They both provided a lot of leadership, in particular on the community involvement committee, and they want to share their thoughts about the report they are looking at and the public process.

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Hales: Welcome. Good afternoon.

*****: Good afternoon.

Hales: Can't lose you now, Howard. [laughter]

Howard Shapiro: Good afternoon. I'm Howard Shapiro, vice chair of the planning and sustainability commission but i'm also by some quirk of fate the chair of the cic, citizen involvement committee. I say that because the chair of the committee was commanded to be a commissioner and I was the one who stepped up. Having said that, I want to talk about the genesis of this whole idea, which began five or six years ago I think with visioning Portland and the idea of a citizen involvement committee. A cross-section of people who could adequately and directly report what they were feeling at the grass roots as the planning went forward. That idea was accepted by two mayors previous to this and the process took about a year, vetting the correct number of people that would serve on this committee. Through that year, people hung in and were very stalwart about how they felt about it. I want to read that they were a group that were committed to equity, to inclusion, to a vibrant future for our city. And we met for six long years. Stan will report on the outcome of it at the end of it. The process I must say has not been perfect. There never will be enough time to hear everything and too much time to push things through. I think this is an important, correct -- important, vital part, hearing at the grass roots on regular basis from people that see, hear and feel things in their community. People are committed to equity, to inclusion, and to, again, the vibrance of our city. I can't say enough about the people. They were and are amazing and they do represent a cross-section of what our city has come to represent. I also want to take a moment now, if I may, to -- pardon me. I just ran to the parking meter. If I may, to really salute the people who really make this happen. The people of the planning bureau. Susan and her staff are remarkable.

Anderson: We even bring you water.

Shapiro: Susan and our staff are remarkable and the citizen involvement committee is part -- I think grateful for the time and energy they put into it. If I named it would be an academy award of all the people who have supported this. Having said that and that the process is not perfect we encourage that you continue this kind of citizen involvement and grass roots reporting back. I think we want to let Stan say a few words about how we ended up and how I hope the committee can go forward.

Hales: Thank you.

Stan Pinkon: Good afternoon, mayor and commissioners. Howard is a hard act to follow. I'm stan pinkon, an original member of the community involvement committee that came together nearly 6.5 years ago to begin work on the outreach efforts of the Portland plan and later comprehensive plan. I was a young man back then and had no idea that what was advertised as four meetings a year for three years would evolve into something far more extensive and exceedingly meaningful. Now, after 50 full committee meetings and countless subcommittee meetings, workshops, hearings and so on I want to share some thoughts about the public involvement process. First, what was done? A wide range of public information and outreach activities was implemented by bps for the update including a popular interactive map app, website and enewsletter. Among the many face to face outreach activities were events, community meetings, neighborhood walks, dedicated help line, district liaison office hours and open house events plus many mailings to property owners and articles and advertisements in community newspapers. These activities informed public proposed draft elements and its effects on specific properties. It answered questions and ensured that people who wanted to provide testimony to the pfc

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would be able to. There's considerable data available about the extent of these efforts which I will not take time to present here. As with any initiative, especially one with such major scope there are numerous challenges. There are three areas it is for improvement. First is transparency. If value the opinions of all community members and bps made an unprecedented effort to reach out to everyone. An unfortunate mishap occurred when psc – staff have continued their regular schedule based on comments that have already been received. Some community members think their testimonies were overlooked. All were eventually included in future discussions but the damage was done. To maintain the highest standards of transparency we must make extra effort to educate individuals on the involvement process so miscommunication and confusion does not occur. Second, making a plan to continue to build upon established relationships and to build new ones. This is especially important for under-represented groups. We heard comments like this doesn't affect me, why should I care, if i'm not being heard why should I get involved. Long process there won't always be action items for community comment but keeping up the public's interest should be a priority. It's important for bps to coordinate with oni and other groups to make sure leadership and capacity building continue for all groups to develop the knowledge and capacity to fully participate. Third funding for outreach. After six years of experience and a learning curve we should be able to provide better future funding for additional staff providing outreach regarding the reach of our communication tools and for a designated liaison to communicate between bps and under-represented communities. As we move forward towards implementation, we believe there should continue to be a cic entity to evaluate programs for multiple bureaus, two, to review plans for individual projects, and three, to create and maintain a community involvement manual for implementing the comp plan goals and policies. Without strong, meaningful and consistent public involvement the comp plan would not guide us to outcomes that we seek while cic recognizes resources are a significant factor in considering future oversight. While we believe resources were responsively allocated much of it was dedicated to those ready and willing to engage. Although we are impressed by the high levels of community response we feel that under-represented groups that are often hesitant to join the process were not pursued as much as they might have been. As we address goals and policies of the comp plan the involvement of our diverse communities is as important as ever. Resources must be allocated in a fair and equitable manner. I'm honored to have had the opportunity to work with so many devoted individuals from my fellow committee members to the professional and dedicated staff at bps. It was a collaborative effort wherein cic and staff shared ideas including constructive criticism and were willing to learn from each other. The committee thanks and acknowledges the many staff members who guided us. While we cannot mention everyone we want to express our appreciation to marty stockton, deborah stein and sarah wright and I would be remiss if I did not mention the able leadership of our chair, mr. Howard shapiro. As we approach adoption stage it will not be the end but rather the foundation of an ever evolving progression of making Portland the boast it can be for everyone in the city. Thank you.

Hales: Thank you both.

Shapiro: May I add one more thing? There's a quote that c.s. Wood is famous for that says good citizens are the riches of a city. That's really what is eloquently demonstrated in the work of this committee. We thank you for your time.

Hales: Thank you both.

Anderson: Move on to the testimony.

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Hales: Let's go. We have -- I don't believe we have invited testimony so we'll move to the signup sheet. This is on the supporting documents. If you're here to speak on the comp plan, that begins at 3:00. Karla?

Hales: You get to be first.

James Peterson: My name is James Peterson. I'm here speaking as a citizen. If you've read the 2035 comp plan you'll be greatly amazed that citizens have been greatly removed from that document. You really should consider getting more in line with goal one. I'm really concerned about the numbers, written testimony here, that the numbers, projected numbers are grossly inadequate or overstated. The projected growth of 124,000 housing units that the city is planning for the 2035 comp plan has flawed assumptions. Capture rate of 72% for the forecast where their historical capture rate has about 62%. Is that 18.6% higher than it's ever been achieved. The city of Portland is planning on capturing 60% of that inflated number. When the best they have ever been able to achieve is 36%. That's the more likely number of housing units should be 68,000 instead of 124,000 units. The same thing happened during the southwest community plan when the city -- metro projected the city of Portland can achieve 50,000 housing units and the city of Portland requested 70,000. Metro was more in line. Clark county is capturing 60% --

Hales: Keep going. I'm sorry.

Peterson: 56% of the growth rate outside the ugb. Most of the housing units planned in the city of Portland are for mixed use complexes. A majority of people, 80% of respondents prefer single family residences. There's a big discrepancy in what people want and what the city is planning for.

Hales: Thank you. I have your written testimony here. Thank you. Mr. Sallinger?

Bob Sallinger: I'm bob Salinger representing the Audubon society of Portland and our 16,000 members in the metropolitan region. First thank you for your votes on the fossil fuel legislations. Another chance to move us forward to a cleaner, healthier, more prosperous future. We're here to support the economic opportunities analysis as drafted. We think they have done a good job and we particularly want to focus on river industrial. The approach that the economic opportunities analysis takes really focuses on three things. To meet industrial land supply. Rather than destroying green fields going to natural areas, rolling back environmental regulations, it says take better care of what you have. Use it better. Clean it up, put it into product of use. That's how we'll keep our jobs. Clean up your brownfields. We have over 900 acres in this region. We need to clean them up and put them back into product of use. Intensify use of the existing land base. We can make a lot better use of the land we already have. Finally, it says stop converting industrial lands to other uses. Be more careful about that. We have a lot of cases in point where industrial interests have converted land. I think about the shopping mall at the airport. I think about terminal 1, now condominiums. Too often industrial land owners have cashed out, taken the money and come back in saying we need more land. We need to stop that pattern. We know you'll be under great pressure to bring Hayden Island back into the comp plan. The plan recognizes that it's not going to create a lot of jobs. You'll hear about cargo. Cargo forecasts have been notoriously inaccurate. You're going to hear about balance but we have a river already tremendously degraded. We need to protect what we have left. I would remind council the court had an opportunity to step up and bring forward a plan that would protect the environment and the community. Instead they stepped out. They walked away. They said they couldn't do it, they wouldn't do it and they should not be able to use the comp plan as a back doorway to bring it back in.

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Raihana Ansary: Good afternoon, mayor, commissioners. Raihana Ansary I'm here to testify on the economic opportunity analysis on behalf of the Portland business alliance. The alliance has been tracking the comp plan update for two years and we would like to commend staff for their hard work to date. We plan to provide input on the plan but this afternoon I would like to focus on a few assumptions made to fulfill the state of Oregon's land use goal 9 requirements on economic development. First, the in summary, we're concerned about the following. One, the proposal to accommodate a long range cargo forecast. The low forecast is not justified by recent market trends nor is it consistent with existing plans including the Portland plan. It we build green cities campaign and the greater Portland export plan. All these aim to promote our traded sector economy. As we have shown our value of jobs report, export related jobs pay on average 18% more than non-exporting jobs. Manufacturing jobs that produce traded sector goods are also found to provide higher wages and better benefits than nonmanufacturing jobs. Particularly for communities of color and for those with less than a four-year college degree. A low marine cargo forecast does not promote our traded sector economy or middle income job growth. Two, aspirational browned field redevelopment. The eoa assumes 60% of brownfields will convert over the next 20 years. This is dependent in large part on the ability of the state to enact and fund legislation and programs. Meantime brownfields do not often convert to industrial land due to cost burdens and onerous regulations associated with redevelopment. Finally the eoa relies on golf course conversion. They are privately owned and an owner must be willing to sell. Not all of the golf courses that are counted for in the eoa have confirmed an interest to sell. We urge that they reflect market realities to help ensure a prosperous, equitable future for all Portlanders.

Hales: Thank you all.

Hales: Good afternoon.

Troy Clark: Good afternoon. Thank, mayor, council. I'm troy Clark. I'm the president of the friends of smith and bybee lakes and on the Columbia slough watershed council. For years we have seen industry encroach our city's natural areas, putting stress on our systems. It's gotten to the point where we must protect what remains of our precious natural areas. The current industrial land strategy out of the economic opportunities analysis draft takes an important first step. I'm glad to see that redevelopment of contaminated brownfields is emphasized in the city's strategy. It only makes sense to put these long vacant lands back into use before paving over our last remaining natural areas like west hidden island. The reclaiming of these contaminated areas will bring needed economic drivers that make our local communities more vibrant and promise local economic growth. Along with this new approach in the eoa, I urge that we retain and reinforce environmental protection along rivers and flood plains. The Columbia slough in particular. These are some of the most important natural resource for our city. They need to be protected. 20 years of involvement on the Columbia Slough watershed council advisory committee have given me insight into the importance of these waterways, wetlands and adjacent natural areas and the role they play in the health of our local environment and community. I cannot -- I support the eao current industrial lands strategy as it provides industrial lands and the jobs our communities need while at the same time protecting the last few natural areas and open spaces that make Portland such a great place to live. Thank you.

Hales: Good afternoon.

Rick Brown: Good afternoon. Mayor hales, commissioners, i'm rick brown, i'm here on behalf of 350 pdx where I serve on the volunteer board of directors. It's -- pleasing to look

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back on the landmark resolutions regarding fossil fuel, transportation and infrastructure you passed in the last couple of weeks. So thanks you again. At the same time it's sobering to reflect on despite such measures we're experiencing and will continue to experience the adverse effects of climate change for a long time to come. Measures that will keep the majority of fossil fuel reserves in the grounds are essential but so are measures that will provide resilience that will be adaptive in the face of inevitable climate disruption. It's in consideration of those concerns that i'm here today to support the current economic opportunities analysis draft. Its approach to providing protections for stream side and flood plain areas while concentrating industrial development on already developed portions of the landscape will help ensure that our watersheds will be better able to absorb the more frequent heavy precipitation that we can expect to be part of our changing climate. In this eoa, bills on the climate action plan which recognizes the importance of intact riparian areas and helping reduce temperatures of urban streams and in responding to changes in seasonal precipitation patterns. 350 pdx urges your support of the current draft of the economic opportunities analysis. Thank you.

Hales: Thank you. Welcome.

Meg Ruby: Good afternoon. I'm Meg ruby. I live in southeast Portland. I'm a psychologist, a mother of two teenage boys, and i'm active in my faith community, St. Michael and all angels episcopal church. I'm deeply invested in our city. I have worked over the last 16 years to enrich our city's green spaces as in our schools, our parks, and our open spaces. I have worked with kids on hands on science projects in these places and I do it so they learn science and they are exposed to nature, birds, critters, et cetera. 14 years ago I founded a learning garden that's going strong today at Attkisson elementary even as my oldest graduated last year from Cleveland. I helped install the community garden at Frazier Park. This matters to me. I'm also -- I believe it's never been more important than it is today in part because of what rick referenced, which is the rolling out of change in our climate that is today. I believe it's never been more important for Portland to remain committed to high standards of stewardship of our shared environment and I believe it's essential that the city continue to uphold the moral and ethical obligation we all have to conserve our natural resources for generations to follow. The economic opportunities analysis and subsequently the comprehensive plan are important because it will guide land use decisions at all levels over 20 years. I support the current draft of this plan. Actions laid out in this version including cleaning up contaminated brownfields, increasing efficiency and intensity of use on current industrial land and protecting against conversion away from industrial will ensure that Portland's economy can continue to prosper and in addition these actions will help maintain a healthy Willamette river and provide for cleaning up of contaminated sites and will protect our last few remaining green fields and natural areas. Portland has been an environmental leader for many years and this is the next step in that direction.

Hales: Thank you very much. Thank you all.

Hales: Good afternoon. Welcome.

Kristin Meira: I'm kristin meira, executive director of the pacific northwest waterways association. We're a nonprofit based in Portland and port of Portland is one of our members. I'm here to talk about the growth forecast for the port. In the draft comp plan. This Columbia River that we are on is the nation's number one gateway in the United States for wheat and second in the nation for soy. When you consider all the grains moving on our river system we are the third largest grain export gateway in the world. We're tops on the west coast for wood exports and bulk mineral exports including

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significant quantities of Oregon goods and we play an important role in balancing our nation's trade deficit. It's been five years since the Columbia River channel deepening project was completed. In those five years over \$1 billion in new private and public investment has occurred along the river. Of that \$1 billion, 370 million has been invested right here in the port of Portland area. That's taken place in locations like Columbia grain, louie grain. shaver tow boat company and many others. All these investments were made because leaders recognized steady growth in cargo movement which has occurred on our river system for over 50 years and is forecasted to continue including here in Portland. The port of Portland serves a wide variety of cargoes which have grown to over 23 million tons a year valued at \$13 billion. Those numbers are impressive but what's most important to people is what it means to folks who live here. This river system joyfully supports over 40,000 jobs and over half are here in the Portland area. We know the port of Portland will continue to play a key economic development role here in the city and we urge you to recognize the trends and economic activity in our area and change assumptions in the draft comp plan from a low to a medium forecast for the port. Thank you.

Hales: Thanks very much.

David Red Thunder: Hello. I'm david red thunder, chairman recognized by high noon. I have lived here for seven years. I would like to speak about the creatures. There's nine types of mammals, four types of amphibians and a variety of species of birds. They are dealing with 80,000 cubic yards of dread spoils that have been placed down there for future foundation of deep terminal trading post. Anyways, there's a path that leads the homeless problem. We have a homeless problem here. There's a path down there that leads and there's not secured, they can go down there and the pictures I have seen it's contaminated right now. The garbage, debris, it's the vegetation line -- the state owns -- the state has controls of water to go up in there but above that you can't stop -- the port has -- I don't know if deliberately but since this pass has been put in the increase of human -- human consumption, the feces and bathroom problems, the dogs, and I speak about the animals that we have our state bird back there, the western meadowlark, and we have the beaver back there. I have talked to the port about it, now i'm just here to speak about the creatures. Down the road, it seems like you have your county commission that votes and they bring votes to you and you guys are the final vote. Well, they voted to go ahead and follow through with making this into an industrial land. So i'm here today to speak about the creatures, and we have this habitat pressing up against the boundaries. I think we should protect the black tail deer, the beavers, the amphibians and these variety of species of birds. Thank you.

Hales: Thank you. Good afternoon.

Jeff Stone: Mr. Mayor, city council, I'm Jeff stone, executive director for the Oregon association of nurseries, the second largest sector of ag. We're proud to be in Multnomah County and we have several members here. My purpose of my appearance is to express concern over the city downgrading the growth potential to Portland harbor to a low growth forecast. Contrary to the recommendation by the planning and sustainability commission. It's critical. The city of Portland needs to be an active player in revitalizing the Portland harbor. I'm a former chief of staff for the metro councils so I have been in the planning space quite a bit. Planning decisions by cities and by the -- make a difference on wages, the economy and community prospects. With a low growth forecast it does a poor job recognizing the economic impact and the capacity of the harbor. The assumptions are lacking focus and realty and will impact the farm communities well outside our jurisdiction

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here. The port slow-down during this recent time really harmed the nursery and greenhouse industry. Almost 20% export container ships carry agricultural products. The cost of a truck for a container to go to the city of Portland is \$250. It's \$800 additional to go to Tacoma, and its \$1200 to go up to Seattle. So that already adds traffic to and i-5 corridor that's already a mess. Nurseries ship more than 80 million environmentally friend will I trees and plants to the port system. It's not just a Willamette valley thing. Ontario is seeing economic downturns because of the container issue. So I would recommend because we have some of the best agricultural crops in the United States, that in my letter to you I explain all the reasons why we think that you should move the forecast from low up to medium. Thank you for your time.

Hales: Thank you. Couple of follow-up questions if I can. I don't want to slow up the pace of testimony. But you mentioned this in passing. Your members' products are leaving this region and going worldwide by container, right?

Stone: Yes.

Hales: The port has lost its container port. Although the port of Portland has our name in it it's a state agency. State government has failed to negotiate a successful labor agreement by which we have a container port. What's happened to your members? Are they still growing? Have they shouldered this additional cost beyond the region? I understand the traffic impacts. Are they growing, are they shrinking?

Stone: Mr. Mayor, thank you for the question. It is loading cost into the cost of production to get the product now to a different port. I'm with you that the port of Portland we need to work with the port to try to get back the capacity that they once had. With hanjin leaving that hurt a lot of agricultural products. My members are seeing it's harder and more expensive to get that product out because they are having to load a truck which they don't want to do --

Hales: I understand the logistical difference. My question is what's happened to the business? Has it gone up? Gone down? One economist has said they are doing fine. Is that your impression?

Stone: Because we grow some of the best stuff in the world we do ship quite a bit. But though are finding it harder to make it pencil out by having the increased cost. So the differential between shipping of container to the port of Portland and to Seattle is quite a difference.

Hales: Okay. Thank you very much. Thank you all. Let's take the next three.

Byron Tenant: I'm Byron Tenant speaking on behalf of the northeast coalition of neighborhoods. We represent 12 neighborhood and serves over 60,000 Portlanders. It focuses on making sure our communities are safe, livable, healthy and inclusive. We would like to show support for the general approach taken in the analysis to meet stream lands' demands. We submitted comments on an earlier draft in spring of this year. It appeared many of our concerns were in fact considered in this updated version. We applaud the strategies laid out in the plan that focus on redevelopment and intensification of our current industrial land base use rather than looking to natural areas and open space to satisfy new industrial demand. Brownfield has long compromised on neighborhoods and we look forward to safe prioritizing of clean up and reestablishing these currently unused parcels of love land as economic drivers for our communities. It only makes sense that we look forward -- towards these already developed parcels of land in many cases within our communities to provide us with much needed economic growth. We support strategies laid out in a plan that intensify and retain industrial lands and maintain, in some cases improve the economic benefits of the current inventory. While we are

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generally supportive of the suite of strategies laid out we see one major flaw. The current strategy to rezone and convert several north Portland golf courses into industrial lands remains as not consistent with the direction of most other policies within the eoa. Instead of focusing on putting current built landscape to better use it proposes to pave over some of the last remaining open space in the neighborhood that will already park deficient. Open spaces provide clean air, recreational opportunities and wildlife habitat in a very developed portion of the city, the Columbia corridor. To lose them would be very unfortunate. We understand there's need for industrial land but let's not trump the health of the environmental needs of the community. Thank you.

Hales: Thank you. Good afternoon.

Janet Labar: Good afternoon. Mayor Hales, commissioners, thank you for the opportunity to speak. I'm Janet Labar. We are the economic development organization responsible for marketing greater Portland to companies seeking to expand or relocate. We work with the public and private sector partners to bring these companies and result being jobs and investment to the region. I'm here today to express concern for the low forecast growth of the Portland harbor and economic opportunities analysis jobs for the comprehensive plan. The harbor which includes 4,000 acres is a major impact employer and services are a crucial part of the economic vitality of our region and our state. A low forecast signals doubt and sends a negative message about the value of Portland harbor jobs. Jobs and key industrial sectors such as construction, manufacturing, warehousing and transportation as well as the opportunities these industries bring to the entire region. As the regional economic development organization GPI understands the keystone nature of a working harbor to a city, county and region's economic vitality. Decisions regarding the working harbor impact not only Portland but surrounding region that depend on the port for efficiency, transportation and jobs. In the greater Portland 2020 plan, the region's five-year comprehensive development strategy, stakeholders have prioritized making the region a top location for global trade and investment. Moving forward with a low growth forecast will not only challenge the 2020 priority but hinder the city and the region as a flourishing gateway to international markets. If you believe in the future of our state and broader region and want to advance economic development labeling the Portland harbor with a low growth forecast at a time when we're seeing significant expansion sends the wrong message. I respectfully ask that you return it as originally recommended and support the future of our region.

Hales: Let me pose that same question to you. At the present time, the city's history, we're a commodity and carport. With some shipbuilding on the side. We're not a container port. Our manufacturers are not shipping through city of Portland because we don't have a container port any more. What do you think is the realistic prospect that the state will be able to restore container service to our city? I assume your organization is putting pressure on the governor and the port to get that resolved.

Labar: We certainly tried. I think that that is critical issue and I do think that the possibility of re containing shipper service is within reach. I have heard estimates of sometime between one and two years. We will continue to pressure the port and the state to make sure that that happens.

Hales: That would be a good day. That thank you.

Fritz: Why do you think it's most likely that we'll have moderate growth? What gives you to believe there will be moderate growth?

Labar: I haven't come through in further detail but I did look at analysis that northwest did there and I do believe there's still possibility for use of industrial lands within the harbor

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and as we greater Portland, inc., is studying strategies I do think there's a steady supply of demand -- steady demand that is healthy for further industrial growth. There's a lot of work that needs to be done on those lands. I understand that remediation needs to take place, but it's important to make these investments to make sure we foresee additional job growth in the future.

Fritz: I'm reading in the plan there's a commitment to intensifying the harbor and cleaning up those lands. I'm not sure why having a realistic growth expectation is a problem.

Labar: Okay. Thanks for your comment.

Hales: Welcome.

Patti Iverson-Summer: Thank you. I'm Patti Iverson summer, founder and president of global trading resources. We are a broker, freight forwarder non vessel common carrier and indirect air carrier as well. We are aware that -- tires meet the road, so to speak, or where the cargo meets the ship. We set up shipments overseas to come into and go out of this area. We handle customs clearance and clearances of all federal agencies that have jurisdiction over imported or exported goods. We see day-to-day what happens to businesses that are involved in international trade. I can say it's flourishing. The only sad thing for the port of Portland is that we do not have a container service any more. Issues between the terminal operator and the iwu local 8. Once that is resolved and it's in the courts. The configuration of the port is a gem on the west coast. We have more potential to move more freight from Montana I meet agents from all over the world, from Africa and all over Asia. Indonesia. All of the contain there's were originally discharging in Portland are now discharging in seattle-tacoma. That's 5,000 containers a week.

Hales: Wow.

Iverson-Summer: Put on the road. I just came back. That's why I don't have written testimony. I just heard about this hearing and was an u.s.s. To discuss this with you. I was in Salem testifying with the senate internment committees on transportation and business for the past six months that was initiated by the governor and I guess I have two comments. One, I do believe that you need to upgrade the level of international trade through the port to at least a medium. Because it's there. Second I ask that you coordinate with the state projects they were very interested in the proposals for interim work-around and how to enhance the overall transportation abilities of this region. The agricultural people are crying.

Hales: I know. Well, thank you. I appreciate you being here. If you haven't already done so I hope you give Susan or someone on the planning staff your contact information. If you're not already in touch with them we would like to stay in touch. Thank you all very much.

Hales: Welcome.

Kate Ross: Good afternoon. I'm Kate Ross. I'm here today representing Willamette river keeper and our members. Willamette river keeper is dedicated to protecting and restoring the health of the Willamette River. We're here to support the approach taken in economic opportunities analysis regarding addressing industrial lands along the Willamette. The lower Willamette as it passes through Portland represents the most degraded stretch of the river. It's been channelized, deepened and hardened and as a result very little habitat remains. Vast acres of what were once flood plains have been filled and eliminated it. Final ten miles before the confluence are as you know a superfund site t. This degraded state undermines the health of children and wildlife populations as well as access to the river and quality of our environment. Every salmon that uses the 187 mile long main stem river has to pass through Portland. Willamette river keeper strongly supports the

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approach taken in the eoa to meeting industrial land demand. Rather than continuing to degrade our environment by converting what little habitat is left to industrial use, the eoa instead focuses on making better use of the industrial lands we already have. Specifically it folks on restoring contaminated brownfields to productive use and intensifying use of existing industrial lands, and preventing unnecessary conversion of industrial lands to other uses. We believe that this is the right approach for our environment and our community. The river is already severely degraded. We should not adopt policies that would exacerbate the situation. It the eua and comp plan offer an opportunity to chart a clean, more sustainer, healthier future for our community, our environment and our economy. It doesn't say we won't create new blue collar jobs. It says we will create them in ways that focus on maximizing the efficiency of existing industrial land base and which recover industrial lands that industry has already contaminated. In is essence we say take better care of what you already have. That's an approach all Portlanders should be until to support. Thank you for your time and careful consideration.

Hales: Welcome.

Jeff Geisler: I'm jeff geisler, current chair for hayden island, high noon. For three different events we have not supported industrial development at west hayden island. 826 acres. With the latest seismic information coming out it's become more and more clear that we already know it is a flood plain. It's not a 100 year flood plain, more like 30. We have had three floods since the turn of the century. But on another note, we're hoping that you stick to the judgment that you have already made within the last year to withdraw it from the list of industrial lands. There is a lot of economic growth on hayden island. We're having banner years at all three of our hotels, red lion, oxford suites, the thunderbird is going to reopen in the spring. I just got that from howard deitrich, owner of the red lion. If anything east hayden island is an economic engine in itself. It may not be industrial jobs but there are a lot of jobs, and we have 376 new apartments, and there's potential for maybe 1,000 more because columbia crossing owns a lot of land wants to imitate the harbor -- yacht harbor apartments. The other thing is that there's an obvious increase in economic interest and environmental interest in kayaking and stand-up paddleboarding so our natural resource, which is the island, which is a great place to live, people love to come and experience west hayden island. They are not even walking on it, just liking to go around in boats and stand-up paddleboards. I want you to know all the people on hayden island have always been against developing that 826 acres. Thank you.

Hales: Thank you. Good afternoon.

Mike Rosen: Good afternoon. Mayor hales, commissioners, i'm mike rosen. I have worked for natural resource cleanup, protection and management for 27 years. The most recent 13 as the watershed division manager for Portland. I currently run the eco-literacy collaborative, dedicated to providing project-based sustainability education to under-represented communities. I'm here to express support of the planning and sustainability supporting documentation for the draft comprehensive plan. In short I believe it accurately reflects the marine cargo projections for the region and sets the stages for protection of Portland's limited natural habitat such as west hayden island. Over the past 13 years the watershed group created three powerful tools to accurately assess, protect and restore Portland's critical environmental habitat and water quality particularly for river reenvironments. The Portland and the watered shed health index and associated watershed report cards. Each of these tools based on decades of science and local and natural resource work show that in order to protect and enhance water quality, natural n.

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And environmental and health Portland must continue to take bold steps to protect our remaining natural resources in balance with sensible economic development. We know that for the continued restoration of endangered salmon runs we must protect shallow water habitat, that the accurate cargo projections contained in the economic opportunities analysis shows through reclamation of brownfields and existing port policy Portland can meet the needed industrial lands supply demand to support ongoing economic development and generation of middle income jobs. Unfortunately, we know that even after millions of dollars spent over two decades to refute credible science that supports protection of critical habitat, such as west hayden island, the port is intent on the industrial development of west hayden island and its habitat destruction. In the most recent process to determine feasibility of industrial development of west hayden island even given the opportunity to provide only the most minimal habitat protection mitigation, the port walked away from the table claiming the cost was too high. The draft comprehensive plan does what it needs to, sets a solid policy framework that will require restoration and use of industrial land while providing economic growth and adequate protection for critical habitat. I encourage the council to adopt this plan and to continue to show the exemplary environmental leadership it has in the past several weeks. Thank you for considering this testimony..

Hales: Thank you all.

Hales: Go ahead, please.

Joseph Kelly: Hello. I'm Joseph Miles Kelly, currently a welder at Gunderson. I have been working there since I graduated high school in 2014. I began in a welding program, about a month and a half or so long. When I finished in the marine division --

Fish: Could you pull the mike closer? Slide that whole box closer to you.

Kelly: This better? When I finished the welding program I moved out into the marine division. I worked on several of the barges before moving over to the rail division where I'm currently at as a repair welder. Currently I make \$19.05 an hour. I receive full medical benefits, I receive 401(k) benefits and I occasionally get over time. I would like to point out my friends I'm the only one who is completely independent of their parents who again I get all these benefits and I am successful at such a young age. None of this would have been possible without my position at Gunderson. In addition to the living wage jobs they provide I have had an opportunity to develop my skills be it through on the job training or through the class's Gunderson provides like blueprint reading or any of the other classes. As the city council considers the comprehensive plan I would like them to consider the opportunities that companies like Gunderson provide youth like myself. Thank you.

Hales: Thank you. Thanks for coming.

Lightning: Yes, I'm Lightning. I represent Lightning Watchdog PDX. Pertaining to the economic opportunity analysis one of the biggest concerns obviously I want to see the brownfields cleaned up and some of the problems I have on that is that I think the city tends to land bank too many properties, hold on to them too long. I want to see them go back to the private sector, put back on the tax rolls. We need that income coming in and also properties being developed. Issue number two I have a big concern on this plan not having any emphasis on the levee that runs up along the Portland International Airport. We're currently trying to get that certified accreditation on that by FEMA, by Army Corps of Engineers. In my opinion we need to rebuild that levee. In my opinion, our cost is going to be anywhere from five to \$7.5 billion. We need to put that at the top priority over any of the bridges being brought up to seismic standards. We need to protect Portland International Airport at any cost. We need to protect any and all businesses at any cost.

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We need to protect the people at any cost. Again, this levee will not meet the New Orleans standards. It needs to be rebuilt. We need to begin looking at the federal funding options on this. We need to phase this in, phase one to protect Portland international airport. Again when they are talking climate change and the problems in the future, we all agree there's going to be excessive flooding and we need to make sure that this levy is brought up to new orleans standards.

Hales: Thank you. Good afternoon, jim.

Jim Lanbenthal: Good afternoon. I'm jim lanbenthal. I live in northeast Portland, a member of the riverside golf club. I'm speaking for riverside and the eoa. Two aspects is the forecast and also the statements in the eoa that talk about our eventual demize at the end of the 20-year time frame. The economic forecast for the golf industry in the eoa we believe is a little too simplistic, too course, if you will. If you take a little more nuanced look at what's going on in the industry, you may reach different conclusions at least about some of the courses. Couple much aspects that I think come into play in this we are operating in a very different business model, membership based business model versus pay as you go. That creates a very different set of dynamics in the industry. Document cites the decline of golf at inner city locations. We see that as a great plus for us because we're well located to very vibrant neighborhoods in Portland and vancouver. These are centrally located in the region. We have a selling point especially with traffic these day, we find it's a factor people use when they make choices about social and golf memberships. We also have a growing population base that I think comes into play here in terms of what happens with the golf industry, also number of national figures include resort courses and we have a relatively healthy situation going on. Lastly, the document talks about time frame of the planning horizon of 2035 we could reasonably expect riverside and Broadmoor to cease operations. We really have -- are bothered by that. I think having that kinds of call out of a specific operating entity in a policy plan like this is not a good press tent to set. We plan on being around for a while.

Hales: Thanks very much.

Fritz: Portland parks and recreation is helping send lots of new golfers your way. I agree, I think there's a new excitement about golf that we're seeing, great potential for expanding the awareness and enjoyment of the game.

Lanbenthal: I like that.

Hales: Thank you. So we should probably take a few morse, is that right? Should we switch? A few more folks have signed up.

Moore-Love: Last three.

Hales: Oh, okay.

Moore-Love: No, I have about 13 more.

Hales: What do you recommend, susan? Do we continue that? Let's take threes three and let you confer about that.

Moore-Love: The next three, 19, 20 and 21.

Meghan Moyer: I'm here to talk about the importance of building a vibrant and diverse work force in this area Portland community college does not have a position on any specific policy related to working waterfront. We are partners with many industries they are around work force development and have invested heavily. One with our partnership with vigor industries in which we actually locate a program on their facility, training welders as well as the construction and expansion of our facility. We are their committed to creating meaningful paths for people to family wage jobs and the paths are not always four-year degrees. We strongly support blue-collar work, the dignity of that work, the

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importance of that work and its history here in Portland and specifically in our commitment to four mile island in trying to diversify that work force and create opportunities to marginalized communities. Pcc is proud of our work with our waterfront community and want to make sure as we seek a balanced approach to our growth as a city that we continue to value and recognize the importance of these type of labor in ways that are paths to economic stability and prosperity that are not simply high-tech jobs. Thank you.

Hales: Thank you. Welcome.

Jennifer Hudson: Cavin, mayor hales, commissioners. I'm jennifer hudson for the record. I'm assistant general counsel at schnitzer steel. Thank you for the opportunities to testify on this topic of great importance to my company. Schnitzer has been actively engaged in the comp plan process for several years and we appreciate the city's professionalism through the process. Our testimony today is limited to the eoa. Schnitzer employs nearly 1,000 in Oregon. Many of the operations and manufacturing positions are union. They are good family middle wage jobs with a low barrier to entry and by that I mean you don't need a college degree to apply. I'm here to advocate for an accurate accounting in the eoa to ensure enough industrial land to maintain jobs like ours for the next 20 years and beyond. As a practical matter the land and infrastructure are unique and to be accurate eoa cannot lump the analysis of harbor businesses with other nonwater dependent, nonwater related businesses. A significant improvement in the proposed eoa compared to the one in 2012 is that the harbor access lands will be consistently evaluated as a distinct land area with particular site needs and we thank you for that. Conversely the proposed eoa has taken a significant step backwards from the one in 2012 regarding the growth forecast. The psu recommended that you make the policy choice today that the city should plan for low cargo forecast instead of and in despite of the 50 years of data that support a medium forecast. The eoa supported in 2012 and the supporting analysis by metro. Our concern is on the demands side. But on the supply side, agree with the previously stated points and the importance of cleaning up the brownfields, increasing capacity, and intensity of the uses on industrial lands, and we also would like to see no new conversion of industrial lands to nonindustrial uses. To be clear, schnitzer is not here to ask for any change to the zoning regulations that affect our property. We ask the planning be based on reliable data so we can have an accurate assessment of opportunity in the harbor for it to thrive.

Fred Lacapra: Good afternoon. I'm a gunderson employee. Since 1919 it has been located on the west side of the Willamette across from Swan Island. Gunderson has a long manufacturing history in Portland currently producing association going vessels and refrigerator boxcars. Have been employed for 27 years, have raised my three children and now enjoy my seven grandchildren. I learned to weld in a week. I advanced through the ranks, taking advantages of tuition assistance program and went to college at the age of 43. Gunderson is a family oriented operation that supports personal and professional growth. The same opportunities available to me 27 years ago are still available to individuals who want to enter the trades today. We're very diverse company employing people of at least 22 nationalities. We produce safety topics in four language on a weekly basis. Since october 2013 gunderson has hired 768 new employees. Current head count is 1325 and growing. This exceeds pre-recession 2006 employment numbers when we had 1200 employee backlog producing double stack container cars a day. We currently hire for 34 job categories within the production process. This does not include white collar positions. These positions include electricians, welders, carpenters, material handlers and warehouse workers. Our wages range from 12.60 to 31 an hour depending on skill

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level and tenure. Additionally there's a welder training program, come presence of program can train most individuals that have the desire to learn and make them a successful welder in four to six weeks. I have discussed the above because I cannot emphasize enough the need to support a comprehensive plan document that addresses job creation and retention and policies that protect the ability of harbor businesses to continue to grow and prosper. Our city needs to provide access to self-sufficient wage levels by maintaining adequate and viable supply of industrial land to support and expand opportunities for middle and high wage jobs that do not require four-year college degree. Please recognize the important of our harbor industrial lands. Thank you very much.

Hales: Thank you all. So unfortunately we're going to have to move on to our second hearing this afternoon. So I believe the process is that we're going to at any time hearing on these items, Susan, walk us through that, please.

Anderson: We value the testimony of everyone who showed up today so we want to make sure they get an opportunity. We propose that we keep the hearing open until January 7. There will be three hearings on the entire comprehensive plan in addition to the one today. We would welcome them to come sign up again unfortunately. Any one of those hearings. We'll have the same issue at 6:00 today, I believe, that there potentially will be more people that get to sign up.

Hales: Ultimately more hearings.

Anderson: Right. That's why we're adding an extra one on January 7.

Fritz: People who signed up for today come to the next one before January 7th?

Anderson: Yes, they can come to any one of the three hearings. We'll leave the record open for this item and the item you're about to consider starting at 3:00.

Anderson: We'll read both titles. Thank you.

Hales: Sorry, folks, for those of you that signed up today. Our next hearing is on Thursday, December 3rd at 6:00 p.m. At the mellman jewish community center. We'll continue this item until then. Then we'll open the hearing on item 1210, the comp plan overall and let you read that.

Item 1210.

Anderson: We did have five work sessions. I don't need to do a long presentation. I did want to provide you with a few key things to keep in mind. You're going to hear today everything from the big picture looking at housing and transportation and land use and jobs and the environment down to specific neighborhoods and specific properties. The details are absolutely important but so is the big picture and the overall goals. What you're doing here today really does make a difference. Great places don't happen by accident. We're this great, wonderful, walkable, prosperous, beautiful place precisely because we did a comprehensive plan 35 years ago and that led us in a very different direction than most American cities. We have great bones to build on. My second point is that this plan is not about zoning and setbacks and urban design. This is about people. It's about serving people and creating great neighborhoods, great downtown, employment opportunities, housing types of all sorts, great transportation system and to protect the environment for us and for future generations. My third point is about meeting demands for housing and jobs. You all know demand for housing currently is outstripped the demand for housing has outstripped supply. We need more multi-family and more single family housing and this plan provides a way to meet that demand. It does not if and of itself solve the affordable housing crisis. In terms of jobs we forecast 140,000 more in the next 20 years and the plan provides adequate land for all employment needs. We understand that the low marine forecast may not be good for marketing or for branding for

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the port but is accurate and is more realistic. My fourth point is that the plan will help us meet our infrastructure needs. It lays out a plan for streets and water, storm water, sewer, parks, it does it efficiently by maximizing use of existing infrastructure. That means we encourage more development that's close to existing parks and schools and transit and public facilities then it also plans for additional infrastructure from sidewalks to parks in east Portland and other under-served neighborhoods. Finally my last point is this. The proposed plan will help create a more efficient and low carbon economy and prepare for climate change. One thing that we know for sure is that the federal government is not moving quickly on climate change. Cities have to take the lead and that's what they are doing all over the world. In summary the proposed plan builds on the past. It will help people thrive with more and better housing, jobs and great neighborhoods. It will help us spend limited infrastructure dollars wisely and help us impact and prepare for climate change. So again, the details you'll hear about today are super important but try to keep as you're listening to some of the testifiers the bigger picture also in mind. That's it.

Saltzman: I'm confused. I thought somebody on the economic opportunity analysis, the forecast -- I thought somebody said the bureau of planning and sustainability had recommended the medium.

Anderson: No, we recommended the low forecast. I know there's discrepancy here. The best way is to put the tables in front of you as a work session after the testimony or individually. The low you understand what we have.

Fish: One of the challenges we have as we start hearing testimony is balancing the desire of some folks to put clear policy directives in the comp plan and our need to keep the comp plan consistent with what state law provides. At what point in this process will we have a conversation about where that line is and what our role is?

Anderson: We're going to have work sessions after all of the different opportunities for hearings. At that time I think we should bring that up and there is some wiggle room in there. There's not a direct line thing, this is in, this is out. It will be a little bit of your discretion in terms of what actual items in the comp plan do you see as land use actions and what aren't.

Fish: If we're going to do that in a work session that makes sense. My hope, expectation would be we get a briefing from you and the city attorney's office and some examples and where do we have wiggle room.

Anderson: We can do that. Thanks.

Hales: Susan thank you very much. Let's begin with testimony, please.

Moore-Love: So far we have 70 people signed up.

Hales: We will not get to them all today.

Hales: You get to be first instead of last.

Robert McCullough: Hello, in mayor and commissioners. Pleasure to be back. I'll be very quick today. You have a long day ahead of you. I'm representing southeast uplift first and i'm going to change hats. I didn't bring my hat but I'll change it metaphorically and talk about east Moreland. On Thursday we have a meeting of seven coalitions, one directors. Very extensively attended with people from all over the neighborhoods. General sentiment was that the goal 1 citizen involvement had failed miserably. Not so much for lack of meetings. We had all the meetings we could possibly attend, but with it failed was the second step of feedback that involved -- and involvement. That sentiment was pretty much echoed by all seven coalitions. I don't have a written statement on it. You know how hard that is to organize, but you will get one. The world's longevity wined writer, 900 page in his dissertation, is in charge of putting that together now. Let me move

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to east Moreland. Basically I grew up in Chicago. I lived along -- on the wrong side of the tracks. In the stock yard they had an involvement called animal involvement. As an animal you're invited to a nice party and eventually someone says why don't you walk through the door here and there will be more good food. If you walk through the door they cut off your head and you're thrown into a big pile to be devoured later. It's our feeling. We put in extensive testimony on an r7 application. We received the rebuttal before the testimony was delivered. The rebuttal was slightly insulting. That went over badly. When we finally had the hearing, of course, we could not speak. Our testimony was misrepresented. There was extensive lobbying by the staff to make sure that our proposal was not accepted. Every other similar neighborhood's proposal was accepted. We were singled out. We still don't know why. That's because of that problem with public involvement. There was no feedback, no discussion. You'll hear in more detail from Rod Merrick, who is much smarter than I am, a land use chair. He can walk through the bits and pieces. I'll leave that to him but I want to note we're mad as hell and the fact is if people are well prepared, skills, amiable, helpful, attending, and we're still treated badly you can imagine what many other people feel. Thank you very much.

Hales: Thank you. Go ahead.

Terry Parker: Terry Parker. Fourth generation Portlander from northeast Portland. I'm representing myself today. Over the next 20 years the Portland metro area is estimated to grow by 400,000 people. Figures gathered car trips are expected to increase 49% and truck trips by 76% regardless of how much transit service is added. 72% of the households in new multi-unit developments on the southeast side have one or more cars. That equates to approximately 45,000 more cars by 2040. In the urban -- in chapter 3 urban form under corridors 3.45 and 3.47, the comp plan addresses accommodating growth, now built needs for people of all ages and abilities, accommodating multi-uses and balancing all modes in transportation. Chapter 4 be understand off site impact, the plan addresses mitigation of offsite impacts to residential areas and storage areas adjacent to residential users. In chapter 9, parking management policies 9.54 through 9.57 that seek to encourage lower car ownership and limit adequate parking for car storage are contradictory to accommodating multi-modal use are all ages and abilities. Proposing more on street permit parking areas is contradictory to mitigation of solve site impact to residential areas. Policy 9.57 places more of the financial burden on existing residents and businesses when it should be paying for itself. Adequate off street parking needs to be required when new develop is adjacent to established residential neighborhoods. It needs to be legally challenged. Given the privileges and immunities clause in the Oregon constitution equity requires users of vehicle modes near the top of the list should pay higher taxes and fees for the privileges as opposed to exporting visitors at the bottom of the list. Funding enhances this line of financial reasoning. Finally the aforementioned policies are adopted -- if they are adopted without equitable changes even though it may be an inconvenience, the city and city leaders must set the example. This must include lower car ownership by eliminating the entire fleet of city automobiles, many of which are primarily used for single occupancy vehicle trips and take up two floors of car storage in the first and Jefferson parking structure.

Hales: Thank you.

Rebecca Mode: May I present a visual?

Hales: Sure, sure. Want to pass it around? Thanks.

Mode: Rebecca Mode. I am opposed to my large lot in Elliott at 506 northeast Thomson being downsized to r2.5.

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Hales: What is it?

Mode: R2 a. The zoning may be appropriate for single family homes but it's not appropriate for my 9375 square foot lot.

Fish: What's your last name?

Mode: Mode. This proposal is not equitable compared to other properties on my block. I'll be the only large open space not able to build to its best potential which I believe to be a duplex to the side. My block is currently and has been for quite some time mixed with single family homes, apartments and multi-dwelling properties. It's inequity that my property is being proposed for downzoning and the three lots at the end of my block are not. Other properties in districts have been excluded from the change and I wish to be as well. This is my home where I have lived and raised my family for the last 16 years. I only ask for the right to build respectfully in the future on my lot with its current zoning in a city that needs more housing. I also have questions about if there will be compensation for people who have their land devalued. With this land proposal. Measure 49 claim might apply for that.

Fritz: Do you know why your lot is proposed for downzoning?

Mode: It's part of the Elliott conservation district that was made 30 years ago, so it's not all of the Elliott neighborhood, just the parts that were made the conservation district 30 years ago. I think the goal is so people stop building huge things amongst the little houses in the neighborhood. And so people stop tearing down houses, which is not what I want to do. I have no desire to tear down my house.

Fritz: Is your house an historic house?

Mode: It's a 1910 duplex. So yes.

Hales: Thank you all.

Hales: They say you're going to have a silent greek chorus behind you here. Nick, are you on first?

******:** Zev is up.

Zev Nicholson: I'm the organizing director for the urban league of Portland, here representing adpdx with my colleagues. We represent over 30 organizations from community to labor to faith to immigrant to people of color to middle class to lower economic status, houseless and so forth. When we talk about displacement for the black community, the negative effects have been there for a very long time. History cannot be untied from the realities we see today. From destruction of our neighborhoods to bulldozing to just not preparing them when they get broken. These things compound over years. The black community is one-third of black Oregonians are house owners versus two-thirds of white. And when we don't have a sense of community, a sense of safety that affects every aspect of our life. For a mother, the womb is the incubator of the child. The community is the incubator of that mother. When you don't have a sense of safety and community and support you don't have child care, you don't have -- you're constantly stressed out that leads to black women being almost twice as likely to have children of low birth weight. Which then puts them behind in school which puts them behind for graduation which puts them in prison and so forth and we see this whole cyclical system of oppression that leads people down. We think this is the wrong path for Portland. By coming together we can change these out comes and pass the comp plan. The time is now. Just say yes.

Hales: Thank you.

Nick Sauvie: I'm nick sauvie, director of community development. You have important decisions that will shake the city for decades. We need you to adopt the policies into the

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new comprehensive plan. I grew up in Portland and I remember participating in workshops for the original comp plan. I'm a huge believer in Oregon's land use system. Smart land use planning has produced many of the things we love about Portland, healthy downtown, livable neighborhoods and access to nature. The problem is we only got the original comp plan half right. We made the decisions that made many parts of Portland desirable but we didn't make the decisions that make Portland livable for everyone. Low income people, communities of color have been left out in the cold. This is what happened when we took the wrong path. Displacement of more than 10,000 people of color in north and northeast in ten years, homelessness as bad as it's been in my lifetime. A city that is affordable nowhere for the average black or Native American household. North Portland is experiencing annual rent increases of 10 to 15%. We're already seeing mass displacement in east Portland which is why the east Portland action plan held its own anti-displacement summit and adopted a strategy. The nonprofit where I work, rose, gets hundreds of calls from people desperate for housing. Waiting list have been closed for months. I hope this council recognizes permanently affordable nonprofit owned and community controlled housing is an important solution to Portland's housing emergency. A number of anti-displacement pdx I encourage you to adopt all 28 recommendations to the new comp plan. Don't repeat the mistakes of the 1980s. Don't get that comp plan half right. Just say yes.

Hales: Thank you very much. Good afternoon.

Pam Phan: Good afternoon. Thank you, commissioners, for this opportunity to speak. I'm pam fun with 1,000 friends of Oregon. I'm also a proud Oregonian born and raised in southeast Portland. I reflect on my time here and see a lot of the changes that have happened, especially the last 10 to 15 years that we see a lot of the shifts that both zev and Nick talked about. I think they have shown this urgent and historic reasons why we're in a affordability crisis now. We must act now left we go an even more disastrous path in a future where people of color, those of low incomes and the houseless are really segregated out of Portland completely. Is this the legacy you want this council to have? The draft before you is to change this course. We're real optimistic about this. Race and income disparities do not have to be the way we define our next generation. You simply have to vote yes. So an essential policy which we advocated over the last ten months to include was chapter 2, community involvement, goal 2 b, which is titled social justice and equity. It states that the city will engage communities who have been -- who have experienced and been affected by these critical disparities as partners in ensuring that we don't go down this path toward segregation. So what i'm excited about these partnerships are that we can actually grow and fully invest in them to create empowered communities that are civically active in communities who have been under-represented and haven't had a voice. But only if you say yes. Today we're here all together. United as Portlanders. We're renters, people of color, those of low income, middle incomes, homeowners. Advocates. All here united to urge you that displacement and you can end displacement and make gentrification a thing of the past. You have this opportunity to do what no one has ever done in Oregon which is to tie our forward thinking and progressive land use system to the values, true values of livability for all. Please just say yes.

Hales: Thank you all very much.

Hales: Good afternoon why don't you go ahead Doug while their getting set.

Doug Klotz: I'm Doug Klotz I am the land use chair and Richmond neighborhood board member, but I'm not speaking on their behalf I'm speaking for myself. I support the comp plan draft I have some comments about it. As you know most multi family is being built in

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commercial zones right now, the mixed used proposal reduces capacity of the commercial zones, but accept when a developer takes advantage of the bonuses and gets additional far by providing affordable housing among others—it's mostly just affordable housing. Unfortunately I have discovered this bonus is only available in inner neighborhoods in order to take advantage of that bonus a d-overlay on the site and that is generally only available in the urban center comp plan designation, which extends at best to 50th and on division, 44th, belmont about the same. And it was taken off of powell. So, I would propose the mixed-use urban center designation, division, beyond 44th, 51st. 50th and division, 400 units of housing being either built or planned. Bus line, bus every four minutes because of rush hour. Extending that urban center designation would allow the d-overlay, allow the bonus to be taken advantage of on that corner likewise, southeast powell now it was originally going to be urban center, but o-dot apparently is concerned there would be people living there. Down grade to civic corridor that doesn't have as much capacity in it. We need to get the housing there and get that urban center so that we can get design overlay and get the bonuses.

Hales: Thank you very much. Good afternoon.

Don Grotting: Good afternoon, mayor hales, commissioners. First i'm here to thank the city council and your departments for engaging in conversations with the david douglas school district addressing our critical infrastructure needs relating to school capacity, housing, and other services needed in our district and our community.

Fish: Put your name in the record.

Grotting: Don Grotting David douglas superintendent school district superintendent, thank you. We have been working with parks and recreation, talking about cohabiting land for needed school sites and in addition, we have been talking with pdc regarding urban renewal zones and planning and sustainability regarding affordable housing and growth david douglas school district, 12 square miles in east Portland. Nine elementary schools, largest high school in the state and also serve all of the children birth to five that have special needs throughout Multnomah County. Our current enrollment is nearly 11,000 students with over 80 different languages spoken. Our school population and demographics have changed dramatically since 1996. District population grew from 7,000 to an estimated 11,000. This is about a 47% increase in student growth. District went from having flexibility in our facilities to the schools now, free and reduced lunch went from 39% to now over 80%. And our ell population has grown from 6% to 25% with over 50% of our students having been in that program at one time or another. I provided you with an article talking about these things in the Portland tribune, and we just completed our facility draft plan and commissioner Fish, you noted, we are going with the lower estimate of -- estimated growth of 3,000 students. That growth could be as high as 6 to 8,000 students. And our immediate needs are within the next five to 10 years to build two elementary schools. After that it is a middle school and definitely to add to our high school. Just a final note and once again a congratulations I provided you with a magazine that outlined david douglas, early childhood program and second language program selected as one of five sites in the nation for best programs and that's due to your investment into early childhood and I know the city's investment and I know many of you up here make personal investments. So, it's a kind of a silver lining and we have more and more people wanting to come into our district. We simply don't have the capacity to house them.

Fish: I have two questions. I know we have lots of people.

Freida Christopher: We are carrying over our two minutes to four.

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Hales: I think we will have a number of questions for you. An important coordination issue here.

Christopher: Member of the david douglas school board for 24 years. I have seen all of this change over the years. But today we especially would like to thank the bureau of planning and sustainability and the commission for their cooperative approach in recognizing how population growth can impact school capacity and our district schools provide the highest quality education opportunities for our students now and in the future, no matter whether they come from low income or high income. In the draft plan, goal number 8-k, school facilities, public schools are honored places of learning as well as multifunction neighborhood anchors serving Portlanders of all ages, ability, and cultures. Don mentioned our early childhood program, it has a community hub. We are a demonstration of how this goal works. And it is a very successful demonstration. In -- with our capacity issues, there is two policies that the commission and planning and sustainability have put in, policy 8.108, school district capacity which is the consideration of overall enrollment capacity in a school district as a factor in land use decisions that increase capacity for residential development. And in policy 5.23, impact of housing on schools. It states evaluate plans and investments where the effective housing development on school district to ensure plans are aligned with school facility plans. This is good policy. Not for just david douglas, but for all of the schools in Portland. As representative of david douglas administration school board, we with like the draft language in regard to the above-mentioned policies to remain a final part of this plan. It is important that schools are now considered -- we are a service, we provide service to all of the children within this city and it's an important service and we need to be considered where growth happens. Thank you.

Grotting: So, commissioner Fish, you have questions, I do, too.

Hales: Really appreciate you being here and appreciate the compliments for the process so far, but I guess I have a couple of concerns and they sort of go in both directions. One, i'm a little concerned that you're taking your low forecast for student growth enrollment growth. I'm more comfortable with taking a low forecast to the need for industrial land because we can use industrial land more efficiently and we're proving that in the central east side and elsewhere as we speak. But i'm concerned about that. This is not directed in particular to david douglas, but you're part of this pattern as well, and that is for a while we built schools as compact, dense facilities like Washington high school and grant. And then we built them starting when I was in elementary school in the 1950s and '60s, industrial model where they're generally two stories tall and occupy a great deal of land. Extreme example of that, a school of that model 10 blocks west of here, lincoln high school, some of the most expensive land in the state, that is two stories tall and built in the industrial model. I visited a school in taiwan, which is the most prestigious school in the city that you visited and last I checked there were 4,000 students on about five acres. So, where are we going with respect to school facility design and it seems to me if we're still headed off on the 1960s vision of 10-acre sites and two-story buildings and you're wrong on your forecast, we're in big trouble. Help me out there.

Grotting: So, great comments, mayor. Anything that david douglas builds in the future will be in multiple stories. We simply -- there is not the land parcels out there. Just for your information, it takes about six to eight acres to build an elementary school, and somewhere between 10 to 12 acres to build a middle school and that's really not, depending on ball fields and parking, that's really going up fairly high. The reason that we went actually went with the lower growth in order to build two elementary schools and to

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address general maintenance needs, we are talking about \$120 million bond, and most of the residents of district are either low income, elderly on fixed income, and we're just trying to weigh what can our citizens support as far as a tax measure, and, as you know, David Douglas is one of the -- has the least ability to increase taxes per their constituents because of the low tax base. Basically we have very little industrial, commercial entities within our district.

Christopher: I would like to tag on to that. Because I was part in some of the facility meetings. David Douglas has a history of looking outside the box. That is why we have the oral board demonstration site. Leaders of -- when it was going, and we're not tied to the old model because we realize that we have a lack of space. We're looking at multiple ways of how we might have to build. How we might have to convert a middle school to a high school. We're just looking at any possibility. We may have to look at -- try to figure out what is an urban school. A true, true urban school because we are only 12 square miles and we don't have a lot of land available.

Grotting: Some of the things we talked about is even maybe you don't need to have your fields or space there. Maybe is there something that we can cohabit with the parks and recreation to maybe this is just the school and a very small space there for students and do our recreation somewhere else in a combined effort to make it work.

Fish: Don, congratulations to both of you on the success of -- I have two requests for information following this hearing. We have lots of people waiting so I want to just get the request out there. First is data on -- in the elementary school classes, what percentage of the kids who start on day one finish each year? And I was at a school in Centennial recently where in part because of unstable housing in the community, 50% of the children who started on day one did not finish that school year. So, if we want to put the housing crisis in stark relief that is about as compelling a statistic that I can think of. Second is we're about to go into the -- we are entering into our budget process, and one of the concerns that I have with land prices inflating very quickly, even in places like David Douglas, with particularly out of state investment companies coming in, if we don't land bank now, we are going to lose opportunities. And, you know, you have Habitat, you've got lots of other partners that have had some success in East Portland. I want to make sure that the tools that the city has, particularly to the housing bureau, are flexible enough to help Habitat and other trusted partners acquire dirt now and land bank if necessary so that we can be thinking about building quality housing that is adjacent to schools. If we don't, 5.23 is going to become just an aspiration on a piece of paper with the opportunity having alluded us. If we could follow up on both.

Grotting: I will get you that information.

Grotting: Thank you.

Hales: Thank you.

Grotting: Thank you all for what you do. You make me feel good every time I think I have problems. [laughter]

Hales: I was in one of your middle schools lately, I think being a middle school teacher is tougher than this.

Moore-Love: The next three are 10, 11, and 12.

Hales: Welcome. Good afternoon.

Bhree Roumagoux: Mayor Hales, commissioners, I am here on behalf of the Brumle family and our businesses. My grandparents started them approximately 50 years ago in the Sellwood area. Thank you for the opportunity to provide our mixed use and comprehensive plan comments. We own and operate over 60 residential and commercial

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properties, primarily in sellwood neighborhood. Our desire is to grow over the long term but in a way that takes into consideration the needs of the community while understanding that Portland is a vibrant city with growing housing concerns. We are fortunate to have rodney pfeiger working with us to accomplish these goes. He is active in both the sellwood -- swba. He will complete our testimony on behalf of the enterprises. We provided written documents to the council and I have copies of those with me if anyone is interested in having them today in front of you. Written testimony more completely outlines the properties where we're asking for updated designations and rezoning and the reasons that we're making the question. Thank you for your time.

Hales: If you would leave those with our clerk. That would be helpful. A lot of correspondence. It is nice to have it when the person is here. Thank you. Welcome.

Rodney Pfeiger: Thank you mayor and commissioners, my name is rodney pfeiger. During the past two years we have participated and listened to the interest of the smile organization in the sellwood and moreland community im completing my second year on the sellwood, westmoreland business alliance as a board member and land use committee. Smile interests and new development in an area of concern to them in a recent survey conducted as well as our monthly meetings expressed. Affordable housing and affordable commercial space. Common area plazas, building curb appeal and setbacks as well as parking. We met with the smile recently, the land use committee and discussed the packet that bhree has turned into the clerk and we plan on having a second workshop with the land use committee December 4th. We are in communication with the community. And we are reaching out to the brooklyn community, which also we have two parcels in that community council area. Spending time this past year observing and participating with the comprehensive plan process, we see a rare opportunity for the sellwood, moreland area, as well as us as property owners to be more creative and flexible developing amenities in our community. We would like to thank the bureau for their work and the personnel within the bureau this past year during this process, and output and intake from the community and think that they have done a good job with the public hearings. We realize that your efforts now commence, and urge you to consider our comments in the packet that we have submitted. We appreciate the opportunity to be heard and thank you.

Hales: Thank you. Thank you both. Welcome.

Mary Vogel: I'm Mary vogel, a resident of the west end of the downtown neighborhood. And i'm also active in the neighborhood association, but i'm speaking for myself and my small business plan green planning consulting today. First I want to say that I applaud the plan draft and its goals and policies and i'm especially speaking to the following ones today that I particularly like. In chapter 3, urban forum, energy and resource efficiency integrate nature, green infrastructure in centers, in chapter 4, design and development, noise impacts and air quality impacts, encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truck ways, major cities, traffic streets, and other sources of noise and air pollution, and much of chapter 7 on watershed health as well but i'm not going to go there today. However, these points, the ones that I mentioned above, got very little attention in the west quadrant plan. In light of the ombudsman's report, finding in the northwest examiner here, I asked that the approval process for the west quadrant plan part of the comp plan be stopped until the document can be reviewed by a new, more balanced conflict of interest free strategic advisory committee. As a downtown resident, I tried to get attention of the previous strategic

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advisory committee regarding the need for more street trees and other green infrastructure strategies in front of the residents and businesses that were closest to i-405 without success. I want to call out these investors, landlords, as needing to be involved in the early steps of your implementation timeline for downtown. John Nemeir, Steven of the West Hills, and James Major of Northeast Portland. They are property owners of buildings with no trees and in blocks that are within a block of i-405 in the west end of downtown.

Fritz: Thank you for your testimony. We forgot to put the timer on but we had 2:00.

Vogel: I'm sorry, I didn't understand it.

Fritz: The timer wasn't going but I believe you have had two minutes.

Hales: Wrap up, if you would.

Vogel: Even when offered free street trees by the Bureau of Environmental Services, and, you know, that is about a \$3,400 gift per tree because it will include concrete removal, these owners have apparently not been forthcoming even to accept a free street tree at their property. I would like to see the -- you know, I know this is a 20-year plan aimed at shaping new development, but I want to see some teeth added to a comp plan that would affect current property owners and give them a greater push to help neighborhoods, including mine, some of the excellent goals and policies of the plan.

Hales: Thank you very much. Thank you all. Copies, Karla, of the submittal for us.

Moore-Love: The next three. 13, 14, and 15. That's 16, 17, and 18.

Hales: Thank you. Welcome.

Mary Cooleedge: Hi, there, my name is Mary Cooleedge with Audubon Society of Portland -- thank you, Mayor, and Commissioners for the opportunity to testify today. Incorporation of green infrastructure into the 2035 Comprehensive Plan demonstrates Portland's commitment to develop our built landscape in an ecologically thoughtful way over the next 20 years. A time when urban land areas are expanding rapidly it is more important than ever that we maintain the ecological integrity of the built environment. Recent integration of building design, responsible lighting designs, eco-roof, the importance of ecological and -- innovative green design. We also need to be thinking broadly about what should be included as we define approaches to integrating nature into our built landscape. We recommend that policies related to integration of nature, built environment, Chapter 7 of the comp plan, and designing with nature in Chapter 4 provides specific direction without avoiding the proliferation of blue-rich white light in both public and private development. Blue-rich LEDs like the ones we are currently installing on our city streets are overly bright, create significant glare, scatter more readily than long wave length light sources and emit harmful blue light into the nighttime environment. Light which has been demonstrated to impact circadian rhythm in humans, plants, fish and wildlife. While we applaud the climate action plan and city council's effort to increase energy efficiency, reduce greenhouse gas emissions, install fixtures that direct light only down, we encourage the city council to direct Bureau efforts to research the best available science on the ecological and human health impacts on blue rich white lighting.

Hales: Thank you.

Novick: We will get back to you on that. Pbot staff will talk to you about that.

Cooleedge: Great, thank you.

Carol McCarthy: Thank you. My name is Carol McCarthy, testifying as the chair of the Multnomah Neighborhood Association. Our members have submitted over 400 letters requesting key changes that we think are critical to maintaining Multnomah as the vibrant place that it is. The requests are consistent with positions adopted by the Neighborhood Association and endorsed by the Sweeney Board. The first request is that you designate

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Multnomah village as a neighborhood corridor rather than as a neighborhood center. We are requesting this to preserve our neighborhoods character the settlement that the village needs protection was expressed by people from all over Portland, u.s., and around the world in the almost 700 written comments admitted as part of the attached online petition signed by over 1,800 people. The second and related request is that you limit building heights in the village to three stories. We would like you to zone the village cm-1. With a 35 foot building height limit. Buildings higher than three stories will dwarf the existing historic building. Capital highway through the village is a very narrow street. Four-story buildings would make it feel more like a canyon than the comfortable place it is now to take a stroll, look in the shops, get something to eat, watch the sunset or just look at the sky. Please require that future development be in scale with this place that we love. Our third request is for truth in zoning. We would like the zoning map to define lot sizes so that for example if a person buys a house in an area zoned r-5, expectation that their neighbors lot would not be divided into lots smaller than 5,000 square feet would be met. Specifically we are requesting that the sentence in my handout be removed. As part of this request, zoning code would need to be amended to require that corner lot sizes be consistent with the maximum general density stated in the plan. Thank you.

Hales: Not sure if I understand your last point -- [applause]

Hales: Not sure if I understand your last point well which is the language being removed isn't talking about lot size. It's talking about the existing -- I think it is talking about the existing allowance for duplexes on r-5 corner lots and accessory dwelling units? Those aren't -- those are allowed uses, not smaller lots. I'm not sure if i'm tracking your recommendation --

McCarthy: It is our feeling that the general use and intensity within an area should be defined in the -- in the zone so that if it is r-5, it is a 5,000 square foot lot and we see this very specific language as support of the policy that is in the -- I mean, the code in the zoning code that allows the corner lot splitting.

Hales: You are suggesting this be changed citywide?

McCarthy: That's right. That's right. And also because it is so specific and we think that as an example of something that would be allowed, it is too specific for the comp plan. We would rather general use and intensity be reflected in the zone, not in exceptions.

Jan Mawson: Good afternoon. My name is Jan Mawson, and I appreciate the opportunity to speak here today. I was privileged to work at the Oregon historical society under Thomas Vaughn, who was a pioneer in historic preservation in Oregon. My concern is the lack of protections in the plan for Portland's older neighborhoods, many of which do not have official landmark status. I live in Multnomah village, which is classified as a neighborhood center as we have heard. This designation fails to recognize the unique, historic character of the village by encouraging the introduction of four to five-story mixed-use buildings that are out of scale with the existing main street and surrounding residential area. The end result will be the loss of Multnomah village as it currently exists, including vital sense of place and community. A more appropriate classification would be neighborhood corridor, which would result in less intense development, and greater protection for thriving businesses and older sought after single-family homes, many of which combine aesthetic appeal with affordability. In 1978 report, prepared by the Portland historic landmarks commission and Portland bureau of planning, titled an inventory of historic resources, potential historic conservation districts, author Alfred Stanley notes, Multnomah's unique history and architecture make it worthy of saving. I don't have time to read my summary paragraph, but I have included his entire report about

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Multnomah village in my packet. This opinion is shared by the Multnomah neighborhood association representing at least a majority of residents who have spoken out in favor of integrating development without sacrificing the quaint appeal of the village in the heart of Portland, which is our claim to fame. And I heard your planner talk about building on the past, not destroying the past. I am asking that you change the designation of Multnomah village in the plan before you from neighborhood center to neighborhood corridor with an absolute design overlay excluding community design standards which have not worked and which exclude the voice of neighborhoods.

Hales: Thank you.

Mawson: Thank you. [applause]

Moore-Love: The next three.

Jean Claude Paris: I'm a retired international banker -- testifying today about historical neighborhoods within large cities. In Europe, every city larger than Portland, city councils, within or close to financial and business centers? These villages are protected by classifying them as historical treasures in the extension and height, density, restricting and protecting design style, example, Paris -- just to name a few. In America, very large cities well known and unique villages, again, financial district as well. French quarter in New Orleans, and so on. When the city talks about density, about density -- will continue growing within Multnomah village -- coming down and replaced by two, three, four, mega-size, overpowering dwellings. It is going to be a nightmare to a modern city, village, where most density is happening every day. Let's keep and preserve our unique Portland neighborhood and keep the village in the heart of the city. Thank you. [applause]

Hales: Thank you very much. Thank you. Good afternoon.

Simeon Hyde: My name is Simeon Hyde, I appear before you today to talk about development impacts on our communities, care full and thorough planning at the core of successful developments and an important part of the development process is a willingness of developers and neighbors to listen to each other and reach compromises. I propose the following impact studies be conducted and the results be the basis for development decisions reached. Traffic, parking, public transit, public infrastructure. Even though these four proposed study areas may already be required, the question arises is how they -- as to how they were conducted and if the results were utilized in the development process. Another area of concern for me and others -- the actual design of new buildings directly impacts neighborhood liveability. North Mississippi Avenue, I have seen firsthand the negative impact of four-story buildings built immediately next to single-floor bungalow style homes. While tending gardens or enjoying the play of their children in the back yards, these homeowners reported an almost palpable sense of being watched from the four floors windows and building just constructed right next door. I can only guess at the negative impact and the resale value of these homes. I propose the following areas receive priority when city planners consider the issue of building heights -- visual privacy for neighboring homes, sight lines for neighboring problems, solar orientation and access for neighbors, impact neighboring property values, as regards to comprehensive plan as it is now written, I feel it is seriously flawed. Proposed draft is written and presented in such a way that it is difficult to understand. Many citizens feel there was inadequate citizen involvement throughout the planning and drafting process. Multnomah village has a thriving business -- neighboring homes many with dis -- in conclusion, old phrase, if it ain't broke, don't fix it seems to apply here. We are the taxpayers, in a real sense custodians of our neighborhood. It is only just that we get to a strong voice in the future of our village.

Hales: Thank you very much. Welcome. [applause]

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James Peterson: My name is James Peterson, land use chair, Multnomah neighborhood association. Process problems on how we were told in the beginning that there was a neighborhood center which was defined in the current plan with a misprint, half mile radius, and a 3500 housing units. All of the sudden, without any -- in the -- in the staff report, the planning commission, provision of boundaries were then determined without any public input and no direct policies. And they then ended up showing on the current maps in your document. Now, these -- I requested -- which you have had copies the last six months on these policies and what testimony affected these decisions and where these boundaries came from. And I had no direct information to come forward. This is a major goal one problem. This process, to determine boundaries of neighborhood centers and centers should have gone to a public process. The second thing, the testimony that was submitted to the planning commission, does not put into a data base. I'm not sure what you are going to do with the testimony that you have heard today. Is the staff really putting this into the data base for you to know which policy needs to be changed? That's my question. What happens to the --

Hales: We are doing that actually. I specifically requested that so that the staff is preparing a matrix of testimony that we hear at the hearings.

Peterson: Why didn't that exist for the planning commission?

Hales: I don't know that it did or didn't, but it will here.

Peterson: Thank you.

Fritz: Just so you know, we ask that you do this or this depending on whether you like the testimony --

Hales: I forgot to make that announcement.

Fritz: So we can hear as many people as possible.

Hales: It helps to not include applause because it takes time. Speaking of time, the next three folks. Thank you very much.

Donna Bestwick: I have lived in Multnomah village for 30 years. I moved there because of the charm, quaintness and character of the village within the city. Most importantly, the house was affordable, I live in a small 950 square foot home, on a moderate salary I was able to afford my home. We here in the yellow shirts represent 3,600 homes, 7,900 people who have lived in the village from one to 40 plus years. Primarily moderate income families living in the affordable homes and we have dutifully payed property taxes every year to the city. We now find ourselves in a position of having the future liveability of our village threatened by upscaling, and hungry developers and we have very little influence in the process. In the early 60s, the mansion was almost -- it was in a state of disrepair. Almost torn down by developers. It was -- it was the community activism that saved it. Division Street is highly over-developed and that oops by city planners and developers has altered that neighborhood. No going back once the oops policies are enacted. We can't allow that to happen in the village. When is enough for big-money developers. With current zoning, limited parking, traffic congestion, and proposed up zoning, qualities of charm, quaintness and character that we all moved to the village for will soon vanish. We are neither oblivious to nor opposed to the growth in the village. It looks like a few developers interested in making a large amount of money at the expense of neighborhoods have more influence at city hall than we do. We believe our request for 35 foot buildings, neighbor -- one on one parking, land use language that prevents the demolition of affordable housing is reasonable and doable in Multnomah village that we loved yesterday, today and hopefully tomorrow.

Hales: Thank you. Welcome.

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Alan Kirkland: Alan Kirkland, here to lend support to the fellow yellow shirt people.

Fritz: Karla went to check on something.

Hales: The timer. Go ahead.

Kirkland: I have noticed my work takes me all over the state, Washington, and Oregon, and visit a lot of little towns -- every town practically in the last 30 years, corridor, coast, all over. What I noticed in the little towns, you have a beautiful, not all of them are beautiful. Some of them are ugly. But you do have, you know, little historic districts and then you have a strip that bypasses it, and the strip is good to jiffy lube the car, Walmart, get a burger. If you want to enjoy the town -- people don't travel across the state to go to Ashland to visit the strip to jiffy lube the car. They go to Ashland to visit downtown. And while these are small towns, Portland is a group of small towns that has gotten big over the years, and places like Multnomah village, Sellwood, you know, half a dozen other places in this city. So, in the comprehensive plan, I just encourage that you are the people in power to take that into consideration. I saw John Claude's point was very well taken that they are protecting places in Europe and I think we could take, you know, do it in their style. Again, thank you very much.

Hales: Thank you. Welcome.

Bernadine Bonn: Thank you. Thank you for the opportunity to speak today. I live in Multnomah village and have lived there for the last 35 years. I would like to urge city council to reconsider the designation of Multnomah village as a neighborhood center. Much more appropriate as neighborhood corridor as defined by the proposed comp plan. I would like to point out reasons for this. First drastically increasing the density in our neighborhood will create serious traffic and safety problems. Many of the streets in our area are unimproved and not maintained by the city. Few side streets have sidewalks. When cars are parked on both sides of the street, remainder a single-lane width that pedestrians share with traffic. Rather than encouraging residents to walk, which is a goal of the comp plan, increased side street traffic and parking will actually discourage walking. Capital highway already have backs-ups and it is limited two lanes with no realistic possibility for widening it. Trimet service is limited. Hoping that the money to develop adequate infrastructure will just somehow materialize or that residents will not own cars can't be considered serious planning. Second Multnomah village is an iconic neighborhood beloved throughout the city. Scale of redevelopment that will inevitably occur in the village will destroy the charm and human scale. Part of the allure of the village is that its historic downtown invokes a simpler time. Certainly there is room in the city the size of Portland to keep such a historic neighborhood intact. Third, Multnomah village has some of the more affordable housing available in the city, small rental homes and older apartment buildings. New rentals will almost certainly be market rates which are unaffordable for many. Increasing rental rates in the neighborhood will push older rentals to remodel and increase their rents. We will lose affordable housing stock. Lastly, I would urge council to take a pause in the comp plan overall. The plan is complex and seems to try to fit the neighborhood into the plan rather than the plan into the neighborhood. We celebrate Portland as a city of neighborhoods. It would be tragic to lose that because of inflexible planning.

Hales: Thank you very much. Thank you all.

Novick: Quick comment on the affordability issue. My wife and I bought our house Multnomah village, \$375,000 three years ago, and Zillow claims it is now worth \$525,000. That is not the result of evil developers doing anything. That is the result of a hot housing

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market and a lot of people wanting to live there. Affordability will be affected by supply and demand not just by what kind of development is around.

Bonn: I would agree. Although I would say we still have rental property that is reasonable in Multnomah. And there still are \$350,000 homes which Portland says itself is the main price for buying a home, and when you replace these \$340,000 small homes with two, \$600 to \$800,000 homes on the same, what was the same lot, that's where some of the inflation we understand is all market driven. That is a given. Not all houses are worth \$500,000. There are still \$340,000 homes which you save if that is the mean purchase price.

Hales: Thank you very much. Okay.

Moore-Love: The next three. [names being read] 22, 23, 24.

Hales: Welcome.

Stewart Rounds: Thank you, mayor hales, commissioners. My name is Stewart rounds. 2035 comprehensive plan critical for guiding and shaping development in the next 20 years. Getting the plan and accompanying zoning right should result in sensible development and redevelopment that allows Portland to accommodate growth but do so in a way that improves upon some aspects of our beloved city and preserves the characteristics most dear to its population. Portland is a city of distinct neighborhoods. Comprehensive plan acknowledges that one size does not fit all and it is important to have policies and regulations that protect the qualities that people value about these neighborhoods. That's great. But have we really taken the time to identify what it is about Portland and its neighborhoods that make them special? Well, of course, given my yellow shirt, I live in Multnomah village in southwest Portland and I love the fact that the village is a distinct and historic neighborhood that feels like a small town. In fact, it is that quaint, charming and small-town vibe with local small businesses that is so highly valued by village residents and visitors alike. Signatures of 1,809, 700 individual comments testifying that these small town characteristics are worth preserving. Indeed, one size does not fit all. I would encourage everyone to take the time to determine what is special about our neighborhoods and then craft policies and regulations that recognize, promote, and preserve the characteristics while still allowing for sensible development. Multnomah village, improvements might include cm-1 rather than cm-2 zoning, adaption of a plan district for the village. Thank you very much.

Hales: Welcome.

Chris Eykamp: Hi, I'm Chris Eykamp, vice chair of the hawthorne abernathy neighborhood association and i'm wearing blue. We would like to comment on. The first is people's coop on 21st -- cafe, all of these sites are completely surrounded by residential properties. Commercial use -- planning staff -- we have heard from residents and these protections are important to maintaining existing character and live ability of the neighborhood. Business in these three sites are good neighbors but each has had issues over the years, noise, odors, concern, these sites, those similarly situated -- high potential for conflict and with a commercial designation, a future business at one of the sites would lost the incentive to engage with the neighbors and resolve issues that might arise. Other issue --

Hales: Interrupt you for a second. You say they have been proposed as commercial, proposed as mixed use --

Eykamp: Cm-1, I believe.

Hales: That is a mixed use designation. It is a little different than the old commercial designation.

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Eykamp: But the effect is the same, it removes the protections, non-conforming use currently offers to the surrounding residential areas.

Hales: I hadn't understood that part. Thank you.

Eykamp: Thank you for asking for clarification. Other issue, one of process. Poised to make decisions that will have a propound effect on people's homes, businesses, properties. By changing the zoning you affect those around it. Notice the affected parties throughout the process too limited, too general and too late. Neighbors of a parcel whose zoning is changing never will get any notice at all -- we feel it is wrong to make sweeping and far-reaching changes without a more robust effort to notify all affected parties in the process so that they will have a meaningful opportunity to provide input.

Hales: Thank you.

Allison Reynolds: Good afternoon. I'm giving testimony today on behalf of -- companies . We submitted written testimony on this issue as well on November 6th. Under contract to purchase the former picco manufacturing headquarter site, southeast 17th street. New max orange line and near the 17th and holgate max station. The property is zoned ig-one currently with a comprehensive plan designation of industrial sanctuary. We are requesting that you change the comprehensive plan designation to mixed employment, consistent with eg employment zoning. Picco abandoned the site and moved to Clackamas County because the property has outdated infrastructure and was not ideal for manufacturing operations. Wish to redevelop the space with lighter and -- that do not fit well within the city's current definition of industrial use because they require typically a lot of office space. 3-d printing operation, office space is larger than the actual manufacturing space, under the code currently it would not be considered industrial. Maker space allowed in the eg zone. Zoning for the property would allow employment focus uses that maximize the -- resources -- this will be possible with later maker uses but not -- therefore, we request that the council change the property's comprehensive plan designation to mixed employment to allow flexibility to develop the site with employment uses and maximize the city's investment in the new orange line.

Hales: Is this property on the east side of 17th?

Reynolds: Yes, it is.

Hales: Existing buildings there close to mcloughlin?

Reynolds: Yes, exactly.

Hales: Thank you. Thank you all.

Moore-Love: The next three, 25, 26, and 27. [names being read] followed by 28, 30, and 31.

Hales: Good afternoon. You look like you're fired up and ready there.

Paul Van Orden: Members of council, my name is paul van orden, a resident at 52 northeast fremont just east of north williams for the last 19 years. In the summer of 2013, my involvement in my neighborhood changed radically as I found myself impacted by land use decision made by city council to up zone a series of lot for the two term appointed city design commissioner ben keizer. North williams, bounded on the south by northeast ivy and the north by northeast fremont. From r-1 zoning to the downtown central city zoning of rx. Directly impacted neighbors were left out of the process at a key point to -- i'm here to preserve any legal right to appeal any change made by city council to up zone this set of properties. Anything more than rh zoning as recommended under the comp plan as this late date in the game is not reasonable, is not based on the facts of the case and it is out of character with all of the community involvement to date. I understand the complexity and intentions of drafting community balance in comp plan, numerous hours of

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volunteering, executive board, land use committee, and also from sitting on the Elliott neighborhood land use committee. I am in support of the logical down-zoning recommendation of these lots, rx to rh -- comp plan process before you today. I'm not in support of rx, cm-2 or cm-3 at this location or ex zoning if it survives through the mixed use zone process. I would respectfully ask our elected leaders to not support up zone for a developer and its partners who -- dense housing environment when we are getting 14 units at this particular location.

Hales: Thank you.

Fritz: Is your testimony in relation to a lot we had a hearing about at council?

Van Orden: Yes, the lots sold off other than the very corner, 85 to 95 feet, planning commissioner Rick Michaelson, working in collaboration with Ben Keizer. Limited emails we have seen -- not to have the rh -- but rather something like rx or ex or cm-3. I will not know until they actually testify. I'm doing my best to testify based on limited emails of what they might be asking for in this process.

Fritz: You support rh which is what the planning commission proposal currently is.

Van Orden: Yes.

Fritz: Thank you.

Ted Maceiko: Good afternoon. My name is Ted Maceiko, and I own the property at 23 Northeast Ivy. I have owned it for 10, 11 years. 23 Northeast Ivy is immediately adjacent to the southern half of the lot of land that Mr. Van Orden was just describing. My comments generally echo what Mr. Van Orden just said. Our properties, we share a common boundary line. We're very similarly affected by what Mr. Van Orden was talking about. In general, my understanding was that the city had recommended an rh zoning level, exception or change was made to rx so that the northern half of this lot along Williams could be 80 feet high. I -- my understanding is that that exception was made in large part with the promise of high density. A lot of housing units to accommodate the living requirements of the city. I understand that in reality, this 85-foot high, eight-story structure will only accommodate 14 high-end condominiums. Now that's occurring on the northern half of this lot. On the southern half of this lot which for some time my understanding has been a parking lot that does not comply with local rules. That parking lot was recently closed, but that southern half, which has been a parking lot, is now immediately adjacent to my property, and I am asking while this is a specific point about my property, about the neighborhood, I think it does relate to a larger picture of the culture and the character of the North Williams corridor, and I'm hoping that the city will continue with an rh zoning level and nothing higher than that like an rx or some level of cm.

Hales: Thank you. Go ahead, please.

Noah Kleiman: Hi. Thank you for having me. I'm Noah, I'm a nonprofit leader here in Portland called Super Knowledge its about getting creative people the building skills they need to succeed. Just recently finished doing out annual conference on Saturday. Its quite a thing to see. One of the topics that was brought up by attendees and people I talk to everyday has certainly been second stage interpretation I think we are all aware---- I think this particular example -- articulated, you know, on the one hand granting a variance in the -- in height of a building rightfully predicating it on their being high-density housing taking place there, and then at what I would say is kind of a late stage, one could even describe that as -- having that developer apply for a change in what the actual housing value of that, you know, in terms of how many units, and who they're -- seems to me that it is -- approving that wouldn't be in keeping with what I know to be all of our goals, to keep creative people living and thriving in this city. I'm asking you to keep this particular

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developer to their word and make sure that there is spaces at all of the different levels of our housing --

Fish: What is the taking you are referring to?

Kleiman: When a person, when a developer is granted a change to the height of a building. I'm not an expert in housing but I --

Fish: I have --

Kleiman: Cool. When they're granted that and predicated, I believe in this case, commissioner novick was particular about wanting that to have an environmental impact - - -- non-environmental impact -- down the line, time passes and a return to council requests that suddenly we change the content of how many people are living in there. Approving that would mean that that particular group of people somehow have managed to create the building of their dreams financially while somehow side-stepping the process that our officials have laid out for them, in keeping with the use of that part of city. Taking in there, advantage of what I imagine a level of privilege.

Fish: Example that sometimes comes up here, someone qualifies for 10-year tax abatement, and then at some point seeks to be relieved of that obligation. Under what circumstances would we allow that to happen and do we go retroactively it recapture the value that they got because they didn't provide the 10-year benefit that they committed to?

Kleiman: Right, I know you will figure out what is the best way to go.

Fish: You used taking in a slightly different way than sometimes we do. But after you explained it, I understand what you're saying. Thank you.

Kleiman: Thank you.

Moore-Love: 28, 30, 31. [names being read]

Moore-Love: Followed by 32, 33, 34. [names being read]

Hales: Bob, you're on.

Bob Wise: Good afternoon. My name is bob wise. I have been living here about 25 years and was very pleased for about 10 years to chair and co-chair of the sustainable development commission where we -- a lot of interesting stuff, including the climate action plan. Citizens over there -- there she is. Hi. I'm speaking today as part of the group supporting the equity inclusion provisions that were suggested earlier, and we came at this through a study group, community practice study group associated with cogan owens cogan, a firm that has been doing city planning for 40 years. I want to make a few comments. First of all, we enthusiastically support these recommendations of the planning and sustainability commission. The -- basically to prevent and possibly reverse some of the discrimination and displacement that has taken place over the last 100 years. I want to say three things about this. First this adds equity to the sustainability vision of Portland, which has been focused for the last two decades on environment and the economy and sustaining a green enterprise and maintaining the quality of the living environment in Portland. And I think this really sets Portland ahead of many cities in terms of the integration of the three factors. Second, I would like you to encourage you to think of equity in a different way than most people do. Equity on Wall Street, ownership, and so think about the kinds of things that can be done through public policy to help create community and -- a form of equity. Not just access to the process of decision making. That comes through the thinking of my third point, that the city focus very closely on looking at their spending as investments that can be done in partnership with community-based and local organizations of all kinds, public, private, nonprofit, philanthropic. Working closely with the Native American youth and family center, and that's an example of the kind of investment that will have long term benefits.

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Fish: I have one question for you. You have a long history in this work. What if the council determines that some of the equity planks of the anti-displacement coalition are good, sound policy, but the comp plan is the wrong place to put it because by putting it in the comp plan, it puts it at jeopardy of being tied up in a land use proceeding, comp plan a guide for future land use decisions, not policy decisions of the council -- hearing a symphony. Symphony ringing in my ears. Do you have a thought and where that line is? Because we had a Portland plan that was -- that had very specific strategies and goals, and a good portion of our comp plan is written in a -- in general terms, and because we are required to balance competing -- when we have a land use hearing, we are often required to balance competing or complimentary policies. Where is the line for you in terms of going beyond a comprehensive plan and putting something in a comprehensive plan that inadvertently becomes part of a land use process which we may not want to have certain policies subject to.

Wise: I think the problem is serious enough, if you look at declining wages overall, displacement overall, century displacement, I think it is worth having it in several places. Because I think otherwise it's the kind of thing that can be easily forgotten or run over in the process. I think thinking carefully about which ones might be appropriate elsewhere is a critical ingredient, and I think the planning and sustainable development commission did that by leaving out some things that they didn't recommend.

Hales: Thank you. Welcome.

Alison Reynolds: Hello, Alison Reynolds, this time speaking on behalf of tim o'leary who was unable to be here today. Mr. O'leary recently purchased property 1403-1421 southeast stark street. Main building and addition added in 1945. Both parts of the building have been used for commercial use since that time. Zoned r-1 -- mr. O'leary -- the buckman neighborhood association, land use committee voted unanimously to support the redevelopment plan. Current comp plan proposal will legalize the commercial uses at the main building only by changing the comprehensive plan designation to mixed use urban center to commission mixed use one, smallest scale mixed use zone. Addition, which is part of the same structure, was not proposed for a comp plan change and we are asking you to make that change today. Staff told us this was initially a mistake and is supportive of a change for the whole building. Neighborhood association -- mr. O'leary has no plans to change the small scale uses of the site but wants to remove the nonconforming use -- proposed cm one zone low density to the current r-1 zoning and preserve the neighborhood's existing character. Mixed use urban center to the entire property. Thank you.

Fritz: I very much appreciate that you noted that the neighborhood had some concerns. It is -- it makes it easier for me to understand.

Reynolds: And we have been doing a lot of work with the neighborhood association. I don't know if any of their representatives will speak to this issue but it has been an ongoing dialogue.

Hales: Thank you.

Fish: Can I ask a protocol question. Thank you very much. We're going to be hearing a lot more testimony beyond today and in the future. So, if someone signs up and is not here, what is our rule in terms of who can testify on their behalf? We have had a number of examples where someone wasn't able to be here and they have had an attorney as a representative. Do we extend the same courtesy to someone's spouse or neighbor or designated person advocate? Because --

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Hales: Good question. I think the answer is yes. Because, again, we're talking big picture policy work here and specific zoning --

Fish: If someone can't testify and their name comes up they can designate someone to testify --

Hales: Yes.

Fish: Equal, level playing field.

Hales: We certainly hope that all 100,000 parcels in the city don't have someone that want to show up and speak at the council hearing. But for those that do, we want to be sure that --

Fish: Certainly willing to make the time.

Hales: People are bringing those in an organized way and it is helpful for us and staff is developing a matrix for us to help review.

Fish: I just want to make sure. I'm fine with it as long as we extend the courtesy to everybody. If they don't have an attorney or has someone else to speak for them we give them the same opportunity.

Fritz: Only challenge individuals have to speak up to speak. They can't have a single person signing up 10 people. Little concerned one individual could be representing several people, we might want to think as we move along, if you testified once during the hearing, that you don't get to testify again.

Hales: Just so that we can get to hear more people. Good point.

Fritz: Just so everybody knows, we will do the next hearing the same with this, first come, first serve and not carrying on the list from today. You will have to come and sign again. After that, I'm speaking because I will be the president of the council and the mayor will be out of the country and after that we may change to a different system going more to a lottery or if you have shown up twice and you haven't been able to speak you get in first the next time or something like that. We want to make sure that everybody has an opportunity to speak and that we make it fair.

Fish: If someone has already signed up, normal practice is they go to the top of the list the next hearing.

Hales: We have not yet done that in terms of rolling people over to the next hearing, we are moving around the city for the hearings to get closer to where the people live. We want to make sure that we don't subject them to a bunch of testimony --

Fish: Fair enough. The next hearing is not here.

Hales: Next hearing at the Jewish community center, as a matter of fact.

More-Love the next three. 32, 33, and 34.

Hales: Okay. Three out of three.

Saltzman: 100,000 parcels --

Jeff Geisler: I am 2,500 people. I'm Jeff, again, from the Hayden Island high noon neighborhood. Not going to talk about West Hayden Island because I trust you will do the right thing on that. East Hayden Island, we experienced 2003 permit process that went into bankruptcy, which was known as -- came back without any neighborhood input whatsoever and was converted from condos to apartments. Now we have 376, 378 apartments going up. Columbia Crossings, also owns a lot of land, would like to imitate that. We had no new infrastructure, no new streets, CRC died, so on the mixed use zone that I see, I think we would like to have the CM-1 so we have a limitation on height if there is new apartments or condos being built. And/or serious input from the neighborhood before any approval of a permit is granted. We only have one road that leads to the east end of the island. Tomahawk Drive. And in the summertime, it is really one lane. So, and I

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approve the zoning that is going on, mixed use I think is always a great use of property. We have a very narrow street and area out there, and we were not served very well when south -- bay went up and consequently the harbor. I would like to bring that to your attention. Thank you.

Hales: Welcome.

Grant Williams: Good evening, my name is grant williams, local resident, small business owner. And board member of the humboldt community association. Representing myself and ethan knight today, who is my business owner -- sorry, i'm killing it y'all. My local business partner.

Fish: Recently and addressed charlie as mayor katz

Williams: Thanks, mr. Fish. I am testifying today in reference of two bordering properties, which border a cm-2 zone on two sides. These properties are currently zoned r.25 and my proposal would extend the zone to include these properties. One of these properties houses my small business under a conditional use. Use of both addresses will be consistent with the use allowances of the cm-2 zone. Current zone limits my small business capital to maintain the existing historic buildings which I have no intention of developing. Online testimony, including letters of support from the humboldt community association five neighboring homeowners and seven small business owners. One I would like to quote here. It has been my experience that this business has operated with the utmost professionalism and respect for its neighbors. I would be delighted to see you -- opportunity to continue to -- you may debate that, my -- that's it. Thank you for your service.

Saltzman: What is the business?

William: I own a small bed and breakfast. It serves local travelers that are traveling on a budget so it makes accommodation affordable in Portland room prices range around \$35 a night.

Williams: Thank you.

Hales: Thank you very much.

Hales: Welcome.

Martha Johnston: Thank you mayor hales and members of the city council. This is phase one of the east columbia neighborhood association testimony. You will see two maps in front of you. One is the aerial picture, lot lines of the problematic areas that we're having, and map two is the wetlands that are -- abound in our area, and that blue blob at the bottom of the wetlands here, private mitigation for building the industrial area.

Hales: Put your name in the record.

Johnston: Martha Johnston, east columbia neighborhood association. Considerations of the change in circumstances since enactment of the industrial sanctuary designation -- in 2011, as part of the middle columbia corridor, airport natural resources inventory, this area received substantial coverage of the environmental overlay zoning p protection and c conservation. Map those p and c zones, one half -- one third of one property, two-thirds of one property and all of one property. The extensive coverage of the p-overlay zone is important for future development potential as characterized in the zoning code web site zone summary. Environmental protection zone provides the highest level of protection to the most important resources and functional values. Development will be approved in the environmental protection zone only in rare and unusual circumstances. The environmental zoning appears to have taken a majority of this area out of potential development in the future. As such, any development, and particularly industrial development with this large building and extensive paving associated with heavy truck traffic would not be anticipated

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to be approved or occur in a majority of this area with the plan designation of is, industrial sanctuary. Portion of the lot not covered by environmental zoning where there are five houses with a total improvement value of \$675,000. Reasonable expectation that these homes outside of the environmental zoning would be less likely to be developed for industrial uses due to the existing improvement values and relatively small acreage in the pmv zones available. We're out of land and out of time.

Hales: You made it clear. Thank you very much. Thank you all.

Moore-Love: The next three.

Hales: Welcome.

Ann Surgeon: Yes, I'm Ann Surgeon, and I'm continuing the dialogue of the east Columbia neighborhood association position of phase one. R-20 zoning would match and be compatible to the zoning to the immediate north. R-20 residential zoning would protect environmental resource values by not developing those areas and yet add a few additional new home sites concentrated in the area of northeast levy road outside of the p and c zones. In addition, there could also be the possibility of applications by individual property owners for small plan development lots, located outside of the environmental zones. A planned development can result in a lot density closer to the development potential of their entire property, a buffer between industrial and residential use areas exists in the abutting industrial zone ig2h property to the south. Along the industrial property northern boundary, 50-foot wide buffer strip zone ig2bh the zone was a condition of approval of the industrial development and was enacted to serve as a buffer to reduce adverse effects between incompatible land uses attributes such as noise, lights and views. It is recognized that there is a need to maintain adequate planned land areas for future industrial growth. However, continuing to include this area in the inventory of acreage to fulfill future industrial need could be viewed as representing a false acreage number in that inventory. That is because of majority of the acreage is covered by undevelopable environmental zones and except for one smaller lot, remaining acreage is already developed with housing significantly reducing the conversion to industrial land use.

Hales: Thank you very much.

Richard Surgeon: Map you have shows red and black dots and yellow dots, those represent houses and barns. I'm richard surgeon. I brought these pictures to show you the existing housing on living road and development allowed recently within 400 feet of my property. The properties in question consist of beautiful homes as you see. I bought my property 35 years ago. I have lived there 45 years on that property. With the intent to live there the rest of my life and to develop some day for my retirement. My property abuts my neighbor's r-20 zoning. I love the families of deer that live in the area, lived there for decades, coyotes, foxes, immigrating birds, etc. Industry would wipe them out of the area. The city is allowing for the tearing down of old Portland homes to get more housing in the same space and try to meet their housing goals. Doesn't this make sense to allow us to improve our neighborhood live ability, thus increasing housing for the Portland area while protecting the city's environmental zones. I paid your fees for a preliminary hearing in 2006 to see if I can build two homes only to be shot down because of all of the zone changes put on my property after I bought it without any financial compensation, I might add. It is not fair that the city council restrict us homeowners because they want industrial land in their inventory. Especially when it can never be used as such because of the wetlands, environmental overlays, animal habitat and roads that prohibit industrial access. In conclusion, we the homeowners request this comprehensive plan change not to be

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approved and allow for future r-20 zoning with Portland's -- for Portland's needs for more housing. It's time and long overdue to this change -- it's time and long overdue to change this small part of the current comp plan since it is already a residential neighborhood.

Thank you for your consideration.

Hales: Thank you. Thank you very much. Welcome.

Ron Beck: Thank you for the opportunity -- pardon, i'm having a back spasm. I my talk a little weird. My name is Ron beck and my wife and I own a property, northeast levy road, two blocks long. North end of it touches the golf course, back waters down there, surrounded by wetlands and single-family dwellings. And i'm only going to talk about one thing. In 2011 Gunderson vs the city of Portland decided you can't have an environmental overlay on the property and at the same time have an industrial overlay on the same property and it was supported by the Oregon Supreme Court. And now what they're proposing on our properties, levy road gang, is to have not only wetlands and protected zones, but also industrial sanctuaries on the same property. It makes no sense in that area. All residents and wetlands. I will read as far as I can and then I will get cut off and that is fine. That the proposed environmental zoning overlay zones be removed from their properties prior to the comprehensive plan being adopted. Airport futures plan, zoning changes were adopted soon after in April 2011, at the request of -- for the city to remove the environmental overlay zones, for all non-governmental industrial lands except northeast levy road properties. Within the airport futures area -- only privately owned properties in the industrial lands inventory that had environmental restrictions placed on them. No analysis of the developable industrial acreage lost to environmental zoning was ever done in blatant disregard to the Gunderson versus city of Portland -- amount of acreage loss and resulting impact on the industrial land inventory -- we must conclude that the city never intended to actually ensure that the properties were available for later industrial development. City cannot have it both ways. Properties in the industrial inventory and environmental zoning on the same properties. Thank you.

Hales: Thank you very much. [names being read]

Hales: Whoever would like to be first. Go ahead.

Sally Beck: Mayor hales, commissioners, my name is sally beck. I have owned property in the east Columbia neighborhood for 25 years and I am here to speak about the less than honest dealings that have taken place by the bureau of planning and sustainability. Comp plan proposed has our property and that of our neighbors listed as both industrial sanctuary and having major environmental overlays of protection and conservation. How can this be? It would seem that both our mutually exclusive, no other privately owned industrial plan designated properties except these six parcels received environmental overlay zoning at the conclusion of the airport futures plan in 2011. Because in doing so, they would be in violation of gunderson versus city of Portland and that decision. As the u.s. -- Oregon supreme court required an environmental analysis of the -- of each property that was never done, the city of Portland is in non-compliance and put small land owners like me in a bad situation. It is unfortunate with the resources available to the planning and sustainability bureau that they cannot find a way to fulfill their obligations to metro, and the state of Oregon without subjecting small, individual property owners to resort to litigation or suffer under unfair and unrealistic zoning overlays, and unfounded suitability for future industrial growth. In conclusion, the industrial sanctuary comprehensive plan designation for the subject properties should be removed.

Hales: Thank you. Welcome.

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Daniel Holland: Good afternoon, Dr. Daniel Holland. I'm representing the east Portland eye clinic as well as our patients. The east Portland eye clinic was established in 1962, corner of southeast 122nd and Glison streets. We have currently moved to 108th, southeast Stark in 1989. We have grown from a two doctor practice to now 10 doctors with adding another one next month and we currently see over 200 patients a day at our Stark location. Our clientele range from the very young to very old. I was the first pediatric ophthalmologist on the east side of Portland. Providing services from custom cataract surgery, Lasik, care Oregon, family care, Medicare, discounted services to the uninsured. Originally known as east Portland eye clinic, now part of Eye Health Northwest. As we have grown, our parking has become a major problem, and with many of our patients having to park on the street, on the neighborhood side streets, as well as our employees and we have a shortage of disabled parking spaces. Just recently the lot behind us became available and we made a purchase offer in hopes of adding additional parking. We believe this would not only alleviate the congestion in the neighborhood, but also provide safer access to the clinic for our patients as well as safer exiting and entering from the side streets rather than the busy Stark street. In order to accomplish this, we were asking that the R-2.5 zoning be changed on the lot at 412th, southeast 108th and have that be included in the mixed use civic corridor zoning in the comprehensive growth plan. It has been a pleasure serving the people of east Portland and we would like to continue to grow as our patient base ages and our population grows.

Fish: Doctor, I have a question. First of all, it has been a pleasure being one of your patients. I have had services at your clinic. Have you submitted something in writing that documents what you just told us?

Holland: I plan to. Have it written out and have photographs.

Fish: We have staff taking notes, but this is -- surgical ask -- if we have something that backs it up and -- I don't -- when I visited, I don't remember having any difficulty parking. Just remind me again --

Holland: We're over at 108th and Stark, we have various doctors coming in and out. Busiest days Mondays and Thursday. Now we have retina surgery, glaucoma, and there is a lot of different patients coming in. We are probably the biggest provider of eye care, I believe in Portland.

Fish: My understanding is when wants to have a patient receive a glaucoma test, they send them to your clinic.

Holland: We often exchange patients with OHSU.

Hales: If I understand the pattern that you're recommending, right now the recommended zoning would be mixed use on Stark, but only one parcel deep. And you're saying -- your plans would be benefited by making it two parcels deep.

Holland: Correct.

Hales: And the parcel immediately to the east of you is already in that mixed use designation.

Holland: Yes, sir, that is our parking lot and we just would like to extend it behind the building there. Honestly, I think the corridor could be widened a bit as things continue to grow and commerce continues to develop along Stark street there.

Hales: You're right up the street from the community center and so on.

Holland: There is a house on that lot. We would be more than happy to move that house, donate it, whatever it takes to help the housing situation in our neighborhood.

Fritz: Have you talked with the neighborhood association and business district?

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Holland: We have contacted a few of the neighbors, many of which are our actual patients. We have talked to some local businesses such as sayers country kitchen and elmer's and they're all in support. Mostly we have the support from the nursing homes across the street, adventist health care, as they have to navigate our parking lot dropping off elderly patients in wheelchairs and whatnot and it is a bit of a congested situation.

Fritz: You should probably contact the hazelwood neighborhood association. I always like to know that the neighborhood association has been contacted.

Holland: Thank you, yes ma'am.

Eva Miller: Good afternoon. I'm eva miller. I have slides but i'm not sure --

Hales: Karla will help you.

Miller: Thanks, Karla. She has helped me already today.

Fritz: She helps us all.

Miller: I live with my husband daniel peterson, southeast 37th avenue -- we bought our small house in 2003. Not as an alternative to the stock market but just to live in. Our home is zoned r-5, but this conflicts with the proposed r-1 zoning in the comprehensive plan. Rezoning made me look more closely about what -- there may be in the plan, and I discovered that kennelworth already has many of the qualities that city planners want throughout our city. Portland could learn lessons from us. We have income diversity. People are not wealthy in kennelworth. We have a high percentage of renters here. There are older apartments, condos, multi-plexes and rental houses on nearly every block alongside modest homes like ours. On the street, new condos, apartments, and an eco-village. It is really cool that evolve from existing apartments. So, in kennelworth, we already have high density. We are doing our part. But other residential areas are not. I don't see many zoning changes in alameda, laurelhurst, mount tabor, eastmoreland, for example, wealthy neighborhoods. Density goals should be equitable. Normally we take our civic duty to heart. Defend the greater good. Painted our house, paid thousands more for lead abatement. When I met my husband he owned a house in the brooklyn neighborhood that we rent for a fair price, about \$1,000 a month to a couple who bike to their jobs at local stores. We vote our conscience, but I haven't felt like a -- please reconsider the proposed zoning area review changes for -- until more neighborhoods in Portland offer the housing density and options that we do right now. Thank you.

Hales: Thank you very much.

Moore-Love: The next three. [names being read] 41, 42, and 43.

Hales: Welcome.

Katherine Christenson: Thank you for the opportunity. My name is katherine christenson and I live in the Multnomah neighborhood. I see issues that affect our already congested southwest Portland streets. I am a bike commuter and find Portland roads dangerous and asking more cars and buses will make them only worse. Increased density for our neighborhood and lack of infrastructure to support it is concerning. Last week I helped to write our neighborhood's recommendations to include capitol highway. Sadly the funding disappeared. Along the one mile stretch from barbur to Multnomah village, one lane each direction, no shoulder and large ditches. It is a nightmare for pedestrians and bikers. As capitol highway enters Multnomah village, it remains one lane and becomes one way going north with angled parked cars using the one lane to enter and exit parking spots. During the many high-traffic hours, less than 10 cars a minute, busy cross streets and pedestrian crosswalks resulting in a large line of traffic back-ups. Trimet buses bring our traffic to a stop. Multnomah village is a vibrant downtown community along capitol highway. However -- most everyone is forced to use a car to get to work and run most

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errands due to poor bicycling conditions. High-rise apartment complexes, little off-street parking along capitol highway or anywhere within our neighborhood is not sustainable for apartment dwellers, those who frequent the downtown businesses, or our neighboring homes. Increasing the housing density in Multnomah village will only increase the congestion in our small town. Many roads are not even paved in the area. No high-volume alternate routes. I signed the three letters that were -- I support what was stated in the letters. Thank you.

Hales: Thank you very much.

Novick: On that stretch of capitol highway, I want you to know that we are going to propose a 10 cent a gallon gas tax to go on the ballot in May, at least I hope we are, pbot included \$3 million towards building a sidewalk along that stretch of capitol highway. Legislators representing that area about making up the difference. I'm hopeful that we get a sidewalk --

Christenson: That the budget stays with the project.

Hales: Welcome.

Keith Liden: Keith Liden, southwest resident. I have a number of comments about the comprehensive plan, primarily about the tsp. First on the comprehensive plan, I think the overall policy direction looks really good to me. One item that is not very clear, how the Portland bicycle plan for 2030 is incorporated into the plan and tsp. I don't think anybody is quite clear on where the elements wound up. I would recommend that the staff provide a brief member oh indicating where the key elements are -- into the comp plan. Tsp funding assumptions, supposedly reasonably aggressive, but I think they're aggressively optimistic. It really seems to assume that there are a lot of -- going to line up with funding coming from all different sources resulting in 65% more funding than we have today for transportation projects. I don't think that is going to be possible given what you read in the news and everywhere else and I think it misleads the public that a lot of the projects will have a chance of getting built in the next 20 years. Project scenario, existing funding level and a second tier of projects that come into play once we get additional funding. I think this needs to be a realistic plan. Constrained project list based on the most expensive projects, not the most beneficial or the ones with the highest plan priority. You can look to the bike plan to see that that -- that the bike plan in southwest Portland a lot of times we went by the -- higher priority projects to focus on the more expensive ones. Project evaluation criteria I think on the right track, but needs some refinement, particularly because they don't try to fit one size all kind of situations, and I think that you can see that southwest really hasn't come out very well on the constrained list if you look at the map. There is a heavy concentration of projects on the east side. Very light on the west side and I think if you looked at the comprehensive plan policies and asked yourself are we -- does the project list really support southwest, the answer would be sort of. And I think that the city can do better than that. Thank you.

Novick: Just on that, investment per capita, transportation project, would actually be higher than any other neighborhood because of the increase costs necessary because of the topography. I wanted to be sure you are aware of that fact.

Liden: We have a number of big projects in the southwest that may or may not happen. When the project list was being developed, I along with others, don't keep looking at the most expensive project that you can find. Let's look at less expensive. Why do we only have to look at the ones over \$500,000? And when those expensive projects didn't make the cut, there was nothing put in. Humphrey Boulevard -- Humphrey Boulevard was on the list but didn't make the cut because it got awful expensive. There is no substitute. What

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about Hewitt as a neighborhood greenway for a lot less money to make the same connection. That kind of thinking was lacking. It is not about the amount of money is how you spend it and are we really getting the most out of it?

Hales: Helpful. Thank you very much.

Lightning: Yes, my name a lightning. I represent lightning watchdog pdx. The concerns I have on the plan are pertaining to the population growth and housing supply. I will not throw the numbers on projections out 20 years, because, I mean, let's face it that can change drastically. What i'm -- what my biggest concern on is the housing supply obviously, coming up with the resources and funding to basically build the housing, and one of the things I suggested to commissioner Saltzman is that I still want to have a bond placed on the ballot, and I would like to have the bond somewhere around \$100 million. And the reason why I say that is that we know that the gas prices have dropped considerably. We know that consumers are basically saving money with that. We also know by studies that they're spending money at retail department stores and that is at the highest list. And we -- there are -- our average is there from probably say \$500 to \$1,500 in savings over time. Now is the time to go for the bond. People know that we need affordable housing. People know we need the resources. And why not try to do it, why not at least try to do it. Another thing I want to focus on employers offering assisted housing. I want more of the corporations to begin to understand that we need you to start funding development projects for affordable housing. It is imperative that you do. If you want the skilled labor force to come into Portland, you also have to fund affordable housing. And it is just on a voluntary basis, and see if they can work with certain developers and fund them money on certain projects that are proposed to the larger corporations. It needs to be set up and that understanding, if we want to have that skilled labor force, family wage jobs, and the affordable housing, they have to step up also and offer that type of funding to these developers which will be loans paid back to them but the benefits throughout the community and to their corporations will be tremendous. Thank you.

Hales: Thank you all very much.

Jim Lanbenthal: good evening. We submitted a letter earlier. I wanted to amplify a few points made in the letter from our -- the president of our board and general manager. Overall perspective we're operating quite healthily right now and quite successfully. We have been around for 90 years. We plan to be around for another 90 years. We have over 500 members, close to 100 employees, a third of which are youth and summer jobs and after-school jobs helping out at the course. We do not -- we don't want to up zone our property. We want to maintain open space on the site. We have had quite a discussion with our board about this, what is our core mission, operate a golf course or convert to industrial and our core mission is really to continue to operate a golf course. Our concern is that this designation makes it harder for us to operate by making the question about whether we are going to be around come up to play so that we're -- we're competing with other clubs, we're also hosting weddings, golf tournaments and other social functions. People plan far ahead for this. Already we have heard a few rumors from some members I hear we're converting to industrial. I have to explain, well, no, not exactly. So, we really would encourage you to not count us in the industrial inventory because I don't think it is a realistic goal for the plan. Thank you.

Hales: Thank you. Welcome.

John Lof: Hi, I'm here representing the employees of riverside golf and country club. I'm here today to express our concern over the proposed changes to the comprehensive plan and how this could have a negative impact on riverside's future success and our jobs that

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we rely on. The staff of riverside has worked very hard the last seven years to make it through some rather tough economic times, and we see a real bright future in our -- ahead of us. We all want to work hard towards that success. We have a healthy membership, a great group of employees. Don't ever see riverside turning into an industrial park and we are going to work hard to make sure that that doesn't happen. We ask that you reconsider any changes to our current designation as open space. Thank you.

Hales: Thank you. Welcome.

Terry Dublinski-Milton: Hello. Terry, I am the transportation land use chair for the north tabor neighborhood association and I am speaking for the neighborhood association. I first would like to thank council for all of the work you have done on the comprehensive plan and your recent votes on vision zero, fossil fuels, oil trains, greenway report, all which symbolically represent votes that we have taken. Very good. One issue on the greenways and transportation, we're worried about the silo effect. Only neighborhood without a built park or we don't even have a playground. All of the schools are in other neighborhoods. We -- turn it into a linear park system over time. It is not just about numbers. Okay. And next concept I would like to thank the Portland sustainability commission for giving us our neighborhood town center. We requested an up zoning for a town center because of providence, the max station, because of our bus lines and bike access. We have excellent access for work force housing. We have been an affordable work force node for the working class for 100 years. We want to keep that. On that subject, when we get inclusionary zoning and we would like you to continue to lobby for that, there is five -- between 53rd and 58th, glison, providence, off ramp that we would like zoned to cm-3. We could go up to as tall as 100 feet. This plan was developed over a consensus model over multiple meetings. So you can read through it in more detail. We're talking about adus, limiting -- opening up flexibility, building on to existing structures. Adus, talked about building it in the setbacks on the corners, properties with driveways that abut up. We hope that you pull your amendment because we have hundreds of properties that we could put adus up in the corner, visible from the street. We are more worried about displacement than we are density. So, we would like you to vote yes on all of the displacement measures and please read our report. Thank you.

Hales: Thank you very much. We will.

Moore-Love: The next three, 48, 49, 50. [names being read]

Hales: Go ahead while he is getting settled.

El Shelden: I would be happy to. Thank you very much. I have lived in Portland for over 40 years and have lived in my home in northeast Portland, built in 1911 for almost 32 years. In my professional marketing career in Portland, I worked for several organizations and my work has had long-term economic impact on this community that we relish today. In the 1990s, I was appointed to the Oregon film and video foundation as a volunteer and served as its president for 10 years. Organization that purchased and preserved a one of a kind community asset, Hollywood theater, which will celebrate its 90th anniversary will July. Riverside golf and country club member since 1993. This community asset celebrating its 90th anniversary this year. Riverside has survived fires, depressions, recessions, foreclosure, world war ii, great flood of 1948 when it was under 10 feet of water and the Columbus Day storm. Its dedicated members have kept this club alive for 90 years. We have developed a -- and created a nationally renowned golf course and environment which have hosted local, regional, and national golf tournaments and events for nine decades. Proposed -- proposed change of designation of riverside, impact the club's ability to market to potential members and others wishing to use the club as a site

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for their recent. Since riverside was founded, Portland in a golfing and social community that is unique and unsurpassed. Riverside is a very valuable, relevant, irreplaceable asset to northeast Portland and the entire region. I strongly oppose the designation change. Thank you very much.

Hales: Thank you. Welcome.

Gabe Headrick: Hi, my name is Gabe headrick and I live in the reed neighborhood. I was former president of the neighborhood association for two years, land use chair for three years. I am actually happy to be here to provide testimony of our support of the proposed zoning changes the planning department has put forth in the new report, which involves maintaining the r-7 zone, portion of the neighborhood and expanding it as well as maintaining the r-7 zone and the -- the reed college heights neighborhood as well. We started in -- both myself personally, also on the policy expert group for the comprehensive plan. So, as a neighborhood and personally we have been very active in this process and really pleased to see the results this far and hope that you can approve those results as well that planning has put forth. Started in 2010, working with planning department to advocate for some changes. We submitted a 2011 letter from a vote that we had in the r and a, in favor of the changes. 2013, petition, 137 signatures from homeowners in the area, and i've also got a letter again from the current board supporting the changes. So, really appreciate the planning department's work, particularly mat wickstron and -- great to work with and I hope you approve their recommendations. Thank you.

Hales: Thank you both.

Moore-Love: The next three. [names being read]

Hales: Good afternoon. Go ahead.

Heather Flint Chatto: Dear mayor and city council members, thank you so much for all of your hard work and also to staff, and particularly barry manning, bill cunningham, marty, our southeast neighborhood liaison. I'm here representing --

Hales: Put your name in the record.

Flint Chatto: Heather Flint Chatto, I'm an urban planner and urban designer, and i'm a board member and on the division design committee. Behalf of the division design initiative, top 10 recommendations for city of Portland. This represents more than 18 months of work engaging neighborhoods around issues of design and so I wanted to let you know that these top 10 policy recommendations are in response to issues and concerns that we have heard both from the division neighborhood as well as issues we have heard citywide over the last two years. Top 10 policy recommendations have been endorsed by the division clinton business association richmond, mt. Tabor neighborhood association, hawthorne boulevard business association as well. They are in response to extensive community outreach, proactive approaches to engage neighborhood members in the planning and design of their own neighborhoods rather than feeling kind of disenfranchised in the processes which we have seen. Redevelopment of southeast division viewed as a pilot effort or prototype of what is being proposed in the comprehensive plan although the changes have brought benefits, experience over the past three years of growth and changes led us to significant concerns that feel unaddressed currently. New development that creates discontinue -- gentrification, increasing lack of affordability of housing and lack of neighborhood serving businesses, lack of adequate design standards and -- to ensure compatibility, lack of information, notification, meaningful ability to participate in the planning and design review process. We would ask that you not accept the -- report without further analysis of some other alternatives for increasing infill density with fewer development impacts such as higher

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density on wider streets, north/south corridors, less shading impacts and major arterials, as well as high density as major intersection nodes, balance reduction -- narrower streets and -- special characters that could actually have a little more preservation. We also would ask that you evaluate a more comprehensive --

Fritz: Your time is up.

Flint Chatto: The last key issue that is our top recommendation from our planning consultant, a former planning commissioner, to close the residential floor area ratio code loophole. That is the most important issue that you could do right now instead of waiting until 2017 to fix incompatible development with our neighborhoods. Thank you so much. I would welcome an opportunity to tell you more --

Hales: We appreciate putting this detailed set of recommendations together.

Flint Chatto: Absolutely.

Hales: Please keep it coming.

Flint Chatto: It is very helpful. Thank you.

Hales: Welcome.

Lynda Peel: Thank you for having me. I am excited that you made it to number 62. Good job. I'm a physician. Cancelled my 15 patients this afternoon to come at 2:00 and I was so hoping to speak ill be short and try to be brief. My name is Lynda Peel and I live on 14th and Clinton Se Portland and I'm representing a large group of 50 neighbors whose current testimony is in support of the current comp plan recommendations to keep the property 2717 Se 15th St at Clinton residential. I represent a large group of neighbors living in this community and we understand the property owner has come to you asking for a change in the zoning of his property which is currently listed in the current draft of the comprehensive plan as residential after hearing the request and testimony of neighbors back in 2014 the decision was made to keep his property residential we agree and support this decision at the exact moment it is listed as residential. We strongly urge you to stay with the same and oppose his personal request for the rezoning of his property. Currently we have a stable healthy residential area with plenty of mixed use and commercial properties, actually there are more than 25 businesses within a half mile of this location and new one opening daily. Rezoning 2717 SE 15th from residential to commercial will add additional businesses, noise and chaos to inner southeast Clinton Street that is simply not needed. It will increase parking difficulties, exposure to environmental hazards. It's the second largest bike pathway in the city and three boxes from our local elementary school so there could be some concerns for families and people walking by. Our property owner developer will spend a lot of time and effort and money to promise everyone that none of this will happen. He has met with our neighborhood board five times over the past year. Thankfully, they did ask him to notify the neighbors that this was happening and that's how we were made aware of this in September. And the board has written a general letter in opposition of any property going from residential to commercial if it hasn't always been residential in the past so finally, I just want you to listen kindly to his request but base your decision on the zoning and not on the property owner. I want to be clear that we're not attacking his character in any way or his attempt to make money on his property. We are supportive of small business. He may be mother Teresa but the zone change is permanent and anything can happen for years and years to come with future owners. As neighbors with long-term investments in our homes and families and visions for this great community, we cannot take this chance so we agree with the current zoning and oppose any change to this particular property.

Hales: Thank you very much. [reading names]

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Hales: Go ahead, please. Whoever would like to be first?

Robin McIntosh: My name is robin McIntosh. Today, I offer testimony about plans for two blocks of southeast Caruthers between 35th place and 38th. This is a small residential street one block north of division filled mostly with single family homes but also with one large mixed use apartment building, one parking lot and plans underway for one more retail building. Caruthers is the wrong place for commercial development. The comp plan proposes commercial development on the entire south side of one block. Sorry i'm really nervous. Increased density and development on division has brought more trucks, garbage trucks, maintenance vehicles and cars to Caruthers, 37th and 38th adding to the congestion in this already congested area. Delivery vehicles decrease visibility for drivers and bikers turning onto division from 37th. It will become even worse with large, loud vehicles which will need to turn onto division after parking or double parking on Caruthers. Caruthers currently serves as a buffer between the business district on division and the surrounding neighborhood but this function will be lost if the commercial development is also built on Caruthers. Caruthers, division and the other streets in the surrounding neighborhood cannot get wider to support the increased traffic and congestion. Further development on Caruthers will create a terrible mess that will negatively affect everyone. Please prevent this from happening by changing the comp plan zoning to residential zoning.

Hales: Thank you.

Fritz: Is it currently residential?

McIntosh: Most of it is.

Fritz: But is the zoning currently residential?

McIntosh: Yes, yeah. It's mostly r5.

Fritz: And is it proposed for commercial on both sides of Caruthers?

McIntosh: It's proposed -- well, there's some grandfathered in commercial already okay, storefront commercial. It's proposed to be r2.5 on the north side and mixed use and we will have some commercial in there because of the grandfathered in. We already have Richmond flats there and that developer is going to put another apartment building there across the street which will be 30 units so he doesn't have to build parking and the parking lot that we have is also subject to become an apartment building but right now, it's kind of a nice, you know, valve there because of all the added cars. At least there's a parking lot there so yeah, and I've seen -- Richmond flats is the poster child of the development that we all hate in the neighborhood. So I don't want to see the same thing happen on the rest of the Caruthers.

Fritz: Thank you very much.

Hales: Thank you very much.

Debra Hochalter: Hi, i'm a member of the division design initiative committee elected as a representative of the Richmond neighborhood association but i'm just here as a resident. I've lived in the division Hawthorne neighborhood, Richmond neighborhood technically for almost 22 years in a single family home built in 1910. I would begin by requesting that you endorse the 10 policy recommendations proposed by the ddi. I would encourage you to analyze the many ways Portland is displacing the working class or missing middle, if you will, in the name of increased density. As we wrote in a letter to you in 2012, we're at this for a long time, we appreciate and understand the need for density to protect the urban growth boundary. However, not all density is good quality density. Without thought to compatibility with surrounding structures, impact on infrastructure and yes parking, a lack of sensitivity to the unique identity and quality of neighbors and

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neighborhoods, I fear that we are losing the many attributes that make a great city a livable city. We can do better than building square boxes which do not exist in nature, tearing down mature healthy trees and mature healthy houses all in the name of increased density. I ask that you work towards diversifying development and endorse the policy recommendations set forth by the division design initiative. Thank you.

Hales: Thank you very much. [reading names]

John Rush: I'm a resident in the highlands neighborhood and i'm here under unusual circumstances. We've heard that there would be a proposal put before you about rezoning a nearby property. I'm here to provide my opposition and also encourage and let you know that we support the findings of the comprehensive plan which keep this property zoned r20 the way it is currently. The property we're talking about is on southwest canyon court. We believe that the owner intends to make a proposal to change the zoning from r20 to r2 multi-family and develop 24 condominium units there. The reasons that I personally, not just the board but me personally believe this is not a good idea, one it's inconsistent with the recommended comprehensive plan. The owner of this property actually went through the comprehensive planning process, with this very specific proposal and the bureau of planning and sustainability denied it for the following reasons. This is not a site in a proposed corridor or center and transit options are limited. Although there are some commercial services within a quarter mile the transportation infrastructure is congested any changes are considered a broader more cohesive area so it's consistent with feedback from the neighbors around the impact of this development on neighborhood infrastructure. We have very limited street infrastructure, southwest canyon court is a two-lane road that serves about 800 residents to the west in Washington County. Further to that, there's a significant development that's going to impact that very same spot. 244 unit apartment complex has been approved by the bureau of planning and sustainability, a quarter mile to the west that will impact exactly that same intersection. The main area that allows ingress and egress from the neighborhood goes past east sylvan school, which is going to come back into service as a school this year. And the 300 more cars going up and down that road every day and if you add on another 25 apartment units or condominium units, it's going to make it even worse.

Hales: You're content with the map as it's now proposed.

Rush: We support the comprehensive plan. In summary we oppose the request to rezone the property. The proposal was thoughtfully considered and denied. It would worsen an already challenging traffic situation, negatively impact neighborhood safety and liveability and provide no offsetting benefits to the impacted neighborhood.

Hales: Thank you very much. Thank you. Welcome.

Chris Dearth: Mayor, commissioners, good evening, i've lived in the Multnomah neighborhood for almost 25 years now and first mayor I would like to thank you for opening the armory in Multnomah to a homeless shelter. We really welcome your political courage in doing that. On the comp plan, I would like to talk about my views which differ from many of those who you heard earlier this evening. I'm sorry you had to hear so much negativity and nimbyism from our neighborhood associations. When we moved to Multnomah in the early '90s, the village was in poor condition with many storefronts vacant, run down and underutilized. Over the years, we've seen a steady increase in commercial vitality which I attribute to a steady increase in density in the neighborhood, bringing more customers to the area and in turn supporting more small businesses and the restaurants that we love. We love Multnomah because it's a thriving urban neighborhood center with increasing density supporting more urban services. In fact, it's

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always been a neighborhood center from the early days of the small rural town to today when it remains one of the few commercial centers in southwest. It's ironic to me that the very density which has made our neighborhood more vital, more walkable and more livable has been opposed by a small number of people who seem to dominate the Multnomah neighborhood association. It's also ironic that while we all want less car dependency and greater walkability, many still oppose the density necessary to make that a reality. We also say that we want better transit service but some still oppose the density necessary to support it. And we all say that we want to retain the urban growth boundary yet some don't even want to absorb our small share of Portland's growth and we all say that we want more restaurants and grocery stores and more small businesses all within a short walk yet many oppose the additional customers necessary to support those businesses. So in conclusion, I respectfully request that the council approve the draft comp plan retaining Multnomah village as a neighborhood center as it is and retain the cm2 designation to avoid downsizing in the center. Please allow Multnomah to grow and thrive by not moving us backward and not downzoning and moving to less density so thank you.

Hales: Thank you, thanks very much.

Fish: Rachel and I recognize that we still owe you a pie. [laughter]

Dearth: I'll collect on that any time.

Hales: Thank you. Thanks very much. Okay. [reading names]

Hales: Anyone else that wants to testify tonight? Come on up. We'll get you in.

*******:** I'll be quick.

Thomas Hermach: I'm appearing before you today to oppose the comprehensive plan zone change proposed for my home at 10901 southwest Boones ferry road. It's been zoned r10 since I purchased it on April 2nd, 1992. The proposed change would be to r20 which I find rather incredulous. I think it's obvious that 20,000-square-foot lots are excessively large and should only be mandated in extreme circumstances. Related health and safety issues would apply to either designation. Here's a quote from the proposed change. This designation is intended for areas that are generally far from centers and corridors where urban public services are extremely limited or absent. In future investments, it will be limited. Areas within the designation generally have multiple significant development constraints that may pose health and safety risks if the land were more densely developed. Very low density single-dwelling residential and agriculture will be the primary uses. The maximum density is generally 2.2 units per acre. Corresponding zone is r20. This in no way describes my situation. 10,000-square-foot lots are very large lots. Lowering the allowable density would not only be unjustified but would directly violate the goal of directing future growth inside the urban growth boundary. I support the goal of directing new growth inside the urban growth boundary and I urge you to resist any proposals that run counter to that goal. While I appreciate very much the rural nature of my neighborhood, I don't subscribe to the not in my backyard thinking. There's a lot of opportunity that can be utilized without destroying the character and resources of the neighborhood. Mine is the only property singled out on the west side of boones ferry road that's included in the proposed change 177. None of the adjoining properties are affected. I've tried to find out what factors specific to my property caused it to be flagged for the change but have been given only general guidelines, none specific to my lot. Who inspected by property and came up with the recommendation that it be included and why? I haven't found an answer to that.

Hales: We'll find out.

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Fritz: Could you give us the address again?

Hermach: 10901 southwest boones ferry road. I also own the adjoining lot and have an order of council allowing me to apply the comp plan overlay to it which would make the entire plot that I own r10. It was the result of a measure 37 and then measure 49 claim back in 2008 I think.

Fritz: Thank you very much. Appreciate that.

Hales: We can look into it.

Hermach: The proposed change would result in the split zoning situation. I'm 67 years old and the value of my home represents the vast majority of my net worth.

Fritz: If you could submit the rest in writing so we can get everybody else in.

Hales: You've got it clearly in front of us. Thank you. Welcome.

Ken Diener: Hello, thank you. 536 southeast 17th avenue in the buckman neighborhood. I'm here to talk about proposed change number 348. It is the only spot zone proposed in the corridor study in the comp plan, at least within the buckman neighborhood and along the corridors of the southeast side. For some reason, the planners have identified a 5 ½ block area adjacent to buckman school on stark that is over a block away from the corridor of the belmont morrison corridor. It's existing now at r5 and they're proposing to change it, between 16th and 19th, and between stark and alder. It's a little yellow rectangle that you see there, little lines that go back and forth, one was to avoid the neighborhood chairman who lives in the block just outside of this new proposed line and she was very specifically against this proposal and had spoken with the planner and requested this proposed density increase not to happen. My house is right there in the corner being rezoned without any input from me at all and my position is that the most sustainable, the least gentrifiable situation is the existing housing stock. The existing homes are the most sustainable. This is building, construction, my house was built in 1902. If you put development pressure, whatever you want to call it, up zoning, downzoning, the density, increasing the density on these houses you're putting pressure for these home-owners to sell. You're adding value to the sale of these existing homes, which means new townhouses, more parking on the street, and much less sustainable neighborhoods. So i'm definitely going to be in contact with marty stockton, my neighbors who are against it, have not been heard and so i'm here to talk to you now about it and put a stop to the change from r5 to 2.5.

Fritz: Thank you very much.

Hales: Thank you very much. Appreciate it. Okay do we have any others who want to speak tonight? Come on up. We'll try to get everyone in before we close down.

Fritz: Sit in the front chairs so we know.

Hales: Sit on the on deck row there and we'll get you up. Okay. Welcome.

Susan Pearce: I'm chair of the district association and i'm speaking for the board. I would like to advocate for two issues. The hand board advocates for comp plan and city code changes that would address certain older residential buildings because the surrounding area has been rezoned over the years. Those buildings now have a nonconforming status, you've heard me on this before and it piggy backs from what the gentleman before me said. This affects the owner's ability to obtain funding for any major improvements or repairs. Our concerns apply to several homes shared by the central east side industrial district as well as some that are just outside the cid, east of 12th, south of Clinton. They are among our most affordable homes, our valuable historic stock are at risk of falling into disrepair and as the gentleman before me just said, that is the most sustainable form of maintaining buildings. And we don't want to lose them. So we're

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hoping for some support, protection for them. We also wish to express, new subject, our strong support for policies related to the identification and preservation of scenic resources or view corridors, both chapter four, design and development, and chapter nine, transportation and include policies that encourage the recognition, enhancement and protection of public use and significant scenic resources as designated in the scenic resources inventory. We understand that it is the inventory of public view corridors not updated since the late 1980s and includes only one on the east side, east of southeast 12th. Given the rapid pace of development occurring along the corridors, opportunities to preserve views are likely to be lost. Shall I stop? Finish my paragraph? None of the important policies, there's a list and I wasn't planning -- it will be part of a letter that will encompass what we're saying. None can be implemented if the city does not take action to update the scenic resources inventory in the near future. We assume it will attempt to engage a diverse representation. We like that. Of community members to assist in identifying views and features of importance. However, the comp plan does not explicitly refer to the multicultural nature of our city and its history in this instance.

Hales: Get us that as a letter, please.

Susan Pearce: That will be coming -- we have more to tell you.

Hales: Bring it on, thank you.

Susan Pearce: We support the division design initiative, by the way. That will be in the letter.

Hales: Thank you.

Philip Brown: My name is Phil brown and I'm here representing myself and my wife who are owners of two properties on southwest main street and there are two other properties, two other houses on that street as well facing south and the proposal under the comp plan is to change that to r2.

Hales: Southwest main and what?

Brown: Between St. Claire and king. And we bought these houses 43 years ago at a time when some of these old houses were being torn down or were in very serious disrepair and everybody on our side of the block there, the south side of the block, was able to get a revocable permit from the city so that we could rent those houses out for professional office use. And that, in fact, is what saved those houses, i'm convinced, from the wrecking ball. There were other houses that I recall in the neighborhood that are no longer there that were beautiful fine houses, and it's too bad they couldn't have been saved but these were -- but now under r2, i'm not clear on how the zoning law works in this particular matter or in many ways but i'm understanding that the revocable use or the permit will disappear so if that's true, it will be -- if it goes to r2 or stays at r5, we will wind up with four empty houses on that street because we'll no longer have the permit to rent them to professional -- to professionals. We have abided by all the rules. There are no commercial signs, you can't tell when you drive by. It's a beautiful neighborhood and street. It's the western entrance to the goose hollow neighborhood association and we -- I, for example, am a cpa. I have a firm that occupies all of one of our houses. Our other house, 2187. It's rented to other professionals. There are two houses, 2153 I think it is and 2165 to the east of us and they're totally occupied by professionals. I think accountants and others.

Hales: Thank you for flagging this and we'll find out what happens to the nonconforming use situation there but appreciate you flagging those particular properties, you're right, those are great old buildings. Thank you very much.

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Brown: We very much would like to see them preserved. We can't do it unless we can get revenue from the buildings.

Hales: We get it. Thank you.

Brown: All right.

Jennifer Gomersall: Hi, I'm talking about the same exact property. I, too, would like the zoning to stay the same at r5, not to be zoned to r2, also the neighborhood association I think you've received a letter and are going to receive another letter that they're strongly opposed to the zoning change and learning from the Multnomah group I think we're going to get a big petition going, too.

Hales: You'll need to do that. If you're in touch with the neighborhood association.

Gomersall: Absolutely.

Hales: And that's important.

Gomersall: And I believe that if you truly consider what the opening of this meeting was, you would all be opposed to this, as well. These four houses -- I had something written, I'm not as succinct because these four houses give you a bonanza of benefits. You could pretty much hit what everyone asked for with these four houses. They provide the employment, they're walkable, they're beautiful, they're historic, and one thing talking with the underrepresented folks out there, we realize they also represent that because those houses, because of the old style of houses, they have small rooms and they lend themselves really well to renting rooms because they're not these open plan houses and then that neighborhood, the 20-somethings that cannot afford to live downtown right now are living either with their parents or their friends' parents and if you start to really look at the density of some of those houses you'll find there's three or four people living there, there might be some lower income people maybe in the basement or something temporary until they can get -- so it kind of hits that knot as well as all the others. I wanted you to consider that as well as the green space. The only thing we don't hit is the streetlights. I can't make her happy but pretty much every single one I was ticking off but I think the biggest thing and the thing that will make you guys happy is if you leave it r5, and not switch it to r2, you get rid of the planning staff vexation problem when they have to be -- can they do this? The fact is if it's r5 and it is what the property owners want, all that goes away. The minute it's r2 and they want to put up the skinny houses and can they do it and the overlay and then you get into all this mess. If it's left as is, we're all happy.

Hales: Thank you very much. Thank you. Okay I think we have three people left that are patient. Maybe four if we count Susan and we will. Come on up.

Bob Foglio: Good evening. I'm here to talk about the new comprehensive plan map change to the institutional campus and nobody's brought that up.

Hales: Which area are you particularly concerned about?

Foglio: Near Concordia college and I read through the amendment and all in all it's fabulous, brilliant. Takes most of the density, transfers it to the middle. So yeah, more compatible neighbors. But the one oversight and I do believe it's an oversight is there's several of us that own small parcels that are zoned commercial. Cn1, cn20 and it takes away our ability to develop those parcels, so I've gone through the 15 sites, it appears there's a handful of properties that have incorporated in their overlays residences and small commercial.

Fritz: That are not owned by the colleges?

Foglio: They're not owned. The problem isn't the plan. I believe they need to be expedited, jobs, education, income, that's priority one to make this world go round. And

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i'm not saying i'm opposed to it. I think there's been a couple of things overlooked. I would have brought it up sooner --

Hales: If you could do it later, e-mail us the specific addresses that you're concerned about.

Foglio: Certainly.

Hales: That would be great because we could get that into the record and that gives us a chance to go back and check.

Foglio: All right. Thank you.

Mark Jordan: I'm mark Jordan and I live at 1125 southwest st. Claire and i'm talking about the main street issue. And to put that into context, the small one little one half of one block in the middle of the historic district, in talking with the planning commission, ostensibly the reason for this is the conditional use waiver they have, they want to simplify that. To me, the solution of taking it to r2 seems like an odd way to do that because that conditional use permit, they've been there for 40 years. In order to preserve those nice homes and that beautiful scenic entry way to the park and those houses are set back farther than even the r5 designation requires. The neighborhood has done its bit to support density. There's some massive apartment complexes on king's hill. So it's not like we're scofflaws on trying to support density but to change these to r2 from r5, if the conditional waiver is not reissued under the r2 designation, then the development pressure, the houses are worth more to developer to put in skinny houses there than they are to the people who own them and right after they've been saved for this long, conceivably for some reason the city and I have to say the entire community is in favor of allowing the offices to continue because they're very good neighbors and you cannot tell that they're not residences, they're beautifully managed but if they were changed to r2 and developers come in, it's hard for them to resist that because of the economics. So now, let's say that the reason that people are doing this, the reason they're choosing to go to r2 is to add a little bit more density. All your allowing is to add four additional million dollar plus homes, which is not the crying need for the city in a way that's going to make those fit, they're going to have closer. And you're undoing what is the reason for adding density, which is to maximize transit. Right now there are numerous offices in there, people coming and going, using transit. They're going to replace 20 or 30 people who are using transit with four people.

Hales: Thanks very much. You're making sense.

Mike Connors: Thank you, mayor and commissioners, i'm here on behalf of hayden island enterprises who own and operate the hayden island manufactured home community. As you may know it's the largest manufactured home park in the city of Portland. It's a vital affordable housing resource which you've heard plenty of not only in this hearing and others, an important issue for the city. We're here to make two comments or requests. The first one is we request that you postpone making a decision on the comprehensive plan amendments until you have the mixed use zoning amendments before you. We believe the two are so interrelated that you should be considering and deciding them concurrently rather than separately. We're requesting that you incorporate as policy language in the comprehensive plan amendment some previously recognized nonconforming use protections that the city has determined informally apply to our park. The park was built before the current development standards are in place. And whenever there's an alteration, it triggers a question as to whether you're required to come into conformance with the current standards. In a typical development situation, that makes more sense but in a manufactured home park when

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you can have homes, r.v.'s, we have 440 manufactured home spaces, 169 r.v.'s, when there's a change in ownership there, it raises the question as to whether that triggers the requirement which would devastate the park and make it very difficult. We have included with our comments a 1999 determination which my client requested the bureau of development services, a letter from the city attorney recognizing our interpretation of the nonconforming use provisions and how they apply in our unique situation. In 2009 when the city was going through its hayden island plan and proposed to downzone my client's property, my client agreed to go along with that but we're requesting that some of these protections or exceptions be recognized. We think this is an appropriate process to incorporate that language.

Fritz: yea perhaps we could just add language specifically on manufactures home parks.

Connors: It doesn't have to be specific to us. We raised this issue at the planning and sustainability commission level and understandably there's so many issues out there it got overlooked. If you could direct staff to have some further conversations we can work on specific language, at least our proposal and have something more specific for you to consider.

Fritz: I'm very interested in that, mayor.

Hales: Thank you very much. We're going to give Susan the last word on this hearing, unless there's anybody else hovering. Susan and one friend. Okay.

******:** It's kind of hard to do standing.

Fritz: Why aren't you sitting down?

Susan Lindsey: That's a hipaa regulation. Hi, i'm susan lindsey, cochair of the buckman community association. I'll be speaking briefly as cochair of the buckman community association, and then briefly as myself. Two issues, one that I did submit a letter to all of you about -- that we did to the planning commission that the board unanimously raised a big red flag concern about the proposed up zoning of the area on southeast Belmont and southeast Morrison between 15th and 19th. That's an area that's a mixed of turn of the century homes many of which are used for affordable housing as well as nonconforming use with the underlying zoning of r1. We do not object to the r1. The problem we've had with the redevelopment of many of the places on Belmont already is what's going on in place of where homes or something is going in place of this multi-family housing which basically means studios and a few one bedrooms. And they're not affordable. So what we have found in the two places in buckman where there has been r1 housing built, we found townhouses that have more than one bedroom where we're allowed to have families, including children. So it's always been a goal to buckman community association to continue to support and advocate for housing options that include opportunities for children to be here, to be able to go to wonderful buckman school, to be able to be here in the parks and to be part of our community and so we're not just having one single demographic of single persons or young couples so that was issue number one. The second one is the one that ken brought up which has to do with the spot zoning on 348 which I am very much opposed to. The history of the neighborhood was as many of you probably do remember, was that back in the '70s there was just wholesale demolitions taking place over there. It was the a2 apartment zone and a group of wonderful activists came forward and said whoa, you know, we're just going to end up with one of these kind of weston type apartments so what was put into place was r5 in the interior and r1 on the edges and this 1-2 punch moves away from this and threatens the existing housing stock we have and there are 38 turn of the century historic homes in there. There's also 14 multi-family dwellings that are already in there. I mean, I live next to the house that was

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next to me was originally owned by a Japanese American who ended up in the internment camp, the house was demolished and a 20 story apartment building is right next to me. What i'm trying to say is I oppose that very strongly and I hope you relook at it.

Fritz: Thank you.

Gretchen: I'm chair of the sylvan highlands neighborhood association. We've enjoyed interacting with the online tools and found the bureau of sustainability staff knowledgeable and very responsive so thank you for that. We as a neighborhood support the draft comprehensive plan and the proposed changes for our neighborhoods. That's all.

Fritz: Thank you for saying that. Very nice way to end.

Hales: Thank you all for a very good hearing. The next hearing will be December 3rd at 6:00 p.m. At the Mittleman Jewish community. Thank you all very much and we are adjourned. [gavel] made it.

At 6:12 p.m. Council adjourned.