

Michael Lilly
Attorney at Law
121 SW Morrison St. Suite 805
Portland, OR 97204
Ph: 503-752-2515
mjlilly@mac.com
January 2, 2018

Mayor Ted Wheeler and Commissioners Chloe Eudaly, Nick Fish,
Amanda Fritz, and Dan Saltzman
Portland City Hall
1221 SW 4th Ave.
Portland, OR 97204

Re: PBOT discrimination against residents of high-density housing for
Residential Parking Permits, Zone M Northwest Supplemental Plan

Dear Mayor and Commissioners

This summer, Portland Bureau of Transportation implemented a new Supplemental Plan for residential parking permits in the NW Zone M Area Parking Permit Program. This new Plan penalizes residents of high density housing. Under PBOT's newly adopted plan, people who live in Zone M of NW Portland are penalized for living in buildings with 30 or more housing units. In contrast, Zone M residents of lower density housing were given special privileges by PBOT's new Supplemental Plan.

Here is the problem in brief. NW residents who live in smaller buildings are given the privilege of purchasing an unlimited number of residential parking permits. NW residents who live in buildings with 30 or more housing units are limited. They are permitted to buy a residential parking permit only if residents in less than 60% of the units in their building have purchased a permit; and even then, only one permit is allowed per unit. A family in a 30+ unit apartment house is never allowed to purchase more than one parking permit, may not be eligible for even one. In contrast, residents in a single-family home, a duplex, or a smaller apartment house can always purchase parking permits for as many cars as they wish. There is "no limit" under the new plan for people in smaller buildings.

This new plan was put into effect September 1 2017. A little over two months later, there were already waiting lists for residential permits for people who live in 10 buildings with 30 or more units, and 9 more buildings were near the 60% limit. There are no waiting lists for the smaller buildings because permits for those residents have no limit. Consequently, even though the total number of residential and business parking permits issued is less than the recommended parking cap for the NW area, some NW residents who live in larger buildings are already being denied residential parking permits.

Effectively, the parking permits are being reserved for the more affluent single family home residents and residents of smaller buildings, while simultaneously, residents of larger buildings are being denied parking privileges.

On behalf of my client Multifamily NW, I attempted to resolve this problem by writing to Commissioner Saltzman; and by meeting with PBOT staff and Deputy City Attorney Ken McGair, but to no avail. No one in the meeting even attempted to explain a reasoned justification for PBOT's approval of this blatantly discriminatory plan. The only justification for the discriminatory aspects of the new plan was that it was recommended by the Stakeholder Advisory Committee.

Before my meeting with PBOT, I wrote a detailed letter to Commissioner Saltzman and Leah Treat. That letter and its attachments are being sent to you in a separate package. My earlier letter points out that PBOT's new program is not only inequitable, it is also illegal, because it violates Article 1 Section 20 of the Oregon Constitution which provides that:

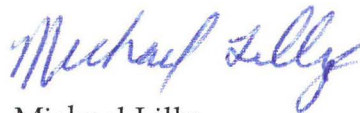
“No law shall be passed granting to any citizen or class of citizens privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.”

Deborah Imse, executive director of Multifamily NW asked to be appointed to fill one of three vacant positions on the SAC, but that request was denied. We are out of options for providing input and requesting change.

So, I ask you to instruct PBOT to reconsider its approval of this discriminatory plan. If restrictions on NW residential parking permits are needed, PBOT should allocate the permits on a fair and equal basis which does not discriminate against residents of high density housing.

I have only three minutes for a Communication at the January 3, 2018 meeting of the Council, but I would also be grateful for an opportunity to speak with you individually at your convenience.

Thank you for your attention.



Michael Lilly

cc: Ken McGair Deputy City Attorney
cc: Deborah Imse Multifamily NW

Jan. 3

Moore-Love, Karla

From: Michael Lilly <mjlilly@mac.com>
Sent: Friday, November 17, 2017 12:06 PM
To: Moore-Love, Karla
Cc: McGair, Ken
Subject: Request to schedule City Council Communication Wednesday November 29

Hello Ms. Moore-Love

REQUESTED DATE

I am requesting the opportunity for "Communication" to the Portland City Council on at its meeting on Wednesday November 29 at 9:30 a.m.

TOPIC

The Portland Bureau of Transportation irrationally discriminates against residents of larger apartment houses in the Northwest, and creates a privileged status for residents of single family homes and small apartment houses. This discrimination is explicitly established by PBOT's Zone M Northwest District Supplemental Plan (9-1-2017) for on-street residential parking permits. I will also submit written material in advance.

I will be representing Multifamily NW a registered lobbying entity.

My Name and Address.

Michael Lilly
Attorney at Law
121 SW Morrison St. Suite 1875
Portland, OR 97204
cell: 503-752-2515

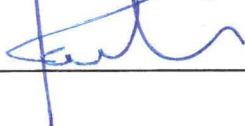
Request of Michael Lilly to address Council regarding Portland Bureau of Transportation irrationally discriminates against resident of larger apartment houses in the Northwest (Communication)

JAN 03 2018

PLACED ON FILE

Filed DEC 26 2017

MARY HULL CABALLERO
Auditor of the City of Portland

By  Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Eudaly		
Wheeler		