



December 1, 2021 Council Agenda

5637

Please note, City Hall is closed to the public due to the COVID-19 Pandemic.

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, www.portlandoregon.gov/video and Channel 30.

The public may provide written testimony to Council by emailing the Council Clerk at cctestimony@portlandoregon.gov.

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

Email the Council Clerk at councilclerk@portlandoregon.gov with any questions.

Wednesday, December 1, 2021 9:30 am

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Karen Moynahan, Chief Deputy City Attorney; Keelan McClymont, Council Clerk

Items 838 and 845 were pulled from the Consent Agenda and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

Council recessed at 11:39 a.m. and reconvened at 11:41 a.m.

Council recessed at 1:13 p.m.

Communications

827

[Request of Steve Hunt to address Council regarding homeless camps on their street](#) (Communication)

Document number: 827-2021

Disposition: Placed on File

828

[Request of Sarah Hanneken to address Council regarding prohibition on the sale of force-fed foie gras, a luxury food item with negative animal welfare, environmental, and public health implications](#) (Communication)

Document number: 828-2021

Disposition: Placed on File

829

[Request of Charlen Pennie to address Council regarding lack of safety and livability in Southeast Portland](#) (Communication)

Document number: 829-2021

Disposition: Placed on File

Sharon Szolski presented to Council for item 829.

830

[Request of Joseph V. Burke to address Council regarding the homeless situation](#) (Communication)

Document number: 830-2021

Disposition: Placed on File

831

[Request of Aubrey Russell to address Council regarding funding for monuments public engagement process](#) (Communication)

Document number: 831-2021

Disposition: Placed on File

Time Certain

832

[Accept report on My People's Market](#) (Report)

Document number: 832-2021

Introduced by: Mayor Ted Wheeler

Bureau: Prosper Portland

Time certain: 9:45 am

Time requested: 30 minutes

Disposition: Accepted

Motion to accept the report: Moved by Hardesty and seconded by Ryan.

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

833

[*Authorize grant agreements with three community partners to disperse funds for the Cannabis Emergency Relief Fund for a total of \\$1,330,000](#) (Emergency Ordinance)

Document number: 190613

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Office of Community & Civic Life

Time certain: 10:15 am

Time requested: 30 minutes

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

834

[Proclaim November 16, 2021 to be Darcelle Day](#) (Proclamation)

Document number: 834-2021

Introduced by: Mayor Ted Wheeler; Commissioner Dan Ryan

Time certain: 10:45 am

Time requested: 15 minutes

Disposition: Placed on File

Consent Agenda

835

[Accept and appropriate a grant in the amount of \\$448,903 from the Oregon Office of Emergency Management, Emergency Management Performance Grant Program to administer an integrated all-hazard emergency management program](#) (Ordinance)

Document number: 190622

Introduced by: Mayor Ted Wheeler

Bureau: Emergency Management

Disposition: Passed to second reading

Passed to second reading December 8, 2021 at 9:30 a.m.

836

[*Pay settlement of Next Up Action Fund et al. lawsuit in the sum of \\$10,000 involving Auditor's Office](#)
(Emergency Ordinance)

Document number: 190607

Introduced by: Mayor Ted Wheeler

Bureau: City Attorney

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea
Commissioner Carmen Rubio Yea
Commissioner Dan Ryan Yea
Commissioner Jo Ann Hardesty Yea
Mayor Ted Wheeler Yea

837

[*Authorize Letter of Agreement between the City and the Laborers' International Union of North America Local 483 – Portland City Laborers representing Streetcar Division, relating to the Utility Worker I Streetcar classification](#) (Emergency Ordinance)

Document number: 190608

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea
Commissioner Carmen Rubio Yea
Commissioner Dan Ryan Yea
Commissioner Jo Ann Hardesty Yea
Mayor Ted Wheeler Yea

838

[*Pay settlement of Dajah Beck bodily injury claim for the sum of \\$25,000 involving the Portland Police Bureau](#)
(Emergency Ordinance)

Document number: 190619

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Item 838 was pulled from the Consent Agenda for discussion.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea
Commissioner Carmen Rubio Yea
Commissioner Dan Ryan Yea
Commissioner Jo Ann Hardesty Yea
Mayor Ted Wheeler Yea

839

[*Pay settlement of Jason Messer bodily injury claim for the sum of \\$26,100 resulting from a streetcar collision involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 190609

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

840

[Assess property for system development charge contracts, private plumbing loan contracts, and safety net loan deferral contracts \(Z0848, K0190, T0207, W0076, Z1211, K0191, T0208, Z0849, W0077, P0169, P0170\)](#) (Ordinance)

Document number: 190623

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue; Revenue and Financial Services

Disposition: Passed to second reading

Passed to second reading December 8, 2021 at 9:30 a.m.

841

[*Authorize the Director of the Bureau of Planning and Sustainability to execute a grant agreement with the National Park Service, accept funds from Community Partners for Affordable Housing, and enter a contract for an LGBTQ+ Historic Resources Survey and Context Statement to support identifying and designating underrepresented historic sites](#) (Emergency Ordinance)

Document number: 190610

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

842

[*Authorize Intergovernmental Agreement with TriMet to track Bureau of Planning and Sustainability and Bureau of Transportation match contributions for the Federal Transit Administration Pilot Program for Transit Oriented Development to activate under-developed station areas along the Red Line MAX corridor](#) (Emergency Ordinance)

Document number: 190611

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

843

[*Authorize Intergovernmental Agreement with the State of Oregon on behalf of Portland State University for use of parking permits and access cards at the 4th Ave Garage](#) (Emergency Ordinance)

Document number: 190612

Introduced by: Commissioner Dan Ryan

Bureau: Development Services (BDS)

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

844

[Amend Portland Renter Additional Protections Code to make technical changes to clarify Portland Housing Bureau rulemaking authority.\(amend Code Section 30.01.085\)](#) (Ordinance)

Document number: 190625

Introduced by: Commissioner Dan Ryan

Bureau: Housing Bureau

Disposition: Passed to second reading

Passed to second reading December 8, 2021 at 9:30 a.m.

845

[*Authorize contract with Oregon Department of Transportation for NE Sandy and NE 108th Ave Rectangular Rapid Flashing Beacon in amount not to exceed \\$100,000](#) (Emergency Ordinance)

Document number: 190620

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Item 845 was pulled from the Consent Agenda for discussion.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

Regular Agenda

846

[*Pay settlement of Aaron Cantu bodily injury lawsuit for the sum of \\$125,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

Document number: 190614

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

847

[Accept and appropriate grant in the amount of \\$9,351 and authorize Intergovernmental Agreement with Oregon Department of Transportation for the 2022 Motor Carrier Safety Assistance Plan for commercial motor vehicle inspections by Police Bureau sworn personnel](#) (Ordinance)

Document number: 190627

Introduced by: Mayor Ted Wheeler

Bureau: Police

Time requested: 20 minutes

Disposition: Passed to second reading

Passed to second reading December 8, 2021 at 9:30 a.m.

848

[Authorize the Bureau of Environmental Services to acquire certain temporary property rights necessary for construction of the Stark Trunk Relief Structure Project No. E11009 through the exercise of the City's Eminent Domain Authority](#) (Ordinance)

Document number: 190615

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 819.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

849

[Authorize the Director of the Bureau of Environmental Services to increase funding by \\$1,500,000 and extend the funding period for the Portland Harbor public involvement program to facilitate public involvement \(amend Ordinance No. 189696\)](#) (Ordinance)

Document number: 190616

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 826.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

850

[Accept report to present draft administrative rules to implement new Bull Run protections for Council review prior to adoption by Water Bureau Administrator](#) (Report)

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Time requested: 25 minutes

Disposition: Referred to Commissioner of Public Safety

851

[Authorize bid solicitation and contracting with the lowest responsive and responsible bidder for the procurement of National Sanitation Foundation 60 certified sodium carbonate for drinking water treatment at an estimated cost of \\$8,500,000 \(Ordinance\)](#)

Document number: 190617

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Second reading agenda item 821.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

852

[*Authorize the Director of the Bureau of Planning and Sustainability to execute the Portland Clean Energy Community Benefits Fund Heat Response, Equipment Purchasing Partner grant for a total allocation not to exceed \\$11,495,820 \(Emergency Ordinance\)](#)

Document number: 190618

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability

Time requested: 30 minutes

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

Wednesday, December 1, 2021 2:00 pm

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Linly Rees, Chief Deputy City Attorney; Keelan McClymont, Council Clerk

Council adjourned at 5:07 p.m.

Time Certain

853

[Consider appeal of the Goose Hollow Foothills League against the Design Commission's decision to approve with conditions a 17-story, 175-foot tall residential building with 337 dwelling units and 403 structured parking spaces in the Goose Hollow Sub-District of the Central City Plan District \(Hearing; LU 21-038539 DZ\)](#) (Report)

Introduced by: Commissioner Dan Ryan

Bureau: Development Services (BDS)

Time certain: 2:00 pm

Time requested: 3 hours

Disposition: Tentatively deny appeal and uphold decision of Design Commission

Oral and written record are closed.

Motion to tentatively deny the appeal, uphold the decision of the Design Commission, and ask the applicant and staff to return with revised findings: Moved by Mapps and seconded by Ryan.

Prepare Findings for January 12, 2021 at 10:30 a.m. Time Certain.

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Nay

Mayor Ted Wheeler Yea

Thursday, December 2, 2021 2:00 pm

Session Status: No meeting due to lack of agenda

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. The official vote counts for council action are provided in the official minutes.

Key: ***** means unidentified speaker.

December 1, 2021 9:30 a.m.

Wheeler: We have one pre-gavel item. Commissioner Ryan.

Ryan: Thank you, Mayor. Thank everyone. I wanted to offer a few comments before we move forward and I want to acknowledge some invited guest here with us today. Mary from Our House, Cecil Prescott from Ainsworth United Church of Christ who has the data center for people with HIV and more to and in the moment we are going to answer all of the to make a few comments and lift up the amazing work you do every day for people who live with HIV. Mayor and colleagues, I am grateful to be here as someone who is busy since the early 80s. It is an honor. The tech that lived experience with me as I serve with all of you. And it is special for me to make sure we take a moment to honor world aids day. I will go ahead and start by having our guest that are on the line. I don't know if I see all of them. Mary, are you with us?

Mary Hurley: Yes, I am so far it is good to hear your voice.

Ryan: We would just like you to share some brief comments to get a centered on this topic today and thank you for the work you do in the community. Buttocks you want me to start, you say.

Ryan: To share some comments.

Hurley: Hi. I don't know why I can't figure out the camera today. But here we are. I am Mary Hurley, the director of our house of Portland. For us today, particularly world aids day has been being celebrated since 1986. It has been a long time that we've been fighting this battle. In this year's theme is around inequalities. And in doing inequalities in ending aids. While we have come a long way with the disease we still have a long way to go in there still a lot of stigma around HIV and the ability for people to fully live their life with dignity. Here at our

house we have been working and living with people with HIV for over 30 years in our residential care facility as well as inpatient, outpatient and within our food pantry and small goods store. And we have seen the disease change quite a bit. We started basically the hospice. And I we do see people leave here and go out and continue to live their lives. We have also recognized that people are living longer with HIV. So the long-term survivors have had a lot of trauma in their life and continue to deliver the disease. They lost a whole generation of people back in the 80s and 90s. I guess what I would say is we are hopeful. Things are hopefully moving in a much more positive direction and we still have a lot of work that needs to be done. Thank you.

Ryan: Thank you so much, Mary. Reverend Cecil Prescott. Are you on the line? There you are. I see you. Unmute and you are on the camera. And you are representing the data center. Have to say something before you speak. When I first moved here in benign, I first heard you and pastor Lynn and that is what got me to attend the church a few days later. It is a real honor to have you here. Reverend Prescott.

Cecil Prescott: Thank you commissioner and thank you city council members. As we have heard, world AIDS Day has been celebrated since the 1980s and it developed out of a need to recognize and raise awareness around the AIDS pandemic. Communities in every part of the world have been devastated by the continual -- continuing effect of HIV/AIDS on their family and friends, too many of us have lost loved ones, people who have died. In this continuing to provide care for those with HIV is a reality so many as we've heard from the great work of our house and other organizations in a candidate, people in reach out for many years. It may be hard to remember these days when HIV/AIDS was viewed as a scarlet letter obtained by society. The federal government ignored it and although AIDS was first identified in 1981, President Reagan did not mention it publicly until 1985. Religious institutions condemned those who were infected with HIV virus. However, as I mentioned from the early days of the epidemic, people in the community have created caring networks that thrive on the commitment, hard work and love of ordinary people. My faith United Church of Christ first struck out for compassionate care of those living with HIV in the 1980s. And as you mentioned commissioner Ryan, HIV has partnered with the ministry of organ to host an HIV Day center. The HIV Day center opened in Portland in 1990. And it was the first freestanding

community-based program of its kind in the United States. It was created by a coalition of healthcare workers, healthcare providers. Again another manifestation of ordinary people can have an impact on the community and impact for the good. And for 20 years, Ainsworth has hosted the HIV center. It is a community center. It is a community center for low income people living with HIV/aids, provides hot breakfasts and lunches five days a week. Staff are available for counseling and information a referral problem-solving. Day center clients, community members have access to phones, mail drop, computer with internet access, washer, drier, clothing, shower, and hygiene supplies. The day center provides therapeutic and recreation of activities. And volunteer practitioners offering acupuncture, massages, and haircuts. For many, HIV continues to be a living reality. When we are faced with so many healthcare emergency and different epidemics and pandemics such as the one we are living in, I am reminded of the compassionate care of ordinary people who created the students such as the HIV Day center to remind us we are all community and that each one of us has a responsibility to help others in our community. And when we come together as a community, we can do great things. And so on this world aids day, I remember I looked at those who continue to work for and to remember those who are living with HIV /aids and to work for when we see a day where HIV/aids is a memory. Thank you so much.

Ryan: Thank you so much. Next we have an Ian Morton from Q Center.

Ian Morton: First of all, full transparency. Q center is not yet doing enough for the HIV community. We are in the rebuilding process but I'm looking forward to partnering more robustly with many of the folks on here who are doing great work and find out how we can better support that work. World aids day is currently headed for me because I'm not a person living with HIV but coming out in 1994, that was the big man in every gay man's closet was the fear of HIV and aids. I am appreciative to see the work done because from my mother's pulpit she was taught in 1994 that to. The first thing she said to me is when you're dying of aids don't call me. And I say that because the disease has been white knights for so many years and had been lately have manifested our own lives. I moved to San Diego and started working at an HIV specialty pharmacy in 1997. The first guy that I caught feelings for happen to be one of our clients and I called him this morning because we went on one date in his soon because I agreed to go out with him that I was HIV positive as well. And he could not

continue a relationship with me because he was so afraid of infecting me. And I always remembered that. How many individuals we lost, how many relationships might not have been able to prosper because of people there are sorting or syrup discriminating and I wanted us to remember that. Just as recently as of July 2021 a hip-hop artist felt it was all right from the stage to weapon eyes HIV and aids against the community. There is still so much further to go. But I'd also love to lift up the women and especially her lesbian sisters who held gay men, those who were dying, close and supported them. So many of the amazing nurses I met through my career have been lesbians who work in the HIV sector and have seen so much death and still maintain their support. I want to callout something historical really from San Diego, the blood sisters. If you haven't heard of them, they were a group of lesbians who came together to do blood drives for gay men living with HIV. Those men were not prioritized when it came to getting blood transfer agents. Gay men cannot donate blood for them so all of these women came together to do blood drives to keep some of these folks live. For all of the women in our community whether they be lesbian women, transgender women allies without uplifted the gay community, I want to remember them and celebrate them today.

Ryan: Thank you so much. And I will come into the room Tyler TerMeer from Cascade Aids Project.

Dr. Tyler TerMeer: Good morning, everyone. The name is Doctor Tyler TerMeer and I probably serve as the chief executive officer of cascades project in prison help. Today we are gathered here to pause and honor world aids day observed annually on December 1. This is dedicated to people across the world, uniting in the response to HIV. That includes people at risk or with HIV, long-term survivors, and allows us to reflect on those who have died from aids related illness over the last three years. Despite the progress we've made over the last or decades, HIV is still very serious public health challenge. And as this year's world aid they seem, it reminds us there is to work ahead to achieve equitable access HIV prevention, care, and community. Today the white house released an updated national strategy with the goal of ending the US Epidemic by 2030. This national HIV strategy serves as a roadmap with bold targets for ending the HIV epidemic in the United States and reflects the priorities to put equity at the center of the response and include a robust community center in the whole of society approach. As a

black queer man who has been living with HIV for nearly 18 years myself, today stands as a stark reminder that there is still so much work to do within our community. It is a reminder we have accountability to ourselves and to each other for knowing our status in order to take better care of one another and ourselves. In this country, the black community is one of the most impacted by the HIV epidemic. There is no single factor that led to us being one of those groups but instead it is a multifaceted set of issues involving social, cultural, and economic forces interacting in a variety of ways. I often wonder why this is still happening when there have been so many medical advancements and the many prevention methods and tools in place. But the answer can be quite simple. Opportunity. Some of us have not been afforded the opportunity to access preventative methods and some of us have a right to make choices from bodies and reproductive rights challenged and some of us are incarcerated and fighting for freedom and some of us are just simply forgotten. Right here in Oregon, the entire black community is a high risk of contracting HIV. Black people represent 12 percent of the population but account for 50 percent of HIV diagnoses. In Oregon like men are four times more likely than white men to be diagnosed with HIV. We must become more inclusive in our messages and strategies. That inclusivity should look like all of us putting together. What the statements to me but that I still have more work to do and to the rest of my community realizes the value of our entire community. It means everyone in our community we must work together to continue to fight for equitable resources and equal access and it means organizations like you center in our house and communities of faith need to support leadership within our community that have traditionally drawn one it means here we want stop. I want to thank the commission for holding the space today for your ongoing commitment to partnering with community to make Portland a more vibrant and healthier space. Thank my colleagues for their impactful words this morning. We continue to live in challenging times in the resilience of the HIV community knows better than anyone how to survive a plague. In love and light of all of those that I've personally lost along the way, we think of you on world aids day.

Ryan: Thank you so much and for all of our invited guests I hope you can hang on with us for little longer. But I would like to open the floor to my colleagues before I hand it over to the Mayor. Colleagues the floor is yours.

Wheeler: Mapps.

Mapps: Thank you, Mr. Mayor, and colleagues. I would like to thank commissioner Ryan for bringing this item forward into thinker speakers for their comments and community work and I would also like to say I am proud to join you in declaring December 1, 2021 to be world aids day here in Portland. Since 1986, communities across the globe to recognize December 1 each year to be world aids day. The purpose of this day is to raise awareness of the aids epidemic, provide support to those living with HIV. And on this day, we remember those who we have lost too soon. And we celebrate the progress we have made in battling HIV and aids. And on world aids day, we recommit ourselves to finding a cure. Since the 1980s, about 40 million people have died of HIV. Today across the globe about the same number of people are HIV positive. About 1.2 million of these people live in the United States and about 9000 of those folks live here in Oregon. And of course it is always important to remember HIV/aids does not discriminate. Americans of all genders, ages, ethnicities, incomes, and sexual orientations are HIV positive. However some communities are more at risk than others. Across the globe, poor, disadvantaged, and disenfranchised communities are at higher risk of being exposed to HIV the more affluent communities. And that pattern also holds here in the United States. Here in America, gay and bisexual men, transgender people, young people, African Americans, Latino Americans and people who inject drugs are at a disproportionate risk. While HIV remains the leading cause of death worldwide, the death rate is slowly declining due to improved treatments and improved access to medical care. On a global basis, annual deaths due to HIV peaked in the year 2005 when nearly 2 million humans succumbed to the virus. This year, fewer than 1 million people are expected to die from HIV related complications. Now, that is incredible progress. But our struggle against HIV/aids is far from over. And that is why on world aids day we recommit ourselves, building on the progress we have made against the spread of the disease. On the world aids day we remember to support Portlanders living with HIV/aids. We recommit to expanding access to HIV related healthcare services. On world aids day, we commit ourselves to finding the stigma associated with HIV status and we pledge to protect the rights of those living with HIV and aids. And on world aids day, we double down on our goal of ending this pandemic once and for all. Colleagues, for

those reasons and more, urge Portlanders to join this council and recognizing December 1 2021 to the world aids day here in Portland. Thank you.

Rubio: Thank you. And thank you to commissioner Ryan for bringing this proclamation to council and for your advocacy and Mary and reverend Prescott and Tyler for sharing your important work today and thank you to the incredible organizations they represent. Cascade project, our house from your tremendous work and providing essential work. I cannot begin to imagine the trauma that this community has experienced in those living with HIV especially in its early days. In the courage and resiliency required of these brave individuals during that time. And I include in one that includes my admiration from colleague dan Ryan as well. We honor the significance of all of these lives in the stories today. And I am so grateful we live in a time where treatments are available for those living with HIV but we saw a lot of work to do to continue to raise awareness and educate ourselves and our fellow community members about the complete story of the HIV epidemic in the harmful stigmas that exist. And I want to honor the courage and resiliency of all those living and have lived with and affected by HIV and looked at their stories of resilience. We would be a different world without his contributions and stories. Thank you so much again to the presenters and commissioner Ryan for sharing so honestly. Doing thank you. Commissioner Hardesty.

Hardesty: Thank you commissioner Ryan. I have to say the sense of courage that it takes to live with HIV publicly and authentically is really impressive. But I know is as someone who my very first job at the county was setting up the Ryan white title I commission, I was embraced by people living with HIV and they educated me on how their voices needed to be centered and figuring out how to provide supports for people who were experiencing HIV and aids. When I hear stories from the pulpit, being told that your life does not matter, I know today from the pulpit people are still saying that. If we learn nothing to the most recent pandemic, it's that those with the least access are the ones that are hit hardest and take the longest to recover. Commissioner Ryan lives a very brave and courageous life as do many of the speakers he spoke today who are living bravely and honestly with HIV. I honor that and I want to lift that up today in honor of world aids day. And I also want to acknowledge like every other health inequity, if you are black, it is exacerbated. In HIV/aids is no different. It is important as a council that proclamations are good and fine and they uplift issues in our

community. But I feel that we need to spend more than one day a year talking about how people are now and one in our community are living with HIV and aids and if they are in fact getting the help and supports they need. Again, thank you commissioner Ryan, thank you to all the speakers. And reverend Prescott, you and I go back way too many years for me to honestly -- otherwise people know just how old I am. I just want to say, you have always been a religious leader that has led with compassion and empathy and I just wanted to take a moment to honor you as well. Thank you.

Wheeler: Thank you. Commissioner Ryan.

Ryan: Thank you, Mayor. Thank you colleagues. This is a wonderful way to set a tone for the city council meeting. I appreciate us taking some time in the invited guests really did set the tone for us. I will tell a few personal stories. In 1982, I was at records college tournament Rutgers college. And someone on my dorm floor knew I was gay even though I was not out. Imagine that. And they wanted to go over the article with me. And then about three months later, in December I got the worst flu of my entire life in the big rash broke out. The doctors did not know what was going on. Only tell you this because later on discovered that was probably when it happened, the transition period and then in 1986, after adhering to all the great practices that you were told to follow, I fell in love that my partner and I at the time got ready to move to New York. Patrick's is negative and mine was positive. We both moved to New York. I had change plans. I was moving to New York to be an actor. I was told by the doctor and delight in Portland. Here's how it was handled by them. Over the telephone the doctor said I have bad days; you have HIV and you will probably be good for about five years but doesn't look good much after that. To make sure you have great health insurance and keep it quiet because there's a lot of stigma and prejudice out there. So it wasn't the easiest liftoff to move to New York city and I pivoted and decided I needed a job with health insurance so I ended up in a development office in a new school impartial school design. And I began the life of someone that is living with HIV at that time were you -- I fire one doctor because I wanted to put me on some drugs that I didn't think were good best of my information. I was in support groups with a lot of other HIV people, to stay positive literally in our spirit and it just changed my life. Then when I fast-forward, I was in Seattle doing work in the HIV field. I work at a house built specifically for people with HIV. Three years into that job, I

get really bad pneumonia which is called pneumocystis. Like the crazy person I am a went back way too soon and I got a relapse and it was much worse. Then I was told, have about six months to a year to live. So I made plans and moved back home. Back to Portland. I came to Portland to have a comfortable end-of-life experience. It has just been going on now for about 25 years and the drugs came out and next thing, you know, I at that time was set suddenly starting feeling better I was told by the same daughter to make plans, it looks like you need to go back to work. During live longer. Okay I'll take this pendant. And so it's been a real privilege to have access to good healthcare, to have the skill sets to know how to manage the system and did know how to fire a doctor when they're not the right one and get another one. I am aware of my privilege and I've lived with HIV for 40 years much because of access and I never forget that as I want to always join partnership to make sure we always have an equity lens on this and that we continue to provide excellent healthcare for all. It does really shape melons when it comes to public health. I've also with the private and public shame and was helpful in one -- it's like when you disclose is a person that is going to shame you and not want to go out with you again or is this person that only like to -- it as so many dimensions I can even tell you. I am also grateful to be with someone who happens to be negative that is well educated and we know how to manage our lives together as a couple. On this day I'm just grateful to be alive to serve at the start of the lived experience and wisdom that it brings you. Definitely living with HIV for 40 years means I have lived much longer with it than without it and mostly I want to end with thinking about the many brothers and sisters I have lost over the last 40 years. I have gone to so many funerals at such a young age and I think about them frequently and I really do live and serve with all of those dutiful souls in my heart every day. And I will end by saying it is a gift to serve with all of you and the compassion you bring to this topic fills my heart. And with that Mayor, I turn it over to you for the proclamation.

Wheeler: Thank you commissioner Ryan. We appreciate it and appreciate you. Before I read the proclamation from want to thank you commissioner and your staff for bringing this forward and regarding your staff I want to acknowledge Mr. Jones for taking a leap in drafting this proclamation and I want to think the united church of Christ, cascade aids project and q center for their contributions to drafting this proclamation. With that I will read the

proclamation on behalf of Portland city council. Whereas 40 years ago, the first argument in cases of a spot about an error of uncertainty, fear, and discrimination. And whereas far too many people living with HIV or aids have faced prejudice or bias, and whereas lesbian, gay, bisexual, transgender, queer, intersex, asexual, too spirited communities physically met to have sex with men have been most affected by HIV or aids discrimination. And whereas world aids day was first observed in 1988 focused the world's attention on ending date of the academic leasing stigma around HIV and aids and increasing awareness and knowledge about the transmission and treatment and whereas public outreach and I've done my education continues to be a vital tool to bring awareness about the ongoing global epidemic and whereas the decades since the first cases, ingenuity, leadership, research, and start an evidence-based practice, we have begun to move toward resilience and hope. And whereas the Portland metro area has some more than 3500 residents who currently live with HIV or aids and whereas community-based programs led by organizations like our house of Portland, q center and aims forth united church of Christ have provided resources and support for people living with HIV and aids. And whereas cascade aids project, the oldest and largest community-based provider of HIV services, housing, and advocacy in Oregon and southwest Washington was founded in Portland. And whereas because of antiretroviral treatments, people living with HIV to start these therapies earlier in the course of their infection canal expected their normal lifespan and whereas the city of Portland recognizes honors and organizes the networks and individuals living with HIV and advocates who continue to fight the epidemic. Now therefore, I ted Wheeler Mayor of the city of Portland Oregon, the city versus, do hereby proclaim December 1 of 2021 to be world aids day and encourage all residents to observe the state and show their support for people affected by HIV or aids by wearing red. Thank you, commissioner Ryan. And with that, colleagues, I called the meeting to order. This is a Wednesday, December 1, 2021, morning session of the Portland city council. Can you please call the role?

Clerk: Good morning. Morning commissioner. Commissioner Mapps.

Mapps: Here.

Clerk: Rubio.

Rubio: Here.

Clerk: Ryan.

Ryan: Here.

Clerk: Hardesty.

Hardesty: Present.

Clerk: Wheeler.

Wheeler: Here.

Wheeler: Under Portland city code is a law we are holding the meeting electronically. But listen to the audio recordings many of the meetings available to the public on the city's YouTube channel, egov pdx, www.Portland Oregon.gov/video and channel 30, the public may provide written testimony to council by emailing the council clerk at [cc_testimony at Portland Oregon.gov](mailto:cc_testimony@Portland Oregon.gov). The council is taking the steps as a result of the covid-19 pandemic and limited in person contact limit social distancing. The pandemic is an emergency threat which requires a street meet remotely by electronic communications. Thank you for your patience and flexibility and understanding is managed through these challenging circumstances to conduct the city's business. From that we will hear from legal counsel. Morning.

Karen Moynahan: Good morning, Mayor and council. To participate in council meetings, you may sign up in advance for the council clerk's office for communications to briefly speak about any subject. Y'all may also sign up for public testimony on resolutions or the first readings of the ordinances. It contains information about how you may sign up for testimony while the city councils holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying, state your name for the record, your address is not necessary. Please disclose if you are a lobbyist. If you're representing an organization, identify it. The presiding officer determines link to testimony and individuals generally have three minutes to testify unless otherwise stated. Your time is up, the presiding officer will ask you to conclude. The conduct such as shouting and refusing or interrupting others testimony or council deliberations will not be allowed. Further disruption may result in the person being on hold or ejected from the remainder of the meeting. All council meetings are recorded. Thank you.

Wheeler: First up communications, item 827.

Clerk: Request of Steve Hunt to address council regarding homeless camps on their street.

Steve Hunt: My name is Steve Hunt. I want to thank Mr. Mayor and the city council members for giving me this time. I reside in the midway area of east county. And I know Mr. Mayor we don't always see eye to eye. That is normal. But I want to thank you for bailing willing to take the test job listing what I have to say this morning. We have a homeless camp on our sidewalk for almost 3 months in this camp like the only sidewalk on a busy street. They empty their cars and garbage. Cars arrived all hours with double parking and blocking the traffic flow in the speedway at all hours. The disturbing the piece of our neighborhood. There is drugs, indecent exposure, I've seen this. My neighbors are talk to me about it and there has been the theft of mail. We talked to a postal clerk who came and retrieved it. There's been several occasions and firetrucks of come because they lit some bushes on fire and some trees got lit also. There are two bus stops for kids on the street and the parents don't even pick them up. I just saw one this morning. I think the parents are taking because school by car. The children don't even want to the bus stop and they avoid it completely if the parents are taking them. What I want to ask you, Mr. Mayor, is, you know, I think we all agree that we have a fundamental right to live safely where we do resign. I need to hear from you Mr. Mayor. What can I do in my neighborhood? What are you working on for my neighborhood that only you can do in your leadership position?

Wheeler: Thank you for your patience this morning. There are multiple things were trying to do. I stated clearly what my goal is to remove as many people as quickly and humanely as possible from our sidewalks, public roadways, parklands, pretty much in the area. And to that end I've significantly increased investments in emergency responses to get people off the street. Our recent fall budget included funding for recent structures to get people off the sidewalks. It allowed us to you will people and gives an access and navigation to housing and of the service they might need to get off the streets. We significantly increased for camp remediation so we are it's a broader approach. Ask all the time when we just make it illegal and enforce the law and the answers the problem is so large that simply make it illegal and assume the police would go out and do what do people to move and they move across the street. The bottom line is we have to find humane alternatives quickly to get people off the streets. That is my personal view. This does not fall squarely on my shoulders alone. My colleagues might have different perspectives. That will have a role to play as to other levels of

government in the last two days I have advocated for additional support from our federal officeholders as well as our state officeholders to acknowledge the scope of the problem as you have and understand that while we have it here at local level have merciless abilities as Mayor and we will need a lot of help. In terms of housing, domestic violence survivorship services, youth service, all of these things need to come to bear in the need to be coordinated to get as many people on the streets as quickly and humanely as possible. I want to make sure if you have you called the impact reduction team this evening and take a look at the camp that you referenced flex no. Impact reduction team is that what it's called.

Wheeler: Yes, sir.

Hunt: I have called in are called 311. I filled out a lot of reports. I have emailed report pdx and I've given photos and information and I talked to John Wheeler, Michael Cribs, repeatedly.

Wheeler: It sounds like you've done your part. Let me do this. I assume your contact information is on this sheet that you signed upon to testify today. I will have somebody from my staff reach out to you specifically.

Hunt: That would be awesome. That would be wonderful. I know you guys got a tough job. And I note that you want to do the best thing for the city. And I love this place. I am a pastor here. I've help people out we have helped people. These people here at this camp, I will be honest with you. And they threatened us and I have helped. I said we have helped people get their cars fixed and heard Mr. Mary's ailment news is line between compassion and the enabling and we care about our community and we want to help these people as a whole different ball of wax. Like I said, they basically tell us what we don't want to move until the city tells us. Will the site want to work. There is more of a community response needed and I appreciate your being here today and I will have a member of my team reach out to you directly.

Wheeler: Appreciate it so much.

Hunt: Thank you, council members.

Clerk: Next request of Sarah Hanneken to address council remain prohibition on the sale of force-fed foreground, a luxury food item with negative animal welfare, environmental and public health implications.

Wheeler: Good morning.

Sarah Hanneken: Morning. My name is Sarah Hanneken I live in southeast Portland Neighborhood. And as was stated, the topic I would like to discuss with you this morning, but the microburst of capacity and professional capacity as a campaigner for the indwelt protection nonprofit animal equality and may be familiar to some of you and maybe not all of you. It is the topic of force-feeding animals for the topic of it if you're not familiar with foie gras. It is a high-end item made from the enlarged liver of the duck or goose and sold roughly 10 different establishments here in Portland and the legislative solution we are asking the council to take to address his problems is one that has been taken out sir and that is banning the sale of foie gras. Other jurisdictions have implemented such bans and I certainly hope to see Portland added to that list. So foie gras which is French for fatty liver is produced by inserting foot long metal or plastic tube down the esophagus of a duck or goose. In rapidly delivering huge amounts of concentrated grain, fat and compressed air into the bird via a pneumatic or hydraulic pump. Apologies for that graphic description. People understand the process I think is important. It is repeated up to three times a day for several weeks until the animal's liver becomes diseased. They are intentionally disease in this animals and enlarging the liver up to 10 times its normal size for the creation of a luxury food product. This is the most common method and professionals have attested it causes the birds extreme pain and suffering. This production method causes significant vermin harms as well. And includes water pollution which the EPA has documented. And there is more. Within this industry, foie gras face the greatest risk of disease outbreak. Animals have weakened immune systems making them susceptible to bird flu which can spread to humans in which to be taken this risk seriously. For all these reasons, the sale of force fed foie gras has been banned as recently in the entire city of New York but also the state of California and nearly a dozen countries. To date, 55 I think more than 55 Portland businesses have signed on to a statement of support for ban on the sale of force-fed foie gras in their city and these are mostly for service sector businesses. I am happy to answer any questions you might have now. Will follow-up via email we have a website with a ton of information. It is just pdx foie gras.com doing

Wheeler: Thank you very much and we appreciate you bringing this to our attention.

Hanneken: Thank you for listening.

Wheeler: Next, item 829.

Clerk: Request of Charlen Pennie to address council regarding lack of safety and livability in southeast Portland.

Sharon Szolski: Good morning. I am here speaking instead of Charlen. My name is Sharon and I have lived here for over 26 years and been an active participant engaged in community. Johnson creek runs through my backyard. 26 years ago, the brookside wetlands was constructed to mitigate the Johnson Creek flooding and many years later, with much planning, thought and tax dollars, the Johnson Creek restoration area went in. The letter made a huge difference in eliminating flooding events and had been an enticing destination to walk to. That has long ended for safety and aesthetics I would not dream of doing that today. The uptick in homelessness and encampments that has brought with it the degradation of the riparian areas of creekside and pollution of the creek. Since I walked in, I cannot report on the distraction within the great spaces. Trees are cut for firewood, garbage and assorted debris accumulate on the streets. RVs in various states of decline litter foster road east and west of southeast 110th drive and they are ever-growing. The ultimate desecration has been the tearing down of fencing and driving vehicles into these sensitive areas. I wonder about the health and safety of homeless people using the creek since the primary water source since the state is listed several chemicals and bacteria is present in the creek water. Mitigation of flooding and settlement returned with the primary movers to establish both wetlands, the theories had blossomed with this profound degradation. I wonder who speaks up for the creek, the riparian area and all manner of wildlife that rely on the area for their well-being. I urge you to find suitable placements with these homeless and stop the destruction. I am asking every one of you to come out if you dare and see the destruction firsthand, better yet send a drone overhead seeking get a fuller picture. It is interesting to note that since the recent proclamation about sensitive green spaces, biohazard teams have been out to do a major cleanup but I'm not sure outside of cleaning the parameters that they actually went into the inner aspects of the green spaces. We need constant monitoring of the creek's water quality especially in the summer and much better oversight of these precious green spaces. Stop the destruction, we need our green spaces intact. Thank you.

Wheeler: Thank you. Next item.

Clerk: Requested Joseph Burke to address council regarding the homeless situation.

Wheeler: Good morning.

Joseph V. Burke: Good morning. The light Portland has created a situation where it has become if you will mecca for the homeless. I think that we are attracting them from other places that do enforce that camp in public spaces. And so therefore, the homeless population here is clearly not all homegrown. We're clearly inviting people from other places. I see the dilapidated RVs with Washington plates and whatnot. Are we willing to recognize that we have created a situation by our policies of not enforcing the laws and the books? That is not only attracting homeless. Who I do have compassion for? But the criminal element because along with it, I moved to the city 19 years ago and I'm originally from Detroit, Michigan. I have seen in my own lifetime is city going to a death spiral and I feel like Portland is in that place now. And I'm just wondering, I know Mayor Wheeler wanted to hire 300 more police officers. And that's great. But if it doesn't do any good if they just go in and walk right back out. I am just getting exasperated. I want to know, what is the overarching plan to deal with this.

Wheeler: Does that complete your comments.

Burke: Yes it does.

Wheeler: Commission Hardesty, do you have a comment? You are muted.

Hardesty: Thank you. Who knew I would do that again after couple years of being on Zoom. I want to thank the people who spoke today about the issues of house looseness and I want to take a moment to separate the fact that on March 12 of 2020, the governor declared a state of emergency and were required people to stay home, thousands of people lost their jobs and their two and three minimum wage jobs and found themselves faced with houselessness. And when I leave my house, I am walking by camps all the time. I am talking to people who are camping in many of the people camping are still working minimum wage jobs and they cannot and I want to remind people most people are not on the street because they want to be. Most of our but for the grace there and I and I was grateful to ordering food and supplies I was fortunate to have a living wage job. But there are so many Portlanders on our streets today that prior to March 2020, they were not doing great that they were getting by. And other people involving criminal behavior in question, are there people on the street who clearly need mental health support, no question but I just wanted to remind folks that for

many people they were economically devastated on March 12, 2020 and those are people working in restaurants and cleaning out the businesses small businesses and businesses economically devastated are still economically devastated and it will take a while for people to get back on their feet and those with the least resources were impacted most in those with the most resources, any of them are doing fine and they want to do and make everything on the street disappear. Can't ignore people and suffering for two years and then all of a sudden wanted to disappear. I just felt I had to say something on behalf of the hard-working people who are living in their cars and living in broken down RVs and trying to survive in a challenging economic environment. And I feel for Houston on house the light which is also safe in our community regardless of housing status. So thank you.

Wheeler: I would like to respond generally. There many people working on this issue. And I want to express that I hear and understand the frustration people of express today. Parent morning noon and night and the problem is real and the problem is serious and people are very frustrated by it. So I just want to acknowledge that and also want to acknowledge that this cancel is acting with urgency to bring attention to the emergency nature of this crisis. There are longer-term that will focus on housing. While that focus continues to exist, there have been significant movements in recent months and years on the emergency humanitarian crisis before sale terms of the number of people on the street. I think all of us agree we would like fewer homeless camps on our street. Ultimately we would like there to be services for people who need job-training and people who need substance abuse or mental health services domestic violence survivorship services and also need on the governments responsible for the safety nets and it is not the city of Portland. We're still running leadership to those questions around how those services should be provided. We have led as a community but to affordable housing bonds. This community again but over two years ago to support and homeless services measure to help people off the streets and every budget I have responded to do ever since I took office as Mayor has seen a substantial increase in commitment towards addressing the crisis on the streets prior relative to any of her investments made before he took office as Mayor. I just want to announce it is gotten worse as commissioner Hardesty has indicated. You asked a good question. When the people ask a lot which is are we enabling or encouraging people to come from elsewhere. The data

shows that to some degree that is true. The problem will still be significant just for the local population but yet until recently is not in the government sponsor 24/7 adult shelter anywhere in the metro region outside the city of Portland and the county. Cs were taken disproportionate burden from people who were un-housed living on the streets that were starting to see more of an equalization, support services being provided in other areas of the metro region. The bottom line is we want to address this quickly. We are making the investments in doing what we think we need to be and we are trying to be compassionate and understanding for those in the streets through no fault of their own. So that it's a plan in two minutes or less. I think all of you for testifying this morning on what is the greatest social issue facing the city today and probably the entire history of the city. I think we have one more individual if I'm not mistaken. Item 831. It looks like Aubrey.

Clerk: Request of Aubrey Russell to address council regarding funding for monuments public engagement process. The one good morning. Bikes you are on mute.

Aubrey Russell: I wanted to address the money you have approved. It seems these funds are to hire an outside consultant and it seems that consultant will design and direct the public engagement assets. It seems that data from this process would be directed to you, city council so that you can decide the issue of monuments. This is all good news. Having said that there are a few details coming from the commissioner Rubio's office. Having money is good and having a plan and communicating that plan to the public transparency is going to be better. My fear as I have said before is a process might be compromised by inclusion of Wreck Portland parks and recreation. I've explained before it is a private entity and so not transparent. Wreck is biased. As demonstrated and is not confident. And by misrepresenting what it was set and misrepresenting what you city council said about monuments has demonstrated Wreck is not. Wreck is not competent and honest. When I spoke with Portland parks and recreation director couple weeks ago she made clear she has little to say to me but she did say Wreck is doing an excellent job. Parks has been an excellent partner direct. She did not share with her board the memo on monument removal. Instead parks and staff removed from the plan the recommendation that all art remain. They inserted and said in a secure reference to potential future partnership that partnership is not understood by the parks board and the parks board did not intend for that to be an endorsement yet when you city

council approved that bracket as you set as evidence. Park staff is not objected to this and instead director long tells me that wreck is doing an excellent job. Commissioner Rubio has revealed the details. Part of this process should not have a history of advocating for particular perspective and justice is usually depicted wearing a blindfold and holding his skills. There should not be. I see I am out of time. Thank you for your attention once again.

Wheeler: We appreciate your follow-up. Have there been any items pulled off of the consent agenda?

Clerk: Two items have been pulled. Item 838 in item 845.

Wheeler: 848 and 845.

Clerk: 845 yes.

Wheeler: Very good. We will take this up at the end of the regular agenda, time permitting. Please call the role of the remainder of the consent agenda.

Clerk: Mapps.

Mapps: Aye.

Clerk: Rubio.

Rubio: Aye.

Clerk: Ryan.

Ryan: Aye.

Clerk: Hardisty.

Hardisty: Aye.

Clerk: Wheeler.

Wheeler: Aye. The consent agenda adopted. Next item.

Clerk: Accept report on my people's market.

Wheeler: Economic health and prosperity adversities is one of the key focus points and that services one of the issues we. My people's market grew from desire to create pathways to connect with the travels industry as well as the market opportunities. The event was a collaborative adventure and mike opinion testimony to the power partnership. It is continuing to grow and evolve and taste close in both the summer and winter. The seasons market is the eighth celebration of local entrepreneurs and orders and performance. Each of the vendors is a member of an initiative with 50 business owned by people of color. That

director has now grown to over 1000 businesses. The market has also kept up with changing times and this year I'm grateful to say by people's market which is part of our shop small shop campaign is offering three ways to support local and support businesses. By shopping online directly from the my people's market curbside pickup and by visiting the market in person the next three Sundays, December 5, 12th and 19th at the red on southeast seventh street. I look forward to hearing the update from the team on my people's market now that the initiative is nearing its 50 year which is hard to believe. It felt like it just started yesterday.

Shae Flaherty Betin: Thank you and good morning for the record. I'm the economic development. Next slide please. We will cover brief history of the my people's market I would take the pillar of the values that ground and center of the market with a focus on artists and actions in community. And finally, will share details and opportunities around how to engage and support the upcoming eighth and seven which kicks off this weekend starting Sunday, December 5. Next slide please. Looking back, my people's market launched in November 2017. And as the Mayor mentioned it grew from desire to create pathways connect with the power industry and new market opportunities in the market was founded by travel Portland and Portland joined the team to support the first ever market in 2017. They have remained an integral part of the project ever since. It brings together several of our programs. Consider, and are inclusive business resources network as well as increasing connections.

Amanda Park: Good morning, Mayor and council members. Collaborations are an integral part of the market. Partners over the years have included Lloyd center, first her first holiday -- and then of course dedicated and Portland state school of business. Both have not only provided fiscal support but have also engaged with vendors. News incidents provided workshops and one of someone support for businesses to get on shelves at their stores. In a Portland state school of business has engaged in marketing students to work with small businesses on their marketing plans. In addition, community is at the heart of my people's market and we have been honored over the years to have several community organizations and nonprofits including, the Oregon legacy center, sneaker week, the list goes on and on. We have posted eight markets. As we head into our anniversary year have to share we have had 365 unique businesses that I participated in when we assess votes how likely they are to

engage with my people's market we get scores between 8 and a half, nine, 10. We have seen more than 40,000 people attend over the years and that number is increasing with each market. Our last market we reported within \$70,000 in sales and that is only with about half of our vendors reporting. The marketing is an innovative team. In addition to the event, we are also exploring ways to be responsive to the needs and situations that small business owners are facing. Some of those initiatives include at the pop-up shop I talked about it Lloyd center and the only marketplace launched that we partnered on. Two window shops, the first one that debuted over the summer and the second one that just opened last week. The window features 49 different companies and pastor spies increase the window and scan the qr code and this is a really innovative project that Portland made an makers union launched in the midst of the pandemic to support small businesses in their sales and engagement customers and been able to give some vacant commercial space that we have around town. We are fortunate to partner with them and continue this initiative. Also we are excited to debut this season, curbside pickup. It was to help shoppers and business owners find an alternative to dealing with the shipping delays a lot of us are facing right now. If you go to my people's market's website you can still listen to participating businesses. You order directly from them and select curbside pickup and you can pick up at the market on the fifth, 12th or the 19th. But I'm really excited to share with you today is the my people's market advisory board. In April 2021, prosper Portland stack recruited my people's market's community members to watch the advisory board for the groups purpose will likely shift over time but during the inaugural year, the hope is that they can make recommendations about the strategic vision for the market to establish continuity of organizational knowledge and provide accountability. I would like to welcome our first speaker from the advisory board RaShaunda Brooks. She is a filmmaker, lead organizer for why bg Portland. My people's market advisory board member and more generally a curator of good vibes.

RaShaunda Brooks: Thank you for having me. I just want to start with working with my people's market and everyone it has been a joy. The advisory board has been a joy and I just wanted to express it. One of the things we did was handle the task of coming up with that mission and even when you're in a group of like-minded individuals you want to be sure you're on the same page about the shared vision of what you are trying to move forward

with. In our mission for the advisory board is my people's market centers communities of color and celebration of business, arts, culture, prioritizing the well-being and comfort of people of color, providing a space and resources for new and existing business to grow and reach new markets and honoring local artist and performers for the vibrancy and joy of bringing space to the place. Providing space for artist of color is something that is hugely important to me because to me, art is the heart of the market, the heart of community space and is having this resource to be able to let people in Portland know about the talent that is here and just share the spaces also very healing. We would like to honor the local artist that can amount to share their dance and actual physical art as such as graffiti and painting. It is a myriad of ways that we shared with my people's market we find while I'm sharing words it is hard to express how great and vibrant this community is. Outside of my people's market my role is. It has been able to help with union artist and community onto the my people's market stage and been able to connect with other artist here in Portland we have also been able to create wellness spaces connecting to black and brown practitioners and also letting people know otherwise the black and brown communities here trying to show up for one another. I was expressed, we have been a partner with the market since 2017 and have been able to activate the space in multiple ways and bring hundreds of artist that the community wanted to see and also artist people were unaware of. In my people's market 's also been able to provide space to pay these artists fair wages and higher. It is often the conversation I have with artist each market expressing that they really appreciate the fact that compensation is not an argument or they are not being lowballed. They appreciate gratitude for how they are being compensated and respected for their art. These me. Once again, despair happened market has been able to provide space for the artist in the community and been able to give them room to express who they are. And my people's market has been a great space to bring people together and build connections and community just to be who you are. Show for yourself and also see others like you. I would like to pass it off. Thank you.

Ambar Solarte: Thank you for having us here. The market has become a space where you don't feel the gaze. It's a place where you belong. You relax your shoulders a little bit and be yourself. Because of that, they have a welcoming lunch for folks. Loosing several businesses use market as a milestone. She lost her job at the beginning of the pandemic she decided to

start a business to support her family. She taught herself and then to learn it was a gift for her to build things. She decided to start creating to be close. She decided to try this program she worked hard to launch a business in May of this year and she started selling in small farmers markets during the summer and working closely with one of our business advisors. We partnered her with the designer that she created this business that is called Sophia fabrics and crafts, small business that offers organic clothing and accessories for babies. She was accepted to participate in the my people's market. It is fitting in my people's market gave her the confidence she needed to continue with her business. Beating clients that are happy with their product and the community of entrepreneurs like her show her working toward her goal of having small businesses for family could be a dream come true. And that is a story but only for Reyna but many entrepreneurs of color that the only way to connect with customers and community like them is spaces like my people's market. I want to introduce another fellow advisor in this committee. She is one of those interpreters and she will share her journey with you as well.

Kamelah Adams: Good morning. I'm on the advisory board of my people's market and the owner of Mimi's fresh teeth which is a social justice and women empowerment company that I started in 2018. My people's market was my very first market that I did. I believe it was at the memorial coliseum in the summertime and just the rich connection I was able to develop their in the mentoring ship I had from other entrepreneurs who are going to markets and setting up for markets. They give me such wholesome advice on how to set my boots up from my people's market. And that is me at the very first market and probably one of the dinners so my people's market is definitely rich with community and culture and great music from y vg and they also have like a wellness center as well. I just love it. I cannot get enough of it. I wish we could do it four times a year. Next slide. And I didn't speak about my experience and I do know a lot of other vendors can. And what I am saying as far as connections built in my people's market. The advice that Amanda has provided for a lot of entrepreneurs and also just networking with other folks. And I just feel like the common theme for the market is exposure networking connection with customers and finding community. The my people's market this past summer, I was pretty busy. I have probably over 1000 people come to my booth and it was a great experience. And so will that I would close and say please join us for my people's

market beginning December 5. I'm excited about it. I will be there. And I believe there will be the fifth, 12th and 19th. So three consecutive Sundays we hope you guys can stop by and we hope to see there.

Wheeler: Great presentation and congratulations on your success. Shea does that complete the report?

Flaherty Betin: I would like to say that this would not be possible that your support and commissioner support we want to say thank you and we are deeply grateful for the support over the years and all that have made it out to the market.

Wheeler: Is there any public testimony on this report.

Clerk: No one signed up for this item.

Wheeler: Very good. Colleagues, questions for discussion or I'll ask for a motion to accept the report. If not, Commissioner Hardesty moves and commissioner Ryan seconds. Please call the role.

Clerk: Commissioner Mapps.

Mapps: Aye.

Clerk: Rubio.

Rubio: Aye.

Clerk: Ryan.

Ryan: Thank you for Mayor bringing the support. I want to say a few things. Presentation was wonderful. Thank you, Amanda, RaShaunda, and Ambar. Just the gratitude and positivity was overwhelming. Innovation creativity entrepreneurship for communities we are so often denied in city and its reconciliation in action I love doing this. The two greatest businesses. When we ourselves we shine we have a much more prosperous life from inside out so I'm excited to vote aye. Thanks.

Clerk: Hardesty.

Hardesty: I want to thank prosper Portland for continuing to support and strengthen my people's market. If you have never been, especially if you are a black or brown person, just walking in the room is enough to bring you joy. And the more people you meet, the more joy you get. I am a big fan and I spend way too much money. I can tell you one of the speakers mentioned, which we could do it four times a year. I wish we did it every month. If I got to eat

every month, not just twice a year. I'm with you. At that which over how does this become a monthly opportunity for what I'm hearing is healing, building business skills and being able to build community. I think that is what we should be talking about. From my very first experience, it is nothing like walking into his face and is feeling like a somebody said you can just breathe.

Clerk: Wheeler.

Wheeler: Thank you for the report. Thank you for bringing this in your collaboration. To all of our analysts today thank you so much for your time and community. I viewed the store collaboration and partnership and elevation of local businesses owned by people of color and that is part of our commitment of city council to build a more equitable city. Thank you and congratulations on your work. I think all of us understand small businesses are a crucial component of Portland's economy and it is exciting to see the market continue to expand and create opportunities for entrepreneurs of color. And as commissioner Hardesty says if you have not been, you've missed out. Please come down and there's plenty to purchase a need to. It is kid friendly and super fun by and its positive and encourage people to show up. It is December 5 coming up. If you're interested go to the market to get the ticket to the market and learn how you can support this incredible businesses. I aye and therefore it is accepted and thank you all. Next item, 833.

Clerk: Authorized grant agreements with three community partners to disperse funds for the cannabis emergency relief fund for a total of \$1,330,000.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you. I will turn this over to the leader of our cannabis program, Ms. Dawson. And want to acknowledge the interim director Michael Montoya is also here to answer any questions you may have. Take it away unless Michael has opening comments. No. I take it away Ms. Dawson.

Dasheeda Dawson: Thank you so much, commissioner Hardesty. Good morning Mayor and esteemed commissioners. I am the cannabis program supervisor. Today a person will be presenting an ordinance to support the cannabis emergency relief fund. As you might recall, council voted to support watching defendant with 1.3 million in onetime allocation and Canada's tax revenue. Even though we haven't implemented to become a benchmark. I will

turn this presentation over relicensing and policy coordinator. Since budget approval she is led to research, planning and development of the ordinance he tells that we will share today. And we will call for any questions afterwards as well but I'm excited to share our plan of action. Christina I'll pass the mic to you.

Christina Coursey: Thank you. May I please have my presentation. My name is Christina Coursey and on the licensing policy for the cannabis program. The city of Portland voters approved a ballot measure 26-1802 impose a three percent local tax and retail cannabis cells. The revenue is expected to be managed independently and be dedicated to three specific areas including support for neighborhoods and small businesses especially minority and women owned businesses. In March 2020, Oregon governor Kate brown declared a state of emergency due to concerns around tenancy pandemic and issued an executive stay-at-home order and this close schools in many businesses considered nonessential. In cannabis businesses were deemed essential and allowed to continue operating on the unfortunately it made them vulnerable to contracting coronavirus. Employees of small children are being forced out of the workforce for having a reduction in hours in order to stay home with her children due to a lack of child care and the need for homeschooling. These cash-based businesses were vulnerable to what would become 115 percent increase in violent crime reported from the previous year and vandalism due to the civil unrest seen around the city and country. As time progressed, the distress felt by the cannabis industry only worsen. In early September 2020 at rapid expansion of multiple light fires bonfires ran rampant across the state making the one of the most destructive citizens on records. It cost and president deposition to the cannabis industry selected was an advocate uncertainty at your outcomes and long-term sustainability. Portland licensees are not immune to the accident and other parts of the state. This is not the first time cancel his hearing of the distress. In October 2020, the cannabis policy oversight team wrote a letter to city council about the negative impact from Portland's cannabis industry due to increased robberies and wildfires. Members of congress testified on the same subject in 2020. I would like to thank the commission and Mayor willie for hearing Americanizing the need for the cannabis emergency relief because on June 9, 2021 council approved the city adopted budget for fiscal year 21 and 2022 which includes a one-time palpation of \$1.3 million to support the cannabis emergency really fun.

The fund has been developed to provide the 1.33 million in grants to small license cannabis businesses within Portland city limits and the candidate industry workers impacted from covid-19, vandalism, robberies, and wildfires in the trauma suffered from such impacts. On July 22, 2020, Portland city council over defined to distribute 114 million relief to the community. It is still illegal as it is classified as a schedule one substance thus making businesses and eligible for funding. 15 million was allocated to prosper Portland the city's island is a small business relief ending in 536 grams were dispersed. This is city allocated 1 million of the general fund for finding another one cannabis was provided. There is small or allocation of cannabis tax revenue, manager 70,000 was dispersed to businesses for covid-19 relief with the help of new relief project. These numbers show businesses can be categorized in terms of receiving emergency relief and have received little to no emergency relief support from the city despite contributions to tax revenue. Currently, there are 374 active cannabis licenses within Portland. 223 of these retailers to suffer the greatest loss from repeated theft and venom in our city. Currently, 95 percent of businesses will be eligible. There is a misconception of businesses being large and actually they are small. 76 percent of cannabis is bringing in total revenue of \$2 million of less. Due to cannabis being federally illegal, businesses are unable to adopt usages deduct usual business tax expenses. And therefore businesses pay out an average of 70 percent and were seen as high as 90 percent in Texas where other only pay out approximately 20 percent in taxes. Looking at data obtained from the small business administration and also from prosper Portland, the dean of business eligible for small business relief, and for has been designed from one agricultural' s captivate million and small retail business as a maximum annual revenue. Next slide. During the end of 2021, the cannabis industry is still reeling and hardship and continued increase criminal activity. Data obtained by the Oregon liquor cannabis commission indicates 200 cannabis businesses reported theft of product and/or cash train March 2028 and November 2010 one and some businesses being victimized more than once. This ranges from leading to armed robbery and some resulting in bodily injury, sexual assault, and homicide. There was 150 percent increased violent crime and connecting to 2020 and the average number reported thefts was 11 per month while the average in 2021 the average assists per month. The frequency of crime is holding steady with each new variant of covid-19. The problem suspect

about before city council at the end of 2020s to remain. Therefore there is an urgency disperses emergency relief funds into the hands of the cannabis business owners and employees as timely and efficiently as possible before the hardship felt by this industry as many of our small business owners out of business. Next slide. I just spent the greater part of six months researching and developing the approved comprehensive plan for time for that aligns eligibility requirements for businesses and individuals. Details were derived from assessing the needs of the industry, analyzing data trends and researching successful small business really programs across the country. And also speaking with cannabis industry advocates. City of Portland cannabis program will work with three uniquely selected community partners or administration of funds. Community partners are approved to receive up to 20 percent from the strain of overhead costs. This is not to say each community partner will receive the full 20 percent per the community partners will only be allowed to minister cerf and not on further operated budgets. The cost is to be used for marketing and outreach and intake and processing, verification and reporting for cerf. Applications will be submitted to the community partner directly and accepted on a rolling basis. Funds will be available for training February 1, 2022 and must be fully dispersed by June 2022. Individuals and entities may only qualify for and receive funds on time in the fiscal year. Funds are being prioritized or historically disadvantaged abolition and this includes minority, women, veteran, and small and low income and be dispersed based on level of need. Individuals are eligible to receive up to \$5000 in emergency relief. The community partners will have an expression to gauge the amount of funding eligible based on the verification of documents submitted. This is a list of the business eligibility in the will not read off each one individually. I would like to highlight it. The business must be located in city of Portland as well as the business headquarters must be located in Oregon and doing business in Portland. They must be current and in good standing with local, state and applicable federal taxing and lysing authorities. Must beat this eventually owned. Annual total revenue is less than \$2 million. The funds must be applied only to licensed businesses and/or its employees within Portland and these funds will not be eligible for expenses covered by other grants and insurance and/or insurance. Next slide. This is also a list of individual eligibility. I will not read each one individually. You must be working within the city of Portland and working on behalf of the license producer and process

wholesaler and retailer for managing information. In cts. That is symmetric tracking system. The must have it approved an active permit and be part of historically disadvantaged population or have annual income. It does not exceed 80 percent of the median income for the city of Portland metro area. This ranges from \$54,000 to 102,000 based on family size. The range of 2 to 4000 for one person having eight individuals in your family would be 102,000. Next slide please. This is not an exhaustive list of eligibility expenses. Cerf funds can be used to rate expenses reasonable and necessary to keep the business operational and the meat mitigation for maintenance and repairs. Increase acuity measures to maintain safe working environment and this is not include armed security guards or purchase of firearms or the weapons. The expenses associated with employees needing time off for themselves or to care for their dependents as many employees do not have paid time off for medical coverage. Expenses to cover trauma or grief counseling is associated with robberies or wildfire in the cost to cover medical services due to covid-19 herself or dependents. Next slide please. Here are examples of documents need to verify eligibility for cerf funds. This is also not an exhaustive list. The can see the amount of time and attention need to be dedicated to verification of documents is outside of the capacity of the cannabis program at this time and better suited and being contracted out to community partners. Next slide please. During this time of cerf program development, the cannabis program and to examine whether funds should be dispersed in house or by assistance of community partner. If done in house, the minimum personal cost per year for salary and benefits ranged from 206,000 to 233,000. This is for a cerf grenade or a specialist. The entire allocated funds would be dispersed as early as 2023 and take 18 months. For funds dispersal by community partner, administrator cost with the maximum 20 percent an approved budget was 266,000. If the community partners were to receive less than 20 percent to under 1000 based on selected partners. The time allocated for funds dispersed by June 2022 at the latest would be six months and also by working with community partners who are supporting and stimulating community-based organizations. Next slide please. The city of Portland cannabis program will look when three selected community partners. Community partners approved for up to 20 percent covert administrative overhead cost. Demonstrative cost is for marketing, outreach, intake, verification and reporting for cerf. Only be allowed. The community partners selected and

that being funded by cerf. Their disbursing funds to assist with the level of need that is harming cannabis businesses and will put them out of business as we continue on the same trajectory. It supports relief efforts were only managing. Not only is really finding prioritized recipients we are also our partner selected. All community partners selected have firsthand knowledge of the cannabis industry and the owners and the workers. Cerf is being modeled after umbrella grant agreement made effective on December 15, 2020 between city of Portland and the organ work is really fun. It was for 1.75 million for unemployment like benefits for those who cannot access state and federal unemployment benefits in response to unprecedented impacts of covid-19. If there is an organization whose mission is to grant funds to various grantees and the city could enter a grant agreement with the organization to support a grant institution program, there may be other organizations and programs the city would support through a grant. They do need to tend to have experience executing and administering grants. New leaf has funded more than \$500,000 to cannabis businesses. And with the grant program experiments and leading the community partner selected, the city's opening doors and providing opportunity which were all led by historically disadvantaged populations to gain valuable experience. This is an example of supporting relating community-based organizations. The community partners selected our new leaf who will receive \$680,000. The mission is to build generational wealth via the legal cannabis industry for the communities disproportionately harmed by cannabis criminalization. It is designed to - either his business professionals or owners. To date, new leaf has funded more than 500,000 cannabis businesses which are 100 percent owned by founders of color or is arrested for cannabis. The cannabis workers coalition is a nonprofit community-based work center that organizes and provide support to low-wage workers by reducing barriers to access. The initiative will receive \$350,000. The initiative is an accelerated program and event platform the special focus on conductive research in order to understand how to create manifold cannabis social equity programs. Since canvas the initiative has exhilarated 15 female led companies and during the pandemic completed one of the most conference of pavers national databases examining state and social ethnic programs. Through research and engagement the initiative ensures the cannabis industry remains most progressive and balanced emergency industry possible. Bargaining cannabis essential receive \$300,000. It is a

nonprofit diverse group of cultivators, processors, retailers, entrepreneurs and allied businesses. Their mission is to help one another drive-through networking events and educational workshops and political representation. I would now like to introduce you to Jeanette founder of new leaf. And Amy founder of initiative.

Jeannette Ward-Horton: Thank you. Thank you commissioners. It is great to be here today. I want to make two points in my testimony today. These funds are smart investment and one needed now and dispersing these funds via communications organizations builds capacity for serving Oregon's most vulnerable communities. Commissioner Hardesty reminded us of those with the least resources impacted most by covid-19. We just heard in you all express gratitude for that work that is really building generational wealth for most vulnerable communities and that is the same work these cerf grants will do. Entrepreneurs are documented as one of the fastest ways to create generational wealth and the assets that will give people resources and self-resiliency to weather a storm like covid-19. It is legitimate tax revenue generating industry that has the potential to create generational wealth and economic reports are true, great potential. We need to give black and brown entrepreneurs of the lease access to business capital defense and need to weather the economic storms of only a small business. Covid-19 requirements strains on all businesses, wildfires, and robberies and Christians but to most of the things that cannabis businesses are under from two ade to the high cost of regulation. In 2020, this commission approved emergency grants or cannabis businesses and we gave 19 small businesses grants on average \$9000. The slide said 12 and that was round one. There another seven in the second round. 19 businesses receive those grants. Employees were retained businesses invested to lower their long-term cost and more. We don't just fund these businesses, will follow up with them and support them and we are there for them and we know what worked this money did. These grants without hyperbole saved businesses and jobs. These grants help bolster the diversity and economic impact of Portland cannabis industry. The second point I want to make is that funding, districting grants to culturally specific organizations like new project does important work to do build capacity to serve our most vulnerable immunities. It is a black lead, woman lead organization. 73 percent of the businesses we find our women old. 95 percent are bipoc owned and 50 percent of those bipoc businesses are black-owned. The remaining five percent if you're

doing the math are people not of color but who were arrested for cannabis crimes. In total more than one third of our funded companies are owned by people who been arrested for cannabis crimes. I have been arrested for cannabis crime. Again culturally specific led organizations reach the communities we serve. So I want to thank you for the way this program has been developed in the way it will build capacity for the organization serving our most vulnerable communities and the thought with which you could equity to the disbursement of these funds. Thank you.

Amy Margolis: Thank you. My name is Amy Margolis and I work with thousands of entrepreneurs in Portland in the cannabis industry. The initiative has provided incubation and acceleration support for women led cannabis businesses. During the pandemic, we focused on broad scale research regarding local and state social equity programming. We provided in-depth white paper, inclusive database and is set to start second phase of tracking this information nationally. What I learned through hands-on experience in representing so many organizations in organ and across the country in many months of research and interviews roundtables is that the number one need businesses have, particularly those in historically disadvantaged communities is funding. I would like to add that having looked at every single local and state program and what I really want the council to hear as Ms. Dawson said is that providing these grants is groundbreaking policy and will be extremely impactful and Portland will be a leader -- I want to apply to the council and the office of community and pacific life as well as a cannabis program for reading this opportunity and lifeline for these businesses. Many years ago I participated in the original meetings as to how the cannabis tax money would be spent. I can say the cannabis emergency relief fund is exactly with the stakeholders who were in that room envisioned and hoped that the revenue would be spent on and this is truly a reinvestment of those funds back into the community and help those most vulnerable. Cerf will provide necessary backstop for struggling businesses and support equity inclusion in the Portland cannabis industry and helping ensure the survival and success of underrepresented communities and those with the most impacted by the failed war on drugs. I look forward to working with the city on this program and I think all of you for creating it. It is extremely crucial we have this available and look forward to being a good partner.

Coursey: Thank you, Amy. Savina.

Savina Monet: Thank you so much and good morning, Mr. Mayor and commissioners. I am the cofounder and executive director of the cannabis workers coalition. In the last year, we provided support directly to workers seeking justice against employers and have heard first-hand testimony from workers about their experience working on the front lines during the worldwide pandemic. Because of the challenges faced last year, owners were forced to reduce their hours of operation or temporarily shut down stores, leaving thousands of cannabis workers in the city to fend for themselves. The average Portland but tender it makes \$14.50 an hour an option without health benefits. According to the living wage check later, an adult would have to make \$18.86 to live comfortably within the city. The financial devastation caused by the pandemic was felt by everyone but low-wage workers in historically disadvantaged communities are impacted the hardest. The cerf fund without for catalyst for many families employed by cannabis, offering them an opportunity to rebuild lives and wants out. Thank you for your time. But thank you. This concludes the presentation. If there are any questions, we will take this now be one period.

Wheeler: Does anybody have any questions at this particular juncture? This is an emergency ordinance and if not, do we are public testimony on had item?

Clerk: No one is signed up for this item.

Wheeler: Very good. Any further discussion? Great presentation, but. Please call roll.

Clerk: Mapps.

Mapps: I want to thank commissioner Hardesty for bringing this forward. I vote aye.

Clerk: Rubio?

Rubio: I want to thank commissioner Hardesty for bringing this item forward as well, and everyone who presented for this presentation, and all of your hard work. The sector has specific additional challenges as we have heard from wildfires and impacts from the increased robberies and crimes making things uniquely more devastating to this sector so I'm grateful for the commissioner leadership and leadership of the civic life team tone sure these small businesses and workers receive needed support. Long needed support to in a small measure recoup costs. It's not nearly enough to compensate for the trauma and toll on these businesses and we're grateful to have trusted community organizations to step up with the

city on this project and get funds out of the door and into the communities as quickly as possible and there still a high level of racial disparities when it comes to cannabis ownership, I appreciate the conversation about the importance of bipoc businesses and canyon - - cannabis owners to succeed and I hope the project continues to expand banned and evolve during this time and we're continuing to make it more investments like these to strengthen bipoc communities an businesses. So very happy to vote aye.

Clerk: Ryan?

Ryan: Thank you for the great presentation. It was very well done and thank you, commissioner Hardesty for leadership in the office of community and civic life for bringing this forward to support small businesses in Portland. It's clear the past few years have devastated the industry from fires, covid-19, increased robbery and these emergency relief offered by the cannabis relief fund more than necessary, it's crucial for success of the businesses and as such I'm thrilled we're a partner for this sector that proves Portland can ensure our number one cash crop will bring prosperity to our market and with a much-needed racial equity lens, I vote aye.

Clerk: Hardesty?

Hardesty: I want to thank the excellent team at civic and community life for being innovative and how we can use our intentions to support survival of the small businesses. I can never talk about cannabis without talking about the only business on the planet that pays 85% of their dollars in taxes but are unable to bank like we, the city bank with tax dollars and everybody else in the state. It boggles my mind that is the reality of this business. Having said that, what we know is that people negatively impacted by previous cannabis policy, ones whose lives have been again rationally ruined because of the approach are not the people that are making billions off the marijuana crops and marijuana stores on every corner in the city of Portland. So the reality is that we're going to be intentional we have to invest and businesses that are supporting bipoc community members and I have to say, I'm in awe of the national leadership brought to our program. We have been national leaders since the day she showed up. She's helping us set a standard through a real equity approach. Right? At the end of the day, are people of color benefitting from our policies? I couldn't be prouder of the work and

leadership being shown not just here but at national level I honor the incredible team that we have to continue to push us to where we think we can be. Thank you.

Clerk: Wheeler.

Wheeler: This is an easy ordinance to support. And obviously cannabis industry incredibly important to the city of Portland and report lays that out clearly and some challenges that are unique to the cannabis industry and I am glad we can help this business continue to thrive and acknowledge it is a business. And is supportive of and inclusive of women, and bipoc entrepreneurs. I'm pleased with the work we've done around supporting bipoc businesses throughout the covid crisis. We used a significant amount of cares dollars and have focused arpa dollars and general fund dollars throughout the crisis and we've highlighted and supported bipoc businesses and that does get us closer to values we've described to work we want to do to be an antiracist city and be inclusive and support with those regular segments of our population that haven't always received support from our local government. I'm glad to support this as part a larger series of efforts to help them get through this covid crisis. This one small step and I'm glad we have an opportunity to work with the cannabis industry and hear their needs and support them in ways the industry says they immediate to support from us. I vote aye. Ordinance adopted. Thank you. Next up. 834, please.

Clerk: Proclaim November 16th, 2021, Darcelle day.

Wheeler: Commissioner Ryan?

Ryan: Yes. Thank you, Mayor. Council in, 1967 Walter Cole opened Darcelle 15 show place on north west third and Davis, and it has remained open, since and moving through very rough times, even remaining open through much of the pandemic, making the oldest drag club and home to the old wrest running drag show on the west coast. Walter Cole began this 1967 an performs till as part of the company and hold Guinness world record for world's oldest performing drag queen. Last year, Darcelle 15 was listed in win of two cabarets opened prior to 1970. We have Walter Cole Darcelle here and with honor I turn the floor over to you. Welcome.

Darcelle XV: He's making his way back after being sent away. Hold, please.

Ryan: Thank you, Kevin. We're running a little bit late so this is all understandable.

Hardesty: So after that presentation maybe we'll do a time check?

Wheeler: Yes. We're way behind schedule and of course have a full afternoon as well. We may move some of the morning agenda to this afternoon. I'm getting updates that he's almost ready.

Hardesty: Would you recommend we take a two-minute recess?

Ryan: Yes. Why don't we do a bio break for two minutes. Is that good?

Wheeler: We are in recess for two minutes.

Ryan: Let me go back a little bit. It's nice to have you here, Darcelle. We just wanted to make sure you can hear the intro again in 1967 Walter Cole opened Darcelle's show place on third and Davis and remained open since then, throughout challenges and recent pandemic. And holds a Guinness world record for oldest performing drag queen and so before we go forward with proclamation to honor you, get the floor over to you, Walter Cole. Known by most as Darcelle. Welcome to the city council meeting.

Darcelle XV: Thank you. Good morning. I'm ready to talk forever. I'm oldest performing drag queen in the world, we might add that. And I hate to correct the mc we're the longest running drag show in the United States. And still going strong, we got through open and closed and we have real people in the audience, it's been exciting. And we have every night, that I'm on the stage and we have people from all over the world visiting Portland. I don't know if you know how many people come to Portland to be there for bachelorette parties and I'm proud of that. I was born in Portland 91 years ago and here we are.

Ryan: Thank you, so much Walter Cole.

Darcelle XV: Darcelle is fine. Call me Darcelle.

Ryan: It's great to have you here, many colleagues would like to say a few words. Floor is open to colleagues.

Wheeler: Commissioner Mapps?

Mapps: Thank you, Mr. Mayor and commissioner Ryan for bringing this item forward, I'm delighted to join new declaring November 16th, 2021, to be Darcelle day in Portland, Oregon. On Darcelle day we celebrate a Portland icon and institution. Darcelle is his stage name. Walter Cole is a classic Portland character, born in 1930 and is a veteran, worked at Fred Meyer and around 1969 developed his alter ego, Darcelle, described as quote, sequins on the eye lids. Big hair, big jewels, and lots of wise cracks. Darcelle has become a beloved and iconic

Portland character, serving as grand marshal of the Portland rose festival star light parade and received city's spirit of Portland award and as we are heard Guinness world records has certified Darcelle as oldest drag queen performer on the west coast. And there is the nightclub built by Darcelle. In 1967 he purchased a tavern and renamed it Darcelle 15 showplace. A few years ago he told the Oregon during those first hours after taking over the building, Darcelle said I didn't have a to-day plan. I walked in there, opened the door and wept and thought what have I done? But that didn't last long. Darcelle's showcase did. And it is home to the longest running drag show on the west coast. Darcelle's placed on national historic places because of the important role in the LGBTQ+ community and we should remember this more than just celebrating a beloved Portland character and institution, Darcelle day is about celebrating and embracing Portland's LGBTQ+ community and making Portland a safe city for all Portlanders regardless of sexual identity. I'm delighted to join you in declaring Darcelle day here in Portland.

Darcelle XV: I could not have said that better.

Rubio: Thank you, Mayor Wheeler and commissioner Ryan for bringing this great proclamation forward and thank you, Darcelle, also known as Walter for your incredible contributions to the city. We can't imagine a Portland without Darcelle's. It's served as a place and space for refuge and community for decades. The fact of the presence in the community demonstrated to Portlanders across generations that at Darcelle's it's okay to be your full self, bring your fun selves and have a wonderful time together. I count myself as one of thousands who have been lucky enough to celebrate a life event together with you and your caber yeah. Thank you for all you do for the cultural ecosystem and vibrant community and for the LGBTQ+ community. We look forward to another great 40 years of celebrations together at Darcelle's. Could be grad nations and much deserved.

Wheeler: Thank you. Commissioner Hardesty?

Hardesty: That is fabulous, commissioner Rubio. Thank you commissioner Ryan and Mayor Wheeler for bringing this forward. I think everything has been set except how big your heart is, Darcelle. It's clear, the person you care about Portland. You're committed to a thriving Portland where everyone is welcome and accepted with a smile and your shows have created joy and I can't think of anything that Portland needs more of now than joy and it's wonderful

you've been honored on a miss historic registry. I mean, how cool is that? It's very cool. And what is cooler is to know, I know you as a human who is compassionate and you care about everyone. And I want to you know I want to celebrate the human today. The one with that big heart that cares passionately. I'm happy to support this resolution

Darcelle XV: Thank you.

Ryan: Thank you, Mayor. You know, yes. Much has been said. I want to add personal antidotes as a high school kid in the late 70s I was surprised my mom and friend came home later than usual, they were giggling with joy in their hearts and started to reminisce about the evening they had at a drag show called Darcelle. I was in my questioning years and I hope I had in my heart as I heard about my misdemeanor and friend talk about their joyful evening something I'll never forget. Over this past decade I spent many memorable evenings at Darcelle's I witnessed people from rural Oregon, tourists from all over the city and country and internationally are buzzing with joy after you leave what you've created, which is a sanctuary. You listed our city and you're at the top of the list as an ambassador of the city. So with many, I have deep gratitude for your legacy and we see you, we need you and look forward to celebrating you today and many more years, you represent the heart and soul of my hometown. I know your angel, roxy is holding you at this very moment. With much gratitude and love, I salute you, Darcelle.

Wheeler: Thank you, commissioner Ryan. Before I read the proclamation, Darcelle, I want to thank you and the LGBTQ community at large and I have a reputation of being boring and I believe I'm still the only Mayor to put a dollar inside of your chaps. So that's a record I'm also proud of.

Darcelle XV: I still have the dollar.

Wheeler: Now I will read the proclamation on behalf of the city council. Whereas the presence and visibility of the lesbian, gay, bisexual, transgender, queer, and intersex, and spirited and gender minority communities is vital to the quality of life of residents and visitor as like a city of bridges known as a safe home with this community. And the city is committed to diversity, social justice, equity and mutual respect is a fundamental aspect of a healthy community. And whereas, Darcelle's 15 show place opened on northwest three ready and Davis in 1967 making it Portland's oldest drag club and home to the longest running drag club on the west

coast and listed in national register of his store crick laces in 2020 as the show place is one of the only two known drag cabarets to open in the 1970s in the United States. And Darcelle's owner, Walter Cole, who performed and still performing as part of the company holds a Guinness world record as the world's oldest performing drag queen and Walter Cole's visionary dream captured the spirit of Portland and woven Darcelle's into the fabric of the city. That long, and ongoing struggle of lgbtq ias plus communities for basic civil and human rights continues to provide inspiration to all who work against discrimination and oppression. And now, more than ever we must not allow hem on invisible during and social distancing measures and attacks on their rights across the country. Now, I proclaim month of 16th to be Darcelle day and encourage residents to observe this day..

Darcelle XV: Thank you. I appreciate it. Thank you.

Wheeler: Thank you. Have a wonderful day. Thank you. Commissioner Hardesty asked for a time check. Commissioners what I would recommend we do is currently 11: 55. I recommend we push on until 1: 00 p.m., and whatever we don't finish by 1: 00 p.m. I propose we stick at the end of our time certain agenda this afternoon. I realize that makes for a very, very long day. But, I think it's probably to take a break in the middle of the day and get an hour to rejuvenate if that is okay with people. Looks like I'm seeing thumbs up so we'll do that. So we move now to the regular agenda. 846 please.

Clerk: Settlement of Aaron Kent to bodily injury lawsuit involving the Portland Police Bureua.

Wheeler: This resolves a bodily injury lawsuit for the sum of \$125,000. Deputy City Attorney is here to present the ordinance.

Rob Yamachika: Thank you, Mayor and commissioners. I think it's awesome I get to say I'm the first attorney to follow Darcelle, I will call this a stage. That is fantastic. I'm sorry I can't bring something more joyful in front of the council but I'm a lawyer so that is what you get. Sorry about that. This stems from an august 4th, 2018, protest at water front park. Mr. Cantu was gathered with others on southwest Columbia after warnings to disperse ppb launched devices towards the crowd. Mr. Cantu was struck by one of the adds and launched into a bicycle helmet and caused a head injury. It was launched at a lower angle than recommended by manufacturer. Upwards slope and tree canopy may have contributed to it being launched and Mr. Cantu filed a lawsuit alleging excessive fours, assault and battery, and negligence and

other violations, on September 21st parties participated in a settlement with a judge and agreed upon a settlement for \$125,000 including attorney fees. The city attorney and risk management recommends that the city council approve this settlement I'm happy to answer questions you may have after the presentation.

Juan Chavez: Thank you, and with our cases and city I appreciate others at the city attorney's office and their professionalism and prudence. Wondering if I can share a power point slide. And you can see that so we're here to set Mr. Cantu's case, one settled already and other has a pending claim. And so, what's happening? Far right groups chose Portland for another rally throughout the summer, 2018 as well as summer, 2017 groups had targeted Portland because in large part there we clear about goals and aims because of our values and because of our progressiveness and many cultures and people who live here and they oppose and because of the bureau's history of preferential treatment. And they'd instigate brawls and police would clear out only antifascist groups. It wasn't lost on anyone that there was that dynamic and groups like patriot prayer and proud boys hoped for that result and well, it was clear he was going to be showing up on august 4th with guns, he had spoken on august 4th event and previous events expected people to be armed and she up and to counter antifa and he propose that had narrative and he moved his march to water front and refuse to go into a gun prozone. He did not face consequences at that instance. And nor did anyone who rallied with him face scrutiny because they won't go owe into the gun-free zone. Police found people on top of the parking structure with lawn guns and police allowed them to pack up and go so what does that mean to Mr. Cantu? Mr. Cantu like people of conscience wanted to show up and counter demonstrate many he arrived around southwest parkway area, it's not lost to people that they only pace them and brought a helmet because of Mr. Gibson's claims everybody should show up armed and because of past experience with seeing Portland police use excessive force on counter demonstrators. This is that helmet. So Mr. Gibson in an effort to show he's impugn, can act with impunity ignores orders to disperse and moves down into the parkway between about southwest salmon, excuse me, Columbia and nighto. And this is the area where Mr. Cantu arrived. He was pacing a line of police as well as the far right demonstrators on another end of the street. And you can note the tree line and growth, there not much. This shows somewhat as it did in august. So aerial devices these are high

projectiles that can move at highest caliber, 200 miles per hour Mr. Cantu's helmet like most bicycle helmets are only meant to withstand impacts of 15-20 miles per hour. So unfortunately it was not going to be helpful in this scenario. Importantly, did not shoot at people's heads. I believe that was highlight there are training slides I can't show you because of they are trained to fire above heads in a manner not supposed to strike people. So here is a video of one side of the street. Showing ppb plotting a potential volley. You can note there are warnings to the crowd more sign of the crowd. Police are chanting quote [expletive] and also, lock her up. Which, they should get a new slogan. Also documented on the other side and you can see people are not throwing projectiles at police or at the far right demonstrators. This the force they're met with. [video clip].

Chavez: There are projectiles being thrown at police, now. Proud boys are cheering police as they're marching in and attacking the antiracists. As noted police aimed at heads of the crowd contrary to training and surprisingly people in the crowd were hit. Particularly Mr. Cantu. He was moved to a bus stop to be treated but had to be evacuated because of the line of police officers he was bleeding out from the skull. I apologize for content anyone watching or doesn't want to view the next two slides there are two graphic pictures of wounds but these are important to describe impact. This is at the hospital and this the nurse who removed the helmet. This is the wound. You can see that it had launched itself. You can see viscera inside of the helmet. Had stained this, is size of the wound. It's several inches this length. That is a cracked skull. Next area is a drainage tube and it was shocking and traumatic event and met to rave applause from the far ride rite who used it in their promotional materials and at this time Mr. Gibson was running for senate and it was part of his campaign to show what's happening in Oregon and you can he here patriot prayer were singing songs. So following the nuts he was entered into ipr and there are questions we interpreted as victim shaming. Questions like who were you with? What are you doing? And other questions not about what the police did. It's clear as day he was not in front of the line nor at the police had fired at some individuals. Now, despite evidence that ppb had done this act and you can see it's in this letter they claim that I note with victim shaming mr. Cantu is why this is not administratively reviewed because he did not consent to an interview. That ipr coo not identity officers, it's hot difficult to identify officers in a particular location. And you can do so

with public records request this, follows a pattern of unaccountability in the city this fostered distrust and it's our hope by reviewing facts in this case that he was that you and public understand how long we've been dealing with these problems and how long we're going to continue to deal with these problems as we refuse to address them, thank you for your time. I thank the city attorney for assisting us and bringing about this settlement.

Wheeler: Does that complete your presentation on this item?

Yamachika: I don't have opening statement on this statement and I don't have anything to add.

Wheeler: Thank you. Do we have testimony on this item?

Clerk: We have two people on the call.

Wheeler: Two minutes each please and name them for the record.

Clerk: First we have Dan Handelman.

Dan Handelman: Hello, if afternoon, my name Dan Handelman, I appreciated you've been having attorneys present at these city council hearings that involve large settlements and in this case, \$25,000 doesn't seem enough for injury you suffered and that is between you and lawyers. And I thought it was interesting Mr. Chavez presentation showed what we complained about to chief when she was around. Police turned their backs on a group of people they knew had guns with them in order to stare down an anti-fascist group they then attacked as Mr. Chavez pointed out before doing anything to actively resist police other than not an act if resistance and Mr. Chavez brought up this ipr investigation there was no wrong doing found. And that is beyond comprehension they couldn't track down anyone held accountable and there has only been two cases in those reports that are related to protests found with no misconduct. The chief pound misconduct in the cases so there are issues around this including this taxpayer I he comes are from a separate fund money comes from taxpayers that can be spent on housing and human needs and I lost count. I'm going to put it together. Number of payments on the lawsuits against crowd control have been in the realm of half a million dollars already. I'm sure there is more still to come. So, thank you for your time.

Clerk: Next up we have Regna Merit.

Regna Merit: I understand item 850 is going to be pulled. I defer my testimony to Commissioner Mapps.

Clerk: Right. No. This is item 846. Did you want to testify on 846?

Merit: No. I did not testify on 846. Thank you.

Clerk: Thank you.

Wheeler: Any further discussion? Commissioner Hardesty.

Hardesty: Thank you. I'm sorry. Just I had a question about the long term health of Mr. Cantu. It may not a question anyone can answer today but the settlement seems very minor compared to a brain injury. So if his attorney can speak to that.

Chavez: Mr. Cantu suffered several months of tinnitus and symptoms of a severe concussion. Now, traumatic brain injury does require other tools be used. It's clear he had at least a skull fracture that in cases could kill you. We're blessed he still alive, certainly. But he mended and would say he's in better physical health. But truly, the post-traumatic stress of this is what strikes him most at this time. And as do many protestors I have not been struck by an aed but I know my blood pressure goes up and I feel cold sweats. I can only imagine what Mr. Cantu feels.

Hardesty: Last question is whether or not the cia -- sorry. Oir group reached out to have a conversation with you? They're doing a study around how embedded white supremacist activity is. If they've in the reached out to you I want to make sure when the city council is presented with that report that as thorough as it could be. So if you haven't had that conversation I'm going to reach out to see how we can do this.

Chavez: I would love to speak to them. Very spoken about this matter and I would be happy to speak to them about this matter today.

Wheeler: Very good. Please call roll.

Clerk: Mapps?

Mapps: Mr. Mayor, colleagues I believe it's important that this counsel acknowledge the depth of the harm done to Mr. Cantu and I believe it's important Portlanders know the crowd control device that caused Mr. Cantu's injuries what been banned. And, in the police department as of today. City learned from this incident and will continue to learn from how protests of 020 were handled as we continue to gate those and for those reasons I vote aye.

Clerk: Rubio?

Rubio: I'm sad and disheartened this happened and my heart goes out to Mr. Cantu for the pain he suffered and grateful he's in better physical now. And this underscores the work we're doing now and to get it right on the work of public safety there. Work the city must do and is beginning to do to reconcile with these every day and so, we're learning from this and we want to move in the direction of building and rebuilding trust. With community. So our job as city council to do everything we can to ensure by are tools to keep the city moving in that direction. So, just finishing up I appreciate jrc, Mr. Cantu, federal magistrate, and city attorney for coming to a settlement agreement on this matter. I vote aye.

Clerk: Ryan?

Ryan: Mayor thank you for bringing this forward and I appreciate the presentation. And also appreciate testimony from Dan Dandelman this, is very sad. My thoughts are with Mr. Cantu this, is taking a step in the right direction. To build much needed trust. I vote aye.

Clerk: Hardesty?

Hardesty: Thank you for getting to an agreement where we can put our case to rest. Before you had said that, I found a video, you know, very troubling and very problematic and this video very seen myself over and over again. And I can't help but think that this is what happened prior to last year, where thousands of Portlanders took to the streets mightily demanding a more-just, more-fair and more equitable police force. I am proud of some of the pieces we've put in place that will actually start moving us towards that path. Clearly what we saw in the video are not people I think are there to protect and serve all of us. Equally. It clearly picked a side and decided one side was right and one, wrong. And I'm looking forward to working with the Mayor and colleagues and rebuilding a police force the community can trust and whether you're housed or unhoused you he police as someone coming as a problem solver and not someone there to dictate behavior or just remove people because they're economically devastated. I hate when these come on counsel agenda but I think it gives us an opportunity to a reminder of how much work we still have left to do. To have the kind of lease force we can be proud of an have one someone wants to work at. We don't have that today. But I he us on a path towards making that happen. And it won't happen until we get a civilian training day and so we assess how we train officers today, and until we do truth

and reconciliation there is no short cut to building trust. This settlement tells us we're on a path and that there is more to protect and serve this, takes us down that path but we're nowhere near being there again. I vote aye, on had settlement, today.

Clerk: Wheeler?

Wheeler: I'm grateful Mr. Chavez to hear that Mr. Cantu doing well. And like all of you, I'm sorry that this happened. And I want to acknowledge the chief and I want to acknowledge that when these come to city council is because something has gone wrong and sometimes, its lieu negligence, sometimes, it's intentional. Sometimes, it's accidental. But at the end of the day, the important thing is that we have to get it right. Policing is important in a city that balances first amendment rights and city that is known for having a lot of demonstrations before covid we have up to 200, sometimes more demonstrations per year in the vast majority of them happened without any lease presence whatsoever. I do still support police and I believe they need training and personnel to do their job ease affectively and the role that we have them in is a very difficult roll. When I watch those videos I can see things going well and things going not well. Obviously. I circle back to I'm grateful that is not my son. We can provide tools, resources and training and personnel that our police bureau needs and acknowledging we don't always get it right and accountability and transparency do matter and when we get it wrong, the burden on to us fix it. Whether it's training, different tools, or whether is increased accountability mechanisms, whatever it is, that on us, it's my hope we take this opportunity both to acknowledge importance of the work that our police bureau does and the importance of building trust and serving the community well. I want to thank everyone who worked on this settlement for Mr. Cantu and his lawyer to our city's great legal team. The right way for this to be dealt with and I'm grateful for that and happy to vote aye. Ordinance is passed and settlement agreed to. Thank you. Let's see. We're at number 847, please. This is a in emergency ordinance.

Clerk: Accept and appropriate grants in the amount of \$9,351 and authorize Oregon department of transportation for commercial motor vehicle inspections for police bureau sworn personnel.

Wheeler: Just true dew to time I'm going to ask people to be thorough but also, not be long. So, this is the motor carrier safety assistance plan, sometimes called mc sap. It's a federal grant

program providing financial assistance to states to reduce the number and severity of crashes as well as house materials incidents involving commercial voter vehicles and allows certified inspectors to conduct traffic stops on unsafe driving behaviors of commercial vehicles within the I of Portland and the amount is 9s million -- sorry. I wish. 9351.10 \$ and federal grant funds and requires a 14.99% match that. Is about \$1648 this, is a grant program with the city participated in for many years. And we are sergeant Ty Engstrom here. Welcome, sergeant. You're unmute but we can't hear you. Does anyone have questions? I'm not seeing. I will have for public testimony. Is there public testimony?

Clerk: No one signed up.

Wheeler: This is the first reading of a nonemergency ordinance moving to second reading. Thank you. Next item. 848 please.

Clerk: Authorize bureau of environmental services to acquire certain temporary property rights necessary for construction of stark trunk relief structure project number e 1100 through exercise of the city's eminent domain authority.

Wheeler: Colleagues you'll remember we heard a first reading, presentation as well as opportunity for public testimony s is there further discussion? Seeing none, please call roll.

Clerk: Mapps?

Mapps: Aye.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Wheeler?

Wheeler: Aye. Ordinance adopted. 849 also a second reading any further discussion?

Clerk: Mayor would you like me to read title?

Wheeler: Yes. Sorry.

Clerk: Authorize director of the bureau of environmental services to increase funding by \$1,500,000 and extend funding period for Portland harbor public involvement program to facilitate public involvement.

Wheeler: Further discussion? Please call roll.

Clerk: Mapps?

Mapps: Aye.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: I just wanted to take a moment to appreciate staff at the environmental services the public involvement is critical to the work being done around the river clean up. And our response to it. I think it's important we have specific outcomes and we're engaging those communities that will be most impacted by the Columbia River cleanup process. And I want to hold the bureau accountable to what they want to do to create pathways for employment opportunities so that black and brown people will enjoy that opportunity when the cleanup process starts. It may not be completed in my lifetime. But we're if we're on path to ensure that people of color will benefit significantly, from the cleanup, I am on board. So, happy to vote yes but will be keeping an eye on outcomes we hope to achieve with this project.

Clerk: Wheeler?

Wheeler: I vote aye. Ordinance is adopted next item 850 please.

Clerk: Accept report to present draft administrative rules to implement new bull run protections for council review prior to adoption by water bureau administrator.

Wheeler: Commissioner Mapps?

Mapps: I'm going to pull back to my office.

Wheeler: Without objection, 851 please.

Clerk: Authorize bid solicitation and contracting with the lowest responsive and responsible bidder for the procurement of national sanitation foundation 60 certified sodium carbonate for drinking water treatment for estimated cost of \$8,500,000.

Wheeler: Second reading any discussion? Please call roll.

Clerk: Mapps?

Mapps: Aye.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: I hope that in the time of five years this contract is in place that we're able to find more local subcontractor opportunities for this. I vote aye.

Clerk: Wheeler?

Wheeler: Aye. Ordinance is adopted. Item 852, please.

Clerk: Authorize director of the bureau of planning and stay with us sustainability to execute Portland clean energy community benefits fund heat response equipment purchasing partner brand for allocation not to exceed \$11,495,820.

Wheeler: Commissioner Rubio, and again, we'll end at 1:00 p.m.

Rubio: Colleagues the summer Portland this, summer of Portlanders experienced this year was hottest on record and top of the heat wave pandemic made it near impossible to purchase and receive cooling units if at all. Shortage in supply and logistical nightmare meant many families and individuals not receive adequate cooling throughout the heat wave. The city and county took measures to support the community but were not prepared for what took place. Colleagues the ordinance that you see today will allow the city to take proactive steps to supporting our community and staying reaped for next year. The plea made a funding recommendation allowing us to acquire nearly 15,000 portable cooling units. To give more information we have Sam Baraso from bps.

Sam Baraso: Thank you, Mayor Wheeler commissioners and I'm glad to be with you this afternoon. I know we're running late I'm going to keep things concise. I will share a presentation so you can follow along. Give me one second while I get my screen up. Okay thank you. Should see my presentation now. Thank you. All right. So, just maybe before I just jump in I want to acknowledge just this summer was incredibly tragic events with the

extreme heat and I'm excited to bring this proposal to you all reflecting urgent work done by chief of staff in response to the tragic events. This will focus on committee recommendations to fund diversifying energy and we'll start it has been about eight months since we last were in front of you all. We're going to talk about heat response program here today and I want to madam clerk sure you know this is our larger rfp that just closed last night. And we have a mini grants program a quarterly offering for organizations to do climate work. So focus going to be on this far left here. I just wanted to conceptualize other sections were working on. And so this authorized to fund for procurement of Portland heat pump units. These are the units you can see to the right of the screen. Some look like mini fridges. They're on caster wheels and you can exhaust them through a window and some will be window units. And goals are to reduce risks in households that are vulnerable and with seniors and within our prop nations. And idea is beginning expectations this spring, may, June, 2022 with implementation over five years, expecting to front load those and planning could take five years. And to get off those 15,000 units. And support for product life as well as usability. I want to start within our ideal is our deep home energy retro fit. Those take time and what we're seeing and are going to see in our larger offering. We know we need to move quicker and these into homes so that the intent of the program. And I do want to acknowledge that a lot of the thinking around these units is that these units can get in without having window units that need to hang out so there is a lot of consideration and questions. We had several meetings with our utility companies and other experts and groups and there is an equipment purchasing partner role because we're distributing a lot of units at scale and makes sense to have a centralized procurement and an organization man coordination and distribution as well as tracking information of those that received these units and developing other information such as maintenance, warranty procedures and this other content that folks don't bring into technical expertise it took to that role and there are going to be multiple community distribution partners these folks get them into homes and so we expect to have many partners play community distribution role, affordable housing providers as well as community based organizations so there are two cohorts we expect to play. And community pace organizations that can serve those that fall outside of the affordable housing networks and their rolls are going to be coordinate to get the number of units they need, get them into homes, install

them, we're talking about units that weigh from 50 to 70 pounds so then provide information about use and collect basic information about households and focus today on the recommendation we are for you. We'll speak to that and will be coming back in January, next year, to present you all with community distribution partners. The immediate to move forward today and within this month on our equipment purchasing partner and we'll speak a little bit about that. As we move forward, 1 of the driving elements to our time line as we had these conversations has been what is it going to take to get this scale of the units. You're competing with major retailers whether Home Depot, Lowe's, hvac distributors. And you do need to get orders in by q4, 2021 so we've designed this particular frp for equipment purchasing partner and released this after working with the committee over several meetings and designed a program working through that and we released on October 13th two weeks and had conversations in between. The psef committee made recommendation you can see from you here, today and we did 72 application for the role in the broader context two, applications one from tie versing energy and one from earth advantage. Also a Portland based Monday profit. If you take your action today or make a decision today, expectation would be we're going to turn around and go head and move forward on procure hag equipment and orders and then return for to you find work together to align our partners with equipment purchasing partners and develop a plan w that, diverting energy the organization we're recommending for you to find and they will be playing a role of key logistics and data base roles with a few partner organizations. So with their organizations there are eight staff members with 5.2stus working on the program over give years, managing procurement and they do have a warehouse hail be using for equipment and they will be the ones interacting with our community contribution partners and managing the inventory and reimbursing as we get units out and 60% are going to covid certified and majority going to a black owned firm and that other than request for funds 4.5 million is associated with energy warehousing and as well as replacement procedures and 7 million with actual equipment that brings us to 11.5. So I moved quickly because I want to make sure have you an opportunity to move forward. And with noted we'll come back to you in January, 2021 with an ordinance to be funded for installation had getting that work and we'll come back with our larger grant offering that will be that, is \$60 million that closed yesterday

evening. So those two actions. I do have, I'm looking to see if I have both here, I want to turn at this time to our co-chair and to our other co-chair and then, welcome questions from you all.

Maria Sipin: Thank you, my name Maria Sipin, thank you staff for work in support to get us here and climate impacts worse on our vulnerable communities and this heat showed us the tragic consequences impacted them and it became her real. And projects have lacked at adaptation and we're seeing an immediate to start more actively thinking about climate adaptation and resilience for Portlanders. This program something we're proud of, first step in doing so. And I'm proud of the leagues, too, forking can tough questions, and funding solutions to bring all of this to life. We know that there stilling to be heeds and additional approaches required you establishing this a step in bringing relief to households in heat and potentially saving lives. We urge counsel to continue efforts that fan to be better prepared and thank you for council for considering this proposal, today. Michael? Or Sam? I'll turn it over to you.

Baraso: Thank you, Michael, go for it.

Michael Edden Hill: My, Mayor and commissioners it's great to be here today. I'd like to extend thanks to staff to this and I want to speak about the role of the equipment purchasing part more. And we've developed this program with a sense of urgency and this to get ahead of events we know they're going to be coming and we know climate change rule and we need to have a past response to it, now. Extreme heat response is something we've not had to consider in this region. We're excited to place earth advantage and both applicants were qualified and addressed needs of the purchasing part more role and it was a really tough decision we really deliberated this. The psef staff went through and leaned on our consensus process to recommend diversifying energy we believe it's pulled together a team of people and organizations and will be well positioned to implement this program to play other roles in the future as we mitigate and adapt to climate change. This a climate they are saying at this point and we're doing our best to try to address it. We thank you for your time.

Baraso: All right. With that, that brings us the end of our presentation and I turn it back to you.

Wheeler: Thank you. Thank you Sam and co-chairs. Do we have public testimony?

Clerk: No one signed up.

Wheeler: Very if. Colleagues had any questions? Of Sam? Or our co-chairs before we call roll?
Commissioner Mapps?

Mapps: Yes. First I want to applaud commissioner Rubio for bringing this forward. Climate change is real and we need to take action. And this is an innovative project unlike any very seen and I hi it's important council in particular pay attention to this and if commissioner Rubio were open I'd love to receive a quarterly update on how roll out is going and about if we're able to do that, I would be happy to vote yes on this.

Rubio: I think that is a great idea. Sam, I think you'd be open to that as well? We can talk about had that?

Baraso: Great. Thank you.

Wheeler: Perfect, very good. So this is an emergency ordinance and please call the roll.

Clerk: Mapps?

Mapps: I want to thank commissioner Rubio for bringing this item forward. I believe this women safe lives and I vote aye.

Clerk: Rubio?

Rubio: Thank you to Sam, Maria and Michael for your presentation today and I want to appreciate committee, staff and many engaged stake holders came together very quickly to create this program to address heat caused I climate change which no longer a distant possibility but a reality today. It clearly here with us. And critical we plan for impacts of the change and this program just a stop gap measure so it's important to note that. We aim to quickly get potentially lifesaving devices out to as many vulnerable households as we can and setting up opportunities for more comprehensive fits. I hope to see more investments that go deeper to improve homes for better health equity. And diversifying energy and earth advantage two applicants for the work. Thank you for being willing to step into this critical role quickly and heart pelt congratulations to diversifying energy for your successful proposal. This the first part of the heat response program and we're ready to move forward to community distribution partner rfp. Thank you for ensuring this was a success. I vote aye.

Clerk: Ryan?

Ryan: Yes. Thank you for leading this charge and as we plan for resiliency in the future of climate change which here. Thank you, Sam, Maria and Michael for the compelling presentation. I was taken with your inclusion of the community distribution part mores and congrats on meeting deadlines yesterday. Last summer, 60 lives were lost in the county due to extreme weather conditions, if government learns from mistakes to ensure when the same event happens we'll have better results in this case not lose 60 lives, it's clear this needed and I comment commissioner Rubio and bureau for bringing this today, I vote aye.

Clerk: Hardesty?

Hardesty: I want to thank commissioner Rubio for bringing item 852 forward. And I want to appreciate vps and Portland clean energy fund for putting this package together. A special shout out to Sam Baraso making sure we do this right is second to none. And I want to appreciate director Sipin for listening. It can be expected it will in the be the last time our city experiences this had deadly weather. As climate change worsens we can expect more and more extreme heat events. I'm thankful for the quick work into developing a heat response plan. This is critically important and will save lives during the next extreme heat event. I want to be clear this is not the end of the work. We cannot hope to provide enough cooling units to meet the need. Also, we need to ensure that we have resources available moving forward to much lower income households with their utility to have this and we need to redouble our efforts to you improve insulation, increase tree canopy in low income neighborhoods and grow partnerships with community groups to help coordinate relief efforts during extreme weather events. I look forward to seeing plans for needs not just from bps and clean energy fund but all corners of the city. I'm happen yes to vote aye.

Clerk: Wheeler?

Wheeler: I want to thank commissioner Rubio and her staff for bringing this forward. I think it's excellent work and I want to thank Sam and his team as well as two co-chairs for being here today this looks great and it's a direct response to what we saw happen this last summer. And I'm grateful to all of you for your work. I vote aye. Ordinance is adopted. Next item off consent is 838 please.

Clerk: Pay settlement of bodily injury claim of \$25,000 with the Portland Police Bureau.

Wheeler: I don't know if anyone is present. Caroline? Are you on? There she is. Who pulled this item?

Clerk: A member of the public.

Wheeler: Okay. Would they like to testify first? Or should we have presentation first?

Clerk: They're on the call.

Wheeler: Why don't we hear their testimony, two minutes, name for the record.

Mark Poris: Hi. My name mark forest and I use he, him pronouns I'd like to thank council for work moving to allow public testimony on reports. After hearing from some devoted community members that was a big win for public participation and greatly appreciated. When the Mayor one upped commissioner Hardesty saying it's going to be all or nothing we'll hear testimony from all reports not just those of great public interest, I have to say that surprised me. Thank you this, item 838 was on consent agenda we've shelled out 125,000s forwards egregious abuse of force by Portland police bureau this is a mysterious \$25,000 settlement for something else ppd did. It's just going to slip. I understand that settlements of \$5,000 and up regardless of responsible bureau, it's like they're in the jumper there. Is no input so I'm asking you today to take these settlements out of the junk drawer. Have you \$5,000 litmus test. Those are the mall settlements that can stay in the junk drawer. Please do with \$5,000 and settlements what you did with reports. Put them on regular agenda. Allow public testimony and vote on them that. Is what community input looks like to me. Finally for you and police commissioner and I'm interested in understanding what happened on this particular item. 838. Why cutting a \$25,000 check for something else ppd did. Thanks.

Wheeler: Thank you, mark. And Caroline why don't you give us a quick overview on this?

Caroline Turco: Thank you. Yes. This arises from a protest September 28th, 2020, near intersection of Lombard and Denver. Miss Beck was participating in the protest and on a motor scooter and not dispersing when orders were made and she was arrested in the process of the arrest she was pushed over and she has suffered an injury to her left thumb that required surgery. Had she incurred bed medical bills as a result of that. Miss Beck retain an attorney and wanted to mediate the case before filing a lawsuit so her attorney, she and her attorney and myself and Karen Bond participated in a mediation with retired judge Abernathy. And agreed upon the settlement amount we're discussing today.

Wheeler: Thank you. Appreciate that. Colleagues any further questions? Keelan we have one individual signed up for public testimony. Is that correct?

Clerk: Yes. That correct.

Wheeler: Very good.

Clerk: Mapps?

Mapps: Aye.

Clerk: Rubio?

Rubio: It's important for us to continue to acknowledge and recognize impact that these this had and there more we're digesting or reflecting on improving on and I appreciate the situation has been resolved lieu mediation and that the judge allow both parties to find a resolution outside of litigation. And making changes to allow our government to heal. I vote aye.

Clerk: Ryan?

Ryan: Pulled off consent and I vote aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Wheeler?

Wheeler: Thank you. For your efforts on this and for reaching an amicable resolution outside of court. I vote aye, adopted and settlement agreed to, colleagues to do you mind if we do last item? Good. Will just take I don't think too long. 845.

Clerk: Authorize contract with Oregon department of transportation for northeast sandy and northeast 108th avenue rectangular rapid flashing beacon in amount not to exceed \$100,000.

Wheeler: Commissioner Hardesty?

Mapps: Mr. Mayor I was the person -- .

Wheeler: Sorry. I should not assume.

Mapps: Well. I pulled this item off of consent mostly because I wanted to praise it. And I wanted to thank commissioner Hardesty for bringing this item forward. I happen to be familiar with this project in particular and history of the project. This crosswalk is very important to the residents that allowed them to cross sandy boulevard to easily access grocery outlets and stores on the street. I'm seeing that neighborhood lobby for this for at least six years. It's

probably much longer than that. I believe there might be a resident or two on the call would just like to speak to it, also with that, back to Mayor or commissioner Hardesty. And we might have public testimony.

Wheeler: Very good. Is there public testimony?

Clerk: Yes. Two people signed up.

Wheeler: Two minutes each. Name for the record please.

Clerk: We have Seile Tekle..

Seile Tekle: Good afternoon, by like to thank council for giving me this opportunity to share support for funding requests and in front of a grocery store that provides essential food. I am awe neighborhood initiative and my agency committed to increasing social equity and in services provided include a small business assistance and also, offices to communities impacted by the covid pandemic. The greater park rose neighborhood was a communication of color and including local organizations and businesses. And there is lengthy space in between markets signalized in crosses on sandy. Also has identified as one of the 30 streets in the city with highest number of crashes and accounts for more than half of the city traffic deaths. Sandy is a pedestrian direct and according to pdx, is it's recommended a crossing frequency of 800 feet or less should be less but in this area in our district there are significant crossing gaps, 2290. That almost three times the recommended amount. And this gives an opportunity for recovery by supporting this advantage in lastly we are a and we know the community will wet closer to a safer and more active neighborhood. And moreover, with support of the Portland planning and services vbs the plan with underserved groups to address concerns we're doing our part to bring economic prosperity.

Wheeler: Sorry but you're a minute over. Thank you. We appreciate your testimony. There is another individual? Is that correct?

Clerk: Correct. We have Annette Stanhope.

Wheeler: Welcome, Annette.

Annette Stanhope: Thank you Mayor and good afternoon, commissioners. I will keep this brief. Sounds like Seile covered a lot of particulars. I'm chair of the neighborhood association and we've been working closely over this crosswalk. And starting back when commissioner Mapps was ed and to o-dot saying 20,000 vehicles pass lieu the strict at 108th and sandy

probably one of the busiest parts of neighborhood. Many are bipoc and to the north side I are seen near misses when this is occurring. And o dot did a study confirming amount of pedestrian traffic would benefit from a crossing. So would with helpful to bring visibility to this crossing and helping is a step forward improving safety. There is a long ways to go. Many crossings are needed but will peel good to check this off the list. I hope you'll approve the spending of \$100,000 towards this flashing beacon project today, thank you.

Wheeler: Thank you. Can this complete public testimony?

Clerk: It does.

Wheeler: Any further discussion? Please call roll.

Clerk: Mapps?

Mapps: Again, I want to thank Hardesty for bringing this forward. I want to thank invited speakers we have had to testify on this. I'm familiar with this project and it's modest is taken a decade to get support in place and very a good sense of how it will change the neighborhood and having to access particular tree and grocery outlet will have a huge impact of the livability of the neighborhood that. Is one of the reasons why I am happy to vote aye on this item.

Clerk: Rubio?

Rubio: Thank you, commissioner Hardesty and p-dot for bringing this council. It's a great project. And a positive one and happy for the residents of park rose. And glad to see we're addressing this critical community priority. I vote aye.

Clerk: Ryan?

Ryan: Yes, thank you for pulling this off consent commissioner Mapps. The school community complained this about area for a long time. And so it's long overview for good people of park rose, thank you commissioner Hardesty and p got I vote aye.

Clerk: Hardesty?

Hardesty: Thank you very much. For the presentation, for pulling it off calendar. We should celebrate good things we're doing more often. And I won't say that again this is a vote the city doesn't own. And we are partnering with o dot to make these safety improvements to make it safer for people using all modes of transportation to be able to move around park rose.

Yesterday, I was approached by media outlets about the sig miff can't rise in traffic fatalities in

had the city of Portland and was able to respond to that. But the issue is that we have a lot of high-clash corridors in east Portland and my office and p-dot bot is committed to making sure we can get these safety improvements that save lives done in a very efficient manner as quickly as possible. With the back long with long with \$50 million budget deficit. It's been challenging to find resources to make these improvements and I look forward to working with leagues to continue to prioritize community safety and being able to move around city streets safely. And is a high priority.

Clerk: Wheeler.

Wheeler: Thank you for bringing this forward. It's active project and I'm grateful are the partnership and thank you all for working on this, I vote aye. Colleagues we're adjourned until 2: 00 p.m. Thank you.

At 1:13 p.m., Council recessed.

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. The official vote counts for council action are provided in the official minutes.

Key: ***** means unidentified speaker.

December 1, 2021 2:00 p.m.

Wheeler: This is the Wednesday, December first, 2021 afternoon session of the Portland city council. Keelan, please call the roll. [roll call]

Clerk: Mapps.

Mapps: Here.

Clerk: Rubio.

Rubio: Here.

Clerk: Ryan.

Ryan: Here.

Clerk: Hardesty.

Hardesty: Present.

Clerk: Wheeler.

Wheeler: Here. Under Portland city code and state law, the city council is holding this meeting electronically. All members of the council are attending remotely by video and teleconference. And the city made several avenues available to the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the city's YouTube channel, e gov pdx and www dot Portland, Oregon dot gov/video and channel 30. The public may provide written testimony to council by emailing the council clerk at cctestimony@PortlandOregon.gov. The city council is taking these steps as a result of the covid-19 pandemic and the need to limit in-person contact and to promote physical distancing. The pandemic is an emergency that threatens the public health safety and welfare, which requires us to meet remotely by electronic communications. Thank you, all, for

your patience, your understanding and your flexibility as we manage through this difficult situation to conduct the city's business. It's going to leave a nasty scar, isn't it? Now, we'll hear from legal counsel on rules of order and decorum. Good afternoon.

Linly Rees: Good afternoon, Mayor and fellow councilmembers. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions, reports, and first readings of ordinances. The published council agenda at www.Portland.gov/council/agenda contains information about how and when you may sign up for testimony while city council is holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless use stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up, or interrupting others' testimony or council deliberation will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being placed on hold or ejected from the remainder of the electronic meeting. Please be aware all council meetings are recorded. Thank you.

Wheeler: Thank you. Keelan, please read our one item for this afternoon. Item 853.

Clerk: Consider appeal of the goose hollow foothills league against the design commission's decision to approve with conditions a 17-story, 175-foot tall residential building with 337 dwelling units and 403 structured parking spaces in the goose hollow subdistrict of the central city plan district lu21-038539dz.

Wheeler: All right. First off, we're going to hear from legal counsel who's just going to give us an overview.

Rees: Yes, I'm making announcements that are required by state law to describe the way the hearing will be conducted. So first, this is an evidentiary hearing. This means you may submit new evidence to council in support of your arguments. I'll talk about the order of testimony.

We'll begin with a staff report from the bureau of development services for approximately 10

minutes. Following staff report, council will hear from interested persons in the following order: The appellant will go first and will have 10 minutes. Following the appellant, persons who support the appeal will go next. Each person will have three minutes. The principal opponent, in this case the applicant, will then have 15 minutes to address city council and rebut the appellant's presentation. After the principal opponent, we'll hear from persons who opposed the appeal. Again, each person will have three minutes. Finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. Council may then close the hearing, deliberate, and take a tentative vote on the appeal. If it is a tentative vote, council will set a future date for the adoption of findings and a final vote on the appeal. There are several guidelines for those who will be addressing council today. First, letters our documents you wish to become part of the record should be given or emailed to the council clerk after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos, or other items you show to council during your testimony should be given to the council clerk to make sure they become part of the record. Two, testimony must be directed to approval criteria. Testimony, arguments, and evidence you present must be directed to the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. Bdf staff will identify the applicable approval criteria as part of their staff report to council. Third, issues must be raised with specificity. You must raise an issue clearly enough to give the council and parties an opportunity to respond to the issue. If you don't, you will be precluded from appealing to the land use board of appeals based on that issue. Four, the appellant must identify constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow council to respond, the applicant will be precluded from bringing an action for damages in circuit court. And finally, I want to note that the representatives for both the applicant and appellant are on the panelist's side of this zoom meeting. So they the ability to raise procedural or other objections. I just want that clear on the record. Thank you. That concludes my remarks.

Wheeler: Do any members of the council wish to declare a conflict of interest. Commissioner Rubio?

Rubio: Out of an abundance of caution, I want to disclose that I am a member of the athletic club. However, it's my understanding that being a member does not give rise to a conflict of interest under state law.

Wheeler: Thank you, commissioner Rubio. I also out of an abundance of caution, want to disclose that I'm also a member of the athletic club. However, it's my understanding that being a member of the club does not give rise to a conflict of interest under state law. Do any members of the council have new ex parte context to declare or information gathered outside of this hearing to disclose? No councilmembers have ex parte contacts to declare? Does anyone present -- no, that doesn't work. Have any members of the council made any visits to the site involved in this matter, that they have not already declared? I'm not seeing any. Do the councilmembers have any other matters that need to be discussed prior to us beginning this hearing?

Rees: Mayor? This is Linly. I just would like to -- for a land use hearing, although we are not actually physically in the chambers, it's appropriate to identify for the public that if they have, if there is a request to ask any of the commissioners about conflict disclosures or ex parte contacts that they should -- they should make sure that either as part of their comments or direct message Keelan to note that they would like to say something.

Wheeler: All right. Very good. Thank you for that, I appreciate it. And also, the notice went out, colleagues, this is for your benefit. The notice went out to the public indicating there would be three minutes of public testimony for each person who would like to provide testimony. But please be aware that since we are virtual, at the end of three minutes, the council clerk will mute your microphone. So please make sure that you complete your comments within the three-minute allotted timeframe. So with that, then we will start with the staff report.

Benjamin Nielsen: Thank you, Mayor. Good afternoon, Mayor and commissioners. I'm Benjamin Nielsen, senior planner with the bureau of development services. And I'm going to share my screen really quickly. Can everyone see that? So Linly went over the order of today's hearing but this is shown on the screen for you. I did want to say also for the public, a full copy of the record is available online in files dot Portland, Oregon dot gov. You can either follow this link or type in as a search criteria 21-038539. The order of the presentation today,

I'm going to give you a quick overview of the site, zoning, and context, followed by a summary of the proposal and design commission's decision. And finally, of the appeal itself and alternative space. The subject site is located within the central city plan district, goose hollow subdistrict, which is highlighted in yellow. The subject itself is a vacant full block located immediately south of the Multnomah County, the Multnomah athletic club parking garage and adjacent to the historic district. Goose hollow southwest Jefferson Street max station is in close proximity to the south. And the Lincoln high school site is not far to the east. This bird's eye view of the area helps to give a sense of scale for the existing development in the neighborhood. You should also note that the site has significant topography, rising approximately 20 feet across the site from southwest 19th avenue towards the intersection of southwest 20th and main street. Onto zoning. The site itself has rm4 residential multi-residential for zoning, which is the city's second highest level of residential zone. The site also has the design overlay which requires design review for the new development. Diving a little deeper into the zoning code requirement, the site has a base floor area ratio or f.a.r. Of four-to one and additional three to one of bonuses f.a.r. That maybe earned. Inclusionary housing. Additional unlimited transfers of floor area to the site are allowed beyond this as long as the floor area is being transferred from a historic resource located on site zone rm3-rx, cx or ex. These transfers and the bonus f.a.r. Previously mentioned are not subject to design review discretion. And the project is taking advantage of both the bonus f.a.r. And transfer provisions of the zoning code. And moving onto height allowances. The maximum base height for this site is 100 feet, that is shown on this map on the right. But the site also has a bonus height limit of 175 feet. This bonus height refers to the maximum height allowed on the site once the f.a.r. Bonuses have been earned. Those bonuses have been earned so the maximum height is 175 feet. Parts of the site are also located within view corridors. And this means that projections such as antennas, mechanical units or elevator overruns may not extend above the bonus height limit on this site. Next, I have several photos showing the site itself and the surrounding neighborhood. I'm going to move through them rather quickly, but we can revisit these later if you have any questions.

Wheeler: I'm not seeing any.

Nielsen: Are they not showing up?

Mapps: I see them.

Wheeler: If anybody had any questions.

Nielsen: Okay. I wanted to stop on these --

Wheeler: Did I misunderstand you? Did you ask if anybody had any questions?

Nielsen: No, I said we could revisit them later if you have questions about them.

Wheeler: Okay. I'll shut up then.

Nielsen: No worries, Mayor. I did want to stop on these last few focuses, which show the existing mac parking garage across southwest main street from the subject site. Because this is relevant to the appeal that was submitted. So, quick summary of the proposed building. It will be 17 stories tall, maxing out its allowed height at 175 feet. There are 337 dwelling units proposed, as are 403 structured parking spaces and access to those spaces is provided from southwest main street. This slide shows a brief timeline of the project so far. The two design advice requests shown at the top of the list are voluntarily meetings with the design commission, which the applicant's opted to participate in before submitting the required design review application in april of this year. At the bottom of the screen, please also note that the city council has already approved a major encroachment review for a tunnel on southwest main street that will connect the proposed building with the existing mac parking garage. That review is separate from the design review appeal you are considering today. And the tunnel is not subject to design review approval. So moving onto the design review itself. The approval criteria for this design review consists of two separate but related documents. The central city fundamental design guidelines, which apply throughout the central city plan district and the goose hollow district design guidelines, which apply only to the goose hollow subdistrict. The design commission evaluated these guidelines when making their decision. And the commission voted four to one to approve the proposal. The one dissenting commissioner found that the proposal was strong and that it would be a remarkable building. She also found it remarkable that no modifications are requested, and further she found that the proposal responded well to these guidelines along southwest Madison street, southwest 19th avenue and southwest 20th avenue. And she found it astonishing that the entry to such a large garage could be accomplished through a single entry point. However, siting guidelines a8, b1, and b1-1 the dissenting commissioner also found that the thinness of the

program behind the facade adjacent to the sidewalk along southwest main street was a problem. Around and boost parking garage. Growth parking is limited to the maximum ratios in table 5-10-1 of the zoning code. The proposed building consists entirely of residential uses as its primary use type and lies within the goose hallow parking sector. Therefore, 1.2 gross parking spaces may be. 311 dwelling units proposed, 404 parking spaces may be created. The zoning code goes on to say, these growth parking spaces may issue operated as either accessory or commercial parking at all times and no additional limitations are placed on this provision. Guidelines 88 and b1 are found in the city's fundamental guidelines, can -- these approaches are the only way these guidelines may be met. However, the design guidelines document states these examples are provided to illustrate each guideline. They are proceed bidden caption that is describe the way the guideline s or could be met, as shown by the example. These examples must not be considered the only possible design solutions. They are intended to stimulate new ideas and provide direction for designers and developers. A-8, is shown on the screen. For brevity, I'm going to skip reading that. The majority of the design commission found this guideline was met. Excuse me. I'm advancing too quickly here. Finding the building's main residential lobby is located on its east elevation, and entry into this active space is delineated with a large canopy, the recess and building's facade, change in material. Large windows, public adjacent to the lobby vance, and the two-level grans. This is an important interior space, and large windows, reveal activities inside, while maintaining a cohesive overall composition. Residential dwelling units at the sidewalk level of the building are oriented towards the sidewalk and set behind layers of landscape plannings on the building's east, south and west facades. Patios, provided at the sidewalk level, residential unit on the south facade help bring additional activity and vibrancy to the street scape along southwest Madison street. The design commission evaluated guidelines, 1 and b1-1 together. Full text of b1 reinforce and enhance pedestrian system is on the screen in front of you here. And b1-1 is even more succinct, provides human scale and interest to bells along walk ways and sidewalk. The majority of the design commission found that both of these guidelines were met in the following ways. The proposal includes public sidewalks along all four streets that are designed to city standards and include clearly distinguished frontage zones, movement zones, furnishing zones. Recesses and setbacks in the building's massing along all

four street front ages. On the south facade and large portions of the east and west this massing is further arranged into row house or townhouse like mass that is help create a more human scale to this otherwise large building along these adjoining sidewalks. On the north facade, recesses at the window ground level, provide room for planters and help to break down the large building massing. A large series of windows, bay window projections, entry doors and landscape planners, provide additional human scale, along surrounding sidewalks on all four elevations. So wrapping this up today, the council is faced with the following alternative options in making your decision. Deny the appeal and uphold the design commission's decision of approval with conditions; deny the appeal that modify the design commission's decision of approval with conditions and or instruct the applicant to revise the design and return to council at a future date. You may also grant the appeal, there by overturning the design commission's decision to approve with conditions. In that case, the project would be denied. And a tentative vote may be taken today. I did collect all those conditions of approval in case we need to refer to that later and with that, I will stop and open for questions.

Wheeler: Let me ask just a basic question. You were about 3-1/2 minutes over want so when the appellant goes, we'll add 3 1/2 passports to their time as well should they choose to use it. Could you explain in the simplest terms possible, what our objective is today? Are the me see if I can take a stab at t. Our objective today is not to determine whether we like the prong or do not like the project. Our goal today is to determine whether or not the design commission met the legal requirements, the findings when they made the decision that they made to approve this project. Is that a fair restatement of what our objective is today?

Nielsen: I would say that's a big part of t. The other piece I would add is you're right. You're not deciding whether or not you like the project. You can decide whether or not the project meets or doesn't meet the approval criteria I identified, which are the central city fundamental design guidelines, and the goose hallow district guidelines. So the appellant's challenges three of those guidelines, which I went through in my presentation.

Wheeler: So can you better define then, the item number 3, that the appellant had described? Maybe you could go back and put that slide back up again there. B1-1. Human scale two buildings along the walk way. Explain what that means in simple terms, please.

Nielsen: In simple terms, providing human scale basically means you have a taken-story building here. That's clearly not a human scale all by itself. So provide a human scale to the building, means adding element to the building that would be approximately the same size or smaller than a human being. And in this case, the design guidelines, specifically references things like canopies, windows, recesses, lighting, even plants and landscaping, all things that help to bring the 17 stories scale down -- building scale -- down to a human, basically, scale. Something that you can perceive as smaller and related to the size.

Wheeler: And explain to me if you can. Just knowing that neighborhood as I do, immediately across the street, are some truly extraordinary examples of historic Victorian architecture. There you go. Go back. Go back one. Right there. Those. So explain to me, what the design commission, what discussion did they have with regard to the immediately adjacent historic homes to what is objectively a very large structure.

Nielsen: That's a great question. So these homes face southwest Madison Street and across southwest Madison Street from those Victorian homes, maybe you can see it on this image a little bit and I might have an image that shows it a little bit better. So this facade of the building right here, faces those Victorian homes. You can see the building massing has been dropped down from 17 stories to about four stories, directly across from those Victorian homes and the tower portion of the building is setback, farther away from those Victorian homes. So while this building, even across the street, at 4 stories, is still taller than the Victorian housing across the street, the architects have brought the massing down to more reflect that scale that's across the street. Even though it's not an exact one-to-one representation. Additionally, you can see they have kind of broken up the facade into smaller pieces that, start to take on a townhouse-like appearance, as opposed to a more flat facade which would read basically at one large building, which this is. But by breaking up massing in this way, it starts to articulate that facade, providing a human scale that Victorian homes across the street would also have. Obviously, using a different architectural style language but in that sense, that's how they are attempting to relate buildings to those homes across the street.

Wheeler: So they did have a discussion about this?

Nielsen: Absolutely. Yes. The commission --

Wheeler: Sorry. Go ahead.

Nielsen: I was going to say, the commission found this particular approach. This is called, what's called a podium level to the building and the commission found the podium level was excellently done, facing southwest Madison Street, southwest 20th avenue, and southwest 19th avenue which is right here on the right hand side of this image. So yes, they talked quite a lot about that and one thing I forgot to add, and maybe it doesn't show up so well in that image, but it might on a site plan is that the building itself is setback from the edge of the sidewalk, even providing kind of grassy landscaped transition, between the sidewalk and the building and individual unit entry facing that street, further helping to relate this large building to the smaller structures across the street.

Wheeler: Okay. And one final question. Sorry, Linly, you had a question?

Rees: Mayor, it can wait until after questions.

Wheeler: Commissioner Hardesty. One more question and then I'll turn it over to you. You mentioned aed view corridor. Could you elaborate?

Nielsen: Yes. So central city 2035 identified, there was actually an entire view corridor and view point study as part of central 2035 and this was interpreted into the city's zoning code in the central city with the map that's shown on the right here in this slide image. Basically, I wasn't involved in central city 2035 myself, but basically, these view corridors were set to height limits, the pace and the maximum height limits that are around in the central city and additionally, where these view corridors are met, no projections above the height limits are allowed. So where we don't have these view corridors, say, up in this part of the goose hallow district, close to the stadium, things like elevator overruns, building pair pits, antennas, mechanical units, those can extend above the height limit. But where these view corridors are present, they can't.

Wheeler: Okay. Thank you. Is it just coincidence that view corridor skirts this particular project, this property?

Nielsen: I mean, yes, it is coincidence. I think that view corridor is starting off at Washington Park. I don't remember the exact location.

Wheeler: So that view corridor wasn't based on the assumption that there would be future development on this site?

Nielsen: I mean, the view corridors are entirely independent of what future development will be.

Wheeler: Yeah, I absolutely hope that to be the case, and that's sort of the genesis of my question.

Nielsen: Yeah. So these view quarters were established through this view quarter study as part of central city 2035 and then they were used to set maximum height limits: So in that case, the view corridors, dictate the maximum of development.

Wheeler: So few corridor dominates is what you're telling me. I'm grateful to hear that: Commissioner Hardesty.

Hardesty: Thank you, Mayor, and thank you, bedroom money for your prohibition. The mayor actually asked a couple of the questions I had want but here's a question most laymen would have. We're being to build 311 residential units and we're anything to have 403 parking spaces. Can you tell me why that makes sense, when we were attempting to mitigate climate disaster, that we would be building more parking spaces than negatives for the people who will be utilizing that apartment complex?

Nielsen: So that's a question that's maybe not appropriate for me to answer what I can say is the max numb limit established in the zoning code 1.2 spaces per dwelling unit and that is what the city council itself approved. And that's what the developer has chosen to build to. Design commission does not have the per view to come in and say that ratio is too high. You can only build half that or a quarter of that. [overlapping speakers]

Hardesty: Commissioner Hardesty. Central City plan, when was that adopted by council?

Nielsen: That was originally adopted in 2018 want there was a whole state land use appeal process, that made that out of adoption and it was readopted last summer in 2020.

Hardesty: Thank you. I say that to say, what we have rather thanked in the last couple of years is that wee we can't waste to have an impact on the climate and so somebody who knows nothing about central city planning, and city council votes, is just a basic question of building 33 youths and you're building 40-plus parking spaces, just seems to be a disconnect without values around reducing carbon emissions and bid on one of best transit routes in the city of Portland. If we don't have someone taking that into account as we may have been making land use decisions, that's a problem.

Nielsen: Commissioner Hardesty, you're absolutely right. Many of the testifiers today, have cited both climate change and carbon emissions from the parking as one of their issues. Unfortunately, because this is what is led in the zoning code, the design commission did not have the authority to, like I said, reduce that. But if the city council finds these parking ratios are excessive, I would encourage council to petition the bureau of planning sustainability to take another look at these and work on them for reducing future development.

Wheeler: Thank you,.

Rees: I appreciate of your being cognizant make sure people have equal time to testify. But I want to make sure the staff report is generally not the measure. It's usually make sure the appellant and the applicant each have equal time. I'm completely fine if you want to give both the applicant and the appellant an additional 3-1/2 minutes, we just need to make sure they have equal time to speak.

Wheeler: Linly, thank you for that clarification and of course, you're right on that. Yeah, so we'll do that. We'll hear from the appellant next. They have approximately 10 minutes and if they go over, then obviously, the opponents will get additional time as well.

Wheeler: Commissioner Hardesty, did you have a question? (no response) I take that as a no. All right. Good. The appellant is up next. 10 minutes.

Daniel Kearns: Good a Mayor Wheeler and city commissioners. Can everyone hear me and see me okay? Good. My name is Daniel Kearns. I'm an attorney, I represent the goose hallow foothills league in this appeal. I submit aid short memo dated November 29. You should have in your peaks, along with the commentary that you adopted with the central city 2035 plan, that articulates your understanding of what these parking provisions mean. Just kind of report on the important issue that is I'm going to speak about. I'm focusing on the issues in that memo, particularly parking: This project proposing 337 condo or a apartment units. 17 stories, 403 below-ground parking spaces. It meets the maximum park ratio. But if proposes to dedicate 225 of these parking spaces as an entitlement, to an offsite older building, two blocks away. An older building that already has its own 3-story parking structure, presumably sufficient to handle it's parking demand. And that he was 178 parking spaces. And a spread over 311 units. So this project really looks like a parking project and less so as a residential project and what we see is that what's driving the size bulk and massing of this project is to

maximize the amount of parking it can have, so they can dedicate 225 spaces in the MAC club. This parking is allowed if it meets the parking requirement and it is code Mr. Neilson took the presumptive position that it constitutes growth parking. There are work, kinds of parking allowed. Preservation parking and visitor parking. So it's the first two that really matter here, growth parking and preservation parking. And the, in order for this project to be allowed, and allowed out right it has to meet all the approval cry tear yeah, including these parking provisions because that's what they proposed f. They don't f they don't show they comply with one of these categories another not approvable in its current form. So that's how we get from a simple design proceeding to a question of whether they meet the parking or not want this is the only public process to review that question and Lou has said pretty clearly, it has to be addressed, some way, somehow. So the applicant take it is the position this is growth parking, and it focuses on one provision. Growth parking may be operated as accessory or commercial parking at all times. Also this your packet, is a memo from Mr. Neilson dated the 6th of November, where he addresses is it accessory, is it commercial and here's. He said, quote, per zoning code section 33521061f4, growth parking may be operated as accessory, to the primary use on the site. And commercial parking at all times. This will allow the portion or all of the parking spaces to be rented to other uses or shared among different users over the course of the day. And the commentary that you adopted with this section of the 2035 plan, provides an explanation as to how growth parking is really supposed to work. It says, it will allow greater efficiency in the use of existing parking supply to serve multiple trips, to the essential city, throughout the day and week, rather than exclusively requiring parking to be an accessory to a specific use. This will lead to less new parking, being built over time, new development will be able to tap into existing supply, before having to add new park withing new development. This is a good explanation as to how shared parking works, which was the objective. Shared parking is something we all see. An example would be a commercial business. Doesn't have any onsite park being so it enters into a shared parking like a church. They share this parking over the course of the week. Sundays and evens, the churn uses it during the day, the business uses it. They don't conflict on ours and achieves those objective that is that are in the transportation system plan, for reducing parking demand. Reducing generation. It doesn't generate more parking spaces. But that's not what's

happening here. These are 225 spaces that are dedicated, as an entitlement to the MAC club two blocks away. It's not accessory to the primary use on this side. That's clear. They are also not commercially available or shared among different users over the course of the day, as Mr. Neilson indicated is what commercial parking is. These are entitlements to a particular old building. When you look at the other categories of parking, this sounds a lot like preservation parking the way you describe it in your code. This is how you've described it. It's created to serve existing and old buildings that have little or no parking associated with them, the ratios for preservation parking are based on the needs of the employees and tenants who come to the building, for other reasons, such as customers and clients." that's what it looks like. It doesn't look like growth parking. It's not shared parking at all. And the commentary you adopted with this code provision, kind of bolsters that explanation. It describes how older buildings in central city area and you've seen them, these old bank buildings, my office is by pioneer square. They rely on parking in surface parking lots. They had progressively and the commentary you adopted, and those parking lots, being developed with new buildings and those new buildings, will provide extra parking that will be dedicated as an entitlement to these old buildings. That's preservation parking. That's what this is. So it's not growth parking. The plan for 225 surplus -- an old existing MAC club, that's preservation parking. It's not accessory to this use, to the main building. It's not commercially available. It doesn't qualify as growth parking. The approach violates several of the transportation plan system policies. And I quote them in my memo in a footnote. Some of these policies that you've adopted, talk about parking management in the central city area, to reduce parking demand, and manage supply to improve pedestrian bicycle and transit mode share. Neighborhood viability. Safety, business district viability. Vehicle miles traveled reduction. Air quality. Implement strategies that reduce the demand for new parking and private vehicle ownership that help maintain viability. You adopt a policy that says, limit the development of new parking spaces to achieve land use transportation and environmental goals, especially in locations with frequent transit service, regulate off-street parking to achieve mode share objectives, promote compact walkable urban form, encourage lower rates of car ownership, and promote vitality of commercial employment areas. Sounds like something commissioner Hardesty would have voted for. I think she did on this one. There's also a policy in the transportation plan on

shared space and resources that said, encourage shared use of parking and vehicles to maximize efficient use of limited urban space. These are not shared spaces. These are dedicated entitlement to the MAC club and it doesn't fit the definition of what growth parking is. It's more approximates preservation parking which is a category you adopted. I think you should require this applicant before this is approved to do justify at a meet all the requirements for preservation parking. And they haven't done that. They haven't done that. So as it stands you have a couple of options before you, that we would like to see. Can you deny this project because this component of it doesn't meet the requirements of the code. Aside from what you about the design element and it is design guidelines, the parking that's proposed here, doesn't meet the three categories of parking that's allowed in the central city plan so that's very valid and I think compelling reason to deny this project. Alternately, can you approve it with a condition that says, no reserved parking. No entitlement. That this has to be all open, available, commercially, available parking. That's a point or you could also send us back to the design commission for them to address it. They didn't address it. At a stuck very closely to the design guidelines and refused to address this issue. But you are obligated to do so want you are the decider in this case and this is a critical issue as to whether this use is allowed, as proposed in this zone. Thank you v I'll be happy to try to entertain any questions you might have.

Wheeler: That completes your presentation.

Kearns: For now, yes.

Wheeler: Colleagues, any questions at this point? Next we'll hear from supporters of the appellant. That means if you agree, in large measure with what you just heard, this is your time three minutes each.

Clerk: Judith Widen, Helen Gundlach, and Rachel Clark.

Judith Widen: Can you hear me now? Do you want to see me, too?

Clerk: You have the ability to turn on your video if you choose.

Widen: Okay. Hello. I'm Judith Widen. What has puzzled me most about the process, this process of development review is the lack of review beyond design of the building itself. Review of issues that will affect the neighborhood as a whole. In this case, the parking development is central to everything else. The mac owns the land and wants more parking

spaces. By city plan and zoning code, parking must be linked to housing. Thus, the size and scale of the participator building has been determined by the max desire for 225 parking spaces the parking area, under and surrounding the building, not seen by the public, was not under design review, when in fact, its very existence will lead to more traffic and park congestion that will be felt by the neighborhood. Goose hallow is transit-oriented and pedestrian friendly. Block 7 is just one block from two MACs and several bus lines. 20th avenue is a narrow, busy street. The additional traffic invited by this parking garage will only add to the traffic congestion and increase parking competition for the public at large if they are not allowed to use the garage. Certainly, these issues, as well as pedestrian safety, air quality and noise, weren't a traffic study. It is by understanding that a traffic study was not required for its rm4 zoning. You what about now that exceptions and exemptions, have resulted in a building that is with f.a.r. Floor area ratio of nearly 10? Likewise the permit for the tunnel, connecting moderna main to the MAC was not subject to design review because it is underground. According to Bob Haley, senior planner for pbot. The tunnel of the under an encroachment and approved by you, city council in July. It was epe indicted under exception exemptions for the need for housing. Now, I ask, what does the tunnel to the MAC parking garage have to do with the housing in the building? Here again, we have an instance of a desire for parking being the driving factor for this project for these reasons, in addition to those covers in the form of appeal, misinterpretation of the growth parking and failure to meet design guideline on all four sides of brock 7, I support the appeal of the goose hallow neighborhood. Thank you.

Clerk: Next up, we have Helen Gundlach.

Helen Gundlach: Alright. My name is Helen Gundlach and I'm a resident of arbor vista condominium, southwest 20th and Howard's way and where I live is central to my testimony in speaking out against the moderna main, I want city council to know about our experience dealing with mule creek residential trust, who built [indiscernible] flats across the street. Throughout the design review process, we wrote letters and testified at every hear about the scale of the building, the loss of trees, and violations of goose hallow design guidelines. Every recommendation we made fell on deaf ears and made a mockery of citizen participation. Design guidelines were created to maintain excellence and to preserve a neighborhood's

uniqueness. On these standards, mill creek fell short. The exterior design features and landscaping are lack luster. Four skimpy trees, replace three dozen. A metal screen water feature is dry, except for the drip, drip of a drain spout. There in concrete containers, sound the bell, and a pocket. But the real broken promise is about the shared parking experiences given by Sam Rodriguez, mill creek's representative. Tenure plants was built on land, which includes a public parking lot. These 18 public, parking spaces resulted from a neighborhood agreement with tri med on the building of the west side. For years, they were use biden the neighborhood and were in over flow lot for first united Methodist church. Sam Rodriguez verbally promised us that the parking plan included neighborhood access, especially for the church. We trusted Sam, you mule creek broke their word. No one in the neighborhood has been given access to these 18 spaces. And the security gate has always been closed to the church. They kept these 18 spaces for themselves and have leased them out on a paying basis to Atlanta dental. That's why I'm skeptical of any cups re design features and parking promises that mule creek makes. Goose hallow is a fragile echo system that, will buckle under the weight and scale of the moderna main, which sets a dangerous precedent for the city of Portland's future vibrancy and livability. Thank you.

Clerk: Next up, Rachel Clark.

Rachel Clark: Hi, everybody. My name is Rachel Clark, and I own and manage goose hallow end. Opened by my father, former Mayor, Bud Clark in 197. Moderna main street's plans do, not meet the applicable central city design goal, such as the requirements for design street scape, and pedestrian system. As had as preservation of existing view corridors, all which are central to the vitality of healthy Portland neighborhoods and are vibrant, attractive city. The project did not satisfactory meet guidelines, a8, b1 and b-1-1. The commissioner pointed out the max existing large parking garage across the street that is a burden on the neighborhood, which couples a problematic street wall facing one equally void pedestrian friendly activity. I find it curious the development's title, moderna main street, causes tension to pain street yet the forth facing side is shall essentially a 17 story rise from the standard sidewalk and on the other side of the street, is a parking garage as well. So the parking garage entrance is literally facing a parking garage. Many pedestrians walk along pedestrian. The propose the garage offers third entrance to -- within the three entrances, cars will be entering the car's park area

from four streets. Southwest 20th avenue. Sam street, vee at right-of-way between (audio distortion) and the garage. The south side of main street, the right waxer and the north side main, via the proposed building. The city's design guidelines to provide opportunities to pause, sit and interact is not met by this man plan's core concept of driving cars into the center of the neighborhood 24/7. Central city -- maintain air quality and this plan fails to encourage that and adds eoff the and pollutant to the area, by adding cars to already burdened streets. Between 78 and 80, the city approved the MAC parking garage with the caveat they not add more parking for the club. My father indicates that it's on record that the neighborhood was told by city council at the time, it's not going to go beyond this, so don't worry about it, this is worrisome that agreements can be broken like that. Finally the excessive height of the this project, violates building height standards. We looked at map 5, 10, 20. And we department see the spike of the view corridor, but there's a spout a view corridor on that map. 17 story building is over 400,000 square feet and in section c1 of design review standards, we're supposed to size and place new buildings to protect existing views and view corridors, but this building is shoe horned into the block and obstructs the view. The central city guidelines are violated. (On mute).

Mapps: We have lost you.

Hardesty: It's over time, Mayor.

Clerk: Next up, we have Greata Beatty. Jeff Malmquist and Lori Goldsmith. Gretta, are you able to unmute?

Greata Beatty: My name is Greata betty and actually, I did not intent to present an oral testimony. I sent in a written typeset. It's really the third one that I've sent into the design commission and now, one to you, and I hope you'll have time to read it.

Clerk: Next up, we have Jeff Malmquist.

Jeff Malmquist: Can you hear me? Hello, I'm Jeff Malmquist. 1020 southwest main street, number 4. And I've lived in goose hallow for over 16 years, and I rise to speak today, to respectfully object to the approval of the proposed moderna building on block 7 in goose hallow. In my opinion, the allocation of 225 parking spaces in this new building for athletic club's qualify use, violates section 33.510.261 of the central city plan for 20 on 35. Which deals with park. The purpose of this section states, the parking and access regulations implement

the central city 2045 plan, and the transportation system plan by managing the supply of off-street parking, to improve mobility, promote the use of alternative -- support existing and new economic development, maintain air quality and urban form of the central city.

Allocating 225 parking spaces for exclusive use of the MAC is not parking. It is simply the MAC -- a new, (audio distortion) 225-space park garage. MAC spaces will not [indiscernible] use of alternative modes. The MAC does almost nothing to promote alternatives (audio distortion) these 225 parking spaces are just another parking garage for the MAC. And the MAC already has a 500 car garage right next door. (audio distortion) they have enough parking. Including 225 parking spaces for exclusive MAC use in this building design, will harm goose hallow and violate section 33. 510. 261 of the central city plan, for 2035. I respectfully ask the city council to uphold our appeal. Thanks very much.

Clerk: Next, Laurie Goldsmith.

Laurie Goldsmith: Good afternoon, I'm Lori Goldsmith. I'm in opposition to the project in its present form, which consists of 17 stories with the building area of 423,452 square feet, and a floor area ratio of 9.69 to 1. The massive area, starkness of the sheer 17 story drops on both 19th and main, will negatively affect livability on the pedestrian experience in the neighborhood. -- vastly exceeds the area and floor area ratio of any other residential building, such as the vista St. Claire, and salilo apartments. Moderna main will be a looming outlier in goose hallow, unless future develop was also incorporate inclusionary housing, exploit floor area transfers and exploit growth parking to gain add building height, floor area, on property zoned. It will stick out for decade assay massive tower, out of touch w the tree filled out of teach. Moderna main does not complement existing buildings as its great height and mass will overwhelm and tower over the existing two story homes and smaller apartment condo minimum buildings. Materials no stretch of the imagination, by which a building will fit in contextually, with the numerous two story buildings, it will tower over. Buildings of the size and mass, in the have a less domineering presence because the streets are so much wider. On all four sides, the adjacent residential streets are what's typical to residential areas. Moderna main, also violates section b1-1. Gas hallow guidelines. The project does not provide human scale along walk ways on two sides the building. The sheer 17 story drops from the top of the building to sidewalks on southwest 19th and main, will intimidate pedestrians and will be

uninviting from the sidewalk. The develop expert fronter owner, the athletic club, have exploited recent code changes in order to gain height and mass of magnitude unmatched. To my mind, if the existing contextual zone degree not support the proposal, then it is the wrong building for the site. The develop expert owner have exploited the co-changes because they cannot build an rm4 what they want. Thoughtful consideration of these matters will be appreciated. Thank you.

Clerk: Carol Isaak. Carol, are you able to unmute?

Carol Isaak: I don't know how to turn on the video. I'm not a new resident to Portland, Oregon. I've lived up the hill. 2.5 miles up the hill. And I'm living in the legends condo at the moment. But the legends condo, if you look at the exterior, is very beautifully modulated with a sense of the neighborhood. The face of the building, this new building, which will face us is a flat wall and one of my concerns is light and nobody has spoken about the light that will be restricted to the neighborhood by this huge rather unappealing building. And although there is a little bit of a weight of the hand to one side, facing the architectural historical building, there is no there is no respect for those of us, living on the other side. There's only one access to this garage, which would have in and out people coming from the MAC. Maybe in and out people coming from some of the commercial buildings on the side. So I think so I think that the whole design needs to be scaled back. My one year of architecture, many years ago, allows me to look at plan with a little bit of a critical eye and I will keep on attending to this. I hope you listen carefully to Laurie Goldsmith. She had very careful observations, and I stand with her. With this, I conclude. Thank you for including me.

Clerk: Arianne Jacques.

Arianne Jacques: I use she/her pronounce, I submitted written testimony so I'll be really brief here. I support the appeal. I would like to esq. Oat sentiments of my neighbors who have already testified and will be testifying. I would like to highlight one concern, which is that I believe it would be incredibly irresponsible to move forward with this project, without undergoing a comprehensive traffic study. The traffic in this neighborhood has been pretty bad and is going to get worse when we return to a post pandemic world. I think that's something we really need to keep an eye here. Thank you for your time.

Clerk: Next up, we have Carolyn Ofiara.

Carolyn Ofiara: I have no other comments, other than the fact that we have to have a traffic assessment. I do support the appeal.

Clerk: Next up, Kathaline Rollins, Marilyn Weber, and Alison Heryer. Thank you. Kathaline, are you able to unmute? (no response). Can you hear us?

Kathaline Rollins: Yes. I can hear you. And I wasn't requesting to speak. So I'm going to give my time to the next person. Thank you. But I do support the appeal.

Clerk: Thank you. It looks like the next speaker Melanie has declined to provide oral testimony so we'll go to Marilyn Weber.

Marilyn Weber: Hello. My name is Marilyn Weber and I support the appeal of goose hallow foothills league. Regarding the parking garage. I have concerns that the developer misinterpreted the growth park provision, 335261. In the building plans of moderna main. According to central city plan, who those 225 parking spaces should be open for public use and are not for MAC's exclusive use. The propose would garage would be facing main street, with cars, flooding on to a heavily trafficked, 20th avenue, only a short block away from both of the existing, very busy MAC garage entrances this significantly endangers, pedestrian safety throughout the immediate area. Furthermore. I do not believe the moderna main's design, respects the character of the historic goose hallow district. The taken story building would have bound easier, extending to the sidewalk on all four sides. Segueing into another concern of mine are the 50-plus mature trees, bordering east, best and north sides of block 7. Trees that took generations to grow to their current height and vast network of roots, which ab associate rainwater and prevent run off during sudden terrible rains. The urban forestry division did not recommend quote, the removal of healthy trees on the north side southwest main to build a town connection and they also noted quote, that numerous young trees, planted in recent years, have died, due to climate change. No trees, no air to breathe. There are no city regulations protecting trees on private property so we rely on citizens in the private sector to do so. To wrap it up, there were over 100 public out cries from goose hallow residents and many fewer affirmations. So sleepy hallow would be anything but sleepy if this building was built. Thank you for letting me have my say.

Clerk: Next up, Alison Heryer, Chrys Martin, and Greg Plummer.

Alison Heryer: My name is Alison. 11 twine southwest 20th a. I'm at work so I'm keeping my camera off. Goose hallow is one of the most densely popular neighborhoods and we rely on green ways and walkways. This development proposes to eliminate an replacement community asset to support a second private parking lot for an exclusionary organization and most of us will never be able to afford. Your bureau of parks forestry division, has denied this -- canopy coverage, reducing emissions and retaining trees where feasible. Simply put, this development is not sustainable or forward thinking, particularly in the midst of a climb climate crisis. And does nothing to contribute to the vibrant street scape which was the primary concern of the design commission. The current plan also creates a number of safety hazards, which is design commissions say are not under their purview. The small, residential streets, sounding proposal much developed over a century ago, and barely accommodate the current traffic patterns. Living on 20th avenue, we regularly witnessed traffic conditions that are hazardous to pedestrians and prevent the emergency vehicles from reaching destinations in a timely manner. Manner. How does one of the largest structures outside of downtown, receive this kind of exemption? If approved, what the pbot be doing to address these safety issues, pose biden the additional traffic and will taxpayers be footing the bill. I object to the they aren't suggested, that this development is about affordable housing. If the council does approve this, I would ask them to do their due diligence, before awarding developer, another tax break, intended for affordable housing. In july, you approved a 15 million-dollar tax reduction, in exchange of the 247 units restricted for households earning 60% of the median family income. That's 11 units out of 236. At the same reconfiguration scheme, used on this development, it would restrict only 14 units out of the 33 sec. Surely, we can expect more from these exemptions. I will be submitting screen shots of current moderna listings, that suggest how much money will be made from other units, compared to the my name is mall affordable how long created from these exemptions. None of the previous development activity indicate any interest in affordable housing, and the continued subsidizing of these entities, will only erode public trust. You I don't oppose development. I just ask that it be done, sustainably, ethically and genuinely, address real housing needs of the city. Thank you.

Clerk: Chrys Martin.

Chrys Martin: Thank you very much, council for listening to this appeal today. I'm speaking today as one of the many owners of vista house condominiums, at 2020, southwest market street drive, and my husband is chair of the association there. As a member, I'm also speaking as a member of the MAC club. I do not support this project. There are many other vista house residents, who are also MAC club members and we know the MAC club does not need another 225 extra parking spaces. Life as we know it in the past, or maybe there were occasions where there was parking needed for the MAC is gone. I go there three to five times a week. I've gone there, I'm a lifetime member. I've been driving there until I moved closer for almost 50 years. Now, I'm fortunately close enough to ah, but I'm worried about the already crowded traffic that goes through that neighborhood because nearly every morning in the dark, my husband and I have to dodge another car speeding through there. This project was rejected once several years ago, by the city council, and it should be rejected again. First, we go to the MAC club several times a day. I mean, at all different times of the day, including the peak times. That parking garage is empty. The days of when there were big 300, 500-person events at places like the MAC club or downtown hotels, those are gone. They are never coming back. We all know that. And if there is some way that they do come back, the MAC has plenty of other parking. And it is really, as clear the legger speakers have noted, this parking issue that is driving the size of the building and scope of the building. This is not reservation parking and it doesn't meet growth parking requirements. In addition, the design guidelines, as others have spoken about. A8 and b1 and b-1-1 are violated by this project. As the code requires shared parking, rather than exclusive parking. Which is really exclusive parking for the MAC club. That is not needed in this neighborhood. The design, the incentives for exclusionary housing in use to create a structure that's complete 3 out of place with the rest of the neighborhood the sheer size violates c4 and damages the heritage of the neighborhood, damaging the goals. And other code violations, the project doesn't continue to a vibrant street scape. And violates a8 and b-one again. There are plenty of ways to allow a financially successful, lower-scale building that would provide housing near mass transit in keep wealth neighborhood street scape, besides this project. We urge you to support this appeal and stop this project. Thank you.

Clerk: Greg Plummer, Connie Humphries, and Amanda Hays..

Greg Plummer: My name is Greg Plummer, and I am a resident of goose hallow for 21 years plus. I also reside in arbor vista condominiums and have the same experience with mill creek as Sam Rodriguez and Helen Gundlack expressed earlier. The block 7 proportionate -- it will have tremendous negative effects. Tall cause permanent sun blockage, leaving single family homes in the shade most of the day. The large structure will be character to goose hallow as seen from anywhere in embassy hallow, as it will tower far into the blue sky and interrupts the view from the Japanese garden from Washington park. The traffic will cause new York-style congestion, 209 small neighborhood streets and will eliminate the only remaining screen spates in goose hallow. It will go from quiet to peaceful to a neighborhood that never sleeps. It will not maintain air quality but create a high increase in the pollution and carbon emissions. The old goal three's will be decide. A solution will be to rethink north west to resort style of structures that are significantly shorter, that can be a community friendly building, surrounded by green space areas that will be more naturally conducive, to preserving -- while preserving some of the old growth trees. A dog park area and landscaping features, in traditional northwest style. A development works with the surrounding neighborhood, instead of against it, would be far more attractive and welcoming. Please consider this. It can be accomplished and served the same purpose. It will make a difference and create a working acceptance with the community, as it will help us all grow to a better, stronger, and loveable community, instead of a sad, chaotic structure, that will stand to offer years to k. Working against each other, creates a negative environment. Working together, buildings a stronger community partnerships, that move forward and pretty friendships. I support the appeal, proposed against the podium level pose would development of block 7 respectively ask city council to uphold our appeal. Thank you.

Clerk: Next up is Connie Humphries.

Connie Humphries: I'm not planning to speak today but I support the appeal.

Clerk: Thank you. Next, we have James McClusky. Looks like we're having audio issues with James. Let's move on. To Helen Dennis, Jerry Powell, and Amanda Hayes. Helen are you able to unmute? Let's move on to Amanda Hays.

Clerk: Amanda Hays. I'm a white female with agree hair. I'm opposed to the development of block 7 by the athletic club because serious impact with the destruction of green spaces and

increased pollution and the applicant of the propose the project, has unlawfully, misapplied and mis interrupted, the growth parking provision of pcc. 3510. .261f4 want in order to secure more parking spaces that will be used exclusive for the MAC, as are as the design being incongruent with the surrounding home, and units. I, myself, live on Jefferson street, and the increase traffic would negatively impact the health of my family, my neighbors and myself. And the removal of this green space and development, is going to decrease our air quality, which is vital in the midst of a pandemic, and effects our lungs, and will increase noise pollution and create safety "hardballs" in an area, already having a high influx of motor vehicle traffic. Create a higher risk factor, including myself. And if construction is approved, it also creates a higher risk of pedestrian vehicular Ms. it's been proven, access to green spaces within a short distance to your hope, associated with less stress, which improves your well-being and mental health, which is especially important for those enrolled and native-American rehabilitation association just one block away it is also one of the few green spaces in close proximity. For people who are disabled or have limited mobility. If this space was developed, as in the proposal, we would not only lose green space, but all the other parking spots would be used by the residents of the building, and the MAC, and dedicated parking inspector of the project does not fit within the operative definitions of the ordinance and violates design guidelines, a8 and b1 and should be reevaluated by city council. It goes back to caring for community and keeping our green spaces during a climate crisis, and earlier this year, the -- the city is committed to centering racial and equity in our collective spaces with the response to covid-19 I encourage you, to vote against this development, I'm in support of the appeal and I believe that we must preserve our people and the planet. Thank you.

Clerk: Let's go back to Helen Dennis. Looks like you are muted. Did you want to testify today?

Helen Dennis: I'd just like to ask anybody, if they have tried to cross between 20th street, from 3: 30 to 6: 00 in the evening. It is impossible. And I hope with all this additional traffic and sparse park, we're not anything to have to put in parking lights going up and down our hills. Thank you for looking at a traffic study.

Clerk: Next up is Jerry Powell.

Jerry Powell: All right. Can you see me. I'm Jerry Powell. I live in one of the 4 small queen Ann housing across the street from the project. I'm also a retired professional planner, with over

forty years of working mostly in the public sector. 6 years ago, none of you were in office but the 5 commissioners who were, looked at this same project an apartment house over a parking garage. In that case, there were apartments, totally addition to the parking but smaller. But still, it was kind of the same project. (audio distortion) in that case, it was, the issue was whether there should be [indiscernible] (audio distortion) the landowner did not prove that they actually were justified in asking that. The neighborhood was the impact of a 50% increase. The issue for you was whether the design commission reached the decision or not. I don't think it can. The commission couldn't have reached the real issue here. The design they were called upon to consider was based on a false premise want because of that, could never have satisfied any cry tear extra for good design. Half a million square foot meeting, stuck in the middle of a median design area, was clearly the el van in the living room. The object of design review is not so much to make a building pretty. That's just putting lip stick on a pig --

Hardesty: Excuse me, jerry, you are fading in and out. I'm not sure why that is happening to you. I just wanted you to know we're only hearing half of the sentences that you are articulating.

Powell: I'm sorry, commissioner.

Hardesty: You sound better. I don't know what you just d. You are perfect clear now.

Powell: I just got close tort microphone. The object of design review is not so much to make a building pretty. That's just putting lip stick on the pig. The object is to make community to do so, you know, to do whatever it takes to assure the public that the new building in the neighborhood will be a good neighbor and will make the community better. The parking that's justified as growth parking here, drove the design of this building. I don't know highway you can take a half million square foot building, put it on a 43,000 square foot lot and expect to have anything left for the public the public spaces, the pedestrian spaces are too small. The building does not setback and it doesn't step back, either. It's simply, the wrong building in this place. Please affirm the appeal. And send the developer back to do his homework.

Clerk: Next up we have Bob Joondeph, Sean, ODonnell, David Delaney.

Bob Joondeph: I appear to be a little green here. That's not my normal hew. But I do appreciate an opportunity to speak. I've submitted written testimony, which agrees with every point made today. I live across Jefferson Street and I walk almost daily over to the burn side area, that's why I do my shopping. I occasionally, bicycle through the area and it is, it's a heavily traveled area. Has high car traffic, due to the existing MAC club traffic. It's almost inconceivable to me. That this plan building could be considered to be consistent with the neighborhood or the goals of the city, which are to have livable neighborhoods, to have human scale development, the use of encouraging pedestrian and bicycle use, and of course, having housing that is responsive to the need of the city. So in conclusion, what I would say is that just like anything being on the ground and walking the streets, makes a big difference and I would urge you, many of you are of course, MAC club members already. But I would urge you to walk around the neighborhood and really get a sense of what this type of development would do. I think it would I think it would dramatically change the scape of the neighborhood, and not further our environmental and social goals in the city. Thank you very much.

Clerk: Sean ODonnell

Sean ODonnell: Sean ODonnell, I'm a resident of goose hallow. Probably don't need three minutes here to reiterate a lot of the points that my neighbors and our couple has already presented on this development. But I think it's clear, the design commission has been taken advantage of this developer and mill creek and the proposal. The interpretation, and application of the growth parking code, has been misinterpreted entirely and the design application was in no way prepared or able to address this misinterpretation. The applicants argue the parking is commercial and can be allowed. You should that growth parking code, but as we pointed out that comes in contrast to what observation parking. Which is what they are asking for and does not fit. We're talking about this misinterpretation, that the design commission couldn't address, they are not in a position to address. They talked about the design itself. But there's significant impacts here. We're talking about deadening of the main street corridor and significant congestion issues. Mayor Wheeler, council Rubio, I think you both can admit when you try against the MAC during rush hour, during the 3 to 6: 00 p.m. Window, that's tough and I think it's clear, looking at this, the traffic will exacerbate this issue.

I see Bob Haley here. You are at the January 7 design advice review where you stated this would not be an issue. Shouldn't be a problem. I think the community here, largely disagrees with that entirely. I'd love to hear about looking at increasing pedestrian safety. But please don't make a mistake by denying this appeal. I understand, these issues are greater than in nimby issues. This basically, represents a situation where developers can come in and take advantage of your commissioners for unneeded developments at the community's expense. How do we feel about having a Texas developer coming here and telling us what developments we should have and for what purposes? I think the council should take that seriously. I don't think we want, Texas, dictating how Portland should grow and develop. I think that's a problem. This how long will improve the neighborhood and doesn't materially address any housing shortage as we talked about, there's no significant housing here for, you know, lower class or section 8 housing. It doesn't really address the deeper issues we have seen as the core of the housing crisis. The city club. Why are we, as a city and community, entertaining parking space issues city club. Why are we treating them as a before thought. They should stay in the city and use those parking infrastructure that's already there for them. Thanks for your time. Appreciate it.

Clerk: Tina Wyszynski.

David Delaney: Hi there. I'm Tina. I'm the president of the stadium, district business association and I testified last time where I was also publicly vilified and called out by a Goose Hollow foothills league member for being pro, this project, but I have many reasons why I and the stadium business association are pro this project and I will read my testimony to you, if that's okay. Dear commissioners and makers' the stadium district business association offers full support of the block 7 modern main prong and urges the design commission to approve the proposed design and we urge you on today to, ignore this appeal. As residents and business owner in the area, we feel this project supports the growth of the neighborhood and positively impact it is the community. It is in line with the city's plan to increase density, while being mindful of the minimal impact to the surrounding area. We see increasing residency, and parking as an asset to current and future businesses, and the overall vitality of the community as a whole. We believe all criteria have been met to move forward, and in particular, would like to highlight the following. The city adopted the 2018 code amendments

for the central city to invite and encourage the project that is before you. The project is within its permanent height and density allowance and it proposes a design that presents complementary and compatible frames to the neighborhood in a high quality design that reflects the improvements and context of the community. This project will bring more residents, and a variety of income levels into in established, mixed use neighborhood. Lincoln high school, providence park, goose hallow. Stadium district retailers and the MAC want the shared parking plan will allow highly efficient use of parking places, meeting demand of the project, as well as the other uses in the neighborhood and a low parking ratio, while reducing street parking impacts. We recognize this project has been long awaited and we urge you all to please end this ridiculous appeal. It's unfortunate, and when people talk about the MAC being a city club, I'm not a member of the MAC I go to the MAC for meetings. It's a community. It's a place where people from the community, whether you're a member or not, are often invited and now, they have a very hard time getting guests or anybody there to be able to park. It's a big struggle. And so do all of our ms. Some people want to get a message or go to the chiropractor and they have to plan for hours in advance, especially with all the construction we have, so none of these problems are anything away. The one thing about this project that people are forgetting is that goose hallow is filled with buildings that have studios, one bedrooms and two bedrooms. This is the first project in years that's actually offering a few 3 bedroom apartments. So if you have one or two children of opposite sex that is might want their own room or maybe you need a home office because of covid, you have a chance at a 3 bedroom unit.

Hardesty: I believe the last speaker was speaking in favor of the proposal and we were still taking people who are still supporting the appeal. Have we concluded people who are supporting the appeal?

Wheeler: I'll turn that over to Keelan.

Clerk: That was the last person supporting the appeal, but I believe that testimony belongs to the group that's supporting the appeal.

Wheeler: Let's take that as testimony in opposition to the appeal. I believe that was clearly tina's point. If we're done can certs. Restricted move on. To the principle opponent of the ooh peel, and they have 15 minutes.

Rees: No Mayor it's not the first time people have been confused. So I think we are good.

Isaac Johnson: If the clerk would be so kind as to share the images that we sent for today. Great. With me today are Sam Rodriguez and Cassidy with mule creek, residential trust and christie white w alexander law firm. We have prepared to respond to three issues, raised by the appellant. Ms. White will speak to the first two. With that, I'm going to hand it back to christie.

Christe White: I'm Christe White for the applicant, good afternoon. There were three issues, raised and as Isaac discussed, I robbery walking you through the park and the overall massing and between those two, I'll turn it over to Isaac to talk about the ground floor design. Next slide, please. The city correctly interpreted its parking code in this review. This is not an applicant's determination. It's the city of Portland's interpretation of its own code, and 2018 amendments. The parking code was intentionally, simplified in 2018. First the code -- this project contains growth parking. Growth parking is defined as parking created in conjunction with additions of net building area, as part of new development we are building in a new residential tower and are clearly, unequivocally, growing parking under the plain language of the code, then the code sets out clear numeric parking ratios for that growth parking. Here and everyone in the central city plan district, that is a low ratio of 1.2 spaces per unit. We have 335 unit. That is 404 permitted spaces. We have 403. So we're in strict compliance with the code. Then, what's most important here is the code prescribes how those spaces can be used. Again, the plain language of the code states, growth parking may be operated as either accessory or commercial parking at all times once you classify as growth parking and within the ratio, you can use that as a local parking for any accessory and or commercial use. What the opponents and particularly, Mr. Kerns are failing to share with you are the definitions of accessory parking use and commercial parking use. Those are also clearly defined by the code and include parking 4 on or offsite, specific uses or general uses, with or without a fee they are broad definitions and therefore, this growth parking can be used for any use. There is no further restrictions in the code. What is the purpose of this operational allowance? That is simple, too. The city upon wants to incentivize the efficient use of parking. Once it is built at the allowed and low ratio, the code encourages multiple uses of that parking to prevent the over building of parking so actually, the opposite of what the opponents think is going to happen

here, will happen and will be encouraged by the code. This is what this proposal accomplishes and that is yet city has not wavered in two years from its interpretation of the code in this case. It is also not hard to imagine how well that will work on this site. We have 404 spaces that are allowed just for residential use. Instead, we are building 403 spaces and sharing those spaces. With other sites in the area that generate that demand within one to three blocks of the city, it's the MAC, province park and Lincoln high school. Much has been made of these spaces being reserved for the MAC. They are not reserved for the MAC. What is happening in this case is the MAC is managing a portion of the parking as a commercial and accessory parking, strictly allowed by the code and the residents are managing their parking spots as allowed by the code. With these spaces made available to multiple users, there will be respectfully need to over build exclusive parking space in the area. In response to the city's interpretation and rebuttal to Mr. Kerns. He conflates the type of parking, growth parking, with its shared use and then turns that into an argument that it's preservation parking. The code does not conflate the two. In 2018, you simplified and clarified the code. First you determined type of parking then you determine how the parking is permitted to operate. They are two different inquiries. His interpretation would have you write the entire parking operation allowance for growth parking out of the code. The code allows growth parking to be operate as accessory or commercial at all times. He would argue this provision and it doesn't apply, and renders it meaningless and such an interpretation is not allowed by the common reduce of code construction: His interpretation is inconsistent with the purpose. And would incept vise over bill of parking. He would restrict the 403 spaces of residential use and require additional parking to be preserved -- code requires opposite. Build only the 404, at an already low parking ratio then allow multiple and efficient use of those spaces, so preservation parking isn't needed. Mr. Kerns also claims the parking makes the project too big, this is not accurate. The 403 spaces will fill the same volume of spates, regardless of how they are used, by the MAC, by province park, by Lincoln high school, by somebody coming to get a massage or going to a tavern or visiting any of the ms or individualing the MAC for an event. They did consider parking. Recognized, that it was allowed out right, at the permitted ratios and can be plated to maximize efficiency and he reduce overall demand in the neighborhood. They then addressed the parking podium, and the tower, under the design

guidelines and found they all met the design guidelines. The claim that the city council reviewed this similar proposal in 2015 and defiled it based on parking. We have to correct that statement, that statement is not accurate. The proposal in 2015 was for a zone change. The city council never took the matter up, didn't deliberate and didn't make a decision. They didn't review the parking. In 2018, the zone was changed by the city on this site, and parking code was amended in a manner that permit that is proposal, this was intentional code to accomplish the multiple objectives of the city including the inclusionary housing f.a.r. Bonus system, protective review corridors and shared use of parking. We appreciate the city's clear and concise interpretation on this issue for the last two years that has been one view, and have consistently applied that throughout this proceeding. I want to end this portion and hand it off by saying, that the code is important and there's state law that's, this application is subject only to the regulations that are in effect at the time we submitted our application. If there is a desire to change policy on or the regulations that can certainly be done. But as a matter of law, it cannot be done in wase judicial land application. I'm going to turn it back over to ingram to talk about ground floor and they are going to pop it back over to me for building massing.

Johnson: Great. And if you can move to the next slide. I believe ben neilson covered this in a lot of his remarks. Moderna -- -- all frontages, including southwest main street. It is important to note that main street is not designated in the zoning code, as a ground floor active use street and flat rm4 zone limits the amount of retail sales and service use in a multi dwelling building to a thousand feet and probabilities exterior doors and signage for those uses. While active use is provided, we can't look at this building the same way we look at buildings in other parts of the city. This is an area where things like coffee shops and floor shops would not be allowed. The design commission gave us specific direction on improvements to make on main street and we executed those, and as a result, we increase would glaze by 16% and active use by 88% so that two-thirds of the front acknowledges on by active use. Our development team met with the goose hallow foot hits league, 5 times. We initially had two parking entrances. One on southwest 19th street, in addition to main street. We consolidated to one entrance along main street, opposite the MAC garage so it would have the least impact on neighboring residences. So we're going from a block that currently has four curb

cuts to consolidating to one future curb cut, improved for pedestrian safety. In the end, the design commission agreed with the moves. We were approved four out of five, accepting votes from the commission. Next slide, please going to the next slide, we had prepared a video. I'm going to skip over that, in the interest of time and hand this back to christie. Maybe two slides from here.

White: Thank you, Isaac. Thank you. On building massing, the claim is that the building is too big Mr. Kerns claims, eye popping. The building is within the allowed density and height. The density and height were part of the city's 2018 code of amendments, and discussed and approved at that time. And what's interesting, if you look at that slide here, actually, our height at 175 is some of the lower heights in this area of goose hallow district o. As can you see, Lincoln high school has two 50 feet. The stadium, 225, and to the northeast, 325. So to claim that 175 feet in this planned density is eye popping, is not consistent with the code. Second. The building -- and can you flip one side this shows you what the context of the area looks like w MAC, the legends condominium. That is the development super imposed between main and Madison, showing its context. Next slide. You can also see the context here where you see in the foreground, podium level park and the related new buildings that province park and in the distance and in the surrounding area, the building placed within that context. I think what's important here is also to recognize the building earns the three-to-1f.a.r. For inclusionary housing. There will be 14. 14 three-bedroom family units at 60% mfi, and all or nearly 1100 square feet. There is one affordable housing studio want to suggest that this project is too big, is to suggest that we should not have a three-to-1 bonus to incent vise inclusionary housing and that position, is simply, untenable. It is also not too tall by any read of the code. It is 175 feet, as allowed by the code and for context, you saw that the property immediately adjacent is 225, 325 and 50. To suggest -- on this point, the design commission was quite clear and I think it's important to look through these quotes. These quotes on this page are from commissioner McCarter, talking about how well this property responds to the residential character of the area, how the provision of a townhouse style podium, adjacent from the Victorians, is a better response in this neighborhood, than some of the other taller buildings that currently exist in the neighborhood and it has a very strong response to the public realm, which is contrary, of course to what you have heard in some of

the testimony. This project is setback on almost every facade at ground floor with open landscape and park area, plazas, and there are certainly, I think it was Mr. Powell who said there are no step-backs or setbacks, that is absolutely not accurate as to this design. There are significant step backs and setbacks, and I think one other thing, you can flipped is the. One other thing to mention here is I don't think I've ever represented a design proposal that didn't require exceptions and modifications. This design proposal does not require any exceptions or modifications to the design standard or to the development standards. The scale of the massing is distributed in a way that really responds to the context. The row homes are across from the Victorian houses. The towers are across the street from another tower. All the massing is where it should be. And all of the building uses make a lot of sense, which I really appreciated when I drove around the site today. As to the garage access, there are four curb cuts on this property. We're removing three. So in terms of an enhancement to pedestrian access, we certainly have enhanced pedestrian access, by limiting, one access on main street. What goose hallow asked for. In addition there's a significant investment in an underground vehicular and pedestrian tunnel that will remove a significant amount of traffic on street, and put it circulating below street at a significant level of investment for this project, in order to enhance pedestrian safety. There is no prime minister under the code, for a traffic study and no like proposal has ever been required to do a traffic study much that is not to say, during the encroachment review,, we didn't have significant discussions with pbot on which access points where they should be, what the driveways should look like and how to enhance pedestrian safety, all of which pbot itself, agreed to and agreed that the proposal met all the applicable design guidelines and pbot standards. Just an aside, the applicant here, Sam Rodriguez, lives and workings in Portland for decades. So he has a very vested interest in his development projects in Portland. He doesn't live and isn't from Texas. The last thing you would like to say is this project meets all of the city's goals and policies, as reflected in the zoning code and in the design guidelines. It also includes a very rare, 14, 3-bedroom housing, and inclusionary housing to significantly accommodate planning. If this prong, that meets all the zoning code criteria, adopted in 2018 and all the parking code, in order to maximize efficient use of parking, Andrews future over construction of parking, can't be approved through the process, then no building k. This one checks all of the boxes and that's yet design

commission voted for one to approve this project, and we are asking you therefore, to reject the appeal and allow us to start building this project as soon as possible.

Rees: Mayor, there are a couple of procedural things I want to jump in on. It appears that one person, who was supposed to testify, wanted to testify in support of the appeal. They did not get to do so, so I will recommend that they be allowed to do so. But if the applicant requests the opportunity to respond to that we need to let them do that very briefly. So, that needs to happen. And the 2nd is nature that on the rebuttal the applicant used an additional 2 minutes and 20 seconds, so let's make sure that time is added for rebuttal if they would like that.

Thank you.

Wheeler: That was 2: 20 for the rebuttal at the end. And there's somebody who wants to testify. Let's let that happen now. Commissioner, did you want your question first or after?

Hardesty: I will wait until after.

Wheeler: Testify, and then we will allow the applicant to respond if necessary. Does that make sense? Okay. and, Tina, the answer to your question is no. You don't need to testify again. Your testimony is on the record, so don't worry about that. You made your points very clearly, so you don't need to testify again. I don't you go ahead and call the name of the individual, assuming you know who they are.

Clerk: Yes, we have David Delaney.

Wheeler: This is all very confusing the legal language. This is not common, so thank you for your patience and cooperation. All right, go ahead.

Clerk: David, it looks like you are muted. Are you able to unmute?

David Delaney: Yes, can you hear me now?

Wheeler: Yes.

Delaney: Thank you. Am I able to share my screen in a moment?

Clerk: I believe you should have the ability to share your own screen, and we can assist as well.

Delaney: Thank you very much for allowing me to testify. I apologize for messing up the sequence, but somehow I got skipped. Anyway, my name is David Delaney, and I would like to illustrate the scale of this project with 2 figures. And so, if I can share my screen, is that okay? Share the screen, all right. So, this is a table on some of the largest residential buildings

in Portland from the pearl and downtown in the south waterfront. I listed them in order of descending size. The idea here was to find a building as large as the main to stand in front of and experience firsthand. You can see that the table includes some familiar structures. The cosmetology and, the collective on 4th, and many others. In this context you can see the modera main is among the largest buildings in Portland. In the final column on the right on the end is a list of homes, single-family homes, that are nearby. These homes are one 100 the size of the modera building. Other buildings in the same class as the modera main you can see they don't really have nearby single-family homes. I just wanted to bring that to your attention. And the 2nd hopefully you can see this. On this page is an illustration of what happens when you place such a large structure into goose hollow. This figure shows a well-known downtown view from the vista bridge, so you are looking down Jefferson. You can see how dominant the building is from this view even though it's not considered a view core door apparently. From the mid span of the vista bridge you will be looking up about 6 stories to the top of the building. It seems so disproportionate to be qualifying. Thank you for letting me go. That's all of my testimony.

Wheeler: Thank you, appreciate it.

Rees: I'm sorry to interrupt. Apparently somebody who for technical reasons dropped off before also wanted to testify and I recommend we let them testify and then let the applicant respond if desired.

Mayor: Yeah, go ahead.

Clerk: It is James McClesky.

Wheeler: Welcome, James.

Clerk: James, you are muted. Did you plan to testify today? Are you able to unmute, James? Well, we will try to get in touch with James to see if they wanted to testify to see if we wanted to move on for the moment.

Wheeler: All right. Why don't we go ahead? Christie, are you going to respond?

White: Sure, just briefly. All I need to say there is the view corridor issue was resolved in 2018 and the heights, as you asked about, Mayor Wheeler, were selected to protect the view corridor. The 175 feet is allowed as protective of the view corridor. The only thing I would say is we can compose massive holograms of the goose neighborhood based on what will be the

allowed base and wellness hide, and you are going to see projects that are significant intolerance than the projects we are bringing you today. I think the most important thing about the zoning code is it creates certainty for both neighbors and developers and the certainty here is we are promoted to build until 175 feet if our project meets the design guidelines.

Wheeler: Thank you. Commissioner Hardesty?

Hardesty: Thank you. I heard the proponents of this project say that the parking would be shared with a multitude of users. Tell me more about this multitude of users and how they will have access to these parking spots.

White: Sure. And I might need Ingram to walk you through the access gates and how they work, but in terms of the multitude of users, thank you for that question. The multitude of users include all of the residential users of the building who can also use their parking space for multiple other users off-site. They are entitled to do that under the zoning code and sheer use of their parking space.

Hardesty: Could you tell me what that means? Does that mean if I have an apartment I can rent out my parking space to other people who want to park in my building?

White: You can make arrangements for multiple use of your parking space, yes. That's what the code allows in order to maximize the efficient use of built and underground parking in order to preclude and at least reduce future parking development. And then as to the MAC, one of the most interesting questions, and it might be just language we are using here. The MAC will manage a certain number of parking spaces in this garage. Those parking spaces can be used for the MAC. They can be used for other users in the neighborhood that the MAC manages. That the MAC will manage to use that parking space. For example, some people testified that they don't believe the MAC has some peak hour demand and some lower demand. The MAC could decide – and there's nothing in our land-use application that precludes the MAC from letting Providence Park use those spaces during Timbers games or Thorns games or letting Lincoln High School use it during a football game.

Hardesty: I'm sorry, you are really not answering my question. You were telling me what's possible. What I'm asking you is what this proposal is recommending will happen in these parking spaces. You were telling me the universe is possible. That's not what I'm interested in.

If we build is 403 spaces you are telling me that the individuals that live on the inside will be renting spaces for other uses for other individuals? They are legal under the law as we have proposed it. Is that accurate? Any more info, thank you. Thank you, Mayor.

Wheeler: Thank you. Did you have any luck with that last individual that wanted to testify?

Clerk: No, Mayor. I think they dropped off the call.

Wheeler: I think we are now at other opponents of the appeal. Is that correct? Is that where we are in the program or did I miss that one?

Clerk: Yes.

Wheeler: So, on the other opponents of the appeal?

Clerk: Yes, we have one of the person signed up. Micah Perry.

Wheeler: Okay, good. Welcome.

Micah Perry: Can you guys hear me okay?

Wheeler: Yep.

Perry: Good afternoon, Mayor and city commissioners. My name is Micah. I'm a resident of goose hollow. I'm here on behalf of myself and a nonpartisan Portland-based think tank. I live about a block and a half from where this project will be built today I want to speak in favor of the design commission approval of this apartment building. You have heard from some of my neighbors say this project will disrupt the character of the goose hollow neighborhood, but I think this ignores the reality of the neighborhood. It's true this'll be tall with 17 stories, but goose hall already has many high-rise apartment buildings and has for many decades. For example, 735 st. Clair, which is a few blocks away, is a 24 story apartment building constructed in **19 6 to 4. Much larger. Directly across from the proposed site is a condominium complex. Both of these structures sit on land with the same rm4 zoning as this project, and there are plenty of other projects who stand over 10 stories tall, like goose hollow tower, which is fixing stories. To say this does not fit in with the neighborhood is clearly not true. This site also sits within blocks of multiple MAC stations and the purpose we have been told is high density transit oriented development this project represents. If we don't approve this type of transit oriented develop it, I'm curious what we spent hundreds of millions of dollars on the light rail 4. Goose hollow is a great place to live and I choose to live here. Without high-rise developments I come myself, would not be able to live in the

neighborhood, and it's true that the construction will be noisy for me and other neighbors and the streets will become more crowded. You adopted it.

Wheeler: Thank you. That completes testimony. We will go on the appellant rebuttal 5 minutes plus 2.5 minutes. So up to 7 minutes and 2 seconds. Set the clock Keelan.

Kearns: Daniel Kearns. Attorney for the appellant. Let me respond to a few points. First Ms. White said there is no ambiguity of the code. If you take one provision they are relying on it does have ambiguity in it, but if you look at the entire code we are talking about and if you include in it these other categories, it seems very clear there is ambiguity that warrant interpretation by city council. The commentary that you adopted with it included a copy with my memo. That informs your understanding of what those code provisions made – need, as to the underlying policies that I recited to you in the policy section of page 31 dealing with parking management. And they talk very clearly about what the objectives are. What the purpose and policy of your parking management are. So, with all due respect, this is not clear and objective. Clear and objective our setbacks. Our dimensional things. Which category does this parking fit into? That has got a lot of ambiguity. Plus we take this application as the applicant described it at these 225 spaces will be dedicated to exclusive use by the MAC. I suppose the MAC will turn it into a commercial parking lot, but I doubt it. I doubt it. If you have any lingering doubts in your own minds, then oppose a condition. If this is what the applicant wants, then oppose a condition that this is not dedicated. This is not accessory to the MAC club that is open commercial parking. What's left in this development are 337 units to share 178 spaces. And I just can't believe when they say oh, this people will be renting out their car spaces. People in this building are not going to have a car 337 units, some of them three-bedroom units sharing 178 parking spots. Guess what? They are not going to have a place to park much less a space to rent out. These are very disingenuous arguments. It goes to your authority to decide whether this use is allowed in this zone. Reasonable minds can differ about the pedestrian aspects and aesthetics of the streetscape, but the way they have configured parking here we take it as they proposed it. It doesn't fit the categories. If it fits preservation parking I don't think preservation parking assumes that it is stacked on top of 403 spaces. This is apparently 225 extra spaces that can be used for preservation parking. That is how the code works. When you talk about ambiguity that is how your code describes what

preservation parking is, is to serve existing older buildings that claim to have a deficiency of parking. I dispute that with the MAC club that is an older existing building 2 blocks away. Also, I note your definition of commercial parking at 33 920 and 210. Commercial parking facilities provide parking that is not an accessory to a specific use. This is proposed as an entitlement to the MAC club. And that is why it doesn't fit in the category of parking. That is all I have for rebuttal from my point. We have the land-use chairman office of the goose hollow foothills league on the line. Sean McDonnell and Scott Schaefer and Jerry Powell may have additional comments as well. Thank you.

Wheeler: Any of you guys want to say anything else? Apparently not. Okay. So. Then we will go to council questions at this point. Are there questions for staff before we close the record?

Hardesty: Yes, please, Mayor.

Wheeler: Commissioner Mapps then commissioner Rubio and commissioner Hardesty.

Mapps: This question is for staff. Can someone explain to me the difference between growth parking, preservation parking, and explained to me why this project is one or the other?

Nielsen: I think I can tackle that question, commissioner. Let me see if I can find the actual definitions in our code. Make sure I'm in the right chapter. So, I don't know if it would be helpful for me to share my screen or read it out loud.

Mapps: Can you share your screen?

Nielsen: Yes, absolutely. So, right here just at the start of code section 33.5 10.261, which is parking billed after July 19, 2018. It goes into description of types of parking, and it lists that there are 3 different types of parking. Number one is growth parking. Number 2 is preservation parking, and number 3 is visitor parking. I'm going to zoom in a little bit. It says growth parking is created in conjunction with additions of net building area and net building area is added as part of new development or by adding area to existing development. In this case we are looking at new development. The parking is being created in conjunction with net building. That is why the city interprets this as being growth parking because it's being created in conjunction with this new building. Preservation parking, on the other hand, is created to serve existing. The reservation for parking are based on needs of both employees and those who come to the buildings for reasons, such as customers and clients. I don't think this description gets into how that would be created in terms of the building, but that would

usually be built separate from a new development, creating new parking spaces, and serving an existing development somewhere else. Does that answer your question or make it more muddy?

Mapps: It answers the question and maybe some mightiness remains. For the ratios for preservation parking, that depends on the building or business that is being served or is there a specific number that's out there?

Nielsen: I honestly am not as familiar with the preservation parking standards because it did not come up often. The code says is that preservation parking is allowed when approved to city central parking reviewed, existing buildings with residential or hotel uses that have .5 or fewer parking stalls part program are eligible to apply for preservation parking. I'm going to skip over the south waterfront piece because we are not in south waterfront. Other existing billings that have fewer than .7 parking stalls per 1000 feet are eligible to apply for preservation parking. If the parking is created through internal conversion of the building by excavating under the building or by adding gross billing area to the building, then the parking is regarded the same or regulated the same. That's with that section says.

Mapps: Okay, thank you very much.

Hardesty: That was as clear as mud.

Wheeler: Sorry, commissioner Rubio, you had a question?

Rubio: Yeah. These definitions seem to be clear or seem to be broad on the use of parking. Can you talk a little bit about what was the basis for the 2015 denial that has been referenced?

Nielsen: The 2015? Like christie white said it was not a denial. It was a case that was applied for in 2014 to change the zoning on the site, which at that time on leave was our age. That zone does not exist anymore. That zone was replaced with the rm4 zone that exists today. It was a change from our age to cx zoning, which is a commercial zone found throughout the central city. And the request to change that zoning was withdrawn before any city council decision was made.

Hardesty: And if I may while you still have the title 33 zoning, jump in. Unless I don't think I jumped commissioner Ryan, did I?

Wheeler: I wanted to make sure commissioner Rubio, does not take care of your question?

Rubio: Yes, for now.

Wheeler: Commissioner Hardesty and then commissioner Ryan.

Hardesty: Thank you. My question really has to do with, can you give me another example where the city of Portland approved parking, and then allow the individual companies to create their own revenue source through parking? Is this something that happened before and I just am unaware?

Nielsen: I think I understand your question, commissioner Hardesty. If you look at existing parking in the city in the central city downtown the pearl district and other parts of the central city, a lot of parking that was created with residential uses or specific commercial uses are rented out hourly or daily, or even monthly to other users that are not necessarily the inhabitants of those buildings. I personally used to park underneath the residential building when I was working downtown as opposed to working downtown. That was not a public parking facility. It's very similar to that.

Hardesty: Today you can park for free around the MAC club. It's the only place in the city where there are no parking meters, there are no charges to park either in the garage or on the street at the MAC club. I always thought that was very bizarre that there was no meter parking in that area. What we are doing is permitting a private company to create a revenue source that will not actually help the city prepare the streets that will be impacted are the increased auto use on those streets. I'm very concerned about the precedent that will set. I don't see this proposal actually helping us achieve our climate mitigation goals or our goals around reducing the use of automobiles period. We will be very soon over the next year bringing proposals that will actually charge people for using their vehicle in ways that today they are not doing. I am very concerned if we move this proposal forward as it has been presented where locking ourselves into a system that is not consistent with the values we have articulated as a council. That's where I am at the moment.

Ryan: I want to stay with the theme of parking and definitions. Can you give a definition of commercial parking?

Nielsen: Let me show you 2 things in relation to commercial parking. The statement in the zoning code that talks about commercial parking, excuse me, that growth parking may be used as commercial parking at all times.

Ryan: That's what I was trying to understand.

Nielsen: I scrolled too far. It says right here the regulations of this subsection applied to growth parking and adjustments to the regulations are prohibited. Number 4 it says operation. Growth parking may be operated as either accessory or commercial parking at all times. That's all it has to say around outgrowth parking is operated. And then if I can see my tabs, which are hiding, there we go. This is what the zoning code has to say about commercial parking. It says, commercial parking facilities provide parking that is not accessory to a specific use. A facility that provides parking for specific use and regular fee parking people not connect to the use is also classified as commercial parking facility. And it gives some examples of what commercial parking looks like and includes short and long-term fee parking. Commercial district shared parking lots, shuttle parking, and mixed parking lots. Partially for specific use. That's what the code has to say.

Ryan: That's helpful. Thank you.

Wheeler: Commissioner Mapps.

Mapps: Benjamin, sorry to keep you on the hot seat. I suspect some of the questions here some of the debate we are seeing today is a product of the fact that this project seems to have maybe a hybrid or the parking piece seems like a hybrid between growth parking and preservation parking. Is that nothing that we have seen before in development? Have we ever said, well, this parking structure, which will be part of this project, is two thirds growth parking and one third preservation parking?

Nielsen: You know, commissioner, I don't know the history of the parking we have approved in the central city, so I don't think I can answer that question the way you asked it except to say this project, growth parking and preservation parking are terms that define the creation of parking spaces and not the operation of parking spaces. In this case I think it is correct to say that 403 spaces being created are growth parking. They are directly related to the number of units in the building. Like the code says, the operation of those spaces can be used either directly for use of the residence that would be accessory to the residential use in the building, or it can be used as commercial parking, which we see on screen is really quite a broad category.

Wheeler: Thank you. Commissioner Rubio?

Rubio: Thank you, Mayor, and thank you, Benjamin, for your patience with our questions.

Nielsen: Of course.

Rubio: I just want to echo I do have overall questions about climate and our goals to do that. I also want to make sure I am focusing in the right places in this particular kind of hearing. Is this a zoning question regarding the ratios that are taken up down the road for planning and sustainability? Is that what impacts what we are getting at? And is inside or outside the scope and my 2nd follow-up question in the design commission has looked at this and because I have heard in some of the testimony that they didn't look at this. Did they or did they not look at this and what was their decision on this specifically?

Nielsen: I think to answer your 2nd question first, the design commission did look at this parking question and the design commission is not in the business of interpreting the zoning code. They take the city's interpretation at face value and they said the code clearly says 1.2 spaces are allowed to be created per dwelling unit that is also created and the 403 spaces is within the allowance that falls under. They did acknowledge that and from that point on the discussion wasn't about the number of parking spaces, but how they are integrated into the building itself. That's what they were focused on most and with the parking spaces being entirely internal to the building or underground, they found that met the guidelines that are applicable to this site. Honestly, none of our guidelines talk about reducing or limiting the number of parking spaces. That's why they weren't able to come in and say we need fewer parking spaces. It's just about how those parking spaces fit into the building.

Rubio: Thank you.

Nielsen: To answer your first question, commissioner Rubio, if the city council desires to reduce the maximum number of parking spaces in the city to achieve its climate goals or traffic reduction or increase in transit use, that is something that should be taken up with the bureau of planning and sustainability revising its code section, probably among others as well.

Wheeler: Commissioner Hardesty.

Hardesty: That parking I understand is just one of the issues. One of the main issues was there were 4 areas that the design commission actually focused their attention on. And one was whether or not it was, not their words, mine, actually fit the culture of the neighborhood

it was in. We have heard a lot of testimony that this does not, in fact, fit that criteria. That it wasn't of the design commission, yet they supported it by a 4-1 vote. What was it that tipped them into supporting something that on the surface is not appear consistent with what the design commission would be looking for in a central city project?

Nielsen: Let me see if I can bring up the findings that talk about relationship to the context of the new neighborhood.

Hardesty: While you are doing that, I also have another question about traffic flow. I know today it is very difficult. Thank goodness there's a lot of public transit in goose hollow, because it's almost impossible to drive through that neighborhood today. I do have questions about what the impact would be of having 400+ more automobiles in that very congested area at all times of the day or night. Those are my 2 last questions as of the moment.

Nielsen: Thank you, commissioner Hardesty. Your traffic questions are probably best answered by bob from pbot.

Hardesty: I don't want to put you on the spot, but if you can answer that question, that would be great.

Nielsen: In the meantime while he is gathering that response or turning his microphone on, I did pull up the final findings from the design commission that talk about issues related to context. They looked at 4 different design guidelines together that I think gets to the question you're asking, commissioner. The first is a, using units. A5, a5 – to strengthen the identity of the Jefferson street station area, and c 4 complement the area of existing buildings. Each of these guidelines as a little more text associated with them. If you haven't already looked at these final findings, they are available and you can study them after the hearing if you would like to.

Hardesty: Yes, I have. Thank you so much. I have actually walked through those. My question was based on the 4 areas that they were focused on, they still approved it. And I was surprised because contributory vibrant streetscape, we have had a lot of testimony that this, in fact, is not contribute to vibrant streetscape. We've also heard concerns about pedestrian safety. And it doesn't feel like there's a lot of setback to make the pedestrian experience safe in that area. I was actually surprised to see that this was the criteria, and with this criteria they said yes.

Nielsen: I think I have been focusing particularly on the north elevation, but the commissioners were also looking at all 4 sides of the building. 3 of the 4 sides commissioners felt were strong responses to guideline aa contribute to a vibrant streetscape, as well as the other 2 guidelines that were raised. Which were b1 and b1-1. Even on the north elevation of the building, where the building was not as setback from the sidewalk as it is on the other 3 elevations, commissioners felt it was sufficient to meet the guidelines, especially when taken into the entirety of the building as viewed from all different sides of the building.

Hardesty: I think I will stop there. I was going to finish by saying they focused on the large windows, the bay window projections, they focused on the use of the river and for me all that is fine and dandy. I guess that is the desired conditions prerogative to focus on the design and what it actually looks like. I'm just curious as to how 14 three-bedroom family units are going to operate in a building not built for families. That is another conversation not for today. Thank you very much. If pbot can answer the question about traffic projections with 400+ more vehicles coming in and out of this very congested area, I would be grateful.

Bob Haley: Commissioner Hardesty again, thank you. This is Bob with pbot. Can you hear me?

Hardesty: Yes, I can.

Haley: I think it's been stated a number of times already during this that pbot, we have no transportation adequacy of services approval criteria for design review. And in the central city and in many parts of the city if the use is allowed by the zoning code then there is no requirement to have document adequate transportation facilities. We do if you increase traffic require you to bring all your front end up to city standards. We do not require traffic study. It has been stated about in the applicant's attorney that we haven't ever asked for a traffic study for an allowed use in the downtown. We did get changed over to being a multi-mobile for downtown Portland. Traffic is not to be an issue. We can't get much more efficient. It will probably get slower. We do consider safety of vehicles entering and exiting the building. While we do require traffic study we do have the applicant have a traffic engineer provide a queuing analysis. As we take a look at the location of how the gate functions based on the use of the number of residential units based on an actual trip pre-pandemic and combine those together and then we come up with there's a set of 6 conditions related to just how the gate

operates. As to go up in less than 5 seconds, has to close slower. Residents have to have a transponder and people who are authorized to go into the garage the gate automatically opens and they approach it. We are doing all of that so that cars are not cute against the sidewalk. They are not interfering with cyclists. They are not interfering with traffic any more than any other larger garage does downtown. We do look at it from a safety standpoint. We do not look at it from a street intersection capacity standpoint. That supposedly is done when counsel opted the zoning was done all of the city service bureaus would have looked at what the council was considering or what was being considered by planning and sustainability and taking a look at what types of transportation mitigation projects are needed. A lot of those make it into the transportation system plan. They make it eventually into capital projects when we get the funding for it. Some of those improvements are funded by what's called system development charges, which will apply to each unit in this particular building that will go into other improvements. I think the short answer is we do not require traffic analysis for uses the council has already decided when they adopted the zoning that said you can build this type of building with this many units. The only thing different about this and some other parts of town is it is in a design overlay. We do have many good-sized buildings going up with no traffic analysis and not as required.

Hardesty: Thank you for that, bob. I think that does raise a severe problem. If this change has unintended consequences and how we allow construction to take place and how we allow people to build parking facilities it does raise the question about whether or not the change we made because I disagree with the plaintiffs who say it is crystal clear, it is clear as mud. What I see is a development that is taking advantage of the clearness of mud and trying to build this property. I would highly recommend that as a counsel we send this back to the design commission and ask them to do some additional work to ensure they have actually addressed therefore core issues they said they would address because in my mind they have not done so. Thank you.

Wheeler: Very good. Any other questions at this point of staff? So, at this point, colleagues, we can close the evidentiary record, or if you would like we can continue the hearing. It would be my suggestion that we close the record at this time. Do I hear any objection to that? Not seeing any. So, the evidentiary record in this hearing is now closed. That means the council

will accept no more oral or written testimony from the land use appeal. Does this require a vote or is it just done?

Rees: It is done. Once you have declared the record closed, the record is closed

Wheeler: Okay. Walk us through the next steps, please.

Rees: The next step is that counsel needs to discuss what they want to do. You have been given options by dds staff and if at the end of discussion you believe you have reached or if somebody wants to call for a tentative vote, you can do that.

Wheeler: The question I want to suss out a little bit with what commissioner Hardesty said earlier, it seems like a lot of questions are focusing on the question of traffic and parking. Commissioner Hardesty is, of course, the pboc commissioner. Could you give us some guidance in that regard?

Rees: I hesitate to do so, but what I will say is I do not think that the design commission typically as part of the review, they are reviewing the design criteria, the guidelines. They are not interpreting code regulations, development standards pertaining to parking or traffic. That would be, so, do I think there would be value to sending it? If you have design questions, like you didn't like setbacks or you didn't like the way the building felt on the street? That would be something the design commission. If you felt like it was not hitting it on all fours with the design headlines, that's one thing. I think the questions about the parking really are up to counsel to decide how the code goes. Again, that is my opinion. Counsel has discretion to do what it chooses to do.

Wheeler: So, my understanding is the design commission looked at, and maybe this is a question for Benjamin. I design commission looked at all of the code pertaining to parking. And based on their interpretation of the code, this project meets the requirements of code. Is that incorrect interpretation? 4/5 other commissioners reached that conclusion?

Nielsen: I would say that 5 out of 5 commissioners reached the conclusion that the parking as proposed met the code. The one dissenting commissioner felt that the parking wasn't as well integrated on the north elevation with active uses along that street frontage.

Wheeler: What does that mean? What do you mean specifically?

Nielsen: So, the guideline contribute to a vibrant streetscape talks about having activity from the building or from the development activating the sidewalk. Providing activity, spurring activity.

Wheeler: I got that, and I'm sorry it's been a long day. How does an automobile entering or exiting a building contribute to activation? I'm not sure I'm following you.

Nielsen: That's a fair question. Automobiles entering or exiting the building would not be considered contribute into activation by the design commission. What our dissenting commissioner was looking at is the areas around that garage door and believing that the other building elements on the interior is not sufficiently designed to create the street activation.

Wheeler: It was not specific to the traffic. It was the design elements related to the garage door and maybe the space along the wall.

Nielsen: The spaces between the parking and the street.

Wheeler: Okay, great. I see commissioner Hardesty has her hand raised. Maybe.

Hardesty: Thank you, Mayor. It was left over, but thank you anyway because I understood that the design commission also was concerned about just the lack of active space on that underground floor and just in the areas where pedestrians would access the building. And what I'm realizing is we are going to cut off access except for there's one driveway, which is on 19th avenue is that the only entryway for this 300+ apartment complex would be off of 19th avenue?

Nielsen: Are you talking about a vehicular entryway or pedestrian entryway?

Hardesty: I'm talking about a vehicle since we've been talking a lot about rogers and automobiles.

Nielsen: The vehicular driveway is accessed off sw. Main st.

Hardesty: Oh, I see you. A walkway injury off of 19th avenue

Nielsen: That's right.

Hardesty: And the design commission thought that was sufficient setback for this area.

Nielsen: Which setback are you referring to? The one on 19th or sw. Main st.?

Hardesty: The one on main and 19th.

Nielsen: Yes, all 5 commissioners I believe think that the setback on sw. Main st. Was actually really quite well done. Excuse me, sw. 19th avenue was quite well done. The one dissenting commissioner felt that the landscaping proposed on sw. Main st., which is a much smaller setback, really was not sufficient to meet guidelines aa, b1, or b1 – one. The other 4 thought it was.

Hardesty: I do see a missing piece in approval process. Especially when we give tax breaks for quote unquote affordable housing units and the flaws really around how do families live in single families and what do the amenities that low income families that are taking advantage of these affordable housing units, what do they have access to in these buildings? That's a conversation that will tell you with the housing bureau and sustainability. I'm always worried if you have 300+ apartments clearly people with resources and you were going to put 14 lower income families into that unit, it does not feel like a very welcoming environment. Mayor, to the point of the question of whether or not it wants to send us back to the design commission, I think there's more work that needs to be done before this is approved, but that's my opinion.

Wheeler: Happy to hear from others. Commissioner maps?

Mapps: Here I think it might be helpful if Linly and could remind us of what our task before us today is . On the one hand there is the question of whether or not this is the optimal project for this particular space, but that is not the question I'm being asked to decide on instead, I think I'm being asked to decide on the merits of an appeal brought forth before us today. I saw 4 pieces to this appeal. One had to do with parking and basically the question was, does this project mischaracterized the type of parking would add to this building. Is it growth parking or preservation parking? I think that's an ambiguous space, but I'm inclined to defer to staff that tells us this is an example of growth pardoning parking for the other question was, does this project contribute to a vibrant streetscape? On the other hand when I take a look at the tactics and tools we have used in the past to fill this requirement, this project seems to be very much in keeping with what we have approved in class. The 3rd question was, does this project reinforce and enhance the pedestrian system? Again, I don't know if this is the optimal way to reinforce the pedestrian system, but I would say that solutions, designed solutions that have been baked into this project seem to be completely consistent

with what we do all the time. And then we had the final appeal point brought before us today is they say this is not a human scale project. I understand it's a really big building. On the other hand we have a basket of tools to address that. This project seems to implement these tools and strategies. There still remains a large building, but this is how we deal with this problem or situation fairly consistently with other design things. While I completely understand why the neighbors have concerns about this project in the appeal that is before me today I am supposed to vote on I don't really see what I'm asking the design review committee to look at. It seems to me the decision they made is completely consistent with the rules as written. Which may raise a question about the rules themselves, but I think we have been in enough hearings like this where very similar issues have come up. Maybe in the near future we should take a look at our design guidelines. But in the meantime I don't understand why he would send this back to design commission.

Wheeler: Commissioner Hardesty, did you raise your hand again? No, no I will entertain a motion or motions. Commissioner Mapps, did you want to take a motion?

Mapps: Yes. I move that we reject the appeal. Is there a right way? Is there a right way to phrase that? There must be a more eloquent way to phrase that. I understand concerns with the project and the appeal we are supposed to rule today. I move that we reject the appeal.

Rees: Commissioner Mapps, if I may take your invitation, what I think I hear you say is an example would be I move that the council tentatively denied the appeal, uphold the decision of the design commission, and asked the applicant and staff to return the revised findings. Does not accurately reflect?

Mapps: Yes, that captures what I was trying to say . Thank you.

Ryan: 2nd.

Wheeler: We have a motion from commissioner maps, a 2nd from commissioner Ryan. Any discussion on this particular motion? Please call the roll.

Clerk: Mapps?

Mapps: First I want to say I appreciate everyone's testimony today. Clearly this is a project that folks care and awful lot about. I understand the neighborhoods concerns with this project. However, based on the design standards charged with ruling on today, I do not see a basis in code for upholding the appeal, and for these reasons I vote aye.

Clerk: Rubio.

Rubio: I want to give my appreciation to all the parties that have been involved in this. Learning from this has been helpful for me. This project is being heard under a proceeding that is not the common for us as a counsel. It is a quasi-judicial body, so we have to follow the guidelines in place. And so, as to the 2015 decision I appreciate the clarification that has been given. My understanding after today there have been changes to the code since 2015 that have created a higher degree of flexibility, which leads us to the parking lot question. And if it's a little puzzling about if the original intent was to avoid this flexibility, it is still puzzling about why we allow this level of flexibility, but that's another question. If my understanding is correct, again, we have to focus on this question before us. I appreciate that clarity. For these reasons, I am leaning toward the expertise and decision of the majority of the design commission as supporting this project, and also specific to the parking that all the commissioners of the design commission and staff are of the opinion that growth parking criteria, which is something I was very much had a lot of questions about, that was met by this project. That is significant to me. I also want to express that this is a sensitive decision. One that we are not taking lightly and it compels my interest and a broader look in conversations about our climate goals and how they are reflected in zoning and transportation and other plans because there are times where we might have those questions and we need some clarity. For those reasons I vote aye.

Clerk: Ryan?

Ryan: I really appreciate the comments I've heard from my 2 previous colleagues. I want to start with you. Thanks for just being present and answering questions. I did find, like many of us, the parking dilemma that was clear as mud at times. As it relates to climate goals we have to dig deeper into that. I do respect the design commission, who dove into the details. We were looking into some emails that were dated over 2 years ago. Clearly they have been digging into this for some time. For all those reasons I also support this motion and I vote aye.

Clerk: Hardesty.

Hardesty: I want to thank both the staff that did their due diligence on this project with dds, and also the committee members who came out and testified about this project. This is clearly a project that is the difference between what we say we want to do as a city and what

we actually do. What we say we want to do is reduce vehicle miles traveled, reduce climate mitigation and what we actually do is create a private revenue source or a private entity to pick and choose when and where they will sell their parking spaces. It seems like the most ludicrous thing on the planet for us as a city to be authorizing. And this is not the first time we have talked about how using inclusionary zoning and building of this magnitude, 13 lower income families in a predominantly upper income apartment complex will not create a good live experience for those lower income families in that building unless they are actually family amenities that are going to be built in that those families will have access to. Those were not questions that were in front of the design commission. The questions that were in front of them was whether or not this actually added to the vibrancy of pedestrian activity. Whether or not this fit in appropriately with the amenity. And because of this particular questions I am going to vote no.

Clerk: Wheeler?

Wheeler: So, I think the design commission got it largely right and I believe based on the guidelines as they have been presented to us, their decision was the right decision. So, I support this motion, but I also just have to say this. As a member of the athletic club, I am disappointed that the solution to parking problems is to create more parking. I think there were other better solutions that should have been offered to the membership incentives to take a lift or to share a ride. Premium parking for people with carpal. Bus tickets, just about anything other than a desire to add literally hundreds more parking spaces in a neighborhood where I agree with the immediately adjacent neighbors. That is already a very congested neighborhood, it is. I get it. It's an urban neighborhood. There are other buildings in the large-scale immediate facility. While I sort of, I have less problems with the scale of the building or height of the building, that seems to be allowed by right. One could quibble over the design elements, and I have stated in the past repeatedly that you don't want design created by the city council. You actually want people who know a thing or 2 about aesthetics and how the building fits in with the architectural features of a particular neighborhood, because neighborhoods are all unique and different and they deserve to be respected from an architectural perspective. When it comes to the transportation decisions that are made here, I agree with the planning commission. The MAC can do this. If we as a city council want to do

something differently, then we need to change the code, the underlying code. The burden is not on them. It's on us. Commissioner Hardesty, I think you are in a really good position here insofar as you have clearly identified concerns that I think a lot of us are expressing around parking. Commissioner Rubio made a great case around our longer-term climate action goals, which obviously suggest we have to do better around the use of single use automobiles in our city and create, as I suggested, alternative routes to hard infrastructure parking places by the dozens at a time where we should frankly be moving in the other direction. Maybe you and pbot can generate some concepts for all of us to consider a later time at our work session for potentially eventual inclusion around our codes. I think that would be a good use of our time, particularly as this project highlights a lot of issues for us. So, I vote aye and the motion carries. They're going to ask me to restate the motion. Listen carefully to make sure I got it correct. The council has voted tentatively to deny the appeal and uphold the position of the planning commission. What else do I need to add to that?

Rees: So, design commission, and then we go to asking for a time to return with findings

Wheeler: Now I will leave to Keelan. Can you help us with the time?

Rees: Keelan?

Clerk: Yes.

Rees: I'm going to make a suggestion based on my view of counsel absences. It looks to me like if we are looking 3 to 4 weeks out, which is when we would typically come back with findings, we are actually looking at January 12 when we have a full counsel back, which is usually our preference for findings to make sure everybody is here. Is there time available on January 12th? I want to make sure I confer with the applicant's representative that that is okay with them.

Clerk: We do have time on the 12th at 10: 30.

Rees: Okay. And, Christe White, is that okay with your clients?

White: It is fine. January 12th works well.

Rees: So, I think if we set this for a return on January 12, 10: 30 times certain for final vote and adoption of findings.

Wheeler: That will be it. Good. All right, thank you. Any other business? Benjamin and your team, I want to thank you for doing a great job today. I want to thank everybody who

testified. I want to thank all legal representatives, who are included in your excellent participation and for having a lot of patience in answering our many questions about this project. With that, we are adjourned. Thank you.

At 5:07 p.m., Council adjourned.