



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15<sup>TH</sup> DAY OF OCTOBER 2014** AT 9:30 A.M.

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

Commissioner Novick arrived at 9:32 a.m.

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

On a Y-5 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>1061</b>	Request of Nikita Ozkan to address Council regarding government corruption (Communication)	<b>PLACED ON FILE</b>
<b>1062</b>	Request of Trevor Dryer, Mirador CEO, to address Council regarding unlocking low-cost credit for small businesses (Communication)	<b>PLACED ON FILE</b>
<b>1063</b>	Request of Neal H. Walker to address Council regarding navigating the housing system in Multnomah County (Communication)	<b>PLACED ON FILE</b>
<b>1064</b>	Request of Richard J. Theodore to address Council regarding input and information on Micro Communities (Communication)	<b>PLACED ON FILE</b>
<b>1065</b>	Request of Zetta Ryan to address Council regarding Max train safety (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>*1066</b>	<p><b>TIME CERTAIN: 9:30 AM</b> – Create a local improvement district to construct street, sidewalk, stormwater and water main improvements in the SW 45<sup>th</sup> Ave and California St Local Improvement District (Hearing introduced by Commissioner Novick; Ordinance; C-10048) 30 minutes requested for items 1066 and 1067</p> <p><b>Motion to add emergency clause due to public safety needs to construct the sidewalks as quickly as possible:</b> Moved by Fritz and seconded by Saltzman (Y-5)</p> <p><b>Motion to adopt amendments in Bureau memo dated October 9, 2014 related to future SW California Street pedestrian connection:</b> Moved by Fritz and seconded by Novick. (Y-5)</p> <p>(Y-5)</p>	<p style="font-size: 1.5em;"><b>186847</b></p> <p>AS AMENDED</p>

<p><b>*1067</b></p>	<p>Amend ordinance to modify the conditions of approval and revise the legal description for the vacation of a portion of SW 46th Ave and a portion of SW Florida St subject to certain conditions and reservations (Previous Agenda 959; Ordinance introduced by Commissioner Novick; amend Ordinance No. 185174; VAC-10070)</p> <p><b>Withdraw Fritz motion of September 17, 2014:</b> Moved by Fritz and seconded by Fish. (No vote required.)</p> <p><b>Motion to add emergency clause due to public safety needs to construct the sidewalks as quickly as possible:</b> Moved by Fritz and seconded by Saltzman. (Y-5)</p> <p><b>Motion to adopt amendment in Bureau memo dated October 9, 2014 requiring a local improvement district waiver of remonstrance for future SW California Street pedestrian connection:</b> Moved by Novick and seconded by Fritz. (Y-5)</p> <p>(Y-5)</p>	<p><b>186848</b> AS AMENDED</p>
<p><b>1068</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – Appeal of Woodstock Neighborhood Association against Hearings Officer’s decision to approve a zone change in conformance with the Comprehensive Plan and a 3-lot land division at 3936 SE Reedway St (Introduced by Commissioner Fritz; Previous Agenda 1001; Findings; LU 13-237078 ZC LDP) 10 minutes requested</p> <p><b>Motion to adopt the Findings:</b> Moved by Fish and seconded by Fritz. (Y-5)</p>	<p><b>FINDINGS ADOPTED</b></p>
<p style="text-align: center;"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p style="text-align: center;"><b>Mayor Charlie Hales</b></p>		
<p><b>1069</b></p>	<p>Appoint Kristin Wells to the Development Review Advisory Committee for a partial term to expire March 19, 2015 (Report)</p> <p>(Y-5)</p>	<p><b>CONFIRMED</b></p>
<p style="text-align: center;"><b>Office of Equity and Human Rights</b></p>		
<p><b>*1070</b></p>	<p>Authorize a grant agreement with CASH Oregon for \$75,000 to provide financial education, counseling and free tax preparation services to low-income families and individuals in Portland (Ordinance)</p> <p>(Y-5)</p>	<p><b>186844</b></p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p>		
<p><b>1071</b></p>	<p>Authorize the purchase of replacement Police patrol vehicles from Gresham Ford for a total not to exceed \$2,459,787 (Procurement Report - No. 117021)</p> <p>(Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>1072</b></p>	<p>Authorize the City Attorney to institute legal proceedings against the Laborers' International Union of North America, Local 483, LIUNA Local 483, to recover unreimbursed union-paid leave (Resolution)</p> <p>(Y-5)</p>	<p><b>37091</b></p>
<p><b>*1073</b></p>	<p>Authorize charitable organizations eligible to participate in the City's 2015 Charitable Campaign; and authorize exemptions from umbrella requirement for Portland Parks Foundation and for Portland Toy &amp; Joymakers (Ordinance)</p> <p>(Y-5)</p>	<p><b>186845</b></p>

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**Commissioner Nick Fish**

**Position No. 2**

**Bureau of Environmental Services**

<b>*1074</b>	Accept a grant in the amount of \$85,000 from Metro for the Lower Errol Heights Wetland and Stream Restoration Project (Ordinance) (Y-5)	<b>186846</b>
<b>1075</b>	Authorize a grant agreement with Friends of Zenger Farm for their Nutrition Education and Food Access Project in the amount of \$50,000 (Ordinance)	<b>PASSED TO SECOND READING OCTOBER 22, 2014 AT 9:30 AM</b>
<b>REGULAR AGENDA</b>		
<b>Mayor Charlie Hales</b>		
<b>1076</b>	Establish a tax on the sale, transfer, mixing, handling or serving of recreational marijuana and recreational marijuana-infused products in the City (Ordinance; add Code Chapter 6.07) 30 minutes requested for items 1076 and 1077 <b>Motion to move 1076 to second reading and refer 1077 to Mayor Hales' Office:</b> Moved by Hales and seconded by Saltzman. (Y-5)	<b>PASSED TO SECOND READING OCTOBER 22, 2014 AT 9:30 AM</b>
<b>1077</b>	Establish a tax on the sale, transfer, mixing, handling or serving of marijuana and marijuana-infused products in the City (Ordinance; add Code Chapter 6.07)	<b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>
<b>*1078</b>	Extend term of Street Closure Program in Old Town/Chinatown for a period of one year (Ordinance; amend Ordinance No. 186305) 30 minutes requested (Y-5)	<b>186849</b>
<b>Bureau of Police</b>		
<b>1079</b>	Amend an agreement with Volunteers of America to increase compensation not to exceed \$20,000 to assist victims and survivors of domestic violence (Ordinance; amend Contract No. 32000612)	<b>PASSED TO SECOND READING OCTOBER 22, 2014 AT 9:30 AM</b>
<b>1080</b>	Amend an agreement with Catholic Charities/El Programa Hispano to increase compensation not to exceed \$10,000 to assist victims and survivors of domestic violence (Ordinance; amend Contract No. 32000481)	<b>PASSED TO SECOND READING OCTOBER 22, 2014 AT 9:30 AM</b>
<b>Office of Management and Finance</b>		
<b>1081</b>	Accept bid of Titan Utilities, LLC for the Underground Injection Controls Category 3 Retrofit Project for \$1,187,175 (Procurement Report - Bid No. 117184) <b>Motion to accept the report:</b> Moved by Fritz and seconded by Novick. (Y-3; Fish and Saltzman absent)	<b>ACCEPTED PREPARE CONTRACT</b>

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<p><b>*1082</b> Approve findings, authorize an exemption to the competitive bidding requirements and authorize the alternative contracting method of Construction Manager/General Contractor pursuant to ORS 279C and City Code 5.34, and authorize payment for construction of the Beech Park Project (Ordinance) (Y-5)</p>	<p><b>186850</b></p>
<p><b>*1083</b> Approve findings, authorize an exemption to the competitive bidding requirements and authorize the alternative contracting method of Construction Manager/General Contractor pursuant to ORS 279C and City Code 5.34, and authorize payment for construction of the Gateway Park Project (Ordinance) (Y-5)</p>	<p><b>186851</b></p>
<p style="text-align: center;"><b>Commissioner Steve Novick</b> <b>Position No. 4</b> <b>Bureau of Transportation</b></p>	
<p><b>*1084</b> Authorize a contract with HDR Engineering Inc. for the Right of Way Project and Pavement Coordination project in the amount of \$250,000 (Ordinance) <b>Motion to amend to replace the contract spreadsheet with updated conversion to increase the MWESB participation from 14% to 20%:</b> Moved by Novick and seconded by Fritz. (Y-5) (Y-5)</p>	<p><b>186852</b> AS AMENDED</p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b></p>	
<p><b>*1085</b> Authorize funding for completion of the supplemental environmental investigation and remediation work required under the Administrative Settlement Agreement and Order on Consent with the U.S. Environmental Protection Agency CERCLA Docket No. 10-2013-0087, up to \$500,000 in FY 2014-15 (Ordinance) 10 minutes requested</p>	<p><b>REFERRED TO COMMISSIONER OF PUBLIC WORKS</b></p>

At 1:03 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15<sup>TH</sup> DAY OF OCTOBER, 2014 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fritz, Novick and Saltzman, 4.

Commissioner Saltzman arrived at 2:08 p.m.

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

		<b>Disposition:</b>
<b>1086</b>	<b>TIME CERTAIN: 2:00 PM</b> – Consider the proposal of Robert Cushman for William Allen LLC, et al, and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Attached Residential to Medium Density Multi-Dwelling and the Zoning Map designation from R2.5 to R1 for property located at 3322 SE Cesar E. Chavez Blvd (Hearing introduced by Commissioner Fritz; LU 13-173075 CP ZC) 2 hours requested for items 1086 and 1087 <b>Motion to tentatively deny the application and prepare findings for November 5, 2014 at 10:15 a.m. Time Certain:</b> Moved by Fritz and seconded by Hales. (Y-4)	<b>TENTATIVELY DENY THE PROPOSAL AND OVERTURN THE HEARINGS OFFICER'S RECOMMENDATION; PREPARE FINDINGS FOR NOVEMBER 5, 2014 AT 10:15 AM TIME CERTAIN</b>
<b>1087</b>	Amend the Comprehensive Plan Map designation and change zoning of property at 3322 SE Cesar E. Chavez Blvd, at the request of Robert Cushman, for William Allen LLC, Lead Applicant; and owned by Jeffrey Evershed (Ordinance introduced by Commissioner Fritz; LU 13-173075 CP ZC)	<b>CONTINUED TO NOVEMBER 5, 2014 AT 10:15 AM TIME CERTAIN</b>

At 3:42 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16<sup>TH</sup> DAY OF OCTOBER, 2014 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Novick and Saltzman, 4.

Commissioner Fish arrived at 2:05 p.m.

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

		Disposition:
1088	<b>TIME CERTAIN: 2:00 PM</b> – Adopt the Willamette River Greenway Inventory as a supporting document for the update of the Willamette Greenway Plan (Ordinance introduced by Mayor Hales; Previous Agenda 993) 1 hour requested <b>Motion to adopt amendments as stated in BPS memos dated October 10 and October 16, 2014:</b> Moved by Fish and seconded by Saltzman. (Y-4)	<b>PASSED TO SECOND READING AS AMENDED OCTOBER 22, 2014 AT 9:30 AM</b>

At 2:16 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland



By Karla Moore-Love  
Clerk of the Council

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

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## Closed Caption File of Portland City Council Meeting

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

Key: \*\*\*\*\* means unidentified speaker.

**OCTOBER 15, 2014            9:30 AM**

**Hales:** Good morning, everyone. Welcome to the October 15th meeting of the Portland City Council. Please call the roll, Karla.

**Fritz:** Here. **Fish:** Here. **Saltzman:** Here. **Hales:** Here.

**Hales:** Welcome everybody. We'll begin shortly with communications items. We have folks signed up to speak on subjects of their choosing and then we'll start the regular calendar. If you're here to speak on a regular calendar item, you need to give us your name, you don't need to give us your address. If you're a lobbyist representing an organization, please disclose that. We practice civility in this chamber, so if someone is saying something you agree with and you want to demonstrate that, wave your hands or give them a thumbs up or smile. But please, let's not have vocal demonstrations for or against someone else's point of view while we're here. With that, we'll first check on -- I don't believe we have any items to be removed from the consent calendar. We'll get to the consent calendar in a moment. First, start with communications items, unless there are any pre-gavel items. I don't think there are. So, communications item 1061, please.

**Item 1061.**

**Hales:** Is Nikita here? Apparently not. Let's move on to 1062.

**Item 1062.**

**Hales:** Good morning, come on up. Welcome.

**Trevor Dryer:** Good morning. My name is Trevor Dryer. And you want the address?

**Hales:** No need.

**Dryer:** I'm a CEO of a start-up in town called Mirador Financial. Liam Frost actually asked me to come and give you a brief overview of what we're doing and how we're trying to help small businesses. One thing we have seen is for newer, smaller businesses, it's very hard to get access to low-cost funds. They typically look too risky for a bank loan, and so oftentimes end up with an online lender paying 30%, 40%, 50% APR -- which in our view is quite outrageous. So we've developed a platform to help lenders to evaluate these smaller businesses in a cost-effective manner. We help them with automated application process, and looking at a lot of data that can help a small business look less risky. For example, customer reviews, macroeconomic data, a much more detailed look at their business financials and credit report than a bank is able to do -- all of this to help banks, credit unions, and others get to a yes more often to help support these small businesses. At this time, we're also very interested in -- if there's opportunity in the future -- engaging with Council. I know there have been initiatives around small business, fostering small business growth in Portland, and also the start-up, technology community as well. So, I don't know if -- about out of time. If you have any questions, I would be happy to answer them.

**Fritz:** This sounds really helpful. How can people find out about your services?

**Dryer:** We work through lenders, so we're a white label solution. We have a couple of lenders that I think I will be able to announce pretty soon in the Portland area where folks can go to them and we help in the evaluation piece of it.

**Fritz:** Sorry, I don't know what a white label --

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**Dryer:** Sorry -- we're not a brand that's marketed to small businesses directly. It's marketed through our lender -- so banks, nonprofit lenders, etc., would be the brand that small business would know.

**Fritz:** Looks like you do a lot of work.

**Dryer:** Yeah, a lot of it behind the scenes for lenders.

**Fritz:** How long has your business been going?

**Dryer:** We've been around a little over a year and are eight employees now.

**Hales:** That's great. You may already have done this, but if you can, leave contact information for us because I think there are several members of Council that would want to be in touch with you -- particularly Commissioner Fish, with his work with Venture Portland -- and then myself with the Portland Development Commission. I hope that you've been in touch with both of those entities -- both the city's economic development organization, PDC; and Venture Portland, which is our small business, neighborhood business umbrella organization in the city. I understand you're dealing with lenders as your primary client, but I think there are a lot of these other organizations that will want to know about your service and see how it maybe helps advise its growth.

**Dryer:** That would be great. Yeah, I know of both organizations but I haven't yet been in touch. Appreciate the invitation.

**Hales:** Leave a couple of business cards if you can and we'll make sure to make the connections, because we're very much interested in helping the entrepreneurial culture we have in Portland grow, and access to credit is a big issue. So you're in the right place at the right time with a good idea.

**Dryer:** Glad to hear. Thank you.

**Fish:** Mayor, if I could build on that. Trevor, you were the head of product management at Intuit in San Francisco.

**Dryer:** Correct.

**Fish:** So, why did you decide to come to Portland and start a business?

**Dryer:** Well, a personal reason. My wife is from Oregon and got a job up at Nike. So that was an easy answer. But the thing that has pleasantly surprised me is how robust the technology community is up here. You don't hear about it a lot in the national press or down in California, but it's a very tight knit community. We found great talent. And I think Portland is a place that people want to live. I think a little PR could go a long way in helping people move up here and start companies here.

**Hales:** That's great. Well, that publicity may be widening a little bit. Check out Alaska Airlines magazine's issue this month, the article about Portland being a place of innovation and start-ups.

**Dryer:** OK.

**Hales:** Maybe the word is leaking out a little bit.

**Dryer:** That would be good.

**Hales:** Thank you for being here. Stay in touch, and we'll do likewise.

**Dryer:** Perfect. Thank you.

**Item 1063.**

**Hales:** Good morning, Mr. Walker. Welcome.

**Neal H. Walker:** Good morning, sir. Good morning, City Council. My name is Neal Walker. I wanted to share my story concerning navigating the housing system in the city of Portland, and also recognize some agencies and organizations -- and specifically, some individuals -- who helped me acquire housing. My houseless journey started in June, and continued for three and a half months. The experience was somewhat disturbing, I would say, and educational, and also enlightening. Throughout my attempts to acquire housing, the Portland Police Behavioral Unit was involved. Officer Christiansen, Project Respond with diana brooks, Cascadia street outreach worker lisa murdoch, and also at City Hall when I would come in to sign up for speaking engagement, jim woods was also important in that transition. I guess in sharing my story, I wanted to bring a positive light on to my journey with those agencies, and individuals specifically mentioned to bring about a



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positive note on my struggles to acquire housing. Where I was was houseless, where I am now, I have permanent housing. And where I'm going -- I'm hoping this experience might give me some advocacy education to prosper the agenda for houselessness in the city of Portland. I was walking through the bus mall today and looking at the Portlandia. When I was a youngster watching Portlandia being lodged on the city building, I thought of a quote out of the first testament, Proverbs 31:20, she opens her hands to the poor, and reaches out her hands to the needy. And I think that's a good quote to sum up my experience with the entities and the individuals who helped place me with permanent housing, and I appreciate your time. It has been a journey in which I had acquired as a social justice endeavor which quickly turned into an experience which has been life changing. Thanks for your time. Appreciate it.

**Hales:** Thank you, we appreciate you doing that. I know we probably would like to draw on your experience more as we work on housing policy. It's good to hear when it works. We also hear when it doesn't work, and we learn from each facet of that question. So, your experience as generally positive is good news, but also if that was the case, how do we make that happen again and again and again for more people?

**Walker:** Appreciate that. I didn't come here with any agenda in tow. However, I felt a positive note concerning my experience would be a good place to start. And I have been discerning with key agencies in the Chinatown area to see how forward progression can be brought about for houselessness. However, it seemed to be a multi-tiered issue. Thanks for your time.

**Hales:** Thank you very much. Thanks for coming.

**Item 1064.**

**Hales:** Good morning.

**Richard J. Theodore:** Good morning. My name is Richard Theodore. I'm a homeless veteran. I'm currently housed in the wood Central City Concern in the Henry building, and these are my concerns. I'm a veteran, I have no addictions, drug problems, alcohol problems, but I'm housed with convicted felons, pedophiles, crazy people, and I just don't think that that's a proper environment for veterans. That aside, I've even expressed my concerns to Mr. Blackburn, and nothing has been done. My only concern -- and I want to thank Portland for all of the resources they do have available to veterans, their community resource and referral center has been an absolute godsend, and actually got me started with finding transitional housing and getting into the Henry Building. But my concerns are with the Central City Concern's efforts into finding veterans adequate housing. Because I have no addiction problems, I don't fit into most of their facilities. I'm a 50% disabled veteran. I'm on a fixed income. I don't receive social security. Yet, the only housing that they seem to offer me consumes 60% and 70% of my income. So, my interest was extremely piqued when I saw you on TV promoting micro communities. Now, I'd like to find information about that and when I went to my case manager, he told me, you won't be eligible. Well, I've received a HUD VASH Section 8 housing, just September 25th. One application, and I'm approved for housing. Hallelujah, I'm moving next week. Yes, I'm extremely ecstatic about that. But it had nothing to do with Central City Concern. It had everything to do with the CRRC. They got me my voucher. When I went to my case manager and told him I got my HUD VASH voucher -- don't worry, you won't get it. they're reserving those for families or people with higher needs than you. If I don't have the need, then who does? Well, I'd like to find out more information about your micro communities, because I like to be able to pay my own way. But I'm on a fixed income, I can't afford fair market housing values. But your proposal fits exactly the income criteria of Section 8 housing. It came out to exactly the same amount. So, whether the government or the federal government or state government is subsidizing my housing, or I'm paying the entire amount, it's still going to be the same. And this is what really piqued my interest. So I'd like to know more information. I'd like to know if there is going to be a percentage of these homes reserved for veterans that meet the income requirements. I just want more information. How do I get on the list?

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**Hales:** That's great. Well, you came at the right time to the right place. I hope you'll both leave your contact information at Commissioner Saltzman's office so that the Housing Bureau can be in touch with you. And then also Josh Alpert in my office is working on the micro communities idea.

**Theodore:** I have his card.

**Hales:** Very good.

**Theodore:** I've tried to contact him, he didn't give me a call back.

**Fritz:** Well, just to be clear, we don't have any yet. It's a concept --

**Theodore:** I understand that. I want to advocate for it and I want to see housing available to veterans.

**Hales:** Good, yeah. Now, what you were told is erroneous. As Commissioner Fritz said, it's still a concept. So who's eligible and who's not eligible is still a question mark.

**Theodore:** I would like to be a part of that process, if possible.

**Fish:** Mr. Theodore, there's one thing you said, though, I want to correct. You said Central City Concern didn't have anything to do with the VASH voucher. And there's just a wrinkle that I want to share with you. The VASH voucher is the gold standard in vouchers for our veterans. It ensures that you won't pay more than 30% of your income for housing, but also gives you access to services. So it's housing plus services. It's the most sought-after package that the federal government offers, and it goes to people who have served their country. The president said he wants to end homelessness among our veterans, which is a laudable goal. That system was broken a few years ago, and it was really because Central City Concern and non-profit providers, the city, county, and everyone got together and worked with the VA to fix it. We actually went from being an underperforming to an over-performing jurisdiction, and the reward was we got hundreds of new vouchers. So, I just want to acknowledge that Central City Concern actually did have a big impact on helping to fix the system, which now means that people like you who served get the voucher that you deserve.

**Theodore:** But out of pride for myself, I want to be able to pay my way, and these micro communities would give me that opportunity -- and other veterans -- to say that I'm doing it myself. More pride, more respect. That's what I'm looking for. I don't want a handout, I want a hand up.

**Hales:** Well, thank you. And again, I'm glad you've gotten in touch with Josh and with others in this building working on the idea.

**Theodore:** I would like to become involved. Thank you.

**Hales:** We will give you that opportunity.

**Fritz:** I just have to say that a grateful country rewarding a veteran is not a handout. You have earned that, and I really appreciate your service.

**Theodore:** I'd like to say one more thing. I'm from San Diego, California, and I believe their veterans housing program -- unfortunately -- is a bus ticket to Portland.

**Hales:** We're glad that the federal government and this community have come together to give you that deserved recognition, as Commissioner Fritz said. It is not a handout, it's a thank you.

**Theodore:** It was an honor to have served, so, thank you.

**Hales:** Stay in touch, we'll do likewise. Thank you.

**Item 1065.**

**Hales:** Good morning. Come on up.

**Zetta Ryan:** I have a handout.

**Moore-Love:** I'll take that.

**Hales:** She'll take it for you. Thank you very much. Welcome.

**Ryan:** Good morning. My name is Zetta Ryan, and I appreciate this opportunity to speak with you. I wanted to talk about MAX train safety, and what I'm hoping for is -- I don't know if they currently do it, but I'd like them to observe their exiting passengers. It's unfortunate -- I want to speak about a tragedy that happened on August 16th at the Gresham central MAX station. Here's a picture of it. I viewed the accident, and I was the first 911 caller. And I was standing over here. This

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shows how long a MAX train is -- it's approximately 90 feet. This accident was involved a woman in a wheelchair and another man, and the wheelchair ended up here. So, on August 16th, I was waiting for a friend at approximately 11:30. And when the train arrived, there weren't very many disembarking passengers and my friend wasn't there, but there was commotion at the end of the train. There were two women in wheelchairs and a man who were exiting. One woman in a wheelchair went around them and continued on down the way. But what concerns me is the one woman in the wheelchair and the man. She exited quite close to the train in her wheelchair, and the man was between her and the train. She progressed along this way. From the beginning, when they got off, she was saying, let me go. The man was right close to the train, and he had the left arm of her wheelchair as they journeyed down this way. She said, let me go several times -- or yelled it, actually. I was off to the side and it all played in front of me like a play. So, they traveled down the length of the train cars. And she was saying, let me go. And the man was struggling with her wheelchair arm, and she was getting a little bit away from the train, but as they approached the two train -- where they connect -- he sort of bounced her wheelchair closer and closer to this opening. Meanwhile, the bells were ringing and there were warnings going on and such like that, but they were quite close to the train most of the way. And he fell backwards into the opening between the train, and since he had the left arm of her wheelchair, he tipped it. And she was quite heavy and fell right along into the train as it was moving, the momentum and his tipping her pulled her right in. The wheelchair ended up over here. What I would like to see is -- this was something to see -- the whole time, they were making a scene, and I wish that the train operator had just glanced alongside the train. It's quite a long ways, probably 180 feet altogether, each train being 90 feet. But it was so close, it was such a commotion, I believe that they should have seen it. I was watching and as they got closer and closer, I knew something was so wrong. And so he fell in -- I saw his surprised and terrified face. She scooped in right after him. My question for the council to investigate for public safety is, why didn't the train operator have to procedurally look into a side-view mirror? That should be what they do all the time. As you can see in this mirror -- I tried to observe -- they're all tilted way in. I don't know if they have the ability to look down the aisle at their exiting passengers for safety. Airplane pilots have to check lists. When we drive our cars, we have to use our side mirrors for public safety. A train should also be safety conscious for all its passengers. And I thought that this handicapped woman was having an altercation. Does MAX have any duties about assaults in progress? These people could have been anyone, they could have been senile, inebriated, psychologically impaired. This is a dangerous area.

**Hales:** I appreciate you bringing this to our attention. You've used your time. What I'll do -- because I'm the police commissioner, I will follow up with Commander Modica, who is the head of the transit police division within the Portland Police Bureau. They work both in Portland and in Gresham, and they work directly with TriMet. So, I really appreciate you putting this careful report together about an obviously tragic situation. I'm sorry for you that you had to be there for this terrible day. But it's helpful for us that you've brought this information together in a coherent way, and I'll communicate it to Commander Modica so that he can have the conversations with TriMet about what can be seen and what can be changed so that this kind of thing is less likely to happen.

**Ryan:** May I?

**Hales:** Just briefly, because we have to move on.

**Ryan:** The public interpretation of this story is that the man jumped into her lap and I suppose drove perpendicularly into the train. That also has hurt me. I have asked permission to see a tape of the train, and it's been denied. If there is any way -- if the tape shows different -- I mean, I saw this whole thing, but I'm willing to -- witnesses have varying testimony. I would appreciate any help possible to be able to view the tape. For myself for my future peace of mind.

**Hales:** Thank you.

**Ryan:** Thank you so much, Council, for this opportunity. I truly appreciate it.

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**Hales:** We appreciate you coming forward and giving us this good information. Like I said, we will follow up.

**Ryan:** Thank you.

**Hales:** Thank you. OK, let's move on to the consent calendar. I don't believe there have been any requests to pull any items from the consent calendar to regular agenda. Correct? OK, let's take a roll call on the consent calendar.

**Roll on consent calendar.**

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

**Item 1066.**

**Item 1067.**

**Hales:** Commissioner Novick.

**Novick:** Colleagues, I would like to acknowledge the tremendous work that PBOT staff has done on this project, and particularly to thank Andrew Aebi, Lance Lindahl, Kurt Krueger, Dave McEldowney, Bob Haley, and Dee Walker for their work. And I believe we have a couple of representatives of St. Luke Lutheran Church with us today, and would like to thank them for their generosity and persistent willingness to work with the city. They are committed to building sidewalks, stormwater facilities, etc. up to standard -- which is pretty darn expensive, as you all know. The financial sacrifice that the congregation has made in order make these improvements for the neighbors is just incredibly impressive and heart-warming. Everyone has really stepped up to the plate to make the LID the best it can be. And I would like to thank Tom Mills from TriMet for TriMet's support of the project. To refresh Council's memory, we have a proposed LID in front of us that will facilitate sidewalk and stormwater improvements along SW 45th and SW Vermont, which is exclusively and graciously being paid for by St. Luke. Sidewalk infill was recently completed just east of this intersection along SW Vermont, and this LID will continue to improve the connectivity and safety of this well-used area of southwest Portland. SW 45th and Vermont, by the way, is adjacent to the Southwest Community Center and Gabriel Park. St. Luke is proposing to dedicate a 15-foot wide portion of the southern area of their property to which would be part -- we hope -- ultimately of a future pedestrian connection between SW 45th and SW 49th, although completing that would require participation by the neighboring property owner. I was hoping to be able to say that this is very appropriate, because St. Luke is a patron saint of pedestrians. Turns out, unfortunately, that is not true. But St. Luke is a patron saint of physicians, and physicians, of course, appreciate physical activity such as walking by their patients -- [laughter] -- so I think there is a connection. I will turn this over to Andrew Aebi.

**Andrew Aebi, Bureau of Transportation:** Thank you very much, Commissioner. Commissioner, you were happily away on vacation -- I presume -- while we brought this to Council back on September 17th. We didn't have the privilege of having Commissioner Saltzman in attendance. So I thought I would do a very brief recap. The first map in the presentation that Karla is handing out shows you in pink the proposed pedestrian improvements along SW Vermont Street, SW 45th Avenue, and SW Florida Street. In addition, there would be bike lanes on SW 45th Avenue, and there's also strong interest in extending sanitary sewer on SW 45th Avenue and getting rid of some septic tanks for a property on SW 45th Avenue. Mayor Hales, I think I put you in the uncomfortable position of having to rely on your phone to look at a map of this area -- [laughter] -- and I apologize for that. Full disclosure, I have not bought the new suitcase-sized iPhone yet. So I thought what I would do is just maybe try to make this a little bit more clear on the map. And you can see that little blue line, which is the westerly extension of SW California Street. So, that is the dedication that we could potentially have within weeks if Council approve both of these ordinances today. You can see what Google was calling something different we've listed here as a private driveway. Anyway, I just kind of wanted to orient you to that map. Here's a recap of the proposed LID scope and funding. Commissioner Fish pointed out on September 17th, you know, to his knowledge, this was the first LID that we had had with 100% petition support on the west side of Portland. It's also the

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first LID that we -- to my knowledge -- that we've ever had in the Maplewood neighborhood. So, pretty historic. I've recapped the scope of improvements on 45th, California, and Vermont. One thing I did want to point out is the Maplewood Neighborhood Association expressed concern to me that bike lanes and sidewalks were not in the PBOT transportation system plan for SW 45th Avenue. I did want to point out that was an error on PBOT's part. So as we're going through and amending the TSP, we will be restoring that as an official TSP project. So if Council approves this LID today and this street vacation, then that would partially fund that TSP project. This is an overview map of Maplewood. One of the other things that we heard from Maplewood is a desperate need for east-west connections. They just don't have them. There's not very many opportunities to get them with the natural barriers like creeks, things of that nature. The pink circle just points out where this pedestrian connection would go. The other thing I wanted to show you -- as you pointed out, Commissioner -- PBOT has been doing a lot of work, not just recently, but over the past 20 years under your leadership and Mayor Hales' leadership to build sidewalks in southwest Portland. We often focus on what we don't have, but we don't focus on what we've accomplished. And bit by bit, block by block, little by little over the years, we now have a full pedestrian connection from Hillsdale to 45th and Vermont. As I mentioned on September 17th, Washington County is wrapping up sidewalks on Oleson Road. This project would be poised to help shrink the gap in the amount of missing sidewalks. We're obviously not going to get all of the way there with this project, but it gets us ever closer to the goal of having a regional pedestrian connection. This is more than just a sidewalk that serves St. Luke, it could eventually be part of a really exciting regional connection. And Tom Mills will talk a little more about that in the context of bus service. One of the things I heard from Maplewood is that they have the worst bus service in the city of Portland, bar none. So Tom will be talking about that.

**Fritz:** I think the Arnold Creek neighborhood would dispute that.

**Aebi:** That is true, Commissioner -- thank you for correcting me. So maybe it's a tie between Arnold Creek and Maplewood. I think the 38 runs a little more than the number 1 line, but I would have to check my bus schedule on that. That's really the extent of my presentation. Lance will talk a little about the mechanical issues. And then I need to walk you through some amendments and proposed amendments and see if that meets with the pleasure of the council.

**Lance Lindahl, Bureau of Transportation:** So this project has a number of different moving parts and it's really key that we keep them synced up. The street vacation. From talking with senior staff and different development representatives here at the city, it's pretty clear we need to have the street vacation wrapped up before they go through and complete the conditional use process and Andrew's LID constructs various improvements. We listened to the feedback from the September 17th hearing, and we've made some changes to the language. We actually took out the language about holding off on the improvements until the through connection went all of the way through to another public right-of-way. We've also added language clearly stating that waiver of remonstrance will be signed by St. Luke Church, and that document, along with the dedication for not just the 15-foot wide future connection, but also a cul-de-sac turnaround at SW 46th and California. Those documents will be executed and recorded along with the street vacation ordinance so that all of the changes will happen at the same time.

**Hales:** Do you want to walk through the amendments, then?

**Aebi:** Yeah, a couple of things. I would be remiss if I didn't thank Commissioner Fritz for meeting with us several weeks ago. That was extremely helpful to staff, and we took your input to heart in terms of proposing these amendments. Where we stand right now is we have a motion that was introduced to the amended street vacation on September 17th. It was seconded, but never voted upon. Staff have come up with an alternate proposal. St. Luke has submitted a contingent remonstrance solely for the purpose of just making sure that the language that we finally work out today works for St. Luke. So, what I would like to respectfully request of the council is two things. One would be to withdraw the motion from September 17th, and then adopt both of the

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amendments that were posted online with respect to the amended street vacation and the LID formation ordinance. And last but not least, I would like to add an emergency clause to the LID ordinance and have Council vote to approve it today. And it would say, the council declares that an emergency exists because a delay in passage could delay preparation of a deed for right-of-way purposes to acquire the new public right-of-way of SW California Street at a 15-foot width in approximately 400-foot length west of SW 46th Avenue. Therefore, this ordinance shall be in full force in effect from and after passage by the council. And the reason for that is that we really want to get this dedication right away -- no pun intended -- and our survey crew is busy right now and they have a little bit of an opening. If we can get the ordinance approved today, they can start working on the deed document, and my hope we could have the California Street right-of-way dedicated to the city within a matter of weeks. So it's really just a timing issue, if Council is willing to entertain that.

**Fish:** Andrew, in terms of removing, or vacating the motion, is that a motion made by the maker?

**Linly Rees, Deputy City Attorney:** I think if she chose to, she can withdraw the motion.

**Fish:** I was trying to remember who was the maker?

**Fritz:** It was moi.

**Hales:** It was Commissioner Fritz, so she can withdraw that motion.

**Fritz:** I hereby withdraw that motion.

**Fish:** Second.

**Rees:** So, based on a question I had from Mr. Aebi this morning, I want to clarify one thing. You had wanted to potentially add an emergency clause to the LID. You had asked me whether you needed to on the street vacation. I had not understood that there would be actually motions today to amend that, and if you are going to -- if Council decides to amend that ordinance as well, they will need to add an emergency clause to that today if you want them to vote on it. So, I apologize. Because we had a conversation this morning and I didn't understand that.

**Aebi:** And usually, Linly and I are completely synced up. It's a rare instance of us not quite connecting on that. So if we could just add that emergency clause to both ordinances, vote on them. The one thing I did not point out is because St. Luke submitted a remonstrance and they have 100% of the LID, then under City Charter, Council does not have the legal ability to form the LID unless they withdraw their remonstrance, which they are fully prepared to do.

**Fritz:** So I'm assuming we will have testimony to the effect that they are withdrawing the remonstrance.

**Aebi:** Commissioner, it will actually be written testimony. I believe they have something submitted in writing, and then we should be easily good to go. Like I said, it's just keeping all of the moving parts. I think we have the motion withdrawn and we have the two proposed amendments with the same emergency clause added to both. If we could just take the testimony --

**Fritz:** I move to add the emergency clause to both ordinances, and I would say a shorter version, because of the public safety need of getting the sidewalks done as quickly as possible.

**Aebi:** Thank you.

**Saltzman:** Second.

**Hales:** Any discussion on adding the emergency clause to both 1066 and 1067? I assume we can do that with a single vote. No one is telling us we can't.

**Aebi:** Linly, wouldn't we want separate votes, because they're two different ordinances?

**Rees:** If Andrew would like separate ones, then let's do it separately.

**Hales:** The sense of that, two motions and we will take a vote on adding the emergency clause to item 1066.

**Roll on motion to add emergency clause to Item 1066 due to public safety needs to construct sidewalks as quickly as possible.**

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

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**Roll on motion to add emergency clause to Item 1067 due to public safety needs to construct sidewalks as quickly as possible.**

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

**Hales:** OK, so we added the emergency clause. We haven't yet adopted the amendments that we put in front of us.

**Fritz:** Move the amendments.

**Aebi:** Again, we could do that separately for each ordinance.

**Hales:** 1066 first. So, I actually don't see those in my packet. Could you explain again the amendments to 1066? I see the amendments to 1067 here.

**Aebi:** I remember personally putting them in there and stapling them. Karla, are the amendments --

**Fritz:** -- extra work agreements, I believe, is that correct?

**Aebi:** I actually have copies here of the LID one, and I can pass those out.

**Hales:** OK. Thank you.

**Fritz:** My understanding of this amendment that the applicant and bureau has agreed to enter a voluntary extra work agreement to figure out how these things --

**Hales:** Right and that's reflected in item sub-three --

**Aebi:** And Karla is passing out what I think is a redundant copy of that proposed amendment, but better safe than sorry.

**Hales:** OK.

**Aebi:** And then if you vote on that, then Lance has an amendment on the amended street vacation with respect to a waiver of remonstrance.

**Hales:** OK. So we have a motion to adopt the amendments to ordinance 1066 as outlined in the October 14th memorandum. Further discussion? Roll call on that. Adding those amendments to 1066.

**Motion to adopt amendments to Item 1066 in Bureau memo dated October 9, 2014 related to future SW California Street pedestrian connection.**

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

**Fritz:** Before we move on from that though, in the discussion that I had with staff a few weeks ago, there was a suggestion that the council direct PBOT that when there is a conditional use that the applicant deems appropriate that we would direct PBOT to require the paving of the pedestrian path. I'm very pleased with all the negotiations that have gone on. Certainly, we don't want to burden the applicant when they're doing other important work with additional costs. However, for instance, when the entire parking lot is repaved, it would seem like not all that much to add some pavement, some asphalt to make the connection to California. We tried to figure out a particular trigger, and that didn't seem feasible given that St. Luke hasn't yet figured out what their conditional use application is. So the suggestion that we came up with was for Council to direct PBOT to make sure that we do get that at the appropriate time.

**Hales:** OK. But that's not amending the ordinance itself.

**Fritz:** No.

**Aebi:** Can I just -- Lance can speak to this as well -- but I think what we're really trying to do here, Mayor and Commissioners -- we're trying to state Council's intent so when they come in and apply and we're working with the hearings officer and staff are working on the requirements that we have the added weight of Council's intent that you really want to see that east-west connection. I made a mistake and I want to make this clear on the record. What I just passed out to you was not what I intended to pass out. [laughter] There's been a lot of paper on this. What I passed out was an amendment to terminate the LID if Council wasn't prepared to make the amendment. So, I just want to be clear. And I don't know, Linly, if you want to speak to this -- but what I think what you just voted on was what was posted online Friday which simply adds the condition.

**Hales:** Let's clarify. It was the addition of the extra work agreement, item sub-three.

**Aebi:** Yes.

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**Fish:** Andrew, the document that I thought we were voting on -- maybe this is a mistake, too. It actually would grant you a 10% wage increase, two additional weeks of vacation -- [laughter] -- perhaps that was an error. We'll remove that as well.

**Aebi:** Commissioner, I think you missed the part that I would get box seats at the Portland Pilots for the rest of my life. [laughter] You just read those things too closely. Linly, do we need to have something -- or are we good? Is the understanding clear what we voted on?

**Rees:** I believe the record is clear based on Commissioner Fritz's statement that it was the extra work amendment agreement that you were voting on.

**Hales:** And that language is incorporated in the ordinance in front of us.

**Aebi:** My apologies for that. And then, did we vote on the waiver of remonstrance to the added street vacation amendment? Lance, could you explain that?

**Novick:** Andrew, just a moment before that. Commissioner Fritz talked about directing PBOT to request that the paving of the dedicated portion when St. Luke makes any improvements. I think that we were thinking that it would be -- that we would ask for an improvement of the dedicated portion, but might not necessarily be paving. It could be some other form.

**Aebi:** Correct.

**Fritz:** Well, that's part of my concern, it needs to be accessible. So it can't be bark dust. It has to be something that strollers and wheelchairs and others can make that connection for St. Luke's parishioners to get from the parking lot over to the tennis courts is important.

**Aebi:** And I think we would be imploring our normal standards in terms as to whether that was a trail or sidewalk. That would certainly be where PBOT staff would come in and employ their expertise.

**Fritz:** That was the discussion we had, Commissioner, that we wouldn't specify whether it is trail or sidewalk or what. But I want to make very clear that it has to be hard so that it's accessible.

**Aebi:** And I think what we have tried to do, Commissioner, is build in a certain amount of flexibility. Most importantly, we wanted to give a very clear green light to St. Luke and to all the staff reviewing this. We thought the worst possible outcome would be for Council to approve this and not have the very precise clarification so that when staff are asking to check the boxes by everything there's ambiguity about, whether the conditions have been met. I'm sorry to be stealing Lance's thunder. That is the main thing we wanted to do, but we wanted to build in flexibility in terms of once we get the survey and see what the grades are, that we're not locked in to do something that the ADA doesn't allow us to do, that there's other ways to kind of skin the cat.

**Fritz:** That's a very good summary of my intent, and hope it is the intent of the Council.

**Aebi:** Thank you very much, Commissioner. I want to thank you again for all of your engagement with staff. It's been extremely helpful.

**Lindahl:** And I want to add, too, that the amendment language to the street vacation ordinance does refer to sidewalk or trail improvements. So we left that a little flexibility there. And having gone out and done an additional site visit recently, this is a challenging site in terms of the topography and the western-most part of the dedication area is actually serving as their stormwater treatment area currently. We could be tripping quite a few sewer, pipe, and stormwater issues by throwing down gravel or asphalt at this point. So, we want to get the dedication to happen first and those improvements to happen as a part of larger reconfiguration work at the parking lot and future construction of buildings.

**Fritz:** I hope that's clear as mud. Did we adopt the amendments to 1067?

**Hales:** We have not -- we have to adopt the amendments to 1067.

**Fritz:** What are those amendments?

**Hales:** Described in number two on the memorandum, right?

**Lindahl:** That's correct.

**Hales:** So on the October 9th memorandum from Mr. Lindahl, there's item number two with amended language in it about the dedication of the right-of-way strip.



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**Lindahl:** And there's no additional changes to that. It's still the same.

**Aebi:** The other thing I might point out is amendments that Council approves with respect to the LID ordinance, we very specifically took those out of the street vacation ordinance so that the condition of the street vacation ordinance could be met within a matter of weeks. It's a little bit of an unconventional way to do it, but it was a way to express Council's intent without delaying the recording of the street vacation and also getting the dedication of the SW California Street right-of-way that the Maplewood Neighborhood Association very much wants.

**Novick:** Do we need to move the amendments for 1076? Move the amendment.

**Fritz:** Second.

**Hales:** Any further discussion? Then roll call on approving that amendment.

**Motion to adopt amendments to Item 1067 in Bureau memo dated October 9, 2014 related to future SW California Street pedestrian connection.**

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

**Hales:** So, I think we're ready to take any public testimony on both ordinances as amended. I know we've got written testimony from St. Luke, so if that is in the record, that's probably enough. But if you also want to come on up, that would be helpful.

**Fish:** If we've got it right, you could lead us in an amen. [laughter]

**David Knapp:** What's that word again? [laughter]

**Hales:** Good morning.

**Knapp:** Good morning, David Knapp. On behalf of St. Luke, I want to express our condolences to Commissioner Fritz, and also our congratulations to Commissioner Novick. I wanted to say two things today. Number one, thank you for putting up with us, for working with us. We've been here three or four times, and I know we've taken up your time, and I appreciate you working with us as partners in this endeavor. Secondly, our hope is that we can bring this to conclusion today and get out of your hair and put this to bed so that we can get about doing what we do best and I think what you do best as well. But, please hear our word of thanks on behalf of the 1300 members at St. Luke for working with us.

**Hales:** Thank you.

**Chris Hagerman:** My name is Chris Hagerman with the Bookin Group. We're the land use consultants representing St. Luke. We were brought on about a year ago to help them with this process. They were before you in 2012, as the pastor mentioned. It's been a rather long process, and we're really happy to see it come to completion. Now, we can just move into the straightforward land use arena. And we really wanted to particularly thank PBOT staff -- in particular, Bob Haley, Andrew Aebi, and Lance Lindahl. They've been great partners guiding us through the complex interactions between a number of different city codes and policies. At this time, we're prepared to submit our written removal of the remonstrance to the LID. Thank you.

**Hales:** Great. Thank you.

**Novick:** Thank you. And I would just like to underscore that I think St. Luke is contributing over a half million dollars to making these improvements, and that's just an extraordinary act of generosity on the part of your parishioners.

**Knapp:** Thank you.

**Hales:** Thank you both. Anyone else who wants to speak on this item? Come on up. Good morning.

**Jan Behrs:** Hi, I'm not an official person, but I am a neighbor. I own the property that is going to be the most affected by the sidewalk building. It's the corner of 45th and California. It's the old Cadonau residence -- the founders of Alpenrose Dairy. I want to thank you, first of all, because I think that this improvement is going to relieve a nightmare of parking, with parking removed on the west side of 45th. It has been so dangerous since the community center was built with cars blocking the sight lines from California that putting the sidewalks on the bike path there is a godsend. So, thank you for that. I just have a few concerns that I want to get in the record. I've been talking with Andrew through this whole process, and he's been very reassuring to me. I'm single, I live alone,

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and having this huge extent of sidewalks along my property has brought up a few things for me. I just want to get these things in the record so that they are public and not just our private emails. First of all, he says that the contract is under a two-year warranty for any sidewalk repairs. I was very concerned about this, because I lost my job in July of 2013, so I have no money for sidewalk repairs should they need it. He said that in response, he would have a PBOT inspector inspect the new sidewalks before the two-year warranty period was up and have any repairs made by the contractor. So, I would like to get that on the record. My second question regards the two-foot rule. The city code says the sidewalk should start two feet from the property line unless a different distance is specified. But these sidewalks are going to start right at my property line. And I'm just wondering -- it is a residential area. My concern is that the house was built in 1922, so my garage -- like many early 1900s garages -- is right up on the property line at California. So, the sidewalks are going to come right up to my garage. I think there is about eight inches because of the roof overhang. I'm just wondering what the reasoning is behind saying, well, we're not going to pay attention to that two-foot rule, we are going to start the sidewalks at the property line. And Andrew just said that the city engineer gets to make that decision. So, I don't know. Curbs and driveways. My garage fronts on 45th. It has a gravel driveway that's in the public right-of-way. Andrew said it would make more sense to just have the sidewalks go right across the front of that garage because I can't park in the garage anyway, it's so small, it's a tiny garage with a door that opens out on to the street. And that's fine with me, but I do need to get equipment out of there. So he said that the contractor would put in a re-enforced curb. I just want to get that in the record that that would be done. Tree removal. I've got horrible, terrible poplars down along 45th, down the lower part of my property. And their roots are horribly invasive. There's going to be a retaining wall there as well as the sidewalk, and I'm very afraid about those roots, besides the fact that the trees will be destabilized when the construction occurs. So, Andrew said that he would have -- I think it's the city forester inspect the trees as long, as I sign some kind of permission to have that person come on my property and that those trees could be removed. I really want those trees out of there before any kind of cement construction is put in because they're horrible. Their roots go across my property. They just never stop. Street trees. We've gone back and forth on this. He said I would have some input into what was put in the planters. I'm a gardener, so I do have a lot of ideas. I would prefer that no street trees be planted just because they would -- the sidewalks are going to be on the south and it will block the south light, north side and they will block the south light if we put trees in there, and they'll block the east light if we put trees on 45th. I would prefer that this be filled with bark dust and ground cover. Again, Andrew's emails indicate I would have some flexibility there in talking with the Bureau of Environmental Services, and I just want that in the record. I was also told that I would be able to discuss options for the retaining wall that's going to have to go along 45th, because my property is slope and it's higher than the grade of the street. I just want to thank Andrew for being up front in dealing with all of my concerns. I have a copy of this with all of his emails, if you want it.

**Hales:** Thanks for getting those things on record we may need to get clarification from Andrew on a couple of those points. I think we may have to disappoint you on one point. If it is a design where the sidewalk is up to the curb and we're including street tree wells, there are going to be trees there, not just ground cover. So the question about what species is something you can take up with staff, but I don't think the option exists of having a tree well without a tree in it.

**Behrs:** Well, OK.

**Fritz:** Those issues can be negotiated.

**Behrs:** The language that has been used has gone back and forth between planter strip, stormwater strip, and tree well. So I'm not sure that that's actually cast in concrete.

**Hales:** We will get an answer on that while you're here. Good. Thank you. Welcome.

**Tom Mills, TriMet:** Thank you, Mr. Mayor, Commissioners. Thank you for having me this morning. My name is Tom Mills, I'm a senior planner with TriMet. I'm here today to testify on

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behalf of TriMet in support of the SW 45th California Street LID resulting in new sidewalk and bicycle improvements for SW 45th Avenue, Vermont Street, and California Street. Over the past year, TriMet has been engaged with the community in southwest Portland to develop a long-term plan for improved transit service, known as the southwest service enhancement plan. During our outreach, whenever we spoke with members of the Maplewood Neighborhood Association, or members just living in the area, increased service on line 1 Vermont was raised as a top priority. Today, line 1 Vermont only runs during the weekday commute hours, but people living in the community want more service, and people who live outside of the community want service to the Southwest Community Center, especially teens and seniors. As a result, TriMet's draft vision for the southwest service enhancement plan proposes that more service be added to line 1 Vermont to cover the entire weekday and including weekends. The sidewalk improvements proposed via the LID would help local residents and visitors to the community center access the improved line 1 Vermont. Additionally, the sidewalk would help individuals with disabilities -- particularly those in mobility devices -- to access the bus using our bus ramps. As you may or may not know, when there is not a sidewalk, it is sometimes difficult for people in mobility devices to access the bus, because the ramp is deployed at too steep a grade. Additionally, by having more bus service, people with disabilities have the option of using the fixed route service, line 1, instead of the lift service, which today costs approximately \$32 per trip compared to about \$2.50 per trip for the average fixed route bus ride. And of course, fixed route bus services provide more autonomy for people with disabilities. In general, transit works in partnership with the city's pedestrian infrastructure to create mobility throughout the community. To put it plainly, all TriMet customers are first and foremost pedestrians. Sidewalk gaps and unsafe crossings are barriers to transit ridership, and when transit ridership decreases, it makes it more difficult for us to increase service. The LID is one small example of the ongoing partnership between the City of Portland and TriMet to increase mobility via pedestrian, bicycle, and transit improvements. And therefore, that is why TriMet supports the SW 45th Avenue California Street LID. Thank you.

**Hales:** Great. Thank you very much.

**Novick:** Mr. Mayor, I just want to say -- Mr. Mills, I really appreciate your explaining how this is an example of the relationship between TriMet and the city -- and in this case, St. Luke that's willing to step up to the LID. There are many examples where if we have pedestrian improvements, it makes more sense for you to provide frequent service. Another example, of course, is we have this conversation with TriMet about frequent service and 122nd, and TriMet has said, if you can make certain access improvements, it makes sense for us to do that. So this is a very close, collaborative relationship, and I appreciate your highlighting not just this example, but how this is an example of a common occurrence.

**Mills:** Absolutely, thank you.

**Fritz:** Thank you for taking the time to come today, and especially for the good news about the enhanced service. We heard a lot about the cuts, and so it's really great to know that the service is being added back in.

**Hales:** As a former frequent rider on the number 1, I appreciate that you got this finally happening. Thank you.

**Mills:** You're welcome.

**Hales:** Alright. So, Andrew, do you want to clarify the street tree issue or anything else we need to sum up?

**Novick:** The two foot rule, if you will.

**Aebi:** Thank you. Andrew Aebi, local LID administrator. First off, I need to apologize about the two-foot rule. Yes, Jan did flag that for me, and I do need to follow-up with the city engineer on that. I would just tell you that we have many historical examples of building sidewalks up to the right-of-way line. And one thing I would just point out is directive D of the ordinance says the city engineer shall prepare plans and specifications for the improvement. What little I know about the

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two-foot rule -- the city engineer has the authority to determine the scope of the improvement. Either way, I think all of this is superseded by the city engineer who can determine, for example, that trees need to be in the tree well or where the sidewalk lines up with the right-of-way line. I would point out very quickly that findings number 8, 9, and 10, which individually discuss the scope of the various improvements on Vermont, 45th, and California all have a reference to street trees. It would be Council's prerogative -- should it choose to -- to remove the reference to street trees on any or all of those streets. I'm not sure that is consistent with urban forestry policy of building street trees as part of the public improvement. But I do want to make it clear on the record that Council would have that prerogative to change that if they show chose.

**Fish:** Andrew, there was a person who testified and raised a concern about something that falls within BES' purview. So that's in the record. At such time as BES is involved in this project, they will in the ordinary course solicit the views of key stakeholders. But it's in the record, so we can refer to it. I can't make any commitments, but it's a concern that obviously has been expressed.

**Aebi:** Commissioner, I wanted to thank Jan for her being so proactive in ironing the issues out. I made changes to the ordinance based on her input. And it was so helpful that she came to me early. My most difficult position as a project manager is when people come out to me the day that the bulldozer shows up and they want to change something. So we were able to work a lot of that out. And certainly what Jan has given us is a very good agenda for the first design review meeting for all the issues that we need to look at when we do the design. So I really want to applaud Jan for engaging with us.

**Hales:** Thank you. Any other questions for Andrew before we vote? Alright. Thank you very much. Let's take a roll call on 1066 please.

**Item 1066 Roll.**

**Novick:** Again, I want to thank PBOT staff and St. Luke and their parishioners and Commissioner Fritz, in particular, for her engagement on this issue. This is a wonderful project, and it will be great to see it improve the quality of our neighborhood. Aye.

**Fritz:** I remember when the Capitol Highway sidewalks were put in and there was a lot of work with adjacent property owners to make sure that it worked with their needs as well. So I'm very confident as a city engineer and the city forester work on this project with St. Luke and the neighbors that it will be built and will be wonderful. I wish it had been there when my kids were still going to the Southwest Community Center. They do now, but they're now walking without me pushing them in the pram anymore. So thank you very much for all of your good work on this, and staff as well. Aye.

**Fish:** There are among two ways we do decision making in this body. One is compromise, and compromise often leaves everybody a little put off. Another one is through collaboration, and working to get to a result that everyone can embrace. It feels to me from the testimony that we've reached that point, and that means a lot of hard work on all of the sides. So to PBOT, the community, and our friends at St. Luke Church -- as John F. Kennedy would probably say on an occasion like this, today, we are all Lutherans -- [laughter] -- and we thank you. While you don't toot your horn, one of the city's core priorities is addressing hunger and it's something that you do on an extraordinarily high level through your work and through your church. And so you have our debt of gratitude for that as well. Aye.

**Saltzman:** Thanks to everybody for working out some thorny problems. Aye.

**Hales:** Great result. Pastor Knapp, you thanked us for our patience. Back at you, sir. Thank you for your patience, and your congregation's patience and working patiently with our staff to get to this result. This particular outcome gives whole new meaning to the somewhat overused phrase faith-based initiative. You have faith in each other as members of the congregation and you had faith in the city's ability to get to a good result. So, thank you. Aye.

**Item 1067 Roll.**

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

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**Hales:** Done, thank you.

**Item 1068.**

**Hales:** Commissioner Fritz, this is for findings deliberation, I believe.

**Fritz:** Right. I would like the city attorney to clarify what was denied and what was approved.

**Linly Rees, Deputy City Attorney:** The final findings and conclusion in front of you today uphold the appeal in part. They uphold the appeal of the partition, but approve the zoning change in conformance with the comprehensive plan. So it's clarified that it does both of those things. The testimony at the last hearing addressed the partition issues and the partition criteria, but there was no basis for denial of the zoning map amendment in conformance with the comprehensive plan. So, after discussion with our office and staff with Commissioner Fritz, it was clarified that that was the intent of the motion and that's how the findings have been drafted to conform to that.

**Hales:** So the findings before us reflect that.

**Rees:** Yes.

**Fritz:** Yes, there is a detail -- you'd be very surprised that I have a detail to go over here. And that is at the hearing, I was asked whether my motion was to deny both the zone change and the partition, and I said yes, because there is a need -- and it's reflected in the findings -- to indicate that the council's intent is in this location a 36-foot wide minimum lot width is going to be the standard. So with the zone change to 2.5, it doesn't mean that we were saying that they can make the lot width narrower through a partition. That is reflected in the findings. Because the core issue is compatibility with the surrounding area in this lot and maybe in other areas of the city, we do need to be more careful -- be more stringent in the 36-foot wide minimum lot width.

**Hales:** That's a detail that matters, thank you. Other Council questions or concerns? Again, we're not taking testimony, we're going to take a vote to adopt these revised findings once everyone's concerns are addressed. Looks like that may be the case. Let's take a roll call on the adoption of the findings.

**Moore-Love:** We need a motion and then a second.

**Fish:** So moved.

**Fritz:** Second.

**Item 1068 Roll.**

**Novick:** Aye.

**Fritz:** This is the only vote on this, right? I wanted to make a few comments. As I stated at the hearing, we do need to work on our solar regulations, and that would be through the comprehensive plan process, and also on development standards for new construction, which again would be through the comprehensive plan process. For folks concerned about demolitions and new development in neighborhoods -- happily, Mayor Hales is leading that comprehensive plan process. The Planning and Sustainability Commission is holding hearings right now, so now is the time to engage, now is the time to change the rules. By land use law, we can't change the rules in the middle of an application, and that's why we are approving the zone change with the stipulation that it has to be exactly meeting the standards. There are some aspects of the zone change approval which are somewhat concerning to me. Staff and the hearings officer indicated has services or could be easily provided, and there wasn't much discussion on the zone change at the hearing. I do believe the findings adequately describe how the zone change is approvable, and that Council must therefore acknowledge that the underlying comprehensive plan destination of 2.5 is approvable. Again, the whole zoning code and comprehensive plan map is up for discussion. So if neighbors are concerned about this kind of thing happening here, it can happen in other places, and now is the time to engage on that. We don't need a lot of infill in our residential neighborhoods in order to meet our obligations for adding new homes under the Metro designations. We have plenty of zoned capacity on corridors and in multifamily housing, which would be a good way to do infill. So, the zone change can occur as designated in order to maintain some sense of compatibility with the surrounding area. The lots need to be developed at the requirements, which is 36-wide minimum lot

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width. And the council does find this will provide certainty to property owners, developers, and neighbors of what is intended in the zoning code. In the context of this and maybe other similar neighborhoods, this same outcome may apply. So, with those provisions -- and thanks again to the testimony at the hearing, which was very objective and brought forth some very, very important issues -- I vote aye.

**Fish:** My recollection is that when we had the original hearing on this, we had a bare quorum of the council. I think Dan was the president. And the issues are important, testimony was very compelling. There were some issues raised at that first hearing that I asked for some follow up on. And I think having the opportunity to have both Commissioner Fritz and the mayor participate in our deliberations added a lot to this. So I want to thank both of them. And I think as a general matter, we do better work when the commissioner-in-charge -- the two councilmembers that have the most direct responsibility for this system of land use have a chance to weigh in and provide a perspective. And that perspective in this case brought the entire Council together around an outcome. So, I just want to thank my colleagues for that and vote aye.

**Saltzman:** Aye.

**Hales:** Thank you very much. Aye. So those are approved. And now let's move to the regular agenda, items 1076 and 1077. Could you read those together, please?

**Fish:** Mayor, before we do that, could I do a house keeping matter?

**Hales:** Sure.

**Fish:** In the unlikely event that someone is here for 1085, I'm going to ask that that be returned to my office and cleared with your office so that we can just take the drama out of that.

**Hales:** OK, so I'll go ahead and act on that. I will return item 1085 to Commissioner Fish's office.

**Fish:** Thank you.

**Hales:** And then let's go to 1076 and 1077, please.

**Item 1076.**

**Item 1077.**

**Hales:** Thank you. Mr. Lannom is here to describe the two issues in front of the council.

**Thomas Lannom, Director, Bureau of Revenue and Financial Services:** My name is Thomas Lannom, I'm with the Bureau of Revenue and Financial Services. The two ordinances before this morning you would establish a sales tax on marijuana. The first one, 1076, is related only to recreational marijuana -- 10% of the gross sales price. 1077 is 10% on of the recreational side and 5% on the medical side. The city is projected to incur some costs as a result of the legalization of marijuana under either case. So we've already incurred costs really under the medical side, and definitely if we begin to regulate these activities. A number of bureaus provided estimates to my office and were estimating currently about \$1 million a year would be the cost associated with safety inspections, police investigations. If this tax is approved, there would be tax collection costs associated with the legalization of marijuana. Those are captured in more detail in figure six of the handout that you should receive shortly. When you took a look at the proceeds that we --

**Saltzman:** Thomas, are you speaking with respect to recreational marijuana now in those estimates?

**Lannom:** Both. So, if we pass a tax, then there is a cost associated with collecting the tax. If there is no tax, that cost goes away, but the Police Bureau, Office of Neighborhood Involvement, Bureau of Development Services, and Fire are all projecting costs just as a result of regulating the medical side. Those are captured in figure six.

**Fish:** Thomas, it might be because I celebrated my 25th wedding anniversary last night and I had a cocktail for dinner, so I just want to verify --

**Lannom:** Congratulations.

**Fish:** Could you just very briefly describe what the difference is between 1076 and 1077? Just conceptually, what's the difference between the two ordinances you're placing before us?

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**Lannom:** Sure. 1076 would place a 10% sales tax on recreational marijuana only. 1077 would place a sales tax on recreational marijuana at 10% and 5% on medical marijuana.

**Fish:** So you're presenting these as alternatives to us?

**Lannom:** That's correct. And this is all flowing out of the council work session, where a desire was --

**Fish:** I just want to make it clear. These are the alternatives that you're presenting, two different options that we could consider in two different ordinances.

**Lannom:** That's a very good clarification, and one would presume that you wouldn't pass both.

**Hales:** Not our normal procedure, but given the choices in this case, we thought that was the best way to queue this up for the council.

**Fish:** I appreciate that.

**Lannom:** So under the ballot measure 91, if you follow the language in section 42 or 44, you can arrive at an approximation of what the city of Portland's share would be of the state-shared revenue. And it ranges from \$171,000 maybe up to \$556,000 annually. Not a great deal of money. The range is very broad because, well, it's a black-market. So we don't know how big the market is -- not really -- and we don't know how many people would remand the black market or would move into a legal market. So, our revenue forecast really mirrored the work that the state of Oregon did. We didn't try to recreate the wheel, but we did do a fairly extensive lit review around the Colorado department of revenue's experience. Some literature the RAND Corporation put out, as well as ECONorthwest's report, and a professor out of OSU. For the reasons that I stated, we have a gap between our expenses in the revenues we're that we're forecasted to receive from the State of Oregon. We are recommending that the council do pass a tax today -- whether it's 10 and 5 or 10 and 0 certainly is a policy matter. Passing this new tax would not only cover the expenses but would also generate some additional general fund revenues, and you can see those captured in the handout that you should have received in figure one.

**Fish:** Thomas, on that point -- ballot measure 91 contains some language that has been interpreted as maybe limiting the right of localities from proposing tax -- that's to be debated. Is there currently any law that applies to our ability to tax medical marijuana?

**Lannom:** Not that I'm aware of. That was discussed at the work session, Ben Walters weighed in I believe on that question, and the answer was not that he is aware of.

**Fish:** So that means that we can have that discussion at any time.

**Lannom:** That's correct, yes. So, should the council choose to change the tax rate on either side in the future, that could happen. All of this of course presumes that measure 91 passes and presumes that the legislature acts in a way where the courts make decisions and in a way that would enable us to have the local tax. So we're not breaking a lot of new ground here today. 17 jurisdictions in Oregon at least have passed some form of tax. None of them exceeds 10% on the recreational side, so we're not out of step with any Oregon jurisdiction. To prevent diversion from the recreational marijuana market back to the black-market or to the medical market, we are recommending that the council keep both the rate low and the rate between recreational and medical minimized in order to not create an unintentional incentive for people to shop for the right tax rate -- in other words, avoid the tax. So as the report captures, the taxing of recreational marijuana would raise approximately \$1.7 to \$4 million. The medical side would raise an additional \$800,000 to \$1.8 million. Even when we took a look at the overall combined tax burden -- so rolling in the state's excise with our local sales tax -- we still are among one of the lower jurisdictions, certainly lower than any Washington or Colorado jurisdiction, and we're not higher than any other Oregon jurisdiction, at least on the recreational side. So, I'll conclude my comments there and if you have any questions, I'd be happy to answer them.

**Hales:** Questions for Thomas?

**Saltzman:** I looked through the handout, and your estimate of \$1 million a year to administer this seems a little high. You know, I'm always pushing back on your estimates to implement things. So I

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notice that included in the estimate is 2.5 positions for the Office of Neighborhood Involvement. So, why do they need 2.5 FTEs or full-time equivalent employees?

**Lannom:** Well, the information that they provided to me was that just handling neighborhood complaints -- much along the lines of the liquor licensing work that they do -- that there would be work load along those lines. I didn't ask nor did I receive a great deal of detail about that. And I would point out that at this point, there's no budget being allocated for any of these activities. So should such an allocation become necessary, you would receive a lot more information about the workload.

**Saltzman:** OK.

**Hales:** Yeah, that's an early-level estimate --

**Saltzman:** Yeah.

**Hales:** And we all know those can change radically. You'll remember, you've been here for both versions of that the first estimate for police training facility was \$150 million and we built one for \$15. So these things can change quite a bit.

**Fritz:** On this one, it's more likely that we're going to need more people.

**Hales:** It could happen.

**Fritz:** Because the current liquor program is one person, and that's not enough, and we can't get any more revenue because of OLCC's oversight of the beer and wine tax. So it seems to me to make sense to have it all in the same program, and that if this recreational use comes to be, that there would need to be significantly more staff to handle the whole recreational and intoxicants issue.

**Hales:** Yeah, that's generally the case. If you look at where we have staff on code enforcement or noise enforcement or liquor enforcement -- the three areas where there is friction between neighbors -- we're pretty thin in those functions in city government. So it's probably more likely that we'll need to do more rather than less. But this is just a first estimate. If the measure passes and if we're collecting the tax, it will be one scenario. If the measure passes and we're not collecting the tax, we're still going to be dealing with neighborhood problems. So one way or another, there's going to be a cost implication for the functions.

**Fritz:** Right.

**Fish:** Are there any other regulatory issues that are unique to recreational marijuana that are different than would be applicable to medical marijuana?

**Lannom:** I would need to think about that. I wasn't asked to look specifically at the regulatory environment, but rather the tax environment. I would presume that we would promulgate a set of regulations around time, place, manner, how far from a school, how far from a library or a park would we allow a dispensary or a retail location? So, I don't have a good answer for you, but I can imagine that there may be some elements to that that we need to look at.

**Fish:** And second, medical marijuana presupposes that it is medically necessary. So, what examples do we have locally of the city imposing an additional tax of some kind on dispensing of something that's medically required?

**Lannom:** None that I'm aware of.

**Saltzman:** Don't most jurisdictions that have sales taxes exempt prescription medicines from sales taxes?

**Lannom:** I don't know. We don't administer sales tax here locally, so I haven't really looked deeply into that. Certainly, there are many jurisdictions when they do impose a sales tax have exemptions for common goods -- bread, milk -- and I would imagine that medication is one of those.

**Novick:** I think you're right about that, Commissioner, just based on having looked at some sales tax statutes in other states, but I haven't looked at all 50.

**Saltzman:** Any further questions of Thomas? Do we have anybody that wishes to testify on this?

**Moore-Love:** We have six people signed up. The first three, please come on up.



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**Lightning:** Good morning, my name is Lightning with Lightning Rethink Lab. One of the concerns I have on this tax is that I think you're trying to push this tax through and it probably isn't going to hold up, number one, in my opinion. Another concern I have on this is that when you are placing a 10% on recreational and your statement is to make sure that there's not a diversion or something moving to one side or the other side. Now, if that's the case, then why don't you have the same tax implemented on both medical and recreational? What is the thinking that goes from a 10 to a 5 or 10 to a 0 if that is why you are doing that? Another issue I have is when you're saying that this money -- let's say that the tax actually is put into place -- is going to go into the general fund. One of my questions is that will be divided up within the bureaus -- my understanding -- at a certain percentage. Now again, I want to make sure that we have an understanding where that money will go from that direction, such as on housing, transportation, parks, and other areas. So that's been made a little bit unclear exactly what the intent of that money is and the direction it will go from the various bureaus. So I would like to have a better understanding. What I don't want to see is this tax imposed in a tremendous amount of this being filtered back to the Portland Police or the police bureaus. I don't want to see that happen. So again, this tax is questionable to me. I think it's being put into place. I don't think it is going to have a chance in holding up. But again, why did not the medical marijuana tax be put into place prior to this? And you're doing it at the same time. So again, that's kind of questionable to me on trying to put that into place also. I would like to see the at the very least medical marijuana tax not be voted on today. If you're going to vote on the recreational, again, it is my opinion that that is not going to hold up anyway if it's challenged. Thank you.

**Hales:** Thank you. Good morning.

**Robert West:** My name is Robert West, and my concern is that if you tax -- if you tax the medical marijuana and the recreational marijuana -- right now, the stores are pretty expensive as it is. If the prices have to go up because the city wants to charge taxes on it, then you'll have more people out dealing, street corner dealers. And if you legalize marijuana, more than likely, there's nothing the police or DAs can do about street-side dealing. So the problem is, yeah, if you pass a tax, what stops people from growing it or buying it from some farm and bringing it in and selling it?

**Hales:** Understand, thank you. Welcome.

**Chris Matthews:** Hi, my name's Chris Matthews. I would like to start out reading section 42 from measure 91. The state has exclusive right to tax marijuana. No county or city of the state shall impose any fee or tax, including occupation taxes, privilege taxes, and inspection fees in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items. This does not just include recreational marijuana. You know the law, and wording is wording. It says all marijuana. You do not have the right -- if people vote to pass measure 91 -- to impose any tax. That is left up to the state. It is intentionally kept low to decrease the black market and bring in tax revenue for the cities and the counties and the state. The tax is divided up 40% to education, 25% to drug and alcohol counseling, and 15% to state police, 10% to local police. These businesses are also paying income tax where you will receive revenue. What other businesses do you impose an extra tax on when they try to open up? When a new chain of coffee shops moves into town, do you say, well, they're going to build a lot of shops around and there's going to be a lot of people going there, so we need to impose a tax on them for management? I would also like to note -- there have been over 200 dispensaries in the Portland area over the past five years. How much money have you actually spent in law enforcement handling these? I think your numbers are way out of line. The OLCC has the budget, they have the inspectors that they'll be taking care of. I don't know, you guys said you have to do safety inspections. That's the OLCC's job, that's not the city's. I think you're making a mistake in trying to tax medical in any way. You don't tax medicine. If someone came up and said, we're going to tax your heart medication, everybody in the city would turn out. I just don't understand where these taxes are coming from. I think it's a money play. I think it encourages black market sales. Thank you.

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**Fish:** Sir, can I respond to two things? Because you make very thoughtful points. You quoted language in measure 91.

**Matthews:** Yes.

**Fish:** Which -- just to be clear -- has not been adopted by the voters, correct?

**Matthews:** It has not.

**Fish:** It is not the law of the land.

**Matthews:** It is not, but --

**Fish:** I want to be clear --

**Matthews:** But I could quote 58, which repeals all local and city ordinances.

**Fish:** But it is not in effect. And second, you raised an important question about who has perhaps the authority to decide this question. And my sense is -- because there's a lot of jurisdictions that have acted -- ultimately, in our form of government, it may be a court that has the final say. And that may be entirely appropriate that the court may decide that you're right, or the jurisdictions are right, but it will be decided likely by someone other than the two of us.

**Matthews:** It's a lot of four to six-person councils that are making these decisions, and the entire state will be voting for measure 91. I think the state overrides the city council.

**Fish:** OK.

**Hales:** Thank you.

**Fritz:** Is it a constitutional amendment or legislative ballot measure?

**Matthews:** Legislative measure.

**Fritz:** Which doesn't override the Oregon Constitution, which says that no ex post facto law shall ever be passed. So I think that's why we're going to act on this today.

**Matthews:** I think it's a money play.

**Hales:** Others?

**Moore-Love:** Yes, the last three who signed up.

**Hales:** Good morning.

**Jessie Sponberg:** This is the first chance I've had to see you, I'm really sorry. I'm also sorry that I showed up dressed like this. I'm in the middle of moving and all of my clothes are at the other house, but I thought this was important enough to come and talk.

**Fritz:** Could you put your name in for the record?

**Sponberg:** Oh, I'm sorry. My name is Jessie Sponberg. Right off the bat, I want to say that I understand that the job of any leadership of a municipality is to look for ways to get revenue. And when something presents itself that is catching fire around the state where everybody is doing a money grab, I can't blame you guys for doing your job and looking for revenue. No, that's fine -- I wasn't talking or anything -- so rude. So, to the three of you who care enough to listen to what I have to say, I don't blame you guys for looking for ways to get revenue. I know that's your job. The thing is, the last time I was here, I remember listening to talk about trying to raise the wage for city workers to \$15 an hour. And you flatly said, we can't do it because that's a state thing, right? I wish that same kind of logic would apply to this. Because, I just watched that gentleman speak. I have his paperwork. You asked him poignant questions. He didn't even have any answers for you. More times he said he didn't know the answer to a question than he answered a question for you. So my concern is that we're just rushing to make sure that we are part of this money grab, and I don't think it's necessarily the most responsible course of action to take to rush it, especially after what Chris just showed from measure 91, how the state will override the city taxes, which is just like what we talked about with measure 15. I want to get that out of the way. What I really came here to do is look you in the eye and say, please, don't let the political money grab start taxing people's medicine. That is beyond the numbers, that is beyond the projected revenue, that goes to heartless politics. When you are running a bureau where instead of finding ways to make it work within the budget, you have to go like in the Robin Hood cartoon and start shaking change out of people's casts, I think that is disgusting. I'm not saying you guys are disgusting, but it's being voted on all

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over the state. When you have to start shaking out people's casts to look for gold coins to run your government, you're doing it absolutely wrong. That's it. Thank you guys.

**Hales:** Thank you. Good morning.

**Jason McDonough:** Hello. Thank you guys for sticking around and not getting up and leaving on us. I am a local film maker.

**Hales:** Give us your name.

**McDonough:** Jason McDonough. I make films, commercials, I do film editing and a musician as well, and a few other things. I question the \$1 million in cost to put a tax on cannabis. How much of that is wages created imposing said tax, as well as other costs incurred? We have a lot of money that gets allocated around our city, and, you know, the last time I saw planning for a bridge to Vancouver was \$150 million just in planning, and that was before it went over budget. We're squabbling over \$1 million, \$2 million. The money is out there, and there's going to be a lot of money coming in from this. They've already proven that in both states that have legalized. It's going to be a boom. There's going to be plenty to go around. The tax money is already allocated from the measure to the -- I'm excited about the police getting 35%. I live in Portland that's beyond 82nd, so we're forgotten Portland. I live out on 105th, where a lot of people forget we're still in the city limits. So we have very few police officers out there. And I actually know them personally because last year, a heroin addict broke into our house and tried to murder my wife in her sleep. So I'm very against pharmaceutical drugs, I'm very against other illegal drugs. As a patient, as a disabled person, I've already got the cards stacked against me when it comes to working. I lose jobs because of my disability. And it's -- having to pay more for something that -- I refuse to take pharmaceuticals for my chronic pain. I stay away from all of the addictive opiates. I am a very productive person. And to make me have to work even harder to try and just keep up is going to be very unnecessary. My neighborhood has a few drug houses, and none of them are marijuana houses. None of those houses have had a police officer at them in the last two years. They run unimpeded. So saying that there's going to be a need for 2.5 more police officers in my neighborhood because we're legalizing something that they're already not going after sounds a bit ridiculous. I would like to see the numbers on that. Anyway, thank you very much for your time. I think the dispensaries being taxed is going to cause people to go away from the dispensaries. Instead of helping the business, it will cause people to go to a black market or against each other, which is going to be legal with 91, we will be able to share with each other. But having the option to go to a dispensary and get more and better things that help me as a patient is very important.

**Hales:** Thank you. Thanks very much. Good morning.

**Anna Preble:** Good morning. My name's Anna Preble and I appreciate your testimony. I came here only to speak on the medical tax question, and I have a feeling that there's a consensus starting to evolve in front of your eyes. I want to argue vehemently against this tax, and ask that you reject it not just today, but any time in the future that it comes before your table. I worked in a clinic. I saw patients there. I was IT, I was not a medical provider, but I supported the medical staff who were very devoted to their work. Those patients were dealing with anything from cancer, to HIV/AIDS, to multiple sclerosis. They have to pay fees for doctor visits, they have to have health care in order to get the qualification and paperwork for OMMP to approve them for OMMP membership. And they have to pay a fee to OMMP every year. They have to pay for adding a grower. I don't think there's any fee for a caregiver. But anyway, they have fees that they have to pay every year. People who are dealing with fixed income situations, or people who have extremely exorbitant medical costs are really not in a position to take on an additional 5% tax. I'm arguing that this tax is so -- first of all, everybody is really recoiling at the idea of taxing medicine. I want to put out there not only would this place undo financial burden on patients, but it would actually serve to delegitimize this medical community, which has argued all along that these are legitimate medical applications. And we -- I say we -- the patients, rather -- have been on the front lines with the DEA, Eric Holder, all of the federal authorities who have prosecuted and persecuted them because of their medical

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status. And to place an undue burden on this way is again, the sound of ca-ching is kind of coming to mind. There other areas in Oregon -- I will depart from my written a little bit and go a little anecdotal, because I cannot cite my references. But what I've seen in the media is that there are other counties that have discussed this and have discussed using it as a means of removing dispensaries from the area or discouraging dispensaries in the area. And they've already passed that medical tax. I want to say it's southern Oregon. And I'm sorry that I can't be more concise than that. But if that is actually the case and that actually goes through, I am even more concerned for patients in rural areas who may already have conventional medical care and costs in terms of medicine and cancer treatments and such, and turn to this medicine -- since other states have already provided a platform for medical research which are strengthening these arguments that this is a legitimate medicine and medical application for patients that actually outperforms conventional pharmaceuticals. I ask that you please reject this today, any day in the future, and I appreciate that you've made your position known, Commissioner Fritz. Thank you for that. And my condolences.

**Fritz:** Thank you very much.

**Sponberg:** One last thing if I could add, guys -- what would be the projected cost to the taxpayers for you guys fighting this in court for the next year or so?

**Hales:** Fair question.

**Sponberg:** Do you guys know? Would it balance that out?

**Hales:** We could get the number.

**Sponberg:** I really appreciate your guys' time, especially the three of you that stuck around for the whole testimony.

**Fritz:** I'd like to thank you all for coming in. And actually, you illustrated why we had both options on the table today. Because to me, it is very important to remind people who are watching on television -- as well as everyone here -- that medical marijuana is therapeutic and it is why the voters of Oregon agreed to have the medical marijuana program. So, in the discussions about whether to legalize marijuana for recreational use, I'm very much in agreement. And actually, I think it is the consensus on the council -- although we will have some discussion here -- that we are not willing to tax people who need medications.

**Hales:** Yeah, the reason we put both of these versions in front of the council is that there's discussion about this question around the state, and other jurisdictions have chosen to tax both or propose a tax on both recreational and medicinal marijuana, and so therefore, we wanted to at least have that option. But I share Commissioner Fritz's belief it's not appropriate for us -- given the issues that we have heard here today -- to get into the issue of taxing medical marijuana now. But the question really arises for us in local governments -- this time around, when what was a controlled substance becomes legal, should we be better prepared? We've actually been down this road before in that long, long ago, alcohol was illegal. Then it was legal and regulated through the state, through the Oregon Liquor Control Commission. In theory, that wouldn't necessarily put any costs on local government. In reality, what we found is that the interaction between liquor and neighborhoods means there are costs for the city. There are costs in negotiating friction between loud bars and neighborhoods. There are costs associated with people who drink too much and get in their car and cause an accident. So, we've been here before in that sense in that we know that no matter what the state legislation says -- in this case, in the form of an initiative -- will end up having some community costs that we'll have to pay for. This time around, it may be possible for us to -- by putting down this marker -- say well, we intend to collect a reasonable tax in order to pay for some of those costs. Probably only some of those costs. So, that's the theory behind local government saying, if this change happens, we want to exercise our prerogative to collect taxes to pay for local government costs, because the state does not have a habit of paying our bills. So, that's why these options are in front of us. Obviously, there's a big difference between the two in that one of these is addressed by the initiative and the other isn't. Other questions or concerns on the council before we take action? So it is my intention to vote first on 1076, which is the tax on recreational

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only. And then we can dispose of the other measure depending on what happens to the first. No one else signed up to speak?

**Moore-Love:** That was all who signed up.

**Fritz:** How come they're not emergencies?

**Hales:** Question to city attorney, why are they not an emergency ordinance?

**Linly Rees, Deputy City Attorney:** I don't know the answer to that.

**Fritz:** I believe because they're tax revenues, they're not allowed to be. Is that correct?

**Lannom:** Yes, Commissioner, that's correct. That's why it's not an emergency ordinance.

**Fritz:** I think, Mayor, it would be appropriate to see if we have consensus on not moving one of them to second reading. There's no point on voting on both of them next week. Can we?

**Hales:** Yes, that's right. I had not noticed that they were not emergency ordinances, either. So, their effective date will be -- if we pass one of these ordinances, the effective date is --

**Lannom:** The effective date -- I believe, without going back to the ordinance, would be following the passage of measure 91, following the state's permitting of local retail, that would be the point at which taxes could actually be --

**Hales:** The date of our ordinance is 30 days, right?

**Lannom:** Yeah, it's 30 days.

**Hales:** And the effective date of measure 91, if it passes, is sometime after that.

**Lannom:** That's correct.

**Hales:** So our ordinance is still in front of the state measure in terms of when legal enactment occurs.

**Lannom:** That's correct.

**Fish:** Josh either has a toothache or he is nodding, I'm not sure which.

**Hales:** It might be both. Come on up, Josh.

**Josh Alpert, Office of the Mayor:** I believe -- and Council, feel free to correct me -- because the measure would have to be certified, I believe that takes three weeks after the election before it actually becomes the law. Your ordinance, were you to adopt it, on second reading would go into effect before the certification.

**Fish:** Josh, now that you're before the council, we're not limited to the matter before us, so I have some questions I'd like to pose to you.

**Alpert:** Beautiful.

**Hales:** Not really, thank you. [laughter] So I think it'd be appropriate for Council discussion for people to express a preference here. My preference is that we move 1076 to second reading, and return 1077 to my office for no further consideration.

**Saltzman:** I would second that, if that's a motion.

**Fish:** Poll Council on that.

**Hales:** So, let's take a roll call on that motion.

**Roll on motion to move 1076 to second reading and refer 1077 to Mayor Hales' Office.**

**Novick:** Just a couple of comments. One is that it's my understanding that for those people who do not have a medical need for marijuana, the general consensus is it's still not particularly good for you. And we do tax cigarettes, for example, so having a tax on another medical substance that -- unless you have a medical need -- is not particularly good for you I don't think is inconsistent with our general practice. And I'd also like to reiterate something we discussed last week, which is that if the state government regulated medical marijuana as if it were a regular prescription drug, then there'd be a lot less concern about a black market developing where you have the diversion of medical marijuana to recreational use. So the concern that law enforcement has about the differential between the tax on nonmedical marijuana and the tax on medical marijuana would be less of an issue. So I think that we will be telling the legislature that if they do not enact regulations on medical marijuana so it's treated more like regular prescription drugs, then they're putting us in a position where either we tax a medicine -- which we don't want to do -- or there's a greater

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likelihood of a black market developing. So I think that that is a message we'll continue to deliver to the legislature. Aye.

**Fritz:** It is unfortunate that we're not voting on both of these items, because I was really looking forward to a five no votes perhaps on one of them. But we'll see how we get on the revised motion. I very much support the use of medical marijuana. I'm very concerned that should the ballot measure pass, there will be a lot more conflicts and lot more young people using marijuana. As we learned last week, marijuana's been shown to affect people up to the age of 25 -- brains up to the age of 25 in a significant way. So that's of great concern to me. I think this is a prudent measure to act on this now. I appreciate the mayor and Josh Alpert for bringing it forward. Aye.

**Fish:** I also want to thank the mayor and Josh for the work session, which I thought was very productive, and then the way the agenda has been structured to provoke this debate. In the event that measure 91 passes, we will have responsibilities at the local level to enforce the laws to time, place, manner, and other oversight. It seems reasonable that if that authority is delegated to us, we have a revenue source to do that job. But I share the concern of my colleagues that this is not the time to place a tax on medical marijuana for all the reasons that Commissioner Fritz has already outlined. Aye.

**Saltzman:** I, too, agree that we should not tax what is medicine. And I believe that's the practice in every state that has a sales tax, is to exempt the prescription medicines. So I vote aye.

**Hales:** I appreciate this consensus about this medicine and its need to be protected from taxation. But again, I think it's important to remember this discussion is not just about marijuana but about our relationship with state government. And there are many times in which either the legislature or the people enact new state law, and we end up with extraordinary costs at the local level. The voters passed measure 11 to establish mandatory minimum sentences. That imposed extraordinary costs on local law enforcement, most of which have never been completely compensated by the state. The fact that we have a state liquor control system that will now also deal with marijuana means that -- as I mentioned earlier -- it will have extraordinary costs. So we should learn from experience, we should learn from the experience of previous state and local relationships that have stuck us with extra costs, even while establishing the will of the people at the state level. And we should learn from the experience of other states -- Washington and Colorado in particular -- about what has and hasn't worked as they moved from one status to us another for the legality of marijuana. So I think we're doing the right thing with our eyes open, with a little knowledge from previous experience that will hopefully make this change -- if it happens -- less of a problem for us as a city and some of those other changes have been. Josh, thank you for good work. Thank you for a good discussion. Aye. Thanks very much. Let's move on to item 1078.

**Item 1078.**

**Hales:** Commander Day is here as well as some other invited testimony on this. We've had a street closure advisory committee that's been working with Commander Day and with the Police Bureau. Our neighborhood association has been very engaged. Howard Weiner is here from Old Town/Chinatown neighborhood community association. J. E. Isaac is here representing some of the property owners in the district, and Boris Kaganovich from Better Block PDX are here. We look forward to hearing from each of you about where we are and where we hope to go. Commander Day.

**Bob Day, Portland Police Bureau:** Thank you, Mayor and Council. I would be remiss if I didn't bring more numbers, stats, pictures, and graphs, so that's what's being handed out to you. Included in the ordinance package is also additional data. The ordinance contains printouts from data that's basically just numbers comparing us through August of this year and then 2012 and 2013. As you remember, the ordinance went into effect at the end of 2012. The information I just provided you is a more comprehensive one year comparison, a full year of 2013 with the ordinance, and 2012 without the ordinance. Not to confuse the issue a little bit, just so you know that. What I appreciate about the document that I just handed out to you is it does highlight a good one year to one year

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comparison versus just the first six or eight months of this year. That one year to one year comparison showed a 30% decrease in calls for service. We saw a 50% increase in self-initiated activity by the officers, and we also saw a 40% decrease in part one offenses, and a 25% recollection in part two offenses.

**Fritz:** What's a part one or a part two?

**Day:** Part one is essentially your more serious offenses like robbery, aggravated assaults, versus simple assaults. Aggravated assaults would be measure 11 type violence. Some larceny, theft, and so forth can be included in the part one. Part two is your disorderly conduct, simple assaults, some of those types of charges.

**Fritz:** Are there other parts?

**Day:** It's just part one and part two.

**Fritz:** What are they part one and part two of?

**Day:** I'm not sure how that gets characterized. UCR is the Uniform Crime Reporting statistics from the feds. That's how they characterize it

**Fritz:** Thank you.

**Day:** And so, in short, just on the surface, those are pretty significant numbers. We're very proud of those in terms of just basic crime reduction statistics at their core. I think this Council is aware that my passion, motivation at central precinct is not simply about enforcement. What I'm most proud about this program is more the community outreach and the engagement it's allowed. First of all, I want to thank the mayor for his support. I want to thank Chad, who's done a lot of heavy lifting over the last year with the stakeholder group. I want to thank Lieutenant Golliday and Sergeant Strohmeier and really the officers in the entertainment detail out there every weekend on a consistent basis developing this program, making it work. And also just the way you'll see demonstrated today that the community's come together, both the nightlife community as well as the daytime community. I have come to have a huge appreciation for that part of our city and the community involvement. Some of the things we've been able to do because of this street closure in addition to the reduction in calls for service and crime, and really my motivation at the beginning of this was public safety as the tip of the spear, which obviously is a key for me. But we've also been able to strengthen our community relationships. We provide ongoing security training for many of the establishments down there. One example is we had a bar outside of the closure, but they did have a shooting inside the bar. Very concerning to us. We met with them, they had lax security procedures. After training and meeting with that bar, their new measures have stopped two guns from coming into that business just since that shooting, based upon the training we've provided. We have our annual bar summits. In a positive way, our entertainment detail is probably trending more in social media for bachelorette party pictures and bachelor party pictures and scavenger hunts. I know when the mayor was down there a year ago with myself, we were stopped and photographed. It's a great community outreach as well as really the opportunity -- because of the visibility of the officers to the community, and for the officers being able to see better -- creates us an opportunity to intervene at a much sooner level on many of these incidents that can rise to serious assaults. Unfortunately -- but I'm always candid about the realities -- we did have four shootings downtown, five including that bar. But four shootings downtown this summer, and yet all four of those occurred outside of the closure and they occurred in a parking lot or a flat lot. Our argument and assessment being that we've done a good job in working in conjunction with the bar owners to have good security measures in place. A lot of the troublemakers leave their guns in their cars and don't try and bring them into the bars. And by having an area -- the most densely populated area largely free, hopefully, as we go forward as we've established this lack of gun violence, it's been very encouraging. And that's another argument for why we appreciate having the support of the closure. Finally, you know, it's been exciting for me to see our officers also not only in the area of outreach but develop an expertise in understanding OLCC, understanding our city rules, working with other bureaus, Fire Bureau, ONI, etc. It really has become more of a collaborative effort for the city on

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that particular area. Our desire is to expand that. Our officers have been called upon by other precincts in the bureau to come out and address problems locations with their expertise and knowledge, and also the resources they understand are available. When we went into this closure, several of the bars were on TPM ordinances, time place man ordinances for various violations. As recently as just a few months ago, there were no TPMS on any of the establishments in that particular area. And I think that's because it's allowed to us mitigate issues earlier, it's allowed us to have better relationships and better understanding of their needs as well as they understand our expectations better. If we can reduce that as well, that's a win. So obviously, I'm an advocate for this. The way the ordinance is written, as I'm looking forward to as we continue to look at different methodologies and different ways to manage this area -- and I know the community and J.E. and so forth we speak to that -- I'm very much in favor of continuing to see this evolve. I said to Council when he was here a year and a half ago, I'm not married to this, this isn't the Bob Day plan. This is a passion of mine in terms of public safety and community outreach, but I'm always open to new ideas and I know the ordinance creates opportunity for that and I welcome that. So, thank you.

**Hales:** Questions for Commander Day?

**Novick:** Commander, I have one question. Some of the business owners in the area have said that they think a lot of the bad conduct was conducted by patrons of a couple of establishments that have since closed. They have indicated that they thing with those establishments closed there's sort of less to worry about. And I just wanted you to address that and why you think that -- in spite of the closure of those establishments -- you think some continued work is necessary.

**Day:** Just speaking a little bit anecdotally and also from personal experience, some of the problem businesses have closed. There's no shortage of renewal. There's been great businesses step in there, and I that is the passion or the hope is that those businesses will add to the positive environment. Right now, I think it's too soon -- we don't have enough time frame to really evaluate against that in terms of, you know, whether those businesses closing and the new ones that have opened that are having a positive influence are really making that change. As I said, in the numbers attached to the ordinance, some of our assault numbers are up a little bit. I'm trying to ask for a more detailed explanation, because trying to identify this those assault numbers are occurring in the street or if those are assault numbers occurring inside a business that spilled out on the street. I think it's important to differentiate. I appreciate that and we're very aware of it. I know there will be testimony today from some of the new owners downtown that have done some great work. So we are seeing that.

**Fish:** I have a question, Commander, and I'm going to ask it also to J. when he testifies. We have very good data that you've given us on enforcement and crime analysis. What we're hearing anecdotally from some businesses in the area is that this plan has impacted their bottom line. What data do we have on the financial impact this plan has on any the businesses that operate?

**Day:** And we've heard that, as well. I want to express to Council that I'm sensitive to that. As I've spoken before, I see public safety as having a role now -- since my experience in central precinct -- far broader than just about enforcement. One of our roles in public safety is to help create an environment and a community where business can thrive. In this particular situation, I believe the issues were significant enough to propose certainly a dramatic step towards curbing that. From our perspective -- and this is not to discount the business owners -- from our perspective, we continue to see long lines out the door. We continue to see a very active nightlife down there. The only thing we have is to base off of is capacity numbers and checking in with door personnel and security personnel because we're not privy to that bottom line. I'm sure that when J. gets the opportunity to speak, he will address that. We have heard those concerns, I'm very sensitive to those and want us to continue to explore that.

**Fish:** If it's the will of the council to support this ordinance and continue the program, one thing I would ask you to consider is how we might quantify that. We're not well equipped to do so. We field complaints, concerns. They're anecdotal until someone shows us a P&L statement or we see



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an end of the year business license tax payment or whatever. If you could give thought to how we might try to quantify it. And also, we're not in the best position individually to handle the complaints that come in. I mean, concern by a business might be addressed by looking at the parking around their location or working with them on some custom plan. That's not something that we as individual commissioners I think are well equipped to address. I would welcome your thoughts before this's hearing over on how to get data going forward that gives us the ability to track with the same level of precision you've given us on the crime analysis.

**Day:** I appreciate that and I recognize this has been a public safety driven measure. J. and I had a conversation in the hallway before we came in about the importance of other bureaus, specifically PBOT, and others to help us gather that information. I think those are steps we want to take going forward so we have a better understanding.

**Fish:** Thank you. And by the way, about 10 days ago or something, you got a call I believe on a Saturday or Sunday from the chief about an acute problem occurring in northwest. And it involved a true public safety threat, including folks operating a community garden that found syringes and came this close to being contaminated because of the syringes. I think by Monday, you had a complete plan of action that you shared with the mayor and me. Within two days, you had addressed the illegal conduct that was occurring there. I just want to publicly thank you for your responsiveness.

**Day:** Thanks. I appreciate that. I'm proud of the work we're doing in the area of central precinct, and it's been a very compassionate enforcement type model. In that particular case, there was not a need to make arrests but we were able to direct people to resources and understand expectations and we were able to be effective. So I appreciate that.

**Fritz:** Commander, could you talk about the Fire Bureau's enforcements of capacity regulations?

**Day:** I can. Sergeant Strohmeyer is seated behind me. He works very closely with the Fire Bureau inspectors. Erik, if I speak out of line, feel free to correct me. We do work hand in hand with both the Fire Bureau and OLCC and try to defer to them on their areas of expertise. For example, we're not in the business of walking into clubs and saying, hey, you have too many people in here, you can't do this, we need to slow this down to get some people out. We ask for them to stop and be the lead on that because they're the experts. Same way with OLCC. They handle a lot of the false ID, underage drinking -- a lot of that enforcement falls to them because they are present with us and that's also their area of expertise. I know there's been concern with capacity issues around clubs. We're constantly in communication with Chief Janssens and with the staff in the Fire Bureau inspector's office making sure that we will do our due diligence on our part. We will support them, but it's really an effort led by them when it comes to capacity issues. We just simply provide the presence if need be to hold the line, for example, if they say no more in for 20 minutes. We'll make sure we'll stand by to do that.

**Fritz:** And has OLCC been fully present in adequate numbers?

**Day:** Yes, they've been very supportive. They have a great team down there, very supportive.

**Hales:** Thank you very much. Howard, welcome.

**Howard Weiner:** Thank you. For the record my name is Howard Weiner, I chair the Old Town/Chinatown Community Association. First, I want to thank you, Mayor, and Bob Day for really the good work being done in Old Town/Chinatown. The whole Council, thank you for your focus in Old Town/Chinatown. We might not all agree on every step that we need to take, but I think we all agree that Old Town/Chinatown needs help in many ways. With that said, the Old Town/Chinatown pilot project really started as a genesis from Commander Day coming to our public safety group a few years ago. And it was public safety driven. And yes, businesses complained, and people don't like getting their cars towed and so on and so forth. But as a public safety measure, it's been successful since its get-go. The question now to me going forward is, what should we be doing? For the last year, under the Mayor's Office and Chad Stover -- his policy person -- we've been meeting and coming up with recommendations we thought could make it

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better -- better for businesses, better for people to come down into the neighborhood, people who work. And now it's really time to take those recommendations and go into an action mode. My thoughts are that over the next year, we will continue with this group that has met, we'll shift the focus from the Mayor's Office to the community, and we'll move into -- I'll call it experimental stages, where we try different ways of closing the streets, always working with the police and obviously having to have their support but trying to get it right. The goal is to get to it to where businesses can prosper, folks can come down and have a good time but be safe. In addition to that -- and this goes beyond the street closure -- PBOT has been coming to our meetings lately, and we really started this discussion for public safety month pedestrians in 24/7 in Old Town/Chinatown. You've all been down there, but 2nd, 3rd, 4th Avenue between Glisan and Burnside -- there's no lights and there's no crosswalks, pretty much. The bottom line is you take your life in your hands. So whatever we do over the next year hopefully will end up with a safer neighborhood, and we'll end up with a street closure or street maintenance -- I don't know what word we'll really use -- that really works for everyone. I'm trying to be brief today, you've had a lot of testimony. If you have any questions, that is fine. I will make my commitment that the leadership I've shown in Old Town/Chinatown I will continue over the next year with this new committee that we put together, and get it right.

**Hales:** Thank you, thanks for that commitment, too, we need your help. J., welcome.

**J.E. Isaac:** Thank you. Good morning, Mayor Hales and Commissioners. For the record, my name is J.E. Isaac with CFM, I'm here representing my clients David Liken [spelling?] and Oregon Theater Management. I'd like to begin by acknowledging and expressing our gratitude for the hard work and creative thinking that has been done by the Old Town/Chinatown Community Association, its hospitality group, the street closure advisory committee, the mayor and his staff, the Portland police department, and Better Block Portland. This has been a true partnership between a concerned city government and a proactive neighborhood association and its businesses. We appreciate Mayor Hales' personal attention to the neighborhood and this issue. All the hard work over the past year has resulted in several recommendations concerning modifications to the existing street closure, structure, timing, and procedures. We support the passage of the ordinance before you today because it calls for immediate testing of these recommendations, which are attached as exhibits. These recommendations are designed to retain the public safety benefits of the current procedures while making the closure area more accessible and more inviting to the public. Many of these recommendations have already been tested successfully on a short-term basis. Immediate testing on a long-term basis are necessary, because some of the businesses in the closure area and some nearby have seen dramatic decreases in attendance and revenues since the closure began two years ago. Unless action is taken now, we fear we may lose some more of these businesses which could start a downward spiral in the neighborhood. Instead, we believe that if these modifications are tested, we believe they'll show they can be successfully implemented and that can be the start of a bright and exciting future for Old Town/Chinatown. I would also like to mention an example of the proactive work on the part of the Old Town/Chinatown Community Association's hospitality group. It's a best practices document, and that is also an exhibit to the ordinance. That document was drafted by the leaders of the hospitality group. It's based on best practices for bars and nightclubs around the country. Members of the group are adopting these practices voluntarily, and are making the document and instructions concerning it available to other hospitality operators in the city. This will be a big step forward in ensuring safe and responsible liquor service in Old Town/Chinatown and for the city as a whole. I would like to close by acknowledging and thanking Sergeant Erik Strohmeyer and his officers for the excellent job they do every weekend. We believe their hard work and professionalism and dedication is a principal cause of the crime reduction that Commander Day mentioned. And we are glad that their work is going to continue. Thank you for support of the ordinance. Thank you for supporting immediate testing of the recommendations and your support for the Old Town/Chinatown neighborhood.

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**Hales:** Thank you. Questions?

**Fish:** I have a couple questions -- and thank you for your thoughtful testimony. Are you comfortable with the one-year extension?

**Isaac:** Yes. All of the businesses that I've talked to and Howard and the neighborhood association feel that there should be a street closure. Because the alternative here would be to just do away with the street closure altogether. But all of the people that I've been working with that represent the majority of the businesses within and immediately without the closure, do want -- do support continuing it, with some modifications. And you know, we -- the ordinance is written so that if that testing -- it shows that there is a problem with some of these changes, you can go right back to status quo. But we think really many of these things need to be tested immediately, like opening Davis, which was done for a one-month base. Officer Golliday mentioned that there were no public safety issues in it, it's more of a traffic issue. And it's been previously talked about that we do need PBOT's help in instituting some of these things. But yes, a one-year basis with this testing is what we support.

**Fish:** My only personal view is that local solutions with a flexible roadmap is the way to get to the best outcome. So conceptually, I'm there. I want to make sure there is an appropriate role for the council if, as we continue to fine-tune the public safety components, we continue to hear a chorus of business owners saying there's a cost and it needs to be addressed and it doesn't get addressed through this process. What is the council's role in your view?

**Isaac:** Hopefully, the council can be supportive where necessary. But some of the changes we're proposing will actually reduce costs that you're currently looking at in the area, because we're talking about decreasing the size of it a bit in terms of opening Davis, because right now, it starts at Everett. We're talking about seasonality, perhaps. We're talking about starting later at 11 o'clock instead of 10. Going to bars late at night -- that's not my demographic, but I have been doing that over the last --

**Fish:** The record is clear that the mayor has been doing it and being photographed -- there's actually a physical record. [laughter]

**Isaac:** Exactly. The amazing thing is that the young people who do come out to these establishments don't show up until 11:30 or midnight. So it's a very, very light-night situation. And you know, you had asked, Commissioner Fish, about this decrease. And Commissioner Novick -- I'm sorry, Commissioner Fritz has asked about this issue of being at capacity. And yes, many of these establishments do hit capacity. But it's at that 11:30, 12:00 time frame. And the issue here is if we make this area more inviting and open and accessible, then people of my demographics, perhaps, who want to go to a late dinner can get in and out before the closure takes place. And the closure starting when it does -- and being as large of an area as it is -- is perhaps making the duration of the time when these establishments are at capacity shorter. And you know, then you have the question of towing being a black stain on the entire neighborhood. So even on nights when, you know, you're not having the closure -- that's only on Friday and Saturdays -- are people afraid that their cars will be towed or whatever? These are all things we think we can work through.

**Fish:** Thank you. My final question for you is -- how do we quantify the impact on businesses? Again, we have people approach us all the time with anecdotal concerns, and they're perfectly valid. But how might we quantify that so we would know whether we've reached the tipping point?

**Isaac:** Two answers to that. One is we are attempting to get from our members data in writing that you can look at. I think the best evidence of the fact that this closure as it's currently being operated is hurting these businesses is how hard they are working to try to come up with alternatives. And it's clear that all the businesses are doing more poorly than they had before the street closure started two years ago. But we will try to get you actual data on what that --

**Fish:** Let's be clear, it isn't just a district with big bars. There are different kinds of businesses.

**Isaac:** Exactly.

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**Fish:** So if it's impacting restaurants, if it's impacting Darcelle's, if it's impacting other places, it isn't just the places that may be at capacity.

**Isaac:** Correct. Excellent point. For example, here's the number. This was shared with us by an operator -- and Dan Lenzen can talk about this, if he's going to testify later -- but during the one-month test of opening Davis, one of the restaurants in the area saw a 30% increase in their business that month. So it's clear that we can make changes that won't compromise public safety and make a difference to these businesses.

**Fish:** Thank you very much.

**Fritz:** I have a question for all three of you. What's your opinion on why the part one crimes are so up this year? Because they are already more at the end of September than they were for the whole of last year.

**Day:** Right. Particularly troubling for me in that statistic, Commissioner, is the aggravated assault number which is at eight, I believe. Just in the last couple of days, I've been trying to vet that. A couple of things have come to my attention. One, there was a record-keeping miscoding number there where I could say we're probably more at six than we are at eight, just in terms of how it was entered into the record-keeping system. The other part of it that we've noticed is a couple of those were large-scale fights with multiple victims. Therefore, you have one event that occurs but you might have two or three victims which also makes the number higher. And then the piece that I have not been able to vet is how many of those have started inside a business and wound up in the street versus separating out what's happening in the streets. I do think that there's a difference there in terms of how the closure impacts the activity level. We're really focused on the activity outside, not inside. But we need to do a better job. I met with a detail and asked this tomorrow look at that, because it is concerning to see that increase.

**Fritz:** Well, yeah. The entire premise for the closure is to make it safer. If the violent crimes are back up to before the closure, I think that does call into question whether we should continue the program or try to make it something else.

**Day:** Right, I understand.

**Weiner:** I have a different take on it. I believe that in having more police in the area, we actually have an opportunity to stop crimes as they are being committed. Sometimes crime goes unreported, is my point. So having more officers -- more eyes essentially on the street -- could be a reason why numbers go up.

**Fritz:** Yeah, except these are the serious crimes -- the number. The overall crime is down. That I think is evidence that officers are intervening earlier and preventing problems. The fact that the violent crimes are up this year is quite concerning.

**Weiner:** Well, it's troubling any time crime goes up, it's troubling. I'm not an officer and I'm not up at one in the morning, so I'm not there.

**Hales:** Thanks, all three of you. As we call Boris up for the fourth of our invited speakers, it really gets back to the issue of the rest of the council's engagement on this amazing experiment that Better Block conducted two weekends ago -- Commissioner Novick and I were both there and able to see it. It raises the point that the next phase of this partnership involves more bureaus than the Police Bureau and the Office of Neighborhood Involvement. It also involves PBOT and perhaps the Portland Development Commission and perhaps other bureaus, as well. And it raises the question of there are ways in which to spend capital dollars that might over time reduce operating costs. If you create a safe environment where people are there -- as we saw in this Better Block experiment -- there's less calls for police service if it's done right and if it's maintained and if it's programmed. I just want to thank you, Boris, and your team for this great experiment. He's got a little presentation for how it went.

**Boris Kaganovich:** Sure. I wonder if we can play it on the big screen.

**Hales:** Let's give it a try.

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**Kaganovich:** Oh, wonderful. Part of what led to this whole thing was there was a question of what to do, first of all, with the future of the closure. And then there were the concerns of the police -- which were very valid -- about how to best deploy and best have eyes on the street that can have all the lines of sight that you'd want, along with how do you activate 3rd Avenue during the day and kind of meld together the different behavior of the street on the north side and south side of Burnside and drive the activity that's amazing at Saturday Market, and around Voodoo Doughnut further into further Old Town. Because we know we can't get it right from the first time, we do this kind the mantra of the Better Block project nationwide, which is, let's deliver a two or three-day test, show what works and doesn't work, and then show what to do for a longer test program. Our initial vision was to take what was currently a three-lane one-way with a really wide large cross-section at by Voodoo Doughnut -- which is five lanes wide -- and funnel it down to one lane with a protected bikeway and additional pedestrian space kind of just to test the best case scenario for what pedestrian access looks like, what actually happens to traffic on Friday a.m. and p.m. rush hour. This way, we can actually learn based on empirical data what happened. We approached all the communities basically for the first -- this whole project happened in roughly a month. It was a month and a week from when we first got engaged with the community association and the business community to actually putting hardware on the street. And for a completely volunteer-led organization where everyone has day jobs, it was lot of work. So for two and a half weeks, we went to meetings with every community group, police department, fire bureau that we could get our hands on. And our real goal there was to eliminate all of the no's and make sure everyone signed on to what we were doing. It was a three day demonstration -- if it didn't work, it went away. The Fire Bureau was gracious enough to roll their largest fire trucks through three or four times until we got it right so that their turning radii were correct. If you followed the traffic manual, you would never be able to make a street this narrow with a fire truck that large. But if you empirically test it, you can get away with much narrower lanes. We worked with the social service providers and Clean and Safe to make sure that the three-day demonstration project was as successful as it could be and the needs of all the stakeholders were met. For the most part, it worked amazingly well. There were definitely a few tweaks that needed adjustment. But the concepts of being able to bring a more wholesome crowd to Old Town, be able to activate the street during the day -- you'll see later in the video that it worked. We put in a temporary crosswalk at Ankeny that was probably the safest crosswalk in the whole city of Portland. We had 100% compliance more or less between motorists and pedestrians crossing. Because traffic speeds fell -- I mean, outside of rush hour, you had 35, 40 miles per hour streets that were now 14 miles per hour streets. You only had one lane to cross. It was just a pleasure to watch. You had families that come in from the east side of town that rarely visit the west side of town until they have to for work. We put in bike corrals at the far end of the block, and all of these people were spending money at local businesses that would otherwise never come to the west side of Portland. The local community -- we brought them out in a positive way. We didn't displace anyone. All of the local social service providers were still there, folks that typically would frequent the neighborhood there were but were brought out in a positive way. Plus, we were able to bring all these additional people to the street that normally wouldn't come. We quickly learned that three days' heads up isn't enough to bring in the temporary pop-up retailers we were hoping to bring in. This whole project -- given that it happened in about a month -- we had our last planter boxes built two days before the event. We gave the retailers three days' notice. Our ping pong tables were arranged three days in advance. Everything was super, super last minute. The longer-term vision is kind of, how do we bring in something like a public market or farmer's market as an extension of Saturday Market, bridging the north and south side of Burnside so this public space could be used in a positive way and folks could have an opportunity to shop, grab a bite to eat for breakfast on their way into work on the way to work with all these businesses coming into Old Town? And maybe even pop in and grab some vegetables to take home during lunch break or grab something before heading home. Whether someone is driving home, taking transit, biking, walking

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-- whatever it is, it's an amenity that's accessible to all users. So, quick adjustments that we learned. Some of the users definitely need loading zones, and we weren't very good at accommodating that. So Dante's -- we need a very clearly-marked loading zones if any of this stuff goes forward. Union Gospel and Barrel Room also need loading zones, but we were able to get them in without any problems. On the south side of Ankeny Plaza, Mark's taxi loading zone could be useful. Given that you need kind of a radius curve anyway to accommodate fire trucks, it could squeeze in pretty well. If you're doing a one-lane street next to a protected bikeway, there has to be mountable curbs. Because otherwise, the emergency vehicles can't get around in an emergency. The bikeway has to be wide enough to get your emergency vehicles through. Like I said before, you've got to give more than three days' notice to program your public spaces north of Burnside. The rush hour traffic on Friday afternoon we thought was a little bit worse than we would have liked. Just talking to the city traffic engineers, there's opportunity there to make some adjustments between Couch and Burnside to eliminate that issue or to maybe even adjust the traffic signal there a little bit. We may have ideas about putting parking on Burnside off of rush hour to compensate for the lost parking on 3rd Avenue. Next steps. And some of this falls on the businesses, where we do need a business improvement district to program, clean, and patrol this public space that's going to be provided. The businesses are going to have to step up here. We would like to do another test redesign based on what we've learned. This may be a week, it may be a month. Longer duration easier because -- especially with us being volunteers -- three days is really hard with us being volunteers. And Ankeny Plaza was pretty much ready to activate today. There is the pedestrian vitality there that you can use up effectively wasted asphalt there to make it an amazing place. And north of Burnside, as we prepare programming, we can phase in the transition from whether it be a moving lane or a parking lane to another use. There's kind of a nice little photo of all of our volunteers. This is about half, this is the crew that showed up to help us set up in the morning. Showing kind of a before and after of the transformation -- let me see if I can zoom out. Based on what we learned -- first of all, the easy wins are to put in marked crosswalks at Ankeny, Couch, and Davis. The driveway access for the parking lot between Ankeny and Burnside needs to be maintained, as well as for Boiler Room. And then going on to loading zones. So Union Gospel and Dante's and Voodoo Doughnut and the businesses in the Ankeny alley could definitely make use of loading zones in these areas. Just thinking further ahead, based on which spaces were hard to activate initially. Even along Voodoo Doughnut area -- this green stuff I marked here -- there's room to squeeze in parking here without any huge negative impacts for pedestrian vitality, and maybe even a left turn pocket lane here to accommodate traffic during the p.m. rush. That could kind of be transitions to just one lane during the existing closure hours. This is just immediately reaction stuff. There's definitely stuff to talk about here. And that's what we wanted to test kind of as a follow up. Now, I'm going to show you a video that we finished last night. Everything, as usual, super last-minute.

[video playing] [music]

\*\*\*\*\*: What do you think about what's going on here?

\*\*\*\*\*: As a business owner down in Old Town/Chinatown district, I think this is absolutely an amazing plan. It looks like it's been working extremely well, we had great results last night. It's a little bit getting used to it. Everybody that's travelling down here has been used to the street closure. But I think if we can eventually close this down as a permanent plaza for pedestrians, it'll be absolutely amazing.

\*\*\*\*\*: Two lanes that are sitting there just waiting for picnic tables and community and people milling about, it's going to add to the Old Town experience.

\*\*\*\*\*: Where I live in Grants Pass, it's got its nice qualities but it doesn't have anything like this.

\*\*\*\*\*: What do you think it'll mean for kind of the daytime scene in Old Town if something like this were to be permanent?

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\*\*\*\*\*: Key for us business owners really is to try activate our daytime storefronts. That's been a real challenge for us down here during the day. To bring that Parisian style café atmosphere down here really would be amazing.

\*\*\*\*\*: Bring some of the energy from Saturday Market down into the Old Town area, get some more activity down here, bring some business in -- it'd be great for everybody.

\*\*\*\*\*: Is it going as you expect? Are you surprised by anything? What do you think?

\*\*\*\*\*: It seems to be pretty smooth. I wish there had been a few more vendors this first weekend. But it is a pilot project, so it's easy to picture what it could be. And there's certainly a lot of activity on the other side of Burnside right now. So let's bring some down to Old Town.

\*\*\*\*\*: So as you kind of look at this, does it make you think of new ideas of what to do in Old Town and what it could become?

\*\*\*\*\*: Well, it definitely opens my eyes to what it could be. This could become something busy and vibrant during the day as well as at night. Right now, we have the entertainment district at night, but it'd be good to get business down here during the day, as well.

\*\*\*\*\*: Things are moving smoothly, it's going really good. I love how the control is happening on every intersection. People are interested in it and talking about it. We've got people seated here, it's just awesome. Business owners can see what this could do. We have to all now be at the same table.

\*\*\*\*\*: Cool.

\*\*\*\*\*: You have to come out. There's everything, it's going to be fun, alright?

\*\*\*\*\*: I miss it so much! Goldie was the best goldfish I ever had, and I can't imagine life without her anymore. Who am I gonna feed, Stacey?

\*\*\*\*\*: Well there you have it. I think it's the right question, what do I think about this place? It's a place all of a sudden. It it's so surprising to see that when you create a place for people, they show up.

[end of video]

**Hales:** Very good, thank you very much. Questions for Boris and for the amazing team from Better Block PDX?

**Novick:** Not a question, but a comment. I have to say that I've obviously over the last 20 years noticed the extraordinary width of 3rd Avenue at that point. It should have been obvious to me that the proper use of a chunk of that space is ping pong tables. Thank you for demonstrating what should have been obvious to all of us long ago.

**Hales:** Nice work, thank you very much. Are there others who want to speak signed up?

**Moore-Love:** Yes, we have seven more people signed up. The first three, please come on up.

**Hales:** Welcome. Go ahead.

**Jeffrey Geiger:** I'm Jeff Geiger with jgpolitics.com. I've been covering the police down there, what they do every Friday and sometimes Saturday. So, what I have seen? Pretty much what I've seen from Sergeant Strohmeier and other officers would be the gold standard of what you want to see from policing. They see what's going on and they immediately address it. They see people that are intoxicated, and they address -- you know, do they need to go to detox, the social detox which would be CHIERS, or do they need to get in contact with their friends? I've seen people come at each other like they are about to get in a fight and immediately stop and get them to go separate ways. So that avoids an assault, a simple assault or an altercation of some form. And how it's been traditionally, where they close off the entire thing, they're allowed to run from one block to the other and that quickly gets them to be able to cross Burnside or get to the parking lot, which is the 4th and Couch right there. That parking lot seems to be where some of the fights happen, and clubs around. And there having Couch closed like that allows them to do that. I think that's an important step in giving them the freedom of movement. Because you need to run, and running and stopping and running and stopping slows you down. They just do a really great job. I think that keeping that is an important thing. If improvements are needed, then improvements need to happen. Just what I've seen.

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**Hales:** Thank you, thanks very much.

**Robert West:** My name is Robert West and I'm with Film the Police. I work with Mike Smith and I'm a volunteer. And the Portland Police has been amazing down there. Violent crime is way down. One concern I have is with what he just showed up there. If you do put planter boxes, then you'll have intoxicated people deciding they want to dance on it in front of cars and stuff. One incident that happened was they had an incident where someone was being arrested, and a group people didn't want that person arrested. And there was -- the police -- due to there were so many police there, and the bouncers came over to assist the police. We were there filming and stuff. And it -- the group that felt the guy was wrongfully arrested wound up backing off. It was just one or two officers that was there that would respond to a call. It could have turned out a lot worse. I see a lot of people -- they enjoy themselves and stuff like that. I talk to a lot of pedi-cabbers. They like it open, they didn't like the alternative because it put them out of business. And that's what they told me. So you know, that's -- Film the Police tries to work hand in hand with the police. We film them and some of them don't like it, some of them do. And our main purpose is to get everything on film. If an officer does something wrong, we film him. If someone does something to an officer or does something wrong, we film that. We try to be neutral as to what we film and don't film. So with that, I'll conclude.

**Hales:** Thank you, thanks very much. Dan, welcome.

**Dan Lenzen:** Well, hi. Good morning, Mayor. Good morning, Commissioners. My name is Dan Lenzen. I'm going to read from a prepared statement here. As a professional, I'm a principal partner with the concept entertainment group Forsyth Development Real Estate and venture hospitality, representing property and businesses in Old Town/Chinatown since 1986. We also have business in two other states. As a professional volunteerist, I'm representing the Old Town/Chinatown Hospitality Group, OTHG. This is a coalition of 36 restaurants, bars, and clubs in Old Town. This is a subcommittee of the Old Town/Chinatown Neighborhood Association. I also currently have a position on the board of the Old Town/Chinatown Neighborhood Association. I participated in the street closure pilot project advisory group since its inception. Mayor, thank you for championing that group, as it's offered an opportunity to put people at the table who otherwise may have limited communication. Thank you, Chad Stover for shepherding the group. And we all thank the entertainment detail for there's efforts in and out of the closure and the new-found collaborations that have been occurring. In 2012 and 2013, I gave to City Hall recommendations from our businesses for physical modifications to the street closure on 3rd Avenue. A couple weeks ago, they came to life and were modeled through the tireless efforts of Better Block PDX. The result of this large-scale experiment was that it simply worked, day and night. Huge praise of this team of volunteers who have a shared dream of a better Old Town. The street closure has clearly affected crime statistics in the area, as has been reported. The street closure has also negatively impacted businesses in and out. The weekend impression has extended its impact to include weekday business decreases. It was often said of the current ordinance that it needed to do work for all parties involved. We now have recognition and input that it has not. We need something else. There's recommendations by many community organizations to let the current ordinance sunset. Temporary solutions have been recommended. Now we have before us another proposed ordinance. The Old Town Hospitality Group can be in support of the proposed ordinance as it seems to be a compromise solution. Recognizing Portland Police Bureau the Mayor's Office will be flexible with the boundaries and time schedule, immediately testing alternatives gives business owners encouragement that things will change will be for the better. Immediate implementation of the recommendations and those that may result from a new advisory group are the hope that the businesses within the closure have that the loss of business income and employment -- which has occurred -- may be reversed. Old Town hospitality group and other neighbors are looking forward to a permanent 24/7 solution to traffic management in this area [indistinguishable] the mish-mash of a lane change from two to three to six wide from NW Everett to SW Ash. This solution could be a



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bridge between the beleaguered Old Town to the more active south of Burnside Old Town. Thank you for opportunity to speak to you today.

**Hales:** Thank you, appreciate your help. Questions? OK. Welcome.

**Kris Martin:** Good afternoon, Mayor and Commissioners -- crossed into afternoon now. My name is Kris Martin, I'm a local resident, parent, business owner, and I'm here as a steering committee member for Safe Nightlife Advocacy Partnership, a coalition working to reduce high-risk drinking and improve safety in Portland's nightlife. SNAP formed two years ago when Multnomah County received a grant to work on high-risk drinking issues. We are made up of people from ONI, Portland Police, health care professionals, public health and substance abuse professionals, neighbors, and parents. We also received a grant for \$625,000 to work for another five years on high-risk drinking. We urge the council not to lose sight that high-risk drinking is a leading factor in most crime and livability concerns that prompted the street closure, and there are best practices to reduce drinking while supporting a vibrant, well-balanced nightlife. We want to commend the mayor and the council for recognizing the need for a proactive approach to nightlife design. We also want to acknowledge the collaboration and great work occurring between the Portland Police Bureau's entertainment detail office, who have worked with us to increase over service enforcement and develop nightlife-specific over service prevention training; and the emerging Old Town hospitality group that is working to establish shared best practices to raise standards among operators. As SNAP, we have four recommendations. The first one is build on and formalize the collaboration that is occurring. We've seen great work from public staff. We'd like to recognize the entertainment detail, Sergeant Strohmeyer and the officers on that detail; the office at ONI, Theresa Marchetti, Mike Boyer; and also Rob Crusier from the fire department. They have done great work that we've seen. We'd like that formalized into some kind of office so when those staff people leave, that great work continues. Increased education and training is our second recommendation. Promote smart policy. And finally, we'll developing a messaging campaign around high-risk drinking. As far as the street closure, we have seen the benefits for public safety and encourage public safety to be the major consideration in any changes or alterations to the street closure. At the same time, we have heard concerns of business owners and residents and encourage further experimentation to find a permanent design to the street closure that serves and addresses public safety but also promotes healthy busy and residents.

**Hales:** Thank you very much. Welcome.

**Gerard McAleese:** Good afternoon, my name is Gerard McAleese from the Kell's Irish Restaurant and Pub on 2nd Avenue. I've been a person living down there in that community for the last 25 years. The street closure -- I am glad the city of Portland and Portland Police have put a lot of effort and time into that neighborhood in the last few years especially. We've had a few bad incidents that happened down there throughout the years. I think we've had a shooting there every two months for the last three years. And the street closure hasn't helped that in any way whatsoever. I think the traffic that the street closure took off the street of 3rd Avenue has went onto Front Avenue and Broadway. And so, it's impacted other streets besides just 3rd Avenue. I've been in -- we've had restaurants in Seattle in the Pike Street Market and they were going to do something like this in the market, and there's a lot of pedestrians going into that neighborhood -- 80,000 people in one given weekend. They also keep that particular area opened with one lane with lots of parking, as much as they can squeeze in there. I like the street closure itself, the scaled down speed of the traffic. But I think it wasn't very good as far as the impact. It impacted the weekend for my business and other businesses and the same street, 2nd Avenue. SW 2nd Avenue, that is. I've been in San Diego quite a few times and they have the old Gaslamp area down there, as well as Vancouver, Canada -- they have a Gaslamp area as well. The majority of the streets for pedestrians are all done with crosswalks like what we're speaking about here. But I think going down to one lane, particularly on 3rd Avenue, is just asking for more trouble. It's a great idea to have stop signs, and we do have an event once a year on St. Patrick's Day where we put out a stop sign on 2nd Avenue on Pine Street to slow

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the traffic down, and it's helped tremendously without having a lot of police having to be around there as well. Otherwise, it is lovely to see the police officers being on walking duty around the neighborhood to keep the crime down as it stands. Thank you for your time.

**Hales:** Thank you. Welcome.

**Karen Bowler:** Hello. My name is Karen Bowler, I own Tube on 3rd Avenue between Burnside and Couch. I took over Tube December 1st, so I cannot speak to what our numbers would have been before the street closure. What I can say is that we're just as busy on weekdays as we are weekends, so I can't say that the closure is indicative of improved business. We have very few customers before 11 p.m., yet we reach capacity nearly every night. So for us, the only way for us to grow our business is to be able to open and get customers earlier in the evening. The biggest challenge we've experienced with the closure is at close, when we're responsible for keeping the area in front of our bar clear. And all the other bars empty, and it feels like the street closure encouraging lingering of people, and it's very hard to empty people out of the district. During the Better Block experiment, we experienced a marked difference in the flow of pedestrians emptying the district. Our security said it was the easiest time they had closing, and the following weekend, they were really disappointed that we weren't continuing that. The experiment isn't without its flaws. I realize there was no where for me to unload heavy boxes into our business during the day, which was really inconvenient for me, but I do recommend more experimentation and feel confident we can find a better solution. I think we have an opportunity to design a world-class entertainment destination that makes the neighborhood more dynamic at all hours rather than just closing off the streets for 10 hours a week. Thank you.

**Hales:** Thanks very much.

**Ryan Hashagen:** Good afternoon, Commissioners. My name is Ryan Hashagen, I'm the owner of Portland Pedicabs, Icicles, Tricycles, and Cargo Bike Couriers located at 345 NE Everett, right at the intersection of 3rd and Everett. We've been located in there the heart of Old Town for the last six years, and I've seen this 3rd Avenue safety program and the changes in the neighborhood firsthand. I'd like to thank the Old Town/Chinatown community association, the Mayor's Office, Chad Stover, the entertainment district stakeholder advisory group, and the Portland Police Bureau for their leadership on public safety in our neighborhood and implementing this program. I've previously testified in support of this program to improve pedestrian safety in Old Town, and I think that it's had a marked improvement. It was not a perfect plan, but it was better than mixing the intoxicated patrons with three lanes of traffic jostling and cruising our neighborhood. After nine months of meeting as the entertainment stakeholder advisory group, I'm really delighted that so many stakeholders were able to create such a broad consensus on how to improve Old Town not just for the nightlife, but on a 24-hour basis. With the help of Better Block PDX and with Portland Bureau of Transportation, our group was able to create a lively, welcoming Old Town not just for the nightlife scene but for Old Town visitors, tourists, neighbors, and Old Town residents, as well. We were able to do outreach to the local businesses, the social service providers, and really get everyone on board with this experimentation. I think this experiment yielded valuable feedback and real enthusiastic reception in the neighborhood. My feedback to the city decision makers would be to not just take action on this ordinance and pass it and the proposed improvements that are within the ordinance, but also to create a system with PBOT that allows for further community-inspired experimentation on other city projects citywide. So please pass this ordinance to maintain the current nightlife public safety program, and also continue to work with stakeholder and PBOT to create daytime vitality in Old Town and also to allow experiments like this in other places in the city.

**Hales:** Thanks very much. Thanks for your help with it, as well. Any Council questions for staff before we vote?

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**Fish:** A question for you, Mayor. I'm torn between a year and six months. I'm thinking maybe there's a compromise. Because we're delegating a lot of creative work with high stakes, would you consider a friendly amendment that the council receive a written report in six months?

**Hales:** I'm very happy to do that.

**Fish:** And then based on whatever that report provides, the council can act accordingly. And in particular, if we could try to come up with some metrics for -- and I appreciate the fact that Commander Day said it's a public safety initiative, and he has my complete confidence and his team -- but I'd like the report to also address some numbers that we could get on just impact on business generally, whether that's done through a survey or something else. Get a sense of impact so that if there's something that we as a council need to address, we can.

**Hales:** I think that's a fine idea. And also, obviously, we need to involve our stakeholders committee in the process of producing that report. Happy to do that. And I don't want to denigrate the suggestion, but actually, if all you hear in six months is a report, that won't be success, because hopefully we will coming to you as a council or commissioner-in-charge of a given bureau to say, we need to try this experiment, your bureau is going to need to stretch -- and PBOT did with this last one -- and PBOT is not done stretching, and Commissioner Novick knows. So other bureaus will have to help with the next set of experiments as this group devises them. So hopefully, you will hear from us on an ad hoc basis as we're trying ideas, but then also six months from now, a how-we're-doing report is completely appropriate. Other comments? OK, let's do then. Roll call, please.

**Item 1078 Roll.**

**Novick:** I'm so impressed by the work that all the neighbors have done, the businesses have done, that the Police Bureau has done to try to make this safer and more vibrant place. Really impressed by the work of Better Blocks. I had a great time when we went down to visit them with that experiment the other day. And PBOT is very excited about continuing to work with everybody to address the traffic and safety issues in the area. Thank you all very much. Aye.

**Fritz:** Thank you, Mayor, for having this hearing and giving everybody an opportunity to comment on how last year has gone. I'm concerned about the increase in part one crimes and I know the commander is as well, so that's something else I'll be wanting to see a report on in six months. I appreciate the efforts by the neighborhood groups and businesses to come up with the solutions and the best practices. We do need to have a wider conversation with all of our neighborhoods about these kinds of issues on Hawthorne and Division and various other places. This can be a pilot for the whole city. But the conversations about the public right-of-way and how we as a council make decisions about the public right-of-way and how the communities of Portland -- all of them -- weigh in on the interactions between police and transportation and private businesses I think is an important conversation. Obviously, activating the street with other activities, performers, vendors, could make eight safer place as we've seen with the pilot project there. As we know from Last Thursday, it then creates some other challenges that needs to be addressed and paid for. I think we need to have some standardized protocols for closing streets and providing safe activities in every area of the city. Very much appreciate the work being done here. Aye.

**Fish:** This is a good hearing, I thought the last hearing was also very constructive. It's important, I think, to air these issues. Obviously, we're hearing concerns, even from people offering qualified support. That's the purpose of a hearing, and we've made a record. I like the idea of local solutions crafted with key stakeholders and I also like the idea of taking chances. So, I'm comfortable supporting this and continuing this experiment. And perhaps there are some things we'll learn from this exercise that could have citywide applications, could inform some larger discussions. I'm reminded in that Times Square in New York City -- one of the very busiest and most congested parts of city -- under Mayor Bloomberg, they turned it into largely a plaza right at the intersection where you had more traffic than any other place in the city converging. And it had a calming effect, it also created a different experience if you were on the street. I'm guessing when that was proposed, there was a lot of opposition. But there seems to be some balance that's worked, and you

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have to experiment no in order to get there. Appreciate that we'll be getting ongoing reports. Again, I want to also make sure that in the name of addressing public safety, we don't impose an undue burden on businesses that also have to prosper during this experiment. Thank you all. If I mention Chad's name one more time in this hearing, he'd have to get the next size up in western wear hats because his head is starting to expand, but good staff work needs to be acknowledged. Thank you, Chad. And thank you, Mayor. Aye.

**Saltzman:** Good work by all. This is certainly an experiment worth continuing another year. Aye.

**Hales:** In my comments, let me give some folks a glimpse into the psychic landscape of the mayor and city commissioner. There are things on our to-do list that are problems to be managed, where it never really gets better and you just have to deal with it. And then there are opportunities where it's more than the sum of its parts, where this could be really great. And frankly, this issue for me and I think for Chad and all of us that have been working on it has transformed from one of those problems to be managed to an opportunity. And I want to thank everybody involved in that evolution. Dan, you and the other property owners in the district. Howard, you and other neighborhood leaders. The Police Bureau has been stellar all along, as have the ONI staff. PBOT for being amazingly flexible on a short schedule to respond to the Better Block experiment. And this incredible team of volunteers from Better Block. I think this has gone from the management of a liability to an opportunity to really take the visions that this neighborhood has had for a long time that we've talked a lot about in this chamber from concept to reality. So I'm very excited about this, I'm looking forward to the next stage of the work. I'm looking forward to learning some new things as we have over the last few weeks. You can tell from my comments, I hope, that you've got my enthusiastic cooperation to continue experimentation and collaboration to get to great results for all concerned and a vital district 24/7. So great work by all, more to come. Thank you. Aye.

**Fish:** Mayor Hales, just in terms of the balance of our calendar --

**Hales:** Let's check in about that.

**Fish:** I'm have to leave in about 15, and then I have an absence this afternoon. I would just suggest that if -- since we have two emergency items, if we could move 82 and 83 up and just hear those before lunch. I rest I think are second reading.

**Moore-Love:** Also 84 is an emergency.

**Hales:** And I'm supposed to be leaving momentarily as well. If we could take the emergency items quickly, we might be able to dispose of them. I suspect, Commissioner Novick, that 1084 is not a long item.

**Novick:** It's an item that we want to celebrate, but it shouldn't take too long to do so.

**Hales:** OK. So, Commissioner Fritz, are you ready with 1082 and 1083?

**Fritz:** Just arrived, so yes, thank you.

**Hales:** OK, so let's take those up. And again, I may go ahead and depart.

**Saltzman:** Can we do a time check? How much time are we going to use on these emergency items? Because I think we're going to lose a quorum here, and I think we should break for lunch.

**Fritz:** Linda Robinson has been waiting patiently to --

**Hales:** Yes, so people are here on 1082, 1083 as well as 1084.

**Novick:** Dean Funk has been waiting patiently for quite some time on 1084.

**Hales:** Let's power forward and see how we do over the next 15 minutes.

**Saltzman:** OK, well I'm going to suggest we stop at 12:45 for lunch.

**Hales:** OK

**Saltzman:** Regardless of where we are.

**Hales:** OK, I think I might have to do that as well. Let's take 1082 and 1083 together.

**Item 1082.**

**Item 1083.**

**Hales:** Commissioner Fritz.

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**Fritz:** Thank you, Mayor. Let's take time to celebrate this occasion, and also to recognize the important work being done. This is the start of a construction process for building two much-needed parks in east Portland. We are beginning this in the most cost effective manner that we can as costs rise due to higher costs in construction trades. And so we are doing a construction manager general contractor process, which Christine Moody, the Procurement Officer, will review for us. The other important component to this is the community benefits plan, which is only available through this type of contracting process. And Kia Selley from Parks will go over that. First of all, Christine Moody.

**Christine Moody, Office of Management and Finance:** Thank you, Commissioner. Christine Moody, procurement services. The ordinances you have before you ask for two exemptions to the traditional low bid process using the RFP process to select two construction manager general contractors, one for the Gateway Park, one for the Beech Park project. Gateway Park is driven by several factors such as technical complex, design programs, and contaminated sites that have been capped, and the city's desire to create equity with a very high quality product after many years' delay due to budget limitations, the need to minimize construction impacts to the business district and immediate neighbors. Completing the project in a timely manner to allow the public access to the park in this park-deficient area, and for PDC to complete the adjacent mixed use development. Beech Park will require specialized skills and experience in construction methodology, sequencing, scheduling, and cost estimating for several of the design elements. There's also a need to complete construction as quickly as possible, and to address park deficiency in this area. Technical expertise will be needed to add best address the need for a collaborative effort between the city, design professionals, and the contractor to minimize construction impacts to neighbors and the operations of Shaver Elementary. Procurement services and Parks will conduct a competitive RFP process to select the CMGC. Using this process will result in substantial cost savings to the public, because the CMGC will participate in value engineering and constructability reviews, and will help with the development of a construction phasing plan and well-coordinated project schedule. The engineers' estimate for construction of Gateway Park is 5.1 million, and the construction estimate for the Beech Park is 7.8 million. These estimates include pre-construction services, construction services, and a contingency. I'll turn it over to Kia for more information.

**Kia Selley, Portland Parks and Recreation:** Thank you. Good afternoon, Mr. Mayor, Commissioners. My name is Kia Selley, I'm the planning development and asset manager for Portland Parks and Recreation. Today, I'm here to discuss the community benefits plan for Beech and Gateway Parks. Exempting construction of the Beech and Gateway Park projects from the traditional low-bid process allows us to integrate a community benefits plan with this project. The intent of the plan is to ensure that the benefits of constructing the projects accrue to the community as much as possible. Beech Park is proposed on a 16-acre undeveloped site in the Argay neighborhood of east Portland, adjacent to Shaver Elementary School. The community is highly diverse with a very large and growing number of children. Development of the park will help address park deficiency in this area, and according to the 2009 master plan, will create a place of community pride. This map shows the location of Beech Park, which is essentially south of NE Shaver -- it doesn't actually have street frontage there -- and west of NE 131st Place, which runs just east of Shaver Elementary School. The Gateway Park and urban plaza project is proposed on a 3.2 acre vacant site located at the corner of NE Halsey Street and NE 106th Avenue. The park will serve what is now a park-deficient area of east Portland, including the neighborhoods of Hazelwood, Mill Park, and Woodland Park. The 2011 master plan envisions the park as east Portland's living room. It's intended to help catalyze adjacent commercial development on an adjacent PDC-owned parcel, as well as support revitalization of the Gateway regional center. You can see on this map the location of Gateway Park is again at the corner of NE Halsey Street and NE 106th Avenue east of I-205. Because of the locations of these two projects and our desire for inclusion, we have prepared a community benefits plan that will ask the general contractor to work

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in conjunction with the city in providing more opportunities for minorities, women, and emerging small businesses. The plan calls for an advisory committee with community representatives, including some from the Metropolitan Alliance for Workforce Equity -- also referred to as MAWE - - to review the performance of the general contractor based on plan objectives and to provide some advice and help when needed. The plan calls for an increase in utilization of disadvantaged, minority, women, and emerging small businesses as subcontractors, and provides funding to assist these businesses to increase their performance and capacity for this project as well as for future projects. The plan identifies a need for utilization of registered apprentices and minorities and women in the construction trade. This is paired with funding to support outreach and training programs for minorities and women in the trades, feeding the pipeline for a trained, diverse workforce in the future. It also calls for strategies that will support a diverse workforce, such as providing cultural competency training for managers and supervisors that are on the job site, as well as training workers as to how they can report harassment on the job. The plan also supports investing in east Portland, with a desire for the general contractor to hire east Portland businesses and workers for construction. And lastly, the plan requires the general contractor to specify how union and nonunion contractors and small family-owned businesses located in east Portland that provide subcontracting as well as goods and services will be able to participate in the economic benefits of construction. This concludes my presentation. I'm happy to answer any questions you may have.

**Fish:** Christine, I have a question. What's the comparable model for this community benefits plan?

**Moody:** So, some of this is mottled after some component of the Community Benefits Agreement. And then some other pieces are mottled after city policy that we generally work with an MWESB supplier plan when using an alternative contracting method. It's kind of a mix of both of them.

**Fish:** With respect to any plan we've used in the past that's similar to this, have we been able to test the effectiveness of these approaches?

**Moody:** I would say yes. Typically, because it's a negotiated agreement and there's a lot of conversation between the city and the general contractor before bid time, there's opportunities for additional subcontracting. Parks and procurement services are also intending on putting additional information within the RFP, looking for mentoring relationships between a general contractor and a small business, offering partnerships, and so we have an outreach man that will be happening over the next several weeks before we release the RFPs, trying to put those connections together. So that's in addition to the plan.

**Fish:** Do we have any sense about whether there's a quantifiable cost differential between the normal competitive process and this more innovative approach?

**Moody:** I don't know the answer to that. Maybe you can ask it in a different way?

**Fish:** Is there a premium associated with this approach versus the standard approach we use on a competitive bidding process?

**Hales:** Does it cost more?

**Selley:** Commissioner, to answer your question -- there is a cost premium up front, because you bring the contractor on early in the design process, so there is a fee that you pay to the contractor -- we will pay to the contractor for that participation. They will also provide cost estimating as we move through the design process. However, in my professional experience, construction manager general contractor approaches at the end of the project are much more cost effective, because the contractor is part of the design team and is allowed and given that opportunity to really do value engineering as we move through the project. Also, when the contractor starts the work, they are very familiar with the project. So in comparison to a traditional low bid approach, the contractor is not familiar with the project, and so they're coming into that project cold. Whereas in the approach that we're proposing today, the contractor will be very well-versed on the design. In fact, we are looking right now at the potential for doing some site work next fall, which will help us not only in

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terms of schedule but in terms of dollars, because we'll be able to start some of the work before the heavy rains. So those types of cost opportunities arise with this approach.

**Fish:** One other question. In both The Fields and in Dawson Park, which were Parks-PDC collaborations, we hit the ball out of the park in terms of the MWESB participation. Are you similarly optimistic in this approach that we can have outcomes like at Dawson Park and The Fields?

**Selley:** Absolutely.

**Hales:** Other questions? Thank you both. Who else is signed up in?

**Moore-Love:** We have Lightning and Linda Robinson.

**Hales:** Come on up.

**Linda Robinson:** I'm Linda Robinson, resident of east Portland and a member of the Portland Parks board. I just want to express my support for this idea from a couple of different perspectives. As a member of east Portland, I'm really eager to have this and to have east Portland people involved. I think this is really important. I have been working lately with a group of business owners who right along that stretch of Halsey and Weidler. The more we talk about it -- and I keep injecting the park into our discussions -- the more excited they're getting about what this park can do as a focal point for this district. Involving them and some of the other Gateway businesses is really great. From my perspective as a member of the Portland Parks board, we have spent a lot of time in the last two, three years talking about diversity and equity in particular. Equity in park employees, equity in park users, and in the process of procurement and all that stuff. So this really helps address some of those equity issues that we have been really concerned about. So I support it very much.

**Hales:** Thank you.

**Lightning:** My name is Lightning. On this issue, I'll represent Lightning Healing Man Sanctuary. I do agree with the exemption, number one, on the competitive bidding requirements. Again, I like to see the contractors have more input on the design process. One of the issues I have is that -- Commissioner Fritz, as you know, you tried to move R2DToo under the bridge originally near the Pearl District. I've noticed in the last few months, we haven't heard too much about R2DToo as far as setting up their tent sites appeared things like that. One of the things I have on these types of parks-- you're talking 15 acres here. Is there a plan pertaining to the homeless? A homeless-friendly plan? Where I have an issue -- such as Chapman Park. We have a lot of people that want to use the park. They're homeless, and they tend to have a little bit more, say, confrontation because they're really not maybe perceived welcome in some of these parks. So what I would like to see implemented is when we're talking the community advisory committees being put into place on this -- and again, I don't speak on behalf of R2DToo, but you may have people from various groups have input on how we make these parks friendly to the homeless. Another thing I would like to propose is that when you're talking 16-acre parks, why can't we take a section of a park and actually make it to where the homeless if they need to even stay there overnight for emergency purposes might have that option? Now, again, another area I'd like to look at on these size of parks - - because we're talking 15 acres -- what about emergency preparedness planning at these meetings? Because we have large areas at these parks and if we ever had an earthquake that really took place, we need these sites set up to where we can move people into them and make sure they are taken care of. When you're talking 15 acre open areas, we should also have large back-up generators set up in these parks that we can run power. And these are all things to take into consideration if we really had an emergency to set this up. You could also even have little areas set up for campsites with actual hookups and various things like this. I would like a little more input from a homeless-friendly, from an earthquake preparedness plan on these new developments -- not on existing parks like Chapman -- but new, large development parks to look into that. And would it not be better to have people off sidewalks instead of in front of businesses maybe utilizing these type of parks? I'd like some of the business owners in the community to maybe have more input on that. Thank you.

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**Hales:** Thank you.

**Fish:** One question to the sponsor. In the diagram we saw of the Gateway Park, there's a placeholder for development of the northern quadrant. When we designed that, we had the plaza -- which we hoped would potentially be used for farmers market on the weekend or other uses. You had the park, and then you had the building. Has there been any further thought of how that building will be -- how that space will be activated?

**Fritz:** I'm glad you mentioned that, because we -- I can't believe it has not been snapped up already. It's going to be a magnificent location. And if I was evil and into investing and embezzling and doing all the things we're not allowed to do -- being virtuous public servants -- I would certainly try to borrow the money to buy it and develop it, because I think it's going to be an absolutely fantastic opportunity to have a vibrant employment center or retail commercial business right at the corner of a park, which we're going to be -- which is going to be east Portland's living room. I love that phrase. And so I think it's going to revitalize the entire business district, and that could be the centerpiece. If anyone's watching, we're available for offers.

**Fish:** So Parks and PDC are still looking to develop that site?

**Fritz:** Yes.

**Fish:** I agree with you, it's an absolutely dynamite site. And with the park and its location and the plaza, it's unique. Thank you.

**Hales:** Thank you. OK. Roll call.

#### **Item 1082 Roll.**

**Novick:** Very excited about taking this step towards having these critically-important parks added to our system. I'm also looking forward to the theatrical production which features the alternate universe evil embezzling Commissioner Fritz. [laughter] Aye.

**Fritz:** First, thanks to Commissioner Fish for having purchased these properties and done the master plan work and all of the grunt work that brings us here today. I certainly appreciate your ongoing partnership in the stewardship of Portland's parks. Thanks to Kia Selley and Christine Moody, who've worked really hard on this alternative process. Building on the strength of the previous Community Benefits Agreement through Water and Environmental Services, this is a much smaller project, so we're not required to do a full agreement. However, I do appreciate the Metropolitan Alliance of Workforce Equity who also have in a very short time frame worked with us. They weren't able to participate today, but we'll continue to work with them to partner on how do we take these somewhat smaller projects and still make sure that we get women and minorities and east Portlanders involved in the benefits of spending taxpayers' money. Because this is a significant amount of taxpayers' money. I'm very confident our staff -- as always -- will make wise use of every dollar. It is worth noting construction is being paid for with system development charges, which is fees paid on new construction. The council -- when these new parks come online -- will put into the city budget the operations and maintenance for them, so we're not increasing the deficit of our deferred maintenance or expected maintenance, but this comes from a different pot of money that we're not allowed to use for maintenance. That's important for voters to know that. Aye.

**Fish:** I want to thank Commissioner Fritz for honoring a commitment she made when she became Parks commissioner that she was going to focus on building out the parkland and developing of parkland the city had acquired in east Portland. She has been true to that commitment by dedicating the bulk of the systems development charge money and other discretionary resources to that purpose. This is another milestone. Linda, to you and to a number of tireless advocates who have been pushing great visions -- not just these two, but Gateway Green and many others -- a heartfelt thank you. Also to those who -- I think well intentioned -- are starting to ask, how might we expand the use of these sites? There was a suggestion at Beech that we might think of additional community benefits we could build into the park. I'd remind folks that east Portland doesn't have built out parks the way the rest of the city does. So before we start overcomplicating this, let's deliver what



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we promised, which is parks for all people. This is an enormous down payment, and I'm guessing before Commissioner Fritz is through, she'll find a way to fund the park lane and a couple other projects as well. I'm honored today to support her good work and vote aye.

**Saltzman:** Good work. Aye.

**Hales:** This really is great. Thank you, Commissioner and team, for queuing up these great projects, and for the community advocates who helped bring them to this point. The CMGC method of selecting a contractor is a useful tool. And I think this is a great place to use it -- in a parks project. Not the norm, but a good one in this case. I think you've chosen the right tool to deliver a great result. I think we're all looking forward to the reality of these drawings becoming parks. Well done. Aye. I think we're about to lose a quorum.

**Item 1083 Roll.**

**Novick:** Aye.

**Fritz:** Yes, now we will be doing some more community engagement to refine the master plans and involve everybody in the process. So, stay tuned. Aye.

**Fish:** I have to just observe that despite Christine's best efforts, today we authorize spending \$2.5 million to buy cars from a dealer not located in Portland. And I think -- again, despite her very best efforts. At the same time, we're making an investment of millions of dollars in east Portland. Aye.

**Saltzman:** Aye.

**Hales:** Aye. Thank you. OK, so we have one item, Commissioner, would like to get squeezed in here. And I can stay a little longer, even if you have to leave, Dan. So we'll take that item.

**Saltzman:** I'm sorry, we're going to set over 1079, 1081, and 1081?

**Hales:** We'll take 1084 and set over the remaining items to the beginning of our afternoon session.

**Saltzman:** OK.

**Item 1084.**

**Hales:** Commissioner Novick.

**Novick:** Colleagues, I'm incredibly excited about this project. But given the time, I'm going to talk very fast. Before we get into the meat of the agenda item, I need to introduce a change to the supplemental information provided in the council packets. The spreadsheet needs to be replaced with an updated version which staff has prepared and is ready to give to Council. This updated spreadsheet reflects a renegotiation with HDR to increase the MWESB participation from 14% to 20%. This change occurred at the request of PBOT to bring the project in accordance with the city's overall aspirational goal of 20% MWESB participation, and HDR was able to accommodate this request by shifting additional responsibilities to their two sub consultants, both of whom are MWESB firms. This was done without any compromise to the scope or cost of the project. Now, as to the item itself, this is the first step towards achieving a dream of Director Treat's and mine -- a dream which I think is shared by the larger community. There are few things more annoying to the public than seeing in the space of a few weeks or months two utilities tear up the same stretch of street. And they don't care whether the two facilities are public or private, they just don't want to see their street torn up multiple times. We do our best to coordinate among the city bureaus and with the private utilities, but the coordination could be better. Director Treat, coming from Chicago, said that in Chicago, they had a seamless system where everybody fed their information into the same software system and the software would tell you where there's potential for conflicts, coordination, etc., and it saved the City of Chicago a lot of money and hassle for both the public and private utilities. So, as part of the innovation fund process, some money was allocated to kick start the same sort of process in Portland. What this contract is for is for HDR to do several things. To survey the other cities that have developed such interactive coordination method, to survey what the information systems and business practices of both the public and private utilities here to figure out what is a solution that would work best for all of us here. And before turning it over to Leah, I have to give my profuse thanks to Sheila Holden of PacifiCorp and Dean Funk of PGE, who have sat

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here for quite some time waiting for this moment. And their presence is indicative of the commitment of our noble local private utilities to this coordination process. Leah?

**Leah Treat, Director, Bureau of Transportation:** Thank you very much, Commissioner Novick and the rest of the council for staying to hear this item of critical importance to us. The commissioner covered most of my talking points. The only addition I would add to his is that benefits will also be accrued in terms of reducing our carbon footprint, because we'll be reducing the amount of asphalt production, we'll be reducing the amount of crews that have to go on to the road to do work. I can add that since the inception of its program two years ago, Chicago has saved more than \$20 million in its program. Baltimore, who also instituted a similar program, saved \$1 million in the first year. And Washington D.C. also is using a similar program and a private utility company accrued \$250,000 in savings in the first four months. I know that you are anxious to move on, and I will conclude my remarks.

**Hales:** Thank you.

**Fritz:** I can't read this at all. [laughter] Could you just tell us -- are there any significant changes?

**Christine Leon, Bureau of Transportation:** The MWESB participation for HDR increased to 20%.

**Fritz:** That was encapsulated in this size four font?

**Hales:** Do we need to amend the ordinance?

**Leon:** That's correct.

**Novick:** So moved.

**Fritz:** Second.

**Hales:** Motion to amend the ordinance. Roll call.

**Roll on motion to amend to replace the contract spreadsheet with updated conversion to increase the MWESB participation from 14% to 20%.**

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

**Hales:** Any of the above partners want to testify on this item, other than smiling and giving a thumbs up?

**Fritz:** They've been here for so long.

**Hales:** I think we should give them a chance to speak since they have been so patient.

**Dean Funk:** Dean Funk, PG&E manager of local government affairs. I'll speak in shorthand, too. Drove up Belmont last night, sheared pavement where the chicken place is -- a big cut there. It feels like a gash in your own leg when you see that kind of a thing. I look back on the notes from a meeting on Valentine's Day earlier in the year on the subject. Our people had skepticism about it, but they also see the opportunity. We want to make sure -- it's good to be part of the scoping project. I think it's important. We're in the middle of our own changeover in some systems, so if we're ever going to do something like this, this is the time to do it. We want to make sure we make it better, in fact, and not worse, and that we also don't disrupt -- the chicken place is a perfect example of a new business is going in there apparently and wants to get connected and you don't want to preclude them from going into business. Those are the kinds of pressures we feel. But we're supportive. It's good timing. And I'll bet that if Leah is half right, that's good for us, too.

**Sheila Holden:** To try to be succinct here, the thing that was most important to us was the opportunity that Commissioner Novick provided us last spring to be able to sit down with him, hear about what's happened in Chicago, and offer input on where we saw some opportunities and some potential things that could rise up to bite us. And so that I know was used to inform the scope of work that's been put together here that you guys are looking at in your contract approval. So as long as we are on board and remain partners as we have been so far, we're looking forward to a good cost-effective product out of this. We're looking forward to the results.

**Hales:** Thank you very much. Any other questions for Leah or for our partners? Well done. Thank you. Anyone else signed up?

**Moore-Love:** I didn't have a signup sheet.

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**Hales:** Then roll call, please.

**Item 1084 Roll.**

**Novick:** I would like to thank -- in addition to Leah and Christine -- Bill Hoffman of PBOT and Chris Cavanagh at BTS that have been working on this. I would also like to thank Commissioner Fish and his utility bureau directors David Shaff and Dean Marriott for their participation in this process. And I'd like to thank Commissioner Saltzman for staying past 12:45, despite his stated intention. Aye.

**Fritz:** Thank you. This is good work and I'm very much appreciative that you both took the time to stay in support of it, because usually people only wait if they're going to say something nasty. Thank you very much. Aye.

**Fish:** In Commissioner Novick's brief tenure on Council, he's come to me with two crazy ideas -- at least two. The first was an idea that we bring the Citizens' Utility Board in to provide outside independent review of our utilities on behalf of our ratepayers. That idea ripened into a contract, into a relationship, and now I think into a substantial change in how we will do community oversight of our utilities. In fact, it's the first time that the CUB has been asked to operate in a setting like this. It was a crazy and innovative idea which I think will bear a lot of fruit. The second was -- and he kept blaming Leah for this and claiming somehow she picked it up in Chicago and the virus spread -- but that we could do a better job coordinating our work and that we could dig up a street once, not three times, and we could even expand it beyond the city's utilities to the private utilities. The technical issues according to Jim Blackwood in my office are daunting, but it is a worthy exercise. And I want to thank both of you for championing it. On behalf of water and sewer, we're going to work side by side with you to try to make this work. Aye.

**Saltzman:** Well, this is a good challenge, and it looks like everybody is up for it so I hope this will be a successful piece of work by HDR. Aye.

**Hales:** Seems to be another one of those problems that's turned into an opportunity, and it's particularly due to your passion for this idea, Commissioner Novick, and Leah, your understanding that this actually can be done. I'm really excited about this. It's a case of where public has a right to expect to us work smarter, and with this partnership, we actually will. So thank you all. Aye. We're going to recess for one hour until 2:00 p.m. Thanks, everybody.

At 1:03 p.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**OCTOBER 15, 2014                      2:00 PM**

**Hales:** Council, come back to order, please. And please call the roll, Karla.

**Novick:** Here. **Fritz:** Here. **Hales:** Here.

**Hales:** I think we will have Commissioner Saltzman shortly, but Commissioner Fish is excused this afternoon. We have a couple of things to finish up from this morning, it shouldn't take us long. 1079, please.

**Item 1079.**

**Hales:** Do we have anyone here to speak on this item? This is budgeted funds, right? OK. Any Council questions? No one to speak on this item? Then it passes to second reading.

**Item 1080.**

**Hales:** Similar situation. Anyone to speak on this item? OK, then it also passes to second reading.

**Item 1081.**

**Hales:** Ms. Moody.

**Christine Moody, Office of Management and Finance:** Good afternoon, Mayor and Commissioners. The Retrofit project involves the construction of sediment manholes, sumps, and greenstreet facilities within the right-of-way. Work will include erosion control measures, constructing sediment manholes, sump shallowing, greenstreet facilities through east Portland. You have before you a procurement report recommending a contract award to Titan Utilities. The engineer's estimate on this project was \$870,000. On September 11th, 2014, four bids were received, and Titan Utilities is the low bidder at \$1,187,175. The city identified five divisions of work for potential minority, women, and emerging small business subcontracting opportunities. Subcontracting participation on this project is at 100%, and they are responsive to the city's good faith effort requirements. I will turn this back over to Council if you have any questions.

**Hales:** And they're at 100% in part because the prime contractor is an ESB?

**Moody:** Yes, and subcontracting with all MWESBs as well.

**Fritz:** So the large firm is still required to subcontract, even if they are a minority or women-owned business?

**Moody:** They're not required to subcontract, but the scope of work on this is that they do need to subcontract out some work.

**Fritz:** Thank you.

**Hales:** Great. Anyone else here to speak on this item? Then motion to adopt the report, please.

**Fritz:** So moved.

**Novick:** Second.

**Hales:** And it's not an emergency ordinance, so roll call, please.

**Item 1081 Roll.**

**Novick:** Thank you very much. Aye.

**Fritz:** Good work. Aye.

**Hales:** Once again, we're pretty consistently running about 15% to 20% over our estimates for construction because it's just turning out to be more expensive.

**Moody:** Yes, correct. And actually, I had followed up with BES about this and their estimate was a little low. They hadn't updated their prices. So they are comfortable with the bid as it came in.

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**Hales:** That helps, great. Thank you. Aye. That's done. I think we're done with our morning -- did we refer -- we have one emergency item left for this morning, but did I refer that back to Commissioner Fish's office?

**Fritz:** You did.

**Hales:** Already did. That's referred back. So then we are, indeed, done with the morning calendar and we can move to 1086.

**Moore-Love:** Do you want them both read together?

**Hales:** Yes, please.

**Item 1086.**

**Item 1087.**

**Hales:** Commissioner Fritz, would you like to introduce this? And we'll call on the city attorney to give us our instructions. Not necessarily? OK. This is a quasi-judicial land use hearing. Our city attorney has some instructions and some timelines to describe.

**Kathryn Beaumont, Chief Deputy City Attorney:** Good afternoon. I have several announcements to make concerning the kind of hearing we're having today, the order of testimony, and some guidelines for presenting testimony. The matter before the city council today is a report and recommendation from the hearings officer on a proposed comprehensive plan map amendment and zoning map amendment. This is an evidentiary hearing, which means that you may submit new evidence to the city council in support of your arguments. Testimony concerning the hearings officer's recommendation will be heard as follows. We will begin with a staff report by BDS for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order. The applicant will go first and will have 10 minutes to address the council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal, and each person will have three minutes to speak. Next, the council will hear from persons or organizations who oppose the applicant's proposal. And again, each person will have three minutes. Finally, if there was testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut testimony given in opposition. The council may then close the hearing and deliberate. The council may vote today on the hearings officer's recommendation, or, if the vote is a tentative vote, the council will set a future date for the adoption of findings and a final vote on the hearing officer's recommendation. If the council takes a final vote on the findings and recommendation today, that will conclude the matter before the council, except for the ordinance implementing the decision, which is nonemergency and needs to be continued forward. In terms of guidelines for those addressing the city council today, any letters or documents that you want to become part of the record should be given to the council clerk after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos or other items that you show to the council during your testimony -- including PowerPoint presentations -- should be given to the council clerk to make sure they become part of the record. Any testimony, arguments, and evidence you present must be directed towards the applicable approval criteria for this land use review, or any other criteria in the city's comprehensive plan or zoning code that you believe applies to the decision. The BDS staff will identify the applicable approval criteria as part of their staff report to the council. You must raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue. If you don't, you'll be precluded from appealing to the Land Use Board of Appeals based on that issue. And finally, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant may be precluded from being an action for damages in circuit court. That concludes my opening remarks.

**Hales:** Thank you. Any members of Council have any ex parte contacts or potential conflicts of interest to declare? Hearing none, then we move to a staff report. Kathleen?

**Kathleen Stokes, Bureau of Development Services:** Thank you. I'm Kathleen Stokes, BDS, Bureau of Development Services. I am presenting the recommendation of the hearings officer on

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this case. This is a proposal for a change in the comprehensive plan map designation for 19,575 square foot property from single building attached residential to medium density multi-dwelling residential, and a concurrent zoning map amendment from R2.5 to R1. Redevelopment of the site at the R1 density would allow a maximum of 19 units and require a minimum of 14 units. In order to be approved, this proposal must comply with the relevant approval criteria of Title 33 of the Portland zoning code. These criteria are for the comprehensive plan map amendment found in code section 33.810.050, and for the zoning map amendment in code section 33.855.050. This view is showing you a comparison of zoning maps. You will see they look fairly similar. It's taking the R2.5 designation in the existing zoning map on the left and in changing it to R1 as shown on the right, basically, now it's grouping with R2.5 that is to the north and across the street to the west. And it would be grouping with it R1 partial that's immediately abutting to the south and then across the street to the southwest. I've got a few views that I'm going to share with you to get a sense of the configurations of this property. It's a very long -- compared to narrow -- parcel, it's about 75 feet wide and 261 feet deep. This aerial view shows you how it fits in abutting single dwelling and some duplexes, but single dwelling zoning to the north. And then some non-conforming apartments in the single dwelling zone are abutting part of its southern property line. A single dwelling residence in an R1 zone abutting the rest of the southern property line, and then below that, further south to Powell, there's a commercial zone with commercial development. I've got a couple of other views here showing bird's eye views. In this one, west is at the top of the view, which is Cesar Chavez Boulevard. Franklin is to the north on the right-hand side of the screen. The commercial development that abuts Powell is on the left-hand side of the screen. So the back end of the house -- you can see the white house with the large green yard behind -- it is the subject site. Here's another view of it, this time with north at the top of the screen and looking at the property as it fits in between the -- as I said -- non-conforming apartment complex that's immediately abutting to the south and then the single dwelling residences that are to the north.

**Hales:** Just before you leave that -- so, all of the frontage street and parking lot area that you see for that adjacent set of non-conforming apartments, that's all just driveway, right? That's not dedicated street.

**Stokes:** That is a driveway, yes.

**Hales:** It's all private driveway, not public street.

**Stokes:** Correct.

**Hales:** OK.

**Stokes:** Currently, the property is developed only with this 1907 single dwelling residence. This view is showing the western bank of the property, with the abutting duplex that fronts on to Franklin peaking over the top of the bank. It gives you a sense of the proximity of the property to the abutting residential zone to the north. Here, we're looking at a view to the west, across Cesar Chavez from the site showing an older courtyard apartment in the R1 zone. Allowing an increase in density in this area would be in keeping with the street classifications here because the street is designated as a major city traffic street, transit access street, local service bikeway, city walkway, truck access street, major emergency response street, and also a regional traffic way for design. The uses and development in the area include a mix of commercial and residential, with a stronger commercial core at SE Powell. This view shows an older building that appears to have been a multi-dwelling structure that was converted to commercial use. On the side street along SE Franklin, the development pattern is very different. The first three lots to the east intersection on the south side of the street all share a common property line with the applicant's site. These properties contain high quality, well-maintained duplexes from the early 1960s, and the structure that you're looking at here is on the southeast corner of Chavez and Franklin. The next couple of slides move to the east along that street. This is the second lot to the east with another duplex, and the third lot in with yet another duplex. Beyond that, the street consists of vintage and well-kept single dwelling residences. Uses and development to the west as seen here and to the south as you'll see in some later slides consist

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of the commercial character of the area. The higher density that is requested in this designation would fit well in proximity to these commercial sites to support their uses and services. This view is looking north along Cesar Chavez from a point that is on the same block as the site, but a little bit to the south and closer to the intersection with Powell. This service station is at the end of the block on the northeast corner of Chavez and Powell Boulevards. Here is a view at the intersection of Chavez and Powell looking to the west from the southeast corner in front of the Safeway store that's located on that intersection. And here, a view to the north on Chavez from that same vantage point. So, looking back toward the site from the south side of Powell Boulevard. This is a view of Powell Boulevard, highway 26, looking to the east and northeast. The transportation infrastructure of Powell Boulevard and Cesar Chavez do offer many multi-modal opportunities that would fit well with the proposed increase in density. Now, we're back to SE Franklin Street. The next views show more of the development that abuts the site in a single dwelling zone on this street. And now, this is a view of the residential street looking to the west with the West Hills in the distance. The redevelopment of the site to the R1 density can support numerous policies to the city's comprehensive plan. The requested amendments can meet the relevant approval criteria. The increased density would allow it to be in keeping with the city's overall policies to place higher density development near major arterials and adjacent to commercial areas. The resulting transition from commercial to lower residential densities promotes more efficient use of multi-modal transportation facilities in the area and it also offers more variety in housing opportunities. The hearings officer's recommendation was approval as proposed, with no conditions. Thank you.

**Hales:** Questions for Kathleen?

**Saltzman:** I thought there were some conditions that the hearings officer concluded -- he didn't have the authority to impose. Is that correct?

**Stokes:** I'm sorry, Commissioner Saltzman, that's not correct. There were some conditions that were included in my initial recommendation to the hearings officer. The applicant asked for those to be removed, and the hearings officer agreed to do so.

**Saltzman:** OK, thanks.

**Fritz:** Could you tell us what those conditions were?

**Stokes:** There were three of them. I recommended that because of the configuration of the property being so narrow and long and sort of tightly fitted in next to the single dwelling zone, that any future redevelopment of the site be subject to design review to determine that the site design would be appropriate to fit in next to the single dwelling properties without undue hardship on those properties. Also -- for the same reasons -- that the height of the development be limited to 65 feet, which is the height limit that currently exists for the R2 designations that are on the property, and would also be the height that the adjacent properties would be subject to if they were to take advantage of their R2.5 comprehensive plan designation. And finally, in response to some letters from some of the neighbors, I crafted a condition that asked for a modified version, or something that would be modelled on the demolition delay procedure that's in the zoning code, recognizing the fact that this house on the site does not have any recognized historic value -- it would not be subject to documenting historic resources and contacting the state historic preservation office -- but to offer the house up for moving, if anyone were to want to do that. Or, if no one came forward wanting to move the house, that it then be deconstructed and the materials be recycled.

**Fritz:** Let me ask the city attorney, do you think that the council has the authority under the current code and regulations to impose those conditions?

**Beaumont:** As to demolition delay, I don't see anything explicit in the zoning code other than demolition delay being required and provided for demolition of certain types of historic structures. There is independently authority in other titles of the city code. Notably, Title 24 does provide for some kind of demo delay. That might be something that might apply independently of the zoning code. In terms of design review, yes, I believe the council has authority in Title 33 to impose that type of condition if the council finds that imposing that type of condition is necessary to ensure that

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this proposal complies with the relevant approval criteria. In terms of maximum height, I think my answer would be the same. In order to impose design review and height limitations, you would need to tie those or relate those to compliance with specific approval criteria.

**Fritz:** Thank you. And actually, I'm now remembering that since Ms. Stokes put in her recommendation, we at Development Services have taken a new view of what Title 24 says regarding demolition delay. So, I believe that since this would be going from one single family to something other than a single family, there would be demolition delay by right under the current reading of Title 24. I just wanted to air that out for my colleagues because the height issue and the design issue I think are two that I'm concerned about.

**Hales:** Good, thank you. Thanks for that clarification.

**Saltzman:** Kathleen, did you say the maximum height you recommended was 65 feet?

**Stokes:** I'm sorry, again. No, I recommended that it be limited to 35 feet. The R1 zone would allow a 45-foot structure to be built on the property.

**Saltzman:** OK.

**Fritz:** Isn't the proposal to do a two-story structure? So why would they be against a 35-foot?

**Stokes:** We don't have a development proposal.

**Fritz:** Ah. Thank you for clarifying.

**Hales:** OK. Other questions for Kathleen or staff? Thank you very much. So, now we'll hear from the applicant. Good afternoon. Welcome.

**Mike Connors:** Thank you, Mayor Hales and Commissioners. For the record, my name is Mike Connors with the law firm Hathaway Koback Connors. Should I give you my address?

**Hales:** No need.

**Connors:** With me on my left is Ben Gates from Redside, who's the developer for this project. I think the staff report was very good, thorough, gave you an understanding of what the proposal is, some context for the surrounding area, and some of the key issues. You also have the hearing officer's decision which -- as you can see -- is very thorough, addressing each of the criteria, talking about the rationale. And given the limitation of 10 minutes, it's not my intent to go through a detailed discussion of all the approval criteria. But what I am going to try to do is sort of summarize what we believe to be the justification and the reason that you should approve this proposal. And then, Mr. Gates will talk a little bit about the experience and principles of this developer and the vision for this particular property. So, sort of summarizing. The key underlying approval criteria is whether or not the proposal is equally or more supportive of the goals and policies. And it's our belief that in this case, it is more supportive of the applicable goals and policies -- and I believe both the staff report and the hearing officer's decision supports that conclusion. Some of the key items that you should focus on that support that conclusion are first of all, that it is consistent with the city's overall policy for encouraging higher density residential in appropriate locations, and providing for a wider range of types of housing. We believe with the median density multifamily designation and zoning, it will be more consistent with those particular policies. And those particular policies are particularly important when you have property that is in close proximity to these multi-modal transportation systems. As you know, Cesar Chavez and Powell Boulevard are major thoroughfares, as staff indicated. Transit supportive, bike supportive, can accommodate the car traffic -- so, that is even more justification for putting these kind of uses here. Also, if you look at some of the commercial zones and uses that are in very close proximity, the whole philosophy of putting higher density residential in areas where people not only have access to transit but can walk to the Safeway that's right on the corner of Powell and Cesar Chavez, and walk to the various shops -- that, we believe, is more consistent with the overall goals and policies of the city. We also believe that it is more consistent with the zoning and land use pattern for the surrounding area. As you saw during the staff report, you've got properties immediately to the south, one of them zoned R1 already. And then, even the R2.5, R5 property that is to the east south end of our property has currently multifamily apartments on them. Further south of that is where you get into all of the commercial



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area. And so, not only is it kind of consistent with that R1 zoning that currently is there, but it will provide a buffer from the commercial zoning, commercial uses that are on the south end of the property. To the west, you also have an R1 zoned property. You have multifamily dwelling units that are currently developed there. And then to the north and the east, you have R2.5 zoning, but you also have a number of duplexes that are immediately to the north of our property. If you look at sort of the surrounding area -- the zoning, the uses -- and consider it within the context of its proximity to this major intersection -- Powell and Cesar Chavez -- we think that the proposal to change the zone to a medium density multifamily is more appropriate, more consistent with this area. And one thing that was striking to me in the hearings officer's decision was although it is an increase in density, as he talked about it, it's an incremental increase. Here, we're going from a single-family dwelling -- but it's the highest density single-family dwelling zone -- to a medium density multifamily. Clearly, there's going to be an increase in density, but we're not going from one extreme to the other. We think that it does support that transition. I think that's part of the reason why you have some R1 zoned properties in that immediate area and already some multifamily uses. I think both the staff report and hearings officer go through each one of the criteria. You've got both staff and your hearing's officer recommendation demonstrating that we comply with all of the criteria, explaining why this proposal is consistent with the criteria and is more consistent with the applicable goals and policies. And for that reason, we ask that you adopt the hearing's officer recommendation. With that, I'll turn it over to Mr. Gates and he can talk a little about the developer, and then we can open it up to any questions that you might have.

**Hales:** Great, thank you. Welcome.

**Ben Gates:** Thank you, Mike. Good afternoon, Commissioners, Mayor Hales. It's good to be here. My name is Ben Gates. I've worked with some of you before at my former job at Central City Concern, so it's good to be here today to talk a little bit about this project and who Redside is. Redside's a local development company that believes in responsible development. We've been around for about 14 years, and we believe in a triple bottom line approach to development. With all of our projects, we're looking to be guided by values that maximize our beneficial impact, to be respectful, and also to produce only quality work. What that leads us to do is to build projects, redevelop projects, and own the projects for the long term. And so, with our long-term outlook, we're not only developing, but we're operating these projects for the foreseeable future. That kind of feedback loop informs what we do on the front end -- and on the front end, we want to make sure that this is a responsible project going forward. This project we're particularly excited about because I think it fits within some real need in this inner city part of Cesar Chavez and Powell to bring density close to where amenities are and bring multifamily development opportunities and housing opportunities around places that are served by multi-modal transit. We've voluntarily met with the neighborhood association on three different occasions and have spoken with them about our plans for the project and understand some real concerns of the neighbors around privacy, access to light, and other issues that can be impacted by multifamily development. So, going forward as we proceed on the schematic design of the building, we've interviewed three really excellent local architecture firms with some of these principles and ideas and goals in mind, and are looking forward to proceeding with the design under the new zone in the development that is respectful and brings important housing to the city.

**Hales:** Questions?

**Fritz:** Why did you go for R1 instead of R2?

**Gates:** It's currently zoned as R2.5, and R1 allows 19 units on the property, which was kind of an economically feasible balance of what could be done on the property to make it a viable multifamily development.

**Fritz:** So I see in the report that you are planning to provide 18 parking spaces. But there's no condition for approval for that, and my understanding is that you're not required to provide any parking.

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**Gates:** Correct.

**Fritz:** So that's of concern, seeing the aerial photographs of Franklin Street already being parked up. The comprehensive plan talks about preserving on-street parking for the benefit of the commercial areas. So, where do you think your residents are going to park their cars?

**Gates:** So we're planning on one parking unit for every unit that we provide. So, we are planning on on-site parking. And again, this gets to the long-term ownership perspective. If we were turning around and selling the property, we might not be concerned about providing parking, but we want this to be a viable project for the long term. We think that providing parking is an important component to attracting residents and providing them with the proper amenities to live in that portion of Portland.

**Fritz:** So you would accept a condition of approval requiring one parking spot per unit?

**Gates:** I think we would have to consider that. Again, we have kind of a whole team working on this that includes designers, and one of the important things that I think we would like to preserve is the flexibility to manipulate the design. So as we look at balancing landscape and building form and parking, we might find, for example, that it would make sense to eliminate or add a parking space.

**Fritz:** So then why did you object to the condition requiring design review?

**Gates:** Design review adds time and cost and uncertainty, which all provides kind of risk and potential cost to a development. It can ultimately lead to higher costs in development. It could mean higher rents that need to be charged for units, less affordability. And so, under the current zoning, there are requirements on height and building setbacks which -- when matched with an excellent and capable architecture firm -- results in good design, in my opinion. So for that reason, we're wanting the more streamlined path and ability to work directly with the architect on the design development of the project.

**Connors:** Commissioner Fritz, if I could add to that. In the design review section of the code, which is 33.825, it talks about specific areas where the city has design overlays and specific types of development that warrant design review. So one of the issues that we talked about at the hearings officer hearing is that this doesn't fit in either one of those. We didn't want the public that was there to get the misnomer that that means that there are no standards as all. There are clearly development standards, and those standards were standards that the city adopted to make sure that development that was intended and expected in this kind of zone would be consistent with that intent. And so, we just didn't believe that the design review condition was appropriate. As Mr. Gates mentioned, we've been working with the neighbors. We've met with them three times. We're sensitive to their concerns. We're going to continue to work with them and we felt that that would be sufficient. And as has been said, concern about the time, cost, and uncertainty of going through a type two process.

**Fritz:** You're asking for something that is not by right --

**Connors:** Understood.

**Fritz:** -- it's discretionary decision that the council can make. So you're asking to put a lot of density on a site that's adjacent to single family zones. So, I'm trying to figure out, is there a way to get the conditions that could ensure -- yes, I know you have good intentions, I know you're going to have a good architectural firm. Sometimes, good intentions don't match up with what the neighbor expectations are or might not be enough to make me feel confident that the R1 is the appropriate zone, because what the comprehensive plan map says is it's 2.5. And that's what I'll be interested in hearing comments from the community about. Can this recommendation be conditioned in such a way that would make me and others feel comfortable that we're going to get the right transitional development between the commercial zones to the single family zone? So you could be thinking about that for when you come back with your later statement. Thank you.

**Hales:** Other questions for the applicant? We may have more later, but thank you. Appreciate it. OK. Any individuals who are signed up to speak in support of the application?

**Moore-Love:** We have one more person, Doug Klotz.

**Hales:** Doug, come on up.

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**Doug Klotz:** Good afternoon, Mayor Hales, Commissioners Novick, Fritz, and Saltzman. Doug Klotz. 1908 SE 35th Place. I'm speaking for myself, although I am a board member of the Richmond Neighborhood Association. I've been following land use in the Richmond neighborhood for 20 years, and we've recently had a lot of development along Division, but not much happening on Powell or Chavez, really. So it's gratifying to see something happening in another part of the neighborhood and near an intersection that has the transit, has the potential walkability. And so I think adding the 19 apartments near the Powell-Chavez intersection supports many goals of the city and the comp plan update to come. Increasing housing opportunities near these two transit streets, near the Safeway and the other shops on Powell will support the 20-minute neighborhood concept to a greater extent than a lower density zone. The Powell-Division high capacity transit plans call for high capacity transit on Powell and a station at Powell and Chavez. I mean, that's all tentative, but that looks like the way it's going. And the designation of Powell and Chavez as civic corridors in the proposed comprehensive plan, the civic corridor designation means there may be changes to how Chavez functions from a land use point of view, as we heard when Marty Houston [spelling?] of BDS gave us a presentation on Monday night at our neighborhood association. So while Powell - - it would make sense, it's a civic corridor -- Chavez is designated as a city corridor as well. And there could be a change in what the character of Chavez is. In short, I agree with the hearings officer's recommendation approving the zone change and comp plan change with no conditions. Take it back, I think there's a general agreement that if the developer agrees to deconstruct the house, the neighborhood I believe is agreeable with that -- all parties that I've spoken to are agreeable to that. The other two conditions are the design review requirement. I realize it's nice to have design review, I'm just afraid that -- it's hard enough to develop small apartments under financing constraints. I've talked to developers about that. And design review just adds another burden to make it harder to get the project done. This site was already attempted to be developed in the last decade, and that didn't work out and we're hoping that -- some of us, anyway -- are hoping that this will come to fruition and we'll get something there better than a large vacant lot. So, keeping the housing costs down would also be a result of that. And the 35 feet -- as has been mentioned, it would be nice to have the flexibility to tamp things down on one side and shove them up on the other side that the 45 foot would allow. It's not going to be 45 feet the whole thing, because there's not that many apartments -- it's only 19 units compared to other places where you could maximize that 45 feet. So, I think that it would be best to just leave the height limit as is in the zone. Anyway, I urge you to approve the change without the conditions. Thank you.

**Hales:** Thank you.

**Fritz:** Has the Richmond Neighborhood Association had a chance to look at the proposed comprehensive plan map with the update, and do you have any preliminary feelings on what the area-wide zoning of Powell and Chavez should be?

**Klotz:** In our talk Monday, we actually did look at that. What we heard from Marty Houston [spelling?] was that any changes to Chavez would be in the future, not with the comp plan update. And basically Powell and the rest of the commercial zoning in the neighborhood, anyway, is basically staying the same. It will be the equivalent in the new mixed-use zones, but no major changes planned for this comp plan update, although Marty talked about changes that would come in in the civic corridors in the future -- but, you know, future plans.

**Fritz:** Thank you, that's helpful.

**Hales:** Other questions for Doug? Thanks very much. OK. We have some folks signed up in opposition to the proposal, is that correct?

**Moore-Love:** Yes, I have five people signed up. The first three, please come on up.

**Fritz:** Do we give the principal opponents more time?

**Hales:** I'm not sure if there is a principal opponent in this case. The neighborhood association didn't take a position, right?

**\*\*\*\*\*:** We emailed it in, actually.

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**Hales:** I'm sorry?

\*\*\*\*\*: They did vote last night, emailed it to you.

**Hales:** OK. And is someone is here on behalf of the neighborhood?

\*\*\*\*\*: Not representing the board, but I have the letter.

**Hales:** OK, we should put that into the record. We'll give you each individual time, but if you need a little extra, that's fine. I don't think we have an organized principal opponent.

**Beaumont:** Commissioner Fritz, because what you're hearing is a recommendation from the hearings officer as opposed to appeal, typically we don't designate someone as a principal opponent. I suppose it's the council's discretion whether you give people a little more time, as long as there is equivalent time given to the applicant as well.

**Fritz:** Well, that's what I was thinking. The applicant got 10 minutes, so I wanted to make sure --

**Hales:** OK, we'll be generous. But we don't have a single organization in opposition, but individual residents. So, go ahead.

**Megan Light:** I already cut mine down to three minutes.

**Hales:** [laughs] OK.

**Light:** Mayor Hales and Commissioners, thank you for your time today. My name is Megan Light. Although I am a Richmond Neighborhood Association board member, I'm speaking on my own behalf today. I ask you to reject outright the proposed zone change. I live 10 blocks away, so it is not a matter of this being in my backyard but rather of keeping the neighborhood developing within the guidelines of the comprehensive plans. As a landlord, I do understand that property owners do want to maximize their investments, but current zoning is more than adequate to meet Portland's projected growth. This particular lot was already changed from R5 to 2.5 a few years ago, and there's no plan to change it with the new comp plan draft. Following are a few examples from the hearings officer's report that I feel are poor interpretations of the zoning approval criteria. In general, they give preference to increase density language, but completely ignore the language pertaining to preserving neighborhood character and livability. For example, goal three under neighborhoods -- preserve and re-enforce the stability and diversity of residential areas in order to attract and retain long-term residents. The findings that the record does not contain evidence that buildings 45 feet rank in the 45-foot range will necessarily adversely affect the stability and diversity to me is a stretch. A lack of evidence that it may do no harm is not a guarantee that it won't. Currently, there are about 20 households surrounding that property that would be overshadowed by a four-story building. Goal three under neighborhood plan -- oh, actually, I sent in a letter that I previously submitted to the BDS, and you should have a copy of that. I emailed it yesterday. I won't repeat all that. In addition, objective 4.5 states, protect residential areas from commercial encroachment. The hearings officer finds that R1 zoning and multifamily housing would actually provide visual and sound buffering for adjacent single family residences. Well, I think most people would agree that a commercial building, which is 150 feet away -- which is the current scenario -- with two or three story houses and apartments in between is a far better situation than having a 45-foot building looming over your house with a 10-foot setback where neighbors can look in the back yard and all sense of privacy is lost. And finally, under goal 12, urban design -- and I'm paraphrasing here, because it's a long goal -- describes enhancing Portland as a livable city, preserving its history, preserve and support the qualities of individual neighborhoods that make them attractive places, encourage neighborhoods to express design values, respect and strengthen neighborhood values. Seemingly unrelated, the findings state that the site is immediately adjacent to a busy regional commercial node, and further states that it is sandwiched between commercial and single dwelling residential area. These statements are inaccurate, they are misleading, and I believe they are irrelevant to the goal. The particular property has single family and small-plexes on one side, and two-story apartments on the other. Contrary to the hearings officer report, I don't see anything under goal 12 that supports a zone change for this particular lot. In summary, think there are enough questionable findings that it would make sense to leave the property as it is and

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welcome the seven or eight single family homes or attached homes, rather than make a mistake that impacts many neighbors in a much greater negative way. The RNA voted -- [beeping] -- can I have another 10 seconds?

**Hales:** Yes.

**Light:** The RNA voted to support the zone change with the planners' conditions. Of course, conditions are better than unencumbered R1. But we should not have to choose the lesser of two evils because the developer is asking to erode the edges of our neighborhoods and we're afraid the potential outcome. We don't need this lot changed. We have enough. Please reject this proposal outright and the developer can proceed with current R2 zoning. Thank you for your time and consideration.

**Hales:** Thanks very much.

**Fritz:** That was amazing testimony very much on the approval criteria, thank you very much.

**Light:** Thanks.

**Hales:** Who'd like to be next? Go ahead.

**Dee Dee Remington:** Hi, Mayor Hales and Commissioners. My name is Dee Dee Remington. I own and reside at 3956 SE Franklin Street. My property abuts the property that we're talking about at 3322 SE Cesar Chavez Boulevard, or 39th Avenue. I'm here today to ask the City of Portland Council to oppose rezoning and the amendment of the 2035 comprehensive plan map. My reasons for this request may seem like they're entirely personal. You know, it is -- you hear, not in my back yard, but this is coming into my back yard, pretty much. But what disturbs me is I'm concerned about the city of Portland and primarily, this comprehensive plan. Marty Stockton from the City of Portland did do a presentation at the Richmond neighborhood meeting on Monday. I've read the proposal plan, and it's disturbing to me that there's high density is how we're going to handle this growth that's supposed to be coming. And 39th is also viewed as kind of primed for this in some ways. In the current configuration, SE Franklin Street -- my street -- and the corner -- as Kathleen Stokes pointed out with her slides -- is kind of primed for the developers to come in and continue with high density growth. On my side of SE Franklin Street, there's the duplexes and the triplex. My property and the neighbors next to me all sit on fairly large lots. If rezoning is available for any developer who have money, time, and effort to come and go through the process to get these houses, get these properties, we're going to be destroying the look of a charming old residential area, a charming old residential street. And in its current configuration, it represents to me what is unique about Portland and why I love living in the city and why I love living on that street -- which I have lived in since 1995. I've lived in Portland since 1974. And I've paid my taxes, I've tried to be a contributing member of the community, and I just I feel that this plan and rezoning as it is proposed is an effort to kind of just ignore people like me and my husband and other neighbors, and just say, hey, it is an old house, it's an old run down commercial area, let's just rip it down and pack as many people as we can in. This proposed rezoning offers challenges to the neighborhood as well. At SE 39th and Franklin Street, there's illegal left turns constantly. The traffic division of Portland says they've done reports and they've done studies, but I live on this street. They come at 10 o'clock in the morning. They need to come at rush hour. They need to see the back-up, they need to see how many illegal left turns happen daily there, and the speeding, and the safety issues that happen.

**Hales:** It's not legal to turn left onto --

**Remington:** It's not legal to turn left off of 39th on to Franklin on either way, and yet it happens like it is their given right. I'm almost done here. The developers we heard mentioned that they want to be responsible and respectful, yet, it had to be brought to their attention. They did a proposal, kind of a quick little drawing of how they wanted to design the building to get their process going and to get the paperwork started. And yet, there was no indication of regards for safety, for security, for lighting, for anything like that in their proposal. It was, here's our apartment plan, we're going to go for it. If they're looking at being so respectful, looking at being so responsible, why did it

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have to be brought to their attention that they missed major gaps here? And now it's like, OK, we'll be responsible, we'll be respectful. If I wanted to live in a city high with a high density that things were packed in and people were packed in on top of everybody, I'd move to New York or LA. But I want to live in Portland. And I think we're at risk of ruining what's really amazing about this city, and stripping it of its charm and just packing as many people as we can in. I'm asking -- again -- the city council to oppose this rezoning change and amendment to the comprehensive plan. If you can't see your way to do that, please consider the conditions that Kathleen Stokes recommended in her report that the hearings officer rejected, and there are two additional in the letter that the Richmond Neighborhood Association recommended as well. Please consider those as well -- as conditions for this. Thank you.

**Hales:** Thanks very much.

**Fritz:** That's very helpful testimony. So, if you're heading south on Chavez, you're not allowed to make a left turn onto Franklin to get to your home, so presumably you turn right on to Kelly and then onto 38th.

**Remington:** Mm-hmm.

**Fritz:** So I'm going to want to hear from Transportation -- how are people who are heading south on Chavez going to get to this apartment building? Because it's -- you can't get there.

**Remington:** And at rush hour, it's backed up from Hawthorne to Powell. The line is just stopped.

**Fritz:** And 38th doesn't go through to Powell. So that's something that I'll want to hear. Thank you very much, that's helpful.

**Remington:** And it's something that you do living in the neighborhood. And I've done it for almost 20 years, and I don't mind.

**Fritz:** Well, it's also physically possible for you to do that. With their development being mid-block, it's not possible.

**Remington:** No.

**Fritz:** Thank you.

**Remington:** Thank you.

**Denise Hare:** My name is Denise Hare, I'm a member of the Richmond Neighborhood Association, but I'm here today representing my own views. I live well removed from the site in question, and so will not be directly affected by your decision. However, I've recently experienced the intrusions of a new 45-foot apartment building that overlooks my back yard. I deeply sympathize with the residents of Franklin Street who face a possible similar fate. The question for me revolves around whether the proposed change to R1 zoning is equally or more supportive of the comprehensive plan as a whole than the existing R2.5 designation. The answer is no. Much has been made of the gains in housing quantity and density that the developer's plans may offer, but what is overlooked are the ways in which it will reduce realization of other goals. Others speaking today know many of these. I myself would like to focus on the comprehensive plan's goals of improving and protecting the city's residential neighborhoods. Given the very narrow configuration of the lot in question, it is impossible for high density multifamily housing to be built without severely impacting privacy on the north and south sides, both of which are residentially zoned. For the north side residence, this is a particularly big hit, as they've bought and made investments in their homes predicated on the assumption of single family zoning for themselves and for the adjacent property. To suddenly switch this designation further exacerbates the problem laid out in the state of the city design report 2014 from the Portland design commission, where it is noted that homeowners in split zoned must bear the costs of adjacent high-density building, though they're unable to reap the financial gains from similar redevelopment of their own property. I know from experience how this story plays out. In my case, I face directly 12 fourth floor and 15 third floor apartment windows as soon as I step out my back door. My entire patio is exposed, and there are few places I can go in my back yard where I cannot see the windows and where building residents cannot see me. In fact, I've been stopped on the street by strangers who tell me that they've seen me and my daughter out in my back yard or

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coming and going -- an overture I know is meant to be friendly, but it feels creepy, too. It is not only that we are being watched, but we also see and hear more than we wish. Conversations and arguments can be heard. At night, the windows cast a glow that we cannot block out, flooding our yard with light. I would like to plant a row of trees to help obstruct the view of the new apartment building, however, there's another lot between the new building and me. That owner is considering selling and circumstances suggest that a developer will purchase her property. The kind of construction that we see today with digging and building to the property line discourages me from investing in trees along that side of my property, because I've seen how root damage can necessitate removal of these buffers. Given all that's going on with tearing down a new building, I expect my property ultimately will fall into a developer's hands as well. This makes me rethink a planned kitchen remodel, though I hope to stay in my home until my daughter finishes high school. In short, the density-driven development that I'm surrounded by is causing me to disinvest in my own property. And it's not just me. When neighbors on my block meet, the topic of discussion immediately turns to who's thinking about selling, and how much longer we expect to stay in our homes. We are not only financially disinvesting, but the social capital we have built over the years is dissipating as we face a future of departures and demolitions. It is this degradation of housing and neighborhoods to which I call your attention. Perhaps you may think it is the inevitable cost of moving forward, but I disagree. The neighborhoods of our community have long been held up as one of our greatest assets. When homeowners lose long-term interest in their properties, communities falter. What will happen in the next recession when construction once again grinds to a halt? Will we be served well by having more shortsighted home ownership? I don't believe we will. Thank you.

**Hales:** Thank you. Questions? Thank you all. Appreciate it. Next group please.

**Moore-Love:** The next two are Neil Carpenter and Gordon Brown.

**Hales:** Welcome.

**Neil Carpenter:** Good afternoon, Mayor Hales and Commissioners. My name is Neil Carpenter, and I'm neighbor on Franklin Street on the north side of the street. I have a letter for the council which I'll read. Dear City Council, my wife [indistinguishable] and I have concerns about the proposed zoning change at 3322 SE Cesar E. Chavez Boulevard. The 19,000 square foot lot allows for certain family dwellings and additional units that we feel is to be the maximum amount of infill the site can be developed to without negative consequences. These would likely have [indistinguishable] lines that in keeping with residential family homes on Franklin Street and have modest impact on surrounding neighbors. A zone change to R1 would allow a four-story building of 45 foot height. A height of 45 foot and a square sited building will cause significant loss of sunlight for my neighbors on the south side of Franklin Street. A key aspect of the site is the 291-foot -- not 261, as Kathleen mentioned. I'm sure you're all aware of the development at SE 37th and SE Division Streets. That's the 81 unit block without parking. That monolith apartment building is on a plot 200 foot deep, and digs deep into the neighborhood along SE 37th. It is very overpowering. Buildings along corridors usually go back 100 feet. The Chavez site does not go back 100 feet, or even 200 feet. It goes back nearly 300 feet. This is a huge increase and will dig deep into neighborhoods along Franklin Street, abutting four separate properties and being visible and affecting a significant length of that block on Franklin Street. Therefore, I oppose the zoning change to R1, or to any change that allows a height of 45 foot. Thank you for your considerations.

**Hales:** Thank you. Next, please.

**Gordon Brown:** Hello Mayor and Commissioners. Privilege and a pleasure to be here today. I'm Gordon Brown, I represent West Coast Bank. We are the trustee for property on 3922 SE Franklin. So, it's adjacent on the north property line. My thoughts are -- I support development. I support progressing in higher density. My thoughts are the existing 2.5 height restrictive of 35 feet I think is adequate. My concern at 45 feet -- some of you may know in southeast Portland the Black Cat tavern. Well, the Black Cat tavern was condemned, and here is a picture of what it has done to a

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vintage Portland home. And people go by there and say, my, there should be some egresses for light and what about lights -- how did this get through? I'll leave these pictures for the court of the Black Cat tavern apartments and what it can do. But it's not consistent with the livability of the neighborhood. There are vintage homes, there's duplexes along Franklin in the early '40s, there's a dearth of parking anyway. So, I guess my thought, too -- I understand high density, but walking to Safeway I think only happens in episodes of Portlandia. Yeah, that's all I'm here to say is that I'm OK with some multifamily, but I think the existing 35 feet restriction is adequate due to sunlight blockage and just not being consistent with the livability of the neighborhood. Thank you.

**Hales:** Thank you. Any others who signed up?

**Moore-Love:** That's all who signed up.

**Hales:** So, I've got a bunch of questions for staff. Others might as well, but are we going to give the applicant a chance to come back and rebut first? So, let's do that. We'll give you a chance to come back up and respond to any of the testimony that you heard here, and then there might be further Council questions for you as well as for the staff. So, come on back. You heard the testimony in opposition, maybe you might want to respond to those points, and there may be more Council questions as well.

**Connors:** Thank you, Mayor and Commissioners. Again, for the record, Mike Connors, here on behalf of the applicant. I will try to briefly respond to some of the issues raised by the neighbors, and then also hopefully have an opportunity to talk about the conditions. First of all, with respect to the neighbor comments. I appreciate concern about the uncertainty of new development in the area. I have right next to my property a house that was smushed and a new house that towers over my house. Still under construction and going through that process. I have personal experience understanding that. But as this commission knows, you have to balance the need to address impacts and concerns from neighboring properties to the need to implement and carry forward your policies. And one of those policies is a need to provide for more housing density and the need to provide for a wider range of housing. As I explained in the opening comments and as you can see in the staff report and the hearings officer, this particular location we believe is appropriate for this kind of higher density. We have to accommodate growth somehow. We have to put these people somewhere. And so it's going to have to go in somebody's neighborhood who's going to have these concerns. So really, the question is, is it an appropriate area? Is it a property that satisfies that test of being equally or more supportive of caring for the policies and goals that the city has adopted? And we think that it is based on the surrounding uses in zoning. The R1 is right in close proximity, the commercial uses that are there. I understand that some people may take issue with some of the policies that the city has adopted as to whether you want to accommodate higher density in these kind of areas, whether people actually do walk to and use these other forms of transportation. But those are the policies that you've adopted, and we believe that this proposal is consistent with them and you should stand behind it. Because if it's not appropriate here -- this is me speaking personally -- I think it's difficult to find an area where you wouldn't be able to satisfy that test. With respect to --

**Fritz:** Just before you go on --

**Connors:** Oh, sure.

**Fritz:** I would like to interject a fact, because then you may be able to address it. We don't need any more increased capacity. We have plenty of capacity under the current zoning with the comprehensive plan. If we were to just go to the comprehensive plan map, we satisfy our density projections. In fact, in the current comprehensive plan process, we're looking at down-zoning because we have that capacity. So we don't need to go to R1 in order to be able to accommodate new housing. So, if you want to re-frame your comment in terms of why R1 is a better zone than R2.5 here, that might be a helpful way to approach it.

**Connors:** I think it's more than just needing to accommodate housing in general, the housing numbers. I understand your point on that. I think also part of the policy is providing a variety of



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housing. And as you know, you've got single-family dwelling type units that provide a certain type of housing and multifamily that provide a different type. I do believe -- at least my understanding is that there is a general intent policy for the city to provide for a wider range of housing. We think we meet that. The other component is in the proximity. Because there are city policies about putting more dense development -- whether we're talking residential or not -- in areas where there already is a lot of opportunity for transit, for walking to various uses. And so, it's not just a matter of meeting the housing numbers, but where are the types of locations that it's appropriate. We think that this is, given this area of Powell and Cesar Chavez with the commercial amenities that are there. That is supportive of that policy. I guess the last part of it, too, is just looking at the surrounding area. We understand that there are R2.5 properties to the north. But it's also important to keep in mind that there are R1 properties immediately to the south and to the west, and there already are multifamily dwelling units to the south and to the west. And even to the north, the immediate north, there are some duplexes there which are obviously not the same as multifamily dwelling unit, but at least more consistent with that than it would be if there were an actual single family dwelling. On that basis, we think it is more consistent with those policies. And that's what the staff found in their analysis, that's what the hearing's officer found in his analysis, and it's important to emphasize, if you look at the Richmond Neighborhood Association -- and they did, they had a meeting Monday -- I wasn't there, Ben was. But they had a meeting on Monday, listened to us talk about what our proposal is. They talked about some of the concerns. It was good dialogue. And they submitted a letter that -- although it includes some conditions, which we can talk about further -- supports this proposal. So the neighborhood association as an association believes that this is supportive of the comprehensive plan policies and goals. And I understand, there are some folks that disagree with that and that's their right, and I think they gave very good explanation of why they believe that. But I think the neighborhood association as a whole even understands -- notwithstanding potential concerns about a new development, more dense development -- that our proposal satisfies those policies and goals.

**Fritz:** The Richmond Neighborhood Association also requested that one or two units be affordable at 60% median family income. Are you willing to provide that?

**Connors:** We aren't. And I think it's important -- if you look at the letter, a little bit further down they talk about the fact that they acknowledge that inclusionary zoning is not permitted. The type of idea that if you adopt a comprehensive plan amendment zone change that you would designate a certain number of units for affordable housing. There's really no standard in your code for doing that, there's no requirement. I'm not even sure what the basis is for the number. And so from our perspective, we don't think that that is a requirement and it's not really appropriate in this context --

**Fritz:** So your development will be at market rate, it's not going to have affordable units in it?

**Connors:** That's the current plan.

**Saltzman:** I thought I heard you say, we will.

**Fritz:** No, he said, will not.

**Connors:** Will not. Yes.

**Saltzman:** Oh, OK -- I'm sorry.

**Gates:** So on average, the unit sizes are projected to be about one bedroom. We're also looking at some studios and some family-sized two bedroom units. But in general, compared to an R2.5 development on the site -- which was about seven to eight units that could have attached housing of three to four bedrooms with an integrated garage -- this is a smaller scale, smaller unit, and a more affordable option than renting an entire house. And so, as Mike mentioned, the importance of kind of providing a mixture of housing opportunities that respond to different needs and different levels of affordability, even at market rates.

**Hales:** So you submitted with your application a conceptual site plan. I realize that's just conceptual, and that's subject to change. But is it -- I guess my question is, how conceptual is it?

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You envision a fairly long structure or series of structures, and a long driveway on the south edge of the site. That general site plan is generally what you have in mind?

**Gates:** Generally, yes. We've worked on a number of different sketches of two to three-story buildings. The requirement in the zone change application was for a stormwater plan, a layout of the ground floor and how a site inclusive of landscaping and stormwater treatment would address the stormwater concern. So, our plan that we submitted was only related to that, showing a conceptual ground floor plan that shows that it is potentially -- that it's feasible to address stormwater on the site and handle everything on-site. So it wasn't meant to be a design development drawing, address issues of security and lighting and all of these other things which is a part of the design development process that we'll be proceeding with.

**Hales:** But in terms of overall massing, this is something close to what you probably would be --

**Gates:** Footprint-wise, yes.

**Hales:** OK.

**Gates:** Yes, showing the drive entrance and parking layout on a ground floor.

**Hales:** OK.

**Connors:** And if I can add something on that, because there's been the issue about the request for the condition on the 35-foot height limitation. Based on the design concepts that we're looking at right now -- as Ben indicated, two, three story -- we're likely going to be within that 35 foot. The reason that we don't want to have a specific condition is really two-fold. Practically speaking, it really limits our design options. Because you gotta understand that the main concern from the surrounding neighborhood is coming from those properties on Franklin and the massing on that end. So, there is a potential to potentially have an articulation or difference in height in the height of the structure, especially one that's adjacent to the Franklin Street properties. But that would mean a potential increase in the other section of the building. So, if we get sort of a straight across the board limit of 35 feet, that's going to restrict our ability to take into account those kind of design accommodations. The second thing I think we talked about at the hearings officer level -- and I think he did a good job of addressing it in his decision -- is that support and understand that the 35 foot height limit, that's the limit in the existing zone. So, the rationale that he talked about is, if we demonstrate, if we make our case -- and hopefully you agree that we have -- that this is a property that is appropriate for an R1 zoning, then with that zoning comes along the expectation that the development standards will ensure that the type of development that goes there is consistent with the vision for that zone. And so there's really not a need, or it's not a good policy to impose a height limitation that is based on a different zone if you agree that this property is appropriate for an R1 zone. Commissioner Fritz, you raised the question on the design review as well. I mean, you're the decision maker. You have the prerogative to consider those conditions. We don't believe that they're appropriate or required in the code, more importantly -- especially on the height limitation. We think it's going to restrict our design options, and that actually may not be to the benefit of the neighbors. Because without that restriction, we've got some design flexibility that will allow us to be more accommodating to some the concerns for the properties on Franklin Street.

**Hales:** More questions for the applicant? OK. Thank you. I've got some questions for staff. Both Kathleen and Kurt. So, what's being sought here is a comp plan amendment and zone change. So, before we change the comp plan, I guess it would help maybe to understand a little bit why the current comp plan is the way that it is and what we're dealing with. To the south of this property is this strange pattern in which the existing single-family structure -- I guess, maybe formerly single family structure -- zoned R1, and the three buildings to the rear of the house are in this R5, R2.5 zone. Anybody remember how that happened when the last comp plan was done? How long have these apartments been there? What we have in effect south of the property is a giant flag lot with a whole bunch of apartments on it, and they're all non-conforming. So, what happened here?

**Stokes:** I had the same question, and I'm afraid that I could not find an answer.

**Hales:** So it might have just been an oversight?

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**Stokes:** Non-conforming development, various zone changes, a series of zone changes that may have occurred legislatively through time -- but I really couldn't find any answer. I thought it was quite an odd hodgepodge of zoning and non-conforming residential densities myself. There are others, if you start really examining this map. I'm hoping that the Bureau of Planning and Sustainability does some cleaning up

**Hales:** No kidding.

**Fritz:** Looks like they're not, though.

**Hales:** Well, not yet.

**Fritz:** But there isn't any proposal as far as we know from the Bureau of Planning and Sustainability to -- for instance -- make this whole area R1 or R2 or something.

**Stokes:** I'm sorry, but I just have to mention this and I'm sorry it is a tangent. But if you look further to the east on the map, you'll see the long skinny area that's R5 with a comp plan designation of CG. Those are actually parts of the single dwelling properties. I don't know -- it's very strange.

**Hales:** OK. So, point noted for future legislative work by the Planning Bureau in the comp plan. But at any rate, what we've got is a flag lot with a large number of apartments on it -- I don't know how many. I'm not sure if that's in the record or not. So from a transportation standpoint, you've got a strip mall on the corner, which hopefully will be a non-conforming use after the next comp plan, because it's a building surrounded on four sides by asphalt 100 feet from a street that we hope to have some day act like a transit street -- namely, Powell Boulevard. Last time I was over there when there was a video rental place there, and I don't think there are any video rentals anymore because I get Netflix. At any rate, it's --

**Novick:** Mr. Mayor, may I just interject? There is one in Hillsdale. [laughter]

**Hales:** It's just they're slow up there. So, this area is -- to use a technical term -- kind of a mess at this point in terms of the development pattern. You've got an old strip mall and a gas station, and then you've got a giant flag lot, then you've got this long strip and then you have Franklin Street with the properties that we've heard from. I guess the best I hope we could do in the near term with that situation would be to have R2.5 as a transition between the neighborhood that essentially starts when you walk down Franklin Street, and the car zone that exists to the south. I'm putting this a little harshly. So, why would it be -- frankly, I think the applicant has failed to make the case, and I don't understand why the hearings officer got to the point where why it would be net better to lose the transition zone between sort of undifferentiated hodgepodge development, as you described -- we're both using very technical terms here -- and a coherent pattern of development on Franklin Street? So, why would changing this site from R2.5 to R1 be better from a planning standpoint? I'm struggling with how we could approve this application at all. I mean, we can get to motions later, but I'm looking for staff --

**Stokes:** OK, I'm just going to speak my personal understanding. I felt like we were still trying to concentrate some higher densities near our main transportation corridors, which is what the bulk of my findings discussed.

**Hales:** Right.

**Stokes:** But I was really concerned -- and I'm supposed to be presenting the hearings officer's --

**Hales:** Right, I understand.

**Stokes:** Is it OK if I --

**Hales:** It's OK, I'm asking for your professional opinion.

**Stokes:** So I felt like there were some serious repercussions that could occur on this nice single-dwelling residential neighborhood, as the neighbors have described here very carefully and quite well, I think. And so, I was trying to walk the fine line to craft some sort of a compromise so that we could get the increased development. Because we are on a major transportation street and by a commercial corridor. It is an area where you would kind of want to see the increased development. But we have this terrible, long, skinny lot that's really, really difficult to develop to R1 density in a

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thoughtful way that doesn't have the negative impacts on the neighborhood. And so, I tried to craft conditions that would mitigate the potential negative impacts, still get the density, but maybe not to the full-blown effect that the R1 could allow. We have a lot of trouble meeting R1 density with R1 development standards on properties that are configured such as this one. This is a 75-foot wide property that requires 35 feet when you get the 20-foot driveway with five feet of landscaping on either side and then a five-foot wide pedestrian connection. So, almost half of your property is eaten up by that, which is an R1 development standard. So, it's -- if it was configured differently, I think it would be much more ideal to have the R1 there, because you could on the actual site itself provide some buffering and some space. It's too narrow to do that. So, I tried to write a recommendation that could say, OK, yeah, this is a great place to have more density. Let's go for that. But let's kind of shape it in such a way that's not going to have such an impact and the requirement for design review was to do some site design planning with our design team to further craft that requirement.

**Hales:** Well, I appreciate that. And I will say this carefully and well, because you do great work and I really respect your work as a planner, and I think the bureau does great work overall. But I think both you and the bureau maybe tried a little too hard to get to a compromise in this case. And that's coming from a philosophical approach to this kind of case, which I have and I think others on the council do. You know, you have a very high burden if you want a comp plan amendment, because that's supposed to be the deal. And I'll be as assiduous in defending what benefits that confers on property owners or developers when they're here on design review or other cases as I am for defending the status quo if somebody hasn't made the case. And I don't think the case has been made here. Just because density can be accommodated here doesn't mean that it should be. And in fact, as Commissioner Fritz stated, under our current comp plan, it is not true that more density has to be accommodated somewhere. We have a legislative process underway where we figure out how much more density we want to accommodate or less here or there to carry out the comp plan as a whole. Secondly, the applicant made the case that this would be somehow serving a greater variety of housing forms, but I think the R2.5 zoning designation is more likely to achieve a variety of forms, given that we've got sort of barracks-style apartments to the south on a flag lot -- and they have no choice, and that's why I asked about the site plan. I'm not trying to trap you with your own site plan, but I don't see how you could develop this R1 in anything other than a long mass because you can't get this many units into this much air space without a long mass. So I think we'd be more likely to get a variety of forms with a lower density designation, because they'd put clusters or townhouses or something here if it was economically feasible to do so. I'm sorry it's a tough site, but we can't change that for the moment. Perhaps someday when the zoning is different, and maybe if an access easement were granted by the property owner to the south, you could develop this in a different way with a street, where the driveway that I mentioned earlier now is. But that requires all kinds of work by other property owners to get to that point. But it's not our obligation to make every property developable. We try, but it's not our obligation. And if it's a tough, constrained site that isn't better developed with the higher density, then I don't think we're under any obligation to approve it. That's my thinking about this. I was going to ask you a related question and that is, there's no choice but flag lot access, right? From a transportation standpoint?

**Kurt Krueger, Bureau of Transportation:** I don't see any other option on the table here on this property.

**Hales:** And they'll be turning both left and right into this driveway from Cesar Chavez?

**Krueger:** That's correct. We wouldn't put a restriction on left turn movement. What would happen, de facto, would be residents in the morning trying to leave during the peak hour would probably not find gaps during that 7:30 to 9:00 period of time, so they would not wait for that gap that wouldn't show up, so they would make a right turn and probably go up Division and go west on Division.

**Hales:** But it's not legal to turn left from Cesar Chavez on to Franklin?

**Krueger:** That's correct.

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**Hales:** Southbound. But it would be legal to turn left into this driveway.

**Krueger:** Correct.

**Hales:** So, if it's not safe to turn left on to a city street. We're going to be exacerbating the safety problem that that's supposed to be avoiding by letting people turn left into a driveway for even more units, right?

**Krueger:** Certainly, there's an argument there. I think Franklin sees a higher volume of traffic and the queues would back up much more with more vehicles making the left.

**Hales:** Sure, but the problem is not the queue, the problem -- from a traffic safety standpoint -- the problem is somebody turning left across a busy stream of traffic. And we'll have more of them doing that, rather than less if this is R1 rather than R2.5.

**Krueger:** That's correct.

**Hales:** Is there any other conclusion that you could reach? He just said he wants to put in a parking space for each unit, so presumably there will be that many cars.

**Krueger:** That's correct.

**Hales:** So -- other questions, comments from the council?

**Novick:** Since it came up, Kurt, would you want to give your perspective on the other parking and traffic impact arguments that were made?

**Krueger:** The parking argument was an interesting one. I went back and I was rereading the council decision on the apartments and no parking decision from April of last year decision, and I looked at ratios. And obviously, this doesn't fit the first tier so they're exempt from having parking required if the property was zoned outright. And I looked at the sliding scale of ratios on those different levels, and I kind of carried those backwards if we were to use the same thought process in there and what that parking account would be. We would be down to about .15 cars per unit, which would translate to two parking spaces. So if we were going to provide a driveway to the site -- which think needs to happen so you can load and move people in and out since there's no parking on Cesar Chavez -- we'd want to put more parking than just two spaces if we were going to actually interrupt the sidewalk corridor on Cesar Chavez with a driveway. So I think the purview for Council would then be to figure out where that sweet spot would be and what ratio would be the right number here, because anything over two would be greater than the code would allow if this was zoned outright.

**Fritz:** And I would just comment that I think what we did last year was a stop-gap measure or stop-loss measure in terms of getting something in place for parking in larger structures. I still think as part of the comprehensive plan we need to have more discussion on what is the appropriate amount of parking.

**Krueger:** My recommendation to Council would be I think one-to-one parking here -- given the transit availability if this were to be approved -- this is greater than needs to be.

**Hales:** I would agree with that. Yeah. Thank you. Further questions for staff? Do we have a motion?

\*\*\*\*\*: [inaudible]

**Hales:** Yes.

**Connors:** Can I just make a procedural --

**Hales:** Sure.

**Connors:** I appreciate it. Thank you for the opportunity. Again, for the record, Mike Connors here on behalf of the applicant. It's very clear that Council has concerns about our proposal. And I understand, Mayor, your point about us feeling that we haven't made our case. Quite frankly, at the staff level and the hearings officer level, a lot of the issues you're talking about weren't really the issues that were the focal point. And so what we would request is a continuance so that we would have an opportunity to address some of the specific issues you've raised. Mayor Hales, you raised the issue about the history and the hodgepodge of this neighborhood. Again, that's not an issue that came up in the earlier stages of this process, and so we'd like an opportunity to do that.

Transportation -- you've raised some issues about that. We're just looking for an opportunity to be

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able to respond to some of your concerns in large part because they weren't really a focal point in the earlier stages of the process, so we didn't focus on them.

**Fritz:** Except, Mr. Connors, earlier you said that you didn't support conditions on the R1 designation because if the R1 designation is appropriate, then it's appropriate. I don't believe the R1 designation is appropriate, and I think this conversation has made that clear. So I'm not sure -- you're asking for R1, and I believe the majority of the council doesn't support R1.

**Connors:** I understand that. And ultimately, you'll be able to get the decision. All we're asking for is we've invested a lot of time and resources getting to this stage, and we want to be able to at least have an opportunity to provide you the information to consider some of those conditions to see if that would address some of the concerns. And perhaps, even provide more specifics on the design. Just have an opportunity to see if that addresses your current concerns, changes your mind.

**Hales:** Well, I'm always sympathetically inclined to request a continuance, but in this case -- as Commissioner Fritz just said -- I personally feel like R1 is the wrong designation for this until such time as the comprehensive planning process comes to us with a more coherent view of what this whole part of the neighborhood should be in the future. So, as a near term strategy -- whatever the near term might be -- five years -- to me, R2.5 seems appropriate. I don't think it's a design issue. I think that there are design options in R2.5 that as a citizen I would like, and maybe the neighbors would like, too. In other words, I don't think that you have to get to R1 zoning designation to get to something that fits the intent of the current comp plan. I see no argument in front of us for why we should change the current comp plan. So, it's not a conditions issue for me. It's not how many conditions could you apply to this, because you would need to apply the conditions that essentially got you back to the current zoning designation. So, I'm not seeing what good a continuance can do you, other than having to come back here and hear the same thing then. I'm again being a little more stubborn than I usually am about such things, but I think this one's unusually clear, and unfortunately for you, I think it's unusually clear that we can't get there.

**Connors:** I understand that. And obviously, it's your decision completely discretionarily on the continuance. All I would say is that you'd still have an opportunity to say no. And the delay I don't think wouldn't impact anybody but us, and we would like to take that. But I'll leave it that. As I said, I understand --

**Hales:** Thank you.

**Connors:** But will ask for the continuance.

**Hales:** Thanks. What's your pleasure?

**Fritz:** We're not required to do a continuance on request?

**Beaumont:** No, it's at the council's discretion.

**Fritz:** I realize this is a lot of good intention here and hope for a good design, support the neighborhood association with multiple conditions. But as the mayor has so accurately stated, the 2.5 zone is supposed to be the transition between the greater intensity on -- I almost said Barbur -- Powell.

**Hales:** It could be Barbur.

**Fritz:** On the state highway and the residential neighborhood. And we do need to be concerned for the fabric of the neighborhood and the transition. Mid-block changes in zoning tend to not work well. And what would happen if we were to change this would be that the properties to the north wouldn't be able to take advantage of -- they can't afford to come in and ask for a zone change so that their properties could also be developed. So, I would move that we deny the application.

**Hales:** Is there a second? I'll second it, I think I can do that. Is there further discussion from the council?

**Novick:** I want to say that I came in prepared to support the hearing officer's decision or as amended with the original staff recommendations, because I think that there is a preference for density in areas served by transit. And I also think that we're going to have more growth than we project, because I think most of the country will be uninhabitable in 30 years and apparently

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Portland and Detroit are two of the few places in the country that will be habitable. But I'm prepared to defer to my experienced planning colleagues and I'm persuaded by the argument if you're going to change the comprehensive plan, you should sort of wait until we're all overall changing the comprehensive plan. So, I'm prepared to support your decision, I just wanted to state what my original intent was. And thanks to staff for their work on this.

**Hales:** Further discussion before we take a roll call? And it needs to be a tentative decision to be supported by findings that we'll pick a date to return with.

**Beaumont:** Correct.

**Hales:** And roll call on that motion, please.

**Roll on motion to tentatively deny the application and prepare findings for November 5, 2014 at 10:15 a.m. Time Certain.**

**Novick:** Aye.

**Fritz:** I, too, came not knowing entirely what would happen here. I think that the neighborhood testimony was very persuasive, thank you for taking the time to be so thoughtful and to address the approval criteria. Thank you to the applicants. I know that you were hoping -- I know you can still do a great development, just not the one that you were hoping to do. And thank you, especially, to staff. It's very challenging with new members of the council and a different hearings officer, and the comprehensive plan being currently in play makes it a lot different from business as usual. But staff has done a very good job of outlining the options for us and explaining the differences. We need to be thoughtful in how we put together the fabric of our city and do the zoning. So these individual pieces -- especially when the case hasn't been made -- I don't think that we should be moving forward in this manner. Aye.

**Saltzman:** Well I think I also came in prepared to support the proposal with conditions, but I think that the testimony by the neighbors was compelling. I do think the arguments of two of my colleagues here who are very knowledgeable on these matters was also equally compelling. And then I am still, I guess, haunted by the mistakes the city made by zoning blocks on Williams Avenue and the impact those heights of buildings to the west have had on residents to the east. I think that's something we're going to deal with in the comp plan, but I just see that same situation and I think it was eloquently underscored by the testimony of the impact of something that's 45 feet in height. And the access issues, too, off of Chavez just persuade me that this decision to stick with the R2.5 is the right decision. So, I vote aye.

**Hales:** Yeah, my sympathies to you as an applicant, because I know it's an expensive process and from what I hear, your company does good projects. But I think that we need to reset some things, and perhaps this hearing has done that. Actually, it was one of those eat your words moments. I was commenting to Commissioner Novick not long ago that we've been on the council together for two years and there haven't been that many land use cases. [laughter] Boy, that's like saying it's a sunny day today, it hasn't rained in a long time. And then all of the sudden we have a lot of land use cases. And so be it. But it's really important that -- whether we're working on the comp plan at the moment or not -- everybody understands that the comp plan is the deal and changing it requires a very high burden of proof. Changing it through a quasi-judicial process for one piece of property requires a very high burden of proof, and has to be better than the status quo. And you know, the Hippocratic Oath applies to zoning, too. We can't do harm. And sometimes, if it's a close call, we should opt for not doing harm. And I think that that's the case here. We had a lot of places in the city to figure out in the comprehensive planning process where the decisions of the past have set us up for unfortunate situations like this one. I'm sorry it's a long, skinny site. No matter what the zoning is, it's hard to develop those, especially if it fronts on a street like Powell. So we have to figure out legislatively what futures we can set up for parcels like this so that somebody can come along and develop it in a way that most people would celebrate. I also want to compliment the citizens who came in today and testified. That's a high burden for you to come in and make a case like this, but you did a good job because you spoke to the criteria. And I think that it's just

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important for all of us to remember that on comp plan amendments, the criteria do include the big aspirational ones, not just the little mechanical ones. And that's the heart of the matter here, that at a big aspirational level, we want to have better transitions between high density and neighborhood density than we've always achieved, and this is one place where, for the moment, we have to hold the line. Aye.

**Fritz:** Do we need to vote on the second one as well?

**Hales:** The second item as well if we don't approve the comp plan amendment?

**Beaumont:** My recommendation is that you carry those both forward, and then whenever this comes up for a final vote on the findings, you can withdraw or do whatever you need to do with the ordinance.

**Hales:** So, we'll carry 1087 forward to when the findings come back. And when would you recommend that be?

**Beaumont:** I think staff has indicated November 5th or later.

**Hales:** OK.

**Fritz:** May I make a final comment? I really appreciate this is the second land use hearing we have had in the last few weeks where everybody has engaged constructively. Nobody has implied evil intent on anybody's part. It shows that we not only have some really great developers and applicants who do want good things to happen in the city and are dedicated to working with neighborhoods. It also indicates our neighborhood associations and our citizens are very much engaged, and that's partly due to the staff in Development Services and Transportation explaining how things are supposed to be, and explaining that it doesn't do any good to come in and rail against people being evil. What you have to do is talk about what the code says, what the comprehensive plan says. So I think that it really bodes well for us as a city going forward that we are all having these constructive discussions where reasonable people can and do disagree. And hopefully having done that on this one, we can agree on the next proposal that may come forward. So, thank you.

**Hales:** Thank you, good point. So, sometime after November 7th?

**Moore-Love:** The 5th. Would November 5th work, Kathleen? OK, then it would be 10:15 a.m. time certain.

**Hales:** OK, so we'll set it for 10:15 on November 5th. And with that, we're adjourned. Thank you.

At 3:42 p.m., Council recessed.



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## Closed Caption File of Portland City Council Meeting

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

Key: \*\*\*\*\* means unidentified speaker.

**OCTOBER 16, 2014                      2:00 PM**

**Hales:** Good afternoon. Welcome to the October 16th meeting of Portland City Council. Would you call the roll please, Karla?

**Novick:** Here. **Saltzman:** Here. **Hales:** Here.

**Hales:** Good afternoon and welcome. We have a single item in front of us today. Would you read that, please?

**Item 1088.**

**Hales:** A little context here. The Willamette River Greenway Plan was adopted in 1987 -- back in the mists of time -- to implement statewide planning goal 15, which is specific to the Willamette River. The plan defined the Willamette Greenway boundary, established regulations for development within the boundary, and then an inventory list goes with that goal compliance so that we know which land we're respecting and inventorying and regulating. Today's hearing is an update of that inventory, covering 17 linear miles and about 6730 acres within the city's boundaries. 68% of the properties there are zoned industrial, and 20% of that area is zoned open space. The riverfront as we all know is working harbor in the north, mixed use urban development in the central reach, and open space and natural areas predominantly in the south around Ross Island. Information in this inventory is used by the Bureau of Planning and Sustainability in their river planning work on the central reach as part of our central city plan update, which will be coming to the council for adoption in about a year, year and a half. So we have staff here to present the inventory update and they're also going to be presenting some amendments to the document. So we want to call up Sallie Edmunds and Debbie Bischoff to both walk through the document as proposed, and through the proposed amendments. Good afternoon.

**Sallie Edmunds, Bureau of Planning and Sustainability:** Good afternoon, Mayor and Commissioners. I'm Sallie Edmunds with the Bureau of Planning and Sustainability. With me today is Debbie Bischoff, and Mindy Brooks in the audience. As the mayor said, this hearing today is about the updates to the Willamette Greenway Plan. And the information in this inventory is what is called for in statewide planning goal 15. It doesn't include all the information we would use, but it's a good compilation of some key information. The document doesn't include any proposed policies or regulations, it's just merely an inventory. The first use of this inventory will be for the update of the greenway plan in the central city. We are currently working on central city 2035 through some quadrant planning. The north-northeast plan was adopted in 2012, the west quadrant plan is in the public hearing process, and the Planning and Sustainability Commission will come to Council in the spring. The southeast quadrant plan is currently in the stakeholder advisory committee phase of the project, and is expected to come forward next spring as well. And as the mayor said, once all this work is done, we'll come back with an integrated central city 2035 plan that includes goals, policies, actions, revised zoning, regulations for the whole central city, including the river. So this work is folded into the central city plan. And then river planning for the south and north reaches will follow that and the acknowledgment of the comprehensive plan. So I'll turn to Debbie.

**Debbie Bischoff, Bureau of Planning and Sustainability:** Good afternoon. Mayor and Commissioners. Debbie Bischoff, Bureau of Planning and Sustainability. I just will talk quickly about the process and content of the Willamette River Greenway Inventory. We conducted a public

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process where we notified property owners, agencies, and other interested folks, and we held two open houses and held a public hearing before the Planning and Sustainability Commission. The inventory before you as you can see is mostly maps and data with descriptions about the maps. And we cover topics such as base and overlay zones, current land uses, ownership, natural resources, recreational, historic, and cultural resources also. Among the information that is included here is the natural resources inventory, which you adopted in 2012 as factual basis for the comprehensive plan update. This inventory went to the Planning and Sustainability Commission at a hearing on June 24th, and the PSC voted unanimously to move this inventory with some minor edits to City Council for adoption. And that is what you have before you today, along with the PSC's transmittal letter. Since this most recent recommended draft came out in September, we've heard from the Port of Portland staff and also Schnitzer Steel representatives, and they made us aware that we needed to make some corrections and minor changes or changes to the information and the inventory. That's found in the memo that hopefully you have with the attached maps. And these are some examples of these corrections. For example, we want to be consistent with the maps that all the information presented is for properties within the boundary area, so we're changing three maps to just show information within that greenway overlay zone boundary. Another change is to map four, where we made two changes, but the key one is that we remove the river dependent use designation, which -- if you look at the September draft -- is a bunch of dots applied to specific properties. We removed that because it really isn't required in the goal 15 inventory listing of items to reflect and it caused confusion. So in closing, staff recommends that Council adopt the Willamette River Greenway Inventory as amended as a supporting document to the update of the Willamette Greenway Plan, and we're here if you have any questions. Thank you.

**Hales:** So, you've got both the map and the text amendments packaged together under this October 16th memorandum, then?

**Bischoff:** Correct. It's all the corrections that staff is proposing.

**Hales:** OK, great. Questions for staff?

**Fish:** Debbie, in the preparation of these materials and the mapping, could you walk us through which bureaus you've been working with to get to this finished product?

**Bischoff:** Sure. We've worked with a lot of bureaus, but the key bureaus that were really involved with were Parks and Recreation, because of the recreational needs and the recreational information of public recreation for this inventory. We've worked with BES on this, and those were probably the lead agencies. A lot of the data that we use is sourced from other bureaus and from Metro, so we're using the latest data from other bureaus in this inventory.

**Fish:** Also, these are incredibly beautiful maps. Do you have -- is this all in-house?

**Bischoff:** This is our in-house GIS staff, yes. It's amazing.

**Fish:** Now the cat's out of the bag. It's nice to know we have this kind of technology.

**Hales:** It's great, yeah.

**Bischoff:** I will forward your comments back to them.

**Hales:** And it's readable, which is another concern that you raise. [laughter]

**Fish:** It's the right size, too. This is all my briefings, my bureau briefings are on pages this size. We have a memo from Schnitzer dated October 16th that says they support the proposed revisions. Are there any outstanding issues that you're aware of that they have before us?

**Bischoff:** Not that I'm aware of. They are here if they want to provide any other information.

**Hales:** We'll give them a chance to speak to that.

**Fish:** Yeah, I'd just be interested to know if there's any residual issues.

**Hales:** Great. Well, let's have you two on stand by and then call for anyone who wants to speak, including the team from Schnitzer who is here. Good afternoon.

**Dana Krawczuk:** Good afternoon, Mr. Mayor, members of the commission. Dana Krawczuk, land use attorney at Perkins Coie here on behalf of Schnitzer Steel. We're here in support of the greenway inventory and would like to publicly thank city staff's collaboration and responsiveness to

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our technical concerns. We did have a few concerns about how Schnitzers' property was designated on earlier versions of the draft, and after working closely with them, we're supportive of the changes that were made and encourage you to adopt them.

**Hales:** Thank you very much. Appreciate you sitting down and figuring it out with them.

**Fish:** And thanks to coming to the hearing and telling us that. Sometimes it's left hanging. It's like a hanging Chad -- it's nice to have the loop closed and have you say that.

**Krawczuk:** We tell you loud and clear when we think you haven't gotten it right, and we want to balance that with when we think have you gotten it right. So, we wanted to take the time. And while I'm up here, if you do have any concerns about staff's proposal, we have a bunch of evidence that we're ready to submit to respond to the old drafts, but I hope that's unnecessary.

**Hales:** Should be. Thank you, Dana. Appreciate it. Thanks. Appreciate too you letting us know when things have gone well. Doesn't always happen. Anyone else that wants to speak?

**Moore:** That's all who signed up.

**Hales:** I think we first need a motion to adopt the amendments.

**Fish:** So moved.

**Katheryn Beaumont, Chief Deputy City Attorney:** Mayor Hales, may I clarify? Actually, there are two different pieces of amendments for you to adopt. One is an amendment to the ordinance to add finding number 12, and the other is the set of amendments in Debbie's memo to you from BPS.

**Hales:** OK, and what's the amendment to finding 12?

**Beaumont:** I believe I have it. The amendment simply clarifies that the -- it's a procedural finding that clarifies the original date of the public hearing and the fact that it was canceled and rescheduled to today's date to provide a complete procedural history.

**Fish:** Counsel, can we take them up as a combined amendment or would you prefer separate?

**Beaumont:** I think you can move to adopt all of the amendments -- amend the ordinance with all of the amendments.

**Hales:** I'll take the sense of that amendment being to include both the change in findings number 12 and the package of text and map amendments that appears under the bureau's October 16th memorandum. Any further discussion? So, roll call on the amendments.

**Roll on motion to adopt amendments as stated in BPS memos dated October 10 and October 16, 2014.**

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

**Hales:** This will move to second reading. I want to thank our staff and people in the private sector who've worked effectively to get this done, this is an important compliance and planning exercise for us as a city. It gets us ready for the future and makes sure we know where we stand with respect to LCDC compliance. So, thank you for good work. This will come back for second reading. It's not an emergency ordinance, right? And we have no other business today, we're adjourned. Thank you very much.

At 2:16 p.m., Council adjourned.