

## The Oregonian

### Portland street fee: Mayor Charlie Hales will delay charter amendment proposal again

*By Andrew Theen*

UPDATE: This story was updated. The previous version said the charter language includes an 8/10 language provision for spending. That has been removed, according to mayor's office staff.

Portland Mayor Charlie Hales will hold off on a City Council vote on Wednesday that would refer a charter amendment to voters this fall outlining how the city can spend money generated from a proposed street fee.

Hales and Commissioner Steve Novick planned to vote on a monthly street fee for residents and the adjoining charter amendment measure on June 4, but the duo delayed both measures on the eve of a vote.

Now Hales wants to delay a vote on the charter proposal again.

The Oregonian first reported the charter amendment measure last month, which Hales later said would serve as an assurance to voters that their money would be spent strictly on safety and maintenance projects.

On June 3, Hales and Novick said they would delay a City Council vote on the monthly street fee for both residents and business owners. The elected officials will discuss the plan again in November. The latest incarnation of the plan, made public during a five-hour public hearing earlier this month, calls for gradual increases in the monthly fees during the first three years.

The fee would go into effect in July 2015, and eventually cost residents \$144 per year. Businesses will be billed according to estimated trips generated, according to a formula based on the type of business and its square footage.

"People don't trust government. They fear we'll misuse these funds," Hales said in a press release issued to members of the media on Tuesday afternoon. "And I get that. But our charter is like our constitution. If we lock up the use of these funds in that document, which only Portlanders can change, they can have faith that we'll use the money exactly as we said we would."

On June 4, Commissioner Amanda Fritz introduced a new version of the charter amendment that would require 8/10 of money generated go to "transportation maintenance and transportation safety improvements."

But the version City Council will consider voting on next week doesn't include that language.

The latest version says Portland will spend the money "for transportation purposes, including associated administrative costs, relating to transportation safety, transportation maintenance and street construction and reconstruction." Hales staffers said they streamlined the language to make it more direct, saying the 8/10 split was too prescriptive.

In the same press release issued Tuesday, Novick said the city wasn't "walking away" from the street fee despite its decision to "slow down."

Transportation officials scheduled two new town hall meetings next week to allow for more conversation and discussion with residents.

In an email, Hales' spokesman Dana Haynes said the charter amendment delay is to allow for tinkering of the proposed ballot language. Have thoughts on the proposed language?

Email Haynes by Tuesday, June 24.

Dana Haynes  
Dana.haynes@portlandoregon.gov  
Subject line: Charter Change

# Portland needs to start regulating asbestos amid infill boom, neighbors say; DEQ rules aren't enough

*By Melissa Binder*

Neighbors in Southeast Portland want the city to make asbestos regulation a priority after a renovation near Duniway School may have exposed children to the dangerous material.

A major portion of a house containing asbestos was torn down across from the school last month without abatement or containment procedures to protect workers, neighbors and school children.

Neighbors in Eastmoreland say the renovation represents everything that's wrong with Portland's infill policies.

The city approved a permit May 6 for Classic Image Homes to transform the 1940 house into a two-story colonial.

Instances of older homes coming down to be replaced with larger, newer houses have skyrocketed in recent years, especially in Southeast Portland. Many older houses contain asbestos, a material used in construction until around 1980 that can cause cancer or chronic lung disease. The more older homes come down, the more Portland residents are at risk for asbestos exposure.

But builders in Portland aren't required to prove that asbestos has been dealt with before they receive city permits to demolish or renovate a building.

Neighborhood president Robert McCullough said it is common sense that proof of asbestos removal (or the material's absence) should be required before the city issues a demolition or renovation permit. He hopes to convince the city's Development Review Advisory Committee of the same thing.

The renovation at 3431 S.E. Rex St. is also an example of why neighbors should be notified about development projects, McCullough said. Knowing about this project would have given neighbors a chance to confirm the builders had taken care of asbestos.

The neighborhood association has been pushing the city for months to require that neighbors get advance notice before every demolition. They also want the city to redefine "demolition" to include any development project that involves the removal of half an existing house.

Demolition permits are currently only required when a builder removes an entire structure, including the foundation.

"The problem is really at the city level," McCullough said. "The city has lost interest in these nuts and bolts issues."

Neighbors did spark action by a number of state departments following initial renovation work at the Eastmoreland house, and asbestos-containing material has been removed.

But the incident highlights a serious problem, McCullough said: Under the current system for asbestos regulation, enforcement doesn't kick in until after construction workers and neighbors are exposed.

'We're doing the city's job'

The city signs off on development projects, but leaves the regulation of asbestos up to the Oregon Department of Environmental Quality. The result, neighbors say, is that enforcement of asbestos rules doesn't kick in until it's too late.

DEQ requires that an accredited inspector complete an asbestos survey before any demolition or renovation, and that a copy of that survey remain on site during any work.

DEQ also requires builders to notify the state about any plans for asbestos abatement. Builders must notify the department 10 days before dealing with friable asbestos, and five days before removing non-friable material. (Friable asbestos comes apart easily and can be breathed deeply into the lungs.)

Classic Image Homes fulfilled none of these requirements at 3431 S.E. Rex St. The company received a permit from the city for the major addition on May 6.

Alex Koval, a co-owner of the company, said he didn't know about the state's asbestos regulations. The company first registered with the state in 2011.

"We should have had it checked before we started doing anything at all," he said. "We didn't know that, and now we do."

It's impossible to know whether neighbors or children at Duniway School were exposed to the friable asbestos at 3431 S.E. Rex St., said Fred Berman, the director of the toxicology information center at the Oregon Institute of Occupational Health Sciences.

Exposure would depend on minute details, such as which direction the wind was blowing during the days the asbestos-containing materials sat in the yard after being torn down. Any exposure likely would have been small, he said.

Such limited exposure causes next to no risk of lung disease or cancer, he said. People who suffer those serious side effects work with asbestos for decades before getting sick.

Neighbors say any preventable exposure is too much.

Kimberly Koehler, an active member of the Eastmoreland Neighborhood Association, said the renovation on Rex Street is "an example of what happens when you leave it up to the developer."

Though DEQ can penalize violators if they're caught, builders don't need asbestos removal plans approved by the department before moving forward.

In reality, the department isn't likely to catch violators unless neighbors complain.

Jason Gilkey, the DEQ's asbestos control analyst for the Northwest region, said the investigation into the Rex Street house incident is ongoing and that he cannot disclose what violations, if any, might be issued to Classic Image Homes.

Koehler said she'd like to see the city step up to help protect Portlanders from asbestos exposure by requiring documentation of asbestos abatement before issuing a permit. It's just one extra box to check, she said.

"The system as it is isn't working," Koehler said. "We're doing the city's job."

## **The Portland Tribune**

### **Hales delays street fee measure again**

*By Jim Redden*

Mayor Charlie Hales has again delayed the City Council vote on a proposed ballot measure related to the Transportation User Fee he and Commissioner Steve Novick are developing.

The council had been scheduled to vote Wednesday on a measure to amend the City Charter to restrict the use of funds raised by the fee to transportation purposes. It is aimed for the Nov. 4 General Election ballot. The council will not consider the actual fee proposal until Nov. 12.

"People don't trust government. They fear we'll misuse these funds. And I get that. But our charter is like our constitution. If we lock up the use of these funds in that document, which only Portlanders can change, they can have faith that we'll use the money exactly as we said we would," says Hales.

Some people had complained about the speed with which the proposed charter amendment is coming together. According to the Mayor's Office, Hales has slowed down the process to allow time for more public input.

At the same time, the Hales and Novick want to assure Portlanders that "slowing down" doesn't mean "walking away" from the street fee proposal.

Hales and Novick have also set two new public forums on the fee proposal:

Town Hall on Business and Non-Residential Fee: 8 to 9:30 a.m., Tuesday, June 24, at Venture Portland, 1125 SE Madison St., Suite 112.

Town Hall on Residential Fee: 6:30 to 8:30 p.m., Wednesday, June 25, at Kaiser Permanente's Town Hall, 3704 N Interstate Ave.

According to the Mayor's Office, the forums will provide an opportunity for the public to speak with transportation staff, ask questions, and make comments to the Hales, Novick and Portland Bureau of Transportation Director Leah Treat.

The council had been scheduled to consider the proposal City Charter change last Wednesday, June 11. Hales delayed the vote after council members received a letter from four business organizations with questions about the fee and council schedule.

"The backlog of maintenance and safety [projects] for the city's transportation system is a critical issue that needs to be addressed. We are willing to engage in a conversation about the future of the city's transportation maintenance and safety needs and opportunities to specifically define both the funding sources and spending priorities, but do not support referring charter amendments in advance of that important public dialogue," reads the letter, which came from the heads of the Portland Business Alliance, the Oregon Petroleum Association, the NW Grocery Association and the Oregon Neighborhood Store Association.

Novick, who is developing the fee with Hales, says he wants the four associations would work with neighborhood business leaders on a proposal for the council to consider that would raises at least \$53 million a year, the amount in his and Hales' first fee proposal. That did not happen over the past week, however.

Novick says he hopes the concerns of the business organizations can be addressed by a work group to be appointed to consider fee alternatives, including monthly fees of on residences and businesses, a motor vehicle fee, a gas tax, a sale tax, a tax on business profits, or some combination of them.

The staggered vote schedule is the result of a series of last-minute changes made by Hales and Novick. They had originally agreed to have the council vote on a three-part package on June 4 — the ballot measure, a residential street fee, and a fee on businesses, governments and nonprofit organization, including schools and churches.

But after hearing from many Portlanders either puzzled or opposed to the proposal at the first public hearing on May 29, Hales postponed the vote on the business, government and nonprofit fee. He then postponed the vote on the residential fee at the June 4 hearing.

Hales and Novick do not want to submit the revenue measure to voters. Commissioners Nick Fish and Dan Saltzman have so far said they believe Portlanders should be asked to approve it. Commissioner Amanda Fritz has not yet said where she stands on that question.

## **Willamette Week**

### **When Darkness Falls**

The city is considering a new permit as a hammer over problematic late-night businesses.

*By Rebecca Turley*

For years, the city of Portland and the Oregon Liquor Control Commission have worked as uneasy partners in law enforcement, playing a game of "good cop, bad cop" with bars they identify as problems.

But since taking office in 2012, Mayor Charlie Hales has chafed at the partnership.

He asked the OLCC to let the city set a 10 pm curfew for bar patios, but it refused. He wanted the agency to crack down on pubs serving revelers at Last Thursday—no dice.

Now, the city is working on a way to gain greater clout and enforcement power over bars, taverns and other late-night venues.

The proposed solution: a new city permit for businesses serving the public after 10 pm.

The permit—and the threat of revoking it—would give the city leverage to compel changes in a business's operation or shut it down altogether.

City officials point to a 35 percent increase in retail liquor licenses in Portland and an overall increase in community events as reasons to more closely regulate the entertainment industry.

Growing friction between late-night venues and residential neighbors is also a problem.

"The overarching reality is that Portland is becoming a city [where] there are more and more interactions between late-night establishments and their respective neighbors," says Chad Stover, a project manager in Hales' office. "We have to find a way to get along."

A draft report and presentation on the proposal, obtained by WW, argue that a "late-night activity permit" would give the city more authority to regulate a small percentage of "bad actors."

According to the draft report: "High-risk populations are drawn to nightlife districts to engage in high-risk activities, including alcohol consumption and drug use."

Internal city documents say the permit would beef up what city officials call "limited local control over business activity." The documents add that Portland's "partnership with State OLCC falls short" in addressing problem bars and taverns. Businesses that receive citations, the documents say, view them simply as a "cost of doing business" while "adverse impacts continue."

Theresa Marchetti, liquor license specialist for the Office of Neighborhood Involvement, says details of how the permit would work, and the new standards it would impose on late-night businesses, have not been worked out yet.

As a result, it's not yet clear how the city would measure the program's success. But Portland is studying similar permitting programs in other cities, including Seattle, Denver, Milwaukee, Austin, Texas, and Victoria, B.C.

Marchetti says the intention would be to address a wide range of conflicts, not just major ones that could threaten a bar or tavern's liquor license, and that the answer might be as simple as better communication between businesses, neighbors and the city.

"What we're finding is that the expectations of what is acceptable are very different," she says.

For the past several years, Portland police have been pressuring music venues not to book hip-hop and electronic dance music shows because of potential threats to public safety.

Cops argue that hip-hop shows pose a greater risk of violence because they attract gang members. Roseland Theater owner David Leiken calls those cracking down on hip-hop and EDM "the culture police" and sees the late-night business permit as a move by the city to exert more muscle.

"This should not see the light of day," he says.

Mike Thrasher, owner of the Hawthorne Theatre, agrees. He says he has assured the city he will vet hip-hop artists before scheduling them to perform at his venue, and report back to the Office of Neighborhood Involvement and the Police Bureau.

He has also worked with the city to minimize disruption to the neighborhood. These efforts, he adds, have not been cheap.

"Paying for permits on top of that," Thrasher says, "seems like not the best use of resources."