

Portland Planning and Sustainability Commission
January 10, 2017
12:30 p.m.
Meeting Minutes

Commissioners Present: Jeff Bachrach (arrived 12:43 p.m.), Andre' Baugh, Mike Houck, Katie Larsell, Gary Oxman (arrived 1:45 p.m.), Michelle Rudd, Chris Smith, Eli Spevak

Commissioners Absent: Katherine Schultz, Teresa St Martin, Maggie Tallmadge

City Staff Presenting: Joe Zehnder, Sallie Edmunds, Rachael Hoy, Mindy Brooks, Debbie Bischoff, Nicolas Starin, Troy Doss, Alisa Kane, Jeff Caudill; Mauricio Leclerc (PBOT); Mike Abbate (PP&R); Jim Owens (Parks Board)

Vice Chair Baugh called the meeting to order at 12:33 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Items of Interest from Commissioners

- *Vice Chair Baugh* reminded the PSC members of the DOZA Subcommittee: *Commissioner Schultz* will chair the group with member commissioners *Houck, St Martin, Spevak* and *Oxman*. They will provide updates to all commissioners during the Items of Interest section of upcoming meetings.

Consent Agenda

Consideration of Minutes from December 13, 2016 PSC meeting.

Commissioner Smith moved to approve the Consent Agenda. *Commissioner Bachrach* seconded.

The Consent Agenda was approved with an aye vote.
(Y6 – Baugh, Houck, Larsell, Rudd, Smith, Spevak)

Vote for PSC Officers

Commissioner Smith noted the proposal is to maintain the current officer slate until April: *Katherine Schultz* as Chair; *Chris Smith* and *Andre Baugh* as Vice Chairs.

Commissioner Larsell proposed maintaining the current officer slate. *Commissioner Rudd* seconded.

(Y6 – Baugh, Houck, Larsell, Rudd, Smith, Spevak)

Central City 2035 Plan

Work Session: Sallie Edmunds, Rachael Hoy, Mindy Brooks, Debbie Bischoff, Nicolas Starin, Troy Doss, Alisa Kane, Jeff Caudill; Mauricio Leclerc (PBOT); Mike Abbate (PP&R); Jim Owens (Parks Board)

Vice Chair Baugh noted the updated Work Session agenda and asked if commissioners have items they'd like to have discussions on that are not included on this memo. [none]

Sallie introduced today's work session. We currently have four more meetings on the PSC calendar to work through the remaining CC2035 items.

Commissioner Houck mentioned the green building items were noted to be discussed on January 22 but they are here on today's agenda.

- They are up for discussion on January 24, aside from the low carbon discussion, which we'll have today.

If there are additional items you'd like to talk about today or as a future item, please let us know. M1 is one that *Commissioner Houck* has already noted he'd like to raise at a future meeting.

TSP Amendments: Street Classifications & Projects

Mauricio walked through the presentation, and particularly highlighted Item J5. Many comments we received about the TSP were from bicycle advocates. The amendment packet also addresses technical amendments and changes we've made.

Mauricio highlighted the amendment made to 11th and 12th avenues to reflect what's in the current Bicycle Master Plan... from a Major City Bikeway to a City Bikeway. Upon analysis and reviewing the definitions, Major is supposed to be like a backbone, while bikeways are for access to significant destinations. 7th Ave is a better fit to be a Major City Bikeway, as opposed to 11th/12th, which dead end at Lloyd Center.

Commissioner Smith gave an overview of the overall set of classifications. We generally got to lots of agreement about Central City bikeways. This Stage 2 TSP work is setting homework for PBOT staff to bring forward in Stage 3 to think more about Major City Bikeways. A good solution was not found for a north-south connection in Goose Hollow, unless or until we can take over 18th/19th.

The last disagreement was this particular pair in Northeast. There is a concern about 7th, which is good going to Killingsworth if Council goes for that, and the bridge will be there. But it is also the Green Loop, and we're not sure if 7th can be a good facility for people both for Green Loop and through-movement paces of cycling.

Commissioner Spevak noted he bikes these routes daily and likes staff's approach to this. 11th becomes a bit complicated where it jogs to get on the Hawthorne Bridge.

Commissioner Houck is pleased to see reference to the Green Loop throughout this conversation and referred to.

Vice Chair Baugh thanked Mauricio for his work on budgeting and this work.

Commissioners gave a nod of approval to move forward with the TSP amendments aside from item J3, which will be discussed at a future meeting.

Miscellaneous Code & Map Amendments

Nicholas highlighted Item I20, the proposed a 60 percent ground floor window requirement facing open areas. This is proposed to help activate parks and open spaces and increase public safety. Staff's approach is to modify the existing ground floor window requirement for street facing facade in chapter 33.510.220 and Map 510-8.

The Proposed map on shows the streets along which buildings must have windows that cover 60 percent of ground level wall area. Most other streets have a 40 percent ground floor window requirement.

Staff's proposed revised map adds all of the Central City's parks and open spaces. Buildings facing these spaces would also need to meet the 60 percent ground floor window requirement.

Commissioner Spevak asked about the overall what's include or not in the 60 or 40 percent.

- The two carry-over items, I4 and I5, will be when we discuss ground floor building requirements and what qualifies.

Commissioners gave a nod of approval to move forward with this item.

Items 127 and 128

Debbie introduced the topic (Additional Uses in the Open Space Zone presentation) for activation of public spaces. This provision implements CC2035 Plan's big ideas and policy framework for activation of public spaces to serve residents, employees and visitors in a way that enhances the urban environment and balances different goals for livability and vibrancy. Overall, supporters want to see parks and plazas enlivened with a variety of activities.

The revised recommendation allows the potential for a limited amount of retail on all OS zoned properties in the Central City. The amount is based on the size of the site.

The revised retail in open space code provides greater flexibility for retail structures. However, it is unlikely that every open space site will have retail development.

The code language maintains that retail uses must be desirable to support park users and activate the park. Restaurants or recreation-oriented retail are the likely uses that will locate at these open spaces.

Public input will happen in parks planning processes and with the ongoing Design Review requirement to ensure the public is aware of and can contribute toward a positive outcome. These efforts will also ensure that new development fits in with the park and local neighborhood context.

Mike Abbate, PP&R Director, and Jim Owens, representing the Parks Board, provided input. Director Abbate gave thanks to BPS staff, whom we've been collaborating with over the past couple of months. The Parks Board has given this matter great consideration. We're requesting more flexibility for how and where retail is possible in Central City parks. Existing code is restrictive and not in alignment with other cities around the country. Tools to activate parks are incredibly important, and we want to have as many tools as possible without prohibition. Retail or a commercial use could be a tool to activate park use. There are many controls on the use of retail outside the Zoning Code. The Parks Board has a specific goal and view of equity issues. Retail does provide benefits in certain places. The proposed changes are balanced, reasonable and appropriate, particularly given our current very restrictive code.

Jim Owens, Parks Board member, noted the board spent lots of time on this issue. We are generally not inclined to promote retail uses in parks, but it is different in the Central City. He highlighted the recommendations in the memo from the Parks Board. These recommendations are very limited, solely for the Central City. We were challenged in representing these recommendations. We arrived at our recommendations because the functions of parks in the Central City are different than from other parts of the city, and they're often difficult to manage. Retail use needs to be a good fit and have a community benefit associated with it, and it can't restrict access to parks. These are our key recommendations.

Commissioner Houck noted his concerns. There is a tendency throughout the country to want to fill open spaces. An example is the Central Park in New York; the park would be totally covered with retail and commercial uses if all requests were implemented. I am supportive of these items based on the testimony I've heard. I'm glad to hear this is only the Central City at this point. Food carts are a good option as well. Robust public involvement and Design Commission review makes me feel more comfortable about these code amendments.

Commissioner Spevak is also supportive of these amendments. There is opportunity to differentiate between urban and natural area parks. Now that we're allowing to build, is there some overlay that we could use to do retail in a piece of a park (e.g. at Pier Park)?

Commissioner Rudd: How do I overlay this with uses such as Saturday Market and festivals at Tom McCall Park?

- Saturday Market is a temporary use, and so it's not covered by this. Under these changes, Tom McCall Park would be allowed to have some more permanent uses, but we do a Master Plan for a parcel. It's more about the use. Revenue stays in PP&R, which is about 30 percent of PP&R's budget.

Vice Chair Baugh is very supportive of this proposal, particularly the highlight of equitable use for all users. I do have the similar concern for larger parks outside the Central City and how we preserve some land for natural purposes.

Commissioner Rudd: If we talk about outside the Central City, I have more concerns about existing commercial spaces and their losing business.

Commissioner Houck: I appreciate the director and board members coming in to talk with us.

Commissioners gave a nod of approval to move forward with items I27 and I28. Items I4 and I5 will be discussed at a future meeting.

Green Buildings

Rachael noted Decision Packet E, Green Buildings. Today we are looking at E1, the low-carbon building standard. This requires LEED Gold registration. We received some public testimony, mostly requesting we look at other programs aside from LEED.

Alisa highlighted the other green building certifications that are well-known in our marketplace: Earth Advantage; Green Globes; and the Living Building Challenge. We've decided to add these certifications and the authority to add other certifications via Admin Rules as other certifications come on board.

Commissioner Houck: This is in reference only to low-carbon related issues, right? I know LEED moved in the direction to pay more attention to the impact of buildings on the surrounding area as well.

- These all have certain benchmarks, particularly around energy use. But they do include other points such as transportation. LEED recognizes ecoroofs and bird-safe in their certification requirements. This is specific for low-carbon certification.

Commissioner Rudd: Can you elaborate on registration versus certification?

- In all cases, you have to register and pay a fee. This indicates intent. We have chosen just registration because these certifications have energy requirements over and above the state-wide code, and we can't require above that. Between 2008 and 2015, 90 percent of the square footage in the Central City has been LEED certified.

Commissioner Bachrach: I'm concerned about this program, which I voiced the last time the issue came up. The development community is largely already trying to qualify for these programs, so I'm wondering: if we're already successfully capturing most of our development, why are we mandating something that is already working? Also, these are all private sector businesses that market their certifications. I don't think this is appropriate for the City to mandate people pay to these vendors. We can't legally require a developer to go through the program, but we're now saying they have to pay a certification company.

- *Commissioner Spevak* noted the usefulness of certification. One option would be for the City to create its own standards, which would be very difficult. The City can lean on other systems and outsource some of the standard-setting that these 3rd party certifiers have been working on for years.

Commissioner Spevak had a concern that we were steering developers to just LEED, but I'm happy that we're now expanding the certification options.

Commissioner Rudd: I agree that it feels weird we're requiring to have someone do something but not requiring them to complete the certification.

- The developer signs a form that they will register and do their due diligence in implementing low-carbon measures.

Commissioner Smith: To the issue of the named list, have we considered a set of criteria for the certification that would be acceptable?

- Admin Rules would give the Director authority to add or remove to the list.

Vice Chair Baugh noted the examples of government directing contractors and developers to the private sector in other circumstances. In this case, we're encouraging an activity by requiring registration, which I think is appropriate. When you register, do the certifiers follow up with the registrants to provide assistance and/or help?

- Yes, definitely. Green Globes gives a full suite of support. LEED gives access to its credits. Earth Advantage provides an adviser.

Commissioner Houck: So we're getting additional expertise to encourage people follow through. I see this as a great benefit.

The City requires City-owned buildings be built to LEED Gold standard. We looked at the landscape of buildings being built in the Central City and are now seeing new developers in the marketplace and potentially different intentions from new developers. We want to put this on the radar as it is important to the City as we're looking forward with this plan. We added Green Globes because they are local and want to help us do this work.

Commissioner Houck: I am more comfortable supporting this as more and more comes out about the rationale. Thank you.

Commissioners voted on items on the E memo.

(Y6 – Baugh, Houck, Larsell, Oxman, Smith, Spevak; N2 – Bachrach, Rudd)

Items on the E memo were approved, aside from items E3 and E5 that will be discussed at a future work session.

FAR Requests

Nicholas: As a brief reminder, FAR is floor area ratio... the amount of development that is allowed on a site, expressed as the ratio between the square footage of a site and the square footage of the building.

Commissioner Bachrach noted now that IH is in effect, we may want to think about these considerations.

- We will talk about this at a future work session.
- What we've discovered with the structure of IH, in the Central City it has different benefits and effects of feasibility based on your FAR. We will take a look and see if we propose moving from 4:1 to 5:1.

Overall the quadrant and CC2035 planning processes, did not propose a great number of changes to maximum floor area ratios.

There are a few areas that the in the south downtown area that the proposed draft identified as potentially appropriate increased FAR, that we did not include at that time, because we wanted to wait until the completion of transportation system modelling to be sure the network could accommodate those potential increases:

K3 is the area south of Mill St. between 4th and Broadway along the south transit mall extension.

- This currently has an FAR of 6:1, and staff is proposing to raise this to 9:1.

- This area is proposed for an increase in height from 125' to 460' through bonuses.

K4 is the area south of the new Lincoln station on MAX orange line, primarily PSU's University Point site and the American Plaza Towers.

- Currently has an FAR of 2:1, the proposed draft raised this to 4:1, we received testimony from PSU requesting an increase to 6:1.

K5 is a smaller parcel just to the north of Lincoln Station.

- This currently has an FAR of 2:1, the proposed draft raised this to 4:1, we received testimony from the property owner to increase the FAR to 6:1.

Staff supports these increases in FAR. The potential for denser mixed use development in this area is supported by high levels of transit service and other urban infrastructure and will help accommodate the Central City's forecasted share of housing and employment growth.

Commissioner Oxman: You had mentioned in K3 the proposed height is 460 feet. Is this an amended height?

- This is in the proposed draft. Existing height is 125 feet.

Vice Chair Baugh: The change in FAR affects the affordable housing component. How does this affect the bonus question?

- Part of what we'll discuss is the rationale for changing it and making sure it works with the new Inclusionary Housing (IH) code.
- The proposals today show an increase to base FAR. If they trigger IH, they would get an additional 3:1 on top of this.

Commissioner Rudd: These are significant increases. Is this somehow highlighted when this goes to Council so the public sees these changes?

- The proposals were discussed in the commentary in the Proposed Draft and noted we'd do modeling, which we've now done.
- We will post a summary of significant changes we've made between drafts as well.

Commissioners gave a nod of approval to move forward with items K3, K4, K5. We will discuss item K11 at a future meeting.

Zoning Requests

Troy gave an overview of the requests in Packet L; none were pulled for discussion today.

Commissioner Bachrach: How are we tracking our goals for housing requirements?

- We exceeded them significantly in some locations and are matching or are on goal in other areas. Housing is still a hot marketing in the Central City.

Commissioner Oxman: CX produces more than RX. Why?

- There are fewer limitations, without even urban renewal or overlay zones being a requirement. This is particularly noticeable in the Central Eastside.

Commissioner Bachrach: Is it a location question versus regulatory or zoning? Why do we keep RX instead of just rezoning it to CX? What are regulations in RX that are discouraging to some developers, and why are they there?

- Yes, because it exists in various districts. We still find where those encumbrances aren't located, we see more housing in terms of number of projects and number of units / density per project. It doesn't correlate to height or FAR necessarily either.
- There are some parts of the West End and Goose Hollow that would prefer RX to keep commercial development out.
- It does allow for some ground floor retail and office development, but in very small amounts.

Commissioners gave a nod of approval to move forward with these 7 zoning proposals in Packet L.

Miscellaneous River Amendments

Commissioner Rudd recused herself from this part of the discussion.

Packet M.

Mindy noted this is the geography of the River Overlay Zone. She provided an overview of the memo. The code has grey highlighted text (we discussed at the last work session) and yellow (amendments that correspond to decision table M).

Major new amendments include:

- Exemptions for maintenance, repair and replacement of existing structures.
- Exemption for soil amendments prior to installing landscaping.
- Clarifications for landscaping in the e-zone.
- Clarifications for river-related uses.
- There are also lots of little typos, renumbering, minor edits throughout.

Commissioner Houck asked about M1, which he brought up to staff with concern before. I understand there is some difference of opinion between BPS and BES staff. I would appreciate the two bureaus coming back on this particular issue. I understand existing regulations allow for replacement of existing structures, but if we have changes being made, we have an opportunity to take care of issues that 20 or 30 issues weren't addressed. Regarding the 50-foot setback, I think this is below the bare minimum to improve conditions on the river. But I know we have limited opportunities to increase this in the Central City. I want to acknowledge that in the South and North reaches, regarding the setbacks, we should have different policies than in the Central Reach.

Commissioners gave a nod of approval to move forward with items in this package aside from item M1.

Tree Amendments

Packet N

Jeff gave a review of the approach and methodology used in developing the tree canopy target for the Central City. Canopy targets will be adopted by resolution and, as such, will not be binding. But they do establish the long-term goal for tree canopy over the next 20 years.

Commissioner Houck supports all this predicated on the Urban Forest Management Plan being where we address lots of these issues. I'm particularly pleased with the addition of the 5-year evaluation so we can observe change over time. And I'm happy to hear BPS will work to look at the ROW and opportunities to increase canopy in the Central City.

N6 is a huge policy issue that I hope we can get more aggressive about. Trees need to be recognized as legitimate capital expenditures so we can have a better way to protect and manage trees over time.

Vice Chair Baugh asked about the low figure/range for South Waterfront in terms of canopy. I would have thought it would have been at a much higher percentage.

- This is one of the largest ranges, which is a result of the uncertainty of what the development on the larger parcels will be. This is more of a representation of uncertainty with the large spread, not necessarily about South Waterfront itself.
- *Commissioner Houck*: If you look at that place now, all the trees planted in front of the existing development are willows. They won't provide the large canopy we'd like to see citywide, so the functionality of this canopy will be much less than larger trees.

Commissioner Oxman is less concerned about the large range than the Pearl District being lower than this range. What can we do in the shorter run to correct this?

- South Waterfront has its own design that is unique to the area. It is starting relatively low. In terms of what we can do, commercial and industrial lands are exempt, but we could change this requirement earlier (which isn't in the plan right now).
- *Commissioner Houck*: I'm hopeful Title 11 (Trees) additional work will provide an opportunity to correct this as well.

Commissioners gave a nod of approval to move forward with items in decision table N.

Next Steps

Our next discussion will be on January 24 including some carry-over items and other green building items.

Adjourn

Vice Chair Baugh adjourned the meeting at 2:38 p.m.

Submitted by Julie Ocken