

## Portland Planning and Sustainability Commission

September 22, 2020

5:00 p.m.

Meeting Minutes

**PSC Commissioners Present:** Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana Magnera, Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak [2 open positions]

**Commissioners Absent:** Jeff Bachrach

**City Staff Presenting:** Andrea Durbin, Ryan Curren, Tom Armstrong; Patrick Sweeney (PBOT); Emily Sandy (BDS); Bruce Nelson (UFC)

### Documents and Presentations for today's meeting

*Chair Spevak* called the meeting to order at 5:00 p.m.

*Chair Spevak:* In keeping with the Oregon Public Meetings law, Statutory land use hearing requirements, and Title 33 of the Portland City Code, the Portland Planning and Sustainability Commission is holding this meeting virtually.

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

### **Director's Report**

Andrea Durbin presented several items

- On September 9 City Council unanimously passed two ordinances that ban the use of facial recognition technology in the City of Portland. These were developed by the Smart Cities team of BPS in partnership with the Office of Equity and Human Rights and community organizations. One ordinance bans the use of facial recognition technology by any City bureaus and the other bans the use of facial recognition technology by private entities in places of public accommodation. We are the first jurisdiction in the country to pass such an ordinance. The reason we took these actions is because the technology is known to be biased against people of color, women, and elders. The hope is that bans like this will help push the industry to improve the technology.
- PSC recruitment is underway. Julie is holding an info session for anyone interested in applying on September 25.

## **Consent Agenda**

- Consideration of Minutes from the September 8, 2020, PSC meeting.

*Commissioner Smith* moved to approve consent agenda. *Commissioner Houck* seconded.

(Y7 – Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The consent agenda passed unanimously.

## **Ross Island Bridgehead**

Briefing: Ryan Curren; Patrick Sweeney (PBOT)

### **Presentation**

Patrick Sweeney and Ryan Curren provided an update on the Naito Parkway Main Street Plan (BDS) and the Ross Island Bridgehead Project (PBOT). These are two related projects in the same geography.

The PBOT project is to reconfigure the Ross Island Bridge braid of ramps into a street network, which is part of the Central City transportation package in the Metro Regional Investment Measure that will be on the ballot in November. If the measure passes, PBOT will quickly begin working with the community to advance this concept into reality.

The BDS plan will include a package of zone changes, new street classifications, and development concepts for some publicly-owned opportunity sites in the area. The timeline will be alongside the PBOT plan until the spring of 2021 when the BDS project will come before the PSC. In the meantime, we are in the midst of a community engagement process to develop the concepts and identify community benefits that can be realized through these projects.

The plans are highly informed by the history of this area, from the indigenous peoples that first occupied this land to the multicultural immigrant neighborhood that later occupied this area by the 1940's, which was then largely displaced by the urban renewal projects of the 1950's and 60's.

We're working with the community and stakeholders to develop a plan that leads to equitable in development in the area. For decades, the neighborhood residents have seen a need for this type of project. It will reconfigure a remnant section of highway, construction of pedestrian and protected bike infrastructure, and lead to a significant reduction of regional traffic on local streets. The neighborhood will be physically reconnected by the transportation improvements and the BDS land use piece will look at the urban form and how new land uses will lead to a more healthy, connected, and inclusive community.

Patrick and Ryan walked the PSC through some of the details of the proposed changes to the street grid, traffic flow, and land uses. Some key sites include Naito Parkway at S Porter Street, which would see sites available for redevelopment facing Naito in a way that is hard to imagine today, and the newly signalized intersections along Naito.

The community engagement was paused earlier this year to look deeper at the equity implications. When we left off it was looking at community benefits and amenities such as a grocery store, a cultural

center, and a festival street. There is still need for a deeper equity analysis to know what would be best suited for these opportunity sites.

Next steps involve revisiting these concepts with the equity analysis in mind. A third online open house is scheduled for October 20 and there will be other briefings with the Design and Landmark Commissions.

The timing of the PBOT project hinges on whether the Regional Investment Measure passes. If it does, this will be a high priority project for PBOT and will start moving in 2021 with a goal of getting construction underway by 2024. If the measure fails the project will continue but other funding sources will need to be found, so the progress will be slower.

## **Discussion**

*Commissioner Smith:* What will happen with the frontage street by the National University of Natural Medicine (NUNM)? Will it be vacated?

*Patrick Sweeney:* It could remain, though the long term intent is to get development right up to Naito. If it were to be vacated and used for development, a new street would have to be built internal to the NUNM campus to allow for access and circulation within the NUNM campus. But right now, that road is critical to NUNM.

*Commissioner Magnera:* How can you use upzoning or land use regulations to leverage the goals for racial justice and public and community benefits?

*Ryan Curren:* That's a big question. It's not clear that we can legally use when upzoning for parcel-to-parcel benefits. In this case, since a lot of this land is publicly owned, it is easier to use upzoning as a tool.

*Commissioner Magnera:* Is there any right to return being proposed for displaced residents?

*Ryan Curren:* Currently the right to City's return policy applies exclusively to N/NE Portland. It's something to be discussed during the equity analysis and perhaps a policy change proposal could come out of that.

*Commissioner Spevak:* Which of the streets in the new concept would remain car-dominated and which would be friendly to peds/bikes? Will Naito continue to be six lanes of traffic?

*Patrick Sweeney:* PBOT would look to extend the Better Naito project from the waterfront up to Barbur with a two-way protected bike lane, making Naito the primary bike corridor from downtown to Barbur, with potential to reduce vehicle lanes on Naito. There will also be improvements to some local street connections. Ross Island Bridge will not be improved for bike use.

*Commissioner Bortolazzo:* It looks like a smooth and straightforward design with a lot of the traffic changes relying on at-grade, signalized intersections. Why wasn't this proposed before – is it because of traffic flows? How would these new facilities perform?

*Patrick Sweeney:* A traffic analysis was conducted during the EIS and it appears to work based on that analysis, though there are still some details to work out with ODOT.

*Commissioner Routh:* Has there been any discussion about what the community opportunities would be for the proposed community center? Also, is there an opportunity for this project to overlap with the South Portland Historic District Guideline updates?

*Ryan Curren:* At this point it's pretty vague with lots of ideas but no real consensus, including ideas for indoor gathering space and some cultural-specific space. Who would own and operate such a facility remains an open question. As to the South Portland Historic District, there is a lot of overlap with the community members involved in the Historic District and this project so there will be some cross-pollination. There is definitely an expectation that the history of the area will shape this concept.

*Commissioner Magnera:* In the community engagement efforts, has there been efforts to work with the unhoused community?

*Ryan Curren:* No, not up to this point.

*Commissioner Magnera:* Are there any resources on the table to support the neighborhood and community members giving their time for this project?

*Patrick Sweeney:* The community engagement has slowed due to COVID, though there is interest in the community for there to be some sort of community advisory body to advise project development. As to compensation for volunteer time, this is not something we're doing now, but we can look into as the project moves forward.

*Commissioner Schultz:* I applaud these efforts, but I think it's best for me to keep quiet since we are working with clients in that area currently.

## **Tree Code Project**

Hearing: Tom Armstrong, Emily Sandy, Joe Zehnder

Emily Sandy started off with a quick summary and recap of what has occurred since this project was last brought before the PSC. This project proposes changes to Title 11, the Tree Code and requires recommendations from the PSC and the Urban Forestry Commission (UFC). As proposed by staff, the proposal recommends removal of the exemption from tree preservation and tree density regulations in the IG1, EX, and CX Zones but would retain the exemptions in the IH Zone. It would also reduce the threshold for the preservation or fee-in-lieu requirements of private trees from 36-inches to 20-inches. Staff was directed to re-examine the exemption in the IH zone. An initial analysis showed that, if the exemption were extended to the IH zone without mitigating strategies, it would result in a shortage of industrial lands. Instead, staff recommends that the IH zone exemption be evaluated as part of the five-year update to the Economic Opportunities Analysis (EOA), which would provide a forum to look at mitigating strategies to offset the development constraints caused by tree preservation regulations in the IH zone.

A joint PSC and Urban Forestry Commission (UFC) hearing was held on September 8, but because there was no quorum for the UFC, that portion of the hearing was continued until the next UFC meeting on September 17. At that time the UFC recommended the staff proposal as drafted with the exception of recommendation of an amendment that removed the exemption from the IH Zone.

Commissioner Spevak gave an update that there was a meeting between three PSC members and two UFC members where they discussed and drafted some potential amendment language.

## **Discussion**

*Commissioner Houck:* My understanding is that there are a number of industrial sites that are being looked at for other uses, such as for a possible baseball stadium at Terminal 2 and a Port of Portland drone facility at Terminal 4. How is the City going to deal with these if there's a shortage of land?

*Tom Armstrong:* Any trade-offs for converting industrial lands would be looked at in the scenarios portion of the EOA, but until that update happens, those projects would face the same Goal 9 questions as the Tree Code updates. All of those proposals are pretty uncertain at this time anyhow.

*Commissioner Houck:* What is the timeline for Metro to do their next analysis to allocate jobs to each jurisdiction in the region? This is an issue that should be addressed on a regional basis, not jurisdiction-by-jurisdiction. And given that we are essentially out of land is there a possibility to revisit Portland's regional "fair-share"?

*Tom Armstrong:* In 2018, Metro adopted a new regional growth forecast out to 2040 and is in the final stages of the allocation process to individual jurisdictions. That allocation is about jobs, not land, and they aren't required to review it against Goal 9 as part of that process. Instead, Goal 9 requires the City to take that allocation and create a vision and look at policy tradeoffs to meet that goal, which is what gets worked out as part of the EOA updated.

*Commissioner Magnera:* I wanted to start off by apologizing about some of my wording at the last hearing on this project that may not have made clear my respect for living-wage industrial jobs. Often, we end up with false choices such as industrial-wage jobs vs. livable neighborhoods or environmental benefits. I worry this pits jobs vs. climate in an unproductive way and creates false dilemmas. Since there are no state planning goals that address climate change or for equity, those issues don't get the same weight as jobs do under Goal 9. In my experience working with the Cully community, people want all of these things and we should be able to pass policies that address that.

I worry that we're kicking the can down the road in terms of helping the community in the future when we have the opportunity to act now. If we wait we risk that never happening. I bring this up to show what I'm grappling with here and hope for more robust discussion to guide us about this.

*Commissioner Spevak:* I have a strong belief that we should be applying tree protection on the IH zone and support removing the exemption. I have similar concerns about kicking the can down the road and about pitting jobs against climate change. My concern is that if the City gets sued over the IH exemption and loses then everything else falls out with it. It seems the discussion we need to have is whether we should wait for the EOA, which is a year and a half out. The EOA will come before the PSC so we'd have an opportunity to weigh in. There's also a third way, which is to direct staff to try and find some middle ground level of protection in the IH zone that is still legally defensible. The downside to that is that it could be weak sauce protection and all we ever get. My last thought on the EOA is that it's not just tree protection, but also wetlands and environmental zones and other things that are hung up because of that Goal 9 issue.

*Commissioner Magnera:* Would it be possible (and legally defensible) to create an exemption for the IH zones that is linked to proximity to BIPOC communities? Can we create bounds on the IH exemption that offers immediate protections to BIPOC communities while also allowing us to wait on the EOA for the rest of the IH zone?

*Emily Sandy:* Applying the regulations to certain geographies is a potential outcome, but it would require further analysis to determine if and how we could move forward with that while still complying with Goal 9. It seems like that would be more of a possibility to have that discussion about geographic applicability with the EOA.

*Commissioner Larsell:* I want to reiterate my concern from our last session that industrial land jobs are living wage jobs and they're in danger. I hear Commissioner Magnera's concern that we don't know what future living wage jobs will be, but if there isn't any place for those jobs to locate in the future then they won't be. It seems to me that we are pitting climate change and jobs against each other, which makes me very interested in the EOA so we are better able to weigh these. I stick with my position that this will need to be addressed through the EOA.

*Commissioner Smith:* I, too, am frustrated with this and it does seem that the state land use goals pit jobs against the environment. I ran a few alternative ideas by staff and they City Attorney's Office that were all shot down for legal reasons, so I've landed on waiting for the EOA as the best way to move forward for now. I want to put a stake in the ground that we will need to have very high expectations of the EOA.

*Commissioner Spevak:* Question for staff: does the EOA need to come through the PSC for a recommendation to the City Council.

*Tom Armstrong:* Yes, it does.

*Commissioner Houck:* Frustration is too weak a word for what we are experiencing Goal 5 which, mandates that natural resources be weighed against other goals, including jobs and economic development and then, in addition to that constraint Goal 9 elevates economic development over environmental concerns. The UFC took a strong stance on IH. Is it possible for Bruce Nelson talk more about what the UFC discussed at their hearing?

*Bruce Nelson (UFC):* Our recommendation (to remove the exemption for tree preservation and density in the IH zone) was more of an ethical recommendation than a legal one. We recognize that, legally, staff needs to make this recommendation and Council will likely keep the IH exemption because of Goal 9, but we wanted to take a stand. We didn't consider whether the recommendation could jeopardize the entire proposal, and perhaps that was a bit naive.

*Commissioner Routh:* I echo the frustration with pitting jobs and climate change. I think it's important that we strongly word a timeline for the EOA so we can start having different conversations.

*Director Durbin:* I want to acknowledge the Commissioner's frustration. The EOA process is underway and it seems the prudent way of moving forward and we are working towards a more integrated approach that doesn't pit the environment against jobs. And I'm really pleased that there is a coalition of community organizations that want to engage with the EOA process.

*Commissioner Magnera:* That is my question – what will community engagement look like for the EOA? What organizations will be involved? Will the CIC be involved? I think before I'm willing to agree to wait for the EOA I want to make sure that the EOA is going to be done right. What elements of a "just transition" to bridge the gap towards new, greener jobs will be a part of the EOA?

*Director Durbin:* There is a new coalition formed that want to engage in the EOA including a number of climate justice and environmental justice, superfund cleanup, conservation, and fossil fuel organizations. All of these organizations want to see a transition to a greener economy. We will be working regularly with that coalition and we are currently mapping that out. We can keep you posted. As for the CIC, they have limited capacity and we'll have to check and see if it is on the list of projects for the CIC to review.

*Joe Zehnder:* The EOA is just one piece of the puzzle but it's something that needs to be done. The EOA is only one tool among many we have in moving towards a greener economy and the role of land use in economic development is relatively small. There are other economic development strategies beyond the land use component, such as workforce development, that will do more towards ensuring that transition to a greener economy, but we need the forecasts in the EOA to be complete to develop those strategies.

*Commissioner Schultz:* How do we have a conversation with the community members that are laborers? Is it the unions? Are there other avenues that go beyond the unions and to actually talk to the laborers themselves?

*Director Durbin:* I agree and as I mentioned, we're working on the community engagement strategy and we'll get back to you. We're working to engage both the unions and the companies that laborers work for.

*Commissioner Houck:* It's not just trees in the industrial zones that need to be addressed in the EOA – there are floodplains, environmental zone update, Columbia corridor and Columbia Slough, and wetlands, too. Can you remind us what other natural resource projects will be on the city's agenda in the near future?

*Joe Zehnder:* Well, just in the Columbia Corridor there's the E-Zones Project, which is mostly looking at the Columbia Slough and other waterways. We need the EOA to complete that project, too. There are new locally delineated wetlands that BES is working on around the Slough, too. We're trying to move ahead with the analysis so we can move ahead with the documentation for defensible policy directives.

*Commissioner Houck:* Beyond the projects already mentioned, I could imagine the CIC and the Braided Rivers Coalition could bring up other conservation issues such as climate mitigation and adaptation that would recommend non-land use projects as well.

*Joe Zehnder:* Absolutely there are other issues that will come up. The thing we're needing right now is to complete the analyses so that we have documentation and can defend the benefits that we know will be the outcome of protecting these resources. The intent is to move ahead with the natural resources and economic issues.

*Commissioner Smith:* Is there a way to amend the existing EOA to show the existing conditions on the ground (that the Marine Forecast is lower than expected) and possibly save some trees in the process?

*Joe Zehnder:* I'll let Tom take the Marine Forecast question. But there were a lot of assumptions made in the last EOA that need to be updated and recalibrate the whole package.

*Tom Armstrong:* This sort of interim solution would take the same amount of staff resources as the EOA update work we need to do, which is not possible to do and to meet the City Council deadline to deliver this project by the end of the year. There will be more opportunity to look into this sort of thing in the spring with the EOA.

*Commissioner Houck:* I think it's an important point to take into consideration that the amount of industrial development is lower than expected as evidenced by the fact that we have proposals for baseball stadiums and drone facilities on underutilized lands.

*Commissioner Spevak:* I've heard frustration from staff and commissioners with some of the policies at the state level. Would it be appropriate for the PSC to write a letter to DLCDC expressing some of these frustrations? Is there a role for the PSC with advocacy at the state?

*Tom Armstrong:* LCDC is currently starting a rulemaking advisory committee to look at climate and equitable development that may actually result in some changes to the rules or the goals. We should keep our eye on that process to see where the PSC can plug in and help to shape the outcome of that project.

*Commissioner Magnera:* There's a good chance that I'll be in the loop with that project. Verde is involved in that process and so I may be able to provide more info on that.

*Commissioner Houck:* I want to make clear that I fully support the land use planning program, I just want to point out there are often gaps that pop up that lead to less natural resource protection.

*Commissioner Spevak:* There is one potential amendment that I will read. It was drafted in collaboration with a couple members of the UFC. It's unusual in that it is a directive to City Council.

*"City Council should direct, via ordinance, BPS to evaluate the Title 11 tree preservation and density exemptions for the Heavy Industrial (IH) zone as part of the Economic Opportunity Analysis update, consistent with City goals including those related to tree canopy, climate change, and urban heat islands. The Economic Opportunities Analysis should also consider equitable public health and environmental outcomes for BIPOC communities living adjacent to or employed within the IH zone."*

*Commissioner Houck* moved to adopt the amendment. *Commissioner Smith* seconded.

(Y8 – Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The amendment was adopted unanimously.

*Commissioner Smith* moved to forward the staff recommendation, as amended, to City Council. *Commissioner Schultz* seconded.

(Y8 – Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)



The recommendation to forward to City Council passed unanimously.

*Chair Spevak:* I'll open it up now to hear anything that we want to include in our transmittal letter to Council. And also to see if anyone is interested in being involved in the EOA process.

*Commissioner Larsell:* I want to reiterate my interested in being involved with the EOA.

*Commissioner Smith:* I want to suggest that we have firm and expansive language about what we expect from the EOA beyond just the tree issue.

*Commissioner Magnera:* I would also like to volunteer to engage with the EOA process. As to the letter, I'd like to make sure we highlight the tensions we were grappling with, which speaks to why the EOA needs to be effective and expansive.

*Commissioner Routh:* Yes to what's been said about the letter and I would also be interested in being involved with the EOA.

*Commissioner Houck:* I'm also up to being involved in the EOA process

*Commissioner Spevak:* I think that wraps it up. I want to thank the Commission and staff for their work in this project and also to Bruce Nelson from the UFC for coming.

*Director Durbin:* Did you want to have any further conversation about what to put into the letter?

*Chair Spevak:* I heard that we need to include something addressing the concerns about the EOA and also capturing the frustration that the Commission grappled with. I also think we should add something about our support for lowering the tree diameter threshold to 20 inches.

*Chair Spevak:* Coming up is the Historic Resource Code Project and the Shelter to Housing Continuum project.

*Chair Spevak* adjourned the meeting at 6:44 p.m.

Submitted by JP McNeil