

## Portland Planning and Sustainability Commission

December 8, 2020

12:30 p.m.

Meeting Minutes

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

**City Staff Presenting:** Andrea Durbin, Sandra Wood, Brandon Spencer-Hartle, Eric Engstrom, Al Burns, Shannon Buono; Jessi Conner (PHB); April Rohman (Multnomah County)

### Documents and Presentations for today's meeting

*Chair Spevak* called the meeting to order at 12:32 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

- Recruitment closed November 20. We had 55 candidates and are doing first rounds of interviews this month. We hope to have the Mayor meet with finalists in early/mid-January and a new member on board late January.
- Please stay in communication when reaching out to City Council members. BPS staff can help coordinate those check-ins.

### **Consent Agenda**

- Consideration of Minutes from the November 26, 2020, PSC meeting.

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

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

The consent agenda passed unanimously.

## **Ezone Map Correction Project**

While it was originally slated for this December 8, 2020 meeting, we are continuing the Ezone Map Correction Project hearing to February 23, 2021 at 5 p.m. More details will follow, and oral testimony will be taken on February 23.

## **Shelter to Housing Continuum Project (S2HC)**

Briefing: Eric Engstrom, Al Burns; Jessi Conner (PHB); April Rohman (Multnomah County)

*Chair Spevak* noted we are looking at updating the PSC Bylaws about a few items, and this is an example of one of the topics we will more clearly define. Staff will be working on a new draft of the bylaws to share with PSC at an upcoming Commission retreat, which we expect to happen in early 2021.

*Chair Spevak* proposed to suspend the rules of order as noted in the PSC bylaws that the Chair presides over the meetings where they are present. He proposed that *Vice Chair Routh* presides over the S2HC project in its entirety (hearing, work sessions, vote on proposal).

*Commissioner Smith* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

### Disclosures

- *Chair Spevak*: I own 2 tiny homes. One is in Corbett, the other is housing a couple in SE Portland. Previously, these homes were part of The Caravan Tiny House Hotel.

Eric reminded the PSC of the purpose of the project. We are amending several City codes. There are 4 areas of changes:

- Facilitate temp and perm siting of facilities.
- New type of shelter type (community service use).
- Provide more opportunities for group living in different zones.
- Limited residential for tiny houses on wheels and RVs.

Al framed the project. It's a little unusual coming to PSC because changes are to more than just Title 33. We looked through all City Code and will be updating others, which can be done through the transmittal to

Transition to housing is the goal. It is the work with our partner agencies and community non-profits.

Jessi Conner (PHB): S2HC project is a great way to support regulated affordable housing types including SROs. PHB is happy to participate in proposal development and advisory group. BPS staff has been receptive to our feedback and compromising. Collaboration and looking at regulatory and programmatic needs has been helpful. Great praise for the BDS staff on the technical work.

April Rohman (Joint Office / Multnomah County): Publicly-funded shelter beds have doubled since 2015. They are more housing-focused with housing services. The spaces are intentional and from the communities. They are a success with wrap-around services and connections to the community. Housing is a connection to the community, and we'll be able to preserve these efforts with this project's updates.

PSC Commissioners introduced themselves.

### Written Testimony

#### **Oral Testimony**

1. Isha Leinow: Thank you. Easing restrictions around tiny homes – I’ve lived in them over the past 5 years including the one I live in. I founded tiny home communities. Mobile dwellings have many benefits. Let more than one tiny house or RV per property. Don’t require RVs be built to a standard width. RVs should not be classified as ADUs. Don’t require RV hook-ups – they are often unnecessary.
2. Leon Porter: Support the proposed draft particularly the improvements made based on feedback. Support Isha’s comments. Please allow group living by right in all residential structures in single-family neighborhoods. Increase number of beds or accommodations allowed per shelter. Portland Neighbors Welcome will submit further written testimony. The extreme homelessness crisis needs to be addressed with more shelter allowed.
3. CJ Alicandro: Social worker. No proposed changes but second what previous testifiers have said. For people who have severe mental illness, housing is the number one solution I propose. See [redhouseonmississippi.com](http://redhouseonmississippi.com). The people I work with live on the streets. Appreciate the comment that this is a stepping point, not a solution. The code changes can help reduce petty crimes, deaths from mental health issues, hypothermia, etc. Thank you for the work you’re doing.
4. Sean Green, Chair NECN: Advocating for unhoused neighbors. Timeline for the project is being driving by the expiration of the housing state of emergency, and it feels rushed. Support the general areas of change proposed, but we need more time to get this right. Outdoor shelter provisions are limiting – to only certain places in the city, and to what we can do.
5. Tony Diethelm: Built, lived in tiny houses. Started tiny house community in Cully. Requiring RV hook-ups is cost-prohibitive. I think we’ve done this right, and we’d welcome people to do a tour.
6. Barbra Weber: Eastside Together board. I live in a tiny home in Hazelnut Grove. We need to help are more tiny home villages. Affordable housing doesn’t fit everyone, and I think it’s a mistake to make all villages transitional; we need a variety of options for housing since everyone comes with a different set of circumstances.
7. Doug Klotz: This is a much needed set of changes. I support these changes. Support tiny house changes submitted by Kol Petersen. Allow group living by right in all residential structures. I support Portland Neighbors Welcome testimony that will be submitted in writing.
8. Tim McCormick: Lead organizer for PDX Shelter Form and Shelter PDX Coalition. I’ve lived many years in self-built mobile or other situations. So I’ve looked at how city rules help and harm that opportunity. It is unclear to me if I’ll be able to stay living in Portland without these updates and more living options. We should be asking if we are doing all we can do to rise to the housing crisis. The proposal takes us forward but is still limiting. We should ask how we can use all city resources to bring to the problem. Consider outdoor spaces and public right-of-way through a

license system.

9. Kol Peterson: Own Tiny House Hotel. I am happy this issue is now being taken up officially by the City as a viable housing strategy. 3 technical changes. *See written testimony / slides.*

*Commissioner Bachrach: Why doesn't it work that a mobile unit is classified as an ADU?*

Kol: It is vastly less expensive to build a mobile unit – maybe 8x cheaper. We should be supporting more housing options.

10. Russell Hoeflich: Livability, sustainability, affordability is my profession. Praise for the plan, but also some concern. I urge you to protect the needs of homeless and don't put them at risk by putting them in floodplain zones around the city. *See written testimony.*

11. Joe Wykowski: Work around housing and helping with supports and staffing, employment, accessibility and universal design. Advocating for small tiny homes for people with disabilities. Over 4000 families in the metro area with kids living with them as care-givers, but many are at retirement age. So we are trying to move these people into housing, and the tiny home is a great solution – an anchor, affordable, and neighbor contact.

12. Daniel Newberry, ED of Johnson Creek Watershed Council: Make sure it's easy for people to access alternative housing. During declared housing emergencies, certain codes or fees should be waived. Please think about reducing fees and red tape. In the current plan (thank you to BPS staff), I assume Open Space zoning won't be an allowed location... is that correct? As an example, every year we have volunteers who take 5-6 tons of garbage out of Johnson Creek... in one day. I want to highlight the environmental crisis that is developing as part of the housing crisis – so camping along creeks and in natural areas aren't great options.

*Commissioner Houck* noted the images he shared and the huge environmental impacts.

We will continue the hearing to the December 15, 2020 PSC meeting at 5 p.m. The written record will be open until 5 p.m. on Monday, December 21, 2020 via the MapApp.

## **Historic Resources Code Update (HRCU)**

Work Session: Sandra Wood, Brandon Spencer-Hartle, Shannon Buono

### Presentation

Sandra introduced the project and Kristin Minor, the Historic Landmarks Commission (HLC) Chair. Today's meeting is the beginning and first work session to make sure we're on the same page.

Today's agenda:

- Exciting preservation news
- Approach to HRCU work sessions
- Overview of PSC-HLC "3x3"
- Historic resource types refresher

- Discussion of Proposal Theme 1
- Discussion of Proposal Theme 2

Brandon shared the exciting news that DarcelleXV was just confirmed and listed to the National Register Listing. It is just the 21<sup>st</sup> of 93,000 to be recognized for the LGBTQ community. Inclusive and social justice work is highlighted, and we are thinking about resources that aren't just buildings – living histories and other places that we might nominate.

Sandra provided the overview (slide 4) of the work sessions and project timeline. We know there is lots of terminology and things to learn. Kristin will be participating in our work sessions as a resource in an advisory capacity to the PSC.

### Disclosures

1. Kristin Minor, HLC Chair: I own a house and living in Irvington Historic District. As part of my job, I've written a number of historic designations in Portland including Darcelle XV, Memorial Coliseum, etc.

Sandra provided an overview of the 3x3 for this project (slide 5 and the memo). They will not be making decisions, but they will workshop ideas to bring back to the PSC.

We will follow the proposal themes. When there is an issue that warrants discussion, Brandon will take a temperature, see what the PSC is interested, and then the 3x3 will discuss further to bring back to the full Commission.

Brandon reminded the Commission of the themes of the proposal's themes (slide 6). Today we are focusing on 1 (identification) and 2 (designation).

Brandon talked about the hierarchy, designation process, and changes from 2017 (slides 9-12).

*Commissioner Magnera:* Can you remind us about what kinds of resources that have been part of POC, Black, LGBTQ in the history of Portland?

- Brandon: Everything is not representative of Portland today. Our historic resources are not at all equitably distributed, and many groups are not at all listed. A better more inclusive process and having the designations be more equitable are things we're looking for going forward.

### THEME 1: IDENTIFICATION

#### **1.a. Re-define the Historic Resource Inventory as an umbrella term.**

- PSC supports staff's direction.

#### **1.b. Establish a clear hierarchy of the historic resource types included in the inventory.**

^ Interest in pulling National register listed resources into categories of city designation, rather than their own category. (Bortolazzo)

*Commissioner Bortolazzo:* This was in response to the HLC testimony, which I found compelling. I like having the hierarchy, but I like the idea of putting national register landmarks district into the City-designated category – likely in the historic district or landmark level. In my mind, the way it's structured

right now with the lowest level of protection, we may lose some. Also, HLC recommendation to show the type of change that would be allowed (not just level of protection) would be helpful.

- Kristen Minor: HLC believes that national register properties shouldn't be in our own City hierarchy chart. It locks us in to treating properties differently that were nominated before then after 2017, which is rather arbitrary; there are more important resources nominated after 2017 than before. The chart is hard to understand. We'd like to see the chart reflect the City's goals for management of these districts as well to understand the chart better. A resource should be able to move up or down the chart, but national register as its own category is out of our control, so it doesn't fit since we can't control it. We also need to offer the different levels to be more equitable – but I'd also like to see inserting a lowest level that is easier for folks who haven't had that much access to preservation as a foot in the door.

*Commissioner Bachrach:* What happens to national register districts under this proposal?

- Kristen: We have the power as a City to say anything on the national register should trigger a level of protection hearing or slot. We can decide at what level it should be designated.

*Chair Spevak:* I think we have gotten into an inequitable place in protections. So I kind of like how the State has framed it for us. If the question is nomenclature, then I'm totally open to a different way of presenting it.

*Commissioner Schultz:* There is some commonality, so I think it's just aligning it. Building then local communities above that... so that's how I see it, with national registry as the floor. Then all the layers on top of it build on community importance. I agree there need to be triggers and a process to see if it gets elevated or not.

*Commissioner Magnera:* In terms of how historic district status (51% of a neighborhood) gets designated has lots of privileges associated with it. The building code analogy works for me. what would it look like to have a trigger associated with different histories for marginalized communities? An expedited process?

*Commissioner Schultz:* The 3x3 could talk about the 2017 date. I think it's a placeholder until we get through some clean-up work.

*Chair Spevak:* We should take ownership at a City level for protections.

*Commissioner Routh:* We have seen owner consent law is part of this.

*Commissioner Magnera:* The 2017 mark becomes more significant thinking about the context of an equity lens and privilege. We want to be conscious and have mechanisms to make it easier for BIPOC and LGBTQ communities to start to apply more of an equity lens to the work.

Kristen: There is another aspect of the hierarchy chart, which is the idea of another level aside from historic and conservation – something less driven by traditional national register standards.

*Commissioner Schultz:* What are we trying to accomplish with another level?

- Kristen: Part is to define our goals for each level. We should be defining how much we want them to change based on their real purpose; there isn't lots of difference right now. Are there

places we can bolster identity and social continuity without necessarily pushing a national register-based level? The idea of a cultural district should be captured at any level we have.

*Commissioner Bachrach:* Hierarchy as depicted in the diagram. Keep national level designation as-is. If you look at actual language, there is little difference between historic or conservation. I'm not sure what we do about this.

*Commissioner Schultz:* I understand we have national historic; conservation (2-track system) which parallels what we have in code; then design or historic landmarks review.

- Brandon: Conservation concept was developed in 1977, protected as less than historic districts. There are telescoping levels to go up the ladder. The intent is if you're a reviewer, you can know what bucket it falls into.

*Commissioner Magnera:* What is value/goals of a new designation? It's useful if it creates safety or stability for a specific community.

PSC generally supports staff's recommendation about handling national register listings and the hierarchy.

#### **1.c. Remove Zoning Code provisions pertaining to Unranked Resources.**

- PSC supports staff's direction.

### THEME 2: DESIGNATION

#### **2.a. Establish a new procedure for identifying historic resources eligible for designation.**

^ Description of Significant Resources. Add the following language to 33.445.040.G, or something similar: The determination or listing of a Significant Resource is not a land-use determination. A Significant Resource cannot be upgraded to another type of Historic Resource or subject to additional regulations after the effective date of this ordinance without the consent of the owner. (Bachrach)

*Commissioner Bachrach:* This is what the code provides for. I just thought it is important to say it clearly. I want the new label to be explained to people who are receiving it / notice about it.

- Brandon: It is a change in name. Determination is about eligibility. As an owner, you can participate in the process, but you couldn't refuse significant resource designation – but you could if it's proposed as a historic designation.
- Shannon: I agree with Jeff's wording. It's more that we don't explain that detail (Goal 5 rules) for the other designations, so it begs the question if we do this in the code or just in the commentary.

*Chair Spevak:* Could this description/definition be included on the City website or other information about the historic resources we have?

Sandra: If we do an inventory for other parts of the city, we wouldn't point people to the Zoning Code. Shannon, Brandon, and I can work with *Commissioner Bachrach* on the best way to share this information with the public.

## **2.b. Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.**

^ Amend Owner Consent provision for Contributing Structures. Amend 33.868.040.C.3 to provide for the owner of a Contributing Resource in any type of District who objected when the District was created or amended. (Bachrach)

*Commissioner Bachrach:* This was a throw-out there one. I was trying to understand owner consent on removing a contributing structure. This says you can change historic or conservation district if owner consent of 51% “at the time of the designation” objected. But then it wouldn’t be a district. I don’t understand how the 51% works, and I thought it should apply to an individual.

- Brandon: Our local code doesn’t have the ability to supersede the national register listing (which can include contributing structures). Oregon 1995 adopted owner consent law, but with no specificity about districts. Portland has not a new conservation or historic district since 1995. When the new 2017 rule was adopted, an affirmative 50% plus one was required for a new historic district at the local level. If 51% plus 1 support the district and Council designates, then anyone in the district is subject to the designation and the inventory. Over time the contributing structures could change with a strong case, but not on the whim of an owner by itself.

*Commissioner Bachrach* is fine with removing this proposed amendment/change.

^ Concerned that the staff report does not specifically call out the use of district designation as a vehicle for making the construction of needed housing more expensive and difficult. What should district designation be reserved for? How should that balance be struck at the district level between history and contemporary needs? How can we raise the bar on district designation to avoid seeing our desire to honor history being coopted by parochial perspectives on just what that history actually is? (Bortolazzo)

*Commissioner Bortolazzo:* This is about being clear what we’re trying to achieve when we’re protecting and if we’re precluding access.

Balancing Goal 5 with many other goals in our community.

Kristen: This is an ideal topic for the 3x3 because HLC has been so committed to find ways to flip the narrative from historic district/designation being about white, wealthy groups to instead advocate for a different reading. We know all districts have to change at every level. It’s the amount and how change happens that we need to decide together.

*Commissioner Magnera:* I appreciate this. Could it go farther and talk more broadly about benefits and burdens? I don’t think this necessarily goes to the 3x3 if we all want to move in this direction about what is explicit and weighted.

*Chair Spevak:* We will want to have the full PSC talk about this, regardless of if it’s a conversation with the 3x3.

*Commissioner Bachrach:* I would focus on concern on large, residential districts. To get at that would be to lower some of the regulations – e.g. to make sure RIP will work there and the historic designation isn’t an impediment to more infill.



*Commissioner Schultz:* I don't know if it's a compromise among the 3x3 members, but a cohesive and rich response from both commissions is appropriate.

Kristen: I would encourage us to look at approval criteria for designation and identify equity goals, climate goals, density goals, etc. We can bring this to our City designation, even though the national register won't take these into account.

Brandon: Since 1996, Portland's experience with designation has by and large been through the national register because it is familiar, there are incentives, and it's relatively efficient. What's absent is the regulatory consequences of listing.

*Commissioner Routh:* In the testimony, we heard a sense that historic preservation is synonymous with neighborhoods with "specialness".

*Commissioner Schultz:* We are talking about weighing lots of regulatory consequences about districts. The body that needs to be recommending to Council. All the goals that are important to us here in this discussion are in the Comp Plan.

*Commissioner Magnera:* Yes, it should be looking at what we already have in place. The climate issue gets at what Ben was getting about historic versus current issues.

Brandon: If a designation were just honorific, it would have meaning. But we're talking about zoning, so we can weave competing interests together in this. So this is an opportunity to evaluate zoning, design, overlapping programs.

*Chair Spevak:* The 3x3 will think about this and bring back for a full Commission discussion.

^ Statement about "overrepresentation" being a reason for removal of landmarks & districts. It should be an additive approach, focusing on adding resources that are under-represented. (Bortolazzo)

Brandon: This is a similar issue to the above discussion.

*Commissioner Bortolazzo:* This is another case where HLC comments made lots of sense. I see the logic – rather than removing resources that had already gone through a process, we should be adding resources that have been underrepresented moving forward. This acknowledged the work that's been done in the past and new priorities going forward.

*Commissioner Houck:* I completely agree with the additive approach.

*Commissioner Schultz:* The ability to use the tiers and have the conversation at a larger community level is also important. This is just to talk about how the discussions should happen in the future.

*Chair Spevak:* I'd like to focus on the additive piece, but if staff time is too absorbed, they might not be able to work with other areas of the city. It is worth thinking through what Citywide resources go into the work.

*Commissioner Houck:* The City has tackled the natural resources aspects piece by piece. I agree it should be additive, and I would have preferred we look at the city as a whole – but I know there are. Prioritize underrepresented geographic areas but don't remove historic sites.

^ Empower HLC to approve the creation of small historic or conservation districts (up to \_\_\_ acres or \_\_\_ tax lots?), independent of the PSC. (Spevak)

*Chair Spevak:* An idea is that when you create a landmark, you've pulled some land out of inventory. So that's a balancing of goals, and I think the PSC is the correct place to look at this. There might be room that in the purview, HLC could take on some of the smaller districts that wouldn't have to go through PSC.

*Commissioner Schultz:* I'm generally supportive of the concept. But what about the overlay of other criteria when thinking about districts. There is no doubt HLC plays a critical role in helping the PSC understand the value of a district or not. But there are other issues/expertise that the PSC brings.

*Kristen:* I appreciate the suggestion and the expertise both commissions bring. I do have some concerns because it starts to create districts based on a specific boundary. HLC is the right body when it's about integrity and significance and rarity. I also agree that if we're going to add in more Comp Plan-based criteria, then there is absolutely for the two commissions to work together.

*Commissioner Magnera:* Thinking about the interaction between the two bodies, instead of focusing on district size, if there was a list of criteria with an equity lens could be used, then HLC code designate and PSC could weigh in on the code side.

*Chair Spevak:* Consider this as a conversation starter for the 3x3.

^ Composition of HLC and relative roles of PSC and HLC. I think the code proposal generally gets this right, but it's probably worth gaming out how processes for district designation/amendment/de-designation would flow. i.e., who initiates (property owners/staff/HLC/PSC) and what sequence of evaluation/recommendation would occur for each type of action? (Smith)

This is in effect what we've been talking about in the above conversation.

*Commissioner Smith:* For designation, HLC then on to PSC if it's a positive recommendation. If we have proposals for de-designation of a district, how would that flow? I think PSC stays the recommending body, but we'd want to be strongly informed by the HLC's evaluation. Do we need specific language about the flow/order of review? Let's tack on this as a specific use case for the 3x3.

*Commissioner Magnera* shared a scoring idea for HLC/PSC input.

^ Approval criteria for Historic Designation Removal Review are too broad. (Bortolazzo)

*Commissioner Bortolazzo:* It might be a bit down in the weeds, but it feels like you only need to meet one of the approval criteria, but you used to have to meet all... and they are all fairly broadly written.

*Chair Spevak:* I think the first is impossible to meet. If there is a property on the national register still in place, then you haven't met number 1.

Brandon: This is one where we've tried to work within the constraints of state Goal 5 rule and national hierarchy.

Kristen: This approval criteria is concerning for HLC. I really struggle with things that are this open-ended because it's difficult to make decisions.

*Commissioner Bachrach*: I share the concerns with the whole section. Can this go through the 3x3 so staff can walk us through the criteria, what we're looking at for review, etc.

This topic will go to the 3x3 for discussion and vetting.

^ Section 33.846.040. C. 1. For federally designated landmarks and districts (and probably others too), I think it would be impossible to meet this standard (note that for D.1, National Designation clears this hurdle, and for D.2., most would continue to be met), making the ability to remove or reduce designations unlikely to ever happen. (Spevak)

The 3x3 meeting will be on December 17.

This discussion will be continued at the January 12 PSC meeting.

## **Adjourn**

*Chair Spevak* adjourned the meeting at 4:03 p.m.

Submitted by Julie Ocken