

Portland Planning and Sustainability Commission

January 12, 2021

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 [1 open position]

Jessica Gittemeier, Youth Commissioner, is introduced but will not sit on the dais for this session.

City Staff Presenting: Andrea Durbin, Eric Engstrom, Al Burns, Sandra Wood, Brandon Spencer-Hartle; Marie Walkiewicz (BES); Matt Wickstrom, Terry Whitefield (BDS); Mark Joslin (JOHS); Zach Kearn (Mayor's office)

Documents and Presentations for today's meeting

Chair Spevak called the meeting to order at 12:31 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.

Items of Interest from Commissioners

Chair Spevak welcomed Jessie Gittemeier and offered a mentor for her as a new commissioner, which is a practice we hope to instill going forward. We have 4 more new PSC members coming in the next 6 months. *Commissioners Smith, Magnera, Houck, Spevak, and Schultz* offered to be mentors, and we'll work on matching people up.

Director's Report

Andrea Durbin

- Happy New Year. And a challenging start to the year. We are reaffirming the importance of our work all the time.
- Introduced Jessie Gittemeier, our new Youth Commissioner. Today Jessie is listening and observing the PSC meeting. Jessie introduced herself and her excitement for joining the PSC.
- New Commissioner in Charge – BPS is now reporting to City Commissioner Rubio. We are excited to work with her and her team. We're working on an onboarding plan to introduce her

to the work BPS does and will look for a time for her to meet with PSC officers in the upcoming months.

Vote for 2021 PSC Officers

Decision: PSC Members

Chair Spevak: There is a slate we've discussed as we vote on PSC officers at the beginning of each calendar year.

Commission Bachrach moved the 2021 PSC Officer slate: Eli Spevak for Chair, and Ben Bortolazzo and Steph Routh as Vice Chairs. *Commissioner Smith* seconded.

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

Chair Spevak appreciated *Vice Chair Bortolazzo* especially for stepping up into this role for 2021.

Shelter to Housing Continuum Project (S2HC)

Work Session: Eric Engstrom, Al Burns

Chair Spevak passed the Chair duties for this agenda item to *Vice Chair Routh* as the PSC confirmed by PSC members for this project.

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 introduced Al and provided a reminder about where we are in the process for the project. There is a memo for today's work session with proposed amendments and responses to questions PSC members had raised previously.

Today we have two panels (shelter operators; lived experience) as requested by PSC members at the December 15 meeting. Thank you to the Mayor's office and the Joint Office for helping to convene the panels. We will then walk through the proposed amendments and hope PSC members understand the ideas on the table, take straw polls, and set up a vote on January 26.

Eric introduced staff from BPS, PP&R, BDS, PHB, and the Joint Office on Homeless Services.

Commissioner Larsell asked staff to be sure to highlight the impact on East Portland. *Commissioner Smith* noted he has also requested something of a map or other visual from staff in a similar light. The data table is not fully understood, and staff will have a map prior to the January 26 meeting.

This project includes amendments to a number of City titles. The Zoning Code is in the PSC's purview, so for that element of the package, we are looking for a specific vote. For the other elements, the bureaus will be making a decision and recommendation to Council, which the PSC can weigh in on about via your letter or attachments. Today's memo focuses on the Title 33 amendments. Staff will publish an integrated final draft that includes all code language.

Panel 1: Shelter Operators.

- Brandi Tuck, Executive Director at Portland Homeless Family Solutions (PHFS)
- Chris Aiosa, Executive Director at Do Good Multnomah
- Tony Bernal, Senior Director of Public Policy & Funding at Transition Projects

Panelists introduced themselves and their organizations. Providing housing within neighborhoods may have a stigma attached, but it has proven beneficial and collaborative for the neighborhoods after the shelters have been there. Shelter is a life-saving opportunity and catalyst. It's important to cite shelters within communities where there are services and opportunities and to get community engaged. A successful program is for both the participants and the neighbors already in the area.

Commissioner Smith: Thank you to all our panelists. One of the key things I'm hoping we accomplish with this project is that people who have chosen not to go to congregate shelters can have opportunities that work for them – tiny house or tents or pallet shelters. Do you have a sense of what we can do for shelter design to reduce problems that unsanctioned camping presents?

- Chris: It starts with intentionality. There is an old-school way of thinking that congregate shelters are large and unsafe. There has been a shift lately with trauma-informed case management, social workers, etc to make sure each individual is valued.
- Brandi: It comes down to the trauma-informed nature of what we provide. Congregate shelters have exacerbated this in the past, so we need shelters with housing choice to build dignity, restore power, and promote autonomy.
- Tony: Everything is full right now. It is very rare to find someone who doesn't want to come in, but right now, we just don't have enough space to provide.

Testimony with parallels to Seattle for tiny home communities (60-70 shelters) for economies of scale and to foster community. Do you have a sense of a good size?

- Chris: Our villages are 20-30. Right now, the staffing ratio is most important and resources for people in the villages to use. We could up the capacity if resources can support.

Commissioner Bortolazzo: Wading through the testimony, I saw a number of comments about the number of beds per shelter. Is there an optimal ratio? It sounds like lots of shelters are +/- 120 beds. I know it's a broad question, but we need to have a number in the Zoning Code. Thank you for the work you do.

- Tony: As a community, we have lots of experience providing shelters at different capacities up to 200. I don't know that there is a magic number.
- Brandi: I think it's all about the staffing and how we set it up. We have had 30-120, and with the right size staff, I could see up to 200 again, if the shelter has the adequate resources.
- Chris: It is about footprint, resources, and staffing – I agree. Affordability needs to pencil too.

Commissioner Bachrach: How frequently do you have to go through a conditional use process to get shelters approved? Would you like to see changes to make the process more streamlined? There aren't changes proposed in the conditional use standards. On the larger issue, we haven't allowed evictions, but there are many more people camping on the streets through the pandemic. Do you have a sense as to why?

- Chris: In the past 5 years, I've helped site 12 sites, many of them in churches which require a conditional use allowance. I don't know if there is a simpler mechanism for churches. Also experience with other permitting – I understand the process.

- Brandi: We've had to do a couple of conditional uses for churches. It's not a hard process, and working with the Fire Bureau, for example, has been a good partnership.
- Tony: There are larger trends at play in terms of increased homelessness on the West Coast in general for a long time – this is simply continuing to happen as cities become more popular. Pandemic-wise, fewer services are open.

Commissioner Larsell: For the camping shelters, they are seen as illegal by some. Do you have experience with these kinds of shelters?

- Chris: We don't have experience managing tent shelters. An organization that can support with case management and housing services could certainly work. That's the idea with any shelter; it's a transitional place, not a holding space.
- Tony: We also don't have experience with camping shelters – our goal is inside. There is no doubt that it is a step up to have basic hygiene and some sense of safety and the betterment of homeless and the community at large.
- Brandi: We don't have experience recently with this. Providing base hygiene regardless is of utmost importance.

Commissioner Magnera: I'm curious whether you have day-use shelters and if there are issues with that/those. What are you doing from a COVID safety perspective right now? I know people are concerned about these safety concerns generally and more specific to the pandemic.

- Tony: We operate a large day center but I don't recall any code issues or challenges. A place for people to get off the streets with their belongings is critical. For the most part today, we have all had to reduce capacity during the pandemic, which has been really difficult. We have done a remarkable job during the pandemic in terms of distancing and keeping people safe while trying to provide for the greatest number of people.
- Brandi: Shelters are moving to be 24 hours, so we have a full day of support for people. Day services are critical. COVID does make it easier to have private bedrooms. Mult Co Public Health has been great to work with and have been very supportive.
- Chris: We haven't had just a day use program in the past few years. It's really important to have the continuity of support during the day for sure. In terms of COVID, our two congregate shelters have dropped capacity at least 30%. We have PPE for residents and staff. I'm astonished at how successful we've been at mitigating COVID for everyone involved.

1:25 Panel 2: Lived Experience.

- Angi Eagan, PHFS housing specialist
- Jonathan Hill, C(3)PO site coordinator
- Lisa Larson, Dignity Village

Panelists introduced themselves.

Angi is a former homeless mother of 3 (2004-05). When she was homeless, she was evicted and had untreated conditions. At the time, accessing family shelter was extremely difficult. I was in survival mode and made choices I likely wouldn't have made otherwise. Part of why I do this job is because I have the lived experience. A member of the mobile housing team. Families in shelters are easier to work with because they have a sense of safety and community. It's really valuable for families to have spaces, and there are only two family shelters in the Mult Co system right now.

Jonathan has lived experience. 40 platforms at the C(3)PO site at about 50% occupancy today. Self-governing village. You lose autonomy when you move into shelters versus the consensus model at this shelter. I have seen how it can change

Lisa: Thanks for inviting us here. “We say nothing about us without us.” Dignity member and participant – main part of the outreach team. Dignity Village is houseless people helping other houseless people. We are self-governed and self-supported. We pay all our bills aside from the \$0 lease we have with the City. Self-governing is extremely important.

Commissioner Smith: What are barriers that keep people from using congregate shelters? Would self-governing work with an indoor model?

- Angi: A big barrier of going into a shelter is the unknown. Not knowing how to access and get on a waitlist is also a hinderance.
- Lisa: Having pets and being coupled (versus segregated shelters) is an issue. I think self-governance would work indoors as well – I’d be able to help other groups learn to do this.
- Jonathan: Abstinence being a requirement for shelters is a reason a lot of people decline them. Mental illness keeps people out in part because they need more services. I think self-governance could work, but more so in a small shelter.

Commissioner Larsell: Is there variety in how well shelters are run? What is bad versus good. I’m so impressed by your stories and how the shelters you’re in now are being run.

- Angi: Not being physically in a shelter but meeting families in them, I’ve experienced some concerns – but those don’t exist any more.
- Jonathan: Staff gets compassion fatigue. I have differing experiences, and it is so much about staffing and their capacity.

Vice Chair Routh: I’m curious what you find is necessary in terms of services and neighborhood availability.

- Angi: Downtown shelters are difficult. We don’t have a family shelter in NE Portland where lots of our families come from, so that’s problematic. Services need to be nearby.
- Jonathan: Transit, library, banks are necessary. I share the concern about not having a shelter in NE Portland.
- Lisa: Transportation and access to groceries.

Commissioner Magnera: Thank you for your time and for sharing your experiences. What do you want us to carry and know – what are the important things you want us to carry with us?

- Angi: More! And more and more. Opportunities, availability, easier accessibility.
- Lisa: The same as Angi. And a reminder of “nothing about us without us”.
- Jonathan: Service standards in the Zoning Code are unnecessary. There are already systems in place, and that would further complicate things. Shelters do best when they’re part of the community.

Marc Jolin: Thank you to the panelists. The code package is about how shelters will need to be flexible based on the population we’re serving. Reducing barriers to access and a variety of types of shelter are important.

Commissioner Houck: The honor has been ours. Thank you all.

Discussion of proposed amendments.

Development Standards Applicable to Outdoor Shelters

1. Minimum Sanitary Services Standards
Staff Recommendation: Do not add service standards for outdoor shelters sited for more than 180 days. After presentations from expert panels consider whether standards for shelters sites less than 180 days are needed.
2. Designated Supervisor
Staff Recommendation: no changes needed.
3. Name and contact information designated supervisor readily available.
Staff Recommendation: Consider the presentation of the expert panels. If notification is needed provided information should be for the operator rather than the supervisor.
4. Designated supervisor to be onsite 24 hours a day.
Staff Recommendation: Consider the presentation of the expert panels. If a continuous supervision standard is needed it could be added to 33.285.050.C.4.

Eric: Staff generally recommends against adding items 1-4 into the Zoning Code and use other mechanisms to regulate them.

Commissioner Bachrach: I don't have issues with these not being in code. When you describe criteria for mass shelters, there is a provision about toilets necessary per bed.

- Eric: Mass Shelter code is existing and dives into this territory. In a perfect world, that standard would probably not be in the Zoning Code. We didn't remove everything from the current Code but focused on not getting into that territory in the new Code language.

PSC are comfortable with staff's recommendations on items 1-4.

A shelter operator has to be a government agency or non-profit under current code. Self-governing groups have a non-profit format, so there are identified people in charge who can act in a supervisory/leadership capacity if there are issues.

5. Require meeting between the shelter operator and the neighborhood, even when shelter siting does not require a land use review.
Staff Recommendation: Amendment is not recommended.

Chair Spevak confirmed he doesn't need amendments.

Commissioner Smith: We did lots of work for neighborhood noticing in the project a few years ago. I think we could offer this as a systematic way to shelter operators to share information with the neighborhood about new shelters but not have it be a requirement.

6. Allow 60 accommodations in outdoor shelters without a conditional use in the RM1 through RMP, RX, IR, C, EX, CI, and IR zones, without regard to whether there is an existing institutional use.

Staff Recommendation: Do not increase by right allowances in the RMP zone. Consider the opinions of the expert panelist on the optimum size of an outdoor shelter and consider increasing by-right allowances in the other zones should an optimum-sized outdoor shelter require a conditional use.

AI: There are two factors that weigh most heavily here. The first is that this is a Citywide project in which we'll allow some sort of shelters. Picking a number was about matching the development pattern already there. Shelter numbers should provide wrap-around and transition services as noted in the project purpose. Too small (financial difficulty to provide wrap-around services) and too large (for a specific format of shelter) are both things we looked at. Admittedly the numbers can't be "perfect".

Commissioner Smith: I was motivated by testimony referencing the Seattle examples to hit the economies of scale closer to 60-70. For places we allow shelters, we should allow 60 without a conditional use process to create as many opportunities for success with limited process burden. Is this the right set of zones? I'd like to keep this for a vote at our next meeting. We can take the RMP zone out if people have heartburn about this.

- Eric: This will still be on the table for the January 26 meeting discussion.

Conditional Use Approval Criteria for Outdoor Shelters

7. Require certification from the Joint Office of Homelessness that the public agency or nonprofit corporate applicant is sufficiently experienced and capable of operating a shelter for the benefit persons who have experienced a loss of housing.

Staff Recommendation: Do not adopt the proposed amendment. If incompetent or bad acting operators remain a concern, request staff to further investigate the operator licensing proposal.

AI noted this is difficult. We want to look at land and count structures but stay away from counting people and how people behave. As you heard, providing shelters need funding, particularly for providing wrap-around services. Lots of things we had concerned for the Zoning Code are actually in contracts between funders and operators – so they are already there, and this is a better place for these kinds of regulations.

Commissioner Bachrach: I agree this is not appropriate for the Zoning Code, but it does specify that the operator has to be a non-profit... so we've opened the door. So what kind of non-profit? I don't want to inadvertently want to open the door to this.

Marc: This isn't really a risk.

Shelters in Open Space

8. Allow Permanent Shelters in Open Space.

Staff Recommendation: Do not amend the open space zone to allow permanently sited shelters. Nothing in this recommendation precludes individual proposals to re-zone a particular parcel of open space for shelter purposes if the controlling agency agrees.

Shelters in Certain Areas

9. Permanent Shelters in Open Space Zones within Certain Areas.

Staff Recommendation: Do not amend the open space zone to allow permanently sited shelters, but if allowed exclude shelter siting in Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, and the Pleasant Valley Natural Resource overlay zone.

10. Temporary Shelters in Any Base Zone within Certain Areas.

Staff Recommendation: Amend temporary use allowances to exclude shelters from land within Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, and the Pleasant Valley Natural Resource overlay zone.

Eric noted items 8-10 are about shelters in Open Space.

Commissioner Houck appreciates commissioners and staff review his PPT before the meeting on January 26. I have an issue with both Parks and Open Spaces.

Commissioner Smith noted he never intended for Natural Areas to be included.

Eric noted that 8 is about Open Space allowance and 9 is about excluding more sensitive lands. If 9 is what the PSC wants to debate, that is helpful.

Commissioner Smith stated if staff can show capacity for outdoor shelters throughout the City without Open Space, then I can withdraw this entirely.

Eric: Land supply is not the problem. Parks are often be perceived as “free land”, but that’s not the case. It’s not about land supply; it’s about money and resources to operate and staff shelters.

Al: Even if there were enough land citywide, is the distribution for shelter opportunities coming in/from the communities where people are losing housing?

Staff will provide a map with land availability before/for the January 26 meeting. We will continue this conversation at that meeting.

For the remaining topics, staff will return on January 26. They will bring language back for the above topics as well.

Commissioner Smith noted a missing item about RVs on the list. Staff will revise the memo and list topics for the January 26 meeting.

Shelters as Temporary Uses

11. Clarify Emergency and Shortage Declarations for Temporary Shelter Uses.

Staff Recommendation: The proposed code does not require clarifying amendments, but the accompanying code commentary should be clarified with the information provided above.

Group Living Allowances

12. Categorize Dwellings with More than Eight Bedrooms as Group Living.
Staff Recommendation: Do not amend proposed code.
13. Define Bedroom.
Staff Recommendation: Do not add a definition of “bedroom” because the dictionary definition is adequate.

Residency in Tiny Houses on Wheels and RVs

14. Allow Residency Without Sewer Hook-ups.
Staff Recommendation: Endorse the general direction described above. Note that this is a Title 17 and 29 issue, so we are not seeking Commission recommendations on specific code language.

Visitability Standards

15. Recommend Standards the Commission Previously Recommended as Part of the Residential Infill Projects.
Staff Recommendation: The Commission should recommend again the Title 33 visitability standards it originally recommended as part of the Residential Infill Project.

If commissioners care to remove items from the proposed amendments list, please let staff know that as well.

Vice Chair Routh: This project will be continued to the January 26 PSC meeting for our next work session and expect to make our recommendation at that meeting as well.

Chair Spevak: Thank you all for today’s session and panels.

PSC Retreat Agenda-Setting

Briefing: PSC Members

Chair Spevak: This is about our PSC’s duties and our obligations – particularly regarding sustainability and climate work. Should we start reviewing sustainability policies that are being proposed? If so, how? And if it’s too much for the PSC to do, what are the decisions and who makes those? Format? The things that are shaping this discussion are: 1. our PSC’s job description; 2. operationalizing this; 3. doing the day-to-day. These are decision for City Council, but the retreat could be a time for us to talk about how we operate and provide predictability and expectations, for example, for new commissioners. Expectations for how we work with staff. Expectations for the public.

A group of PSC members convened and discussed this initial list of topics. The other item is the letter I drafted that the PSC could recommend and send to City Council. This provides input about clarifying the role and expectations of the PSC prior to having 3 new PSC members join us in June.

Commissioner Smith: As one of those who originally raised this, I am the last person from the old Planning Commission before we merged. I believe there is benefit to the City if you have a body that can

look at the whole picture of sustainability and planning together. What brought this up is that there was triage and not enough capacity of the PSC, but the staff was making these decisions, not the PSC – do we want to exercise the duties we have under Title 33? We are called out of the stewards of the Climate Action Plan. Since the Climate Emergency Declaration, the CAP may not be the right guidelines, but it may change the structure and how we operate. I fully support the letter to City Council.

Commissioner Houck: I echo Chris' comments. When I was asked to serve on the PSC, I did so with a caveat that I wasn't interested in only looking at land use and code – there are broader issues the PSC should be engaged in. I have been adamant with staff about having natural resource expertise on the PSC if this remains in the body's purview. I know that people have already been interviewed for PSC positions, and I don't want the letter/input to outdo things (the interview process), though I'm supportive of the letter. We should not as a Commission necessarily be restricted to only public hearings; I've put on public workshops through PSU and other venues for 30+ years that have affected public policy. I hope during the retreat that we talk about what the PSC could do in terms of forums that would accomplish without tying it to a hearing and PSC meeting.

Commissioner Bachrach: I think the letter makes sense, and I support it. It is important we tackle the whole sustainability question since code says we should be doing it.

Andrea: I look forward to this conversation at the retreat. In terms of the letter, we do have some stellar candidates the Mayor is interviewing right now, and I don't want to risk losing them. All the candidates would bring important perspectives and experience to the PSC.

Chair Spevak: I'm glad we have a great group of applicants. People wouldn't be starting until June, so I would like them to be able.

Commissioner Magnera: I want to be sure we're looking at the equity concern – if we defer a diverse group of applicants, that is a big concern. Any delay has no reflection on the candidates or their perspectives. We need to keep people engaged.

Chair Spevak will add a note of this in the letter.

Commissioner Bortolazzo: I've been involved in the recruitment process, and people committed to making room for the PSC in their work. The conversations we're having in the upcoming months will set us up for a good course, and I think we have a good list of candidates for these roles. I support the letter and the framing for our retreat discussion.

Commissioner Schultz: Hearing that, I am wondering if we think candidates could fill a strong role on the sustainability side, then maybe it's a matter of telling the candidates that the role is up for discussion – and does this fill your expectations for serving? It may just be solved with being open and honest with the candidates and going from there. We can send the letter without holding off on the candidate selection as long as candidates understand the role is up for debate.

Chair Spevak noted this is appropriate, but part of the reason for our discussion is to raise the issue to the Mayor and City Commissioners.

Commissioner Magnera: I hear the frustration about roles when we were each selected to serve on the PSC. So deepening our expertise as a Commission, regardless of candidates, with trainings, etc, would be an option and opportunity for us all to grow. Deepening understanding versus altering process.

Commissioner Bachrach: I am hearing Oriana and Kat's concern about not dismissing current candidates. I support the letter as part of clarifying to Council what we're doing and how we're looking at the PSC's role. The June Council ordinance is inconsistent with Title 33 and the PSC's role, so I think that's a reason to pause on new appointments.

Commissioner Routh: As someone who has just gone through a multi-month hiring process, I support the letter with Kat's suggestions.

Chair Spevak: So we'll update the letter to capture a recommendation so the Mayor's office feels the candidates are good fits regardless, no matter the scope of the PSC's work, but we are fuzzy on the job description, and the Mayor's office should feel free to hold off on offering appointments until we're more clear on our role.

Commissioner Houck: We've made a huge time commitment, and people need to plan out and have time to think about their schedule.

Historic Resources Code Project

Work Session: Sandra Wood, Brandon Spencer-Hartle; Chair Kristen Minor (HLC)

Sandra noted the HRCP [progress report](#) and highlighted the progress and work for the HRCP. Today we have one hour and will discuss item 3A.

Brandon worked through the [Issues Table](#) for today's work session.

Item 1.

Staff do not support changing the Proposed Draft approach that applies demolition review to all designated historic resource types.

Brandon: In 2017, when new State rules came into effect, as we reviewed the new ORS, this isn't an option at the local level.

Commissioner Bachrach: In Historic Districts, if you are a contributing house, but you were never designated as such by a City process, in that situation alone, you shouldn't have to go through historic review for demolition.

Commissioner Bachrach withdraws this proposal if it conflicts with State law.

State law carves out accessory structures as where we can depart from State law, which we'll discuss later.

Item 3.

BPS staff continue to support the Proposed Draft approach. This approach includes the exemption to streamline the review and approval of major alterations to landmarks and

contributing resources in districts without requiring demolition review where it isn't appropriate. This approach eliminates duplicative reviews and ensures only the germane approval criteria are applied to proposals. With respect to BDS staff, BPS staff believe the Proposed Draft approach is clearer and more consistent than the alternative approach offered in the October 19 BDS memo.

Commissioner Bortolazzo: This is channeling BDS testimony and explanations. I appreciate trying to streamline the process, and if that is the intent, then that is generally the direction we should go. But BDS seems to read it as being so broad that it doesn't work for me. If it allows seismic upgrades and there are enough safety guards, that is fine.

Brandon noted we have worked BPS/BDS staff closely. The proposed draft doesn't fully satisfy BDS' concerns, but BPS feels like this is the best approach unless we require 2 reviews.

Chair Minor: I appreciate this issue being brought up. BDS staff is looking for if there is a proposal for an applicant to come in with a big alteration that qualifies as a demo, then it is difficult to move to using the approval criteria we have.

Brandon: As an example, because national register landmarks and districts would just have demo review, if someone were proposing a major alteration that triggered demo review, they would be before a decision maker about if this should be a complete loss, and then they could apply for demo review as an alternative approach.

Commissioner Bortolazzo: This example as an alternative/short-cut is helpful. Seismic upgrade in particular is a big issue for historic resources, so anything we can do to save the structure and provide an easy-to-follow path, then I am thinking I can withdraw this amendment.

Chair Minor: I would propose this go to the 3x3. We are almost on the same page, but I want to be sure the proposals aren't being sent to HLC or BDS without being able to get to an approval.

This item will go to the 3x3 for confirmation.

Item 2.

Staff supports retaining the Proposed Draft demolition review exemption for noncontributing resources.

Chair Spevak withdrew this proposed amendment.

Item 4.

BPS staff support retaining demolition review for those contributing accessory structures that are integral to the significance and integrity of designated historic resources (such as a carriage house associated with a landmark or a freestanding sign in a district). Staff are receptive to providing a new exemption to demolition review for a subset of contributing accessory structures (such as garages or small covered buildings) in all districts, but have concerns about exempting accessory structures associated with a landmark or exempting some types of accessory structures in districts (such as freestanding signs or statues).

We looked for how we could codify the level of protections and thought about when and where accessory structures should be included in demo review. There is staff receptivity in making sure we get this right and are curious about Commissioners' input.

Chair Spevak: Sometimes old structures are in the way of something that needs to be there (e.g. old garages). I didn't think though other elements such as signs that may be appropriate to protect. I like staff's recommendation as a middle-ground.

Item 5.

Staff are receptive to changes to the demolition review procedure types provided there is consistency in the approach.

Commissioner Bachrach: Almost all reviews are for Type 3 except for a small category of uses. As I try to understand the Type 4 procedure, I believe there is staff recommendation then HLC to make the decision...?

- Brandon: Type 4 is Council with a HLC recommendation letter. Type 3 HLC makes the decision. Scale of the impact is the question.

Commissioner Bachrach withdraws this amendment.

Item 6.

Staff support reorganizing the supplemental application requirements to more directly align with each of the approval criteria.

Chair Spevak concurs with wanting this to be pared down as *Commissioner Bachrach* has suggested if that is legal to do.

Staff will come back with proposed amendment language.

Item 7.

Staff do not support changes to this criterion as the existing language pertains to regulatory takings. Staff are concerned that removal of the word "all" implies that demolition could be approved if the one use an applicant prefers to have on the site would not be economically feasible even when another use could be feasible. Demolitions proposed for reasons other than a regulatory taking can be reviewed under the other applicable approval criteria.

Commissioner Bachrach withdraws this proposed amendment.

Item 8.

Staff are receptive to further refinements to this criterion, but do not support use of the word "equally" as it does not provide decision-makers with clear direction for approving proposals.

Commissioner Bachrach noted that on page 247, there is a list of 6 factors to be evaluated if a proposal meets the Comp Plan – but these have gone away. Why not go with the old 2A-F? I like the specific, not balancing/generic test here.

Brandon noted this was raised by BDS as well. The list is not an exclusive list, so staff felt they were exemplary of considerations – not inclusive of every factors. The new State admin rules tells us what we should be considering, so we didn't want to confuse that. Since the approval criteria were adopted, we have the new Comp Plan. Staff amended the existing the existing demolition review criterion related to balancing preservation with the goals and policies for the comprehensive plan to provide greater specificity for decision-makers. We can check with fellow staff if keeping A-F s examples work.

Chair Minor: I agree with much of what *Commissioner Bachrach* is saying. I'm also open to discussing more with the 3x3 since I see needing to understand what replaces the resource – an empty lot is not better at meeting Comp Plan goals than anything. The way this is set up as an approval criteria where you only have to meet one of the criterion, we have to evaluate the specialness of the entity itself.

This item will go to the 3x3.

Sandra: We don't want to invent a new system – we want to codify and how we balance like we do with legislative projects.

Item 9.

Staff would support expanding the commentary to provide a series of examples of when demolition may be appropriate when balanced against other goals and policies.

Commissioner Bortolazzo: If staff are open to expand the commentary, that works for me. I am struggling with simply providing denser housing as an automatic.

Staff will update this and send to the 3x3.

Item 10.

Staff do not support applying Criterion D.3 to resources in Historic Districts because the Proposed Draft approach aligns demolition review criteria with the hierarchy of historic resource protections, ensuring 'gold standard' Historic resources are given the fullest consideration before demolition.

Brandon noted there are only 2 approval for demo review right now. As staff thought about the hierarchy of resources, we wanted to follow the thinking to have the fewest number of approval criteria at the gold level and more options going down. We provided this to allow for mitigation as an approval.

Commissioner Bachrach: Having the same approval criteria makes sense to me regardless of district. I'm not sure how frequently this criterion would be used. If you're trying to mitigate, you are being responsive to the integrity of the resource. I would like to see 3 amended so demo review is the same in all districts. But if no one else sees the value in what I'm suggesting, I can remove this.

Commissioner Bachrach will withdraw this amendment.

Item 11.

Staff support amending this approval criterion to provide greater clarity provided the revised criterion complies with State Administrative Rule.

Item 12.

Item 13.

Staff do not support applying Criterion D.4 to all levels of the hierarchy as the criterion was drafted to align with the hierarchy of historic resources (i.e. fewer criteria for the gold standard [Historic] than the bronze standard [National Register]). Additionally, staff do not support amending the criterion to read as a clear and objective standard. Finally, staff do not support the language “more housing” as such an approach would not necessarily better advance City goals than preservation or reuse of a resource, including the potential for conversion of that resource itself into more housing.

Items 11-13 address D4, a new approval criterion. Brandon shared feedback from the testimony and background about how staff drafted this. We landed on the direction of more affordable housing, admittedly introducing an ambiguity (but we are thinking about affordable housing).

Commissioner Bortolazzo suggests we at least have a “PHB-supportable” note about affordable housing.

Chair Spevak: I think this is a version of a “builder’s remedy” to build affordable regardless of the zoning. This is not the same spin, but this needs to be defined better... long-term affordable housing?

Chair Minor: I am concerned that we would be considering all contributing resources as equal, which is far from the case. We should be able to weigh these.

Brandon noted that narrowing this to single-dwelling zoning and without City was an attempt to balance the merits of historic resources that are contributing and the impact of national registries.

For Item 13, *Commissioner Bachrach* noted we need to clarify affordable housing and what the approval criteria is meant to accomplish. Broadening doesn’t need to be included.

Staff will come back with alternate language for the PSC to review for Items 11-13.

Item 14 has to do with approval criterion. We will fold this into the above items 11-13 for staff to bring back alternate language.

This item is continued to February 9 PSC meeting.

Adjourn

Chair Spevak adjourned the meeting at 4:00 p.m.