

Portland Planning and Sustainability Commission

April 27, 2021

5:00 p.m.

Meeting Minutes

PSC Commissioners Present: Jeff Bachrach, Ben Bortolazzo, Jessica Gittemeier, Mike Houck (left at 7 p.m.), Katie Larsell, Oriana Magnera, Valeria McWilliams, Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak

Guest Presenter: Kristen Minor, HLC Chair

City Staff Presenting: Andrea Durbin, Sandra Wood, Brandon Spencer-Hartle, Shannon Buono

Documents and Presentations for today's meeting

Chair Spevak called the meeting to order at 5:01 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

Commissioner Houck: Joe Poracsky served on the Urban Forestry Commission and was the first person to map all 105 neighborhoods with urban forest canopy and pointed out the inequities of canopy. He passed the other day, and I wanted to remember him and take a moment to thank him for all his contributions he made. Thank you.

Chair Spevak: Multnomah County has a Sustainability Commission that all new County buildings be fossil fuel free going forward (e.g. bond for libraries), and the County Commission unanimously passed a resolution to do so earlier this month.

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Also, I have had connections with our compatriots in Seattle, and there is some interest in a social open “gathering” to chat with them. It would be informal, less than a quorum. I’ll explore this further with their taking a lead.

Commissioner Bachrach: I saw in our packet a discuss about two bills in Salem. I know there is at least one land use bill pending as well that comes out of Residential Infill Project. I’m wondering about that bill in particular and if there is an opportunity to hear an update about the City’s legislative agenda for land use planning bills.

- Andrea: We were planning on an update after the session is over, but we can see about getting an update mid-session if that’s of interest.

Director’s Report

Andrea Durbin

- Tomorrow Council will vote on the S2HC project – we’ll share an update at our next PSC meeting. DOZA will have its hearing on May 12 with a public hearing, and Kat will be representing the PSC.
- Reminder that we’re meeting next Tuesday, May 4, instead of May 11.

Consent Agenda

Consideration of Minutes from the April 13, 2021 PSC meeting

Commissioner Smith made a motion to adopt the minutes. *Commissioner Routh* seconded the motion. (Y11 – Bachrach, Bortolazzo, Gittemeier, Houck, Larsell, Magnera, McWilliams, Routh, Schultz, Smith, Spevak)

Historic Resources Code Project

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

Document / Amendment packet

Sandra reminded the PSC about the process and where we’ve been with this project. Hearing in late 2020, 5 work sessions, and the 3x3 work group with members of the Design Commission, leading up to today’s recommendation vote. Today we will walk through and vote on the amendments prior to the final vote. *Chair Minor* is joining us to relay input from the DC as well.

Brandon: Many amendments came from multiple commissioners, so they have names of those who originally raised the issue. One amendment doesn’t have a name attached, but it was recommended by the full commission. We’ll vote on each amendment and then a final vote. We’ll also have a round-robin for further direction to staff, etc at the end.

Disclosures

Chair Minor: I do live in Irvington, a historic district. I have also put City-owned properties on the National Register.

Brandon Each amendment in the document has a short description and followed by changed code language. Direct staff to continue to refine the staff report and commentary and recommend that Council adopt amended Volume 1 and Volume 2.

Amendment 1: Require joint PSC-HLC hearing for the designation or removal of Historic and Conservation Districts (Smith, Spevak).

Commissioner Smith moved the amendment. *Chair Spevak* seconded.

(Y11 – Bachrach, Bortolazzo, Gittemeier, Houck, Larsell, Magnera, McWilliams, Routh, Schultz, Smith, Spevak)

The amendment passes.

Amendment 2: Refine code language and approval criteria related to designation and designation removal to ensure clarity and consistency for applicants and decision-makers (Bortolazzo, Spevak).

Commissioner Bachrach: This is not one that was amended on page 187, D1. There is a change there to current code from three to one factor. I am wondering why we're doing that to make it a little easier to designate something as a historic resource.

Brandon: What we're looking at is the necessary ingredients to be eligible for designation. In 2017 Goal 5 rule, the City at a minimum looks at the 4 types the National Parks Service looks at and can add on other determinants based on local requirements or areas. So we streamlined to follow the Goal 5 directive. Our hope was to find parity and reduce the number of factors in the code.

Chair Minor: We got rid of a number of criteria under number 1. In the beginning it says you have to meet all of 1, 2, and 3 regardless, so you're not only meeting significance... integrity and appropriate level of protection as well must be met.

Commissioner Magnera: I am resonating a bit with what Jeff is raising. The bar for significance has been changed by reducing what qualifies as significant. The bar to achieve significance for under-represented communities is the same as others, and with the goals of increasing equity, maybe we have a 1 for under-represented communities and 3 for others. There is a big equity concern if there is only 1 required.

Brandon: *Commissioner Magnera* is correct in criteria E. We wanted a logical place for that discussion to land that could be separate from something significant otherwise. We wanted to be more thoughtful about how resources are designated. We added the new criterion for integrity for this purpose.

Commissioner Bachrach: I proposed we amend 1 to meet either subsection E or 3 of the other listed factors.

- *Commissioner Magnera*: I support this. A fast-track for under-represented communities.
- *Chair Minor*: I think Landmarks is looking to do what they can to make sure under-represented communities get designations. But to say that 3 other qualifications need to be met at other times is a very high bar. This would be making a huge change.

Commissioner Schultz: I am intrigued by the “or”, but I cannot support three if the “or” is 3 of the remaining 7 – that just raises the bar too high.

- *Commissioner Houck:* I agree.

Commissioner Smith moved amendment 2. *Commissioner Bortolazzo* seconded.

Commissioner Bachrach moved to amend D1 be deemed significant if you meet Section E or 2 of the remaining 6 subsections/criteria.

Brandon: Section F is there to avoid having to do the “homework” again, but it’s essentially a catch-all so an applicant doesn’t have to make their case again. You could get rid of F.

Commissioner Bachrach modified his amendment: Remove Section F and demonstrate significance by meeting E and then 2 of the remaining 5 factors. *Commissioner Magnera* seconded.

Chair Minor: I still think there are better ways at getting at under-represented community resources. I am concerned about making it about both a person and also the architecture; they are not necessarily compatible categories of significance, so I feel like we’d be missing factors. I don’t see it helping property owners to get designated.

- *Commissioner Houck:* Thank you I share that.

Commissioner Bortolazzo: I feel like we’re raising the bar where the original intent was for more consistency in the requirements.

Commissioner Magnera: If it’s an “or”, the qualifications seem like achieving one is an easier bar in some respects.

Brandon: Is there a path that differentiates individual landmarks separately/differently from a district?

Commissioner Bachrach: Yes, that is something I’ve wanted throughout this project. A number of factors don’t apply well to both. I’d be open to doing it here if we can do that for other areas of the code. Oriana’s comments are particularly relevant to districts.

Commissioner Smith: I’m looking for another path out of this to include under-represented resources. Can we do this somewhere else in the code without having to raise the bar here for other properties?

- Brandon: Significance is about something important. Integrity. Then appropriate level of protection. So maybe it’s a question about City priorities on the protection level.

Chair Spevak: I am intrigued by the idea of separating districts from individual landmarks.

Chair Minor: Reminder that this project is hoping to take another pass at preserving places that may not meet the national register criteria, so we’re advancing a racial justice lens. It’s complicated, and we want to be sure to get it right – not just for individual properties but for what its historic relevance as well.

Commissioner Routh: I thought if we were to have substantive conversation it would be about integrity. I appreciate needing to differentiate between a landmark and a district and E being elevated.

Chair Spevak: I was intrigued by Chris' suggestion. Would it be a friendly amendment to split landmarks (1 of the items) and a district (2 items unless it's a recourse with significant association with a culturally-significant group)?

Commissioner Bachrach: In the interest of getting a majority, I am fine with this friendly amendment. *Commissioner Magnera* thinks the suggestion makes sense as *Chair Spevak* suggests.

Commissioner Bachrach withdrew his amendment.

Chair Spevak: Move to take approval section 1, strike what's currently F, move what's E to A. If it's a landmark, you need to meet 1 item; district would either need to meet new A or 2 of the others.

Commissioner Bachrach seconded.

Commissioner Larsell: Are there unintended consequences in this proposed amendment now?

- Brandon: It's a bigger, substantive change. I do completely agree with *Commissioner Magnera* in needing to be aware of communities and individuals, so E is really important – and elevating that is good. I am much more comfortable of the district needing to be a higher threshold as suggested.
- Sandra: When we say Landmarks, we're talking about historic and conversation districts, correct?

Commissioner Bortolazzo: I'm interested in *Chair Minor's* opinion in this split proposal.

- *Chair Minor:* I think we can live with this. I totally agree the path moving forward for a district is the meeting of our two commissions, so this is a new day.

Commissioner Schultz: I'm reading through these and thinking about how I combine things to get to significant. Is there something that wouldn't make the list of significance? This is to the unintended consequences, and I don't have enough knowledge about what this could be denying as an opportunity. My gut is that everyone is likely to meet D.

- *Chair Minor:* Many historic districts are listed for a couple of reasons, many times architecture. It has served to give us listings that are made up of areas that didn't have to cope with urban renewal, the oldest areas in town, etc. Lots of the categories don't easily overlap aside from the architectural one. Historic districts actually don't really have D.
- Brandon: If for a district, 2 have to be met, it raises the bar. The PSC will be tied for what you'll recommend to Council. I agree that we should be seeing in districts individual groups' being our focus. It would put the burden on staff and the community to make the case. The friendly amendment just raises the bar.

Chair Spevak: Move to take approval section 1, strike what's currently F, move what's E to A. If it's a landmark, you need to meet 1 item; district would either need to meet new A or 2 of the others. Strike from the list what's currently F.

(Y11 – Bachrach, Bortolazzo, Gittemeier, Houck, Larsell, Magnera, McWilliams, Routh, Schultz, Smith, Spevak)

The amendment passes.

Commissioner Bortolazzo moved amendment 2 as amended. *Commissioner Routh* seconded.

(Y11 – Bachrach, Bortolazzo, Gittemeier, Houck, Larsell, Magnera, McWilliams, Routh, Schultz, Smith, Spevak)

The amendment passes.

Chair Minor noted a small edit to 33.846.030.D.3 discussed during the 3x3.

Amendment 3: Expand applicability of proposed demolition review “bypass” by amending thresholds for demolition review (Bortolazzo).

Brandon noted this is a very modest change, but we’ll catch the few rare items.

Commissioner Bortolazzo is pleased with the proposal.

Commissioner Houck moved the amendment. *Commissioner Larsell* seconded.

(Y11 – Bachrach, Bortolazzo, Gittemeier, Houck, Larsell, Magnera, McWilliams, Routh, Schultz, Smith, Spevak)

The amendment passes.

Amendment 4: Allow certain contributing detached accessory structures to be demolished without demolition review (Bachrach, Spevak).

Brandon: This is a significant change. Retain demolition review for contributing to a landmark but in districts would exempt detached structures that are covered and no larger than 800 square feet from demolition review. A structure not identified as contributing is already exempt.

Commissioner Bachrach: In looking at the code changes, I want to be sure that’s what we’re seeing in the edits.

- Brandon: Non-contributing structures are already exempt. Contributing covered and no larger than 800 square feet would also be exempt.

Commissioner Gittemeier moved the amendment. *Commissioner Schultz* seconded.

(Y10 – Bachrach, Bortolazzo, Gittemeier, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The amendment passes.

Amendment 5: Reorganize, streamline, and revise demolition review application requirements and criteria (Bachrach, Bortolazzo, Spevak).

Brandon: First, this amendment streamlines the application requirements for demolition review by integrating required Statewide Land Use Goal 5 “factors” into relevant approval criteria. Second, this amendment revises demolition review approval criterion D.2 to include balancing language that’s more consistent with language found in the Comprehensive Plan and restores portions of an existing non-exhaustive list of factors that may be considered by the decision-maker. Third, this amendment revises demolition review approval criterion D.4 to specify that proposals to demolish a contributing resource in

single-dwelling zoned National Register District can be approved if the result would be more housing available at 60 percent median family income than could be provided by retaining the contributing resource.

Commissioner Bachrach: The first one is supplemental application requirements, which I drew attention to. I would rather have these be factors an applicant considers.

Brandon: We didn't rethink the City Council's 2005 application requirements. It's a rare, long list in the code specific to historic resources to show there's effectively a taking. The language was moved to 33.445 to be next to the approval criteria in 33.846.

Commissioner Bachrach: I'll drop my concern since it's in the existing code. For 33.846.080.D.2, I think our subgroup agreed that the existing D.2 should be put back in, but this is somewhat modified from that existing language. The current language works, is clear, and I don't want to see that changed.

Brandon: Originally staff was concerned about "equally or more supportive", but when we looked at other approval criteria, we saw this language as consistent with the Comprehensive Plan. In 2 in the factors, we've added a and b from Goal 5, which we want to see stay; we've deleted c and d because we're not happy with that wording.

Commissioner Bachrach: If we're not going to finish tonight, I want to pull this one.

Commissioner Magnera: How did you decide on 60% MFI versus other measure of poverty (or even versus 80%)?

- Brandon: We were looking at RIP affordability requirements and the most likely scenario, thinking about the broad benefit and what we'd want the decision-maker to be looking at.
- Shannon: It's noted as 60% in the Zoning Code for BHBD, IH and RIP and 80% for ownership in Title 30.

Brandon: This is piggy-backing on approval criteria approved with RIP to continue the policy approach in single residential zone districts.

Commissioner Bortolazzo noted the previous code didn't note what affordable housing is defined as. This makes sense at 60% to me.

Chair Spevak: I think the list is long and prescriptive but I don't want to try to amend it on the fly. We could add this to our letter to Council about the code.

Sandra noted the criteria discussion at the 3x3. We are not trying to reinvent a new way of using the Comp Plan's goals and policies.

Commissioner Schultz: I am supportive of staff's language as written for D2 as shown.

Commissioner Routh: I am comfortable with the language.

Commissioner Houck moved the amendment. *Commissioner Routh* seconded.

(Y10 – Bortolazzo, Gittemeier, Houck, Larsell, Magnera, McWilliams, Routh, Schultz, Smith, Spevak; N1 – Bachrach)

Amendment 6: Expand the historic resource review exemption for solar energy systems (Bortolazzo, Smith, Spevak).

This amendment revises the solar energy system exemption from historic resource review. PSC commissioners raised several areas of concern, requesting staff reevaluate the proposed exemption and revise in a way that exempts most solar installations in districts from historic resource review. Under this amendment, solar energy systems and skylights will be allowed on all pitched roofs in districts without historic resource review.

Commissioner Magnera: How did you weigh preserving historic quality against capacity or generation? I am also interested in whether we can amend the skylight portion to include energy efficiency and that interaction.

- Brandon: We looked at the magnitude of change over the current case. With the skylights, we were looking at a consistency approach – not an energy efficiency factor.

Commissioner Bortolazzo: I'm also interested in exploring the skylight factor. From an energy efficiency and allowing more space factor too.

Chair Spevak: In conservation districts, there is not an exemption for flat roofs. This is something I'd like to add as a friendly amendment.

Commissioner Schultz: Should we just vote on it without the skylights and let staff research that part with another vote on that piece?

This item and discussion of the other amendments will continue to our May 4 meeting; we expect a final vote that day as well.

PSC Listening Sessions

Work Session: PSC members

Introduction from *Chair Spevak:*

Over the past few months, some commissioners have raised interest in having the PSC explore topics that are timely and related to our mission – but are not on the list of projects or briefings staff has cued up for us. I've also been meeting our incoming commissioners, and there seems to be similar interest from some of them. But how do we do this, on occasion, given limited staff support capacity for anything new?

With little precedent to draw from, staff and officers have done some brainstorming on how such discussions could be structured. One possibility is for the PSC to host a "listening session" (or "panel") where we invite experts with diverse opinions on a topic to share their experiences and ideas – and field questions from us (and perhaps from each other). Bureau staff – from BPS or other bureaus – with relevant expertise could be invited too.

Housing production trends (both market and affordable) has been raised as a topic of interest from commissioners and is coming up increasingly in public discourse. So this could be topic with which to try out a new format. It would at least bring us up to speed on topics.

PSC members as a small team would frame the discussion, as panelists to join us, and facilitate the discussion. We only have so much time in our schedule, but sometimes there are slots that come up in our agendas.

On the housing topic, is anyone able to work to make this happen? Commissioners Bortolazzo, Gittemeier, Magnera, Bachrach, McWilliams are interested.

Other ideas for topics? We have hugely broad interests, but are the other items that might work well for this format?

- *Commissioner Routh*: Following on our thread to Director Warner (PBOT / TSP), how transportation fits within the PSC's purview would be interesting. What about accessibility in the built environment?
- *Commissioner Larsell*: I want to know more about RIP in terms of where it will happen and how it will show up in East Portland.
- *Commissioner Magnera*: I'll send an email as I have a few ideas.
- *Commissioner McWilliams*: How sustainability can advance racial equity in affordable housing. See <https://www.edlenandco.com/projects-affordable-housing/albertina-kerr>
- *Commissioner Gittemeier*: Urban agriculture and food accessibility – this can be integrated in a lot of ways.
- *Chair Spevak*: Fossil fuels and where Portland can go further in weaning itself off of them. Energy home scores, and what we can learn from experience thus far to improve the impact of that program.

Commissioners are welcome to send Julie additional potential topics.

Adjourn

Chair Spevak adjourned the meeting at 7:19 p.m.

Submitted by Julie Ocken