

# **Portland Planning and Sustainability Commission**

November 30, 2021

5:00 p.m.

Meeting Minutes

**PSC Commissioners Present:** Jeff Bachrach, Johnell Bell, Jessica Gittemeier, Katie Larsell, Oriana Magnera, Valeria McWilliams, Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson

**City Staff Presenting:** Sandra Wood, Morgan Tracy, Eric Engstrom, Joan Fredrickson

## Documents and Presentations for today's meeting

*Chair Spevak* called the meeting to order at 5:03 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**

*None*

## **Director's Report**

Sandra Wood was sitting in the Director's seat and had no report.

## **Consent Agenda**

Consideration of Minutes from the November 9, 2021, PSC meeting.

*Commissioner Routh* moved to adopt the minutes and *Commissioner Larsell* seconded the motion. The motion passed unanimously.

## Residential Infill Project – Part 2

Briefing: Morgan Tracy, Sandra Wood

Sandra introduced the Residential Infill Project – Part 2 (RIP2). This consists of Zoning Code and Zoning Map amendments as well as an amendment to background maps adopted as part of the Comprehensive Plan. This is the first of several meetings that RIP2 will be brought to you, including a hearing on December 14 and work sessions in January. This is a follow up to the original Residential Infill Project (RIP1), which some commissioners will remember, but for those that are new, RIP1 was a major project that really shifted the paradigm for middle housing in Portland and catalyzed similar work statewide. This project, while important, is not on the same scale as RIP1. It is a response to state mandates for middle housing to bring us into compliance with those regulations and to bring parity across all of the City's single dwelling zones, since the lower density zones (R10 and R20) were not included with RIP1.

Sandra then introduced Morgan Tracy, who went deeper into the proposed RIP2 changes.

### State Mandates

- HB2001 – requires cities to allow duplexes on *all lots* and other middle housing (triplexes, fourplexes, cottage clusters, attached houses) in *most areas* by June 30, 2022
- SB458 – requires cities to process land divisions for middle housing development so that each dwelling can be sold on its own lot by July 1, 2022

### Community Engagement

- Scoping Sessions with CIC, PSC, housing partners
- Cottage Cluster focus group
- District Coalition presentations
- DRAC, UFC, HLC briefings
- 11,000 Measure 56 notices
- Two virtual information sessions
- Email and phone hotlines

### What areas are affected

- R10 and R20 areas – mostly located in outer areas of East and SW Portland
- Constrained Sites Overlay Zone (includes some lots in R7, R5, and R2.5 zones)

### R10/R20 Zone Context

- Comp Plan Growth Strategy
  - The R10 and R20 zones are “far from centers and corridors” with limited or absent services
  - Located at the City periphery
  - Increased land hazards
  - More natural resource areas
  - Infrastructure issues
- Housing Opportunities Mapping

- Much of the higher opportunity areas are in close-in areas, less in outer areas
- Opportunities based on access to:
  - Childhood education
  - Employment
  - Transportation
  - Access to family wage jobs
  - Healthy eating/active living
- 2020 Home Sale Prices
  - Large discrepancies between west and east for home values in the same zones (higher west, lower east)
- R10/R20 Demographics and Income
  - Eastside was more diverse than the city as a whole
  - Westside had higher household incomes
  - R10/R20 citywide had more seniors and more homeowners than citywide
- Displacement Risk
  - No census tracts on the westside identified as displacement risk areas
  - Some R10/R20 displacement risk areas
  - Cully has higher share of cost-burdened low-income renters
- Redlining/greenlining and RIP2
  - This was something discussed in RIP1
  - Some areas in SW were greenlined
  - Most R10/R20 were outside City limits and not rated at all
- Summary of R10/R20
  - Small portion of single dwelling zoned lots – 12%
  - Located at the periphery of the city with fewer services and more development constraints
  - Housing opportunities are low
  - With high homeownership rates, the displacement risk is lower than in the higher density single dwelling zones included in RIP1 (R7, R5, R2.5)
  - Redlining maps do not seem to be major influencer of these zoning designations

### Project Key Proposals

1. Building Size: Applying FAR limits on R10/R20 sites smaller than 10,000 sf
2. Duplex
3. Triplex/Fourplex
4. Duplex + ADU or House + ADU's
5. Deeper Affordability Sixplex
6. Visitability: On sites with 3 or more units

*Commissioner Routh*: How much of the redlined maps are pre-annexation?

*Morgan Tracy*: Most of these areas were annexed from the 1950's through the 1980's. The HLC maps predate that.

*Chair Spevak:* With the FAR limits, would that allow for a “mega-fourplex”?

*Morgan Tracy:* The reason we chose to limit the FAR regulations on larger lots in R10/R20 was that there wasn’t a lot of consistency between house and lot size in these zones, and also because compatibility is less of an issue on larger lots where building coverages scales back houses proportionally.

*Commissioner Thompson:* What does “most lots” mean?

*Morgan Tracy:* Embedded in “most” is whether a lot is in the ‘z’ Overlay, whether it is located on a maintained street, and whether it meets the minimum lot size. We’ll get to this in the next set of proposals.

#### Project Key Proposals (cont)

7. Allow attached houses in “areas” on separate lots: Already an allowed housing type. What’s new is a higher density at that same level as middle housing types.
8. Allow cottage clusters in “areas”: Clusters of smaller detached units arranged around a common open area. They must be allowed through a clear and objective process
9. Apply the ‘z’ Constrained Sites overlay: This is a big factor in “most lots” designation and includes:
  - Natural resource inventory
  - Floodplain
  - Landslide (**update Comp Plan**)
  - Mapped e-zones
  - Wildfire Hazard Areas
  - Industrial Sanctuary
  - Airport Nose Areas
  - Previously only applied to R2.5-R7 (from RIP1). Now will apply to R10/R20
  - Wildfire hazard is a new input to the ‘z’ (not included in RIP1)
    - City wildfire areas are based on Title 24 wildfire map
    - County pocket areas use a County-adopted wildfire map
  - Change in number of lots
    - Additions: +5,400 wildfire lots
    - Subtractions: - 4,200 NRI to ezones lots

*Commissioner Bachrach:* What are the implications of the wildfire hazard areas? Is it a zoning layer? Will it have any impacts on a property that go beyond the middle housing limitations?

*Morgan Tracy:* No, there is nothing in the Zoning Code aside from the ‘z’ Overlay that uses the wildfire hazard areas to restrict development. It is currently part of the building code, so if you were to build in one of these areas today, you are subject to additional building material requirements for fire resistance.

*Commissioner Bachrach:* Will this wildfire hazard zone have any impact on a property other than the zoning restrictions on middle housing?

*Morgan Tracy:* No, it would not, though to be clear, you would be able to do a duplex on any property in the 'z'. But the wildfire risks go beyond the building code implications that aim to reduce damage to structures. This addresses the danger to people in that we would be increasing density in areas with fewer options for residents to escape in a hurry due to poor street connectivity and little access to transit.

*Commissioner Bachrach:* Some properties that only have the 'z' Overlay due to wildfire would be precluded from the middle housing provisions, but also subject to the building code requirements, which mitigate for the risk? I think it adds a level of regulation that isn't necessary. I question whether we should be limiting middle housing in these areas.

*Commissioner Bell:* I agree with Jeff. I'm concerned that most of the 'z' Overlay exemptions apply to the westside. Well-intentioned it may be, but from an equity (and optics) perspective it is problematic that most of the 'z' is on the whiter, more affluent westside. Is this really an equitable approach, even if it's not the intent?

*Morgan Tracy:* We've thought about this, though a counterpoint to this is that, in respect to environmental justice, we need to weigh decisions that put vulnerable populations in harm's way with the benefits of meeting the objective of providing lower cost housing. It isn't clear that middle housing in the R10 and R20 zones would meet that objective.

*Commissioner Bell:* To respond to that, I think that there is a need for every neighborhood to be able to offer affordable housing and I am concerned that this would be a limiting factor that could be addressed through the building code.

*Commissioner Magnera:* I have concerns about using zoning to limit wildfire risk. A duplex is not inherently a higher risk than a single-family home and can be addressed with building codes. I also don't buy the environmental justice argument, so if you could expand on that.

*Morgan Tracy:* The rationale is not about the structures themselves and more about increasing density and having the ability to evacuate an area with poor street connectivity.

*Sandra Wood:* One thing that we've talked about is the number of lots that only have the wildfire risk. We should talk about that delta.

*Chair Spevak:* What is the relationship of the wildfire map to the zoning code e.g. as the map is updated would it need to be updated through a legislative process?

*Commissioner Magnera:* What is the reasoning for not waiting for the state's maps? I believe they'll be ready in July.

*Morgan Tracy:* We've heard a different timeframe for the state's process (2-3 years) and we need to complete this by June 20, 2022, so we are using the maps that we have.

#### Project Key Proposals

##### 10. Expedited Middle Housing Land Division (cont)

- Zoning requirements apply to original parcel as a whole
- Building code applies to each lot
- Separate utilities
- One unit per lot

Project Timeline: We have until July 1, 2022. Cities that don't meet the deadline must apply the State Model Code

- PSC in December and January
- City Council in the spring

*Commissioner Bachrach:* So, if a developer goes through a MHL, what happens if one doesn't get built? Are there title restrictions on title or if they want to replace the dwelling?

*Morgan Tracy:* The intent of SB 458 seems to be to provide an alternative to the condominium process. But it creates some challenges for the what can be done on the lot in the future. Essentially if you want to repurpose that lot, you'd have to replat it. How they appear in the platting at the County Surveyor level, it will be a platted lot. There will be some plat conditions and the rest will be dealt with at the zoning level.

*Commissioner Bachrach:* Have you talked to a title company to see how they will deal with these?

*Morgan Tracy:* No, we haven't, though that's a good idea.

*Chair Spevak:* I was under the impression that there would be some sort of covenant required to clarify what future development on these lots would be. Something along the lines of a second sink covenant that was required to acknowledge that a structure wasn't authorized as an ADU.

*Morgan Tracy:* I don't think the City wants to get involved with managing those sorts of covenants, though it could be explored further. It's not clear if the bill allows us to do that.

*Chair Spevak:* Well, the covenant could function as consumer education. It would let people know that there are limits on what can be done in the future and that they are in an agreement with their neighbors on how changes to things like FAR are managed.

Next question, if someone has a permit in for middle housing through RIP1, can they use the MHL process?

*Morgan Tracy:* Anything that qualifies as middle housing can propose a MHL, including existing structures.

*Chair Spevak:* Will staff bristle at the idea of renaming the single dwelling zones something else?

*Morgan Tracy:* It's a challenge in that it has cascading effects throughout City titles.

## **West Portland Town Center Work Session**

Eric Engstrom, Joan Fredrickson, Cassie Ballew

Disclosures: Commissioner Magnera declared that she has been the liaison for the PSC to this project but has also provided advising and support to the SWEC through her professional role at Verde.

Eric Engstrom introduced the project and agenda.

### Review of October Memo:

1. Role of the WPTC Plan and related implemented
  - a. Near-term actions
  - b. Resources
2. Economic prognosis and feasibility – given current rents in the district and current infrastructure, it is not likely there will be much market-rate development in the near future – probably two or three business cycles in the future. The intent is to get ahead of that with zoning changes and infrastructure investments.
3. Urban renewal areas or TIF – We did the math to explore an urban renewal area in the WPTC and talked with Prosper Portland. Their focus for TIF districts is on East Portland and it is unlikely TIF is a tool that will be used in WPTC.
4. Progress on Affordable Housing Strategy
5. Future zoning changes and approval criterion – Our memo talks more about the phasing of the zone changes and how we arrived at that.

*Commissioner Larsell:* I had a question about staff coordination and follow-up. I heard discussion of a commitment from BPS that there would be 10 years of staff coordination and monitoring after plan adoption. I want to know what that looks like and what the expected outcomes would be. What does that commit BPS to?

*Eric Engstrom:* We talked some about that in the more recent memo. One layer of accountability would be our continued role on SWEC. Another layer is to use District Liaison staff time to monitor and coordinate. We are also seeking funding for a position with PWB and BES that would focus on shepherding infrastructure projects forward. We also have an equitable development analyst position that would be involved with specific opportunity sites, like the Barbur Transit Center.

*Commissioner Larsell:* I wonder if there should be an amendment that requires regular reports to City Council as a reminder to those that are in charge of finding funding for this type of work.

Review of November Memo:

*Housing Questions*

1. Other tools to protect or convert naturally occurring affordable housing (NOAH). PHB responded that they don't have programs that look at the conversion of NOAH.

*Chair Spevak:* Was the presumption that this would be long-term regulated affordable housing or was PHB asked if there was an opportunity to do a limited tax abatement that would last for five years and would remain affordable during that abatement period? Might that be a strategy that could work?

*Eric Engstrom:* I would need to follow up with PHB; however, there are existing programs that could be used in that situation, there just aren't any programs targeted at that.

*Housing Questions (cont)*

2. BDS role in expediting affordable housing. The question hadn't been raised, but BDS currently does prioritize affordable housing projects.
3. Existing low-coast apartments data. A rent survey was conducted in the area, for 26 sites and 762 units as NOAH.
4. Affordability and displacement tracking. We have a couple of ongoing metrics:
  - a. Complete neighborhood index
  - b. Demographics of complete neighborhoods – e.g. displacing vulnerable populations to incomplete neighborhoods
5. SDC Exemptions. City could does offer full and partial SDC waivers for affordable housing.

*Commissioner Gittlemeier:* Is there ever any follow-up with the displacement tracking? Does BPS find out why people were displaced?

*Eric Engstrom:* We participate in the ongoing Anti-Displacement Coalition as a venue to hear from affected communities as well as through SWEC.

*Commissioner Gittlemeier:* If something is raised through ADC, how is that brought forward for accountability

*Eric Engstrom:* We as staff can follow up and often things come down from City Hall when constituencies go there and it filters down to us.

*Commissioner Bachrach:* I am not really satisfied with the response about NOAH that there aren't really any other alternatives.

*Chair Spevak:* Hold that thought.



### *Economic Development Questions*

6. Commercial affordability program. There was a question of whether there has been much use of the voluntary program, and the answer was yes, but it was only once and they used the fee-in-lieu option to get the development bonus.
7. Prosper Portland measure of success. We were given a link of what they are tracking: complete healthy communities, improving access to employment, fostering wealth creation with BIPOC communities in low-income areas, strengthening civic networks and partnerships.
8. Equitable use of resources to grow here (WPTC) versus areas where infrastructure is less expensive. We called this question during the Comp Plan process, and stuck with the town center here because too much growth was being allocated to the eastside and Council was concerned that not enough was being allocated on the westside. This town center is also a strategy to address spatial mismatch of jobs and housing.

### *Development Standards Questions*

9. Sustainable materials and heat island mitigation. These just went into effect so it's hard to know just yet what the impacts are
10. How were some of the thresholds and bonuses determined?
  - a. 10 years – matches up with the Transportation Systems Plan
  - b. 2000 sf trade for a certain tree size
  - c. 1 FAR bonus – was an iterative process with the economic consultant and the community to determine what is the best standard for the code

### *BPS Ongoing Work Question*

11. BPS staff time for actions and ongoing coordination – covered above

### Amendment Discussion

1. Amendment Discussion #1: Subdistrict D Approach
  - FAR limits match existing development
  - The ability to receive FAR transfers is limited
  - The only bonus option is the Deeper Housing Affordability bonus, with which projects can exceed the FAR limits
  - FAR may be transferred from a Subdistrict D site to another site in the plan district in exchange for preserving existing housing as affordable units (the unused FAR on the site, plus an additional FAR of 1 to 1).
  - *Amendments requested:*
    - Consideration of removing the FAR limits
    - Considering not requiring the affordable provision if it doesn't remove units
    - Allowing the sale of un-used FAR

Our strategy has been to interweave a combination of these things though it could be disentangled how they interact.

*Commissioner Bachrach:* I would like a deeper analysis of how this would work. If we're downzoning some of these sites, then how does that achieve the goal of preserving NOAH? I don't think freezing this in amber and preserving these older low-density apartments does it. I'm disappointed to see that we haven't proposed a new approach here. We're talking about 762 units. If PHB had to replace them at their average of \$140k per unit, we're talking over \$100 million to replace them. What other tools and financial regulatory approaches are available to preserve them at a lower cost? I think we need to prod Prosper and BPS and PHB to take it further. Maybe it's talking with the property owners and see what sort of incentives would work for them to preserve the NOAH. What would it take to get the property owners to keep the rents low over a five-year period? What are the incentives? We're lucky that this isn't a high demand area so we have time before development pressure will arrive here. I think we need to force the issue for Prosper, PHB, and BPS. I think this radical downsizing is tinkering on the edge of the displacement problem and doesn't solve the problem. I propose that we take more time with Subdistrict D and investigate the alternatives.

*Chair Spevak:* I've struggled with this too. It seems that this approach is to clamp down on NOAH providers and restrict them. It seems punitive, which seems unfair to them (the property owners providing affordable housing) relative to market-rate developers just outside of the area. It seems unfair and arbitrary to punish the property owners that are doing what we want them to do.

*Commissioner Magnera:* I am torn on this. Has staff brought this idea to SWEC? I would like to hear from those that are most impacted by the existence of affordable housing what they think about this idea.

*Eric Engstrom:* The SWEC coalition is aware of this discussion.

*Joan Frederickson:* We did bring this idea to SWEC so they could dive into the details and understand the issues and respond to the idea. We have not heard objections. We haven't shared all of these amendments with them yet, but we will be meeting with them and briefing them later this week.

*Commissioner Thompson:* I am interested in hearing more from the SWEC and the community groups. I feel like I am missing that perspective and the specifics of what BPS can do with the zoning code to preserve affordable housing. And I think we need to find ways to do better and put pressure on PHB and other city agencies.

*Chair Spevak:* I feel like this is a pretty heavy stick and a pretty weak carrot. Maybe there's a better property tax carrot that would work better.

*Commissioner Gittlemeier:* I'm also really interested in hearing what the community wants to see and some of the anti-displacement strategies have worked elsewhere.

*Commissioner Routh:* I agree with a lot of what has been said and I just want to make that clear. I want to nod loudly.

*Chair Spevak:* One path is to drop the overlay entirely and explore non-zoning approaches to preserving affordable housing, another is to find a middle ground, and one would be to hold off until we've heard more from the community.

*Eric Engstrom:* I just want to note that the City has a SW Housing Strategy as part of the SW Corridor Planning process. The zoning element was one of many to try and address this issue. There are other ways to try and address it. I want to be clear that staff is not trying to sell this zoning code element as the solution to anti-displacement in the WPTC – it's one of many. I would encourage the PSC to go back and read this document. The number one strategy is to find more resources for acquisition and creation of new affordable housing, which is why we were exploring a TIF district here. We also had a proposal in the SW Housing Strategy to give some funding to a statewide entity that focuses on NOAH preservation and City Council declined to fund that.

*Joan Frederickson:* We recognize that this is mechanism to try and encourage the retention of existing affordable housing. We recognize it is something that won't work on every site and many of these sites will continue operating as they have been. And also, these zoning strategies don't interfere with these property owners' ability to upgrade or raise rents. It just introduces a new set of options for those property owners.

*Commissioner Bachrach:* I understand the broad objectives here but is there a single action item about what to do about 762 units of privately-owned affordable housing. How, in an effective but fair way, do we preserve this housing in a way that doesn't punish these housing providers? You're taking away their ability to redevelop, but we don't know what their plans are because we haven't talked to them. I think this plan should go on hold until we analyze alternatives to Subdistrict D, since it's such an integral part of the WPTC. Are there targeted property tax abatements, targeted SDC's, targeted low-interest loans? I don't think we should just yank this out of the plan - it would be unfair to the community. I think we should reach out and work with the community and the property owners and do more analysis to look at other, more effective ways to tackle the problem.

*Commissioner Magnera:* I'd like to hear what options there are to do more formal analysis or work with the community to look at how you preserve NOAH? What options do we have to use WPTC and SWEC as a test case to look at how to retain NOAH? It seems that we need some more creative solutions that may go beyond what the zoning jurisdiction is.

*Chair Spevak:* I'm hearing that now is not the time to write up amendments and instead have staff work with PHB/Prosper/the community to come up with better solutions.

*Eric Engstrom:* I'm not clear what the directive is. It sounds like a reworking the SW Housing Strategy.

*Commissioner Magnera:* Is there a way to create a hook for future work and exploration on this project without going back to the drawing board. It could be something staff brings to the ADC?

*Eric Engstrom:* It sounds like one thing would be to take a deeper dive into what the SWHS says about preserving the NOAH.

*Commissioner Bachrach:* I don't think it's necessarily revisiting what's already been done but to focus on what tools can the City bring to bear to preserve 762 units of affordable housing. The PSC is not comfortable accepting that your zoning solution will accomplish that. It could be the Commissioner writing a letter to convene a group with all the players to focus on how to preserve these 762 units of affordable housing.

*Eric Engstrom:* I think what I'm trying to tell you is we already did that with the SWHS.

*Commissioner Bachrach:* What does it say? What are the answers?

*Eric Engstrom:* Resources. We need more resources to acquire and convert units.

*Commissioner Bachrach:* But that's not what we're saying -it's not about finding that big pot of money. And the zoning changes just freeze things in time. I'm saying let's not freeze everything, let's explore these other tools that I've put out there – the incentives and tax abatements, etc. I'm asking you to look at other tools besides just trying to have the City or Metro to buy them. We know the resources are hard to come by. I don't see how freezing the zoning in this area is the best solution we can come up with.

*Chair Spevak:* I will volunteer myself and others to re-read the SWHS and see what is in there and see if there is more useful information. For now, we'll need to keep working on this.

2. Amendment Discussion #2: RM1/RM2 design standards - 33.595.275 contains supplemental standards that apply in the RM1 and RM2 zones that address residential entrances, street-facing windows, operable window, orientation to common areas, and exterior finish materials. The question raised that led to this amendment was whether the cost of these standards hinder housing development?

*Amendment requested:* Eliminate some or all of these standards.

*Chair Spevak:* This is another one where getting feedback from the community would be fantastic. My hope was that staff could come up with a winnowed down list that removes the most expensive standards and bring it before the community with the hope of making it easier to develop the area. The staff directive would be to come up with a list of those standards

*Commissioner Bachrach:* I would like to loudly nod my agreement with that.

*Commissioner Magnera:* I just want to note the need for operable windows in consideration of the climate crisis and heat waves we've had.

*Commissioner Thompson:* I think that we do want to look at the standards that contribute to community health concerns over aesthetic concerns.

*Chair Spevak:* I think the directive here would be for staff to come up with a list of standards that could be removed and bring it back for discussion. *Straw poll* of commissioners supported that directive.

3. Amendment Discussion #3: Design Overlay: The 'd' overlay is applied to areas with mixed-use zoning, RM2 zoning, and to a limited number of RM1 sites that front on the Neighborhood Connectors that radiate from the town center.

*Amendment requested:* Discuss the extent of proposed 'd' overlay mapping - (amendment TBD)

*Commissioner Bachrach:* It seems the 'd' Overlay has dampened development in other areas so I think we should be talking through this.

*Joan Frederickson:* With the new DOZA standards, most new development wouldn't need to go through Design Review.

*Chair Spevak:* Straw poll – is this something that staff should draft an amendment? I'm not seeing a majority supporting that.

4. Amendment Discussion #4 – Urban green features. 33.595.280 requires green elements for developments that add more than 10,000 sf of floor area in the commercial areas along Capitol Highway and Barbur. These elements are: native landscaping, space for large trees, or an ecoroof.

*Amendment requested:* Consideration of more flexibility within the standards to help address heat island impacts/climate resilience, potentially by adding more options such as an ecoroof or including solar.

*Commissioner Thompson:* I'm not clear on how much of a constraint some of these would be to push towards the ecoroof option. I also wonder if it would be better to allow for more options, such as including solar panels or combining an ecoroof and solar.

*Commissioner Magnera:* I think this is the right direction, but I like the idea of flexibility for other options. I think the direction for staff (if this is included as an amendment) would be to come up with a list of more options and the feasibility of them.

*Chair Spevak:* I think this is a good idea to provide more options, especially if we're making them mandatory. There was *straw poll* support for staff to draft the amendment.

5. Amendment Discussion #5 – Affordable Commercial: Requires developers in Subdistrict A and B with more than 10,000 sf of new commercial space to set aside 1,000 sf of affordable commercial space.

*Amendment requested:* Discussion (amendment TBD)

*Chair Spevak:* This is one that I would like to hear back from community. It is basically mandating affordable commercial without offering incentives. I fear it could be a drag on development in an area where we're trying to spur that and are unsure the market is going to support that. My initial reaction is hesitancy.

*Commissioner Larsell:* I would like to hear from Prosper how this is working in other areas. I can't help but wonder how effective it would be.

*Commissioner Magnera:* How would this interact with a potential TIF district? And I would want to hear from community how they feel about it. I wouldn't want to knock it down if it was a community-generated idea.

*Eric Engstrom:* The current AC program does apply in the TIF districts and there are some zoning incentives available in those areas.

*Chair Spevak:* Can a developer buy out of the program?

*Eric Engstrom:* We are not proposing to change the mechanics of the program, so yes, they would be able to do that.

*Commissioner Bell:* I would like to know if we've heard anything about this program from minority chambers of commerce and whether this is an opportunity or hindrance for BIPOC business owners.

*Chair Spevak:* Should staff follow up or should we drop this as an amendment? There was *straw poll* support for staff to explore this more.

6. Amendment Discussion #6 – Other standards that exceed base zone.
  - Commercial Corridor Standards
  - Residential Corridor Standards
  - Setbacks
  - Retaining Walls

*Amendment requested:* Discussion (amendment TBD)

Amendment Discussion #6a – Other standards that exceed base zone

Commercial Corridor Standards in 33.595.250

- Location of vehicle area
- Trees between the building and the street on Barbur
- Ground floor windows
- Entrance frequency

*Amendment requested:* Discussion (amendment TBD)

*Chair Spevak:* Lack of support to raise this as amendment from the *straw poll*.

Amendment Discussion #6b – Other standards that exceed base zone Residential Corridor Standards in 33.595.260

- Driveway limitations
- Parking and vehicle access for attached houses

*Amendment requested:* Discussion (amendment TBD)

*Commissioner Routh:* I'm a big fan of this for accessibility and it would be good for higher speed corridors in the areas

*Chair Spevak:* Lack of support to raise this as amendment from the *straw poll*.

Amendment Discussion #6c – Other standards that exceed base zone Setback Standards in 33.595.270

- Minimum rear building setback
- Freeway setback

*Amendment requested:* Discussion (amendment TBD)

*Chair Spevak:* I'm fine with the setback but not requiring builders to build it.

*Chair Spevak:* A *straw poll* revealed support for staff to draft an amendment for the minimum rear building setback but not require developers to do build in it. There was not support for staff to draft a freeway setback amendment.

*Chair Spevak:* It's after 8pm so I would like to propose a time check. This project isn't on a time deadline, so I think we could finish the discussion on the remaining amendment ideas for the next WPTC work session on January 11.

*Commissioner Gittemeier:* We can probably pull Amendments 7, 8, and 9. I proposed those more for further discussion and don't expect amendments to come out of them.

*Commissioner Larsell:* I would like to see an amendment around the 10-years staff coordination and monitoring.

*Eric Engstrom:* There is still opportunity for amendment requests. Send those to us by December 8.

*Chair Spevak:* Continued the discussion until the January 11, 2022 PSC work session on the WPTC.

**Adjourn**

*Commissioner Spevak:* Adjourned the meeting at 8:06 p.m.

Submitted by JP McNeil