

Portland Planning and Sustainability Commission

October 11, 2022

12:30 p.m.

Meeting Minutes

PSC Commissioners Present: Jeff Bachrach, Jessica Gittemeier, Katie Larsell, Oriana Magnera (left at 12:50 p.m.), Steph Routh, Gabe Sheoships, Eli Spevak; 1 open position

PSC Commissioners Absent: Johnell Bell, Valeria McWilliams, Erica Thompson

City Staff Presenting: Patricia Diefenderfer, Sandra Wood, Phil Nameny, Ingrid Fish, JP McNeil

Documents and Presentations for today's meeting

Chair Routh called the meeting to order at 12:36 p.m.

Chair Routh: 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 hybrid meetings, which provides for both virtual and in-person attendance for Commissioners, staff, and the public.

- Members of the PSC will elect to attend in person or remotely by video and teleconference.
- The public may watch the live stream or attend in person in the Commission room at 1900 SW 4th Ave, Suite 2500.
- Public testimony for projects that have a hearing at the PSC will be taken both in person and by electronic means.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the continued need to limit in-person contact and promote physical distancing when warranted. The pandemic is an emergency that threatens the public's health, safety, and welfare.
- Thank you all for your patience, humor, flexibility and understanding as we navigate this situation to do the City's business.

Items of Interest from Commissioners

- *Chair Routh* noted it is budget time. The PSC tends to have 1-2 members on the BPS Budget Advisory Committee. Please let us know if you are interested in serving in this capacity.

Director's Report

Patricia Diefenderfer

- The West Portland Town Center Plan is at Council on 10/12. Steph will present and share PSC letter.
- We are working on a code amendment to change the PSC to the Planning Commission with revised purpose and powers. That project is coming to PSC on 11/08. In preparation for that,

Sandra and I will be presenting at tonight's Community Involvement Committee meeting. There are 6 new members of the CIC have been seated and have their first meeting tonight.

- A reminder of the BiOP / floodplain optional sessions for PSC members (Friday 10/14 or Monday 10/24, both at 11 a.m. – 12 p.m.). Please confirm with Julie if you'll attend.

Consent Agenda

- Consideration of Minutes from the September 27, 2022 PSC meeting.

Commissioner Gittemeier moved to approve the Consent Agenda. *Commissioner Spevak* seconded.

The consent agenda passed.

(Y7 – Bachrach, Gittemeier, Larsell, Magnera, Routh, Sheoships, Spevak)

Shelter to Housing Continuum Part 2

Briefing / Hearing: Sandra Wood, JP McNeil

Presentation

JP provided an overview of the project.

These are minor zoning code changes to that clean up a few things that arose in the implementation of the previously adopted S2hC – adopted April 2021. They are mostly tweaks to standards that apply to shelters and are in response to issues that came up at BDS or with shelter providers with the new S2HC code.

There are 4 areas of focus for the S2HC Part 1 project (slide 2).

S2HC2 is focusing largely on outdoor shelters. This includes:

- Safe Rest Villages (SRVs)
- Private shelters on institutional sites such as:
 - Agape Village
 - The Bridge
 - WeShine
- **But not:**
 - Unsanctioned camping and living in cars//RVs on the street
 - It's intended to be an alternative to that

Related topics include non-zoning things:

- Housing emergency provisions have been extended to 3/22/2025.
- State Legislature extension of BH 2006 extended to 7/1/2023.

This second iteration is a response to some permitting challenges that arose for new shelters trying to be permitted under the S2HC rules and aims to address some of those issues. The proposed changes are fairly technical amendments to the Zoning Code to clarify or clean things up a bit.

There are four proposals. The first proposal is an amendment to rules for shelters found in Chapter 33.285, Short Term, Mass, and Outdoor Shelters and clarifies how big of a Industrial site an outdoor shelter can occupy. The second category are amendments to exempt shelters from base zone, overlay zone, and plan district development standards and create a set of standards specific to outdoor shelters. The next group are amendments to clarify how shelter operations are regulated under the Temporary Activities chapter. Finally, we are drafting amendments to exempt outdoor shelters from CU review in most cases.

Outdoor shelter sites: This clarifies where outdoor shelters may be sited relative to industrial zones larger than 2 acres. The intent of the maximum size limitation was to limit the size of the outdoor shelter itself, not to exclude sites larger than 2 acres in size from hosting an outdoor shelter. The use of the words “site size” versus “site” in the adopted amendment changed the meaning of the limitation. In industrial zones, sites are often very large, much larger in some cases than 2 acres.

Outdoor shelter standards: When outdoor shelters were being permitted in S2HC code, there were issues with development standards that were sometimes relatively uncommon that don’t make sense with an outdoor shelter (e.g. minimum FAR in Gateway). Originally we thought to waive and pull out standards to create exemptions; then we realized we might have to amend this again, so to flip the script, we are proposing a blanket exemption for outdoor shelters that apply to all (slide 7).

Temporary activity rules: These amendments clarify the rules for shelters operated as a temporary activity. This is different from the outdoor shelters that we’ve been talking about, which are permitted as permanent uses. The Temporary Activities chapter allows shelters to operate for up to 180 days as a temporary activity.

Conditional use sites: Here we’re talking about shelters on sites with a Conditional Use (e.g. a church in a residential zone).

The Proposed Draft was released last Friday, and we are welcoming testimony via the Map App. We are then scheduled to return to the PSC on November 8 for your work session and recommendation to Council, where we expect to go for adoption in winter 2023.

Chair Routh noted today’s hearing did not have registrants. Oral testimony is closed, and the written record will be open through this Friday, October 14, at 5 p.m. via the Map App. We will continue this to our work session on November 8.

Commissioner Spevak noted this is a great project, and I’m ready to support it as proposed by staff. *Chair Routh* confirmed and appreciated removing the barriers as this project does.

Commissioner Gittemeier: Thank you to staff for following up on this project with the community.

Electric Vehicle (EV) Ready Code

Work Session: Sandra Wood, Phil Nameny, Ingrid Fish

Presentation

Disclosures

None.

Ingrid introduced herself and Phil, the co-leads of the project. Today's work session is a continuation from the hearing on September 13.

Policy background

- City staff have been directed to decrease carbon emissions from the transportation sector in order to meet our climate goals.
- Enabling the installation of EV-Infrastructure is a key foundational step to transitioning vehicles away from fossil fuel use.
- This is especially important in multi-dwelling buildings where it is difficult for tenants to access EV chargers and expensive to install EV infrastructure after a building is constructed.

The City's EV Ready Code Project brings Portland's Zoning Code into alignment with new state regulations, while adopting higher local ratios. City Council has adopted multiple plans with embedded policy direction to support this work on slide 3.

We had 5 amendments proposed at the September 13 meeting:

- The first amendment augments the DLCD requirement for 40% EV-ready spaces for residential and mixed-use projects with 5 or more new dwelling units (that include parking spaces), EV-ready infrastructure must be installed for:
 - 50% of parking spaces for larger parking areas.
 - 100% of parking spaces when there are six or fewer spaces provided.
- The second amendment establishes development standards for where chargers and equipment can go within the parking lot.
The main staff proposal is to not allow them to go into the perimeter parking lot landscaping (note this item is subject to discussion).
- The last three amendments are more technical clarifications and incentives to encourage the provision of EV chargers.

A reminder that this project is also a compliance project with a DLCD implementation date of March 31, 2023. So with this quick turn-around, we are aiming get this passed by City Council before the end of March which is when the 40% requirement goes into effect.

Ingrid shared highlights from the testimony received for the project (slide 6).

Staff shared a [response memo](#) with PSC members addressing questions last week.

Phil noted the discussion topics from the hearing and PSC members' notes (slide 8).

The first item is our position on limitations to allowing EV chargers and accessory equipment in the perimeter landscaping strip. We do want to point out what we have seen in terms of the choices for where the equipment can be placed. The perimeter landscaping issue is not an issue where structured parking is provided as in these examples. So, the focus is on surface parking lots.

Within surface parking lots, we have seen a variety of situations where the chargers can go and not impact the perimeter. This can include chargers located close to, or attached to buildings, located by

internal landscaping strips, or placed between parking spaces. None of these impacts the perimeter landscaping.

Likewise, we have seen the equipment get placed in various places. Note that it is usually the fast chargers that require additional equipment. If the chargers are by spaces close to the buildings, the equipment can be placed by the building. If there is substantial amount of equipment, it can benefit the public realm by providing a landscaped buffer and screening.

Currently, BDS has been requiring chargers near the edge to maintain the 5-ft setback, so our proposal is continuing what BDS is doing in practice. Keeping these out of the landscape strip, especially in cases of existing mature landscaping, allows the landscaping to remain and not have to get removed or transplanted, maintaining its screening and shading capability. That said, applicants can ask for an adjustment to our standards. The approval criteria for this land use review considers alternatives and mitigation to meet the purpose of the standard.

Potential discussion (slide 13): electric vehicle chargers and equipment in perimeter landscape areas. The option would allow a partial projection for the chargers of 2-feet into the required perimeter landscaping. This could potentially allow for shrubs and trees to be able to be planted or existing plantings to remain, while providing some flexibility. It acknowledges that the chargers must be adjacent to the parking spaces. However, we still feel that screening the equipment is important, and the equipment doesn't always need to be directly adjacent to the spaces or the perimeter.

Commissioner Gittemeier: Can you talk about the 5-foot landscape setback and why it's required?

- Phil: It can be 5 or 10 depending on the zone. The idea is that it provides screening of the parking and an opportunity to plant trees, reduce the heat island effect, and may be used as a stormwater facility. Equipment in this area detract and reduce the intended function of landscaping.
- Ingrid: If you're not starting from a new space, you may have mature trees and shrubs that would be removed and replaced with smaller growth.

Do we think the current language would actually stop someone from taking down a tree? Would that still be achieved with the change in language?

- Phil: In looking at chargers that have been put in, both the hedge and trees were able to be kept (e.g. at Fred Meyer and Providence). Trees pre-dated the installations, which of course is beneficial.

The standards exist right now, and we are hoping there is more charging that goes in, so we want to take that into account.

Commissioner Larsell: Is there a bigger plan for EV charging? Do we know where people will be charging speculatively?

- Ingrid: We have done lots of analysis of where we expect charging. We know people charge at home primarily and at work. It's hardest to get charging in multifamily homes as a tenant. So we are trying to encourage charging where the market may not necessarily go. For the Portland-specific proposal here, we are talking about all types of new residential construction.
- Phil: There are lots of required layers: at the State, the building code requires 20% EV-ready for multi-dwelling/mixed use with at least 5 units and commercial buildings. DLCD upped that to 40% for multi-dwelling/mixed use with at least 5 units, and Portland is bumping that even higher. We are also providing guidance for any EV charging (not just new construction).

Commissioner Larsell: I am more towards allowing chargers in the landscape strip because this technology will have a huge positive impact for us. I don't want to make it any more difficult but would love to hear what others say.

Commissioner Gittemeier: Are there other regulation that protect trees so we don't have to do this in this project language?

- Phil: Parking code does include landscaping requirements. With the DLCD climate-friendly rule-making, there are also provisions about tree canopy and/or solar for large parking lots.
- Sandra: We can look into the Tree Code and how it works with this. What I like about the proposal from Phil here is that if you think about a car parking, it could be overhanging the ground cover. Chargers in this space would eliminate that.

Commissioner Spevak: There is a piece of the code about flagpoles and such in setbacks. But can you put a flagpole in a landscape (not building) setback?

- Phil: We were focused on single- and multi-dwelling zones. Landscaping in the parking chapter is more specific for landscaping.

Direction from PSC: do you want to keep the originally proposed code (no chargers or equipment in perimeter landscaping) OR only chargers to project/encroach 2-feet into perimeter landscaping.

Chair Routh: I am hearing appetite for hearing about how equipment can be in the landscaping without encroaching on Tree Code and other provisions already in code.

Commissioner Spevak: I'm interested in allowing chargers within the given distance with same provision for other equipment with caps on it. I don't think the equipment will be that large, so I'm thinking of a way to accommodate. *Commissioner Bachrach* concurs to make it a little easier for developers to accommodate the need, using the entire setback if necessary.

- Phil: I would like to keep it simple (e.g. 2 feet) for both.

We will look at Title 11, building code, Zoning Code parking chapter.

Equipment not allowed in landscape buffer: Can we include a size consideration? Yes. We should also get *Commissioner Thompson's* ideas since she's developed parking lots.

Staff will work with Commissioners *Spevak* and *Thompson* on code language.

Electric bike (e-bike) charging.

Ingrid: Electric bike charging was out of the scope originally as the project is focused on conduit installation, not the chargers themselves.

- The State requirements and the proposed City code provisions were focused on minimum requirements for automobiles.
- EV-Ready infrastructure for e-bike parking has been outside of the scope of this project because the long-term bike parking code was relatively recently updated on March 1, 2020.
- The long-term bike parking code update included requirements for the installation of outlets to charge e-bikes in larger long-term secure bike parking areas for tenants.

- The EV-Ready Code Project (at the State level and in Portland) does not require buildings to include chargers or outlets, it only requires builders to install empty conduit and for builders to show where the future electrical capacity, needed to power the chargers, will go. The empty conduits end at vehicle parking spaces which, in most cases, are not safe places to park a bike, given the car/bike conflict risks.
- The focus of this project is to have builders install EV-Ready infrastructure (mainly conduits) during construction, to avoid expensive retrofitting that would be needed to install EV chargers for automobiles after a building is constructed.
- The testimony we received to consider including requirements for e-bike charging was focused on short-term bike parking.

Because e-bikes were not part of our original scope, we have not done outreach to businesses. We did hear concern in the submitted testimony that the outlets may be utilized for things other than e-bike charging and concern about managing the use of the outlet. There is a huge variety in where bike parking can go, so the one size fits all code solution does not work well. The chart on slide 15 illustrates how we have been thinking about this issue. We noticed that it is not necessarily an apples-to-apples comparison because of the differences between bikes and vehicles and what is needed to provide charging.

There is a wide variety of short-term bike racks on private property. Depending on the building, they can be located right next to a building wall, significantly far away from the building (which would mean conduit would need to be drilled in concrete) or not located on the property at all, in the case where the building owner pays into the bike fund and the rack is located in the ROW. Therefore, it is hard to prescribe a one size fits all code requirement.

We recommend that the PSC forward the staff proposal without including a bike charging amendment because:

- The one size fits all issue.
- We did not do e-bike charging for specific community or business engagement to understand the unintended consequences and effectiveness of a requirement for bikes.

Commissioner Spevak: I see we do have parity with the bike parking work. This project is mostly long-term auto parking. So I feel like we are good with staff's proposal on this.

Chair Routh: I agree and also appreciate staff for having a number of conversations about this with me, the e-bike groups, and recognizing the complexity for planning for a preferred future in an evolving and changing environment.

Commissioner Sheoships: Bike security is a key practicality to thinking about how and where to build facilities.

Sandra: We have 2 more technical items on the e-bike topic.

Phil: In addition to these parking comments, *Commissioner Spevak* had brought up some more technical suggestions related to e-bike charging and some of the other clarifications we were making with this project.

The first idea would be to add e-bike charging to the proposal that EV charging be exempted from improvement costs when determining non-conforming upgrades. While we aren't sure if those costs would add up to much, we think this is something that could be included in the list for the non-conforming chapter amendments we were making to 33.258.

The second item was to clarify that e-bike chargers are exempted from exterior development expansions and wouldn't trigger CU review. However, we already exempt the more generalized addition of bike parking, and it is likely that the chargers would either be included in the area added for bike parking or would be in an area already developed with bike parking. So, we don't see a need to add e-bike chargers as an exempt trigger separately from the more general bike parking exemption.

Commissioner Spevak concurred with staff's recommendation here.

Sandra: When a project comes in and non-conforming upgrades are included, they also have to show dollar figures / evaluation. How much do electric bike parking chargers cost?

- *Commissioner Spevak*: Some, but it depends... in the thousands of dollars.
- Phil: This is about providing the electrical infrastructure for bike parking. So if someone is doing an extensive improvement, it will be on the other side of the equation.
- Patricia: What I'm thinking about is the cost we're thinking about and not getting overly complicated for people to figure out the costs.

Chair Routh: This is a permissive structure without creating any barriers – a good win with this (amendment language for the first and drop the second above).

Phil (slide 19): The last amendment is a technical suggestion that the language staff originally proposed that requires EV chargers for car sharing to apply the exemption, be removed. Currently, this car sharing provision has no EV requirement. The upcoming parking compliance project is anticipated to remove these exemptions entirely, because there will be no minimum parking spaces needing to be reduced. So, the lifecycle of this code change would only be a few months.

PSC members concurred with this. *Chair Routh* noted that she works at Sightline Institute who strongly worked to remove parking minimums.

Staff has the direction they've sought today, particularly on the landscaping provision. They will provide amendments on the items directed prior to the October 25 meeting. At that meeting, staff will ask for votes on any of the amendments and to recommend to City Council that they adopt this amended version of the report and amend the Zoning Code as shown in the report.

Chair Routh continued the project to the October 25 PSC meeting.

Adjourn

Chair Routh adjourned the meeting at 2:23 p.m.