### Heather Flint Chatto

### #333544 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

City Council Members,

Thank you for actively seeking solutions to advance housing needs. I support adding density and infill to achieve affordable housing. As a design and urban planning professional in the field for nearly 25 years, I do not believe stripping away the Design Review, Articulation, and Ground Floor Commercial requirements, nor Neighborhood Contact, Green Roofs, and Bird Safe Window requirements are the way to get there. Bird safe windows and green roofs are a red herring distracting from the serious impacts of these other more complex policies that the public understands very little in this muddled context, but have spent years working with your talented staff to put current thoughtful policies in place with intention, which you are about to undo in with a well-meaning but short-term thinking reactive approach. This will have serious negative long term consequences to your economic vitality as a city. Bird safe windows do not get triggered unless you are doing too much glazing (glass) so it is a design fashion decision to incure this cost, not an unreasonable policy. It is an optional choice a designer makes which is already planned for to allow a balance of affordability and good design. While other issues not mentioned may be valid for consideration to reduce, much of the attention in testimony has created a distraction from the real issues of making the housing types we need for the people who need it most to open the door to any project with housing not just affordable housing.

I urge you to:

1) only make this applicable to affordable housing at a minimum, and

2) consider a more thoughtful timeline for greater study and inclusion, and

3) to fully examine the tradeoffs and impacts to the many planning issues under your charge that are being eroded without full measure.

Many designers and planners I know (as well as other testifiers) have shared that **this project** undoes years of recent policy made with extensive process, review and participation without fully measuring the impacts and tradeoffs to economics, social health, citywide impacts, and potentially unintentionally incentivising expensive market rate housing over affordable housing, and thus more gentrification and displacement because you've taken away the checks, balances, and tools you need.

I encourage you to look to innovative additive solutions, not reductiv policy, that can inspire and lead.

Please see attached testimony shared in prior testimony including four alternative housing recommendations for "Future Work". Together, these address cost issues associated with design, expand the range of housing solutions, reduce code barriers, and increase the inclusion and equity of those that may participate in building affordable housing. If you want to increase capacity and buy-in, increase solutions that more constituents can work with the city to achieve (e.g. reduce barriers in code to adding tiny houses on wheels on multifamily zoned properties and support incentives for adaptive strategies and technical assistance for residential conversions and additions). Residents can be partners in the process of helping create affordable housing and will reward you with supportive votes at the polls for your leadership.

Please do not reduce aspects that make quality buildings for all - specifically neighborhood contact requirements, green roofs, bird-safe windows, bicycle parking, ground-floor commercial and building articulation. When we suspend the standards that support street activation, community cohesion, and economic development we are reducing the value of public space that supports much needed public life and business activity downtown.

LACK OF INCLUSION & PUBLIC PLANNING BEST PRACTICES Of grave concern is the process this policy has gone through does not feel inclusive in engagement for many that this will impact, including lack of inclusion of neighborhood associations who will be directly impacted by the reduced notification Processes when surveying for this project, and the process seems to be skipping best planning practices for what is currently being considered, negating other planning projects that did have time, community input and extensive review.

### DESIGN MATTERS TO MAKE GOOD HOUSING

I strongly encourage you to survey and talk with more affordable housing on the ground staff that provide day to day services. They are raising important issues that where much of the money is spent on DESIGN is misaligned with the housing needs of those using and living in the buildings. This deserves more inquiry from the City and needs design review to make GOOD HOUSING. We've seen what kind of trauma and poor development can happen when we build housing that isn't healthy for occupants, especially our most vulnerable.

### COST ANALYSIS NEEDS TO THINK BEYOND "FIRST COST" & CONSIDER THE IMPACTS OF POOR DESIGN ON LOW-INCOME RESIDENTS

The analysis of this project is far too narrow. Much of what you are looking at is first cost to build, but major cost impacts are also on the ongoing management and maintenance of buildings and we

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft are losing the focus that poor design is significantly impacting both the cost and the quality of the housing we are building. Many design issues add cost (e.g cantilevered buildings, misaligned floor plates, overglazing, not using replicable components, extraneous building features for fashion, poor materials that create weather sealing challenges and cost issues later). Design issues can impact health livability and cost, and if not done well can make it actually traumatic and less desirable for the actual residents (for example, the Buri Building horror stories of a brand new building). Are we thinking this project through sufficiently? Please do not rush this project through.

### MEASURING SUCCESS

Multiple affordable housing on-the ground staff I have spoken to expressed great concern about this and about the lack of funding for staff that make successful projects for both providers and residents. You need more metrics than quantity in your evaluation than number of units and how quickly they can be built. The issues are deeply nuanced.

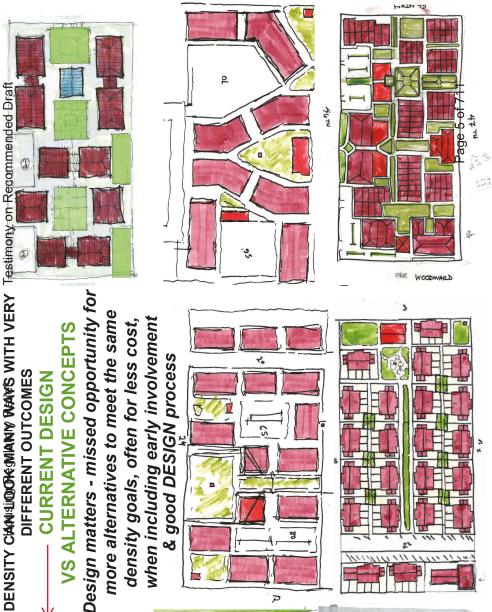
AVOID A RUSHED APPROACH WITH LONG TERM IMPACTS I strongly urge you to consider extending the timeline on the project and the deadline for testimony, and a much more inclusive discussion of issues, unintended consequences and other creative solutions that can actually increase both quantity and quality of the housing we are building so we don't lose the forest for the trees. The adage - you can have it fast and cheap but not good, or good and cheap but not fast comes to mind. Finally, there are many more solutions that can be considered if open to a more creative, inclusive and less rushed process. I hope you will explore possible amendments that could not only reduce regulatory aspects but also incentive approaches. Invite more collaborative solution-making than top-down approaches and you may create more impactful solutions, a more informed citizenry around affordable housing, and potentially make improvements with less unintended consequences and more innovation. Thank you,

Heather Flint Chatto, Director

Portland Main Streets Design Initiative (PDX Main Streets)

www.pdxmainstreets.org

Testimony on Recommended Draft	happens	s ousing residents elates to the patterns xt Page 4 of 711
In the test of	, it is how it happens	Transparent & inclusive process Safe & healthy for affordable housing residents Context-sensitive design that relates to the patterns and forms of surrounding context Low-impact green development
ordinance 191609 Bababababababababababababababababababab	It's not if, i	<ul> <li>Transparent &amp;</li> <li>Safe &amp; healthy</li> <li>Context-sensit and forms of s</li> <li>Low-impact gr</li> </ul>





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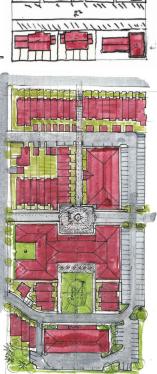
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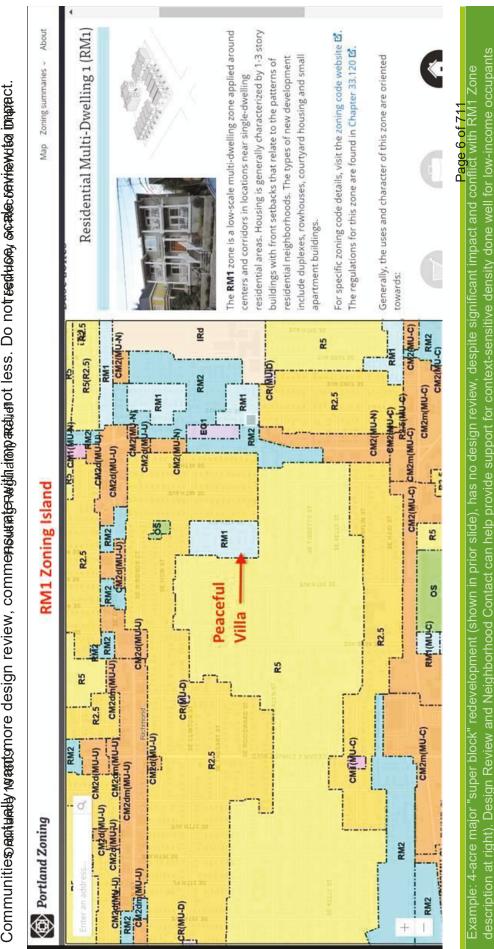
### **VS ALTERNATIVE CONCEPTS**

Design matters - missed opportunity for more alternatives to meet the same density goals, often for less cost,



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Communities autually received on the second of the commensus at the standard of the second of the IMPACT THRESHOLD is needed for Design Review, not a blanket reduction. A scalpel is needed to refine, not a machete.

Inclusion Concern - Process & Impact Retain Neighborhood Contact Meeting	<ul> <li>Lack of inclusion:</li> <li>NA's were not sent the survey</li> <li>Not involving those affected by this policy</li> <li>Cannot make a finding of inclusion</li> </ul>	<ul> <li>Leave this in the code - high value, low cost</li> <li>These meetings cost little, but add much to make better projects, and more buy-in</li> <li>they increase social cohesion and trust in process</li> </ul>
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inance 191609 Well-intentioned goals but low confidence in the process	Overly rushed process has legal concerns Overly broad - greater support if applied only specific to affordable housing	Lacks sufficient time to assess impact & think through details	Are we reducing trust in governance and public involvement?	Alienating density supporters?
Ordinance 191609	Overly rushe Overly broad to affordable	Lacks suffic details	Are we reduint	Alienating d

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Resenting Design Review doesn thuild         Public Review doesn thuild         Support for density, ensure good housing,         Public Review doesn thuild         Public Review doesn thuild </th <th></th> <th></th>		
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### Design for Affordability

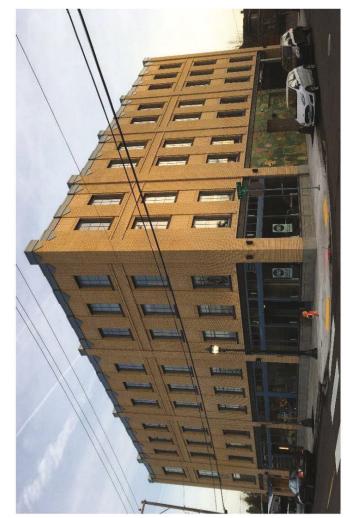
### New Affordable Design Standard Proposed

- Use a simple and compact building form and massing
- stack unit plans and floor plates and align window and door openings within walls (SMILE Guidelines)
- Avoid cantilevering large structural elements which reduces the need for expensive structural steel.
- Avoid extraneous overbuild elements that extend from the building as "just for show" design
- Integrate energy efficient strategies that contribute to reduced utility bills for inhabitants.

**Optional Standard:** 4 points

Increase affordability by design through incentivizing best practice

Housing Beavlatory Relifications are infor The Jingy ਅਦਾ "ଅଟେମ୍ ସମ୍ପାର୍ମ ମିଙ୍ଗୀ Affordable Design & Construction" white paper from Walsh Construction. The main streets pattern aligns with these simple recommendations.



This new building on Alberta was built for **no additional cost** above typical construction and follows all the maip street patterns.

# Add a "Future Work" Amended Draft Testimony on Recommended Draft

Consider Additive Strategies for Innovation that rather than reductive dismantling of planning creatively address regulatory policy barriers regulations

- 1. Innovative Housing Demonstration Pilots:
- 2. Allow Tiny House on Wheels Villages on Multi-family zoning
- Financial Tools & Technical Assistance for Converting Single Family to **Multi-family** . ო

PROPOSED AMENDMENTS TO HOUSING REGULATORY RELIEF PROJECT 3 Housing Amendments for Future Work

These Future Monit Ameniments are need steps to achieve more affordable housing with less barriers We support start to meet current timing recomments, jerophysical parts this has a shorter poloitic. Jive Support start to meet current process that mon optical.

City Council support tagge can demonstrate commitment to address solutions and barves in parallel, without adsiving the project. Action now informs name sam work para and budgets to more forward with vision and minoration is address press, advocating, and cances advocation

Innovative Houcing Demonstrations Polloy (IHDP) - https

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nolude Tiny Homes on Wheels (THOW) as a Cluster Housing Type

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und more citinate-fronty insuling approaches over administion. It will also support more farmess of who , and who can attind to reavait and the in mei housing based on increased financial bols and resour exections fargedate. In considing-part francing hurdits that find more average polaritories from participation Create the Package of Financial Tools to Support Density in Adaptive Reuse - These www.es.acted.co.come.co.comescore. additions and ADUS) which facilitate low-carbon is ting, tax h as, low interest loans, fast trade

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Proposed "Future Work" Amendments	k" Amendments	Description	Planning Precedents
1	Innovative Housing Demonstrations Policy (IHDP)	<ul> <li>Test innovative housing solutions with low-risk pilots</li> <li>Helps reduce code barriers</li> <li>Flexibility in Site Design</li> <li>Models affordable climate positive housing</li> </ul>	Redmond WA Housing Policy for Innovative Demonstration Pilots ( <u>View Code</u> )
	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	<ul> <li>Affordable, quick to build, quality housing now that is easy to customize and move</li> <li>Scale up houseless options</li> <li>Unlock more underutilized urban land</li> </ul>	Shelter to Housing allows THOWs as Conditional Use, already allowed in Commercial/Institutional Zones; CA approach
CC	Add RIP Financial Implementation ToolsMore access, less de Technical AssistancImplementation Tools• Technical AssistancImplementation Tools• Fee Waivers & ReduIncrease low-carbon housing & diversity in who benefits• \$ew-interest Loans• \$ diversity in who benefits• \$ Rebates & Incentiv	<ul> <li>More access, less demolition</li> <li>Technical Assistance</li> <li>Fee Waivers &amp; Reductions</li> <li>Fast-Track Permitting</li> <li>Low-interest Loans</li> <li>\$ Rebates &amp; Incentives</li> </ul>	SDC Fee waivers for ADU's, BES loans to help reduce cost barriers to RVs/THOW hookups, past gr <b>Begerd@foifiZeh</b> tives

THOW: Tiny Homes on Wheels; ADU: Accessory Dwelling Unit, SDC: System Development Charges

# Innovative Housing Demonstration Pilot (IHDP) Policy Policy Policy

Redmond Precedent for Innovative Pilots: https://www.codepublishing.com/WA/Redmond/CDG/RCDG20C/RCDG20C3062.html

**Need:** Until permanent ordinances regarding innovative housing projects can be implemented, there is a need to allow a limited number of regulated innovative housing projects.

Action: Drawing on existing policy precedent, create a pathway to remove barriers that exist to a variety of alternative housing types that provide both greater affordability and environmental innovation. A small set of pilot projects would help:

- test innovative housing models,
- evaluate code issues, and
- demonstrate viability with low risk.



This demonstration approach will increase the availability of built examples that model social, financial and environmental innovation in Portland neighborhoods. Page 13 of 711 Innovative Housing Demonstration Pilot (FBUP) Examinended Draft EXamples

We need more innovative housing models for affordability, equity, and climate responsive design. These are possible now, yet unnecessary barriers prevent wider application.



# Benefitsoof the Innovative Holesing Rillot Appleoach

- Innovation Opportunity to be a leader in continuing Portland's -egacy of Innovation
  - Low Risk, High Reward Small set of pilots provides a pathway to test innovative housing models, study code barriers, and demonstrate viability with low risk
- Transitionary approach Low-impact development can happen NOW while retaining future higher intensity development potential without demolition
- Climate-responsive approach Supports removing code barriers to more climate responsive and low impact housing types
- Socially-responsive approach Creates more opportunities to demonstrate affordable socially-supportive housing models that we have few example of (Cohousing & Community Land Trusts)

Creates a pathway to test creative affordable housing approaches we may not have considered yet.



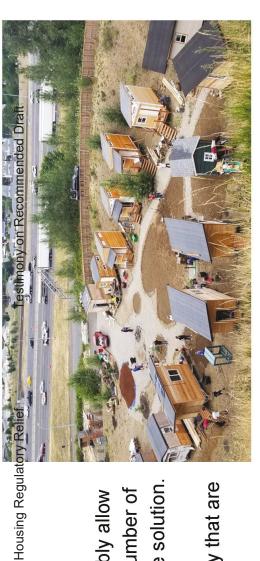
The L.A. Dome Village was comprised of 20 Omni-Sphere domes which provided housing and supportive service for up to 34 individuals and family members. Located in the heart of downtown LA, it transformed an unsightly encampment site into a community of formerly **Regne**(5sef)3dbple.



Ordinance 191609

Challenge

- The current system does not equitably allow the participation by the significant number of people who want to contribute to the solution.
- There are many sites around the city that are ripe for similar interim development.
- Tiny homes and THOW supports higher intensity interim use for affordable rental housing and can provide an alternative low-bar to entry home ownership
- Retains future potential of higher intensity uses without demolition.





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### Housing Regulabry REWORK," AMENDAMENT Housing Regulabry California Control of the Control of the

# Include Tiny Homes on Wheels in Cluster Housing

### Benefits

- Increases equity and accessibility of who can own/build/create housing
- Provides much needed low-cost housing with greater flexibility at a price point and market category currently missing
- Adds to diversity of affordable housing choices (both rental and owned)
- Low-impact development infill
- Adds density that fits in with existing residential neighborhoods turns more neighborhoods into density supporters with positive examples
- Transitionary development approach on the housing continuum
- Housing dignity for low-income residents is not only gained but a source of pride in their uniqueness
- Makes home ownership much more in reach for many more people



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Ordinance 191609 Tiny Homes & Affordability	Housing Regulatory Relief Testimony on Recommended Draft that spaces are designed to be multi-purpose. Additionally, because tiny homes are generally so much more personalized than traditional homes, you really do get more bang for your buck, so to speak, in terms of usage. Plus, a smaller price tag means less loan interst to pay; it's not uncommon for mortgage holders to end up paying an additioal 50% of what their home is worth in interest alone.
-Ilaction of cost of typical housing	• 60% of tiny homeowners have no credit card debt.
-increases availability of	• On average, a tiny home costs less than one-fifth what a traditional home would cost.
sites and providers to	<ul> <li>The average sales price of a newly-built single-family home is \$383,900.</li> </ul>
partner in the solution	<ul> <li>The average listing price of a home on Zillow is \$275,000.</li> </ul>
	• The average cost of a built-to-suit tiny house is \$59,884.
- adds to the diversity of	<ul> <li>The average cost of a DIY home build is closer to \$23,000.</li> </ul>
nousing cnoices in an expedited low-impact way	<ul> <li>The most luxurious tiny homes top out at \$180,000.</li> </ul>
	<ul> <li>One couple built their own 192-square-foot tiny home for less than \$8,000.</li> </ul>
<ul> <li>increases pathway to ownership model</li> </ul>	<ul> <li>78% of tiny home dwellers own their home compared to 65% of traditional home dwellers.</li> <li>Page 19 of 711</li> <li>Source: <u>https://ipropertymanagement.com/research/tiny-home-statistics</u></li> </ul>

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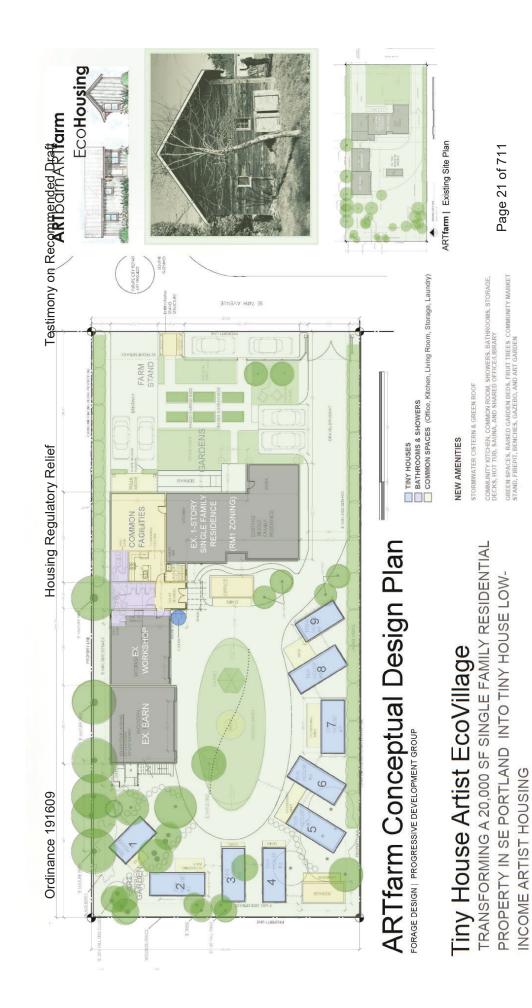
Housing Regulatory Relie

### Compact, low-impact, affordable (Images from Art Farm existing Tiny House on Wheels) Tiny House Living









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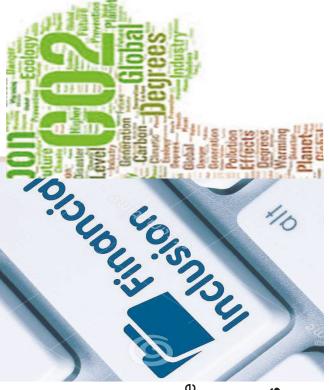
## 

## Add Financial Implementation Tools for Adaptive Residential Increase low-carbon housing & diversity in who benefits

Create the Package of Financial Tools for Internal Conversions to incentivize a better climate strategy over redevelopment.

- Low interest loans
- Fee Waivers
- Fast track permitting
- Tax incentives
- Technical assistance programs to help educate, encourage and provide design and permit assistance to help more communities do adaptive reuse and build new

These financial tools will support more fairness of who gets to build and who can afford to create and live in housing



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Housing Regulatory Relief

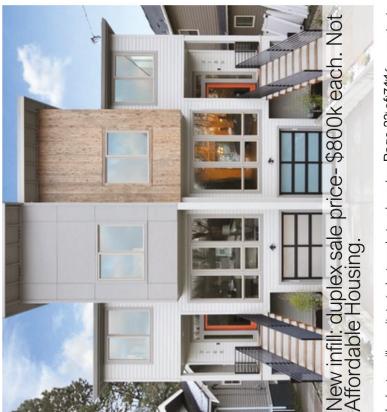
Testimony on Recommended Draft

# Affordability, Equity & Climate Concerns can be mitigated

### Expand who benefits from RIP with financial tools and technical

### assistance.

- Without the financial tools that support adaptive development we continue to further gentrification, displacement, demolition and inequity in who benefits.
- We need the financial tools in place to help small local developers, residents and local communities with less knowledge gain access to technical assistance and resources,
- We need to help others "Age in Place" with adaptive strategies
  - Financial tools can be a positive anti-displacement strategy



Industry will gravitate to hot markets where hou Blage and will for greatest profit. Further exacerbating the inequities of housing options in inner areas over internal conversions which would yield more affordability.

# ordinance Inneentives for Conversions & Adaptive Densityed Draft Advance Equity + Affordability + Climate







# ordinance Incentives for Conversionsel& Adaptive Densityed Draft Advance Equity + Affordability + Climate



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# Addarsa fee Future Widertx and Ameinvormeent

Consider Additive Strategies for Innovation that creatively address regulatory policy barriers rather than reductive dismantling of planning regulations

## Innovative Housing Demonstration Pilots:

Allow flexibility on regulations and site planning intended to help identify code barriers (see Redmond policy precedent)

### Allow Tiny House on Wheels Villages on Multi-family zoning N

- Remove Conditional Use requirement (for non-shelter village) ສ.
- Add to Allowed Cluster Housing Types for multiple units only 1 allowed now unless considered a shelter . Q
- Allow alternative foundation approaches (e.g. locking removable foundation instead of fixed concrete pads that will need to be demolished in future higher density development). <u>ن</u>
- Allow alternative utility approaches like solar, gray water, and compositing toilets (with inspections) instead of permanent utilities that add cost and permanent infrastructure that would need to be undone in future. California already allows for this solar provision and OR Code allows for this sanitation option. б.

## Financial Tools & Technical Assistance for Converting Single Family to Multi-family . ო

- Reduce demolition, support climate-friendly approaches, Expand who can participate in creating affordable housing ອ.
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3ªAmendments /

۲ ک	Proposed "Future Work" Amendments	Equity & Access	Housing Options	Affordable Strategies	Houseless Solutions	Climate Resiliency
	Innovative Housing Demonstration Policy (IHDP)	>	>			>
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	>	>	>	>	>
<b>m</b>	Add RIP Financial Implementation Tools Increase low-carbon housing & diversity in who benefits	>	>	>	Page 2	Page 27 of 711

### Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft Advocacy for PDX Main Streets Housing Initiatives

While we have strong concerns about the current Regulatory Relief Project policy, there are several other efforts we would encourage Commissioners, the Planning Commission, and Bureau of Planning & Development (BPS & BDS) to explore that would make an impact on housing affordability and increase more affordable units. We encourage you to consider the following recommendations as amendments or new proposals that were shared in previous policy projects::

### 1) Add an Affordable Design Standard within the Design Standards\*

- This recommendation was inspired by Walsh Construction's White Paper on Cost-Efficiency for Affordable Design & Construction.
- Keeping building forms simple and efficient helps make them easier and less costly to build. Alignment of elements (floor plates and windows etc.) can reduce engineering costs, reduce requirements for larger and more expensive structural members, and save on unnecessary extra material costs.
- Cost savings can be leveraged for greater investment in higher-quality durable materials that reduce future maintenance and add to longer life of the building.
- This was proposed under the DOZA \*Design Standards, Quality & Resilience Category -See DOZA Dozen #3

Design for Affordability (see SMILE Guidelines, page 13 and Walsh Construction White Paper: Cost Efficiency for Affordable Design & Construction)

- Use simple, compact building forms (e.g. avoid extraneous overbuild elements, faux framing and arbitrary graphic elements that extend from the building). If upper stepbacks are used, align with stacked walls and columns below.
- Stack unit plans and floor plates (reduces exterior flashing materials at corners, and reduces material maintenance problems, and reduces utility installation costs)
- Align window and door openings within walls (a wood framed structure is a
  more cost effective structure than concrete or steel, but wood structures
  don't lend themselves well to non-load bearing walls, reducing continuous
  load paths to the ground, and a more complex structure to build)
- Avoid cantilevering large structural elements in wood construction buildings to reduce expensive structural steel; small balconies that extend from the face of the building are an exception.
- Integrate energy efficient design that contributes to reduced utility bills for inhabitants, greater comfort, and longer lasting quality. (per levels determined by the City)

**Optional:** 4 points



New building on Alberta Street built for no additional cost above typical construction. Keeping building form simple and efficient helps make them easier and less costly to build. Alignment of elements can reduce engineering costs, reduce need for larger structural members, and extraneous materials. Cost savings can be leveraged for greater investment in higher quality durable materials that reduce future maintenance and increase durability and long-term quality.

- 2) **Create an Innovative Housing Demonstration Pilot (IHDP) Program |** The intent of the IHDP is to foster greater housing innovation and remove barriers in the code with a framework that helps move a small set of demonstration projects forward and sets up a process for the City to evaluate and track code barriers. <u>www.pdxmainstreets.org/ihdp</u>
  - The Innovative Housing Demonstration Pilot (IHDP) Program initiative responds to the declared housing and climate emergencies by providing a pathway for greater flexibility in regulations, including zoning and building requirements to test and facilitate rapid-deployment of innovative housing solutions.
  - This proposal is based on an <u>existing policy precedent from the City of Redmond, WA</u> that is adapted to fit a new approach for multifamily to increase houseless solutions, affordable housing and innovation. This policy precedent provides a framework for testing new design models, identifying code barriers, a method for evaluation and a process for review and permitting a limited number of demonstrations in a variety of sizes and scales with low risk to the City while offering more opportunity to expand the range of solutions for decision-makers and community advocates.

The following were proposed under several housing policy projects by PDX Main Streets

### 3) Include Tiny Homes on Wheels in Cluster Housing

- Increases equity and accessibility of who can own/build/create housing
- Provides much needed low-cost housing with greater flexibility at a price point and market category currently missing
- Adds to diversity of affordable housing choices (both rental and owned)
- Low-impact development infill
- Adds density that fits in with existing residential neighborhoods turns more neighborhoods into density supporters with positive examples
- Transitionary development approach on the housing continuum
- Housing dignity for low-income residents is not only gained but a source of pride in their uniqueness
- Makes home ownership much more in reach for many more people

### 4) Create the Package of Financial Tools for Internal Conversions & Additions incentivize a better climate strategy that adds housing and density without demolition by including

- Low interest loans
- Fee Waivers
- Fast track permitting
- Tax incentives
- Technical assistance programs to help more communities do adaptive reuse conversions and add units

### These financial tools will support inclusion and equity of who gets to build and who can afford to create and live in housing

### 3 Amendments Advance Equity + Affordability + Climate

Proposed "Future Wor	k" Amendments	Description	Planning Precedents
1	Innovative Housing Demonstrations Policy (IHDP)	Test innovative housing solutions with low-risk pilots • Helps reduce code barriers • Flexibility in Site Design • Models affordable climate positive housing	Redmond WA Housing Policy for Innovative Demonstration Pilots ( <u>View Code</u> )
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	Affordable, quick to build, quality housing now that is easy to customize and move • Scale up houseless options • Unlock more underutilized urban land	Shelter to Housing allows THOWs as Conditional Use, already allowed in Commercial/Institutional Zones; CA approach
3 Incusion	Add RIP Financial Implementation Tools Increase low-carbon housing & diversity in who benefits	More access, less demolition • Technical Assistance • Fee Waivers & Reductions • Fast-Track Permitting • Low-interest Loans • \$ Rebates & Incentives	SDC Fee waivers for ADU's, BES loans to help reduce cost barriers to RVs/THOW hookups, past green roof incentives
THOW: Tiny Homes on Wheels; A	ADU: Accessory Dwelling Unit, SDC: Syst	em Development Charges	

https://www.portland.gov/bps/planning/housing-regulatory-relief/about

### PROPROSED AMENDMENTS TOHONG SHALL AT CRAMER SHE AND A STANDARD SHALL AT CRAMER SHE AND A STANDARD SHE AND A

January 9, 2024

by Forage Design | For more info contact: foragedesigner@gmail.com

These Future Work Amendments are next steps to achieve more affordable housing with less barriers. We support staff to meet current timing requirements, recognizing that this has a shorter public involvement process than than typical.

*City Council support <u>now</u> can demonstrate commitment to address solutions and barriers in parallel, without delaying the project.* Action now informs future staff work plans and budgets to move forward with vision and innovation to advance greater equity, affordability, and climate action.

### 1. Innovative Housing Demonstrations Policy (IHDP) - https://www.pdxmainstreets.org/ihdp

Drawing on precedent in other cities (e.g. Redmond, WA IHDP Policy), direct staff to create an Innovative Housing Demonstrations Policy (IHDP) and Pilot Program for Portland to advance further study, remove unnecessary code barriers, and encourage greater innovative housing. Barriers exist to a variety of alternative housing types<sup>1</sup> that provide greater affordability and environmental innovation. Until permanent ordinances regarding innovative housing projects can be implemented, there is a need to allow and incentivize a limited number of regulated innovative housing models, evaluate code issues, and demonstrate viability with low risk. This demonstration approach will broaden the array of local examples and strategies for low-impact, climate responsive housing and increase the availability of built examples that model social, financial and environmental innovation in Portland neighborhoods. This program will implement responses to the declared housing and climate emergencies by providing a pathway for regulations to be adjusted or in some cases waived, including zoning and building regulations as required to facilitate rapid-deployment of innovative housing solutions. *Innovative housing types this could address include: Tiny houses<sup>2</sup>, Tiny Homes on Wheels<sup>3</sup>, (THOW) cottage clusters, zero energy and net positive energy buildings, living buildings, community land trusts, cohousing, and affordable housing paired with Equitable Food Oriented Development<sup>4</sup>(EFOD). (see slides with examples and precedents)* 

### 2. Include Tiny Homes on Wheels (THOW) as a Cluster Housing Type

Expand allowance of Tiny Homes on Wheels (THOWs) as Cluster Housing by follow-up process. Currently, residential properties are limited to one THOW. However, THOW clusters are already allowed on institutional and commercially zoned properties and under the new Shelter to Housing Policy by Conditional Use as Outdoor Shelters. This amendment would facilitate the potential of quickly achievable housing now for low cost that could benefit both residents needing low-income affordable housing and more cost-efficient housing for houseless community members. Including THOWs as an allowed type would create greater parity in the code and open the potential of greater housing units on available urban land including underdeveloped multi-family zoned properties. Direct staff to initiate a work group of professionals and staff to assist in guiding this process. Code additions should include considerations such as site size and number of units, foundations and utility connection requirements for both interim and permanent villages, and on-grid and off-grid alternatives.<sup>5</sup> (See Mobile Dwellings Report on Interim Housing)

**3.** Create the Package of Financial Tools to Support Density in Adaptive Reuse - These financial tools incentivize adaptive density (internal conversions, additions and ADU's) which facilitate low-carbon, less impactful and more climate-friendly housing approaches over demolition. It will also support more fairness of who gets to build and who can afford to create and live in new housing based on increased financial tools and resources to help overcome language, knowledge and financing hurdles that limit more diverse populations from participation. Financial tools may include approaches such as: low interest loans, fast track permitting, tax abatements, fee-waivers, and technical assistance programs. These tools address concerns about climate and equity impacts of RIP 1&2 policies increasing fair access to knowledge, resources and opportunity.

<sup>1</sup> Precedent: City of Redmond Innovative Housing Demonstration Policy https://www.codepublishing.com/WA/Redmond/CDG/RCDG20C/RCDG20C3062.html

<sup>2</sup>TIny house Veteran's Village Example - http://ahomeforeveryone.net/stjohnsvillage

<sup>3</sup> Example Tiny House on Wheels (THOW)Project - Art Farm TIny House Artist Ecovillage - RIP2 Testimony Presentation Slides

<sup>4</sup> https://archive.curbed.com/2018/5/10/17259776/what-is-food-oriented-development-kresge-foundation <sup>5</sup> Mobile Dwellings in Oregon: Legislative Opportunities for Interim Housing, page 5. Mobile Dwellings Workgroup, Jan. 24, 2022.

### Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft **3 Amendments Advance Equity + Affordability + Climate**

Proposed "Future Work"	" Amendments	Description	Planning Precedents
	Innovative Housing Demonstrations Policy (IHDP)	Test innovative housing solutions with low-risk pilots • Helps reduce code barriers • Flexibility in Site Design • Models affordable climate positive housing	Redmond WA Housing Policy for Innovative Demonstration Pilots ( <u>View Code</u> )
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	Affordable, quick to build, quality housing now that is easy to customize and move • Scale up houseless options • Unlock more underutilized urban land	Shelter to Housing allows THOWs as Conditional Use, already allowed in Commercial/Institutional Zones; CA approach
3 Indusion	Add RIP Financial mplementation Tools ncrease low-carbon housing & diversity in who benefits	More access, less demolition <ul> <li>Technical Assistance</li> <li>Fee Walvers &amp; Reductions</li> <li>Fast-Track Permitting</li> <li>Low-interest Loans</li> <li>\$ Rebates &amp; Incentives</li> </ul>	SDC Fee waivers for ADU's, BES loans to help reduce cost barriers to RVs/THOW hookups, past green roof incentives

THOW: Tiny Homes on Wheels; ADU: Accessory Dwelling Unit, SDC: System Development Charges

### 3 Amendments Advance Equity + Affordability + Climate

	oposed "Future ork" Amendments	Equity & Access	Housing Options	Affordable Strategies	Houseless Solutions	Climate Resiliency
1	Innovative Housing Demonstration Policy (IHDP)	~	~	~	~	~
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	~	~	~	~	~
3	Add RIP Financial Implementation Tools Increase low restars housing & diversity in who benefits	~	~	~	~	~

Innovative Housing Demonstration Pilot (IHDP) Examples We need more innovative housing models for affordability, equity, and climate responsive design. These are possible now, yet unnecessary barriers prevent wider application.



### 3 "Future Work" Amendments to Advance Shared Goals

Proposed "Future Work" Amendments		Equity & Access	Housing Options	Affordable Strategies	Houseless Solutions	Climate Resiliency
1	Innovative Housing Demonstrations Policy (IHDP)	Assesses code barriers, allows flexibility in site design to test innovation now	Incentivizes more innovative housing types with low risk	Demonstrates affordable, eco, & social models for more uptake	Increases supportive housing exemplars	Advances zero energy and EFOD models, broadens awareness
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	Expands who can participate in creating housing	Expands housing types in residential zones for THOWs	Affordable housing type, pathway to ownership	Code parity: allowed now on commercial sites & shelters	Low carbon density NOW, no demo in new development
3	Add RIP Financial Implementation Tools Increase low-carbon housing & diversity in who benefits	Inclusion & access; not limited to those with know-how & \$\$\$	Increases adaptive middle housing opportunities	Expands who can participate in creating housing	Retain NOAH & "age in place": additions/ADUs conversions	Incentivizes Iow-impact adaptive density & Iow-carbon housing

NDAH: Naturally occurring affordable housing; THOW: Tiny Homes on Wheels; EFOD: Equitable Food Oriented Housing; ADU: Accessory Dwelling Unit

### Matchu Williams

### #333543 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor Wheel and Members of City Council, I am writing to provide written testimony on the Housing Regulatory Relief Project and urge you to adopt the Recommended Draft of the Housing Regulatory Relief Project as put forth by the Planning Commission and reject the amendments sponsored by Commissioner Rene Gonzalez. These last-minute changes not only diminish the trust of the public in our City but also undermine the integrity of public process. The Recommended Draft from the Planning Commission is the culmination of 3 months of public input and careful refinement. The deliberations are transparent, thoughtful and reflect what makes Portland a model city for citizen involvement. Regrettably, the 11th-hour amendments introduced by Commissioner Rene Gonzalez contravene the City's own adopted Public Engagement Policies and erode the trust and confidence that the public has placed in our City government, particularly at a time when unity and progress should be our collective objective. It is important to recognize the balance that the Recommended Draft has reached in alleviating the regulatory burdens towards housing development while upholding environmental benefits. Specifically, I wish to emphasize the importance of retaining the requirements for bird-safe window glazing and ecoroofs, especially within the confines of our Central City. Ecoroofs have proven to be exceptionally effective in the context of our densely populated urban landscape, particularly within the Central City. They serve as a crucial tool for mitigating the urban heat island effect, a phenomenon that significantly impacts our community in recent years. Moreover, ecoroofs help reduce the volume of stormwater runoff that necessitates treatment, thereby alleviating the financial burden placed on our residents through increased utility bills. In light of the City's avowed commitment to minimizing costs for Portland residents and preventing excessive escalations in public utility charges, it is important to honor that commitment and recognize the cost-saving of ecoroofs in stormwater management. Furthermore, ecoroofs hold a distinct significance in mitigating the urban heat island effect, a concern that disproportionately affects our economically vulnerable residents. Given that the Central City houses the largest number of affordable housing units within our jurisdiction, it is all the more imperative to preserve and reinforce ecoroof requirements as a means to protect the well-being and comfort of our most marginalized community members. Thank you for time and consideration of these recommendations.

### DANIEL MANNING

### #333542 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I was part of the original original team that grew out of the city's ecoroof incentive program. We have found that the ecoroofs installed today are complicated by corporate enities that have taken over the industy, mainly large roofing manufacturers that insist that their assemblies be installed, which makes them costly and labor intensive. Good functioning ecoroofs can be simple, both in the materials and labor. Ecoroofs, with all their benefits aside, keep the water on the roof. BES has found that up to 60% of the annual rainfall never goes down the downspout. This means the city doesn't have to process this water, pumping it , processing it and then pumping it back to the river I hate to see the monied developers take this away from the city, long term, for all the buildings built in the next 5 years. Thank you for your additional interest and in helping citizens meet the goals of Portland's 2050 vision.

### Kiffi Harris

### #333541 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm requesting that you approve the Planning Commission's draft of the Housing Regulatory Relief Package as written. Please reject the amendments proposed by Commissioner Gonzalez to suspend bird safe and eco roof policies. More than a billion birds die every year from window strikes. You can help protect birds from window strikes by requiring the window glazing that will also help meet energy efficiency goals. Thank you for caring about the environment and Oregon wildlife!

### **Micah Meskel**

### #333540 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please accept this addendum to Portland Audubon's previous comments on the HRRP.



TOGETHER FOR NATURE

12 Jan 2024

Dear Mayor and Portland City Council,

Please accept this addendum to our previously submitted comments from 1/10/2024.

### On behalf of Portland Audubon and our 15,000 members in the Portland Area, we support the proposed HRRP draft, forwarded by the Planning Commission.

### We urge you to Vote Yes on the proposed draft and No on Commissioner Gonzalez's proposed last minute amendments (#4 and #5 and #6) HRRP package.

We remain very concerned about the substance and process of the Gonzalez amendments and feel rushed in putting these addendum comments together. We appreciate how Commissioner Rubio and the Mayor attempted to redirect the hearing and reject these last minute amendments and hugely problematic public process, and are very disappointed in Commissioner Gonzalez for leading this anti democratic effort and Commissioners Ryan and Mapps for enabling it.

We feel especially frustrated with being rushed to attempt to counter the distorted and inflated numbers that many developers are putting forward in their written and verbal testimony, which is being used by proponents of the amendments to push for support of rolling back existing birdsafe glazing and ecoroof policies. In this frenetic timeline and process from the hearing to today, these distorted numbers are replacing a staff-led worksession, with actual data reflecting the true impact of the policies. In mere days, the Council is proposing to analyze unconfirmed data points and make a decision on rolling back policies that took years of consideration and development. This is so antithetical to what smart policy making looks like.

We remain very skeptical of the figures that were shared during the hearing on the 10th, and in written testimony submitted since from several developers representing their projects. We request that you hold a worksession to hear from the Bureau of Planning and Sustainability and Housing Bureau about the actual <u>additive</u> costs incurred on projects of implementing bird safe glazing and the ecoroof mandate.

We'll add a few points below to our previously submitted written testimony from 1/10/12, and verbal testimony given by Micah Meskel and Mary Coolidge during the hearing;

- Waiving these standards will mean any building built or vested in permitting process during the next 5 years will be on the landscape for the rest of its existence, either as a significant hazard for bird collisions (birdsafe glazing), or as driver of urban heat island effect (ecoroof mandate).
- Incentives without policy mandates will be ineffective, which was exactly why the ecoroof mandate was created as the incentive program that preceded it was under utilized.
- Birdsafe Glazing and Ecoroofs provide many secondary sustainability and cost benefits that have not been discussed or considered by council, and waiving these policies will have many cascading impacts.

• As currently proposed, these amendments would waive these environmental protections under the guise of "increasing housing production and affordability" with **zero** obligation or requirement to do so, which would lead most to assume it will only lead to greater profits.

Again, on behalf of Portland Audubon and our 15,000 members in the Portland Area, we support the proposed HRRP draft forwarded by the Planning Commission.

We urge you to Vote Yes on the proposed draft and No on Commissioner Gonzalez's proposed last minute amendments (#4 and #5 and #6) HRRP package.

#### Submitted 10 Jan 2024

On behalf of Portland Audubon and our 15,000 members in the Portland Area, we are writing to you today in strong opposition to Commissioner Gonzalez's proposed last minute amendments (#4 and #5) on the Housing Regulatory Relief proposal (HRRP) package, reintroducing the suspension of Bird Safe Glazing and Ecoroof requirements. We are unequivocally concerned about the affordable housing crisis in Portland and support the proposed HRRP draft forwarded by the Planning Commission. However, the rollback of environmental regulations proposed in these amendments is not a sound approach to solving this problem. Portland Audubon has long engaged with the City to advocate for and inform City policies related to natural resources, urban wildlife, sustainability in the built environment, housing affordability and livability. These last minute amendments propose to undo a decade of thoughtful policy development and implementation that made Portland a nationwide leader in sustainability, while thoughtfully dovetailing sustainability with housing affordability (see page page 2).

These amendments were developed and posted only one day prior to this public hearing, entirely behind closed doors, without collaboration or stakeholder input; as such, it reflects only the interests of a developer-led lobbying effort, undermines the City's public process, and thwarts our ability to mobilize the environmental community and engaged residents to provide balanced testimony before Council. This is an unconscionable approach to City planning. Furthermore it is a disservice to the Portland Planning Commission, which held a thoughtful and extensive public process, engaged in a thorough analysis of the issue, and concluded that the rollback of these policies was not merited. We urge you to reject the proposed amendments to suspend the birdsafe glazing and ecoroof requirements, and instead pass the Proposed Draft of the HRRP forwarded to you by the Planning Commission.

Our North American bird populations have decreased by 30% in the last 50 years. Window collisions result in the death of 365 million to 1 billion birds annually in North America—a toll that places it among the top three mortality factors for wild birds behind habitat destruction and cats. Collisions are occurring at all scales of development, including residential, low rise and high rise commercial buildings. Our birds are in trouble. This is bad news for birds, but frankly, also has dire implications for the health of whole ecosystems and public health, and significantly diminishes the benefits that birds provide us, including pest control, seed dispersal and plant pollination. Although mass collision events are relatively uncommon, recent collision events in Chicago, New York and Philadelphia should give us pause when considering undoing the painstaking work that Portland has already done to put protective measures in place to safeguard our bird populations.

The City of Portland has been a USFWS Urban Bird Treaty City since 2003, a moniker that pledges stewardship of our urban bird populations. Portland Audubon has documented at least 69 species of native birds colliding with

windows in Portland, including warblers, sparrows, finches, woodpeckers, hummingbirds, thrushes, tanagers, hawks and owls. We have collaborated with American Bird Conservancy, the City of Portland, local architects and planners, and USFWS to develop a <u>Resource Guide to Bird Friendly Building Design</u> (2012), which led to the 2015 integration of a <u>Bird Friendly Building Design</u> standard into the City's own Green Building Policy, a move which has since been replicated by both Metro Regional Government and most recently by Multnomah County.

The inclusion of Bird-safe Glazing (BSG) in the Central City 2035 Plan in 2018 was the culmination of nearly a decade of education, outreach and collaboration and passed the Planning and Sustainability Commission and City Council in public hearings, with no pushback from developers or architects. The BSG code was expressly written to be integrated and balanced with affordable housing and street activation goals. Drafters consulted with Portland Housing Bureau representatives to identify potential impacts to affordable housing development; the 30% glazing trigger was set in based on information provided by PHB that glazing on affordable housing projects generally falls below 30% to avoid costly and time consuming energy modeling requirements. Following the Planning Commission hearing, at which representatives from PHB, Hacienda and Home Forward testified in support of the HRRP, we reached out to each of these representatives and none of them had any information about the BSG standard ever having impacted or even been triggered on any of their projects. This is the BSG code functioning exactly as it was designed to—without impacts to affordable housing development. To dovetail with street activation goals, a 10% allowance was included to allow for areas of untreated glass on the ground floor.

Bird safety is also commonly a consequence of designs that were intended to achieve other sustainability measures, including reducing solar heat gain and glare, reducing demand on a building's HVAC system, as well as providing privacy, visual interest, or branding. Exterior framework systems, like louvers, solar shades or other structures in front of facades (like those seen on the Edith Green Wendell Wyatt Federal Building downtown or on the Asian Health and Service Center in Lents) also reduce collision risk. This is also true of fritting---a ceramic material integrated into building glass for interior climate control, privacy, branding or other aesthetic purposes (like that seen on the OHSU Center for Health and Healing in South Waterfront). None of the designs in the aforementioned buildings were included to reduce collisions, and yet they do. If designed intentionally, these approaches can make a building bird safe at little to no additional cost. This kind of strategic synergizing of multiple objectives is a basic approach to sustainability in the built environment at a time when we are facing a climate crisis and biodiversity crisis.

Bird Safe building design doesn't have to cost more if you have an active, creative design process that doesn't rely on the all-glass building. It is widely accepted that the all glass building design approach is not sustainable—it's not good for the energy performance of a building, nor is it good for the building's impact on its surroundings. All glass buildings make an outsized contribution to the urban heat island effect, a phenomenon that most people have experienced and that has been noted at Tanner Springs Park in the Pearl District where glass towers reflect heat into the neighboring (green)space. One of the consequences that we have seen from the implementation of the bird safe glazing standard is the reduction of glazing to 29% in many project designs in order to avoid triggering the bird safe standard. This does not necessarily make a building bird safe, but it does avoid the standard while simultaneously reducing the proliferation of glass on the Central City landscape, which is beneficial for reducing the urban heat island effect, and moves building designs in a more sustainable direction. The 30% glazing threshold also makes this standard totally avoidable in housing developments.

Many other cities have been ahead of Portland on the implementation of bird safe standards. And, as of last year, NYC adopted Local Law 15, a notably strict bird safe code which will apply to all development in all 5 boroughs up to 75 feet—far, far stricter than our standard. Chicago has also passed a bird safe standard, as has Cupertino,

following many other cities in the Bay Area that are working to collectively reduce hazards for their native bird populations. Today, dozens of cities across the nation have such requirements in place, and every leading glass manufacturer worldwide offers bird safe glass in their product line to meet this growing demand. We understand that Oregon Smart Growth is suggesting that the cost of bird safe windows is double or triple the cost of standard windows and also that the cost of a bird safe window can be as much as 97% more expensive than standard windows. Without specific project information, we cannot analyze this claim, but it is not substantiated in any project data we have ever seen, and no developer making claims about the exorbitant cost of bird safe glass has ever been willing to share any detailed cost information for our review. The cost of the most expensive bird safe glass treatment on the market might be nearly double the cost of standard glass, but the single bird safe glass pane is only one part of a double or triple paned window unit, and does not result in the doubling of overall window cost.

#### Case Study: FXCollaborative NYC Example 1 (in Concept Design)

Total Building Cost: 130,000,000 BirdSafe Measure: Frit Area of BSG: 11,500 SF (minimum for NYC LL15 compliance) Cost (upcharge for bird safe): \$230,000 (\$20/sf) Increased cost as ratio of total budget 0.18% increase in project cost

#### Case Study: OHSU Center for Health and Healing

Total building cost \$145,000,000

BirdSafe measure on 12% of glass: 9092 SF Fritted glass (of 78,105 total SF of vision glass, overall \$10,443,794 or 7.2% of total project cost) which was not implemented for bird safety but rather for solar protection, glare reduction, to create a sense of enclosure in the space, and to animate the façade as seen from a distance. Total cost for fritted glass: 50% upcharge on cost of glass = \$45,460

Increased cost as ratio of total budget: 0.03% increase in project cost for fritting

#### Oregon Zoo Forest Hall Completed 2015 Portland, OR

Total building cost \$20,500,000 BirdSafe measure: Ornilux UV glass Total cost for UV patterned glass: Ornilux UV patterned glass= \$31.10/SqFt with shipping (from Germany) Total of 4,820 SF for a total cost of \$149,902 Comparative cost for unmarked glass: Solarban 70 is the glass that the Zoo most often uses, which is approx. \$13.53/SqFt. At 4820 sf is \$65,214.60 Total BirdSafe cost: \$31.10-\$13.53= \$17.57 for a total cost of \$84,687 Increased cost as ratio of total budget: 0.41% increase in project cost for UV

**Kendeda Fund Building** Atlanta Georgia Total Building Cost 20,000,000 BirdSafe Measure: Viracon SilkScreen glass Total 3930 SF BirdSafe Glass (47% of glass on building) Cost \$32,000 Increased cost as ratio of total budget 0.16% increase in project cost for silk screen

Case Study: Prendergast Laurel Library Cost analysis (from Resource Guide to BFBD) Total Building cost \$11,350,000 Bird Safe measure on 1005 of glass: Frit or UV-pattern on 100% of glass (3084 SF) Total cost of bird safe glass: upcost of \$19,260 from \$428,000 to \$447,260 (4.5% increase in glass cost) Increased cost as ratio of total budget: 0.18% increase in project cost for frit/UV

Ecoroofs, also known as green roofs, provide multiple benefits to the built environment, including reducing the urban heat island effect, filtering and slowing of stormwater, providing wildlife habitat in an otherwise inhospitable area (rooftops), and improving habitat connectivity in the city. When properly designed, they can often reduce roof building costs over the lifetime of a building. The ecoroof requirements in the Central City plan district (CCPD), were developed over many years of public process and community engagement and thoughtfully balanced with other City priorities. The policy serves as an important tool to ensure that the CCPD benefits from rooftop greenspaces, which increase the area's climate resilience in an otherwise highly developed neighborhood that has limited surface level green spaces. It would be foolish to suspend such a policy even as we project a higher need to reduce the urban heat island effect in the Central City and ensure that residents have greater access to nature in the future.

Portland has long prided itself on being a national leader in urban sustainability. If we are going to continue that legacy, our application of sustainability standards cannot backslide. Ecoroofs and Bird Safe standards are both key elements of sustainable development, both of which help to mitigate climate change, and the City has provided no evidence that the suspension of these standards will have any impact on affordable housing. If we roll these back, even temporarily, we are setting a dangerous precedent with long lasting impacts on our urban landscape. We are, like many many other cities in the nation, facing a concurrent housing crisis, climate crisis and biodiversity crisis. Now is not the time to turn our backs on our commitment to sustainability, a livable city and a healthy environment. Rolling back a legacy of environmental protections is a myopic approach that pits three priorities against one another instead of innovating to achieve them synergistically for both public and environmental benefit.

## Please adopt the Draft of the HRRP proposed by the Portland Planning Commission and reject Commissioner Gonzalez's late amendments.

Thank you for your time and your consideration of our comments. All the best,

Quinn Read Conservation Director

Micah Meskel Assistant Conservation Director—Urban Mary Coolidge BirdSafe Campaign Coordinator

# **Regna Merritt**

## #333539 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Thank you for this opportunity to comment. I was shocked to learn of the last minute, messy conflict surrounding the recommended draft. This behavior and process is no way to earn or maintain trust in our elected officials in city government. I hereby support and incorporate by reference the formal comments submitted today by Bob Sallinger for Willamette Riverkeeper. Regna Merritt

# **Bebe Anderson**

## #333538 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to urge you to adopt the recommended draft of the Housing Regulatory Relief Package and REJECT Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. I was so proud of Portland showing once again that it could be a leader on green policies by adopting bird safe and ecoroof policies. The Bird Safe Glazing Standards and Ecoroof requirements demonstrated Portland's wisdom in ensuring that all of us could live here in harmony with the natural environment that is one of this city's greatest assets. I was stunned to hear that the City is seriously considering backsliding on these matters. As a Portland resident and active member of Portland Audubon and volunteer at its Wildlife Care Center, I know firsthand how harmful window collisions are to birds in our area. And this is a harm we can readily reduce via the Bird Safe Glazing Standards. Moreover, those standards align with another critical matter: energy efficiency. The ecoroof requirements are also important for not only our avian inhabitants, but also our human community, by reducing the well-documented urban heat island effect, among other benefits. Undercutting environmental and energy concerns in the name of housing is the type of small thinking that I don't expect from my city leaders. We can address the crises in affordable housing, climate, and biodiversity together, for the benefit of the entire city. Please prioritize the residents of Portland over the developers and keep the bird safe and ecoroof policies in the Housing Regulatory Relief Package. Thank you.

# marianne mauldin

# #333537 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please move towards regulatory relief recommended draft. Warm regards Marianne Mauldin

# Nikki Mandell

## #333536 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Re: Affordable Housing Codes and last-minute efforts to remove Green Roof and Bird-Safe Window provisions Mayor Wheeler and Members of the Portland City Council - Increasing the supply of affordable housing in Portland should be a top priority. There is no evidence-based justification for endangering the health and safety of residents, community members, and wildlife to accomplish that goal. I urge you to reject the disruptive, trojan-horse amendment put forward at the last minute during City Council consideration of the Planning Commission-recommended building codes for affordable housing. There is no way to explain the intention or potential impact of the proposal to remove requirements for green roofs and bird-safe windows than as a shamelessly transparent attempt to increase developer profits at the expense of the health, safety, and welfare of building residents and the public interest. Green Roofs reduce stormwater run-off, reduce building heating and cooling costs, sequester carbon, and reduce urban heat. In addition to general environmental benefits, green roofs will reduce costs to local government related to stormwater and sewage; and to residents of those buildings. By reducing heat islands, green roofs will contribute to the city's equity goals. See, for example the Columbia Slough Watershed Council report, "Urban Heat Islands: A Peek into Portland's Shady History,"; and the EPAs report, "Using Green Roofs to Reduce Heat Islands." Bird-safe windows are an essential step in a basic "do no harm" building code. The city's own Environmental Services and the Portland Audubon Society have jointly documented the deadly effects of just one building in the city, and the ability to mitigate those deadly effects in "Avian Collisions at the Columbia Building: A Synthesis of Pre- and Post-Retrofit Monitoring." There is no economic or social need for Portland's building code to contribute to what is already a mass extinction of birds. We don't need a building code that can predictably lead to a Portland version of last October's Chicago headline, "Nearly 1,000 Birds Die After Striking Chicago Building." Public interest and public welfare are the responsibility of the City Council, not developer profits. Developer and some council members' claims that green roofs are not financially viable are simply not borne out by the facts. And, their efforts to prove their claims during the transparent and lengthy Planning Commission process is evidence of this. Last minute attempts to rush through a change in transparently and carefully vetted proposals without sufficient time to evaluate their self-interested assertions is a violation of the public trust, and just plain lousy and exploitative way to provide affordable housing to lower-income Portland residents. Vote NO on the proposal to remove Green Roof and Bird-Safe Window provisions in the city building code. Nikki Mandell Concerned Citizen SE Tabor neighborhood

Ordinance 191609 Testimony is presented without formatting.

# Nancy Hiser

## #333535 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor and City Council Members, We earnestly hope that the City is reading and processing these emails. We are voters and organizers. Your failure to hear and act on residents' requests has resulted in chaos and people's frustration that will be demonstrated at the polls in the next election. You again have the opportunity to do the right thing for our communities and the environment. We urge you to respond. It is not housing or the environment--it is housing AND the environment. The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address storm water, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Sincerely, Nancy Hiser Linnton Neighborhood Association

# **Tammy Spencer**

# #333534 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mayor Ted Wheeler and Portland City Council, Thank you for providing an opportunity to provide feedback on Commissioner Gonzalez's last minute amendments to suspend bird safe and ecoroof policies which were just recently approved. Those amendments would rollback hard-won and groundbreaking bird safe window glazing and ecoroof requirements. I recommend the following. \* Please adopt the recommended draft of the Housing Regulatory Relief Package \* Reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities;. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird-safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank You, Tammy Spencer Portland Audubon Board of Directors

# **Dale Turner**

## #333533 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council, Please choose to maintain the green roof and bird safety guidelines that will keep Portland an environmentally positive city. Caving to the developers will degrade our community and do little or nothing to help the homeless. You might explore tax incentives to lower rental and housing costs as taxes in Portland are way above average in the U.S. Thank you. Dale Turner

# Quinn Read

## #333532 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to request that you adopt the version of the Housing Regulatory Relief Program recommended by the Planning Commission and reject the last-minute amendments proposed by Commissioner Gonzalez. After a great deal of public debate, the Planning Commission advanced a version of the HRRP that achieves regulatory relief for developers without compromising environmental protections like bird-safe glazing and ecoroof standards. The new amendments would gut those standards for the benefit of developers, with no demonstrable impact on the city's ability to deliver more affordable housing. I want to raise my family in a city that invests in climate resilient communities with abundant affordable housing for everyone. I reject false narratives that imply we can have either housing or a healthy environment, but not both -- and I hope you will too. Please keep important environmental protections for bird-safe glazing and ecoroofs intact by moving forward with the Planning Commission's recommendations for the HRRP. Thank you.

# **Catherine Bax**

## #333531 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor Wheeler and City Commissioners, January 12, 2024 Please do NOT adopt the amendments that Commissioner Gonzalez is trying to add to the Recommended Housing Regulatory Relief Draft. These amendments are not in the best interest of the environment or of the people who live in Portland. I am not an environmental building engineer specialist. But I do know that the City of Portland asked and paid the Portland Planning Commission (supposedly housing and environmental experts) to do the research and develop this Recommended Housing Regulatory Relief Draft. This Planning Commission recommended the Green Roof and Bird Safe Buildings Mandates. Listen to the experts who do not have a financial interest to protect, not the developers who have a stake in having as few even minimally costly regulations as possible. Over a million birds are killed in the US every year due to collisions with windows in their flight paths that they don't see. This can largely be avoided by requiring Bird Safe Buildings. There is a small financial cost (less than 0.38% of total construction costs\*) but the cost to our already fragile environment is enormous and unsustainable. Making all windows bird safe, but especially windows in new construction, is a proven and cost effective way to protect migrating birds and species diversity. The benefits of Green Roofs include treating stormwater onsite, reducing urban heat island effects, reducing heating and cooling costs, extending the life of roofs and sequestering carbon. Portland knows how to make really good green roofs so let's show the world what we've got! A Green Roof Mandate is needed to get the industry to adopt this practice. Sincerely, Catherine Bax City of Portland Resident \*Bird-Safe Windows: A Winner for Builders and Birds, Dr Daniel Klein, Director of the Ornithology Center at Muhlenberg College.

# **Frann Michel**

## #333530 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to move forward the Recommended Housing Regulatory Relief Draft AS SUBMITTED by the Planning Commission. Green roofs have multiple benefits--they add value, reduce energy costs, improve stormwater management, reduce urban heat island effects, improve air quality, insulate the building, improve efficiency of mechanical equipment such as HVAC systems, reduce greenhouse gas emissions, and extend roof life. Please see, for instance, https://www.epa.gov/heatislands/using-green-roofs-reduce-heat-islands; https://homel.nps.gov/tps/sustainability/new-technology/green-roofs/benefits.htm; https://greenroofs.org/about-green-roofs. Please recall that only two summers ago (2021) MAX trains had to stop running because the heat melted equipment! Given increased and increasing global temperatures, such events may recur soon. Bird-safe buildings also have multiple benefits, overlapping with other sustainable building strategies that reduce heating and cooling costs; see, e.g.,

https://www.bloomberg.com/news/features/2022-01-04/how-to-design-buildings-to-prevent-bird-crash Please do NOT accept Commissioner Gonzalez's anti-environment, anti-community Amendments. These last-minute amendments put the short-term profits of developers and the interests of the PBA/Portland-Metro Chamber of Commerce over the welfare of our communities. Voters will remember these attempts to undermine deliberative process and public integrity. Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well-connected developers and the Portland Business Alliance. Thank you for your attention.

# Shari Gilevich

## #333529 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support keeping the current environmental regulations for eco-roofs and bird-safe glass windows. The Planning Commission got it right; they listened to the range of public testimony, understood the long-term impact of removing these rules, and recommended keeping them. Removing these requirements will negatively impact the environment and the city has not accounted for any such losses. For example, without bird-safe glass, an untold number of birds will crash into windows and die; this loss will be perpetuity (the life of the building), not just for the temporary period when this regulation is suspended. Removing the requirements will have negligible, if any, impact on adding affordable housing. Any cost savings by eliminating these requirements in no way offsets the huge reasons for today's prohibitive construction costs, namely high interest rates and increasing labor and material costs. The apparent back-room dealing by Commissioner Gonzalez and his last minute amendments to again remove these regulations is despicable. As Mayor Wheeler reacted, "The hair on the back of my head is twitching furiously at the lack of public process." Indeed. Thank you. Shari Gilevich

# **Nancy Mauter**

## #333528 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City adopt the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments.

# **Anne Bryant**

## #333527 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to move forward with the Planning Commission's Recommended Housing Regulatory Relief Draft. Commissioner Gonzalez's sneaky, last minute amendments are anti-environment and undermine your constituents' trust. Show us your integrity and respect for a process that should be fully transparent and involve longer time from for public comments. Stop allowing developers and the Portland Business Alliance's priorities to pit environmental concerns against housing. They are both very important, and so is neighborhood input. Here you have a chance to weave them together publicly, not in behind closed doors. Green roofs and bird-safe building strategies will reduce heating and cooling costs by easing urban heat island effects and sequestering carbon. As our form of city government evolves, show us that you can coordinate efforts to both reduce the housing crisis and commit to both transparency and creating a greener, more livable city.

# Sarah Baker

## #333526 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please please be the eco minded leaders that we thought we voted into office and require bird protection to high rise windows and green roofs or solar panel roofs. We can't afford a single concession that harms are eco system that is already in crisis. We are all counting on you.

# David Labby

## #333525 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland Leaders: We need to preserve our city's environmental health. Rene Gonzalez is proposing last minute amendments to a Housing Regulatory Relief package that will only benefit developers, not citizens: Please reject Commissioner Gonzalez's last minute, sneak attack on the environment. DO NOT should adopt his proposed amendments. Planning Commission Recommended Housing Regulatory Relief Package that was given serious consideration by the Planning Commission which does NOT suspect green roof and bird safe building requirements in the Central City as having significant negative impacts. The Planning Commission did their due diligence and advanced a regulatory relief package that did not suspend environmental regulations because they correctly recognized that doing so would have nominal benefits for housing but major impacts on the environment. Green roof mandates and bird-safe building requirements are important environmental programs for the City. Both went through extended public processes when they were adopted and both were national lauded. Green roofs address urban stormwater, reduce urban heat island, clean our air, reduce heating and cooling costs. Bird -safe window glazing reduces bird collisions with windows which result in upwards of 1 billion bird deaths each year. Our community is tired of politicians who cater to developers who try to use the housing crisis as a pretext to roll back environmental regulations. David Labby 6137 NE 30th Ave Portland, Oregon 97211

# **Caroline Marwitz**

## #333524 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council members, I am writing to express my opposition to Commissioner Gonzalez's amendments. The city should NOT move them forward. Slashing environmental protections as they do benefits only those developers who prefer to put their interests ahead of those of the community. Such developers may wave the banner of affordable housing, but these amendments function only to help them more easily profit in the here and now. Younger generations will then have to deal with the consequences of these developers' -- and politicians' -- actions. Do we really want to hand that burden down to them? Rolling back environmental protections is short-sighted and lazy. And if we can't hold the line on even these small protections, what kind of place will greater metropolitan Portland be in 5, 10, or 20 years? Thank you.

# Heidi Hinrichs

## #333523 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

While I appreciate the Council addressing the housing crisis in Portland, I believe the Council should follow the carefully considered recommendations from the Planning Commission. That is, the Council should move forward with the Recommended Housing Regulatory Relief Draft from the Planning Commission. The Council should NOT move forward with Commissioner Gonzalez's anti-environment, anti-community Amendments. The Council should not pit housing against the environment. Commissioner Gonzalez's Amendments puts the profits of developers over the welfare of our community which relies on the Council to provide affordable housing to the community and a safe environment for the community. Thank you for your consideration of these comments.

# **Kristian McCombs**

## #333522 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See attached memorandum regarding the temporary suspension of the ecoroof requirement.



#### MEMORANDUM

Date: January 12, 2024

To: Portland City Council

From:	Kristian McCombs, PE, Senior Associate Humber Design Group, Inc.

Subject: Housing Regulatory Relief – Ecoroof Requirements

The purpose of this memorandum is to address the impacts of the removal of the Central City Ecoroof requirement in the City of Portland 2035 Comprehensive Plan.

The 2020 Stormwater Management Manual (SWMM) is the governing code regarding stormwater treatment and disposal for all new or redevelopment work in the City of Portland.

All development/redevelopment is subject to comply with the latest stormwater management manual which dictates the hierarchy of treatment and infiltration or discharge. Ecoroofs are one of many approved options to mitigate and treat stormwater. Other approved and encouraged stormwater treatment methods include drywells and infiltration trenches which recharge groundwater and stormwater planters or swales which can also provide habitat and aesthetic benefit.

The removal of the requirement to use ecoroof as the requisite stormwater management method in the Central City area does not allow development to bypass the need to meet the stormwater manual requirements. Developments would be required to use the highest method of treatment based on the hierarchy, see Figure 1 below from the 2020 SWMM. All sites are required to investigate the feasibility to infiltrate all stormwater on their site, unless technically infeasible. Infiltration is the preferred and highest priority method in order to reduce stormwater load on the combined sewer pipes and maintain/reduce erosion in natural/manufactured streams and channels. If infiltration is proven infeasible, a connection to the public stormwater or combined sewer is allowed, if the infrastructure is available to the site. In this scenario, there are several methods to treat and detain the stormwater, all of which are required to meet the City's pollution and organic matter reduction targets outlined in the SWMM.

Figure 1: Table 1-2. From the City of Portland 2020 Stormwater Management Manual.

## Table 1-2. Summary of Infiltration and Discharge Hierarchy Stormwater Management Requirements<sup>1, 2</sup>

#### Level 1: Full Onsite Infiltration

Fully infiltrate the 10-year design storm. Ecoroofs: Sites with a qualifying ecoroof may receive an exception to infiltration requirements.

#### Level 2: Offsite Discharge to the Separated Stormwater System<sup>3</sup>

Pollution reduction required:

- Achieve 70% TSS removal from the runoff resulting from 90% of the average annual rainfall.
- In watersheds with a TMDL or on DEQ's 303(d) list of impaired waters, use a
  pollution reduction facility that will reduce pollutants of concern.
- Flow control required:
  - For discharge to surface water bodies directly or indirectly (such as via a piped system), limit post-development peak runoff rates to pre-development rates for the one-half the 2-year event and for the 5-, 10-, and 25-year events.
  - For discharge to storm-only systems that drain to large water bodies including the Willamette, Columbia Slough and Columbia River when there is a system need, limit the post-development peak runoff rates to pre-development rates for the 2-, 5-, and 10-year events.

#### Level 3: Offsite Discharge to the Combined Sewer System

Flow control required:

Limit the 25-year post-development peak runoff rate to the 10-year pre-development rate.

<sup>1.</sup> All storm events are 24-hour events.

<sup>2.</sup> Unless otherwise exempt.

Vegetated surface facilities in the right-of-way where ponding is limited to 9 inches or less are exempt from the 25-year flow control requirement.

# **Michael Mintz**

## #333521 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I would like to add the following to my previously submitted testimony, please: 5) Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. 6) Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. 7) The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you again for your consideration. Thank you for taking your responsibility to the public and to the environment seriously. Michael Mintz Portland, OR

# Laura Hartzell

## #333520 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge Council Members to adopt the Planning Commission Recommended Housing Regulatory Relief Package which does NOT suspend green roof and bird safe building requirements in the Central City. I understand the thinking, and agree we need housing posthaste. But I believe we would be throwing out the baby with the bathwater by suspending these important, forward-thinking provisions. These requirements went through an extended vetting process. They won't slow down housing development, and they are important for our city's brand as well as having multiple benefits for the city in terms of water capture, urban cooling, and ecosystem health - not to mention preventing untold bird deaths. When my family moved here eight years ago, Portland was known to the architectural world as a leader in sustainable architecture – that is one of the reasons we were drawn to this city. To thrive, Portland needs to be a leader in sustainable building, not a city that blindly caters to developers' interests.

# Susanna Farahat

## #333519 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to ask that the City move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These unifying plans will bring us together and are much needed. I was disheartened and confused to learn of Commissioner Gonzalez's last minute amendments, and I hope that the City will support our environment and our community by not moving these amendments forward. We need support for the environment AND for housing. I ask you to prioritize what everyday people need--a healthy environment and shelter, and to understand these are a higher priority than supporting the interests of the PBA. Green Roofs and Bird safe buildings are extremely important and multiply beneficial, in protecting our environment and keeping our cities cool in the face of climate change. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you for hearing my concerns.

# **Richard Dickinson**

# #333518 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor Wheeler, and Commissioners Mapps, Rubio, Ryan, and Gonzales, I'm writing you today to strongly encourage you to adopt the Planning Commission Recommended Housing Regulatory Relief Package that was given serious consideration by the Planning Commission which does NOT suspect green roof and bird safe building requirements in the Central City as cost prohibitive measures. The Planning Commission did their due diligence and advanced a regulatory relief package that did not suspend environmental regulations because they correctly recognized that doing so would have nominal benefits for housing but major impacts on the environment. To introduce other amendments within about 24 hours of the hearing undermines public process and public trust, and is counter to the leadership that our city needs. Green roof mandates and bird-safe building requirements are important environmental programs for the City. Both went through extended public processes when they were adopted and both were national lauded. Green roofs address urban stormwater, reduce urban heat island, clean our air, reduce heating and cooling costs. Bird -safe window glazing reduces bird collisions with windows which result in upwards of 1 billion bird deaths each year. Please do not pit housing concerns against appropriate environmental regulations. For Porltand to thrive we need both long term sustainable environmental practices as well as adequate housing for our citizens. Sincerely, Richard Dickinson 13737 SE Ellis Street Portland, OR 97236

# **Michael Mintz**

## #333517 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please reject disingenuous, downright uninformed and sneaky last minute amendments submitted by Rene' Gonzalez: 1) Please adopt the Planning Commission's Recommended Housing Regulatory Relief Package that was given serious consideration by the Planning Commission which does NOT reject green roof and bird safe building requirements in the Central City. 2) The Planning Commission did their due diligence and advanced a regulatory relief package that did not suspend environmental regulations. The PPC correctly recognized that doing so would have nominal benefits for housing but major impacts on the environment. 3) Green roof mandates and bird-safe building requirements are important environmental programs for the City. Both went through extended public processes when they were adopted and both were national lauded. Green roofs address urban stormwater, reduce urban heat island, clean our air, reduce heating and cooling costs. Bird -safe window glazing reduces bird collisions with windows which result in upwards of 1 billion bird deaths each year. 4) Our community is tired of politicians who cater to developers who try to use the housing crisis as a pretext to rollback environmental regulations. Thank you for your consideration. Thank you for taking your responsibility to the public and to the environment seriously. I'm pissed, Michael Mintz Portland, OR

# Jeff Joslin

## #333516 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please find additional testimony, attached.

#### JEFF JOSLIN

yojoslin@gmail.com

14700 NW Gillihan Road Portland, OR 97231 503-329-2143

### Memorandum

Date: January 11, 2024

From: Jeff Joslin

To: The Portland City Council

RE: Housing Regulatory Relief Project, Ecoroof Proposal Concerns

Commissioners:

I provided detailed testimony on January 5<sup>th</sup>. I write now as a follow up to the hearing of January 10<sup>th</sup> to emphasize two essential points in response – and opposition - to the further reconsideration of an Ecoroof moratorium

I write as one that has been on the forefront of green infrastructure policy – and green roof (Ecoroof) policy in particular - for some time now. As a Land Use Supervisor for the City of Portland, I helped advance and implement the original ecoroof policies and regulation in the 1990s. As Director of Neighborhood Planning for San Francisco, I led the establishment of the country's first mandatory green roof and solar regulation. As Board Member and Policy Committee Chair with Green Roofs for Health Cities, I've lectured and provided consulting to cities across the country on the establishment of new green roof policies and regulation. And – most recently – I co-authored a definitive related resource, <u>Green Roof and Wall Policy In North America –</u> <u>Regulations, Incentives and Approaches</u> (Green Roofs for Healthy Cities, 2023).

#### Additional point 1

To not continue to require Ecoroofs of development is to literally and unambiguously take money out of the hands of future homeowners and renters to achieve a minimal, inconsequential, near-term cost savings to the initial investors/developers/builders.

The economics of Ecoroofs are unambiguous and heavily documented. One hundred percent cost recovery for Ecoroofs occurs in the first five-to-eight years of the life of the development. From that point forward, the cost savings, couple with the array of environmental benefits, continue for the life of the project (twenty to hundred years, pending on the quality and longevity of the development).

It's for this simple reason that such facilities have proliferated in various urban economies, including those with: mandatory requirements, incentives, or neither. For thoughtful builders/developers, particularly those with an intention of long-term ownership, the math is simple. The cost-benefit and environmental benefits are substantial and ongoing.

If you wish to further educate yourselves on this aspect, please refer to the document identified/hyperlinked above (which includes references to Portland's national and international leadership in the advancement of greenroof policies, programs, and proliferation).

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#### Additional point 2

To not continue to require Ecoroofs will result in immediate and genuine harm to the industries, providers and maintainers of Ecoroofs that have developed over the last twenty five years of Portland's incentives and requirements.

It has been repeatedly demonstrated in numerous municipalities that green infrastructure mandates such as the Ecoroof requirement provide the consistency and certainty of market demand to allow supportive industries to initiate and proliferate. Contrary to intimations during Council deliberation, incentives are not nearly as effective as mandates (also clearly and assertively described in the document reference above).

Portland has been one of the great beneficiaries of early entry into the provision of green infrastructure components and services. Providers have emerged and prospered that service local needs, but also export far and wide.

This prospective loss of jobs is a potentially significant unintended consequence of an Ecoroof moratorium that will not only harm the local economy, but potentially result in additional housing challenges for those lost jobs.

And, frankly, the reason you've not heard as much from those employers is due to their concern that testifying against a moratorium will result in retribution from those they contract with on the other side of this issue.

To restate from my earlier testimony; City Council must rise to the occasion of maintaining - not winnowing – one of the City's most effective and cost-efficient tools to address climate change, thus avoiding the harms and missed opportunities noted above.

Per the Planning Commission recommendation, Council should unequivocally not suspend ecoroof requirements.

Jeff Joslin

## #333515 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Commissioners, The amendments that Commissioner Gonzalez brought forth at the last minute, including the one that was dropped in the midst of public testimony, were disrespectful to fair public process and were confusing, to say the least. This was after Commissioner Gonzalez repeatedly complained about the Planning Commission's process, which he seemed to do because he didn't like the outcome. In light of this and reasons explained below, I urge you to vote no on Commissioner Gonzalez's amendments to the Housing Regulatory Relief Package. 1. Bird friendly windows: window collisions kill millions of birds every year. Like many cities across the nation, Portland adopted bird-safe building requirements because incentives were not working on their own. We must continue to keep these in place. Getting rid of these requirements means buildings will be built and birds will die and little money will be saved. If incentives alone worked, we wouldn't have a climate or housing crisis. Birds did not cause the housing crisis and doing away with bird safe windows will not fix it. The Planning Commission heard from a majority of Portlanders who want to keep bird-safe building requirements. The council should respect this and support their recommendations. 2. Green roofs: there are numerous benefits to green roofs and with the drastically warming temperatures due to the climate crisis, we need to do everything possible to create resilient and safe housing for our community. Green roofs do this by treating stormwater on site, mitigating heat, and sequestering carbon. Requiring green roofs and solar panels makes most sense, not getting rid of green roofs which cool the surfaces and makes solar panels even more effective. When I taught urban planning to middle schoolers, one of the highlights was visiting Portland's eco-roofs because they were vital to what makes Portland a livable city. In fact, Portland at the time was leading the way with green roof technology! It is appalling that this might be something that we teach students was done in the past. Please listen to the experts, not to developers who want to save a little money. This kind of shortsighted decision making will create lasting problems that our children will have to deal with. The housing crisis should not be used to do away with environmental regulations which have been put in place after years of studies. 3. Public Process: I have never seen such a debacle as what happened at Wednesday's Council meeting. It was clear that several of the commissioners do not see the benefits of community input and involvement in serious decisions that impact us all. Any reduction in public process creates distrust in all city decision making processes. Please support the recommendations put forth by the Planning Commission and vote no on Commissioner Gonzalez's last minute amendments.

### **Dave Mendenhall**

### #333514 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

1/12/24 Subject: amendment to suspend Green roof mandates until 2029 City Council: These last minute amendments have been added to a Housing Regulatory Relief Package. 1 After careful consideration and extensive public testimony, these exact same amendments were rejected by the Portland Planning Commission because they have nominal impacts on housing but major impacts on Portland's environment. The Planning Commission got it exactly right. Commission Gonzalez got it exactly wrong. 2 Commissioner Gonzalez's amendments are ill-advised for several reasons: Even though his staff acknowledge that he has minimal knowledge of these issues on which he is bringing amendments---basically what he heard from developers- he has chosen to try to overrule both the Planning Commission which did a deep dive on these issues and the Commissioners in charge of the bureaus most affected, who chose not to bring amendments at the behest of developers. Even though this hearing has been on the docket for weeks, he is bringing the amendments just 24 hours ahead of the hearing. If the public is hearing about them at all, it is just hours before the hearing Please vote against this developer led gift package amendment! sincerely, Dave Mendenhall 3925 SE Ivon St Portland OR 97202

### Jeff Clark

### #333513 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. The City should NOT move forward Commissioner Gonzalez's amendments. The City should not pit housing against the environment. We need to advance both! Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs. Thank you, Jeff Clark

### Brian McCarter Portland Design Commission

### #333512 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please see the attached additional testimony from the Design Commission dated 1/12/24

Date:	January 12, 2024
То:	Portland City Council
From:	Portland Design Commission
Re:	Recommendations for Housing Regulatory Relief Code Project

Mayor Ted Wheeler and Commissioners Gonzalez, Mapps, Rubio, and Ryan:

Thank you for your engagement on Wednesday, January 10<sup>th</sup> and for the additional time to comment on the Housing Regulatory Relief Code Project. It was made very clear at Wednesday's proceeding the desire to pass this legislation quickly to support housing production.

To maintain that momentum, the 7 bullet points below with the strike-through text are intended to demonstrate the simplicity of the staff work needed for you to support the Design Commission's recommendation. (Attached for reference is the Design Commission's initial testimony if you would like to refer to the rationale behind these simple Code edits.)

Additionally, you could also consider an alternate solution. The Design Commission has maintained that residents of affordable housing projects deserve good ground floors that support their dignity and contribute to community. However, if the active ground level regulations are a true barrier to the production of affordable housing, <u>you may want to consider maintaining the 5-year waiver to the active ground level regulations below for affordable housing projects **only**.</u>

- Central City Plan District Section 33.510.225 C.1. Ground floor active use standards. Dwelling units are prohibited on the ground floor within 25' of the street lot line shown on Map 510-9 (mapped streets). Development that includes a residential use is exempt from this standard until January 20203.
- Gateway Plan District Section 33.526.280 D. Ground floor active uses. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street, front onto a sidewalk, a plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards. Development that includes a residential use is exempt from the ground floor active use standard until January 1, 2029:
- Hollywood Plan District Section 33.536.280.B. Where these regulations apply. These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations. Development that includes a residential use is exempt from the enhanced pedestrian street standards until January 1, 2029.
- Kenton Plan District Section 33.538.240.B. Where these regulations apply. These regulations apply to new development along frontages shown on Map 538-5. Development that includes a residential use is exempt from the active building use area standards until January 1, 2029.

- North Interstate Plan District Section 33.561.280.B. Where these regulations apply. These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. The following are exempt:
  - 1. Alterations or exterior improvements to existing development; are exempt from these regulations.
  - 2. Accessory structures; and
  - 3. Development that includes a residential use is exempt until January 1, 2029.
- Northwest Plan District Section 33.562.240.D Ground floor active use standard. In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of front onto a main street or streetcar alignment shown on Map 562-7. Accessory structures are exempt from this standard. Development that includes a residential use is exempt from this standard until January 1, 2029.
- Design Overlay Zone Section 33.420.050, Table 420-2

**PR1 Ground Floor Height.** New building in a C or E zone with a ground floor street-facing facade that fronts on a street identified as a civic or neighborhood corridor on Map 130-3. Until January 1, 2029, this standard does not apply to development that includes a residential use.

**PR2 Ground Floor Height for Taller Buildings.** New building in a C or E zone with a ground floor street-facing façade that fronts on a street identified as a civic or neighborhood corridor on Map 130-3 as follows:

- The standard is required for a new building with a height that exceeds 55 feet.
- The standard is optional for a building that is 55 feet or less in height.
- Until January 1,2029, this standard is optional for all new buildings that include a residential use.

Thank you, The Portland Design Commission Chair

Brian McCarter



### City of Portland Design Commission

Date:	January 4, 2024
То:	Portland City Council

From: Portland Design Commission

### Re: Recommendations for Housing Regulatory Relief Code Project

Dear Mayor Wheeler and Council:

Thank you for the opportunity to submit written testimony on the proposed Housing Regulatory Relief Project (HRR). As a primary body in the land use approval process in Portland's design overlay zones, we approve a significant amount of new housing every year where we ensure development supports an engaging and safe public realm for all Portlanders and visitors, supports its context, and is of enduring quality and resiliency. Our commission's seven members support the goals of increased housing production embedded in the HRR effort and are all <u>pro-development</u> *and* <u>pro-housing</u>, albeit, <u>pro-good housing</u>. By that we mean new development that meets our city's availability and affordability needs, but in a way that continues to build on the great assets of our neighborhoods, main streets and plan districts.

If there is a single feature which distinguishes Portland from cities around the country and world, it is the **quality of our public realm**. Our parks, plazas, and streetscapes and the inviting, human-scaled architecture of adjacent buildings are recognized internationally for their quality. That has been achieved through diligent adherence to code and design guidelines, administered over the last 40+ years in Portland's design overlay zones. In this moment of crisis, we need to be mindful of how refinements we make to our development requirements now, will affect the quality of new projects going forward. We also need to be aware that new development built in the next five years will be with us for at least the next 50 years. At the Planning Commission hearing in October similar values and concerns from commission members and the public were shared regarding the potential impacts on our revered public realm including:

"...Understand the cost it adds but I am also champion for walkable, safe, eyes on the street...1<sup>st</sup> floor is a deeply held consideration, this impacts the fabric of our neighborhoods...doesn't provide enough flexibility in the future, floor-to-floor is fixed and buildings will be with us for years to come...seen ground floor residential be very creepy and need to ensure a good design where residents feel safe; most low income people are not keen on being on the ground floor..." – comments from PC members

"As an advocacy organization of small business owners across the city, in particular, Black/IPOC businesses, we are deeply concerned about passing the Housing Regulatory Relief proposal in its current state. Particularly where it comes to turning active ground floor use requirements in the city's design districts to accommodate affordable housing. The rush to approve this proposal without fair and equitable outreach to our communities, particularly our business communities, could yield long term damage in certain districts that're already overburdened with the high concentration of affordable housing that has choked out viable economic enterprise nodes..." - SOUL Business District

We are thankful for their thoughtful consideration and respectful of their struggle with regulations that have a profound impact on our City's public realm. Like the Planning Commission, we wrestled with this topic, and we have come up with a **compromise that will produce added residential units where they are appropriate and keep a semblance of flexible ground floors on our primary commercial streets.** 

### **Central City**

A basic characteristic of most downtown buildings is ground floor space that accommodates change and evolution as commercial space trends play out over decades. Ceiling height, high transparency, and street entrances all contribute to this flexibility. These flexible ground floor spaces can accommodate a range of active uses beyond retail and encourage social interaction between people of all walks of life, contributing to the vibrancy and safety of the public realm. <u>DC enthusiastically supports the expanded list of allowed uses and the retention of the physical standards to ensure taller, flexible ground floors.</u>

### **Design Commission's Alternative Amendment**

Instead of broadly eliminating the prohibition on ground floor units *anywhere* on a site for the next five years, we recommend a permanent change now that only restricts residential units within the first 25 feet of depth along our busiest traffic and transit (mapped) streets. The natural need for less noise, privacy and security outweighs the small number of units gained as a consequence. This revision to HRR will allow ground floor residential units facing quieter streets and interior-block courtyards – a design configuration well-established before the 2018 prohibition.

### **Outside Central City**

Outside Central City there are street(s) of special commercial significance. These streets are strategically and conservatively mapped in the zoning code and carry similar but varying requirements for ground floor active use frontages. These streets currently allow residential within the ground floor along most, and, in some cases, all of their frontage. The same benefit of flexibility that taller ground floors provide to accommodate changing uses over time in Central City also applies in our other commercial business districts, though at a much lesser scale, and is critical to supporting the small businesses that are vital to our local economy and neighborhoods. See maps in Appendix.

### **Design Commission's Alternative Amendment**

Keep the 12' minimum ceiling height, 25' depth and windows and doors requirements for the 25-50% frontage on mapped streets so that ground floor spaces maintain flexibility to adapt to future change.

We strongly urge City Council to consider Design Commission recommendations as increasing housing opportunities through *careful* adjusting of code requirements. Please refer to the appendix for visual examples of the consequences of various proposed amendments.

Thank you, The Portland Design Commission

Brian McCarter, Chair

Zari Santner, Commissioner

Chandra Robinson, Vice Chair

Jessica Molinar, Commissioner

Joe Swank. Commissioner

Tina Bue, Commissioner

Tim mi

The contents of this letter reflect the feedback from 6 of 7 commissioners. Commissioner Sam Rodriguez is in support of the originally proposed amendments as written by BPS.

Page | 2





al Ground Floor Restriction

v multifamily residential use

Areas of Portland with Modified Residential Ground Floor Restriction per recommended Alternative Code Amendment

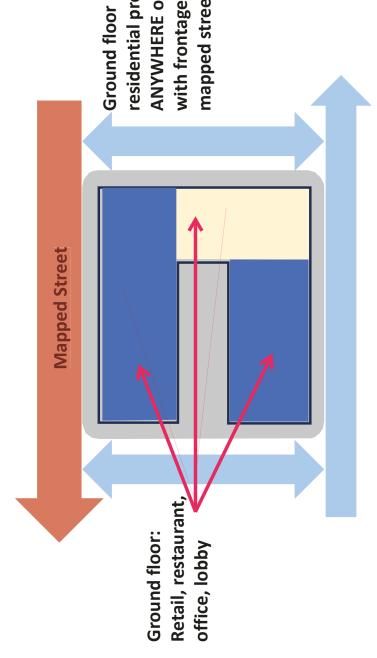
Land zoned to allow multifamily residential use

Land with residential use restriction for the first 25 feet

loor residential use restriction - full parcel only in Central City



## **CURRENT CODE (SINCE 2018)**

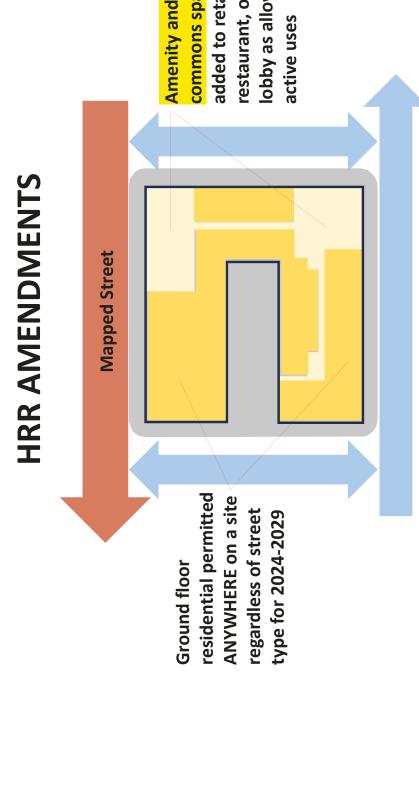


To understand what's at stake, this is a generic example. A downtown city block with a mapped street on one frontage (red). W ground floor residential is prohibited ANYWHERE on a site with mapped street frontage. So, this is one extreme

ntial Ground Floor Restriction

multifamily residential use

il use restriction for <u>full</u> parcel

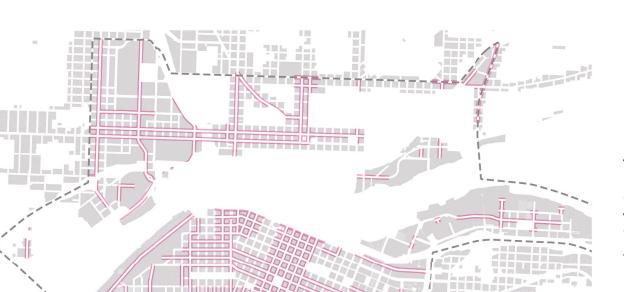


map removed

areas of

City:

HRR expands the types of uses under active use definition but it swings completely to the other extreme where ground floor r ANYWHERE on a site regardless of mapped or unmapped frontage for 2024-2029. That has the potential to put people's living public streets with difficult privacy and security and negatively impact adjacent businesses.



### ernative Code Amendment

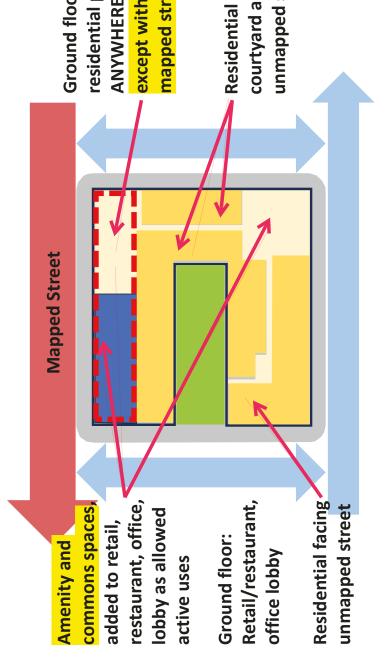
ed Residential Ground Floor Restriction per Design

Amendment

/ multifamily residential use

al use restriction for the first 25 feet of depth

# **DESIGN COMMISSION REVISIONS TO HR**



Design Commission agrees with the expanded list of active uses but believes a better revision to code is to allow ground floor r ANYWHERE on a site EXCEPT the first 25 feet of frontage on a mapped street.



opriate development in Central City: Belmont Modera use, flanked by mapped streets on two sides.





Ground floor residential facing a courtyard.

### **Project Details**

- 190 upper-level units + 20 ground floor units = 210 total
- 20/210 = 9.5% are ground floor units.
- If built under today's code, no ground floor units would be allowed in Belmont Moc Commission's alternative proposal would allow approximately 28,000 SF of additior units.

## 2023 Portland Buildable Lands Inventory:



in Lents showing limited retail at corners with ground floor residential constant so flexibility to change in the future is maintained.



it and the forther factors factor a local instant atracts factors

its - shown as <u>underlined</u> & <del>strike through</del> Code Amendments and comments – shown in red	c. The area may be designed to accommodate a single tenant or mu d. The street-facing façade <u>or wall</u> must include windows and doors.
Uses ive use standards are intended to reinforce the continuity of pedestrian- Active uses include but are not limited to Jobbias and other common	(Design Commission supports HRR minor amendments to 2a-2d).
inges, shared workspaces, bike parking space, etc.) retail, commercial,	HRR Proposed Code Amendments – shown as <u>underlined</u> . Example:
e storage, venicie parking, garbage, recycling, mechanical, or other nendment to expand the list of allowed ground floor active uses).	
<b>ct to the ground floor active use standard.</b> The ground floor active use <del>nent and maior remodels</del> on sites with frontage on a street shown on	<u>area standards until January 1, 2029.</u> Design Commission Alternative Code Amendments and comments show
<u>3 apply to new development and major remodels. Standard C.2 applies</u> upports HRR amendment to no longer require the physical standards to	<ul> <li>Do not the add the language to waive physical standards in plan distr residential is proposed</li> </ul>
<b>ards.</b> ed on the ground floor <u>within 25 feet of the street lot line shown on Map</u>	<ul> <li>Design Standards (Section 33.420.050, Table 420-2)</li> <li>Gateway Plan District (Section 33.526.280)</li> <li>Hollywood Plan District (33.536.280)</li> <li>Kenton Plan District (Section 33.538.240)</li> <li>Interstate Plan District (Section 33.561.280)</li> </ul>
ffect January 1, 2024.	<ul> <li>Northwest Plan District (Section 33.562.240)</li> <li>West Portland Multicultural Plan District (Section 33.595.250)</li> </ul>
units are prohibited on the ground floor within 25 feet of the street lot in appropriate amendment to the outright prohibition of any ground s to A, B, and C will add to residential inventory by allowing well- , local streets and interior-block courtyards but keeping residential living transit streets, where they are not appropriate. Finally, this revision should be made permanent now. These combined amendments and will produce added residential units where they are appropriate, keep cal standards and keep a semblance of active uses on our primary	Current code only precludes ground floor residential for 25-50 percent of mapped streets in most plan districts. That means, ground floor residenti percent of the remaining mapped street frontage plus all other streets ar including courtyards. This is a well-established configuration in urban Por physical requirements opens up the <b>potential for low-ceiling, low-windo</b> facing very active commercial streets, leaving these building spaces infle 50+ years with a very minimal gain in number of units.
and constructed to accommodate uses such as those listed in to accommodate these uses must be developed at the time of	
ust be met along at least 50 percent of the ground floor of walls that <u>are</u> <u>ess from the street lot line of a street shown on Map 510-9</u> , a plaza, or is designed to accommodate active uses must meet the following	

ished floor to the bottom of the structure above must be at least 12

es are exempt from the standards:

### **Cherice Bock**

### #333510 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Testimony attached, opposing Gonzalez amendments 4, 5, and 6 for the Housing Regulatory Relief Project.



January 12, 2024

Re: Reject Amendments 4, 5, 6, Housing Regulatory Relief Project

Mayor Wheeler and members of the Portland City Council,

We write on behalf of 350PDX, a grassroots-based climate justice organization with hundreds of active volunteers working for a city where both public process and final decisions reflect the importance of equity and climate resilience.

We support the Recommended Housing Regulatory Relief Draft with requirements for bird-safe glazing and eco-roofs intact, and we urge you to oppose amendments 4, 5, and 6 that would remove important features of the plan. We ask that you respect the good work of concerned residents and the Planning Commission and retain the requirements for both green roofs and bird safe buildings. Unfortunately, Commissioner Gonzalez's last minute amendments undermine the City achieving good public process and beneficial outcomes pertaining to building a more sustainable urban environment. We urge you to oppose Gonzalez's amendments 4, 5, and 6 for the following reasons:

1) **Support the Planning Commission**: The Planning Commission's recommended draft is the product of a thoughtful, deliberative, transparent process. It makes substantive changes to benefit housing production. It represents an opportunity to move forward together in a positive, constructive, effective manner that brings our community together. Using a last minute political maneuver to derail this collaborative effort further divides our communities and erodes respect for Portland City government.

2) Green Roofs have multiple benefits: Green roofs not only treat stormwater onsite, they also reduce urban heat island effects, reduce building heating and cooling costs, extend the life of roofs, provide habitat values, sequester carbon, and offer many other co-benefits. They are a cornerstone program for creating a sustainable, equitable, climate smart, urban environment. This article from the EPA, for example, discusses the role of green roofs in mitigating the effects of urban heat islands. Portland is a major incubator for green roof technology and with this mandate, green roofs could be a cornerstone of our growing green economy.

3) **Bird-safe buildings are essential for urban wildlife**: Window collisions kill upwards of one million birds every year in the United States. Even as the Planning Commission considered this issue, a major



mortality event occurred in Chicago where over <u>1,000 birds were killed in a single night</u> in October 2023 upon colliding with the convention center. Research and experience demonstrates that Portland has an existing bird strike problem. <u>This report</u>, for example, demonstrates the impact on birds (and the efficacy of bird-safe design) on one single-story facility owned by the City of Portland. <u>Many cities have already adopted bird-safe building requirements</u>, including regulations passed in Washington, DC and in the entire states of Maryland and Maine in 2023. Portland should remain on the frontlines of this important national environmental trend.

4) These amendments would have long term impacts: Commissioner Gonzalez's amendment would suspend these regulations through 2029, meaning that any buildings built over the next five years would not have these important sustainability measures for the lifespan of the building. If passed, the effects of these suspensions would be written on our landscape for decades, leading to increased bird deaths, heat island impacts, stormwater impacts, clean air impacts, unsustainable building practices, reduced carbon sequestration, and so forth. At a time when the city is increasingly aware of the harms that past building practices had on our communities and our environment, these amendments would ensure a new generation of buildings keep perpetuating those harms.

5) Incentives cannot replace regulations: Commissioner Mapps raised the idea that mandates could be replaced with incentives. Portland's own experience with green roof incentives shows otherwise. This incentive was not effective in increasing the number of green roofs in the city and was eventually abandoned. We do not believe, and the data does not support, that standalone incentive programs are sufficient to get the type of change on the landscape we need to truly green our city. While it would be great if the city created an incentive program *in addition* to the regulatory requirement, it should not be used as a substitute. Even if incentives were shown to work, it would be irresponsible to remove the regulatory plan without even having such an incentive program in place.

In conclusion, amendments 4, 5, and 6 stem from poor process and will lead to harmful decisions. We ask that you reject amendments 4, 5, and 6, and accept the Planning Commission's Recommended Housing Regulatory Relief Draft in full.

Sincerely,

Brenna Bell, Forest Climate Manager Cherice Bock, Climate Policy Manager

Page 89 of 711

### **Bud Erland**

### #333509 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

January 12, 2024 To Portland City Council Members: The City should move forward the Recommended Housing Regulatory Relief Draft "Recommended Housing Regulatory Relief Draft", submitted to them by the Planning Commission; The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments; The City should not pit housing against the environment. We need to advance both; The Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of, baseline requirements; Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs; The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of developers and the Portland Business Alliance. Thanks for your consideration, Bud Erland 2525 N Killingsworth St., #102 Portland, OR 97217

### **Ben Stickney**

### #333508 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Commissioners, I am writing out of concern over Rene Gonzalez's last minute amendments to the Bureau of Planning and Sustainability's Housing Regulatory Relief Package that would suspend the City's Green Roof Requirement and its Bird-safe Building Requirements through 2029. Both of these requirements apply in the Central City and both were nationally lauded at the time of their adoption as reflecting Portland's commitment to cutting edge, environmental sustainability. Now, at the behest of powerful developers, the City is proposing to turn its back on these environmental commitments as part of the City's plan to meet the projected future housing needs in the Portland Metro area. I agree that more housing is urgently needed to address affordability and demand, but a development incentive that risks the health of local ecology is a trade-off Oregonians can't afford. The City Council should: 1) Reject Commissioner Gonzalez's last minute, sneak attack on the environment. 2) Adopt the Planning Commission Recommended Housing Regulatory Relief Package that was given serious consideration by the Planning Commission which does NOT suspect green roof and bird safe building requirements in the Central City. 3) Acknowledge that the Planning Commission did their due diligence and advanced a regulatory relief package that did not suspend environmental regulations because they correctly recognized that doing so would have nominal benefits for housing but major impacts on the environment. 4) Acknowledge that green roof mandates and bird-safe building requirements are important environmental programs for the City. Both went through extended public processes when they were adopted and both were national lauded. Green roofs address urban stormwater, reduce urban heat island, clean our air, reduce heating and cooling costs. Bird -safe window glazing reduces bird collisions with windows which result in upwards of 1 billion bird deaths each year. 5) Acknowledge that our community is tired of politicians who cater to developers who try to use the housing crisis as a pretext to rollback environmental regulations. These proposed environmental rollbacks parallel similar attacks, proposed by Gov. Kotek's Housing Policy Advisory Council, on trees, wetlands, environmental zones and urban growth boundaries must stop. In an era of rapid climate change, we must be making our urban landscapes more climate resilient, not weakening protections. We have both a climate crisis and a housing crisis that require strong policy non-opposed agendas that create a harmonious and bold vision, rather than one values short-term profits over benefits for climate, wildlife, and residents. The City should not use the housing crisis as a pretext to rollback environmental regulations. Please continue to move forward with new environmental initiatives such as protecting floodplains and reducing light pollution. We want sustainable, resilient, affordable, green

communities! Thank you for your time and attention to this matter, Ben Stickney, 97217

### Marita Ingalsbe

### #333507 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor and City Council, I am writing in opposition to Commissioner Gonzalez's amendments submitted on Tuesday, January 9. I would like the Planning Commission recommendation to be adopted with Commissioner Rubio's amendments, with the additional of adding back the Neighborhood Contact meeting requirements. Thank you, Marita Ingalsbe

### Mary King

### #333506 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please ignore Commissioner Gonzalez' last minute, ill-conceived amendments to the Planning Commission's work on easing housing regulations. We do NOT need to go backward on our environmental goals to encourage more housing creation!

### **Alex Simpson**

### #333505 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We understand that Council is considering temporary suspension of the ecoroof requirement in the Central City plan district. If the eco-roof requirement were suspended, the current 2020 Stormwater Management Manual (SWMM) requirements are still in effect and must be met for applicable projects. Suspension of the ecoroof requirement does not diminish or eliminate stormwater management requirements present throughout the district. Ecoroof construction is an important piece of the stormwater management toolbox, especially for projects within the Central City, however it is not the only tool for effective stormwater management that meets City goals and requirements.

Testimony on Recommended Draft

Date: 01/12/2024

To: Portland City Council Members

From:

Harper Houf Peterson Righellis Inc. 205 SE Spokane St., Suite #200 Portland, OR 97202

RE: City Council Meeting Jan. 10-11, 2024, Agenda Item 34 Gonzalez Amendment 5

(Motion to Replace Planning Commission's ecoroof recommendation with staff's original proposal to temporarily suspend the ecoroof requirement in the Central City plan district when a proposal includes a residential use)

We understand that Council is considering temporary suspension of the ecoroof requirement in the Central City plan district. If the eco-roof requirement were suspended, the current *2020 Stormwater Management Manual* (SWMM) requirements are still in effect and must be met for applicable projects. Suspension of the ecoroof requirement does not diminish or eliminate stormwater management requirements present throughout the district. Ecoroof construction is an important piece of the stormwater management toolbox, especially for projects within the Central City, however it is not the only tool for effective stormwater management that meets City goals and requirements.

Sincerely,

Alex Simpson, PE Harper Houf Peterson Righellis Inc. Civil Engineering Consultant



205 SE Spokane Street, Suite 200, Portland, OR 97202 PHONE: 503.221.1131 www.hhpr.com FAX: 503.221.1171

### Zoey Baker

### #333504 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

### Amy Ruiz

### #333503 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

On behalf of Oregon Smart Growth, here is additional specific cost information for projects in the Portland pipeline. These figures represent the increased cost of bird-safe glazing for these projects, over standard windows: Block 24 development in the Pearl District, Mid-rise (134 units) = \$1,008,874 {vinyl windows}, and a high-rise (247 units) = \$752,317 {window wall} NW 13th and Kearney, high-rise tower (277 units) = approximately \$400,000. Currently under permit review at BDS.

### Shawn Looney

### #333502 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

### Barbara Bernstein

### #333501 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to move forward the Recommended Housing Regulatory Relief Draft submitted by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

### Ann Spencer

### #333500 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Please add these brilliant points to my previously testimony. Thank you

### #333499 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support the overall Housing Regulatory Relief proposal and thank Commissioner Carmen Rubio and staff for their work to move this forward. If we are to meet our housing production goals and use an increase in housing supply as the mechanism for reducing rents for all renters in the city, we must revisit well-intended regulations that prevent us from building enough housing units, both affordable and market-rate. I expect that the Housing Regulatory Relief proposal will help reduce the unnecessarily high cost of housing in our City. The recent analysis by BAE Urban Economics as part of the City's look at the Inclusionary Housing program and the cost of construction in Portland found that revisions to existing policies like these can reduce the cost of building between 2 and 14 percent, depending on site location and prototype. The other path to making more projects financially feasible is to wait until competition for constrained housing drives up rents in Portland significantly — by 15 to 35%, BAE estimates. Simply waiting for rents to rise is the wrong approach. We need to take affirmative steps to make it less expensive to provide the housing that our City desperately needs. We cannot let ourselves become the next Bay Area – an area with such restrictive rules on new housing production that it is only affordable for the wealthiest of its citizens to live there.

### Kristen Eberlin

### #333498 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Last minute amendments to overrun existing standards and confirmed recommendations from the planning commission make for poor trust within the community & hinder thoughtful consideration. The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

### **Jennifer Schloming**

### #333497 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

In response to Gonzalez' facile and ill-informed suggestion that bird-safe glass and green roofs be removed from building requirements I submit the following: Bird Collisions Yale Bird-Friendly Building Initiative "Buildings Don't Have To Be Bird-Killers". Bloomberg. 1/4/22. Large "Bird Safe Windows Act To Protect Bird Collisions With Windows". American Bird Conservancy Action Fund. 4/11/21 Green/Eco Roofs From the EPA: "Using Green Roofs To Reduce Heat Islands" "Using Green Roofs". Site: Green Roofs for Healthy Cities "Green Roof Benefits". National Park Service-Us. Dept of the Interior Please don't lose faith with Portland residents and the Planning Commission who see the needs as non-competitive.

### **Bob Sallinger**

### #333496 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please accept these supplemental comments from Willamette Riverkeeper



January 12, 2024

Deaf Mayor Wheeler and Members of the Portland City Council,

We are writing to supplement our previously submitted comments as well as our oral testimony on 1-10-24.

We remain deeply disappointed in the manner in which Council has handled these amendments. Commissioner Gonzalez's amendments were last minute, poorly presented, confusing and divisive. His final amendment came after public testimony was already well underway and caused the council to stop public testimony, already late in the day, for a full 30-minutes and added significantly more confusion to the proceedings. Coming just a couple of months after the trainwreck of a hearing on the Natural Resources Bureau, it further eroded the dignity and integrity of council proceedings.

We greatly appreciated the efforts of the Mayor and Commissioner Rubio to get things back on track. We are disappointed that Commissioners Gonzalez, Mapps and Ryan doubled down on the mess. We believe that Council had an obvious path before them which it unfortunately did not take at the hearing, but which hopefully it will take now. The Planning Commission Recommended draft is the product of a thoughtful, deliberative, transparent process. It will make substantive changes to benefit housing. It received virtually no opposition. It represents an opportunity to move forward together in a positive, constructive, effective manner that brings our community together.

Commissioner Gonzalez's amendments were last minute (and beyond), confusing, divisive, and determined by the Planning Commission via a much more thoughtful, deliberative process to be marginal for housing but highly damaging to the environment. They should be withdrawn or voted down. We would add that there is no necessity to railroad these amendments through right now. There will be more opportunities ahead to consider more strategies to advance housing. We urge you to take a path that brings folks together; not one which further divides our communities and further erodes respect for Portland City Government.

We would like to address a few specific points raised at the hearing:

- 1) **Incentives**: Commissioner Mapps raised the idea that mandates could be replaced with incentives. We strongly disagree. In fact, the City did historically have a green roof incentive. It was not effective and it was abandoned (not ironically) so that the incentive could be shifted to affordable housing. I testified in support of that shift specifically because it was so ineffective and because Commissioner Nick Fish recognized at that time that what we really needed was a regulatory requirement. The City also had a second incentive program which was of very limited effectiveness and which was discontinued due to budget cuts. We do not believe, and the data does not support, that stand alone incentive programs are sufficient to get the type of change on the landscape we need to truly green our city. While we would support an incentive program on top of the regulatory requirement, it should NOT be used, and will not work, as a substitute. It would be utterly irresponsible to kill the regulatory program now without even having an incentive program in place. As per PCEF, it was clear in the PCEF Initiative that it was not meant to backfill existing city programs. A proposal to end the birdsafe and green roof mandates and replace them with PCEF funds epitomizes that type of actions that PCEF was supposed to avoid. We would love to work with you to expand the existing ecoroof mandate through incentives, but not to replace it.
- 2) Green Roofs as an effective stormwater strategy: Development interests suggested that green roofs are not an effective stormwater strategy. This is first, not true, and second, deliberately ignores the <u>multiple benefits</u> that green roofs provide. These multiple benefits were discussed extensively and were foundational to the adoption of this mandate. Green roofs not only treat stormwater onsite, they also reduce urban heat island effects, reduce building heating and cooling costs, extend the life of roofs, provide habitat values, sequester carbon, etc. They are a cornerstone program for creating a green, equitable, climate smart, urban environment. This article from the EPA for example discusses the role of green roofs in mitigating the effects of urban heat islands. A basic online search will provide you with tons more information on why green roofs are so essential to creating green, livable, equitable cities. So too, will discussing this issue with your own experts at BES. Portland is a major incubator for green roof technology and it should also be a cornerstone of our growing green economy.
- 3) Bird-safe Building Costs: Portland Audubon will provide more detailed information. We will just note here that this issue was heavily discussed at the time of adoption and in other forums and the data shows far less cost than what was presented by self-serving development interests. Window collisions kill upwards of one million birds every year in the United States. Even as the Planning Commission considered this issue, a major mortality event occurred in Chicago where over 1000 birds were killed in a single night. Research and experience demonstrates that Portland does in fact have a bird strike problem. This report for example demonstrates the impact on birds (and the efficacy of bird-safe design) on one single story facility owned by the City of Portland. Many cities

have adopted <u>Bird-safe Building Requirements</u>. Portland should remain on the frontlines of this important national environmental trend.

4) These amendments will have very long term impacts: Some have suggested that the suspensions will only be through 2029 so they are not in fact a big deal. In fact, the structures that are being built during this time period will be in place for decades. Furthermore, the City is enacting this plan specifically to catalyze a building boom. This means that the effects of these suspensions will be written on our landscape for decades to come and the more successful this building effort is, the more extensive the negative environmental impacts will be. Increased bird deaths, heat island impacts, stormwater impacts, clean air impacts, unsustainable building practices, reduced carbon sequestration, etc. will be in place for as long as these structures persist on the landscape. At a time when the city is increasingly aware of the harms that past building practices have had on our communities and our environment, these amendments would in essence be ensuring that a new generation of buildings emerge on the landscape that perpetuate those harms. The impacts would be most acute for marginalized communities (in this case affordable housing) that already suffer the most from environmental degradation. Finally, we have little confidence that once suspended, these requirements will return. Development interests have already made it clear that the goal is to suspend them now and then kill them forever.

We are not suggesting that the City Council should not take up controversial issues and we are not suggesting that the City Council does not have the prerogative to review the work of the Planning Commission. We are definitely suggesting that it should do so in a manner that is inclusive, transparent, thoughtful and deliberative. The package presented to the City Council by the Planning Commission was already extraordinary for the scale and scope of change relative to the expedited public process that created it. We are in fact, concerned that the recommended package may have significant unintended impacts. Council should not compound this risk by adding amendments through a process that was overtly flawed, rushed and exclusionary. The housing crisis is real and we, again, look forward to working with you towards real solutions. However, we strongly oppose using the crisis as a pretext to roll back important environmental regulations that will have nominal impacts on housing by major impacts on the ecological health of our communities for decades to come.

Respectfully,

Bob Sallinger Conservation Director Willamette Riverkeeper

#### PRIOR TESTIMONY



January 10, 2024

Dear Mayor Wheeler and Members of Portland City Council,

On behalf of Willamette Riverkeeper, I am respectfully requesting that you withdraw or vote "no" on Commissioner Rene Gonzalez's amendments to the Housing Regulatory Relief Package which will be heard later today by the Portland City Council. I will get to our substantive concerns later in these comments, but first I would like to address serious public transparency concerns raised by the manner in which these amendments were brought forward.

#### Process Concerns:

It has been a growing concern that under the current city council, council members have been bringing forward complex and controversial amendments at the 11th hour, sometimes a day or less before public hearings. This severely limits the public's ability to receive notice of significant changes, let alone understand and respond to these changes. It also restricts City staff's ability to analyze and evaluate these changes. Finally, it has been clear at recent hearings that City Commissioners, themselves, often did not understand the amendments that they were voting on (e.g. the November hearing in which tree and natural area assets were transferred from BES to Parks.) Finally, many of these amendments appear to be at the behest of powerful and well-connected development interests, suggesting an inequitable level of access to the public process.

While we understand that there is sometimes a legitimate basis for last minute amendments, the recent pattern has been to introduce amendments that could have and should have been introduced with ample time for public notice and comment. This kind of activity brings discredit to the City Council, undermines already low public confidence in the public process and leads to bad policy decisions.

Yesterday afternoon, Commissioner Gonzalez introduced amendments that would suspend green roof and bird-safe glazing requirements to the Housing Regulatory Relief Package that will be considered at this afternoon's Council hearing. These amendments are highly controversial. The Regulatory Relief Package has been on the docket for weeks and all City Commissioners have had more than ample opportunity to bring forward amendments in a timely manner. On Tuesday when we did reach Commissioner Gonzalez's staff, they made repeated requests that we hold off on action alerts informing our members about their amendments, assuring us repeatedly that they were reconsidering the amendments, that they were likely to be withdrawn and that the Commissioner Gonzalez would call us to discuss the amendments in the afternoon. One example, that was put in writing is the following sent at 3:54 yesterday afternoon:

"Yeah, no one expects to vote on amendments tomorrow, will likely be pulled due to an absence of support...Thx again for bearing with me"

Out of respect for Commissioner Gonzalez's office's repeated requests and assurances, we held off. We never heard from Commissioner Gonzalez, but at 7:38 pm last night after repeated requests from our organization, we received a text message informing us that "I don't believe we are going to pull the amendments yet. Looking at seeing what testimony looks like tomorrow." This message arrived less than 18 hours before the hearing. It is also our understanding that Commissioner Gonzalez's office used the afternoon while we delayed our alerts at his staff's request not to consider withdrawing their amendments, but rather to lobby other City Hall offices to support their amendments. Depending on the intensity of these lobbying efforts, they may well represent an ethics violation. It is impossible to reconcile the Commissioner's stated desire to hear public testimony with his last minute introduction of the amendments and his staff's further efforts to suppress outreach by public interest groups. As a result of these actions, the general public will learn about these amendments this morning, just hours before the hearing is set to begin.

We believe that the manner in which these amendments were brought forward is irrevocably tainted and that the only ethical path forward at this point is to remove them from the docket. City Hall can and must do better in terms of providing reasonable opportunity for notice and comment.

#### Substantive Concerns:

We are deeply surprised that Commissioner Gonzaler is bringing these amendments forward at this point. The original Housing Regulatory Relief Package did in fact suspend green roofs and bird-safe glazing through 2029. However, these two provisions were removed by the Planning Commission after extensive review and consideration of their merits. In fact, the Planning Commission held an extra work session specifically to consider these two provisions. In the end they determined while suspension of these requirements would have nominal benefits for housing, it would have significant impacts on our environment. The Planning Commission ultimately forwarded a Recommended Housing Regulatory Relief Package to City Council that was substantially, largely intact, largely uncontested, but absent the suspension of the green roof and bird safe glazing requirements. It is notable that neither of the Commissioners most closely related to the bureaus most affected by this recommended package (BPS, BES and BDS) chose to challenge the Planning Commission decision to not suspend the green roof

requirement or the bird-safe glazing requirement. The Planning Commission's decision on green roofs and bird-safe glazing was supported by overwhelming public testimony.

The Planning Commission got it right. The housing crisis should not be used as a pretext by the developers to rollback environmental regulations. We have both a climate crisis and a housing crisis and the City must advance solutions for both, not pit one against the other. Notably, Governor Kotek has adopted this philosophy in her own housing legislation and has included language in her draft 2024 housing bill that categorically ensures that natural resource protections and other environmental regulations will not be weakened in the pursuit of more housing.

Portland's green roof requirement was nationally recognized at the time of its adoption as reflecting Portland's commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island effects and can provide habitat benefits. They are exactly the type of strategy that the City says it wants to expand, not suspend.

Portland's bird-safe glazing requirement was also nationally lauded at the time of its adoption. It helps reduce bird collisions with windows, one of the most significant causes of bird deaths in North America, which results in upwards of a billion bird deaths each year. Research has shown that in fact, Portland does have a bird collision problem. The protections that Portland adopted were considered to be at the low end of what is recommended by the best available science to address this issue. Also notably, many strategies associated with bird-safe design also advance more sustainable development goals as well.

Both of these requirements went through multi-year public input, outreach and adoption processes with huge public engagement as well highly technical specialized review.

We greatly appreciate the care and consideration that the Planning Commission gave these two issues including a full extra work session. We recognize that it is Council's prerogative to overrule the Planning Commission, but our hope is also that City Council recognizes that part of the purpose of having a Planning Commission is to give these types of complex, technical land use issues the type of deep and expert review that Council is typically not able to provide. It is therefore all the more disappointing that a commissioner who appears to have only engaged with this process in the last several days, who failed entirely to reach out to diverse stakeholders and who effectively suppressed public input, would attempt to overrule the Planning Commission on an issue to which it devoted significant extra attention.

The Planning Commission got it right. They recognized that we must advance communities that are sustainable, resilient, affordable and green. As we move forward on addressing the Housing Crisis, we cannot go backwards on protecting our environment.

### General Concerns:

As a final note, we do want to put ourselves on record as having concerns about the overall approach and some of the specific provisions contained within the recommended draft. In general, we believe that this type of expedited revision of land use planning regulations is a bad idea. Land use planning regulations are very complex and interconnected and are typically the product of extensive community engagement. Fast track, broadscale changes to the code have a very high potential to fail to achieve the intended outcome and also can result in significant negative unintended consequences. The land use system is ultimately designed to protect our communities and our environment and even in the face of a housing crisis, changes must be carefully considered. Important to note here: the housing crisis is a national crisis being driven by many factors–our land use system is not the cause of the housing crisis.

Second, increasingly the City and other entities appear to be viewing public participation as the enemy. This proposal significantly reduces public involvement on decisions that will directly affect local communities. While Nimbyism does occur, the over-emphasis we hear on nimbyism verges on demagoguery. Most of the public input we see is simply people trying to ensure that their neighborhoods remain safe, healthy, equitable and livable. Participation is the protection that communities have against very powerful development interests that too often put profit ahead of public welfare. We do not support any provisions that role back public participation in the decision-making process.

Finally, we would like to flag the following provisions contained within the recommended package that could have significant environmental impacts over the suspension period:

- 1. Page 29-32 Non-coforming uses: exempts upgrades to nonconforming uses from having to allocate 10% of project costs towards coming into compliance with things like the tree code, landscaping etc.
- 2. Page 63-65 Building Lines: Suspends requirements in the Central City for five years related to landscaping, trees, onsite stormwater from some development
- 3. Page 134: Land Use Reviews: permanently extends period that land use reviews remain valid from 3 to 5 years for all types of development
- 4. Page 58: Suspends lighting design review in residential developments. One of the current environmental initiatives currently underway at the city is developing stronger light pollution regulations to protect public health, livability, public safety and wildlife.

We recognize and appreciate the severity of the housing crisis and we look forward to working with the City on real solutions. However we do not need to pit housing against the environment. We must improve upon both.

We appreciate your consideration of these comments.

Respectfully,

Bob Sallinger Conservation Director Willamette Riverkeeper

# Sarah Eastman-Flores

## #333495 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council, I urge the City to move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. Your actions will have consequences when you're next up for election or when you try to parlay this job into something bigger and better. Sincerely, Sarah Eastman-Flores

# **Daniel Newberry**

## #333494 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Affordable housing and environmental protection are both critical for a healthy society. They need not be at odds with each other. Unfortunately, the amendments that Commissioner Rene Gonzalez has proposed for the Recommended Housing Regulatory Relief Draft would significantly weaken environmental protections in Portland. The draft was approved with little opposition at the Planning and Sustainability Commission. The changes proposed by Commissioner Gonzalez would weaken the initiatives agreed on by many parties to encourage green roofs and bird-safe buildings. It is dangerous to our democratic process to push amendments at the 11th hour when many people who were involved in crafting the original draft may not be aware of the new proposed changes or have had time to comment. I urge the Mayor and the City Commissioners to reject these proposed changes and support the draft that was considered and approved by the Planning and Sustainability Commission.

# **Michele Miller**

## #333493 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am shocked that the Portland City Council is permitting the consideration of amendments proposed by Mr. Gonzales at the last minute! Hours of public and expert testimony and dialogue went into the creation of Portland's environmentally motivated building codes. I am shocked that in a short time you would consider their elimination! How undemocratic! Take note who you are listening to...well funded developers who stand to make more money when regulations are removed? Or, environmentalists who have studied these issues for years? Please please, do not vote to remove green roofs, bike parking, and bird safe glass!

# **Mark Walker**

## #333492 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please help to stop these terrible amendments and to help the Mayor with his twitching hair problem! The last thing our community needs is rollback of environmental protections and politicians who put the interests of the Portland Business Alliance and well connected developers ahead of the health of our community.

# Julia May

## #333491 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# Tom Liptan

## #333490 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

To Portland City Council regarding the HRR Project Item 34 How do ecoroofs manage stormwater? An ecoroof, more effectively than any other stormwater practice, directly captures rain that falls on it, slowing it down and retaining more than 20 inches of annual rainfall. Then the ecoroof sends that water back into the atmosphere, not by pumps or pipes, but by the no impact method called evapotranspiration. It doesn't get any more efficient than that. How do ecoroofs benefit BES and Portland's big pipe system (combined sewers). The major benefit to BES is the fact that 20 inches of water doesn't flow into the big pipes, where if it did BES would have to pump and pipe it 7 miles north to the treatment plant. This conveyance and treatment requires lots of energy at added cost to BES and of course the rate payers and more energy consumption means more carbon impacts. Unintended consequences BES spent 20 years constructing the big pipes at an enormous cost and carbon impact. And in 2011 when the project was completed BES had to start managing billions of gallons of sewage at enormous cost and carbon impact, which will continue forever. However, the more stormwater removed from the system the less costs and carbon impacts on the city. Why not use other stormwater management practices Contrary to comments made at the January 10, 2024 CC meeting, other stormwater practices do not work as well as ecoroofs. Other practices are dependent on inlets and pipes to capture and convey the runoff to on-site facilities. These systems are prone to clog and malfunction which causes them to overflow into the big pipes. Ecoroofs are not dependent pipes. If Ecoroofs are better then why doesn't BES require them? BES has a number of stormwater management practices that it allows developers to choose from. Most of these methods are less expensive that ecoroofs and thus although BES knows an ecoroof is most often the best method, it has been and still is hesitant to require them outright because of the resistance from the development community. And many professionals including some at BES, are not aware of how ecoroofs work. Concurrent with the work BES was doing on the big pipes it was exploring green methods of getting stormwater off the system. If stormwater could be removed there would be less need for the big pipes. Over time the ecoroof emerged as the best approach for dense urban development and it is fail-safe compared to other stormwater approaches. Conclusion: Offer an amendment to keep the ecoroof requirement as is in existing code and direct BES to create a financial incentive for any developer who installs an ecoroof. Do not accept Planning Com ecoroof proposal or any of Com. Gonzales' amendments. Thank you, Tom Liptan - the guy, who while working for BES, introduced Portland to ecoroof stormwater benefits and installed the first ecoroof in 1996 and it is still growing strong.

Ordinance 191609 Testimony is presented without formatting.

# Amy Ruiz

## #333489 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

On behalf of Oregon Smart Growth: There was a comment from City staff during Wednesday's hearing regarding the new amendment to Section D of the ordinance that Commissioner Gonzalez proposed, suggesting retroactive application of any change to the bird-safe glazing and ecoroof requirements could be addressed through Design Review. The City's design review decisions determine if a building meets discretionary design guidelines. Compliance with Code standards such as the bird-safe glazing or ecoroof requirements are enforced during the building permit process. Therefore, we believe that for many projects in the pipeline, the amendment Commissioner Gonzalez proposed will provide relief without requiring Design Review amendments.

# **Carol Gross**

## #333488 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you for standing up for our environment!

# **Ann Spencer**

## #333487 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please don't cave to big money pressure and please do maintain or improve environmental and wildlife protection policy's while increasing housing options. Thank you, President Ann Spencer Registered nurse Wildlife rehabber Backyard habitat certification volunteer Medical reserve corp volunteer Portland native and tax payer

# Marcia Hendersen

## #333486 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a longtime citizen of Portland, I beg you to accept the carefully considered Recommended Housing Regulatory Relief Draft as written. Please do not accept Commissioner Gonzalez's last minute anti-environment, anti-community amendments. There is no reason( other than lining the pockets of developers) to pit housing against the environment. This would be very short sighted ! Housing goals can be reached without destruction of environmental protections. Sincerely, Marcia Hendersen

# Jeffrey McDowell

## #333485 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am offering my testimony to oppose the amendment introduced by Commissioner Gonzalez to suspend the Bird Safe and Ecoroof standards for 5 years, and making the suspension of the standards retroactive, so that any projects now in the permitting pipeline would be able to drop these features if they had to comply. I fully agree with measures to increase affordable housing, but also strongly feel that we can do so in an environmentally prudent way. The data about the need to protect birds from striking windows in structures, and about the effectiveness of building structures that mitigate against the warming effects of traditional roofing techniques is clear. We can and should adhere to our city's values of environmental sustainability while we work to provide badly needed housing. Thank you, Jeffrey McDowell

# **Heather Kent**

## #333484 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor Wheeler and members of the City Council, I'm writing to express my concerns about proposed changes to our planning requirements. While maybe well-intentioned, there is no reason to pit environmental best practices against affordable housing. We need both!!! Please move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. Please DO NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. Portlanders have a long history of engagement in what can be arcane planning decisions - let's respect the work and advocacy that has come before. These amendments were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. Relying on incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. 5. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. These are all actions that support other City policies and programs that have strong public support. The housing crisis needs to be addressed through thoughtful strategic initiatives - continue to do this work, there is more effort that is needed to implement existing programs.

# **Alice Shapiro**

## #333483 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I strongly object to the amendment that Commissioner Gonzalez introduced at the last minute to do away with commonly accepted policy regarding green roofs and bird proof upper story windows in high rise buildings. This policy was recommended by the planning commission. I am concerned that developer interests have influenced Gonzalez's decision to try to slide this through rather than honoring the wishes of the public or the Planning Commission. Commissioner Mapps stated that he needed more time to consider the proposal, which postponed the planned vote. This behavior on the part of Commissioner Gonzalez was disruptive and confusing to the working of our city council and should not be allowed by the mayor. All proposals for amendments should be submitted in a timely manner to promote the efficient working of the city council. If constituents must meet a deadline for submission, so should commissioners. Mr. Gonzalez argues that developers will not build in Portland because our sensible environmental building codes are too expensive. I argue that Portland policy should not be dictated by profit-oriented developers who are looking to build in our city to maximize their profits rather than to continue to uphold Portland as "the city that works". For whom should our city work? As our environmental and safety objectives are ignored, what kind of a future will Portland have for its inhabitants, human as well as other species? Portland had a reputation for being a progressive city with model building codes. We've had a few setbacks and we must work hard to regain that good reputation. The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Our city government must accomplish things that bring our community together--not tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers over the welfare of our communities. Other Commissioners should reject his backroom dealing. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address storm water, they also reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, as well as many other benefits. Bird-safe Building strategies overlap with other sustainable

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft building strategies that reduce heating and cooling costs. Architects have known how to prevent their buildings from becoming bird killers for more than a decade and our city must keep up without exception. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# **Cathy Spofford**

## #333482 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a social worker I worked the issues of housing and homelessness for over 20 years and now that I am retired, I focus mainly on environmental issues, although both are very important to me. I don't believe we need to sacrifice the environment to address the housing crisis in Portland. Adequate and affordable housing and a healthy, clean environment can co-exist. Green roofs not only address stormwater they reduce the urban heat island effect, sequester carbon, and create habitat. As the climate warms urban heat islands are becoming more prevalent and affect economically disadvantaged communities the most. The climate crisis is affecting birds due to rising heat, scarce water, and a decline in certain insect populations. Having bird friendly buildings helps to prevent further loss of bird populations. The City Council should reject Commissioner Gonzales's amendments and adopt the Recommended Housing Regulatory Relief Draft submitted and approved by the Planning Commission. Commissioner Gonzalez has put the profits of developers and the interests of the Portland Business Alliance over the health and welfare of the community with his last-minute amendments. By submitting these amendments at the last minute, and one after testimony had begun, he shows a profound disrespect for citizens of Portland. I urge you to reject these amendments and this backroom deal. Respectfully, Cathy Spofford

# Mickie Harshman

## #333481 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hello, I writing today to express my frustration that amendments have been submit at the last minute that would suspend City of Portland requirements for green roofs, bird safe window glazing and neighborhood notification for housing development projects. The Portland Planning Commission has already deliberated over these important issues and I support their determinations. I support the City moving forward with the Recommended Housing Regulatory Relief Draft submitted by the Planning Commission. I do not support Commissioner Gonzalez's anti-environment, anti-community Amendments. The city should not pit housing against Environmental protections, or put profit over these two important issues. I support the Green Roof mandate, due to the fact that the incentive program failed. Incentives could be used in addition to mandates. The housing crisis needs to be addressed through thoughtful planning that also includes environmental protections. Thank you for extending the public comment period. Sincerely, Mickie Harshman

# **Howard Shapiro**

## #333480 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

It seems to me that our city government must decide who they represent. Is it the majority of the people who voted them into office or is it the developers and special interests, many of whom don't live in Portland? The current city government seems to be somewhat confused. Commissioner Gonzalez introduced an amendment, at the last minute, to do away with commonly accepted policy regarding green roofs and bird proof upper story windows in high rise buildings that was recommended by the planning commission. It seems to me the obvious reason for the tardiness of this amendment is that the developer interests didn't suggest this to Gonzales in time for the full council to have time to consider it. Commissioner Maps stated that he needed more time to consider the proposal, which postponed the planned vote. This behavior on the part of Commissioner Gonzales was disruptive and confusing to the working of our city council and should not be allowed by the mayor. All proposals for amendments should be submitted in a timely manner to promote the efficient working of the city council. If constituents must meet a deadline for submission, so should commissioners. Mr. Gonzales argues that developers will not build in Portland because our sensible environmental building codes are too expensive. I argue that Portland policy should not be dictated by profit-oriented developers who are looking to build in our city on the cheap and maximize their profits. This is a formula for second rate construction that may be dangerous and shoddy.

# **Peter Keyes**

## #333479 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you Peter Keyes

## dana robinson

## #333478 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Shame on Gonzales. Mapps and Ryan for pushing a negative agenda on the environment. The city should not pit housing against the environment. The city should NOT move forward on anti community and anti environment amendments. The city should move forward the recommended housing regulation relief draft.

# Stacie Hall

## #333477 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

PLEASE take into consideration the following points below when determining your decision: 1. The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. 2. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. 3. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. 4. Shifting only to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. 5. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. 6. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# Mark Darienzo

## #333476 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# Mike Farrell

## #333475 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am urging the city council to move forward the recommendations made by the planning commission. These recommendations were made with after careful planning and fact finding. They were researched and thought out. I am calling on you to reject Commissioner Gonalez's last minute amendments. These amendments are made with only one stake holder in mind. They DO NOT include best practices for our city that has more in than just real estate developers. These amendments DO NOT forward our environmental goals. They serve to pit housing against the environment. We can have both if we take the time, energy, and curiosity to solve our problems. Passing last minute ideas without thorough vetting and ignoring the vetted plans of the planning commission is not a solid answer. It is more government by the rich and famous and not for the people. It only shows once again that we are not the city that works and that our city leaders don't care about the environment, our community, or the vast majority of the people who live in it.

# George Ammerman

## #333474 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support the recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Please reject amendments that would suspend City of Portland requirements for green roofs, bird-safe window glazing and neighborhood notification for housing development projects. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements.

# Ann Turner

## #333473 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a physician and member of Oregon Physicians for Social Responsibility's Healthy Climate Action Team, I urge you to move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission and reject the anti-environmental Amendments submitted at the 11th hour by Commissioner Gonzalez. We must rapidly develop additional housing while preserving our environment. We cannot put profits of developers and the interests of the Portland Business Alliance above a healthy environment for our community. Green Roofs and Bird-safe Buildings must be required not incentivized. Health experts recognize that climate change is the single greatest threat to public health. These requirements help make our city more resilient and livable in the face of extreme heat. Green roofs reduce urban heat island effects, sequester carbon, create habitat, reduce heating and cooling costs, address stormwater issues and extend the life of roofs. Window collisions kill upwards of one billion birds every year in the United States. Bird-safe Building strategies are not as costly as developers have claimed, protect bird habitat and our overall ecosystems while reducing heating and cooling costs. We must do everything we can to create a livable and resilient community where everyone is housed and able to enjoy a habitable climate. Thank you for the opportunity to comment.

# Meryl McKean

## #333472 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As an environmentally concerned Oregonian who visits Portland frequently from my home in Salem, I wish to avow and support the following: The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs. Meryl McKean

# Erik Cole

## #333471 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Written Testimony from the Board of Directors of the Revitalize Portland Coalition RE: Item # 34 Housing Regulatory Relief January 12, 2024 Subject: Support for the Adoption of the Housing Regulatory Reform Package and Amendments Mayor and Members of the Portland City Council: Revitalize Portland Coalition is the collective voice of Portland commercial real estate focused on supporting the rebirth of Downtown Portland through the implementation of policies that advance public safety, address homelessness and drug addiction, and promote livability and economic vitality in the heart of our city. We are writing to express our support for the proposed Housing Regulatory Reform package and its accompanying amendments. This comprehensive package represents a significant step, but only one step, to seriously address the housing crisis that our city is currently facing. We encourage you to approve the HRR proposal along with the six amendments filed by Commissioner's Rubio and Gonzalez. We then hope to collaborate with you on other impactful land use reforms to turnaround our economic trajectory. We are committed to the rebirth of Downtown Portland through the implementation of policies such as this, supporting swift action to bring additional housing – particularly middle housing – online. We are appreciative of Commissioner Rubio for bringing this forward as well as the way she and her staff have managed this process. We appreciate staff and the other commissions for their work on this legislation as well. We very much appreciate your thoughtful, stakeholder-engaged process to develop this package. The proposed reforms aim to increase housing production, a critical component in our efforts to ensure that every resident of Portland has access to affordable, safe, and secure housing. By streamlining the regulatory process, reducing unnecessary barriers, and promoting the development of diverse housing options, these reforms will stimulate housing production and contribute to the overall health and sustainability of our communities. RPC provided written comments to the Portland Planning Commission on October 24, 2023, addressing the items of most concern to the commercial real estate community. Some of those recommendations were addressed and many were not. The Planning Commission, in their review, removed several staff-recommended items which were important to the CRE community. In lieu of temporarily implementing these standards, we recommended to the Planning Commission that HRR implement reforms without a sunset clause. Permanently addressing these items for residential projects would provide consistency and predictability that will help us secure additional investment. However, we remain committed to working with the city on these reforms and feel the six amendments currently before Council further strengthen this package by addressing several key issues and incorporating valuable feedback from

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft community stakeholders. We encourage the adoption of the entire package with all six amendments approved. Amendments 4 and 5, sponsored by Commissioner Gonzalez, will temporarily suspend bird-safe glazing and eco-roof requirements are minor changes aimed directly at addressing the cost of residential development. Both items were originally included by staff and identified in the Housing Production Survey as standards which increase project costs. Regarding Amendment 4, if the city chooses to prioritize bird safe glass, it should incentivize developers to include it in new projects. Absent such an incentive, bird-safe glass merely serves to increase the cost of housing at a time when Portlanders are hard pressed to afford their rent and does not measurably affect local bird population. This amendment restores temporary relief from the bird glass standards for new residential projects for five years. While we support this amendment, it is our position that Portland should remove the bird safe glass standards from all residential projects on a permanent basis. Any reconsideration of this policy should require a cost-benefit analysis to determine whether the bird-glass requirement is effective. On Amendment 5, as with many recent development regulations, eco-roofs are beneficial in theory, but provide limited value to tenants and are costly to install. Like the other regulations, the costs of providing them are merely passed on to the future residents, increasing housing cost. If the city is desirous of having eco-roofs, it should provide incentives for developers and existing property owners to include them in new projects. Focusing the city's efforts on the 1% of the real estate stock that is newly built each year, ignores the impact of the 99% of properties that were built in previous years. The city could explore policies that discourage single-family homeowners from piping their rainwater runoff directly into storm sewers, which would be a more effective policy regarding storm water volumes that focusing on newly constructed, high-rise apartments that have much smaller footprints per unit of housing. The smaller footprints mean that these housing units have a much lower level of stormwater runoff. While we support this amendment's temporary relief from the eco-roof standards, we feel Portland should remove the eco-roof standards from all residential projects in favor of a voluntary, incentive-based system. We believe you should approve amendment six as well and that it is far less controversial than its opponents have made it appear. The amendment will definitively speed up the housing production process for residential projects without sacrificing legitimate community input. Rather than eliminating the neighborhood contact process, the amendment will simply allow the applicant to move through design review and the community posting process concurrently, as opposed to waiting for 35 days before filing their building permit or land use review. These processes will still occur, they can just happen at the same time. This amendment addresses a critical concern of the development community and brings Portland's procedure more in line with other jurisdictions. These amendments reflect our city's commitment to continuous improvement and adaptability, ensuring that our housing policies are responsive to the evolving needs of our residents. Financing costs for residential projects remain high. As lenders adjust to higher interest rates and reevaluate lending risk, builders are finding it more difficult to secure funding at reasonable rates. Additionally, market uncertainty abounds due to international conflict, rising energy costs, and slackening consumer confidence. Due to these pressures, builders are putting shovel-ready projects on the backburner. The HRR's reforms will reduce one aspect of project costs during these uncertain Page 141 of 711

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft financial times. We urge you to vote in favor of adopting the Housing Regulatory Reform package and its amendments. By doing so, we can make significant strides towards increasing housing production, improving affordability, and building a more inclusive and equitable Portland. Thank you for your consideration and for your continued dedication to serving the residents of Portland. Sincerely, The Board of Directors of the Revitalize Portland Coalition Kara Unger President Thomas Ped Secretary Kelly Ross Treasurer Evan Bernstein Board Member Michael Hironimus Board Member Ezra Hammer Board Member Dr. Gerard Mildner Board Member Steve Roselli Schnitzer Properties, Inc. Greg Frick Board Member Jose Cienfuegos Board Member

### Written Testimony from the Board of Directors of the Revitalize Portland Coalition RE: Item # 34 Housing Regulatory Relief January 12, 2024

Subject: Support for the Adoption of the Housing Regulatory Reform Package and Amendments

Mayor and Members of the Portland City Council:

Revitalize Portland Coalition is the collective voice of Portland commercial real estate focused on supporting the rebirth of Downtown Portland through the implementation of policies that advance public safety, address homelessness and drug addiction, and promote livability and economic vitality in the heart of our city.

We are writing to express our support for the proposed Housing Regulatory Reform package and its accompanying amendments. This comprehensive package represents a significant step, but only one step, to seriously address the housing crisis that our city is currently facing. We encourage you to approve the HRR proposal along with the six amendments filed by Commissioner's Rubio and Gonzalez. We then hope to collaborate with you on other impactful land use reforms to turnaround our economic trajectory.

We are committed to the rebirth of Downtown Portland through the implementation of policies such as this, supporting swift action to bring additional housing – particularly middle housing – online. We are appreciative of Commissioner Rubio for bringing this forward as well as the way she and her staff have managed this process. We appreciate staff and the other commissions for their work on this legislation as well. We very much appreciate your thoughtful, stakeholder-engaged process to develop this package.

The proposed reforms aim to increase housing production, a critical component in our efforts to ensure that every resident of Portland has access to affordable, safe, and secure housing. By streamlining the regulatory process, reducing unnecessary barriers, and promoting the development of diverse housing options, these reforms will stimulate housing production and contribute to the overall health and sustainability of our communities.

RPC provided written comments to the Portland Planning Commission on October 24, 2023, addressing the items of most concern to the commercial real estate community. Some of those recommendations were addressed and many were not. The Planning Commission, in their review, removed several staff-recommended items which were important to the CRE community.

Ordinance 191609

In lieu of temporarily implementing these standards, we recommended to the Planning Commission that HRR implement reforms without a sunset clause. Permanently addressing these items for residential projects would provide consistency and predictability that will help us secure additional investment. However, we remain committed to working with the city on these reforms and feel the six amendments currently before Council further strengthen this package by addressing several key issues and incorporating valuable feedback from community stakeholders.

We encourage the adoption of the entire package with all six amendments approved. Amendments 4 and 5, sponsored by Commissioner Gonzalez, will temporarily suspend bird-safe glazing and eco-roof requirements are minor changes aimed directly at addressing the cost of residential development. Both items were originally included by staff and identified in the Housing Production Survey as standards which increase project costs.

Regarding Amendment 4, if the city chooses to prioritize bird safe glass, it should incentivize developers to include it in new projects. Absent such an incentive, bird-safe glass merely serves to increase the cost of housing at a time when Portlanders are hard pressed to afford their rent and does not measurably affect local bird population. This amendment restores temporary relief from the bird glass standards for new residential projects for five years. While we support this amendment, it is our position that Portland should remove the bird safe glass standards from all residential projects on a permanent basis. Any reconsideration of this policy should require a cost-benefit analysis to determine whether the bird-glass requirement is effective.

On Amendment 5, as with many recent development regulations, eco-roofs are beneficial in theory, but provide limited value to tenants and are costly to install. Like the other regulations, the costs of providing them are merely passed on to the future residents, increasing housing cost. If the city is desirous of having eco-roofs, it should provide incentives for developers and existing property owners to include them in new projects. Focusing the city's efforts on the 1% of the real estate stock that is newly built each year, ignores the impact of the 99% of properties that were built in previous years. The city could explore policies that discourage single-family homeowners from piping their rainwater runoff directly into storm sewers, which would be a more effective policy regarding storm water volumes that focusing on newly constructed, high-rise apartments that have much smaller footprints per unit of housing. The smaller footprints mean that these housing units have a much lower level of stormwater runoff.

While we support this amendment's temporary relief from the eco-roof standards, we feel Portland should remove the eco-roof standards from all residential projects in favor of a voluntary, incentive-based system.

We believe you should approve amendment six as well and that it is far less controversial than its opponents have made it appear. The amendment will definitively speed up the housing production process for residential projects without sacrificing legitimate community input. Rather than eliminating the neighborhood contact process, the amendment will simply allow the applicant to move through design review and the community posting process concurrently, as opposed to waiting for 35 days before filing their building permit or land use review. These processes will still occur, they can just happen at the same time. This amendment addresses a critical concern of the development community and brings Portland's procedure more in line with other jurisdictions. Ordinance 191609

These amendments reflect our city's commitment to continuous improvement and adaptability, ensuring that our housing policies are responsive to the evolving needs of our residents.

Financing costs for residential projects remain high. As lenders adjust to higher interest rates and reevaluate lending risk, builders are finding it more difficult to secure funding at reasonable rates. Additionally, market uncertainty abounds due to international conflict, rising energy costs, and slackening consumer confidence. Due to these pressures, builders are putting shovel-ready projects on the backburner. The HRR's reforms will reduce one aspect of project costs during these uncertain financial times.

We urge you to vote in favor of adopting the Housing Regulatory Reform package and its amendments. By doing so, we can make significant strides towards increasing housing production, improving affordability, and building a more inclusive and equitable Portland.

Thank you for your consideration and for your continued dedication to serving the residents of Portland.

Sincerely,

#### The Board of Directors of the Revitalize Portland Coalition

Kara Unger President

**Evan Bernstein** Board Member

Michael Hironimus Board Member

**Ezra Hammer** Board Member Thomas Ped Secretary

**Dr. Gerard Mildner** Board Member

**Steve Roselli** Schnitzer Properties, Inc.

**Greg Frick** Board Member Kelly Ross Treasurer

Jose Cienfuegos Board Member

# **David Whitaker**

## #333470 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Ecoroofs are critical to reduce stormwater runoff that can lead to combined sewer overflows into the Willamette River. In addition they provide habitat for bees, birds and many other insects that are vital to the health of our urban environment. Also, they help to reduce heat in the urban area, which is critical with our changing climate. So, this one building component has multiple benefits for both the residents and the environment. Everyone has to do their part to make our city a thriving, wonderful place to live - It's very reasonable to ask the development community to do their part!

# Colin Meskell

### #333469 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments which were introduced at the last minute without reasonable time for the public to comment on them. The City should not pit housing against the environment. We need to advance both! Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Cooling the stormwater through green roofs, and urban landscaping helps to keep the Willamette River cooler. Cooler rivers means better fish environments and helps to protect the endangered species of salmon and steelhead that use the Willamette. As we experience warmer summers in the PNW, combatting the warming of our rivers will take everyone's effort, rolling back current requirements is going in the wrong direction. Green roofs and landscaping also help to remove pollutants from stormwaters before they enter our waters. Again, this is a critical step to keeping the state waters safe, Portland should be a leader in this and not capitulate to building developers who value profit over the environment. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. It is also critical for the safety of birds using the Pacific Flyway, an important migratory route for birds. Portland Audubon estimates that up to a billion birds a year are killed due to window strikes (the USFWS estimates this as 600 million) being the second leading cause of bird deaths. With 400 species of birds using the flyway, many of them stopping in the Willamette Valley, keeping bird safe buildings in the major cities along these routes is critical to these birds. Portland was a leader in taking steps to avoid necessary bird deaths, to roll back these measures would be a shame. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# Debra Kidney

### #333468 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Now is not the time to scale back on environmental protections for our City and our wildlife. Caving into business interests is a bad idea that will ultimately harm the liveability of this City well beyond our generations. The City should move forward with the Recommended Housing Regulatory Relief Draft as it stands. This is not housing vs environment; we already know that both of those issues need immediate attention which does not mean creating a false narrative that it is one versus the other. Thank you Mayor and Commisioners Rubio for delaying this vote so that we citizens can again reiterate that this is a bad idea. Debra Kidney

# Jennifer O'Connor

## #333467 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The Portland City Council is acting inappropriately by introducing new proposed revisions to the Housing Regulatory Relief recommended draft. Not only are they ignoring the authority of the Planning Commission, certain members (C. Gonzalez) are making up the rules as they go along, thumbing their noses at the public process, i.e; the Portland public. I can't begin to articulate how angry this makes our vast coalition of environmental justice and climate groups. We're looking out for the good of our changing environment and infrastructure; our elected Commissioners should be doing the same. Portland citizens, tax payers and voters have the right to have sufficient time to prepare considered testimony to the legislative changes that are hitting us, snowball after snowball. All I can conclude is that none of the current Commissioners should remain in office after this year. The public is accumulating enough evidence to make the case for voting them out. Jennifer O'Connor

# John Eskridge

### #333466 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Developers in Oregon, and especially Portland, should not be allowed to build projects that are net harmful to wildlife if solutions are available to mitigate their impact. In the case of bird strikes on high rise glass buildings, methods are known to significantly reduce strikes. Developers receiving code waivers and building incentives from the City should not also be given the option to avoid including features in their projects that will reduce the significant number of bird deaths that will result if steps are not taken to include strike reducing building methods/materials.

# **James Plunkett**

## #333465 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mayor and City Council, Please reject Commissioner Gonzalez's green roof and bird safety changes to the Planning Commission's Proposed Housing Regulatory Relief Project.

# Tara Wilkinson

## #333464 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor Wheeler and Commissioners, On behalf of The Intertwine Alliance, we urge the City to move forward with the Recommended Housing Regulatory Relief Draft submitted by the Planning Commission. In doing so, you will continue to support Green Roof and Bird-Safe Glazing Requirements. The Planning Commission's recommendations are the result of a fair and transparent public process, drew very little opposition, and will have significant impact. The Intertwine Alliance is the Portland region's nature coalition, advocating for parks, trails, greenspace and equitable access to nature. Our 80+ partners are public agencies, nonprofit organizations and private businesses. We do our work in collaboration with affordable housing and transpiration justice advocates for the maximum benefit to all communities. Green roofs and bird-safe buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. We do not believe that rolling back important environmental protections will do anything to relieve the housing crisis, but it will contribute to the climate crisis. We need solutions that advance both needs in tandem. Thank you for your time. ? Tara Wilkinson, Co-Director? The Intertwine Alliance



Jan. 12, 2024

Dear Mayor Wheeler and Commissioners,

On behalf of The Intertwine Alliance, we urge the City to move forward with the **Recommended Housing Regulatory Relief Draft** submitted by the Planning Commission. In doing so, you will continue to support Green Roof and Bird-Safe Glazing Requirements. The Planning Commission's recommendations are the result of a fair and transparent public process, drew very little opposition, and will have significant impact.

The Intertwine Alliance is the Portland region's nature coalition, advocating for parks, trails, greenspace and equitable access to nature. Our 80+ partners are public agencies, nonprofit organizations and private businesses. We do our work in collaboration with affordable housing and transpiration justice advocates for the maximum benefit to all communities.

Green roofs and bird-safe buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe building strategies overlap with other sustainable building strategies that reduce heating and cooling costs.

We do not believe that rolling back important environmental protections will do anything to relieve the housing crisis, but it *will* contribute to the climate crisis. We need solutions that advance both needs in tandem.

Thank you for your time.

Tara Wilkinson, Co-Director The Intertwine Alliance



P.O. Box 14039 Portland, OR 97293 ~ theintertwine.org

# Jennifer Spring

### #333463 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Environmental protections are extremely important to the preservation of the environment. Our future depends on the environment. Often things that seem small have a large effect. It's no small thing to think about what's good for other creatures, Because it affects how we treat each other.it's no small thing to build the green roofs that the planning commission carefully considered, green roofs are effective, green roofs are beautiful, green roofs will put Portland on the map, and the people who will be housed will know that they are living someplace special. I have no respect for these last minute attempts to say," we need to hurry up and take this vote, so don't think about what we're proposing, just do what we want or we'll ridicule you." Many expert testimonies were only people lobbying for their salaries. Anyway, they wouldn't be paid less. They just pass the costs on down to the consumer. This all is old thinking, nonproductive thinking, and I really don't want people on the city council who think like this. My hats off however to the mayor and the voices who kept explaining the fax calmly to Rubio and Gonzales. And by the way it's ludicrous for Gonzales to say that she felt uncomfortable with the last minute rethinking of the situation that was taking place. As if she had not caused it herself!

# Kathryn Comer

## #333462 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council, As a Portland resident and attentive voter, I strongly urge you to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's last-minute amendments to suspend bird safe standards and ecoroof requirements. These policies are absolutely essential to prevent loss of biodiversity and ensure a sustainable future for Portland and Oregon. As a volunteer in Portland Audubon's wildlife care center, I see every week how many birds die from window strikes, and I pay close attention to similar evidence in the news. Thankfully, there are known solutions -- and Portland has worked hard to implement them. They are based on extensive research, established best practices, and voters' preferences for innovative responses to environmental and urban challenges. The proposal to override these standards in order to promote reckless, rapid, and destructive development (for 5 years! and retroactively!) is frankly insulting -as is the timing of this attempt to undermine the process by which the Planning Commission's Housing Regulatory Relief Package was developed. Indeed, that HRRP package already provides too many perks for developers through tax incentives and code breaks. The fact that they do not have to build affordable housing or demonstrate any public benefit to enjoy these exemptions constitutes a shocking lost opportunity to care for Portland residents. The \*very least\* you can now do to advocate on behalf of your constituents is ensure that these developers are held to the ethical and environmental standards that should be the hallmark of Portland's urban renewal. We need serious solutions to Portland's problems, and we deserve better than acquiescence to profiteers looking to exploit the city during a difficult time. Hold the line. Protect the Portland we love, including our birds. Thank you for your support. I'll be following your response closely in order to understand whose interests the current Mayor and Council members really serve.

# Katie Hutchinson

## #333461 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Portland City Council, The recommendations laid out in the Recommended Housing Regulatory Relief Draft submitted by the Planning Commission were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. My demand as a resident and citizen of Multnomah County and the state of Oregon is that the city should move forward with this draft. The last minute, controversial, confusing amendments introduced just before this week's hearing by Commissioner Gonzalez are anti-environment, anti-community Amendments. Even with the short extension (during an extreme weather event), they undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. I demand these amendments not be implemented or acted upon. Housing and environmental needs can be met and enhanced by one another; there is no need to pit them against each other. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Concerned and outraged, Katie Hutchinson

## **Dale Mack**

## #333460 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City of Portland should be acting in the best interests of its residents and should be in compliance with the long-term environmental goals of the State of Oregon. I support the opinions being expressed by the Willamette Riverkeepers which are; 1) The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. 2) The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. 3) The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. 4) Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. 5) Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. 6) The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well-connected developers and the Portland Business Alliance

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## Patricia Foster

### #333459 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please retain the green roofs and glazed windows for the city of Portland. It is only common sense it helps the environment and saves money. It also saves the lives of Birds. Look into your heart rather than your bank account please on this one. Beauty, Patricia Foster

## **Stephanie Herman**

### #333458 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am saddened and frustrated to hear that a proposal to suspend bird safe and ecoroof building requirements (and retroactively as well!) has been reintroduced in the name of fair and affordable housing. It is not necessary to drop these requirements in order to provide incentive and reduce costs to developers, and the consequences of reversing these requirements will kill thousands of birds over the years, remove reasonable protections against the ongoing climate crisis, and harm the very communities these steps are meant to protect. Nor do I feel the requirements for these exemptions are sufficient to result in any actual increase in affordable housing, as opposed to other types of development that further exacerbate Portland's housing crisis. In my work as a wildlife rehabilitator here in Portland, I come into contact with the people and animals harmed by poorly designed buildings every single day. Hundreds of birds arrive at our center each year from window collisions, with broken bones, broken jaws, injured eyes, severe head trauma - many do not survive despite our best efforts - and these animals only represent a fraction of the birds harmed by windows and inappropriate lighting every year, as they are the lucky few that are found, are found alive, and can be brought to the wildlife hospital. Our center remains open because the community supports it, through donations and through volunteering (we have more than 150 active volunteers every year that contribute more than 15000 hours). Addressing this harm is important to Portlanders - but preventing it would be far, far better, and this is why our city has been a world leader in implementing protections to address the issue. Portland has been a leader in our country and around the world in addressing building design as one of the top causes of bird mortality, and one that we have reasonable, practical solutions for. Throwing away our legacy as leaders, as a community who looks and plans for future generations as well as for our current residents, because we are scrambling for short-sighted and ineffective solutions, does not sit well with me. I urge you to reject this amendment, and continue to require developers to protect our birds and our community as they design their buildings. Let the other incentives they are receiving be enough.

# Craig Koon

## #333457 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I have to hand it to the drafters of hese recommendations; sticking in the anti-bird-and-environment clauses is a classic Trojan Horse... or, for the politics junkies in the room, a modified limited hangout. So many letters crying "Think of the Birbs!" while the real blood is shed elsewhere. Like gutting requirements that allow Neighborhood Associations and neighborhoods to ensure developers provide mandated neighborhood benefits, or make a project better by thoughtful criticisms, or even know about the project in the first place. Kudos. NAs and neighborhood involvement are not the cause of housing delay, it is BDS itself, but they do dare to inconvenience developers and staff alike, so out they go. Smile and watch the birdie! Please vote NO on the gutting of neighborhood involvement - and elimination of the bird-killing glass, of course.

# **Marianne Nelson**

### #333456 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am a member of the Housing Solutions Committee of SMILE neighborhood association, and on the steering committee for Friends of Oaks Bottom, also a committee of SMILE. I understand very well the difficulty of balancing our need for more affordable housing, but also our need to protect our environment and keep Portland livable. What I resent most about Commissioner amendments is that they were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community amendments. The City should NOT pit housing against the environment. We need to advance both! The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs.

## Rene Pizzo

### #333455 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do NOT SUSPEND the Bird Safe and Ecoroof standards for 5 years. In addition, please do not suspend the standards to be retroactive so any projects that are in the permitting pipeline now would be able to drop these features. Birds have already decreased in numbers by 29 percent since 1970 due to unsafe windows, pesticides, climate change -- that's 2.9 BILLION birds. Portland did the right thing when Bird Safe standards were put in place. Developers have the ability to build AND to have Bird Safe building standards.

### **Roberta Jortner**

#### #333454 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mayor Wheeler and Commissioners, I am writing to urge you to reject the last-minute amendments to the Planning Commission's Recommended Housing Regulatory Relief Package (HRRP) proposed by Commissioner Gonzalez. These amendments would re-instate suspension of the City's flagship bird-safe window glazing and ecoroof requirements that currently apply in the Central City/South Reach until January 2029. Commissioner Gonzalez's surprise amendments both discount and degrade the City's public decision-making process, and favors development interests over the community and ecological health and climate resilience. The Planning Commission heard staunch support for the bird-safe and ecoroof requirements over a period of week, and after detailed deliberation decided to remove the proposed suspensions from the HRRP. They did this based on community input and information indicating that these requirements would do little to address the housing crisis while at the same time causing environmental harm, setting a bad precedent, and renouncing Portland's leadership in the field of development that meets multiple social, economic, and environmental goals. Bird populations are declining in our region and worldwide. It is estimated that window strikes kill up to a billion birds per year in the United States alone. A study conducted for Portland, primarily in and near downtown, found that window strikes kill birds of many species including resident and migratory birds. As a 6-year volunteer at Portland Audubon's Wildlife Care Center, I know first-hand that window strikes are one of the most common causes of admission for our ~5000 patients each year. Portland's bird-safe standards were intentionally designed, in consultation with architects and other practitioners, to be flexible. Further, the exterior window-glazing facade thresholds and the exemptions from the standards were designed to avoid impacts on affordable housing and to promote energy efficiency. By joining other U.S. and Canadian cities in adopting bird-safe building requirements, Portland's leadership set an example for other metro area other localities that subsequently adopted their own bird-safe standards, including Metro and Multnomah County. Portland is also nationally and internationally recognized as a leader in the field of ecoroof technology, policy, and practice as a key element of sustainable development, stormwater management, and climate resilience. Ecoroofs help reduce urban heat island which is associated with heat related illness and mortality. https://www.epa.gov/heatislands/using-green-roofs-reduce-heat-islands#:~:text=Using%20green%20roofs%20in%20cities,up%20to%205%C2%B0F From my perspective, rather than suspending Portland's bird-safe and ecoroof requirements, we should be expanding them so to reduce bird window strikes and capture stormwater and cool our neighborhood across the city. For the sake of community and ecological health, and the integrity of Portland's public process, please reject Commissioner Gonzalez's amendments. Thank you for your consideration. Sincerely, Roberta Jortner

## **Daniel Catalinotto**

## #333453 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing in support of continued implementation of the Bird Safe and Ecoroof standards currently being debated by Portland City Council. I disagree completely with the proposed amendment to suspend the standards for five years and/or to retroactively suspend the standards on approved projects. A simple ethos of health care professionals is "Do no Harm." There is no reason, especially with tax breaks provided to developers, that builders cannot use the same ethos when designing new living spaces for Portlanders. Part of the health of a city includes the health of the environment within the city, including the hundreds of species of birds that call Portland home for all or part of the year. By adhering to Bird Safe standards, we can avoid thousands upon thousands of deaths and injuries to our avian neighbors. Why should we allow living things to suffer just so apartment and hotel views are tiny bit nicer? Removing the standards seems to go against the spirit of the city and would mean we are actively causing hard we know we could avoid. Please strongly consider rejecting the proposed amendment to end the Bird Safe standards. Thank you for your time, Dr. Daniel Catalinotto, DO

## **Bonnie McKinlay**

## #333452 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

To Mayor Wheeler and Portland City Commissioners, I write to encourage you to reject the proposal to amend the Housing Regulatory Relief Project by removing the bird-safe windows and green roof codes. Regarding the importance of implementing bird-safe building requirements, the time to act is now. According to the report from Yale Law School's Law, Ethics & Animal Project and the American Bird Conservancy's report, "Building Safer Cities For Birds---How Cities Are Leading The Way On Bird-Friendly Building Policy", "An estimated 80 percent of buildings today will still be standing in 2050...Because buildings are responsible for up to 60 percent of carbon emissions, retrofitting buildings to improve energy efficiency has been identified as a critical climate strategy. According to the World Economic Forum, real estate is now at the "start of its retrofitting journey," which could be transformational to the nation's building stock with ambitious federal, state, and local action. Incorporating bird friendly building practices into this once-in-a-generation, or once-in-a-century, transformation of cityscapes through netzero and/or green legislation is probably the best, and perhaps only, opportunity to accomplish large-scale installation of bird collision deterrence measures, especially because glass is often replaced to improve energy efficiency." Within Portland, thousands of future bird-window strikes can be averted with smart policies. We cannot let Commissioner Gonzalez undermine a scientifically sound course with a short-sighted, "money saving" plan. Birds are small in stature, yet contribute enormously to our ecosystem, our agriculture, our forests and our well-being. Protect Portland and its birds with bird-safe window policies. I further urge you to preserve the green roof guidelines in the housing package. The U.S. National Park Services extols the benefits of eco-roofs in its "Green Roofs" report. Green roofs assist in stormwater control, rooftop insulation, limit the urban heat island effect, protect roofing materials and enhance the urban ecology. I am an advocate for increased accessible housing in Portland. In working hard to make moderately priced homes available to all, we must not abandon our environment-protecting policies and good sense. Sincerely, Bonnie McKinlay Maplewood Neighborhood Board–Public Safety/Climate

## Paul Leistner

## #333451 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Subject: Adopt the Portland Planning Commission Proposed Housing Regulatory Relief Code Changes Dear Mayor and City Commissioners: I urge you vote no on Commissioner Gonzalez's amendments to suspend the ecoroof requirement and bird safe requirement. I urge you to adopt the Portland Planning Commission's Housing Regulatory Relief recommendations without amendments or modifications. Combining ecoroofs and solar panels are mutually beneficial. Ecoroofs are considerably cooler than conventional roofing surfaces, and they cool the ambient air. Solar panels perform more efficiently when they are kept cool. Results vary, but generally, ecoroofs increase photovoltaic performance between 3 percent and 16 percent. The solar panels shade ecoroof vegetation and protect it from the harsh summer sun. Ecoroofs offer many benefits that positively impact our environment, community, and economy. Here are some of the key advantages of preserving the use of ecoroofs in our city: Economic Benefits • Extended Roof Lifespan: Ecoroofs protect the underlying roof membrane from UV radiation and temperature fluctuations, extending its lifespan and reducing maintenance costs. • Increased Property Values: Buildings with ecoroofs command higher property values and attract eco-conscious tenants. • Job Creation: The design, installation, and maintenance of ecoroofs create employment opportunities within our community. • Tourism and Green Spaces: Ecoroofs are attractive urban green spaces, drawing tourists and generating revenue. Environmental Benefits • Stormwater Management: Ecoroofs absorb rainwater, reducing the burden on stormwater systems and preventing urban flooding. • Air Quality Improvement: Ecoroofs filter pollutants from the air, contributing to better overall air quality. Temperature Regulation: Ecoroofs mitigate urban heat island by naturally cooling buildings and their surroundings. • Biodiversity Support: These roofs enhance urban biodiversity by providing habitat for birds, insects, and plants. Community Well-Being • Aesthetic Appeal: Ecoroofs enhance the visual appeal of our cityscape, contributing to a more pleasant and healthy urban environment. • Recreational Opportunities: Accessible ecoroofs serve as recreational areas for residents, promoting physical activity and social interaction. Energy Efficiency • Thermal Insulation: Ecoroofs are natural insulators, reducing the need for heating and cooling, thus lowering energy consumption. Our most vulnerable residents would benefit most from living in buildings with ecoroofs and solar panels. Accessible ecoroofs provide needed outdoor space which contributes to social cohesion and improved mental health, key elements of our post-COVID world. Accessible ecoroofs can also be used for urban farming, contributing to food security. At the Nov. 10th hearing, you heard some disappointingly erroneous testimony from development interests. Although ecoroofs have an

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft upfront cost, they do not need to be costly. Additionally, ecoroofs significantly extend the life of the roof, which reduces costs. According to a San Francisco study, the initial cost of an ecoroof pays back within six years. No other roofing material pays back over time. Bird safe glazing also adds a cost, but not on the order that you heard at the hearing. Also, the bird safe requirement only applies in the Central City and only under fairly specific conditions. Given the multiple benefits of combining solar panels and ecoroofs, I urge you adopt the Planning Commission's recommended housing regulatory relief package without amendments. Thank you.

## **Prism Marlow**

### #333450 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

TO WHOM IT MAY CONCERN The last thing our community needs is rollback of environmental protections and politicians who put the interests of the Portland Business Alliance and well connected developers ahead of the health of our community!!! Quit trying to remove environmental protections in pursuit of the Almighty dollar! 50 to 70% of window collisions is fatal to birds 1 billion a year die in the US from window collisions. The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. This isn't just about people all the earthlings need considered when "developing" oregon spaces. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you for standing up for our environment!



## Susan Harris

## #333449 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package submitted by the Planning Commission and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. There are many reasons why, including the fact that there is no requirement to pass these cost savings on to renters. Given our current climate crisis and biodiversity crisis, we need innovative solutions to address them along with the affordable housing crisis simultaneously. Smart building design and code requirements can help both birds and our community now and into the future. Birds are struggling with navigating a world lit at night, buildings with large windows, and extreme weather. It is awful to see birds laying at the foot of buildings due to window strikes. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. People living below the poverty line are disproportionately exposed to urban heat island intensity and Ecoroofs can help. I also want to comment on the bait and switch approach taken by some Commissioners. The plan shared publicly in December by the Portland City Council said that the relief proposal would not roll back the bird safety glass and added an alternative to green roofs with solar panels. Then less than 24 hours before the meeting on Wednesday, 1/10, Commissioner Gonzales made amendments to remove bird safety glass and green roofs, during the meeting Commissioner Ryan seconded. This was disheartening, it showed alignment with a small group of builders. There is broad public interest in preserving Portland's leadership in environmental best practices and culture of care for nature.

# Ben Parzybok

### #333448 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thanks, Ben Parzybok

# **Revitalize Coalition**

## #333447 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mayor and Members of the Portland City Council: Revitalize Portland Coalition is the collective voice of Portland commercial real estate focused on supporting the rebirth of Downtown Portland through the implementation of policies that advance public safety, address homelessness and drug addiction, and promote livability and economic vitality in the heart of our city. We are writing to express our support for the proposed Housing Regulatory Reform package and its accompanying amendments. This comprehensive package represents a significant step, but only one step, to seriously address the housing crisis that our city is currently facing. We encourage you to approve the HRR proposal along with the six amendments filed by Commissioner's Rubio and Gonzalez. We then hope to collaborate with you on other impactful land use reforms to turnaround our economic trajectory. We are committed to the rebirth of Downtown Portland through the implementation of policies such as this, supporting swift action to bring additional housing - particularly middle housing - online. We are appreciative of Commissioner Rubio for bringing this forward as well as the way she and her staff have managed this process. We appreciate staff and the other commissions for their work on this legislation as well. We very much appreciate your thoughtful, stakeholder-engaged process to develop this package. The proposed reforms aim to increase housing production, a critical component in our efforts to ensure that every resident of Portland has access to affordable, safe, and secure housing. By streamlining the regulatory process, reducing unnecessary barriers, and promoting the development of diverse housing options, these reforms will stimulate housing production and contribute to the overall health and sustainability of our communities. RPC provided written comments to the Portland Planning Commission on October 24, 2023, addressing the items of most concern to the commercial real estate community. Some of those recommendations were addressed and many were not. The Planning Commission, in their review, removed several staff-recommended items which were important to the CRE community. In lieu of temporarily implementing these standards, we recommended to the Planning Commission that HRR implement reforms without a sunset clause. Permanently addressing these items for residential projects would provide consistency and predictability that will help us secure additional investment. However, we remain committed to working with the city on these reforms and feel the six amendments currently before Council further strengthen this package by addressing several key issues and incorporating valuable feedback from community stakeholders. We encourage the adoption of the entire package with all six amendments approved. Amendments 4 and 5, sponsored by Commissioner Gonzalez, will temporarily suspend bird-safe glazing and eco-roof requirements

Housing Regulatory Relief Ordinance 191609 Testimony on Recommended Draft are minor changes aimed directly at addressing the cost of residential development. Both items were originally included by staff and identified in the Housing Production Survey as standards which increase project costs. Regarding Amendment 4, if the city chooses to prioritize bird safe glass, it should incentivize developers to include it in new projects. Absent such an incentive, bird-safe glass merely serves to increase the cost of housing at a time when Portlanders are hard pressed to afford their rent and does not measurably affect local bird population. This amendment restores temporary relief from the bird glass standards for new residential projects for five years. While we support this amendment, it is our position that Portland should remove the bird safe glass standards from all residential projects on a permanent basis. Any reconsideration of this policy should require a cost-benefit analysis to determine whether the bird-glass requirement is effective. On Amendment 5, as with many recent development regulations, eco-roofs are beneficial in theory, but provide limited value to tenants and are costly to install. Like the other regulations, the costs of providing them are merely passed on to the future residents, increasing housing cost. If the city is desirous of having eco-roofs, it should provide incentives for developers and existing property owners to include them in new projects. Focusing the city's efforts on the 1% of the real estate stock that is newly built each year, ignores the impact of the 99% of properties that were built in previous years. The city could explore policies that discourage single-family homeowners from piping their rainwater runoff directly into storm sewers, which would be a more effective policy regarding storm water volumes that focusing on newly constructed, high-rise apartments that have much smaller footprints per unit of housing. The smaller footprints mean that these housing units have a much lower level of stormwater runoff. While we support this amendment's temporary relief from the eco-roof standards, we feel Portland should remove the eco-roof standards from all residential projects in favor of a voluntary, incentive-based system. We believe you should approve amendment six as well and that it is far less controversial than its opponents have made it appear. The amendment will definitively speed up the housing production process for residential projects without sacrificing legitimate community input. Rather than eliminating the neighborhood contact process, the amendment will simply allow the applicant to move through design review and the community posting process concurrently, as opposed to waiting for 35 days before filing their building permit or land use review. These processes will still occur, they can just happen at the same time. This amendment addresses a critical concern of the development community and brings Portland's procedure more in line with other jurisdictions. These amendments reflect our city's commitment to continuous improvement and adaptability, ensuring that our housing policies are responsive to the evolving needs of our residents. Financing costs for residential projects remain high. As lenders adjust to higher interest rates and reevaluate lending risk, builders are finding it more difficult to secure funding at reasonable rates. Additionally, market uncertainty abounds due to international conflict, rising energy costs, and slackening consumer confidence. Due to these pressures, builders are putting shovel-ready projects on the backburner. The HRR's reforms will reduce one aspect of project costs during these uncertain financial times. We urge you to vote in favor of adopting the Housing Regulatory Reform package and its amendments. By doing so, we can make significant strides towards increasing housing production, improving affordability, and building a more Page 173 of 711

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft inclusive and equitable Portland. Thank you for your consideration and for your continued dedication to serving the residents of Portland.

October 24, 2023

Portland Planning Commission RE: Housing Regulatory Relief Project Written Testimony from Revitalize Portland Coalition

Members of the Planning Commission:

Revitalize Portland Coalition is the collective voice of Portland commercial real estate focused supporting the rebirth of Downtown Portland through the implementation of policies that advance public safety, address homelessness and drug addiction, and promote livability and economic vitality in the heart of our city.

Over the past several years, Portland has experienced a series of shocks that continue to ripple through the fabric of our community. The twin impacts of COVID-19 and social unrest have kept Portlanders out of Downtown, leading to a dramatic reduction in foot traffic throughout the central city. The prevalence of open-air drug markets, street camping, and public overdoses only serve to further discourage people from visiting what was as recently as 2019 described as the best urban cores in North America.

A recent report from CBRE put the Downtown Portland office vacancy rate at 28.4 percent with total availability (i.e., vacancy plus available subleases) at a staggering 32.9 percent. Unfortunately, these numbers don't tell the whole story. In addition, office brokers believe that underutilized space (i.e., space a tenant currently pays for but does not actively use) could be another 10 percent of all office square footage. Add it up and – absent significant changes to market conditions – 40 percent of all downtown office space will be empty in the coming years.

We say this not to serve as prophets of doom, but rather to encourage swift and decisive action to reverse this trend. One of the best tools to accomplish this is through residential construction and the rehabilitation of existing underutilized buildings. New residential units in Downtown would serve many purposes including providing much needed housing for a region gripped by underproduction, increasing eyes on the street, bringing new patrons to local restaurants and businesses, and enhancing tax revenue for vital social services, such as K-12 education, mental health, and homeless shelters.

The Housing Regulatory Relief (HRR) proposal will encourage the development of multifamily housing and could serve as a catalyst for Downtown construction. As a starting point, all sixteen

Ordinance 191609

of the proposed recommendations in HRR are fantastic ideas that will serve to promote the creation of residential units across the city. Of note, the following proposals will have the greatest impact in Downtown:

- 1 (Bicycle Parking),
- 2 (Ground Floor Active Uses),
- 4 (Loading Standards),
- 6 (Ground Floor Active Height Standard & higher window coverage),
- 7 (Security Gates and Lighting),
- 9 (Ecoroofs),
- 10 (Bird-safe Glazing),
- 11 (Central City Master Plans),
- 13 (Neighborhood Contact Requirements),
- 14 (Design Review Procedure Types for Housing), and
- 15 (Land Use Review Expiration Dates).

#### **Recommendation 1: Bicycle Parking**

Bicycle parking is an important amenity that many Portland residents desire and seek out when considering what apartment to rent. However, when over prescribed, bicycle parking can lead to the creation of expensive unused space in new apartments, which decreases the floor area available for dwelling units and thus leads to higher rental prices. As with vehicle parking, the development community, and the market generally, are best suited to determine the appropriate amount of bicycle parking per dwelling unit. As such, Portland should consider removing bicycle parking requirements altogether and instead, incentivize developers through the zoning incentives to include it in new buildings.

Absent a removal of these requirements, the HRR proposals are a good step in the right direction. First, it will temporarily reduce the long-term bike parking ratios for household living uses for a period of 5 years. Within the inner pattern areas, the ratio is reduced from 1.5 to 1 space per unit. In the outer pattern areas, the ratio is reduced from 1.0 to 0.7 space per unit. Next, HRR will simplify the in-unit bike parking standards and temporarily removes the requirement for larger bicycle parking areas meant for cargo bikes. In lieu of temporarily implementing these standards, we recommend that HRR implement them without a sunset clause.

#### **Recommendation 2: Ground Floor Active Uses**

Ground floor active uses provide a useful tool for integrating buildings into the public realm and providing more eyes on the street. However, when these requirements are overly onerous, they serve to discourage new housing development. Importantly, there is an

overabundance of commercial space in Downtown at a time when housing is desperately needed. Additionally, the inclusion of commercial space in some buildings can change the building code housing typology and greatly increase construction costs. For these reasons, relaxing these standards will provide a significant boost to housing construction and help existing retail to prosper. As with bicycle parking, Portland should consider removing the prohibition on ground floor residential units in the Central City altogether.

Although it does not go far enough, the HRR includes two good ideas. First, it provides a temporary waiver for the prohibition on dwelling units on the ground floor if the development contains residential uses within the building. Second, it clarifies the existing standard so that a dwelling unit is only prohibited along the frontage of certain streets in Downtown. Again, in lieu of temporarily implementing these standards, we recommend that HRR implement them without a sunset clause. When the downtown retail market recovers, the city can decide whether to return to the previous policy.

#### **Recommendation 4: Loading Standards**

Vehicle loading spaces take up valuable space within new projects while providing nominal value to residents. Additionally, as with vehicle and bicycle parking spaces generally, developers are best positioned to determine the optimal amount of loading spaces a project needs. Additionally, it is not impossible to imagine that technological advances will negate the need for loading spaces writ large in the near future. Therefore, as with the above, Portland should consider removing the requirement for vehicle loading spaces in residential projects altogether.

The HRR addresses loading spaces in two ways. First, it raises the threshold for when a residential project is required to include a loading space. Second, it provides a temporary reduction in the number and/or the size of required loading spaces for projects that are primarily residential for five years. These ideas are helpful and will reduce the cost of providing new housing, however, in lieu of temporarily implementing these standards, we recommend that HRR implement them without a sunset clause. We believe the development community will design their buildings with adequate loading capacity.

#### **Recommendation 6: Higher Window Coverage**

As with ground floor commercial uses, the use of windows can help integrate a building into the public realm and provide additional eyes on the street. However, windows are extremely costly and large windows serve as a frequent target for vandalism, particularly in Downtown. Within the Central City, in certain locations the ground floor of a building must have windows covering 60% of the wall, which is an increased percentage over the ground floor window requirement in the base zones. The HRR suspends the higher ground floor window requirement in the Central City for five years for development that includes residential uses. While this

temporary amendment is a good start, **Portland should consider permanently removing the** requirement for higher glazing standards in Downtown residential projects. We believe the commercial real estate industry will design buildings with an appropriate amount of window surface.

#### **Recommendation 7: Security Gates and Lighting**

Property crime is at unacceptable levels in Downtown. The constant vandalism increases insurances costs and serves to dissuade businesses from opening up new spaces or expanding existing ones. In recent years, property owners and operators have sought to implement design strategies to discourage vandalism and protect property. Unfortunately, in attempting to do so, many have become mired in a complex and costly regulatory process that needlessly delays safety.

The HRR provides a temporarily exemption for gates, cameras, and outdoor lighting from the

Design overlay zone chapter for five years. The amendment acknowledges the recent growth in businesses that have instigated security measures due to pandemic unrest and vandalism. And is intended to temporarily allow these installations in the Design overlay zone without undue burden or risk of code compliance for those already installed. As with the above recommendations, this amendment is a good start, but Portland should consider removing the requirement for projects to obtain Design review for site security systems altogether. The commercial real estate industry encourages the city to provide more widespread close circuit television coverage of downtown by the Portland Police Bureau, as well as making it easier for property owners to provide this coverage.

#### **Recommendation 8: Major Remodels and Building Lines**

As discussed above, Portland has an excess of commercial space and a major deficit of dwelling units. As such, it should be taking meaningful steps to incentivize the adaptive reuse of the former into the latter. Despite this, the city requires buildings going through the major remodels process to adhere to mandated building setbacks or building lines. Moving an existing wall is extremely expensive and the public receives nominal benefit in return. In recognition of this mismatch, the HRR temporarily exempts residential projects going through major remodels from the building line standard in the Central City Plan District. Because the regulation is unduly burdensome, Portland should remove the requirement for residential remodel projects to adhere to building line standards altogether. The city should focus its concern for setbacks and building on new real estate construction, rather than burdening the process of building rehabilitation.

#### **Recommendation 9: Eco-roofs**

As with many recent development regulations, eco-roofs are beneficial in theory, but provide limited value to tenants and are costly to install. Like the other regulations, the costs of providing them are merely passed on to the future residents, increasing housing cost. If the city is desirous of having eco-roofs, it should provide incentives for developers and existing property owners to include them in new projects. Focusing the city's efforts on the 1% of the real estate stock that's newly built each year, ignores the impact of the 99% of properties that were built in previous years. The city could explore policies that discourage single-family homeowners from piping their rainwater runoff directly into storm sewers, which would be a more effective policy regarding storm water volumes that focusing on newly constructed, high-rise apartments that have much smaller footprints per unit of housing. The smaller footprints mean that these housing units have a much lower level of stormwater runoff.

The HRR provides temporary relief from the eco-roof standards for new residential projects. Yet again, while this relief is important, **Portland should remove the eco-roof standards** from all residential projects in favor of a voluntary, incentive-based system.

#### Recommendation 10: Bird-safe Glazing

Despite dire warnings to the contrary, Portland does not suffer from a pandemic of bird deaths caused by windows. While the desire to support avian flight patterns is commendable, Portland has simply privatized the costs of providing this public benefit. Moreover, the problem of excess bird deaths in the United States is unlikely to be solved at the municipal level. The City of Portland should not be imposing a building regulation that would be better handled at a federal level.

According to a recent article in <u>Global Ecology and Conservation</u>, the typical home in the US kills 2 birds per year, the typical 4-11 story building kills 21 birds per year, and the typical highrise kills 24 birds per year (Christine Sheppard, "Evaluating the relative effectiveness of patterns on glass as deterrents of bird collisions with glass", Volume 20, 2019). Given the migratory habits of birds, focusing on the 1% of real estate stock that's newly-built each year in the City of Portland is unlikely to have measurable impacts on the overall bird population in the city. The city should await changes in national building codes before adopting local regulations with little local benefit.

As with many of the items discussed above, if the city chooses to prioritize bird safe glass, it should incentivize developers into including it in new projects. Absent such an incentive, birdsafe glass merely serves to increase the cost of housing at a time when Portlanders are hard pressed to afford their rent and doesn't measurably affect local bird population. The HRR provides temporary relief from the bird glass standards for new residential projects for five years. While this relief is important, **Portland should remove the bird safe glass standards from all residential projects on a permanent basis.** Any reconsideration of this policy should require a cost-benefit analysis to determine whether the bird-glass requirement is effective.

#### **Recommendation 11: Central City Master Plans**

Large, transformative development projects could help spur the revitalization of downtown while providing family wage jobs and spurring broad based economic development. Therefore, the city should take steps to ensure that these projects are able to proceed without having to jump through unrelenting regulatory red tape. The HRR recognizes this and recommends a tiered approach while also limiting the types of changes that would be subject to a Type III process and allowing some changes to occur without land use review.

These changes provide welcome regulatory relief to a project undergoing an amendment by reducing the process steps and timeline of an amendment. Significant changes to a Central City master plan will still trigger a Type III review, while smaller changes will be allowed administratively without the need for a land use review. Those that fall between these two will be reviewed under the Type II process. This recommendation will serve to smooth the development process for impactful placemaking projects. **Portland should build on this idea and exempt all residential projects from Type III review on a permanent basis.** 

#### **Recommendation 14: Design Review**

Design review is widely recognized as a highly subjective process that pits personal preferences against each other. What one person finds pleasing; another abhors. And yet, at a time when housing is in short supply, the city requires applicants to receive design approval even though said approval can serve to dramatically increase housing costs while providing nominal public value. While there is certainly a strong case for design review of civic buildings, whether a small group of building enthusiasts like a particular façade is fully immaterial. We should recognize that tastes vary and outside of extremely limited circumstances, no building should be delayed because someone does not like it.

The HRR recognizes that Design Review has failed to achieve its promise and reduces the level of Design Review required for projects for five years. For projects with housing normally subject to a Type III review, the applicant will now be able to choose a Type II review in conjunction with a design advice request (DAR). Projects normally subject to a Type II review could choose to be subject to a Type Ix review.

While these changes are helpful, **Portland should eliminate mandatory Design Review for all residential projects, replacing it with staff decisions and a voluntary public presentation.** Giving a panel of architects veto power over a housing project is not an efficient way to design a building; the net result is delayed construction, greater investment uncertainty, and a higher number of billable hours for a developer's architect.

#### Recommendation 15: Land Use Review Expiration Dates

Financing costs for residential projects is at a recent high. As lenders adjust to higher interest rates and reevaluate lending risk, builders are finding it more difficult to secure funding at reasonable rates. Additionally, market uncertainty abounds due to international conflict, rising energy costs, and slackening consumer confidence. Due to these pressures, builders are putting shovel-ready projects on the backburner. The HRR proposes to increase the period that land use approvals remain valid. Doing so will ensure that applicants are not forced to go back through the review process multiple times for the same project. This recommendation is a useful tool and will reduce project costs during these uncertain financial times.

We appreciate this opportunity to provide comment on the Housing Regulatory Relief (HRR) proposal. Please do not hesitate to call upon us for any further input into this or other proposals that will support the revitalization and economic development of our city.

Sincerely, The Board of Directors of the Revitalize Portland Coalition

Laca Unger

Kara Unger President

Gerand Millen

**Dr. Gerald Mildner** Co-chair, Economy and Housing Committee

**Ezra L. Hammer** Co-chair, Economy and Housing Committee

#### Written Testimony from Erik Cole, Revitalize Portland Coalition RE: Item # 34 Housing Regulatory Relief January 12, 2024

Subject: Support for the Adoption of the Housing Regulatory Reform Package and Amendments

Mayor and Members of the Portland City Council:

Revitalize Portland Coalition is the collective voice of Portland commercial real estate focused on supporting the rebirth of Downtown Portland through the implementation of policies that advance public safety, address homelessness and drug addiction, and promote livability and economic vitality in the heart of our city.

We are writing to express our support for the proposed Housing Regulatory Reform package and its accompanying amendments. This comprehensive package represents a significant step, but only one step, to seriously address the housing crisis that our city is currently facing. We encourage you to approve the HRR proposal along with the six amendments filed by Commissioner's Rubio and Gonzalez. We then hope to collaborate with you on other impactful land use reforms to turnaround our economic trajectory.

We are committed to the rebirth of Downtown Portland through the implementation of policies such as this, supporting swift action to bring additional housing – particularly middle housing – online. We are appreciative of Commissioner Rubio for bringing this forward as well as the way she and her staff have managed this process. We appreciate staff and the other commissions for their work on this legislation as well. We very much appreciate your thoughtful, stakeholder-engaged process to develop this package.

The proposed reforms aim to increase housing production, a critical component in our efforts to ensure that every resident of Portland has access to affordable, safe, and secure housing. By streamlining the regulatory process, reducing unnecessary barriers, and promoting the development of diverse housing options, these reforms will stimulate housing production and contribute to the overall health and sustainability of our communities.

RPC provided written comments to the Portland Planning Commission on October 24, 2023, addressing the items of most concern to the commercial real estate community. Some of those recommendations were addressed and many were not. The Planning Commission, in their review, removed several staff-recommended items which were important to the CRE community.

In lieu of temporarily implementing these standards, we recommended to the Planning Commission that HRR implement reforms without a sunset clause. Permanently addressing these items for residential projects would provide consistency and predictability that will help us secure additional investment. However, we remain committed to working with the city on these reforms and feel the six amendments currently before Council further strengthen this package by addressing several key issues and incorporating valuable feedback from community stakeholders.

We encourage the adoption of the entire package with all six amendments approved. Amendments 4 and 5, sponsored by Commissioner Gonzalez, will temporarily suspend bird-safe glazing and eco-roof requirements are minor changes aimed directly at addressing the cost of residential development. Both items were originally included by staff and identified in the Housing Production Survey as standards which increase project costs.

Regarding Amendment 4, if the city chooses to prioritize bird safe glass, it should incentivize developers to include it in new projects. Absent such an incentive, bird-safe glass merely serves to increase the cost of housing at a time when Portlanders are hard pressed to afford their rent and does not measurably affect local bird population. This amendment restores temporary relief from the bird glass standards for new residential projects for five years. While we support this amendment, it is our position that Portland should remove the bird safe glass standards from all residential projects on a permanent basis. Any reconsideration of this policy should require a cost-benefit analysis to determine whether the bird-glass requirement is effective.

On Amendment 5, as with many recent development regulations, eco-roofs are beneficial in theory, but provide limited value to tenants and are costly to install. Like the other regulations, the costs of providing them are merely passed on to the future residents, increasing housing cost. If the city is desirous of having eco-roofs, it should provide incentives for developers and existing property owners to include them in new projects. Focusing the city's efforts on the 1% of the real estate stock that is newly built each year, ignores the impact of the 99% of properties that were built in previous years. The city could explore policies that discourage single-family homeowners from piping their rainwater runoff directly into storm sewers, which would be a more effective policy regarding storm water volumes that focusing on newly constructed, high-rise apartments that have much smaller footprints per unit of housing. The smaller footprints mean that these housing units have a much lower level of stormwater runoff.

While we support this amendment's temporary relief from the eco-roof standards, we feel Portland should remove the eco-roof standards from all residential projects in favor of a voluntary, incentive-based system.

We believe you should approve amendment six as well and that it is far less controversial than its opponents have made it appear. The amendment will definitively speed up the housing production process for residential projects without sacrificing legitimate community input. Rather than eliminating the neighborhood contact process, the amendment will simply allow the applicant to move through design review and the community posting process concurrently, as opposed to waiting for 35 days

before filing their building permit or land use review. These processes will still occur, they can just happen at the same time. This amendment addresses a critical concern of the development community and brings Portland's procedure more in line with other jurisdictions.

These amendments reflect our city's commitment to continuous improvement and adaptability, ensuring that our housing policies are responsive to the evolving needs of our residents.

Financing costs for residential projects remain high. As lenders adjust to higher interest rates and reevaluate lending risk, builders are finding it more difficult to secure funding at reasonable rates. Additionally, market uncertainty abounds due to international conflict, rising energy costs, and slackening consumer confidence. Due to these pressures, builders are putting shovel-ready projects on the backburner. The HRR's reforms will reduce one aspect of project costs during these uncertain financial times.

We urge you to vote in favor of adopting the Housing Regulatory Reform package and its amendments. By doing so, we can make significant strides towards increasing housing production, improving affordability, and building a more inclusive and equitable Portland.

Thank you for your consideration and for your continued dedication to serving the residents of Portland.

CC: Mayor Ted Wheeler; Commissioner Rene Gonzalez; Commissioner Carmen Rubio;Commissioner Mingus Mapps; Commissioner Dan Ryan; Metro Council President Lynn Peterson; Councilor Ashton Simpson; Councilor Christine Lewis; Councilor Gerrit Rosenthal; Councilor Juan Carlos Gonzalez; Councilor Mary Nolan; Councilor Duncan Hwang; Mayor Travis Stovall; Councilmember Dina DiNucci; Councilmember Eddy Morales; Councilmember Vince Jones-Dixon; Councilmember Jerry Hinton; Council President Sue Piazza; Councilmember Janine Gladfelter; members of the regional media.

## Walt Mintkeski

## #333446 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I strongly support the Recommended Housing Regulatory Relief Draft submitted by the Planning Commission. These recommendations were carefully considered and should be implemented by the City. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments which undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not view environmental goals as hindering housing development. We need to advance both! Shifting to incentives for green roofs and bird-safe buildings, rather than requirements for them, will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be in addition to, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, but they also reduce urban heat island effects, sequester carbon, create habitat, and reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to eliminate environmental programs.

# Judy Todd

## #333445 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hey, what happened? It disturbs me that this end-run after the Council had done honest, community-involved work, requires my vigilance to this level. Can Council be trusted to uphold the Public Good? This action by Ryan, followed by Gonzales later, begs the question for all! I stand with Columbia Riverkeepers in a pushback against unfair actions by Councilmen Ryan and Gonzales to reverse the community's decision. The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon, create habitat, reduce heating and cooling costs, extend the life of roofs, for starters. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of profit-seeking-at any-cost, well-connected developers and the Portland Business Alliance. You must do the right, community supported, optimal climate-aware thing. Thank you.

## Linda Parmer

## #333444 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We must protect the other creatures we share the Earth with! It is to our benefit! Short term thinking has gotten into this climate change crisis. We must be stewards to the environment and life we are part of.

# **Amy Borden**

## #333443 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Asking council members to vote against the two last-minute amendments proposed by Commissioner Gonzalez: Gonzalez Amendment 4 - Motion to reinstate staff's original proposal to temporarily suspend bird-safe glazing requirement in the River overlay zone and Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called. Gonzalez Amendment 5 - Motion to Replace Planning Commission's ecoroof recommendation with staff's original proposal to temporarily suspend the ecoroof requirement in the Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called. Suspending environmental rules aimed to the protect ecologies we inhabit to benefit developer pockets is such a backwards move that I cannot upload all the academic studies on why this is a terrible idea, so I will simply upload and excerpt from the study from SCIENCE published last year that finds that "in United States and Canada today are home to 2.9 billion fewer birds than in 1970, a drastic decline of 29 percent. Even common species such as robins have experienced steep declines." Furthermore, "Using multiple and independent monitoring networks, we report population losses across much of the North American avifauna over 48 years, including once-common species and from most biomes. Integration of range-wide population trajectories and size estimates indicates a net loss approaching 3 billion birds, or 29% of 1970 abundance. A continent-wide weather radar network also reveals a similarly steep decline in biomass passage of migrating birds over a recent 10-year period. This loss of bird abundance signals an urgent need to address threats to avert future avifaunal collapse and associated loss of ecosystem integrity, function, and services." [Kenneth V. Rosenberg et al., Decline of the North American avifauna.Science366,120-124(2019).DOI:10.1126/science.aaw1313] More reason to vote against these amendments: "Building collisions, and particularly collisions with windows, are a major anthropogenic threat to birds, with rough estimates of between 100 million and 1 billion birds killed annually in the United States. However, no current U.S. estimates are based on systematic analysis of multiple data sources. We reviewed the published literature and acquired unpublished datasets to systematically quantify bird-building collision mortality and species-specific vulnerability. Based on 23 studies, we estimate that between 365 and 988 million birds (median = 599 million) are killed annually by building collisions in the U.S., with roughly 56% of mortality at low-rises, 44% at residences, and 92,000 fatality records, and after controlling for population abundance and range overlap with study sites, we identified several species that are disproportionately vulnerable to collisions at all building types. In addition, several species listed as national Birds of Conservation

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft Concern due to their declining populations were identified to be highly vulnerable to building collisions..." [\*Scott R. Loss, Tom Will, Sara S. Loss, Peter P. Marra, Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability, The Condor, Volume 116, Issue 1, 1 February 2014, Pages 8–23, https://doi.org/10.1650/CONDOR-13-090.1] Honestly, what is the purpose of an elected city council that actively chooses to suspend its own policies to allow developers to kill birds and create heat islands\*\* able to kill our citizens? These are such clear-cut issues that you can already imagine the slogans against Commissioners who support these amendments in their mayoral run. If not for the birds, vote against these to save yourselves the political embarrassment of being hounded by bird lovers and citizens who would like to not bake to death. Thanks! \*\*From a 2016 (!) of green roofs and Adelaide AU: "Changing an urban environment and replacing vegetated surfaces with low albedo materials is one of the reasons for increasing temperatures in an urban environment and consequently also one of the key causes of urban heat island effects. In this study, an experimental investigation at the micro-scale and also a numerical simulation at the macro-scale of a typical urban environment in Adelaide were conducted to estimate the potential for mitigating the UHI effect. The results showed that existing low albedo materials such as asphalt, metal roofs and brick pavements contribute to the heat island potential. Also, urban development and a lack of natural vegetation contribute to increased temperatures in cities. The ability of two types of extensive and intensive green roofs to reduce the surrounding micro-climate temperature were monitored. The results showed that they have significant cooling effects in summer time and could behave as an insulation layer to keep buildings warmer in the winter. Furthermore, different scenarios of adding green roofs to the Adelaide urban environment were investigated using the Envi-MET model. The scenario modelling of adding green roofs in a typical urban area in Adelaide, Australia, supported the hypothesis that this can lead to reductions in energy consumption in the Adelaide urban environment. Also an increased use of other water sensitive urban design technologies such as green walls and street trees together with the adoption of high albedo materials is recommended for achieving the optimum efficiency in terms of reducing urban temperatures and mitigating urban heat island effects." [Mostafa Razzaghmanesh, Simon Beecham, Telma Salemi. The role of green roofs in mitigating Urban Heat Island effects in the metropolitan area of Adelaide, South Australia, Urban Forestry & Urban Greening, Volume 15, 2016, Pages 89-102, ISSN 1618-8667, https://doi.org/10.1016/j.ufug.2015.11.013.]

# **Decline of the North American avifauna**

Kenneth V. Rosenberg<sup>1,2</sup>\*, Adriaan M. Dokter<sup>1</sup>, Peter J. Blancher<sup>3</sup>, John R. Sauer<sup>4</sup>, Adam C. Smith<sup>5</sup>, Paul A. Smith<sup>3</sup>, Jessica C. Stanton<sup>6</sup>, Arvind Panjabi<sup>7</sup>, Laura Helft<sup>1</sup>, Michael Parr<sup>2</sup>, Peter P. Marra<sup>8</sup>+

Species extinctions have defined the global biodiversity crisis, but extinction begins with loss in abundance of individuals that can result in compositional and functional changes of ecosystems. Using multiple and independent monitoring networks, we report population losses across much of the North American avifauna over 48 years, including once-common species and from most biomes. Integration of range-wide population trajectories and size estimates indicates a net loss approaching 3 billion birds, or 29% of 1970 abundance. A continent-wide weather radar network also reveals a similarly steep decline in biomass passage of migrating birds over a recent 10-year period. This loss of bird abundance signals an urgent need to address threats to avert future avifaunal collapse and associated loss of ecosystem integrity, function, and services.

lowing the loss of biodiversity is one of the defining environmental challenges of the 21st century (1-5). Habitat loss, climate change, unregulated harvest, and other forms of human-caused mortality (6, 7) have contributed to a thousandfold increase in global extinctions in the Anthropocene compared to the presumed prehuman background rate, with profound effects on ecosystem functioning and services (8). The overwhelming focus on species extinctions, however, has underestimated the extent and consequences of biotic change, by ignoring the loss of abundance within still-common species and in aggregate across large species assemblages (2, 9). Declines in abundance can degrade ecosystem integrity, reducing vital ecological, evolutionary, economic, and social services that organisms provide to their environment (8, 10-15). Given the current pace of global environmental change, quantifying change in species abundances is essential to assess ecosystem impacts. Evaluating the magnitude of declines requires effective long-term monitoring of population sizes and trends, data that are rarely available for most taxa.

Birds are excellent indicators of environmental health and ecosystem integrity (*16*, *17*), and our ability to monitor many species over vast spatial scales far exceeds that of any other animal group. We evaluated population change for 529 species of birds in the continental

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United States and Canada (76% of breeding species), drawing from multiple standardized bird-monitoring datasets, some of which provide close to 50 years of population data. We integrated range-wide estimates of population size and 48-year population trajectories, along with their associated uncertainty, to quantify net change in numbers of birds across the avifauna over recent decades (18). We also used a network of 143 weather radars (NEXRAD) across the contiguous United States to estimate long-term changes in nocturnal migratory passage of avian biomass through the airspace in spring from 2007 to 2017. The continuous operation and broad coverage of NEXRAD provide an automated and standardized monitoring tool with unrivaled temporal and spatial extent (19). Radar measures cumulative passage across all nocturnally migrating species, many of which breed in areas north of the contiguous United States that are poorly monitored by avian surveys. Radar thus expands the area and the proportion of the migratory avifauna that is sampled relative to ground surveys.

Results from long-term surveys, accounting for both increasing and declining species, reveal a net loss in total abundance of 2.9 billion [95% credible interval (CI) = 2.7–3.1 billion] birds across almost all biomes, a reduction of 29% (95% CIs = 27-30%) since 1970 (Fig. 1 and Table 1). Analysis of NEXRAD data indicates a similarly steep decline in nocturnal passage of migratory biomass, a reduction of  $13.6 \pm 9.1\%$ since 2007 (Fig. 2A). Reduction in biomass passage occurred across the eastern United States (Fig. 2, C and D), where migration is dominated by large numbers of temperateand boreal-breeding songbirds; we observed no consistent trend in the Central or Pacific flyway regions (Fig. 2, B to D, and table S5). Two completely different and independent monitoring techniques thus signal major population loss across the continental avifauna.

Species exhibiting declines (57%, 303 out of 529 species) on the basis of long-term survey data span diverse ecological and taxonomic

groups. Across breeding biomes, grassland birds showed the largest magnitude of total population loss since 1970—more than 700 million breeding individuals across 31 species—and the largest proportional loss (53%); 74% of grassland species are declining. (Fig. 1 and Table 1). All forest biomes experienced large avian loss, with a cumulative reduction of more than 1 billion birds. Wetland birds represent the only biome to show an overall net gain in numbers (13%), led by a 56% increase in waterfowl populations (Fig. 3 and Table 1). Unexpectedly, we also found a large net loss (63%) across 10 introduced species (Fig. 3, D and E, and Table 1).

A total of 419 native migratory species experienced a net loss of 2.5 billion individuals, whereas 100 native resident species showed a small net increase (26 million). Species overwintering in temperate regions experienced the largest net reduction in abundance (1.4 billion), but proportional loss was greatest among species overwintering in coastal regions (42%), southwestern aridlands (42%), and South America (40%) (Table 1 and fig. S1). Shorebirds, most of which migrate long distances to winter along coasts throughout the hemisphere, are experiencing consistent, steep population loss (37%).

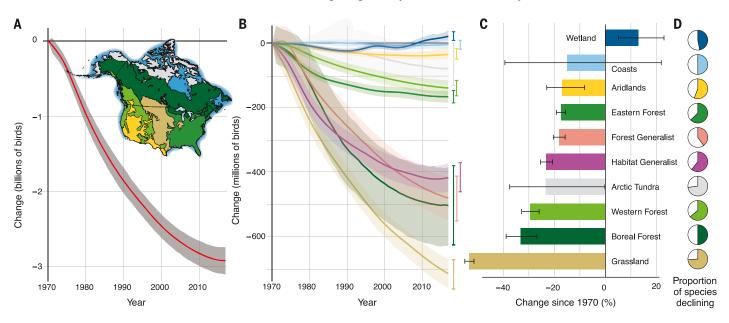
More than 90% of the total cumulative loss can be attributed to 12 bird families (Fig. 3A), including sparrows, warblers, blackbirds, and finches. Of 67 bird families surveyed, 38 showed a net loss in total abundance, whereas 29 showed gains (Fig. 3B), indicating recent changes in avifaunal composition (table S2). Although not optimized for species-level analysis, our model indicates that 19 widespread and abundant landbirds (including two introduced species) each experienced population reductions of >50 million birds (data S1). Abundant species also contribute strongly to the migratory passage detected by radar (19), and radar-derived trends provide a fully independent estimate of widespread declines of migratory birds.

Our study documents a long-developing but overlooked biodiversity crisis in North America-the cumulative loss of nearly 3 billion birds across the avifauna. Population loss is not restricted to rare and threatened species, but includes many widespread and common species that may be disproportionately influential components of food webs and ecosystem function. Furthermore, losses among habitat generalists and even introduced species indicate that declining species are not replaced by species that fare well in human-altered landscapes. Increases among waterfowl and a few other groups (e.g., raptors recovering after the banning of DDT) are insufficient to offset large losses among abundant species (Fig. 3). Notably, our population loss estimates are conservative because we estimated loss only in breeding populations. The total loss and

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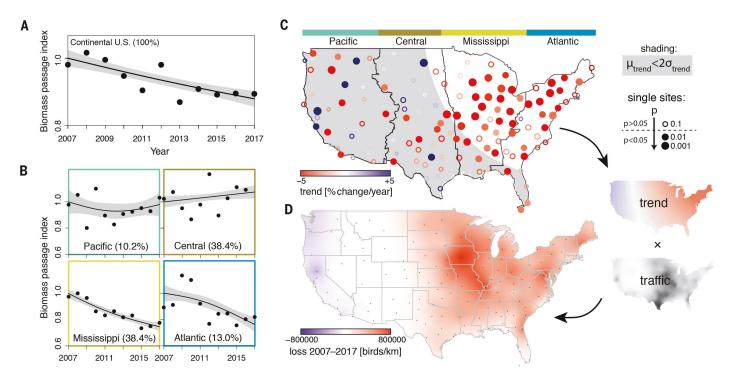
 <sup>&</sup>lt;sup>1</sup>Cornell Lab of Ornithology, Cornell University, Ithaca, NY 14850, USA.
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 <sup>8</sup>Migratory Bird Center, Smithsonian Conservation Biology Institute, National Zoological Park, P.O. Box 37012 MRC 5503, Washington, DC 20013-7012, USA.

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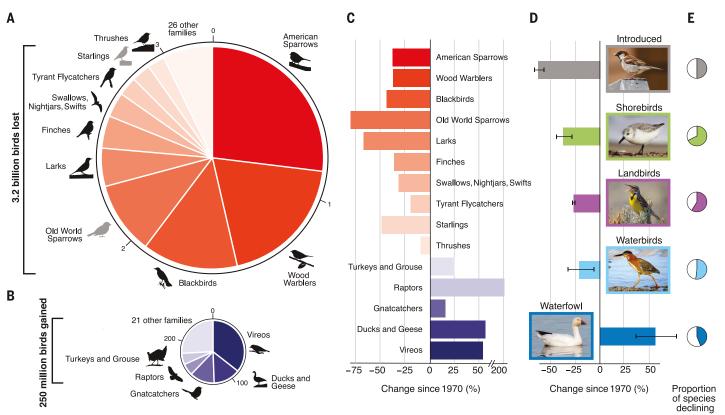
**Fig. 1. Net population change in North American birds.** (**A**) By integrating population size estimates and trajectories for 529 species (*18*), we show a net loss of 2.9 billion breeding birds across the continental avifauna since 1970. Gray shading represents the 95% credible interval (Cl) around total estimated loss. Map shows color-coded breeding biomes based on

Bird Conservation Regions and land cover classification (18). (**B**) Net loss of abundance occurred across all major breeding biomes except wetlands (see Table 1). (**C**) Proportional net population change relative to 1970,  $\pm$ 95% Cl. (**D**) Proportion of species declining in each biome.



**Fig. 2. NEXRAD radar monitoring of nocturnal bird migration across the contiguous United States.** (**A**) Annual change in biomass passage for the full continental United States (black) and (**B**) the Pacific (green), Central (brown), Mississippi (yellow), and Atlantic (blue) flyways [borders indicated in (C)], with percentage of total biomass passage (migration traffic) for each flyway indicated; declines are significant only for the full United States and the Mississippi and Atlantic flyways (tables S3 to S5). (**C**) Single-site trends in seasonal biomass passage at 143 NEXRAD stations in spring (1 March to

1 July), estimated for the period 2007–2017. Darker red colors indicate higher declines and loss of biomass passage, whereas blue colors indicate biomass increase. Circle size indicates trend significance, with closed circles being significant at a 95% confidence level. Only areas outside gray shading have a spatially consistent trend signal separated from background variability. (**D**) Ten-year cumulative loss in biomass passage, estimated as the product of a spatially explicit (generalized additive model) trend, times the surface of average cumulative spring biomass passage.



**Fig. 3. Gains and losses across the North American avifauna over the past half-century.** (**A**) Bird families were categorized as having a net loss (red) or gain (blue). Total loss of 3.2 billion birds occurred across 38 families; each family with losses greater than 50 million individuals is shown as a proportion of total loss, including two introduced families (gray). Swallows, nightjars, and swifts together show loss within the aerial insectivore guild. (**B**) Twenty-nine families show a total gain of 250 million individuals birds; the five families with gains greater than 15 million individuals are shown as a proportion of total gain. Four families of raptors are shown as a single group. Note that combining

total gain and total loss yields a net loss of 2.9 billion birds across the entire avifauna. (**C**) For each individually represented family in (B) and (C), proportional population change within that family is shown. See table S2 for statistics on each individual family. (**D**) Percentage population change among introduced and each of four management groups (*18*). A representative species from each group is shown (top to bottom, house sparrow, *Passer domesticus*; sanderling, *Calidris alba*; western meadowlark, *Sturnella neglecta*; green heron, *Butorides virescens*; and snow goose, *Anser caerulescens*). (**E**) Proportion of species with declining trends.

impact on communities and ecosystems could be even higher outside the breeding season if we consider the amplifying effect of "missing" reproductive output from these lost breeders.

Extinction of the passenger pigeon (Ectopistes *migratorius*), once likely the most numerous bird on the planet, provides a poignant reminder that even abundant species can go extinct rapidly. Systematic monitoring and attention paid to population declines could have alerted society to its pending extinction (20). Today, monitoring data suggest that avian declines will likely continue without targeted conservation action, triggering additional endangered species listings at tremendous financial and social cost. Moreover, because birds provide numerous benefits to ecosystems (e.g., seed dispersal, pollination, pest control) and economies [47 million people spend U.S.\$9.3 billion per year through birdrelated activities in the United States (21)], their population reductions and possible extinctions will have severe direct and indirect consequences (10, 22). Population declines can be reversed, as evidenced by the exceptional recovery of waterfowl populations under adaptive harvest management (23) and the associated allocation of billions of dollars devoted to wetland protection and restoration, providing a model for proactive conservation in other widespread native habitats such as grasslands.

Steep declines in North American bird populations parallel patterns of avian declines emerging globally (14, 15, 22, 24). In particular, depletion of native grassland bird populations in North America, driven by habitat loss and more toxic pesticide use in both breeding and wintering areas (25), mirrors loss of farmland birds throughout Europe and elsewhere (15). Even declines among introduced species match similar declines within these same species' native ranges (26). Agricultural intensification and urbanization have been similarly linked to declines in insect diversity and biomass (27), with cascading impacts on birds and other consumers (24, 28, 29). Given that birds are one of the best monitored animal groups, birds may also foreshadow a much larger problem, indicating similar or greater losses in other taxonomic groups (28, 30).

Pervasiveness of avian loss across biomes and bird families suggests multiple and interacting threats. Isolating spatiotemporal limiting factors for individual species and populations will require additional study, however, because migratory species with complex life histories are in contact with many threats throughout their annual cycles. A focus on breeding season biology hampers our ability to understand how seasonal interactions drive population change (31), although recent continent-wide analyses affirm the importance of events during the nonbreeding season (19, 32). Targeted research to identify limiting factors must be coupled with effective policies and societal change that emphasize reducing threats to breeding and nonbreeding habitats and minimizing avoidable anthropogenic mortality year-round. Endangered species legislation and international treaties, such as the 1916 Migratory Bird Treaty between Canada and the United States, have prevented extinctions Table 1. Net change in abundance across the North American avifauna, 1970–2017. Species are grouped into native and introduced species, management groups (landbirds, shorebirds, waterbirds, waterfowl), major breeding biomes, and nonbreeding biomes [see data S1 in (18) for assignments and definitions of groups and biomes]. Net change in abundance is expressed in millions of breeding individuals, with upper and lower bounds of each 95% credible interval (Cl) shown. Percentage of species in each group with negative trend trajectories is also noted. Values in bold indicate declines and loss; those in italics indicate gains.

Species group	No. of species	-	Net abundance millions) and	-		ercent chang and 95% Cls	-	Proportion species
		Change	LC95	UC95	Change	LC95	UC95	in decline
Species summary								
All N. Am. species	529	-2,911.9	-3,097.5	-2,732.9	-28.8%	-30.2%	-27.3%	57.3%
All native species	519	-2,521.0	-2,698.5	-2,347.6	-26.5%	-28.0%	-24.9%	57.4%
Introduced species	10	-391.6	-442.3	-336.6	-62.9%	-66.5%	-56.4%	50.0%
Native migratory species	419	-2,547.7	-2,723.7	-2,374.5	-28.3%	-29.8%	-26.7%	58.2%
Native resident species	100	26.3	7.3	46.9	5.3%	1.4%	9.6%	54.0%
Landbirds	357	-2,516.5	-2,692.2	-2,346.0	-27.1%	-28.6%	-25.5%	58.8%
Shorebirds	44	-17.1	-21.8	-12.6	-37.4%	-45.0%	-28.8%	68.2%
Waterbirds	77	-22.5	-37.8	-6.3	-21.5%	-33.1%	-6.2%	51.9%
Waterfowl	41	34.8	24.5	48.3	56.0%	37.9%	79.4%	43.9%
Aerial insectivores	26	-156.8	-183.8	-127.0	-31.8%	-36.4%	-26.1%	73.1%
Breeding biome								
Grassland	31	-717.5	-763.9	-673.3	-53.3%	-55.1%	-51.5%	74.2%
Boreal forest		-500.7	-627.1	-381.0	-33.1%	-38.9%	-26.9%	50.0%
Forest generalist	40	-482.2	-552.5	-413.4	-18.1%	-20.4%	-15.8%	40.0%
Habitat generalist	38	-417.3	-462.1	-371.3	-23.1%	-25.4%	-20.7%	60.5%
Eastern forest	63	-166.7	-185.8	-147.7	-17.4%	-19.2%	-15.6%	63.5%
Western forest	67	-139.7	-163.8	-116.1	-29.5%	-32.8%	-26.0%	64.2%
Arctic tundra	51	-79.9	-131.2	-0.7	-23.4%	-37.5%	-0.2%	56.5%
Aridlands	62	-35.6	-49.7	-17.0	-17.0%	-23.0%	-8.1%	56.5%
Coasts		-6.1	-18.9	8.5	-15.0%	-39.4%	21.9%	50.0%
Wetlands		20.6	8.3	35.3	13.0%	5.1%	23.0%	47.4%
Nonbreeding biome								
Temperate N. America	192	-1,413.0	-1,521.5	-1,292.3	-27.4%	-29.3%	-25.3%	55.2%
South America	41	-537.4	-651.1	-432.6	-40.1%	-45.2%	-34.6%	75.6%
Southwestern aridlands	50	-238.1	-261.2	-215.6	-41.9%	-44.5%	-39.2%	74.0%
Mexico-Central America	76	-155.3	-187.8	-122.0	-15.5%	-18.3%	-12.6%	52.6%
Widespread neotropical	22	-126.0	-171.2	-86.1	-26.8%	-33.4%	-19.3%	45.5%
Widespread	60	-31.6	-63.1	1.6	-3.7%	-7.4%	0.2%	43.3%
Marine	26	-16.3	-29.7	-1.2	-30.8%	-49.1%	-2.5%	61.5%
Coastal	44	-11.0	-14.9	-6.7	-42.0%	-51.8%	-26.7%	68.2%
Caribbean		-6.0	1.4	-15.7	12.1%	-2.8%	31.7%	25.0%

and promoted recovery of once-depleted bird species. History shows that conservation action and legislation work. Our results signal an urgent need to address the ongoing threats of habitat loss, agricultural intensification, coastal disturbance, and direct anthropogenic mortality, all exacerbated by climate change, to avert continued biodiversity loss and potential collapse of the continental avifauna.

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are archived and available on Zenodo (33–35) and will be published in future versions of the Avian Conservation Assessment Database (http://pif.birdconservancy.org/ACAD/).

#### SUPPLEMENTARY MATERIALS

science.sciencemag.org/content/366/6461/120/suppl/DC1 Materials and Methods Figs. S1 to S7 Tables S1 to S5 Databases S1 and S2 References (36-101)

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#### Decline of the North American avifauna

Kenneth V. Rosenberg, Adriaan M. Dokter, Peter J. Blancher, John R. Sauer, Adam C. Smith, Paul A. Smith, Jessica C. Stanton, Arvind Panjabi, Laura Helft, Michael Parr, and Peter P. Marra

Science 366 (6461), . DOI: 10.1126/science.aaw1313

#### Staggering decline of bird populations

Because birds are conspicuous and easy to identify and count, reliable records of their occurrence have been gathered over many decades in many parts of the world. Drawing on such data for North America, Rosenberg *et al.* report wide-spread population declines of birds over the past half-century, resulting in the cumulative loss of billions of breeding individuals across a wide range of species and habitats. They show that declines are not restricted to rare and threatened species—those once considered common and wide-spread are also diminished. These results have major implications for ecosystem integrity, the conservation of wildlife more broadly, and policies associated with the protection of birds and native ecosystems on which they depend.

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Testimony on Recommended Draft

### Ornithological Applications

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RESEARCH ARTICLE

# Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability

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#### ABSTRACT

Building collisions, and particularly collisions with windows, are a major anthropogenic threat to birds, with rough estimates of between 100 million and 1 billion birds killed annually in the United States. However, no current U.S. estimates are based on systematic analysis of multiple data sources. We reviewed the published literature and acquired unpublished datasets to systematically quantify bird-building collision mortality and species-specific vulnerability. Based on 23 studies, we estimate that between 365 and 988 million birds (median = 599 million) are killed annually by building collisions in the U.S., with roughly 56% of mortality at low-rises, 44% at residences, and <1% at high-rises. Based on >92,000 fatality records, and after controlling for population abundance and range overlap with study sites, we identified several species that are disproportionately vulnerable to collisions at all building types. In addition, several species listed as national Birds of Conservation Concern due to their declining populations were identified to be highly vulnerable to building collisions, including Golden-winged Warbler (Vermivora chrysoptera), Painted Bunting (Passerina ciris), Canada Warbler (Cardellina canadensis), Wood Thrush (Hylocichla mustelina), Kentucky Warbler (Geothlypis formosa), and Worm-eating Warbler (Helmitheros vermivorum). The identification of these five migratory species with geographic ranges limited to eastern and central North America reflects seasonal and regional biases in the currently available building-collision data. Most sampling has occurred during migration and in the eastern U.S. Further research across seasons and in underrepresented regions is needed to reduce this bias. Nonetheless, we provide quantitative evidence to support the conclusion that building collisions are second only to feral and free-ranging pet cats, which are estimated to kill roughly four times as many birds each year, as the largest source of direct human-caused mortality for U.S. birds.

*Keywords:* anthropogenic mortality, Birds of Conservation Concern, individual residence, low-rise, high-rise, systematic review, window collision

### Colisiones entre aves y edificios en los Estados Unidos: Estimaciones de mortalidad anual y vulnerabilidad de especies

#### RESUMEN

Colisones con edificios, en particular contra ventanas, presentan una amenaza antropogénica importante para las aves, y se estima que causan la muerte de entre 100 millón a mil millones de aves anualmente. Sin embargo, no existen estimaciones para los Estados Unidos que estén basadas en un análisis sistemático de datos provenientes de multiples fuentes. Revisamos datos publicados y tambien adquirimos bases de datos inéditos para cuantificar de una manera sistemática la mortalidad causada por colisones entre aves y edificios, y la vulnerabilidad de diferentes especies. Basado en 23 estudios, estimamos que entre 365 y 988 millones de aves (promedio = 599 millones) mueren anualmente como consecuencia de colisiones con edificios en los Estados Unidos, con aproximadamente 56% de la mortalidad en edificios de baja altura, 44% en residencias, y <1% en edificios de muchos pisos. Basado en >92,000 fatalidades registradas, y luego do controlar por abundancia poblacional y solapamiento de rango con area de estudio, identificamos varias especies que son desproporcionalmente vulnerables a colisiones con todos los tipos de edificio. Además, varias especies listadas nacionalmente como Aves de Interés para la Conservación debido a sus poblaciones en declive fueron identificadas como altamente vulnerables a colisiones, incluyendo Vermivora chrysoptera, Passerina ciris, Cardellina canadensis, Hylocichla mustelina, Geothlypis formosa, y Helmitheros vermivorum. La identificación de estas cinco especies migratorias con rangos geográficos restringidos a Norteamérica oriental y central refleja sesgos estacionales y regionales en la disponibilidad de datos actuales disponibles de colisiones con edificios. La mayoría del muestreo ha ocurrido durante la época de migración y en el este de los Estados Unidos. Hacen falta investigaciones adicionales a través de estaciones y en regiones poco representadas par reducir este sesgo. Sin embargo, presentamos evidencia cuantitativa que apoya la conclusión que, como causa de mortalidad ligada derectamente a los humanos en los Estados Unidos, las colisiones con edificios son superados solamente por los gatos mascotas libres, los cuales matan aproximadamente cuatro veces la cantidad de aves anualmente.

Palabras clave: mortalidad antropogénica, Aves de Interés para la Conservación, residencia particular, edificio de baja altura, edificio de muchos pisos, revisión sistemática, colisión con ventana

#### INTRODUCTION

Collisions between birds and man-made structures, including communication towers, wind turbines, power lines, and buildings, collectively result in a tremendous amount of bird mortality. Buildings are a globally ubiquitous obstacle to avian flight, and collisions with buildings, especially their glass windows (Figure 1), are thought to be a major anthropogenic threat to North American birds (Klem 1990a, 2009, Machtans et al. 2013). Estimates of annual mortality from building collisions range from 100 million to 1 billion birds in the United States (Klem 1990a, Dunn 1993) and from 16 to 42 million birds in Canada (Machtans et al. 2013). This magnitude of mortality would place buildings behind only free-ranging domestic cats among sources of direct human-caused mortality of birds (Blancher 2013, Loss et al. 2013).

Research on bird-building collisions typically occurs at individual sites with little synthesis of data across studies. Conclusions about correlates of mortality and the total magnitude of mortality caused by collisions are therefore spatially limited. Within studies, mortality rates have been found to increase with the percentage and surface area of buildings covered by glass (Collins and Horn 2008, Hager et al. 2008, 2013, Klem et al. 2009, Borden et al. 2010), the presence and height of vegetation (Klem et al. 2009, Borden et al. 2010), and the amount of light emitted from



**FIGURE 1.** A Swainson's Thrush killed by colliding with the window of a low-rise office building on the Cleveland State University campus in downtown Cleveland, Ohio. Photo credit: Scott Loss

windows (Evans Ogden 2002, Zink and Eckles 2010). In the most extensive building-collision study to date, perbuilding mortality rates at individual residences were higher in rural than urban areas and at residences with bird feeders than those without feeders (Bayne et al. 2012). However, compared with larger buildings in urban areas (e.g., skyscrapers and low-rise buildings on office and university campuses), detached residences appear to cause lower overall mortality rates and relatively high amounts of mortality during non-migratory periods (Klem 1989, Dunn 1993, O'Connell 2001, Klem et al. 2009, Borden et al. 2010, Machtans et al. 2013).

Despite the apparently large magnitude of bird-building collision mortality and the associated conservation threat posed to bird populations, there currently exist no U.S. estimates of building-collision mortality that are based on systematic analysis of multiple data sources. The most widely cited estimate (100 million to 1 billion fatalities per year) was first presented as a rough figure along with qualifications (Klem 1990a) but is now often cited as fact (Best 2008). Assessment of species-specific vulnerability to collisions is also critical for setting conservation priorities and understanding population impacts; however, existing estimates of species vulnerability are limited in spatial scope. In the most systematic U.S. assessment of building collisions to date, species vulnerability was calculated using data from only three sites in eastern North America, but vulnerability values from this limited sample were used to conclude that building collisions have no impact on bird populations continent-wide (Arnold and Zink 2011, but see Schaub et al. 2011, Klem et al. 2012).

We reviewed the published literature on bird-building collisions and also accessed numerous unpublished datasets from North American building-collision monitoring programs. We extracted >92,000 fatality records-by far the largest building collision dataset collected to date-and (1) systematically quantified total bird collision mortality along with uncertainty estimates by combining probability distributions of mortality rates with estimates of numbers of U.S. buildings and carcass-detection and scavengerremoval rates; (2) generated estimates of mortality for different classes of buildings (including residences 1-3 stories tall, low-rise non-residential buildings and residential buildings 4–11 stories tall, and high-rise buildings  $\geq 12$ stories tall); (3) conducted sensitivity analyses to identify which model parameters contributed the greatest uncertainty to our estimates; and (4) quantified species-specific vulnerability to collisions across all buildings and for each building type.

#### METHODS

#### Literature Search

We searched Google Scholar and the Web of Science database (using the Web of Knowledge search engine) to locate peer-reviewed publications about bird-building collisions. We used the search terms "bird window collision" and "bird building collision" and both terms with "bird" replaced by "avian." We checked reference lists and an annotated bibliography (Seewagen and Sheppard 2012) to identify additional studies. Data from collision-monitoring programs were located using a Google search with the term "window collision monitoring program" and by contacting program coordinators listed on project websites. We cross-checked the datasets we found with a comprehensive list of "Lights Out" programs provided by C. Sheppard. Additional unpublished datasets were located based on our knowledge of ongoing studies presented at professional conferences or in published abstracts. Finally, we learned of unpublished datasets when contacting first authors of published studies; these additional datasets were either more extensive versions of authors' published datasets, completely new datasets, or in one case, a dataset from an independent citizen scientist.

#### Inclusion Criteria and Definition of Fatality

Different studies employed different sampling designs and data collection protocols. To reduce this variability, to ensure a baseline for the rigor of studies we used, and to minimize bias in our analyses, we implemented inclusion criteria to filter data at both the study and record levels. Inclusion criteria were different for the analyses of total mortality and species vulnerability. As a first step, we only included studies for in-depth review if they were conducted in the U.S. or Canada and provided original data on bird-building collisions. We implemented studylevel inclusion criteria for the estimate of total mortality as follows. We excluded studies that were based on sampling at a single structure; these studies often focus only on unique building types with non-representative mortality rates (e.g., museums, convention centers, or exceptionally tall high-rises). We included datasets that were based on systematic carcass surveys or systematic surveys of homeowners, but we excluded those that were based on sampling in response to predicted building kills, incidental observations, opportunistically sampled collections, or undocumented methods. Because estimating per-building mortality rates was a major component of the mortality estimate, we also excluded studies if they did not record numbers of buildings monitored or provide street

addresses of buildings that would have allowed us to estimate numbers of buildings.

Because the species vulnerability analysis was based on count proportions rather than on per-building mortality rates, we implemented a different set of inclusion criteria than that used for the total mortality estimate. This resulted in the use of some studies that were excluded from the total mortality estimate. Studies were only included in the species analysis if they identified carcasses to species. We excluded studies documenting fewer than 100 collision records because proportions based on small samples are more likely to be abnormally high or low. As with the total mortality estimate, we excluded data that were based on incidental or opportunistic sampling or undocumented methods. However, we did include studies even if data were based on sampling of a single structure or if we could not determine the number of buildings sampled. Thus, we assume that species composition within a site is independent of the number of buildings sampled. The study-level inclusion criteria resulted in 23 and 26 datasets used for the total mortality and species vulnerability estimates, respectively (Table 1). Seven studies were excluded from all analyses (Table S1 in Supplemental Material Appendix A).

Many datasets include some collision records that were collected during standardized surveys and others found incidentally. In addition, definitions of fatalities differ among studies. We therefore applied inclusion criteria to filter individual records and set our own definition of what constitutes a fatality. The record-level inclusion criteria were the same for all of our analyses. We excluded records clearly denoted as incidental finds (i.e. not collected during surveys), records with a disposition of "alive" or "survived," and records of released birds. We also excluded records of blood and/or feather spots on windows with no carcass found. From the remaining records, we defined fatalities to include any record with a disposition including "dead," "collected," or any disposition indicating severe injury (e.g., "disabled," "squashed," "fracture," or "injured"). All other records were considered to have unknown disposition (e.g., "stunned," "exhausted," "weak," "dis-oriented," or any disposition indicating a bird was sent to rehabilitation) and were excluded from all analyses. The record-level criteria resulted in 92,869 records that we used to generate total mortality and species vulnerability estimates. It was not possible to confirm whether fatalities were caused by collisions with windows or with other non-reflective portions of buildings; therefore, for the purposes of this study, we treated all records as building-collision fatalities. Nonetheless, the majority of bird mortality at buildings likely occurs due to collision with windows or other reflective surfaces (Klem 2009).

sampled, and mortality rates documented in studies meeting inclusion criteria for estimation of total annual U.S.	
rates documented in studies meeting in	ific collision vulnerability.
TABLE 1. Sampling coverage, number of buildings sampled, and mortality	iortality from bird-building collisions and/or calculation of species-specific collision vuln
TABLE 1.	mortality

Building class Residences Alb (1–3 stories) U.S Du Car Car Pur Low-rises Ricl Elsi Elsi	cation	Year-round	the set of	wilnerability			-	
ass ies)	cation		mortality	vanierawiity	Buildings			
ies)		sampling?	estimate?	analysis?	sampled	Average	Range	Study
ories)	Alberta	Yes	Yes	No	1,747	0.7	0-43	Bayne et al. 2012
	U.S. & Canada	No	Yes	Yes	1,165	0.85	0-21	Dunn 1993
	Duluth, MN	No	Yes	Yes	42	2.3 <sup>f</sup>	~	Bracey 2011
	llinois	Yes	Yes	No <sup>c</sup>	242	1.5	ż	Weiss & Horn 2008
	Carbondale, IL	Yes	No <sup>a</sup>	Yes <sup>h</sup>	1	33.0	NA	Klem 1979
	Purchase, NY	Yes	No <sup>a</sup>	Yes <sup>h</sup>	-	26.0	NA	Klem 1979
Cle Els: De	Richmond, VA	Yes	Yes	Yes	4	29.0	21–38	O'Connell 2001
Elsi De	Cleveland, OH	Yes	Yes	Yes	18	15.1	ż	Borden et al. 2010
De	Elsah, IL	Yes	Yes	Yes	4	24.0	ż	Hager et al. 2008
	Decatur, IL	Yes	Yes	Yes	11	7.5 <sup>f</sup>	ć	Collins & Horn 2008
Wa	Washington, DC	No	Yes	Yes	21–38 <sup>e</sup>	4.0	1–30	Lights Out DC 2010–2012
Roc	Rock Island, IL	No	Yes	No <sup>d</sup>	20	2.6	0.3-52.1	Hager et al. 2013
De	Decatur, IL	No	Yes	No <sup>d</sup>	11	4.8	ذ:	Horn personal communication
Mu	Murray, KY	No	Yes	No <sup>d</sup>	13	1.6	0-7	Somerlot 2003
Stil	Stillwater, OK	Yes	No <sup>a</sup>	Yes	-	32.0	NA	O'Connell personal communication
Roc	Rock Island, IL	Yes	No <sup>a</sup>	Yes	-	54.8	ΝA	Hager et al. 2008
Chi	Chicago, IL	No	No <sup>a</sup>	Yes	-	1,028.0 <sup>g</sup>	ΝA	McCormick Place 1978–2012
Ro	¥	No	No <sup>b</sup>	Yes	ż	ż	ż	Project Birdsafe Minnesota 2010–2011
Sar	San Francisco, CA	Yes	No <sup>a</sup>	Yes	-	47.2 <sup>9</sup>	ΝA	California Academy of Sciences 2008–2012
High-rises Ind	Indianapolis, IN	No	Yes	Yes	48	3.3	1–14	Lights Out Indy 2009–2010
Atl	Atlanta, GA	No	Yes	Yes	53	8.4	040	Sexton 2006
Cal	Calgary, AB	No	Yes	Yes	15–36	$5.5^{9}$	1–89	Collister et al. 1996, 1997, Booth & Collister 1998
Bal	Baltimore, MD	No	Yes	Yes	16–48 <sup>e</sup>	7.1 <sup>9</sup>	1–81	Lights Out Baltimore 2008–2012
N	win Cities, MN	No	Yes	Yes	118	3.09	~:	Project Birdsafe Minnesota 2007–2012
Ne	New York, NY	No	Yes	Yes	17–31 <sup>e</sup>	5.59	1–52	Project Safe Flight New York 2009–2011
Phi	Philadelphia, PA	No	Yes	Yes	10	13.2 <sup>g</sup>	ż	Pennsylvania Audubon 2008–2011
Col	Columbus, OH	No	Yes	Nod	20 <sup>e</sup>	1.4	0-5	Lights Out Columbus 2012
Pol	Portland, OR	No	Yes	Nod	21–44	1.0 <sup>9</sup>	ذ	Bird Safe Portland 2009–2011
Tor	Toronto, ON	No	Yes	Yes	74–194 <sup>e</sup>	17.4 <sup>9</sup>	1–535	Fatal Light Awareness Program 2000–2010
Wir	Winston-Salem, NC	No	Yes	Yes	16	3.6 <sup>g</sup>	0-10	Lights Out Winston-Salem 2011–2012
Tot	Foronto, ON	No	No <sup>a</sup>	Yes	-	157.0	ΝA	Ranford & Mason 1969
Chi	Chicago, IL	No	No <sup>b</sup>	Yes	ż	ż	ć	Chicago Bird Collision Monitors 2002–2012
Mil	Milwaukee, WI	No	<sup>o</sup> oN	Yes	ż	ż	ć	Wisconsin Night Guardians 2007–2011
Tor	Toronto, ON	No	No <sup>b</sup>	Yes	ż	ż	ć	Fatal Light Awareness Prog. 2007, 2011
Nei	New York, NY	No	No <sup>b</sup>	Yes	ż	ż	ż	Klem 2009
<sup>a</sup> Study excluded from total mortality estimate because sampling conducted at a single building. <sup>b</sup> Study excluded from total mortality estimate because number of buildings sampled not record <sup>c</sup> Study excluded from species estimates because species data not provided. <sup>d</sup> Study excluded from species estimates because sample size <100.	om total mortality om total mortality om species estimat	estimate beca estimate beca ces because sp	use samplin use number ecies data n mple size <	g conducted a of buildings s ot provided.	t a single buil ampled not re	ding. ecorded and	no informatic	sampling conducted at a single building. number of buildings sampled not recorded and no information provided to calculate this number. s data not provided. a size $<100$ .
<sup>e</sup> Number of buildings is an estimate based on the average of potential minimum an <sup>f</sup> Mortality rate is corrected for scavenger removal and searcher detection rates.	gs is an estimate bas rrected for scavence	sed on the aver der removal a	age of poten nd_searcher	itial minimum a detection rate	nd maximum . s.	(see text); rang	ye indicates y	e Number of buildings is an estimate based on the average of potential minimum and maximum (see text); range indicates year-to-year variation in number of buildings sampled.
<sup>9</sup> Mortality rate is an average per-building rate across all	n average per-build	ding rate acro	ss all years c	years of the study/monitoring program.	onitoring prog	Jram.		
Study used for species risk assessment for building class but not assessment across all building classes (sample size <100)	ecies risk assessme	nt for building	g class but r	iot assessment	across all bui	lding classes	(sample size	<100).

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#### **Data Extraction**

We classified studies into three building classes thought to cause different mortality rates (Machtans et al. 2013) and for which data on the number of U.S. buildings is available. These classes include residences 1-3 stories tall (detached houses and multi-unit residences; hereafter, "residences"), low-rise non-residential buildings and residential buildings 4-11 stories tall (hereafter, "low-rises"), and high-rise buildings  $\geq 12$  stories tall (hereafter, "high-rises"). For unpublished data from downtown areas of major cities, we assumed that all data came from high-rises because it was not possible to determine building height without visiting each site. For all other data sources, we were able to confirm the building type from which data were collected. Published studies that met our inclusion criteria either reported an annual mortality rate per building (averaged across buildings) or presented both the number of dead birds found and the number of buildings sampled, thus allowing us to calculate this rate. For published studies, we extracted a single annual mortality rate for each study unless the study included data from more than one nonadjacent site, in which case we extracted a separate rate for each site (e.g., Klem 1979). For unpublished datasets that included the number of buildings sampled, we always extracted a single mortality rate. This value was generated by first calculating a single-year per-building mortality rate (averaged across buildings) for each year of the study and then averaging these rates across years. In some cases, we determined that two or more sources presented duplicate data when we observed that the data were collected at the same study sites and during the same range of dates. In these instances, we extracted the data from the source that provided more detailed methods or more extensive fatality data, and we excluded the duplicated data when extracting from the other source.

Data from collision-monitoring programs often include the street address or intersection where a carcass was found but not the number of buildings sampled. Single buildings can have more than one address, and a single address can include more than one building. In addition, some monitoring programs have no systematic protocol for recording addresses, resulting in multiple similar entries for an address (e.g., 1 Main, 1 Main St., and 1 Main-Smith Tower). To account for these issues, we entered addresses into Google Maps and used satellite view to determine if addresses referred to one or more buildings. If it was still unclear from mapping whether an address referred to one or more buildings, we assumed it referred to one. Likewise if we could not confirm that two or more similar addresses referred to one building, we assumed they were separate buildings. If addresses with different cardinal directions were possible (e.g., 1 Main E and 1 Main W), we assumed they referred to separate buildings, but if they were not possible (i.e. only 1 Main

exists), we assumed data entry error and combined addresses.

Recognizing that these methods could not account for all duplicate addresses and data entry errors, we estimated a minimum and maximum number of buildings sampled in each year. We estimated a maximum number based on the number of unique addresses remaining after following the above steps and the assumption that intersections referred to a number of buildings equal to the number of carcasses found up to four (i.e. four or more carcasses may result from collision with four separate buildings, one at each intersection corner). We estimated a minimum number by combining similar addresses that may have been from one building, even if we could not confirm this with mapping, and assuming that all intersections referred to one building. We used the average of the minimum and maximum number to estimate per-building mortality rates.

### Quantification of Annual Mortality from Building Collisions

The studies we used cover varying portions of the year, but most focus all or most of sampling effort on migration periods. Using raw per-building mortality rates would therefore result in a national estimate that is only relevant to spring and fall migration periods. We sought to account for partial-year sampling and to generate estimates that reflected the entire year, because several studies have indicated that building collision mortality can be substantial during summer and winter (Dunn 1993, Klem 2009, Bayne et al. 2012, Hager et al. 2013). Given enough yearround studies, partial-year mortality rates can be standardized to year-round estimates using year-round studies as a baseline (Longcore et al. 2012, Loss et al. 2013). However, there were few year-round studies that met inclusion criteria (Table 1), so we could not adjust individual studies to year-round estimates. Instead, we accounted for this limitation in our estimation model (details below) by only using a year-round study for residences, repeating estimation using a subset of studies that sampled year-round for low-rises, or incorporating a correction factor to account for mortality during periods other than migration for high-rises, a building type for which little data exists for summer and winter (see definition of and rationale for this correction factor in Supplemental Material Appendix B). Despite the limitation of applying a post hoc correction factor to the high-rise estimate, we argue that this approach is preferable to assuming that no mortality occurs during the summer and winter.

We estimated mortality in each building class by multiplying data-derived probability distributions of perbuilding mortality rates by distributions of numbers of buildings. For residences, we followed Machtans et al. (2013), which based mortality rates on the only year-round building collision survey to date that sampled across a large number of residences, a study of 1,458 Alberta residents in single and multi-unit residences (Bayne et al. 2012). This study documented higher mortality rates at rural residences compared with urban residences and at residences with bird feeders compared with those without feeders. The study also documented increasing mortality with increasing age of urban residences. We incorporated these elements into our residence sub-model:

$$\begin{aligned} & \text{Mortality}_{\text{rural with feeder}}(M_{\text{RF}}) \\ &= N_{\text{residence}} \times R \times F \times K_{\text{rural with feeder}} \times D_{\text{residence}} \end{aligned}$$
(1)

Mortality<sub>urban with feeder</sub>  $(M_{\rm UF})$ 

$$= N_{\text{residence(age)}} \times (1 - R) \times F \times K_{\text{urban with feeder(age)}}$$
(3)  
 
$$\times D_{\text{residence}}$$

$$Mortality_{urban no feeder}(M_{UNF}) = N_{residence(age)} \times (1 - R) \times (1 - F)$$

$$\times K_{urban no feeder(age)} \times D_{residence}$$
(4)

$$Mortality_{residences}(M_R) = M_{RF} + M_{RNF} + M_{UF} + M_{UNF}$$
(5)

where *N* is the number of residences in the U.S., *R* is the percentage of residences in rural areas, *F* is the percentage of residences with bird feeders, *K* is the annual perbuilding mortality rate, and *D* is a correction factor to account for two biases that lead to underestimation of mortality (Hager et al. 2013): removal of carcasses by scavengers prior to fatality surveys and imperfect detection of the carcasses remaining at the time of surveys. For Equations (3) and (4), we calculated mortality by building age classes (0–8, 9–18, and 19–28 years, and all ages  $\geq 29$  years), and summed estimates across age classes. These age classes correspond closely to those in Machtans et al. (2013), but we shifted classes slightly (e.g., 9–18 years instead of 10–20 years) to match housing age data from the U.S. Census Bureau.

For low-rises, we generated two separate estimates of collision mortality, one using mortality rates based on all eight studies meeting our inclusion criteria and one based only on four year-round studies. We used the following sub-model for both estimates:

$$Mortality_{low-rise}(M_{L}) = N_{low-rise} \times K_{low-rise} \times D_{low-rise}$$
(6)

For high-rises, there are no datasets based on year-round systematic sampling. We incorporated a correction factor (Y) into the mortality estimation sub-model to account for additional fatalities occurring outside of migration periods:

$$Mortality_{high-rise}(M_{\rm H}) = N_{high-rise} \times K_{high-rise} \times Y \\ \times D_{high-rise}$$
(7)

We estimated total annual building collision mortality by summing estimates for individual building classes; we conducted estimation twice, once using each of the lowrise estimates:

$$Mortality_{total} = M_{\rm R} + M_L + M_{\rm H} \tag{8}$$

All of the above parameters were treated as probability distributions. From the probability distribution of each parameter (see Table 2 for specific distributions, Supplemental Material Appendix B for rationale for all distributions, and Table S2 in Supplemental Material Appendix C for numbers of buildings), we randomly drew one value and used the above formulas. We used "runif" and "rnbinom" commands (for uniform and negative binomial distributions, respectively) in Program R and conducted 10,000 iterations to generate a range of estimate uncertainty.

#### Sensitivity Analysis

We used multiple linear regression analyses assuming a normal error distribution (function "lm" in Program R) to investigate the percentage of uncertainty in mortality estimate ranges explained by each model parameter (Blancher 2013, Loss et al. 2013). We treated the 10,000 mortality-estimate replicates as the values of the dependent variable and randomly drawn values of each parameter as values of predictor variables. We used partial  $R^2$  values to interpret the percentage of variance in the estimate range explained by each parameter. We repeated this regression analysis four times: once for the total mortality estimate (including all parameters) and once for each of the three building class estimates (with each regression model only including the parameters relevant to that building class).

#### **Quantification of Species Vulnerability**

In addition to estimating total annual mortality, we calculated vulnerability for species and taxonomic groups. We followed Arnold and Zink (2011), who identified "super-collider" and "super-avoider" species using collision records from three unpublished datasets. We greatly expanded upon the earlier study by using 26 datasets from across North America (Table 1). All analyses described below were conducted across all datasets to estimate overall building collision vulnerability, as well as separately

**TABLE 2.** Probability distributions used to estimate total annual U.S. mortality from bird-building collisions. We defined uniform distributions for most parameters because not enough data exist to ascribe higher probability to particular values in the defined range. We defined negative binomial distributions for the low-rise and high-rise mortality rate distributions because they allowed the majority of probability density to match the confidence intervals indicated by the data while also allowing for a small probability of higher collision mortality rates, reflecting the exceptionally high mortality rates that have been documented at some low-rises and high-rises (see mortality rates in Table 1).

Parameter	Distribution type	Distribution parameters	Source
Residences (1–3 stories)	,,	· · · ·	
Number of residences	Uniform	Varies by age (Supplemental Material Appendix C)	U.S. Census Bureau 2011
Percentage in urban areas	Uniform	Min = 72.6%; Max = 88.8%	U.S. Census Bureau 2012
Percentage with bird feeders Mortality rate	Uniform	Min = 15%; Max = 25%	Dunn 1993
Rural with feeders (all ages)	Uniform	Min = 2.17; Min = 4.03	Bayne et al. 2012, Machtans et al. 2013
Rural without feeders (all ages) Urban with feeders	Uniform	Min = 0.98; Max = 1.82	Bayne et al. 2012, Machtans et al. 2013
Age 0-8	Uniform	Min = 0.28; Max = 0.52	Bayne et al. 2012, Machtans et al. 2013
Age 9–18	Uniform	Min = 0.42; Max = 0.78	Bayne et al. 2012, Machtans et al. 2013
Age 19–28	Uniform	Min = 0.56; Max = 1.04	Bayne et al. 2012, Machtans et al. 2013
Age 29+	Uniform	Min = 0.63; Max = 1.17	Bayne et al. 2012, Machtans et al. 2013
Rural without feeders			,
Age 0-8	Uniform	Min = 0.11; Max = 0.20	Bayne et al. 2012, Machtans et al. 2013
Age 9–18	Uniform	Min = 0.18; Max = 0.33	Bayne et al. 2012, Machtans et al. 2013
Age 19–28	Uniform	Min = 0.25; Max = 0.46	Bayne et al. 2012, Machtans et al. 2013
Age 29+	Uniform	Min = 0.28; Max = 0.52	Bayne et al. 2012, Machtans et al. 2013
Scavenging/detectability correction	Uniform	Min = 2; Max = 4	Dunn 1993
Low-rises		, -	
Number of low-rises	Uniform	Min = 14.0 million; Max = 16.2 million	Multiple sources (see Supplemental Material Appendix C)
Mortality rate (all studies)	Neg. bin.	n = 4.6; p = 0.35	95% of distribution prob. density = $4-18^{a}$
Mortality rate (year-round studies)	Neg. bin.	n = 5.1; p = 0.26	95% of distribution prob. density = $5-28^{b}$
Scavenging/detectability correction High-rises	Uniform	Min = 1.28; Max = 2.56	Hager et al. 2012, 2013
Number of high-rises	Uniform	Min = 19,854; Max = 21,944	Sky Scraper Source Media 2013
Mortality rate	Neg. bin.	n = 4.0; p = 0.37	70% of distribution prob. density = $4-11^{b}$
Partial-year sampling correction	Uniform	Min = 1.05; Max = 1.20	Additional 5–20% mortality outside of migration
Scavenging/detectability correction	Uniform	Min = 1.37; Max = 5.19	Ward et al. 2006, Hager 2012, 2013

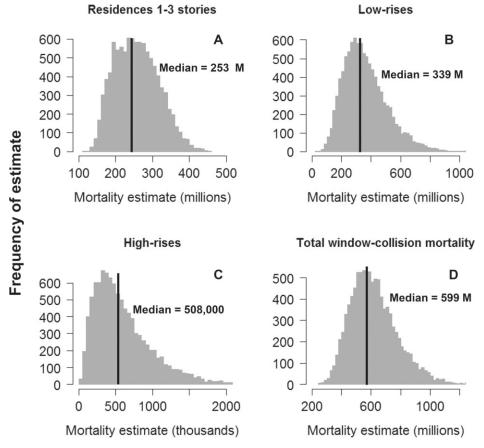
<sup>a</sup> Range represents 95% confidence interval of mortality rates calculated across all eight studies of low-rises meeting inclusion criteria.

<sup>b</sup> Range represents 95% confidence interval of mortality rates calculated from four year-round studies of low-rises meeting inclusion criteria.

<sup>c</sup> Range represents 95% confidence interval of mortality rates calculated from 11 studies of tall buildings meeting inclusion criteria.

for each building class to estimate class-specific vulnerability. As described previously, we only included datasets with more than 100 records for the overall vulnerability analysis. However, because there were only two datasets for residences that had more than 100 records, we also included two smaller datasets to calculate collision vulnerability for this building class.

Numbers of fatalities can vary among species due to population abundance and the degree of range overlap with study locations (Arnold and Zink 2011). To account for population abundance, we extracted national population size estimates from the Partners in Flight Population Estimates Database (Rich et al. 2004), which includes North American population estimates generated using U.S. Breeding Bird Survey data (Sauer et al. 2012). We used North American abundance rather than regional abundance because it is difficult to link study sites where mortality occurs to the affected regional subsets of bird populations, especially for species that are killed primarily during migration (Loss et al. 2012). To account for range overlap with study sites, we counted the number of sites overlapping with each species' breeding, wintering, and/or migration range (Sibley 2000). We followed Arnold and Zink's (2011) approach for calculating species vulnerability. To give each site equal weighting, we first standardized each dataset to 36,000, the largest single-site total



**FIGURE 2.** Frequency histograms for estimates of annual U.S. bird mortality caused by collisions with (**A**) residences 1–3 stories tall, (**B**) low-rises (residences 4–11 stories tall and all non-residential buildings  $\leq$ 11 stories tall), (**C**) high-rises (all buildings  $\geq$ 12 stories tall), and (**D**) all buildings. Estimates for low-rises and for all buildings are based on the average of two estimates: one calculated with all eight low-rise studies meeting inclusion criteria and one calculated with a subset of four low-rise studies that conducted year-round sampling.

number of fatalities, and then summed standardized counts across studies for each species. We regressed  $\log_{10}(X+1)$  species counts (X + 1) transformation to account for zero counts for some species at some sites) on  $log_{10}$  population size and  $log_{10}$  range overlap. Vulnerability was estimated by fixing coefficients for population size and range overlap to 1.0 (this assumes that, for example, a 10-fold increase in abundance is associated with a 10-fold increase in collision mortality, all else being equal; Arnold and Zink 2011), calculating residuals, and raising 10 to the power of the absolute value of residuals. This approach of fixing model coefficients was taken because there was an unknown level of error in both the dependent and independent variables and, therefore, standard regression models could not produce unbiased slope estimates (Warton et al. 2006, Arnold and Zink 2011). Calculated vulnerability values indicate the factor by which a species has a greater chance (positive residuals) or smaller chance (negative residuals) of experiencing building collision mortality

compared with a species with average vulnerability. We estimated vulnerability for taxonomic groups by averaging residuals across species occurring in at least two studies.

#### RESULTS

#### **Estimates of Bird-Building Collision Mortality**

The 95% confidence interval of annual bird mortality at residences was estimated to be between 159 and 378 million (median = 253 million) (Figure 2A and Table 3) after correcting for scavenger removal and imperfect detection. This equates to a median annual mortality rate of 2.1 birds per building (95% CI = 1.3-3.1). Reflecting the large number of residences in urban areas and residences without bird feeders, we estimate that urban residences without feeders cumulatively account for 33% of mortality at residences, followed by rural residences without feeders (31%), urban residences with feeders (17%).

**TABLE 3.** Estimates of annual bird mortality caused by building collisions at U.S buildings. For low-rises (and therefore, for the total mortality estimate), we generated two separate estimates of collision mortality, one using mortality rates based on all eight low-rise studies meeting our inclusion criteria and one based on a subset of four low-rise studies that sampled mortality year-round.

		Point esti	mate	95% CI	
Building class	Mean no. of buildings in U.S.	Total	Per building	Total	Per building
Residences (1–3 stories)	122.9 million	253.2 million	2.1	159.1–378.1 million	1.3–3.1
Low-rises	15.1 million	245.5 million <sup>a</sup>	16.3 <sup>a</sup>	62.2–664.4 million <sup>a</sup>	4.1-44.0 <sup>a</sup>
		409.4 million <sup>b</sup>	27.1 <sup>b</sup>	114.7–1,028.6 million <sup>b</sup>	7.6–68.1 <sup>b</sup>
High-rises	20,900	508,000	24.3	104,000–1.6 million	5.0-76.6
Total	138.0 million	507.6 million <sup>a</sup>	3.7 <sup>a</sup>	280.6–933.6 million <sup>a</sup>	2.0-6.8 <sup>a</sup>
		667.1 million <sup>b</sup>	4.8 <sup>b</sup>	349.9–1,296 million <sup>b</sup>	2.5–9.4 <sup>b</sup>

<sup>a</sup> Estimate based on low-rise estimate using all eight studies meeting inclusion criteria.

<sup>b</sup> Estimate based on low-rise estimate using subset of four year-round studies meeting inclusion criteria.

The 95% confidence interval of annual low-rise mortality based on all studies meeting inclusion criteria was estimated to be between 62 and 664 million birds (median = 246 million). The 95% confidence interval based on the four year-round low-rise studies was estimated to be between 115 million and 1.0 billion birds (median = 409 million). The average of the two median figures is 339 million (95% CI = 136–715 million) (Figure 2B), equating to a median annual rate of 21.7 birds per building (95% CI = 5.9–55).

The 95% confidence interval of high-rise mortality was estimated to be between 104,000 and 1.6 million birds (median = 508,000) (Table 3 and Figure 2C) after correcting for scavenger removal, imperfect carcass detection, and mortality during periods other than migration. Despite causing the lowest total mortality, high-rises had the highest median annual mortality rate: 24.3 birds per building (95% CI = 5–76). Combining estimates from all building classes (using the average of the two low-rise estimates) results in an estimate of 599 million birds killed annually across all U.S. buildings (95% CI = 365–988 million) (Figure 2D).

#### Factors Explaining Estimate Uncertainty

Due to the large number of low-rises and uncertainty about low-rise mortality rates, sensitivity analyses indicated that the low-rise mortality rate explained a large amount of uncertainty for the estimates of both low-rise mortality (85%) and total mortality (75%). Other parameters explaining substantial uncertainty for the total estimate included the correction factors for scavenger removal and carcass detection at low-rises (10%) and residences (9%). For residences, 70% of uncertainty was explained by the correction factor for scavenging and detection and 15% was explained by the proportion of residences in urban areas. For the high-rise estimate, the greatest uncertainty was explained by the mortality rate (67%), followed by the correction factor for scavenging and detection (25%).

#### **Species Vulnerability to Building Collisions**

Of 92,869 records used for analysis, the species most commonly reported as building kills (collectively representing 35% of all records) were White-throated Sparrow (*Zonotrichia albicollis*), Dark-eyed Junco (*Junco hyemalis*), Ovenbird (*Seiurus aurocapilla*), and Song Sparrow (*Melospiza melodia*). However, as expected, there was a highly significant correlation between fatality counts and population size (r = 0.53, P < 0.001, df =213) and between counts and range overlap with study sites (r = 0.25, P < 0.001, df = 223). After accounting for these factors, estimated vulnerability across all buildings was highly variable, ranging from 1,066 times more likely to collide than average (high vulnerability species in Table 4; all values in Tables S3–S6 in Supplemental Material Appendix D).

Several species exhibit disproportionately high vulnerability to collisions regardless of building type, including Ruby-throated Hummingbird (Archilochus colubris), Brown Creeper (Certhia americana), Ovenbird, Yellowbellied Sapsucker (Sphyrapicus varius), Gray Catbird (Dumetella carolinensis), and Black-and-white Warbler (Mniotilta varia). Seven species that are disproportionately vulnerable to building collisions are national Birds of Conservation Concern and 10 are listed regionally (Table 4; U.S. Fish and Wildlife Service 2008). Species in the former group include Golden-winged Warbler (Vermivora chrysoptera) and Canada Warbler (Cardellina canadensis) at low-rises, high-rises, and overall, Painted Bunting (Passerina ciris) at low-rises and overall, Kentucky Warbler (Geothlypis formosa) at low-rises and high-rises, Wormeating Warbler (Helmitheros vermivorum) at high-rises, and Wood Thrush (Hylocichla mustelina) at residences. For species with vulnerability indices calculated from a

<b>TABLE 4.</b> Estimates of species vulnerability to building collisions. Risk values indicate the factor by which species are at a greater risk of collision compared with a species with average risk. Species in boldface italics are Birds of Conservation Concern at the national level and species in boldface are Birds of Conservation Concern in at least one U.S. region (U.S. Fish and Wildlife Service 2008). Scientific names are in Supplemental Material Appendix D.	High-rises	Risk Species Risk	141.7 Townsend's Solitaire 167.4 129.3 Black-throated Blue Warbler 78.5
' by which species are at a vel and species in boldface   Appendix D.	Low-rises	Species	257.2 Golden-winged Warbler
indicate the facto at the national levelemental		Risk	
<b>TABLE 4.</b> Estimates of species vulnerability to building collisions. Risk values indicate the factor by which spe with average risk. Species in boldface italics are Birds of Conservation Concern at the national level and species U.S. region (U.S. Fish and Wildlife Service 2008). Scientific names are in Supplemental Material Appendix D.	Residences (1–3 stories)	Species	<b>Purple Finch</b> Rubv-throated Hummingbird
vulnerability oldface italics llife Service 2		Risk	1,066.4 <b>Purple</b> 45.5 Rubv-th
<b>TABLE 4.</b> Estimates of species with average risk. Species in bc U.S. region (U.S. Fish and Wild	All buildings	Species	Anna's Hummingbird <sup>a</sup> Black-throated Blue Warbler

All pullaings		Residences (1–3 stories)		Low-rises		High-rises	
Species	Risk	Species	Risk	Species	Risk	Species	Risk
Anna's Hummingbird <sup>a</sup>	1,066.4	Purple Finch	257.2	Golden-winged Warbler	141.7	Townsend's Solitaire	167.4
Black-throated Blue Warbler	45.5	Ruby-throated Hummingbird	174.7	Painted Bunting	129.3	Black-throated Blue Warbler	78.5
Ruby-throated Hummingbird	37.0	Ovenbird	112.1	Ruby-throated Hummingbird	103.7	Connecticut Warbler	52.0
Townsend's Solitaire	36.3	Brown Creeper	81.1	Black-throated Blue Warbler	86.4	Brown Creeper	44.3
Golden-winged Warbler	35.3	House Finch	80.1	Swamp Sparrow	50.6	Ovenbird	43.7
Painted Bunting	32.1	Black-and-white Warbler	68.7	Canada Warbler	46.7	Ruby-throated Hummingbird	43.4
Brown Creeper	26.2	Cedar Waxwing	50.5	Louisiana Waterthrush	46.4	Worm-eating Warbler	26.5
Connecticut Warbler	22.9	Field Sparrow	48.3	Brown Creeper	44.8	Canada Warbler	25.8
Ovenbird	21.8	Wood Thrush	41.0	Yellow-bellied Sapsucker	38.3	Gray Catbird	23.9
Canada Warbler	17.9	Swainson's Thrush	34.7	Connecticut Warbler	35.7	Yellow-bellied Sapsucker	23.7
Swamp Sparrow	16.7	Northern Cardinal	27.5	Ovenbird	30.4	Golden-winged Warbler	23.1
<b>Yellow-bellied Sapsucker</b>	16.2	Blue Jay	26.5	Sharp-shinned Hawk	27.8	American Woodcock	22.1
Louisiana Waterthrush	14.3	White-breasted Nuthatch	25.0	Rose-breasted Grosbeak	24.1	Common Yellowthroat	20.4
Gray Catbird	12.8	Yellow-bellied Sapsucker	22.6	Gray Catbird	23.2	Scarlet Tanager	18.5
Pine Grosbeak <sup>a</sup>	12.4	Northern Waterthrush	22.5	Black-and-white Warbler	22.7	Black-and-white Warbler	18.3
American Woodcock	11.7	Nashville Warbler	22.2	American Woodcock	21.1	Swamp Sparrow	18.1
Pygmy Nuthatch <sup>a</sup>	11.4	Gray Catbird	20.7	Kentucky Warbler	20.2	Rose-breasted Grosbeak	16.2
Black-and-white Warbler	11.1	Northern Flicker	20.2	Mourning Warbler	19.3	Kentucky Warbler	14.0
Pied-billed Grebe <sup>a</sup>	11.0	Downy Woodpecker	18.7	Common Yellowthroat	18.4	Northern Goshawk	13.6
Common Yellowthroat	10.9	Black-capped Chickadee	14.9	Cape May Warbler	16.7	Eastern Whip-poor-will	13.4

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relatively small sample of studies (e.g., those noted with a superscript in Table 4), vulnerability indices may be biased. For example, the exceptionally high vulnerability value for Anna's Hummingbird (*Calypte anna*) likely results from this species occurring in only two studies and experiencing exceptionally high mortality in one of these studies.

Vulnerability estimates for taxonomic groups are in Table 5. Several high-risk bird groups are represented in our dataset by only one or two species (e.g., grebes, shorebirds, kingfishers, and gulls and terns); average risk values for these groups may not represent the entire taxonomic family. Other taxa, particularly the hummingbirds and swifts and the warblers, appear especially vulnerable to building collisions, with more than one species ranking in the overall high-vulnerability list. In particular, warblers experience disproportionately high collision risk, with 10 species ranking among the 25 most vulnerable species overall and 12 and 14 species ranking among the 25 most vulnerable species for low-rises and high-rises, respectively. Taxonomic groups with particularly low collision risk include ducks and geese, swallows, herons, upland game birds, and blackbirds, meadowlarks, and orioles.

#### DISCUSSION

### Comparison of Mortality Estimate to Previous Estimates

Our estimate of 365-988 million birds killed annually by building collisions is within the often-cited range of 100 million to 1 billion (Klem 1990a). Other estimates are either outdated (3.5 million, Banks 1979) or are simply a mid-point of the above range (550 million, Erickson et al. 2005). Our larger estimate of low-rise mortality based only on year-round studies suggests that total annual building collision mortality could exceed one billion birds, as suggested by Klem (2009). Using the year-round low-rise estimate results in an annual mortality estimate of up to 1.3 billion birds. Regardless of which figure is interpreted, our results support the conclusion that building collision mortality is one of the top sources of direct anthropogenic mortality of birds in the U.S. Among other national estimates that are data-driven and systematically derived, only predation by free-ranging domestic cats is estimated to cause a greater amount of mortality (Loss et al. 2013). A similar ranking has been made for anthropogenic threats in Canada (Blancher et al. 2013, Machtans et al. 2013). Major sources of direct anthropogenic bird mortality currently lacking systematically derived estimates include collisions with automobiles and other vehicles, collisions and electrocution at power lines, and poisoning caused by agricultural chemicals, lead, and other toxins. Additional systematic quantification of mortality is needed to allow rigorous comparisons among all mortality sources.

**TABLE 5.** Average vulnerability of bird groups to building collisions across all building types. Risk values indicate the factor by which a species has a greater chance (for positive residuals) or a smaller chance (for negative residuals) of mortality compared with a species with average risk.

Group	Residual	Risk
Hummingbirds and swifts	1.52	33.2
Grebes	1.04	11.0
Shorebirds	0.68	4.7
Kingfishers <sup>a</sup>	0.56	3.6
Waxwings	0.55	3.6
Warblers	0.54	3.4
Gulls and terns <sup>a</sup>	0.52	3.3
Nuthatches, tits, and creeper	0.50	3.1
Cuckoos	0.46	2.9
Mimic thrushes	0.41	2.6
Diurnal raptors	0.40	2.5
Cardinaline finches	0.36	2.3
Kinglets	0.36	2.3
Thrushes	0.25	1.8
Cardueline finches	0.23	1.7
Nightjars	0.16	1.4
Woodpeckers	0.15	1.4
Owls	0.10	1.3
Doves and pigeons	0.08	1.2
Sparrows	0.08	1.2
House Sparrow <sup>a</sup>	-0.15	1.4
Wrens	-0.20	1.6
Coots and rails	-0.24	1.7
Flycatchers	-0.41	2.6
Vireos	-0.55	3.6
Starling <sup>a</sup>	-0.56	3.6
Corvids	-0.61	4.1
Blackbirds, meadowlarks, and orioles	-0.64	4.4
Upland game birds	-0.77	5.9
Herons	-1.05	11.3
Swallows	-1.07	11.6
Ducks and geese	-1.25	17.9
Gnatcatchers <sup>a</sup>	-1.68	48.1

<sup>a</sup> Values based on data from a single species.

A general pattern across and within building classes is that a large proportion of all mortality occurs at structures that kill small numbers of birds on a per-building basis but collectively constitute a high percentage of all buildings (e.g., residences compared to low-rises and high-rises; urban compared to rural residences; residences without feeders compared to those with feeders). This finding suggests that achieving a large overall reduction in mortality will require mitigation measures to be applied across a large number of structures (e.g., urban residences). Our conclusion about the relative importance of residences for causing U.S. mortality is similar to that made for Canada by Machtans et al. (2013). This similarity arises because residences are estimated to comprise a similar proportion of all buildings in both countries (87.5% in the U.S and 95.3% in Canada). Even assuming the lowend mortality estimate for residences (159 million), total mortality at high-rises would have to be 100 times greater than our high-end estimate for that building class (1.6 million) for the two building classes to cause equivalent mortality. On a per-building basis, if each residence killed one bird per year, each high-rise would have to kill >5,800 birds per year to cause equivalent mortality. No evidence exists that high-rises kill this large number of birds.

The species composition of window collision mortality also differs by building class. While the high risk group for individual residences includes several non-migratory resident species-including Downy Woodpecker (Picoides pubescens), Black-capped Chickadee (Poecile atricapillus), and Northern Cardinal (Cardinalis cardinalis)-nearly all high-risk species for low-rise and high-rise buildings are migratory. Compared with resident species, migratory species traverse longer distances, use a greater diversity of habitat types, and encounter more building types and total buildings during the annual cycle. Additionally, migratory species are attracted to large lighted buildings during their nocturnal migration; this attraction causes a large amount of mortality at low-rises and high-rises as birds either immediately collide with lighted buildings or become entrapped before later dying of collision or exhaustion (Evans Ogden 1996). The greater representation of resident species in the high-risk group for residences may be due to the propensity for many of these species to congregate at bird feeders, a behavior that may place them at a greater risk of colliding with windows (Dunn 1993, Klem et al. 2004, Bayne et al. 2012).

Despite the critical importance of reducing mortality at residences, mitigation measures targeted at a relatively small number of buildings with high per-building mortality rates (e.g., some high-rises and low-rises) will likely result in large per-building reductions in mortality and therefore may represent a cost-efficient starting point for reducing mortality. The mortality proportions that we attribute to different residence types are similar to those estimated by Machtans et al. (2013). This result arises from both the previous study and ours basing analysis on Bayne et al. (2012), a Canadian study that provides a reasonable approximation of U.S. mortality rates as evidenced by rates documented in U.S. studies (Dunn 1993, Weiss and Horn 2008, Bracey 2011).

#### Species Vulnerability to Building Collisions

Our vulnerability analysis indicates that several species experience a disproportionately high risk of building collision mortality. Of particular concern within the list of high-risk species (Table 4) are those identified as national Birds of Conservation Concern (species likely to become candidates for listing under the U.S. Endangered Species Act without further action based on population trends, threats to populations, distribution, abundance, and relative density; U.S. Fish and Wildlife Service 2008).

For species that are vulnerable to collisions at more than one building class or overall, including Golden-winged Warbler, Painted Bunting, Kentucky Warbler, and Canada Warbler, building collision mortality appears substantial and may contribute to or exacerbate population declines. For species identified as highly vulnerable to collision for one building class but not across building types (Wood Thrush at residences, Worm-eating Warbler at high-rises), building collisions may still represent a threat. However, risk rankings for these species are more likely to be inflated by high mortality rates at a few sites, and further research is required to clarify the degree to which populations of these species are threatened by collision mortality.

Inferences about population impacts of a mortality source should ideally be based on incorporating mortality estimates into demographic models (Loss et al. 2012) or comparing estimates to population abundance (Longcore et al. 2013). Data limitations preclude intensive population modeling of building collision impacts. Sampling bias toward densely populated areas east of the Mississippi River, and therefore toward certain bird species, prevented us from estimating species-specific annual mortality. We initially attempted to apply average species proportions to the overall mortality estimate following Longcore et al. (2013), but this method returned unrealistically high estimates for species that comprised a high percentage of counts in many studies (e.g., 140% of the total population of Ovenbirds estimated to be killed each year by building collisions). Our vulnerability estimates controlled for abundance and range overlap with study sites and therefore provide a less biased approximation of speciesspecific collision risk.

Our vulnerability analysis expanded upon the analysis of Arnold and Zink (2011), which was based on three sites in the northeastern U.S. and adjacent Canada. Nonetheless, we documented some of the same vulnerable species, including Brown Creeper, Black-throated Blue Warbler (Setophaga caerulescens), and Swamp Sparrow (Melospiza georgiana), and similar high- and low-risk taxonomic groups (e.g., warblers and swallows, respectively). As in the previous study, the vast majority of highly vulnerable species were long-distance migrants. Unlike the previous study, we did not assess whether population trends were correlated with building collision vulnerability. This approach has received criticism (Schaub et al. 2011, Klem et al. 2012) and shifts focus away from identifying which individual species of conservation concern face a high risk of colliding with buildings.

#### **Research Needs and Protocol Improvements**

Sensitivity analyses indicated that more research of mortality rates at low-rises will contribute greatly to improving mortality estimates. Future research should sample a variety of low-rise types, including residential, commercial, and industrial buildings. Research at low-rises has occurred mostly at buildings that are known to cause large numbers of fatalities (e.g., office or university campus buildings with many windows and/or near favorable bird habitat). Random selection of buildings for monitoring (for all building classes) allows for less-biased conclusions about local mortality rates and more reliable extension of results within study areas and across regions. Mortality data specific to different low-rise building types will allow improvement upon the current approach of assuming that all low-rise buildings have similar mortality rates. Because we based our low-rise estimate on the number of U.S. "establishments," and because the relationship between numbers of establishments and numbers of buildings is unknown, we suggest that improved data be collected and made available for the number of U.S. low-rise buildings. Non-residential low-rises are not currently included in assessments by the U.S. Census Bureau.

Sensitivity analyses also indicate that mortality estimates will benefit from quantification of searcher efficiency and scavenger removal rates. Recent research has resulted in major advancements in understanding these biases, including studies that estimate carcass detection and/or scavenger removal rates (Collins and Horn 2008, Hager et al. 2012, 2013) or apply methods to simultaneously account for both biases (Bracey 2011, Etterson 2013). In the future, studies should account for these biases when possible and investigate how these rates are affected by size and species of carcasses, abundance and community composition of scavengers, and characteristics of vegetation and habitat near buildings.

A large portion of the unpublished data we used were collected by volunteer-led collision-monitoring programs in major cities. These citizen-science programs have contributed greatly to the understanding of bird-building collisions; however, standardization of data collection and recording procedures is necessary to make these data more comparable across programs and across years within programs. As a first step, all monitoring programs should record sampling effort, including (1) a record of all surveys conducted, even those with zero fatalities found; (2) the number of person-hours of sampling in every survey; (3) the number of buildings and building facades sampled; (4) street addresses of buildings (with attention to avoiding multiple addresses referring to one building and clarifying when one address includes >1 building); and (5) separate records of fatalities found during surveys on official routes and those found incidentally outside of survey periods and/or off of routes. This information will allow increased comparability of data among regions, improved understanding of seasonal and regional mortality patterns, and reduced bias in estimates of per-building mortality rates and overall mortality. Combining effort-corrected mortality data with information about buildings (e.g., height in

stories and meters; orientation and area of building facades; glass area, type, extent, and reflectivity; vegetation presence, type, density, and height; and amount of light emitted), will allow identification of mortality rate correlates, prediction of mortality rates from building characteristics, and implementation of techniques to reduce mortality. Monitoring programs could also expand to incorporate sampling at multiple building types, including individual residences and additional types of low-rises and high-rises. A national reporting system and database for bird mortality data would facilitate standardization of data collection for building collisions and other mortality sources (Loss et al. 2012). Until this type of comprehensive system is developed and launched, window collision monitoring programs can use simple user-defined data entry portals that will increase standardization of data recording, formatting, and compilation (see example at https://docs.google.com/spreadsheet/viewform?usp= drive\_web&formkey=dDA1dDVTSVUzS1NfX0NxWm ZxTEctbHc6MQ#gid=0), and therefore benefit research that synthesizes multiple datasets.

#### **Model Limitations**

Because data collection methods varied greatly among studies, we could not account for all differences among the datasets we synthesized. How this limitation influenced our estimates is unclear. Nonetheless, our inclusion criteria removed studies that lacked a systematic component to sampling, and we accounted for partial-year sampling by either estimating mortality using only year-round studies or applying correction factors to mortality estimates. We also accounted for sample size differences when estimating species vulnerability. However, the data we analyzed overrepresented the eastern U.S. and underrepresented the Great Plains, Interior West, and West Coast. Because of this data limitation, the mortality rate distributions that we applied to all U.S. buildings were primarily based on data from the eastern U.S. This could have biased our estimates if mortality rates in the West differ consistently from those documented in the East; however, the lack of western data prevents conclusions about such regional variation. In addition, our species vulnerability estimates do not cover species with a large proportion of their range in the West. Further research of bird-building collisions in areas west of the Mississippi River is needed to document whether per-building mortality rates differ consistently from those in well-studied regions of the east and to assess building collision vulnerabilities for western bird species. Our mortality estimates are limited by the assumption that all non-residential establishments listed by the U.S. Census Bureau are  $\leq 11$  stories tall and that all buildings sampled by monitoring programs in major downtown areas are >12 stories tall. These assumptions were unavoidable because U.S. low-rise building data are not available and

building height information was not recorded in most studies.

Our mortality estimates may be conservative because data from buildings that cause exceptionally high annual rates of collision were removed from our analysis before extending average rates to the scale of the entire U.S. Hundreds to greater than one thousand birds per year have been found at intensively monitored buildings in or near areas with a high concentration of birds during migration (e.g., Taylor and Kershner 1986, M. Mesure and D. Willard personal communication). Other factors that may have contributed to underestimation include crippling bias (e.g., an uncertain percentage of birds fly away from sampling areas before dying) and sub-lethal effects that may influence social interactions and migration behavior even if not causing eventual death (Klem 1990b). Further research to quantify crippling bias and sub-lethal effects is crucial for continued improvement in the accuracy of mortality and species vulnerability estimates.

Finally, we were unable to quantify seasonal patterns of mortality due to a limited sample of studies that surveyed throughout the year. Additionally, several studies employed varying sampling effort across seasons and did not record effort data that could be used to account for this variation. Among records meeting our inclusion criteria, 60.0% were found during fall migration (August-November) and 37.0% were found during spring migration (March-May). These figures are likely inflated relative to non-migratory periods because most studies sampled only during spring and fall. Despite varying sampling effort among seasons, mortality during fall migration appears to be consistently greater than during spring migration; this pattern was seen in most of the datasets and could be related to larger populations of birds in the fall due to presence of young-of-the-year birds. Notably, several studies have indicated substantial building collision mortality during periods outside of migration, including in winter at individual residences (Dunn 1993, Klem 2009) and in summer at low-rise buildings (Bayne et al. 2012, Hager et al. 2013). Our methods accounted for partial-year sampling by either using only year-round studies (for residences and low-rises) or applying a correction factor that assumed additional mortality during summer and winter (for high-rises, a building type for which little data exists for non-migration periods). Species vulnerability estimates were also likely to be influenced by seasonal sampling biases, with in-transit migratory species likely overrepresented compared with summer and winter residents. Additional year-round studies are needed at all building types to clarify how mortality rates and species composition of fatalities vary by season.

#### Conclusions

As human populations and numbers of buildings increase in the U.S. and globally, actions to reduce bird mortality from building collisions will be necessary at all types of buildings. For residences, mitigation techniques could include reducing vegetation near windows, angling windows to reduce reflection, and installing netting, closely spaced decals, or UV light-reflecting glass (Klem et al. 2004, Klem 2006, 2009). For low-rises and high-rises, mortality can be reduced by minimizing light emission at night (Evans Ogden 1996, 2002) and incorporating bird friendly design elements into new and existing buildings (e.g., Brown and Caputo 2007, Sheppard 2011). A longterm approach to reducing mortality is the continued adaptation of Green Building certification standards to include bird collision risks (Klem 2009).

We provide quantitative evidence of the large amount of bird mortality caused by building collisions in the U.S. Our estimates represent roughly 2-9% of all North American birds based on a rough estimate of 10–20 billion total birds in North America (U.S. Fish and Wildlife Service 2002). However, because our results illustrate that not all species are equally vulnerable to building collisions, and because considerable uncertainty remains regarding species-specific mortality and population abundance, the actual impacts of collisions on population abundance are uncertain. Despite this uncertainty, our analysis indicates that building collisions are among the top anthropogenic threats to birds and, furthermore, that the several bird species that are disproportionately vulnerable to building collisions may be experiencing significant population impacts from this anthropogenic threat.

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## Kathleen Kerr

## #333442 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The Bird Safe and Ecoroof standards were put into place after long negotiations and hearings. The effort to remove them all now to appease developers that already enjoy huge incentives for development is unnecessary. It has already changed many voters' minds about what Commissioner Gonzalez is willing to do for corporate interests and how disinterested he is in preserving the natural world.

## #333441 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not bend to developers and others thru Comm Gonzales amendment to suspend environmental requirements already considered by the planning commission. Yes, we need housing, but not at the expense of our environment. We all need to live here after that development, keeping Portland a good place to live, raise a family, grow old and appreciate our hometown.

## **Kathleen Worley**

## #333440 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge the City Council to pass the recommended draft AS PRESENTED TO THEM by the Planning Commission after a thoughtful, deliberative public process and reject the last-minute amendments proposed without ANY public process by Commissioner Gonzales with developer support. Approval would set a terrible precedent for city government. Given increasingly catastrophic weather events, it is extremely short-sighted to fail to do whatever can be done to ameliorate the effects of climate change (green roofs, solar panels on roofs, etc.). I think developers can be part of the solution rather than creators of further problems.

## hugh scollan

## #333439 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# Erinne Goodell

## #333438 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge the city to move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered and will have a significant impact. However, I urge the city NOT to move forward Commissioner Gonzalez's recent amendments to ignore our Green Roof and Bird Safe Building requirements, or to apply new rules retroactively. They are short-sighted, last minute, and controversial, and they will do nothing to help ease our housing crisis. Instead, they will take us backward in any progress toward our climate goals and impact wildlife that are already in dire need of protection. The last minute nature of the amendments, too, undermines the integrity of the public process and seems like an underhanded way to ram through these harmful policies without public input. The City should not pit housing against the environment. We must advance both! Green Roofs and Bird-safe Buildings are also good for buildings and the people who live in them. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, and extend the life of roofs. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. We know that shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Please reject these amendments.

# kelly lanspa

## #333437 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

## **Peter Ritson**

## #333436 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart

# Larry Hon

## #333435 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you for standing up for our environment!

# Jonathan Soll

## #333434 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The amendments offered by Commissioner Gonzales and supported by Commissioners Ryan and Mapps are a shameful example of what far too often passes for public process in Portland. Yes, we need housing, but no, we do not need to view housing and business success as the opposite side of a coin. To the contrary, sustainability only comes when a healthy environment and strategies to achieve it are a core part of solutions. We can incentivize a healthy economy without doing it on the back of our ecosystem. And, we most certainly do not need backroom deals between the Portland Business Alliance and our government replacing open transparent processes. Please move forward with the widely supported Recommended Housing Regulatory Relief Draft submitted by the Planning Commission

## **Andrew Kerr**

## #333433 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge City Council to uphold the bird protections in the city building code. The developers are getting plenty of tax incentives. They and their families will continue to be comfortable. Changing the bird protections will only kill more birds who are doing the best they can to survive in a world that we make more difficult when we only care about sending more money to people who have plenty.

## Sara Butcher

## #333432 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am very angry to learn commissioner Gonzalez is trying to suspend the requirements for green roofs and bird-safe window glazing in Portland and strongly urge him to reconsider. I have been a fan of Commissioner Gonzalez in the past, which is why this current news is so disappointing! Why would Gonzales try to destroy efforts to modernize and beautify the City of Portland? My business is located in downtown Portland and these requirements are exactly what is needed to help modernize and beautify our buildings and the City of Portland. They have been adopted by many other progressive cities and we need them in Portland. These anti-environment efforts are not what Portland needs from its Commissioner or a future mayor. I encourage Commissioner Gonzalez to focus his efforts on correcting the real problems with our downtown: lack of police presence, rampant drug use and crime. He cannot be a good leader if he works against protecting our environment.

## Martha Bergman

## #333431 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Suspending City of Portland requirements for green roofs, bird-safe window glazing and neighborhood notification for housing development projects is short-sighted. While we have urgent needs for SRO style housing, citizens of Portland should not waiver from our commitment to maintaining a high quality environment for all beings and maintaining high standards for developers.

## Janna Brown

## #333430 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Although I'm not a current Portland resident, decisions made by the city do affect those of us living nearby. I use and enjoy many things in the city. I encourage you NOT to suspend City of Portland requirements for green roofs, bird-safe window glazing and neighborhood notification for housing development projects. I agree that "the city should not pit housing against the environment. We need to advance both!" Sincerely Janna S Brown Lake Oswego .

## Ted Labbe

## #333429 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council: On behalf of Depave, I am writing to implore you to NOT roll back ecoroof requirements in the Central City under the proposed Housing Regulatory Relief package before you. Depave is a Portland-based social venture that transforms pavement into pocket greenspaces at schools, churches, and other community hubs. The Central City and commercial corridors City-wide have precious little space for trees and pocket greenspaces. It is in these locations that we must prioritize ecoroofs, and we need requirements for ecoroofs to ensure they get built and installed on new buildings as redevelopment occurs. Over the last several years, Portland retired its financial incentives for ecoroofs and instituted an ecoroofs requirement in the Central City. Please don't take us backwards. If anything, we need to expand the geography where ecoroofs are required to include other neighborhood commercial corridors beyond the Central City. I am disheartened to see that this proposal is even before you and that you are not thinking more broadly about the need for expanding greenspaces in our City in the face of the climate crisis. This short-sightedness by City leaders is further undermining public confidence in our City and tarnishing our reputation as a climate leader. Sincerely, Ted Labbe

# Matt Wyss

## #333428 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council, I am writing to you today to urge you to make the right choice for our city's future. On the table lie two paths: one paving the way for a united, sustainable Portland, and another leading to fragmentation and environmental compromise. Firstly, let me be clear: the Planning Commission's Recommended Housing Regulatory Relief Draft represents a well-considered, widely supported path forward. This proposal was crafted diligently, faced minimal opposition, and would demonstrably improve the lives of our residents. To deviate from this course would be shortsighted and counterproductive. However, a storm cloud looms on the horizon -Commissioner Gonzalez's eleventh-hour anti-environment, anti-community amendments. Introduced hastily, amid ongoing public testimony, these confusing and controversial proposals reek of backroom deals and disregard for the democratic process. Accepting them, even with the recent extension granted in extreme weather circumstances, would irrevocably erode public trust in the integrity of this council. Let us be unequivocal: pitting housing against the environment is a false dichotomy.We can, and must, pursue both with equal fervor. Commissioner Gonzalez's proposal, prioritizing developer profits and PBA interests above the well-being of our communities, represents a dangerous misstep. It is past time for our elected officials to stand up for the long-term interests of Portland, not the short-term gains of a select few. Solely relying on incentives for green roofs and bird-safe buildings is a recipe for failure. We've already seen the shortcomings of such approaches – the very reason why mandatory green roofs were implemented in the first place. Incentives have their place, but only as supplements to, not replacements for, vital environmental standards. The benefits of green roofs and bird-safe buildings are undeniable. They go beyond stormwater mitigation, significantly improving our city's resilience by combating urban heat islands, capturing carbon, providing habitat, and even reducing building energy costs. These measures align perfectly with our commitment to sustainability, while bird-safe strategies seamlessly link with other eco-conscious construction practices. Our housing crisis necessitates thoughtful, strategic interventions. However, we cannot succumb to the temptation to exploit this issue as a Trojan horse for gutting environmental protections and enriching the coffers of powerful special interests. Therefore, I implore you, the esteemed members of the Portland City Council, to choose the path of progress. Embrace the Planning Commission's recommendations, reject Commissioner Gonzalez's harmful amendments, and let us, united, build a brighter future for Portland, one that balances housing needs with environmental responsibility. Sincerely, Matthew Wyss

# Laurie King

## #333427 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm writing to voice my strong opposition to the City Council voting to suspend Portland's requirements for green roofs, bird-safe window glazing, and neighborhood notification of housing development projects. I am continually appalled by the undemocratic moves of Council members Gonzalez, Mapps and Ryan. The Planning Commission went through a deliberative process. How can it be upended without sufficient time for further deliberation? Are the interests of developers being put ahead of community interests in a more healthy environment and ahead of dealing with the climate crisis? Here are just some reasons that I believe the City should simply adopt the Planning Commission draft. As to Green Roofs, according to the EPA, green roof temperatures can be 30-40 degrees F. lower than the temperature of conventional roofs, and green roofs can reduce city-wide ambient temperatures by up to 5 degrees F. They can reduce building energy use by .7% Add this up!! Green roofs also control storm water. With our combined sewage overflow system in which increased rainwater can cause sewage to flow into our rivers, roofs that collect and control water run-off are a smart measure! Data from Pennsylvania State University shows that green roofs captured up to 80% of rainfall compared to 24% for conventional roofs. It would be a positive step for our City if Council members Gonzalez, Ryan and Mapps change their positions and come back into line with the deliberations of the Planning Commission. Thank you, Laurie King,

# Scott Shurtleff

## #333426 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing in strong opposition to Commissioner Gonzalez's last minute amendments to the Housing Regulatory Relief package. The proposed package prior to these amendments was developed based on a robust public process. Commissioner Gonzalez's amendments blatantly override the public process in favor of narrow business interests. Adopting these amendments would be a betrayal of public process. Further, we cannot be pitting housing development against climate considerations. We must address both as simultaneous crises in order to achieve sustainable development. Please vote 'no' on all of Commissioner Gonzalez's amendments and adopt the housing relief regulations as proposed prior to amendments.

# Kilee Mendiola

## #333425 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm shocked and appalled by Commissioner Gonzalez's last-minute amendments to suspend bird safe and eco roof policies in the Housing Regulatory Relief Package. It's obvious now more than ever that we need to continue to build Oregon's climate resiliency and protect our wildlife while equitably addressing the housing crisis. Giving developers more financial leeway is one thing, but to suspend critical bird safe and ecoroof policies is cheap and only hurts Portlanders further. Portland already experiences the urban heat island effect, and we need to do more to protect our citizens from this effect that can be mitigated. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies.

# **Brad Nahill**

## #333424 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Very disappointed to see Commissioner Gonzalez pushing to roll back important environmental regulations like green roofs and bird-safe windows, which would have no impact on building much needed housing. I strongly disagree with this effort, there is plenty of space in Portland to build new housing without impacting the residents most affected by climate change.

# **Kathleen Broderick**

## #333423 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I oppose the suspension of bird safe standards for developers. We should not have to forego the environment that we have fought so hard to protect. Bird populations have declined by millions in recent years. Please protect them.

# **Heather Perkins**

## #333422 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm appalled that the Council is considering repealing Bird Safe and Ecoroof standards for developers. I urge the council to reconsider, retain these vital protections, and help preserve our wild birds.

# **Eric Hollstein**

## #333421 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am saddened and quite dismayed at the actions of Commissioner Gonzalez (he won't get my vote!) as he repeatedly uses late/last-minute/subversive and distracting tactics to delay/disrupt/confuse and completely change the focus and purpose of the City of Portland Housing Regulatory Relief efforts. His actions are akin to right-wing dirty politics. Using the current housing crisis as a political platform is not acceptable. Why should solutions to the housing crisis allow developers greater profits? Why would the City support money grabs by developers over the desires of the citizens of Portland? This is just another example of corporate greed mongers using a crisis situation for opportunistic profits. Anyone remember Halliburton's use of the Gulf War to dramatically increase profits? Don't allow this in Portland. His connections to the Portland Business Alliance and their opposition of environmental protections in development are not aligned with the desires of the people of Portland. Citizens in Portland not only support the environmental protections related to development, they enjoy the award-winning results of them. Commissioner Gonzalez and the Portland Business Alliance DO NOT represent the citizens of Portland, they are only focused on reducing the cost and ease of development for greater corporate profits. Mayor Ted Wheeler and City of Portland Commissioners, do the right thing and stop/remove/deny these last-minute subversive amendments from the Portland Business Alliance spearheaded by Commissioner Gonzalez.

# John Nettleton

## #333420 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduced just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address storm water, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# **Gesher Kitzler**

## #333419 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the bird safe and green roof and other environmental rules on developers. Do not go forward with Com. Gonzales's plans to remove them. Thank you, Gesher Kitzler

# Janis Hancock

## #333418 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support Portland Govt. removing costly rules and regulations that make it impossible for affordable housing to be built in Oregon. If you want to address the Homeless problem you have to have options for the unhoused. Maybe the little birds are flying into the tents under the freeways. Have a heart and some common sense please

## **Catherine Mushel**

## #333417 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep bird-safe glass below 100 feet as part of our building codes. The study below suggests it is not a financial burden to install such glass, especially in big projects.

https://www.muhlenberg.edu/media/contentassets/pdf/academics/biology/faculty/klem/Bird-Safe Glass Cost.pdf Also, please know that green roof building practices have been formalized by organizations such as the Living Architecture Academy. This means that workforce development is not only possible, but fostering green roof building through government requirements would support an expertise and high level of skill in the Portland workforce. Thank you, Catherine Mushel

# **Rebecca Stefoff**

## #333416 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Members of the Portland City Council on Housing Regulatory Relief: I am writing you about this Draft for a second time. I now urge you most fervently to reject Commissioner Gonzalez's furtive, last-minute, back-room-shenanigans Amendments. Please move ahead with the Recommended Housing Regulatory Relief Draft as planned. The Draft was thoughtfully considered and accepted; the Amendments would gravely alter its impact as well as reducing public trust in the integrity and transparency of your process. We cannot progress as a city if builders' financial interests are allowed to pit our housing and environmental goals against each other. Green roofs and bird-safe buildings bring a host of benefits. Green roofs not only address stormwater problems but reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, and extend the life of roofs. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. On top of that--they are simply the right thing to do. Of course we need more and better affordable housing, but throwing to the curb well-thought-out and necessary policies that benefit communities and our threatened fellow species won't accomplish that goal. Our focus should be on policies that work toward BOTH goals--they are compatible. I urge you not to gut the Recommended Draft by accepting these frankly shady Amendments. Thank you for your time and attention. Rebecca Stefoff, Portlander

# **Nicole Forbes**

## #333415 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# **Roger Kofler**

## #333414 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Compromising our green building regulations in order to erect substandard housing may help the profit and loss statements of developers and big businesses, but it does not help Portlanders who value a city that works with nature, rather than in spite of it. It also does not encourage prospective employers who may be contemplating moving their operations to Portland. Let's keep the green regulations already advanced by the Planning Commission and not try to solve one problem by creating others. Please find better ways to address the housing shortage.

## **Mauria Betts**

## #333413 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to express my strong support for upholding the requirements for developers to implement bird-glazing on windows above a certain height and to encourage the incorporation of greenery on top of buildings or the installation of solar panels on rooftops. The impact of urban development on our environment and wildlife is a growing concern, and these measures play a crucial role in mitigating the adverse effects. Protective Bird glazing on windows is a vital solution to prevent avian collisions with tall structures. Implementing such measures not only safeguards our feathered friends but also contributes to maintaining the ecological balance in our urban landscape. Additionally, integrating green spaces or solar panels on building rooftops is a forward-thinking approach that aligns with our commitment to environmental sustainability. Greenery helps improve air quality, provides habitat for local fauna, and enhances the city's overall aesthetic. On the other hand, solar panels reduce our carbon footprint and advance our efforts toward cleaner energy sources. As a responsible and environmentally conscious community, we must continue to enforce and promote these requirements for developers. By doing so, we protect our local wildlife and contribute to the overall well-being of our city and its residents. I urge you to consider the long-term benefits of these measures and advocate for their steadfast implementation in our city's development policies. We can create a more sustainable and harmonious urban environment for current and future generations. Thank you for your attention to this matter, and I look forward to seeing our city thrive as a responsible and eco-friendly development model. Sincerely, Mauria Betts

# **Terry Dalsemer**

## #333412 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# Jade Ujcic-Ashcroft

## #333411 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward, reasonable compromise. Do things that bring our community together--not which tear it apart. The Council should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These Amendments were introduced just before the hearing, as well as in the middle of public testimony! I agree with Mayor Wheeler's sentiment during the last session: "Commissioner Gonzalez, the hair on the back of my head is twitching furiously at the lack of public process." The Gonzalez amendments are last minute, controversial, and confusing and, even with the short extension (during an extreme weather event), undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. Gonzalez's baseless repeated attacks on the Planning Commision process is also disingenuous, corrosive of the public trust, and anti-democratic. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing and toxic approach to this process. Shifting solely to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon, create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The existing Bird-Safe code is also already designed to accommodate AFFORDABLE housing in that it incentivizes residential buildings with less costly extensive glass facades. Glassier buildings in the Central City district are almost all exclusively market or luxury value development, not affordable housing. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut popular environmental programs that Portland has be nationally recognized and lauded for, just to line the pockets of well-connected developers and the Portland Business Alliance.

# **Rebecca Lester**

## #333410 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please, please, please keep the bird safe building requirements The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

## **DSavid Richmond**

## #333409 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please oppose Commissioner Gonzalez's pro-business, anti-environment amendments. They will do little to help our housing issues and they have the potential to do substantial harm to the environment and our neighborhoods. Thank you. David Richmond 2137 NE 40th Ave. Portland, OR 907212

# **Caitlin Senne**

## #333408 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

# Mary Ann Pastene

## #333365 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should NOT move forward with Commissioner Gonzalez's amendments to suspend requirements for green roofs, bird-safe window glazing and neighborhood notification for housing development projects.

# valerie Dickie

## #333364 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the BirdSafe policy in effect! "We had an absolutely brutal City Council hearing last night, with over two hours of testimony, mostly from developers, and yet another amendment introduced by Commissioner Gonzalez MID HEARING to not only suspend the Bird Safe and Ecoroof standards for 5 years, but to also make the suspension of the standards retroactive, so any projects that are in the permitting pipeline now would be able to drop these features (if they had to comply). There are currently 483 letters of testimony on the record, and most of them are on our side. But the letters that aren't are largely from developers who aren't satisfied with the enormous gift the city is already giving them in the form of the HRRP and other tax incentives and code breaks. They do not have to build affordable housing (or demonstrate any public benefit whatsoever) to enjoy the code exemptions in the HRRP. Yup, housing developments like the Ritz Carlton with its \$3M condos would absolutely be eligible for these breaks. One of the loudest critics of the bird safe standard is currently building a glassy luxury condo tower in the North Pearl. He does not need us to organize a bake sale. I would love to CLOBBER City Council with letters about preserving the environment rather than catering to greedy developers. The record is open until tomorrow night at 5 pm. This is a fight we might very well lose, but it's also one we could, with a feat of solidarity, WIN!"

# jenifer boyce

## #333363 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

YOU ALL should KNOW Better & DO BETTER!!! The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance. Thank you for standing up for our environment!

# Sally Rose

## #333362 | January 12, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please consider the Planning Commission's draft WITHOUT Gonzalez's special-interest amendments. Shame on him for this last-minute tactic. Address the problem, not the monetary interests of a few. Our air and water belong to all of us, not just Portland fat cats.

## Sarah Werner

## #333361 | January 12, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please, please keep the existing bird safety standards in place for Portland. The carnage that buildings without bird-safe features are wrecking on our city is devastating. It's an insane testament to human greed that we're even considering removing these standards, not to mention making some retroactive. This is a shared environment and if humans are content with not giving a s\*\*t about anything but money and our own progress, we're going to end up wrecking everything that makes communities like Portland lovely and livable. Attached is an image of songbird deaths from a single building in Chicago. Is this the next headline we want on Portland newspapers?



## **Claudia Hutchison**

### #333360 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please maintain the environmental protections that have already been approved - such as bird-safe windows and green roofs. These reflect Portland residents' values

## Lisa Buscho

### #333359 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Improving housing, decreasing houselessness, and supporting our environment are NOT mutually exclusive! Do not roll back our environmental protections! We are watching you and what you do. Pandering to the greedy with only their personal business ventures in mine will kill us all in the end, if we do not protect our sustainable future through environmental protections.

# **Robyn Draheim**

### #333358 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Two days ago, I wrote to ask the Council to adopt the Planning Commission Recommended Housing Regulatory Relief Package WITHOUT Commissioner Gonzalez's amendments that would suspend the green roof and bird-safe building requirements in Central City. This morning I learned that not only are these amendments still on the table but that there is Commissioner Gonzalez has submitted an amendment that would apply these already egregiously retrogressive exemptions retroactively to projects that have already been approved. I have included below my original reasoning for why I firmly believe that these amendments are the antithesis of the direction that the City should be going in. I want to add that this last-minute, seemingly highly deceptive process of layering on amendments to remove agreed-upon environmental regulations and then add retroactive exemptions reeks of total and utter contempt for public process by Commisioner Gonzalez. I urge you not to accept any of these amendments, if not for the callous stripping away of much-needed environmental regulation, for the unprofessional way they have been attached at the last-minute to this Housing Relief Package. These last-minute amendments would suspend environmental regulations that have a proven, long-term benefit to the environment. Why would you suspend the implementation of regulations that went through extended public processes when they were adopted? Why would you suspend the implementation of regulations that are nationally lauded? Portland's reputation for smart development continues to be tarnished by instances when developers, decrying any and all environmental considerations as onerous, are catered to. We know that the negative implications of waiving environmental considerations such as these last far beyond the functional life expectancy of these developments. Just as we know the benefits these building considerations create extend far beyond the footprint of each development. Green roofs address urban stormwater, reduce urban heat islands, clean our air, and reduce heating and cooling costs. Bird-safe window glazing reduces bird collisions with windows, resulting in upwards of 1 billion bird deaths each year. As recently as two weeks ago, the Guardian published an article on innovative architects who have created various ways, including many low-cost options, to reduce bird collisions and have successfully integrated them into new and renovated buildings.

https://www.theguardian.com/environment/2023/dec/27/birds-buildings-collisions-architecture If we want to build for the future, we have to start now. We cannot continue to kick the can down the road, and we cannot afford to cater to developers looking to manufacture excuses for rolling back environmental mandates simply to save themselves a few bucks in the short term. To reiterate: I am writing to you today to ask you to adopt the Planning Commission Recommended Housing

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft Regulatory Relief Package WITHOUT Commissioner Gonzalez's amendments that would suspend the green roof and bird-safe building requirements in Central City.

# Lyn Larson

### #333357 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm getting fed up with politician's sneak moves to subvert public input on issues. We're going through the same nonsense here in Corvallis, and we the great unwashed public need to stand up on our hind legs and say, enough! Mr Gonzales' last-minute amendment is, frankly, despicable. No wonder the public is disenchanted with government, when recommendations by committees and task forces, and focus groups and yes, public comment in person, is blatantly ignored! Like this! Keep the requirements for roof gardens and bird-safe window glass. They aren't being required for no good reason. We can ignore the reality that natural systems are collapsing, right in front of our eyes, right now, but we'll all for a certainty suffer the consequences. We humans deserve it,, but the trees and critters do not!

## Amy Hall

### #333356 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not reduce environmental regulations. We are at a critical point in time, last year was the hottest year on record due to the climate crisis. We have seen this pattern and are not doing enough to address the issues. Green roofs will help to mitigate the increased heat we face. We also need to protect biodiversity which supports all life. Do not roll back environmental protections which are necessary and have the majority of our community's support. Thank you, Amy

## **Garet Lahvis**

### #333355 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should support the Housing Regulatory Relief Draft submitted by the Planning Commission — anything short sounds like buckling to privileged interests. Support for the draft is the right thing to do for our city's wildlife.

## **Mary Moreira**

### #333354 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I find it very disappointing that the council is accepting last minute amendments and basically ignoring those given from the Planning Department after a long transparent process which involved the community. We definitely need to increase the number of housing units that are being built, but not at the expense of the environment. I hope that you will make the correct decision, which means NOT supporting the amendments proposed by Council person Gonzalez. Thank you.

# Melanie Klym

### #333353 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should move forward the Recommended Housing Regulatory Relief Draft submitted to them by the Planning Commission. These recommendations were carefully considered, drew very little opposition, and will have a significant impact. This is the obvious path forward. Do things that bring our community together--not which tear it apart. The City should NOT move forward Commissioner Gonzalez's anti-environment, anti-community Amendments. These amendments were introduce just before the hearing, as well as in the middle of public testimony. They are last minute, controversial, confusing amendments that even with the short extension (during an extreme weather event) undermine the integrity of the public process and erode public confidence in the integrity of the Portland City Council. The City should not pit housing against the environment. We need to advance both! Commissioner Gonzalez has put the profits of developers and the interests of the PBA over the welfare of our communities. Other Commissioners should reject his backroom dealing. Shifting soley to incentives for green roofs and bird-safe buildings will not work. In fact, the Green Roof mandate was adopted after incentive programs failed. If the City wants to create an incentive, it should be on top of, not instead of baseline requirements. Green Roofs and Bird-safe Buildings accomplish multiple goals. Green roofs not only address stormwater, they reduce urban heat island effects, sequester carbon. create habitat, reduce heating and cooling costs, extend the life of roofs, etc. Bird-safe Building strategies overlap with other sustainable building strategies that reduce heating and cooling costs. The housing crisis needs to be addressed through thoughtful strategic initiatives. It should not be used as a pretext to gut environmental programs to line the pockets of well connected developers and the Portland Business Alliance.

## Jennifer Sunseri

### #333352 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

DO NOT WEAKEN ENVIRONMENTAL PROTECTIONS! REMEMBER WHO WE ARE: OREGONIANS! WE CARE ABOUT THE BEAUTY WE HAVE INHERITED AND DESPISE CRAVEN ATTEMPTS TO SERVE CORPORATE OVERLORDS BY SELLING OUR BOUNTIFUL NATURAL LEGACY IN BACKROOM DEALS! I AM TALKING ABOUT COMMISSIONER RENE GONZALEZ! WE ARE WATCHING AND WILL NOT FORGET!

# **Elizabeth Morris**

### #333351 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

VOTE NO on Commissioner Gonzalez's SNEAK ATTACK on Portlanders by trying to cut residents and taxpayers out of the public review process while working behind the scenes with developers to marginally increase their profit margins, leaving the cost burdens on the taxpayers to cover their stormwater and other loopholes. Why is he trying to force it through so covertly? What cost is associated with notifying the public of developments in their neighborhoods? Is it ecoroofs that people are injecting and causing them to lose any housing including at shelters? We need compassionate support for the houseless crisis, not bloated developer profits to make the lowest possible quality buildings we will have to live with for a long time, pushing their new developments' stormwater burden onto the surrounding communities. Some of the other proposed changes might be good ideas, but they need to have at least basic research and public review to back it up, as is necessary for any ethical democratic process. The use of green roofs (ecoroofs) has no material impact on Portland' housing crisis. The ecoroof mandate is for net 20,000 sq ft, new construction buildings, in Central City only, and those that applied for an ecoroof exemption got it, so ecoroofs have nothing to do with the city's houseless disaster. Thankfully the mayor and other commissioners pointed out to Mr. Gonzalez how unethical it is for him to introduce the changes without giving even them, much less the public, at least 24 hours to review and comment, for legislation that was years in the making. I think we can agree that one commissioner can't scrap and rewrite entire pieces of building legislation in the dark of night, without sufficient research and the feedback of the taxpayers footing the bill, or even of the other commissioners and mayor. My colleagues and I working in the local building development industry have plenty of data to share countering these developers testimony with their wildly inflated cost estimates, but there isn't enough time to share it and inform the commissioners and public. Was that the purpose of the sneak attack? Check out my website at www.GreenUpRoofing.com where you can see a small sample of Portland's ecoroofs, most of which aren't even on residences, although some low income housings downtown do already benefit from their ecoroofs, including insulation they provide saving energy costs in the building and the much-enhanced electrical output of their photovoltaic panels on top of their ecoroofs. You can check out Portland's Green Roof info Think-tank at www.GreenRoofThinkTank.org and the international Green Roofs for Healthy Cities at www.GreenRoofs.org. Feel free to reach out to me for more accurate cost estimates and cost benefits through the use of ecoroofs, at Morris@GreenUpRoofing.com. Thank you. – Elizabeth Morris







# **BONNIE JERRO**

### #333350 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Portland is supposed to be a safe haven for wildlife and a proponent of green spaces. This goes against everything real Portlanders stand for. These developers can easily comply with the requirements and still build the necessary housing. Ecoroof requirements ensure that new developments in the central city incorporate important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City. Last but not least, Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. We shouldn't be employing tacticts that will be MORE harmful to flora and fauna than development already is.

# Susie Sirovatka

### #333349 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

To whom it may concern, after yesterday's meeting I request that the Portland City Council allow time for proper review and research, and to vote against the changes presented by Commissioner Gonzalas.

## Tim Jensen

### #333348 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Keeping existing Bird Safe policies in place is the bare minimum that Portland can do to not DIRECTLY and KNOWINGLY contribute to increased, UNNECESSARY bird deaths. We've lost 3 BILLION birds over just the last 50 years, with buildings as a principal factor. To suspend these policies is an egregious act of myopic economic greed. It's rare that doing the right thing means doing nothing, but here we are. Leave the bird-safe policies in place.

## Jean Trygstad

### #333347 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please retain the green roof bird safe provisions of building code. The benefits are greater than the construction materials and labor. Cooling down the ambient temperature is a significant contribution that will reduce other post construction investments by government

## Sarah Taylor

### #333346 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Portland's city council has increasingly ignored their responsibility to public process and democracy. Despite being elected to represent the people of Portland, they have increasingly made decisions without public consideration. City Council members have increasingly represented industry interests, frequently representing out-of-state industries. January 10th's city council meeting demonstrated a deep disrespect for the structure of neighborhood associations as well as the Planning Commission. Last-minute amendments are disrespectful and show no regard for the people they represent. Using the need for affordable housing as a path to dismiss the democratic process is deeply disappointing.

### annie capestany

### #333345 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City Council should adopt the Planning Commission Recommended Draft as is, which initially generated virtually no opposition. No amendments should be adopted in this haphazard, confusing way at the last minute. If Comm. Gonzalez and his development cronies want to address these issues, they should do it through a thoughtful deliberative process--not through a last minute, confusing and divisive amendment. Our homes AND the environment need to be protected, and should definitely NOT be sacrificed for industry profits. Vote NO on the Gonzalez amendments.

## Kate McGuire

### #333344 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support including Bird Safe and Ecoroof standards in Portland building requirements in relation to the HRRP. The Bird Safe Glazing Standard policy helps ensure that the birds we need to help keep our environment healthy are not injured or do not die through unnecessary window collisions. The policy was designed through a multiple stakeholder process and aligns with existing zoning codes and affordable housing goals. As for the Ecoroof standards, they are important ways to reduce heat levels in dense urban areas. This protects everyday people who live in densely populated areas, many of them struggling to live here due to rising housing costs facilitated by investment-driven housing ownership and real estate industry goals. In general, Portland real estate developers should recognize the selling points of these sustainable standards when it comes to promoting their buildings as 'green' and 'sustainable' buildings. As a resident and homeowner here for nearly a decade, I am disappointed by the influence of real estate developers on our government decisions when it comes to nurturing more affordable, inclusive and sustainable communities. The City of Portland cannot call itself a progressive city that cares about working people if it continues to facilitate carveouts and giveaways for real estate developers and investment-driven property owners. In conjunction with supporting genuinely affordable housing here, the city needs to support sustainable and energy efficient building approaches - and bird safe glass and eco roof standards align with that mission. Thank you for your consideration.

## **Bradley Schmautz**

### #333343 | January 12, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please vote NO to Commissioner Gonzalez's proposed changes until there has been sufficient public review, research and commentary

# Ashleigh Brantingham

### #333342 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. I am deeply committed to creating more affordable housing for Portlanders. However I don't believe that waiving environmental regulations is the correct way forward. We need to create housing in a way that doesn't cause additional harm to the biodiversity in Portland. Please maintain the bird-safe requirements in the HRRP.

# Alain Millar

### #333341 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Alain Millar

# Marilyn Ellis

### #333340 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

It is essential that bird safe policies continue. Portland is a city known for its leadership in both environmental and wildlife protection. It a big part of what brings people to our beautiful city and state. Keep our protections on place!

### #333339 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a 30-year Portland resident, outdoor enthusiast, and Audubon volunteer, I am urging you to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing, climate, and biodiversity crises, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird safe glazing standards are critical for reducing window collisions— a hazard for birds that results in up to 1 billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitats in a highly developed portion of the city, and reduce the urban heat island effect.

# Kady Davis

### #333338 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Portland City Council, Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. These are innovative solutions that address the complex and interconnected issues we are facing as a community today. Commissioner Gonzalez's amendments are blind to this truth and will only leave future generations to clean up after these decisions. Thank you for your forward-thinking leadership. Kady Davis

## Celia Heron

### #333337 | January 11, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing in support of the bird friendly elements under discussion. It is critical that the City set standards that improve and secure the health of native wildlife including birds as it develops building codes and standards. The health of the city and the planet are at stake and strong visionary action on the part of the city is needed. Now more than ever.

## alex de bont

### #333336 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I just find it so absurd and unfair that a suspension of the bird safe and eco roof standards are up for removal. Portland has always been an environmentally progressive city, and I think most of its citizens stand by that. The fact that we need to rally to to even stand a chance of maintaining these bird friendly environmental codes is so sad, especially when we are fighting against rich development firms (etc) who just want to get richer. Portland (and the rest of the PNW) is one of the most environmentally rich places in the US, and we, not just as Oregonians, but as members of the human race should always be doing our due diligence to keep it that way.

## Leslie Howell

### #333335 | January 11, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the bird safe and eco roof policies intact in the Housing Regulatory Relief Package. The planning commission forwarded a balanced proposal to the city council that reflected much discussion and public comment from all sides. The last minute changes proposed at the city council meeting are not appropriate. Let's continue to be a city that provides for our people and our wildlife. We can't have one without the other...and it is shortsighted to think otherwise.

## Katie Kearney

### #333334 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am against loosening the bird safe building restrictions in Portland. On my first shift volunteering at Portland Audubon, a beautiful belted kingfisher came in DOA because it flew into a window. Preserving biodiversity in Oregon is paramount and we should be doing everything in our power to avoid needless bird deaths.

## Susan Nolte

### #333333 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hi there, Adequate housing for all is an admirable goal to set. However I feel very strongly that the standards for ecoroofing and bird safe standards should not be relaxed for any developments from luxury housing (where these standards are by no means onerous and can even add a certain cachet to interested buyers/leasees) to affordable housing ( whose residents are no less interested or desiring of these standards... perhaps more so). It is short sighted of the city council to drop ecoroof requirements at a time when it is almost universally recognized that cities are heat sinks and every effort should be made to counter act these effects. You can argue about causes of global warming but regreening cities can mitigate the effects. So heads up. Don't cave in to developers. Take the long view and don't miss the obvious. Keep bird saf regulations and ecoroofs and any thing else that can lower temperatures.

## Joe Liebezeit

### #333332 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor and City Council, Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact! There is no excuse for dismantling the city's hard won green infrastructure policies and doing what we need to do to protect wildlife in the urban landscape. We can do this AND find innovative ways to address other challenges in our community including the housing crisis and building toward climate resilience. Thank you, Joe Liebezeit

## **Corrie Wisner**

### #333331 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am a constituent and am writing in support of the Bird Safe and Ecoroof standards that are currently being heard in City Council. I am also writing to express that I disagree with Commissioner Gonzalez's amendment to suspend such standards for five (5) years, as well as the retroactive suspension of the standards. As a volunteer at the Wildlife Care Center at Portland Audubon, I am painfully familiar with the injuries sustained by wildlife due to building collisions. I am certain that reports and statistics have been submitted in support of the standards, which would outline the impacts (literally and figuratively) that untreated buildings have on the environment, Portland's resident inhabitants of the sky, and the migrating visitors that call Portland home for a season. Those numbers in the reports speak for themselves, but numbers alone have a way of obscuring from you what we see in the Wildlife Care Center nearly every single day: birds in a stupor, depressed and bedraggled, broken limbs, deceased, euthanized, all because of a collision that we and developers can help to prevent. I am certain that if those in favor of the suspension of the standards were to spend a season in the Wildlife Care Center, they would feel immense empathy and sympathy for not only the patients, but also for the general welfare and impacts with which their buildings have expanded into the environs of the patients. I believe they would quickly become supporters of these standards. Development without these standards would mean that residents/constituents of these buildings would become witnesses and spectators to window collisions as a part of their homelife or work life; the aftermath of which is often found on the sidewalk, the formal doorstep of their home or business. Constituents support the Bird Safe and Ecoroof standards. I have met with many constituents who have taken the time out of their day and have used their resources to make the journey to the Wildlife Care Center at Portland Audubon to entrust us with the care of birds that have collided into windows. Such interactions with the public are akin to crisis management, and could be reduced with these standards in place. Please keep the Bird Safe and Ecoroof standards in place. Developers can afford it, the birds cannot.

# Jeff Hall

## #333330 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am FOR keeping Bird Safe standards for all new building projects in Portland and keeping our birds safe in the city.

## Jane Carlsen

## #333329 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not ease the bird-safe window requirement! Environmental requirements are not the main reason housing isn't being built. Repealing them won't give us a lot more affordable housing, but loosening standards now will have a negative effect on the environment for years. Don't be short-sighted. Keep these well-considered environmental requirements. Thank you.

## Jen Ferry

## #333328 | January 11, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

It is absolutely ridiculous that developers need to be told to take minimal precautions to protect wildlife. It's upsetting that they are trying to out of doing anything good for anyone but themselves. Do not let them get away with harming these birds. They deserve protection more than these developers deserve to save money and build another structure that we don't even need.

# **Deb Whitcomb**

## #333327 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I was so dismayed to hear that the Portland City Council was considering a last-minute amendment to suspend the Bird Safe Standards for buildings. It is reprehensible that developers place a higher priority on preserving every dollar of profit than on preserving the lives of birds. The Portland Planning Commission had already determined that suspending these standards would have minimal impact on housing production but would have significant and long term environmental consequences. CNN, October 6, 2023 "In just one night, more than a thousand migrating birds died after crashing into a single building in Chicago, due to what experts say was a deadly combination of migration season, difficult weather, and a lack of "bird-friendly" building measures." Smithsonian Magazine, October 10, 2023 Across the United States, between 365 million to about 1 billion birds die each year from colliding with glass in skyscrapers and low-rise buildings. Window strikes are the second-leading cause of bird deaths, behind cats. If City Council abandons the Bird Safe Standards, I suggest changing the city slogan to Portland "The City That Works (only for Developers)".

### McCormick Place, the largest convention center in North America, is largely covered with glass, making it a lethal obstacle for birds



Some of the many birds that were killed when colliding with McCormick Place in Chicago. Photograph: Lauren Nassef/AP

# **Amber Rowland**

## #333326 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Access to nature is one of the things that makes Portland a stand-out city but we have to make sacrifices to preserve it. Every tree removed, every house built, every skyrise built have a negative impact on our nature but it doesn't have to be that way. We should be a city who does things differently and hold developers to standards that preserve the thing that is so special about our region. Birds are disappearing at an ALARMING rate, it's ridiculous to not take action where you have the power to.

# **Shelley Reynolds**

## #333325 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please, please, please keep the safety codes for birds hitting windows in place!!! Birds are so precious, and it's so sad to see how many are killed by windowstrikes. The next generation needs nature desperately, birds are disappearing at an alarming rate! We must take responsibility and do all we can to save what's left! Please keep those codes in place!!!

# Lisa Hull

## #333324 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council, I am writing to urge you to rethink your decision to suspend the Bird Safe and Ecoroof standards for buildings in the city. I worked in the Portland downtown area for 27 years. I am 5 years retired enjoying life in Sandy, OR. I am fortunate to have lived closer to wildlife in the last decade and have therefore witnessed up close and personal the many dangers wildlife face daily. The lion's share of those dangers are man-made. In a world where wildlife face so many threats to their very survival, why would you make a decision to reverse course and further endanger wildlife? I sincerely hope you will do the right thing for wildlife. If developers are not willing to meet the current building standards, that just shows they have no regard for the natural world. If you surveyed the Portland population, I believe they would choose protecting wildlife over enriching big business. Please choose to protect wildlife, Respectfully, Lisa

# Elizabeth Evans

## #333323 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the BirdSafe program as it saves so many birds. Developers are already enjoying benefits of the HRRP program. Please invest in the future of Portlands natural environment for the long term. Today's investment in bird safe buildings reaps rewards for a long time. Please do not capitulate to developer's greed.

# Marisa Morby

## #333322 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hello, I'm writing to specifically oppose two amendments submitted by Rene Gonzalez to the Housing Regulatory Relief Project on January 9th. The two amendments that I oppose are the suspension of bird-safe glazing and suspension of eco-roof requirements. I understand that the bird-safe glazing adds to development cost. However, from my research, that cost seems nominal in relation to the number of birds that will be saved by avoiding the glass. Up to 1 billion birds die in the US every year due to window collisions. Additionally, birds are an indicator species and a deeply important player in the global food web. Millions of birds pass through Oregon every year on their migration routes. So when we have an easy fix that can save local and migratory birds from hitting windows and dying, we're not just impacting the birds. We're impacting the global food web. That's the shortsightedness of proposals like these. We forget that we don't live in a vacuum. Our decisions impact other people, not just here but globally. We have simple solutions that work and have a positive impact. It's ridiculous to try and suspend this. I'm also writing to oppose the amendment to suspend eco-roofs. Eco-roofs have a proven record of lowering costs for both heating and cooling. Currently 34% of the Oregon's total greenhouse gas emissions are from the energy used to heat and cool our buildings. By installing eco-roofs, we can reduce energy consumption and therefore greenhouse gas emissions. It's wild to me that this proven and straightforward addition to buildings would be up for suspension. It's also shortsighted because an eco-roof built now will continue to pass on energy savings for years to come. Additionally, Portlanders love eco-friendly buildings, so this would be an addition that would be well received city-wide. The last thing I would ask the council to consider is, "What type of city do we want Portland to be?" I understand we're concerned about ensuring Portland is attractive to builders. But what about those of us who live here? What type of city do we want to create for Portlanders? Do we want a city that attracts people to visit and live? A city that is beautiful and vibrant? That's the type of city I want to live in and that makes me proud. It's seemingly small decisions like bird-safe glazing and eco-friendly roofs that chart the overall course for what a city is going to look like, and shows what we prioritize. The devil's in the details. Also, suggesting that we can have environmental protections OR we can build housing is a false dichotomy and I oppose it. Bird-safe glass is more cost effective than it has ever been, and eco-friendly roofs, when done well, can also be used as a terrace for building occupants. They increase the usability and attractiveness of the building for people living there and they are beautiful to look at. Livability matters and a beautiful city is part of that livability. Lastly, I want to bring attention to the fact that these two amendments are not only short-sighted, but they were rushed last

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft minute. I find that type of behavior from city council members to be reprehensible. We take time out of our day to give testimony on issues we care about, and it's disrespectful to make last minute changes like these. Thank you to the rest of the council for extending the time to leave testimony. Please do not suspend the installation of bird-safe windows or eco-roofs. Thank you for the work you do and for reading my testimony! Marisa Morby

# **Thomas Carter**

## #333321 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis, and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird safe glazing standards are critical for reducing window collisions—a hazard for birds that results in up to 1 billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the city, and reduce the urban heat island effect.

# **Roxanne Coello**

## #333320 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please reconsider the Housing Regulatory Relief Package. This will suspend controls in place that protect our wildlife, like bird safe glazing and ecoroofs. Please don't be blind to the climate emergency we are in. Our wildlife face increasingly difficult challenges in our already densely populated urban environment. We need nature and our wildlife to live in a well-balanced ecosystem that benefits all living creatures. Do better, Portland! Don't listen to greedy developers who only want to become richer. Stay true to the nature PNW has to offer; protect our wildlife!

## Marina Nims

## #333319 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not remove the bird safe windows from the affordable housing package. I have volunteered in wildlife rehab since 1985 and I know how important it is to keep birds safe from striking windows. Thank you.

# Elisa Perry

## #333318 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# **Elora Arding**

## #333317 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council Members, I am writing to urge you to adopt the recommended draft of the Housing Regulatory Relief Package, as is, and to maintain the Bird Safe and Ecoroof policies without alterations. We need to seek innovative solutions to address our community's housing, climate and biodiversity crises, concurrently, rather than submit to approaches that inevitably end up creating more challenges down the road, with even greater risks to the sustainability of our community. Standardizing Bird Safe Glazing and Ecoroof requirements for developers will only demonstrate a multitude of benefits for our urban environment, that of which are already desperately needed. With Bird Safe Glazing's ability to mitigate window collisions (which result in one billion bird deaths annually), and the Ecoroof policy's role in ensuring new developments incorporate green infrastructure to reduce the 'urban heat island,' we can combat housing, climate and biodiversity crises, simultaneously, and reap the benefits of maintaining our reputation as one of the greenest metropolitan areas in the country. Thank you, Elora Arding

# **Ashley Wolf**

## #333316 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Don't ruin Portland anymore than you already have. If you take away these very basic safeguards for wildlife and humans (dead birds bring everyone distress) you're only further tarnishing your name. Do something right for a change.

# Megan Ouchida

## #333315 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hi there, Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Megan

## **Stuart Wells**

## #333314 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council and Mayor I am submitting this written testimony to encourage you to please adopt the recommended draft of the Housing Regulatory Relief Package and to reject Commissioner Gonzalez's amendments to suspend bird-safe and eco-roof policies; Bird Safe Glazing Standards are critical for reducing bird collisions with windows— a hazard for birds that results in up to one billion bird deaths yearly. The bird-safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Eco-roof requirements ensure that new development in the central City incorporates vital green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Our current affordable housing shortages, climate change impacts, and biodiversity loss require innovative solutions to address them simultaneously. It is counterproductive for the City to advance approaches that place pit solutions to these issues against each other and, consequently, result in sacrificing the health and sustainability of our communities. Therefore, I strongly urge you to reject the amendments to suspend the bird-safe and eco-roof policies. Thank you, I appreciate your consideration.

# **KB Mercer**

## #333313 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Commissioner Gonzales and Council Members; Although we are in a housing crunch, we must not scale back hard won environmental building improvements. The uphill climb to win these important upgrades is punishing, and once they are achieved they must be protected. The Planning Commission and general public have weighed in and the PCC needs support us. Bird safety and ecoroof requirements are not disposable wins. It is not fair or wise to always put the needs of the human population first. That's why we are in an environmental and climate crisis in the first place. We need a balance with the natural world. Please do not put developers' needs above the environment's needs by suspending Bird Safe Building and Green Roof requirements. We can't kick nature in the face every time we screw up. Time for nature to win. Thank you; KB Mercer & David Huffman 10811 SE Schiller St. Portland, OR 97266

# lynn handlin

## #333312 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the Planning Commission Recommended Housing Regulatory Relief Package that the Planning Commission approved, as they approved it without Commissioner Gonzalez's last minute addition to suspend green roof and bird safe building requirements in the Central City. These requirements have been applauded around the country for being practical, substantive steps to help make our City more bird friendly (window strikes kill a large number of birds every year, yes it really is a problem), more environmentally friendly, and the green roof part helps mitigate for climate change. The planning commission and the commissioners whose area this is both declined to do this, they know it's wrong, and they know that the community, other than wealthy developers, don't want this. Suspending these to requirements have nominal if any benefits for housing, but will have major environmental impacts. In the long run it will make Downtown Portland less friendly to humans as well as wildlife if you suspend these rules. The only ones who really benefit at all from this are some wealthy developers. Green roofs help mitigate for climate change by reducing heat islands, cleaner air in the City, help deal with stormwater issues and reduce heating and cooling costs. Bird safe window glazing reduces bird deaths, window strikes by birds kill about a billion birds every year. Bird species are in decline, we need to do what we can to stop this, and the bird safe building regulation helps a lot. The way this was done 24 hours before the meeting is disgraceful. Commissioner Gonzalez should be ashamed of himself for adding these bad amendments at the behest of his developer donors at the last minute. This is not how the process is supposed to work. Please do not let this happen, do what is right for the environment and the community. Thank you Lynn Handlin business owner

# Sha Gleason

### #333311 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Ref: Housing Regulatory Relief Project Recommended Draft 1) I urge you to vote against proposed amendments highlighted in the following codes: 33.475.235.B. & 333.510.223.B. Bird-Safe Exterior Glazing Development that includes a residential use is exempt from this standard until January 1, 2029. 33.510.24.B. Ecoroofs Development that includes a residential use is exempt from the ecoroof standard until January 1, 2029: 2) I urge you to vote against proposed amendments for 5 year suspension of 35 day notifications in 33.705.020.A.1 and A.2 Neighborhood Contact I 33.705.020.B.1 and B.2 Neighborhood Contact II Comments: Bird-Safe exterior glazing rules strive to prevent birds dying after crashing into windows, a problem in all large cities across the U.S. where millions of birds die from crashes every year. Ecoroofs help manage storm water runoff, lower heating and cooling costs on buildings, clean the air, provide habitat for birds and help alleviate urban heat islands. Global heat record was shattered in 2023. We must not weaken environmental protections. In Neighborhood Contact Steps, 35 days notice is a reasonable amount of time for contacting neighborhoods and therefore should not be suspended.

## Marianna Grossman

## #333310 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please protect birds and continue requiring green and ecoroofs. These provisions keep Portland a leader in green building, resource constant promoting biodiversity. Don't let developers Manhattanize Portland!

# Victoria Gantz

## #333309 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor Wheeler and Members of Portland City Council, I am writing to request that you adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given Mr. Gonzalez's suggested amendment, I wouldn't vote for him to be Portland's mayor, even if he had been my first choice. Keeping in mind our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to One Billion bird deaths, in the United States, every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. These measures also protect human health. Please reconsider Commissioner Gonzalez's proposed amendment, and vote to continue the plan for bird safe and ecoroof policies. Sincerely, Victoria Gantz

# christina scarzello

## #333308 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor and Commissioners, On Wednesday January 10 2024, Commissioner Rene Gonzalez introduced last-minute amendments to the Portland Planning Commission's Recommended Housing Regulatory Relief (HRR) package. His amendments would suspend Portland's hard-won Bird-Safe Window Glazing requirements and Ecoroof requirements until January 2029. More than a month ago, the Planning Commission had heard strong community support for the bird-safe and ecoroof requirements and opposition to suspending them. After much deliberation the Planning Commission ultimately voted to remove the suspensions from the HRRP and leave the requirement in, due in part to community opposition and also because suspending these requirements (WHICH CURRENTLY ONLY APPLY IN THE CENTRAL CITY AND TO CITY BUILDINGS) would have significant negative environmental impacts and would set terrible bad precedent. The package as proposed already significantly relaxes regulations for developers\*, and the Planning Commission wisely concluded that these two environmental policy suspensions would have nominal impact on housing production but would have significant and long term environmental consequences. I respectfully request that for the sake of birds, our local ecology, climate resilience, and integrity of the public process, that you vote to reject Commissioner Gonzalez's amendment and restore the Bird-Safe Window Glazing requirements and Ecoroof requirements to the HRRP. \*(And I would still argue that relaxing regulations will not result in affordable housing - it may result in more housing but flooding the market with new housing units will not result in a price decrease, it will result in a population increase with housing costs remaining the same or very likely increasing. Sincerely, Christina Scarzello 6130 SW Brugger ST Portland, OR 97219

# kyna rubin

## #333307 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to adopt the draft Housing Regulatory Relief Package and NOT to accept Commissioner Gonzalez's last-minute amendments to suspend its bird-safe and eco-roof regulations. His amendments would suspend these hard-won requirements until January 2029, which could easily result in a permanent elimination. These requirements currently only apply in the Central City and to City buildings. Quashing them would provide little if any housing benefit and would have significant negative environmental impacts. At a time when we face both a housing AND climate crisis, removing these requirements would set a terrible precedent. It would send the message that Portland leaders value development at all costs, including environmental rules that reflect some of the last vestiges of Portland's once status as a leading green city. Finally, it is outrageous that a Portland City commissioner can blithely override the public decision-making process by introducing such radical changes at the very last hour. The public has already made its voices clear in much previous testimony that we want the bird-safe and eco-roof regs to remain. Thank you.

## Linore Blackstone

## #333306 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Well, if protections for birds and mitigation of the heat on roofs isn't considered important, then the plan disregards the natural life in this city and practices target management to the exclusion of just the environment that makes a city livable. Why would you exclude the protection of birds? You don't care about birds? My God, the ignorance and disregard of other life is humanity's worst characteristic. There's something wrong with cities that exclude, whenever convenient, other life. Why not act with knowledge, respect, good science? Act with wisdom and integrity.

# **Caroline Skinner**

## #333305 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I do not want to reintroduce the suspension of Bird Safe Building and Green Roof requirements for 5 years. We need affordable housing and a healthy environment. I don't believe we need to pit one against the other. We need to keep Portland healthy for wildlife as well as for humans. Please don't undo the good work achieved by the environmental community, especially Audubon Portland. I vote the environment! Thank you.

# **Heather Ikeler**

## #333304 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Rene Gonzalez's last minute amendments to suspend bird safe and ecoroof policies which undermine public process and trust.

# **Sharon Kelly**

### #333303 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies!

# **Eric Hagstette**

### #333302 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Good afternoon, Mayor and Councilors. My name is Eric Hagstette, I'm a resident of the City of Portland. I also own Inhabit Real Estate and have approximately 40 residential Realtors. We sell all types of housing but specialize in assisting developers in delivering middle-housing inventory to the market. In my career, I've delivered hundreds of new detached houses, townhouses, condominiums, and cottage clusters to the market all in Portland. Today, all of my clients are building everywhere BUT Portland. I am here to testify in support of the Housing Regulatory Relief Project as well as the amendments that add back a 5-year temporary waiver of bird-safe glazing and eco-roof requirements AND that remove the 35-day delay between posting neighborhood contact signage and submission of a building permit or land-use application. Imposing bird-safe glazing, eco-roofs, and intentional delays all result in costs that trickle down to the buyer or tenant further deteriorating our affordability. Breaking down barriers to housing production is my newfound passion. It has ONLY become my passion because I honestly believe that the challenges associated with developing real estate in Portland have led to our housing shortage and one of the root issues of the decay that we're experiencing in front of our eyes. We are perpetuating our housing shortage by making it extremely difficult and expensive to create housing here. Portland is stigmatized and redlined in the development community. Your support today will be a welcoming gesture to the investors that have taken their money to Clackamas, Washington, Clark, and Deschutes Counties by showing them that you want to work with them. Start making housing production easier today by voting in support of Housing Regulatory Relief Project and amendments.

# **Emily Doyle**

## #333301 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities;

# Sidney Leach

## #333300 | January 11, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please reject the amendments to suspended the green roofs and bird safe roofs for 5 years. We can do better than that!

# **Kimber Nelson**

## #333299 | January 11, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact. In our current crises of affordable housing, climate change and biodiversity loss, we need innovative solutions that address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# **Athena Dorey**

### #333298 | January 11, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a home owner in NE Portland deeply concerned about the sustainability of our communities I am writing to urge you to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# **Kevin Clark**

### #334329 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Elizabeth Morris**

### #334328 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Aaron Brown**

### #334327 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# Mary Coolidge

### #334326 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Erik Cole**

### #334325 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **DANIEL MANNING**

### #334324 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Xavier Stickler**

### #334323 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **David Schoellhamer**

### #334322 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# John Sieling

### #334321 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# Tim McCormick

### #334320 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

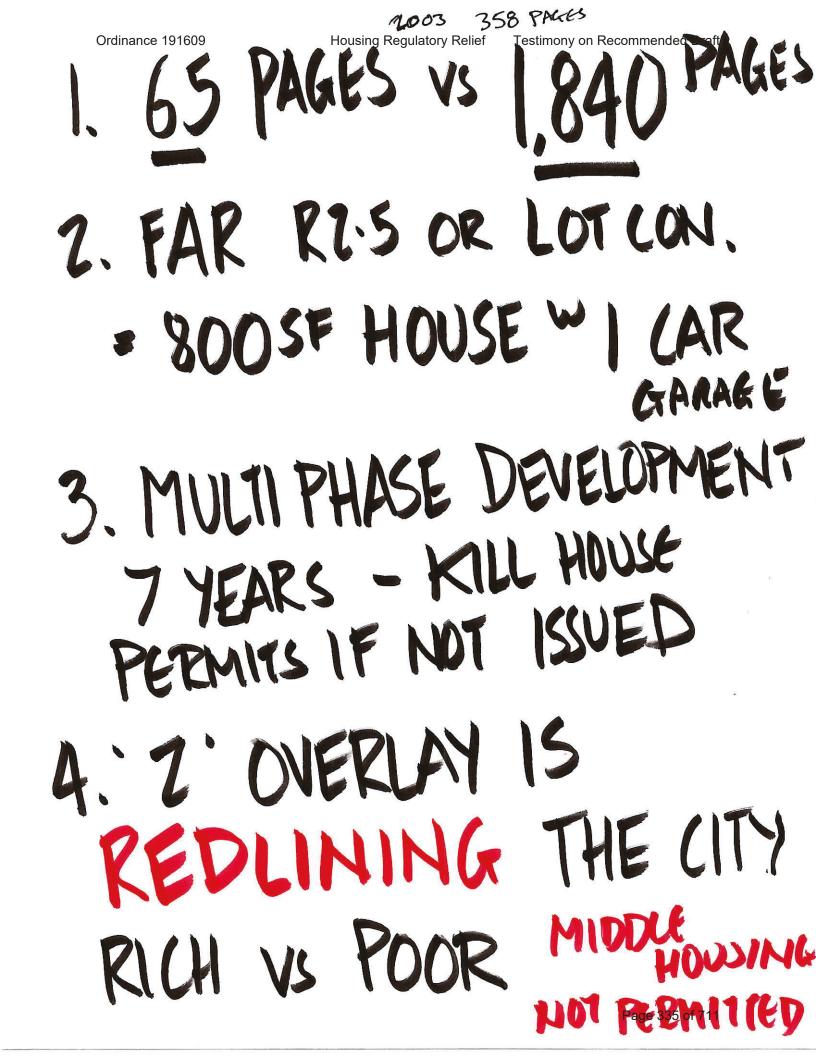
See video

# Mark Dane

### #334319 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video



Title 33, Planning and Zoning 6/30/22

Chapter 33.418 Constrained Sites Overlay Zone

#### Chapter 33.418 Constrained Sites Overlay Zone

# MIDDLE HOUSING ISSUE

Sections:

33.418.010 Purpose33.418.020 Map Symbol33.418.030 Applying the Constrained Sites Overlay Zone33.418.040 Housing Type Limitations

#### 33.418.010 Purpose

Under some circumstances, more than two dwelling units are allowed on lots in the R20 through R2.5 zones. The Constrained Sites overlay zone reduces development potential to comply with protective measures adopted and acknowledged pursuant to statewide land use planning goals. This overlay zone reduces risk to life or property from certain natural hazards.

#### 33. 418.020 Map Symbol

The Constrained Sites overlay zone is shown on the Official Zoning Maps with the letter "z" map symbol.

#### 33. 418.030 Applying the Constrained Sites Overlay Zone

The Constrained Sites overlay zone is applied to lots in the R20, R10, R7, R5 and R2.5 zones when any portion of the lot has one of the following constraints. When property is rezoned out of an R20, R10, R7, R5, or R2.5 zone, the Constrained Sites overlay zone is automatically removed from the zoning map:

- **A.** Environmental Conservation overlay zone, Environmental Protection overlay zone, or Pleasant Valley Natural Resource overlay;
- B. Special flood hazard area;
- C. Floodway;
- D. 1996 Flood Inundation area;
- E. Potential Rapidly Moving Landslide Hazard Zones as shown in the DOGAMI IMS-22 publication;
- F. Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.
- **G.** Sites in the R10 and R20 zones with a cumulative hazard value of 5 or more as shown on the 1998 City of Portland Wildfire Hazard Zone map;
- Bites in the R10 and R20 zones with a high or extreme risk rating as shown on the 2001
   Multnomah County Community Wildfire Protection Plan map 13B that are not also included in the 1998 City of Portland Wildfire Hazard Zone map;
- I. Land within an industrial sanctuary comprehensive plan designation;
- J. Land within the Portland International Airport Noise Impact overlay zone with a 68DNL or higher noise contour.

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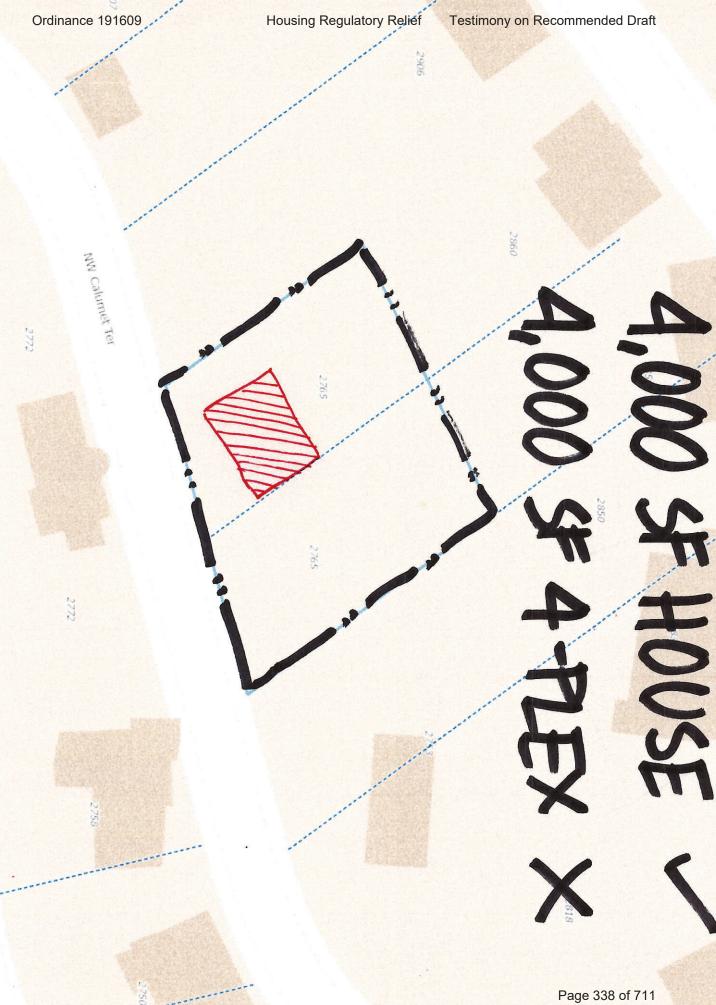
Chapter 33.418 Constrained Sites Overlay Zone Title 33, Planning and Zoning 6/30/22

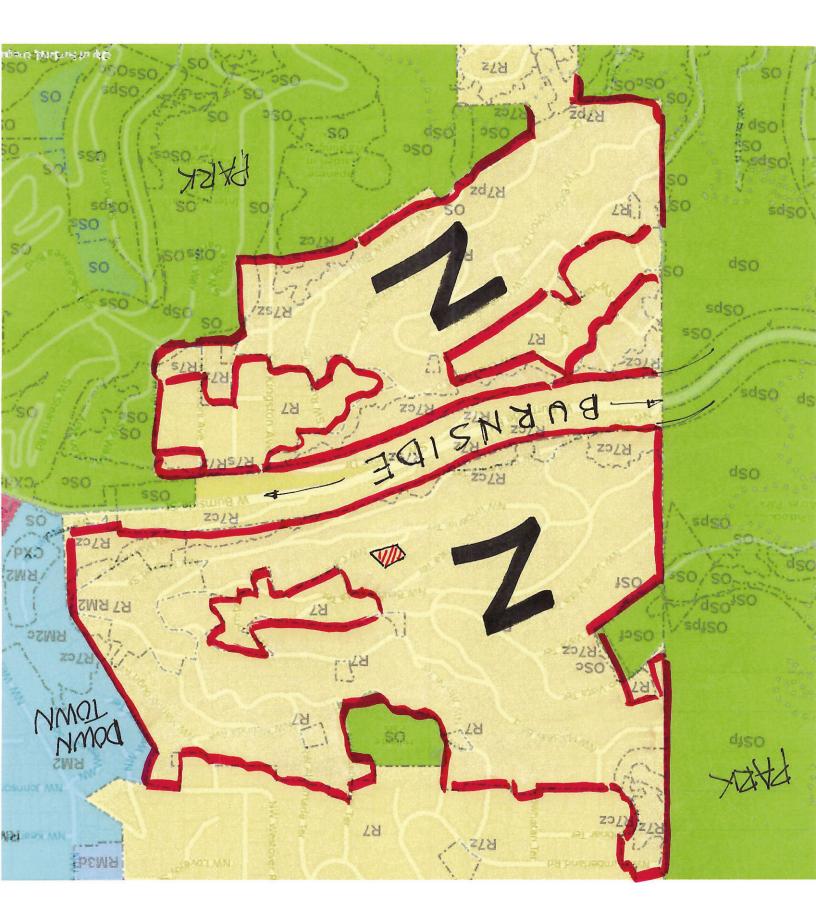
#### 33.418.040 Housing Type Limitations

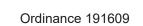
The following residential infill and accessory dwelling unit options do not apply in the Constrained Sites overlay zone:

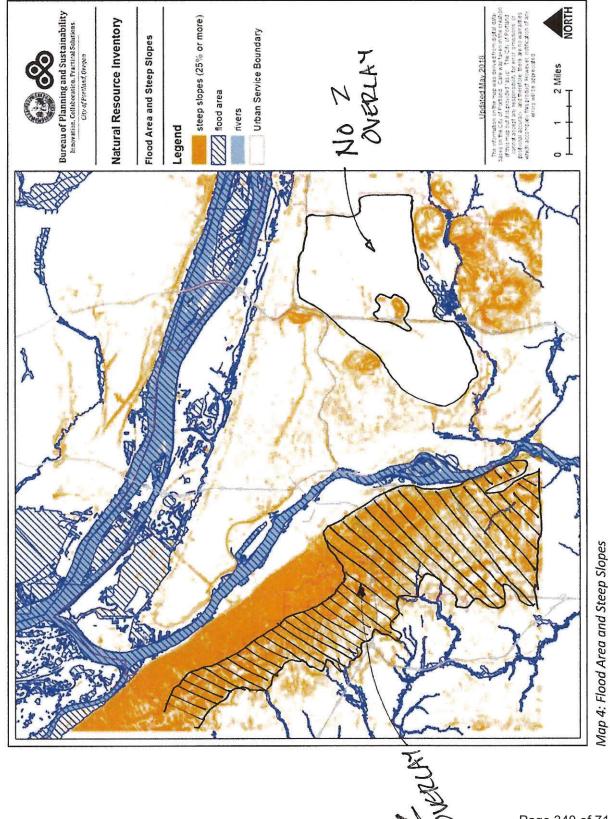
- **A.** 33.110.265.D.2 which allows duplexes consisting of two detached primary dwelling units in the R20 through R2.5 zones;
- B. 33.110.265.E which allows triplexes and fourplexes in the R20 through R2.5 zones;
- **C.** 33.110.265.F which allows fourplexes and multi-dwelling structures with up to six dwelling units in the R20 through R2.5 zones;
- D. 33.110.265.G which allows cottage clusters in the R10 through R2.5 zones;
- **E.** 33.205.020.B.1.c which allows an accessory dwelling unit on a site with a duplex in the R20 through R.25 zones; and
- **F.** 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the R20 through R2.5 zones.

(Added by: Ord. No. 190093, effective 8/1/21; Amended: Ord. No. 190851, effective 6/30/22.)



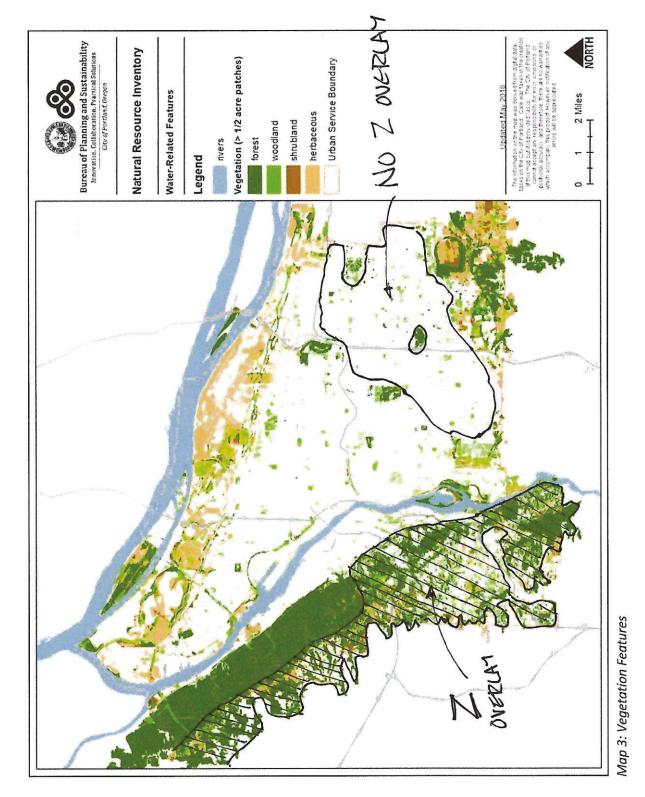






Public Review DRAFT





We have a housing crisis. We have it in Portland, in Oregon, and nationwide. We've all known about this for a long time, and to its credit The State Senate Bill for midtle may go a long way towards being part of the solution IF, and it's a big if, the middle housing code, does not get tripped up by other subsections of the code.

#### **Financing and Risk**

The single biggest issue facing any developer or builder in the city of Portland is uncertainty. Uncertainty and the lengthy project to get the project approved; Uncertainty in terms of the potential land use actions that may be required; uncertainty as to the cost initially of consultants and then later of infrastructure.

There are very few consultants that do a fixed contract when working with the city of Portland those that actually do work in the city all work with time and materials. This makes it very hard to budget for the front end of the project. Secondly the timeline for any project in the city of Portland is so elastic and it is not uncommon for a timeline to double or triple what the initial estimate is at the pre-application conference. The possibility of a hostile staff member who is uncommunicative and does not see his or her role as working with the applicant. The estimate of the possibility of Appeals. The interpretation of the code and how it differs between planning stuff. And lastly the code itself where in some cases one project can have to show compliance with up to five different tree protection standards and code sections for example.

Risk is the enemy of all businesses. Development is unusually risky given its timeline and the fact that until the project is finished it has the integral value. The parts do not equal the sum. What this all means is that the few lenders that are willing to take the risk charge 12% and four points for example. The lengths of loans are strictly limited and enforced.

One thing that is clear is that uncertainty in the city only works for one group of people. It works for the banks and the lenders. Does not work for the gods and does not work for the city it does not work for future homeowners uncertainty must be removed in every possible term.

#### Finished lots / buildable lots

I'm currently working on middle housing cottage cluster developments in Tigard, in Portland, and a couple other places. In very simple terms following the supply and demand curve if demand outstrip supply, the price goes up and the demand has been outstripping supply for decades. Over the last five years housing prices in Portland have gone up 50%. Fundamentally speaking the construction materials which do fluctuate, up-and-down, such as lumber have not changed except marginally through inflation.

This is nothing compared to the lack of our ability to provide finished lots. The best way to provide finish locks for builders is to do so through subdivisions. There is very little land left to do that almost no land available for sale to do that. the land that is available is restricted by so many zoning code, topographical, geologic, environmental issues, overlays and restrictions. It is made it nigh on impossible to build.

The first thing that needs to happen is the relationship between builders/developers and current planning has to change.

I believe that if staff's mission is to work with developers/builders (d/b), help and assist and guide them through the process, and that is both builders and developers saw the relationship as one of cooperation it would immediately change the current climate.

Current planning doesn't make the rules they have to enforce them, and in many cases it to set up for an adversarial position. There is so much friction and there is so much animosity that it creates a hard working environment for both people in the public and private sector. One of the major issues has been certainly over the last 15 to 20 years the growth and encroachment of neighborhood groups, local groups and the public in general who is authority to determine the outcome of developments accessibility, and generally staff support has made it extremely difficult project to proceed.

One of the most significant knock-on consequences from the way the code are found landuse actions when processing the building permit. When the building permit is submitted because of the shape, location, or topography on the parcel the builder must start a second or third process to meet tripwire code sections. For example, most of the new homes that I have worked on have required height adjustment. This is not because the homes are going to be any higher than 30 feet above the road in fact the height limit of 23 feet above the pavement can often be met. The issue is how the height of homes are measured, which is based upon the height elevation being measured from 5-feet from the lowest corner of the building.

This means that in effect while there is no difference from the street that because of the topography of property the applicant is required to go through a type to appealable land use process. It is the appeal that is the issue. The code requires equal or better, which is hard to argue – especially for height, and easy to appeal.

If there is a possibility of an appeal staff have to write their decision and provide much more substantive findings in order to protect the staff decision from being appealed by the public. The need to write defensive staff reports and the need to provide findings for criteria that are deliberately gray in their interpretation makes it difficult for this process to move forward without causing substantive delays and a great deal of additional work of staff.

#### **Current Planning Staff.**

What is the goal of BDS. Perhaps there isn't one. Perhaps it is simply a tool for enforcement. If the actions of staff cause the project to fail that is not a factor. If the process goes on month after month and year after years with staggering costs on both sides – that is not a factor just as long as the code is enforced.

The way that there are so very many ways to appeal any project on the tiniest of issues. That the Neighborhood Associations, and action groups have gained so much power, requires a defensive position from current planning, and unintended standards to be met.

#### **Builders**

The people we need to help our builders. Builders tend to be very conservative, and they build what they know. If they're building single-family homes, they would all like to start with a flat, square lot. One with all the utilities stubbed in and a fully finished street. A lot that is ready built so all they have to do is go up. After a builder finishes his house, he takes the money turns around and build another house

Builders build houses. Lets walk through a simple scenario

The builder uses \$25k to get a 400k loan to build a 500k house, and makes 50k (10% profit). He then turns around and uses 50k to get an \$800k loan to build two 500k homes to make 100 k or 10% profit.

If it takes 1 year from start to finish this builder can finish fifteen houses in four years

It it takes 2 years start to finish he can build seven in the same time.

If there is a demand for 3.5 homes a year, you can meet demand, in four years under the first process. Under the second scenario, you fall short by 8 homes.

If you want to solve the housing crisis let builders try to meet the demand and build homes.

If you want to make the scenario worse, slow it down, increase the risk, and jack up the price of doing business. Right now we are hitting all three out of the park.

#### **Developers**

Land development is incredibly risky in a good economy in builder friendly environments. There are so many outside factors that can change costs and cause delays at the drop of a hat. This can be anything like a hurricane in Texas shutting down the manufacture of all pipes in the entire country. Massive doubling and tripling of wood prices in response to global hiccups. More than doubling of mortgage rates in one year from less than 3% to over 7%.

Tearing down a house, to build a house or a couple of homes on a single lot is easily the most inefficient, and cost prohibitive form of development. It faces the greatest opposition and creates a difficult to build on a hemmed in site.

This is a terrible way to do development, but this is what we have come to. Developers would much prefer to do subdivisions, built up neighborhoods would also.

#### Consultants

Its takes a large number of professionals to bring a development application through entitlements let along approval. Civil engineers; Structural Engineers; Geotechnical Engineers; Traffic Engineers; Geologists; Environmental Scientists, Arborists, Architects and Planners.

#### SDCs

As with taxes, system development charges should be on a sliding scale. This would be based upon the size and valuation of the House. A standard SDC could be utilized for 2500 square foot house. With every 1000 square foot of house equaling 20k of SDC's below or above that size. The calculation of SDCS would utilize the current process. Though again and is quite incredible the difference between the system development charges between each group and how the burdens have been artificially created. The best example of that I believe is the park system development charge.

#### The 'Z' Overlay

The 'Z' overlay does not Permit the development of middle housing on any property with this overlay. This is an Example of unintended consequences and high-level thinking having an enormous impact on development in almost 50% of the city. For example, I can build a 3600 square foot house, but I cannot build a 3600 square foot fourplex. Using the same building envelope, same height same mass same floor area. The 'Z' overlay can perhaps an extra layer of review, but should not be exclusionary.

#### **Floor Area Ratios**

Floor area ratios are one of the more difficult areas for development in the new code. The entire goal was to prevent Mc-mansions as they are lovingly called. On another note, I will say that the materials used by the Long Range planning when arguing for these restrictions were deliberately misleading. Also the implementation of FAR was not in line with the states recommendation for FAR implementation. An example would be when the zoning is R2.5 and that we have a 25 foot wide by 100 foot deep lot. This would restrict the size of the house to 40 of the lot size or 1000 square feet. Nobody builds 1000 square foot homes. I would suggest that All single family lots be permitted to build up to a 2500 SF house regardless of lot size or zoning

#### Parking

One of the more unusual elements in the planning code is not being able to include parking in front of the garage as being counted as a parking space. Because a car cannot be parked in a front yard set back. This is a very bizarre use of the code. I can understand that there would be a fear that no grass would be built and people would park in front of their homes as opposed to in beside of their garages. However that is usually what happens and Garage is very often become places for storage or become officers. If there is no off street parking, the home owner should have a designated on street parking spot. Placing a driveway in front of a house and requiring that driveway to be 5 foot off of each sideline it creates a space that is roughly 22 foot wide. 5 foot 12 foot 5 foot. Without a driveway that same space could be a designated on-street parking spot for the house directly behind it. This would remove the curb cut. This would allow the house to be closer to the street. This would also improve the street façade.

#### Tree protection above all else

I've recently worked on a project where the crew on the site accidentally disturbed the tree protection area. None of the trees were harmed but the space was intruded upon. Find a need to help for that. This required that the builder go through a brand new Type 2 tree protection plan. This took a matter of months and resulted in the same number of trees being protected. It also allowed staff to change the previous approval and they decided to implement greater protection on the side that wasn't previously impacted. They did so without notifying the builder. Have the impact on creating a substantially smaller building envelope. This in consequence led the builder to have to go back in for an adjustment to the land use approval. This also meant the need to adjust aside your setbacks. It essentially created a substantial series of knock on effects.

#### EC & EP zones

By far the most difficult section of the code are the environmental overlay protection requirements. Historically there have been two overlays. The Environmental Protection area where absolutely no work it permitted unless it is for safety or maintenance reasons or requires indeed for a street to be put through. Improvements or vertical development can occur here. Historically when the code was written the environmental conservation overlay did allow housing to be constructed within it but required mitigation for the amount of area disturbed. Because much of the area with overlay was or had been degraded by invasive species by historically bad care or maintenance there was very often opportunity to mitigate the impact and to substantially clean up and enhance the area on the lot.

Staff has have enormous authority to determine : best layout, least impact, best mitigation. They have been able to override Environmental Scientists, and Arborists, and Landscape architects in their own profession.

The current position is that the applicant HAS to avoid the EC zone unless it is impossible. That he/she must stay as much in the transition portion of the overlay.

The change in policy has significantly restricted the design on sites with this overlay, preferring bad design and less density over ANY tree removal.

This general policy has to change

#### Solar

The solar code ordinance needs to be removed from the book it was one of those code sections that was edited into the code with the best of intentions but became increasingly difficult to work with because of the actual size of most subdivided lots. There was also several workarounds which were based on the existing topography, the existing rd locations and layout. And several other sections that made it almost impossible, in fact I would say impossible to meet the 80% requirement. Which meant that adjustments became standard. It now has been reduced to a footnote and should be removed entirely.

#### ADA

The single most difficult elements of civil design are the ADA ramps and ADA access. Where every slope on every slab of concrete has to be listed in terms of elevation and slope and direction. It is a huge amount of time and often resources, since after they have been laid it is not uncommon for them to be ripped out and built again. On a second note, If there is an existing ramp – do not require it to be removed and replaced.

#### Water Qaulity

One of the most costly additions is the use of water quality facilities on each.

1

# wade johns

### #334318 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Steph Routh**

### #334317 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Erica Thompson**

### #334316 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Jon Isaacs

### #334315 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Micah Meskel**

### #334314 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Dr. Tony Kelly**

### #334313 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Chandra Robinson**

### #334312 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# Joe Swank

### #334311 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# Jerald Powell

### #334310 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Anselm Fusco

### #334309 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Gus Baum**

### #334308 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Jonathan Clay**

### #334307 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

# **Susan Harris**

### #334306 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## LaJune Thorson

### #334305 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Mel George**

### #334304 | January 10, 2024

## Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Cassidy Bolger**

### #334303 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Jake Sly

### #334302 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Lauren Jones

### #334301 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Isaac Johnson

### #334300 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Allison Reynolds**

### #334299 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Christe White**

### #334298 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Brian McCarter**

### #334297 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## PORTLAND DESIGN COMMISSION



Brian McCarter Current Chair Retired principal urban designer/ landscape architect ZGF Architects



Chandra Robinson Vice Chair Principal Architect Lever Architecture



Zari Santner Retired landscape architect, Former director PPR, Member RACC



Sam Rodriguez Past -Chair Architect, VP Millcreek Development



Jessica Molinar Architect, Senior designer BRIC Architecture



Joe Swank Architect, Senior Development Manager, Adre



Tina Bue Freelance Creative Director, A Ghost Studio

The contents of this letter reflect the feedback from 6 of 7 commissioners. Commissioner Sam Rodriguez is in support of the originally proposed amendments as written by BPS. Our 7 design commissioners are experienced design and development professionals. We are pro-development and pro-good-housing

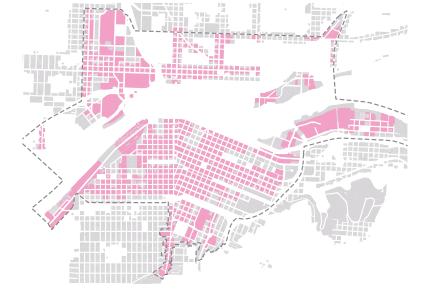
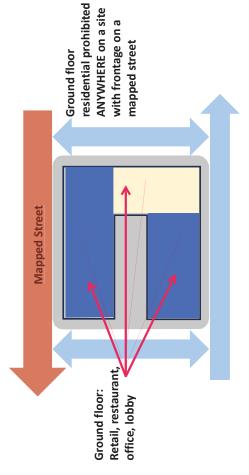


Figure 3: **Today's Code** Areas of Central City with Residential Ground Floor Restriction Land zoned to allow multifamily residential use

Land with residential use restriction for  $\overline{full}$  parcel

## CURRENT CODE (SINCE 2018)



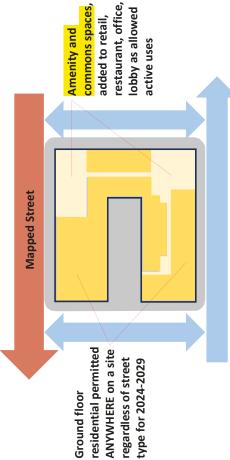
To understand what's at stake, this is a generic example. A downtown city block with a mapped street on one frontage (red). With the 2018 code revision, ground floor residential is prohibited ANYWHERE on a site with mapped street frontage. So, this is one extreme

## 0 SF residential space'

Page 4

Page 371 of 711





previous map removed

All pink areas of

Central City:

HRR expands the types of uses under active use definition but it swings completely to the other extreme where ground floor residential is permitted ANYWHERE on a site regardless of mapped or unmapped frontage for 2024-2029. That has the potential to put people's living rooms facing very busy, public streets with difficult privacy and security and negatively impact adjacent businesses.

Approximately 28,000 SF residential space'

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Page 5

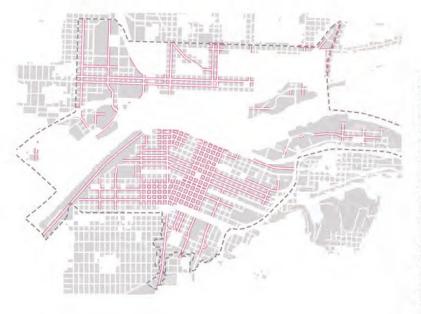


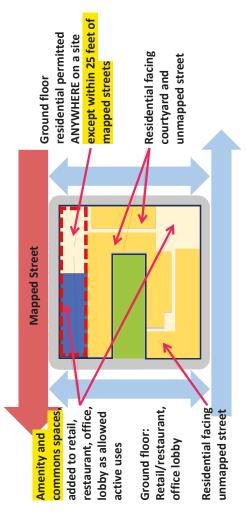
Figure 4: Design Commission Alternative Code Amendment Areas of Central City with Modified Residential Ground Floor Restriction per Design recommended Alternative Code Amendment

Land zoned to allow multifamily residential use

Land with residential use restriction for the first 25 feet of depth

\*Central City accounts for 29% of new housing capacity.

## **DESIGN COMMISSION REVISIONS TO HRRP**



Design Commission agrees with the expanded list of active uses but believes a better revision to code is to allow ground floor residential ANYWHERE on a site EXCEPT the first 25 feet of frontage on a mapped street.

Approximately 25,500 SF residential space

Page 6

## **CENTRAL CITY**



## Modera Belmont - built in 2015

ground floor units make up 9.5 % of the total. With the ground floor residential prohibition that came in 2018, those 20 ground floor units could not be built today. This project is a great example of what is at stake with the proposed HRRP code amendments This project, Modera Belmont - built in 2015 with 210 total units including 14 ground floor courtyard units and 6 work/live units. The 20 combined







## Units facing courtyard M and unmapped street

Work-live on mapped street frontage

Retail on mapped street frontage

The ground floor plan is very wise. Retail and work/live units face the busier streets; residential faces a private and secure courtyard and smaller streets; amenity spaces face a smaller street





Land zoned to allow multifamily residential use

Land with ground floor residential use restriction -  $\overline{full}$  parcel only in Central City



Figure 2: Design Commission Alternative Code Amendment Areas of Portland with Modified Residential Ground Floor Restriction per Design Commission's recommended Alternative Code Amendment

Land zoned to allow multifamily residential use

Land with residential use restriction for the first 25 feet of depth

Page 3

## Potential consequences of HRR Ground floor residential units with:

- low ceilings
- Living rooms, laundry rooms, bathrooms facing mapped streets

HRR removes all active use and physical design standards for residential projects for the next 5 years. This amendment is too broad. Instead, Design Commission recommends accepting the HRR removal of active use requirements but keeping the physical standards for the 25-50% of frontage on mapped streets which preserves ground floor flexibility to adapt to changes of users over the life of a building.

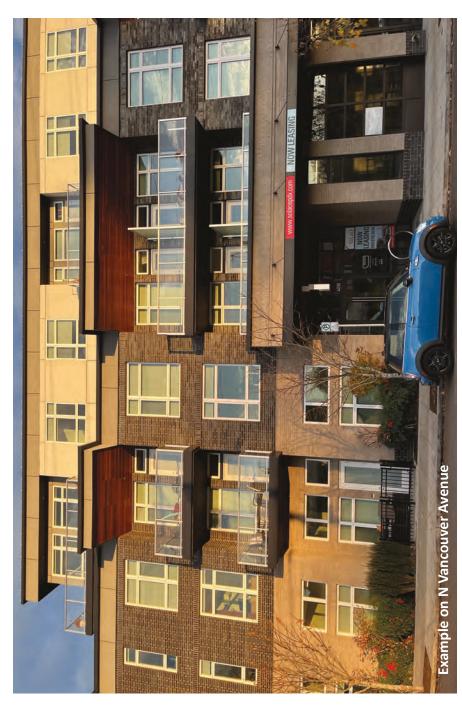


## Design Commission alternative recommendation

Ground floor residential units with:

- Matching ceiling height
  - Porch setback, privacy landscaping
    - Flexibility to adapt to future change

Here is an example of ground floor built to the physical standard along Vancouver. Commercial space and adjacent residential units both share the 12 foot minimum ceiling height allowing flexibility for future change vs low-ceiling, low window area space built in the next 5 years that will not be adaptable to future change



Ground floor residential units with:Matching ceiling height

- Porch setback, privacy landscaping
- Flexibility to adapt to future change
- Commercial space with:
- Appropriate ceiling height,
- Higher window area, entrances
  - flexibility to adapt to future change



Example on SE 92<sup>nd</sup> Avenue

A recently approved project in Lents showing limited commercial space at corners with ground floor residential units between; ceiling heights are constant so flexibility to change in the future is maintained.

Commercial space with: • appropriate ceiling height,

- window area, entrances
- flexibility to adapt to future change



Ground floor residential units with:

- Matching ceiling height
  - Porch setback, privacy landscaping
- Flexibility to adapt to future change



change in the future is maintained.

## **CENTRAL CITY**

## Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor within 25 feet of the street lot line shown on Map

510-9 (mapped streets). Development that includes a residential use is exempt from this standard

until January 2029. To take effect January 1, 2024.

designed, units facing quieter, local streets and interior-block courtyards but keeping residential living Keeping the clause ' Dwelling units are prohibited on the ground floor within 25 feet of the street lot Design Commission revisions will produce added residential units where they are appropriate, keep line shown on Map 510-9' is an appropriate amendment to the outright prohibition of any ground should not be temporary but should be made permanent now. These combined amendments and rooms off primary traffic and transit streets, where they are not appropriate. Finally, this revision appropriate Central City physical standards and keep a semblance of active uses on our primary floor residential. Amendments to A, B, and C will add to residential inventory by allowing well-

(mapped) streets.

## **OUTSIDE** Central City

Where these regulations apply. These regulations apply to new development along frontages shown on Map 538-5. Bevelopment that includes a residential use is exempt from the active building use area standards until January 1, 2029

Design Commission Alternative Code Amendments and comments shown in red

Do not the add the language to waive physical standards in plan districts outside Central City for 5 years when residential is proposed.

physical requirements opens up the potential for low-ceiling, low-window area, residential living rooms facing very active commercial streets, leaving these building spaces inflexible to change over the next Current code only precludes ground floor residential for 25-50 percent of a street-facing façade along percent of the remaining mapped street frontage plus all other streets and remaining areas of a site mapped streets in most plan districts. That means, ground floor residential is allowed facing 50-75 including courtyards. This is a well-established configuration in urban Portland. The elimination of 50+ years with a very minimal gain in number of units.

## **CENTRAL CITY**

Design Commission Alternative Code Amendments and comments - shown in red HRR Proposed Code Amendments - shown as underlined & strike throu

## 33.510.225 Ground Floor Active Uses

A. Purpose. The ground floor active use standards are intended to reinforce the continuity of pedestrianactive ground level building uses...Active uses include but are not limited to: lobbies, and other common areas of the building (such as lounges, shared workspaces, bike parking space, etc.) retail, commercial, and office uses but do not include storage, vehicle parking, garbage, recycling, mechanical, or other utility uses (DC supports HRR amendment to expand the list of allowed ground floor active uses)

Map 510-9. <u>Standards C.1 and C.3 apply to new development and maior remodels. Standard C.2 applies</u> (DC supports HRR amendment to no longer require the physical standards to B. Sites and development subject to the ground floor active use standard. The ground floor active use and major remodels on sites with frontage on a street shown on only to new development standards apply <del>to n</del>

## C. Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor <u>within 25 feet of the street lot line shown on Map</u> <u>510-9</u> (mapped streets). <del>Development that includes a residential use is exempt from this standard</del> 2029- To take effect January 1, 2024

designed, units facing quieter, local streets and interior-block courtyards but keeping residential living Keeping the clause ' Dwelling units are prohibited on the ground floor within 25 feet of the street lot Design Commission revisions will produce added residential units where they are appropriate, keep line shown on Map 510-9' is an appropriate amendment to the outright prohibition of any ground should not be temporary but should be made permanent now. These combined amendments and rooms off primary traffic and transit streets, where they are not appropriate. Finally, this revision appropriate Central City physical standards and keep a semblance of active uses on our primary floor residential. Amendments to A, B, and C will add to residential inventory by allowing well-(mapped) streets.

construction. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 510-9, a plaza, or other public open space. Areas designed to accommodate active uses must meet the following Subsection A. Areas designed to accommodate these uses must be developed at the time of 2. Buildings must be designed and constructed to accommodate uses such as those listed in standards. Accessory structures are exempt from the standards:

a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet...structure includes supporting beams;

b. The area must be at least 25 feet deep, measured from the street facing facade or wall c. The area may be designed to accommodate a single tenant or multiple tenants...; and

Design Commission supports HRR minor amendments to 2a-2d).

d. The street facing fagade or wall must include windows and doors.

## OUTSIDE CENTRAL CITY

HRR Proposed Code Amendments - shown as underlined. Example:

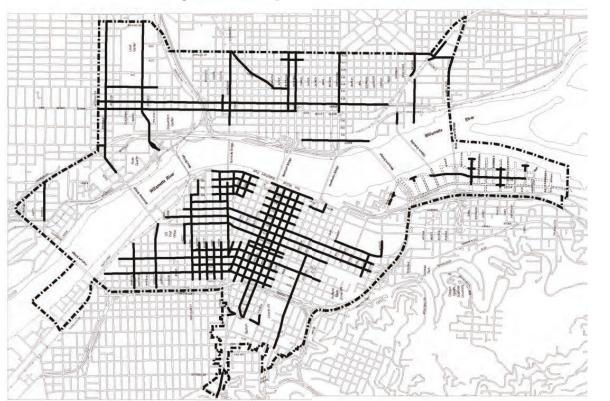
 Where these regulations apply. These regulations apply to new development along frontages shown on Map 538-5. Development that includes a residential use is exempt from the active building use

area standards until January 1, 2029.

- Do not the add the language to waive physical standards in plan districts below for 5 years when Design Commission Alternative Code Amendments and comments shown in red residential is proposed.
  - Design Standards (Section 33,420.050, Table 420-2)
    - Gateway Plan District (Section 33.526.280)
      - Hollywood Plan District (33,536.280)
        - Kenton Plan District (Section 33.538.240)
- Interstate Plan District (Section 33,561,280)
- Northwest Plan District (Section 33.562.240) West Portland Multicultural Plan District (Section 33.595.250)

physical requirements opens up the potential for low-celling, low-window area, residential living rooms facing very active commercial streets, leaving these building spaces inflexible to change over the next Current code only precludes ground floor residential for 25-50 percent of a street-facing facade along percent of the remaining mapped street frontage plus all other streets and remaining areas of a site mapped streets in most plan districts. That means, ground floor residential is allowed facing 50-75 including courtyards. This is a well-established configuration in urban Portland. The elimination of 50+ years with a very minimal gain in number of units.

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## Portland Zoning Code Central City Plan District

**Mapped Streets** 

## Ground Floor Active Use Areas: Map 510-9

- Street where Ground Floor Active Use frontage on mapped street is required and 12' minimum ceiling is required for 50% of street wall
- Street where Ground Floor Active Use and minimum ceiling height is not required



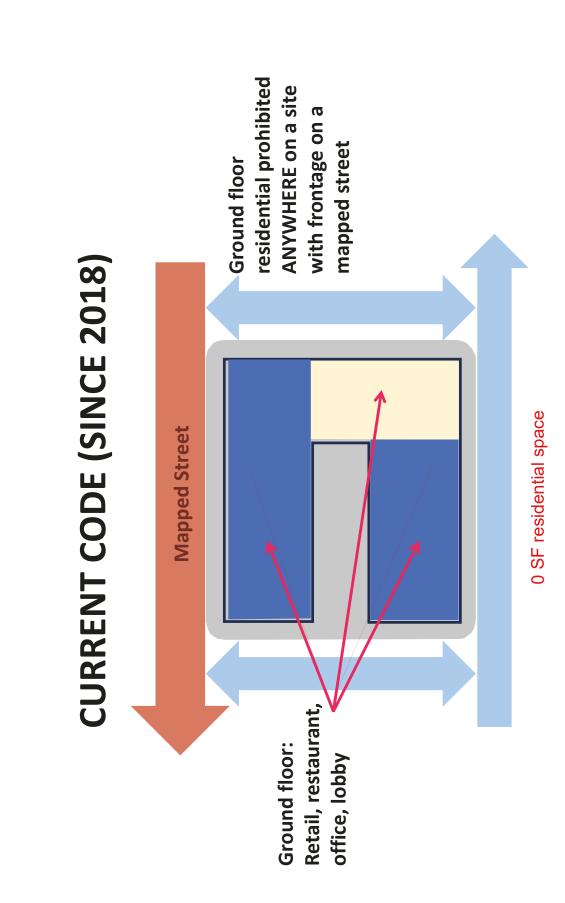
Full-block Courtyard housing

Half-block courtyard housing

Design Commission would also like to reassure council that our recommendations are not tied to exotic building types. Full-block, half-block and

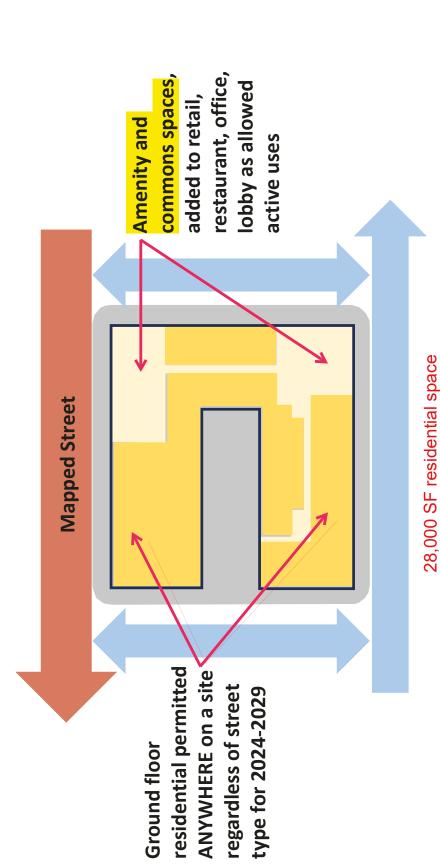
quarter-block buildings are common in Portland.

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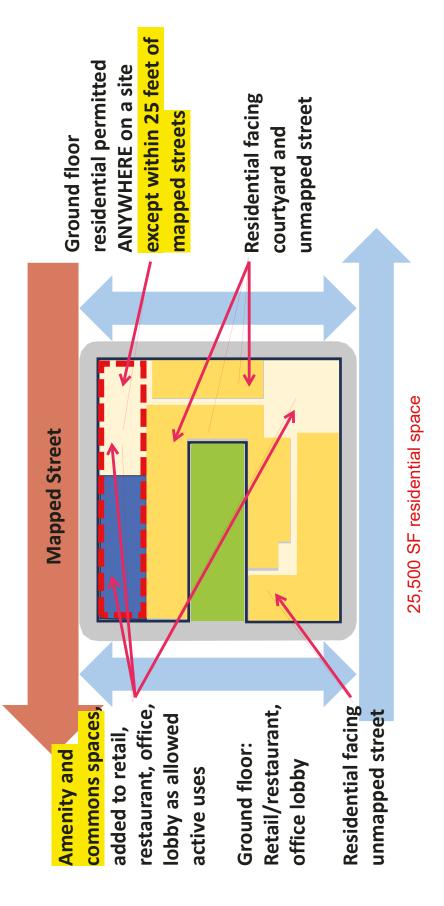
To understand what's at stake, this is a generic example. A downtown city block with a mapped street on one frontage (red). With the 2018 code revision, ground floor residential is prohibited ANYWHERE on a site with mapped street frontage. So, this is one extreme

## **HRR AMENDMENTS**



ANYWHERE on a site regardless of mapped or unmapped frontage for 2024-2029. That has the potential to put people's living rooms facing very busy, HRR expands the types of uses under active use definition but it swings completely to the other extreme where ground floor residential is permitted public streets with difficult privacy and security and negatively impact adjacent businesses.

# **DESIGN COMMISSION REVISIONS TO HRRP**



Design Commission agrees with the expanded list of active uses but believes a better revision to code is to allow ground floor residential ANYWHERE on a site EXCEPT the first 25 feet of frontage on a mapped street.





We've built an active ground level city for for the first 100 years



Between 1950-1970 we forgot how to do that and built buildings that were and still are, dead at street level. These buildings have been with us for 60-70 years and will be with us for at least another 50 years.

But we self-corrected. By 1980 we had a downtown plan, a stronger code, design guidelines and design review



For the last 40 years, we've built a city with some of the best public realm and ground floor urban design in the world

## **OUTSIDE CENTRAL CITY**

				1	1		
Interstate PD	55.561.280 Frontages on Map 561-4		Interstate & Lombard Russet to Buffalo & Denver to 15 Interstate & Ross ands Liberty to Holman Greenwich to Manyland Arterstate & Killingworth Cluch to Emerson Penver to 15 Interstate to 15	50%	Lobbies     Residential     Residential     Commercial     office	<ul> <li>12' vertical</li> <li>22' deep</li> <li>Single/multi-tenant</li> <li>Mindows &amp; doors</li> <li>No parking</li> </ul>	Max 40-50% of frontage can be parking
Gateway PD	53.526.280 Frontages on Map 526-4		Weidler & Halsey 102 <sup>-46</sup> (b 11.2 <sup>th</sup> 102 <sup>-46</sup> (b 11.2 <sup>th</sup> Weidler to Washington Pacific 12.05 (b 10.2 <sup>44</sup> 99 <sup>th</sup> Pacific to Glean Pacific to Clean Pacific	50%	<ul> <li>Lobbles</li> <li>retail</li> <li>commercial</li> <li>office</li> </ul>	<ul> <li>12' vertical</li> <li>25' deep</li> <li>25% façade windows &amp; doors</li> <li>No parking</li> </ul>	Max 40-50% of frontage can be parking
D D D D D D D D D D D D D D D D D D D	53.536.280 Frontages on Map 536-3		Sandy 3/* to 47/* 46* Tilamook to i&4	50%	<ul> <li>Lobbles</li> <li>retail</li> <li>commercial</li> <li>office</li> </ul>	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant</li> </ul>	Max 40-50% of frontage can be parking
Kenton PD	53.538.240 Frontages on Map 583-5		Denver (vest side) Argyle to vitilis Denver (east side) withis to McCelelian Interstate (south side) Fenwick to McCelelian Fenwick to McCelelian	50%	Cobbies     Cobbies     Readential     Readential     Commercial     office	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant</li> <li>Windows &amp; doors</li> <li>No parking</li> </ul>	Max 40-50% of frontage can be parking
	33:595.130 Sites abutting Commercial Corridors on Map 595-3	A A	Barbur Alte rot uradel Alte rot uradel 41°/ Finger to turadel Huber Barbur to Captol Hwy 41st and Taylors Ferry	25%	Retail Sales & Service Office Office Industrial Service Manufacturing A Production Communicy Service Bancare Religious Institutions Chiodis Chiodis Chiodis Chiodis Chiodis Chiodis	None	Max 40-50% of frontage can be parking
Northwest PD	33.562.270 Portion of site w/in 200° of streetcar Map 562-7		Northrup & Lovejoy 23 <sup>44</sup> to I-405	50%	<ul> <li>Household or Group Living</li> <li>Realis Service</li> <li>Office</li> <li>Manufactural &amp; Production</li> <li>Industrial Service</li> <li>Community Service</li> <li>Schools</li> <li>Community Service</li> <li>Schools</li> <li>Conteges</li> <li>Medical Centers</li> <li>Religious Institutions Dayrare</li> </ul>	None	Max 40-50% of frontage can be parking
Northwest PD	56.240 Frontages on Map 56.2-7		Northrup & Lovejoy 2.1 <sup>24</sup> 2.14 Bavis (or Thurman Davis (or Thurman 2.1 <sup>44</sup> to 2.8 <sup>10</sup>	50%	<ul> <li>Residential</li> <li>Rezial</li> <li>office</li> </ul>	<ul> <li>12 'vertical</li> <li>25 'deep</li> <li>25% façade windows &amp; doors</li> <li>No parking</li> </ul>	Max 40-50% of frontage can be parking
"m" Overlay	33.415.010 w/in 100' of a transit street outside Central City in Inner	Patien Area See transit streets in <u>Mapworks</u>	<u>Eamplee:</u> Burnside Stark Belmont Hawthome DNision Mississippi	25%	Retail Sales & Service Office Industrial Service Manufacturing & Production Community Service Daycare Religious institutions Schools Colleges Medical	None	C, E RX zones - vehicle areas are attent areas tarter or a street in a Pedestrian District. max 50% of the frontage may be used for vehicle areas. R. zones - 40% along a street with highest classification.
CCPD	53.010.225 Entire site if any abutting street is mapped 510-9	See map 510-9 below	See list below.	50%	<ul> <li>Lobbies</li> <li>commercial</li> <li>commercial</li> <li>officer carage,</li> <li>parking, garbage,</li> <li>recycling, mechanical,</li> <li>or utility uses.</li> </ul>	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant &amp; ADA</li> <li>Windows &amp; doors</li> </ul>	No limitations unless parking occupies >50% of floor area of a structure
	Location		Streets	Frontage	Cses	Physical Regs	Parking

For several plan districts outside Central City, the requirements for active uses and physical design standards varies from one district to another. There isn't time to individually modify those requirments.

## Housing Regulatory Relief Program: Potential impacts to Portland's City Council, January 10, 2024 Hearing design overlay zones

## **Andrew Smith**

### #334296 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Doug Klotz

#### #334295 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Olyssa Starry**

### #334294 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Claude Sakr

### #334293 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Heather Flint Chatto**

### #334292 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Dave Otte**

#### #334291 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video



## **Dave Peticolas**

### #334290 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Preston Korst**

### #334289 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Samuel Rodriguez

### #334288 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Doug Burges**

#### #334287 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## Walter Weyler

### #334286 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Robert Sallinger**

### #334285 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Chris Smith**

#### #334284 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See video

## **Francis Rinaker**

### #333297 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I want to see PDX be the beautiful environmental leader again in the US, and with that we have to not only maintain these policies that protect wildlife but also maintain and creat habitats where they thrive. There are plenty of other restrictions to loosen up for developers but this is not one I support.

## Jilene Jensen

### #333296 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a person who is concerned about the climate crisis and biodiversity loss, I encourage the Portland city council to reconsider the amendments to the housing regulatory relief package. There need to be safe and green spaces for wildlife and therefore reduce the impact of window strikes in birds.

## Sara Culp

### #333295 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

City Council and Mayor, please vote against the last minute amendments to the housing package that strip out environmental requirements. At this time of climate crisis, urban heat islands and deadly heat waves that impact disadvantaged communities, we cannot trade off good development in the name of more development. All development now needs to be climate and community friendly because we won't have a "re-do" on it for decades or 100 years. This is what makes our city a desirable and healthy place to live. Clean up the damn graffiti and garbage instead if you want to attract more developers and businesses. Invest in rent assistance and services to help with housing. Forgoing an eco roof is not going to buy permanent affordability.

### #333294 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I strongly recommend that you REJECT the "midnight amendments" that Gonzalez has snuck in to this meeting. His methods are totally against an open and fair process. I strongly oppose suspending the bird glazing requirements since they have been shown to be a very successful method of reducing bird collisions with window. This is a critical requirement to minimize unnecessary bird deaths. And many of the options for the current requirement also reduce energy costs by reducing solar heat gain and reducing cooling loads. Our long-term goal should be to develop and maintain environmentally healthy and affordable communities.

### #333293 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am adamantly OPPOSED to suspending any protections for bird safety and environmental concerns. NO to Commissioner Gonzalez last minute amendments. NO to environmental destruction.

# **Cristy Murray**

### #333292 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. One billion is a lot of bird deaths and so much is preventable with sensible policies.

# **Elizabeth Collins**

### #333291 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not suspend the Bird Safe Glazing Standard. This is an extremely important issue for me. Birds matter to our planet's future much more than most people realize. Preventing their injury and death on our City's windows is achievable without sacrificing support for other important issues. Proper exterior treatment can not only saves birds' lives but it can enhance the beauty of buildings and improve energy efficiency. Technology is making this feature both more affordable and more interesting to architects and builders. Portland, which is on the Pacific Flyway, continues to destroy urban and suburban habitat to create infill so we are losing significant animal habitat every day. Bird safe glazing is the very least we can do for these species' survival.

# **Cynthia Fowler**

### #333290 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and eco roof policies. We DO NOT have to choose between addressing climate, biodiversity and affordable housing crises: the city government has an obligation to create innovative policies that work to remedy all these crises. Bird species are on the decline and a billion bird deaths occur each year due to window collisions. Bird safe glazing is critical to protecting them and supporting our eco system while also being synergistically aligned with energy efficiency goals for buildings. With our summers heating up, eco roof construction is important to help reduce heat effects in the more developed central city. Eco roof requirements also incorporate important green infrastructure to treat stormwater and create habitat in a highly developed portion of the City. The city council needs to put the best interests of our city's citizens, ecosystem, and environment ahead of the needs of developers. DO NOT SUSPEND BIRD SAFE AND ECOROOF POLICIES

## LaJune Thorson

### #333289 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

My concern with the HRRP is that, by eliminating restraints, we may incentivize developers to favor profit over affordable housing. Building more expensive housing is generally more profitable but doesn't automatically result in more affordable housing becoming available. There is no denying that profit margins must be attractive enough to compete for development money. But in acting too hastily, we may create unintended consequences. We must continue to protect the environment and engage citizens, neighborhoods, and the city's Design Commission in shaping the Portland of the future. The need for more housing in Portland is beyond dispute, and more affordable housing is a top-line Portland imperative. The revival of Portland's downtown depends on enabling downtown workers and their families to live near their jobs, and PSU students to be able to live near campus, instead of having to commute. The proposed HRRP makes no claim that more affordable housing will result. The long list of specific changes simply assume that building more housing will decrease housing costs. This is a widely held assumption, but not necessarily true. What is clear is that developers will gain a simpler and faster opportunity, without providing a way of measuring their results. Accountability for the outcome of the experiment should be considered a basic requirement for removing regulations that have been developed over time in the public interest. There is no reason to believe that developers will accept expiration of these changes after five years. Meanwhile, Portland's public sphere will have to live the outcome of this experiment. Buildings built under the HRRP will be with us for not five years but a hundred years. Data will provide the only measure of the effectiveness of this experiment in trickle-down housing development. Members of the Council: whatever you decide, please make sure that the results are measurable, and that we don't relinquish all the qualities that make Portland, Portland.

## Kailyn Lamb

### #333288 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm writing to encourage you to reject Commissioner Gonzalez's amendments to HRRP and keep Bird Safe and Green Roof requirements. This is completely short sighted.

## **Deb Scott**

### #333287 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## Micah Meskel

### #333286 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

On behalf of Portland Audubon and our 15,000 members in the Portland Area, we are writing to you today in strong opposition to Commissioner Gonzalez's proposed last minute amendments (#4 and #5) on the Housing Regulatory Relief proposal (HRRP) package, reintroducing the suspension of Bird Safe Glazing and Ecoroof requirements. We are unequivocally concerned about the affordable housing crisis in Portland and support the proposed HRRP draft forwarded by the Planning Commission. Please see attached for our full comments with several important case studies.



TOGETHER FOR NATURE

10 Jan 2024

Dear Mayor and Portland City Council,

On behalf of Portland Audubon and our 15,000 members in the Portland Area, we are writing to you today in strong opposition to Commissioner Gonzalez's proposed last minute amendments (#4 and #5) on the Housing Regulatory Relief proposal (HRRP) package, reintroducing the suspension of Bird Safe Glazing and Ecoroof requirements. We are unequivocally concerned about the affordable housing crisis in Portland and support the proposed HRRP draft forwarded by the Planning Commission. However, the rollback of environmental regulations proposed in these amendments is not a sound approach to solving this problem. Portland Audubon has long engaged with the City to advocate for and inform City policies related to natural resources, urban wildlife, sustainability in the built environment, housing affordability and livability. These last minute amendments propose to undo a decade of thoughtful policy development and implementation that made Portland a nationwide leader in sustainability, while thoughtfully dovetailing sustainability with housing affordability (see page page 2).

These amendments were developed and posted only one day prior to this public hearing, entirely behind closed doors, without collaboration or stakeholder input; as such, it reflects only the interests of a developer-led lobbying effort, undermines the City's public process, and thwarts our ability to mobilize the environmental community and engaged residents to provide balanced testimony before Council. This is an unconscionable approach to City planning. Furthermore it is a disservice to the Portland Planning Commission, which held a thoughtful and extensive public process, engaged in a thorough analysis of the issue, and concluded that the rollback of these policies was not merited. We urge you to reject the proposed amendments to suspend the birdsafe glazing and ecoroof requirements, and instead pass the Proposed Draft of the HRRP forwarded to you by the Planning Commission.

Our North American bird populations have decreased by 30% in the last 50 years. Window collisions result in the death of 365 million to 1 billion birds annually in North America—a toll that places it among the top three mortality factors for wild birds behind habitat destruction and cats. Collisions are occurring at all scales of development, including residential, low rise and high rise commercial buildings. Our birds are in trouble. This is bad news for birds, but frankly, also has dire implications for the health of whole ecosystems and public health, and significantly diminishes the benefits that birds provide us, including pest control, seed dispersal and plant pollination. Although mass collision events are relatively uncommon, recent collision events in Chicago, New York and Philadelphia should give us pause when considering undoing the painstaking work that Portland has already done to put protective measures in place to safeguard our bird populations.

The City of Portland has been a USFWS Urban Bird Treaty City since 2003, a moniker that pledges stewardship of our urban bird populations. Portland Audubon has documented at least 69 species of native birds colliding with windows in Portland, including warblers, sparrows, finches, woodpeckers, hummingbirds, thrushes, tanagers, hawks and owls. We have collaborated with American Bird Conservancy, the City of Portland, local architects and planners, and USFWS to develop a <u>Resource Guide to Bird Friendly Building Design</u> (2012), which led to the 2015

integration of a <u>Bird Friendly Building Design</u> standard into the City's own Green Building Policy, a move which has since been replicated by both Metro Regional Government and most recently by Multnomah County.

The inclusion of Bird-safe Glazing (BSG) in the Central City 2035 Plan in 2018 was the culmination of nearly a decade of education, outreach and collaboration and passed the Planning and Sustainability Commission and City Council in public hearings, with no pushback from developers or architects. The BSG code was expressly written to be integrated and balanced with affordable housing and street activation goals. Drafters consulted with Portland Housing Bureau representatives to identify potential impacts to affordable housing development; the 30% glazing trigger was set in based on information provided by PHB that glazing on affordable housing projects generally falls below 30% to avoid costly and time consuming energy modeling requirements. Following the Planning Commission hearing, at which representatives from PHB, Hacienda and Home Forward testified in support of the HRRP, we reached out to each of these representatives and none of them had any information about the BSG standard ever having impacted or even been triggered on any of their projects. This is the BSG code functioning exactly as it was designed to—without impacts to affordable housing development. To dovetail with street activation goals, a 10% allowance was included to allow for areas of untreated glass on the ground floor.

Bird safety is also commonly a consequence of designs that were intended to achieve other sustainability measures, including reducing solar heat gain and glare, reducing demand on a building's HVAC system, as well as providing privacy, visual interest, or branding. Exterior framework systems, like louvers, solar shades or other structures in front of facades (like those seen on the Edith Green Wendell Wyatt Federal Building downtown or on the Asian Health and Service Center in Lents) also reduce collision risk. This is also true of fritting---a ceramic material integrated into building glass for interior climate control, privacy, branding or other aesthetic purposes (like that seen on the OHSU Center for Health and Healing in South Waterfront). None of the designs in the aforementioned buildings were included to reduce collisions, and yet they do. If designed intentionally, these approaches can make a building bird safe at little to no additional cost. This kind of strategic synergizing of multiple objectives is a basic approach to sustainability in the built environment at a time when we are facing a climate crisis and biodiversity crisis.

Bird Safe building design doesn't have to cost more if you have an active, creative design process that doesn't rely on the all-glass building. It is widely accepted that the all glass building design approach is not sustainable—it's not good for the energy performance of a building, nor is it good for the building's impact on its surroundings. All glass buildings make an outsized contribution to the urban heat island effect, a phenomenon that most people have experienced and that has been noted at Tanner Springs Park in the Pearl District where glass towers reflect heat into the neighboring (green)space. One of the consequences that we have seen from the implementation of the bird safe glazing standard is the reduction of glazing to 29% in many project designs in order to avoid triggering the bird safe standard. This does not necessarily make a building bird safe, but it does avoid the standard while simultaneously reducing the proliferation of glass on the Central City landscape, which is beneficial for reducing the urban heat island effect, and moves building designs in a more sustainable direction. The 30% glazing threshold also makes this standard totally avoidable in housing developments.

Many other cities have been ahead of Portland on the implementation of bird safe standards. And, as of last year, NYC adopted Local Law 15, a notably strict bird safe code which will apply to all development in all 5 boroughs up to 75 feet—far, far stricter than our standard. Chicago has also passed a bird safe standard, as has Cupertino, following many other cities in the Bay Area that are working to collectively reduce hazards for their native bird populations. Today, dozens of cities across the nation have such requirements in place, and every leading glass manufacturer worldwide offers bird safe glass in their product line to meet this growing demand.

We understand that Oregon Smart Growth is suggesting that the cost of bird safe windows is double or triple the cost of standard windows and also that the cost of a bird safe window can be as much as 97% more expensive than standard windows. Without specific project information, we cannot analyze this claim, but it is not substantiated in any project data we have ever seen, and no developer making claims about the exorbitant cost of bird safe glass has ever been willing to share any detailed cost information for our review. The cost of the most expensive bird safe glass treatment on the market might be nearly double the cost of standard glass, but the single bird safe glass pane is only one part of a double or triple paned window unit, and does not result in the doubling of overall window cost.

Case Study: FXCollaborative NYC Example 1 (in Concept Design)

Total Building Cost: 130,000,000 BirdSafe Measure: Frit Area of BSG: 11,500 SF (minimum for NYC LL15 compliance) Cost (upcharge for bird safe): \$230,000 (\$20/sf) Increased cost as ratio of total budget 0.18% increase in project cost

#### Case Study: OHSU Center for Health and Healing

Total building cost \$145,000,000

BirdSafe measure on 12% of glass: 9092 SF Fritted glass (of 78,105 total SF of vision glass, overall \$10,443,794 or 7.2% of total project cost) which was not implemented for bird safety but rather for solar protection, glare reduction, to create a sense of enclosure in the space, and to animate the façade as seen from a distance. Total cost for fritted glass: 50% upcharge on cost of glass = \$45,460 Increased cost as ratio of total budget: 0.03% increase in project cost for fritting

#### Oregon Zoo Forest Hall Completed 2015 Portland, OR

Total building cost \$20,500,000 BirdSafe measure: Ornilux UV glass Total cost for UV patterned glass: Ornilux UV patterned glass= \$31.10/SqFt with shipping (from Germany) Total of 4,820 SF for a total cost of \$149,902 Comparative cost for unmarked glass: Solarban 70 is the glass that the Zoo most often uses, which is approx. \$13.53/SqFt. At 4820 sf is \$65,214.60 Total BirdSafe cost: \$31.10-\$13.53= \$17.57 for a total cost of \$84,687 Increased cost as ratio of total budget: 0.41% increase in project cost for UV

Kendeda Fund Building Atlanta Georgia Total Building Cost 20,000,000 BirdSafe Measure: Viracon SilkScreen glass Total 3930 SF BirdSafe Glass (47% of glass on building) Cost \$32,000 Increased cost as ratio of total budget 0.16% increase in project cost for silk screen

#### Case Study: Prendergast Laurel Library Cost analysis (from Resource Guide to BFBD) Total Building cost \$11,350,000 Bird Safe measure on 1005 of glass: Frit or UV-pattern on 100% of glass (3084 SF) Total cost of bird safe glass: upcost of \$19,260 from \$428,000 to \$447,260 (4.5% increase in glass cost)

Increased cost as ratio of total budget: 0.18% increase in project cost for frit/UV

Ecoroofs, also known as green roofs, provide multiple benefits to the built environment, including reducing the urban heat island effect, filtering and slowing of stormwater, providing wildlife habitat in an otherwise inhospitable area (rooftops), and improving habitat connectivity in the city. When properly designed, they can often reduce roof building costs over the lifetime of a building. The ecoroof requirements in the Central City plan district (CCPD), were developed over many years of public process and community engagement and thoughtfully balanced with other City priorities. The policy serves as an important tool to ensure that the CCPD benefits from rooftop greenspaces, which increase the area's climate resilience in an otherwise highly developed neighborhood that has limited surface level green spaces. It would be foolish to suspend such a policy even as we project a higher need to reduce the urban heat island effect in the Central City and ensure that residents have greater access to nature in the future.

Portland has long prided itself on being a national leader in urban sustainability. If we are going to continue that legacy, our application of sustainability standards cannot backslide. Ecoroofs and Bird Safe standards are both key elements of sustainable development, both of which help to mitigate climate change, and the City has provided no evidence that the suspension of these standards will have any impact on affordable housing. If we roll these back, even temporarily, we are setting a dangerous precedent with long lasting impacts on our urban landscape. We are, like many many other cities in the nation, facing a concurrent housing crisis, climate crisis and biodiversity crisis. Now is not the time to turn our backs on our commitment to sustainability, a livable city and a healthy environment. Rolling back a legacy of environmental protections is a myopic approach that pits three priorities against one another instead of innovating to achieve them synergistically for both public and environmental benefit.

### Please adopt the Draft of the HRRP proposed by the Portland Planning Commission and reject Commissioner Gonzalez's late amendments.

Thank you for your time and your consideration of our comments. All the best,

Quinn Read Conservation Director

Micah Meskel Assistant Conservation Director—Urban

Mary Coolidge BirdSafe Campaign Coordinator

## **Drew Kelly**

### #333285 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not exclude safe habits for birds. That is contrary to the nature-loving spirit of Portland and all Oregonians. Please.

## Marianne Terrell Lavine

### #333284 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Keep green roofs & Bird protection and add Tree protection to this legislation. Thanks

## Nancy McKimens

### #333283 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please find a way to help the housing situation without lessening protection for our environs.

## JP Marchetti-Mendez

### #333282 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Members of the City Council, I am writing to express my deep concern regarding the last-minute amendments submitted by Commissioner Gonzalez to the Housing Regulatory Relief Package (HRRP). These amendments propose suspending Bird-Safe Building and Green Roof requirements for the next five years, undermining the careful consideration and decisions made by the Portland Planning Commission just weeks ago. The Planning Commission, after an extensive public process involving thorough testimony and thoughtful deliberation, removed these very proposals from the original HRRP. The eleventh-hour reintroduction of these amendments provides insufficient notice to the public and stakeholders, jeopardizing the integrity of the democratic process. I urge the City Council to adopt the recommended draft of the HRRP and reject Commissioner Gonzalez's amendments. The proposed package already provides significant regulatory relief for developers, and the Planning Commission wisely concluded that suspending bird-safe and eco-roof policies would have minimal impact on housing production but severe and lasting environmental consequences. Here are key points to consider during your deliberations: 1) Reject Amendments, Support Planning Commission's Draft: Please support the Planning Commission's well-considered draft of the HRRP and reject Commissioner Gonzalez's amendments to suspend bird-safe and eco-roof policies. 2) Address Crises Simultaneously: We need holistic solutions in the face of our affordable housing, climate, and biodiversity crises. Approaches that pit these crises against each other risk sacrificing the long-term sustainability of our communities. 3) Importance of Bird Safe Glazing Standards: Bird-Safe Glazing Standards are crucial for reducing window collisions, a leading cause of up to 1 Billion bird deaths annually. These standards also align synergistically with energy efficiency goals for our buildings. 4) Ecoroof Requirements for Green Infrastructure: Ecoroof requirements in the central city are essential for incorporating green infrastructure, treating stormwater, creating habitat, and mitigating the urban heat island effect. Your decision on these amendments holds significant implications for our city's environmental health and sustainability. I urge you to prioritize the well-being of our communities, biodiversity, and the environment by supporting the Planning Commission's draft of the HRRP without Commissioner Gonzalez's amendments. Thank you for your attention to this matter and your commitment to the welfare of our city. Sincerely, JP Marchetti-Mendez

## **Jasper Bennett**

### #333281 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Ever since human civilization has started, we have put the natural world aside and carelessly trampled it in exchange for our own agenda. The 21st century is the most pivotal ohe hundred years that our society has ever faced, where we decide wether we want to let our destruction of the environment continue to irreversible disaster, or finally stop compromising it. Housing for everyone is vital, but the time has come to stop compromising our animal kin in exchange for our own reforms, and instead continue with the entire world's balanced interests in mind.

## **Debra Foster**

### #333280 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council, With all urgency, Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions- a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for taking action to help ensure our region remains one of the greenest metropolitan areas in the country - one in which all people have access to affordable housing in complete, healthy, equitable, climate resilient communities surrounded by nature. Birds and other wildlife are 1000% dependent on us, the people, to do the right thing and make sure that we preserve the earth and environment for their inherent right to survive and thrive. Adopting the recommended draft of the Housing Regulatory Relief Package and REJECTING Commissioner Gonzalez's amendments is one small thing we can and must do to help them. Thank you for prioritizing wildlife in your planning.

# **Cassidy Bolger**

### #333279 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

• I am testifying today in support of the Recommended Draft of the Housing Regulatory Relief package before you, including the proposed amendments to restore the proposals recommended by staff. • I sincerely appreciate the spirit of partnership with the private sector as the city assessed these changes. • As a representative of those whose job it is to produce housing, we appreciate the opportunity to give our input. • It is never easy to make decisions about priorities - there are always difficult tradeoffs. • But as a community we need to recognize that the big picture is that we simply do not have enough housing. • Despite our extreme housing shortage, housing production is trending in the wrong direction: We have seen a 80% decrease in yearly housing units created over the past 5 years. • That is a fundamental problem whose symptoms are impacting our community in countless negative ways and it needs to be addressed head on. • There are many market forces that are currently make housing production challenging, but there are also added barriers that Portland policymakers have put in place over the last several years —many of which are addressed in this proposal. • At Killian Pacific, we currently have two apartment projects in our Portland pipeline: o One is a 277-unit high rise in the central city that is under permit review at BDS. o The other is a 100-unit project in the early concept phase that we have been trying to get started for the past year. Neither of these projects' economics support capital investment today, and we do not have start dates for either of them established. We own the land. We want to build, but we simply are unable to do so now. • These TEMPORARY moratoriums in the Housing Regulatory Relief package will help us get these projects under construction sooner. • As an example, the added cost for bird glass on the 277-unit tower is approximately \$400,000. • I urge you to approve the Recommended Draft of the Housing Regulatory Relief package before you, including the proposed amendments related to bird glass, eco roofs, and neighborhood notice.

# Celeste Baskett

## #333278 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please protect wildlife and birds and the environment! Vote no on the last minute amendments to the emergency housing bill. We can take care of people AND the environment. We need both to be a healthy world. I don't want my children and all of Portland's children to grow up in a world without wildlife. Thank you for your consideration.

# **Kathleen Fisher**

## #333277 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Council members, I'm not sure what benefit Mr. Gonzalez has in mind with his recent amendment to suspend Bird Safe Building and Green Roof requirements for 5 years. This certainly undermines public process. In addition, it erodes the work of the Planning Commission. The Planning Commission concluded that these two environmental policy suspensions would have nominal impact on housing production but would have significant and long term environmental consequences. Our community needs environmentally sound sustainable solutions to affordable housing. I hope you will approve the Planning Commission's draft of the HRRP as is without Commissioner Gonzalez's amendments. Thank you.

## **Heather Flint Chatto**

## #333276 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please see testimony Submitted on 10.24.23 to PSC and the attached recommended future work ammendments.

## Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft Advocacy for PDX Main Streets Housing Initiatives

While we have strong concerns about the current Regulatory Relief Project policy, there are several other efforts we would encourage Commissioners, the Planning Commission, and Bureau of Planning & Development (BPS & BDS) to explore that would make an impact on housing affordability and increase more affordable units. We encourage you to consider the following recommendations as amendments or new proposals that were shared in previous policy projects::

#### 1) Add an Affordable Design Standard within the Design Standards\*

- This recommendation was inspired by Walsh Construction's White Paper on Cost-Efficiency for Affordable Design & Construction.
- Keeping building forms simple and efficient helps make them easier and less costly to build. Alignment of elements (floor plates and windows etc.) can reduce engineering costs, reduce requirements for larger and more expensive structural members, and save on unnecessary extra material costs.
- Cost savings can be leveraged for greater investment in higher-quality durable materials that reduce future maintenance and add to longer life of the building.
- This was proposed under the DOZA \*Design Standards, Quality & Resilience Category -See DOZA Dozen #3

Design for Affordability (see SMILE Guidelines, page 13 and Walsh Construction White Paper: Cost Efficiency for Affordable Design & Construction)

- Use simple, compact building forms (e.g. avoid extraneous overbuild elements, faux framing and arbitrary graphic elements that extend from the building). If upper stepbacks are used, align with stacked walls and columns below.
- Stack unit plans and floor plates (reduces exterior flashing materials at corners, and reduces material maintenance problems, and reduces utility installation costs)
- Align window and door openings within walls (a wood framed structure is a
  more cost effective structure than concrete or steel, but wood structures
  don't lend themselves well to non-load bearing walls, reducing continuous
  load paths to the ground, and a more complex structure to build)
- Avoid cantilevering large structural elements in wood construction buildings to reduce expensive structural steel; small balconies that extend from the face of the building are an exception.
- Integrate energy efficient design that contributes to reduced utility bills for inhabitants, greater comfort, and longer lasting quality. (per levels determined by the City)

Optional: 4 points



New building on Alberta Street built for no additional cost above typical construction. Keeping building form simple and efficient helps make them easier and less costly to build. Alignment of elements can reduce engineering costs, reduce need for larger structural members, and extraneous materials. Cost savings can be leveraged for greater investment in higher quality durable materials that reduce future maintenance and increase durability and long-term quality.

- 2) **Create an Innovative Housing Demonstration Pilot (IHDP) Program |** The intent of the IHDP is to foster greater housing innovation and remove barriers in the code with a framework that helps move a small set of demonstration projects forward and sets up a process for the City to evaluate and track code barriers. <u>www.pdxmainstreets.org/ihdp</u>
  - The Innovative Housing Demonstration Pilot (IHDP) Program initiative responds to the declared housing and climate emergencies by providing a pathway for greater flexibility in regulations, including zoning and building requirements to test and facilitate rapid-deployment of innovative housing solutions.
  - This proposal is based on an <u>existing policy precedent from the City of Redmond, WA</u> that is adapted to fit a new approach for multifamily to increase houseless solutions, affordable housing and innovation. This policy precedent provides a framework for testing new design models, identifying code barriers, a method for evaluation and a process for review and permitting a limited number of demonstrations in a variety of sizes and scales with low risk to the City while offering more opportunity to expand the range of solutions for decision-makers and community advocates.

The following were proposed under several housing policy projects by PDX Main Streets

#### 3) Include Tiny Homes on Wheels in Cluster Housing

- Increases equity and accessibility of who can own/build/create housing
- Provides much needed low-cost housing with greater flexibility at a price point and market category currently missing
- Adds to diversity of affordable housing choices (both rental and owned)
- Low-impact development infill
- Adds density that fits in with existing residential neighborhoods turns more neighborhoods into density supporters with positive examples
- Transitionary development approach on the housing continuum
- Housing dignity for low-income residents is not only gained but a source of pride in their uniqueness
- Makes home ownership much more in reach for many more people

#### 4) Create the Package of Financial Tools for Internal Conversions & Additions incentivize a better climate strategy that adds housing and density without demolition by including

- Low interest loans
- Fee Waivers
- Fast track permitting
- Tax incentives
- Technical assistance programs to help more communities do adaptive reuse conversions and add units

## These financial tools will support inclusion and equity of who gets to build and who can afford to create and live in housing

### 3 Amendments Advance Equity + Affordability + Climate

Proposed "Future Work" Amendments		Description	Planning Precedents			
1	Innovative Housing Demonstrations Policy (IHDP)	Test innovative housing solutions with low-risk pilots • Helps reduce code barriers • Flexibility in Site Design • Models affordable climate positive housing	Redmond WA Housing Policy for Innovative Demonstration Pilots ( <u>View Code</u> )			
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	Affordable, quick to build, quality housing now that is easy to customize and move • Scale up houseless options • Unlock more underutilized urban land	Shelter to Housing allows THOWs as Conditional Use, already allowed in Commercial/Institutional Zones; CA approach			
3 Incusion	Add RIP Financial Implementation Tools Increase low-carbon housing & diversity in who benefits	More access, less demolition • Technical Assistance • Fee Waivers & Reductions • Fast-Track Permitting • Low-interest Loans • \$ Rebates & Incentives	SDC Fee waivers for ADU's, BES loans to help reduce cost barriers to RVs/THOW hookups, past green roof incentives			
THOW: Tiny Homes on Wheels; ADU: Accessory Dwelling Unit, SDC: System Development Charges						

https://www.portland.gov/bps/planning/housing-regulatory-relief/about

# PROPROSED AMENDMENTS TOHONG SHALL AT CRAMER SHE AND A STANDARD SHALL AT CRAMER SHE AND A STANDARD SHE AND A

January 9, 2024

by Forage Design | For more info contact: foragedesigner@gmail.com

These Future Work Amendments are next steps to achieve more affordable housing with less barriers. We support staff to meet current timing requirements, recognizing that this has a shorter public involvement process than than typical.

*City Council support <u>now</u> can demonstrate commitment to address solutions and barriers in parallel, without delaying the project.* Action now informs future staff work plans and budgets to move forward with vision and innovation to advance greater equity, affordability, and climate action.

#### 1. Innovative Housing Demonstrations Policy (IHDP) - https://www.pdxmainstreets.org/ihdp

Drawing on precedent in other cities (e.g. Redmond, WA IHDP Policy), direct staff to create an Innovative Housing Demonstrations Policy (IHDP) and Pilot Program for Portland to advance further study, remove unnecessary code barriers, and encourage greater innovative housing. Barriers exist to a variety of alternative housing types<sup>1</sup> that provide greater affordability and environmental innovation. Until permanent ordinances regarding innovative housing projects can be implemented, there is a need to allow and incentivize a limited number of regulated innovative housing models, evaluate code issues, and demonstrate viability with low risk. This demonstration approach will broaden the array of local examples and strategies for low-impact, climate responsive housing and increase the availability of built examples that model social, financial and environmental innovation in Portland neighborhoods. This program will implement responses to the declared housing and climate emergencies by providing a pathway for regulations to be adjusted or in some cases waived, including zoning and building regulations as required to facilitate rapid-deployment of innovative housing solutions. *Innovative housing types this could address include: Tiny houses<sup>2</sup>, Tiny Homes on Wheels<sup>3</sup>, (THOW) cottage clusters, zero energy and net positive energy buildings, living buildings, community land trusts, cohousing, and affordable housing paired with Equitable Food Oriented Development<sup>4</sup>(EFOD). (see slides with examples and precedents)* 

#### 2. Include Tiny Homes on Wheels (THOW) as a Cluster Housing Type

Expand allowance of Tiny Homes on Wheels (THOWs) as Cluster Housing by follow-up process. Currently, residential properties are limited to one THOW. However, THOW clusters are already allowed on institutional and commercially zoned properties and under the new Shelter to Housing Policy by Conditional Use as Outdoor Shelters. This amendment would facilitate the potential of quickly achievable housing now for low cost that could benefit both residents needing low-income affordable housing and more cost-efficient housing for houseless community members. Including THOWs as an allowed type would create greater parity in the code and open the potential of greater housing units on available urban land including underdeveloped multi-family zoned properties. Direct staff to initiate a work group of professionals and staff to assist in guiding this process. Code additions should include considerations such as site size and number of units, foundations and utility connection requirements for both interim and permanent villages, and on-grid and off-grid alternatives.<sup>5</sup> (See Mobile Dwellings Report on Interim Housing)

**3. Create the Package of Financial Tools to Support Density in Adaptive Reuse** - These financial tools incentivize adaptive density (internal conversions, additions and ADU's) which facilitate low-carbon, less impactful and more climate-friendly housing approaches over demolition. It will also support more fairness of who gets to build and who can afford to create and live in new housing based on increased financial tools and resources to help overcome language, knowledge and financing hurdles that limit more diverse populations from participation. Financial tools may include approaches such as: low interest loans, fast track permitting, tax abatements, fee-waivers, and technical assistance programs. These tools address concerns about climate and equity impacts of RIP 1&2 policies increasing fair access to knowledge, resources and opportunity.

<sup>1</sup> Precedent: City of Redmond Innovative Housing Demonstration Policy https://www.codepublishing.com/WA/Redmond/CDG/RCDG20C/RCDG20C3062.html

<sup>2</sup>TIny house Veteran's Village Example - http://ahomeforeveryone.net/stjohnsvillage

<sup>3</sup> Example Tiny House on Wheels (THOW)Project - Art Farm TIny House Artist Ecovillage - RIP2 Testimony Presentation Slides

<sup>4</sup> https://archive.curbed.com/2018/5/10/17259776/what-is-food-oriented-development-kresge-foundation <sup>5</sup> Mobile Dwellings in Oregon: Legislative Opportunities for Interim Housing, page 5. Mobile Dwellings Workgroup, Jan. 24, 2022.

### Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft **3 Amendments Advance Equity + Affordability + Climate**

Proposed "Future Work" Amendments		Description	Planning Precedents	
1	Innovative Housing Demonstrations Policy (IHDP)	Test innovative housing solutions with low-risk pilots • Helps reduce code barriers • Flexibility in Site Design • Models affordable climate positive housing	Redmond WA Housing Policy for Innovative Demonstration Pilots (View Code)	
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	Affordable, quick to build, quality housing now that is easy to customize and move • Scale up houseless options • Unlock more underutilized urban land	Shelter to Housing allows THOWs as Conditional Use, already allowed in Commercial/Institutional Zones; CA approach	
3 Indusion of CO2	Add RIP Financial Implementation Tools Increase low-carbon housing & diversity in who benefits	More access, less demolition <ul> <li>Technical Assistance</li> <li>Fee Walvers &amp; Reductions</li> <li>Fast-Track Permitting</li> <li>Low-interest Loans</li> <li>\$ Rebates &amp; Incentives</li> </ul>	SDC Fee waivers for ADU's, BES loans to help reduce cost barriers to RVs/THOW hookups, past green roof incentives	

THOW: Tiny Homes on Wheels: ADU: Accessory Dwelling Unit, SDC: System Development Charges

#### 3 Amendments Advance Equity + Affordability + Climate

	oposed "Future ork" Amendments			Affordable Strategies			
1	Innovative Housing Demonstration Policy (IHDP)	~	~	~	~	~	
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	~	~	~	~	~	
3	Add RIP Financial Implementation Tools Increase low restars housing & diversity in who benefits	~	~	~	~	~	

Innovative Housing Demonstration Pilot (IHDP) Examples We need more innovative bousing models for affordability, equity, and climate responsive design. These are possible now, yet unnecessary barriers prevent wider application.



## 3 "Future Work" Amendments to Advance Shared Goals

1 K. K.	roposed "Future /ork" Amendments	Equity & Access	Housing Options	Affordable Strategies	Houseless Solutions	Climate Resiliency
1	Innovative Housing Demonstrations Policy (IHDP)	Assesses code barriers, allows flexibility in site design to test innovation now	Incentivizes more innovative housing types with low risk	Demonstrates affordable, eco, & social models for more uptake	Increases supportive housing exemplars	Advances zero energy and EFOD models, broadens awareness
2	Add Tiny Houses on Wheels (THOW) as a Cluster Housing Type	Expands who can participate in creating housing	Expands housing types in residential zones for THOWs	Affordable housing type, pathway to ownership	Code parity: allowed now on commercial sites & shelters	Low carbon density NOW, no demo in new development
3	Add RIP Financial Implementation Tools Increase low-carbon housing & diversity in who benefits	Inclusion & access; not limited to those with know-how & \$\$\$	Increases adaptive middle housing opportunities	Expands who can participate in creating housing	Retain NOAH & "age in place": additions/ADUs conversions	Incentivizes low-impact adaptive density & low-carbon housing

NOAH: Naturally occurring affordable housing; THOW: Tiny Homes on Wheels; EFOD: Equitable Food Oriented Housing; ADU: Accessory Dwelling Unit

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## **Stephanie Arnold**

## #333275 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please accept the carefully considered and already debated recommended draft of the Housing Regulatory Relief Package. Vote no on the the most recent and hastily added amendments. I have been a Portland resident for 40 years and hope that we can move ahead with both housing and environmental concerns at the same time. There is no convincing argument that asks one to be sacrificed in favor of the other. We need an expansive vision for the future not a narrow one that excludes wildlife and environmental protection.

## **Brian Hochhalter**

## #333274 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council members Housing Regulatory Relief Policy I oppose the following aspects of this proposal: . Removal of the neighborhood meeting requirement. . Removal of the Main Street Overlay requirement for ground floor commercial development . Removal of bird-safe windows, green roof requirements . Reduced bicycle and loading requirements . Reduced design review and articulation requirements I see nothing in the proposed legislation that measures success or failure of stripping away well thought out building requirements developed over the course of many years. Without specific measureable goals and processes in place to measure (unsaid) said goals, confidence that these policy changes aren't just a knee jerk reaction to developer's lobbying efforts remain low. Nobody who signs on to this package as is, will be able to claim inclusivity due to the limited scope of interest groups who were brought into the process. Rather than looking forward via innovation the council has in front of them, a product of negation. We can do better.

# Kathryn Sheibley

## #333273 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to reject Commissioner Gonzalez's amendment to the Housing Regulatory Relief Package. Affordable housing, bird safety and ecoroof policies, issues important to our community's sustainability, can all be addressed in this relief package.

# Amy Ruiz

## #333272 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

In our rounds last week, we heard a question about how stormwater would be managed if the Central City ecoroof requirement were temporarily suspended for five years with a Council amendment. We asked our members for their input - in short, this proposed council amendment to temporarily suspend the ecoroof requirement would \*not\* impact the City's stormwater management requirements, but would provide much-needed flexibility in how those requirements are met for a project. It would give housing providers the ability to manage stormwater in the most effective (including cost-effective) way, as well as manage multiple objectives with roof space. Here's a great and detailed example from Gus Baum at Security Properties, which just did an analysis of stormwater management options for their Pepsi Blocks project (Phase II). For that project, deep "maxwells" were the best solution for the project — an ecoroof solution would have cost twice as much as those deep wells, and three times as much as dry wells: Suspending the ecoroof requirement in the Central City will not weaken the City's stormwater management strategy. We would still need to comply with stormwater management requirements, but removing the ecoroof requirement would alleviate an expensive way of meeting the stormwater plan. In our planning for Pepsi Phase II, we are developing an 8 story 'zero lot line' development. Meaning we are making a below grade parking structure that runs to the very edge of the property line in all directions, and building vertically to the maximum height possible. This creates a C shaped building with a ground level courtyard and is an attractive way to maximize density on the block. In order to meet the stormwater management requirement, we have to treat all of the storm that comes onto the site. In our case, we happen to be just 4 blocks outside the geographic boundary of the Central City so ecoroof is not a requirement; but it is an option so we looked at three pathways to meet the requirement. Option 1 ECOROOF = \$\$\$: Go the maximum extreme footprint possible to treat all the stormwater using an ecoroof (which can be both landscaping at the ground above the parking, so technically a roof; and the SF of remaining space on the roof of the apartment building structure itself.) Putting cost aside, this would take away from use of the roof for an amenity deck AND require the ecoroof to be installed beneath the requirement for future solar ready. So in the event that we needed or wanted to, you would be installing a code compliant ecoroof beneath solar cells!! This is the only option that we would be able to use in this type of construction if this was in the Central City. Option 2 DRYWELLS = \$: Use multiple shallow drywells that would need to be placed somewhere either beneath the garage or in the slivers of space that aren't right of way or plaza or parking. These are risky because if they don't perk because the water table or soils don't allow for

Housing Regulatory Relief Ordinance 191609 Testimony on Recommended Draft large enough flows, you have to drill and install more and more of them while actively under construction. Option 3 DEEP MAXWELLS = \$\$: Use a newer technology that allows for all stormwater to get treated in one or two 'deep penetration' wells. These are essentially super long perforated pipes that get drilled 100' deep below the surface which are awesome because they take enormous volume of water AND take up hardly any footprint on the site and can be placed just about anywhere you can put a 4' hole in the ground. We priced all three and went with Option 3. Option 2 might have been cheaper, but carried greater risk. The Ecoroof Option 1 was 2x as much as the deep wells, and 3x as much as the traditional drywells (which carried more risk and would potentially be more expensive). The other thing staff should be aware of is that this requirement is in the Central City where we have the highest density and tallest buildings. Ecoroof doesn't LIKE tall buildings!!! Wind loads on big buildings are so great that it is difficult to keep top soil or varietals of plantings much above 150'. So big guys, like the Ritz, had to fudge and amend and work around the requirement with the City and get it met on the lower office building amenity roof because there's logistically no way to build, maintain and actually benefit from an ecoroof at the top of a 400' building! Other members shared their perspectives: - All development/redevelopment is subject to comply with the latest stormwater management manual which dictates the hierarchy of treatment and infiltration or discharge. Ecoroofs are one of many approved options to mitigate and treat stormwater. Other approved and encouraged stormwater treatment methods include drywells and infiltration trenches which recharge groundwater and stormwater planters or swales which can also provide habitat and aesthetic benefit. - A suspension of the ecoroof requirement will not weaken the city's stormwater management strategy. Planters, etc, can easily be used in place of ecoroof to screen any contaminants from storm water. Stormwater planters are far less expensive to install and maintain and requiring ecoroofs on wood frame buildings introduces a much higher risk of roof leaks. In our consultant's opnion, stormwater planters can clearly meet all the stormwater quality goals of an ecoroof. - Omission of a green roof does not necessarily impact how a. Building would interact with the city's stormwater system. The objective of a building's stormwater system is to delay release of water to the city system to avoid all the water showing up at the same time and thereby delays the need to upgrade city systems. This can be achieved in many ways, for example, bio swales, dry wells, oversized pipes, permeable pavers, and more. Green roofs are just one option, and the happen to be the most expensive to install and maintain. I believe the storm water requirements existed before the green roof requirement, and if it didn't there are other jurisdictions with similar stormwater requirements without the green roof requirements. - New buildings need to comply with the SWMM – see https://www.portland.gov/code/17/38/040 - there are a few ways to trigger this, but usually this one is what applies to new buildings: 17.38.040.A.1 "A project that develops or redevelops 500 square feet or more of impervious area must manage stormwater for retention, pollution reduction, and flow and volume control requirements." You cannot get a building permit issued unless you demonstrate how you'll comply with these regulations. There is a special circumstances exception process (where you end up not having to meet some of the SWMM requirements) but I've never encountered a situation where that process would exempt a new building from the SWMM entirely or allow the building to not manage its stormwater. - An ecoroof Page 444 of 711

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft is one of the stormwater management options under the SWMM and from what I've seen it can often be a good choice to include a ecoroof of some size on a building. Prior to July 9, 2018 when the rules changed to mandate ecoroofs in the Central City for many new buildings, an ecoroof was a FAR bonus option, but you were limited to earning 3:1 bonus FAR from all bonus sources and there were also a lot of other options to earn that bonus FAR. I couldn't find any examples in my files but recall it was typical for projects that were already maxing out their earned bonus (such as by building residential or greenway enhancements) to also include an ecoroof because it was helpful for stormwater management. - We would STILL need to meet all stormwater requirements. In our case, we would need to treat the stormwater to the same extent, with or without the ecoroof, with no impact to city's stormwater management. We would achieve this through increasing the sizes of the flow-through facilities to accommodate the added flow/volume of water through the building, since there isn't the flow control that the green roof would provide. - So far as the city-wide system, I don't believe there would be any impacts. AND, for the project, I would think that adding more volume to the flow-through facilities we already have, would be substantially less than adding the ecoroof to the high-rise and low-rise roofs. - The project will still need to comply with Stormwater Management. You allow the project to determine the most cost-effective manner for management with stormwater planters vs. ecoroof vs. combination. That strategy will also be informed by a project's lot coverage.

# Amy Ruiz

## #333271 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We asked our members for the latest information they have on the higher cost of bird glass. Those responses are below — emphasis is mine. You'll see the price differential is significant, and directly impacts a tenant's housing cost (if the project is feasible with these additional costs). Here is a per unit analysis of the bird safe glass for vinyl windows on a typical mid-rise. The windows are 97% more expensive than standard windows which would require us to raise rent \$700/yr or \$60/mo on an average 2-bdrm unit. See attached graphic. - For Bird-Safe Glazing and looking at 4 recent projects, we have seen a premium on the glass area (not building area) of (\$16.12/SF, \$18.24/SF, \$28.64/SF, \$31.51/SF) depending on the design solution (film, interlayer, frit). For an average 4-6 story building (not full glass, but prescriptive glass ratios) it is coming out in the \$300k - \$350k of direct cost that you could gross up by 15-20% for project cost to owner. - We priced bird safe glass for our Willamette Tower project in the south waterfront and it would have cost approximately an additional \$600,000. We would have paid these additional costs to get an inferior project (bird safe glass is a significant aesthetic downgrade).

Mid-Rise 2-Bdrm Bird Safe Glass Cost Analysis					
Bird Safe/Standard Windows?		Bird Safe		Standard	
<u>Unit</u>		<u>Unit 550</u>		<u>Unit 750</u>	
A Type Windows (4 qty)	\$	8,063	\$	4,894	
C Type Windows (3 qty)	\$	4,956	\$	2,406	
D Type Windows (1 qty)	\$	888	\$	496	
Storefront Premium*	\$	1,418	\$	-	
Total Window Cost	\$	15,325	\$	7,796	
Bird Safe Premium	\$	7,529		<mark>97%</mark>	
Yield on Cost Requirement		6.50%			
Annual Rent Increase**	\$	700			
Monthly Rent Increase	\$	60			

\*Ground Floor Storefront premium amortized per unit

\*\*Assumes standard 30% Operating Expenses

# **Bob Sallinger**

### #333270 | January 10, 2024

Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See attached



January 10 2024

Deaf Mayor Wheeler and Members of the Portland City Council,

On behalf of Willamette Riverkeeper, I am respectfully requesting that you withdraw or vote "no" on Commissioner Rene Gonzalez's amendments to the Housing Regulatory Relief Package which will be heard later today by the Portland City Council. I will get to our substantive concerns later in these comments, but first I would like to address serious public transparency concerns raised by the manner in which these amendments were brought forward.

#### Process Concerns:

It has been a growing concern that under the current city council, council members have been bringing forward complex and controversial amendments at the 11th hour, sometimes a day or less before public hearings. This severely limits the public's ability to receive notice of significant changes, let alone understand and respond to these changes. It also restricts City staff's ability to analyze and evaluate these changes. Finally, it has been clear at recent hearings that City Commissioners, themselves, often did not understand the amendments that they were voting on (e.g. the November hearing in which tree and natural area assets were transferred from BES to Parks.) Finally, many of these amendments appear to be at the behest of powerful and well-connected development interests, suggesting an inequitable level of access to the public process.

While we understand that there is sometimes a legitimate basis for last minute amendments, the recent pattern has been to introduce amendments that could have and should have been introduced with ample time for public notice and comment. This kind of activity brings discredit to the City Council, undermines already low public confidence in the public process and leads to bad policy decisions.

Yesterday afternoon, Commissioner Gonzalez introduced amendments that would suspend green roof and bird-safe glazing requirements to the Housing Regulatory Relief Package that will be considered at this afternoon's Council hearing. These amendments are highly controversial. The Regulatory Relief Package has been on the docket for weeks and all City Commissioners have had more than ample opportunity to bring forward amendments in a timely manner. On Tuesday when we did reach Commissioner Gonzalez's staff, they made repeated requests that we hold off on action alerts informing our members about their amendments, assuring us repeatedly that they were reconsidering the amendments, that they were likely to be withdrawn and that the Commissioner Gonzalez would call us to discuss the amendments in the afternoon. One example, that was put in writing is the following sent at 3:54 yesterday afternoon:

"Yeah, no one expects to vote on amendments tomorrow, will likely be pulled due to an absence of support...Thx again for bearing with me"

Out of respect for Commissioner Gonzalez's office's repeated requests and assurances, we held off. We never heard from Commissioner Gonzalez, but at 7:38 pm last night after repeated requests from our organization, we received a text message informing us that "I don't believe we are going to pull the amendments yet. Looking at seeing what testimony looks like tomorrow." This message arrived less than 18 hours before the hearing. It is also our understanding that Commissioner Gonzalez's office used the afternoon while we delayed our alerts at his staff's request not to consider withdrawing their amendments, but rather to lobby other City Hall offices to support their amendments. Depending on the intensity of these lobbying efforts, they may well represent an ethics violation. It is impossible to reconcile the Commissioner's stated desire to hear public testimony with his last minute introduction of the amendments and his staff's further efforts to suppress outreach by public interest groups. As a result of these actions, the general public will learned about these amendments this morning, just hours before the hearing is set to begin.

We believe that the manner in which these amendments were brought forward is irrevocably tainted and that the only ethical path forward at this point is to remove them from the docket. City Hall can and must do better in terms of providing reasonable opportunity for notice and comment.

#### Substantive Concerns:

We are deeply surprised that Commissioner Gonzaler is bringing these amendments forward at this point. The original Housing Regulatory Relief Package did in fact suspend green roofs and bird-safe glazing through 2029. However, these two provisions were removed by the Planning Commission after extensive review and consideration of their merits. In fact, the Planning Commission held an extra work session specifically to consider these two provisions. In the end they determined while suspension of these requirements would have nominal benefits for housing, it would have significant impacts on our environment. The Planning Commission ultimately forwarded a Recommended Housing Regulatory Relief Package to City Council that was substantially, largely intact, largely uncontested, but absent the suspension of the green roof and bird safe glazing requirements. It is notable that neither of the Commissioners most closely related to the bureaus most affected by this recommended package (BPS, BES and BDS) chose to challenge the Planning Commission decision to not suspend the green roof requirement or the bird-safe glazing requirement. The Planning Commission's decision on green roofs and bird-safe glazing was supported by overwhelming public testimony.

The Planning Commission got it right. The housing crisis should not be used as a pretext by the developers to rollback environmental regulations. We have both a climate crisis and a housing crisis and the City must advance solutions for both, not pit one against the other. Notably, Governor Kotek has adopted this philosophy in her own housing legislation and has included language in her draft 2024 housing bill that categorically ensures that natural resource protections and other environmental regulations will not be weakened in the pursuit of more housing.

Portland's green roof requirement was nationally recognized at the time of its adoption as reflecting Portland's commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island effects and can provide habitat benefits. They are exactly the type of strategy that the City says it wants to expand, not suspend.

Portland's bird-safe glazing requirement was also nationally lauded at the time of its adoption. It helps reduce bird collisions with windows, one of the most significant causes of bird deaths in North America, which results in upwards of a billion bird deaths each year. Research has shown that in fact, Portland does have a bird collision problem. The protections that Portland adopted were considered to be at the low end of what is recommended by the best available science to address this issue. Also notably, many strategies associated with bird-safe design also advance more sustainable development goals as well.

Both of these requirements went through multi-year public input, outreach and adoption processes with huge public engagement as well highly technical specialized review.

We greatly appreciate the care and consideration that the Planning Commission gave these two issues including a full extra work session. We recognize that it is Council's prerogative to overrule the Planning Commission, but our hope is also that City Council recognizes that part of the purpose of having a Planning Commission is to give these types of complex, technical land use issues the type of deep and expert review that Council is typically not able to provide. It is therefore all the more disappointing that a commissioner who appears to have only engaged with this process in the last several days, who failed entirely to reach out to diverse stakeholders and who effectively suppressed public input, would attempt to overrule the Planning Commission on an issue to which it devoted significant extra attention.

The Planning Commission got it right. They recognized that we must advance communities that are sustainable, resilient, affordable and green. As we move forward on addressing the Housing Crisis, we cannot go backwards on protecting our environment.

#### General Concerns:

As a final note, we do want to put ourselves on record as having concerns about the overall approach and some of the specific provisions contained within the recommended draft. In general, we believe that this type of expedited revision of land use planning regulations is a bad idea. Land use planning regulations are very complex and interconnected and are typically the product of extensive community engagement. Fast track, broadscale changes to the code have a very high potential to fail to achieve the intended outcome and also can result in significant negative unintended consequences. The land use system is ultimately designed to protect our communities and our environment and even in the face of a housing crisis, changes must be carefully considered. Important to note here: the housing crisis is a national crisis being driven by many factors–our land use system is not the cause of the housing crisis.

Second, increasingly the City and other entities appear to be viewing public participation as the enemy. This proposal significantly reduces public involvement on decisions that will directly affect local communities. While Nimbyism does occur, the over-emphasis we hear on nimbyism verges on demagoguery. Most of the public input we see is simply people trying to ensure that their neighborhoods remain safe, healthy, equitable and livable. Participation is the protection that communities have against very powerful development interests that too often put profit ahead of public welfare. We do not support any provisions that role back public participation in the decision-making process.

Finally, we would like to flag the following provisions contained within the recommended package that could have significant environmental impacts over the suspension period:

- 1. Page 29-32 Non-coforming uses: exempts upgrades to nonconforming uses from having to allocate 10% of project costs towards coming into compliance with things like the tree code, landscaping etc.
- 2. Page 63-65 Building Lines: Suspends requirements in the Central City for five years related to landscaping, trees, onsite stormwater from some development
- 3. Page 134: Land Use Reviews: permanently extends period that land use reviews remain valid from 3 to 5 years for all types of development
- 4. Page 58: Suspends lighting design review in residential developments. One of the current environmental initiatives currently underway at the city is developing stronger light pollution regulations to protect public health, livability, public safety and wildlife.

We recognize and appreciate the severity of the housing crisis and we look forward to working with the City on real solutions. However we do not need to pit housing against the environment. We must improve upon both.

We appreciate your consideration of these comments.

Respectfully,

Bob Sallinger Conservation Director Willamette Riverkeeper

# Amy Ruiz

## #333269 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We are writing on behalf of thousands of businesses and individuals seeking to address our region's biggest issues by building the housing, infrastructure, and jobs that make Portland livable and economically vibrant. We appreciate the City of Portland's current focus on increasing housing production, as a critical strategy to address our housing affordability crisis, reduce homelessness, and enhance our city and region's economic prosperity. We urge you to support the Recommended Draft of the Housing Regulatory Relief Project, with three important amendments regarding bird-safe glazing, ecoroofs, and neighborhood contact requirements. Please see the attached.







January 9, 2024

To: Portland Mayor Ted Wheeler and City Commissioners Re: Support for Housing Regulatory Relief Project and Proposed Amendments

Mayor Wheeler and Commissioners:

We are writing on behalf of thousands of businesses and individuals seeking to address our region's biggest issues by building the housing, infrastructure, and jobs that make Portland livable and economically vibrant.

We appreciate the City of Portland's current focus on increasing housing production, as a critical strategy to address our housing affordability crisis, reduce homelessness, and enhance our city and region's economic prosperity.

We urge you to support the Recommended Draft of the Housing Regulatory Relief Project, with <u>three important amendments</u>.

In Portland alone, the City estimates we need over 20,000 more regulated affordable housing units over the next decade and a similar number of new moderate income and market rate homes. And production is trending in the wrong direction: The number of units that were built between 2017 and 2022 dropped from 8,335 to 1,639—an 80% decrease in just 5 years.

Although there are many market-driven forces that explain this deterioration, there are also barriers that Portland policymakers have put in place—many of which are addressed in the Recommended Draft of the Housing Regulatory Relief Project.

Many local land use and building requirements support laudable goals, such as climate resilience, renewable energy, and transportation choices. Too often, however, these local requirements—often intended to enhance overall livability of a community—are overly prescriptive, complicated to implement, stack on top of each other, and have the unintended result of making it far more difficult to build places for people to live.

The <u>recent analysis by BAE Urban Economics</u> as part of the City's look at the Inclusionary Housing program and the cost of construction in Portland found that revisions to existing policies like these can reduce the cost of building between 2 and 14 percent, depending on site location and prototype. The other path to making more projects financially feasible is to wait until competition for constrained housing drives up rents in Portland significantly – by 15 to 35%, BAE estimates – which is counter to Portland's housing affordability goals.

We appreciate the time the City and Planning Commissioners have taken to hear these concerns and look for ways to alleviate the barriers created by some of the code provisions adopted in recent years.

We support the Recommended Draft, as well as three critically important amendments:

1. Add back a five-year temporary waiver of bird-safe glazing requirements in Central City plan district and River overlay zone, as originally proposed by staff in the Proposed Draft.

Portland's bird-safe glazing requirement is expensive. One of Oregon Smart Growth's members did an analysis of the cost of bird safe glass for vinyl windows on a typical mid-rise. The windows are 97% more expensive than standard windows, which would require raising rent \$700/yr or \$60/mo on an average two-bedroom unit.

The requirement for bird-safe glazing in particular is one that puts Portland at a competitive disadvantage when seeking to attract capital; simply put, investors will look to markets with fewer novel and costly regulations.

We would urge the City to use this temporary moratorium to work with stakeholders and craft a more targeted and feasible bird-safe glazing requirement to implement following the moratorium.

## 2. Add back a five-year temporary waiver of ecoroof requirements in the Central City plan district, as originally proposed by staff in the Proposed Draft.

The Planning Commission amended the Proposed Draft, and what is before you this week only suspends the ecoroof requirement if a project includes solar panels instead. While many projects seek to add solar panels, this is an even more expensive alternative to ecoroofs; the Planning Commission's change does not provide regulatory relief.

Adding back the full temporary waiver would provide much-needed flexibility in how stormwater management requirements are met for a project, and how finite roof space is used.

Ordinance 191609

To be clear: The City's stormwater management requirements would not change with this amendment. And it's important to note that this change does not mean ecoroofs will be eliminated from future projects in the Central City over the next five years. Ecoroofs remain a useful stormwater management tool for many projects, while others could effectively manage stormwater in less-costly ways, and utilize roof space for other elements such as solar, reflective roofing, or community space for residents. This amendment provides that important flexibility, and preserves the City's overall stormwater management goals.

## 3. Remove the required 35-day delay between posting neighborhood contact signage and submitting a building permit or land use application.

We support the original proposal to temporarily suspend all required neighborhood contact processes for residential uses, and permanently narrow the neighborhood contact requirement to two processes. The Planning Commission largely agreed with this proposal, but added back a requirement to post a large sign on certain development sites.

Unfortunately, the current requirements also require posting the sign "at least 35 days (but not more than 1 year) before applying for a land use review or building permit." As the Planning Commission heard in testimony on November 7, one month of delay can add 1 percent just to the hard costs of a project.

This amendment would retain the sign requirement as added back by the Planning Commission, but only require it be posted before applying for a land use review or building permit, with no specified "before" timeframe. The permitting process for projects of this scale is lengthy, and still affords sufficient time for community members to ask questions or provide feedback.

There are many important regulatory relief proposals in the Recommended Draft that we support. To highlight a few:

#### **BIKE PARKING**

We appreciate the proposed changes to bike parking requirements; the the current requirements for required bike parking spaces (and in-unit design standards requiring an alcove) are too onerous, resulting in large and underutilized bike parking rooms and often forgoing at least one dwelling unit to accommodate the underused bike parking. The recent analysis by BAE Urban Economics found this proposed change will result in project cost savings of .8 to .9% depending on project type.

#### **GROUND FLOOR ACTIVE USES**

We support the proposal to temporarily waive ground floor active-use requirements in the Main Street overlay zones and within the Central City and other plan districts. The recent analysis by BAE Urban Economics found this proposed change will result in project cost savings of .2 to 3.5% depending on project type.

We also support changes that allow ground floor residential use in certain cases, particularly where units are set back from the street. This prohibition led to the recent

loss of 12 ground floor market rate and Inclusionary Housing units in a project in Portland's inner east side. These units would have faced a private plaza instead of the street, but were prohibited by current code requirements.

#### LOADING ZONES

We support the proposal to temporarily reduce the number of loading spaces required for larger residential projects, and raise the threshold for when a residential project is required to include a loading space.

#### **DESIGN REVIEW PROCEDURE TYPE**

We support the proposal to temporarily offer a reduced procedure type for design review for projects that include housing. This change represents the potential for significant time savings for a project. The recent analysis by BAE Urban Economics found this proposed change will result in project cost savings of .8 to .9% depending on project type.

The Housing Regulatory Relief Project is an important component of the City's overall approach to increasing housing production to address our supply and affordability crises.

We also strongly supported the ongoing work to consolidate permitting into one entity, as well as today's proposed changes to the requirements and incentives for inclusionary housing that will promote development of market rate and inclusionary units. These pieces all work together—no one thing alone is enough to spur development and bridge our undersupply gap.

We appreciate your work and welcome the opportunity to provide assistance or support where needed.

# Jerald Powell

## #333268 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mr. Mayor, Commissioners: Representing myself and the Goose Hollow Planning Committee: I believe the process used by the Bureau of Development Services (BDS) to ascertain reasons for inadequate housing production in Portland to be flawed and the rationale for the Housing Regulatory Relief Act to be inadequately supported, erroneously placing the burden of increasing housing production on City residents, present and future. The fact is that the Bureau of Development Services' own findings are themselves ample evidence that the Bureau (BDS) queried and consulted the development community nearly exclusively, in spite of an existing a process for regulatory review that not only cast a much larger net, but one that has been amply tested and validated. We question why the Bureau didn't avail itself of that process. The bureau has, in essence, fallaciously assumed that the "issues" they themselves prompted their selected survey subjects with would yield a prioritized list of supposed "development constraints" that could then be "cured" by this legislation. Nothing could be further from the truth. The premise BDS presents you is that to discover the reasons for slow housing production in Portland is no harder than asking the builders and developers what they think would help! This in the face of two factors, supply of labor and supply of money that far outweigh any regrettable tinkering they may do with City code. To be sure, City code is not infallible, but waiving it, even temporarily, ought to involve some rigor. In this case, there's little or no rigor in this proposal. In fact, the cure proposed here could be far worse than what it's supposed to fix. The truth is that there are things that the industry could do, such as invest in newer building technology, better use available labor, invest in better community relations... things in the industry's power to do to both reduce its cost of production and maintain an acceptable margin, but none of that is even mentioned nor effort to address it entertained. The proposal before you purports to reduce housing production cost, with no apparent nexus to the actual cost or production of housing... let alone to affordable housing. According to a document from the Bureau of Planning and Sustainability (BPS) There are four kinds of changes in City code that BDS asks for: "Temporary" reductions/waivers of statutory Development Standards; "Temporary" waivers of Design standards; Temporary and permanent changes to the Central City planning process; and "Process improvement". First, it's clear that a "temporary" change in development standards or urban design fundamentals isn't a temporary change for any project or feature that is then built. It's built. The development standards and Fundamental Design Standards in use here for decades speak to human use of the structured city and to its permanence. Some of the values you're asked to tinker with here may well be, counterproductively, limit the contribution and even life "expectancy" of

Housing Regulatory Relief Ordinance 191609 Testimony on Recommended Draft buildings build under these "temporary waivers". And this on the basis of a survey of developers and development related folks? Certainly, City code should evolve with new situations and new challenges... but it should be done on the basis of real information not whim and self-interested opinion. But the most loaded part of this proposal comes in the last part... Process "improvement", in which at least three of the bureau's ideas are nested around the notion of citizen review. Now, the Neighborhood Contact provisions of title 33 (33.705 et seg specifically) in our opinion are a mess after the post CC2035 revisions, but the solution suggested in this BDS proposal makes it worse. From our experience, the best outcomes from public involvement in project development comes with early involvement and a collegial relationship between the affected neighborhood and the project representatives. The most contentious relationships over project proposals seem to arise when the neighborhood is shut out of the process... or simply stonewalled by a developer... not when the disagreements are allowed the light of day. It's no secret that some developers would do anything to avoid a neighborhood meeting, yet others have found such a meeting to be helpful and sometimes to reduce the pain of the process. The Goose Hollow neighborhood has as often offered its assistance to a developer as it has to fight with him or her... sometimes cutting days or weeks out of the approval process. It really is about trust. Waiving development standards, shortening and abridging process change that trust. BDS ought to be doing everything it could to establish that trust and preserve it... not abandon it. Are some neighborhoods more recalcitrant with respect to new development... to change of any kind? Of course they are. Is the answer to shut the neighbors out of the project review, until their remaining recourse is the legal system? Of course not... the result really is time and expense, and often enmity that doesn't go away. Abridgement of the neighborhood contact requirement for any proposal is a serious abandonment of a public process and of the public's right to know. It's also counterproductive in that limiting the public right to information and productive comment early in the proposal process is a way to avoid lengthy and contentious appeals of proposals approved without such early contact. Send this proposal back to the Bureau, and ask them to look more seriously into what the City can do to beneficially address the under production of affordable housing. I believe the BDS Staff's required findings with respect to consistency of the proposed Housing Regulatory Relief Act with applicable City and state goals and policies to hold numerous errors as outlined in the attached rebuttal. Thank you Jerald M "Jerry" Powell Goose Hollow Foothills League Co-chair, Goose Hollow Planning Committee Attachment: "Rebuttal...": Rebuttal to Exhibit "A" Findings of fact.. "Legislative amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone and plan district where the amendment is proposed, and any plan associated with the regulations. (33.835.040) The code amendments proposed in this legislation are inconsistent if not wholly repugnant to the language, intent and purpose of several provisions of the Goals and Policies of the City's own Comprehensive Plan. The "guiding principles" of the City's 2035 Plan assuredly do form a framework for balancing the wants and needs that are the subject of the Comprehensive Plan Goals and Policies. Staff rightly asserts that there are a variety of factors in the clear under production of housing here, in Portland, as well Page 460 of 711

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft as State-wide and National economic and labor factors. It seems a stretch, however, to draw a nexus between our housing shortage and the elements of this BDS proposal. With respect to aspects of equity and resilience, the amendments requested, both with respect to "relaxed" development standards and to truncated processes... are nearly all development standards and public processes that are in place specifically to encourage equity and resilience. Balance, in this context is nothing more than a reversion to the kind of building that yields non-places designed to be soon obsolete and vacant. 1st error Comprehensive Plan Goal 2 and Statewide Goal 1, encouraging citizen involvement, is not only ignored by the proponents of this City code amendment, it's more or less trampled. The survey cited as the main support for these amendments was steered to developers, the development community and existing clients of the Bureau. There was no apparent effort to involve anyone else in that survey. The small numbers, compared to public participation city-wide in, let's say, governance is itself revealing. Furthermore, the procedural code amendments, specifically limiting public information and access, weren't even revealed to the neighborhoods until late December, never mind an invitation to comment. The goals for citizen participation, let alone involvement are not only not met; the proposal is inconsistent with it. 2nd error Comprehensive Plan Goal 9, Statewide Goal 12 with respect to transportation, emphasize equity in transportation. The BDS zoning code amendments require changes to bicycle parking both in dwelling units and in common areas of multiple buildings... without support and apparently without particular study. It's possible, even likely, that changes in the kind of bicycles and in the way those bicycles are used has changed since the current code development standards were written. The advent and wide acceptance of electric motor assisted bicycles has likely decreased demand for space in apartments... but it may well increase the demand for secure and fire-safe storage in new housing. The transportation goals of both the City and State are again not met as the proposal is inconsistent with this CC2035 GOAL. 3rd error Our Comprehensive Plan CC2035, in Goal 3, encourages flexibility and balance in development, both new and re-development. Throwing out development standards and fundamental design principles hardly supports that goal. Development standards for higher ceilings for "street" floors, so that the street floor in urban situations could become neighborhood-serving commercial space as the neighborhood builds out. Standards for ground floor commercial, even if that use is in the future are essential building blocks for the kind of resiliency that will make corridors and centers possible as the City densifies. The "temporary" abandonment of those development standards or guidelines will stay with us forever, or become an artifact of functional obsolescence. The proposal is again inconsistent with the objectives of Goal 3. 4th error Goal 4 of CC2035, in its many sub-texts is all about urban design. Its about the public's ability to understand and complement a present and historic context and still see a future that draws from that past. A resilient and inclusive future. Limiting public involvement, rather than entering into a conversation is the opposite of the vision entertained in CC2035. Yes, there's a housing crises, but throwing away the vision, the possibility of positive development is the worst form of cynicism. And that because we're apparently unwilling to look at the real causes of our housing shortage and play a blame game with a population that's hostile to what they don't understand. The many colors of Goal 4 call upon the development community to engage with community organizations, with the vision of

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft CC2035, and seek solutions to development that may be outside the safety of same old stuff. Maybe new housing construction needs some new thinking from developers... maybe from bureaucrats as well. In any event, this proposal, rather than supporting Goal 4, subverts it. This proposal is inconsistent with Goal 4, and is, in fact, antagonistic to it. 5th error The City's housing goal doesn't simply speak to housing supply... it speaks in a meaningful way to housing quality. Quality in the sense that it works for its residents. Quality in the sense that it's safe and healthy and accessible. This proposal does nothing to encourage housing quality in that sense. The absolute failure of this proposal is that it really does nothing to address the City's housing problems with any meaningful ideas for a solution (other than the old cut the red tape shibboleth). This goal, Goal 5 Housing, is clearly not met. The proposed Housing Regulatory Relief Act is clearly in conflict with the 2035 Comprehensive plan as well as with the DLCD Statewide Goals and Policies and should be sent back to the Bureau for further study.

## **Derek Knowles**

## #333267 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hello, Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. I find it unbelievable that in a climate crisis and housing crisis, the Commissioner is pitting the needs of people and wildlife against each other unnecessarily. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also aligns with energy efficiency goals for our buildings. Such measures are more of the innovative, forward-thinking solutions we need to combat the many challenges brought on by a warming planet and over-development. Sincerely, Derek Knowles

# **Kushal Bhatt**

### #333266 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please approve the Planning Commission's draft of the HRRP as is without Commissioner Gonzalez's amendments! Please reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect

## Erika Bury

## #333265 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the bird safe building and green roof policies intact. Portlanders want and deserve a city that is green and friendly to wildlife. Suspending these policies is not going to solve our housing issues. Please don't roll back environmental regulations! Don't let the developers use the housing crisis to manipulate you. An environmentally friendly city is more attractive and better in the long run.

# Linn Groves

## #333264 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

# **Christine Stillger**

## #333263 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please say NO to Commissioner Gonzalez's plan to suspend Bird Safe Building and Green Roof requirements for 5 years in the HRRP. The Portland Planning Commission removed those proposals from the original HRRP just weeks ago, for good reason. We are in a climate crisis, and our people and wildlife need us to take positive action now! Thank you. Christine Stillger

# Patrick Donohue

## #333262 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Protect our wildlife. Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. My election votes are directly linked to this outcome.

## Laura Donohue

### #333261 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. My vote directly depends on this outcome.

## **Candace Larson**

#### #333260 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Council, Please REJECT Commissioner Gonzalez's last-minute amendments to the HRRP and approved the Planning Commission's recommended draft. And shame on you, Commissioner Gonzalez, for this blatant end-run around democratic process. This package is already a cornucopia of giveaways to developers that many of your constituents would prefer had never seen the light of day. In the end, though, we've respected the process: the long hours contributed by staff, the Planning Commission and the public to create a package based on compromise and collaboration. It is especially important to me, a Portland engaged in civic process for 37 years now, that the Bird Safe glazing standards and Ecoroof standards remain intact, per the Planning Commission recommendations. The bird-safe glazing standard is the result of a years-long, collaborative process which took existing zoning and affordable housing goals seriously, and is a proven solution that is low or no-cost for developers who take energy-efficient building design seriously. And ecoroofs are one of the few tools we have in our toolbox to reduce the urban heat island effect, a serious equity concern in a city that needs to do more to mitigate ongoing harm to communities of color in our neighborhoods. Thank you for REJECTING Commissioner Gonzalez's amendments and supporting the recommendations of the Planning Commission.

# **Stephen Bachhuber**

### #333259 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We oppose the last minute inclusion of eco roofs and bird safe glazing in the 5 year exemption to the Regulatory Relief Draft. We consider the real permitting problems to lie in the Byzantine process of BDS. Rather than chip away at well-purposed rules, reform the entire system of permitting to speed approvals. Developers save money by avoiding delays.

## Jean Svadlenka

#### #333258 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a long-time member of the Portland Audubon Society, I urge you to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and eco-roof policies. Considering Portland's housing crisis, and Oregon's climate and biodiversity crisis, all cities in Oregon need innovative solutions to address all of these concerns. These solutions include Bird Safe Glazing Standards. The Bird Safe Glazing Standards are critical for reducing window collisions that result in up to 1 Billion bird deaths every year nationwide. In addition, the Bird Safe Glazing Standards aligns with energy efficiency goals for buildings. Another solution is the Eco-roof requirements. The Eco-roof requirements ensure that new developments in the central city Portland incorporate important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. As a member of the Wilsonville Development Review Board, I have witnessed the changes Wilsonville has made to protect our bird population, including migratory birds. For example, Black Sky compliant lights are required for all new building developments. But we can do more, and I urge Portland to adopt the Bird Safe Glazing Standards and the Eco-roof requirements and be the example to other cities in the Metro area to how best protect our precious bird populations. Thank you, Jean Svadlenka

## Amanda Watson

### #333257 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mayor Wheeler and Commissioners, I am writing to provide testimony on the Housing Regulatory Relief Recommended Draft that you will be considering in this afternoon's hearing. Thank you for your work to develop a proposal that takes into account community input and meets project objectives to facilitate much-needed housing production in Portland. Importantly, the recommended draft put forward by the Planning Commission ensures that new housing will continue to be sustainable and climate resilient by maintaining existing bird-safe glazing requirements and ecoroof requirements, with additional flexibility for the installation of solar panels. As the Planning Commission determined, those requirements have nominal impact on housing production, and significant and long lasting environmental benefits. Climate change and the lack of affordable housing are concurrent crises whose impacts fall hardest on our city's most vulnerable residents. It's essential that we address these crises together with solutions that create more affordable housing options that are climate resilient and contribute to a healthier environment. I urge you to accept the recommended draft as written. Thank you for your consideration.

## **Austin Joseph**

### #333256 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Each year, up to 1 billion birds die due to window collisions. This loss has significant ecological implications, given the vital role birds play in our ecosystems. By maintaining requirements for bird-safe glazing, we can continue to directly reduce this mortality rate and contribute to the preservation of bird species, which are essential for pollination, pest control, and maintaining ecological balance. The requirements that would be removed by this amendment are aligned with our broader environmental and energy efficiency goals. Bird-safe glazing often involves materials and designs that improve a building's thermal performance, thereby reducing energy consumption. What these amendments would be doing is trading short-sighted profits for developers at the cost of long term savings and desperately needed protections for birds in Portland. Please do not include the amendments proposed by Commissioner Gonzalez.

# **Kimberly Jarvis**

### #333255 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We must start acting like the planet is on fire because it will be if we don't start taking climate change seriously starting with measures big and small. Protecting our birds and requiring green roofs are small efforts resulting in big impact. Don't sell our planet and our wildlife out to allow developers a quick buck.

## **Jesse Rawlins**

### #333254 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please find a letter attached from Home Forward on recommendations for the Housing Regulatory Relief Project proposal, to be heard by Council today as agenda item 34. We appreciate your considerations of our recommendations and look forward to more work together to increase housing and affordability.



January 10, 2024

City of Portland Mayor Ted Wheeler City of Portland Commissioners 1221 SW 4th Avenue Portland, OR 97204

Dear Mayor Wheeler and Commissioners:

Home Forward is requesting your support for the Housing Regulatory Relief Project. This proposal is a necessary tool to increase housing production and support our local housing needs. Home Forward is the largest affordable housing provider in Portland, the region, and the state. We understand that the Housing Regulatory Relief Project will decrease barriers for housing development and production while improving our ability to add affordable units throughout our community.

There are current land use code and zoning regulations that have impeded opportunities to create new housing and redevelop properties. These regulations have resulted in a reduced number of affordable units in our portfolio and other development challenges. Below are two examples to illustrate this issue.

- Loss of total units and unit sizes in the Hattie Redmond Apartments building for people with the highest need for permanent housing because of bicycle parking requirements.
- During affordable housing preservation projects, costs totaled approximately \$1 million for nonconforming upgrade requirements at the Medallion Apartments and Williams Plaza Apartments buildings – placing financial barriers on the preservation and improvement of existing affordable housing.

We commend the City of Portland's Planning Commission's dedicated work to advise you and your colleagues on the Housing Regulatory Relief Project. Home Forward supports their amendments to this proposal: remove the suspension of the bird-safe glazing requirements; maintain the existing ecoroof requirement with solar power flexibility; and neighborhood engagement that prioritizes notifications.

Home Forward also strongly recommends that all affordable housing developments be permanently exempt from current requirements of ground floor active-uses. Our mission is to increase affordability, expand and maximize availability, and improve housing stability. Current ground floor active-use requirements for commercial space detracts us from our mission and limits available space for resident and supportive services, administrative offices, and other community and resident-focused spaces that will move forward the mission of affordable housing. Mixed-use buildings also incur more costs to operate versus buildings with housing only, affordable housing funding cannot pay for commercial use development, and frequent ground floor commercial vacancies in subsidized housing create community safety and health issues.

In addition to these zoning and land use changes, we urge you to remain committed to making our city inclusive with future planning for housing needs. While the Housing Regulatory Relief Project will facilitate more housing production generally, we cannot rely on the private market to advance a housing system that benefits everyone. Projections on housing needs for our community reflect local economic growth, but intentional policy and planning can move towards better affordability and livability efforts. Home Forward will continue our role in increasing affordable housing opportunities, and we appreciate your leadership to support affordability for all.

Thank you,

Christina Dirks Director of Policy and Planning

Jesse Rawlins Senior Policy Manager

# Linda Nettekoven

### #333253 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor and City Council Members; I appreciate the staff work that has gone into the Housing Regulatory Reform Proposal and the intent behind it and I appreciate the opportunity to testify on this item. However, I am concerned that this package of changes was a hastily conceived effort to demonstrate that the City is "doing something" about our severe housing crisis rather than providing a substantive set of changes with realistic calculations re: the savings in time and money that they are likely to bring about. Zoning changes require a careful look at their possible impacts, both positive and negative. A regulatory change designed to last 5 years will impact the design of buildings that will last 50 -100 years as well as influencing the surrounding public realm. Such change processes usually involve a great deal of public involvement. Developing these regulatory changes did not require that same kind of discussion and, as of the time this report was issued, there were no cost/benefit analyses available on the proposed reforms. Neighborhood Contact Those of us who worked with Sara Wright and BPS in developing these public contact standards considered buildings in our neighborhoods in advocating for the size requirement for a public meeting. We realized that an early version of the proposal did not require a neighborhood meeting for developments of less than 40,000 sq feet in size (-this is from memory). This meant a building the size of some of the New Seasons markets could be sited without any community contact. In that case the size requirement for a contact meeting was adjusted downward to its current standard. Neighborhood contact requirements were far down the list of concerns from the survey on which this package was built. Here, too, I have not seen any analysis of how, for example, the neighborhood contact process had been working or how much time and money would be saved if it was reduced. Of course, it is hard to calculate the value of good will being generated toward a project, improvements in design, problem solving, identification of needed changes to existing regulations, interest in the possible tenants who might occupy a ground floor commercial space, etc. Ground Floor Activation Portland prides itself on its efforts toward becoming an evermore sustainable and resilient city. One key to such sustainability and resiliency, is the encouraging of architecture that can be adapted and re-used rather than torn down and replaced. The current floor-to-ceiling height makes space more readily usable for commercial purposes especially should the uses nearby change over time or during a major shift in the economy. The proposed change takes us in the opposite direction. The Active Use standard ensures the long-term flexibility of larger projects, for example providing the flexibility to retrofit the ground floor for mechanicals associated with another use. As we seek to provide amenities that make more neighborhoods able to meet daily

Housing Regulatory Relief Ordinance 191609 Testimony on Recommended Draft needs without relying on the automobile, this flexibility is critical. As a long time, regular attendee at meetings of the 3 business associations in my neighborhood, I am also very familiar with the concern that large interruptions in the line up of commercial ground floor spaces along a street that is trying to be a commercial hub or corridor can result in a fragmentation of the district. Likewise seeing these spaces go dark during an economic downturn, when some might be used for housing, is also a loss for the surrounding community. Articulation Requirements One of the most commonly heard complaints about new, large mixed use or multi-family buildings is they all look alike — flat and boxy. Non-perpendicular or jagged walls, pop out balconies, etc. are the usual ways to avoid monotony in design, but these approaches also add to the building costs and there are much simpler options. For example, permanently allow existing window design standards to also satisfy the articulation requirement. I think we all can agree, that inflation's impacts on the cost of building supplies, borrowing money, locating & retaining qualified workers are all major contributing factors to the continuation of our housing shortage. However, the small scale changes proposed are more likely to have negative impacts on the quality of our buildings, our small business communities and our public realms than they are to significantly impact the costs of housing. Thank you for your attention to my comments. Sincerely, Linda Nettekoven

# Ali Jones

### #333252 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Last hour moves like this are undermining to civic engagement; it also is a disservice to the good work of the Planning Commission. Bird strike glazing & green roofs should not be ditched under false guise of streamlining (& perhaps is simply political posturing by mayoral candidate); these rules align with other key city goals around environment & efficiencies. Removing now especially as a last minute maneuver would be a betrayal of civic process and of our collective goals

# Amanda Ferguson

### #333251 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a Portland resident & homeowner who cares deeply about the housing crisis as well as about the environment and wildlife, I ask you to adopt the recommended draft of the Housing Regulatory Relief Package and REJECT Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# Katy Collins-Ruebling

### #333250 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## **Thomas Karwaki**

### #333249 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

UPNA's board requests that there be an independent analysis of the effectiveness and impacts of the temporary suspension of the regulation s.

## **Rob Neyer**

### #333248 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please, no last-minute amendments to this carefully crafted policy! Housing vs. ecology is a false choice and we CAN have both.

# Eleni Kondilis

### #333247 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Birds and other wildlife need protections, and they can't wait. Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## O. R. Howard

### #333246 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please, we urge Portland City Council to approve the Planning Commission's draft of the HRRP as is without Commissioner Gonzalez's amendments!

## **Barbara Wilson**

### #333245 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please vote "no" on the amendments to the Housing Regulatory Relief legislation. A lot of time and work has been put into environmental protections to this legislation, and it is wrong to add these anti-environment amendments. Please don't betray the public by allowing these amendments to be put back into the legislation.

## Elie Lauden

### #333244 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support this policy as it will positively impact housing options in Portland and work towards solving the housing crisis.

# **Judith Norton**

### #333243 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Yes, we need more affordable housing, but we also need to address climate change, sustainability and ecological diversity to ensure a robust future for our children. There are many solutions to creating an efficient, streamlined housing pipeline (for example, addressing the long drawn out process of permitting). We do not need this particular approach, which undermines efforts to build healthy and resilient communities. Thank you for your consideration.

## **Betty Moore**

### #333242 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please vote no on Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Our wildlife must be considered in every action we execute.

# Flora Rudolph

### #333241 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not approve the last minute amendments. Keep our environment healthy and so not go around the extensive process that eliminated these additions.

# Jill Riebesehl

### #333240 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Do not retract rules to prevent birds from hitting huge glass windows. Also, preserve all rules that enlarge our tree canopy!!!!!

## Adele Thompson

### #333239 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I request the council reject the latest amendment from C. Gonzalez to the measures you are considering today re housing developments on two grounds: First, the planning commission received extensive knowledgeable testimony and built their proposed amendments upon these considerations. Changing without new urgent reasons is dishonorable and destructive. Second, last minute changes to proposals shut off normal routes for input gathering or thoughtful consideration which should be hallmarks of your process. They should be rejected in these grounds alone.

## **Francene Grewe**

### #333238 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities.

## **Stephen Ott**

### #333237 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to vote NO on the last minute amendments regarding environmental protections.

### #333236 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# Lynn Herring

### #333235 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

To Mayor Wheeler and the Portland City Council, I urge you to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend critical Bird Safe and Eco-roof policies. It is so important given the current affordable housing crisis, climate crisis and biodiversity crisis, that we have innovative solutions to address these issues holistically and not sacrifice the sustainability of and biodiversity within our communities. You by now know that up to 1 Billion birds die from window strikes every year. That is why Bird Safe Glazing Standards are so critical – they reduce bird deaths. These standards align with the energy efficiency goals for our buildings. With the proposed eco-roof requirements, new development in the central city would incorporate green infrastructure to treat stormwater, create habitat and reduce the urban heat island effect. Let's ensure that Portland remains a livable metropolitan city where people and nature can thrive. Lynn Herring

## **Elianne Lieberman**

### #333234 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The planning commission did their due diligence in NOT including suspension of the city's Green Roof and Bird Safe Building requirements in the Housing Regulatory Relief Package. I applauded the thoughtful deliberations and public testimony. Please reject the last minute attempt to subvert the public process and do not include the suspension of the Green Roof and Bird Safe Building Requirements. Bird Safe Glazing Standards align with energy standards and reduce billions of bird deaths a year. Ecoroof requirements will help reduce the urban heat effect in the central city as well as help with storm water management, and provide important green habitat. Neither of these requirements will prevent the construction of affordable or market rate housing, but will have significant and long term effects on our environment.

## Joy Marsalla

### #333233 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## **Deborah Maria**

### #333232 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Because I live in the greater Metro area and care about the environment (which knows no city or county boundaries), I encourage you to take the long view: keep environmental protections, including wild bird habitat and space needs, in mind when planning housing (and business) needs. While housing humans adequately is vital and humane, so is keeping environmental standards in place. Many cannot be undone once they are violated. We humans are part of a bigger picture.

# Linda Myers

### #333231 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to reject Commissioner Gonzalez's recent amendments on the Housing Regulatory Relief Package (HRRP) to suspend Bird Safe Building and Green Roof requirements for 5 years. Bird Safe Glazing Standards are critical for reducing window collisions for birds, which cause approximately 1 billion bird deaths every year, and align with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city include green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. The Portland Planning Commission has listened to experts and determined the positive impact of these standards, and they must not be removed. Given the extreme urgency of wildlife preservation, climate change, and citizen safety that these standards address, please reject Commissioner Gonzalez's efforts to undermine these protections.

## **Richard Silverman**

### #333230 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The eleventh hour action by Commissioner Gonzales to suspend bird safe and green roof requirements for Housing Regulatory Relief Package. for five years at the last minute after public input is disrespectful of the process and is clearly another attempt to be partisan for the building industry in a city that prides itself on being environmentally friendly. Money talks and birds die, that is wrong and Commissioner Gonzales is clearly in the builders camp due to the funding they provide for the commissioner's reelection efforts and the industry he has worked for. Please adopt the recommended draft of the HRRP Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Why is an attorney for the building industry allowed to decide what is correct for the people of this city, should he not recuse himself from this issue? Why is his action taken after the hearings with the public discussed and then he gets the last say on what remains in the legislation? Where does the voice of 'the people' fit into the process other than when we elect our public officials who don't listen to the people that want to improve the environment we live in, and does listen to the industry that provides housing, even if it is unaffordable for an average wage earner? The package as proposed already significantly relaxes regulations for developers, and the Planning Commission wisely concluded that these two environmental policy suspensions would have nominal impact on housing production but would have significant and long term environmental consequences.

## **Carmen Ellis**

### #333229 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities.

# Melinda McCoy

### #333228 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Postponing requirements for bird safe windows just delays until it's more expensive to implement. In the mean time countless more lives would be lost as we experience bird declines across the country. Let's be a true leader in protecting the environment not just saying the words.

## **Erica Templeton**

### #333227 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and \*reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies\*. These issues are intertwined but not at odds, and we should address the housing crisis in a responsible, eco friendly way that minimizes human impact on wildlife/our environment. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Similarly, ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Please vote in favor of enacting these policies, rather than giving developers a pass on important sustainability responsibilities.

## **Aubrey Pagenstecher**

### #333226 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to urge you to approve the Planning Commission's draft of the HRRP as is without Commissioner Gonzalez's amendments.

# **SUE TONEY-DILLON**

### #333225 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mr. Wheeler and City Council, Please vote no on the last-minute amendments that threaten environmental protections on Bird Safe Buildings and Green Roof Requirements for 5 years. Please support the planning commission Housing Regulatory Relief Package for our city's environment which affects everyone. Thank you. Sincerely, Sue Toney-Dillon

## **Matthew Tuckerbaum**

### #333224 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

My name is Matthew Tuckerbaum. I am a board member at Portland: Neighbors Welcome, but I am submitting this testimony as an independent individual today, and not speaking officially on behalf of the organization. Overall, I would like to applaud Comm. Rubio, BPS, the Planning Commission, and City Council for taking prompt action to make the development of new housing in Portland more viable in our new, high-interest-rate context. All of these regulations were well-intended when they were passed, but the cumulative costs now make it difficult for new housing development to be financially competitive and compelling investments for investors, whose money is needed to bring housing into existence. I appreciate, as well, the approach of temporary waivers, rather than full-on repeals of these regulations, so that the work is not undone but can be reviewed again based on the economic situation five years down the line. My concerns with this process center around the lack of actual verifiable data behind the performance and impact of these regulations. The HRR proposals were derived from a survey sent to developers, which is a particularly crude and informal mechanism for gathering data that will be used to guide city policy. I hope that, moving forward, the City, BPS, and BDS will do more to collect actual, objective data about both the policies we have now and implement in the future, and how they affect outcomes and goals. It would be much easier to weigh trade-off decisions about suspension of regulations with better data - and it might even help us find big, unseen burdens that we didn't think to question. This leads me to my final point, about the last-minute re-introduction of amendments related to eco-roofs and bird-safe glass. The data on both sides of these heated debates is limited, and rather than looking at a polarized issue and seeing an opportunity to find a solution amenable to both sides, we are going back on forth on repealing or preserving the current code. We should not view our current policies as the only option, and I call on Comm. Rubio and BPS to bring both sides to the table to find a middle-ground policy that both developers and wildlife advocates could embrace. For example, I have heard from some in the development community that San Francisco's bird-safe glass code is much more effectively targeted, which makes it an easier pill to swallow when it applies. Taking this approach to look for new options would be fantastic way to build trust between multiple constituencies in the city. Overall, I am glad this effort has been made, and I hope we will continue to see this kind of responsiveness to the housing crisis from our city staff and officials.

## Mickie Harshman

### #333223 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hello, I am writing to urge you to support of the Planning Commission's Housing Regulatory Relief Package. Bird safe provisions are very important to me. Best regards, Mickie Harshman

## Curt Kolar

### #333222 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We urge Portland City Council to approve the Planning Commission's draft of the HRRP as is WITHOUT Commissioner Gonzalez's amendments. As critical as human housing is, we believe that the amendment which will cut reasonable environmental protections -- under the guise of "cost savings measures" -- will contribute to significantly denigrating the very environment that we all take pride in. Portland's record of commitment to live harmoniously with nature is among the prime reasons that we (fortunately residents with homes) have moved here in the first place, and continue to live here. Please don't alienate us in the process of aiding the homeless. Thank you for your consideration.

## andrew fountain

### #333221 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am dismayed with Commissioner Gonzalez's last minute amendments on the Housing Regulatory Relief Package (HRRP) to reintroduce the suspension of Bird Safe Building and Green Roof requirements for 5 years for two reasons. First, this suspension contrasts with Portland's efforts to build a ecologically sensitive and sustainable community. As a Portlander, I wish to tread as lightly on the environment as reasonably possible and this amendment increases our impact on wildlife and increases the urban heat stress. Second, a last minute amendment is often (as probably this case) an end-run around public awareness with the intent of limiting public comment. One wonders what interests prompted the Commissioner to take this action. Please reject this amendment

## **Simone Conley**

### #333220 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

PDX City Council, Don't take our city's vision backwards! I work at a local women's shelter and walk around various neighborhoods, so I know our housing crisis firsthand. Adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Simone Conley NW resident

## Pan Sammons

## #333219 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a longtime Portland resident and lover of birds and nature, I am very concerned about the proposal that will eliminate safeguards for 5 years! Please vote. No! I agree with the following Audubon talking points: Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for taking this seriously! Sincerely, Pan Sammons

# Michael HEUMANN

## #333218 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for supporting our environment and rejecting these last minute amendments.

# Ada Kite

### #333217 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the birds safe and keep the protections in place for them as well as the eco-roof policies. -An Audubon Volunteer and bird lover

## **Sherry Salomon**

### #333216 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Do not allow birds to die under the false premise that protections for the environment need to be sacrificed to provide affordable housing. This is simply another gift to the developers who want to cut costs! Where is the creativity? Solve the housing crisis without destroying our environment for all time! Degradation of our natural world is a stupid and short sighted solution!

## **Katherine Noble**

### #333215 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council, As a Portland resident for over a decade, I urge you to reject the proposed amendments to the Housing Regulatory Relief Package that would suspend bird-safe and eco-roof policies. Bird-safe and eco-roof policies are crucial to mitigating the rising effects of the climate crisis including the unprecedented heat waves over recent years that have caused human, wildlife, and plant death throughout our city. Green infrastructure and preservation of biodiversity are vital to creating a more resilient and healthy city for humans and wildlife alike. By responding reactively to the housing crisis without considering the long-term effects of removing important requirements such as the bird-safe and eco-roof policies, we will see greater levels of devastation due to climate change that will continue to impact the most vulnerable in our city. Please act accordingly by preserving the bird-safe and eco-roof policies within the Housing Regulatory Relief Package so the city can respond thoughtfully and sustainably to the housing, as well as, the climate crisis.

## Joyce De Monnin

### #333214 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

This is the wrong time to abandon our values. Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for taking action to help ensure our region remains one of the greenest metropolitan areas in the country – one in which all people have access to affordable housing in complete, healthy, equitable, climate resilient communities surrounded by nature.

## **Dolores Judkins**

### #333213 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please do not accept the amendments made by Commissioner Gonzalez on the HRRP. The Bird Safe Building and Eco Roofs are two very important parts of the HRRP, and will help safe millions of birds and will help the environment. The Portland Planning Commission already had significant input about these items, and decided they were important enough that they both should be in the HRRP.

## **Elizabeth Maxon**

### #333212 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for taking action to help Portland Audubon ensure our region remains one of the greenest metropolitan areas in the country – one in which all people have access to affordable housing in complete, healthy, equitable, climate resilient communities surrounded by nature.

## C Coleman

### #333211 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please approve the HRRP--WITHOUT Gonzalez' amendments! Thank you--

## Hannah Swan

## #333210 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please help save our precious, irreplaceable natural resources. Thank you.

## **Dlane Dickey**

## #333209 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package WITHOUT Commissioner Gonzalez's amendments. Suspending bird safe and ecoroof policies harms our city and our progress. Bird Safe glazing not only mitigates bird deaths but contributes to the energy efficiency goals that we are striving for. Ecoroof requirements are critical to enlarge the very important green infrastructure of our city. These requirements not only create a habitat and help to treat stormwater, but they reduce the urban heat effect with minimal care. Both of the amendments that Commissioner Gonzalez seeks to add are short-sighted. While he may believe he is reducing costs, what these amendments will actually do is harm our city and prevent us from doing what needs to be done for the strongest, safest, most sustainable result as we enter the second quarter of the 21st century. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## **Jamison Loos**

### #333208 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Thank you to Council for their efforts to address our city's housing crisis via Housing Regulatory Relief package. I support the amendments proposed by Commissioner Gonzalez. Please see attached written testimony.

As a local Portland developer and member of Oregon Smart Growth, *I want to thank City Council for prioritizing our city's dire need for housing* by temporarily suspending regulatory items that add to today's historically high construction costs. I applaud Commissioner Rubio for spearheading this effort as part of a broader set of improvements to the permitting process.

The Housing Regulatory Relief package along with the rightsizing of Inclusionary Housing (incentives vs. expenses) together demonstrate a *real, action-oriented commitment to address the housing crisis that we all know exists.* 

*I strongly support Commissioner Gonzalez's amendments* to add back the five-year temporary waiver of birdsafe glazing and eco-roof requirements in addition to removing the 35-day posting neighborhood contact before permit or land-use submission. Offering incentives for items like bird-glass and eco-roofs would be more effective approach that would avoid increasing the cost of construction during a housing crisis.

Housing Regulatory Relief and Commission Gonzalez's amendments would have a noticeable impact on the feasibility of 240-unit project in NW Portland that Ethos had to put on hold. Several macroeconomic headwinds still exist, but *approval of the pro-housing policies before Council today will send a substantive message that Portland is serious about building more housing.* 

In closing, I'd like to underscore that the Regulatory Relief package is temporary—five years. Much work and research has been done to understand the impact of these various requirements on the cost of housing.

In five years, we owe it to the city to embark on a similar deep dive into the state of housing production and compare it to our region's growing population. *If housing production continues to lag behind needed supply, we should not allow these efforts to simply expire*. A robust public process and data-driven approach should be undertaken to evaluate the impact of these changes and whether reverting back to these additional requirements would temper needed housing production at that time.

Thank you for the time and effort that went into the Housing Regulatory Relief package. I hope that Council supports this package as part of the ongoing effort to find solutions for the region's housing crisis.

Best,

Jamison Loos

## **Judith Glad**

## #333207 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please live up to your responsibility and retain the Planning Commission's Housing Regulatory Relief Package. Both Bird-Safe buildings and Green Roofs are essential in the effort we all must take to prevent further (and faster) degradation of our environment.

# **Jillian Murphy**

### #333206 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please reject the amendments to the HRRP submitted by Commissioner Gonzalez to suspend ecoroof and bird safe policies. In a city where canopy cover is still being lost and urban heat island effects are a problem especially in impoverished areas, green roofing provides cooling that can help save lives. It also provides habitat for other species, such as birds, whose existence is imperiled for some of the same reasons that humans' lives are - among them, climate change and pollution, which can both be offset by ecoroofing. The right housing policy will address all aspects of development: how it affects humans and other organisms, such as birds. We are ecologically all experiencing crises of lack of affordable housing, climate change, and plummeting biodiversity. Bird Safe Glazing Standards, in particular, should also remain a part of the HRRP; window strikes are responsible for 1 billion bird deaths annually. All development in Portland must be sustainable, or it threatens to create problems for us to face in the future. Let's not create conflict where it doesn't exist; Portlanders, housed or unhoused, are not at odds with birds. The amendments proposed by Commissioner Gonzalez will not help us in the long run.

## **Brian Cochrane**

### #333205 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# **Kirk Keyes**

### #333204 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council - I'd like the Council to adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and Eco-roof policies; The City should advance approached that try to solve our current affordable housing crisis, climate crisis and biodiversity crisis, and not sacrifice out communities' sustainability. Bird Safe Glazing Standards are critical for reducing window collisions. Up to 1 billion bird deaths every year from collisions. Bird safe windows can align with energy efficiency goals for our buildings. Eco-roof requirements ensure that new development incorporates important green infrastructure. This will help treat stormwater, create habitat in a highly developed portion of Portland, and reduce the urban heat island effect. Thank you, Kirk

## Judy Roumpf

### #333203 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Vote no on Comm. Gonzales's motion to remove bird-safe windows and eco-roof requirements from the HRR. Adopt as is the planning commission's very thoughtfully constructed plan, given extensive public input.

# Annie Carlton

### #333202 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing in strong support of adopting the Housing Regulatory Relief Project. While the proposed amendments removed additional incentives for housing, this project is a step in the right direction. Commissioner Rubio and HRRP team (specifically leader Phil Nameny), I greatly appreciate you including language that considers benefits for housing projects currently in for permit. These projects are the closest to the finish line and oftentimes most in need of feasibility assistance. Our 150 unit project in Portland will like survive due to the addition of this language, what you are doing is making an immediate difference to housing delivery. I ask that you continue to show your support by rolling this out with a sense of urgency and collaboration with BDS and development partners. Both groups will need your leadership to guide implementation strategy and expediency in review. These items are not complicated to implement, in fact they should speed the process up given their intent of reducing additional hurdles. Please remember that fact when it comes to the roll out. Thank you for the patience and persistence with these changes, we're optimistic that this is a sign of good things to come.

## **Jill James**

### #333201 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package and reject Commissioner Gonzalez's amendments to suspend bird safe and ecoroof policies; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## **Michael Oliver**

### #333200 | January 10, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I write to register my strong opposition to Commissioner Gonzalez' proposed amendment to housing ordinances that would defer or eliminate bird-safe provisions &/or green roof requirements temporarily or for any stated period of time. I urge the Council to reject these proposals.

## **Thomas Doherty**

### #333199 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a Portlander and Psychologist who studies the helath impcats of climate change and environmental problems I urge you to: (1) Please ADOPT the recommended draft of the Housing Regulatory Relief Package and REJECT Commissioner Gonzalez's LAST MINUTE amendments to suspend bird safe and ecoroof policies;? (2) Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. THIS IS AN URGENT PUBLIC HEALTH HUMAN NEED TO ADAPT TO WEATHER AND HEAT DISASTERS. (3) Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability AND PUBLIC HEALTH of our communities. THANK YOU

## Alan Scott

### #333198 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City of Portland Mayor and Commissioners, I am writing to express support for the Portland Planning Commission's recommendations for the proposed Housing Regulatory Relief Package (HRRP), and my concern with any attempts to add additional exceptions back into the package, specifically related to bird-safe glazing and vegetated roofs. While I wholeheartedly support the development of much needed affordable housing in Portland, this must be done in conjunction with, not in opposition to the critical environmental imperatives we all face. In particular, I am concerned about two elements in the previous draft that were rejected by the Portland Planning Commissioning in their current recommendations, rolling back bird-safe building provisions and eliminating eco-roof requirements. Firstly, the built environment has serious impacts on ecosystem health, and we know that our native bird populations are in serious decline from a variety of human-related pressures, including window collisions, which rank among the top three conservation pressures on birds (after habitat destruction and domestic cats). Portland is positioned along a key flyway for migratory birds and hosts critical habits for resident bird populations. These birds are an important part of a healthy ecosystem and provide valuable ecosystem services (pollination, pest control, etc.). Please do not remove the bird-safe glazing standard. The housing we build today will be with us for decades and any short-term compromise in this standard will lock in bird deaths for the life of the buildings. Further, bird-safe glazing can be integrated with energy saving glazing choices, keeping operating costs low for residents and improving thermal comfort on hot days. Secondly, the summer of 2023 was officially the hottest summer ever recorded, with hotter temperatures anticipated in the coming decades. Portland experienced a deadly heat dome in 2021, a preview of the summers of our future. Temperatures were significantly hotter in neighborhoods with vulnerable and disadvantaged populations. Vegetated roofs reduce urban heat islands and provide thermal resilience for the buildings they cover. Please do suspend the eco-roof requirements for the Central City. This is a neighborhood that experiences the most significant heat island effect during extreme heat events. Eco-roofs protect public health during these events, and reduce energy use in buildings, supporting affordability. Further, they play an important role in improving water quality and reducing stormwater runoff. As a registered architect and a sustainability professional, I have been engaged with bird-safe and climate-friendly building projects for decades. I know that features like bird-safe glass and eco-roofs can be integrated with comprehensive sustainable building strategies, managing first-costs and providing multiple synergistic benefits, including occupant health and comfort, reduced utility bills, and minimized climate impacts. I am very concerned that the initial HRRP was

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft developed based solely on a survey of developers without additional investigation to determine if these proposed measures will actually increase the quantity of affordable housing. We do not need to play our environmental imperatives against the critical need for affordable housing access. We should instead be focused on collectively and creatively advancing both of these priorities from our shared vision. Please approve the HRRP as recommended by the Planning Commissioning without adding exceptions for bird-safe glazing and vegetated roofs. Thank you for your time and consideration of this issue. Best regards, Alan Scott, FAIA, LEED Fellow

10 January 2024

Dear City of Portland Mayor and Commissioners,

I am writing to express support for the Portland Planning Commissions recommendations for the proposed Housing Regulatory Relief Package (HRRP), and my concern with any attempts to add additional exceptions back into the package, specifically related to bird-safe glazing and vegetated roofs. While I wholeheartedly support the development of much needed affordable housing in Portland, this must be done in conjunction with, not in opposition to the critical environmental imperatives we all face. In particular, I am concerned about two elements in the previous draft that were rejected by the Portland Planning Commissioning in their current recommendations, rolling back bird-safe building provisions and eliminating eco-roof requirements.

Firstly, the built environment has serious impacts on ecosystem health, and we know that our native bird populations are in serious decline from a variety of human-related pressures, including window collisions, which rank among the top three conservation pressures on birds (after habitat destruction and domestic cats). Portland is positioned along a key flyway for migratory birds and hosts critical habits for resident bird populations. These birds are an important part of a healthy ecosystem and provide valuable ecosystem services (pollination, pest control, etc.).

Please do not remove the bird-safe glazing standard. The housing we build today will be with us for decades and any short-term compromise in this standard will lock in bird deaths for the life of the buildings. Further, bird-safe glazing can be integrated with energy saving glazing choices, keeping operating costs low for residents and improving thermal comfort on hot days.

Secondly, the summer of 2023 was officially the hottest summer ever recorded, with hotter temperatures anticipated in the coming decades. Portland experienced a deadly heat dome in 2021, a preview of the summers of our future. Temperatures were significantly hotter in neighborhoods with vulnerable and disadvantaged populations. Vegetated roofs reduce urban heat islands and provide thermal resilience for the buildings they cover.

Please do suspend the eco-roof requirements for the Central City. This is a neighborhood that experiences the most significant heat island effect during extreme heat events. Eco-roofs protect public health during these events, and reduce energy use in buildings, supporting affordability. Further, they play an important role in improving water quality and reducing stormwater runoff.

As a registered architect and a sustainability professional, I have been engaged with bird-safe and climate-friendly building projects for decades. I know that features like bird-safe glass and eco-roofs can be integrated with comprehensive sustainable building strategies, managing firstcosts and providing multiple synergistic benefits, including occupant health and comfort, reduced utility bills, and minimized climate impacts. I am very concerned that the initial HRRP was developed based solely on a survey of developers without additional investigation to determine if these proposed measures will actually increase the quantity of affordable housing. We do not need to play our environmental imperatives against the critical need for affordable housing access. We should instead be focused on collectively and creatively advancing both of these priorities from our shared vision. Please approve the HRRP as recommended by the Planning Commissioning without adding exceptions for bird-safe glazing and vegetated roofs.

Thank you for your time and consideration of this issue.

Best regards,

11. Set

Alan Scott, FAIA, LEED Fellow

# Walt Wyler

### #333197 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Date: January 7, 2024 To: Portland City Council From Downtown Neighborhood Association (DNA) Re: Housing Regulatory Relief Project (HRR) Dear Mayor Wheeler and Council Members: The DNA appears today to urge the Council to separate out, from other Project amendments that you may wish to speedily ratify, the Proposal 13 which eliminates neighborhood associations from having any input into important development projects in our city. We propose a six- month process by which the neighborhood associations, the development community, and the city can work together to streamline process concerns, especially in Type 3 reviews. We support efforts to increase affordable housing stock, but not at the expense of citizen input in important city decisions. Portland's vibrant tradition of citizen involvement is being disrespected and decimated by these proposed amendments. Because our 500 + membership lives, studies, works and runs businesses in the core downtown, we recognize, and have been working with the City, to address the crises in our streets stemming in part from the lack of affordable housing. The DNA supports the temporary elimination of unnecessary bureaucratic barriers and streamlining processes that will assist in adding affordable housing to our housing stock as quickly as possible. However, there is no evidence today that permitting delays are caused by citizen involvement. As stated by Commissioner Robinson in her testimony on October 24, 2023, "there is no benefit in reducing access to the community" of information as contemplated in these amendments. It is astounding that the proposal eliminates even online accessible information to the community. We are concerned that the survey sent last year to over 3,000 participants did not include a single neighborhood association. In fact, no outreach or notice was received by the DNA or our coalition NWNW. The DNA concurs with the analysis and concerns raised by the East Columbia NA to the Planning Commission, a copy of which is attached to this testimony. Preventing the participation of an informed citizenry destroys the NA Charter role in our civic discourse on matters of public concern. Please take a beat and grant our request for a six month delay for further consideration. Thank you for your consideration, Walter Weyler, Chair Downtown Neighborhood Association

October 23, 2023 TESTIMONY RE AMENDMENTS TO PORTLAND HOUSING REGULATIONS

The East Columbia Neighborhood Association objects to the following proposed amendments, which are laid out in the "Housing Regulatory Relief — Proposed Draft September 2023":

1. In the Commentary on Zoning Code Amendment to 33.705.020.A.3, Page 110, it states that "The zoning code regulates development and development-related activities not which kinds of online formats BDS should use. This particular regulation is too prescriptive and not appropriate for the zoning code. BDS has administrative procedures that they follow for how they post neighborhood contact information online."

It appears that these administrative procedures do not seem to be reduced to written Code, and are not even transparent to the public. Unless and until they, too, are made part of City Code, we are not confident that they are substantial enough to permit removal of parts of the Code already in place.

2. The commentary on Zoning Code Amendment to 33.705.020.C, Neighborhood contact III, points out that Neighborhood Contact III is to be permanently eliminated. It states "The Neighborhood Contact III option is a more complicated process for projects in the Design overlay zone or when a land division includes an environmental review, and it involves an alternative meeting schedule. Neighborhood contact III can increase the amount of time it takes for the neighborhood contact process to take place, and many applicants are confused by the different contact process and timelines of contact III when compared to the contact II process. The intent of the amendment is to standardize the contact process between the posting requirement of Neighborhood Contact I and the posting/meeting for II. The simplification reduces the confusion and potential time delay before a building permit or land use review is submitted. However, a parallel amendment made to the Neighborhood Contact II process allows for the applicant to work directly with the Neighborhood Association to host the meeting if they choose to which is similar to the contact III option. With its deletion, projects previously subject to Neighborhood Contact III will instead follow the Neighborhood Contact I or II process depending on the size of the development. Note that this revised contact process will immediately apply to commercial only projects. However, projects with residential uses

will have the neighborhood contact process waived. In those cases, the revised Neighborhood Contact I/II process will begin applying at the end of the suspension after January 1, 2029." East Columbia has a substantial amount of land which would require an environmental review prior to construction, and we oppose the elimination of any zoning change that would eliminate, reduce or waive requirements for neighborhood contact.

3. The commentary on Zoning Code Amendments to 33.730.013.A (Expedited Land Division Procedure) and 33.730.014.B (Type I Procedure), Page 124, states "the amendment will temporarily suspend the neighborhood contact requirements for any projects that include residential uses for the next 5 years. This removes an added process, which many complain adds cost, for housing projects."

Likewise, commentary on Zoning Code Amendments to 33.730.030.B (Type III Procedure) proposes "the temporary suspension of all neighborhood contact options for project involving residential uses consistent with the amendments in other sections of the code." East Columbia opposes the suspension of neighborhood contact requirements for projects that include residential uses -- temporary or otherwise -- for any period of time. Expediting the zoning or permitting process of construction projects by cutting neighborhood involvement out of the process in any way, and to any extent, is tantamount to steam-rolling objectionable projects over propertyowners and stakeholders who are entitled to register their objections.

D. Commentary on proposed Zoning Code Amendments to Quasi-Judicial procedures involving 33.810.050.A, 33.815.100.B2 and 33.815.107.D2 a states "Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed developments impact on on- street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria."

The same deletion is proposed for approval criteria in Open Space zones (33.815.100) and Short Term, Mass, and Outdoor Shelters in R zones (33.815.107).

East Columbia strenuously objects to these deletions. We have a proposed construction project at this time in our neighborhood which has the potential of forcing on-street parking of an additional 24 vehicles on the corner of a dead-end street with no sidewalks, in a neighborhood which has poor walkability and lacks proximity to mass transit or amenities. Issues of public safety are at stake on many fronts, and we feel that to remove the impact of on-street parking as an approval criterion for zoning and permitting review in such a case would be not only careless, but potentially actionable in court. Respectfully,

Patrick Henry Land Use Chairman East Columbia Neighborhood Association

## Walter Weyler

### #333196 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Date: January 7, 2024 To: Portland City Council From Downtown Neighborhood Association (DNA) Re: Housing Regulatory Relief Project (HRR) Dear Mayor Wheeler and Council Members: The DNA appears today to urge the Council to separate out, from other Project amendments that you may wish to speedily ratify, the Proposal 13 which eliminates neighborhood associations from having any input into important development projects in our city. We propose a six- month process by which the neighborhood associations, the development community, and the city can work together to streamline process concerns, especially in Type 3 reviews. We support efforts to increase affordable housing stock, but not at the expense of citizen input in important city decisions. Portland's vibrant tradition of citizen involvement is being disrespected and decimated by these proposed amendments. Because our 500 + membership lives, studies, works and runs businesses in the core downtown, we recognize, and have been working with the City, to address the crises in our streets stemming in part from the lack of affordable housing. The DNA supports the temporary elimination of unnecessary bureaucratic barriers and streamlining processes that will assist in adding affordable housing to our housing stock as quickly as possible. However, there is no evidence today that permitting delays are caused by citizen involvement. As stated by Commissioner Robinson in her testimony on October 24, 2023, "there is no benefit in reducing access to the community" of information as contemplated in these amendments. It is astounding that the proposal eliminates even online accessible information to the community. We are concerned that the survey sent last year to over 3,000 participants did not include a single neighborhood association. In fact, no outreach or notice was received by the DNA or our coalition NWNW. The DNA concurs with the analysis and concerns raised by the East Columbia NA to the Planning Commission, a copy of which is attached to this testimony. Preventing the participation of an informed citizenry destroys the NA Charter role in our civic discourse on matters of public concern. Please take a beat and grant our request for a six month delay for further consideration. Thank you for your consideration, Walter Weyler, Chair Downtown Neighborhood Association



Date: January 7, 2024

To: Portland City Council

From Downtown Neighborhood Association (DNA)

Re: Housing Regulatory Relief Project (HRR)

Dear Mayor Wheeler and Council Members:

The DNA appears today to urge the Council to separate out, from other Project amendments that you may wish to speedily ratify, the Proposal 13 which eliminates neighborhood associations from having any input into important development projects in our city. We propose a sixmonth process by which the neighborhood associations, the development community, and the city can work together to streamline process concerns, especially in Type 3 reviews. We support efforts to increase affordable housing stock, but not at the expense of citizen input in important city decisions.

Portland's vibrant tradition of citizen involvement is being disrespected and decimated by these proposed amendments. Because our 500 + membership lives, studies, works and runs businesses in the core downtown, we recognize, and have been working with the City, to address the crises in our streets stemming in part from the lack of affordable housing. (out?) Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft The DNA supports the temporary elimination of unnecessary bureaucratic barriers and streamlining processes that will assist in adding affordable housing to our housing stock as quickly as possible.

However, there is no evidence today that permitting delays are caused by citizen involvement. As stated by Commissioner Robinson in her testimony on October 24, 2023, "there is no benefit in reducing access to the community" of information as contemplated in these amendments. It is astounding that the proposal eliminates even online accessible information to the community.

We are concerned that the survey sent last year to over 3,000 participants did not include a single neighborhood association. In fact, no outreach or notice was received by the DNA or our coalition NWNW. The DNA concurs with the analysis and concerns raised by the East Columbia NA to the Planning Commission, a copy of which is attached to this testimony.

Preventing the participation of an informed citizenry destroys the NA Charter role in our civic discourse on matters of public concern. Please take a beat and grant our request for a six month delay for further consideration.

Thank you for your consideration,

Walter Weyler, Chair Downtown Neighborhood Association

### ATTACHMENT

Housing Regulatory Relief Testimony on Recommended Draft

### October 23, 2023 TESTIMONY RE AMENDMENTS TO PORTLAND HOUSING REGULATIONS

The East Columbia Neighborhood Association objects to the following proposed amendments, which are laid out in the

"Housing Regulatory Relief — Proposed Draft September 2023":

 In the Commentary on Zoning Code Amendment to 33.705.020.A.3, Page 110, it states that "The zoning code regulates development and development-related activities not which kinds of online formats BDS should use. This particular regulation is too prescriptive and not appropriate for the zoning code. BDS has administrative procedures that they follow for how they post neighborhood contact information online."

It appears that these administrative procedures do not seem to be reduced to written Code, and are not even transparent to the public. Unless and until they, too, are made part of City Code, we are not confident that they are substantial enough to permit removal of parts of the Code already in place.

2. The commentary on Zoning Code Amendment to 33.705.020.C, Neighborhood contact III, points out that Neighborhood Contact III is to be permanently eliminated. It states "The Neighborhood Contact III option is a more complicated process for projects in the Design overlay zone or when a land division includes an environmental review, and it involves an alternative meeting schedule. Neighborhood contact III can increase the amount of time it takes for the neighborhood contact process to take place, and many applicants are confused by the different contact process and timelines of contact III when compared to the contact II process. The intent of the amendment is to standardize the contact process between the posting requirement of Neighborhood Contact I and the posting/meeting for II. The simplification reduces the confusion and potential time delay before a building permit or land use review is submitted. However, a parallel amendment made to the Neighborhood Contact II process allows for the

Testimony on Recommended Draft applicant to work directly with the Neighborhood Association to host the meeting if they choose to which is similar to the contact III option. With its deletion, projects previously subject to Neighborhood Contact III will instead follow the Neighborhood Contact I or II process depending on the size of the development. Note that this revised contact process will immediately apply to commercial only projects. However, projects with residential uses will have the neighborhood contact process waived. In those cases, the revised Neighborhood Contact I/II process will begin applying at the end of the suspension after January 1, 2029."

East Columbia has a substantial amount of land which would require an environmental review prior to construction, and we oppose the elimination of any zoning change that would eliminate, reduce or waive requirements for neighborhood contact.

3. The commentary on Zoning Code Amendments to 33.730.013.A (Expedited Land Division Procedure) and 33.730.014.B (Type I Procedure), Page 124, states "the amendment will temporarily suspend the neighborhood contact requirements for any projects that include residential uses for the next 5 years. This removes an added process, which many complain adds cost, for housing projects."

Likewise, commentary on Zoning Code Amendments to 33.730.030.B (Type III Procedure) proposes "the temporary suspension of all neighborhood contact options for project involving residential uses consistent with the amendments in other sections of the code."

East Columbia opposes the suspension of neighborhood contact requirements for projects that include residential uses -- temporary or otherwise -- for any period of time. Expediting the zoning or permitting process of construction projects by cutting neighborhood involvement out of the process in any way, and to any extent, is tantamount to steam-rolling objectionable projects over propertyowners and stakeholders who are entitled to register their objections.

D. Commentary on proposed Zoning Code Amendments to Quasi-Judicial procedures involving 33.810.050.A, 33.815.100.B2 and 33.815.107.D2 a states "Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed developments impact on on- street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria."

The same deletion is proposed for approval criteria in Open Space zones (33.815.100) and Short Term, Mass, and Outdoor Shelters in R zones (33.815.107).

East Columbia strenuously objects to these deletions. We have a proposed construction project at this time in our neighborhood which has the potential of forcing on-street parking of an additional 24 vehicles on the corner of a dead-end street with no sidewalks, in a neighborhood which has poor walkability and lacks proximity to mass transit or amenities. Issues of public safety are at stake on many fronts, and we feel that to remove the impact of on-street parking as an approval criterion for zoning and permitting review in such a case would be not only careless, but potentially actionable in court.

Respectfully,

Ordinance 191609 Housing Regulate Patrick Henry Land Use Chairman East Columbia Neighborhood Association

# Abby VanLeuven

### #333195 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hello, I urge to you to please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact Given where we are at in the world and in our city with our current affordable housing crisis, climate crisis and biodiversity crisis, we should be working to address these things at the same time. We should not however advance approaches that pit them against each other and sacrifice the long term wellbeing of our communities (people and wildlife!). Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. We are in a critical point in our world and advancing projects that don't further climate goals and sustainability and HURT wildlife are not the way to to long term success. I once again urge you to please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact.

## **Katherine Newton**

## #333194 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The current HRRP draft ought to be adopted to keep birds safe and ecoroof policies intact. Creating new and thoughtful solutions is necessary to address the current housing, climate, and biodiversity crises, all of which work together and rely on one another to promote sustainability. The Bird Safe Glazing Standards protect native birds by reducing fatal window collisions while aligning with energy efficiency goals. Additionally, ecoroof developments work to simultaneously treat storm water, create habitat within dense urban areas, and reduce the significant heat island effect found within highly developed urban centers. The aforementioned considerations are vital for a sustainable and holistic approach to future developments that benefit people, animals, and the environment. Therefore, adopting the current draft as-is is the best option to meet these goals.

## **Marianne Fitzgerald**

### #333193 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

neighborhoods and developers to seek reasonable cPlease do not modify the Neighborhood Contact Requirements! There needs to be more meaningful conversations with Portland's Neighborhood Associations, the stakeholders most affected by this proposal, regarding what will be the effect of these proposed changes and how the process could be improved. The HRR package proposes both temporary and permanent changes that were requested by city staff, not the development community. The current Neighborhood Contact requirements facilitate more livable communities through conversations about issues the developer may not be aware of. Neighborhood contact requirements are easily worked into a well-managed permitting schedule. Please do not make changes to the Neighborhood Contact zoning code until there has been a collaborative process among staff, neighborhood associations and developers to seek reasonable compromises. Do not adopt the proposed HRR code changes that cuts public dialogue out of the development process.

# Chris Dodge

### #333192 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm writing to ask that you please keep bird safe and ecoroof policies in the Housing Regulatory Relief Package, as the city council voted, and do not agree to Commissioner Gonzales' amendment to suspend those. Once upon a time, Portland was at the forefront of initiating innovative policies to protect the environment and ensure our city was climate resistant and as green as possible. Including bird safe and ecoroof requirements should be a no-brainer. Developers are still going to build in this city – and with these policies in tact, they will do it in a way that is sustainable and good for the entire community, both humans and our wildlife neighbors. 2023 was the hottest year on record (by a much higher margin than the scientists predicted) and ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. So, PLEASE – do not roll the dial backwards and remove these from the HRRP. Make the right decision to ensure our region remains one of the greenest metropolitan areas in the country where all people have access to affordable housing in complete, healthy, equitable, climate resilient communities surrounded by nature.

## Jake Sly

### #333191 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Thank you for considering these temporary amendments that will help to increase housing production and recognizing that there are conflicting priorities that need to be reconciled. From the perspective of a local General Contractor, we are experiencing the following issues as a result of regulatory barriers: • Additional construction costs related to regulatory requirements have compounded difficulties in financing projects which is making delivery of housing more challenging. • Not only do these well intended regulations impact delivery of housing, but the reduction of projects in the pipeline puts at risk thousands of local construction jobs that employ a broad cross section of both small and large businesses. Many of the businesses that are hired to build these buildings are often COBID firms that focus on and rely on housing construction to build their businesses and provide job opportunities to our community. • We saw with the last lull in construction activity during the great recession a significant number of craftspeople leaving the trades to find employment in other sectors. This flight contributed to the a depletion of skilled labor and an ultimately an increase in construction costs for housing. Housing construction activity in Portland is down, and we need to find ways to increase it again. We need to make sure that all barriers to housing construction are removed, and these amendments are a step in the right direction. Respectfully, Jake Sly

## Michelle Dawson

## #333190 | January 10, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I do not believe that some of these temporary and permanent waivers of requirements are beneficial to the community on a whole. The reduction in bicycle parking and loading spaces does not make sense. If there are not available loading spaces than new residents will be forced to park moving vehicles in the road or in a way that impedes others. Reducing bicycle parking will not benefit the greater transportation plans of the city, if we want to continue to encourage the use of alternate means of transportation to cars than we cannot be reducing the requirements making developers include those in their projects. If the developers are not required to provide these amenities they will not provide them out of the goodness of their heart. Removing on-street parking impacts form the transportation study is ridiculous. Developers should not be allowed to ignore the impacts their development will create on the public infrastructure. Neighborhood contact for any project should never be waived. If notice to neighborhoods/businesses/neighbors is removed from any process than you lose the opportunity to gain vital information about an area with a development that you can only get from those who live and work in that area.

## **Peter Carew**

## #333189 | January 10, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge the Portland City Council to retain the mandates regarding Green Roofs and Bird Friendly Buildings as recommended by the Planning Commission draft.

## **Dave Malcolm**

### #333188 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

see attached letter



c/o Neighbors West-Northwest Coalition 434 NW 6<sup>th</sup> Avenue #202, Portland, OR 97209 503-823-4288, fax 503-223-5308

http://www.sylvanhighlands.org

#### January 9, 2024

To: Portland City Council, Portland Planning Commission, Portland Design Commission

Re: Bureau of Planning & Sustainability (BPS) proposed Housing Regulatory Reform (HRR)

Sylvan Highlands Neighborhood Association (SHNA) acknowledges that additional housing is needed for Portland residents. SHNA supports BPS and Planning Commission efforts to reduce unnecessary regulatory barriers to new housing development.

SHNA opposes the HRR suspension of the neighborhood contact meeting requirement for five years. The meeting requirement is necessary and should not be eliminated. Attending or scheduling a neighborhood meeting is an additional step for the developer that that incurs minimal, if any, added cost or delay. Establishing open communication and forming relationships with the community can benefit all parties as the project progresses.

HRR changes with online access appear to be an attempt to limit community information gathering. The HRR will eliminate current requirements that BDS (a) make the information required from the developer (applicant name, site address, proposed development summary and site plan) available in an accessible online format and as an open data set and (b) provide means for community members to subscribe to get proactive notification of new information. There is no provision in the HRR for making community access to the information.

The HRR commentary says that this is too "proscriptive and not appropriate for the zoning code." It further justifies the elimination by stating that BDS has "administrative procedures that they follow for how they post neighborhood contact information on line." This is bureaucracy speak that's conclusionary, unexplained, obtuse and most likely ineffective or mistaken. We have no idea of such BDS administrative procedures or how they would work, or not.

The HRR entirely eliminates Level III hearings. This is a short sighted gift to developers that most likely does nothing to benefit local residents, interested parties and the public.

Interested parties, citizens and neighborhood associations are completely cut out of reviews and have no access to information for five years. HRR language that restricts or eliminates public information access must be eliminated for the public good. SHNA opposes HRR language that suspends neighborhood contact meetings, diminishes online information access, cancels current BDS requirements to provide public information, and eliminates Level III hearings. These proposed changes will harm the public good while benefiting special interests. Please ensure that these proposed changes do not become enacted. Thank you for your interest and consideration.

Respectfully,

Dave Malcolm Land Use Committee Chair Sylvan Highlands Neighborhood Association

## Laura Jackson

## #333187 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Mayor Wheeler and Commissioners, thank you for the opportunity to testify. The HRR is bad policy, plain and simple. It's whittling away at what are generally well thought-out policies, at the behest of the development community. Policies that were put in place for long-term livability goals, climate resilience and making vibrant and healthy neighborhoods. As my grandma would have said, "Penny wise, dollar foolish." Doing things right now, versus doing them right. Reducing the neighborhood meeting and contact policies is counter to what partners like METRO and HUD are using and refining to be more inclusive, not less. We need government, and organizations who spend our tax dollars to be transparent in their planning and decisionmaking. Home Forward, I'm looking at you! It seems a bit hypocritical that on the Meet Carmen Rubio page, we read, "Carmen Rubio knows the power of community. She has seen firsthand when community comes together and organizes," yet you, Commissioner Rubio, are leading the charge to reduce neighborhood association, business association and other community groups having early notice and input into projects. Ground floor articulation and commercial use may save a few dollars today, but what is the result in 2034 for that business district that was just starting to take off in 2024, now with block-long blank facades every other block? Portland does a poor job protecting solar access for property owners and users. We've been told for over a decade to put up solar panels if we can; to grow food not lawns; repurpose gardens to be backyard habitat for birds and pollinators. Design review, and the opportunity to appeal, helps protect positive environmental investments. Reducing or removing these requirements is detrimental to our long-term community goals. Commissioner Rubio mentions making 20-30 small changes in her comments to Willamette Week. What we need are big, bold changes. Changes that would have allowed the former 122nd Kmart to become housing and not a warehouse, changes to support and maybe fund the conversion of empty offices to housing, and even possible use of eminent domain to acquire vacant properties for public-benefit affordable housing (e.g. vacant lots along Powell west of Chavez.) It's those moves that will attract builders, while keeping our environmental, climate, and livability goals intact.

## **Doug Crimin**

### #333186 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hello, I am submitting testimony on behalf of the Green Roof information Think-tank (GRiT). In short, GRiT supports the Planning Commission's housing regulatory relief proposal, and we urge council to adopt the recommendations without amendments or modifications. Thank you, Doug Crimin, president Green Roof information Think-tank



January 9, 2024

Subject: Adopt Planning Commission Proposed Housing Regulatory Relief Code Changes

Dear Mayor and City Commissioners:

I am writing on behalf of the Green Roof information Think-tank (GRiT) to urge you to adopt the Portland Planning Commission's Housing Regulatory Relief recommendations without amendments or modifications.

Our hope is that developments will combine ecoroofs and solar panels as the two roofing technologies are mutually beneficial. Ecoroofs are considerably cooler than conventional roofing surfaces, and they cool the ambient air. Solar panels perform more efficiently when they are kept cool. Results vary, but generally, ecoroofs increase photovoltaic performance between 3 percent and 16 percent. The solar panels shade ecoroof vegetation and protect it from the harsh summer sun.

Ecoroofs offer many benefits that positively impact our environment, community, and economy. Here are some of the key advantages of preserving the use of ecoroofs in our city:

#### Economic Benefits

- Extended Roof Lifespan: Ecoroofs protect the underlying roof membrane from UV radiation and temperature fluctuations, extending its lifespan and reducing maintenance costs.
- Increased Property Values: Buildings with ecoroofs command higher property values and attract eco-conscious tenants.
- Job Creation: The design, installation, and maintenance of ecoroofs create employment opportunities within our community.
- Tourism and Green Spaces: Ecoroofs are attractive urban green spaces, drawing tourists and generating revenue.

Environmental Benefits

- Stormwater Management: Ecoroofs absorb rainwater, reducing the burden on stormwater systems and preventing urban flooding.
- Air Quality Improvement: Ecoroofs filter pollutants from the air, contributing to better overall air quality.
- Temperature Regulation: Ecoroofs mitigate urban heat island by naturally cooling buildings and their surroundings.
- Biodiversity Support: These roofs enhance urban biodiversity by providing habitat for birds, insects, and plants.

Community Well-Being

• Aesthetic Appeal: Ecoroofs enhance the visual appeal of our cityscape, contributing to a more pleasant and healthy urban environment.

• Recreational Opportunities: Accessible ecoroofs serve as recreational areas for residents, promoting physical activity and social interaction.

Energy Efficiency

• Thermal Insulation: Ecoroofs are natural insulators, reducing the need for heating and cooling, thus lowering energy consumption.

The very people we need to provide housing for would benefit most from living in buildings with ecoroofs and solar panels. According to a San Francisco study, the initial cost of an ecoroof pays back within six years. Accessible ecoroofs provide needed outdoor space which contributes to social cohesion and improved mental health, key elements of our post-COVID world. Accessible ecoroofs can also be used for urban farming, contributing to food security.

Given the multiple benefits of combining solar panels and ecoroofs, we urge you adopt the Planning Commission's recommended housing regulatory relief package.

GRiT is a community resource, and we are ready to continue to support the city's goals for ecoroofs, climate resilience, and affordable housing. We are available to collaborate on finding environmentally-friendly solutions for our community.

Sincerely yours,

Drug Crimin

Doug Crimin, president Green Roof information Think-tank

## Maria Sause

### #333185 | January 9, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We want the Portland City Council to adopt the Planning Commission Recommendations for Green Roofs and Bird Friendly Buildings that are contained in the Recommended Draft (i.e to RETAIN, not suspend, these mandates).

# Marita Ingalsbe

### #333184 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am opposed to the proposed five-year removal of the neighborhood contact meeting requirement for the following reasons. 1) Neighborhood Contact was not one of the top 10 policies and processes identified as barriers to new housing by the March, 2023 housing production survey. 2) Portland's engaged and livable neighborhoods have been key to the city's success. Those neighborhoods that are struggling today were subject to urban renewal and gentrification in decades past without effective community involvement. Limiting neighborhood contact would be a step backwards for Portland and its neighborhoods. 3) One of the goals of the city's new government structure now being implemented is to improve responsiveness to the community. Reducing neighborhood contact is not aligned with that goal. 4) Alpenrose Farm in my neighborhood has been proposed for redevelopment as a residential subdivision of hundreds of homes. Without a neighborhood meeting, there will be no opportunity for engagement and dialogue about the plan, for potential community-based improvements to the plan to be identified, and no opportunity to foster a community partnership that would be a long-term asset to development. Thank you for the opportunity to testify, Marita Ingalsbe

# **Claire Carder**

## #333183 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Testimony of Friends of Alpenrose Submitted via the Map App 1-9-2023 The Friends of Alpenrose (FOA) Steering Committee has reviewed the neighborhood notification changes proposed in the Housing Regulatory Relief Project and is hereby submitting testimony on the changes. The FOA Steering Committee is composed of the Hayhurst Neighborhood Association Chair, the Maplewood Neighborhood Association Chair, and a representative of the Hemstreet Heights Neighborhood, adjacent to the Alpenrose Dairy property on the Washington County side. We have formed FOA to monitor the development proposal and to provide local community input for re-development proposals for the Alpenrose Dairy site, a 54-acre site that is one of the last large parcels in the City of Portland for residential development. While we do support ways to streamline housing development proposals due to the current shortage of affordable housing, we oppose both the 5 year suspension of Title 33.705 Neighborhood Contact, and the permanent elimination of Type III neighborhood contact requirements. The current notification process was reviewed, modified and put in-place only five years ago in 2019. This is not long in administrative terms and the relatively new processes seem to be still relevant for outreach and community involvement. The survey that the proposed Housing Regulatory Relief Project proposals are based on did not include community respondents, only those involved directly in development. Suspending the Neighborhood Contact requirements for Type II proposals for 5 years may not expedite housing development. The suspension is likely to preclude community input that could improve new development proposals, identify the possibility of including broader community improvements, and provide a process that may make the proposed development more acceptable to the surrounding community. Deleting the Type III Neighborhood Contact process altogether is likely to result in development proposals that cause long-term community resentments and may not be the type of development that not only fits into pre-existing neighborhoods, but enhances them, allowing neighborhoods to evolve gracefully. Thank you for the opportunity to provide testimony. Friends of Alpenrose Steering Committee Marita Ingalsbe, Hayhurst NA Chair Claire Carder, Maplewood NA Chair Francene Grewe, Hemstreet Heights Neighbor Friends of Alpenrose (wordpress.com)

## **Brian Fletcher**

### #333182 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Hi! Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended.

# Marita Ingalsbe

### #333181 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The Hayhurst Neighborhood Association recognizes the need for additional housing for Portland residents and supports Bureau of Planning staff and Planning Commission efforts to reduce unnecessary regulatory barriers to new housing development. There is one element of the proposal we oppose, which is to suspend the neighborhood contact meeting requirement for five years. We appreciate that the Planning Commission added back the notification and sign posting requirements. The meeting requirement is necessary as well for these reasons: - Attending or scheduling a neighborhood meeting is an additional step for the developer that does not necessarily add cost or cause a delay. - Establishing open communication and forming relationships with the community is a valuable asset that can be of benefit to all parties as the project progresses. - The proposed redevelopment of the 50+ acre Alpenrose Farm will have significant impacts on the Hayhurst neighborhood and the surrounding area. The most recent site plan shows 269 homes to be developed in an area already lacking safe and effective transportation and bordered by environmental zones on two sides. A dialog with the community about the proposal is essential to the wellbeing of current and future residents. Thank you for this opportunity to testify. Hayhurst Neighborhood Association Marita Ingalsbe, Chairperson

## Ashley Gora Owens

## #333180 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a Portland resident who continues to live here because of the priority placed on living harmoniously with nature, I strongly urge the Portland City Council to please adopt the recommended draft of the Housing Regulatory Relief Package (HRRP) as is and keep bird safe and ecoroof policies intact. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Moreover, ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Given our current affordable housing crisis, climate crisis, and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and, in the process, sacrifice the sustainability of our communities. Please listen to the voices of the people who choose Portland as their home. Keep sustainability standards intact by rejecting the amendment to the HRRP that would eliminate Bird Safe Glazing Standards and ecoroof requirements.

## Karina Adams

### #333179 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As an architect, I agree that our housing crisis needs help, but removing our bird safe, night lighting, and ecoroof standards does nothing to mitigate the housing crisis. These small environmental actions do very little to add cost to a project, if any, and are almost negligible in the timing on the front end design process (IE as an architect, I have thousands of code considerations and these add no discernible time to a project). The real cost for development is the costs of permits and the extremely long times it takes to get permits through the City of Portland and Multnomah County planning and building departments. The best thing you can do is streamline the planning and building department reviews, lower permitting costs, give transparent requirements for the permitting process, and hire more staff to get projects through the development process much more quickly. I'm very dissapointed to learn that recently there have been layoffs at the permitting departments in Portland - this will only add to the lengthy time it takes to get permits. I realize that permit application dollars are what pay for these jobs. It would be better if you spent time working on better ways to finance these jobs (through new regulations or other avenues), rather than spending your time removing hard won environmental regulations that have little impact on housing. I am concerned about the impact to bird safety that buildings can pose, the loss of our night skies, the waste of energy and carbon emissions caused by careless lighting practices, and the human and wildlife impacts of poorly designed lighting. I also feel that creating as many habitat connections in our city is critical and green roofs help with this. Please don't remove these critical environmental regulations.

## **Dana Manners**

### #333178 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package without changes. Keep bird-safe and ecoroof policies intact to ensure Portland remains green and all people have access to affordable housing in healthy, equitable, climate-resilient communities. Bird Safe Glazing Standards and ecoroof requirements are critical for reducing bird deaths and treating stormwater. Thank you for your action in keeping Portland green.

## Sarah Swanson

### #333177 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to urge you to adopt the version of the HRRP that was recommended by the planning commission. The amendment proposed by Commissioner Gonzalez would be harmful for birds and other wildlife. The HRRP contains plenty of benefits for developers without much responsibility to the public good. We shouldn't sacrifice our natural environment for more gifts to developers. Thank you for considering the broader effects of this package.

## tara lemezis

### #333176 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Planning Commission, Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. It's critically important to keep these environmental protections in place in Portland and I urge you to do so. Sincerely, Tara Lemezis 97220

## #333175 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep the Bird Safe and EcoRoof policies instated in the Housing Regulatory Relief Package. While affordable housing is a huge concern for Portland residents, so is climate change and the fragility of our ecosystem. Passing "relief" in one area simply strains another if the community as a whole (which includes humans, wildlife, and plant life) is not considered. Bird safe windows are proven to drastically reduce bird strikes, especially for migrating birds, who are dying in staggering numbers in urban areas due to light pollution and window collisions. Thank you for your consideration.

## Matthew Hushbeck

### #333174 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

It is critical that the Housing Regulatory Relief Package is adopted as is with Bird Safe and Ecoroof Policies intact. We cannot drop critical programs designed to address climate and biodiversity crisis, just to resolve our housing crisis. It is a short-sighted solution, and we need to move collectively in working to solve all three crisis. Solving the immediate housing crisis will lead to dire outcomes for everyone as temperatures continue to rise and the biodiversity continues to shrink. Birds are facing enormous pressure with a nearly 30% decline in bird populations since the 1970's. The Bird Safe design program helps reduce bird strikes on windows leading to the deaths of 1 billion birds every year. The bird safe glazing also helps with energy efficiency goals for buildings. The ecoroof requirements help reduce urban heat island effects which can increase temperatures in our cities by 20 degrees. It also helps create green infrastructure to treat storm water and creates healthy habitats. These policies were put in place for a reason and we need to keep them there.

# Sarah Radcliffe

### #333173 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

We appreciate the robust stakeholder engagement that informed these recommendations. This package ameliorates some of the burdens or challenges to housing production without jeopardizing the City's holistic building goals.



January 9, 2024

Re: Support for Inclusionary Housing (#33) and Housing Regulatory Relief (#34)

Dear Mayor Wheeler and City Commissioners,

My name is Sarah Radcliffe and I am the Director of Government Relations for Habitat for Humanity Portland Region ("Habitat"). We appreciate Commissioner Rubio's leadership on housing production and want to thank everyone who has invested time and effort into these practical strategies to promote new housing development at the price points needed in our community.

#### Inclusionary Housing, Item #33

We support expanding the 10-year property tax exemption to include Inclusionary Housing developments outside the Central City. This proposal has been thoroughly examined by the Inclusionary Housing work group and the Calibration Study. This additional incentive will help the policy achieve its goal of promoting housing development, including affordable housing, across the city.

As the City explores further modifications to the Inclusionary Housing policy through administrative rulemaking over the next 6 months, we hope that there is an appetite to use inclusionary housing to catalyze affordable homeownership development and multi-bedroom homes.

At Habitat for Humanity Portland Region, we focus on producing larger homes (3, 4, and 5 bedrooms) to accommodate larger, blended, and multigenerational families. 70% of our homebuyers have incomes between 35-60% AMI and over 80% are households of color. We see a huge demand for 30 years of stability through a fixed affordable mortgage payment on a family-sized home. We receive 800-1000 applications for every 40-60 homes that we build.

The recent Housing Needs Analysis and PPS enrollment data suggest that our communities may be losing families; housing is part of that equation. As we strive to address the lasting impact of harmful housing practices and policies in our region, it's critical that the City's planning and funding commitments match our community's need and demand – not just for numbers of "units," but for stable, permanently affordable, family-friendly homes.

#### Housing Regulatory Relief, Item #34

We appreciate the robust stakeholder engagement that informed these recommendations. This package ameliorates some of the burdens or challenges to housing production without jeopardizing the City's holistic building goals.

 $\mathcal{S}_{\mathcal{C}}$ 

Sarah Radcliffe Director of Government Relations Habitat for Humanity Portland Region

# **Jennifer Schloming**

## #333172 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Of course housing for the homeless has to be addressed. But not at the expense of suspending regulations designed to keep the city livable. Maintain the language of the Housing Regulatory Relief Draft with the Planning Commission recommendations for green roof and bird-safe glass mandates for new construction. We can get it all down. It sells us short to believe we can't.

# Claude Sakr

## #333171 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

CLAUDE SAKR Testimony to Portland City Council on the Housing Regulatory Relief Project (HRRP), Proposed Draft. January 10, 2024 Dear Commissioners: The draft HRRP is a bad proposal. It is basically reducing or waiving elements of the planning and development process, cited as problematic by developers, with no regard for the long-term good of our community. Further, at the end of 5 years we really won't know which actions, if any, actually produced the desired results. The bigger concern, though, is that our elected leaders, with all due respect, are drinking the "Do Something Right Now!" kool-aid, rather than focusing on 'Doing Something Right, Now. That is where leadership comes into play. Many of the elements proposed for reduction - Ground-floor articulation and active use, neighborhood notification processes, and design review, while seen as a short-term nuisance by the development community - help produce buildings that stand the test of time, not just solve a short-term problem. Changes to the zoning rules that prevented the 122nd Ave Kmart site from being developed as housing, instead of another Prologis warehouse would have a bigger, more positive effect on affordable housing than chipping away at environmental and design rules. Easing of design review requirements for affordable housing have led to projects bypassing things like City resolution No. 36648 - Crime Prevention through Environmental Design (CPTED) - that requires use of safe-by-design practices to enhance the safety of affordable housing residents and to promote incorporating them into the social and economic life of the surrounding community. They have also allowed oversized projects like the proposed Peaceful Villa Redevelopment in the Richmond neighborhood - a \$96 Million redevelopment of 166 units at an average unit cost of \$575,000 - to go forward with no public meeting or design hearing. With a design review hearing, alternatives to achieve the same number of affordable units, possibly at a lower cost and reduced community impact could have been forced rather than a monster building being shoehorned into an otherwise supportive neighborhood. We are, in the big picture, trying to build vibrant, walkable communities for the future. As the commentor, Mr. Bachhuber from Brooklyn Action Corps stated, reduction of the ground floor retail and articulation requirements, especially in areas designated as various "centers," is not supportive of the big picture goal. More buildings like the one he cites on Milwaukie, and the one called "The Finger" on Hawthorne, are not supportive of vibrant activity centers. The Planning Commission got it right, by keeping the eco-roof and bird-safe glass rules. The Design Commission also got it right by proposing an alternative to turning active ground floor use requirements in the city's design districts to accommodate affordable housing anywhere on the site whereby added residential units could be added where they are appropriate and to keep flexible

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft ground floors on our primary commercial streets. But, both commissions did not go far enough. Reduction in neighborhood notice and meeting requirements is a direct assault on Statewide Planning Rules and Guidelines [OAR 660.015.0000(1)], specifically, Goal #1 [Citizens Involvement] that calls for "the opportunity for citizens to be involved in all phases of the planning process." Neighborhood notice and Neighborhood Associations are often the first time that residents and businesses find out about activities that may be negatively impactful to their existing situation. Strong design review requirements can push relatively minor changes in a design to effectively reduce or eliminate the impacts to surrounding properties. Portland Housing Bureau staff who eagerly advocate for the elimination of notice and meeting requirements can best serve our community by getting themselves familiar with HUD's Community Engagement: Building Purpose and Participation at https://www.hudexchange.info/resources/community-engagement-toolkit/ that builds upon the traditional strategies for community engagement, while also uplifting a new set of values and approaches to create community-driven development by: (1) Creating a strong base for active and sustained community engagement; (2) Developing an engagement strategy that empowers community; and (3) Conducting engagement to build trust. Absence of meaningful engagement during design development that builds and strengthens relationships with neighboring communities and neighborhood associations who help shape public opinion and policy have unintended consequences: It alienates the base of people who support affordable housing within their residential community. Additionally, it opens the City to the risk of legal action that could potentially jeopardize federal funding. We need to be taking action to make it easier to build affordable housing, but it should come from streamlining the process, not chipping away at requirements that keep people informed, and support long-term environmental, climate, and economic goals. Additionally, it can come by implementing creative solutions such as those described in the three amendments proposed by PDX Main Streets commentor, Heather Flint Chatto. Lastly, I would like to highlight the following quote from Commissioner Rubio's City page: "Carmen Rubio knows the power of community. She has seen firsthand when community comes together and organizes. She knows that we can accomplish more together than any of us can alone." That said, Commissioner Rubio, please walk the talk and do not weaken the neighborhood meeting / notice requirements. Thank you for listening.

#### CLAUDE SAKR

Testimony to Portland City Council on the Housing Regulatory Relief Project (HRRP), Proposed Draft. January 10, 2024

Dear Commissioners:

The draft HRRP is a bad proposal. It is basically reducing or waiving elements of the planning and development process, cited as problematic by developers, with no regard for the long-term good of our community. Further, at the end of 5 years we really won't know which actions, if any, actually produced the desired results.

The bigger concern, though, is that our elected leaders, with all due respect, are drinking the "Do Something Right Now!" kool-aid, rather than focusing on 'Doing Something Right, Now. That is where leadership comes into play. Many of the elements proposed for reduction - Ground-floor articulation and active use, neighborhood notification processes, and design review, while seen as a short-term nuisance by the development community - help produce buildings that stand the test of time, not just solve a short-term problem. Changes to the zoning rules that prevented the 122<sup>nd</sup> Ave Kmart site from being developed as housing, instead of another Prologis warehouse would have a bigger, more positive effect on affordable housing than chipping away at environmental and design rules.

Easing of design review requirements for affordable housing have led to projects bypassing things like <u>City resolution No. 36648</u> - <u>Crime Prevention through Environmental Design (CPTED)</u> – that requires use of safe-by-design practices to enhance the safety of affordable housing residents and to promote incorporating them into the social and economic life of the surrounding community. They have also allowed oversized projects like the proposed Peaceful Villa Redevelopment in the Richmond neighborhood - a \$96 Million redevelopment of 166 units at an average unit cost of \$575,000 - to go forward with no public meeting or design hearing. With a design review hearing, alternatives to achieve the same number of affordable units, possibly at a lower cost and reduced community impact could have been forced rather than a monster building being shoehorned into an otherwise supportive neighborhood.</u>

We are, in the big picture, trying to build vibrant, walkable communities for the future. As the commentor, Mr. Bachhuber from Brooklyn Action Corps stated, reduction of the ground floor retail and articulation requirements, especially in areas designated as various "centers," is not supportive of the big picture goal. More buildings like the one he cites on Milwaukie, and the one called "The Finger" on Hawthorne, are not supportive of vibrant activity centers.

The Planning Commission got it right, by keeping the eco-roof and bird-safe glass rules. The Design Commission also got it right by proposing an alternative to turning active ground floor use requirements in the city's design districts to accommodate affordable housing anywhere on the site whereby added residential units could be added where they are appropriate and to keep flexible ground floors on our primary commercial streets. **But, both commissions did not go far enough.** 

Reduction in neighborhood notice and meeting requirements is a direct assault on Statewide Planning Rules and Guidelines [OAR 660.015.0000(1)], specifically, Goal #1 [Citizens Involvement] that calls for "the opportunity for citizens to be involved in all phases of the planning process." Neighborhood notice and Neighborhood Associations are often the first time that residents and businesses find out about activities that may be negatively impactful to their existing situation. Strong design review requirements can push relatively minor changes in a design to effectively reduce or eliminate the impacts to surrounding properties.

Portland Housing Bureau staff who eagerly advocate for the elimination of notice and meeting requirements can best serve our community by getting themselves familiar with HUD's Community Engagement: Building Purpose and Participation at

<u>https://www.hudexchange.info/resources/community-engagement-toolkit/</u> that builds upon the traditional strategies for community engagement, while also uplifting a new set of values and approaches <u>to create community-driven development</u> by: (1) Creating a strong base for active and sustained community engagement; (2) Developing an engagement strategy that empowers community; and (3) Conducting engagement to build trust.

Absence of meaningful engagement **during design development** that builds and strengthens relationships with neighboring communities and neighborhood associations who help shape public opinion and policy have unintended consequences: It **alienates the base of people who support affordable housing within their residential community**. Additionally, it opens the City to the risk of legal action that could potentially jeopardize federal funding.

We need to be taking action to make it easier to build affordable housing, but it should come from streamlining the process, not chipping away at requirements that keep people informed, and support long-term environmental, climate, and economic goals. Additionally, it can come by implementing creative solutions such as those described in the three amendments proposed by **PDX Main Streets** commentor, Heather Flint Chatto.

Lastly, I would like to highlight the following quote from Commissioner Rubio's City page: "Carmen Rubio knows the power of community. She has seen firsthand when community comes together and organizes. She knows that we can accomplish more together than any of us can alone." That said, Commissioner Rubio, please walk the talk and do not weaken the neighborhood meeting / notice requirements.

Thank you for listening.

# Jan Zuckerman

## #333170 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council Members, Please adopt the Planning Commission recommendations on Green Roofs and Bird Safe Buildings. Yes, we have a housing crisis, but rolling back environmental regulations in the midst of a climate crisis is irresponsible, especially since these would not provide benefits for housing. Bird safe buildings reduce bird deaths and help with energy efficiency. Green roofs reduce run off, protect water quality, reduce heating and cooling costs and provide habitat. Portland must not pit housing and climate against each other. Please do NOT suspend bird safety and green roof requirements as a temporary and unnecessary fix for the housing requirements. We must and can do better than that. Thank you, Jan Zuckerman

# **Jonathan Clay**

### #333169 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

January 9, 2024 Subject: Testimony in Support of the Housing Regulatory Relief Package Mayor Wheeler, and members of the Portland City Council, I am writing on behalf of Multifamily NW, Oregon's largest association of housing providers representing more than 275,000 across the state, in support of the proposed Housing Regulatory Relief Package that the Portland City Council is currently considering. This package represents a significant step towards addressing the ongoing housing emergency in the city of Portland, where the majority of our members provide housing. Our organization wholeheartedly endorses the entire package and believes it will play a crucial role in stabilizing the housing market in our community. The multifamily industry has been advocating for several of the changes included in this 16-point Housing Regulatory Relief Package for years. These changes encompass a wide range of critical areas, including development standards, design rules, Central City regulations, and process improvement. Each of these categories offers a unique opportunity to foster more efficient and practical housing development while still ensuring the city's core values of livability and sustainability are upheld. These changes not only streamline the development process but also provide much-needed flexibility in the face of rapidly changing housing demands. They are essential to ensuring that housing remains accessible and affordable to all residents of our city. While we hope to see many of these temporary provisions become permanent in the future, we view this Housing Regulatory Relief Package as an excellent step in the right direction. It is a testament to the collaborative efforts of the city, the multifamily industry, and various other stakeholders to address the housing crisis. We stand as vocal supporters of these common-sense policies and urge you to adopt this package immediately. In conclusion, we thank the Portland City Council for taking the lead on this important matter. We believe that this package will make a meaningful difference in our collective effort to stabilize the housing market in Oregon, and we stand ready to work collaboratively to ensure its success. Thank you for your time and consideration. Sincerely, Jonathan Clay Government & Public Affairs Manager Multifamily NW



The Association Promoting Quality Rental Housing

Y NW

MULTIFAMIL

Mayor Ted Wheeler Portland City Hall 1221 SW 4th Ave. Portland, OR 97204

January 9, 2024

Subject: Testimony in Support of the Housing Regulatory Relief Package

Mayor Wheeler, and members of the Portland City Council,

I am writing on behalf of Multifamily NW, Oregon's largest association of housing providers representing more than 275,000 across the state, in support of the proposed Housing Regulatory Relief Package that the Portland City Council is currently considering. This package represents a significant step towards addressing the ongoing housing emergency in the city of Portland, where the majority of our members provide housing.

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The multifamily industry has been advocating for several of the changes included in this 16-point Housing Regulatory Relief Package for years. These changes encompass a wide range of critical areas, including development standards, design rules, Central City regulations, and process improvement. Each of these categories offers a unique opportunity to foster more efficient and practical housing development while still ensuring the city's core values of livability and sustainability are upheld.

These changes not only streamline the development process but also provide much-needed flexibility in the face of rapidly changing housing demands. They are essential to ensuring that housing remains accessible and affordable to all residents of our city.

While we hope to see many of these temporary provisions become permanent in the future, we view this Housing Regulatory Relief Package as an excellent step in the right direction. It is a testament to the collaborative efforts of the city, the multifamily industry, and various other stakeholders to address the housing crisis. We stand as vocal supporters of these common-sense policies and urge you to adopt this package immediately.

In conclusion, we thank the Portland City Council for taking the lead on this important matter. We believe that this package will make a meaningful difference in our collective effort to stabilize the housing market in Oregon, and we stand ready to work collaboratively to ensure its success. Thank you for your time and consideration.

Sincerely,

Jonathan Clay Government & Public Affairs Manager Multifamily NW 16083 SW Upper Boones Ferry Rd #105 Tigard, OR 97224

## **Eileen Stark**

### #333168 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a biologist and ecological landscape designer, I strongly urge you to adopt the recommended draft of the Housing Regulatory Relief Package as it is written in order to keep bird safe and eco-roof policies intact. Bird Safe Glazing Standards are essential to reduce window collisions, which causes at least one billion bird deaths annually. The standard also aligns with energy efficiency goals for our buildings. And eco-roof requirements ensure that new development in the central city incorporates important green infrastructure to help treat stormwater, create habitat in a highly urbanized area, and reduce the urban heat island effect. Please keep these important environmental protections in place.

# Dianne Ensign

## #333167 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and eco-roof policies intact. Keeping these sustainability standards is vitally important. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Eco-roof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for the opportunity to comment on this important legislature.

# **Hillary Tiefer**

### #333166 | January 9, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council, I am well aware that residents of Portland are in need of affordable housing. However, I would hate to see the council take a backwards step by removing bird safe glazing to windows. I have used preventative means on my own house windows after hearing the loud bang of a bird hitting glass and then seeing it dead on my lawn. That is not a scenario we'd want to constantly see on a new housing project. I agree with Portland Audubon on these points: Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. I hope the council will consider these points. Sincerely, Hillary Tiefer

# **Timothy Root**

## #333165 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See attached pdf file.

#### Beaumont Wilshire Neighborhood Association (BWNA) Comments on Housing Regulatory Relief Project Proposal

<u>To:</u> City of Portland City Council City Hall, 1221 SW Fourth Avenue Portland, OR 97204

#### councilclerk@portlandoregon.gov

#### Council Members,

This letter is in regards to the proposed zoning code changes being proposed by the Portland Bureau of Development Services in hopes to potentially increase housing production in the City. After reviewing the proposed alterations, the BWNA has several concerns regarding the changes.

Many of the current zoning rules have been generated in the past as reactions to poor building development, encouragement of alternate transportation, increased public safety, and environmental concerns. Rolling back some of these zoning regulations, even temporarily, can potentially have negative consequences for the City and it's neighborhoods and commercial districts.

Listed below are several of the zoning changes that BWNA feels would have a negative impact:

- 1. **Bicycle Parking:** Reduction in bicycle parking requirements would counter a long fought battle to provide alternate transportation storage facilities in lieu of reduced vehicle parking requirements at new residential buildings. With most on-site vehicle parking requirements now abandoned, developers are already receiving a cost reduction benefit.
- 2. **Ground Floor Active Uses:** This current zoning rule reduces the amount of bare wall street level construction that contributes to uninteresting and bleak commercial areas. Elimination of this rule would result in negative future construction in established commercial districts.
- 5. **Façade articulation:** This current zoning rule adds interest to new construction by providing some minimal standards for façade articulation. Elimination of this rule will result in dull and uninteresting buildings that will be a blight on neighborhoods for years after.
- 6. **Ground floor active height and windows standards:** Much like item 2, this zoning rule allows for buildings that contribute positively to commercial areas by adding pedestrian and business friendly streetscapes. Reduction in first floor height will discourage business creation in these buildings as commercial spaces require more height to accommodate mechanical equipment.
- 13. **Neighborhood Contact:** Neighborhood associations provide a secondary means of notification as some residents do not receive information about potential development. Neighborhood associations provide outreach to neighbors (through newsletters and social media) about

development that will affect them. The reduction of neighborhood contact requirements will have minimal financial impact on housing developers.

Although support for quicker housing production is an admirable goal, sacrificing important zoning regulations that were added to the Code for important reasons does not seem like an appropriate solution. Also, there are questions if these changes really would affect the root causes of slow housing production currently. In BDS's own survey results, respondents cited City Permit Process, Code Requirements (specifically the Inclusionary Zoning requirements) and SDC fees as the major hurdles to new housing production.

Thank you for your consideration,

Timothy Root

BWNA Land Use Committee Chairperson

# Jean Baecher Brown

## #333164 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

To: Portland City Council, Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact; Given our current affordable housing crisis, climate crisis and biodiversity crisis, I agree that we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; As someone who has participated in a year long survey of window birdstrikes at the OMSI museum, I can assure you that Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; As someone who has done my part to encorporate native plant landscaping as well as bioswail features to my property, I can ensure you that the "Ecoroof" requirements will help to provide habitat for migrating and residential birds and that features to help capture rain into the filtered ground water supply will help to conserve local water needs . Let's ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for your attention to these requirements. Jean Baecher Brown

# **Glenna Hayes**

## #333163 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The Planning Commission got it right! Green Roof and Bird-safe Building requirements in downtown Portland must be retained and should not be suspended.

## **Caroline Skinner**

### #333162 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I live in Portland and I support Portland Audubon. I agree with them that we must work toward a better affordable housing supply and also keep green roof and bird-friendly design in mind. Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you for working to ensure our region remains one of the greenest metropolitan areas in the country – one in which all people have access to affordable housing in complete, healthy, equitable, climate resilient communities surrounded by nature.

# Kathryn Burlingham

## #333161 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please support the recommendation to keep in force the green roof and bird safe requirements for building development. Both requirements not only enhance the livability of the city for human residents and wildlife, but provide energy efficiency.

## **Chris Smith**

### #333160 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please see attached letter from myself and Katherine Schultz

9 January 2024

Mayor Wheeler and Members of City Council,

In 2019 the Planning and Sustainability Commission undertook the first full-scale update of the bicycle parking development code since the 1990's. In doing so we had two key objectives:

- Ensure that new development provides sufficient bicycle parking to support the future mode share goals of the Comprehensive Plan and Transportation System Plan.
- Ensure that the standards for bicycle parking create parking that is usable with a wide range of bicycle types and by users with differing levels of ability (for example, not every person using a bike can lift it onto a wall rack).

We appreciate that current housing economics make it difficult to support the creation of bike parking that may not be used until five or ten years in the future. The temporary rollback of parking ratios is an appropriate response to the current economic conditions.

We are less sanguine about the removal of the in-unit bike parking standard. While we acknowledge that the 'alcove standard', as implemented by BDS, has proven unworkable, the current proposed code rolls back to a standard that has been shown to be ineffective at producing useful bike parking. Since in-unit parking is potentially up to 50% of the supply this is a significant concern.

We would urge you to charter an advisory group with appropriate PBOT and BPS staff support to take a fresh look at the code to capture the experience with the 2019 update and consider:

- A workable and productive standard for in-unit parking
- Efficient ways to provide parking for oversized bikes used by families and as a mobility device for some cyclists with disabilities
- Opportunities to adjust dimensional standards to provide more efficient use of bike room floor space based on experience using the 2019 code

We believe such an effort could generate win-win opportunities for housing development economics and provision of useful bike parking.

We also hope that by the time the temporary ratio adjustments have sunsetted, PBOT will have had the opportunity to reassess mode share goals.

Thank you for your consideration of these issues.

Kadawalhut

Katherine Schultz Past PSC Chair

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Chris Smith Past PSC Vice-chair

# **Thomas Doherty**

## #333159 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## **Candace Larson**

## #333158 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Council, I am writing to urge you to vote yes on the HRRP as is, without further modifications. While I would personally prefer far less regulatory rollback overall, I understand that this package is the product of much deliberation, compromise and public process. It is especially important to me that the Bird Safe glazing standards and Ecoroof standards remain intact, per the draft in front of you. The bird-safe glazing standard, in particular, is the result of a years-long, collaborative process which took existing zoning and affordable housing goals seriously, and is a proven solution that is low or no-cost for developers who take energy-efficient building design seriously. And ecoroofs are one of the few tools we have in our toolbox to reduce the urban heat island effect, a serious equity concern in a city that needs to do more to mitigate ongoing harm to communities of color in our neighborhoods. Thank you for supporting the HRRP as written.

## **Roberta Jortner**

## #333157 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Greetings: I am writing to urge the City Council to adopt the recommended draft of the Housing Regulatory Relief Package as is and keep existing bird-safe and ecoroof policies intact. Given Portland's affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address these issues simultaneously and in an integrated manner. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; As a former environmental planner with the City of Portland, I contributed to the development of a new Resource Guide for Bird-friendly Building design (2012), the incorporation of bird-friendly building and lighting provisions into Portland's Green Building Policy (2015), integrating ecological resilience objectives into Portland's Climate Action Plan (2015), and the crafting of new policies to reduce hazards to birds and wildlife in Portland's Comprehensive Plan 2035 (2016). I currently serve on Portland Audubon's Board and Conservation Committee and am a 6-year volunteer with their Wildlife Care Center. Today I submit these comments as an individual. More than 200 species of birds reside in or migrate through our region each year, yet birds are in deep decline here and across the globe. Building-related hazards (bird window strikes, fatal light attraction) are, along with habitat loss and cat predation, primary causes of bird mortality. And these impacts are growing with urban and suburban development. As a 6-year volunteer with Portland Audubon's Wildlife Care Center I have a first hand understanding of the severity of bird window strikes. The Wildlife Care Center admits 4000-5000 patients per year, mostly birds. Window collisions are one of the most common reasons that birds are admitted to the Wildlife Care Center. Some of these patients survive and many do not. Local data collection efforts have shown that window strike victims in our region include birds that live in our region year-round and non-resident birds like neo-tropical migrants who have traveled thousands of miles along the Pacific Flyway to reach their breeding grounds. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Portland has been a national leader in developing ecoroof technologies and policies. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. The current requirements took years to enact and should be retained as a key element of sustainable site design. Thank you for the opportunity to comment and for acting to meeting multiple city goals for housing, climate resilience, and human and ecological health. Sincerely, Roberta

#### Jortner

## Mark Darienzo

## #333156 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other.

## #333155 | January 9, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge you to adopt the recommended draft of the Housing Regulatory Relief Package. This draft offers solutions to not only affordable housing but also climate change and biodiversity, all issues important in making Portland a forward looking city.

# **Gil Wistar**

## #333154 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

My basic message regarding this upcoming agenda item is that the City Council should retain the Portland Planning Commission's support for green roofs and bird-safe buildings in new construction (recommendations contained in its Housing Regulatory Relief draft). These recommendations should not be suspended or removed for any reason, now or in the future. Portland's green-roof measure has been recognized across the U.S. as a sound and forward-looking policy for environmental stewardship. As I'm sure you're aware, green roofs reduce runoff and clean runoff water via natural filtration. This extra layer of "insulation" lessens heating and cooling needs in the buildings they cover, and may also provide a more natural surface to support wildlife. Isn't that what Portland is all about? And the bird-safe window requirements will minimize window collisions, a big source of bird mortality. I'm aware that a dearth of housing is a big problem in Portland (and around the country). However, it's a mistake to conflate the requirements for bird-friendly glazing and green roofs with a decrease in new housing opportunities around the city. Using our native ingenuity, we can figure out how to incorporate bird-friendly glazing and green roofs (or perhaps <sup>1</sup>/<sub>2</sub> green and <sup>1</sup>/<sub>2</sub> solar-panel roofs) into the new housing units we desperately need – without making these environmental elements cost-prohibitive.

## **Deborah Scott**

## #333153 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact; Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities; Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings; Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## #333152 | January 8, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These two requirements in Portland's central City should NOT be suspended.

## Sharon Kelly

### #333151 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact! We must address the affordable housing crisis, climate crisis, safety and sustainability simultaneously. The standards as written protect not only the lives of birds, but also the lives of Portland residents during extreme heat events, and quality of life for all in our city. We must build in practices and policies which keep our air and water cleaner, protect biodiversity, and maintain the beauty and essence of Portland for all future residents and visitors. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# **Cecilia Tilley**

## #333150 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I stand with birds, nature and Audubon. Let's not relax rooftop regulations.

# McKenzie Joslin-Snyder

## #333149 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact Portland has earned its place as a national leader in sustainable infrastructure. It would be a shame to do anything to undercut the achievements we've already made. Green infrastructure and affordable housing are not mutually exclusive. We have a moral obligation to our citizens to align the two goals. The urban heat island effect is a social justice issue, and we owe it to those living in densely populated areas to do all we can to curtail it. Currently, ecoroofs are one of the best ways of combating the heat island effect. Thank you, McKenzie Joslin-Snyder

# **Cristy Murray**

## #333148 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

## **Robert Bernstein**

## #333147 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

wife and i always vote..urge you to keep in place environmental protections including 'bird safe' windows and eco roof policies.. and can we get some progress on improved tree protections and perhaps a staffed Sustainability Commission?

# Judy Roumpf

## #333146 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the HRR as passed by the Planning Commission. No changes are needed. In particular, retain the compromises the commission already made to retain bird-safe window treatments and eco-roofs on certain buildings. We need to maintain a balance between climate challenges and housing needs.

# Yehudah Alan Winter

## #333145 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I support the recommendations of the Audubon Society and other environmental organizations to protect the extraordinary natural environment we enjoy including the wildlife and vegetation that makes our city what it is.

## **Clarice Johnston**

## #333144 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please keep bird safe and ecoroof policies as part of HRRP. Our birds need all the help they can get. Their populations continue to drop and we need to do everything within our control to slow this. They add so much to life, and once we've lost them, it's very difficult to bring back the numbers. Plus I think we should be stewards of them and our environment, that that role is as important as other concerns. And thank you for your public service.

## Sandra Joos

## #333143 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to urge the City Council to adopt the recommended draft of the Housing Regulatory Relief Package AS IS, and keep bird safe and eco-roof policies intact. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and, in the process, sacrifice the sustainability of our communities; Specifically, bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. As well, eco-roof requirements ensure that new development in the central city incorporates important green infrastructure to treat storm water, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Therefore, I again urge you to keep these important sustainability standards intact.

# **Emily Pinkowitz**

## #333142 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact. Given our current affordable housing crisis, climate crisis and biodiversity crisis, we need innovative solutions to address them all simultaneously. The City should not advance approaches that pit them against each other and in the process, sacrifice the sustainability of our communities. Bird Safe Glazing Standards are critical for reducing window collisions— a hazard for birds that results in up to 1 Billion bird deaths every year. The bird safe glazing standard also synergistically aligns with energy efficiency goals for our buildings. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect. Thank you

## Kristin Ohlson

### #333141 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the Planning Commission recommendations on green roofs and bird-safe buildings contained in the Housing Regulatory Relief Recommended Draft. We need more housing, but it we also need a healthy urban environment for both human and nonhuman residents. I'm sure there are other ways the city can make it easier for developers, but sabotaging our commitment to a more environmentally wholesome city should be off the table. Major cities around the world are adding these features; Portland should stay the course.

## Linda Leyva

### #333140 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As the new HRRP relaxes regulations for developers, It is important to keep in place the bird safe and ecoroof environmental protections that will help make the new housing area healthy for the tenants. T Ecoroofs are important to treat stormwater in these days of changing climate. They sustain habitat for urban wildlife, especially birds, and help avoid the "heat island" effect that is unhealthy for both wildlife and humans. Over 1 billion birds are killed each year colliding with reflective windows. Birdsafe windows are more energy efficient, as well as avoiding unnecessary bird deaths. Please be sure these, and other environmental protections are kept in place. They do not add an excessive cost to building, and don't we want low income housing to be healthy for the human tenants as well as for the environment?

## Matt Wyss

## #333139 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council of Portland, I am writing to express my unwavering support for the Planning Commission's recommendations on Green Roofs and Bird-safe Buildings as outlined in the Housing Regulatory Relief Recommended Draft. The City Council must stand firm and adopt these crucial environmental safeguards. Suspending them, even amidst the housing crisis, is a false choice - a dangerous path that pits our need for affordable housing against the very sustainability and livability that makes Portland special. Let us be clear: Portland's Green Roof requirement is not a luxury, it's an investment in our future. These roofs aren't just aesthetically pleasing; they provide measurable benefits. From reducing stormwater runoff and mitigating the urban heat island effect to creating valuable habitat for wildlife, green roofs are a tangible expression of our commitment to environmental stewardship. Similarly, \*\*bird-safe glazing\*\* isn't simply about birds - it's about responsible design. These measures, often aligned with energy efficiency strategies, contribute to a sustainable, resilient city. Moreover, the staggering number of bird deaths caused by window collisions annually demands our attention. The Planning Commission recognized that suspending these requirements would yield minimal housing benefits while inflicting significant environmental harm. We cannot gamble with our precious green infrastructure. \*\*Weakening these regulations sets a dangerous precedent and sends a wrong message - that affordability comes at the cost of a healthy planet. We face a housing crisis, yes, but we also face a climate crisis. These are not mutually exclusive challenges. \*\*Instead of pitting them against each other, we must embrace innovative solutions that address both. We can, and must, build a Portland that is both affordable and green, resilient and sustainable. The Planning Commission has paved the way. Now, it's your turn to act. \*\*Reject the short-sighted temptation to roll back environmental safeguards. Embrace the vision of a Portland that prioritizes both housing affordability and environmental responsibility. Choose the path of progress - choose sustainability. Choose Green Roofs and Bird-safe Buildings. Sincerely, Matthew Wyss

## Karen Elkins

### #333138 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the recommended draft of the Housing Regulatory Relief Package as is and keep bird safe and ecoroof policies intact. Bird Safe Glazing Standards are critical for reducing window collisions. For example there are constantly birds hitting windows in the hi rise building in Downtown Portland in which I live. Ecoroof requirements ensure that new development in the central city incorporates important green infrastructure to treat stormwater, create habitat in a highly developed portion of the City, and reduce the urban heat island effect.

# **Portland Historic Landmarks Commission**

## #333137 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See the attached letter from the Portland Historic Landmarks Commission



Date: January 8, 2024

To: Portland City Council

From: Portland Historic Landmarks Commission

Re: Housing Regulatory Relief Code Project

Dear Mayor Wheeler and Commissioners:

Thank you for the opportunity to provide this testimony on the proposed Housing Regulatory Relief Project (HRR). As you are aware, changes to the zoning code and to city processes are time-consuming and sometimes contentious. None of us should blithely dismiss or even temporarily sunset regulations that were crafted, considered, and discussed by the public. The Portland Historic Landmarks Commission (PHLC) nevertheless is generally supportive of this package because we recognize the urgent need for additional housing.

Part of what makes Portland a special place is a result of the emphasis placed on creating a vibrant, engaging public realm. This commission is concerned about suspending code requirements which have been carefully considered to support high quality and safe streetscapes. Recognizing that buildings built over the next 5 years will likely still exist in 50 or 60 years, the PHLC strongly favors changes which **streamline the process** of developing housing over those which **impact the physical characteristics and long-term flexibility** of buildings along commercial corridors and main streets.

#### Ground Floor Height and Active Use Standard

As a city focused on sustainability and resiliency, it is critical to encourage architecture that can be adapted and re-used rather than torn down and replaced. The height requirement of the Ground Floor Active Use standard ensures the long-term flexibility of larger projects. The PHLC therefore **strongly protests allowing ground floors to be constructed at a lower floor-to-ceiling height that cannot accommodate uses other than residential**. For example, a lower ceiling height may restrict or reduce the flexibility of retrofitting mechanical systems appropriate for a designated future use, such as commercial.

Residents of ground floor housing units that abut the public right-of-way often must choose between privacy and daylight, which leads to window shades constantly being drawn. This is unhealthy for the residents and decreases safety on the street. Whereas we encourage a broad range of active uses to be placed along street frontages, when residential is allowed at a ground floor location, it should be **placed along lower classification streets, not our busiest traffic and transit streets, and set back to allow a buffer zone, designed as flexible live/work units, face an interior courtyard, or be raised above sidewalk level. Any one or a combination of these strategies will increase livability, equity, health and safety of residents and the general public.** 

We urge City Council to consider an amendment reflecting the above recommendations. In addition, PHLC encourages you to **promote and incentivize the reuse of existing buildings** to aid in the production of new housing. Doing so provides another alternative to the cost, time and environmental impact of new construction.

Thank you for considering this request.

Sincerely, Portland Historic Landmarks Commission

Andrew C. Smith, Chair

Jimberly S. Maila

Maya Foty

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Kimberly Moreland

Hannah Bronfman

Reggy Moreth

Cleo Davis

Peggy Moretti

Untrapper Humber

Hugo Hamblin-Agosto

# **Timothy Bryant**

## #333136 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I feel strongly that the planning commissions recommendations should be adopted and green roof and bird safe building requirements should NOT be suspended. I'm skeptical that suspending these requirements would help alleviate the housing shortage but these are very important for climate, water quality, habitat conservation etc. Allow Portland to maintain its reputation as a city that does things a little differently and prioritizes conservation.

# **Marilyn Pitts**

### #333135 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These two requirements in Portland's central city should NOT be suspended.

# Susan Tarjan

## #333134 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the Planning Commission Recommendations for Green Roofs and Bird Friendly Buildings that are contained in the Recommended Draft. These mandates should be retained in the Housing Regulatory Relief package. Yes, we need more (affordable) housing, but we need strong ecological protections just as much if not more. Resist the usual cynical pressure from developers to axe regulation just to save a buck here and there. We don't need to take steps backward to take the necessary steps forward. We're talking about the future AND taxpayer money, which should always go the way of sustainable development using any and all best practices possible. We've had enough temporary, rushed attempts to solve our housing issues. Let's get it right for our ALL of our residents—human and otherwise.

# **Emily Platt**

### #333133 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Portland City Council, 1. Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These requirements in Portland's central City should NOT be suspended. 2. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. 3. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland's commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. 4. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings 5. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide only nominal benefits for housing construction. 6. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Sincerely, Emily Platt

# **Cathy Waterman**

## #333132 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

## Marie Rau

## #333131 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a 54-year resident of Portland, I urge the City Council to retain the green roof requirements and bird safety requirements as part of the building codes for certain commercial buildings. I agree with the Planning Commission's recommendations. We should not be pitting the climate crisis and the housing crisis againt one another. They are both vitally important! Marie T. Rau 620 SW Caruthers St. Portland, 97201

## **Ravi Rose**

## #333130 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. I truly hope that you vote to save these innovative policies that safeguard our urban environment. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Again, please do the right thing for Portland. Peace, Ravi Rose (mother of three under 18)

# Danish Aziz

## #333129 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council Members, I hope this message finds you well. I am writing to strongly urge the City Council to adopt the Planning Commission's recommendations regarding Green Roofs and Bird-Safe Buildings, as outlined in the Housing Regulatory Relief Recommended Draft. The Planning Commission has taken a vital step in promoting sustainability and environmental responsibility in our city, and it is essential that we continue to uphold these standards in the face of our current housing and climate crises. The Planning Commission's decision to maintain these requirements within Portland's central city is a decision in the right direction. We must not use the housing crisis as an excuse to weaken our environmental regulations. Portland faces both a housing crisis and a climate crisis, and we must work towards solutions that address both issues simultaneously, rather than pitting them against each other. Portland's Green Roof Requirement has garnered national recognition for its reflection of our city's commitment to environmental sustainability. Green roofs offer numerous benefits, such as reducing runoff, preserving water quality, minimizing heating and cooling costs, mitigating urban heat island effects, and even providing habitat advantages. Furthermore, Portland's bird-safe glazing requirements play a crucial role in reducing bird-window collisions, a major contributor to bird fatalities in North America, resulting in approximately one billion bird deaths annually. Bird-friendly design strategies not only protect our avian friends but often align with efforts to enhance building energy efficiency. The Planning Commission's decision to retain these requirements is a testament to their understanding that suspending them until 2029 would pose a significant threat to our environment while providing minimal housing benefits. We must prioritize building sustainable, resilient, affordable, and green communities as we tackle the housing crisis. Regressing on our commitment to environmental protection is not an option. In conclusion, I strongly urge you to stand with the Planning Commission and support the adoption of their recommendations on Green Roofs and Bird-Safe Buildings. Let us continue to lead by example in environmental sustainability and show that we are capable of addressing both our housing and climate challenges simultaneously. Thank you for your attention to this critical matter. Sincerely, Danish Aziz 97215

## **Chet Edwards**

### #333128 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended.

## **Dale Turner**

## #333127 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please maintain the bird safe and green roof requirements related to the Portland building projects. Protecting our natural environment is critical in these times of mass pollution, climate change and specie loss. Thank you.

## Lauren Magnee

## #333126 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Housing is important, but should be built with an environmentally-friendly design. Suspending environmental protections just exacerbates climate change, which typically has the greatest effect on the most marginalized people. Do the right thing and adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft.

## **Mark Scantlebury**

### #333125 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a homeowner and resident of Portland since 1977, I urge the City Council to please adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. These to requirements in Portland's central City should NOT be suspended. Both recommendations are the kind of environmental protections that make Portland a leading environmental city in this country. I strongly believe Portland should not use the housing crisis as a pretext to rollback environmental regulations. We have a housing crisis, a climate crisis, and a wildlife habitat crisis. The City must advance solutions for all and not sacrifice one for another. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment while providing just nominal benefits for housing. The Planning Commission got it right. We must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# **Benjamin Smith**

## #333124 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

## **Colleen Shoemaker**

## #333123 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I urge Council to reject the Housing Regulatory Relief measure because it favors development companies at the expense of Portland residents. The amendments to City Code 33.705.20 and 730 streamline development by suspending public notification requirements. This will exclude the public from participating in decisions that affect community livability by shielding development projects from public scrutiny. This measure reduces government transparency and accountability. I respectfully urge Council to reject Housing Regulatory Relief.

# Jan Wilson

## #333122 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the Planning Commission's proposal, specifically keeping intact the green roof and bird-safe building requirements. Neither of these will have any impact on our housing challenges, and both are incredibly important to addressing our climate and species extinction challenges. Please do not cave in to development interests advocating only for their own short-term financial benefits, rather than the community's long-term environmental and quality of life benefits. Thank you so much for your attention to the housing issues, but please focus more on the core societal challenges (need for wide-scale addiction and mental health treatments, funding nonprofit solutions already under way, etc.) and less on developers' interest in making more profits.

# Peggy Macko

### #333121 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I've lived in Portland since 1976 and remember seeing many more songbirds in the downtown area than I do now. Birds are struggling to survive so many threats to their well-being. They are important pollinators! They also eat many unwanted insects. What a treat it is to see and hear these beautiful and essential parts of nature. They are part of a liveable city and an integral part of our great northwest culture. Downtown needs to not only reflect that but should showcase how we live in harmony and support these beauties of nature. I can't imagine not seeing birds in the downtown area but if we don't act now that could happen. It's sad enough to see so many fewer each year. The thought of their numbers diminishing even further and children and visitors to our beautiful downtown not having the opportunity to know the joy of hearing and seeing our beautiful birds is very distressing. Downtown is also part of migration paths for nonresident birds so it's not just a local need to provide/save Bird-Safe environments. It is incumbent upon us to protect current and future bird populations. Requiring Green Roofs and buildings to be Bird-safe in downtown Portland is a critical step in supporting the survival of one of our critical natural resources. Since 2009 I've participated in the Columbia Land Trust and Audubon Society's Backyard Bird Habitat Program to do my part to help our birds in SW Portland. The Portland City Council members must do their part and approve the Green Roof and Bird-Safe Building protections for our downtown area!

## #333120 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm a supporter of Willamette Riverkeeper. Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended.

## **Terence Shumaker**

### #333119 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The Planning Commission Recommendations on Green Roofs and Bird-safe Buildings should NOT be suspended! These requirements should not be scrapped for the benefit of developers to make a profit. Sacrificing environmental protections in deference to special interests does nothing to solve the housing issue. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Todd Burkholder

## #333118 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

1. Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. 2. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. 3. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. 4. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings 5. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. 6. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Sincerely, Todd Burkholder

## EDWARD KOLBE

## #333117 | January 8, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please note that I am opposed to any changes in the current building codes that reduce environmental requirements. Surely one can find creative ways to retain essential environmental restrictions while still easing the way for affordable housing development.

# **Cathy Camper**

### #333116 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Tricia Kent

## #333115 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am affiliated with Portland Neighbors Welcome and I am writing in support of the Housing Regulatory Relief. These suggestions were created through surveying builders themselves, and inform the ways that the building process can become more streamlined. I support cost-saving changes like temporarily suspending mandatory commercial storefronts and permanently removing on-site parking as a possible condition of allowing homes to exist. The city should keep looking for cost-saving changes, and ways to support the construction of homes that we desperately need.

## Stacie Hall

## #333114 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am urging you to adopt the green roofs and bird safe buildings recommendations. Portland must be an environmental leader and these two efforts must be continued. Please consider the following points: 1. Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. 2. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. 3. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. 4. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings 5. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. 6. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Thank you

## kelly lanspa

## #333113 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# **Terry Dalsemer**

## #333112 | January 8, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

## Melissa Rowe Soll

## #333111 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Leaders, I urge you to carefully consider and support our Planning Commission's Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. Our city is experiencing both a housing crisis and a climate crisis, and I hope the City won't use the housing crisis as a pretext to rollback environmental regulations. We must advance solutions for both--not pit one against the other. As you know, Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements are also essential to protecting life - by reducing window collisions, one of biggest causes of bird deaths in North America and result in as many as one billion bird deaths each year. Plus, bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. Instead, I hope the City will advance communities that are sustainable, resilient, affordable and green! This is not a zero sum game: as we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# John Kaib

## #333110 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

As a concerned Portland environmentalist resident I urge the City Council to adopt the Planning Commission Recommendations for Green Roofs and Bird Friendly Buildings that are contained in the Recommended Draft (i.e to retain, not suspend, these mandates). Suspending these two requirements as desired by developers will not resolve the homeless situation, but will impact our city's environment. Sincerely, John J Kaib, MD

# **Patricia Foster**

## #333109 | January 8, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please for our well-being and the wildlife well-being, retain the green roof and the building commitments as the planning commission as suggested. Portland needs all the positive actions possible to help our environment. Thank you.

## **Debra Adrian**

## #333108 | January 8, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other.

# **Michele Miller**

## #333107 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am writing to appeal to you to do the right thing and adopt the planning commission recommendations on green roofs and bird safe buildings. This is well researched and should not be suspended. We have both a housing crisis and an environmental crisis. The city should address, both not pit one against the other. It is pretty clear that the interest of Portland developers are behind this appeal to you. Do not listen to a few developers, please listen to the well researched and documented Evidence behind the original reason for these requirements. Portland's green roof requirements is nationally recognized. It reduces runoff and protects water quality, it also reduces heating and cooling cost. Let's keep this requirement and Portland's bird safe glazing requirements is also a no-brainer. The requirements help reduce window collisions, which is the biggest cause of bird deaths in North America. The planning commission correctly recognize that suspending these two requirements through 2029 would cost significant harm to our environment, but would provide nominal benefits for housing. I appeal to you stay the course. Do not listen to a few very vocal and well financed developers. This issue is before you because of a very shoddy survey done of only a few developers of what are the things they would like to have change. The evidence is not there. Please do the right thing and keep the planning commission's recommendations on green roofs and bird safe buildings.

# **Roger Kofler**

## #333106 | January 8, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

In my opinion, degrading the quality of our climate and environmental regulations is the wrong way to solve the housing shortage. We need to find ways to create needed housing and still preserve our city's stated commitment to policies that fight climate change, promote environmentally friendly development and preserve our worldwide reputation as a Green City.

# Priscilla Lane

## #333105 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am in favor of you adopting the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft

# **Teetle Clawson**

## #333104 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

When reviewing the Housing Regulatory Relief Package, it is paramount that you retain the Planning Commission's recommendation to save the Green roof and Bird-Safe building requirements in Portland. As City Council members, you need to honor the citizen's who vote you in, not special interests of the business community. We want a robust and environmentally conscious city.

# **Mark Walker**

## #333103 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# **Nicole Forbes**

## #333102 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# **Javier Sanchez**

## #333101 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear City Council: Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis AND a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Kris Guptill

## #333100 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I was pleased and impressed that the Portland Planning Commission rejected proposals within the draft Housing Regulatory Relief package to suspend requirements for green roofs and bird safe buildings for a period of five years. The Planning Commission correctly recognized that these two mandates are both important pieces of Portland's commitment to cutting edge environmental sustainability and that suspending them would provide nominal benefits to housing but would have significant impacts on environment. I fully supported efforts to continue to promote these mandates. Portland City Council now has the opportunity to demonstrate its commitment to the environment over short term solutions for more housing. I believe Portlanders expect the Council to keep Portland on the forefront of environmental issues and safe for all of its constituents. Please act accordingly by keeping these requirements as part of building codes.

# Sam Wardwell

## #333099 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These two requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Judith Lienhard

## #333098 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# **Barry Eichinger**

## #333097 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Regards to the Portland city Council and the people doing the hard work of keeping the Willamette River corridor safe and green. I feel it is so very important to continue on the right course making Portland a sustainabe community with goals to meet both housing problems and concerns and environmental protections. We on't be here in a hundred years but the decisions made today will affect quality of life after our lives. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Best to you Barry

# Judy Todd

## #333096 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These two requirements in Portland's central City should NOT be suspended. Using our housing crisis as a pretext to rollback environmental regulations beggars the thinking about experiencing both a housing crisis and a climate crisis. Let's not make our mockery of good solutions by pitting one against the other. Keep the Green Roof Requirement that reflects our shared commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings and are not a significant difficulty for expanding building smart-solution efforts. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. Now is the time to advance our community commitment to be more sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Lisa Buscho

## #333095 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I write to encourage you to support environmental protections of our most precious source of life, our water!

# Anne Hamburg

## #333094 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. We have both a housing crisis and a climate crisis. The City must advance solutions for both. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Our City Planning Commission got it right! Green Roof and Bird-safe Building requirements in downtown Portland must be retained and should not be suspended.

# **John Nettleton**

## #333093 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Lyn Larson

## #333092 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. We have a MAJOR climate crisis that MUST be acknowledged through legislation like this. Please don't use the housing crunch as an excuse for business as usual. We need to stop basing all our decisions on a purely human perspective. We do not live in an alternate universe, that's just in video games. We are connected as much to the rules of the physical world now as we were 10,000 years ago. That hasn't changed, nor will it, even with AI. As the birds, bees, wetlands, glaciers go, SO DO WE! Measures like this are tiny steps in the right direction, but they are steps in the right direction! We cannot go backwards! Happy New Year, 2024

# **Diana Talcott**

## #333091 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please, please adopt the Planning Commission's proposal to KEEP the Green Roof and Bird-safe Building requirements. Thank you for your consideration.

# **Amy Hunter**

## #333090 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I'm writing to urge you to adopt the Planning Commission's recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. - Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. - Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings. The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment. Thank you, Amy Hunter

# Lin Reedijk

## #333089 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended.

# **Jeremy Howes**

## #333088 | January 8, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please Adopt the Planning Commission Recommendations on Green Roofs and Bird-safe Buildings contained in the Housing Regulatory Relief Recommended Draft. The Planning Commission got it right! These to requirements in Portland's central City should NOT be suspended. The City should not use the housing crisis as a pretext to rollback environmental regulations. We have both a housing crisis and a climate crisis. The City must advance solutions for both--not pit one against the other. Portland's Green Roof Requirement was nationally recognized at the time of adoption as reflecting Portland commitment to leading on environmental sustainability. Green roofs reduce runoff, protect water quality, reduce heating and cooling costs, reduce urban heat island impacts and can provide habitat benefits. Portland's bird-safe glazing requirements help reduce window collisions, one of biggest causes of bird deaths in North America, which result in upwards of one billion bird deaths each year. Bird friendly design strategies often also overlap with strategies to increase energy efficiency in buildings The Planning Commission correctly recognized that suspending these two requirements through 2029 would cause significant harm to our environment, but would provide nominal benefits for housing. The Planning Commission got it right--they recognized that we must advance communities that are sustainable, resilient, affordable and green! As we move forward on addressing the housing crisis, we cannot go backwards on protecting our environment.

# Kat Mahoney

## #333087 | January 7, 2024

# Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

My name is Kat Mahoney. I am resident of Portland, living in northeast. As we face a housing problem, stemming from low wages, increasing rent, and a housing market that does not match the average income, it is more and more important that affordable housing options be on the forefront of our council's mind to ensure people do not end up houseless, leaving the city, or pushed to areas that create undue hardship for employment and livability. As presented, the proposal should be voted Yes. Temporarily suspending mandatory commercial storefronts and permanently removing on-site parking as a possible condition of allowing homes to exist will expedite processes. The city should keep looking for cost-saving changes.

# Jeff Joslin

## #333086 | January 6, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please find attached my testimony record the Housing Regulatory Relief Recommended draft, pertaining to the Ecoroof/Solar provisions specifically.

yojoslin@gmail.com

#### Memorandum

Date: January 5, 2024

From: Jeff Joslin

To: The Portland City Council

RE: Housing Regulatory Relief Project, Ecoroof Proposal Concerns

Commissioners:

I write as one that has been on the forefront of green infrastructure policy – and green roof (ecoroof) policy in particular - for some time now. As a Land Use Supervisor for the City of Portland, I helped advance and implement the original ecoroof policies and regulation in the 1990s. As Director of Neighborhood Planning for San Francisco, I led the establishment of the country's first mandatory green roof and solar regulation. As Board Member and Policy Committee Chair with Green Roofs for Health Cities, I've lectured and provided consulting to cities across the country on the establishment of new green roof policies and regulation. And – most recently – I co-authored a definitive related resource, *Green Roof and Wall Policy In North America – Regulations, Incentives and Approaches* (Green Roofs for Healthy Cities, 2023).

A short while ago I testified before Council in support of Portland maintaining its newly implemented and highly-effective ecoroof requirements (33.510.243) as part of the CC2035 Plan. The requirements were approved by the Planning and Sustainability Commission and the City Council. Council had heard concerns, but ultimately not only supported the requirements, but strengthened them. Here we are again, 3 years later, defending this cost-effective and cornerstone climate change remediation tool.

There is one key difference this time. The changes that have been proposed have been in the name of housing affordability. This basis is misguided.

#### Ecoroofs, as well as Solar, are not antithetical to housing affordability: they are fundamental to the longterm economic sustainability for all housing, and most meaningfully so for affordable projects. However, Ecoroofs are the most advantageous both economically and environmentally.

Both Ecoroofs and solar do have a first-cost, but ultimately result in no cost to projects given a typical five-toeight year simple payback. After that payback, the benefits accrue to the project in perpetuity. This is genuine, practical, implementation of environmental and economic policies and principles, plain and simple.

Cost-benefit modeling developed to apply to a range of climates and building typologies have clearly demonstrated that ecoroofs and solar provide substantial economic benefit to projects, in addition to an array of environmental and community benefits. These benefits, accrue to building owners and renters for the life of each project, while also stabilizing and augmenting property values in the vicinity of such facilities.

This near-term financial case for ecoroofs, coupled with long-term operational and maintenance savings, is most significant for the economic and environmental sustainability of social housing (affordable) projects. To suspend the requirement is to put these projects at more economic risk in the future; when the cost of operations, maintenance, and replacement will be yet-greater than today. Per the Planning Commission recommendation, Council should not suspend ecoroof requirements.

## Mininalizing 191 putting on hold the Ecoroof picture and environmental equity.

Portland has been a pivotal example of the value and efficacy of ecoroofs for municipalities across North America. The City's early success in deploying ecoroofs, and advancing associated industry and technologies, was the direct result of pioneering vision on the part of the Portland. Portland's ecoroof inventory expanded as enlightened Oregonian developers discovered, embraced, and incorporated ecoroofs across the Central City, further amplifying the City's visibility as a national and international model.

Portland was a pioneering thought and practice leader for many years as a result of the City's early efforts and successes. In recent times, increasing numbers of cities elsewhere have adopted requirements which surpass Portland's early progressive efforts, including San Francisco, Denver, Toronto, Cambridge, Chicago, and New York. These efforts towards reversing its regulatory commitment to ecoroofs would signal a fundamental shift in Portland's commitment to addressing of climate change. As such, the Planning Commission's recommendation to not modify the ecoroof requirement should be supported.

Due to Portland's early adoption of green roof technology, green roof industries have matured in Portland, and are viewed across North American as particularly robust models of best-practice sustainable manufacturing and distribution. The loss to these businesses as an unintended consequence of a suspension has not been accounted for, and would have a dramatic impact on these pioneering enterprises at a time when they're already grappling with the broader economic challenges of rising interest rates and recessionary impacts.

Ecoroofs have flourished in Portland for clear and important reasons. As green roof and wall construction technologies have advanced, the cost-effectiveness of these technologies has improved dramatically due to economies of scale and a ripened knowledge base. These advances have benefited not only projects, but also the service providers and manufacturers; Portland business owners and employees.

The Planning Commission has forwarded a recommendation to allow solar in lieu of the Ecoroof requirement. Solar would certainly also be contributory to the City's efforts to minimize climate change impacts of development, though it's not as environmentally or economically efficacious as Ecoroofs. In fact, it has been consistently demonstrated that solar and Ecoroofs in tandem enhance the performance of both, but that discussion is for another day.

One opportunity missed, and easily rectified, in the current proposal is to allow Ecoroofs to be added to the list of qualifying components for the solar 40% allowable exclusions area, just as solar is an allowable exclusion for Ecoroofs. This could further contribute to the cumulative contribution of both the required areas, and the exception areas.

In the absence of a yet-to-be-established Sustainability and Climate Commission, City Council must rise to the occasion of maintaining and establishing – not winnowing – one of the City's most effective – and cost-efficient - climate change tools. Per the Planning Commission recommendation, Council should not suspend ecoroof requirements. If solar is approved as an alternative, Ecoroofs should be added to the list of allowable exclusions.

Jeff Joslin

# **David Johnson**

## #333085 | January 6, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear Mayor and Council Members: Thank you for your public service and effort to increase the supply of affordable housing in Portland. Unfortunately the proposed Housing Regulatory Relief Policy will not significantly increase affordable housing supply and will have a negative impact on neighborhood live-ability in Portland. The elimination of Neighborhood Contact meetings for housing development projects will result in housing project designs that are less accommodating to new residents and negatively impact the quality of life in Portland neighborhoods. Our SMILE Land Use Committee has always been supportive of affordable housing projects and has improved their quality and accessibility through our contact meetings with developers. The elimination of Neighborhood Contact meetings with end this positive influence on affordable housing development in Portland. There is no significant research that indicates the elimination of Neighborhood Contact meetings increases affordable housing development. If you really want to Increase the development of affordable housing you should reduce housing development fees, streamline the project application process, and require affordable housing in projects of less than 20 units. Your 20 unit housing project threshold for including affordable units has resulted in the majority of housing development projects being 19 units or less in our neighborhood. These kind of policy changes will significantly increase the affordable housing supply in Portland. Thanks again for your service. You may be interested in an article I recently authored on homeless policy: "A Policy Agenda for Addressesing the Homeless Problem," Journal of Comparative Urban Law and Policy, Vol. 5, Iss.1, Article 13, pp. 95-110, 2022.

# **Brian Nelson**

## #333084 | January 6, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

I am in favor of all of the recomendations proposed in the Housing Regulatory Relief project. I ask that the proposed waivers and modifications to the code apply to permit and land use applications that have been applied for and are currently under review. I feel that this is important given the fact that some housing permits and projects under review have transitioned back into the feasibility stage due to unanticipated permitting delays, requirements, and market conditions. An application could be cancelled and resubmitted allowing the new waivers and modifications to apply. Cancelling and resubmitting would impose added costs to the permit and project and cause delays in providing the needed affordable housing. Cancelling and resubmitting would increase the workload for planning and permitting causing additional delays in the system. Thank you for your time and consideration.

# **Portland Design Commission**

## #333083 | January 5, 2024

#### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

See the attached letter from the Portland Design Commission



# City of Portland Design Commission

Date:	January 4, 2024
То:	Portland City Council
From:	Portland Design Commission

#### Re: Recommendations for Housing Regulatory Relief Code Project

Dear Mayor Wheeler and Council:

Thank you for the opportunity to submit written testimony on the proposed Housing Regulatory Relief Project (HRR). As a primary body in the land use approval process in Portland's design overlay zones, we approve a significant amount of new housing every year where we ensure development supports an engaging and safe public realm for all Portlanders and visitors, supports its context, and is of enduring quality and resiliency. Our commission's seven members support the goals of increased housing production embedded in the HRR effort and are all <u>pro-development</u> *and* <u>pro-housing</u>, albeit, <u>pro-good housing</u>. By that we mean new development that meets our city's availability and affordability needs, but in a way that continues to build on the great assets of our neighborhoods, main streets and plan districts.

If there is a single feature which distinguishes Portland from cities around the country and world, it is the **quality of our public realm**. Our parks, plazas, and streetscapes and the inviting, human-scaled architecture of adjacent buildings are recognized internationally for their quality. That has been achieved through diligent adherence to code and design guidelines, administered over the last 40+ years in Portland's design overlay zones. In this moment of crisis, we need to be mindful of how refinements we make to our development requirements now, will affect the quality of new projects going forward. We also need to be aware that new development built in the next five years will be with us for at least the next 50 years. At the Planning Commission hearing in October similar values and concerns from commission members and the public were shared regarding the potential impacts on our revered public realm including:

"...Understand the cost it adds but I am also champion for walkable, safe, eyes on the street...1<sup>st</sup> floor is a deeply held consideration, this impacts the fabric of our neighborhoods...doesn't provide enough flexibility in the future, floor-to-floor is fixed and buildings will be with us for years to come...seen ground floor residential be very creepy and need to ensure a good design where residents feel safe; most low income people are not keen on being on the ground floor..." – comments from PC members

"As an advocacy organization of small business owners across the city, in particular, Black/IPOC businesses, we are deeply concerned about passing the Housing Regulatory Relief proposal in its current state. Particularly where it comes to turning active ground floor use requirements in the city's design districts to accommodate affordable housing. The rush to approve this proposal without fair and equitable outreach to our communities, particularly our business communities, could yield long term damage in certain districts that're already overburdened with the high concentration of affordable housing that has choked out viable economic enterprise nodes..." - SOUL Business District

We are thankful for their thoughtful consideration and respectful of their struggle with regulations that have a profound impact on our City's public realm. Like the Planning Commission, we wrestled with this topic, and we have come up with a **compromise that will produce added residential units where they are appropriate and keep a semblance of flexible ground floors on our primary commercial streets.** 

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#### **Central City**

A basic characteristic of most downtown buildings is ground floor space that accommodates change and evolution as commercial space trends play out over decades. Ceiling height, high transparency, and street entrances all contribute to this flexibility. These flexible ground floor spaces can accommodate a range of active uses beyond retail and encourage social interaction between people of all walks of life, contributing to the vibrancy and safety of the public realm. <u>DC enthusiastically supports the expanded list of allowed uses and the retention of the physical standards to ensure taller, flexible ground floors.</u>

#### **Design Commission's Alternative Amendment**

Instead of broadly eliminating the prohibition on ground floor units *anywhere* on a site for the next five years, we recommend a permanent change now that only restricts residential units within the first 25 feet of depth along our busiest traffic and transit (mapped) streets. The natural need for less noise, privacy and security outweighs the small number of units gained as a consequence. This revision to HRR will allow ground floor residential units facing quieter streets and interior-block courtyards – a design configuration well-established before the 2018 prohibition.

#### **Outside Central City**

Outside Central City there are street(s) of special commercial significance. These streets are strategically and conservatively mapped in the zoning code and carry similar but varying requirements for ground floor active use frontages. These streets currently allow residential within the ground floor along most, and, in some cases, all of their frontage. The same benefit of flexibility that taller ground floors provide to accommodate changing uses over time in Central City also applies in our other commercial business districts, though at a much lesser scale, and is critical to supporting the small businesses that are vital to our local economy and neighborhoods. See maps in Appendix.

#### **Design Commission's Alternative Amendment**

Keep the 12' minimum ceiling height, 25' depth and windows and doors requirements for the 25-50% frontage on mapped streets so that ground floor spaces maintain flexibility to adapt to future change.

We strongly urge City Council to consider Design Commission recommendations as increasing housing opportunities through *careful* adjusting of code requirements. Please refer to the appendix for visual examples of the consequences of various proposed amendments.

Thank you, The Portland Design Commission

Brian McCarter, Chair

Zari Santner, Commissioner

Chandra Robinson, Vice Chair

Jessica Molinar, Commissioner

Joe Swank. Commissioner

Tina Bue, Commissioner

Tim mi

The contents of this letter reflect the feedback from 6 of 7 commissioners. Commissioner Sam Rodriguez is in support of the originally proposed amendments as written by BPS.

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al Ground Floor Restriction

v multifamily residential use

Areas of Portland with Modified Residential Ground Floor Restriction per recommended Alternative Code Amendment

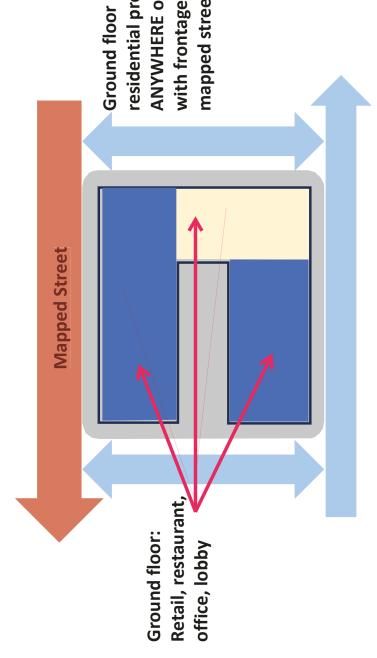
Land zoned to allow multifamily residential use

Land with residential use restriction for the first 25 feet

loor residential use restriction - full parcel only in Central City



# **CURRENT CODE (SINCE 2018)**

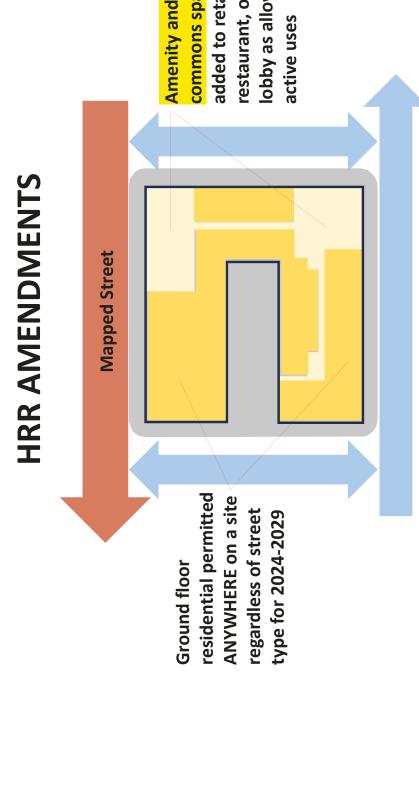


To understand what's at stake, this is a generic example. A downtown city block with a mapped street on one frontage (red). W ground floor residential is prohibited ANYWHERE on a site with mapped street frontage. So, this is one extreme

ntial Ground Floor Restriction

multifamily residential use

il use restriction for <u>full</u> parcel

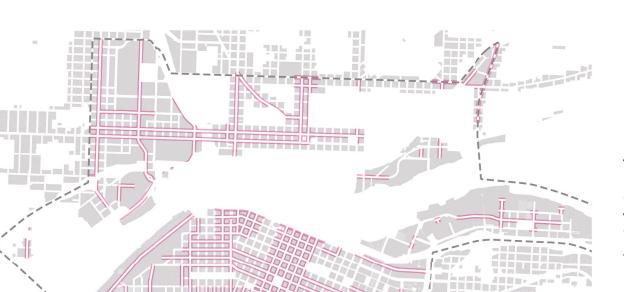


map removed

areas of

City:

HRR expands the types of uses under active use definition but it swings completely to the other extreme where ground floor r ANYWHERE on a site regardless of mapped or unmapped frontage for 2024-2029. That has the potential to put people's living public streets with difficult privacy and security and negatively impact adjacent businesses.



### ernative Code Amendment

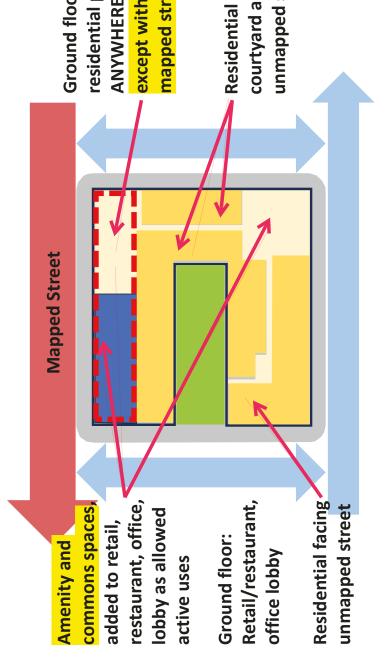
ed Residential Ground Floor Restriction per Design

Amendment

/ multifamily residential use

al use restriction for the first 25 feet of depth

# **DESIGN COMMISSION REVISIONS TO HR**



Design Commission agrees with the expanded list of active uses but believes a better revision to code is to allow ground floor r ANYWHERE on a site EXCEPT the first 25 feet of frontage on a mapped street.



opriate development in Central City: Belmont Modera use, flanked by mapped streets on two sides.





Ground floor residential facing a courtyard.

### **Project Details**

- 190 upper-level units + 20 ground floor units = 210 total
- 20/210 = 9.5% are ground floor units.
- If built under today's code, no ground floor units would be allowed in Belmont Moc Commission's alternative proposal would allow approximately 28,000 SF of additior units.

### 2023 Portland Buildable Lands Inventory:



in Lents showing limited retail at corners with ground floor residential constant so flexibility to change in the future is maintained.



it and the forther factors factor a local managed of the factor

its - shown as <u>underlined</u> & <del>strike through</del> Code Amendments and comments – shown in red	c. The area may be designed to accommodate a single tenant or mu d. The street-facing façade <u>or wall</u> must include windows and doors.
Uses ive use standards are intended to reinforce the continuity of pedestrian- Active uses include but are not limited to Jobbias and other common	(Design Commission supports HRR minor amendments to 2a-2d).
inges, shared workspaces, bike parking space, etc.) retail, commercial,	HRR Proposed Code Amendments – shown as <u>underlined</u> . Example:
e storage, venicie parking, garbage, recycling, mechanical, or other nendment to expand the list of allowed ground floor active uses).	
<b>ct to the ground floor active use standard.</b> The ground floor active use <del>nent and maior remodels</del> on sites with frontage on a street shown on	<u>area standards until January 1, 2029.</u> Design Commission Alternative Code Amendments and comments show
<u>3 apply to new development and major remodels. Standard C.2 applies</u> upports HRR amendment to no longer require the physical standards to	<ul> <li>Do not the add the language to waive physical standards in plan distr residential is proposed</li> </ul>
<b>ards.</b> ed on the ground floor <u>within 25 feet of the street lot line shown on Map</u>	<ul> <li>Design Standards (Section 33.420.050, Table 420-2)</li> <li>Gateway Plan District (Section 33.526.280)</li> <li>Hollywood Plan District (33.536.280)</li> <li>Kenton Plan District (Section 33.538.240)</li> <li>Interstate Plan District (Section 33.561.280)</li> </ul>
ffect January 1, 2024.	<ul> <li>Northwest Plan District (Section 33.562.240)</li> <li>West Portland Multicultural Plan District (Section 33.595.250)</li> </ul>
units are prohibited on the ground floor within 25 feet of the street lot in appropriate amendment to the outright prohibition of any ground s to A, B, and C will add to residential inventory by allowing well- , local streets and interior-block courtyards but keeping residential living transit streets, where they are not appropriate. Finally, this revision should be made permanent now. These combined amendments and will produce added residential units where they are appropriate, keep cal standards and keep a semblance of active uses on our primary	Current code only precludes ground floor residential for 25-50 percent of mapped streets in most plan districts. That means, ground floor residenti percent of the remaining mapped street frontage plus all other streets ar including courtyards. This is a well-established configuration in urban Por physical requirements opens up the <b>potential for low-ceiling, low-windo</b> facing very active commercial streets, leaving these building spaces infle 50+ years with a very minimal gain in number of units.
and constructed to accommodate uses such as those listed in to accommodate these uses must be developed at the time of	
ust be met along at least 50 percent of the ground floor of walls that <u>are</u> <u>ess from the street lot line of a street shown on Map 510-9</u> , a plaza, or is designed to accommodate active uses must meet the following	

ished floor to the bottom of the structure above must be at least 12

es are exempt from the standards:

### **Stephen Bachhuber**

### #333082 | January 4, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

January 4, 2024 To the City Council: Thank you for this opportunity to comment on the Regulatory Relief Project. My thoughts represent the consensus of the Brooklyn Land Use and Transportation Committee under the Brooklyn Action Corps, the neighborhood association. Overall, we are pleased with the recommended draft, and feel that it will accelerate the construction of housing by simplifying and clarifying rules. Nevertheless, some recommendations are problematic for our neighborhood, and others may have unforeseen consequences. The problem with these rule exemptions in our neighborhood centers on ground floor active use in the Main Street overlay zone. The Brooklyn town center on Milwaukie Avenue extends south from Powell Boulevard. This area is zoned CM2 and serves as an entertainment and retail center that contains the Aladdin Theater, Classic Pianos, Tom Cat Bikes, Brooklyn Pharmacy, The Lamp, the Bear Paw Inn, Botto's Barbeque, and the Chomp Thai Restaurant. This area is preparing to expand and developers have purchased and consolidated property from 3201 to 3227 SE Milwaukie Avenue, and across the street from 3320 SE Milwaukie south to Pershing St. If this area is allowed to develop without mandating ground floor active use which allows retail space, the future of a Brooklyn Town Center will be poisoned. The problem is already apparent in the residential development of the U.S. Bank property on Milwaukie and Franklin. It is a huge, featureless clapboard box that has no possibility for future commercial conversion in the center of an emerging entertainment and retail district. We request that the document be amended to mandate ground floor active use in the Brooklyn Town Center area without a 5 year suspension. Looking at unintended consequences, façade articulation waivers will save money, but result in boring, featureless structures. This may influence what a developer will want to build nearby in the future. Will developers want to locate next to it? Will one boring building generate another? Ground Floor Active Height Requirements of 12' for projects with housing are reduced. A minimum of 10' is needed for future conversion to commercial space. This ought to be specified to avoid constraints on future uses. Thank you for your consideration, Stephen Bachhuber Chair, Brooklyn Land Use and Transportation Committee

### **David Farmer**

### #333081 | January 4, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Thanks. Here are my ideas. 1. Add the planned third lane to I-205 between the Abernethy Bridge and Staford rd. This is because all development here has been stopped until the needed third lane is built. ODOT has permanently delayed this ( ready to build ) addition. There is a very large amount of suitable, under-utilized property here. 2. Require future housing to have enough parking. Most sites don't have access to practical mass transit. The bus service is very slow and is incomplete to many areas. Light Rail is unsafe because of stoned people (Tweakers on Meth, Fentanyl, and people hiding under blankets) this is very scary. Especially women and anyone with children. The trains are also filthy. Not safe or healthy. Especially for children. Kids don't understand how to stay safe. Require adequate parking because cars are the only practical form of transportation for most people. Especially if you work, out of your home. Working on a computer from home should be encouraged to businesses and government, not being phased out. First floor housing in apartments & condos should be reserved for or given first chance to Seniors & Disabled people. This doesn't have to be Subsidized. If first floor is not taken, it should go to open status. Elevators should be outside so that homeless people don't take control of them. Sleep, abuse drugs, stay dry. When planning high or even medium density subdivisions (single family or Row House style) please avoid some items. I bought a new house in Sunnyside Village area. Just south of Sunnyside road, & 152nd. Some problems we had. When we bought, parking was allowed on both sides of the streets but then taken away after awhile. Many people were very upset because half of our street parking was eliminated. The lots are only 55ft. Wide there, so with each home having a double garage, street parking was already limeted. The sidewalks were located inside of a grass strip and a tree. People often blocked the sidewalk with a parked car ( or full size pickup ) because their driveway was shorter because the sidewalk was not further out toward street. This is a safety issue for walkers & kids on bikes & scooters. They have to leave sidewalk to get past the back part of a vehicle or the trailer hitch. Many people have trailer hitches and some are long. Hard to see and will cause injury if you walk or ride into the. The grass strip & tree were very difficult to maintain and underground watering could not be done without a lot more additional expense. The tree roots damaged the sidewalk and grew above the surface after about five years. The sidewalks should be next to the street. Many of my neighbors stored their stuff inside one or both sides of their garage because the builder didn't provide any shelves or racks to efficiently use the garage volume. So, many people parked their car or cars in the driveway and or street. This made less parking and hard feelings about where to park. Half of our promised and (As-Built) parking had been taken away from us. San Francisco style houses are a

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft very efficient Plan. Narrow lots, no setback from the sides and multi-story. In Oregon we need a garage and a usable driveway for parking a regular length vehicle. I have seen new construction homes In the Bethany area ( close to Sato Elementary school ) that have single driveways in Front of their garage that only have LESS than 12 feet. California also calls this style--- Zero/Clearance lots. I am a native Oregonian but my brother lived I California for many years. It works well. Encourage people with enough space to build to do this. Maybe tax breaks?? Provide enough parking or good mass transit. Tax single story homes above about 1600 or more Sq. ft a lot higher rate, forever. Homes larger than 1600 Sq. ft. per level are inefficient and are part of inadequate land supply. Require new housing to have and USE inside or, behind locked gate storage of garbage and recycle cans, bins. This would mostly stop people from picking through these, very late at night or very early in the morning. People stealing deposit cans or bottles is unsafe, often leaves a mess, causes fights over the containers and is scary in darkness. Cans stored outside, except pick-up night is very ugly. Make natural gas available if possible. The new electric price hike is making electric heating unaffordable. The Electric-Grid will be unreliable after EVs are more common. When the News says a big snow event and probably followed closely by freezing rain is coming, many people will rush to plug In their EV's and overload and crash the electric grid. People have frozen to death two separate times in Urban Texas because the Electric Grid crashed. More pressure and uneven demand on electricity should be avoided. Thanks

### Steven Holland

### #333080 | January 3, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Housing Regulatory Relief Project: Overview - Allowing temporary or permanent waivers to existing zoning regulations will negatively impact neighborhoods and adversely impact people with disabilities, lower income residents, the elderly, resident safety, and impact quality of life/livability. Changes to Loading Spaces (Development Standards 4.): • People with disabilities require more space to allow for wheelchair and access/egress, and to move their furniture. • This could also impact access to assisted transportation. • Access by emergency vehicles (i.e. ambulance or paramedic) could be hampered. Ground Floor Windows (Design Rules 6.): • Adequate floor space and especially having sufficient window areas are crucial for livability. Research shows a natural lighted space is crucial for mental and physical health

(https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7828303/). • Safe egress is crucial in the event of fire, earthquake, and other disasters. Folks with disabilities and the elderly are especially in need of adequate space for egress, as well as ability to use there assisted living equipment and supports. Security Gates and Lighting (Design Rules 7.): • Exempting security gates and lighting is probably one of the most important issues addressed in this Project – to exempt security gates and lighting in a city experiencing significant growth and density is very concerning. Woman, people with disabilities, the elderly, and other potentially vulnerable residents would be impacted to the point of experiencing fear, anxiety, and even assault, physical injury, robbery or rape (https://www.researchgate.net/publication/343932949). Non-Conforming Upgrades (Development Standards 3.), Major Remodels (Central City 8.), Design Review Procedures (Process Improvement 14.): • Review procedures should not be waived as it is important to assure compliance with best practices for optimal resident egress and the need to assure compliance with the Americans with Disabilities Act. • Livability and personal safety could be severely impacted by changes and exemptions that are not reviewed. On-street Parking Impacts Process Improvement 12.): • Folks on lower incomes typically need a car for shopping and work, and often do not have the flexibility/luxury to bike to their commitments. The local neighborhood is impacted significantly by the impact of high-density housing with insufficient parking. People with disabilities and the elderly often rely on friends/family/caregivers/private-public transport by vehicles and not having any dedicated/disability parking adversely impacts these people. Concluding Remarks: The need for more housing is well recognized in our community, however fast-tracking remodels and new construction by allowing well proven standards and codes to be waived or permanently changed (as noted above) is not in the best interests of our community. This should be addressed by adding

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft adequate staffing to the City Planning function to allow for efficient approvals and permitting.

### Housing Regulatory Relief Project:

### Overview - Allowing temporary or permanent waivers to existing zoning regulations will negatively impact neighborhoods and adversely impact people with disabilities, lower income residents, the elderly, resident safety, and impact quality of life/livability.

### Changes to Loading Spaces (Development Standards 4.):

- People with disabilities require more space to allow for wheelchair and access/egress, and to move their furniture.
- This could also impact access to assisted transportation.
- Access by emergency vehicles (i.e. ambulance or paramedic) could be hampered.

### Ground Floor Windows (Design Rules 6.):

- Adequate floor space and especially having sufficient window areas are crucial for livability. Research shows a natural lighted space is crucial for mental and physical health (<u>https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7828303/</u>).
- Safe egress is crucial in the event of fire, earthquake, and other disasters. Folks with disabilities and the elderly are especially in need of adequate space for egress, as well as ability to use there assisted living equipment and supports.

### Security Gates and Lighting (Design Rules 7.):

 Exempting security gates and lighting is probably one of the most important issues addressed in this Project – to exempt security gates and lighting in a city experiencing significant growth and density is very concerning. Woman, people with disabilities, the elderly, and other potentially vulnerable residents would be impacted to the point of experiencing fear, anxiety, and even assault, physical injury, robbery or rape (https://www.researchgate.net/publication/343932949).

### Non-Conforming Upgrades (Development Standards 3.), Major Remodels (Central City 8.), Design Review Procedures (Process Improvement 14.):

- Review procedures should not be waived as it is important to assure compliance with best practices for optimal resident egress and the need to assure compliance with the Americans with Disabilities Act.
- Livability and personal safety could be severely impacted by changes and exemptions that are not reviewed.

### **On-street Parking Impacts Process Improvement 12.):**

• Folks on lower incomes typically need a car for shopping and work, and often do not have the flexibility/luxury to bike to their commitments. The local neighborhood is impacted significantly by the impact of high-density housing with insufficient parking. People with disabilities and the elderly often rely on friends/family/caregivers/private-public transport by vehicles and not having any dedicated/disability parking adversely impacts these people.

Concluding Remarks: The need for more housing is well recognized in our community, however fast-tracking remodels and new construction by allowing well proven standards and codes to be waived or permanently changed (as noted above) is not in the best interests of our community. This should be addressed by adding adequate staffing to City Planning function to allow for efficient approvals and permitting.

### **Ruth Kaser**

### #333078 | January 1, 2024

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

My husband and I live in Sellwood. We chose to move here from Roseburg after retirement and after spending 8 years looking at homes and neighborhoods. There were many things that convinced us a move to Portland in general, and Sellwood specifically, was a good move. Some of those are put at risk by some of the items in this Housing Regulatory Relief Project proposal. We wanted a place where we could walk to anything we needed, whether it was a dentist, grocer or barber. We wanted a place that we enjoyed walking in and exploring with lots of vibrant small locally owned businesses. We found all of that here. Allowing blank walls that break up the continuity of business districts by eliminating the ground floor active use requirement, puts the small businesses there at risk because people do not continue walking when confronted with expanses of blank uninviting walls. It also damages the overall appeal a of the business district. It makes it ever more a place where people drive to a shop, not one where they walk and explore. We wanted a place where we could become active members of a community that worked to preserve the welcoming, neighborly feel of this place. In the SMILE neighborhood association we found those people. The proposal to end the requirement of neighborhood meetings by developers undercuts the valuable efforts SMILE has made. I have attended several of these contact meetings in the past and found that through them, I better understood what the builder was trying to accomplish and the limits that builder faced. I also found that builders came to understand and value the perspective of the neighborhood in which they were building and often made design changes in response to that. I support streamlining the permitting process to allow projects to be built faster and more economically. I support density of housing. I also support recognizing and celebrating neighborhoods that are strong communities and places where people WANT to live. The city should work to keep them as vibrant as possible. Lots of housing in a city that is destroying the very qualities that made it a place people want to live in the first place is short sighted. Please amend the proposal to continue to require neighborhood contacts for new developments. Please do not suspend the active use requirement of the Main Street Overlay.

### Coryn Buckholdt

### #333076 | December 31, 2023

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

While I support the overarching goal of increasing housing affordability, I fully reject HRRP proposals that pit the housing, climate and biodiversity crises against each other. This would amount to a zero-sum game. Specifically, I OPPOSE: - suspending the Bird Safe Glazing Standard: The BSG represents Portland doing its part to reduce the scale of bird collision deaths locally, one of the leading causes of bird mortality in North America, with estimates of up to 1 Billion birds dying annually from hitting windows. Portland, situated on a major bird migration migratory path, must show leadership in this effort. Buildings can be both energy efficient (resulting in significant operations cost savings in the long run) and meet bird safe design criteria — making this a very low or no cost consideration. - Do NOT suspend the Ecoroof requirements for the Central City: This policy helps mitigate urban heat island effect in one of the hottest neighborhoods in the city. As a residential owner of an Ecoroof I can attend to their significant benefits in heat reduction, internal temperature stability, and external noise reduction. All critical to quality of life in densely populated neighborhoods. They also increase habitat connectivity in Portland's most developed neighborhoods. - Ensure that other regulatory relief measures in this policy have documented, objective proof that they are tied to the City's goal of improving housing affordability. You will need significantly more than developers' statistics for validation. Thank you for exploring actions to ensure Portland remains one of the greenest metropolitan areas in the country - one in which all residents have access to both affordable housing and quality of life. Portland communities must continue to take a leadership role developing communities that are affordable, healthy, equitable, climate resilient, and supportive of the natural world on which we are all dependent.

### Nate Ember

### #333074 | December 27, 2023

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Dear council, as a representative of a small Architecture firm focused on housing affordability, I support the proposed relief package. Although we support the regulations that are proposed to be suspended / modified in general, we are seeing immense challenges on the financing and cost of construction aspects of both market rate and affordable housing that is making many projects that should be happening infeasible. Although these measures will have limited affect on these larger economic issues, it is critical to do everything that is reasonably possible to alleviate them so that more people can be housed. If these measures prove effective, then I believe it will illuminate ways that these codes might be improved in the future if/when they are reinstated.

### **David Schoellhamer**

### #333071 | December 22, 2023

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Testimony from the Sellwood Moreland Improvement League (SMILE) is attached.



SELLWOOD MORELAND IMPROVEMENT LEAGUE 8210 SE 13th AVENUE, PORTLAND, OR 97202 STATION 503-234-3570 •CHURCH 503-233-1497

December 20, 2023

Portland City Council Housing Regulatory Relief Testimony 1221 SW 4<sup>th</sup> Ave, Room 130 Portland, OR 97204

Dear Commissioners:

The Sellwood Moreland Improvement League (SMILE) recognizes that housing, especially affordable housing, has been underbuilt in Portland and supports the City's goal to identify code revisions that encourage development without significant quality of life trade-offs or unintended consequences.

The proposed permanent elimination of some Neighborhood Contact Meetings and the suspension of all of them fail to achieve this goal. Neighborhood Contact ranked only 16th of 25 items in the housing regulatory survey of developers. As we prepare these comments, no cost analysis has been provided showing that Neighborhood Contact Meetings are a significant development cost (page 12 of the Recommended Draft).

Permanent elimination of Neighborhood Contact Meetings for proposed developments between 10,000 and 25,000 sf is a serious mistake that will negatively affect the livability of our community in perpetuity. Since 2019 when the neighborhood contact rules were revised, we have hosted 11 contact meetings and 5 of them would have been eliminated under this proposal. We have had 37 neighborhood contact meetings since 2015 and many of them have resulted in improved project designs that will positively impact our community for years to come. Such livability benefits as improved setbacks and landscaping, creating better and safer traffic flows, and modifying construction materials and design to better complement our neighborhood's historical architectural quality have resulted from these meetings. They also provide an opportunity for developers and us to have a conversation that results in us recognizing flaws in the zoning code and advocating for improvements (see the appendix for examples).

Instead of permanently eliminating neighborhood contact meetings for projects 10,000-25,000 square feet (sf), permanently require simpler process II instead of process III. We oppose suspension of Neighborhood Contact Meetings.

The Recommended Draft disparages these Neighborhood Contact Meetings because they were

'added by a council member's amendment' (Recommended draft page 18). Portions of the Portland City Code created by Council Members' amendments are not less valuable than portions created by City staff.

Other items described in detail in the attached appendix are:

- We support the proposed changes that simplify and improve neighborhood contact process II.
- We support the proposed permanent changes to standard PR1, Ground Floor Height. Instead of suspending standard PR1, make it optional.
- For the active use requirement in the Main Street Overlay, we support the proposed improvement and oppose suspending it.
- Instead of suspending the articulation requirement, permanently allow existing window design standards to also satisfy the articulation requirement.

While many of the proposed regulatory changes are temporary, the buildings they will allow are permanent. Changes to zoning code can be reversed, poorly-designed buildings and neighborhoods are irreversible.

This testimony was approved by the SMILE Board of Directors December 20, 2023. Thank you for the opportunity to testify.

Sincerely,

tand

David Dugan President, Sellwood-Moreland Improvement League

Appendix: SMILE testimony to the Planning Commission, October 18, 2023



SELLWOOD MORELAND IMPROVEMENT LEAGUE 8210 SE 13th AVENUE, PORTLAND, OR 97202 STATION 503-234-3570 • CHURCH 503-233-1497

October 18, 2023

Portland Planning Commission Housing Regulatory Relief Testimony 1900 SW 4<sup>th</sup> Ave, Suite 7100 Portland, OR 97201

Dear Commissioners:

The Sellwood Moreland Improvement League (SMILE) is submitting these comments on the Housing Regulatory Relief Project Proposed Draft. To summarize our key points:

- Instead of permanently eliminating neighborhood contact meetings for projects 10,000-25,000 square feet (sf), permanently require process II instead of process III.
- We support the proposed changes that simplify and improve neighborhood contact process II.
- We oppose suspending neighborhood contact requirements.
- We support the proposed permanent changes to standard PR1, Ground Floor Height. Instead of suspending standard PR1, make it optional as done for standard PR2.
- For the active use requirement in the Main Street Overlay, we support the proposed improvement and oppose suspending it.
- Instead of suspending the articulation requirement, permanently allow existing window design standards to also satisfy the articulation requirement.

### Improve, Don't Eliminate, Neighborhood Contact for 10,000-25,000 sf projects

We have had 37 neighborhood contact meetings since 2015 and many of them have resulted in improved project designs that will positively impact our community for years to come. Such livability benefits as improved setbacks and landscaping, creating better and safer traffic flows, and modifying construction materials and design to better complement our neighborhood's

historical architectural quality have resulted from these meetings. They also provide an opportunity for developers and us to have a conversation that results in us recognizing flaws in the zoning code and advocating for improvements (see the following examples). If you are not familiar with these meetings, please view one them<sup>1234</sup>.

Permanent elimination of these collaborative planning meetings for proposed developments between 10,000 and 25,000 sf is a serious mistake that will negatively affect the livability of our community for years to come. Since 2019 when the neighborhood contact rules were revised, we have hosted 11 contact meetings and 5 of them would have been eliminated under this proposal.

There would be no significant benefit from eliminating neighborhood contact meetings. Neighborhood contact ranked only 16th of 25 items in the housing regulatory survey of developers<sup>5</sup>. As we prepare these comments, no cost analysis has been provided showing that this would be a significant cost savings that would generate affordable housing (page 8 of the Proposed Draft). It is hard to believe that budgeting a development is precise enough to allow one meeting to cancel a project. The typical development in our neighborhood, a 19-unit building with no inclusionary housing, is in this size range. Thus, even if there were a significant financial benefit to eliminating the neighborhood contact requirement, production of inclusionary housing would not significantly increase. Inclusionary housing and moreaffordable-than inclusionary housing is our greatest housing need, not market rate housing.

Instead, we propose that Neighborhood contact II be required for developments between 10,000 and 25,000 sf in the design overlay rather than neighborhood contact III. The Neighborhood Contact III process requires that the neighborhood association have the first right to host a meeting and if they do not, the developer hosts a meeting. Neighborhood Contact II (now required for developments over 25,000 sf) requires that the developer host a meeting and that meeting can be at a neighborhood association meeting. We do not care who hosts the meeting, the important thing is that a meeting takes place. We support the proposed changes that simplify and improve neighborhood contact process II and permanently allow online meetings.

If the cost of hosting a meeting is prohibitive, then require a meeting only if the neighborhood association hosts it. In 2019 the City required developers to host meetings because most neighborhood associations do not have the infrastructure to do so. The cost analysis has not been released, so we do not know whether hosting the meeting or attending a meeting is the alleged cost problem. We would continue to offer to host contact meetings as a service to our members, which include all property and business owners (i.e. developers) and residents. Developers are pleased that we host meetings so they don't have to.

We oppose suspending neighborhood contact requirements, which include signs.

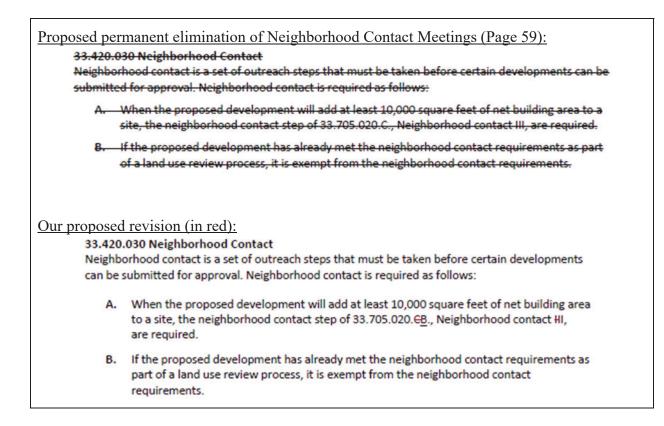
<sup>&</sup>lt;sup>1</sup> December 16, 2021, 5252 SE 18<sup>th</sup> Ave, <u>https://www.youtube.com/watch?v=5iWsjhrm3vQ</u>

<sup>&</sup>lt;sup>2</sup> December 20, 2021, 8120 SE 6<sup>th</sup> Ave, <u>https://www.youtube.com/watch?v=FMnMbQeby-s</u>

<sup>&</sup>lt;sup>3</sup> January 6, 2022, 1666 SE Lambert St, <u>https://www.youtube.com/watch?v=mELAYFIRCtg</u>

<sup>&</sup>lt;sup>4</sup> March 2, 2022, 2500 SE Tacoma St, <u>https://www.youtube.com/watch?v=vPYWxJGAkbY</u>

<sup>&</sup>lt;sup>5</sup> Page 8, <u>https://www.portland.gov/bds/documents/housing-regulation-survey-results-spring-2023/download</u>



### Make the Ground floor height design standard optional rather than required

The ground floor height design standard PR1 provides an attractive retail space that helps a business district thrive. It also increases the height, mass, and cost of buildings. Instead of suspending this design standard, we propose that it should be an optional design

standard, as done for PR2. This would give a developer maximum flexibility and a small reward (points) if they choose to follow the standard.

We support the proposed change to exclude this standard from multi-dwelling residential zones that we initially proposed as a RICAP item (see box).

### Neighborhood Contact Meeting Improves Zoning Code I

During a neighborhood contact meeting on a proposed townhome development in the RM2 zone<sup>6</sup>, the developer mentioned that some of the first floor garages were 12 feet tall. You could park an RV in there! We asked, and it was because of Design Standard PR1. It increased height, mass, cost, and the number of stairs to access living space. This is obviously wrong. We submitted a RICAP request to change this standard. This demonstrates that conversations between developers and residents can lead to constructive outcomes.

<sup>&</sup>lt;sup>6</sup> January 6, 2022, 1666 SE Lambert St, 27:00-32:30, <u>https://www.youtube.com/watch?v=mELAYFIRCtg</u>

### The active use requirement allows business districts to thrive

The active use requirement in the Main Street Overlay "encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between

vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit." One business leader told us that when there is an interruption, pedestrians assume they are at the end of the business district and turn around. While the proposed suspension is for five years, it would permanently fragment business districts.

Neighborhood Contact Meeting Improves Zoning Code II

During a neighborhood contact meeting on a proposed mixed-use development in the CM2dm zone, we pointed out that planned retail space on a narrow side street next to the loading area for a grocery store was doomed to fail. The developer agreed and said that it was needed to satisfy the 100-foot rule. The proposed change to the 100-foot rule would solve this problem, so we support it. In a previous contact meeting, a different developer was making a dubious retail space a live/work space to improve the odds of success, so we suggested trying live/work to the developer. This demonstrates that conversations between developers and residents can lead to constructive outcomes.

The proposed suspension only applies to the Main Street Overlay, which is in our primary business districts but is a small subset of commercial development in the City. Thus, the cost benefit of suspension should be evaluated on a City-wide basis, not a single project basis.

We oppose suspending the active use requirement in the Main Street Overlay.

We support the proposed revision to the 100-foot rule (33.415.200, pages 56-57), which can create infeasible retail space (see box).

### No boxes: Allow a cheaper way to articulate

We oppose suspending the active use requirement in the Main Street Overlay. The proposed suspension of articulation requirements would allow straight-sided box buildings which are the antithesis of architectural design in our neighborhood<sup>7</sup>.

Instead, we propose that to satisfy the articulation requirement two existing design standards be applied on all visible walls: 1) an existing optional design standard for tall symmetric windows and 2) a required street-facing window detail design standard. This would provide articulation (see photo<sup>8</sup> on next page) and allow construction of less costly planar walls rather than popouts,

<sup>&</sup>lt;sup>7</sup> Sellwood-Moreland Main Street Design Guidelines, <u>http://smilesellwood.wpengine.com/wp-content/uploads/2020/07/FINAL-SMILE-Design-Guidelines-7-13-2020.pdf</u>

<sup>&</sup>lt;sup>8</sup> 1930 NE Alberta Street, built 2017, for more examples see page 11 of the Sellwood-Moreland Main Street Design Guidelines, <u>http://smilesellwood.wpengine.com/wp-content/uploads/2020/07/FINAL-SMILE-Design-Guidelines-7-13-2020.pdf</u>

nonperpendicular, and jagged walls. This would also provide articulation. The specific design standards are QR8, Street-Facing Window Detail, that would be applied to all visible walls, and the second bullet on page 420-10 of design standard C3 that is worth one point:

 The street-facing windows on floors above the ground floor must be vertical – taller than it is wide. Street-facing windows on each upper floor must be directly above the one below, excluding the ground floor. Upper floors that step back per the standard below do not need to be vertical or aligned.



### **Concluding general comments**

- As of the release of this report, the cost analysis of the proposed changes has not been published (page 8 of the Proposed Draft). The lack of transparency is not good governance.
- We would like to see proof that the proposed changes will produce significant cost savings that will significantly increase production of inclusionary and affordable housing. Projects were entering the development pipeline with these regulations and development stopped when interest rates increased several-fold. Higher interest rates appear to be the cause of the housing slowdown, not these regulations. Compare the cost of these regulations to the increased cost of capital. In addition, consider other ways to achieve greater reductions in building costs, such as point access blocks which are allowed in Seattle and Europe<sup>9</sup>.
- While many of the proposed regulatory changes are temporary, the buildings they will allow are permanent. Changes to zoning code can be reversed, poorly-designed buildings are irreversible.

This testimony was approved by the SMILE Board of Directors October 18, 2023. Thank you for the opportunity to testify.

Sincerely,

David Dugan President, Sellwood-Moreland Improvement League

<sup>&</sup>lt;sup>9</sup> https://www.theurbanist.org/2023/02/07/one-stairway-is-enough-to-reach-housing-heaven/

### paul haggard

### #333069 | December 21, 2023

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

The people of OR over the years have worked hard and voted to progressively improve or maintain Portland's living environment. The current proposal shows how easily, for the sake of profit and expedition this progress can be nullified. Is there no way that, through enough public funding, Portland city can wrench from the private profit motive enough leverage to exert functional control of the projects? I would be willing to pay additional tax to do this, but more importantly, the big money profiteers could be taxed enough to cover the costs, without fear. These large entities know that their future profits are dependent on a fair and healthy living environment.

### Ellen Hansen

### #333068 | December 21, 2023

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

Please include some parking. Not everyone is able to walk or bike.

### **David Dysert**

### #333067 | December 20, 2023

### Testimony to Portland City Council on the Housing Regulatory Relief, Recommended Draft

To: Portland City Council, Portland Planning Commission, Portland Design Commission Re: BPS Proposed Housing Regulatory Reform The Pearl District Neighborhood Association Planning and Transportation Committee reviewed the Bureau of Planning and Sustainability proposal for Housing Regulatory Relief/Reform (HRR) at our December 5th and December 19th meetings. We are providing testimony to the Portland City Council with this letter as we have concerns the set of proposed reforms will not directly address the implicit goal of increasing the production of new housing units in the Central City. We recognize Portland is facing significant challenges to its health and quality of life. We understand the HRR is an effort to do something and we do not question the motivation of the effort. But we strongly suggest it is not a commensurate or effective response to the challenges we face. As the explicit goal of the HRR indicates, this is a set of measures designed to provide relief. Yet we do not need to provide relief for that which is not likely to occur. We need to provide stimulus to generate the production of housing units. We need workforce affordable housing near employment. We need unused office space to be converted to housing. We don't need to waive reasonable regulations for projects already in the pipeline or those that will never be proposed. It is true that the HRR may provide some efficiencies and improvements to the project review process on the edges and we believe a greater effort should be made to review our current process in its totality for efficacy on outcomes. But the current proposal is more akin to a list of grievances than a well laid plan to address the critical needs of our time: more-and more affordable-housing. An expedited process for affordable housing projects already exists. An effort to make it more effective would provide much more "relief" than the current HRR proposal. These minor tweaks to process in the HRR simply will not make a difference to an investment decision in a Central City development given current land prices, financing, construction and seismic costs and Portland's damaged reputation. These are the barriers we need to mitigate to get more housing production now. Direct financial relief is what is likely needed to mitigate these barriers. Let's not forget the reason most of the recent housing development in our Central City was due to institutional money seeking Opportunity Zone tax shelter. This is what moves the needle, not a few tweaks to process. Unfortunately the proposed reforms were not given sufficient time to be vetted for economic impact or desired outcomes. This appears to be the result of needing the appearance of doing something rather than the product of a strategic plan. We find the process that generated the proposal to be lacking in qualitative substance. Many appropriate participants were excluded. We believe this move to be part of a larger national shift or "creep" away from regulation and a

Ordinance 191609 Housing Regulatory Relief Testimony on Recommended Draft continued undermining of government's ability to achieve better policy outcomes in the name of economic scarcity. Given this trend, we are skeptical these "temporary" reforms will expire but believe they are more likely to be continued once implemented. The specific reform that is most concerning to us is the proposed option to downgrade any project with housing (market rate or other) from a Type 3 to a Type 2 review. In effect this will prevent the Design Commission from performing Design Review on large Central City projects. The Design Guidelines in our code are often vague and sometimes conflicting and it is essential these get worked through by a body of experienced and dedicated public servants. Yes a Design Advice hearing is required in the downgraded Type 2 option, but the findings are not binding. In challenging times it is tempting to forget who and what you are and try to become something else in the hope that it will somehow change current circumstances. Many lose their way, exacerbating the challenges rather than mitigating them. The Design Review process isn't perfect and can and should be improved where needed. But on balance it has produced significant success in the core principles it upholds: context, quality and permanence, and a responsive pedestrian realm. We cannot abandon these core principles with proven results out of temporary fear or reactionary virtue signaling. We must stay true to what has made Portland unique and successful. Our current challenges were not caused by our Design Review Process. Abandoning it now will certainly not address those challenges. Please reconsider this proposal that will not address our critical needs and focus on substantive actions that will move the needle to address the real barriers to more housing production. Thank you for your consideration. Respectfully, David Dysert Vice President Planning & Transportation Chair Pearl District Neighborhood Association



December 19, 2023

To: Portland City Council, Portland Planning Commission, Portland Design Commission Re: BPS Proposed Housing Regulatory Reform

The Pearl District Neighborhood Association Planning and Transportation Committee reviewed the Bureau of Planning and Sustainability proposal for Housing Regulatory Relief/Reform (HRR) at our December 5th and December 19th meetings. We are providing testimony to the Portland City Council with this letter as we have concerns the set of proposed reforms will not directly address the implicit goal of increasing the production of new housing units in the Central City.

We recognize Portland is facing significant challenges to its health and quality of life. We understand the HRR is an effort to do something and we do not question the motivation of the effort. But we strongly suggest it is not a commensurate or effective response to the challenges we face.

As the explicit goal of the HRR indicates, this is a set of measures designed to provide relief. Yet we do not need to provide relief for that which is not likely to occur. We need to provide stimulus to generate the production of housing units. We need workforce affordable housing near employment. We need unused office space to be converted to housing. We don't need to waive reasonable regulations for projects already in the pipeline or those that will never be proposed.

It is true that the HRR may provide some efficiencies and improvements to the project review process on the edges and we believe a greater effort should be made to review our current process in its totality for efficacy on outcomes. But the current proposal is more akin to a list of grievances than a well laid plan to address the critical needs of our time: more–and more affordable–housing. An expedited process for affordable housing projects already exists. An effort to make it more effective would provide much more "relief" than the current HRR proposal.

These minor tweaks to process in the HRR simply will not make a difference to an investment decision in a Central City development given current land prices, financing, construction and seismic costs and Portland's damaged reputation. These are the barriers we need to mitigate to get more housing production now. Direct financial relief is what is likely needed to mitigate these barriers. Let's not forget the reason most of the recent housing development in our

Ordinance 191609 Central City was due to institutional money seeking Opportunity Zone tax shelter. This is what moves the needle, not a few tweaks to process.

Unfortunately the proposed reforms were not given sufficient time to be vetted for economic impact or desired outcomes. This appears to be the result of needing the appearance of doing something rather than the product of a strategic plan. We find the process that generated the proposal to be lacking in qualitative substance. Many appropriate participants were excluded.

We believe this move to be part of a larger national shift or "creep" away from regulation and a continued undermining of government's ability to achieve better policy outcomes in the name of economic scarcity. Given this trend, we are skeptical these "temporary" reforms will expire but believe they are more likely to be continued once implemented.

The specific reform that is most concerning to us is the proposed option to downgrade any project with housing (market rate or other) from a Type 3 to a Type 2 review. In effect this will prevent the Design Commission from performing Design Review on large Central City projects. The Design Guidelines in our code are often vague and sometimes conflicting and it is essential these get worked through by a body of experienced and dedicated public servants. Yes a Design Advice hearing is required in the downgraded Type 2 option, but the findings are not binding.

In challenging times it is tempting to forget who and what you are and try to become something else in the hope that it will somehow change current circumstances. Many lose their way, exacerbating the challenges rather than mitigating them. The Design Review process isn't perfect and can and should be improved where needed. But on balance it has produced significant success in the core principles it upholds: context, quality and permanence, and a responsive pedestrian realm. We cannot abandon these core principles with proven results out of temporary fear or reactionary virtue signaling. We must stay true to what has made Portland unique and successful. Our current challenges were not caused by our Design Review Process. Abandoning it now will certainly not address those challenges. Please reconsider this proposal that will not address our critical needs and focus on substantive actions that will move the needle to address the real barriers to more housing production.

Thank you for your consideration.

Respectfully,

David Dysert Vice President Planning & Transportation Chair Pearl District Neighborhood Association

# PORTLAND DESIGN COMMISSION



Irter t Chair al urban er/ ape ct chitects



**Chandra Robinson** Vice Chair Principal Architect Lever Architecture



Zari Santner Retired landscape architect, Former director PPR, Member RACC



Sam Rodriguez Past -Chair Architect, VP Millcreek Development



Jessica Molinar Architect, Senior designer BRIC Architecture



Joe Swank Architect, Senior Development Manager, Adre

> ntents of this letter reflect the feedback from 6 of 7 commissioners. Commissioner Sam Rodriguez is in t of the originally proposed amendments as written by BPS.

design commissioners are experienced design and development professionals. We are pro-development and pro-good-housing



Tina Bue Freelar Creativ Directo Ghost (

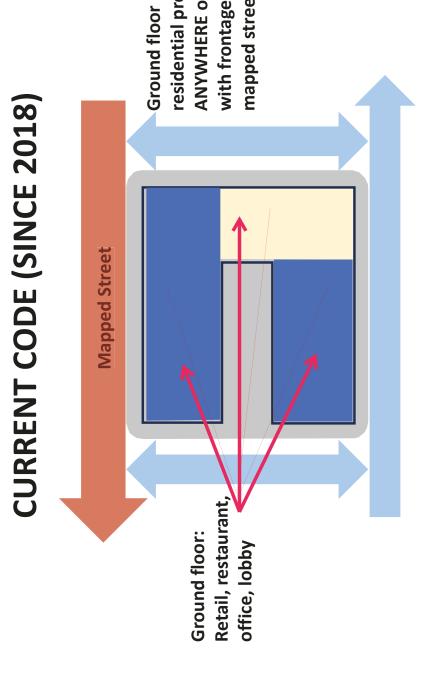
al use restriction for <u>full</u> parcel

multifamily residential use

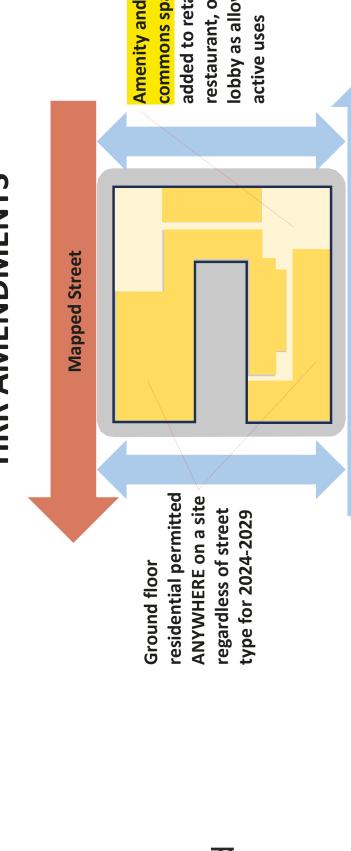
ntial Ground Floor Restriction

### 0 SF residential space

To understand what's at stake, this is a generic example. A downtown city block with a mapped street on one frontage (red). W ground floor residential is prohibited ANYWHERE on a site with mapped street frontage. So, this is one extreme







Approximately 28,000 SF residential space

HRR expands the types of uses under active use definition but it swings completely to the other extreme where ground floor r ANYWHERE on a site regardless of mapped or unmapped frontage for 2024-2029. That has the potential to put people's living public streets with difficult privacy and security and negatively impact adjacent businesses.

City: areas of map removed

## HRR AMENDMENTS

## al use restriction for the first 25 feet of depth

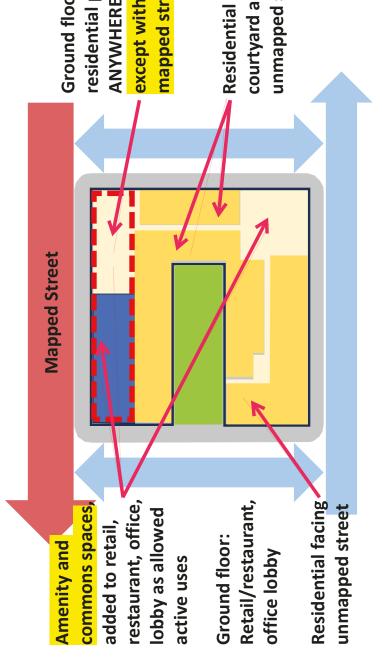
' multifamily residential use

ed Residential Ground Floor Restriction per Design

Amendment

# Approximately 25,500 SF residential space

# **DESIGN COMMISSION REVISIONS TO HR**



Design Commission agrees with the expanded list of active uses but believes a better revision to code is to allow ground floor r ANYWHERE on a site EXCEPT the first 25 feet of frontage on a mapped street.







# Modera Belmont - built in 2015

oject, Modera Belmont - built in 2015 with 210 total units including 14 ground floor courtyard units and 6 work/live units. The 20 combined l floor units make up 9.5 % of the total. With the ground floor residential prohibition that came in 2018, those 20 ground floor units could ne oday. This project is a great example of what is at stake with the proposed HRRP code amendments



## Retail on mapped street front

# Work-live on mapped street frontage











al Ground Floor Restriction

v multifamily residential use

Areas of Portland with Modified Residential Ground Floor Restriction per recommended Alternative Code Amendment

Land zoned to allow multifamily residential use

Land with residential use restriction for the first 25 feet

loor residential use restriction - full parcel only in Central City

### l consequences of HRR floor residential units

eilings rooms, laundry rooms, ooms facing mapped ts

ioves all active use and design standards for ial projects for the next 5 iis amendment is too broad. Design Commission ends accepting the HRR of active use requirements bing the physical standards for 0% of frontage on mapped which preserves ground floor y to adapt to changes of users life of a building.

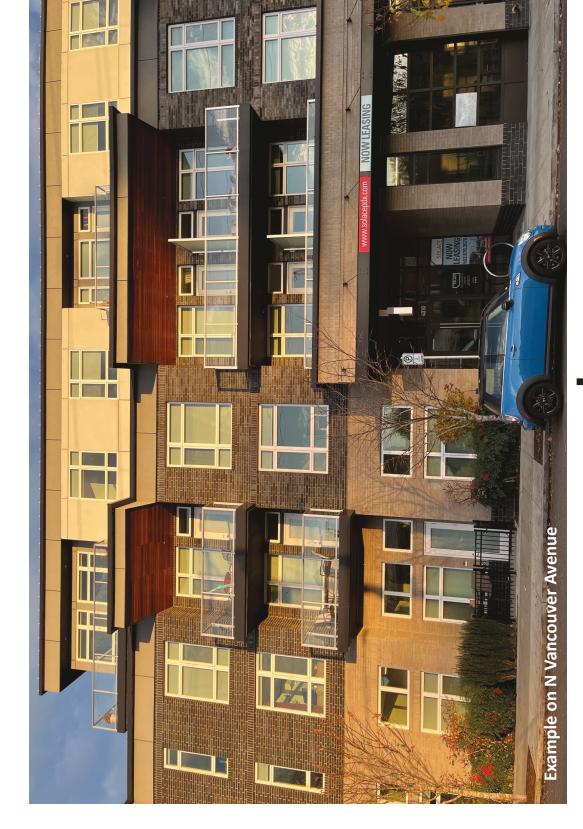


### Commission ive recommendation

floor residential units

ching ceiling height n setback, privacy scaping bility to adapt to e change

n example of ground It to the physical I along Vancouver. cial space and adjacent al units both share the ninimum ceiling height flexibility for future 's low-ceiling, low area space built in the ears that will not be le to future change



Ground floor residential units with:

- Matching ceiling height
- Porch setback, privacy landscaping
- Flexibility to adapt to future change

Commercial space with:
 Appropriate ceiling heig

- Appropriate ceiling height,
- Higher window area, entrances flexibility to adapt to future
  - riexibility to adapt t change



SE 92<sup>nd</sup> Avenue

Commercial space with:

- appropriate ceiling height,
- window area, entrances
- flexibility to adapt to future change



Ground floor residential units with:

- Matching ceiling height
  - Porch setback, privacy landscaping
    - Flexibility to adapt to future change



ntly approved project in Lents showing limited commercial space at corners round floor residential units between; ceiling heights are constant so lity to change in the future is maintained.

## **ENTRAL CITY**

## round floor active use standards.

. Dwelling units are prohibited on the ground floor within 25 feet of the street lot line shown on Map 10-9 (mapped streets). Development that includes a residential use is exempt from this standard

# mtil January 2029 To take effect January 1, 2024.

esigned, units facing quieter, local streets and interior-block courtyards but keeping residential living eeping the clause ' Dwelling units are prohibited on the ground floor within 25 feet of the street lot tesign Commission revisions will produce added residential units where they are appropriate, keep ne shown on Map 510-9' is an appropriate amendment to the outright prohibition of any ground hould not be temporary but should be made permanent now. These combined amendments and ooms off primary traffic and transit streets, where they are not appropriate. Finally, this revision ppropriate Central City physical standards and keep a semblance of active uses on our primary oor residential. Amendments to A, B, and C will add to residential inventory by allowing wellmapped) streets.

# **OUTSIDE Central City**

Where these regulations apply. These regulations apply to new development along frontages shown on Map 538-5. <u>Development that includes a residential use is exempt from the active building use</u>

area standards until January 1, 2029.

esign Commission Alternative Code Amendments and comments shown in red

Do not the add the language to waive physical standards in plan districts outside Central City for 5

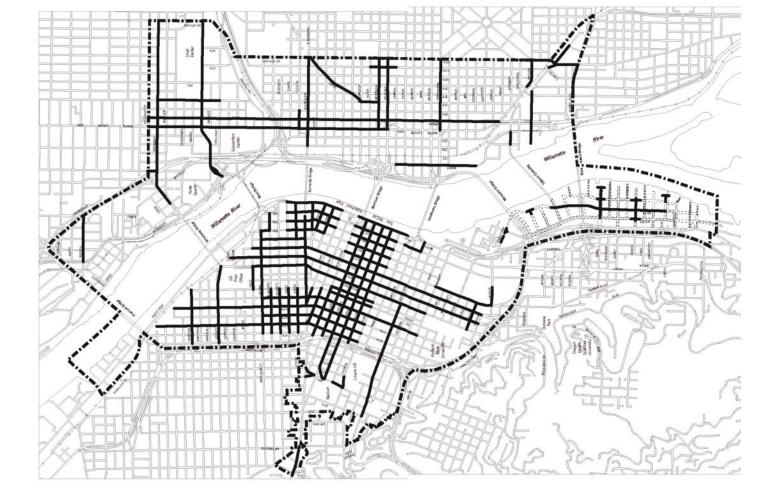
years when residential is proposed.

hysical requirements opens up the potential for low-ceiling, low-window area, residential living rooms acing very active commercial streets, leaving these building spaces inflexible to change over the next urrent code only precludes ground floor residential for 25-50 percent of a street-facing façade along ercent of the remaining mapped street frontage plus all other streets and remaining areas of a site napped streets in most plan districts. That means, ground floor residential is allowed facing 50-75 ocluding courtyards. This is a well-established configuration in urban Portland. The elimination of 0+ years with a very minimal gain in number of units.

nts - shown as <u>underlined &amp; <del>strike through</del> Code Amendments and comments                                    </u>	b. The area must be at least 25 feet deep, measured from the street-faci c. The area may be designed to accommodate a single tenant or multiple
Uses	d. The street-facing façade <u>or wall</u> must include windows and doors.
rive use standards are intended to reinforce the continuity of pedestrian- Active uses include but are not limited to: lobbies, and other common	(Design Commission supports HRR minor amendments to 2a-2d).
unges, shared workspaces, bike parking space, etc.) retail, commercial, le storage, vehicle parking, garbage, recycling, mechanical, or other nendment to expand the list of allowed ground floor active uses).	OUTSIDE CENTRAL CITY HRR Proposed Code Amendments shown as <u>underlined</u> . Example: • Where these regulations apply. These regulations apply to new developr
<b>ct to the ground floor active use standard.</b> The ground floor active use <del>ment and major remodels</del> on sites with frontage on a street shown on	on Map 538-5. <u>Development that includes a residential use is exempt fro</u> - area standards until January <u>1, 2020.</u>
.3 apply to new development and major remodels. Standard C.2 applies upports HRR amendment to no longer require the physical standards to	<ul> <li>Design Commission Alternative Code Amendments and comments shown in</li> <li>Do not the add the language to waive physical standards in plan districts</li> </ul>
	residential is proposed.
<b>lards.</b> ed on the ground floor <u>within 25 feet of the street lot line shown on Map</u>	<ul> <li>Design statigates (section 55.420.000, 14016 420-2)</li> <li>Gateway Plan District (Section 33.526.280)</li> <li>Hollywood Plan District (33.536.280)</li> </ul>
thopment that includes a residential use is exempt from this standard field from the standard field from the standard f	<ul> <li>Kenton Plan District (Section 33.538.240)</li> <li>Interstate Plan District (Section 33.561.280)</li> </ul>
units are prohibited on the ground floor within 25 feet of the street lot	<ul> <li>Northwest Plan District (Section 33.5440)</li> <li>West Portland Multicultural Plan District (Section 33.595.250)</li> </ul>
an appropriate amendment to the outright prohibition of any ground :s to A, B, and C will add to residential inventory by allowing well- ; local streets and interior-block courtyards but keeping residential living transit streets, where they are not appropriate. Finally, this revision should be made permanent now. These combined amendments and will produce added residential units where they are appropriate, keep ical standards and keep a semblance of active uses on our primary	Current code only precludes ground floor residential for 25-50 percent of a st mapped streets in most plan districts. That means, ground floor residential is percent of the remaining mapped street frontage plus all other streets and re including courtyards. This is a well-established configuration in urban Portlan physical requirements opens up the <b>potential for low-ceiling, low-window an</b> <b>facing very active commercial streets</b> , leaving these <b>building spaces inflexibl</b> 50+ years with a very minimal gain in number of units.
and constructed to accommodate uses such as those listed in to accommodate these uses must be developed at the time of	

ust be met along at least 50 percent of the ground floor of walls that are ess from the street lot line of a street shown on Map 510-9, a plaza, or is designed to accommodate active uses must meet the following and constructed to accommodate uses such to accommodate these uses must be develo es are exempt from the standards:

ished floor to the bottom of the structure above must be at least 12

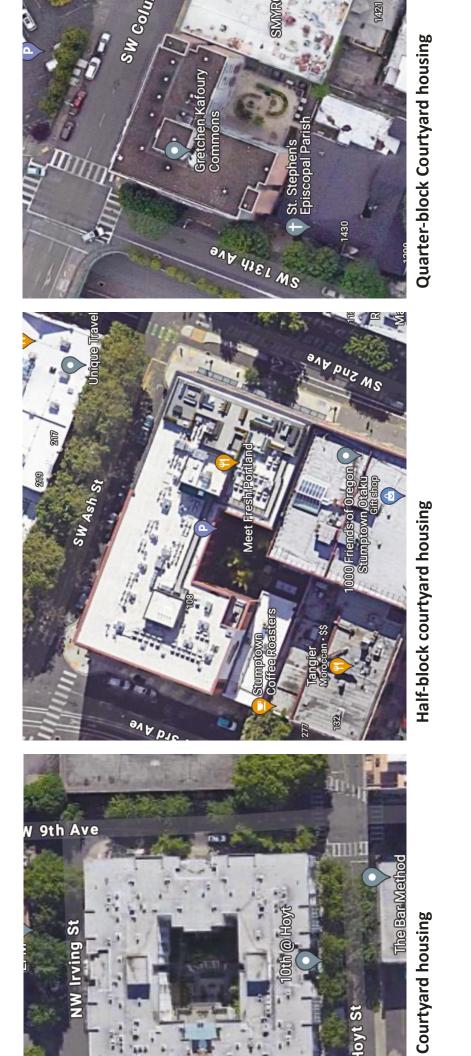


### **Portland Zoning Code**

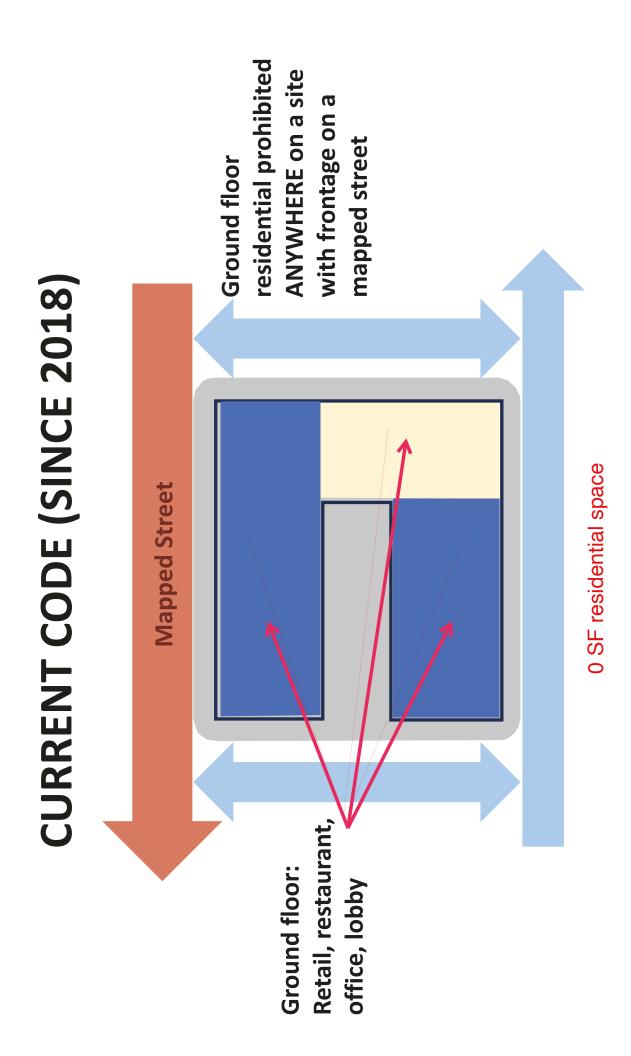
### Central City Plan District Mapped Streets

## Ground Floor Active Use Areas: Ma

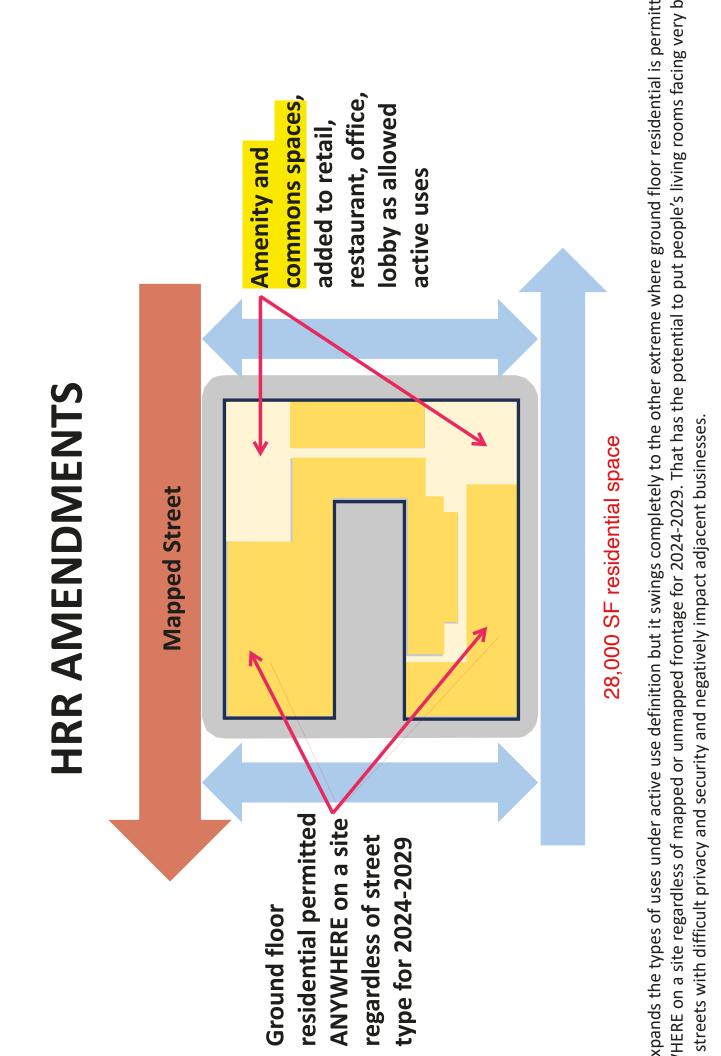
Street where Ground Floor Active I frontage on mapped street is requi 12' minimum ceiling is required fo street wall Street where Ground Floor Active I minimum ceiling height is not requ



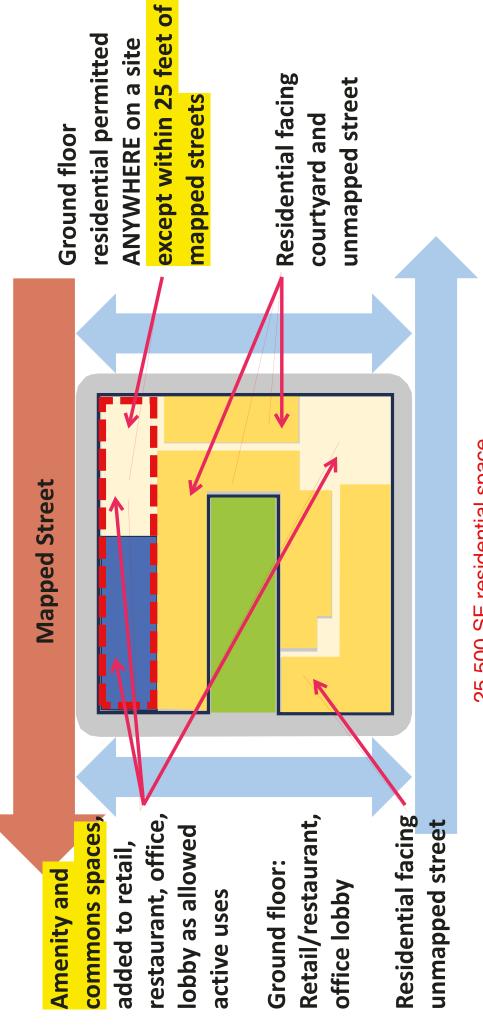
Commission would also like to reassure council that our recommendations are not tied to exotic building types. Full-block, half-block and r-block buildings are common in Portland.



erstand what's at stake, this is a generic example. A downtown city block with a mapped street on one frontage (red). With the 2018 code r I floor residential is prohibited ANYWHERE on a site with mapped street frontage. So, this is one extreme

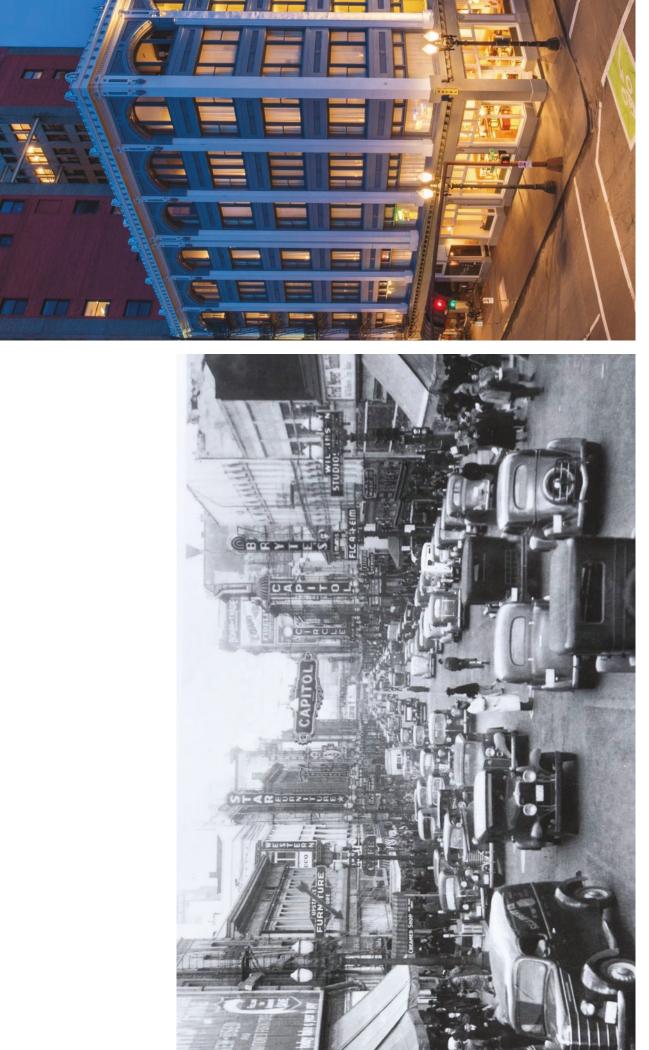






25,500 SF residential space

Commission agrees with the expanded list of active uses but believes a better revision to code is to allow ground floor residential HERE on a site EXCEPT the first 25 feet of frontage on a mapped street.



ilt an active ground level city for for the first 100 years



Between 1950-1970 we forgot how to do that buildings that were and still are, dead at street These buildings have been with us for 60-70 ye will be with us for at least another 50 years.

But we self-corrected. By 1980 we had a down plan, a stronger code, design guidelines and de review



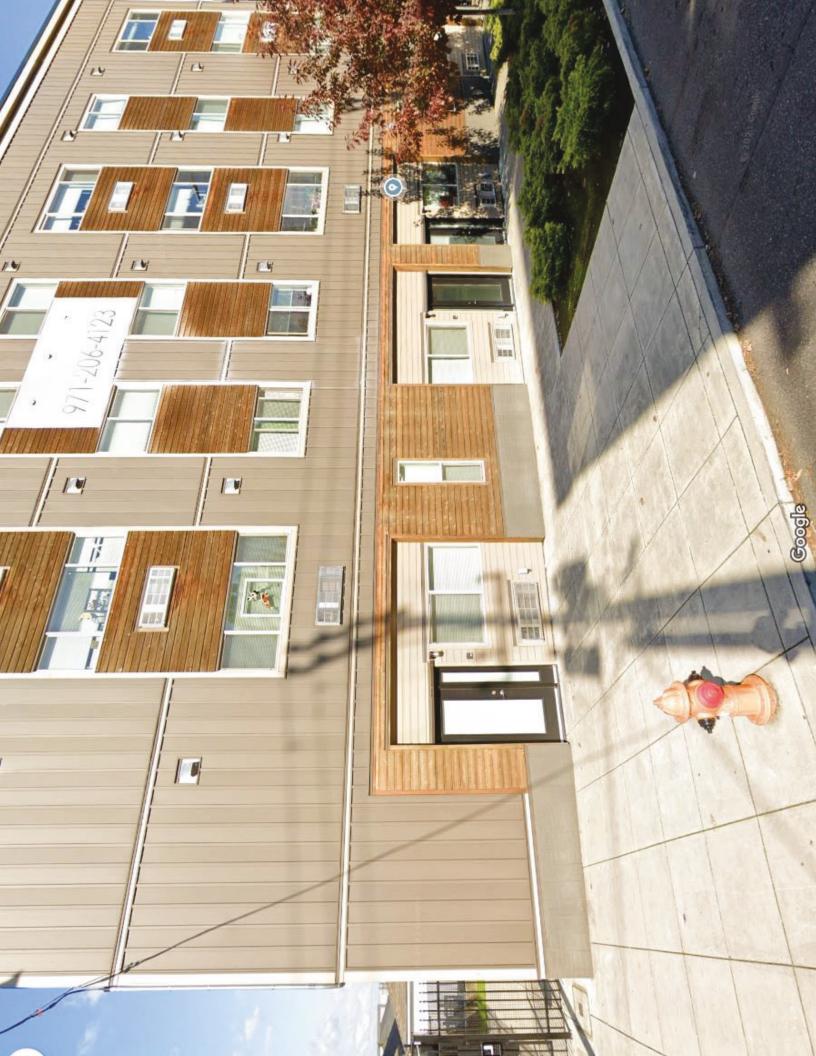
ast 40 years, we've built a city with some of the best public realm and ground floor urban design in the world

# **OUTSIDE CENTRAL CITY**

	CCPD	"m" Overlay	Northwest PD	Northwest PD	WPMPD	Kenton PD	Hollywood PD	Gateway PD	Interstate PD
Location	Entire si street is See mar	3413-010 w//n 100° of a transit street outside Central City in Inner Pattern Area See transit streets in <u>Mapworks</u>	Frontages on Map 562-7	Bortion of site w/n 200° of streetcar Map 562-7	3339-130 Sites abuting Commercial Corridors on Map 595-3 Corridors on Corridors on Corridors on Corridors on Corridors on Corridors on Corridors on Corrigonal Corrigonal Corrigonal Corrigonal Corrigonal Corrigonal Corrigonal Corrigonal Corridors on Cor	Frontages on Map 583-5	Frontages on Map 536-3	Frontages on Map 5264	Fontages on Map 561-4
Streets	See list below.	<u>Examples:</u> Burnside Stark Hawthorne Division Mississippi	Northrup & Lovejoy 23ª to 1-405 Davis to Thurman Thurman 21ª to 28 <sup>th</sup>	Northrup & Lovejoy 23ª to  405	Barbur Alice to Luradel Capitol Hwy 41. <sup>s</sup> /Brugger to Luradel Huber Barbur to Capitol Hwy 41st and Taylors Ferry	Denver (west side) Argyle to Willis Denver (east side) Willis to McClellan Interstate (north side) Argyle to Fenwick Interstate (south side) Fenwick to McClellan	<b>Sandy</b> 37 <sup>th</sup> to 47 <sup>th</sup> 4 <b>5</b> <sup>th</sup> Tillamook to I-84	Weidler & Halsey 102 <sup>nd</sup> to 112 <sup>th</sup> 202 <sup>nd</sup> 202 <sup>nd</sup> Weidler to Washington Weidler to Washington PacfitoPacfito Pacfito Pacfito Pacfito Pacfito Pacfito Pacfito Pa	Interstate & Lombard Russet to Buffalo & Denver to IS Interstate & Rosa Parks Liberty to Holman Greenwich to Maryland Threstate & Killingsworth Church to Einerson Denver to IS Interstate & Skidmore Prescott to Mason Interstate to IS
Frontage	50%	<mark>25%</mark>	50%	50%	<mark>25%</mark>	50%	50%	50%	50%
Cses	<ul> <li>Lobbies</li> <li>retail</li> <li>commercial</li> <li>office</li> <li>nor include storage, recycling, mechanical, or utility uses.</li> </ul>	<ul> <li>Retail Sales &amp; Service</li> <li>Indiffical Service</li> <li>Mandfactining &amp; Production</li> <li>Community Service</li> <li>Daycare</li> <li>Religious Institutions</li> <li>Schools</li> <li>Colleges</li> <li>Medical</li> </ul>	<ul> <li>Residential</li> <li>Retail</li> <li>office</li> </ul>	<ul> <li>Household or Group Living</li> <li>Retail Sales &amp; Service</li> <li>Manufacturing &amp; Production</li> <li>Industrial Service</li> <li>Community Service</li> <li>Schools</li> <li>Colleges</li> <li>Religious Institutions Daycare</li> </ul>	<ul> <li>Retail Sales &amp; Service</li> <li>Office</li> <li>Industrial Service</li> <li>Manufacturing &amp; Production</li> <li>Comunity Service</li> <li>Daycare</li> <li>Religious institutions</li> <li>Schools</li> <li>Colleges</li> <li>Medical</li> </ul>	<ul> <li>Lobbies</li> <li>Residentia</li> <li>Retail</li> <li>Commercial</li> <li>office</li> </ul>	<ul> <li>Lobbies</li> <li>retail</li> <li>commercial</li> <li>office</li> </ul>	<ul> <li>Lobbies</li> <li>retail</li> <li>commercial</li> <li>office</li> </ul>	<ul> <li>Lobbles</li> <li>Residentia</li> <li>Real</li> <li>Camercial</li> <li>office</li> </ul>
Physical Regs	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant &amp; ADA</li> <li>Windows &amp; doors</li> </ul>	None	<ul> <li>12 ' vertical</li> <li>25 'deep</li> <li>25% façade windows &amp; doors</li> <li>No parking</li> </ul>	None	None	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant</li> <li>Windows &amp; doors</li> <li>No parking</li> </ul>	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant</li> </ul>	<ul> <li>12' vertical</li> <li>25' deep</li> <li>25% façade windows &amp; doors</li> <li>No parking</li> </ul>	<ul> <li>12' vertical</li> <li>25' deep</li> <li>Single/multi-tenant</li> <li>Windows &amp; doors</li> <li>No parking</li> </ul>
Parking	No limitations unless parking occupies >50% of floor area of a structure	C, E RX zones - vehicle areas are adjacent to a transit street or a max 50% of the frontage may be used for vehicle areas. R zones - 40% along a street with highest classification.	Max 40-50% of frontage can be parking	Max 40-50% of frontage can be parking	Max 40-50% of frontage can be parking	Max 40-50% of frontage can be parking	Max 40-50% of frontage can be parking	Max 40-50% of frontage can be parking	Max 40-50% of frontage can be parking

veral plan districts outside Central City, the requirements for active uses and physical design standards varies from one district to another. T me to individually modify those requirments.

### Housing Regulatory Relief Program Potential impacts to Portland's City Council, January 10, 2024 Hearing design overlay zones



65 PAGES VS 1,840 PAGES 1003 358 PALES I. 2. FAR RZ.S OR LOTCON. = 800SF HOUSE W | CAR GARAGE 3. MULTIPHASE DEVELOPMENT 7 YEARS - KILL HOUSE PERMITS IF NOT ISSUED 4. 2' OVERLAY IS REDLINING THE CITY RICH VS POOR MIDDLE HOUSING NOT PEPHI1/ED

Title 33, Planning and Zoning 6/30/22

### **Chapter 33.418 Constrained Sites Overlay Zone**

### MIDDLE HOUSING ISSUE

Sections:

33.418.010 Purpose33.418.020 Map Symbol33.418.030 Applying the Constrained Sites Overlay Zone33.418.040 Housing Type Limitations

### 33.418.010 Purpose

Under some circumstances, more than two dwelling units are allowed on lots in the R20 through R2.5 zones. The Constrained Sites overlay zone reduces development potential to comply with protective measures adopted and acknowledged pursuant to statewide land use planning goals. This overlay zone reduces risk to life or property from certain natural hazards.

### 33. 418.020 Map Symbol

The Constrained Sites overlay zone is shown on the Official Zoning Maps with the letter "z" map symbol.

### 33. 418.030 Applying the Constrained Sites Overlay Zone

The Constrained Sites overlay zone is applied to lots in the R20, R10, R7, R5 and R2.5 zones when any portion of the lot has one of the following constraints. When property is rezoned out of an R20, R10, R7, R5, or R2.5 zone, the Constrained Sites overlay zone is automatically removed from the zoning map:

- **A.** Environmental Conservation overlay zone, Environmental Protection overlay zone, or Pleasant Valley Natural Resource overlay;
- B. Special flood hazard area;
- C. Floodway;
- D. 1996 Flood Inundation area;
- E. Potential Rapidly Moving Landslide Hazard Zones as shown in the DOGAMI IMS-22 publication;
- F. Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.
- **G.** Sites in the R10 and R20 zones with a cumulative hazard value of 5 or more as shown on the 1998 City of Portland Wildfire Hazard Zone map;
- H. Sites in the R10 and R20 zones with a high or extreme risk rating as shown on the 2001 Multhomah County Community Wildfire Protection Plan map 13B that are not also included in the 1998 City of Portland Wildfire Hazard Zone map;
- I. Land within an industrial sanctuary comprehensive plan designation;
- J. Land within the Portland International Airport Noise Impact overlay zone with a 68DNL or higher noise contour.

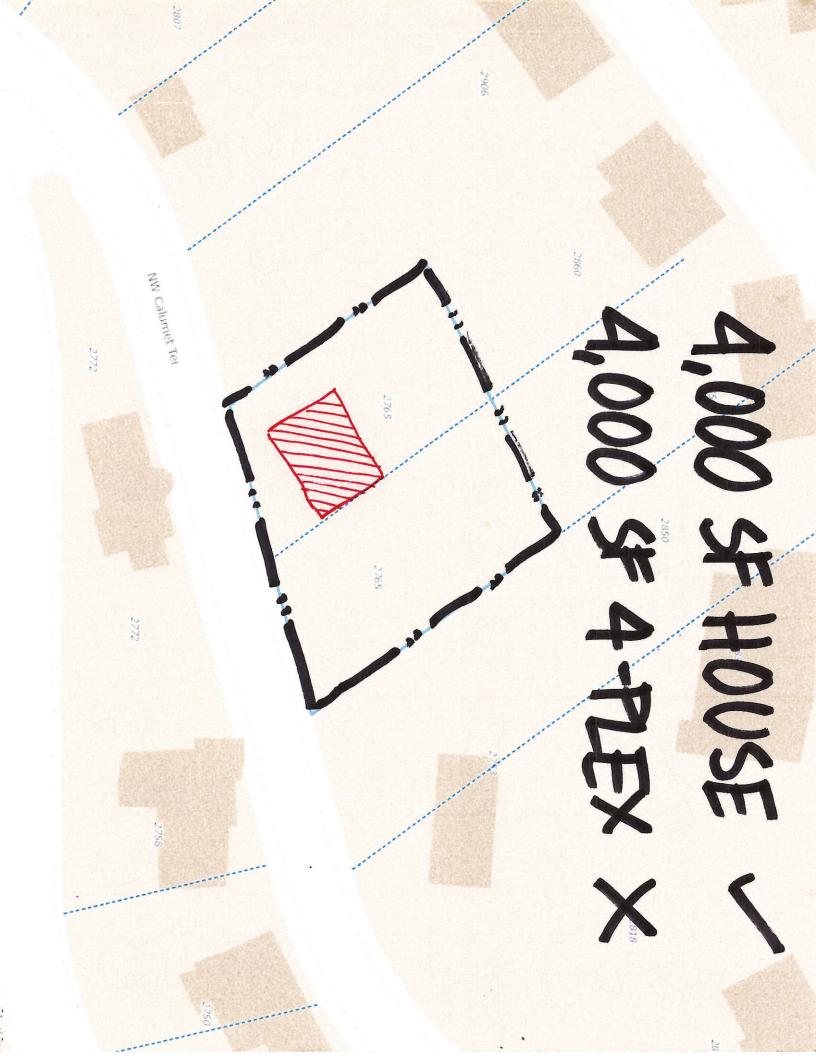
1

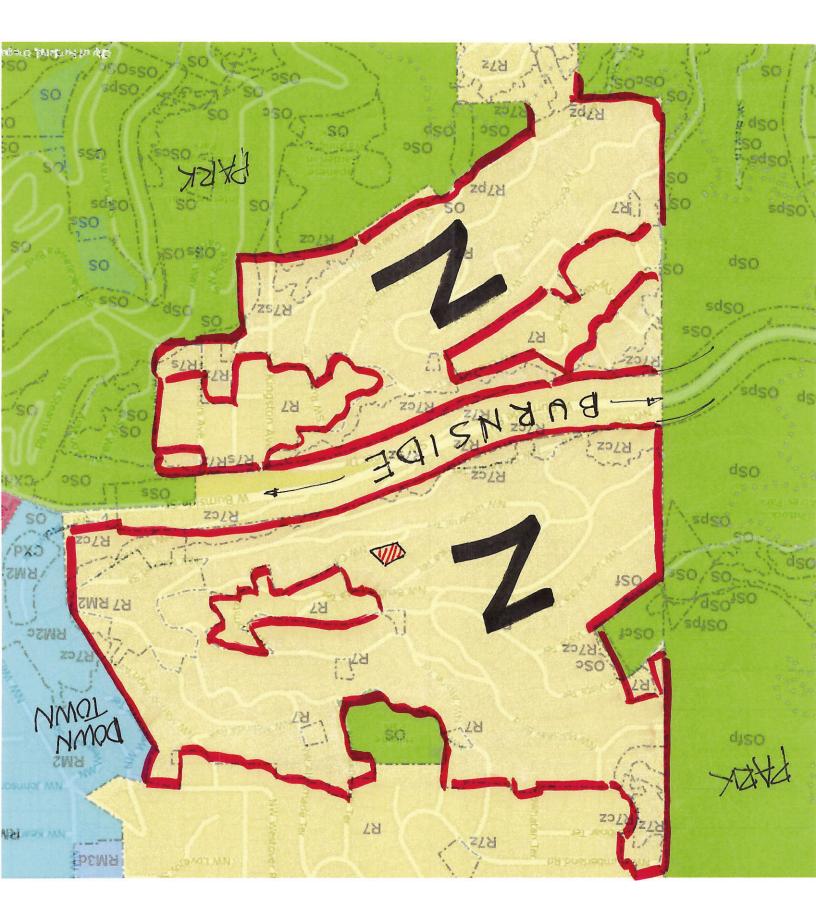
### 33.418.040 Housing Type Limitations

The following residential infill and accessory dwelling unit options do not apply in the Constrained Sites overlay zone:

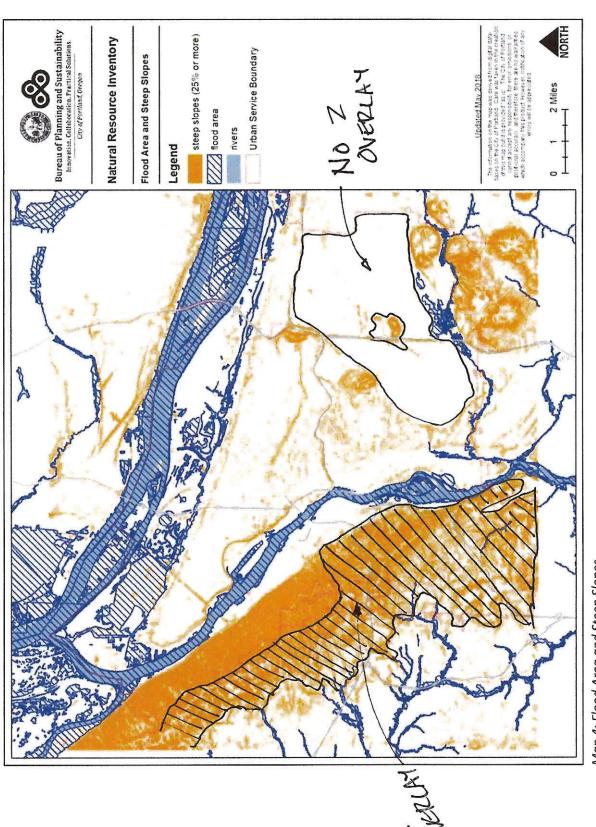
- A. 33.110.265.D.2 which allows duplexes consisting of two detached primary dwelling units in the R20 through R2.5 zones;
- B. 33.110.265.E which allows triplexes and fourplexes in the R20 through R2.5 zones;
- **C.** 33.110.265.F which allows fourplexes and multi-dwelling structures with up to six dwelling units in the R20 through R2.5 zones;
- D. 33.110.265.G which allows cottage clusters in the R10 through R2.5 zones;
- **E.** 33.205.020.B.1.c which allows an accessory dwelling unit on a site with a duplex in the R20 through R.25 zones; and
- **F.** 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the R20 through R2.5 zones.

(Added by: Ord. No. 190093, effective 8/1/21; Amended: Ord. No. 190851, effective 6/30/22.)





Environmental Overlay Zone Map Correction Project



1

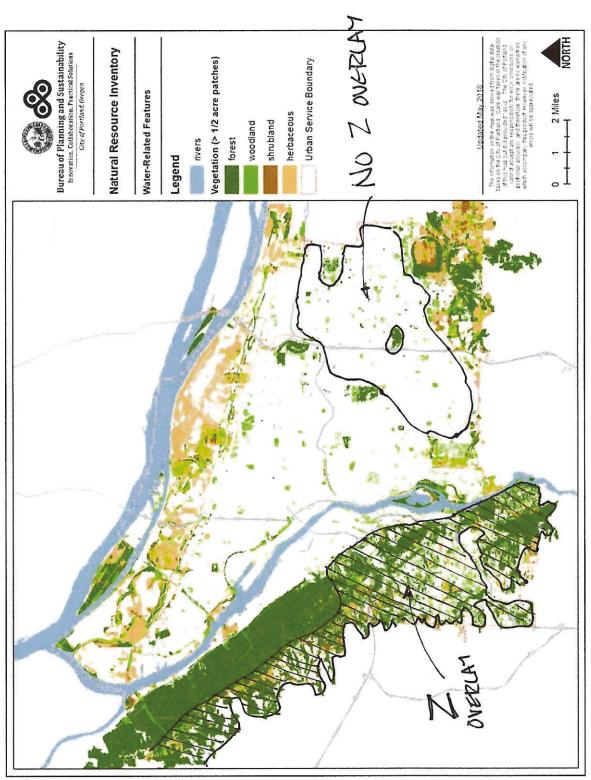
Map 4: Flood Area and Steep Slopes

August 2018

15

Public Review DRAFT

Environmental Overlay Zone Map Correction Project



Map 3: Vegetation Features

Public Review DRAFT

August 2018

We have a housing crisis. We have it in Portland, in Oregon, and nationwide. We've all known about this for a long time, and to its credit The State Senate Bill for midtle may go a long way towards being part of the solution IF, and it's a big if, the middle housing code, does not get tripped up by other subsections of the code.

### **Financing and Risk**

The single biggest issue facing any developer or builder in the city of Portland is uncertainty. Uncertainty and the lengthy project to get the project approved; Uncertainty in terms of the potential land use actions that may be required; uncertainty as to the cost initially of consultants and then later of infrastructure.

There are very few consultants that do a fixed contract when working with the city of Portland those that actually do work in the city all work with time and materials. This makes it very hard to budget for the front end of the project. Secondly the timeline for any project in the city of Portland is so elastic and it is not uncommon for a timeline to double or triple what the initial estimate is at the pre-application conference. The possibility of a hostile staff member who is uncommunicative and does not see his or her role as working with the applicant. The estimate of the possibility of Appeals. The interpretation of the code and how it differs between planning stuff. And lastly the code itself where in some cases one project can have to show compliance with up to five different tree protection standards and code sections for example.

Risk is the enemy of all businesses. Development is unusually risky given its timeline and the fact that until the project is finished it has the integral value. The parts do not equal the sum. What this all means is that the few lenders that are willing to take the risk charge 12% and four points for example. The lengths of loans are strictly limited and enforced.

One thing that is clear is that uncertainty in the city only works for one group of people. It works for the banks and the lenders. Does not work for the gods and does not work for the city it does not work for future homeowners uncertainty must be removed in every possible term.

### Finished lots / buildable lots

I'm currently working on middle housing cottage cluster developments in Tigard, in Portland, and a couple other places. In very simple terms following the supply and demand curve if demand outstrip supply, the price goes up and the demand has been outstripping supply for decades. Over the last five years housing prices in Portland have gone up 50%. Fundamentally speaking the construction materials which do fluctuate, up-and-down, such as lumber have not changed except marginally through inflation.

This is nothing compared to the lack of our ability to provide finished lots. The best way to provide finish locks for builders is to do so through subdivisions. There is very little land left to do that almost no land available for sale to do that. the land that is available is restricted by so many zoning code, topographical, geologic, environmental issues, overlays and restrictions. It is made it nigh on impossible to build.

The first thing that needs to happen is the relationship between builders/developers and current planning has to change.

I believe that if staff's mission is to work with developers/builders (d/b), help and assist and guide them through the process, and that is both builders and developers saw the relationship as one of cooperation it would immediately change the current climate.

Current planning doesn't make the rules they have to enforce them, and in many cases it to set up for an adversarial position. There is so much friction and there is so much animosity that it creates a hard working environment for both people in the public and private sector. One of the major issues has been certainly over the last 15 to 20 years the growth and encroachment of neighborhood groups, local groups and the public in general who is authority to determine the outcome of developments accessibility, and generally staff support has made it extremely difficult project to proceed.

One of the most significant knock-on consequences from the way the code are found landuse actions when processing the building permit. When the building permit is submitted because of the shape, location, or topography on the parcel the builder must start a second or third process to meet tripwire code sections. For example, most of the new homes that I have worked on have required height adjustment. This is not because the homes are going to be any higher than 30 feet above the road in fact the height limit of 23 feet above the pavement can often be met. The issue is how the height of homes are measured, which is based upon the height elevation being measured from 5-feet from the lowest corner of the building.

This means that in effect while there is no difference from the street that because of the topography of property the applicant is required to go through a type to appealable land use process. It is the appeal that is the issue. The code requires equal or better, which is hard to argue – especially for height, and easy to appeal.

If there is a possibility of an appeal staff have to write their decision and provide much more substantive findings in order to protect the staff decision from being appealed by the public. The need to write defensive staff reports and the need to provide findings for criteria that are deliberately gray in their interpretation makes it difficult for this process to move forward without causing substantive delays and a great deal of additional work of staff.

### **Current Planning Staff.**

What is the goal of BDS. Perhaps there isn't one. Perhaps it is simply a tool for enforcement. If the actions of staff cause the project to fail that is not a factor. If the process goes on month after month and year after years with staggering costs on both sides – that is not a factor just as long as the code is enforced.

The way that there are so very many ways to appeal any project on the tiniest of issues. That the Neighborhood Associations, and action groups have gained so much power, requires a defensive position from current planning, and unintended standards to be met.

### **Builders**

The people we need to help our builders. Builders tend to be very conservative, and they build what they know. If they're building single-family homes, they would all like to start with a flat, square lot. One with all the utilities stubbed in and a fully finished street. A lot that is ready built so all they have to do is go up. After a builder finishes his house, he takes the money turns around and build another house

Builders build houses. Lets walk through a simple scenario

The builder uses \$25k to get a 400k loan to build a 500k house, and makes 50k (10% profit). He then turns around and uses 50k to get an \$800k loan to build two 500k homes to make 100 k or 10% profit.

If it takes 1 year from start to finish this builder can finish fifteen houses in four years

It it takes 2 years start to finish he can build seven in the same time.

If there is a demand for 3.5 homes a year, you can meet demand, in four years under the first process. Under the second scenario, you fall short by 8 homes.

If you want to solve the housing crisis let builders try to meet the demand and build homes.

If you want to make the scenario worse, slow it down, increase the risk, and jack up the price of doing business. Right now we are hitting all three out of the park.

### Developers

Land development is incredibly risky in a good economy in builder friendly environments. There are so many outside factors that can change costs and cause delays at the drop of a hat. This can be anything like a hurricane in Texas shutting down the manufacture of all pipes in the entire country. Massive doubling and tripling of wood prices in response to global hiccups. More than doubling of mortgage rates in one year from less than 3% to over 7%.

Tearing down a house, to build a house or a couple of homes on a single lot is easily the most inefficient, and cost prohibitive form of development. It faces the greatest opposition and creates a difficult to build on a hemmed in site.

This is a terrible way to do development, but this is what we have come to. Developers would much prefer to do subdivisions, built up neighborhoods would also.

### Consultants

Its takes a large number of professionals to bring a development application through entitlements let along approval. Civil engineers; Structural Engineers; Geotechnical Engineers; Traffic Engineers; Geologists; Environmental Scientists, Arborists, Architects and Planners.

### SDCs

As with taxes, system development charges should be on a sliding scale. This would be based upon the size and valuation of the House. A standard SDC could be utilized for 2500 square foot house. With every 1000 square foot of house equaling 20k of SDC's below or above that size. The calculation of SDCS would utilize the current process. Though again and is quite incredible the difference between the system development charges between each group and how the burdens have been artificially created. The best example of that I believe is the park system development charge.

### The 'Z' Overlay

The 'Z' overlay does not Permit the development of middle housing on any property with this overlay. This is an Example of unintended consequences and high-level thinking having an enormous impact on development in almost 50% of the city. For example, I can build a 3600 square foot house, but I cannot build a 3600 square foot fourplex. Using the same building envelope, same height same mass same floor area. The 'Z' overlay can perhaps an extra layer of review, but should not be exclusionary.

### **Floor Area Ratios**

Floor area ratios are one of the more difficult areas for development in the new code. The entire goal was to prevent Mc-mansions as they are lovingly called. On another note, I will say that the materials used by the Long Range planning when arguing for these restrictions were deliberately misleading. Also the implementation of FAR was not in line with the states recommendation for FAR implementation. An example would be when the zoning is R2.5 and that we have a 25 foot wide by 100 foot deep lot. This would restrict the size of the house to 40 of the lot size or 1000 square feet. Nobody builds 1000 square foot homes. I would suggest that All single family lots be permitted to build up to a 2500 SF house regardless of lot size or zoning

### Parking

One of the more unusual elements in the planning code is not being able to include parking in front of the garage as being counted as a parking space. Because a car cannot be parked in a front yard set back. This is a very bizarre use of the code. I can understand that there would be a fear that no grass would be built and people would park in front of their homes as opposed to in beside of their garages. However that is usually what happens and Garage is very often become places for storage or become officers. If there is no off street parking, the home owner should have a designated on street parking spot. Placing a driveway in front of a house and requiring that driveway to be 5 foot off of each sideline it creates a space that is roughly 22 foot wide. 5 foot 12 foot 5 foot. Without a driveway that same space could be a designated on-street parking spot for the house directly behind it. This would remove the curb cut. This would allow the house to be closer to the street. This would also improve the street façade.

### Tree protection above all else

I've recently worked on a project where the crew on the site accidentally disturbed the tree protection area. None of the trees were harmed but the space was intruded upon. Find a need to help for that. This required that the builder go through a brand new Type 2 tree protection plan. This took a matter of months and resulted in the same number of trees being protected. It also allowed staff to change the previous approval and they decided to implement greater protection on the side that wasn't previously impacted. They did so without notifying the builder. Have the impact on creating a substantially smaller building envelope. This in consequence led the builder to have to go back in for an adjustment to the land use approval. This also meant the need to adjust aside your setbacks. It essentially created a substantial series of knock on effects.

### EC & EP zones

By far the most difficult section of the code are the environmental overlay protection requirements. Historically there have been two overlays. The Environmental Protection area where absolutely no work it permitted unless it is for safety or maintenance reasons or requires indeed for a street to be put through. Improvements or vertical development can occur here. Historically when the code was written the environmental conservation overlay did allow housing to be constructed within it but required mitigation for the amount of area disturbed. Because much of the area with overlay was or had been degraded by invasive species by historically bad care or maintenance there was very often opportunity to mitigate the impact and to substantially clean up and enhance the area on the lot.

Staff has have enormous authority to determine : best layout, least impact, best mitigation. They have been able to override Environmental Scientists, and Arborists, and Landscape architects in their own profession.

The current position is that the applicant HAS to avoid the EC zone unless it is impossible. That he/she must stay as much in the transition portion of the overlay.

The change in policy has significantly restricted the design on sites with this overlay, preferring bad design and less density over ANY tree removal.

This general policy has to change

### Solar

The solar code ordinance needs to be removed from the book it was one of those code sections that was edited into the code with the best of intentions but became increasingly difficult to work with because of the actual size of most subdivided lots. There was also several workarounds which were based on the existing topography, the existing rd locations and layout. And several other sections that made it almost impossible, in fact I would say impossible to meet the 80% requirement. Which meant that adjustments became standard. It now has been reduced to a footnote and should be removed entirely.

### ADA

The single most difficult elements of civil design are the ADA ramps and ADA access. Where every slope on every slab of concrete has to be listed in terms of elevation and slope and direction. It is a huge amount of time and often resources, since after they have been laid it is not uncommon for them to be ripped out and built again. On a second note, If there is an existing ramp – do not require it to be removed and replaced.

### Water Qaulity

One of the most costly additions is the use of water quality facilities on each.

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### Portland City Council Meeting - Wednesday, January 10, 2024 2:00 p.m.

34-1ChrisSmith34-2RobertSallinger34-3WalterWeyler34-4DougBurges34-5SamuelRODRIGUEZ34-6PrestonKorst34-7DavePeticolas34-8DaveOtte34-9HeatherFlint Chatto34-10OlyssaStarry34-11DougKlotz34-12ClaudeSakr34-13Andrew SmithPortland Historic Landmarks Commissioner34-14Brian McCarterPortland Design Commissioner34-15ChristeWhite34-16AllisonReynolds34-17IsaacJohnson34-18LaurenJones34-19JakeSly34-20CassidyBolger34-21MelGeorge34-22LajuneThorson34-23SusanHarris34-24JonathanClay34-25GusBaum34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-34StephRouth34-35wadejohns34-34StephRouth34-35wadejohns34-34StephRouth34-34StephRouth<	Agenda Item	First Name	Last Name
34-3WalterWeyler34-4DougBurges34-5SamuelRDDRIGUEZ34-6PrestonKorst34-7DavePeticolas34-8DaveOtte34-9HeatherFlint Chatto34-10OlyssaStarry34-11DougKlotz34-12ClaudeSakr34-13Andrew SmithPortland Historic Landmarks Commissioner34-14Brian McCarterPortland Design Commissioner34-15ChristeWhite34-16AllisonReynolds34-17IsaacJohnson34-18LaurenJones34-19JakeSly34-20CassidyBolger34-21MelGeorge34-22LaJuneThorson34-23SusanHarris34-24JonathanClay34-25GusBaum34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-33EricaThompson34-34StephRouth34-35wadeJohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-1	Chris	Smith
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34-5SamuelRODRIGUEZ34-6PrestonKorst34-7DavePeticolas34-8DaveOtte34-9HeatherFlint Chatto34-10OlyssaStarry34-11DougKlotz34-12ClaudeSakr34-13Andrew SmithPortland Historic Landmarks Commissioner34-14Brian McCarterPortland Design Commissioner34-15ChristeWhite34-16AllisonReynolds34-17IsaacJohnson34-18LaurenJones34-19JakeSly34-20CassidyBolger34-21MelGeorge34-22LaJuneThorson34-23SusanHarris34-24JonathanClay34-25GusBaum34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-34StephRouth34-35wadeJohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-3	Walter	Weyler
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34-14Brian McCarterPortland Design Commissioner34-15ChristeWhite34-16AllisonReynolds34-17IsaacJohnson34-18LaurenJones34-19JakeSly34-20CassidyBolger34-21MelGeorge34-22LajuneThorson34-23SusanHarris34-24JonathanClay34-25GusBaum34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-12	Claude	Sakr
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34-17IsaacJohnson34-18LaurenJones34-19JakeSly34-20CassidyBolger34-21MelGeorge34-22LaJuneThorson34-23SusanHarris34-24JonathanClay34-25GusBaum34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-15	Christe	White
34-18LaurenJones34-19JakeSly34-20CassidyBolger34-21MelGeorge34-22LaJuneThorson34-23SusanHarris34-24JonathanClay34-25GusBaum34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-16	Allison	Reynolds
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34-24JonathanClay34-25GusBaum34-26AnselmFusco34-26AnselmFusco34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-33EricaThompson34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-22	LaJune	Thorson
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34-27JoeSwank34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-33EricaThompson34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-25	Gus	Baum
34-28ChandraRobinson34-29Dr. TonyKelly34-30JeraldPowell34-31MicahMeskel34-32JonIsaacs34-33EricaThompson34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-26	Anselm	Fusco
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34-31MicahMeskel34-32JonIsaacs34-33EricaThompson34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-29	Dr. Tony	Kelly
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34-33EricaThompson34-34StephRouth34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-31	Micah	Meskel
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34-35wadejohns34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-33	Erica	Thompson
34-36MarkDane34-37Tim McCormickHousing Alternatives Network	34-34	Steph	Routh
34-37 Tim McCormick Housing Alternatives Network	34-35	wade	johns
	34-36	Mark	Dane
34-38 John Sieling	34-37	Tim McCormick	Housing Alternatives Network
	34-38	John	Sieling

34-39	David	Schoellhamer	
34-40	Xavier	Stickler	
34-41	DANIEL	MANNING	
34-42	Erik	Cole	
34-43	Mary	Coolidge	
34-44	Aaron	Brown	
34-45	Elizabeth	Morris	
34-46	Kevin	Clark	