

# Portland Planning Commission

August 27, 2024

Meeting Minutes

## Planning Commissioners Present

Michael Alexander, Brian Ames, Wade Lange, Mary-Rain O'Meara, Michael Pouncil (virtual), Steph Routh, Eli Spevak, Erica Thompson (virtal)

## Planning Commissioner Absent

Nikesh Patel

## Presenting Staff

Patricia Diefenderfer, Sandra Wood, JP McNeil, Phil Nameny; Karl Lisle (Spectator Venues); Mike Liefeld (PP&D)

*Chair O'Meara* called the meeting to order at 5:02 p.m. and provided an overview of the agenda.

[Documents and Presentations for today's meeting](#)

[Video](#)

## Items of Interest from Commissioners

*Chair O'Meara*: We have the Montgomery Park Area Plan and Title 11 Amendments letters to Council to confirm. Are we good with these letters? Confirmed.

## Director's Report

Patricia Diefenderfer

- The Housing Production Strategy is at Council tomorrow, and we will report back about it.

## Consent Agenda

- Consideration of Minutes from the August 13, 2024, Planning Commission meeting.

*Commissioner Routh* moved the Consent Agenda. *Commissioner Alexander* seconded.

The Consent Agenda was approved.

(Y8 – Alexander, Ames, Lange, O'Meara, Pouncil, Routh, Spevak, Thompson)

## Rose Quarter Sign Code Amendments

Briefing / Hearing: Sandra Wood, Phil Nameny

### Presentation

#### **Disclosures**

*Commissioner Alexander:* I sit on the board of Albina Vision Trust, and we have recently been in alliance with the Portland Trailblazers to move things forward in the area. This isn't tied to this project, but I wanted to share since it's in the same area.

*Chair O'Meara:* I work at CCC, and we have an affordable housing and clinical property just north of the Rose Quarter.

*Commissioner Lange:* Rose Quarter is part of Lloyd, and I'm on the ESD and Go Lloyd transportation board.

Sandra introduced the project and today's agenda. The staff proposal is shared on slide 3. Almost all proposed amendments are land use regulations in the sign code (Title 32).

Phil shared the map and the aerial of the Rose Quarter (slides 4-5).

Context about the Rose Quarter itself (slide 6) and Title 32 (slide 7). Today the focus is on the land use standards. The sign regulations are based on the designations in the zoning code (Title 33). This site is CXd zoning – Central City plan district.

Increased flexibility of signage – examples from other cities are highlighted on slide 9. The Moda Center roof could potentially have a roof-top sign if allowed.

The amendments are proposed from BPS code staff discussions with Rip City Management and the City's Spectator Venues team. Details are shared on slides 11-14. Veterans Memorial Coliseum is outside this new proposal because it has a historic designation. All the changes are to Title 32.

Outreach and a summary of testimony received is highlighted on slide 15.

The project is on an accelerated timeline due to Council's direction. We expect the project will go to Council this fall with an effective date in early 2025.

### Written Testimony

#### **Oral Testimony**

1. Dewayne Hankins, Portland Trailblazers & Rip City Management: Thank you to City staff and for having us today. This is a first step to a revitalized Rose Quarter, and updating the sign code is an important step. It's also a key step to a fair market partnership. Last month we entered into the AVT partnership, which is about community-led restorative development at

the heart of Portland. Our goal is to build community, so the vision of a renovated Rose Quarter is to create a flourishing place in lower Albina. Signage will enhance this. It's also a public safety opportunity to increase lighting in the area. This has to be authentic to Portland. Fans love the inside of the facility, but this will enhance the outside.

2. Dan Barrett: Advisor to Blazers w CA Icon. We are looking to create a sense of place and a destination that is safe. Signage and illumination as well as foot traffic is important to this. digital signage can be tasteful and conservative – not like Times Square or Vegas.
3. AJ Zahn: Rip City Management. Highlighted current versus a potential future state. Digital boards will be inside facing, subject to hours of operation, so it won't be externally facing. It will enhance the campus and keep it well-lit. We'll also be more equipped to host community events.  
Two requested amendments: the size and scale of lit – 200 to 1000 square feet. Banner size from 300 to 500 square feet.  
Thank you to City staff for their work with us.

*Chair O'Meara* closed oral and written testimony at 5:34 p.m.

## **Discussion**

*Commissioner Ames:* Can we talk about the proposed amendments from Rip City?

- Phil: The 200 limit is in areas within 100 feet of the I5 roadway (east facade). We didn't actually do all direct measurements, but most of the Rose Quarter is outside this range from I5. That is an existing regulation to limit distracted driving, and because of this quick timeframe, we didn't look at this. Currently the 200 square feet is not adjustable, which we are keeping. But we did make it so the 200 square foot item can go through an adjustment/discretionary process through Design Review. This would be a staff-level review (appealable to the Design Commission) that takes about 8-12 weeks.
- Sandra: Rose City Management doesn't have a specific sign program right now, but they have some concepts. We are exempting them from the current code, but we do want to have some standards for a few parameters.
- Phil: The banners were more of a case for sizes of what is available, e.g. the long vertical ones. It doesn't prohibit these; if it's over the 300 feet, though, it would go through a review.

*Commissioner Alexander:* My take-away is "you can't, but you can". Once we have a clear strategy of size, it is still not an impermeable barrier through Design Review. What is the naming convention of Rose Quarter Entertainment subdistrict versus naming it with Albina in the name?

- Sandra: The applicant would submit a request to PP&D, they would notice owners within the area, they can offer suggestions, and if there isn't any concern, it is a staff-level decision. If appealed, it would go to the Design Commission for a hearing. What we are trying to do is provide more flexibility on this large development to alleviate some rules. The rooftop sign and changing image signs are the two main ones we are looking to update/change in this project.

- Phil: As part of the agreements between the City and Rip City Management, there is an ongoing and potential update to the arena and area, so it's possible this piece will be included. We are hoping just to create some guidelines for signs specifically.
- Phil: On the naming, it's specific to this sign code. The area of Albina is much larger, and this naming is purely to designate this small area in the Rose Quarter relative to signs and where this applies.

*Commissioner Spevak:* Why is Memorial Coliseum not in here at all? And what about the TriMet property on the edge of the area? Also, typically referencing the side of a ROW, but if this one (I5) might move some, will lots of the area be out of compliance?

- Phil: We checked with the attorneys about the uncertainty about if it's the edge of the roadway. So this is the verbiage we used. The dedication line is not necessarily mimicking the roadway. There is an agreement that because of the landmark status of Memorial Coliseum, we'd have to go through a Historic Landmark Review. It doesn't mean they can't propose this, but they'd likely have to get more modifications.

*Commissioner Thompson:* I'm trying to understand what guidelines or requirements are in place to address glare, light pollution, and any dark skies criteria. Also questioning the radius that is established for property owners... 150 feet is more typical to an urban 200-foot block than this large area.

- Phil: Re: light pollution – we are referencing the glare standard in the zoning code here. We are also creating the standard that lighting needs to be projected down to the ground unless the lighting is on the roof. As far as the larger changing images, these must be turned off between midnight and 6 a.m. with an exception if an event is hitting up to midnight, the signs can be on until an hour after the event is over.
- Sandra: The 150 foot radius is assigned to a Type II Design Review. One way to increase the radius would be to increase the type of review. But this would switch from staff level to a public hearing before the Design Commission, which we thought would be overkill. I would caution us to start changing off the Type II review, because that is just another variation on how many and types of reviews we are subjecting things to.
- Phil: The current sign code doesn't have provisions aside from changing image signs, so we didn't want to try to create new limitations where there weren't limitations before.

*Commissioner Lange:* When we did N/NE Quadrant Plan, we talked about a ped bridge into the Rose Quarter. The testimony slide shared this concept. I'm curious about the approval process for the sign on the grain elevator – how did that get up there (it's bigger than 200 feet)? Is there additional revenue to be gained by larger signs?

- Phil: That has some non-conforming issues that may also be in dispute. It might pre-date the 1998 rewrite. And since we can't regulate content of a sign, that can change over time. So this is a bit of an anomaly. Some of the benefit with signs is that the content can change. Rip City Management may have an incentive for advertising signs.
- Karl: There is absolutely revenue to be gained. Through arrangements in the operating lease, this will flow to the operator, not the City itself. They are very expensive to operate, so that's why it's a key part of the bridge agreement.

*Chair O'Meara:* Can you clarify the hours of operation? And what if someone takes issue?

- Phil: Midnight and 6 a.m. with the exception if an event ends between 11 p.m. and midnight, signs could stay on for an hour after the event.
- Sandra: It could be a code compliance case, or they could contact Rip City Management – it would depend.

*Commissioner Lange:* And what about the temporary banner guidelines of 180 days? Could you have it up that long, take it down a day, then put it back up?

- Sandra: We can bring this back to the work session.

*Commissioner Pouncil:* Is there clarification on the expiration date of the bridge agreement? Where will ownership eventually fall?

- Karl: The new bridge goes to October 2030 with an additional 5-year option. Transfers ownership to the City including the arena itself. The operating lease is transferrable. So if the team is sold to new ownership, the existing agreement would be enforceable. The City owns the building but we have transferred this to the operators. So we have some control about capital investments but are not operating the building.
- Sandra: The rules of the sign code apply regardless of who owns the property.

Round-robin of commissioners' comments and questions.

Sandra: We will come back at the next meeting with responses to today's questions to share the details before your recommendation. We can script an amendment from the banner size going from 300 to 500 feet for your consideration. And if commissioners have any other potential amendments, please let staff know by the end of this week.

*Chair O'Meara* reopened public testimony.

Dana Krawczuk, Stoel Rives: Re the I5 visibility issue, the ODOT regulations are separate from the City's code. If signs are visible from the freeway, the state regulations apply.

*Chair O'Meara* closed public testimony at 6:28 p.m.

*Chair O'Meara:* We will continue this item at the September 10 Planning Commission meeting.

**Housing Adjustment Compliance Project**  
Briefing / Hearing: Sandra Wood, Phil Nameny

### **Presentation**

### **Disclosures**

None.

Sandra noted this project amends Title 33 and gave an overview of this agenda item.

Phil shared background on and the components of Senate Bill 1537 (slides 4-6). The description of an adjustment and how they are processed in Portland are noted on slide 7-8. Details about this proposal and code amendments are explained in slides 11-16. We are requesting an exemption from applying the bill directly and instead using Portland's existing adjustment process and approval criteria.

We have received some testimony about allowances for height and to make some adjustments permanent, but that would entail some more process and research. Again, this project is on an accelerated timeline given the state requirements.

As we released the Proposed Draft, we had continued discussions that caused a proposal of a staff amendment to bicycle parking as shared on slide 17. We'd request the Planning Commission include this amendment with the rest of the package.

### Written Testimony

#### **Oral Testimony**

1. Michael Andersen, Sightline Institute: The city would benefit from downtown having more people in it. If we had more people living downtown, it would be a healthier area. One thing in our power is to let more people live downtown. Two small changes are proposed: have unlimited height requests, removing the 20% cap; and remove the sunset provision – both strictly in the Central City. Still subject to other adjustment requirements. I don't see this would interfere with incentives as some have questioned. *see written testimony.*
2. Iain Mackenzie, TVAR Connects: Supportive but encourage an amendment to request to remove the 20% cap and the sunset clause as noted above by Michael Andersen. Now is the opportunity to help make more residential development downtown possible. Flexibility to use the same amount of FAR can result in more livable units and a more attractive skyline. We shouldn't wait for the upcoming Central City plan that we are hearing about. Thank you to BPS staff for this work but we ask that we just go a bit further than state regulations.

*Chair O'Meara* closed oral and written testimony at 6:53 p.m.

#### **Discussion**

*Commissioner Thompson:* I shared the question about the trade-off about watering down of inclusionary housing. And I'm also curious about the reporting and 90% approval rate being maintained. And if we allow an amendment for more than 20% to be sought, would that be included in the 90%?

- Patricia: It is true that the height bonus would be given as part of a project that would already need to provide affordable housing. In multi-dwelling zones outside Central City, there is a bigger bonus given beyond. HPS does have 2 actions related to projects that will look at the incentive systems overall, which include FAR inside and outside the Central City. There are 20 different incentives in the zoning code, and we want to look at them across the board to understand the interplay with what the policies they are trying to advance. It doesn't appear that height is a substantial constraint.
- Phil: The state bill directs DLCD to create a housing and production office to come up with the rules. So as part of our exemption request, they could provide conditions of approval about reporting – but we don't know what those rules could be right now. Similarly, it's unclear if it's 90% of all adjustments. The sense is that the 20% (in the Central City is this about base height) we run the risk of not getting through the approval process since it's hard to show you're going above the approval.
- Sandra: The state wants us to report on a yearly basis that at least 90% of adjustments are approved. But there are details that aren't clear yet since the office is not formed yet. In the past 5 years, we have approved over 90% of requests.

Sandra: No adjustments to height are currently allowed in the code. What we are trying to do is to align the City with the state instead of going above that 20%.

*Commissioner Ames:* I am not fully understanding why we want to put a cap on the height adjustment request.

- Phil: The height bonus structure is pretty generous, particularly in the Central City. It's also very fine-tuned, so this is part of the complexity here. So having some additional studies would help us come up with a more holistic sense of increasing the potential height.
- Sandra: We can look at this later, but given our quick timeline, we didn't want to include this in this project. Before CC 2035 Plan, we had lots of incentives for all sorts of housing types. But there was concerted effort to remove the incentives and put them all into the affordable housing incentive.
- Patricia: As a reminder to this point, we have a process that we can look at this in more detail.

*Commissioner Spevak:* Outside Central City all these arguments make sense to me. But it is telling when I'm hearing that buildings are unable to use the FAR for housing versus that they are able to for office space.

- Phil: Until we have more research and have a better sense, we are largely talking anecdotally.

*Chair O'Meara:* We will continue this item at the September 10 Planning Commission meeting.

Sandra: If commissioners have outstanding questions or potential amendments, please send them to staff by the end of this week. We will follow up with the testimony about this too so we can aim to get you information by Friday, September 6, for the work session on September 10.

## Odor Code Update Project

Briefing / Hearing: Sandra Wood, JP McNeil; Mike Liefeld (PP&D)

### Presentation

#### **Disclosures**

None.

Sandra provided an overview of tonight's agenda.

The staff proposal is 2-fold as noted on slide 3 as it amends changes to Title 33 and Title 29. In moving the standards from Title 33 to Title 29, we are making some amendments in both titles.

JP provided background on why we are looking to update the code (slide 4). Context about code, compliance, regulatory challenges, and compliance issues are shared in slides 5-9.

The goal of the project as well as information about the proposal are shared on slides 11-17.

Slide 18 highlights outreach and testimony received.

### Written Testimony

#### **Oral Testimony**

1. Stewart Weber: New homeowner in spring 2024 but was woken up by odor in the bedroom due to the donut shop adjacent. Have discussed with other building tenants who have only sometimes experienced the same versus the daily I have. Every Portland resident should live odor free in their homes. In the current proposed form, the code change would likely not be reviewed/considered.
2. Craig Swinford, Ladd Circle LLC: 2004 odor complaints started being filed, which was more about cigarette smoke. Various complaints over the past years. 17 years later, we are still dealing with the same issue. So thank you to the work being done in this project to change the code. *see written testimony.*
3. Jack Inglis, Floyds Coffee: Owners for about a year. From the moment we arrived, neighbors warned us about the problem neighbor and their complaints over the years both about noise and odor. We are trying to be good neighbors, but this person got upset at my staff about open windows. This one person is the reason about why I support this code change so one person cannot take so much time and resources both in terms of City staff and their approach to others.

*Chair O'Meara* closed oral and written testimony at 7:48 p.m.

## Discussion

*Chair O'Meara:* In removing this from Title 33 to Title 29, exempt is retail and service establishments. There are still some changes proposed to Title 29 that I think would still relate to retail and service. What about the garbage-related issues noted?

- Sandra: This only applies to the other uses (e.g. vehicle repair, industrial, etc).
- JP: Odor is often a symptom of an underlying problem. There is still code that gets to garbage, creatures, etc.
- Mike: Title 29 maintains the full section on outdoor nuisances. These can be addressed if compliance isn't achieved.

*Commissioner Alexander:* I appreciate the creativity in the recommendations. I know there is a difference between an odor and an aroma, which is a hard distinction. How does the code address this?

- JP: It doesn't since there isn't an objective standard or measurement as there is for example, like noise.

*Commissioner Spevak:* Would burning trash fall into the nuisance category? Also, I want to understand how the zoning code characterizes if there is

- JP: Auto paint is actually regulated by DEQ.
- Mike: There are potentially a few agencies that can get a burning trash. It's not specifically a property nuisance in Title 29. We partner with PF&F to deal with illegal outdoor burning as well as DEQ.
- Sandra: The odor standards as currently written don't apply to residential uses.
- JP: At Franz Bakery for example, the primary use is manufacturing but they can also have an accessory use as retail.

JP: On the spectrum of impacts and odor rule applicability, we have ways to come to solutions. The intent isn't to leave folks out to dry, but it takes it away from the objective side of code enforcement.

*Commissioner Routh:* Does removing odor from Title 33 also remove a potential structural remedy? No.

*Commissioner Lange:* A parking garage in Old Town has a helicopter landing, and I owned the building across the street. We always had to close windows when they were landing due to odors – how would this apply? And/or what tools are there to mediate?

- Mike: These are not changing these regulations since it sounds like the source is based on a vehicle, which isn't typically a use we're looking at here.
- Sandra: These "mobile odor" sources are more difficult.
- JP: In terms of mediation, this is outside the City scope, but it's in the model of what code compliance will try to help with. This is the balancing act we're trying to work with.

*Chair O'Meara:* We will continue this item at the September 10 Planning Commission meeting.

Sandra: If commissioners have outstanding questions or potential amendments, please send them to staff by the end of this week. We aim to get you information by Friday, September 6, for the work session on September 10.

### Adjourn

*Chair O'Meara* adjourned the meeting at 8:07 p.m.

Submitted by Julie Ocken