

Portland Planning and Sustainability Commission

Tuesday, May 24, 2016

5:00 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach (arrived 5:50 p.m.), Andre' Baugh, Mike Houck, Katie Larsell, Gary Oxman (arrived 5:15 p.m.), Katherine Schultz, Chris Smith, Eli Spevak (arrived 5:07 p.m.; left at 6:48 p.m.), Teresa St Martin (arrived 5:17 p.m.), Maggie Tallmadge

Commissioners Absent: Michelle Rudd

City Staff Presenting: Sara Wright, Barry Manning, Bill Cunningham, Eric Engstrom, Brandon Spencer-Hartle, Joe Zehnder

Chair Schultz called the meeting to order at 5:02 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Director's Report

Susan Anderson

- All PSC members have signed up for additional briefings about the Mixed Use Zones project on May 31 or June 1. Julie will send the schedule.

Consent Agenda

- Consideration of minutes from the May 10, 2016 PSC meeting

Commissioner Smith moved to approve the Consent Agenda. *Commissioner St Martin* seconded.

The Consent Agenda was approved with an aye vote.
(Y6 – Baugh, Houck, Larsell, Schultz, Smith, Tallmadge)

Task 5: Employment and Campus Institutions Zoning Map

** These items have been continued to the July 12, 2016 PSC meeting.

Community Involvement Committee Report

Briefing / Recommendation: Sara Wright; Stan Penkin, Linda Nettekoven, Allison Stoll, Howard Shapiro, CIC members

Stan introduced the four members speaking tonight, who have been part of the CIC since its inception about 7 years ago. Tonight is the final CIC presentation to the PSC. He gave a background about the CIC, its work and the function of the group. Tonight's presentation is about the Task 5 community involvement work.

Working with staff has been mutually beneficial and has had both challenges and positive results. As we move into the future with the newly constituted CIC, we have a solid foundation based on the work of this CIC.

Marty Stockton, Deborah Stein and Eden Dabbs have been with us since day 1. Sara Wright has guided us for the past 2 years. We are thankful and appreciate all staff's work with the group. And many thanks to Howard Shapiro, the CIC Chair.

Linda echoed the sentiments of how staff has worked well with the CIC and has learned from each of the rounds of work. We keep learning lessons but also have new challenges going forward. Task 5 shifted from macro policies to more of the micro, smaller-scale efforts. And we have an overlap of Task 4 at Council and Task 5 at the PSC, which is complicated for the public. The community is being asked to track and comment on many projects simultaneously. It's been difficult for people to track the projects, open houses, notices and changes. Some people simply gave up, so even for some of the most knowledgeable people, we know people are tired.

There were some transparency concerns, particularly with the MUZ processes: what happened to individual comments, how they influence the next phase and edits, etc. Staff often consolidated comments and grouped them but ultimately posted the individual comments online. Another concern was about what is happening to the character to some of the commercial districts, so staff proposed the low-rise commercial proposal at the end of the MUZ process, which blindsided some people while responding to other community members. There is an on-going concern about Measure 56 notices going to the property owner but not people on the other side of properties that may be changing. Can we post signs on or near the properties that are being influenced?

Ultimately, staff did an amazing job with their work. Measure 56 notices were more inviting and accessible than were required to be. Real people were available via the HelpLine, and drop-in hours were available in English and Spanish. Staff used the Map App to sharing lots of information and shared information about specific ways people could get involved. District Liaisons were "everywhere" providing information as it changed. There was an incredible amount of work.

Two main challenges remain: How to make people see the relevance of these changes and how to handle the complex information in ways that people can access and respond.

Allison is the director at CECN. Building on a challenge: it was a challenge on the part of the staff as well as the community to be involved in the Comp Plan. CIC members are volunteers. Creating a Comp Plan with extensive community input was a monumental task. We continue to need to expand capacity of more people in the city. We were able to work with more and more culturally diverse populations, which is great. It was important to bring the Comp Plan on a "road show" to neighborhood businesses and homes in the community to share information. We were able to reach a huge and varied group of people.

The Task 5 projects timing was challenging. Organizations are often made up of volunteers, with meetings maybe as frequently as once a month. It was a huge challenge to disseminate information, allow time for scheduling meetings, providing opportunities for discussion, and for them to formulate responses to staff, PSC, Council, etc. Sometimes deadlines got in the way. And some deadlines didn't align with organizations' meeting timelines. The communication process can continue to be improved.

Over the years, retention on the CIC became an issue. We really tried to get a diverse group to work with, but priorities kept some people from being all involved. Many factors make it hard to recruit, and retention was difficult.

Howard was the Chair of the CIC. We were staffed and led by a wonderful group. This process is about trying to get as many people informed about as many topics as possible. We made the honest effort to reach out to the community. We often heard people didn't get enough time, or we didn't give people enough time. We know this is a continuing challenge.

The CIC Memo sums up the group's work. The Community Involvement Program, Policy 2.16 of the new Comp Plan directs the City to maintain and support a CIC. We will have a new CIC to keep people informed, which is important. This current CIC should be congratulated.

We request that the PSC adopt the CIC memo and forward it to City Council.

Chair Baugh thanked the CIC members for their commitment of 7 years and 50 meetings. A special thanks to Howard for his work on both the CIC and PSC. I hope when we look back in a few years, the diversity will stand out from your hard work.

Commissioner St Martin noted this is inspirational work. Thank you to the CIC members.

Chair Schultz asked about the struggle with timelines and work. We know that stretching processes out also has problems. Do you have any suggestions? I feel like we're often missing testimony from specific groups, too.

- Howard: We know we saw part of the representation. Suggestions are elusive because people's objectives and interests shift.
- Allison: In the broader community, we had gone through VisionPDX, Portland Plan and started the Comp Plan. People get burnt out, and there was lots coming at them at once. If you don't have a passion for land use, particularly when the Comp Plan has been built on so many earlier projects and processes, it's difficult.
- Stan: The earlier parts of the process were quite "wonkish" and policy-oriented, so it doesn't have lots of meaning for the general populous until we bring it down to the individual level as we're doing with the Task 5 projects.
- Linda: We spend 80 percent of our time on the build-up and only 20 percent on the decision-making. This is a struggle particularly with our form of government. I would have considered setting aside some of the Task 5 work for later if possible. There is so much going on, it's difficult. But with Venture Portland, I'm hopeful we'll be better fit to engage with more commercial interest groups and individuals.

Commissioner Houck started in land use planning area in 1982 with a number of cities and Metro. Having participated at the table in every instance, I have not seen any effort that comes close to the CIC. I'm blown away by your work and the staff. You have done incredible work.

Commissioner Tallmadge commended the CIC for its work. I'm glad to hear about under-representation of businesses and keeping on more diverse committee members. Just a caution is that a single person on a committee can't represent the full community.

Commissioner Spevak noted only so many people have a passion for land use and civic involvement. This is the least visible and most important part of the process. So thank you.

Chair Schultz commended the CIC and thanked them for their phenomenal work.

Howard was part of a group that helped push "equity" along. The word has carried through all the work the CIC and PSC has done. This is the watch-word I hope we're all using when planning for this city.

Commissioner Oxman acknowledged the equity work and how it is going to play out in the future of planning.

Commissioner St Martin moved to adopt the CIC report and forward it to Council. *Commissioner Oxman* seconded.

The motion passed.

(Y9 – Baugh, Houck, Larsell, Oxman, Schultz, Smith, Spevak, St Martin, Tallmadge)

Task 5: Community Involvement Program

Briefing: Sara Wright

Sara introduced the Community Involvement Program, which is one of the Comprehensive Plan Update Task 5 implementation projects.

We currently have the PSC filling the role of community involvement oversight. The document lays out a charge and scope for a new Community Involvement Committee that will take on that role. We currently have no manual. This document creates a first draft of a manual to be revised and adopted (and revised again!) by the CIC. This document also includes some minor code changes that were included in this project rather than the Miscellaneous Code Amendments project because they are relevant to community involvement. Now we have independent community involvement activities. These activities will be brought into the Community Involvement Program, which will make our activities more consistent and create systems for continuous improvement.

This document is not intended to be a final list of the things we need to do good community involvement, just to get started on the structures we need.

Chapter 2 of the 2035 Comp Plan makes a big shift in the way we do community involvement in legislative planning projects. It builds on Portland Plan frameworks for equity and sets out some ambitious goals and policies that expand community involvement to bring people to the table who haven't been there before.

We need a Community Involvement Program to help staff work toward the policies in Chapter 2, because it requires so much more than the current Comprehensive Plan does.

In the current Comp Plan, there is just one goal and four policies. The 2035 Comprehensive Plan's chapter on community involvement has 7 goals and 40 policies. This is a very robust set of policies, and while we already work toward a lot of these goals, staff does not currently have the necessary guidelines and resources in place that support consistent, continuously improving practices. The Community Involvement Program is intended to put these guidelines and structures in place.

The Community Involvement Program draft is a description of a new program inside BPS. This program is a support structure to help staff work toward the remaining policies in Chapter 2. We are establishing a structure for continual evaluation and improvement. It is intended to set basic expectations and allow project-specific flexibility. Community involvement is a field where new tools are being developed and refined every day, and it should be dynamic and responsive. This program is intended to be continually evolving, not to be a one-time recipe for perfect community involvement.

The Manual is intended to provide guidelines for staff to strive to achieve the goals and policies of Chapter 2. It includes guidelines about how to use an equity framework in community involvement, baseline expectations, guiding questions for staff to ask, for the CIC, the PSC, and the public to ask.

As directed in Chapter 2, the Community Involvement Committee will be a new independent body taking on community involvement oversight role currently filled by PSC.

This will be an advisory body that will support and advise staff and revise and update the manual. The process of establishing a charter and recruiting and selecting members will take place after adoption of the Comp Plan. BPS staff are already working with Office of Neighborhood Involvement (ONI) and will work with other groups including Office of Equity and Human Rights (OEHR) and the Public Involvement Advisory Council (PIAC) to establish a process based on best practices. We already have good feedback from the current CIC.

The legislative requirements already exist. The proposed draft doesn't change this except to Title 3 to establish the CIC and a few changes in Title 33. The Title 33 amendments are the ones relative to community involvement, but they are basically housekeeping changes.

The City will have to make programmatic commitments that put resources behind Chapter 2 to make it meaningful. It's important to note that City staff are already doing a lot of these things, but not in a coordinated way. We want to build consistency and fluency, and embed these activities in a system that prioritized continuous improvement.

There were a lot of thoughtful comments on the Discussion Draft, and you will hear new testimony on the Proposed Draft. We made some changes in the Proposed Draft in response to the comments, but we haven't made the requested changes in some areas. The changes we haven't made fall into two areas: CIC membership specifics and prescriptive requirements. Commenters made specific requests for who should be on the committee and how they should be selected, and we are not addressing this in this document. The CIC membership will be worked out in the next 18 months.

Commenters also made specific requests for specific requirements for community involvement activities. The prescriptive requirements are not appropriate for this document at this level, because we need to retain flexibility for a wide range of projects and activities over time. However, the suggestions could be reviewed by the CIC and recommended on an ongoing or project-specific basis. Staff recommend looking at the issue of metrics early on, for example.

The PSC will have a hearing on the Community Involvement Program at the June 14 meeting. After the hearing on June 14, we will be asking you to recommend that Council endorse this program as implementation of Chapter 2.

Commissioner Oxman thinks the guide is a great piece of work. The overall approach creates a strong expectation for staff, which sets a good tone for the culture of using it. On page 21, the discussion around meaningful participation is talked about in terms of procedures, not in outcome terms. It's possible that despite the best intentions, we may engage people lots but still ignore them, which is concerning to me. What about looking at if the outcomes are changed and if there was community satisfaction.

- That language is from Chapter 2 of the Comp Plan. We did get comments along these lines, and we can look at this and ask the new CIC to work on it.

Commissioner Oxman: Paying for community expertise is incredibly important. Communities should conduct data-gathering activities is positive. There are well-validated methods that can do this, for example, community participatory research framework. On page 25, there is the guidance to have the discussion around power dynamics: this is courageous but messy. It will tax the staff to do this, but don't underestimate how complex and difficult this will be... but I applaud it. On page 29, in terms of reporting as the basis of accountability, I completely support this. Who are the audiences this will be reported to? They should be identified, even though we know they will change based on the projects.

Commissioner Baugh concurs that how you report is important, but the audience and engagement of low-income and minority communities is vastly important. We don't just want to put things up in typical ways; we need to reflect changes in how we engage and how we report.

Chair Schultz asked about the CIC's responsibility. Can/should they be able to, mid-process, jump in and say "it's time to readjust"? It seems like they might be a great body to share this.

- The way it's intended right now, the CIC would be able to come to the PSC to express their concerns. But the intent is that they should be involved early on to see potential problems and provide input at the forefront.

Chair Schultz: In my work and outreach to neighborhoods, it seems like the commercial community is not very engaged in Portland. I want to be sure we have equity for both residential and commercial communities.

Commissioner Larsell asked for examples of legislative projects to which this would apply.

- Anything that changes the Zoning Code or Zoning Map.
- Anything that the PSC recommends to Council is a legislative process.

Commissioner Larsell: What about the staffing for this, especially if you want a real diversity of people on this group?

- The programmatic commitments have to come along with this. We know that robust staffing is necessary. In talking with ONI and PIAC, we're discussing how we can be sure to let people know the intent and commitment necessary for the CIC work.

Commissioner Houck was thinking about the budgetary implications for this work. I feel like this may have a huge target on it during budget cuts. The amount of work that's already been done on this is amazing. I'm also interested in how much of this work could be transferred to other bureaus, PP&R and BES for example.

Commissioner Tallmadge: Thank you for this work and for continuing to work with communities that typically haven't been involved in this work. This could be a great leadership development opportunities to give support to new people coming on board in organizations.

Commissioner Smith: Regarding the inter-bureau and Citywide ramifications, how much input did PIAC have into this document? During the Comp Plan we had testimony about relative balance for new channels of outreach and input versus traditional neighborhood association input. Are we basically in the same place as where we were with the Comp Plan?

- A PIAC subcommittee has been involved all along, and there is interest in building on this to be relevant Citywide. They will be submitting testimony.
- In terms of neighborhood associations and the balance, this is a program to implement the goals and policies in Chapter 2. We are building on what we have while bringing new people to the table. We feel like what we're doing is making all our community involvement processes more transparent, inclusive and open.

Task 5: Mixed Use Zone Project

Work Session: Barry Manning, Bill Cunningham, Eric Engstrom, Brandon Spencer-Hartle, Joe Zehnder

Barry reviewed the memo, which outlines the flow for the upcoming work sessions.

Commissioner Houck is pleased that the Division Design Initiative proposal will be its own topic, and I'm hopeful we will have a good discussion about that before the work session so I better understand it.

Commissioner Smith asked if there are minor items that aren't making the list but there are Commissioner amendments, when would you want to see those to bundle them up and treat them appropriately?

- As soon as possible of course. I know we still need to discuss some of your (Commissioner Smith's) questions about streetcar.

Commissioner Smith: I'm also interested in the issue at 15th and Brazeo? I have a pattern question around that. Are there other areas we have an island of commercial in a sea of residential? And what is the range of sizes of these? On drive-throughs, there are situations where a business may offer 24-hour service through the drive-through but locks the front door for security. There is a storied history of cyclists attempting to use the drive-throughs and being denied. I'd ask that we put in a provision that if

a drive-through is the only way to access the business, it is accessible by cyclist and pedestrians as well as autos. Commissioners agreed with the drive-through accessibility concern.

The intent of the work sessions is to get through each code topic with the PSC's direction to staff for each item at each work session. We will have a hearing on the outstanding mapping components as part of the Composite Zoning Map on July 12.

Commissioner Bachrach is concerned that we have several big policy choices (TDM and affordable housing for example) for which we have broad policy with the details in Administrative Rules. I'm not comfortable proposing a plan like this if I don't know what those plans are.

Chair Schultz noted that when PBOT comes back on June 14 we will have a specific recommendation for an off-the-shelf plan. Then when the PSC approves MUZ, you will be enacting that plan. Part of the briefings next week will address how all the affordable housing work from the past and going into Inclusionary Housing is coming together in the future.

Commissioner Spevak disclosed his recent property purchase on NE 42nd. I can be included on the code work but not the mapping component of the MUZ proposal. So I am recusing myself from today's discussion.

Commissioner St Martin owns property off the Mississippi corridor.

Low-rise Commercial Storefront Proposal [presentation]

We heard testimony about the scale of development generally. As we moved through the Comp Plan process, we heard more about change in the core areas of the districts. We were looking for an approach to address scale issues as well as concerns about rapid change in areas the community values. We looked at historic preservation tools, but there are limitations to doing that regarding the need to have property owner consent to create a historic preservation district. This is not a historic preservation tool; it can help to ensure scale and can relieve some development pressures. Many advocates wanted lower-scale buildings, but we didn't want to fully limit capacity, so we looked for a solution that would accommodate this.

Barry shared the background, intent and consideration of areas included in the proposal. The limitations of the CM1 zone has on warehousing and distribution: if the PSC wants to retain CM1, we can amend the Main Street Overlay Zone to bring CM1 in sync with CM2.

Lots of the areas are zoned CS or CG. Both currently allow 45 feet of height. Going to CM1 would reduce this height limit to 35 feet.

Commissioner Smith noted that if we zone CM1, the property owner can still come in to apply for a zone change. Is there anything that prevents a property owner to go through the process to rezone to CM2?

- There would be a discretionary decision. Staff or the Hearings Officer would look at the character of the surrounding buildings and the code application. They would need to respond to the intent and characteristics of the zone they are requesting.

In the last round of Council amendments, there was a policy change in Chapter 4 that says we would be willing to use base zones to protect scale-based character.

Chair Schultz noted that all these locations are either CS or CG today, with the exception of a small area in Woodstock. They are 3:1 FAR zones. CM1 moves FAR to 2:1 FAR. CM2 moves 2.5:1 as a base, bonus-able up to 4:1.

Bill walked through the summary analysis for each of the proposed areas, slides 8-33.

On Division, there was no property owner testimony, and public testimony was split. The DDI was in support of the proposal.

On Foster, there was balanced testimony. This proposed change area is included in the TIF district.

The Woodstock proposal had lots of testimony, almost unanimously in opposition to it.

In Sellwood, we broke the analysis area into south and north of Nehalem on 13th. Testimony was quite varied.

Testimony in Multnomah was very much in favor of the proposal for the village. They wanted CM1 zoning for the full Multnomah Village area, not just the areas in the proposal.

Chair Schultz: Multnomah, Hawthorne, Belmont have historic building concentrations. Could we see these as historic districts?

- Brandon: We don't have a solid answer. The survey data we have is largely based from 1984 information, but we haven't done a historic resources inventory since then. We can't create a local historic district in any of these areas without 100 percent owner consent. For the national register, you need 51 percent, but setting an area in the national register creates a high bar.

Commissioner Oxman noted the testimony about economic value of CS versus CM1. Are all these areas subject to the Centers Main Street Overlay? [yes] What do the use regulations really mean?

- All area subject to the ground floor requirements. On page 229 of the report, there are development standards in the CM1 zone. This is what we used to "add back" some of the allowances that CM1 typically doesn't have but that CM2 does have.

The regulations will change to the Mixed Use Zones areas only after the Comp Plan is adopted, likely in 2018.

Slide 34 summarizes staff's initial assessment of the different areas.

Staff proposed 4 options for consideration of the Low-rise Commercial Storefront proposal, as shown on Slide 35.

The Landmarks Commission is in support of the approach in option 4. The PAC was split on how to apply the zones.

Commissioner Smith noted that Council enhanced and added to the Comp Plan historic preservation policies. Does that give guidance to this?

- The newly-included policy is about City advocacy at the state level. State preemption limits our ability to designating places, so this is the most clearly related.

Joe shared some information about the Design Overlay Zone Assessment (DOZA) project, which is now underway. Application of this is a long way out, so we shouldn't count on it. The assessment process is to see the practicality of expanding design review, but it's all speculative at this point.

The PSC's recommendation letter to Council about the MUZ project could include recommendations about moving quickly on DOZA and historic preservation work.

Chair Schultz: If the design guidelines say "in this particular area, this is the allowed height", could that override zoning? One of the problems with design guidelines is that it is so subjective.

- Joe: I totally agree. If you do this, we find a mechanism to set the height. If we want to zone a specific height, we should.

Chair Schultz: We don't use specific plans as guidelines. Can we start to get more fine-grained by using specific plans?

- You could. Specific plans are the way to do this. If we were creating a design overlay for these areas, we could do area-specific plans, but we really don't usually do that.

Commissioner St Martin: What about transferring FAR from historic to an adjoining building. If you limit height, does that eliminate that option?

- In this case, we have not gone there except if the building is identified as a landmark.

Chair Schultz asked where commissioners are on the various approaches.

The majority of PSC members support Option 3:

Narrow the proposal based on level of community support and other factors, and retain only the areas with neighborhood/community support.

- a. This would remove: Alberta, Roseway, Parkrose, Kerns/28th, Belmont, Hawthorne, Foster, Woodstock, Montavilla/Stark.
- b. The following would remain part of the CM1 proposal, subject to discussion:
 - Division (DDI and other support, but some opposition).
 - Sellwood/13th (NA and other support, but property owner and other opposition).
 - Moreland/Milwaukie-Bybee (NA and other support, but property owner and other opposition).
 - Multnomah Village (strong community support, no opposition).

Commissioner Smith noted there is no basis to support this in Comp Plan policies. He proposed an amendment to also have design standards apply to all these areas to preserve character via design tools.

Commissioner Tallmadge: Wouldn't that make it more difficult for property owners to downzone?

- You can still do 4 stories, but the facade would have to follow standards for what's around.
- Multnomah already has the Design Overlay, and Division has this proposed as part of the package. Sellwood and Mooreland don't yet have this.

Commissioner Houck commented that his rationale for Option 3 is based on what I heard in all the testimony we received.

Commissioner Baugh noted we don't need the development potential, so that's not an issue. What we're looking at is policy. Option 3 doesn't seem to align with this. And we have TIF districts that are overlapping and trying to grow the neighborhood. I'm trying to align our decisions around policy.

Commissioner Smith agrees that we want to see CM3 on streetcar corridors. In Option 3, we only have 4 areas left, and none of these have streetcar policy. I think Option 3 is aligned with the streetcar policy.

Chair Schultz thinks Option 3 gets more neighborhoods to what they have and what they want. I am still struggling a bit with Division. I would say we could pull Division out.

- *Commissioner Tallmadge* agrees.
- *Commissioner Houck* doesn't want to take Division out.
- *Commissioner Bachrach:* We should also take out the node at 13th and Tacoma.

The majority of commissioners support taking Division out, but we can address this during the Division Design discussion at the upcoming work session.

The majority of commissioners support want to pull the intersection of 13th and Tacoma.

Adjourn

Chair Schultz adjourned the meeting at 8:15 p.m.

Submitted by Julie Ocken, PSC Coordinator