

Portland Planning and Sustainability Commission

August 23, 2016

3:00 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach (arrived 3:48 p.m.), Andre' Baugh, Mike Houck, Katie Larsell, Gary Oxman, Michelle Rudd, Katherine Schultz, Chris Smith, Eli Spevak, Teresa St Martin, Maggie Tallmadge

City Staff Presenting: Deborah Stein, Eric Engstrom, Tom Armstrong, Susan Anderson, Joe Zehnder, Shannon Buono, Bill Cunningham

Chair Schultz called the meeting to order at 3:00 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Items of Interest from Commissioners

- *Commissioner Smith* noted he mentioned a memorial ride at the last PSC meeting. We are now up to 31 traffic fatalities on our streets this year, the most recent of which was a high school girl. We are 30 percent ahead of last year's traffic fatalities. As part of my Vision Zero advocacy, I will continue to bring these issues and updates to the PSC.
- *Commissioner Larsell* is back from vacation and is glad to be back. Thank you for all the work you and staff have done in the last month and a half.
- *Commissioner Spevak* is working to launch an ADU effort through PSU and working with BPS staff.

Director's Report

Susan Anderson

- In addition to the documents in front of you for today's session, you have hard copies of the Fossil Fuels Export Policy and Mass Shelters Zoning Amendments that you'll have hearings on at the September 13 meeting.
- We've been busy seeking funding to leverage our City funding related to the sustainability initiatives BPS works on. The good news is that we have four new grants totaling \$600,000.
- I've also been appointed to the Governor's air quality board, representing Oregon cities.

Consent Agenda

Consideration of Minutes from the August 2 and August 9, 2016 PSC meetings

Commissioner Smith moved to approve the Consent Agenda. *Commissioner Houck* seconded.

The Consent Agenda was approved with an aye vote.

(Y10 –Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

Composite Zoning Map

Work Session / Recommendation: Eric Engstrom, Deborah Stein, Tom Armstrong

Commissioner Schultz: Today we're making our final recommendations today on the Composite Zoning Map. Setting Major Public Trails aside, we will be conducting our discussions and votes by district. There are 6 districts. We will then discuss and vote on the Major Public Trails map. Therefore, this agenda item will have 7 separate votes, not including amendments.

Eric highlighted the various maps for review. We have the citywide zoning map with everything included as well as the "changes only" versions of the overall and district maps. There are also overlay maps. These are all maps you've seen and previously discussed.

Deborah addressed the question PSC members had at the last meeting regarding changes to zoning of mixed use or to retain residential. There were 50 units total, and today we have about 23 owner-occupied and 27-renter occupied. We dove a bit deeper into the node at Chavez and Hawthorne, where we found that these are smaller multifamily units and single-family homes. But based on the overall split of renters and owners, we are not adversely impacting one group over the other with our recommendations.

North District

North District disclosures and recusals

- *Commissioner Spevak* owns a single-family house in this neighborhood, but it's not part of this project.

Chair Schultz noted that she works for GBD Architects. She may have potential conflicts of interest in different areas of the city, but she has no actual conflicts of interest for any district.

North District Vote

Commissioner Smith moved to adopt the Zoning Map amendments show in the North District on the following maps dated August 17, 2016:

- "Zoning Map Changes"
- Overlay zone maps
- "Plan District Changes"

Commissioner Houck seconded.

(Y10 – Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Northeast District

Northeast District disclosures and recusals

- *Commissioner St Martin* recused herself because she owns property in Mississippi.
- *Commissioner Spevak* owns property in Cully and recused himself.

Northeast District Vote

Commissioner Smith moved to adopt the Zoning Map amendments show in the Northeast District on the following maps dated August 17, 2016:

- "Zoning Map Changes"
- Overlay zone maps
- "Plan District Changes"

Commissioner Houck seconded.

(Y8 – Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Tallmadge)

The motion passed.

Southeast District

Southeast District disclosures and recusals

- *Commissioner Rudd* has colleagues who commented on properties in this district and is recusing herself.

Southeast District Vote

Commissioner Smith moved to adopt the Zoning Map amendments show in the Southeast District on the following maps dated August 17, 2016:

- “Zoning Map Changes”
- Overlay zone maps
- “Plan District Changes”

(Y9 – Houck, Larsell, Oxman, Schultz, Smith, Spevak, St Martin, Tallmadge; N1 – Baugh)

The motion passed.

East District

East District disclosures and recusals

- none

East District Vote

Commissioner Smith moved to adopt the Zoning Map amendments show in the East District on the following maps dated August 17, 2016:

- “Zoning Map Changes”
- Overlay zone maps
- “Plan District Changes”

Commissioner Houck seconded.

(Y9 – Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge; N1 – Baugh)

The motion passed.

Northwest District

Northwest District disclosures and recusals

- *Commissioner Rudd* has colleagues who commented on properties in this district and is recusing herself.
- *Commissioner Smith* lives in NW but there are no proposals on my property.

Northwest District Vote

Commissioner Smith: I move to adopt the Zoning Map amendments show in the Northwest District on the following maps dated August 17, 2016:

- “Zoning Map Changes”
- Overlay zone maps
- “Plan District Changes”

Commissioner Houck seconded.

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

The motion passed.

Southwest District

Southwest District disclosures and recusals

- none

Southwest District Vote

Commissioner Smith: I move to adopt the Zoning Map amendments show in the Southwest District on the following maps dated August 17, 2016:

- “Zoning Map Changes”
- Overlay zone maps
- “Plan District Changes”

Commissioner St Martin seconded.

(Y10 – Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Susan: Congratulations to everyone for this major vote. These items took hundreds of hours before we could vote. In particular I wanted to thank Deborah, and this is perhaps her PSC meeting. She is moving on and retiring at the end of the year. Thank you for your dedication and efforts.

Chair Schultz shared her thanks for Deborah’s major contributions and work. All commissioners shared in the thank yous and recognition for Deborah’s work.

Major Public Trails

Tom Armstrong, Shannon Buono

Tom noted that BPS staff has worked with PBOT and PP&R as well as the 40-Mile Loop group. Staff agrees with some of the proposals and doesn’t with some of the proposed alignment changes as noted in the spreadsheet (attachment A in the memo). Some disagreement has to do with what’s noted on the Zoning Map versus the work on the Regional Trails map.

Disclosures and recusals

- *Commissioner Rudd* has colleagues who commented on this portion of the map and is recusing herself.

Shannon provided an overview of the project, which is part of the Miscellaneous Zoning Project. The goal is to reconcile the zoning map trail designations with the recently-adopted 2035 Comprehensive Plan Map. Shannon provided background and responses to testimony staff received.

The 40-Mile Loop group had 90 amendments, including the addition of a few trail alignments and disagreed with any removal of trails.

Staff generally agreed with the group’s requests when:

- the request is on land in public ownership or in a public right-of-way, and
- the alignment corresponds to a segment of a Metro Regional Trail, or a City of Portland planned or built trail.

This resulted in approximately 25 requests.

Staff generally did not agree to keep an existing alignment or adding a new alignment when:

- recent trail planning or trail building efforts have identified a preferred alignment;
- no trail planning effort has occurred; or
- the alignment is not in the City of Portland, except for the Springwater Corridor.

After discussion with the 40-Mile Loop Land Trust and Commissioner Houck we have agreed to show the continuity of the Springwater Corridor where it dips outside the City limits in the trail data so that we

can create maps showing the entire alignment without interruption, but the stars won't show on a zoning quarter section map.

Staff also responded to individual property owners' requests (11 total). They agreed with input from:

- Broadmoor Golf Course
- Saltzman Road
- Riverview Abbey

Staff did not agree to make changes on the following properties because they are part of a City or Metro process. As a reminder, in this project we are only aligning our stars with already-planned trails on the adopted Comprehensive Plan Map.

- Eastwood Park
- Peninsula Canal
- Columbia Steel Casting
- Lewis and Clark
- SW Dosch Park Ln
- Rich's / Angel Property
- Weston Property
- N Lagoon Ave

Discussion

Commissioner Larsell asked why a number of the trails being taken out of the Columbia Slough area are being taken off. I'm particularly asking about the far east side.

- Currently there are locations where the Zoning Map designations (stars) run down the slough because in 1981 no one knew which side of the slough would be the better alignment. Since then, it's been determined that the trail will mostly be on the north side. So we are taking them out of the middle of the slough and putting them there. We can continue to talk about these with the 40-Mile Loop group and PP&R as we go to City Council.
- There will be smaller items that, if you're not sure you want to make an amendment, there could be additional direction to Council via the PSC letter or when the project is at Council.

Vote on the Major Public Trail Map

Commissioner Houck: I move to approve the Miscellaneous Zoning Amendment package item #8, as amended by staff's "Zoning Map Trail Alignment" memo dated August 18, 2016 and shown on the Major Public Trails map. *Commissioner Smith* seconded.

Commissioner Houck appreciates that staff has met with the 40-Mile Loop group to discuss the alignments. Part of the angst on the part of trail advocates is that lots of these trails have taken 30+ years to get on the map, and connectivity is what it's all about. There were additional comments from Metro today. I do not want to muck up our process at this point so it was decided that those additional amendments could be handled at an upcoming City Council hearing. So I feel comfortable moving forward with this today knowing staff will continue to work with the 40-Mile Loop group and other partners, including Metro.

(Y10 – Bachrach, Baugh, Houck, Larsell, Oxman, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Zoning Code

This agenda item will have 3 separate votes, not including amendments:

- Mixed Use
- Campus Institution
- Miscellaneous Zoning Amendments – RH Zone FAR Maps in the Zoning Code

Mixed Use Zoning Code Amendments

Eric Enstrom, Bill Cunningham

We are working from the August 12 amended code document that includes a chart of PSC members' recommendations from previous meetings and the revised code that incorporates the revised code based on PSC members' input. The August 18 memo is our focus for today's amendments and discussion. We also had one clarification and additional staff amendments included in this document.

The first thing we need is for the Commission to accept the Proposed Draft code and commentary in the August 16 memo to replace the initial draft language.

Commissioner Spevak moved to amend the Mixed Use Zones Proposed Draft with code and commentary in the August 16, 2016 staff memo. *Commissioner Baugh* seconded.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

Discussion on Amendments included in the August 18 memo

There is a small area in the CX zone north of Sandy, just east and north of Benson HS between 12th and 21st avenues that is the only CX zone outside the Central City. They will miss out on the Central City bonuses, and it was requested that there should be an affordable housing bonus there as well. This addition was included in the August 16 memo.

- Commissioners approved this note with nods.

Commissioner-proposed amendments

Transportation and Parking Demand Management

1. Triggered by an additional 10 units.
2. Proposes to exempt projects that are not near frequent transit from this requirement.

Commissioner Bachrach noted the clarification in (1). (2) was proposed by staff as part of the TDM discussion, and I agree with it.

- *Commissioner Spevak* asked if this is the inverse of off-street parking requirements. Yes; and as TriMet updates their schedule or adds lines, this could change.

Commissioner Smith agrees with the spirit of the amendment. I'm curious about the few number of mixed use properties that are not in the radius. Should we extend the lower parking ratios to all mixed-use areas? We shouldn't have them pay for both, but maybe they should pay for TDM instead of parking. I just wanted to introduce this idea, which may be too big a discussion for today.

Commissioner Spevak supports this.

- Eric noted this could use more public discussion and could be brought up at Council.
- *Commissioner Rudd* would want more time to review the impact on existing neighborhoods.

Commissioners Bachrach proposed to amend 33.266.410.B as indicated in the potential code language in Item 1. *Commissioner Smith* seconded.

Commissioner Baugh likes the clarification. My struggle is that we don't have a lot of 20-minute routes going north-south, and TriMet has plans to put those in, but there is a race of whether or not you get the TDM or development first. If TriMet gets there first, you get TDM, but if they don't, we've lost an opportunity. Hopefully PBOT will require TDM for everything in the future to make transit available for everyone. This should be included in our letter to Council.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The amendment passed.

Item 2 as proposed by *Commissioner Bachrach*: I was not here when we discussed the final TDM work with PBOT. The objective standard is essentially an \$1100-unit fee standard. The question is if this is like an SDC, about \$2000 per unit. In my mind, this is a back-door SDC to improve the transportation system. My proposal is to delay the effective date until PBOT amends Title 17.15 to provide a credit against or reimbursement for the Transportation SDC to offset some portion of the cost of the TDM incentives required to comply with 17.106.030.B.

Chair Schultz recommends removing Subsection C as proposed.

Commissioner Smith rejects the frame of the amendment. SDCs and TDM are essentially two different things. SDCs offset growth. TDM is about changing the behavior of people, and by nature is programmatic. I'd support a note in our letter about too many fees, which is a valid concern, but I don't support code language that puts TDM and system growth in conflict.

Commissioner Spevak: Is the quoted \$1100 is an annual fee?

- No, it's a one-time, up-front cost to the developer. As written, the money could go directly or PBOT is willing to administer it through their trips program.

Commissioner Baugh is concerned that we have a bureau that has to come back with some kind of reduction or they can't move forward. That is a bad precedent to set.

Eric noted that this would likely occur as part of the next SDC update, which is scheduled to be this winter. Mixed Use Code won't go into effect until 2018, so staff has recommended against this amendment, but if it were to go through, we'd have to come back to you before it would even go into effect.

Commissioner Tallmadge noted this speaks to a larger cost and affordability conversation.

Commissioner Smith is frustrated because PBOT has well-documented evidence that the SmartTrips program does change commuter behavior and it can be successful.

Commissioner Bachrach is concerned because the PSC looks at the balance of priorities, not just a transportation component as PBOT does. How many parts of the proposal have an incremental effect on the cost of housing?

Commissioner Rudd: When inclusionary zoning comes and we're talking about how much of the off-set has to be provided to do that, does this cumulative cost question get discussed then?

- There is a whole bundle of costs and addition to SDCs. There is also a bundle "below the line" where we've reduced the costs. In the perfect world, we would take all this into consideration before you see the initial IZ proposal. You'll get some of it, but not all of it. I recommend we get through this then have a PSC discussion to put before Council about how we weigh in on all the SDC costs and programs.

Commissioner Houck noted that people say parks SDCs are too high, but we all need parks. With all due respect, I think of this as giving people options. Owning a car is a big drag on low-income people's ability to exist. We are giving them options.

Commissioner Bachrach: I will withdraw my amendment but want to get my concern out there.

Amendment 3: Transportation Impact Review (TIR)

Commissioner Bachrach noted this applies in Campus Institutional Zones and in Mixed-Use Zones for development over 10 units. This may include Cascade Station, which requires a Transportation Impact Assessment (TIA), which is undefined, but it references TIR. The Code currently says we'll do the [new] TIR where development thresholds can be found in other code sections. Rather than saying the threshold applies in other sections, we should refer to them specifically in the code sections where they apply. If you are doing a plan development in a residential zone, you have to do a Transportation Impact Study, which is not defined in the code. And, there is a fourth form of a transportation study, which is an application for a change, you do a [lowercase] transportation study. This competing nomenclature is confusing for a developer. Does the new TIR apply to all situations? Staff says no, so I wanted to be sure we spell out where TIR does apply and have definitions for the other standards.

Eric: In this updated code, TIR (removing the TIA) is included for Cascade Station; a TIR is also included in Mixed Use and Campus code. Structurally how the Zoning Code is set-up, we have a number of sections. In general, the 800s say what we do, but they don't say when reviews are required since those are noted in previous chapters.

Commissioner Bachrach: If you're not comfortable nesting this in the 800s, why don't we do this in the definition section (900s)?

Chair Schultz noted that she disagrees with *Commissioner Bachrach* and likes how staff has this set up and how the code is structured so we don't create errors in the Zoning Code. Let's just make sure it's clear when TIR applies.

Commissioner Bachrach noted we are concurring that the new TIR only applies in Cascade Station, Campus Institutions and Mixed Use zones that are 10+ units.

Other sections that use the [lower-case] tir are different.

33.730.060 Application Requirements lists situations where you have to do a tir. It gives the BDS Director the option to waive non-applicable requirements.

- Only extra application requirements can be waived. Director's authority extends to the right to waive in 33.862.

Commissioner Bachrach withdrew amendment Item 3.

Commissioner Smith proposed to accept Items 4 and 5 as consent items.

Commissioner Baugh: In Item 4, what does "likely" mean?

- This is subject to staff discretion. Words in the code mean the same as they do in the dictionary.
- "Sufficient" to me would be more effort. "Likely" isn't as strong.

Commissioner Bachrach: How do I demonstrate what I (a developer) do is "sufficient" to achieve larger city goals? That struck me as a macro standard, not something a single developer can achieve.

Commissioner Smith: Institutional programs will apply a straight-line curve and judge plans by this. I think this proposed language is consistent with this.

Commissioner Oxman: The issue I have around "likely" is that you weaken the whole framework and accountability. I'm hesitant to move to something that lowers the bar for participation of development.

PBOT has noted their opposition.

Susan suggested verbiage: that “actions are contributing to the City for achieving” the larger macro goals.

Commissioner Bachrach moved adoption of Item 4 with language as suggested by Susan: “Proposed actions are contributing the City sufficiently achieving mode share and vehicle ownership targets, rather than focusing only on the site.” *Commissioner Smith* seconded.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Commissioner Bachrach moved Item 5 as drafted. *Commissioner Smith* seconded.

Commissioner Baugh asked about why “adequate” is deleted.

Commissioner Bachrach: “adequate” is ambiguous. The language there is constitutional nexus language. “Adequate” is less well-defined than proportionality.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The amendment passed.

Item 6: *Commissioner Baugh* noted that when you look at East Portland, we are trying to intentionally redevelop here. By this amendment, we make drive-throughs non-conforming and intentionally cause redevelopment. Ultimately this goes to complete neighborhoods. Let them develop the property for the best use and way in their view. Let’s be intentional about helping East Portland redevelop.

Commissioner Larsell likes the attention to this issue. The PSC can have an impact if we support this amendment.

Commissioner Smith: This impacts drive-throughs but not vehicle quick-service – is that correct?

- It would affect both.

Commissioner Smith: I get the desire to limit fast food, but remember the comments about Powellhurst-Gilbert not having a bank. If we are limiting drive-throughs that would then limit something like a bank, are we helping? Do you see a distinction between fast food and other drive-throughs?

- *Commissioner Baugh*: It goes to form and function of the neighborhoods.

Bill noted the changes in the zoning approach. One thing that’s part of the MUZ is a roll back of the CG zoning (auto-accommodating zone). Under the current proposal, CE (new CG) has been pared down considerably. Eric noted that both Gateway and Lents are outside these areas. Some testimony from the Retail Taskforce was about East Portland. Their concerns were about economic viability and large retail that can be helped with a drive-through option.

Commissioner St Martin asked about access for handicapped and disabled.

- Staff met with the City’s Disability Commission (PCoD), and there were opinions on both sides of this issue.

Commissioner Tallmadge: Any existing drive-through would be allowed.

- East of 80th, there would be prohibited development. Existing would be non-conforming, and there are limitations to what you could build or redevelop.

Commissioner Spevak asked for east of 80th what zones could redevelop a drive-through?

- Staff’s proposal allows new drive-throughs in CE zones but not the CM zones. The amendment would prohibit new drive-throughs in the CE zones west of 80th, leaving no zones east of 80th where new drive-throughs could be developed.

Commissioner Rudd: How many gas stations are we prohibiting with the change?

- The proposal would make them non-conforming. So if you wanted to upgrade or remodel, there is less flexibility on how you could reconfigure.

Commissioner Baugh moved to adopt Item 6, (C) and (D) as described. *Commissioner Tallmadge* seconded.

Commissioner St Martin is worried that if we make businesses non-conforming, it limits their ability to get financing for small upgrades, which would make them worse-off and less likely to redevelop.

Commissioner Tallmadge recommended applying the same standards we have west of 80th on existing uses.

- Eric noted that this would change the language so that it doesn't trigger non-conforming uses for current facilities.
- This would have (C) be all the same east or west of 80th. Where CE exists elsewhere it would make this in East Portland prohibit new facilities.

Commissioner Spevak is sympathetic to the goals but thinks this amendment creates a full chunk of the city where you can't put in certain types of businesses. The other thing that gives me pause is that I like the narrowed-down CE zones, and I think this situation would be better addressed by land use planning goals.

Commissioner Smith noted that we're challenging the low economic expectations of East Portland. I will support this knowing it won't survive exactly intact at Council, but it is a good conversation to have at Council.

Commissioner Baugh: EPAP supports this amendment. The RTF's issue is that they want stores with drive-throughs. Our current and past 3 mayors have offered millions of dollars for stores to develop in East Portland, and none have done so. This is a core issue to me, and we really have to look at the people.

(Y8 – Baugh, Houck, Larsell, Oxman, Smith, Spevak, St Martin, Tallmadge; N3 – Bachrach, Rudd, Schultz)

The motion passed.

Commissioner Tallmadge requested that in the letter to Council we include a note to look at evaluating citywide regulations, instead of splitting between west and east of 80th Ave.

Item 7: Staff does not recommend changing the timeframe as this amendment proposes. Staff believes a three year period would be more consistent with regulation instead of the proposed two years. If you decide to stick with the three years, we should change Item 6 back to three years as well.

Commissioner Baugh withdrew Item 7.

Commissioner Tallmadge moved to switch the time noted in Item 6 from two continuous years to three years to be consistent with other parts of the code. *Commissioner Smith* seconded.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Item 8: *Chair Schultz* withdrew this item but asked staff to include clarity to the commentary about height exceptions for high ceilings (33.130.210.C).

Item 9 is related to height exceptions. *Chair Schultz* would like stairway enclosures included so we don't limit fire and life safety. *Chair Schultz* moved Item 9. *Tallmadge* seconded.

(Y10 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Spevak, St Martin, Tallmadge)

Chair Schultz withdrew Item 10.

Item 11: For residential units with two stacked parking units, there wouldn't be an attendant necessary. *Chair Schultz* noted this is a clean-up modification. If you share an apartment with one stall behind the other, you shouldn't have to have a valet to move the cars. BDS should be able to come up with this language.

Commissioner Smith is only concerned we are building two parking spaces for one residential unit!

Chair Schultz moved to amend the Mixed Use Zones revised proposal as described in Item 11 of the Commissioner Proposed Amendments document. *Commissioner Tallmadge* seconded.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Item 12 is about Civic Corridor minimum setbacks as mapped for outer corridors. The proposal was that we have a minimum front setback of 10 feet in contrast to the no minimum. Staff supports retaining the 10-foot proposed setback.

Chair Schultz noted, for example, SW Macadam has shut down pedestrian activity. It would be better to eliminate the setback altogether. But I could be persuaded to the option that staff has proposed with a 10-foot minimum setback. I don't want landscaping separating the building and the sidewalk.

A compromise could be to apply the 50 percent paved area between the building and the street for pedestrian access.

Commissioner Houck: Without a setback, I don't see how you get trees on the street.

Commissioner Smith noted that the original proposal was 10 feet, which we heard would get the "cruiseway" effect. We wouldn't get there with just the 10-foot setback. I'm good with just leaving the 10-foot setback.

Chair Schultz moved to amend the MUZ proposal as described in Item 12 but that it must all be hardscaped. This is Potential Code Language Option (a) with hardscape. *Commissioner Larsell* seconded.

You would still be able to plant street trees. We've just increased the sidewalk area to give a bit more breathing space to give pedestrian safety. Logically this is a 5-foot dedication. You could put restaurant tables, etc in this area.

Barbur, 122nd and Division east of I-205 and Stark east of I-205.

(Y4 – Larsell, Oxman, Smith, St Martin; N7 – Bachrach, Baugh, Houck, Rudd, Schultz, Spevak, Tallmadge)

The motion failed.

Commissioner Spevak moved to recommend staff comment #3 for Item 12 (Elimiate the required setback and rely on the base zone standars for these Civic Corridors). *Commissioner St Martin* seconded.

(Y3 – Schultz, Spevak, St Martin; N8 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Smith, Tallmadge)

The motion failed.

Item 13: Drive-through access

Commissioner Smith: If you're open, you must serve customers regardless of how they arrive. I would propose an amendment to the staff language to add "mobility devices" in the modes of travel. I'm also open to where ever staff thinks this hshould fit in the code.

Staff suggests "pedestrians and bicycles" based on how the code is written elsewhere.

Commissioner Rudd is concerned about safety and how many people are on staff when places are open late.

This would apply to existing businesses. *Commissioner Bachrach*: If it's only for new buildings, I would consider it.

Commissioner Baugh asked about police input about this.

- We haven't had a chance to yet talk with other bureaus about this amendment. It might trigger the need for the drive-through pad to be ADA or the doors unlocked.

Commissioner Smith moved Item 13, striking "skateboards." *Commissioner Houck* seconded.

(Y6 – Houck, Larsell, Oxman, Schultz, Smith, Spevak, Tallmadge; N5 – Bachrach, Baugh, Rudd, St Martin, Schultz)

The motion passed.

Item 14: Click and Collect versus drive-throughs.

Commissioner Smith appreciates this distinction but not that it was driven by use. It is either the curb-cuts or queuing that it implies. I asked for language to clarify that if you had stacking or queuing it was still a drive-through.

Staff is ok with this this amendment.

Commissioner Oxman noted the adverse effects are driven by queue discipline and management (and curb cuts). *Commissioner Smith* thinks click and collect that doesn't trigger queuing is just parking. We are clarifying what a drive-through is.

Commissioner Baugh asked if this is a clarification of what a drive-through is in code.

- Yes.

Commissioner Smith moved to adopt Item 14. *Commissioner Houck* seconded.

(Y9 – Baugh, Houck, Larsell, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge; N2 – Bachrach, Oxman)

The motion passed.

Item 15: Amendments to the Staff Report regarding Affordable Commercial Bonus

Commissioner Spevak noted this is an FAR bonus for commercial bonuses that we've seen very little details about because it's mostly been delegated to PDC to work on. For an affordable residential FAR bonus, the developer must commit to reduced rents and to renting to income-qualified tenants (with fair housing applying), to achieve the intended policy goal. But for commercial, how do we decide which businesses qualify for the rent reduction? It is a policy question that is not necessarily intuitive. We need clarity on what sorts of businesses would be eligible, which depends on our policy goals behind this FAR bonus, so this amendment aims to create an advisory commission to evaluate options and establish policy with regard to what sorts of businesses would qualify.

In addition to what's included in proposed amendments, we included historically disadvantaged businesses. We want to specifically include minority and women owned businesses. Also, the advisory commission shall include... "but not limited to..." Also, we want to remove the entire section about "discrete annual metrics."

Item 16

Commissioner Tallmadge: Where it's noted DBE, we want to remove that and use "minority- and women-owned business, [and possibly social enterprises]" instead.

Staff noted this came out of the discussion draft comments from businesses in high-growth areas that they were upset about displacement of businesses, particularly in inner North/Northeast. It was a combination of price issues and the rolodex of the people leasing the building. This was seen as a response to testimony to consider local business being able to stay where they are with development occurring. Staff is concerned about specific certifications that smaller retail businesses may not be able to get into.

Minority-, women- and locally-owned businesses.

Commissioner Bachrach noted staff's proposal is "to qualified businesses that meet program requirements". I think this gets at what commissioners *Tallmadge* and *Spevak* are interested in including in your proposed amendment. If you went with staff's language, that directs all the participants to think this through, and then you set up the process. I think this get to where you want to go with a committee to think about how we qualify businesses.

Commissioner Spevak likes staff's language as proposed. However, it's the PSC's job to further the policy goals of the Comp Plan - and this is punting that responsibility to another group. This is what's frustrating to me.

- Staff language with a statement we'll come back to the PSC with policy language. Or including "minority and/or local ownership" in staff's proposed language.

Chair Schultz asked if staff can work on this and provide a package of the particulars of this program in the future.

Commissioner Spevak: If this is coming back to the PSC, that solves my issue.

- This is a little bit like the TDM work we discussed earlier, where details with significant policy implications are delegated to others. If we change code language, it has to come back to the PSC.

Commissioner Baugh is supportive of this and being specific about what we want. "Local" can be defined in so many ways, and it doesn't necessarily get you what you want. The qualified business should be broadly directed to be local and minority-owned, and that the code comes back to PDC, that would help me get through this. We don't want PDC sitting in front of us telling us what the policy is. I would rather be specific in code that the approval and direction must come before the PSC.

Commissioner Tallmadge noted we clarify more in the code to shift us in the direction of the goal. If we update the commentary, is that strong enough to get the policy we want?

- Staff can commit to working on this, bringing it back to the PSC, and working with PDC. Giving more specificity than the staff recommended language is certainly workable.
- Susan: This is not about social enterprise though, so we should stay clear of that qualification in this example.
- *Commissioner Bachrach*: I would err on the side of staff's first proposal and not define in code who's responsible. I'd like to see a partnership with PDC because they have a perspective that needs to be heard in this process.

Chair Schultz agrees with staff's proposal. Is there an amendment we want to have based on this discussion?

Commissioner Tallmadge amends Item 16 and staff's proposal to "qualified businesses including locally, women- and minority-owned businesses." *Commissioner Spevak* seconded.

This is not a formal vote, but staff is committed to work to create the advisory committee. There would be a member of the PSC on this committee, and PSC would be briefed and provide input.

(Y9 – Baugh, Houck, Larsell, Oxman, Rudd, Smith, Spevak, St Martin, Tallmadge; N2 – Bachrach, Schultz)

The motion passed.

Returning to Item 15 and Item 17: Staff is comfortable continuing this commentary discussion with *Commissioner Spevak* and *Commissioner Tallmadge*. The language will be included in the PSC's recommendation letter to Council as well.

Item 18 acknowledges the Design Overlay Zone Assessment (DOZA) project. *Commissioner Tallmadge* noted this will go into effect 2018, which is after IZ is set to be approved and asked how that would work.

Item 19 is a request to up the outdoor area standard in Eastern Pattern Areas to 54 square feet. *Commissioner Tallmadge* is ok to withdraw this for now with an understanding that staff will continue to look at this item.

Commissioner Tallmadge withdrew Item 19.

Item 20 is to change incarceration facilities to be allowed by right instead of a conditional use in Mixed-Use zones.

Commissioner Smith noted this should be tackled across all zones, not just in Mixed Use. I know neighborhoods will react strongly to this particular zone change.

Commissioner Tallmadge noted this should be evaluated citywide as *Commissioner Smith* mentioned.

Commissioner Tallmadge withdrew Item 20 and 21.

There were technical amendments that came up after the August 16 memo. The most substantive one is a refinement of the ground floor window standard. Staff suggested the full group of Proposed Amendments from staff that are generally technical be voted on as a group.

Commissioner Smith moved. *Commissioner Bachrach* seconded.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion was approved.

Vote on the Mixed Use Zones Code

Commissioner Smith moved to adopt the Mixed Use Zones Project Proposed Draft as amended by the code and commentary in the August 16 memo, and as further amended today.

Commissioner Houck seconded

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion was approved.

Campus Institutions Zoning Code amendments

Tom Armstrong, Eric Engstrom

This is a technical vote to align the Campus Institution codes with the Mixed Use code.

Commissioner Smith moved to align the following Campus Institutional Zone development standards with the final Mixed Use Zone standards:

- Ground floor windows in the CI2 Zone.
- Building length and facade articulation in the CI2 Zone.
- Apply changes made in today's discussion above.

Commissioner Houck seconded.

Commissioner Rudd recused herself from this vote.

(Y10 – Bachrach, Baugh, Houck, Larsell, Oxman, Schultz, Smith, Spevak, St Martin, Tallmadge)

Miscellaneous Zoning Amendments: RH Zone FAR

Tom Armstrong

Chair Schultz recused herself from this discussion and vote. *Vice Chair Smith* presided over the conversation.

This is the last outstanding issue in the Miscellaneous Code Amendments that deal with where in the RH zone properties are allowed to have 4:1 FAR as opposed to 2:1 as allowed in the base zones. Kings Hill and the Alphabet District are the two areas staff looked at in terms of where to allow the 4:1 FAR where it would be aligned with the historic districts and contributing factors.

Alphabet District: In the color coding is the existing FAR of buildings. The darker blue buildings are taller, more intensively-developed sites; lighter blue is up to 2:1 FAR. Black dots are parcels that have contributing structures to the historic districts, so they are not likely to be demolished and redeveloped. The arc is 1000 feet from the Providence Park MAX station. Outlined in red are likely to be redeveloped or otherwise under-utilized. We also considered parcel sizes. The north end has smaller parcel sizes, so staff recommends drawing a line at Glisan. North of Glisan is proposed to be 2:1 FAR and south 4:1 FAR in the Alphabet District. FAR can be transferred 2 miles in this area. Through this process, the historic properties south would be able to transfer the difference of the FAR.

In the Mixed Use Code, bonuses can't be used in historic districts. If we went 2:1 north of Glisan, you currently could have bonuses, but this is an issue we'll see as part of the IZ proposal.

Commissioner Spevak likes the logic of drawing the line here. But this is like an FAR farm here (since such a high proportion of historic properties that can't use the FAR themselves) where the amount of FAR available for sale to other properties depends on where the line is drawn.

- The line could move a block north to give Portland Public Schools (PPS) more FAR at the Metropolitan Learning Center site. But we haven't directly engaged with PPS.

Kings Hill: We had agreed to give 2:1 to Irvington in a similar situation. In Kings Hill, it's a bit different with a few more intensive buildings and a few more non-contributing structures inside the district. That said, staff recommends keeping the 4:1 FAR as it is today.

Commissioner Spevak moved to approve the Miscellaneous Zoning Amendment package item 3, as amended by the Zoning Code Chapter 120 Map Series: 4:1 FAR memo dated August 17, 2016. *Commissioner Baugh* seconded.

Commissioner Bachrach confirmed this is what staff includes in their memo.

Eric noted the sites that had changed from RX to RH in North Portland. Staff would propose to move those to the 4:1 map to make that the most compatible change. This is already in the memo, so we just moved this.

Commissioner Spevak would like to include the MLC block as part of the 4:1 FAR area. *Commissioner Bachrach* seconded. If it did get redeveloped, it is sitting on a big piece of land that should be redeveloped at a higher density. If it does continue as-is, PPS can sell the FAR.

BPS has had on-going meetings with PPS throughout the Comprehensive Plan process and has made changes based on these discussions. We would consider CI3 for high schools in the future.

Commissioner Smith: This might prompt MLC to redevelop faster.

(Y7 – Bachrach, Houck, Larsell, Smith, Spevak, St Martin, Tallmadge; N3 – Baugh, Oxman, Rudd)

The motion passed.

Adoption of 4:1 south of Glisan and at MLC. North 2:1. Leave Kings Hill at 4:1.

(Y10 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Final Direction to Staff

This final vote will ensure that all necessary documents are updated in accordance with the PSC's recommendations and that the PSC's Recommended Plan is aligned with the 2035 Comprehensive Plan.

Eric provided background about the four items in this vote. The Central City Plan is separate from Periodic Review and is a more specific area plan.

Commissioner Smith: I move to direct staff to:

1. Update the Task 5 Early Implementation of the 2035 Comprehensive Plan staff reports to reflect our amendments.
2. Incorporate any needed updates to the 2035 Comprehensive Plan to reflect our Task 5 Early Implementation recommendations.
3. Clarify recommended code and commentary language as necessary.
4. Consolidate our recommendation on all the Task 5 Early Implementation projects into one transmittal to City Council. At a minimum, our recommendation package should include:
 - An ordinance and findings;
 - Consolidated Zoning Map amendments;
 - Consolidated Zoning Code amendments and commentary as further legislative intent;
 - A Community Involvement Program;
 - TSP Stage 2; and

- Staff reports that provide context, backgrounds, rationale for decisions, appendices and summaries of the public involvement process.

Commissioner Houck seconded.

(Y11 – Bachrach, Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

Commissioner Bachrach asked about when this moves to City Council how the PSC gets transmittal information on the record to Council?

- Staff will draft a transmittal letter that will be shared with the PSC officers then to the full Commission within the next month or so. You'll also have the opportunity to decide who from the PSC presents at City Council.

Adjourn

Chair Schultz adjourned the meeting at 7:25 p.m.

Submitted by Julie Ocken