

## Portland Planning and Sustainability Commission

November 27, 2018

5:00 p.m.

### Meeting Minutes

**Commissioners Present:** Jeff Bachrach, Ben Bortolazzo, Mike Houck, Katie Larsell, Chris Smith, Katherine Schultz, Eli Spevak, Teresa St Martin

**Commissioners Absent:** André Baugh, Daisy Quiñonez, Michelle Rudd

**City Staff Presenting (BPS unless otherwise noted):** Joe Zehnder, Bill Cunningham, Tom Armstrong

*Chair Schultz* called the meeting to order at 5:06 p.m. and gave an overview of the agenda.

### Documents and Presentations for today's meeting

#### Items of Interest

- *Commissioner Smith:* The Southwest Corridor Subcommittee met before Thanksgiving to talk about funding for the housing strategy; we had identified the fall budget bump as a funding mechanism, but we were not selected for the fall bump. We also talked about priorities for station planning—the current focus proposed is the West Portland Town Center and the changes around the Ross Island bridgehead. What about all the other stations? Will we have staff and dollar resources to do that planning? We also want to consider adding new members to the Subcommittee; of the 4 original members, one is now off the commission and another will leave later this spring.
- *Commissioner Houck* just came from a Broadway Corridor Steering Committee meeting. There is an open house tomorrow from 5:30 to 7:30. It's a fascinating process; now there is a concept design that touches on all the issues we deal with at the commission. We will not be considering that project; the Design Commission will, but we have a significant number of interests in what comes out of that process. There is an interesting group of folks providing input.
  - *Commissioner Smith* asked if it would make sense for the PSC to get a briefing on the project. The officers will discuss with Joe.

#### Director's Report

Joe Zehnder

- There is one meeting left this calendar year, December 11. We'll be working on Better Housing by Design (BHD) again and the Residential Infill Project (RIP) economic report.
  - *Commissioner Bachrach:* Where are we at with RIP? When is it coming back?
    - *Joe:* It will be back in February. We're working on code. The level of changes the PSC made were big for the transportation analysis in particular, which is taking time to get in the queue and, we need to do the Buildable Lands Inventory (BLI) forecast. A big part of the hang-up has been us not having the bandwidth, but we will get it through the commission in the first quarter of 2019 and to City Council in the summer.
    - *Commissioner Bachrach:* Will we see all the pieces and the code language?

- Joe: We're publishing a new code that incorporates all of your changes. We're hoping there are not big changes from there so it can keep moving forward, but there will be a compilation of all the pieces.
- *Chair Schultz* confirmed we have not voted yet and there can be further discussions.
- Joe: We want to be sure we can make transportation findings, and we'll make sure the code aligns with the direction the PSC gave us.
- *Commissioner Bachrach* hopes we're not scheduling a vote the same time we hear about the package; does not want to rush a final vote.
- Joe confirmed there will be a briefing and then a work session/recommendation on another date.

## Consent Agenda

Consideration of Minutes from the November 13, 2018 PSC meeting.

*Commissioner Smith* moved to approve consent agenda. *Commissioner Bachrach* seconded.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Smith, Schultz, Spevak, St Martin)

## Better Housing by Design

Work Session: Bill Cunningham, Tom Armstrong

### Disclosures

*Chair Schultz* asked if there are any disclosures to share — if you've had conversations with the public regarding the project since testimony closed.

- *Chair Schultz* disclosed that she received emails from Doug Klotz.
- *Commissioner Spevak* also has been in contact with Doug and conversations with dozens of people in the development community who are curious about this code update and RIP as well.
- *Commissioners Houck and Smith* also received an email from Doug.

### Presentation

Bill introduced the fourth work session and gave an overview of topics to be discussed (slide 2). We'll be diving into the details related to building and site design.

#### *Topic 1: Parking in front of buildings*

Options (slide 3)

1. Disallow vehicle areas from being located between a building and any street (current proposal).
2. Disallow parking in front of buildings on small sites, but on large sites allow some buildings to be set behind parking when at least 100' from the street.

A number of our policies and design guidelines emphasize the importance of higher-density development contributing to pedestrian-friendly street environments. Current regulations limit front parking to 50% of the frontage, but parking is allowed in front of buildings (up to a maximum percentage). Proposed regulations would limit parking to 40% of the frontage and not allow parking in front of buildings. While some percentage of the frontage could be parking, there's always a requirement that the parking area be screened by landscaping, usually a 5' buffer.

The 100' distance in Option 2 was chosen based on a lot size pattern in inner neighborhoods; Southwest and Eastern neighborhoods have deeper sites and may warrant more flexibility on large sites.

*Chair Schultz:* For Option 2, would you regulate how wide the parking area is?

- *Bill:* Yes, one limitation is that parking at any rate can't be any more than 40% of the width of the frontage. Another is that buildings would only be allowed to be set behind the parking for that 40% of the site.

*Commissioner Spevak* proposed a third option, which is to provide this limitation on 10,000 sf sites or less, but on other sites, allow other methods to mitigate impacts of parking. It's not always true that having no building behind the parking would be better. This proposal is a hybrid—use the minor amendment from option 1 but make the whole clause apply only to smaller sites. Whether there's a building in the back of very deep sites doesn't matter as much.

- *Chair Schultz* confirmed that *Commissioner Spevak* is supporting Option 1 for small sites, but she needs clarification on his stance about large sites.
- *Commissioner Spevak:* If you have a deep site, what is the problem being solved by the 100' dimension?
  - *Bill:* The intent was to allow some flexibility on these deep sites. Another way of framing a 3<sup>rd</sup> option could be to only rely on the 40% parking limitation for large sites and be silent on whether or not a building is behind that 40% of frontage.
  - *Commissioner Spevak* supports this.
  - *Chair Schultz:* In this situation, you could put a building 25' or 50' back—it doesn't matter.

*Commissioner Bortolazzo* wanted to clarify whether the 40% measures the width of the parking lot no matter where it is located or if it measures the curb cut at the property line.

- *Bill:* It considers the whole property frontage.
- *Chair Schultz:* Looking at the example on the right of slide 5, does the concrete paver walkway to the front door count toward the 40%?
- *Bill:* No, the 40% applies to vehicle area—just parking areas, not pedestrian connections.
- *Bill:* Parking used to be prohibited between the building and the street, but the Mixed Use Zones Project changed that from prohibited to not allowed so people could seek an adjustment.
- *Chair Schultz:* Should we include a landscape buffer between the pedestrian walkway and the driveway, so the walkway doesn't become a driveway, like it could in this example?

*Commissioner Bachrach:* Does the pedestrian environment concern the people walking from the driveway to the front door or the people walking along the street?

- *Tom:* Concerns the pedestrian walking down the street.

*Commissioner Bachrach:* Is being able to provide off-street parking an expensive fix?

- *Commissioner Spevak:* You would make a narrower building [so you could put the parking next to it].
- *Tom:* I would suggest you hold that question for the next meeting because this example gets at the crux of the overlap between RIP and this project, especially related to townhouses and duplexes.

The public realm is one of Portland's most important design values in the Design Overlay Zone Amendments project. We want to have a more engaging, interesting pedestrian environment as opposed to having buildings set back far from sidewalks.

General PSC support to disallow parking in front of buildings on small sites (up to 10,000 SF), with an exception to allow accessory structures to be located behind parking. General PSC support to rely on the 40% frontage limitation to regulate parking location for large sites.

*Topic 2: Side setbacks along corridors*

Options (slide 10)

1. No change to proposal (5' side setbacks)
2. Do not require side setbacks where multi-dwelling zoning (RM2-RM4) abuts mixed use zoning.
3. Same as Option 2, but also do not require side setbacks between multi-dwelling zone properties in locations interspersed with mixed use zoning.

Bill showed a map of interspersed multi-dwelling and mixed-use zoning in Southeast, such as places like Belmont, Hawthorne, and Division (slide 11). Bill showed aerial images of these areas (slides 12-13). Setbacks in multi-dwelling and mixed-use zones are different, so when these zones are interspersed, the building lines are different.

The Division Green Street-Main Street Plan in 2006 did mention having different characteristics between busy commercial zones and residential areas between them.

Current proposal is standard 5' setback from side property lines in multi-dwelling zones. Currently in mixed use zones there's a requirement for a 10' setback between a property line abutting residential zoning and the building. Intended to provide space for landscaping as a buffer as well as windows and access to light and air (slide 14).

Option 2 is to allow for no side setback between those zones so the buildings can join (slide 15).

Option 3 is to not require side setbacks for all buildings—even between the same zones—along corridors (slide 17). This could potentially result in buildings being built up to the property line with no windows. Again, some community plans try to keep the contrast between residential and mixed use zoning. Option 3 could be problematic in describing in a clear objective way what an interspersed pattern is; the Bureau of Development Services (BDS) has expressed some concern about the complexity of Options 2 and 3.

Tom noted that Option 2 kicks in at the RM2 zone because the RM1 zone is the lower-density zone with a softer edge. Bill noted that there is almost no RM1 on inner corridors.

*Commissioner Smith:* For the purposes of Options 2 and 3, what defines a corridor?

- Bill: Civic and Neighborhood Corridors—most of the streets where you have multi-dwelling and commercial zoning. Sandy and Cesar Chavez are Civic Corridors and Alberta and Division are Neighborhood Corridors, for example.
- *Commissioner Smith* confirmed this is clear and objective for BDS' purposes.

*Commissioner Smith* hears concern about interspersed zoning; why don't we just say no side setbacks on these corridors?

- Bill: This could be an option. It would apply to a broader range of corridors than just inner.

*Commissioner St Martin:* Can you put driveways in these setbacks and are there stormwater management concerns with Option 3?

- Bill: People could choose to put a driveway, though BES prefers stormwater facilities. We are not proposing to change lot coverage limits, which are more limited in multi-dwelling than mixed use.
- Bill: Up to 10 spaces could be served by a 10' driveway, though PBOT can require 20'.

*Chair Schultz:* I see an extremely tortured zoning map and I wonder why we even have all these zones—it's a commercial corridor, so it should be a commercial mixed-use zone. If the group thinks there's a purpose for

having these multi-dwelling residential zones along these corridors, having side setbacks are at least a compromise to support that pattern.

- *Commissioner Spevak*: The balancing act is the Civic and Neighborhood Corridors across the city are different in different areas. Some of the streets have long stretches of mixed use with no multi-dwelling at all.
- *Commissioner Spevak* likes the intent of Option 3 and instinct is to go to *Commissioner Smith's* Option 4, but some of these corridors feel like more residential areas. Concern about blank walls. Where there are 3 multi-dwelling lots in a row, I'm not sure if it's appropriate. Is there a way to write that to be clear and objective?

*Commissioner Bortolazzo* is intrigued by Options 2 and 3—sees it as a creative workaround to compensate for some of the limitations of Euclidian zoning and move us toward something more form-based. It does seem to jive better with the idea of creating corridors. Gives more flexibility and incentivizes behavior you want—creating compact and strong street frontages.

*Commissioner Larsell* asked why the commission does not want setbacks between buildings.

- *Commissioner St Martin*: You can put a bigger building there.
- *Chair Schultz*: It's not that much bigger in all honesty, but you may get another unit on a floor. For me, it's a form issue—as you drive down the street, there's a variation along the street. Do you want it to feel more uniform and commercial, or do you want to retain the feeling of a mix? And what is the setback accomplishing when a street is developed with large buildings? It's more like an alley than a side yard, even.

*Commissioner Smith* noted that back during Task 5, Doug Klotz was asking us why we are leaving so much R1 on the corridors.

Questions on Option 3:

- *Commissioner Bachrach* noted that BDS' problem is defining what interspersed means—is there an absence of clarity?
  - Tom: It's more about code complexity than clarity—not only do you have to look at your site but also the zoning of other sites around you.
- *Commissioner Bortolazzo*: Can we limit Option 3 to just nodes?
  - Tom: Center areas would be possible.
  - Bill: Centers Main Street overlay could be possible, but those are narrowly mapped. We'd have to create some Zoning Code tool because the Center designations are Comp Plan designations, not zoning designations.

General PSC support to allow for no side setbacks where multi-dwelling zoning (RM2, RM3, RM4) abuts commercial/mixed use zoning. General PSC support to allow for no side setbacks between multi-dwelling zone properties along Civic and Neighborhood Corridors, but they requested that staff come back with a proposal that could limit this allowance to areas close to commercial hubs or in centers, rather than apply this to all corridors.

*Topic 2b*

Intent is to provide scale transitions to single-dwelling zones. Proposal is to limit building height to 35' within a 25' distance from properties with single-dwelling zoning. This approach was taken with the mixed use zones (slide 18).

Bill provided clarity about how the step-downs work in the mixed use zones and proposed multi-dwelling zones (slide 19). There is also a step-down requirement when there is a single-dwelling zone across a local service street (slide 20).

Bill showed a diagram of the step-down regulations (slide 21). Despite the complexity, this regulation is actually a simplification of what we have in the design overlay zone, which requires different step-downs to different residential zones and sometimes the exact height of the adjacent zone.

Much of the multi-dwelling zones are in a district format so there's not much adjacency to single-dwelling zoning, but some areas do have more.

Many neighbors were saying the step-down should be to the height of the existing building, but staff landed on a more standard 35' height adjacent to single-dwelling zoning. Heard from housing providers that a 3-story scale is especially efficient, so we wanted to allow for that.

*Chair Schultz* asked what we're accomplishing with a stepdown between CM3 and RM2.

- Bill: Transitions in scale; simplifying existing regulations in the design overlay.
- *Chair Schultz* is not a big fan of step-downs and does not think a 20' difference between a 45' building in RM2 and a CM3 building is worth the complexity it adds to the structure of the CM3 building. They both produce very large commercial buildings next to each other. It would create a very odd form.
  - *Commissioner St Martin* noted that we just supported letting the buildings touch.
- *Chair Schultz* proposes not having that step-down.
  - *Commissioner Smith*: Is that in the scope of this project, since it has to do with the mixed use zones project?
  - Tom: We would also reduce the mixed use zone side setback. You could distinguish between the side and rear step-down or get rid of both, but yes, we have nudged our way into the mixed use zone.

*Commissioner Spevak* is not convinced that step-down is needed when RM2 is across the street from R5.

- Bill: This stepdown is consistent with the mixed use zones—if a large building is across the street from a single-dwelling zone, it should step down.
- *Commissioner Spevak*: CM3 produces a lot bigger structures than can RM2; sees the point in CM3 step-down.
- Bill noted that step-downs across local service streets only apply if you're 100' or more from a corridor.

*Commissioner Spevak* confirmed the CM3 has a provision for larger sites to do a PD for additional height with discretionary review.

*Commissioner Spevak* proposes to not have the step-down from CM3 to CM2 and RM2.

*Commissioner Spevak* asked how much we can change other codes. Bill responded that staff wants to limit changing other zones to only when it's needed to provide consistency across zones.

*Commissioner Larsell* noted that local service streets are narrow, and a lot of people would like to protect the amount of sun and air and the look of R5 and R2.5.

General PSC support to eliminate requirements for step-downs in the CM3 zone in locations adjacent to the RM2 multi-dwelling zone. General PSC support to eliminate requirements for step-downs in the RM2 and

CM2 zones across local streets from single-dwelling zoning. General PSC support to keep the requirement for step-downs across a local street from single-dwelling zones only for the larger scale zones.

### Topic 3: Front setback

Options (slide 24):

1. No change to proposal (require 10' front setbacks in RM2 and Rm3, with options for reduced setbacks)
2. Reduce the required front setback in the RM2 and RM3 to 5'.

Intent of proposal (Option 1) was to require front setbacks that reflect neighborhood patterns and limit privacy impacts (slide 25). Would provide allowances for smaller setbacks if you have adjacent buildings with smaller setbacks, ground floor commercial, raised ground floor 2' above sidewalk level, or courtyard buildings (slides 26-27).

Vancouver, BC also requires landscaped setbacks for most multi-dwelling zones (slide 28).

One advantage to 5' versus 10' setbacks is that the front setback is not the most usable to people; on the other hand, a setback more than 5' provides more space for trees to reduce urban heat island effects.

- *Commissioner St Martin*: Are sidewalk planting strips required so there'd be space for a street tree?
- *Bill*: Typically, PBOT street standards require a furnishing zone, yes.

*Chair Schultz*: Do the mixed use zones have other setbacks? Are we going to run into inconsistencies?

- *Tom*: The proposed exception applies next to an existing building, not what's allowed in the zone.
- *Bill*: Even in the mixed use zones, if you do ground floor residential, it either needs to be set back 5' or raised 2', though ground floor commercial can come up to the sidewalk, just as in multi-dwelling.
- *Chair Schultz* confirmed that Option 2 would align with mixed use zones.

*Commissioner Larsell* pointed out the negative example on the left of slide 25 because the exception to reduce the setback when adjacent buildings' setbacks are smaller would perpetuate this.

- *Bill*: On major corridors in East Portland, there is a requirement for a 10' front setback in the mixed-use zones. There was a lot of concern there about having residential so close to the street frontage along busy arterials.
- *Commissioner Larsell*: We often see pictures of classic beautiful buildings up to the edge, so this group wants to bring future buildings up like that, but this example is not one of those beautiful buildings. When these issues came out to East Portland, there was more support for larger setbacks.
- *Commissioner Spevak*: This example is a 0' setback, which would not be allowed in either option.
- *Chair Schultz* confirmed that you could continue that pattern, though.

*Commissioner Spevak* made a pitch for Option 2 because the step-up requirement for ground floor residential does not support adaptable homes. Supports 5' setback as opposed to the step-up and supports the exceptions proposed.

*Commissioner Bortolazzo*: Vancouver, BC examples are compelling.

General PSC support for 10' front setbacks in RM2 and RM3 zones (with proposed options for reductions in certain situations).

#### *Topic 4: Accessory Structures*

Options (slide 30):

1. No change to proposal (allow accessory structures in required setbacks on small sites up to 10,000 sf).
2. Allow accessory structures in required setbacks, regardless of site size.
3. Limit accessory structures to maximum height of 20'.

Bill clarified how height is measured for accessory structures in different situations (slide 32). We have not seen accessory structures built to the full allowed height, so this regulation may not be necessary until it's been proven there's a problem. This could hinder large community buildings.

About 80% of properties are about 10,000 sf or smaller.

*Commissioner Smith:* Are ADUs permissible in all multi-dwelling zones?

- Bill: Yes, but they are defined as accessory only to houses and duplexes.

*Commissioner Smith:* Is there a height limit in the setback separate from the overall height limit for Option 2?

- Bill: Yes, 15' in setback, plus a 24'x24' footprint.

*Commissioner Spevak* served on the accessory structures code update advisory committee. Before that project, you could put garages up to the property line but not an ADU. We decided that it doesn't matter what is in the structure, but instead the size. We should apply that logic to this zone too. We should allow them in setbacks regardless of site size. In that code update, people were building tall accessory structures and using them as houses, but that's not happening in these zones, so Option 3 may not be needed.

- Tom: Some places have guest houses with a bedroom, bathroom, and not a full kitchen—that would be an accessory structure you may want to limit to 20' tall.
- *Chair Schultz* clarified that Eli supports Option 2 with the accessory structure code that applies in single-dwelling zones overlaid on it.

Tom clarified that for Option 1, for small sites, you have the same restrictions as the single-dwelling zones: 15' in side setback, etc. Option 2 applies that to the 20% of multi-dwelling properties that happen to be large sites.

*Commissioner Larsell* asked what kind of building would reach the height of the zone if we did not go with Option 3.

- Bill: Separated parking structure in a high-density zone or community building. There are few examples.
- *Commissioner Spevak* brought up the potential of an accessory structure with a single-dwelling-scale development. Whether a site has a duplex or a fourplex could determine what happens with the height. We have two different codes that determine what you could do with your outbuildings.

General PSC support to allow accessory structures to be located in required side and rear setbacks regardless of site size. There was not support to limit the height of all accessory structures to 20' in areas outside required setbacks.

#### *Topic 5: Pedestrian standards*

Options (slide 34):

1. Keep existing standards (minimum 3'-wide pathways accessing up to 4 units, minimum 5' wide for other connections).
2. Amend to provide gradient of pathway widths:

- a. 3' when accessing up to 4 units
- b. 4' when accessing 5-20 units
- c. 5' when accessing more than 20 units

BDS has expressed concern over the complexity of the gradient in Option 2. Also, 5' provides more space for people in wheelchairs.

*Commissioner Smith* asked for the policy rationale – is it that more units means more people passing each other, or that there is more likelihood that someone with a mobility device will live there?

- Bill confirmed that the rationale is that more units means more people passing each other.

*Commissioner Spevak* noted that 5' feels like a wide path with a lot of concrete and creates wider ramps. Another approach would be to modify Option 1 to make it 4' for segments serving more than 4 units instead of 5.

- *Chair Schultz* thinks 5' is gracious and supports it in general.
- *Commissioner Spevak* would rather landscape more.

*Commissioner Smith* asked if the 5' standard was adjustable.

- Bill confirmed that it is.

### General PSC support for Option 2.

#### *Topic 6: Ground-floor windows*

Options (slide 35)

1. No change to proposal (require 25% window coverage for ground-floor commercial uses).
2. Increase window coverage requirement to 40% for ground-floor commercial uses closer than 5' from the street (25% window coverage when further from street).

25% coverage allows continuity with residential character; 40% coverage provides more of a storefront character. 40% requirement has precedent in RH zoning along MLK and Lovejoy, for example.

BPS and BDS staff support Option 2.

*Commissioner St Martin*: If you were building for commercial use, would you not put windows in there for building functionality?

- *Chair Schultz*: The struggle comes down to putting bike rooms, utilities, lobbies, mail room, etc. on limited frontage in apartment buildings, for example. All these uses start competing for facade area.
- *St Martin*: Wouldn't the functionality of the building be a better dictator of the window coverage?
- *Chair Schultz*: Yes, but window requirements encourage you to put retail or other things on the street frontage instead of building services.
- *Chair Schultz* then confirmed that the bigger window requirement would only apply to commercial uses.

*Commissioner Bortolazzo*: Would live-work be considered commercial?

- Bill: We don't have a strict zoning code definition of live-work. There was interest in outreach to allow people to have small-scale retail along corridors.
- *Commissioner Bortolazzo*: More and more people work from home, so flexibility is a good idea.

*Commissioner Larsell*: When we were talking about this in earlier meetings, it was a different kind of commercial that was family-oriented—is this not that type?

General PSC support for increasing the window coverage requirement for commercial uses to 40% when located less than 5' from street lot lines.

**Next Steps**

The next meeting on December 11 will focus on reconciling BHD and RIP proposals as well as carry-over items from previous sessions. We expect April 9 will be the recommendation.

**Adjourn**

*Chair Schultz* adjourned the meeting at 7:08 p.m.

Submitted by Love Jonson