

Portland Planning and Sustainability Commission

February 26, 2019

4:00 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach (arrived 4:07 p.m.), André Baugh (left at 8:00 p.m.), Mike Houck, Katie Larsell, Daisy Quiñonez, Katherine Schultz, Chris Smith, Eli Spevak, Teresa St Martin; (1 open position)

Commissioner Absent: Ben Bortolazzo

City Staff Presenting: Joe Zehnder, Sandra Wood, Morgan Tracy, Tyler Bump, Sara Wright, Phil Nameny; Liz Hormann, Sarah Figliozzi (PBOT); Tate White (PP&R); Matt Tschabold (PHB)

Chair Schultz called the meeting to order at 4:00 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Director's Report

Joe Zehnder

- We are getting ready to start recruitment for the West Portland Town Center Plan Advisory Group and would like to extend an invitation to the PSC if members want to apply.
 - This group will serve in an advisory role to staff and is intended to represent a wide variety of perspectives including that of area renters, service providers, affordable housing, public health, economic development and under-represented populations.
 - Will start meeting in April and every other month after for 16-18 months. There would also be educational and project events that the group would participate in.
 - The Statement of Interest to apply for the Advisory Group will be released at the end of this week.
- We're almost done adding new potential projects in the FY19-20 budget. We have two new proposals: (1) undertake work to remove zoning code barriers to shelter and other very low-income housing projects and (2) request from Commissioner Eudaly for BPS to undertake coordination of the City's anti-displacement policies from the Comp Plan. We won't know if these get funded until May, but these are two new potential updates.
- We have a new BPS director. Andrea Durbin, who leads the Oregon Environmental Council, will join us on April 18.

Consent Agenda

- Consideration of Minutes from the February 12, 2019 PSC meeting.

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

(Y7 – Baugh, Houck, Larsell, Quiñonez, Smith, Spevak, St Martin; A1 – Schultz)

Bike Parking Code

Briefing: Sara Wright, Phil Nameny; Liz Hormann, Sarah Figliozi (PBOT); Tate White (PP&R)

Presentation

Liz noted the three items for discussion today:

- Consent agenda.
- Staff amendments.
- Items for discussion.

Commissioner Spevak moved the full Consent List and Staff Amendments list for approval. *Commissioner Smith* seconded.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

There are 13 final PSC amendments for discussion tonight. Items 16 and 20 that were on the last work session agenda but have already been removed by *Commissioner Smith*.

Liz: We want to start with a discussion on in-unit bicycle parking – there are 5 amendments related to in-unit long term bicycle parking.

All of these amendments, including some the PSC has already voted on are very interrelated and some build off each other. Therefore, staff's recommendation is to walk through these amendments, frame the holistic context and then vote at the end of going through each amendment. Does that process sound okay? It might take a little more time, but hopefully will provide the full picture prior to voting.

Liz noted the PSC's votes from the previous work session, items 14 and 11. The PSC also discussed and voted on design standards for bicycle parking in-unit (item 10) – but staff would like to revisit those in a minute.

The remaining pieces are:

1. Accessibility standards for small site development with no elevators (#25).
2. For larger development (13 or more) – the percentage of allowable in-unit bicycle parking (#13).
3. Whether a different percentage of allowable in-unit bicycle parking for regulated affordable housing (#12).

Liz walked through the table on slide 7.

She noted that providing flexibility in implementation with standards for small sites, buildings without elevators and in-unit design standards is standing in direct contrast with code complexity and an increase in BDS permit review time.

Commissioner Smith: I did remove a few things, including something that can fit in the Bike Parking Manual instead of code. We do have multiple tools here.

10. Add design standards to in-unit bicycle parking.

On February 12, the PSC voted to add design standards to in-unit bicycle parking. Staff would like to re-visit this topic because we are afraid that the code language that was voted on, doesn't completely match the intent of the Option 1 that the PSC voted on.

Staff's understanding from the discussion and the vote, was that the PSC supported adding design standards for in-unit bicycle parking that included the bicycle parking area must be in a dedicated space, near the front door.

Therefore, staff have put together revised draft code language removing "room" and instead say "the bicycle parking is located in a closet or alcove", which we think would better match the intent and what we heard from PSC members. Since it is a proposed change, we wanted to allow room for more discussion and then eventually take another vote.

Staff have heard from users and property managers about a number of issues and challenges with in-unit bicycle parking. And it is for these reasons that the majority of other major cities do not allow bicycle parking spaces in an apartment unit or balcony to count toward required long-term bicycle parking.

While staff support the intent of this amendment to add design standards for in-unit bicycle parking to ensure the in-unit space is usable for tenants, we don't want this to distract from PBOT's position that required bicycle parking should not be in a residential unit. There are still accessibility concerns with having to bring the bikes into the unit. And as a reminder, the amount of required long-term bicycle parking was an aggregate for the building, not an expectation that each unit would have exactly 1.5 (or 1.1) bikes. The disaggregation of bicycle parking into private space, as opposed to a common (or multiple common) bike rooms results in less overall access to bike parking for people in apartment buildings.

Finally, there are concerns regarding the compounding of code complexity and enforceability of the proposed in-unit standards. As a reminder, we did remove the language "the rack cannot be removed" because all requirements in zoning codes must be implement, and it does not need to be specified for each requirement, e.g. we don't say the tree cannot be removed.

The new proposed language is shown with changes on slide 10.

Commissioner Smith: I started the process in the camp of what came out of the Bike Master Plan. I think my gut is still that position, but I have heard that some people are not happy with bike room security would rather have in-unit storage. We're either creating a new type of bike parking, or we're making a mistake. I am relatively open to the in-unit model if we have the clear intent that it's not in a bedroom.

Commissioner Smith: I move Option 1 (In-unit bicycle parking must be provided in a dedicated enclosed space and near the front door) as a substitute to last meeting's vote on Item 10. *Commissioner Baugh* seconded.

Commissioner Bachrach: I suggest getting rid of the 15-foot requirement. In a smaller unit, I don't want to prohibit having the option of in-unit parking.

Commissioner Quiñonez: What is the concern about the enforceability of this piece?

- Liz: Holistically this requires more detail and plans for BDS to review, so we might not see it come through in the end.

Chair Schultz: I think we can streamline the code elsewhere.

Commissioner Spevak: Vancouver BC does similar things in family housing in terms of being close to the door.

(Y8 – Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin; N1 – Bachrach)

The motion passed.

25. Small site exception to elevator standard.

Commissioner Bachrach proposed an amendment that for small sites (12 units and under [12-5 units]), that if a building has no elevator then the bicycle parking can be on the ground floor or on the floor directly above the ground floor.

PBOT and BPS staff do not support this amendment. A key component of the Code Update Project is regarding usability and accessibility of bicycle parking for people of all abilities and people with all types of bicycles.

The Comprehensive Plan 2035 Policy 9.61 states “In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.”

Therefore, to require that someone must carry a bicycle up a flight of stairs to reach the required bicycle parking falls very short of that policy goal.

Finally, this amendment adds considerable code complexity, which impacts review times.

Commissioner Houck: I recently bought an e-bike, and imagining having to walk up the stairs with this bike seems highly problematic to me.

Commissioner Bachrach withdrew the amendment.

13. In-Unit: Increase in-unit threshold to 50%

Commissioner Bortolazzo proposed an amendment that would allow up to 50% of required long-term bicycle parking to be provided within residential units. PBOT and BPS staff do not support the amendment.

As stated a before, we have seen and heard about the challenges to in-unit bicycle parking and do not support the further disaggregation of required bicycle parking into private living space.

Commissioner Baugh: Why do we want this increase?

- Liz: This would allow more flexibility for developers to put it in the unit instead of outside the unit.
- *Commissioner Smith*: To make percentages for the affordable market the same as market percentage.

Commissioner Smith proposed item 13 on behalf of *Commissioner Bortolazzo*. *Commissioner St Martin* seconded.

(Y8 – Bachrach, Baugh, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin; N – Houck)

The motion passed.

12. In-Unit: Remove exceptions for affordable housing developments

Commissioners Smith and *Bortolazzo* proposed amendments to remove the in-unit exceptions for affordable housing developments, so the same standards apply to market rate and affordable housing projects. PBOT and BPS staff recognize the importance of affordable transportation options for residents of affordable housing and the important role that dedicated, secure bicycle parking plays in the decision or even being able to ride a bicycle. The Proposed Draft language was worked on in collaboration with the Portland Housing

Bureau and was aiming to balance the need for bicycle parking with the overwhelming need for more regulated affordable housing units.

Commissioner Smith moved Item 12. *Commissioner Houck* seconded.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

6. Table 33.266-6 Parks & Open Area

[see slide 15 for options]

Commissioner Spevak has changed his amendment to maintain the short-term minimum of 2 spaces (1 rack) for parks and open areas, but then to add “or per CU review”.

PBOT staff are very appreciative of *Commissioner Spevak’s* amendment edit which reflects the feedback from PP&R – particularly in that the original Proposed Draft language set minimum standards that did not reflect the variety of sizes, uses, and visitor rates of parks in the bureau’s portfolio.

The Option 2 provided by staff, is the preference of PP&R.

Commissioner Spevak moved Option 1. I also recommend in our letter to Council that staff come up with a proposal for an IGA. *Commissioner Houck* seconded.

Commissioner Baugh: I was supportive of Option 2 with the IGA. It seems the bureaus are willing to cooperate, so I’d like to see this formalized.

- This would be a separate document or for us to provide methodology for how we adjust anything down on bike parking standards.

Commissioner Houck: If this was retroactive, I’d have a problem with it. But I support the minimum.

- Sarah: Code applies to existing parks if something triggers change.

Commissioner Smith: Your bureau has done a great job. My understanding is current code requires at least two space.

- Sarah: Today’s code is “per CU review”.

Commissioner Smith: What is a scenario when one staple wouldn’t be fitting?

- Tate: We just haven’t had enough time to review. Mill’s End is an example because it’s so tiny. There is also concern about our natural areas. We just haven’t had time to vet this proposal internally.

Chair Schultz: Is the Vera Katz pocket park a PP&R park? That’s also an interesting one.

- Tate: This is another example where we’re not sure of a code change. It would be reasonable to discuss this with PBOT staff before the project is at City Council.

Commissioner Spevak reconsidered and moved Option 2. *Commissioner Houck* seconded.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

7. Table 33.266-6 Schools K-12

Commissioner Smith proposed this amendment that would increase the amount of required long-term bicycle parking for Schools (K-12).

Commissioner Smith removed his proposal to double the amounts of required long-term bicycle parking for Schools and instead proposing an amendment that increases the amount of long-term spaces based on revised target mode split goals in Table 266-6.

Sarah: We reached out to schools, and overwhelmingly the concerns are about site constraints. Mode split is also a concern. But parents have said there isn't enough bike parking, which is similar to what the Safe Routes to Schools (SRTS) team hears.

Commissioner Smith: Last meeting when I introduced this, I was challenged by commissioners about the numbers. SRTS is putting in lots of effort and money to make walking and biking to schools safe, and these numbers are based on the SRTS goals around mode share.

Chair Schultz: How does the table correlate to this amendment?

- Liz: This is an error based on the previous suggestion from *Commissioner Smith*.

Commissioner St Martin: Does this get implemented retroactively?

- Sarah: No, this is just for new development and redevelopment (though that's capped at 10%). SRTS provides funding for bike parking.
- Liz: PBOT does donate racks to schools occasionally, but we still run into hurdles in terms of implementation and capacity.
- Sarah: We want to be careful and note that the proposed draft numbers are much higher than the numbers currently available in terms of space currently at schools.

Commissioner Baugh: It seems that the idea of space is lost. There is space for parking and buses, but then we're not investing in bike parking while we're trying to get people to walk and bike.

- Kat: On an urban site, they are constrained more so. Though I agree that most schools do have the capacity for more bike parking.

Commissioner Larsell: I'm curious about the same standards for K-5 and 6-8... for 6-8, I see kids riding to school individually, but not for the younger grades. So I'm not sure why we have the same standard for both grade groups.

- *Commissioner Smith*: This gives parents the option to ride with kids and leaving the student's bike at school.
- Liz: The number of classrooms in K-5 versus 6-8, the elementary schools typically have fewer classrooms.
- *Commissioner Spevak*: Schools change who they serve sometimes. So I like the single standard.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

9. Horizontal requirements for Elementary Schools K-5)

Chair Schultz proposed this amendment to specify that horizontal racks are required for students at Elementary and Middle Schools (Grades K-8).

Staff's original intention regarding the horizontal requirement for all grades was out of simplicity for code.

Chair Schultz: This is about urban high schools and understanding the site complexities, so some vertical racks in those situations can be helpful.

Chair Schultz moved item 9. *Commissioner Smith* seconded.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

15. E-bike standards

Commissioner Smith proposed an amendment to require electrical outlets in bike rooms, when more than 20 long-term bicycle parking spaces are required on a project. *Commissioner Smith* proposes Option 1.

- Option 1: Commissioner Smith's amendment – it would require electrical sockets for 20% of required long-term bicycle parking spaces; and the electrical sockets must be accessible to horizontal racks.
- Option 2: Staff Revised Amendment – it would require electrical sockets for 5% of required long-term bicycle parking spaces; and the electrical sockets must be accessible to horizontal racks.

Staff generally support the Option 2 because this seems to better match industry trends. However, there are significant implementation hurdles to adding electrical requirement review in Planning and Zoning. Electrical review is a Building Code issue.

BPS is currently scoping an electrical vehicle project, which will look to address some of the key implementation questions of electrical requirements in both zoning and building codes. The consideration of outlets in bicycle parking can and will be integrated into that project, which will look to more comprehensively assess and address implementation concerns and allow BPS and BDS to work through these hurdles together.

Commissioner Smith: I agree it would be better to solve this in the building code. But we've identified issues with building code and accessory structures for biking. Is there scope in the electrification project to more broadly include issues around bike parking and obstacles?

- Sara Wright: The project isn't looking to open the building code at this point.

Commissioner Smith moved option 2. *Commissioner Spevak* seconded.

Liz: The intent is that the socket is a single plug. Theoretically there could be an outlet with 4 sockets, so that would be considered 4. Absent a definition in code, we go to a dictionary definition. Staff can look at this before finalizing with the PSC.

Commissioner Quiñonez: how much does an average e-bike cost? I'm curious about who has access to buying them.

- Smith: At least \$1000. They are getting cheaper, but they are still expensive.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

18. Covered bicycle parking – required percentage

Chair Schultz proposed an amendment to revise the requirement that only 50% of required long-term bicycle parking should be covered.

Staff do not support this amendment.

The Proposed Draft included the requirement that 100% of long-term bicycle parking is covered in order to ensure that employees, students, multi-dwelling residents have the ability to protect their bicycles from the elements.

If approved, this amendment would also require a change to the Bicycle Parking Purpose Statement that says long-term bicycle parking is weather protected.

Chair Schultz: I have concerns about the 100% coverage. There are a couple of building code issues that make this complicated. Tight sites are particularly an issue.

Commissioner Smith: I share staff's concerns and I also note that we've allowed 50% in-unit. Then you could have 50% uncovered, which means no bike room. I do agree this could be an issue for small sites, so perhaps we can craft this as a small site exemption...?

- Liz: As part of the changes to other code areas, BHD and MUZ allow flexibility in set-backs.

Commissioner Baugh: We voted previously to increase the amount of parking, particularly in commercial buildings. It seems counter-productive, so if there's another solution for small sites, that could be a better option to address concerns.

Commissioner Spevak: I agree with the concerns. But if you have a small situation and you're weighing appeals for flexibility, I'm wondering if this provides leverage for the building code appeal.

- Schultz: No. It's not something jurisdictional; it's not appealable.

Chair Schultz moved to include 75% coverage instead of the originally-proposed 100%. *Commissioner Bachrach* seconded.

(Y3 – Bachrach, Schultz, St Martin; N6 – Baugh, Houck, Larsell, Quiñonez, Smith, Spevak)

The motion did not pass.

21. Create a right in zoning code that building managers cannot prevent people from bringing bikes into buildings.

Commissioner Smith proposed an amendment to add code language that would prevent building managers from prohibiting people from bringing bikes into their units if they choose.

The amendment would add a new section to 33.266 to ensure that people can park bikes in any area of a building.

BPS and PBOT staff strongly oppose this amendment. This is not within the purview of the zoning code. If the bicycle parking in question is required by the zoning code, then it must be available to tenants. If the bicycle parking is not required, because the property has legal nonconforming status or has built additional non-required bicycle parking, or the tenant wants to park a bicycle in their unit or another place that is not designated for required bicycle parking, the zoning code does not have jurisdiction.

Commissioner Smith: Items 21 and 22 are ones I didn't reach agreement with staff. I agree that this is not parking. It was very deliberate to use the word "storage". We're going to have many buildings that don't support our mode share goals, so people will have to store bikes somewhere.

Commissioner Smith moved Item 21. *Commissioner Houck* seconded.

Commissioner Baugh: I appreciate what you're trying to do, but testimony has been about market forces driving bike parking. I'd rather look at the market forces initially at least to take care of this.

Commissioner Smith: Market forces are in operation in the Central City, but we didn't hear about elsewhere. The market is catering to a specific

Commissioner Quiñonez: I appreciate the sentiment. As a tenant it would be hard to hold your landlord to this, so I'm curious how that would play out.

Commissioner Spevak: I'm not seeing the distinction between a new building and an old one. If this is going to be in code, it feels like it's in property maintenance code. What is the line?

- Sara: This is about behavior of the tenant and landlord, and it's not something that anyone in the City could enforce in terms of zoning code compliance officers.
- Joe: Code complexity in this part of the code versus other parts of the code, rules for enforcement, and other sections are issues here. We're sending a message that we're not putting in anything enforceable and we're adding unnecessary complexity with this. We can't enforce this if someone files a complaint.

Commissioner Smith withdrew the amendment.

22. *Bike parking allowed in motor vehicle parking areas.*

Commissioner Smith proposed an amendment that would allow bicycle parking in motor vehicle parking areas, for example, in situations like a condominium where an individual has control on a single parking space that they could convert that parking space to bike parking.

The amendment adds language to the Motor Vehicle Parking – General Regulations (33.266.100) to ensure parking bicycles is allowed in motor vehicle parking areas.

PBOT and BPS staff strongly oppose this amendment. The zoning code does not have jurisdiction over the behavior of people. How deeded parking in a condominium building is assigned and treated is the jurisdiction of private contracts, not the zoning code.

Additionally, the Proposed Code already allows the following in parking areas:

1. Replacement of parking areas with non-required bicycle parking – bicycle parking may substitute for up to 25% of required parking spaces.
2. Replacement of existing parking areas with required bicycle parking – existing required parking spaces may be converted to bicycle parking to accommodate required bicycle parking minimums.

Commissioner Smith: The last building boom in Portland was 1 bike parking space for 4 units. So lots of condos have 1:1 auto and 1:4 bike parking. I want people to have the choice here to park a bicycle. There is definite language in the code that says what you can and can't do with auto parking spaces. I'm looking to clearly allow bike parking. But I want to distinguish between where an individual is control of the space versus where an individual is in control.

Commissioner Smith moved Item 22. *Chair Schultz* seconded.

Chair Schultz: The piece in the code is for required parking spaces.

- Phil: Staff opposes this. The provision about what you can use parking for is in the residential zones to prohibit people from parking things like tractors. If parking is not required, there is nothing keeping people from putting a bike rack in that space. The question would be between the condo association or building manager.

Commissioner Spevak: I agree with staff; my instinct is to have the Zoning Code remain silent on this issue.

Chair Schultz: I also agree with staff, and I have struggled with putting language into the code that isn't land-use oriented.

(Y1 – Smith; N8 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Spevak, St Martin, Schultz)

The motion did not pass.

23. Define "bicycle".

Commissioner Smith proposed an amendment to define the term bicycle in the zoning code. This amendment adds language to the Purpose Statement under 33.266.210 to define the types of bicycles that the bicycle parking standards apply to. The list includes, but is not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bikes.

Commissioner Smith: This was expressed differently as a definition last time. We worked together, and I want to be very clear of the inclusive intent of what bicycle parking includes. I would include unicycles but not scooters that are full motor- or engine-powered.

Commissioner Smith moved Item 23. *Commissioner Spevak* seconded.

(Y9 – Bachrach, Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin)

The motion passed.

24. Short-term additional development standards for Retail Sales and Services: security camera

Commissioner Larsell proposed to require a security camera for Retail Sales and Services projects that require 10 or more short-term bicycle parking spaces.

Staff appreciate the intent of this amendment, and to address some of the specific security concerns

Commissioner Larsell has identified with short-term bicycle parking at larger retail stores. However, there are some concerns that this amendment adds to the overall code complexity and that it will be difficult to enforce wither the security camera is operable throughout the lifetime of the building.

Commissioner Larsell: Much of what we've looked at is long-term. But in terms of short-term, I've had numerous friends think that it's safe to park bikes close to a building. This is mostly about big establishments where parking your bike isn't always safe.

Commissioner Larsell moved Item 24. *Chair Schultz* seconded.

Commissioner Smith: I appreciate this very much in terms of security, but it's similar to the amendment that I ultimately withdrew and put in the Bicycle Parking Manual instead. Would this be better in the manual than in code?

- Sarah: Staff feels this is better for the manual than in code. The manual is applicant- and reader-friendly.

Commissioner Larsell: Something I was thinking about is that larger sites do already have security features, so adding a camera doesn't seem like a bit incurrance.

Commissioner Spevak: Sometimes the cameras aren't really that substantial. They can be effective in deterring, but they're not necessarily useful in terms of getting bang for your buck in terms of actually catching anyone. In the code, it wouldn't be taken seriously.

Commissioner Baugh: This is really for big box stores and less applicable in the Central City. It seems that it's trying to give people some opportunities to feel safe parking their bikes. This wouldn't be a big burden to the stores, and if it's the deterrent you're looking for. So I'd support that.

Chair Schultz: The language that concerns me is "monitored" by a security camera.

(Y3 – Baugh, Larsell, Smith; N6 – Bachrach, Houck, Quiñonez, Spevak, St Martin, Schultz)

The motion failed, but the concept will be included in the manual instead.

Final Recommendation Vote

Commissioner Smith moved to recommend the Bike Parking Code Update project, including the consent agenda and the staff amendments, as well as the full package as amended today. *Chair Schultz* seconded.

(Y8 – Baugh, Houck, Larsell, Quiñonez, Schultz, Smith, Spevak, St Martin; N1 – Bachrach)

The motion passed.

Residential Infill Project: Revised Proposed Draft

Work Session: Sandra Wood, Morgan Tracy, Tyler Bump; Matt Tschabold (PHB)

Presentation

Disclosures

Chair Schultz: While it's not clear whether the proposed changes create a potential conflict of interest for PSC members because the changes affect such a broad class of property owners in single-family zones, in the interest of transparency, we have the following declarations:

- Commissioners *Smith, Baugh, Quiñonez* and *Bachrach* do not own properties in single-family zones in Portland.
- All other PSC Commissioners own between 1 and 3 properties that are in single-family zones.

Sandra provided an overview of today's agenda:

Displacement Risk Analysis

- *Discovery/Understanding*
- Impact on Communities of Color
- Overview of existing anti-displacement programs

Potential Amendments

Tyler shared the map (slide 5) with a focus on communities of color. This was an input we used as part of the vulnerability focus that we use to evaluate our projects.

The next slide shows tract level displacement increases or decreases across the city regardless of if there is a higher population of communities of color.

Slide 7 includes low-income risk data and the higher share of communities of color. It shows 157 households with less displacement risk under RIP, but we can't break out by income or race; slide 8 is the inverse, showing 73 households with more displacement risk.

Combining slides 7 and 8, slide 9 shows about a reduction of 84 households at risk for displacement in those tracts with higher shares of communities of color under RIP.

The numbers are over the time range, with the base year 2015, looking out to 2035.

Commissioner Houck: I grew up in outer southeast Portland and know there are a lot of low-income white folk out there who are renters. I am pleased that you are looking at displacement for both low income renters who may be white as well as communities of color.

Commissioner Quiñonez: Are there examples of other displacement risk analysis here or elsewhere that have been totally off in their assessments?

- Tyler: This is quite new analysis. Seattle used a similar review last year. The quality of the information we have and our best guesses are promising to feeling confident about the numbers.

Tyler walked through a drill-down on a few areas that have the biggest increases on displacement risk based on RIP.

Commissioner Baugh: In these areas because of the increase in Latino and Asian populations, are you saying displacement is disproportional because of this?

- Tyler: It could be. But we don't have that level of detail or direct connection because the margin of error is too great to confirm.

Chair Schultz: You're looking at individuals who will be displaced. We also recognize we're creating more and diverse units while displacement happens in those locations. Are there more units being created they can rent to potentially stay in the neighborhoods? If we're looking at about 73 households being displaced, that's about 5 households per year between now and 2035. So I'm thinking if we're going to be building that many or more units in the same neighborhood in that same time span?

- Tyler: We looked at average rents in these neighborhoods, which are about 90% MFI for single-family rentals. This is in the range of what we think the range for a rental is in these neighborhoods. The issue is the timing for the family being displaced and when the new housing is actually built.

Commissioner Spevak: I'm glad we're looking at these neighborhoods. I'm hopeful you can also share where there are a high number of persons of color that are fairing better with RIP than under current code. What areas end up better? These are small numbers, but the reality is that many people are being displaced from all over the city, correct?

- Tyler: Yes. This shows the change over the baseline. The blue map (slide 7) shows these decreases. We're creating more likelihood for development in inner neighborhoods that otherwise wouldn't exist, so that's where the reduction comes from. We're pulling out a bigger glass, so there is less overflow overall.

Commissioner Baugh: You had said at 90% people being displaced could move into the new places.

- Tyler: We've looked into incomes and average rents in these areas, and the cost is about the same as today. We know people are still cost-burdened in these areas. But these new units are coming in at the same prices as we see today. Yes, these people are still at risk due to the rent burden.

Commissioner St Martin: The number of people who can live in a single-family rental is different from those who can live in a duplex or triplex.

- Sandra: It would be allowed per rules, but yes, there is less space.

Commissioner Quiñonez: Do people have data on how many families are doubled-up in homes? In Lents, the elementary school is Spanish immersion. So we should keep in mind that displacement has a larger community impact.

Joe: When you look at the blue areas, part of the reason we see less displacement risk is because there is less competition for single-family houses in these areas. So that's what RIP accomplishes. The challenge is to drill down more on is if the project also has a geographic impact that's unfair to communities of color. We've seen here that it does somewhat (that the areas that see a net increase are predominantly also areas with higher shares of persons of color), but it's not disproportionate (when comparing the overall increase against decrease in tracts with higher shares of people of color). And we can focus in on areas like Lents and Brentwood-Darlington. Especially in these areas, we have to do more to lower the inherent inequity of what happens in the housing market and where we can address particular situations.

Matt noted the approach that jurisdictions generally take in terms of displacement are in (1) responsibilities and obligations of landlords/tenants and (2) programs and services offered.

Today we have effectively a landlord being able to increase rent however much they want and removing a renter for cause or for no cause. In Portland, 90 days is required for an eviction notification. City relocation assistance has been in place since 2017 for specific cases.

SB608 recently passed through the Senate and today through the House. The governor is expected to sign it soon. It states that in the first 12 months of occupancy, landlord can evict without cause. After 12 months, the ability to remove a renter with no cause goes away. A landlord can remove for-cause (lease violation, non-payment of rent, etc), but there are 4 qualifying landlord reasons to remove a tenant. This significantly changes the tenant-renter relationship.

We're currently in discussions because the City relocation assistance requirement was developed before the Senate Bill. So there could be a scenario under the new rules where they wouldn't have to pay relocation assistance. We're still looking into this.

Commissioner Spevak: My understanding is that SB sets a minimum level of tenant protections but doesn't pre-empt local governments from going applying stricter rules locally.

Many members use no-cause evictions because it's easier. Under the new law, if it's signed, a landlord will have to do a for-cause or a qualifying reason to evict. Mass no-cause evictions will end under this bill.

Commissioner Quinonez: Within SB608, I don't know who will be tracking or verifying who moves in (if it is actually a family member moving in or not). It's been difficult for Portland tenants to actually get the qualification information from their landlord. Many of the most vulnerable tenants don't have access to legal services, so this is difficult.

Matt provided an overview of PHB's services.

- Affordable multi-family development.
- Joint Office of Homeless Services.
- Home ownership and homeowner stabilization grants.
- Rental Services Office.

Commissioner St Martin: On the home repair services, do you also do counseling?

- Matt: We fund providers who do some counseling services, but it's traditionally around mortgage funding.

Commissioner Baugh: Relocation assistance won't affect RIP, correct?

- Matt: State requirements exempt 4-units or fewer. But if the landlord owns multiple sites, then they potentially own more units and are not exempt from providing relocation assistance.

Commissioner Spevak: Displacement is rampant under existing single-dwelling zoning. Although under RIP, we'd decrease displacement somewhat in comparison to the status quo, it would still exceed the capacity of PHB's anti-displacement resources and programs. Tenants support housing options. It's also intriguing that the City has invited PSC to be part of a convening for the anti-displacement work. RIP might allow us to focus on areas that are more at risk.

Commissioner St Martin: When we looked at Tyler's analysis, does that fit with the PHB on-the-ground experience? Yes. Perhaps there are different cultural approaches based on how we help people.

- We do contract with culturally-specific providers.

Commissioner Larsell: If you didn't have to cost it all out, what would you advise in terms of programs to implement? Also, it looks like there are three areas of the city that are most affected; how does PHB best serve these areas?

- Matt: Assuming households are renters, through landlord-tenant law or land use and zoning, if that can't prevent them from being displaced, they'll be seeking new affordable housing and some financial assistance. I think we have the right programming, but it's a matter of scaling it up. We'd want to ensure they get education and legal assistance. There are always community-specific services we could be looking at e.g. estate planning and homeownership. We have the N/NE housing strategy, which has been a good pairing of working with the community to put specific programs in place. This needs a specific allocation of funds to build programs specific to the area, which is the approach we'd want to take.

Commissioner Houck: Outside of the PHB budget, are there plans to up the capacity of other groups like the Portland Housing Center and Rose CDC that can provide services?

- Matt: The governor's budget currently being deliberated has a significant increase in capital funding for affordable housing development as well as allocation of funds for some homeownership organizations and anti-displacement work.

Morgan: The PSC is aware of the housing situation and pressure on vulnerable communities. So Matt's framing helps us see the larger picture.

Sandra: PHB is looking at a bigger umbrella, and we're looking at specific areas in RIP. Other projects are looking at other scenarios. So the next steps are to talk about what is the PSC's charge, and what are we addressing? Some things we heard from the previous discussion revolve around:

- Geographic responsibility for RIP.
- Proportionate impact.
- Retaining community.
- Housing opportunities for renters.
- Housing options for owners.

Joe: Maybe the threshold is that we've looked at benefits in terms of increasing housing supply through RIP and increasing smaller units and variety. The second round, drilling more specifically, is that we can't show a disproportionate impact on households of color. All of this is in the context that the city ends up with more units and smaller units. Is that sufficient a finding to support RIP moving forward as an approach? Is there also a finding that mitigation needs to be developed and focused on the higher impact areas? That is enough to move forward, and we'll continue to work on the specific language.

Chair Schultz: In general, I feel that the citywide net decrease is a positive reason to move forward. The fact that we've identified certain communities to be aware of is where I want to think about and work on. How do we encourage other ways to mitigate displacement and not lose track of the communities that need work to be done?

Commissioner Spevak: I agree. And I think looking at mitigation should be overlaid with the Better Housing by Design project.

Commissioner Bachrach: I agree as well. I don't think there's enough tangible data for us to consider anything else.

Commissioner St Martin: It's unsatisfying. We've explored lots of things, and there are some improvements in the quantity of homes. But the piece that I see missing is helping existing homeowners stay in their homes. That would be most satisfying, so I'd like to see some recommendations in this area.

Commissioner Houck: I agree with the Chair and *Commissioner Spevak*, and I think we need to move forward.

Commissioner Smith: This seems like more of a philosophy problem. We clearly don't have the granularity, so we're talking about probabilities. We are seeing that some geographic areas suffer more for the greater good. But I do think we need to continue to move forward. I know we want to ask PHB to help these specific areas, but we know the bureau has many competing priorities. So I'd make the request but have low expectations for the outcome.

Commissioner Baugh: It's disappointing. RIP is agreeing to displace minorities as part of a policy while creating additional opportunities for some. One person being displaced is too many. We don't have to put RIP in all areas of the city. The greater good is not the greater good if there's a loss.

Commissioner Larsell: I started out very conservative on this project, but what has changed my mind a lot is the recent analysis. I am frustrated we only get to change part of the system. I know we can ask for the mitigation, but we still don't have control over it. I also agree that we're not yet seeing any programs to help homeowners, and I think that's also really important.

Commissioner Quiñonez: Thank you to staff and the PSC for working on this for so long. It is a bit underwhelming given the gravity of our housing crisis and those most impacted by it. Data analysis and

modeling is imperfect, so I know there is quite a bit we don't know, and we don't know what the unintended consequences may be.

Sandra: We know this is lots of information and a new analysis. We'll have more to come with different projects as we hone in on doing this better in the future. Generally given this analysis, the PSC is ready to move forward to our discussion about zoning code amendments.

We have heard from commissioners about 12 proposed amendments. With tonight's remaining time, I suggest we look at a subset of the amendments and then write up specific amendments with the commissioners who have proposed them before the next work session.

Proposed Amendments for straw polls

2. *Delete requirement for larger lot sizes for 3 or 4 units. (33.110.265.E.2) [Commissioner Smith]*

Commissioner Smith withdrew this amendment.

3. *Base the size of the detached ADU on the larger, not smaller, duplex unit. (33.205.040.C.2) [Commissioner Smith]*

Commissioner Smith: My understanding of the percentage limit is about visually which structure is predominant. As proposed, the ADU size is based on the living area of the smaller duplex unit. This is a greater limitation that a detached ADU would have with a house.

Morgan: This is about addressing the relative size of the ADU. Staff has concern about basing this on the structure size. The mass and scale issue is part of it. When we say "ADU", "accessory" is a key word, the dwelling unit has to "accessory" to something.

Sandra: We are proposing to update the Comp Plan language. We need the definition in the Zoning Code. If we strike "smaller", we're left with "dwelling unit", which then has no relationship to the housing unit, when SDCs are waived for ADUs, etc.

Chair Schultz: When you talk about a house with 2 ADUs, is that house with a unit in the basement? Could it also be a duplex?

- Morgan: Yes, it could be either.

Commissioner Spevak: I agree in principle with *Commissioner Smith*, but RIP doesn't quite get us there. But if it creates too much angst, I would support what staff originally had in here. I'm ok with where we are right now. I think the code should evolve to talk about the massing of the structure.

There is an 800 square-foot cap regardless. The ADU is smaller than one of the two units.

Straw poll: base the size of the detached unit on a percentage of the structure, not the unit, with an 800 square-foot cap regardless (3 / not approved).

Straw poll: is the PSC supportive of basing the ADU size on the larger of the unit? (6 / yes).

Staff will continue to work on this with language and will work with *Commissioner Smith* to further flesh this out.

5. Provide an exception to FAR maximums when adding a detached ADU to sites with existing large houses (33.110.210) [Commissioners Smith, Spevak]

When an existing house is already at or above the FAR allowed for a 2nd (or 3rd) unit, this change will permit additional square footage to provide a detached ADU.

Commissioner Spevak: I'm not wedded to this one. The balance is that we heard feedback about how large houses are getting, and adding an ADU would increase that.

Commissioner Smith: My rationale is that it's legal today, but we're making it illegal while trying to create more units overall.

Sandra: You get the .5 FAR and bonus of .1 for conserving plus adding the ADU, so you're up to .68 FAR at the minimum that's conforming.

Commissioners *Smith* and *Spevak* withdrew the amendment.

6. Add allowance for 250 square feet for a garage, above FAR max (33.110.210). [Bachrach]

The proposed FAR in the R5 zone of 0.5 for a single house – a 2,500 square-foot house on a standard 5,000 square-foot lot – is a significant reduction over what is currently allowed. The proposal to allow garages up to 250 square feet to not count as part of the FAR calculation is intended to provide a modest accommodation for home buyers wanting a garage, either to accommodate a car or additional storage.

Morgan: There is already an escalating FAR system built in for additional unit. So this creates the need for a decision about where we put this on par with other FAR bonuses. Is it as important, so you could either do more units or the extra garage? Or is it more important, so that you get this on top of everything else?

Commissioner Bachrach: We don't count FAR for attic or basement, so we've taken the size of a family-sized house and reduced that. There is a market demand for a larger-sized single-family house, and we're restricting that with the proposal. My thinking on the garage is that homebuyers still want a garage. It's not incentivizing more cars, but it's recognizing the demand.

Commissioner Smith: What does RIP say generally about structures that are not dwelling units?

- Morgan: They all count towards FAR.

Chair Schultz: This is like a great work-around.

Commissioner St Martin: With the changes to parking and curb cuts are garages still possible?

- Morgan: Garages are more limited but generally still allowed. It does get a bit challenging with the four-plex.

Commissioner Spevak: If it's going to be a dwelling unit, make it a dwelling unit and a less expensive housing option in the neighborhood. I don't think 2500 square feet is too small. I'm inclined to keep our number where it is.

Straw poll on the amendment: 2 / not approved.

Chair Schultz: The Residential Infill Project is continued to the March 12, 2019 PSC meeting.

Adjourn

Chair Schultz adjourned the meeting at 8:10 p.m.

Submitted by Julie Ocken