

Portland Planning and Sustainability Commission

January 7, 2020

1:00 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach, Mike Houck, Katie Larsell, Akasha Lawrence Spence, Oriana Magnera, Daisy Quiñonez, Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak

Commissioners Absent: Ben Bortolazzo

City Staff: Andrea Durbin, Joe Zehnder, Donnie Oliveira, Sandra Wood, Julie Ocken; Sam Diaz, Jamal Fox, Amanda Watson (Mayor's Office); Courtney Duke (PBOT)

Documents for today's meeting

Overview and Introductions

Commissioners and staff introduced themselves.

Andrea welcomed the commissioners and provided an overview of the afternoon. This session is timed about eight months after our newest commissioners have joined the PSC and Andrea has been the BPS Director. Today is an opportunity to ask questions and share ideas. We want to create space for commissioners to express their interests and passions while doing the work the PSC is committed to doing. This is a learning experience for everyone and how we work together to be as effective as possible as the PSC... influential, relevant, and credible.

Review of the BPS ground rules.

PSC' Role

Sandra shared the PSC Bylaws and walked through the Purpose statement:

The Planning and Sustainability Commission advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. In making recommendations and decisions, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for the stewardship, development and maintenance of the City's Comprehensive Plan, Climate Action Plan, and zoning code. The Commission is committed to effective public involvement and leadership in its work and in the decisions it considers. (33.710.040.A)

The Powers and Duties immediately follow:

1. Holding hearings and making recommendations on all policy matters related to the Comprehensive Plan; the Climate Action Plan, the zoning code; significant transportation and sustainable development policies, projects, and issues; street vacations; sign

regulations, and renaming city streets;

2. Advising the City Council on plans and policies regarding such issues as land use, zoning, housing, energy, transportation, urban renewal, urban design, equity, economic development, public buildings, climate change, sustainable development, environmental protection, resource conservation, and other policies of citywide interest;

3. Articulating and guiding the City's long-range goals, policies, and programs for developing and achieving sustainable communities; and

4. Developing opportunities for community members to learn about principles, policies, and programs that promote sustainable practices and development.

The other handouts include a visual of the Legislative Process. The PSC is one step in the process.

Chair Schultz: Who decides that a specific legislative project needs to happen?

- Sandra: Often it's because Council members are hearing a concern from a lot of constituents. It then gets added to the budget and staff start work on the project. If the state, feds, FEMA, Metro, etc, change a process or rule, then we follow suit.

Chair Schultz: So much of the workplan is developed and "baked" before the PSC weighs in due to the pipeline of required projects.

Joe: The legislative process role is required, so there is sometimes a tension. When there is space on your agenda, other projects bubble up, usually through Commission and BPS leadership. The other place that fills the PSC pipeline is the BPS workplan. We are trying to work with our Budget Advisory Committee going forward to open up the workplan.

Commissioner Magnera: Where can we address scoping of projects? Most things come to us already baked, and if we had an input earlier, we could help you have a better relationship with us on the dais.

- Joe: This does sometimes happen for larger-scale projects. We have heard this from past commissions.
- Sandra: We are now going to the CIC with our public involvement process. It's been hit-or-miss if that part comes to the PSC.

Sandra highlighted the list of projects that have come before the PSC since 2017. The ones that are shaded are projects that need the PSC's recommendation before the project goes to Council. The Historic Code project is one that came before the PSC in the scoping phase and will now be coming this spring as a code project.

Commissioners discussed how to be more involved in projects early on without feeling overwhelmed by the work.

Commissioner Smith: Don't be afraid to get involved when the Discussion Draft is published. Staff welcomes input at that draft before then revise and send the Proposed Draft to the PSC.

Commissioner Spevak: We haven't been doing presentations at City Council. But we may want to do this to be proactive to say what the PSC wants to take on in future years.

Joe: We want to be cognizant about having hearings at the PSC (signifying a land use decision) but can check with the City Attorneys about the best way to have PSC input with public input for projects that are not land use (only) decisions.

Commissioner Larsell: I'd love to hear when Discussion Drafts are published. We tend to be focused on what is coming to the PSC and don't necessarily have the background or knowledge to look at the early versions.

- Sandra: We (staff) can be more proactive about letting the PSC know when Discussion Drafts are published via the Director's Report and email.

Commissioner Smith: I don't know what the criteria is for which sustainability projects come before us. I do see we now have quarterly updates on the tentative schedule for climate and sustainability projects, so that's good.

Officers can begin to include conversations about climate projects at their briefings to see what will be brought before the PSC. We will also be incorporating specific components about climate and energy within the planning projects that come to the PSC.

Andrea: When the PSC has conversations about legislating policy, we need to have conversations and process... not just make a recommendation during a meeting without public process. That will be important moving forward – we need to be sure we're following legislative process.

Commissioner Smith: We now have 10 years to decarbonize the economy. To what extent does that give us leeway? Is there a way to make this go faster?

- Andrea: When we don't follow process requirements, that is an issue. We need to be intentional and clear about quickening our pace while abiding by the rules.

Commissioner Spevak: My understanding is the Council flipped that the first time the Tree Code went through. So what is the difference there?

- Joe: When you're considering amendments, that's fair game. When we're opening the door for something that is limited to a particular piece of the code, if there is a new issue without the background, there is a process foul as well as an issue in the lack of outreach to affected groups.

Chair Schultz: As a recommending body, Council could say, that's a process foul, we'll review that in a second round. I understand Council may not want us to act that way, but in a way this is the PSC signaling to Council that it's important for us.

Council Needs and Expectations

Sam introduced Amanda as the new climate policy lead for the Mayor's office. He reminded the PSC of the broad portfolio of what came through Council via the PSC in 2019. You've influenced the budget and the administration's input on the budget and anti-displacement – thank you. When you come to Council, you change the dynamic with such a credibility to the Council discussions that help us prevent spinning in City Hall.

The PSC is a place for due-diligence, community engagement, and technical expertise. I hope there are creative solutions to work on talking through.

We appreciate the diversity of professional and personal backgrounds on the PSC. It's an asset to have the tough conversations that may take time.

Please keep connecting the dots between land use and social equity and land use and climate. It provides for dynamic conversations that are necessary. We hope to have other bureaus come before the PSC so you can continue to provide your input and have conversations with other bureaus and their work. Mayor's staff is here as a resource to support these connections.

I also want to be mindful of the implementation aspects of policies as well. We hear from BDS and PHB on how the policy goes (e.g. with inclusionary housing). As much as it is helpful, I hope we can start connecting these bureaus to the conversations, so you get a sense of what it looks like day-to-day once the policy is in effect.

Chair Schultz: I see lots of what the PSC is doing is taking the early hits for Council. It's a little of how I see our hearing role and what we're sussing out – what are the hot topics for the public that Council may hear. What I haven't heard is when we're working on something and what Council may want us to ask or poke at that you may be wrestling with when projects are coming our way prior to Council. It would be great to have your feedback as we're working on it.

- Sam: The approach has been to respect your process without getting our hands in it. We also don't want to tier or prioritize input before it comes to Council. The dynamics at City Hall are going to be a bit all over the place in the next few months for sure. Schedule briefings early and don't wait until the last minute to get a sense of where the offices are.

Commissioners Lawrence Spence and Quiñonez: What would happen if there are staff changes – what are the implications? Our purview is small to some degree, and when we look at equity and displacement implications, how does that play out with other bureaus? Do we need to have liaisons from the PSC to other groups or bureaus?

- Sam: Relationship-building is important. I am the liaison to both BDS and BPS, so informal discussions can be the start. An example is that BDS does "ride alongs" at the counter, which could be a way to look and ease into it. How do we fuse bureaus that are very related to work more closely together to understand all the implications?
- Sandra: On the staff level, we coordinate very closely. Many BPS staff used to be at BDS at the counter. Code editors all work shifts at the counter to continue to learn and understand. When we do project scoping, we always have a BDS planner as part of the core project team.

Commissioner Bachrach: BDS staffs DRAC, which has a number of staff, public, and liaisons (me to the PSC) involved.

- Courtney: My concern about the informal relationships is that when the current staff leave, these will change.

Commissioner Lawrence Spence: Our work has implications for lots of bureaus. What are the processes to speak to the different bureaus that have purview over what we recommend so we can take those lessons forward?

Commissioner Magnera: I worry that public process sometimes values some voices over others. We aren't necessarily accounting for that in an effective way. I want to ensure we're approaching the public process equitably.

- Sam: Tree Code for example is that we're reading the PSC's and UFC's recommendations and opening those up to the public, getting it out as much as possible. The tallying isn't necessarily something I do as a staffer for the Mayor in part because we do have a definition around equity and one around displacement. We have the stated goals for where we want to go. As long as we have the green light (e.g. recommendation letters), that's the way forward. One of the pieces of feedback I have gotten is that there is a black box between the PSC recommendation and City Council hearings. Groups go in and lobby, and the public doesn't know what's being said within City Hall. Part of our job is to make sure we're posting the actual proposed amendments to make sure it's accessible and transparent. This is new and has been heard as being helpful in the recent work (e.g. Tree Code). I am open to other ideas for engagement to respond to that feeling as well. The initial outreach should be at the scoping phase so that it's not the Mayor's office saying what organizations should prioritize.

Commissioner Smith: Staff touch more people at the beginning of a project that typically shrinks as the project goes through the PSC and Council. At the end, it's the power players talking at Council. I am aware and make sure the advocates (not lobbyists) are aware. I think of this as a balancing.

- Amanda: That's part of the role of the CIC in terms of outreach to the less advantaged groups and keeping them informed as projects move forward.

Andrea: We've heard this comment about bringing "Council ready" projects to Council. What advice can the Mayor's office provide about this?

- Sam: The Bike Parking Code Update – you all had a lengthy debate around "alcove". Because it is on record and you had the intentional conversation and decision, our recommendation was to defer to the PSC. So when lobbyists came to City Hall, we were able to have a coordinated front. On the other side is the Tree Code extension and resolution. That has drawn a lot of legal questions about removing the exemption. That wasn't a Council-ready recommendation; City Attorneys noted that if we had been sued, we would have lots. This is about bringing a defensible project to Council. We will be coming back to the PSC and UFC per Title 11 with the Tree Code. We don't want to waste public resources, time, or credibility to pass those. Including options lead to spinning at City Hall, so it's difficult to receive that and move forward.

Commissioner Smith: I'm glad you heard what the rationale behind our RIP 5-4 vote was. We did a better job with the West Hayden Island vote, and we very deliberately split it into two votes. So for the new leadership, I'd ask that you to recognize that we get strong votes on the things that matter. Many of us were surprised with the split RIP vote.

Advocacy on the Commission

Commissioners shared a few ideas and insights.

Commissioner Smith: It's interesting walking the line between advocacy and being a PSC members. I was agitating for a number of years with staff (e.g. bike parking) and being a liaison with staff. It's a little trickier when I'm advocating on work against the Commission (e.g. the freeway I the N/NE Quadrant plan). Largely I can do this outside of the Commission, aside from when the project comes before the PSC (e.g. asking for an EIS from ODOT). I know that might have been a bit uncomfortable with members of the Commission.

Commissioner Houck: When the PC and the SDC merged, I was asked to join the PSC. One of the conditions I imposed was that I didn't want to be on the Commission if all we saw was code and land use. I have similar ways of advocating and communicating as *Commissioner Smith* does. I actually talk with staff to get my questions on the table, and that has been really important. I've never gone to Council as a Commissioner.

Commissioner Spevak: Before joining the PSC, I talked with *Commissioner Houck* and received good advice. I went media silent during deliberations, which you might not have to do – but I did as to not spite the project. I'm thrilled with our three new commissioners who are all advocates. Be aware of your hats and perceptions. It's fair for us to bring things to the table, but it's more powerful when the ideas come to us from the public.

Commissioner Smith: The Mayor and Council is obviously aware we are advocates.

Chair Schultz: I have a sense of responsibility that I want to be an advocate, but I want to represent where the PSC is. By the time we decide, or I hear about the direction the PSC has decided to go, that is the direction I take and represent (e.g. at Council).

Commissioner Bachrach: I think it's better to not have a strong advocate as Chair, and *Chair Schultz* has done this well.

Commissioner Routh: A question I ask is "what flavor of advocacy at what phase of a project?" After our PSC recommendation, what then?

- *Commissioner Larsell:* You can go to individual Council members after and advocate. They know who you are, but if it's your personal opinion or work, you go as them.
- *Joe:* There was a cultural shift when I came here. Staff is carrying the PSC recommendation to Council, even if I disagree with it. The Council respects the Commission. It's the stature of how the PSC works together. From watching the PSC work over the years, we deliberate so well – it's quite impressive when you're really on it. Voices are open and heard. That is also part of your strength.

Commissioner Lawrence Spence: I think it depends on the project. For RIP, I'll be speaking on behalf of another group, but not on behalf of the PSC. I wasn't even on the PSC when that vote occurred.

- *Joe:* PSC members often testify as individuals. Just be clear which hat you're wearing.

It is a best practice to let the Chair, Director, and Julie know if you are planning on testifying on your own (or another organization's) behalf.

Commissioner Spevak: We're all advocates for the Comp Plan as PSC members. When we have a recommendation, we're advocating for recommendation. We also have individual advocacy hats separate from the Commission.

Commissioner Bachrach: If our letter has a comment about the minority vote, I don't think it undermines the PSC's recommendation if that commissioner expands on their position.

- *Chair Schultz:* The difficult part would be if I'm sharing the PSC's recommendation and a number of the dissenting voters all go to testify, then there is more testimony against what we've recommended. That is a difficult situation, which is why giving staff and the Chair a heads-up is important.

Andrea: When commissioners are talking to the media, there is a distinction between the deliberation process and after decisions are made.

Donnie acknowledged the PSC members' work as experts and advocates. We're not talking about your role not wearing the commissioner hat. The media comes into play because we're trying to solve for a number of things. Staff is here to help with a consistent message to the public, which is difficult sometimes. You also have a platform: anything you say in a meeting can be attributed to you as a quote in an article or otherwise in the media. As a recommendation, the conversations you're having should stay on the dais as conversation with each other. The Guideline 6 conversation was difficult, and it spun out of control in the media with some sensationalized but not necessarily accurate information. If you get a call that you're not sure about, you may be the right messenger, but please do check in with staff.

Chair Schultz: We started deliberating in the press instead of around the dais. I was overworking on that projects.

Commissioner Magnera: I did speak to the media when I shouldn't have, so I apologize to everyone.

Donnie: Going forward, we want to have an opportunity to help you vet your response. I'm not saying who should speak on anyone's behalf, but there is a pause moment to get on the same page.

Chair Schultz: You don't have to respond immediately. If I'm trying to represent the Commission, I don't want to conflate or blur the line on my own personal thoughts, so I will often ask the media about getting back to them, so I don't misspeak.

Commissioner Smith: The Chair has a unique burden. But this blurbs into the advocacy component. I took it on myself to talk about the pieces of the plan I was advocating for as an individual and to let the community know what was in the package. Let staff know about when you have questions from the media. How I think about it is that we have joint ownership with staff, but commissioners have their own roles and decision-making abilities as well.

Sandra: Nigel's report on "resting" could have been written based on what was said on the dais. It was unclear. How would we have handled it if it was all conversation on the dais?

Donnie: We were unpacking if we were looking at was misinformation or if was a phone conversation. We could call it out if it was something in a meeting since it's on record. Phone conversations that we don't know about are sticky.

Commissioner Spevak: When we're on the dais when we're deliberation, we still need to share our thoughts and feelings directly.

Andrea: Definitely. We're not trying to silence the PSC in the least; we just want things to be accurate, particularly in the media. We frequently go back to press to ask them to correct inaccurate information. We are continuing to learn as we go, so please feel free to ask as questions arise.

Leadership Opportunities

Sandra noted the list of opportunities on the agenda. For PSC leadership, we have a Chair and two Vice Chairs. We vote at the first meeting of each calendar year.

Chair Schultz: I am termed out as Chair, and *Commissioner Smith* is termed out as Vice Chair.

Sandra: There is an officer meeting about 12 days prior to each meeting to prepare for the full Commission meeting to make sure it's run well, people know what to expect. These are not full briefings, but they are more about what's on the agenda, who's on the agenda, testimony we may expect if it's a hearing, any sticky points, etc. Other commissioners are welcome to attend as long as we don't have a quorum so be sure to check with staff if you want to attend. There are other areas for leadership including the BPS Budget Advisory Committee, work groups, DRAC, CIC liaison.

Sandra relayed how we have chosen leadership in the past – it's usually quite informal as it is with the Design Commission and Landmarks Commission.

Chair Schultz: Before I was an officer, I was simply asked if I would be interested. Since I've been chair, I've also done informal check-ins with commissioners prior to the January vote.

Commissioner Smith: It has been very informal. The Chair usually chairs for several years. We look for a certain amount of diversity (race, viewpoint, etc).

Sandra: We put it on today's agenda because in our discussions we'll be having soon about increasing access to the PSC, we want to be sure how we agree on PSC leadership is ok with everyone.

- *Commissioner Larsell:* I would want to be sure everyone knows what the proposed slate may be.

Commissioner Spevak: I've learned so much from our current leadership. We want to have a "bench" at all times, and I think we have great members. The reason the PSC works so well is because of the staff preparation and work with the PSC leadership. I'm interested in being a Chair, and I'm also having conversations about who wants to serve as Vice Chairs. I know with three people, we won't hit on every piece and perspectives on the Commission as part of the "official" leadership.

Commissioner Quiñonez: Something that keeps some of us from volunteering for other work is a capacity issue. I'd make a pitch for a stipend or something to help diversify people who are in the leadership positions, which I realize has legal issues in this specific case.

Commissioner Spevak: A question I have always asked is about if childcare is available.

Improving access to the PSC work group: Akasha, Daisy, Oriana, Steph, Eli volunteered at the July retreat. We are open to seeing what the new year's workload brings before solidifying this.

Commissioner Smith: There are lots of zoning projects where we typically have a PSC liaison, so there are opportunities there as well.

Courtney: There are other opportunities at PBOT and other bureaus. You may not be the PSC representative, but there are a number of groups and options around the City too to get leadership opportunities.

Commissioner Spevak: I know *Commissioner Routh* said she would be happy to step up as Vice Chairs for 2020. *Commissioner Bortolazzo* has stated he is open to step up as Vice Chair for 2020 too, but we will check in with him in his absence today.

Andrea: Thank you for your time and this thoughtful conversation today. I'm impressed by this Commission and the deliberations and reflectiveness you all bring. It really makes a difference and an impact on your advice to Council. I recognize it is an amazing amount of work, and we appreciate that and want to continue to support you in these efforts as we continue to work together.

Adjourn

The meeting adjourned the meeting at 4:05 p.m.

Submitted by Julie Ocken