

Portland Planning and Sustainability Commission

February 25, 2020

5:00 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach, Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana Magnera (arrived p.m.; left at 7 p.m.), Daisy Quiñonez, Steph Routh, Katherine Schultz (left at 6 p.m.), Chris Smith, Eli Spevak [one open position]

Commissioners Absent:

City Staff Presenting: Sandra Wood, Phil Nameny, Debbie Bischoff

Chair Spevak called the meeting to order at 5:00 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Director's Report

Andrea Durbin

- The Residential Infill Project Hearing on the amendments is at Council on March 12. We hope to then have an early- to mid-April final session for RIP at Council
- Briefings on Anti-Displacement Plan and RIP 2 will be added to PSC tentative calendar.

Consent Agenda

- Consideration of Minutes from the February 11, 2020, PSC meeting.
- Street Vacation RW#8986: SE Yamhill St east of SE 102nd Ave.

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

(Y10 – Bachrach, Bortolazzo, Houck, Quiñonez, Larsell, Routh, Schultz, Smith, Spevak)

DOZA

Work Session: Sandra Wood, Phil Nameny

Presentation

Disclosures

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 the interest of transparency, we have the following declarations:

- *Commissioner Smith* owns property in the design overlay zone.

- Commissioners Schultz, Spevak, and Bortolazzo, work for architectural or development firms who conduct work in Portland.

Today we're sharing the count of amendments; confirm the consent items; and discuss the key items that the 3x3 will be working through at their upcoming meetings.

The 3x3 is 3 PSC members (Commissioners Bortolazzo, Schultz, Houck) and 3 Design Commission (DZ) members (Commissioners Livingston, Chandra, Molinar).

There have been 74 suggestions for amendments for what staff has proposed, divided into large buckets of Process (19) and Design Standards (55). Some will be going to the 3x3 for discussion, and some are proposed to be on consent.

Process Spreadsheet

There are 19 items, but there are staff thinks are worthwhile discussing today:

- DZ Commission membership (#14)
- PSC Review of Guidelines (#15)
- DAR - Number of sessions (#16)
- Factors reviewed in DZ review (#17)

#14: DZ Commission membership

Phil: There are 7 members of the DZ. Does the PSC want to pull 2 members (1 sustainability; 1 natural resources) or 1?

Commissioner Houck: I think both are really critical on the DZ. Part of my rationale was the DZ itself in its deliberations regarding Quality and Resilience, which went into quite a lengthy conversation among themselves, and that they didn't have the ability to make a judgement. I don't have a suggestion for how to resolve that tonight.

Commissioner Bachrach: Would you be comfortable if the expertise were simply called out in "we encourage the DZ to have expertise in these areas"? Sometimes it's hard to fill these positions when we get too niche.

- *Commissioner Houck:* I would support that, similar how I support that with the PSC. The two aren't the same skills.
- *Commissioner Magnera:* The word "encourage" can be overly soft. I think it behooves us to actively work to have a pipeline of people if they know they have to fill positions with specific knowledge areas. I agree that we need both.
- *Commissioner Houck:* Climate change is a great example. Adaptation is a different arena.

Sandra: There are 7 positions. 1 RACC, 1 at large, 2 (as proposed) sustainability and natural resources, so that leaves 3 for engineering, architecture, etc.

Commissioner Schultz: Having been on both commissions, what I find so impressive about the PSC is the variety of voices and knowledge areas. I am not as concerned about the specifics about the specifics of the composition. And why is it 7 members?

A proposal could be to suggest additional positions on the DZ.

PSC members are supportive of suggesting adding to the 7 members on the DZ.

#15: PSC Review of Guidelines

Phil: What is the role in formulating or amending the design guidelines? Should the PSC be a recommending body – to whom?

Commissioners Schultz: We have had some similar discussions about the relationship between the PHLC and PSC as well in terms of who defines a historic landmark, etc. At times both commissions need to weigh in. I proposed the thought that the PSC should be reviewing and commenting on the guidelines, and perhaps it's just like what we did in this DOZA process.

Sandra: We will check in with Brandon Spencer-Hartle who's working on the historic code project. We'll come up with a menu for the 3x3 to discuss.

#16: DAR – Number of Sessions

Phil: The request to remove our provision that limits it to one DAR. We were trying to keep this on track with an applicant's planning process and to create a situation where the public is not getting confused about what session they should attend (which happens when there are multiple DAR sessions).

Chair Spevak: I've heard convincing arguments both ways, but I feel like it can be gamed either/both ways.

Commissioner Bortolazzo: While I appreciate following the design process, it's not always linear. This is a way to capture the feedback loop that you otherwise would not have with just one DAR.

Commissioner Schultz: I can argue both ways. You want to have multiple DARs due to the way the process has been following. But with more clarity on the process, you wouldn't need more than one DAR. There was a great segment about why in Tokyo doesn't have a housing affordability issue – it's because everyone is allowed to build housing by right. Multiple DARs just feeds into the lengthening of the process, and potentially adding to the high price of housing.

Commissioner Houck: It is confusing to have multiple DARs. BDS made a good comment about how they're changing the notification process, but it is confusing if there are multiple DARs.

Sandra: DZ does not want to limit to one DAR. So we know that's their stance going into the 3x3. The PSC can change the code however you see fit, and staff want to balance the needs of the applicant with the commission and the public. Our assessment said we should limit it, but our consultant assumed design was more of a linear process than it can be.

Commissioner Larsell: What about putting the limit at 2?

- Phil: We have an exception that if there are multiple buildings on a site, there isn't a restriction to just one.

Commissioner Bachrach: How often are developers coming back for more than one?

- Sandra: It's changed over time. During when we were doing the assessment, it was very frequent. It's been improved dramatically since BDS has been changing their process.

Phil: My thought was if our design guidelines are clear and consistent and more universal in their application and understanding, even if a project changes a bit, the DAR should still have value about what criteria are important and what should be focused on with the new changes.

PSC members are generally supportive of keeping one DAR.

#17: Factors Reviewed in DZ Review

Phil highlighted the three items up for discussion.

Staff suggests that FAR is off the table but everything else is an option. We anticipate having more information at the 3x3.

Commissioner Bachrach: We need to know what the information for the Central City before we can opine on this. I'm not in favor of #2 unless there is a compelling information about the Central City.

Commissioner Bortolazzo: At this point, we need to have that information prior to the 3x3 about what the decision or message from the Central City work was.

If we don't have compelling evidence about the unlimited FAR transfer, then the PSC would want us to take that provision off. [PSC members concur]

About height, we discussed having this not be in the purview of the DZ.

Commissioner Schultz: I thought we nuanced the language a bit on height to say that you can't reduce height, but you can play with the massing. That felt comfortable as a path forward, and we finessed the language at the last meeting.

Sandra: Staff will come up with language for the 3x3. Height is an entitlement, but DZ has some discretion to sculpt the building.

Commissioners confirm height is an entitlement and DZ can influence the building in other ways.

Item 3

Commissioner Schultz: Tied to FAR and height, when someone is purchasing a piece of land, they try to determine what they can build on it. I struggle with also including setbacks. To counter that, though, you have to have the setbacks right.

Commissioner Bortolazzo: If you look at the big picture, it's to provide clarity and streamline the process. The more discretion there is, there is more uncertainty.

PSC members confirm not including setbacks as a discretionary element of the review – setbacks are not a criteria the DZ can impose (they can suggest). It is a base entitlement standard, not a discretionary item in review.

Sandra: With these things off the table, I'm concerned about what the PSC thinks the DZ can/does review and have purview over.

Commissioner Schultz: Architecture stays in. Step-backs stay and shape the bulk. Lot coverage stays. Urban design is so much about how you're relating to the ground plane and buildings around you, which can happen in so many other ways than just the bulk of the building.

Commissioner Routh: What I'm seeing is "may evaluate", which doesn't mean you're taking it off the table for discussion. there is a differentiation for what a reason for denial can be.

Sandra: We would be adding height and setbacks to the second paragraph, clarifying they would be off the table entirely.

Andrea: As the PSC sets setbacks and heights, it's impossible to create a universal standard. The DZ looks at the individual sites and needs.

Commissioners generally agree there should not be a review of setbacks of buildings at the DZ.

Key Tools (Standards) that the 3x3 will discuss:

- Context – Facade Preservation, Landmark Adjacency and River overlay.
- Public Realm – Ground Floor Height, Weather Protection and Parking Areas.
- Quality and Resilience – Outdoor Common Space, Materials and Sustainable/Resilient Standards.
- Post Standard Review – Recalibrate the optional point system.

We have penciled in a quick check-in at the PSC for the March 24 meeting if we feel it's necessary after the 3x3 meets. Staff will send code and guideline amendments out the week of April 13 with the hope of a final work session and vote on April 28.

The DOZA project is continued to the March 24, 2020 PSC meeting.

River Plan / South Reach

Briefing: Debbie Bischoff

Presentation

Disclosures

- *Commissioner Schultz* has recused herself from the South Reach project.

Debbie provided a reminder and overview of the project including the planning process; proposed draft elements; outreach and engagement; key topics; and minor zoning code updates. Tonight is devoted to our public hearing on the topic, after which there will be work sessions and the PSC's recommendation in April.

Commissioner Houck: I really want to reflect on the work we did in 1984-87 and the amazing work staff has done with updating this plan in this proposal.

Written Testimony

Testimony

1. Jim Owens, Portland Parks Board. We appreciate the efforts to develop this plan. As the draft plan notes, there are 11 public parks and open spaces; 2 major recreation trails; 16 adopted viewpoints and corridors. We express broad support on the Board for the plan. Support extension of the greenway trail to Lake Oswego. New park at the Jennings site. Coordination with native communities. *see written testimony.*
2. Paddy Tillett, Portland Parks Board. Allowing limited retail in the parks is good but secondary to recreation. Expansion of the river greenway setback from 25 to 50 feet. Support of efforts from the Joint Office on Homelessness to bring this under control. Oak Bottom plan. Purchase of Ross Island for public uses. Creation of riverfront park in the Brooklyn neighborhood to reestablish the link to the river. Improvements to the Springwater Corridor and Willamette Greenway Trail with equitable access. *see written testimony.*

Commissioner Houck: Have you seen the testimony about the 40-mile loop and some concerns about the trails?

Commissioner Bachrach: What's the plan from the JOH?
This is still in the works, so we don't have a clear response at this point.

3. Megan Van de Mark, Urban Forestry Commission. Appreciate the efforts it has taken to put the plan together. The UFC supports many of the details in the plan. We urge the PSC to widen the proposed setback to at least 100 feet (from what's proposed at 50 feet). *see written testimony.*
4. Michael Kaplan, South Portland NA. South Portland's most treasured asset is a 2-mile stretch of accessible river front. How the resources are managed affect us. Would like to increase the setback to 100 feet. This is an important floodplain. Strengthen replacement vegetation. *see written testimony.*
5. Josh Hetrick, Brooklyn Action Corps. Recommend a few amendments to restore Brooklyn's river access to fulfil the 2040 vision of the plan. 6-20 years is not a good timeline... this needs to be happening in the next 5 years. *see written testimony.*
6. Ruth Spetter. 12410 SW Riverside Dr. My request is to leave the e zoning on my property that is there today and not cover the entire property with the e zone. The existing zoning is so large that it is achieving the goals the plan is trying to achieve, so there is no need for the changes as they are proposed. My property is more than 100 feet uphill from the river. I don't go to the river or have trails on my property. Goal 15 is strictly about the river and protecting the floodplain. Please make the decision to allow my property to remain in the zoning that it is. *see written testimony.*

Commissioner Bachrach: Can you summarize the regulatory difference between what you're asking for and what the plan would impose?

There is more of my property that would have to come in for regulatory review no matter what.

7. Tom Gornick: Support the plan with some updates. Increase the greenway setback to 100 feet. Strengthen the revegetation regulations. Take our cues from the native communities and understand and embrace the river.
8. Jeanne Galick: Increase greenway setback to 100 feet. This is a commitment to the future. On non-conforming uses, limit height and FAR to 2018 size; if it wants to increase, it needs to move outside the setback. Replacement structures should be moved outside the setback. Strengthen the landscaping requirements. Extreme pruning should be considered removal. Minimum 3-year maintenance plan. Enforcement of regulations is key. *see written testimony.*
9. Louis Lustenberger, Chair, Riverpoint HOA: Request that the Greenway Trail West, as described on page 105, be designated as a Scenic Corridor. *see written testimony.*
10. Micah Meskel, Portland Audubon: Overall the plan is going in the right direction, but it falls short in a few areas. 100 foot setback is the right number. There should be mechanisms to move development out of the setback. The light pollution provisions are inadequate; they should be applied throughout the plan. Removal of greenway vegetation is a chronic issue – shore up loopholes and increase fines and enforcement. Waverley Country Club is south of the plan area, but it is contiguous to it and should fall within the same restrictions. Bring forward some subject area experts to answer questions about setbacks – including BES, UFC, other BPS staff, tribal relations coordinator. *see written testimony.*
11. Ed Newbegin, RiverPoint Condos: The riprap bank along RiverPoint was designed to protect from the fill eroding. *see written testimony.*
12. Mo Dindral: Keep it simple. Regulations in place right now are mindboggling. The cost is a huge expense to go through a greenway review. If it doesn't involve safety or our fellow creatures, leave it alone and let us do what we want to do. Setbacks are important and wouldn't make a difference to anyone on my property except me.
13. Ted Labbe, Urban Greenspaces Institute: Thank you to staff for the work they've done. We are encouraged to see protection of shallow habitats and other items in the plan. However, we think the plan needs to be strengthened. Greenway setback should be increased to 100 feet. To what extent did BPS staff review the BES recommendations? The City could provide additional incentives to move development out of the greenway. Greenway Reviews should go through the PSC. Boatways – why aren't we talking about speed limits and linking them to reduce boat wake erosion? *see written testimony.*
14. Ronald Ragen: Landing Square condos. I was involved with the original greenway committee and remember discussions between cities and farmland and different users of the river. One plan doesn't necessarily fit all users and different types of people who use this small stretch of the path. *see written testimony.*

Commissioner Houck: I know the staff report suggested that trees, rather than being one continuous corridor, could be planted in groves to allow for views of the river from the greenway trail.

15. Robert Bernstein: I would like to see the setback at least 100 feet. I'd like to see enhanced enforcement if we're hoping to enhance wildlife habitat.

16. Mary Vogel: I really appreciate the Portland Audubon's amendments to the plan. *see written testimony.*

Chair Spevak closed oral testimony at 7:08 p.m.

Commissioners' Round-Robin

Commissioner Bortolazzo: Re: the extension of the greenway back to 100 feet. Can staff provide background about why the BES recommendation hasn't been included? Background about the Brooklyn neighborhood, timeline, and physical barriers.

Commissioner Bachrach: Spedder property. And in terms of access from the Brooklyn neighborhood access to the river and the timeline, what was the reason it started as a shorter timeline that got moved out?

Commissioner Larsell: 100- versus 50-foot setback. There are trails along the river – does the plan regulate the trails? And does it set a standard for them (width)? They are one of the more important aspects of the whole plan. I'm interested in them working for everyone. Tree enforcement. Ross Island and the plans for it – is that changing as we speak? How you're looking at the riprap bank.

Commissioner Quiñonez: Revegetation regulations – whose purview is the under? Enforcement is necessary.

Commissioner Houck: I shared lots of my questions and comments with staff already. The Waverley question is huge given the amount of land and riverbank there. One of Audubon's recommendations and engaging Clackamas County would be huge. BiOP and the floodplain issue (e.g. Miles Place) and the willing seller's program if properties are repeatedly flooded, does it make sense to them to continue to be redeveloped.

Commissioner Smith: 100 versus 50 feet. Waverley. The comments from the Brooklyn neighborhood, I took it to understand that a street vacation removed their access and was intended to be replaced by access – which never came through. We need to prioritize the access, and this is also part of the bicycle network. Expanding on the question of multi-use paths on the west side, there are visibility problems and difficult angles to navigate; it's not functional as a multi-use path in some areas.

Commissioner Routh: 100 foot setback. Waverly. Willamette Greenway as a multi-use path and issues associated with that. Floodplain issues and the Corps of Engineers and where we are in that process. Scenic corridors. FAR and height for setbacks is a question. Speed limits – who sets them? Joint Office on Homelessness and undocked populations is a conversation I want to continue in terms of the riverfront community.

Chair Spevak: In addition , priority use of the river itself. The transportation plan prioritizes different modes of transportation. I know we don't own the river, but we can influence the pecking order on the river uses (e.g. sailing, swimming, paddling).

The written record will remain open until Wednesday, February 26, at 5 p.m.

PSC feedback and amendments should be shared with staff before the next work session on March 10, 2020.

The River Plan / South Reach project is continued to the March 10, 2020 PSC meeting.

Adjourn

Chair Spevak adjourned the meeting at 7:23 p.m.

Submitted by Julie Ocken