

Portland Planning and Sustainability Commission

April 28, 2020

3 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach, Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana, Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak [one position held]

Commissioners Absent: Daisy Quiñonez

City Staff Presenting: Joe Zehnder, Arianne Sperry, Bruce Walker, Sandra Wood, Lora Lillard, Phil Nameny; Staci Monroe (BDS); Dee Walker, Karl Arruda, Gerry Caruso (PBOT)

Documents and Presentations for today's meeting

Chair Spevak called the meeting to order at 3:01 p.m.

Chair Spevak: In keeping with the Oregon Public Meetings law, Statutory land use hearing requirements, and Title 33 of the Portland City Code, the Portland Planning and Sustainability Commission is holding this meeting virtually.

- All members of the PSC are attending remotely, and the City has made several avenues available for the public to watch the broadcast of this meeting.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications.
- Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

Items of Interest from Commissioners

Commissioner Houck: As I shared in my email, we have a draft letter to the Oregon State Marine Board. This is a recommendation that I feel reflects the thinking of City bureaus (although they have not yet finalized their language) and relates directly the issue of ecological sustainability of the Willamette River and its associated fish and wildlife habitats. The recommendation is for the Marine Board to establish Slow No Wake (SNW) zone between the Hawthorne and Sellwood bridges.

I want to emphasize that the recommendation is NOT related to the South Reach planning process. This is an example of our being proactive and taking the opportunity to provide input in a timely manner to a state agency to improve environmental conditions on one of our most significant natural resources. This is a sustainability, stand-alone issue.

I hope the PSC can approve this letter today. The Marine Board next meets on May 13. It's relatively innocuous and just extends the Holgate Channel no-wake zone.

- *Commissioner Bachrach:* What's allowed now that this would change?
Commissioner Houck: Boats can go at whatever speed and wake impact they want. When the Marine Board established the Holgate Channel SNW zone it was based on 5 miles per hour.

When boats were built that could intentionally create large wakes at speeds 5 miles or less, they changed the rule to simply say no wake at any speed.

- *Chair Spevak*: I like that this proposal goes to the Hawthorne Bridge in terms of safety for swimmers as well.

Commissioner Houck: I focused on the sustainability ecological issues, but yes, there are safety considerations as well.

Commissioners noted some typos in the draft letter, but they approve of moving it forward with edits.

Director's Report

Joe Zehnder

- Last week, City Council adopted the updated River District Master Street Plan that the PSC forwarded for approval in January.
- Multnomah Neighborhood Association has indicated its intent to appeal our recent Comp Plan Court of Appeals victory to the Oregon Supreme Court. They have until May 27 to file their briefing with the court.

Consent Agenda

- Consideration of Minutes from the March 10, 2020, PSC meeting
- Street Vacation RW8958: SW 3rd Ave south of SW Arthur St

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

The consent agenda passed unanimously.

Street Vacation # 7873: SW Broadway Dr & SW Grant St

Hearing / Recommendation: Dee Walker, Karl Arruda (PBOT)

Presentation

Karl shared the proposal. It is a City-initiated vacation by the Mayor's office in 2015. The west side of the lot is public street right-of-way, proposed for vacating. This dates back to 1867 when the area was originally platted. The project was to preserve the 1880 Morris Marks House, which was scheduled for demolition about 5 years ago. The City agreed to sell the Water Bureau lot as surplus land (approved in 2017), and the house was saved and moved in 2018 to the east side of the vacation-proposed lot. Water Bureau needs a permanent easement to complete the process.

The neighborhood association asked to be sure there is adequate pedestrian access along SW Broadway. PBOT staff confirmed there is space for an enhanced bike/ped way in the area.

Chair Spevak: Are there conditions of approval as part of the development?

- Karl: There are sidewalk improvements on the east side as they were moving the house. In connection with the parking lot work, I'm not totally sure of the particulars.

Commissioner Schultz: This is a horrible intersection that gets really backed up. Are we convinced that the half of the triangular block isn't needed to fix a really bad intersection?

- Karl: We didn't have any comments or plans related to that (redesigning the intersection). Discussions never reached that level.

Testimony

1. Karen Karlsson and Rick Michaelson: Owners of the Morris Marks House. We went through a public works process for the sidewalk. The parking lot has gone through design review and was approved about a week ago. There were no conditions in that approval either. There was a comment from PBOT about making sure there is space for a signal at the intersection at Broadway Drive, which we did in adjusting the vacation request.
2. Doug Klotz: There seems to be a sliver for a 5-foot-wide sidewalk along Broadway Drive.

Karl: Yes, there is space there if the City or owners decided to install it.

Chair Spevak closed testimony at 3:29 p.m.

Motion

Commissioner Routh moved to approve the staff report and forward the street vacation as presented. *Commissioner Smith* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Garbage & Recycling Rates

Hearing / Recommendation: Bruce Walker, Arianne Sperry

Presentation

Bruce introduced Arianne and the solid waste review process. Every year, BPS sets rates for curbside residential garbage, recycling and composting rates. With COVID-19 public health emergency, BPS staff have been in regular contact with haulers, who have been healthy and able to make regular collections. Drivers are on the front line of delivering this service. BPS and the Portland Haulers' Association have reached an agreement for service at residences for people who can't afford service at this time. Residents are recognizing the efforts and risks and have shared appreciations with haulers.

We also sent an update to the PSC about the sideguard project on garbage trucks. They are designed to block openings on a large truck, reduce the risk and protect vulnerable road users. BPS did a pilot project, which was a success. The bureau has received approval to install on all collection trucks by 2022. The impact of COVID-19 will likely cause delays, but we are committed to the project and trying to keep the January 2022 timeline.

Arianne shared the key rate factors. Clean Energy surcharge – but Council voted to exclude the surcharge, which included a customer rebate through June 2020, which reduced customer bills about \$.25. The Oregon Corporate Activity Tax will likely increase bills about \$.20 per bill. Hauler costs are

rising due to a Metro garbage tipping fee increase; hauler investment in newer trucks; and inflation. Reductions include lower costs for processing materials... so about a \$1/bill increase for most customers.

The cart size is another consideration. We want to make sure people are using the right sized container, but we know with people being home more currently, we are lowering the disincentive for larger containers (keeping the 60-gallon roll cart cost flat). The every-four-week costs are going up a bit more (\$1.20/month).

Commissioner Magnera: Can you talk about the rate increase for 35-gallons for every-four-weeks? Why aren't get thinking a bit more about incentivizing people who are generating less waste?

- Arianne: We already subsidize the every-four-week significantly (\$2.40/month). If we want to hold that to a \$1 increase, we'd have to increase the subsidy even further. In this case, we are trying to ratchet back all incentives and disincentives.

Commissioner Bortolazzo: What about processing and the markets for recycling/recycled materials?

- Bruce: Historically there are still very challenging recycling markets. Haulers pay significant costs for processing, but there are still tremendous environmental benefits to recycling. These costs are lower than two years ago when we had to address this question earlier than usual.

Commissioner Larsell: Can you clarify the increase for the 35-gallon every-four-weeks service?

- Arianne: There are three different lines of service (garbage, recycling, compost). Recycling and compost collections are the same across all service levels (going up), while costs for garbage collection is going down, slightly off-setting these costs. Because trucks aren't going out as often, they're getting slightly lower benefits for the off-setting.

We don't have a big analysis of who in the city signs up for different service options. Landlords are required to pay for service in rental units, which helps renters. Garbage is typically one of the lowest-cost utilities. Mobile home parks are treated as multi-family units (commercial if more than 4 units, so not affected by this).

Commissioner Routh: I get to 95% of households served. What's with the other 5%?

- A small portion include multiple carts, and there are other rates that we just don't show here.

Chair Spevak: I'm a fan of the incentive of lower rates for smaller cans. I'm not sure if I see the connection to remove this incentive.

- Arianne: We are proposing to hold the incentive the same (instead of increasing it).

Testimony

1. Beth Vargas Duncan, Portland Haulers' Association: Members have implemented measures to encourage safety for our members (haulers) and the Portland community. Solid waste workers face added risks daily due to COVID-19. Despite our on-going emergency actions, we work closely with City staff for the rate review process. We support the rate adjustments as staff has presented. Please seal garbage in bags into the containers instead of just in the container itself. Please recycle right! We ask the PSC to recommend that City Council recommend the rates as presented today. *see written testimony.*

Chair Spevak closed testimony at 3:56 p.m.

Motion

Commissioner Houck moved to recommend rates as proposed today. *Commissioner Larsell* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Design Overlay Zone Amendments

Work Session: Sandra Wood, Lora Lillard, Phil Nameny; Staci Monroe (BDS)

Sandra introduced today's work session. The 3x3 last met on March 13, providing feedback and advice to the PSC and Design Commission. Today we have 20 items for the process amendments.

Disclosures

Chair Spevak: 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.
- I, along with Commissioners Schultz and Bortolazzo, work for architectural or development firms who conduct work in Portland.

DOZA Memo and List of Amendments

There are 6 items staff identified for the consent list.

- *Commissioner Schultz* asked to pull Item #4 from the consent list.

Commissioner Spevak moved to approve Consent List items 1, 2, 3, 5, and 6. *Commissioner Smith* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Item #4: Consider PSC role in establishing/amending design guidelines

Commissioner Schultz: There is a tie between standards and design guidelines. I agree Design Commission (DC) should be the recommending body to Council, but I think some guidelines could benefit from a PSC process. So I'd like to see that we have sequenced hearings (as noted in [3]).

Commissioner Bachrach: What about option [2]?

- *Commissioner Schultz*: I have no concerns with two different commissions with different recommendations to Council, but I know that's an issue for Council and staff.

Commissioner Houck: I've been an advocate for PSC involvement before, and during the 3x3, Phil gave some push back, so I'd like to hear about staff's concerns.

- Sandra: Our concern with [3] is that the public can testify twice, so that's not very streamlined for DC. Most PSC hearings go to Council (the deciding body), not to another recommending body.

- Phil: With a sequenced hearing, we'd have to figure out the timing (which would add time to the DC process). In developing the guidelines, DC reviews the policy implications. This is different from the quasi-judicial project review where the DC determines whether a project is consistent with the policy. If DC handles the review and implements the policy through project review, they are the best body to balance the needs with project review.

Commissioner Magnera: Can we think about the current context for things coming before us in the next few weeks and what this means in a COVID context? Staffing and costs for DC and design review process.

Commissioner Bortolazzo: It feels that the process we just went through was collaborative, and we made recommendations to the DC with joint hearings. I welcome this. [3] feels more like a one-way road. I like the current system [1].

Sandra: [1] is what's in the books, but it's not the process we've used for this project. We had a joint hearing because both commissions have a role in making (separate) recommendations to Council. So an option [4] could be a joint hearing with the PSC writing a letter to the DC. This was not discussed at the 3x3.

Commissioner Larsell: I like this option [4].

Commissioner Schultz: I also like the option for a hearing, which could be joint with the DC. It's important for the PSC to have a hearing, because we have a much broader set of topics that influence our work that the DC doesn't have.

Commissioner Houck: I'm supportive of this new option. Working with the DC has been a good, productive process.

Commissioner Smith: I'm supportive of [4] as well.

Chair Spevak: I'm supportive of a two-way street between the PSC and DC.

Staff will work on language for option [4] to bring back to the PSC for approval.

Item #7: Bridges and Design Review Requirements

Bridges are not going through design review. The 3x3 agreed there should be review, but they landed on a more cautious approach because they haven't done outreach yet. The 3x3 suggested requiring that any bridge with a horizontal span length greater than 100 feet to go through a DAR. This allows for the exchange of ideas without impacting later engineering designs.

With DOZA, we are formalizing the design advice request process, which currently isn't codified. The advice an applicant receives isn't a requirement, but it allows the DC to provide input.

Commissioner Schultz: I feel like PBOT is putting up blocks that I don't understand. A bridge is a very important element that we all experience. I think it should be a hearing for a 60' or larger bridge, not just advice.

Phil: We used 100' feet because 60' could be a small culvert over a creek. Since a DAR is similar to a briefing, that could be a compromise.

- *Commissioner Schultz*: I understand we're dealing with lots of agencies, but I see it as a cop-out and too much work to coordinate.

DC liked the idea of design review.

Commissioner Bortolazzo: I like the direction Kat is taking this. There are structures that contribute to the image of the city, particularly in Portland where bridges do play a big role on our environment. I feel emboldened with this discussion to move this idea forward.

Commissioner Houck: I agree as well.

Commissioner Magnera: What resources would be coming from PBOT, TriMet, ODOT, County and what does that mean to the process?

Commissioner Routh: On the topic of constrained budgets, what are the structural costs of design review, particularly on rent and as we're in a new economic environment. I think anything short of design review I'm comfortable with as *Commissioner Bachrach* noted.

Chair Spevak: Sometimes engineers design without thinking about public realm benefits, so I think the DC process is important.

Commissioner Houck: I appreciate *Chair Spevak's* comments. We can't just do away with all concerns about design, even though we know we're in a challenging time. We can't toss everything out about what our city looks like.

Direction from the PSC to staff to craft the code and discuss with the other affected agencies. I imagine we'll have follow-up questions from other stakeholders, and we may want to bring it back to the PSC. 60' and a Type III design review.

Items 8-15 are all about exemptions from design overlay zones. They don't have to meet design standards or go through design review. Most are consent-like except for Item #13.

Item #8 – Reorganize Exemptions: The exemptions are now grouped into 3 categories –

- (A) General Development Exemptions,*
- (B) Exterior Alteration Exemptions and*
- (C) Geographically Specific Exemptions,*

Item #9 – Historic Exemption Separation: The historic exemption is moved to the section's introductory text and guides the reader to 33.445.

Item #10 – Electric Charging Station [No amendment]: No change as these are defined as structures and could fall under the accessory structure exemption within parking lots (see exemption B.4). Note reference to floor area changed to area since not all structures provide floor area.

Item #11 – Louvers: Add language that louvers under each case have a matching intrinsic color or be painted to match (see exemption B.7.c).

Item #12 – Radon System: Add an exemption for radon systems if placed on non-street-facing walls (see exemption B.7.d).

Item #13 – Alterations to Facades outside Central City: Based on further internal and 3x3 conversations, amend blanket 200 s.f. exemption to apply above ground floor, or to ground floors set back from the street, or not facing the street (see exemption B.7.g)

Phil: We had a series of exemptions to facades. There was an additional exemption outside the Central City that you could modify up to 200 feet of the facade. The 3x3 came up with a set of more nuanced exemptions as noted here in Item #13. The question we are asking, is this nuance worthwhile/necessary to ensure storefronts along the sidewalk still maintain their storefront amenities?

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Item #14 – Rooftop Alteration/Equipment: Add railings as an exemption, clarify color/paint provision. Also change Radio Frequency exemptions to add clarity regarding antennas and equipment (see exemption B.8.a).

Item #15 – Rooftop Equipment on Sloped Roof: Remove limitation to set back from roof edges or roof lines (see exemption B.8.b).

Commissioner Houck: I move to amend the DOZA proposed draft with the language shows in amendments to 8-15 in the staff memo dated April 20, 2020 except from the bridge 33.420.045.A.8. *Commissioner Larsell* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Item #16 – When Design Standards Can be Used

The PSC requested an increase in the maximum height allowed to use the objective design standards from 55-feet to 75-feet. In addition, we were asked to clarify that projections (such as parapets, railings, rooftop equipment) and other base zone exceptions to height (such as the one for high ground floor ceiling) can exceed this limit.

The City Attorneys are comfortable with a height limit not matching the base zone. But this could move from 55 to 75 feet.

Chair Spevak: I am the one pushing for 75 feet. Housing can be held up on getting built because of a design review process, and I think we have lots of things in the base code and other options. I would support making the design standards challenging to meet for a taller building.

Commissioner Houck: I agree.

Commissioner Schultz: I'm supportive of this as well. As we make final recommendations about the standards, I want to make sure they address that buildings are appropriate for their environment. But if there is something specific to a neighborhood, we can't easily pick that up from the standards. If there is a subsequent effort that key to a specific part of the city, we'd have to update the base code.

Commissioner Bortolazzo: I think it comes down to having standards that are clear and objective and get you where you want to get to. In turn, that delivers a certainty to whoever is planning to build. It takes out a level of discretion that creates hesitancy in moving a project forward. We have to make sure the standard isn't too easy, but at the same time, we have to make it reasonable enough to be worthwhile and achievable.

Phil: Going to 75 feet is an easy code fix. From the 3x3 there was also the conversation that going through discretionary design review opens up a public process that isn't in place with standards. DC thought there is a benefit to this. For those on the standards working group, we had direction about ground floor height requirements and loosening those standards to only apply in some areas/streets. The 3x3 noted that if DC looks at a 60-foot-tall building, they would require 15+ feet on the ground floor, which is well above the standard. There's a bit of a conversation that we'll have to have with the 3x3.

Chair Spevak moved to amend the DOZA proposed draft with the language 33.420.050.B.3 New buildings or additions that exceed 75 per PSC requests feet in height. The height threshold does not include additional height allowed through a height exception in the base zone. *Commissioner Bortolazzo* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Item #17 – Design Commission Membership

Phil: This was the discussion about having a natural resource and sustainability expert on the DC. We are reminded that the DC is a smaller commission than the PSC. At the 3x3 meeting, there was concern that the creation of these limited specialty positions for 4 of the 7 (or 9) positions would create excessive hardship in filling Commission slots. It was noted that nominees may have expertise/experience in a variety of subjects. After further discussion, the 3x3 conclusion was to include the sustainability and natural resource positions in the subject expert list for selection of 5 of 7 members. Specialized positions remain for a RACC member and member-at-large.

Commissioner Houck: I have been pushing to make sure we have these folks represented. I have to say that the conversation with the 3x3, Julie Livingston was pretty concerned about being able to fill the very specific positions... but I'm skeptical of that point of view. I'm supportive of both a sustainability and natural resource expert on the DC.

- *Commissioner Magnera:* I concur with this point of view.

Commissioner Bortolazzo: I generally agree with the thinking, but I don't necessarily see it as a single issue – candidates could hit multiple points, which could be desirable.

- *Commissioner Bachrach:* I agree. If there is policy desire to focus on this, that should be attainable. I'm comfortable with the language proposed here.

Commissioner Bachrach moved to amend the DOZA proposed draft with the language as provided in the staff memo dated April 20, 2020 in 33.710.050.B.3. *Commissioner Schultz* seconded.

Commissioner Houck: DC members consistently said they didn't have the expertise regarding green infrastructure. And that's why I think someone needs that expertise on the DC.

Commissioner Magnera: I'd like to make a friendly amendment – one from RACC, one from public at large, 3 in the various field noted in code already, 2 representing sustainability and natural resources management. I'd also like to encourage the public-at-large member be a renter (not a requirement, but some intentionality to try to ensure it).

Commissioner Bachrach did not accept the amendment, and his motion was voted on.

(Y4 – Bachrach, Bortolazzo, Schultz, Spevak; N5 – Houck, Larsell, Magnera, Routh, Smith)

Commissioner Smith: I think the language *Commissioner Magnera* suggested is interesting, but I'd like to ask her and *Commissioner Houck* to bring back language that meets the need we're trying to address and have staff vet that before the PSC votes.

Commissioner Schultz: One a public person at large; an individual with sustainability or natural resource management; remaining members have experience in the [list in code]. I'm curious about if the relationship with RACC has more weight than sustainability and resource management.

Commissioner Houck: I fully acknowledge there are people with expertise that cover multiple topics. But I think they are two different disciplines.

Staff will return with proposed language as well as another with the concept of a renter holding a position.

Item #18 – Number of Design Advice Requests (DAR) [no amendment]

This was about if we should dictate how many DAR sessions a project should have – there isn't anything in the code right now. One DAR per application, but if there are multiple buildings, they could have a follow-up session. Is that criteria/standard in there? The 3x3 is comfortable with one DAR.

There are no proposed amendments.

Item #19 – Determine the Factors That Can be Considered During Design Review

Phil outlined Option 1 (general exception) and Option 2 (Central City-specific exception). But this would put it in the design review section of code, not the Central City chapter, though we'd likely go back to the Central City chapter as well.

Commissioner Schultz: On the first point about FAR, I'm curious what the point of having code language that is setting you up for a future Central City instead of letting the Central City process work itself out and then do amendments if necessary at that point?

- Phil: The first provision is if we have a sense that a bonus FAR should be part of design review, then the language is already in there. There was desire for height to not be restricted universally, but it is subject to discretionary design review sometimes.

Commissioner Schultz: I'm not a fan of putting things in if there isn't need to currently. What are situations in code that need approval for height? If height is given if you meet other design guidelines, it's already covered, right?

- Phil: Gateway, North Interstate, and St Johns plan districts.

- Sandra: It's like an adjustment with slightly different criteria.

Joe noted the creation of an adopted plan district was done with intentionality and public involvement, and under provisions that may not be the same as now. One option is to redo those provisions in each plan district, but you won't just strip away that system about why it was in the plan in the first place. Sometimes it's a guideline or a standard or a process. In the Central City, it's not clear how we wrote the code. We're not changing the Central City code when it's readopted later this summer. If we were to go back in and clarify, we'd have the same debate. The place to be explicit is in the plan district, where the height rules are located. So Option 1 is saying this. It's not just about where it belongs in the code, it's also about what stakeholders are involved in the conversations.

Commissioner Bachrach: For those three plan districts, they have some review and discretion. I would propose that code does not give design review to cut back on transferring FAR. It would be a mistake to use design review here.

Sandra: There are two options on the table. Joe is saying that 1 is silent about transfer of FAR. Option 2 does make the policy call in 33.825.035.A.

Commissioner Schultz: I see how B aligns with addressing the different plan districts. I would just strike A and keep B.

Staff will return with language for the PSC to consider.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The DOZA work session will continue on June 6, 2020.

Adjourn

Chair Spevak adjourned the meeting at 6:06 p.m.

Submitted by Julie Ocken