

# Portland Planning and Sustainability Commission

March 8, 2022

12:30 p.m.

Meeting Minutes

**PSC Commissioners Present:** Jeff Bachrach, Katie Larsell, Valeria McWilliams, Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson

**PSC Commissioners Absent:** Johnell Bell, Jessie Gittemeier, Oriana Magnera

**City Staff Presenting:** Eric Engstrom, Joan Frederickson; Courtney Duke, Lance Lindahl; (PBOT), Fiona Lyon (TriMet), Tim Heron (BDS)

## Documents and Presentations for today's meeting

*Chair Routh* called the meeting to order at 12:32 p.m.

*Chair Routh:* 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, humor, flexibility and understanding as we manage through this difficult situation to do the City's business.

## Items of Interest from Commissioners

*Commissioner Thompson:* I would like to present the RIP2 draft letter to Council and **make a motion** to approve that letter.

*Commissioner McWilliams:* I **second** that motion.

Y7 – Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

*Chair Routh:* I also want to raise the letter that was drafted supporting the Albina Vision Trust Community Investment Plan that we were briefed on us at our last meeting. I **move** that we approve that letter and send it along to City Council

*Commissioner Thompson: **Seconded** the motion.*

Y7 – Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

## Director's Report

None.

## Consent Agenda

Consideration of Minutes from the February 25, 2022, PSC meeting.

*Commissioner McWilliams **moved** to adopt the minutes and *Commissioner Thompson **seconded** the motion. The motion passed unanimously.**

Y7 - Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

## Street Vacation: RW #9263 Portion of NE 42nd Ave south of NE Halsey Street

Hearing / Recommendation: Courtney Duke (PBOT), Lance Lindahl (PBOT), Fiona Lyon (TriMet), Tim Heron (BDS)

*Lance Lindahl* from PBOT provided an overview of the street vacation proposal, which proposes to vacate a portion of NE 42<sup>nd</sup> Avenue, located just south of NE Halsey Street and adjacent to the Hollywood Transit Center subject to certain conditions. The site is located in the CM3dm zone and is owned by TriMet.

The street vacation was initiated by the City Council and is supported by the mayor's office and by the PBOT director. The project will result in an improved bike connection from Halsey to the light rail stop. It will result in relocation of the electrical substation on the site. A new transit-oriented development is proposed for the site with mixed commercial/residential uses and 200+ units of affordable housing.

Several conditions of approval were requested:

- A public walkway easement over the entire site. It may be reduced in size in the future
- PBOT street lighting requested a reduction in the vacation to allow street light infrastructure remain in the ROW
- BES requested a 20-foot-wide sewer easement
- PWB will be abandoning a main in the vacated area
- BDS requires a replat prior to the vacation being recorded
- Forestry requested preservation of street trees on Halsey
- GIS: TriMet to work with CenturyLink on addressing

*Commissioner Spevak:* Is the transfer area within the ROW or will it be on TriMet land. I couldn't tell where the public/private line is.

*Lindahl:* There will need to be some future street dedication. All bus transfer activity will be within the ROW.

*Commissioner Spevak:* Should there be more dedication for transfer area?

*Fiona Lyon:* There will be a bus "bulb-in" on the south side of NE Halsey and a plan is being studied for the westbound bus #75.

*Commissioner Thompson:* Can you clarify how the bike connection will be improved? I'm concerned about accessibility and the replacement.

*Lindahl:* There will be an easement over the full area of the ROW. If TriMet chooses to decrease the easement size, then there will be an easement modification process.

*Courtney Duke:* BDS and PBOT have to approve the new plan for accessibility and must sign off on any future ramps and bike infrastructure to ensure it will meet City standards.

*Commissioner Thompson:* It sounds like there are no specific standards or criteria that are being referenced to ensure that the bike connection and other facilities will be an improvement.

*Duke:* I will need to ponder how that could be better captured in the proposal and get back to you. It is different now that this will be private property

*Commissioner McWilliams:* Can you confirm that the vacation site will remain a Major City Walkway? There was testimony on this.

*Duke:* We'll just change the language to clarify that it will remain a Major City Walkway and infrastructure will be up to the same standards as if the vacated area was still a Major City Walkway ROW.

*Commissioner Thompson:* What sort of engagement opportunities will there be on the design of the project?

*Tim Heron:* The site will be subject to a Type III land use review that has opportunity for public review and comment, and the decision can be appealed to City Council.

*Commissioner Larsell:* I am curious what will happen with the memorial at the Transit Center?

*Lyon:* TriMet is looking at how to make memorial permanent in a sensitive way as the ramp is removed.

## Public Testimony

### Written testimony

*Kurt Creager:* I am with Bridge Housing Corporation. We aim to relieve the burdens of government through the provision of affordable housing. We recognize the importance of getting the design right on this site and that the street serves multiple functions that need to be accommodated for, particularly the multimodal confluence at this site. There is an abundance of modal options, but what's missing in the area is affordable housing.

*Guy Benn:* I am speaking on behalf of TriMet's TOD section. I speak in favor of the proposal and want to highlight the importance of the vacation. In 2020, TriMet adopted guidelines to encourage equitable development at its station areas. This is one of the first projects to be delivered under these guidelines. We aim to achieve multiple goals: to provide much-needed affordable housing while also providing improved infrastructure improvements at the site.

*David Stein:* I am the chair of the Bicycle Advisory Committee (BAC). We had previously commented that we found this proposal to be lackluster – while an improvement over what currently exists, we feel the proposed design could be much improved and we are very concerned about the ramifications of this project. This is a key crossing of the freeway and we are willing to work with PBOT to get it right.

*Daniel Turner:* I am a neighbor, and I am concerned about safety with this project. I want to ensure that there is proper consideration of what "public safety" means for this project.

*Chair Routh:* I would like to turn it over to TriMet to address some of the concerns that were raised in testimony.

*Fiona Lyon:* The designer is revising the concepts that were originally proposed and, after going through the DAR, we recognized the need for an extra 17 feet of dedication to allow for a better design. So, this is a work in progress.

*Courtney Duke:* Based on what we've heard, we will want to make some changes to the report. The main report will remain the same but there is a need for some refinement of language. I just want to clarify that we need a little bit of flexibility. We will tighten up the language about the City Walkway, spell out the other Bureau partners involved in the permitting process, and add language to clarify that the approval will be based on the same standards of what would be required for a public street. We could also mention that this went before the Design Commission.

*Commissioner Bachrach:* I just wanted to point out that I don't think that we approve proposals that are going to be changed after we vote on them. Is that appropriate? Should it come back as a consent item?

*Commissioner Routh:* It do recall that in the past we've approved items with conditional language.

Commissioner Spevak: I would make a **motion** to approve this street vacation request today subject to PBOT staff's clarification.

*Commissioner Larsell:* I **second** that motion.

*Commissioner Bachrach:* I am a little uncomfortable with the idea of approving something with outstanding information, but I won't hold it up.

Y7 - Bachrach, Bell, Gittemeier, Larsell, Magnera, McWilliams, Routh, Spevak, Thompson

*Commissioner Routh:* The motion passes unanimously.

## West Portland Town Center Work Session

Work Session: Eric Engstrom, Joan Frederiksen

*Eric Engstrom* presented a recap of previous PSC work on this project: We are proposing to skip over amendments #1 and #5 to do some more work offline and bring them before you next time. We also propose to package amendments #11-34 as one technical amendment topic unless there is interest to pull any of those out and discuss separately. Note, starred option is the staff preference.

*Commissioner Thompson:* I had some questions on #12 and would like to discuss that one.

**Amendment #4 – Urban green features:** Proposal requires larger buildings in Subdistricts A and B to choose between: native landscaping, space for large trees, ecoroof.

Amendment requested: more flexibility to address heat island impacts/climate resilience, including options such as cool roofs or solar.

- \*Option A – Add an exception for solar panels in the ecoroof option and add option for solar panels and cool/reflective roof surfaces
- Option B – No change

*Commissioner Spevak:* I would **make a motion** to adopt Option A.

*Commissioner Larsell:* I **second** that.

*Commissioner Thompson:* I think that this is an idea that could have broader applicability citywide, and we should consider this a model.

Y7 – Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

**Amendment #6** – *Subdistrict C Setbacks Improvements*: Proposal requires deeper setbacks in Subdistrict C be improved with landscaping, community garden, or play area.

- \*Option A – Remove requirement for improvements in the setback
- Option B – No change

*Commissioner Spevak*: I propose that we adopt Option A to allow for more discretion.

Y7 – Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

**Amendment #7** – *Zoning Map Amendments*: Plan has two limits on zoning map amendment requests where zoning is not yet proposed to match the Comp Plan designation

1. In areas that currently have single dwelling zoning – require that stormwater disposal plan, in coordination with TSP, be in place for the areas
2. In CM2 areas, prohibits upzoning requests for up to 10 years from the adoption of the plan.

- Option A – Remove #1 - stormwater system plan requirement
- Option B – Remove #2 - 10-year limit for mixed use areas
- Option C – Remove both
- Option D – No change

*Engstrom*: To put a finer point on it, without this added to time to complete the public plan, we would end up approving development without adequate infrastructure. This allows us time to look at it more holistically and possibly identify needed public investments.

*Commissioner Bachrach*: I proposed #1 in response to some testimony. While I agree with the strategy to look more holistically, I worry that stopping property owners from upzoning even if they can show adequate infrastructure is stopping the good to get to the best.

*Commissioner Thompson*: What is the plan for upzoning these lots when there is a more comprehensive system in place? Would it be automatic?

*Engstrom*: One of two things could happen: individual properties would need to apply and make their case to have the property upzoned or we could do it legislatively for the area. That decision hasn't been made yet.

*Commissioner Thompson*: Is it typical for the Comp Plan Map and Zoning Map designation not to match up. It seems that this could lead to confusion and frustration.

*Engstrom*: There are a number of places where the two designations don't match up and that is so that we can signal what the future plan is but have some control of the timing of the change. It's a tool in our planning toolbox.

*Commissioner Bachrach:* Are there any places in the code where we restrict a property owner's ability to apply for an upzone?

*Engstrom:* No, but we use supplemental approval criteria within plan districts, and we see this as a supplemental criterion saying there needs to be adequate stormwater infrastructure in place. We have not specifically spelled it out in the code elsewhere but would instead not recommend the Comprehensive Plan Map change.

*Commissioner Spevak:* How does this work in terms of the proportionality test – is it that the project valuation determines what the systems charge is, and the City must just accept that amount, even if it is inadequate, or can the City deny the proposal because the proportional amount is too low?

*Engstrom:* The legalistic answer is that we could say no, but in practice the City is usually looking for ways to say "yes", which could result in inadequate piecemeal infrastructure provision. I think what we're trying to say is that this neighborhood has some unique challenges with the drainage system not well documented and we need to have a better handle on that. It's reasonable to look at this problem proportionally that leads to a "fair" solution, but that "fair" solution may not lead to a functional system overall.

*Spevak:* So, legally, the City could say no, but in practice there is going to be a compromise that may not lead to the best outcome.

*Commissioner Larsell:* I **make a motion** for Option D.

*Commissioner Thompson:* I **second** that motion.

Y – 6 Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson, N – 1 Bachrach

*Amendment #8 Map Change – 9703 and 9713-15 SE Capitol Hwy – Proposed as a split zone ownership. Western area proposed to remain single dwelling due to infrastructure issues.*

- Option A – Extend the CM2 zoning to the entire site
- \*Option B- No Change (split zoned)

*Commissioner Bachrach:* As a policy, we try to avoid split zoning and since this property ultimately should be upzoned, it's just a matter of timing. I support the request to zone it all CM2 since they won't be able to develop this unless they can demonstrate they can meet stormwater management requirements.

*Engstrom:* Just note that split-zoned sites can use the Planned Development process to develop a more cohesive split-zoned site.

*Commissioner Thompson:* How would they be upzoned in this case?

*Engstrom:* They could do that during this process.

*Commissioner Spevak:* I would like there to be an opportunity for the property owner to make the case that they have addressed the issues.

*Joan Frederickson:* One thing that makes this site unique is that they already had a pre-app on a plan to rezone the site and the property owner has been working with BES. The applicant had been working on it so it may be possible that they can demonstrate compliance while this process is ongoing.

*Commissioner Thompson:* I find it odd that we're spending so much time talking about one site. I understand that there are some special circumstances here, but from an equity standpoint, it would be better to draw a broader conclusion about this and move on.

*Engstrom:* This is also unusual in the sense that this site is so close to the town center, so its location elevates its salience more.

*Commissioner Thompson:* That makes sense, I just want to make sure we're being consistent.

*Sheoships:* I had similar concerns as Erica. I know that there are some concerns about pollutants from businesses in the area and I didn't see anything in the materials about that.

*Commissioner Spevak:* It is good to be aware of where our attention is spent, though I see why this site is different. I wonder if we should give BES and BDS more time to work through this. Will there be more info on this when this project is back before the PSC in a few weeks?

*Frederickson:* I don't think that there will be any more info on this in two weeks.

*Commissioner Bachrach:* I **make a motion** to support Option A. To Erica's point about broader policy considerations, as policy we try to avoid split zoning and I don't see any reason to treat this differently. Also, by rezoning the site, it would allow the owner to construct the stormwater improvements, which would be better for the creek.

*Commissioner Spevak:* I **second** the motion.

Y – 6 Bachrach, McWilliams, Routh, Sheoships, Spevak, Thompson, N – 1 Larsell

**Amendment #9 – Reporting to Council:** Request to add action in the Plan establishing yearly or biennial report to City Council on progress, for a 10-year period.

Option A – Add this action item to the plan



Option B – No change

*Commissioner Larsell:* This came to me as I saw the funding dry up for the investments in the SW Corridor planning process. As an East Portland advocate, I could relate to the challenge of getting projects funded. With the East Portland Action Plan, we began going to Council periodically to report to them what was happening in our part of town and remind them about us and what we needed. It also was an opportunity for building local leaders by giving them opportunity to present to Council. It seemed like a win-win and the connection helped remind Council about the plan and about the funding needs.

*Commissioner Routh:* I resonate with what Katie says and think it's a great way to build in accountability. I appreciate Katie for bringing this amendment to us.

*Commissioner McWilliams:* **Made a motion** to support Option A.

*Commissioner Larsell:* **Seconded** the motion.

Y7 – Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

**Amendment #10 – Luradel I-5 Overpass timeframe:** Testimony asked to keep the Luradel Pedestrian Bridge (previously "Markham School Overpass") project as a near-term project in the Transportation System Plan (TSP).

- \*Option A - Change the timeframe back to 11 to 20 years and put the project in Phase 2 of the infrastructure projects list and map.
- Option B – No Change

*Commissioner McWilliams:* I want to thank staff for including this since there was a lot of public testimony and I think it's great to show that we are responsive to testimony. I **move** that we support Option A.

*Commissioner Larsell –* I **second** the motion.

Y7 – (Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson)

**Amendment #12 – Technical Amendment – Urban Design Framework:** Updates to the UDF section of report.

- Based on feedback from PSC and Design Commission
- Clarify the Land Use Growth Concept (UDF) section, including
  - Reorganize and fine-tune the language and graphics
  - Add further distinctions for the Green Ring and GreenScapes concepts

*Commissioner Thompson:* It seemed like the documents that we received last time were a work-in-progress. Is it possible to have an updated and complete version and hold off on this one?

*Frederickson:* We can update and try to clarify it for next time, though it is mostly ready for review.

*Engstrom:* We will recirculate and bring it back next time.

*Commissioner Bachrach:* I would like a better understanding about some of the design concepts. I would like staff to describe HOW we're going to activate this transit center.

### **Amendments #11, #13-34 – Technical Amendments**

*Commissioner Thompson:* Is #29 a new amendment?

*Engstrom:* Yes. BDS staff pointed that we were introducing a Conditional Use for commercial parking and that process did not exist.

*Commissioner Spevak:* **Made motion** to adopt technical amendments #11 and 13-34.

*Commissioner Larsell:* **Seconded** the motion.

Y7 – Bachrach, Larsell, McWilliams, Routh, Sheoships, Spevak, Thompson

### **Next Steps**

- April 12 PSC Work Session – amendments discussion and vote on #1
- May or June PSC final vote and recommendation

*Chair Routh* continued the matter until April 12 work session.

### **Adjourn**

*Chair Routh:* Adjourned the meeting at 2:57 pm.

Submitted by JP McNeil