

Portland Planning Commission

November 14, 2023

Commissioners Present

Michael Alexander, Wade Lange, Mary-Rain O’Meara, Nikesh Patel, Michael Pouncil (virtual), Steph Routh, Eli Spevak, Erica Thompson (virtual)

City Staff

Patricia Diefenderfer, Sandra Wood, Phil Nameny, Ryan Singer, Bill Cunningham; Shane Valle (PBOT)

[Documents and Presentations for today’s meeting](#)

Chair O’Meara called the meeting to order at 12:33 p.m.

Items of Interest

Chair O’Meara: We have the final letter of recommendation for the Housing Needs Analysis project that was sent to all commissioners. Commissioners confirmed the letter is good to send to City Council.

Director’s Report

Patricia Diffenderfer

- None.

Consent Agenda

- Consideration of Minutes from the October 24, 2023 Planning Commission meeting.

Commissioner Routh moved to adopt the Consent Agenda. *Commissioner Lange* seconded.

(Y8 – Alexander, Lange, O’Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The Consent Agenda was adopted.

Lower SE Rising Plan

Work Session: Ryan Singer, Bill Cunningham; Shane Valle (PBOT)

[Presentation](#)

Disclosures

Chair O’Meara: Property owner in the Brentwood-Darlington neighborhood.

Patricia introduced Ryan Singer, the new BPS Principal Planner. Ryan joins this team and has helped in the preparation of this presentation.

Ryan introduced himself and his background – last 21 years working for the City of New York. I grew up in Walla Walla, WA, so I'm familiar and local originally to the Northwest.

Bill introduced himself and Shane and reminded the commission of the project area. The Planning Commission had a public hearing on October 10, from which this work session will build on and answer questions.

Main project objectives include:

- Increase opportunities for neighborhood businesses
- Increase housing choices and affordability
- Expand active and green transportation access
- Support community stability

Land Use

The area is predominantly zoned for single-dwelling (74%), a bit for multi-dwelling (10%), commercial (6%), and industrial/employment (4%).

1. Prioritizing housing stability, including preserving home ownership opportunities (slides 10-18).

Analysis shows little impact on displacement risk from the proposed zone changes. In fact, maintaining the status quo will likely lead to a constrained supply, resulting in higher prices and rents without any added amenities or services.

With zone changes as proposed, still 71% of the area remains single-family zoned. Townhouses are very feasible in the RM1 zone, the majority of zone changes, generally on smaller sites.

The Malden Street Area received lots of public testimony. Bill shared the zone proposal and details (slide 14). We heard we shouldn't restrict multi-dwelling housing to large corridors, and this would accomplish that. RM1 zoning is already mapped in this area.

Bill highlighted the differences between R2.5 and RM1 zones (slide 16). R2.5 usually limits to 4 per lot, but RM1 is more flexible on the maximum number of units allowed.

Commissioner Spevak: Thanks for the comparison. I hoped that the City could merge these zones to RM1, but this illustrates the small difference – so maybe a future project.

2. The vision for 72nd and Flavel and the rationale for the targeted nature of proposed changes, including approaches for sites such as the grocery store and the nearby manufactured home park that were the subject of Commission discussion (slides 19-21).

Questions raised were about the attention around the grocery store and the nearby manufactured dwelling park. This park has 46 units, and it's actually not very different in density from townhouses. In terms of housing opportunity, manufactured parks are similar in density and provide affordable housing options.

The vision for this area – the proposed zoning (orange on slide 20) are CM2 then CM1 (pink). There are just 2 blocks zoned commercial currently, but it will increase to about 7 blocks in the proposal. This is an area that lacks a business district, so this will open up and foster a neighborhood business district. Current vs proposed zoning is shown on slide 21.

What is the future of the RMP zoning? The general thought was that in the immediate future, the community wanted to hold onto this zoning.

3. The request by the Bureau of Environmental Services to rezone two additional properties along Johnson Creek to Open Space.

There are about 6.5 acres for floodplain and riparian habitat, and BES has requested additional OS rezone. These properties are in the 100-year floodplain, largely in p- and c- overlay zones. BPS supports this (slide 22-23).

4. Addressing the question raised in Commission discussion about the industrial properties near the Springwater Corridor and 82nd Ave.

Staff notes this was not really seen in the scope of this project in terms of broad rezones – our proposals are very targeted. We don't recommend a substantial change to employment land unless we look further into 82nd Ave.

Commissioner Lange: Is the grocery store the only one in the whole area?

- Bill: Yes. There is an Asian market at 82nd and Foster, but that is the only one in the core planning area. The zoning would allow for housing, but the owner of the grocery is interested in being part of a business district as the store would be an anchor for the district.

Commissioner Lange: About Johnson Creek, is that a private residence in the proposed rezone area?

- Bill: It's in the commercial employment zone, so the use is not clear. The R5 property off of 45th is largely. Both have already been acquired by BES.

Commissioner Thompson: Can touch a bit more on the other areas where naturally occurring affordable housing is being preserved? I am curious about the manufactured home park but also a higher-level understanding of where else in the plan area these occur.

- Bill: We'll highlight this on slide 44. It shows in orange where the manufactured dwelling parks are, and stars show the unregulated low-cost apartments. There are about 6 parks around the proposed new center. These folks can benefit from being closer to central services as the business district would create.

Commissioner Thompson: So this isn't a spot-zoning approach – it's pretty compatible with how density would occur regardless.

- Bill: Correct.

Commissioner Pouncil: The last time we spoke at the hearing, we heard people voicing their concerns about displacement. I noticed in slide 12 there was a likelihood of people not being displaced – can you please elaborate on this a bit more?

- Bill: Yes, that was in the Malden St area, proposed to go to low-rise multi-dwelling. The increment doesn't have a real effect, and the likelihood of displacement is very small since this area already allows townhouses, which are anticipated to be the most common development types. In the zone change areas, we analyzed homeownership versus rentals – about 71% are homeowners, which is larger than the average across the city (53%).
- Patricia: This area has high homeownership already. The people we heard from do own their homes largely. The testimony was about their valuing that they can purchase homes, but their concern was about keeping affordability going forward. The change allows more flexibility in the number of units, which helps to maintain affordability.

Commissioner Lange: If that was developed, parking would not be required, correct?

- Bill: Correct. This is a good segue to the transportation section.

Transportation

Shane highlighted the three areas of questions raised by commissioners after the public hearing.

1. Review specific transportation issues raised in written testimony, and efforts to address urgent traffic safety issues (slides 27-31).

The overlaid maps show the notes from testimony, the corridor improvements proposed, neighborhood greenway, and traffic calming priority area. We went through and checked if the recommendations reasonably address testimony, and they do or some comments are so detailed that we can use them to start design on the projects (e.g. particular corners).

Slide 31 shows opportunities that are complete, underway, or soon will be coming to the area.

2. Additional information on local street improvements: traffic calming, sidewalks, safe routes to schools.

Slide 32 highlights local street pavement priorities and traffic calming areas. These are both addressing people comfort for walking, biking, and rolling. Infrastructure in the plan area varies, but none of the streets have sidewalks. Much likelier to pursue alternative street designs similar to the Errol Heights Street Improvement Project. As there is no dedicated funding for building new residential streets, the funding mechanism for the Errol Heights project is instructive for how it's likely any of these projects will be funded: by leveraging projects by the City's other infrastructure bureaus (slide 34).

Traffic calming doesn't mean speed bumps on different streets; means looking at an area and developing strategy that is holistic for area. Often acupuncture approach leads to pushing traffic from one local street to another. For fraction of cost of building one block of sidewalks, we could traffic calm a district. We heard that the reason folks wanted sidewalks was because cars pass them at 30 mph and its uncomfortable. Sidewalks are one solution (tens of millions). Traffic calming is another. If you have to walk in the road, need to bring vehicle speeds down to speeds closer to pedestrian speed to attenuate conflict. When/if we have a well-funded traffic calming program (which is in high demand), these are the areas we would spend the time and money.

As for alignment for Safe Routes to School, slide 36 is an input to the recommended projects. Slide 37 highlights the overlap of these changes. There will be an update to the Safe Routes to School plan next year.

3. The prioritization of transportation investments and the relationship to surrounding areas outside Brentwood-Darlington (slides 38-40).

The map of recommended project (slide 38) show Tier 1 and Tier 2 projects. Tier 1 will be where we focus on in the next 5 years. If there are unique funding options for Tier 2 projects, those will be considered. Prioritization was about (a) if the project is in the plan area, (b) co-located with a center or corridor, and (c) is this on or lead to a street with frequent transit. We expanded the project area and then realized we needed to do more for example on the edges in recognition of needing to connect the area.

Commissioners Patel: One aspect I like is that the plan addresses housing and infrastructure investments. You mentioned grant opportunities for transportation investments. What about the items that don't yet have dedicated funding?

- Shane: A few projects are top of mind in PBOT planning for what we'll apply for money. The bond measure to fix streets is another option. We have our eye on opportunities – there is little fungible, discretionary money we have.

Commissioner Alexander: As we look at this project and companion focus of transportation and traffic control, have we looked at areas of industrial development? For workforce housing for example?

Commissioner Lange: Lots of testimony was about traffic safety and getting around the neighborhood. What about street lighting as a component of safety?

- Shane: It's not in this plan. In this part of town, the busy streets meet city standards as they are narrow enough so a luminaire on one side of the street accomplished lighting for the area.

Chair O'Meara: Thanks for the information and details today. One thing I noticed on 62nd is folks are on wheelchairs in the street due to lack of curb ramps.

- Shane: ADA issues at Brentwood Park are one of the major things we've heard about. This will be worked on.

Chair O'Meara: There are lots of alleys in the area, but I'm not seeing priorities to pave over the alleys. I know some people see alleys as somewhat for traffic calming. What did you hear from the community?

- *Shane:* We didn't hear lots about paving alleys or anything. The City has not prioritize paving them, so it can be something the community actually doesn't walk. We've set this up as a topic for future conversation.

Commissioner Spevak: I like what's been presented and appreciate staff's work.

Commissioner Spevak: I move that the lots owned by BES are changed to Open Space as proposed as shown on slide 23. *Commissioner Routh* seconded.

(Y8 – Alexander, Lange, O'Meara, Patel, Pouncil, Routh, Spevak, Thompson)

Bill noted there are some minor technical edits that staff has found to make before a final Proposed Draft is complete. An example is a map that was not clear (editing small errors). Shane noted one mapping error on a classification change and alignment on making sure that shows correctly.

Commissioner Spevak moved adoption of the Lower SE Rising Plan as amended today and with clerical changes to be included for the Recommended Draft. *Chair O'Meara* seconded.

(Y8 – Alexander, Lange, O'Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The plan is approved.

Housing Regulatory Relief Project

Work Session: Sandra Wood, Phil Nameny

[November 9, 2023, HRR memo](#)

Disclosures

None.

Sandra thanked the commissioners for last week's work session and the discussion of potential amendments.

Amendment 1: Technical amendments

Sandra and *Commissioner Spevak* explained the minor edits included in the technical amendments package. These make no substantive changes to the proposal.

Commissioner Spevak: These don't change the code, they are really just verbiage edits to clarify the intent. He walked through items 1a-1e.

Commissioner Spevak moved Amendment 1. *Commissioner Patel* seconded.

(Y8 – Alexander, Lange, O’Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The amendment passes.

Amendment 2: Bird-safe glazing amendment

Phil walked through the amendment. This amendment removes the staff-proposed temporary bird-safe glazing waiver and replaces it with a temporary allowance for a higher percentage of glazing on the first 60-foot elevation of the building before the bird-safe glazing standard is invoked. The revised percentage of 37% is based upon possible glazing on different floor plates within those 60-feet, providing for 30% glazing on the upper floors while allowing for 60% glazing on the ground floor. Depending on different potential floor height iterations, staff found that the overall glazing percentage would be in the 35-37% range. As a result, staff proposes to temporarily increase the trigger threshold to 37%. Regardless of this percentage, the first 15-feet of a floor above a rooftop landscaped area will need to provide bird-safe glazing. The change impacts the River overlay zone (33.475.235.B) and the Central City plan district (33.510.223.B.)

Commissioner Thompson: I am supportive of the overall intent but want to understand a bit more about implementation challenges in what I proposed. I’m interested in finding a way for bird-safe glazing to not be a barrier to housing development and not increase bird strikes on buildings. If 30% glazing is a reasonable lower limit, the original code was written to address this. Except for this doesn’t make an accommodation for a glassier ground floor, which I wanted to try to allow. I imagined the approach might be to say if you have glass in excess of 30% at the ground floor, you only have to do glazing there, not the full facade. It sounds like there are complexities in defining the ground floor. So what about “residential floor with below 30%”?

- Sandra: The trigger is increased, period, in our proposal. This doesn’t change the measurement calculation. We don’t want to look at floor plans on each floor to determine if glazing applies or not.
- Patricia: When BDS is reviewing plans, we are trying to keep the review similar and not have to distinguish between uses on different floors. Typically with these you have more transparency on the ground floor, assuming you hold on the upper floors. This is more consistent for an implementation and compliance review with materially no change.

Commissioner Spevak: I think materially it does change what gets built. There still could be bird-safe glazing requirements in *Commissioner Thompson’s* note. So what’s at play is that it’s easier to write the regulation across the full building, but I’m not sure that gets at the requirement for ground floor.

- Phil: The current provision is that it get triggered at 30%, residential or not. I don’t see what this amendment does more than the current code. We are currently in communication about what the ground floor is and how we define it. I don’t know what benefit we’re getting outside of the current standard.

Commissioner Spevak: My concern is that 37% is too high perhaps.

- Patricia: We are looking for overall flexibility and facilitate housing production. Ground floor can but doesn’t have to be housing of course. If the ground floor is potentially the area most

important for glazing, changing the percentage from an implementation and flexibility standpoint is the easiest way to accomplish this. The trigger would go from 30% to 37%, meant to average out the likely greater transparency on the lower floor.

- Phil: This is a 5-year, temporary, only if the building has residential units in it. It's not to distinguish where the residential units are placed. And a reminder that floors are not necessarily all one use. If we want to create something really nuanced, we want more study to figure this out.

Commissioner Pouncil: The higher threshold means more building with glass that doesn't have glazing.

Commissioner Routh: I am a bit lost in the calculus for bird-safe glazing and ecoroofs (next amendment). I am concerned about agreeing to something in this that has consequences for further bird deaths.

Sandra: As a reminder, there was a project that looked at the science and requirements for bird-safe glazing – that is where we have the trigger at 30%. Our proposed draft was to do a simple no application for 5 years. This amendment is to address the discomfort from the commission from testimony and waiving the requirement for 5 years. So an option would be to pull this from staff's draft, but this was a compromise to get more buildings out of having to provide bird-safe glazing. Our approach was the same regulatory structure but change the percent and allow for the ground floor to have more glazing. But I'm hearing that we have difference calculations between the ground floor and upper floors.

Patricia: From last week, I heard the desire to not penalize the more transparent ground floor. So that led us to the path of not distinguishing the uses by floor. So we raised the percentage to account for that. If we have a different objective, we'd have to talk about this further.

Commissioner Thompson: It's just the implementation that is different. If you did glassier ground floor with glazing, you wouldn't have to on the upper floors. It sounds like there are challenges with ground floor definition. I understand the overall percentage is easier.

- Phil: In base zones, you have to specifically measure where you have ground floors. This was intended as a project to reduce regulatory barriers – but if we have new requirements, we may be making more restrictions.

Commissioner Thompson: If ground floor glazing is > 30%, it doesn't penalize the upper floors. I'm not suggesting we go in the opposite direction.

Chair O'Meara: I heard an option to propose modification to the amendment or we can not vote on the amendment and propose maintaining the current requirements and not include a change or amendment in the HRR plan.

- *Commissioner Thompson:* I would rather not include the amendment or removing the bird-safe glazing requirement in the proposal.
- Patricia: So in terms of not wanting to be more restrictive is upper stories are lower transparency, what we are working on ultimately requires looking at the ground and upper floors separately. But you could still look at 0-60' and determine the overall percentage. If only the ground floor is triggering over 30%.

Commissioner Spevak: Bird-safe glass not required if a floor is residential and meets the 30% threshold. Do the same calculations but residential floors don't have to glaze if windows are < 30%.

Phil: Residential uses in the first 60' versus if the site has residential uses.

Chair O'Meara: If we proposed an amendment that removes the consideration of bird-safe glazing from HRR, what does support for that look like?

Staff doesn't feel comfortable proposing new language, particularly because we don't have input from the implementing staff.

Commissioner Thompson moved to retain the existing bird-safe glazing requirement as it is stated in the code today. *Commissioner Pouncil* seconded.

(Y6 – Alexander, O'Meara, Pouncil, Routh, Spevak, Thompson; N2 – Lange, Patel)

The amendment passes.

Amendment 3: Ecoroofs

This amendment removes the temporary suspension of the ecoroof requirement and includes a temporary exception to the requirement on a new building with residential uses if the roof is covered with solar panels to the same extent. The amendment creates a parallel set of standards for the solar panels and would be applicable as an alternative until January 1, 2029. However, buildings using this option will still need to manage stormwater as part of their review with environmental services.

Chair O'Meara: My intent was to maintain the ecoroof requirement except if dev proposes 50% of roof area or more with solar PV infrastructure. Does a 60% PV requirement seem reasonable?

Commissioner Lange: When this came to us, we were trying to kick-start some development for housing. By reducing ecoroofs and replacing with solar, I don't think we're achieving that. This just changes the burden structure.

Commissioner Routh: I am inclined to agree. I think in the original discussion we heard that ecoroofs is one way to manage stormwater; minus that, stormwater management still has to happen.

Commissioner Thompson: I am supportive of how staff has crafted the amendment as it pertains to solar as it is a clean way to do this. I agree it didn't really come up in testimony as it doesn't necessarily reduce barriers to housing. But it incentivizes climate-smart development.

Patricia: To clarify, what the amendment is about is not about reducing costs – it is just creating more flexibility within the regulation for ecoroofs.

Commissioner Spevak: I thought earlier the Commission would reject waiving ecoroofs entirely. I think this amendment is a middle-ground as PV is a financial and feasible benefit to building and expands ways to meet other environmental goals.

Savings and costs to tenants was another goal, and this provides long-term cost savings for the building owner and ultimately tenants.

Commissioner Pouncil: I echo *Commissioner Spevak's* comments. A concern is what stormwater treatment requirements are with solar PV.

- Projects are still required to manage stormwater on-site.

Chair O'Meara moved Amendment 3, Ecoroofs. *Commissioner Thompson* seconded.

(Y4 – Alexander, O'Meara, Pouncil, Spevak, Thompson; N4 – Lange, Patel, Pouncil, Routh)

The amendment fails.

Commissioner Thompson moved to maintain existing ecoroof requirement in code. *Commissioner Pouncil* seconded.

(Y4 – O'Meara, Routh, Spevak, Thompson; N4 – Alexander, Lange, Patel, Pouncil)

The amendment fails.

The original proposal in the Proposed Draft stands.

Amendment 4: Neighborhood Contact

The amendment maintains the posting requirement of the neighborhood contact provisions while suspending the meeting requirement for 5 years. The intent is to still provide project and contact information ahead of a permit or land use review without requiring the commitment for having a meeting. The staff proposal to permanently simplify the neighborhood contact options remain. The change shifts the temporary suspension language from the base zones to the administrative chapter 33.705. A narrative is provided below for where the staff proposal is no longer needed while new language for 33.705 is shown.

Chair O'Meara proposed the amendment for a site posting for a proposed development 10,000 square feet or above and the other neighborhood contact requirements as stated in the Proposed Draft. *Commissioner Routh* seconded.

Commissioner Patel noted the code's requirements of a 35-day posting requirement before a development application.

Phil: The initial package removed the contact requirement entirely. So the 35 days didn't get reviewed because the proposal would have removed any contact requirement. With the request, rather than try

to rewrite a new version of code, we went back to Neighborhood Contact 1 provision, which is written that it must be 35 days prior to application.

(Y6 – Alexander, Lange, O’Meara, Routh, Spevak, Thompson; N2 – Patel, Pouncil)

The amendment passes.

Return to Amendment 3: Ecoroofs

Commissioner Spevak: With the two tie votes on ecoroofs, and given we’d then retain the ecoroof requirement, I’d like to reoffer staff’s proposed Ecoroof amendment 3 with the alternate for PV.

Commissioner Routh seconded.

(Y6 – Alexander, O’Meara, Pouncil, Routh, Spevak, Thompson; N2 – Lange, Patel)

The amendment passes.

Final vote on package

Chair O’Meara: I move that we recommend that City Council adopts the Proposed Draft as amended today, and Amend Title 33, Planning and Zoning as reflected in the Proposed Draft, as amended in today’s discussion. *Commissioner Spevak* seconded.

Commissioner Patel: I'd like to note that while I did not support the substantive amendments to the initial package today, my "yes" vote for the package as amended reflects my support for the entirety of relief measures in the package and its effect on feasibility.

(Y7 – Alexander, O’Meara, Patel, Pouncil, Routh, Spevak, Thompson; N1 – Lange)

The proposal passes.

Discussion of Planning Commission letter to Council

Patricia: The letter will of course reflect the vote and your deliberations today. I hear *Commissioner Spevak* wanting to comment on a potential amendment to bird-safe glazing that could get to the intent of what was discussed today.

Commissioner Spevak: Call attention to the 4-4 split vote on the topic, including the limited time we had to create a proposal. Also we should call attention to conditional use reviews and how that can make it more difficult for faith-based organizations with parking that could be shared.

Chair O’Meara: I would like a high-level mention of what the monitoring can be over the next 5 years and what a review opportunity in 5 years can be at Planning Commission... or what unintended consequences may be.

- Sandra: Because this is a Planning Commission letter to Council, this seems a bit awkward. We can ask Council to direct staff to come up with a monitoring plan. Then we can bring that back to Planning Commission as well.

Commissioner Pouncil: Once the 5 years are up, I want to be sure it goes back to the original code.

- Sandra: This is the way the code is structured, so it's not a concern.

Commissioner Spevak: I'd like to call attention to the bike parking provision and ask Council to commit to looking to the code sooner than 5 years.

Commissioner Alexander: I understand the need for clarity going back to the pre-revision standards. But I'm also curious to go back to developers and ask how effective these short-term changes were. I hope there is an opportunity to recalibrate and understand their input.

Chair O'Meara: We can mention a couple points of our debate and what we considered. Bird-safe glazing and ecoroofs.

Commissioner Routh: Because we've had a shorter time to deliberate on this package, this might be a good place to share a minority message. *Commissioner Lange* noted the no vote was primarily because I wanted to stick to what we were really trying to achieve. Just noting the struggle we had, our added meeting, etc is important for Council to understand.

Commissioner Patel: I want to add to *Commissioner Lange's* note and include the amendments to show how they turned out. This is illustrative of our discussion.

- Sandra: I would discourage this only so we keep the letter concise and say why the package is forwarded as a whole.

Commissioner Spevak: We could share the minutes from this meeting if Council members want to understand our debate and discussion fully.

Commissioner Alexander: I'd like to provide Council with links to the minutes from all the meetings on this project.

Chair O'Meara: Reference the amount of testimony we received and the significant interest in the project.

Adjourn

Chair O'Meara adjourned the meeting at 3:36 p.m.

Submitted by Julie Ocken