

Portland Planning and Sustainability Commission

Tuesday, May 22, 2012

6:00-9:00pm

Meeting Minutes

Commissioners Present: Andre' Baugh (arrived 6:30pm), Karen Gray, Don Hanson, Mike Houck, Lai-Lani Ovalles, Gary Oxman (arrived 6:45pm), Michelle Rudd, Howard Shapiro, Jill Sherman, Chris Smith

Commissioners Absent: Irma Valdez

BPS Staff Present: Susan Anderson, Director; Roberta Jortner, Environmental Planner; Morgan Tracy, City Planner; Debbie Bischoff, Sr Planner; Julie Ocken, PSC Coordinator

Other City Staff Present: Mieke Keenan, BDS; Denver Igarta, PBOT

Vice Chair Shapiro called the meeting to order at 6:08pm and provided an overview of the agenda.

Director's Report

Susan Anderson

- Reminder to commissioners to please input your availability into the online poll about the upcoming summer PSC meetings.
- Policy Expert Groups for Comp Plan update are having orientation sessions 06/08 and 06/11. PSC members don't need to attend, but these are orientation session for other PEG members.
- Thank you to Jill Sherman, whose last PSC meeting is tonight.

Consent Agenda

- Consideration of [Minutes from the 05/08/12](#) PSC meeting.

Vice Chair Shapiro asked for any comments or edits by Commission members. *Commissioner Houck* noted his continued interest in the presentation on the bird-friendly guidelines project, and that will come before the commission in July.

The Consent Agenda was approved with an *aye* vote.

(Y8 – Gray, Hanson, Houck, Ovalles, Rudd, Shapiro, Sherman, Smith)

Citywide Tree Project Housekeeping Code Amendments

Hearing / Recommendation: Morgan Tracy, Roberta Jortner; Mieke Keenan, BDS/PP&R

Presentation: <http://efiles.portlandoregon.gov/webdrawer/rec/4910911/view/>

Documents:

- [Amendments](#)
- [Summary](#)
- [Memo: Replacement Pages](#)

These are proposed housekeeping amendments to Title 11 (Trees) and Title 33 (Planning and Zoning). The Planning Commission heard the original project in 2010. City Council adopted the original package in 2011.

Staff provided a brief recap of the Citywide Tree Project: the purpose was to overhaul the City's tree code to consolidate the regulatory guidelines, create zoning code/land use review consistency, update the tree removal permit system, create consistent tree replacement guidance and ensure tree preservation and density on development sites. Customer service

improvements including a single point of contact for the public and a tree manual are other components of the original project.

In the first year, staff evaluated existing code. They brought forward an initial concept package in early 2009 with drafted code language and evaluation of fiscal impacts. There was a public hearing and 5 joint PC / Urban Forestry Commission (UFC) work sessions, which focused on a standardized permitting system, strengthening protections for trees, and crafting development standards that balance tree preservation and development goals.

In April 2011 Council approved the code package with refinements to standardize regulated tree sizes, balance preservation, especially on small lots and industrial sites, and establish a streamlined street tree pruning permit. An estimated effect of implementation was to increase future tree canopy by more than 100 acres per year.

This year's Mayor's Proposed Budget includes funding for

- TRACS updates for the new A and B permits (TRACS is the City's consolidated permit tracking database);
- Online applications for pruning permits, which will be Beta tested this July; and
- 1 year extension for funding of the Program Coordinator Position.

BES is taking the lead on creating a centralized tree website which will function as the Tree Manual proposed as part of the Citywide Tree Project. The website will provide 1-stop shopping for tree-related questions including, permit requirements in development and non-development situations, volunteer programs, heritage walks, volunteer opportunities and other information.

Due to budget constraints, the bureaus are proposing to delay Title 11 implementation from February to July 2013. The five month delay will also allow implementation to better align with the City's fiscal year period (July through June).

Jenn Cairo, the new City Forester started in April, and project staff is spending time getting her up to speed with the new regulations and current BDS permit procedures.

Staff is also committed to do training for other staff (such as those who work in the permit center), homeowners and others in the tree care industry. Staff will be updating/creating/distributing brochures and putting code into simple language to ensure everyone understands the procedures and requirements.

The bureaus are also partnering with stakeholders to beta test the new website.

The housekeeping code amendments are designed to facilitate smooth implementation of the code without changing any policies in the adopted code. There are 8 amendments, broken into 3 categories:

(A) Clarify policy:

- #2) Table 30-1 - Describes public notice requirements for A and B permits. The existing table does not include notice requirements for removing multiple trees less than 12 inches diameter and does not distinguish between City and Street Trees.
- #4) Table 40-1 - Intended to be a quick reference tool for informing readers where Title 11 or 33 applies for a tree removal requests. The proposed amendment expands the table to address more situations where Title 33 applies.

(B) Address Unintended Consequences:

- #1) Amend Process for Updating Title 11 - Add a third tier of amendments: Conforming Amendments. If policies change at a state or federal level, staff can update Title 11 to conform.
- #3) Eliminate Street Tree Removal Minimum Size Threshold - Maintain existing policy for street tree removal: maintain existing policy for street tree removal. Clarify that sucker shoots and small self-sown trees do not require a permit
- #7) Modify Enforcement Tools to Provide More Options - Add tools to back into regulations to allow staff to issue penalties to tree removal companies.

(c) Technical Amendments

- #5) Tables 40-2 and 40-3 are proposed to be updated to reflect previously described amendments to Table 30-1, the street tree size threshold change, and adds terminology consistent with Title 33.
- #8) Title 33, Planning and Zoning - Rescind Conflicting Zoning Code Amendment to account for changes made with the Airport Futures Project currently in effect.
 - Maintain Airport Futures Project regulations
 - No effect on Tree Code policies

Staff went to DRAC, UFC, Citywide Land Use Group and sent stakeholder group notifications about the hearings. Most of the comments to date have been supportive of the proposed changes. Some feedback has focused on the larger tree code and policy work that concluded last year and is outside the scope of this amendment package.

In response to concerns raised by the Urban Forestry Commission, as well as comments received from the public, staff has made a few minor refinements to the code amendment language in the package, which are included in the [substitute pages document](#) to replace pages 3, 5, and 7. The amendments include notifying the UFC of technical amendments and clarifying what is meant by “per year”.

UFC directed staff to track the number of trees removed on public and private property; examine the street tree pruning permit regulations for effectiveness and enforceability; and clarify some of the language in future public outreach materials. Staff will look at pruning permit size threshold (1/4”) prior to bringing the project to City Council.

Discussion

Staff is in the beginning stages of developing outreach materials. Specific groups and targets for this information include the homebuilders association, arborist association, BDS lunch-and-learn times and include simple explanations in plain English of the technical language in the code to make a simple package for the community. Commissioners suggested neighborhood associations and community newsletters as other options of places to share information.

Written Testimony Received

- Greg Schifsky
- Donna Giguere
- Lisa Tadewaldt

Chair Baugh closed testimony.

Commissioner Shapiro moved to:

- Recommend that Council amend Title 11 as shown in Exhibit A;
- Recommend that Council amend Title 33 as shown in Exhibit A; and
- Direct staff to continue to refine the recommended code language as necessary.

Commissioner Houck seconded.

Chair Baugh restated the motion, and the motion passed.

(Y9 – Baugh, Gray, Hanson, Houck, Ovalles, Rudd, Shapiro, Sherman, Smith)

Cully Main Street & Local Street Plan Project

Hearing / Recommendation: Debbie Bischoff; Denver Igarta, PBOT

Presentation: <http://efiles.portlandoregon.gov/webdrawer/rec/4910910/view/>

Documents:

- [Implementation Report](#)
- [Staff memo](#)
- [Revised staff memo dated May 21, 2012](#)

Tonight's hearing is the culmination of a year-long effort to address Cully community identified economic development and infrastructure priorities with rezoning proposals along the Cully main street area and a local street plan for the Cully neighborhood.

The project was funded in part by a State Transportation and Growth Management Program grant and has been led by BPS and PBOT with assistance from other bureaus.

This project builds off of, is consistent with and helps implement the Cully-Concordia Community Assessment and Action Plan, the Portland Plan, the Climate Action Plan, and Metro's Region 2040 Growth Concept Plan.

The memo dated 05/21 has amendments to clarify and provide additional information.

Desired outcomes for the project include a land use pattern for a thriving local-serving Cully Blvd Main Street and a local streetplan with strategies to improve safety and accessibility.

Staff shared information about existing conditions in the neighborhood: Cully is the most ethnically and racially diverse area in Portland, possibly in the state. It's a large area with a large population lacking commercial opportunities. There are also numerous non-conforming uses, where businesses are located on residentially-zoned land. Many existing businesses are auto-serving uses and alcoholic beverage establishments. An economic study as part of the project confirmed that Cully lacks businesses to meet the daily needs of residents.

Cully ranks 2nd in terms of the most miles of unpaved streets in Portland, and only 34 percent of the streets in the study area have a sidewalk on at least one side. There is a lack of street connectivity within and through the neighborhood.

A late inclusion into the rezoning piece of the project is a City of Portland neighborhood park site at NE 52nd and Alberta Street, which PP&R has just begun a master planning process around that will lead to Cully's first built neighborhood park to be built in the next couple of years.

Project staff held 3 major community events to allow community to participate in the project.

A Project Working Group of community and agency representatives met 5 times through the planning process to review staff work's and provide input.

Other engagement activities included specific outreach and engagement with the Latino and Somali residents, which were coordinated with Hacienda CDC.

Staff utilized community connections and relationships that have been built over the last few years of work in Cully to engage its diverse make-up, including recent immigrants, youth and seniors, organizations and institutions in that serve this community.

The Cully Main Street Rezoning Proposal:

- Considers existing context, potential opportunities and community desires;
- Strategically promotes a main street character;
- Responds to community support for additional residences; and
- Uses criteria developed by PWG and endorsed by public.

32 acres of land are included in the rezoning proposal. 19 acres would be rezoned from one residential zone to another; 8 acres from residential to commercial zones (4 acres of which on currently nonconforming businesses); and over 2.5 acres from commercial to employment zones (2 acres to EX allows commercial).

The proposals are divided into 4 areas for discussion and place-making purposes. The 5th area is Werbin Park property, outside of the Main Street area.

Regarding the Main Street, staff requests that the PSC recommend that City Council adopt an ordinance that amends the Portland Comprehensive Plan Map and Zoning Map as shown in this report.

Cully Local Street Plan

The Cully neighborhood includes more than 50 Blocks of dirt/gravel roads, and only 33 percent have a sidewalk on at least one side.

Cully Blvd recently completed a model green street as well as sidewalks on both sides and a separated bikeway. Within the neighborhood, there is a lack of continuity and sidewalk gaps throughout the neighborhood. Some homes do not receive mail at their homes and residents must walk down their unpaved street to pick up their daily mail.

This plan highlights implementation to provide Portland Plan actions and objectives including:

- Basic services for all;
- Alternative ROW projects;
- Unimproved ROW alternatives; and
- Improved pedestrian facilities that don't meet current City standards.

The Cully Local Street Plan identifies:

- Priority active transportation network with neighborhood greenways;
- More options for improving local streets, with interim and alternative designs, while maintaining low auto traffic, slow auto speeds, trees and common space, including:
 - Curbless street with separated sidewalk
 - Low-impact street (pilot)
 - Curbless street with flush-tight sidewalk (pilot)
 - Shared street (pilot)
- A target area for implementation; and
- Community priority projects and potential funding - this includes 60th Ave, Prescott, Killingsworth and Cully Blvd among the highest-ranked priorities at October 2011 and March 2012 public events.

Staff would like to test if, in areas where there is not parking demand, there is space to preserve common space areas, existing trees and/or urban agriculture.

To implement a pilot improvement project, staff would like to start to focus by looking at highest concentration of unimproved streets: 62nd/Cully/72nd/Prescott, near Harvey Scott School, where 35 percent of the unimproved streets in the neighborhood are located, including 5 consecutive blocks of unimproved routes, lie. There is potential to update multiple blocks at one time to reduce costs of engineering, etc.

We need to look at alternative funding mechanisms to ensure we are not instigating gentrification in the Cully. We need to focus on improving the area for those in the neighborhood while avoiding displacement.

The least costly alternative that staff has been able to find is 80 percent of building a standard street. By bringing in other strategies (e.g. economies of scale, other funding sources), we may be able to find other less costly alternatives.

The nuanced uses of different zoning types highlight the goals to be context-sensitive and to make place. CN1 and CN2 (neighborhood commercial) are for the most part where non-conforming uses are currently; they are mostly small lots in proximity to residential areas. On the main street with bigger lots and storefront development, the area can accommodate more development, so the project selectively proposes zones such as CS (commercial storefront) and CM (mixed commercial).

Testimony

- Peter Fry, Verde: Welcomes PBOT's initiative to be creative on streets but voiced concerns about zoning, especially R1 and R2. He also noted concern with CN1 because of the parking limitations but did support the EX rezoning proposal.
- Tony DeFalco, Verde: Work is being down on a Cully EcoDistrict that highlights equity and seeks to drive environmental investments in Cully. There is currently a green divide. A signature project in Cully, a 25-acre sight, is a community project working to build a park on top of landfill. The site needs the community to bring funding sources to build streets, and this project can be a good partner, specifically to build a greenstreet on NE 72nd. There should be more attention to Cully Park in the implementation plan. We also need to create access and safe routes from 72nd and from other areas of the neighborhood to this new park asset.
- Alan Hipolito, Verde: Provided a definition of gentrification - increased investment in a neighborhood that makes it increasingly difficult for low-income people to remain in the area. Even with an alternative street design and new development, people don't get to stay there if they can't afford to. Alternative design standards are exciting for Cully, but the attention to gentrification in the plan is not high enough. The PWG has talked about the concern and suggested:
 - (1) Gentrification needs to be better addressed in the plan; a pilot is not enough.
 - (2) The need to do aggressive and different plans - having language in a plan is not enough. Cully Park is a good example of groups working together to create something for the community while creating business opportunities for those in the area.
 - *Commissioner Sherman* noted the critical thing is that we don't repeat past mistakes. She asked if Alan and others would work with staff to think through plans that include concrete measures and strategies with a role for Verde to help think through ideas to create outcomes we are looking for in Cully.
 - Collectively we need to encourage developments that support local economic opportunity, protect environment, and serve the local community. We also need a way to say "no" if this objective isn't achieved. The quality of the money you choose to use can affect the plan (e.g. employing local residents).
 - Susan Anderson suggested that we should create a community benefits agreement - outlining how we use City, state and federal dollars - to give specific guidelines about where/how funding is used.
- Doug Klotz, Portland Pedestrian Advisory Committee: Welcomed the innovative approach to street design but shared some concerns, especially about the separation of the sidewalk from street. The PAC doesn't want trees behind the sidewalk because they can soon encroach on private properties. He suggested further conversation with the Fire Bureau about the space needed for fire trucks coming down the street. The

current approved 20' skinny street has more flexibility than the proposed low-impact street.

- *Commissioner Houck* noted the sustainable stormwater program (BES) is working to create better streets; one percent for Grey to Green is another funding opportunity.
- Robert Granger: resident and property owner in Cully. Opportunity costs with NOT moving the plan forward. This plan focuses on how we deal with historical zoning when the neighborhood was annexed into city as well as the costs of having a one-size-fits-all street planning option. Greenstreet costs are unsustainable; we need the options laid out in the plan but should be able to tweak the details as necessary. Details can be worked out down the road, but alternatives are needed to allow residents the option to improve their neighborhood. Zoning needs to be cleaned up to allow property owners and small business owners to invest in the area.
- Catherine Kes, Hacienda CDC: Hacienda owns 325 affordable housing units in area 4 of the plan. 108 units are in the process of being torn down and rebuilt. With the zoning change from R2 to R1 this is a concern was that they would have to build more units, but that is not the case. This is an opportunity for the City to provide for more low-income housing and stop gentrification in the area where CDC owns property is an opportunity. CS rezoning on the corner of Killingsworth and Cully provided opportunities for small local businesses that Hacienda owns.
- Chris Browne: Lives at Wygant and Cully, where one side of the street is turning into R2, other into CN1; the house on the east corner is the only one being turned into CN1 with no on-street parking and a bioswale, which is a mistake because the property won't be commercially viable. The Emerson apartment complex is being turned to R1, and there are already cars parked on both sides of the street, so it will add more cars in the neighborhood. A center-strip type street could be valuable (e.g. Ainsworth), and drainage works.
- Rey Espana, NAYA: Acknowledged staff and the leadership that have committed to working in the neighborhood and with the Cully community. He asked the PSC for courageous leadership as it considers the staff report and recommendation, specifically to direct staff to continue to refine the language. Cully is at a crossroads regarding equity. The Cully Main Street vision is one of hope - to build a neighborhood where people can age in place and be safe. This area is welcoming and supportive; a commercial district should celebrate the area's cultural assets. The PSC should direct staff to include intentional language to be creative about the equity tools/lens, and using public dollars to do what's best for the community.
- Ron Knight: Has lived in Cully 42 years and noted the many unimproved roads. In process of putting in new sewer line on 61st, there was a paved a thin strip of asphalt on both 61st and Beech. Mostly pedestrians, very few cars travel through this section. The asphalt strip covered potholes, but this project didn't cost as much as the noted 80 percent. This type of improvement could be considered a model for non-through-streets where there are few cars and mostly pedestrian use.
- Howard Kenyon, NE Emergency Food Program: Voiced concern for walkability on NE 72nd. 60th Ave has a high priority, but 72nd should be a priority too as it is one of the most walked streets in the area to provide accessibility for residents and for people who come to Cully for emergency food services.
- Ruby Ibarra, Multnomah County Health Department: Works with families who use the streets for daily exercise and encouraged the PSC to keep in mind the importance of safe streets. Families are discouraged when they don't have the means to work in an area where they have any option to drive. Access to safe streets and areas for families are both vitally important for these families.
- David McKenzie: We need to attract value to the effort without sacrificing the residents' values. There are models to look at such as B-Corps. State legislation is looking at allowing corporations to do business to include social value, not just

financial bottom line, as we could.

Written Testimony Received

- Portland Pedestrian Advisory Committee
- Montha Escobedo Morston
- Wendy Yah Carel

Chair Baugh closed testimony.

Discussion

Cully is different as are its aspirations. Local, smaller scale development and zoning is preferred since the area is not a regional attractor like MLK or Alberta. The R2 zoning provides for an incremental increase in residential zoning that fits the local context adjacent to R7 zoning.

Looking at affordable options is essential for Cully. A phased implementation is a good alternative. PBOT staff is also working on a street-by-street initiative, which could develop other options to make improvements elsewhere in the city.

Another option that staff and commission members discussed is a street type that is designed for people walking and biking, but which still allows access by cars driving only at very low speeds.

A community benefits agreement approach to improvements in the neighborhood could make language in plan stronger. This would look at how we can leverage improvement to create benefits for the community.

To be courageous, we need to put teeth to the Equity lens of the Portland Plan. We need to use future plans to distribute services equitably and engage people who aren't at the table.

Transportation alternatives can look at issues of gentrification too. Street alternatives and commercial zoning can help create and maintain cultural diversity within each neighborhood.

Commissioner Shapiro acknowledged staff's work and moved to:

1. Amend the *Cully Main Street Local Street Plan Implementation Report* as noted in the May 21, 2012 memo;
2. Recommend that City Council adopt the amended Implementation Report; and
3. Direct staff to continue to refine report language including to work with Peter Fry and the community. The Report should come back to the PSC prior to Council for final review.

Commissioner Baugh seconded.

Chair Baugh restated the motion, and the motion passed.

(Y10 – Baugh, Gray, Hanson, Houck, Ovalles, Oxman, Rudd, Shapiro, Sherman, Smith)

Adjourn

Chair Baugh adjourned the meeting at 9:02pm.