

Portland Planning and Sustainability Commission

Tuesday, July 12, 2016

4:00 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach, Andre' Baugh, Mike Houck, Gary Oxman, Michelle Rudd, Katherine Schultz (by phone) Chris Smith, Eli Spevak, Maggie Tallmadge, Teresa St Martin

Commissioners Absent: Katie Larsell

City Staff Presenting: Deborah Stein, Eric Engstrom, Barry Manning, Bill Cunningham, Joe Zehnder

Vice Chair Baugh called the meeting to order at 4:00 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Items of Interest from Commissioners

- *Commissioner Smith:* An update. I carried our parking recommendation to City Council - they will adopt the portion on shared parking but not on the parking minimums at this time. For the first time the affordable housing advocates weighed in on the impact of parking on affordable housing. It was a good discussion.
- *Commissioner St. Martin:* An update on the Residential Infill Project SAC. Staff has been taking public comment, and it's been a lively conversation. I'm looking forward to wrapping that up.
- *Commissioner Bachrach:* I missed the June 14 meeting - did we ever send the TDM letter to Council?
 - *Director Anderson:* We will check with Julie Ocken when she is back from vacation next week.

Director's Report

Susan Anderson

- Director Anderson reminded Commissioners of the opportunity to have small, targeted briefings with staff on the Central City 2035 Plan.

Task 5: Composite Zoning Map

Hearing: Deborah Stein

Presentation

Conflicts of Interest Disclosure

- *Commissioner Spevak:* I own a residential and commercial property in Cully - I will recuse myself from that portion of the vote.
- *Commissioner Bachrach:* I own property on SE 17th that is being downzoned. I will recuse myself from that portion of the vote.
- *Commissioner Rudd:* My firm submitted a letter related to the Naito properties. I will recuse myself from the vote on that portion of the map.
- *Commissioner St. Martin:* I own property on NE Mississippi and will recuse myself from that portion of the vote.

- *Commissioner Smith*: I have a rental in the Pearl, but no conflicts.

Composite Zoning Map Hearing

Commissioner Bachrach asked if there would be another hearing on the mixed use zones project.

Deborah Stein: Today there may be testimony on the Mixed Use map. If you want to close the hearing after this meeting, that would be the last opportunity to testify.

Commissioner Bachrach: I'm a little concerned about making changes with no further opportunity to testify. Also - a few people have asked about an upzone of their designation but not their zone. What was the thinking there to delay the upzone?

Ms. Stein: Some of it is site specific. In some places, if there's viable housing, we've proposed to retain existing zoning. At some point, it might be good to add commercial, but it's not needed right now. We didn't want to risk displacement.

The hearing commenced.

Testimony

** indicates written testimony submitted at hearing (others submitted written testimony prior to or after the July 12 hearing.*

1. *Terry Parker**: Representing Rose City Park NA. Asking for PSC to recommend retaining the existing R5 zoning until such time as a full range of infrastructure improvements is made.
2. *Jackie Strong**: Requesting CM2d for their group of properties. We have been able to reach out to neighbors in adjacent areas who support this change. I have submitted letters from some of these property owners.
3. *Doug Kolberg**: Request CM2d on NE Fremont between 46th and 50th. These owners want their properties zoned the same as properties closer to 42nd. These are all long term owned properties (Stanichs, Amalfi's). 80% of these properties have cemetery as northern boundary - this keeps impact rather limited. Why these properties don't have the same zoning potential on the same side of the street, when they have better amenities, is baffling.
4. *Vladimir Ozeruga**: I am a builder and developer since 1992, mostly in N and NE Portland. I would like to change the zone from R1 to CM2 on my properties - 7050 and 7035 NE MLK, north side of Rosa Parks - to match the Comp Plan map. Instead of developing a couple of duplexes, I can develop 3-4 story buildings that would include first floor commercial. This will fit the people who are living there - mostly single people and people without kids. It will also create more jobs for people if we do first floor commercial. MLK is already built up with 5 story buildings, and the scale will fit as it's close to downtown.
5. *Tim Ramis**: I'm here on behalf of Mr. Michael Foster requesting an upzone of properties to their comprehensive plan designation (1434 and 1512 SW 58th). There area being developed is zoned R2, the four properties have R2, the two properties to the north are still zoned R20. In a quasi-judicial proceeding, the lower properties were changed to R2. There was a legal finding that the interchange improvements were designed to handle R2 zoning. A professional traffic engineering study confirming this. Each parcel is a half acre, each has a structure on it - these are close to the end of their life. They are using the full acre for two units there.
6. *Michael Foster*: Part of this is confusing because of the mismatch. We think the traffic would be manageable. If the city wants infill, here's your opportunity.

7. *Joe Angel*: I'm here to testify on two issues. First, at the Burger King on Hayden Island, I'm asking for CE. The whole island is CE with a small area designated neighborhood commercial through the Columbia Crossing work, which has been cancelled. Staff has taken position that this is still on the books. I do not want to have a use that is not allowed under the base zone. I do not want to be nonconforming. Second, the building on the corner of Greeley and Rosa Parks. This building dates to 1920 and has always been a gas station or auto repair shop. It's our headquarters. I'm requesting CE so I'm not in a nonconforming situation.
8. *Bob Foglio**: Speaking regarding 2626 NE Dekum and has testified previously. Bought property intending it for multifamily, but through this process, it has been downzoned to CM1. I'm losing 1,500 sf, which means two units lost. Please provide some sort of sunset or something, to allow folks who own properties to close leases, etc. Most of the commercial is now multifamily.
9. *Jeremy McPherson*: I am the Development Manager at Killian Pacific - we have two properties being downzoned: i) the corner of Tacoma and SE 13th; and ii) McLoughlin and Holgate. We don't have any current redevelopment plan on either. The first site is going to be split zoned CM1/CM2 - we are asking it be one or the other rather than split. The second site is proposed to be CE, but we are requesting a rezone to CM3. Without right amount of density to accept redevelopment risk, it effectively means we won't redevelop. These two sites are located close to the MAX Orange line and one is across the street from a New Seasons market. These major intersections should be considered a little differently.

Commissioner Bachrach: I think we've discussed going to CM2 on that one property.

10. *Allison Reynolds*: I represent WREH Lloyd Plaza. We submitted testimony as part of MUZ testimony. This is a large site - approximately 5.2 acres, proposed to remain CX. We support the CX zoning, but are asking staff to address the regulatory gap - areas outside Central City do not have access to bonus FAR and height. We are asking for 120 feet. This site has a base zone of CX which only has 75 feet height and we won't be able to maximize this site's potential. CX zones outside of the plan districts should be able to participate in the MUZ bonuses.
11. *Bill Bitar**: With William Frank Bitar and Associates. 19 of our properties zoned General Commercial or Neighborhood Commercial will be changed to Mixed Use - Civic Corridor. You are taking away 19 of our drive-throughs. Some may not stay drive-throughs, but it takes away our option. There are good things about drive-throughs too. 82nd and Fremont (Popeye's drive thru); 82nd and Sandy (Annie's Donuts); Walgreens on 70th and Sandy; 107th and Sandy (old furniture warehouse. 145th and Division (Jaded Soul). Don't make it so hard on these small businesses. Give them a break.
12. *Matthew Nava**: I am testifying on 2833 NE Weidler Street. I am requesting a zone change to Commercial from Mixed Use. Property is being used as a rental. I did not receive notices, so I'm a little unprepared. I bought the property in 2005 with an understanding it would be commercial. It is sandwiched between Fred Meyers and Broadway. When Fred Meyer went in, that area no longer feels like a residential neighborhood. I met with staff about a Pre App in 2009 with a few of my neighbors, and it became apparent that process would be too costly to change the zone at that time. Planners suggested he should wait until Comp Plan process, but this property was not rezoned to commercial. I'm asking that you zone it Commercial.
13. *Jennifer Kapnek*: I am the owner of 7401 N Albina Ave. The zoning there is proposed to stay R1. It has been nonconforming. I am requesting commercial zoning to get rid of my non conforming status. A CM2 designation would be my preference, but a CM1 would be ok too.
14. *Rita Lyons*: I was out of country when my zoning was changed from R5 to R2.5. There are so many apartments on Division. I don't see the point of taking a single dwelling area and changing it to allow two or three. We are crowded as it is. I just received another proposal for

another liquor license for another place on Division - with liquor in the street. That's a residential area. We have kids, we have older people, couples - please keep things as they are.

15. *Doug Klotz**: I live in Richmond and I'm here to support changing low-rise commercial properties to CM2. On NE 28th from Davis to Everett - if that low rise zone gets moved up to CM2, we have a one block gap of CM1. Make it all CM2. I want to emphasize that I support all of the upzoning from R5 to R2.5. Not sure if this will result in row houses, but it needs to be done now. I think the market is in place, now. A few areas near Hawthorne and Chavez - now R5, moving to R1, R2.5, move them to CM1 or CM2.
16. *Myles Gilmer*: I oppose changes in the NW Industrial area. The property was purchased because of the Industrial Zoning. Manufacturing has been the mainstay of the American economy, but it can be gritty and dirty - a rezone will cause complaints from new residents. Rezoning has the potential to negatively impact my business and others in the area. I oppose rezone. My specific property is at NW 31st and St. Helens.
17. *Jan Holibaugh*: I own a home between Barbur and Corbett, near Swan Island Market. This is one of the busiest corners in the area. My property is zoned residential, but I'm asking for multi use commercial. There are only two houses there. We would like those two properties brought in to multi use commercial.
18. *Ray Leary*: I'm speaking on behalf of the Black Investment Corporation for Economic Progress, Inc. (BICEP), an economic development consortium. I want to talk about 1705 NE Alberta, a property owned by the Booker family - they have a family owned business there. They are finally in a position to redevelop their property but have been hit with a CM1 designation on their existing CS property. The designation limits their ability to maximize on a property they've owned for 20 years. That area needs to benefit the African American businesses and families on that street. Now the market place has stepped up to a point where they can redevelop, you're capping them. If not CM2, at least take the CM1 off of it. Additionally, I'm asking for maximum density on the MLK/Killingsworth corridor. It's heavily travelled. Pass on the ability to fully develop. CM3 limits footprint and opportunity.
19. *Bob LeFeber*: With Commercial Realty Advisors. We've made a lot of progress with staff. More broadly, we do need a mechanism to allow drive throughs outside of the CE areas. Drive throughs are critical to some retailers' success. Drive throughs reduce parking, which is one of the things we want to do. It seems like we're giving up a lot of the good drive throughs for the sake of urban form. We're not adding retail to support additional density. We need more CE zoning to support them. If these businesses locate outside of the city, what does this do for VMT? Mark [Whitlow] will speak later on specific areas of CE.

Commissioner Smith asked if the industry could come up with a drive thru footprint that doesn't detract from the pedestrian environment. Is there a way to make everyone happy?

Mr. LeFeber: Probably not. But there probably is a way to get creative and do it better. We also have not seen the research on the safety concerns.

Commissioner Bachrach: Are there other regulatory problems with CE besides drive throughs?

Mr. LeFeber: Yes. CE is the only one designed to be auto accommodating. If it's not a CE zone, but we're trying to do things to make things more auto accommodating, it would not be allowed, so I think it needs to be CE.

20. *Dean Gisvold**: I'm here to talk about the properties on the corner of NE 15th and Brazee. The businesses are nonconforming - which brings with it restrictions on hours of operation and

deliveries. Properties are owned by Venerable. Current zoning is R5, but with other Comp Plan designation - we're asking for an increase to the threshold for the limitation of hours from 7,500 sf to 15,000 sf. We are not complaining about what is there now. We'd like that continued and not a 3-4 story mixed use apartment building that would be inconsistent with historic the district.

21. *Jim Tsokmas*: Property is between NW Wilson and Nikolai between 29th and 30th. Zone changes will ruin the industrial park. Change is foolhearty and ignorant. You will impact 5,000 jobs without a thought. If you add more pedestrians and bikes to the area, you'll end up with accidents. We don't want this done in the area. This will downgrade my way of life and a lot of other people's

Commissioner Spevak: What is job density and wage information in this area? That would be helpful to get from Staff.

Mr. Tsokmas: Those are middle class jobs. Higher if you're in technology. We can't erode the industrial park one more inch.

Commissioner Smith: We have something similar in the Central Eastside. We've developed some tools where residential folks sign waivers about nearby industrial uses. Would tools like this be useful in your situation?

Mr. Tsokmas: No. We have so much industrial there, the more residential you put in there (offices would be fine), it won't work out. People are already complaining about noise. These people knew what they bought when they got there. I don't think it would work.

22. *Craig Hamilton*: I am here to speak about property at NW 29th and Nikolai. There is a proposal to close a section of Roosevelt St, to allow development of mixed use facility. This is on the southern edge of the Guild Lake Industrial Sanctuary. It's loud. The expansion of residential creates potential land use and transportation conflicts, as well as non-industrial redevelopment pressures. This is a unique area and valuable resource.
23. *Thomas Karwaki*: I am representing the University Park Neighborhood Association. The UPN Board supports rezoning to R5 for properties east of railroad. We have concern about trails. Both alignments on public ROW should be shown on map. We are supporting access to the Willamette River and Slough - particular at NE 13th Ave, which is the East Columbia NA, which has asked for this access for a long time. We support the rezone of Hayden Island, but recommend change to EG zoning in Hayden Meadow area. Lastly, we are asking for a public health and safety overlay in North Portland to provide heightened scrutiny on exposure to toxics.
24. *Mark Whitlow**: I am proposing two mapping edits: 1) prohibit drive throughs by map rather than by base zones. Before corridors were listed, and now they are not. You were presented a lot of testimony about the safety of drive throughs. Language about drive throughs being unsafe was removed from Comprehensive Plan policy language at City Council. We are presenting you a map. It over implements the new policy. This would prohibit, but would allow new drive throughs, using existing code in Title 33; and 2) implement Comprehensive Plan policy 6.17. See letter.
25. *Karen Karlson**: To be consistent with NW District Policy Plan, there are a few changes we are requesting. In the Thurman-Vaughn area, we request the areas currently designated CM be changed to CM1 with a d overlay. Areas currently CS can retain CM2. We are requesting CS go to CM2 and CM go to CM1d.

26. *Wendy Chung**: I am the vice president of NWDA and a member of the planning committee. We have one request: in the area changing from EXd to CM3 - we are asking for portions within the historic district be changed to CM2. CM3 would jeopardize those historic resources. See my letter and attachments. Many of these are landmarks, contributing structures, or immediately adjacent to those structures. WE ask that you refine base zoning in historic districts to take into account the character of the historic resources in the district.

Commissioner Spevak: If density can be transferred away from a historic property - a CM3 might have more density to sell.

Ms. Chung: We are less concerned about individually listed properties and more about those that are adjacent or contributing.

27. *Dean Pottle*: I bought my house in 2001 on NE Fremont across from Amalfi's. Figured it would go commercial. I'm a home brewer. My place is called Dean's Scene. They consider me commercial, but I just do this out of my basement. I remodeled the house back in 2007 - permitted and approved. Both the police and OLCC have been there to check it out - been called a "speakeasy." I should turn my own place into commercial. I have plans right now to enlarge my basement, put a ramp in, and put in a separate entrance. I will do this no matter what. Neighbors are fine with the situation. Please reconsider zoning to commercial.
28. *Wayne Elliot*: Here to speak on 1414 NE 57th Ave. I support the Rose City Neighborhood Association's comments. I am strictly opposed to any upzoning on Halsey between 52nd and 57th. I don't want to change from R5 to R2.5. I don't want to be bugged by developers. We don't want to lose our houses. We have an historic neighborhood. All the houses are well kept. We don't want to turn into condos. Every single neighborhood has a condo going up - where are all these people supposed to work? It's making traffic horrible and there's no infrastructure to support current development levels.
29. *Tom Brown*: I own property in Westmoreland. Currently zoned CS, changing to CM1. It's half a mile from MAX. Please don't rezone, but consider a design overlay instead. Downzoning real estate isn't the way to go. Please do a design overlay. We can all work with that.
30. *Mary Ann Schwab*: This has all been very confusing. The drive throughs need to be respected. I'm concerned with zoning and changes. I'm confused about where we're going. We've had a conversation about OMSI and that not being a gated community for large apartments. Just learned my 1908 bungalow will cost more to deconstruct than what we paid for it. And I found out I'm a remnant lot, 33 feet wide. Rents and properties are expensive. Parking is expensive. We know people are coming, but where are we thinking about our children? We aren't building schools. Where is the backyard for the kids? Where are the jobs?
31. *Phillip Lee*: Request rezone on 2519 East Burnside. The building contains a veterinary clinic established in the early 1900s. Currently zoned residential. Proposal is to change 2525 to commercial (adjacent property), but would also like to change 2519 to commercial to reflect existing use. In the past, we've had problems with remodels because it's nonconforming. Please rezone 2525 and 2519 East Burnside to commercial. Thank you.
32. *Cynthia Idler*: My husband and I are both deaf and live at 1205 NE 63rd, close to the railroad. We have a house. We've lived in apartments in the past. We don't have issue with noise because we can't hear. Wasco and 60th - there's a crossing there - even though there are lights there, cars just ignore it and go right through the lights, even if you have them activated. We would like to move that about 3 blocks, it might be safer. Also, the R5 changing to an R2, we are in support of that. I like that change - with people complaining about the noise, it would be a good rezoning. I've been there many many years - it's been a nice, quiet neighborhood. My

husband works at Providence on NE Glisan - it's 7 blocks there and back. The change there would be ok, keep neighborhood quiet and nice.

33. *Dirk Davis**: I am the CEO of Sunshine Dairy. For 81 years we've been serving the community in and around the City. We have 120 employees. We are living wage jobs. In the facility at 801 NE 21st Avenue, we are surrounded by mixed use. WE also have a yogurt plant at 8440 NE Halsey. In the next 10 years, we'd like to consolidate our properties. We have partnerships in the community. The importance that Sunshine has, throughout Portland, and the state of Oregon - it is becoming increasingly difficult to operate at our facilities. Have seven tankers of milk that load on the street. We have twelve to fourteen 53' trucks that drop off or are loaded. We are looking to keep EXd in that facility so we can be consistent with that neighborhood.
34. *Peter Finley-Fry**: I have two clients with the same problem: Sunshine Dairy and Miller Paint. Both have properties zoned EXd going to General Employment. This should not be spot zoned within neighborhoods. The adopted Comprehensive Plan describes the zone as low-rise with no residential, to limit proximity of residents to truck traffic. In both cases, both areas are surrounded by high rise buildings and residential uses. You're putting a block in an urban fabric - then saying you have to limit truck impact. Will you limit impact on the block across the street? I was blindsided by this - it got slipped into the Commercial Mixed Use Project - there's a procedural problem here of spot zoning EG within neighborhoods. This has never been vetted. EXd allows a wide variety of uses that allow entitlements to services - these are lost with this change. I would have to show that services exist to allow changes to happen. By 2019 and 2020, the surrounding uses will suck up the services and drive my clients out of the neighborhood, preventing property owners from developing in a way that's consistent with the surrounding uses.

Commissioner Smith: How do we keep employment in the neighborhood?

Mr. Finley-Fry: I consider Guild Lake to be part of the neighborhood. There's a bus line. It's flat - you can ride your bike to work. I don't understand why you need to put the employment in the neighborhood as opposed to next to it.

35. *D. Ben Henzel*: I'm here to speak about 4606 Corbett. It is presently zoned R2 - going to Mixed Use Civic Corridor, but keeping R2 - would like it to go to CM2. House is on Corbett, overlooks I-5. It's a poor place for residential. Nobody wants to live next to I-5.
36. *Dana Krawczek*: I'm here with Perkins Coie on behalf of Broadmoor, Inc. (golf course). The front 22 acres of golf course are designated industrial. The designation was changed - we requested a zone change - this change was not brought forward in composite map. Second request - we question whether the IG1 zone is appropriate - prefer EG2 due to slope. Upzone it slightly so it can actually be developed with jobs. Our proposal retains over 100 acres as open space. Employment uses on front will enhance the balance of the property. Last issue - it was never brought to our attention that there was a proposed public trail on the property. There's a lot of publicly owned land in the area - Metro area - don't put it across public golf course with golf balls flying.

Commissioner Bachrach: *Are there regulations that the trail impacts?*

Ms. Krawczek: Yes. If you pull a building permit, you have to build the trail. If we hit the monetary threshold, we have to build the trail.

37. Allison Reynolds: I'm representing SolTerra. The own two sites on Vancouver/Williams: 25 N Fargo and 3138 N Vancouver. Both of these are RX - one going to RH, one to R1, which is a significant downzone. Rationale was to match existing use. SolTerra is in process of redeveloping both properties. They want to maximize potential - will become nonconforming. Instead of R1, go to RH. If SolTerra is downzoned to RH, the ground floor commercial uses will

become non-conforming. Consider code to allow retail uses allowed under old code to be conforming - or expand definition of transit stations to include frequent bus, etc.

38. *Jack Bookwaiter*: Beaumont-Wilshire NE - we support the current proposal. We feel CM1 proposals are appropriate because of our current infrastructure. We support the proposals for both CM1 and CM2 on Fremont, as is.

39. *Alem Gebrehiwof*: I am the owner of 311 N Fremont. Have owned the property for over 20 years. The neighborhood is gentrifying - there's not enough housing. I held my property with the vision of this coming. We're only a few minutes away from downtown. There's nothing really residential. My property is conveniently located to have more affordable housing and a bigger building. I am asking you to support going to CM2.

Written Testimony Received

Discussion

Commissioner Bachrach: We had a work session at which we made a tentative decision to recommend CM2 from CM1. Not sure where that was. But we're still working on that map. I think the record should be left open. We can discuss whether a hearing is necessary, but we should at least leave the record open. Did the public have knowledge about what we already recommended? Do they have knowledge about what corridors we're proposing to go from CM1 to CM2?

Mr. Engstrom: No, not yet. We prefer to close the testimony so you don't continue getting play by play testimony.

Ms. Stein: We would take the testimony we got and try to summarize it and present you with decision points. Where there's a choice, we will point that out, etc. You'll see this at the work session.

Commissioner Oxman: When we come back to all this, I'm assuming there will be some sort of large table - would it be possible to add a column about the implications or negative consequences of going with a requestor's proposal? It would be helpful for us to understand - are there issues with adjacent properties, transportation, etc.

Commissioner Smith: When I first joined the Commission, my reaction to much of this was the same as Commissioner Bachrach's. My sense of our process versus City Council process is that this body tends to hew more toward policy and being consistent. City Council is actually more likely than us to heed the call of one property owner - even against policy.

Commissioner Houck: To Commissioners Oxman's point - it has been helpful when staff has responded to support or not support, and provide a rationale. Having input from staff would be helpful.

Mr. Engstrom: That's our intent. We'd bundle them so you can have a sense of the policy intent of the group.

Vice Chair Baugh: We will keep the written record open until Tuesday, July 19th at 5 p.m.

Vice Chair Baugh closed the hearing at 6:30 p.m.

Task 5: Mixed Use Zones Project

Work Session: Eric Engstrom, Barry Manning, Bill Cunningham

Presentation

Division Design Initiative and TOPIC 4: Development and design standards Discussion

Memo from July 5

Barry Manning and *Bill Cunningham* began by reviewed elements of the Division Design Initiative (see presentation).

Commissioner Schultz: Are bay windows allowed for articulation?

Mr. Cunningham: They could, but bays that project into the right-of-way (ROW) cannot count toward the articulation standard. There was community concern about extending into narrow streets. You could do a bay on a recessed balcony.

Commissioner Schultz: Elsewhere in the city, I would like to allow bays to project into the ROW. It's more economical than a setback. And sometimes it's the make it or break it item for the proforma.

Mr. Engstrom: The proposal is not to prevent bays that go into the ROW. It's just that they wouldn't count toward the articulation.

Commissioner Schultz: If it's achieving what the goal is, it should count. That would be my amendment.

To get into step downs, I'm not a big fan of step downs to the neighborhood, but I'm ok with the idea - but I have a stronger issue with the step back along the corridors. I think this is a great option, but not a great requirement. It's expensive and it adds height. It's also a very awkward aesthetic.

On solar access: in the diagrams/pictures, we have really young, immature trees. The streetscape today doesn't look like what it's going to. The shadow line starts to be impacted by the mature trees. The shadow lines hit the trees. It's important to look at solar access issues, but we're looking at a very short period of time - the rest of the year, you can almost always find sun, even in downtown, and there are much taller buildings there. Solar access has a lot to do with trees. This is intimidating when you put the step backs with the step downs and the affordable housing piece - you're not going to get a lot built. My amendment would be to get rid of step backs on corridors completely.

Commissioner Spevak: I tend to agree with Commissioner Schultz, especially on the mature trees piece. I'm not a big fan of the step downs and step backs. I can imagine some cool buildings, that neighbors would like, that could not be built under these rules. These feel like Community Design Standards for mixed use buildings. Is that the way DOZA is shaping up in this area?

Mr. Engstrom: There's sort of three layers. The base zone applies city wide. DOZA will be looking at the design process overall and to overhaul the Community Design Standards. Those standards only apply in the d overlay. To some extent, we're talking about the "basement" here. With DOZA, we'd discuss - are there things that should be more specific elsewhere?

Commissioner Spevak: Could we shift this discussion on step backs and setbacks to DOZA?

Mr. Cunningham: One reason to have it in the base zone is that these concerns are relevant in areas that aren't in the d overlay.

Mr. Engstrom: Also, you are allowed to modify base zone standards through design review.

Commissioner Schultz: But they typically do not allow base zone modifications - they tend to require more things than what you're seeing in the base zone.

Commissioner Smith: I'm struggling on a few things - we have not had a briefing on DOZA yet.

Commissioner Spevak: On length - you have a whole bunch of buildings on a street, lots are 50 feet - would that trigger?

Mr. Cunningham: No.

Commissioner Oxman: Are building articulations required at all now?

Mr. Manning: In some plan districts. They're not in the base zones.

Director Anderson: Using the design overlays only, without things in the base zone - this would increase cost and time significantly. Currently, many areas don't have design overlays.

Commissioner Bachrach: Does this step back work in other cities? Or is this a response to neighborhood concern?

Mr. Cunningham: It's happened in some places - in Hollywood, for example. There have been projects that have done it.

Mr. Manning: We also did some research. We had a consultant. Toronto did some of this. We have seen it done in other places.

Commissioner Tallmadge: Did those studies also look at the cost of development?

Mr. Manning: No. But we did ask DECA to estimate - it came to 2-8% per floor to add those step backs.

Mr. Engstrom: It is kind of contextual. Many of the comments we received: "limit heights to 3 stories citywide." Having a step down was seen as a way to advance that concern without limiting heights.

Mr. Manning: The most frequent zone where this applies is currently capped at 45'. So this is extra height and we'd be stepping it back.

Commissioner Rudd: How does this mesh with the affordable housing costing study?

Mr. Manning: These step backs were worked into the modeling.

Commissioner Schultz: My review of your cost analysis - that 2-8% did not include the extra cost for taller building heights - and making those stepped back areas accessible.

Commissioner Baugh: If you eliminate either step backs in CM2 and CM3 and give that to them by right, how does that impact the bonus system for affordable housing?

Mr. Engstrom: The same bonuses would exist. You'd be able to use that bonus closer to the street on the upper floors.

Commissioner Baugh: If the price of the building goes down, the use of the bonus might go up.

Mr. Engstrom: That's correct.

Commissioner Schultz: My concern is that when you step back that building - those corridors need to stack, structurally. Instead of having a large, narrow unit from front to back, I have to turn the unit on its side to make it fit. I'm losing units with every one of those step backs. You don't want to shift that corridor because it has huge cost implications. I'm not able to maximize my units.

Mr. Engstrom reviewed the staff recommendation (see p. 5-6 of July 5 memo):

- 1) Retain step-downs to residentially-zoned properties
- 2) Retain Bonus step backs in CM2, CM3
- 3) Remove CM3 zone step-back over 55' on narrow streets
- 4) Retain articulation and length provisions

Commissioner Baugh: Retain step-downs to adjacent R zones. Is everyone ok with that? Is anyone not ok with that? *Everyone was ok.*

Director Anderson: We can also bring back some discussion of trade-offs in these discussions.

Commissioner Tallmadge: I'd like to see those tradeoffs.

Commissioner Houck: Images are also helpful. I want to make sure we have excellence in design. Affordable housing is an issue, but we don't give up on everything else. I'm concerned about how these buildings will look. We need to do both.

Commissioner Oxman: On a process level, do we anticipate coming back to these issues when affordable housing work comes back to us? Do those issues fold in?

Mr. Engstrom: What we're doing here is the basis of the economic analysis for the affordable housing piece. The discussion of cost and design will come up in DOZA.

Mr. Manning: Our intention was that the basic form/baseline would be set here and that guidance would be used in the future economic analysis.

Joe Zehnder: On the street front, we're talking about step back/no step back in the different zones. We could calculate the marginal difference. When you get to inclusionary zoning decisions, we'd be able to judge what the tradeoffs are. You have to make the affordable housing feasible. If building costs go up, it's going to be reflected in fewer units or less money in fee-in-lieu. Then you'd be able to weigh things.

Mr. Engstrom: There's also a tradeoff on spending money on process versus building to a prescribed set of standards.

Commissioner Baugh: It seems to me - if you say you're going to step backs on the street frontage - we have that package under the economic model. We know we might lose a few units. When you look at the Inclusionary Zoning, there are included offsets, SDCs, etc. If we're going to raise costs to build, what are we willing to give away, as a City, to get those units back? I think it's a package discussion.

Director Anderson: We will work to make this more clear. Also, note that the step downs to the residential zones, which you generally support, will create a loss as well - more loss than what you're losing through the corridor step backs. These are all tradeoffs.

Mr. Engstrom: I'm hoping to get a general sense of where Commissioners are on the corridor step backs.

Director Anderson: There's general agreement on step downs to adjacent R zones. On the rest, I think we need to give you a magnitude on the scale of loss.

Commissioner Bachrach: We understand there's a tradeoff, but we also need to maintain an aesthetic. I'm persuaded by *Chair Schultz*.

Commissioner St. Martin: In relationship to that, our overall goal is to make a better streetscape. I would suggest that articulation has a much greater impact on this than height. Where do you get the most bang for your buck? Focus on those areas. Street trees and plazas will have a much greater impact.

Commissioner Houck: I'm not wedded to the step back. I'd like to know if there are other ways to have a great streetscape and what those other ways are. We need to be thinking about articulation and street trees.

Director Anderson: So, we're agreeing with #s 1 and 4.

Commissioner Baugh: Are we ok with #3? A majority was.

Commissioner Rudd: What about bays in the ROW counting toward articulation?

Commissioner Houck: I have a general negative reaction to impinging into the ROW, generally.

Commissioner Baugh: I would be hesitant to do that without PBOT being here.

Mr. Zehnder: It would give you an additional way to meet the articulation standard. That can be an effective way to meet that requirement. You'd just be adding another option.

Mr. Engstrom: There's a difference in meeting articulation and pulling the building mass away from the street - the community was really interested in the latter.

Commissioner Baugh: Generally though, are people ok with bays over ROW counting toward articulation? *The majority was.*

Commissioner Spevak: In looking at a half block commercial mixed use building - it would have to step back on both sides - I'd prioritize the neighbors behind.

Commissioner Baugh: On #2 - How many people want to retain the bonus step backs in the CM2, CM3 zones? How many want to remove this recommendation. *The majority wanted to remove it.*

Mr. Engstrom: To recap: retain step downs abutting residential properties on rear, but remove step backs on street front in all zones. Keep articulation standards with Commissioner Schultz's amendment to allow bay windows in ROW to count toward articulation requirement.

Mr. Manning: Getting back to the Division Design Initiative...

Mr. Engstrom: Do you think Division should be like everyone else or let them be their own - let it stay as it is?

Commissioner Spevak: I'd leave it as is with the d overlay.

Commissioner Houck: I'm fine with that.

Commissioner Baugh: My concern is - it's Division - you have a whole East Portland, it does not have a d overlay. How is 25 % of our population impacted - they're not going to receive any benefit if we just talk about design overlay. This is a great win for Division - but what about the rest of East Portland?

Commissioner Smith: I would second that. What's the policy behind some people getting it and others not?

Mr. Engstrom: We'd apply the overlay in areas with the greatest scale of allowed development - centers, etc. In East Portland, it is in Gateway.

Commissioner Baugh: There's an equity question here. As a policy, I'm fine with Division, but what about 122nd?

Mr. Manning: DOZA would look at those areas as well.

Mr. Zehnder: And DOZA may find that it won't work there. You have to recover the cost.

Commissioner Baugh: How does the City recover a cost in those areas relative to the benefit that overlay might provide in low income neighborhoods?

Director Anderson: This is a great conversation, but looking at the time, I need to move us along. We'll come back to this as part of DOZA. I'd like us to get through drive-thru facilities.

TOPIC 5: Drive-through facilities

Reference Memo from July 5 (p. 7)

Mr. Manning pulled up the presentation slides for Topic 5. Four decision points were presented:

- 1) Retain allowance for QVS and drive through facilities in CE; prohibit new in CM1, CM2 and CM3
- 2) Make existing drive through facilities and QVS uses in CM1, CM2 and CM3 allowed
- 3) Revise code to allow "Click and Collect" facilities for grocers/larger retailers
- 4) Retain prohibition on QVS and drive through facilities in Centers and Main Street Overlay zone, but revise boundary where appropriate.

Commissioner Bachrach: In CM1, 2, 3 - can I tear it down and rebuild? If I want to totally rebuild, how much more difficult is it to meet the standards in CM1, 2 and 3 versus CE?

Mr. Engstrom: It would still have to meet all the standards of each zone - and you could fit in the drive thru.

Commissioner Tallmadge: On #3, that seems hard to differentiate - a drive through from a "click and collect." Think of a Starbucks. It's hard to monitor.

Commissioner Baugh: Is the difference the ability to order on location?

Mr. Engstrom: We can draw the line in several ways. Could be that. Could be about parking versus queue.

Commissioner Smith: #4 trumps #2?

Mr. Manning: Yes.

Mr. Manning reviewed a series of drive through maps - existing and proposed. (See presentation)

Commissioner Oxman: What does prohibited but rebuild allowed mean?

Mr. Manning: In CM1, 2, 3 - they'd be prohibited, but if you had an existing drive through, you'd be allowed to rebuild.

Mr. Engstrom: Are folks comfortable with the staff recommendations on the code piece? And two, should we more broadly map CE?

Mr. Manning: The other element we're proposing - the implication of limiting drive throughs within 50 feet of a residential area. Staff is proposing (5.2) to revise the language and change the standard to 25 feet. You cannot ask for an adjustment. We'd also eliminate the across the street provision - we'd just mitigate with landscaping as we do today.

Commissioner Baugh: On the retail side, what we heard today - many of the neighborhoods are not ready for the development today.

Mr. Engstrom: When we get to the mapping, we'll come back to that - the "readiness" issue.

Commissioner Oxman: The primary harms of drive throughs are pedestrian traffic disruption and danger?

Mr. Engstrom: Pedestrian comfort and access to the development. The collection of standards we have, including the drive through portion - are really all about discouraging uses that turn their back on the pedestrian.

Commissioner Smith: There's also a preference for fewer curb cuts for cyclists.

Commissioner Oxman: How does traffic volume affect that? Some uses would have more cars going through than others.

Commissioner St. Martin: I was struck by the number of banks on there [the map]. Did we hear from any banks?

Mr. Engstrom: We did. We might be hearing less about that because fewer people actually go to banks.

Commissioner Spevak: I'm ok supporting the staff recommendations. In terms of the "click and collect" thing - seems there are many ways to game the system. On curb cuts: narrow curb cuts seem less dangerous than wide curb cuts. Those feel like the biggest safety issue.

Mr. Engstrom: There are PBOT standards that address that. Many of wide ones are old.

Commissioner Baugh: I think Council is wrong in looking only at where they're prohibited - especially in East Portland. You take away opportunity. If you look at 82nd, there are tons of fast food restaurants. 82nd area residents also asked for streetcar. Streetcar and curb cuts don't mesh. There's an opportunity here about living up to our promise of healthy neighborhoods. We're saying in East Portland, not only "stay there," but "continue to operate." But I'm pretty sure when people testified they didn't want McDonalds, they want other opportunities.

It seems like we're continuing an unhealthy practice in a low income/minority area. Why would we want to do that to a population? These are neighborhoods that are not ready for prime time - they don't meet the economic standards for redevelopment. These populations are told every day, "You're not ready to do things." Now, as a City, we're going to tell them, "You're keeping all this stuff because you're not ready for something better."

When you look at where it's prohibited, it's prohibited on MLK Boulevard. 20 years ago they prohibited drive throughs on MLK to change the neighborhood. It took time but the neighborhood did change. Why don't we want to do the same for 82nd or 122nd? Why don't we give them a chance to be something different? I think Council is wrong about this issue. For East Portland in particular - we should do the original proposal - especially for 82nd and out. We gave NE that opportunity years ago, and we need to do it for East Portland.

Commissioner Bachrach: I'm comfortable with these recommendations - I have to go.

Commissioner Rudd: How effective are the non-conforming use provisions at getting things to naturally transition?

Mr. Engstrom: On this issue it hasn't been very effective. People keep using an obsolete building longer than usual so they don't lose their drive through.

Commissioner Tallmadge: I'm a little hesitant to broadly outlaw these. They provide employment - so I'm hesitant to let these places go to completely empty lots.

Commissioner Baugh: I think you're giving the community an opportunity to think about these areas in a different way. It seems we give up before we try for East Portland. And we recognize that East Portland might have a different view and a different voice, but we're unwilling to recognize that here with property.

Commissioner Oxman: I was having similar thoughts with regard to equity and the nutritional aspects. Could we single out the fast food and look at that - is that an appropriate place for an intervention?

Commissioner Spevak: I like what Commissioner Baugh is proposing, but I'm confused how it fits in with these bullets.

Commissioner Baugh: It was the original staff proposal.

Commissioner Houck: Was there a cause/effect relationship in what you're talking about [on MLK]?

Commissioner Smith: I'd like some time to chew on what you just said.

Mr. Engstrom wrapped up the discussion and mentioned that there might be the need for some changes in the schedule moving forward to allow needed time for work sessions on this project.

Adjourn

Vice Chair Baugh adjourned the meeting at 8:30 p.m.

Submitted by Kathryn Hartinger