# AGENDA

## MILWAUKIE PLANNING COMMISSION
## Tuesday November 22, 2011, 6:30 PM

**MILWAUKIE CITY HALL**
**10722 SE MAIN STREET**

**1.0 Call to Order - Procedural Matters**

**2.0 Planning Commission Minutes** – Motion Needed

2.1 October 11, 2011

**3.0 Information Items**

**4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda

**5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse

5.1 Summary: Kellogg Bridge for Light Rail *anticipated to be continued from 11/17/11*
Applicant/Owner: TriMet
File: WG-11-01, DR-11-01, HCA-11-01, WQR-11-03, CSU-11-09
Staff Person: Susan Shanks

5.2 Summary: Trolley Trail Modification for Light Rail *continued from 11/08/11*
Applicant/Owner: TriMet
File: MOD-11-01, WQR-11-04
Staff Person: Susan Shanks

**6.0 Worksession Items**

**7.0 Planning Department Other Business/Updates**

7.1 Water Master Plan hearing 12/13/11

**8.0 Planning Commission Discussion Items –** This is an opportunity for comment or discussion for items not on the agenda.

**9.0 Forecast for Future Meetings:**

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|---|---|
| December 13, 2011 | 1. Public Hearing: CPA-11-02 Water Master Plan *tentative*<br>2. Worksession: Residential Development Standards Project – Multifamily Residential Development and Design; Typology |
| January 10, 2011 | 1. Worksession: Residential Development Standards Project – Single-Family Residential Development & Design; Conditional Uses |

**Milwaukie Planning Commission Statement**

**The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan**

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.

2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org

3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org

4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.

5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

**Public Hearing Procedure**

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.

2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.

3. **APPLICANT'S PRESENTATION.**

4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.

5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.

6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.

7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.

8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.

9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.

10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.

11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

**Milwaukie Planning Commission:**

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Russ Stoll
Clare Fuchs

**Planning Department Staff:**

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelver, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Martin, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

# CITY OF MILWAUKIE
# PLANNING COMMISSION
# MINUTES
# Milwaukie City Hall
# 10722 SE Main Street
# TUESDAY, October 11, 2011
# 6:30 PM

**COMMISSIONERS PRESENT**
Lisa Batey, Chair
Chris Wilson
Mark Gamba
Russ Stoll
Clare Fuchs
Scott Churchill (arrived during Item 6.1)

**STAFF PRESENT**
Katie Mangle, Planning Director
Kenny Asher, Community Development and Public Works Director
Susan Shanks, Senior Planner

**COMMISSIONERS ABSENT**
Nick Harris, Vice Chair

**1.0 Call to Order – Procedural Matters**
Chair Batey called the meeting to order at 6:37 p.m. and read the conduct of meeting format into the record.

**2.0 Planning Commission Minutes** – None.

**3.0 Information Items** – None.

**4.0 Audience Participation** –This is an opportunity for the public to comment on any item not on the agenda. There was none.

**5.0 Public Hearings** – None.

The Planning Commission addressed Agenda Item 7.0 at this time.

**6.0 Worksession Items**
This item was taken out of order.

6.1 Summary: Residential Design Standards Project – Conditional Uses in Residential Zones
Staff Person: Susan Shanks

**Susan Shanks, Senior Planner,** distributed a paper copy of her PowerPoint presentation, which she reviewed as part of her staff report. The last three sets of images showed examples

of different building footprints in areas of Milwaukie with various building sizes and were provided as a reference when considering size limits.

The two key questions for the Commission were if the City should allow more Conditional Uses (CU) in its residential zones; and if so, should CUs have limits on location or size, for example, or should that be left to the CU review process.

She and **Katie Mangle, Planning Director**, addressed questions from the Commission as follows:

- A CU permit ran with the property and the use specifically approved by the Commission. All CU decisions were Type III Commission decisions.
- The Neighborhood District Associations (NDAs) would be part of the process, but had not been specifically approached about this project yet, although some NDA members were on the Residential Development Standards Steering Committee. Ms. Mangle had discussions with David Aschenbrenner about allowing more kinds of uses so people could walk to local neighborhood shops rather than having to go downtown or to big box stores.
  - If acceptable to the Commission, staff would introduce the project to the community at the open house scheduled for October 20 and then do whatever outreach is needed.
- This project was completely separate from the Commercial Core Enhancement (CCEP), which was limited to specific geographical areas. This project addressed more of a citywide problem, but on residentially zoned lots along arterial streets, whereas the 32nd Ave and 42nd Ave Corridors Project dealt with commercially zoned lots.
  - This project would be a nice compliment to the Corridors Project. For example, areas along 32nd Ave not zoned Commercial would benefit from this proposal.

Discussion amongst the Commission and staff continued with these key comments:

- **Commissioner Gamba** agreed this project was critical to the walkability issue, and although the proposal was moving in the right direction, it did not go far enough. As proposed, retail would not be allowed in some R-7 and R-10 Zones along some arterials, which was an area he would push further.
- Staff clarified that the Residential Design Standards Project was not about rezoning any areas or lots zoned residential along the corridors that traversed the city. This project was more of a Code adjustment project regarding the types of uses that would be allowed conditionally and not about rezoning property. The Corridors Project would be an appropriate place to rezone property.

- Many uses could already be approved as a Community Service Use (CSU) within these zones; so technically, only a minor amendment was being proposed.

- **Chair Batey** preferred that this project not be done generally across the zones, but along certain streets, and perhaps not just streets defined as arterials because 32nd Ave might be a good one for the part that was zoned residential. She suggested just naming the streets to be included within the amendment.
- Should CUs have limits? If any residential property were allowed to have these types of uses, the CU review process still provided a lot of discretion for evaluating impacts and the appropriateness of citing that particular use.
- **Commissioner Fuchs** was concerned about the potential for the Commission to be accused of showing partiality to certain businesses. The Code should provide some predictability for allowing conditional office type uses on these streets. Without any guidelines, a lot of time and money could be spent to have something not approved or approved but with many conditions.
  - Staff responded that would become a different kind of project. They were definitely not proposing to come up with a new review process or new set of objective standards for certain kinds of uses in certain locations.
  - Something could be included, perhaps as an approval criterion in the CU Review Chapter that the intent of allowing CUs was to result in businesses that served the neighborhood. Such a statement was not really a criterion or hard and fast standard, but would give some indication of whether or not the applicant might get approval, while also provide the Commission more direction by which to judge the application.
- **Commissioner Stoll** noted there was a lot of room for offices in low-density residential areas. Many businesses would be perfectly fine operating out of someone's home. If the City was going to legalize these types of CUs, they should be allowed just about anywhere.
  - Staff explained that many businesses operating in residential zones fall under the home occupation category, which differed from CUs.
    - A home occupation was when someone lived on a property and operated their business from their home. Employees were allowed and home occupations did not require approvals but had performance measures. As long as the City did not receive complaints or the home occupation did not become a nuisance to the neighbors, home occupation is allowed. Also, the home the business operates from must maintain the character of a single-family home, and it could not look or act like a business.

- Certain businesses were outright prohibited, such as auto repair, and the goods used in the business operation could not be visible to the public. The goal of the home occupation standards was to keep the business invisible.
- CUs did not have to be owner-occupied and allowed for more of a public face to the community.

- In walkable neighborhoods, people get many of their needs met within a 20-minute walk. With fewer limits, someone could have their business a block from their house and not have to commute to other areas. With CUs, the Commission had the discretion to deny the use if a business would be heinous for the neighborhood.
- Businesses that were home conversions were included under CUs in this project.
- Residential Design Standards would only apply to new construction, not to an existing home where someone moved in and wanted a change of use.
  - Adding onto an existing residential home [for business purposes] would result in the home no longer being residential in some ways, but commercial and no commercial design standards currently exist. Design standards were use based on and applied to a specific use, not the zone.
  - The new CU approval criteria were discretionary enough that the Commission would be able to look at modifications to the building in the CU process. The CU process provided for a lot of discretion in terms of mitigating impacts for things such as eyesores.
- Someone wanting to modify an existing CU did not have blanket approval for the use and the site. Depending on the level of modification, it would be subject to either staff or Commission review, similar to the CSU standard currently in place for modifications.
- **Commissioner Fuchs** believed lot coverage percentage should be limited, not building size or square footage.
  - Currently, most CUs did not come with their own set of development standards, but the approval criteria required that the standards of the underlying zone be met. The residential lot coverage, setback, and all those standards would still apply, but not the design standards. Development standards were tied to the zone, not to the use.
  - Again, the CU process would enable the Commission to alter things on a case-by-case basis to make the use more compatible.
- CU permits were only revocable if a violation of the approval criteria occurred and/or a condition of approval was not satisfied.

**Chair Batey** called for public testimony.

**David Mealey, 5111 SE Lake Rd,** addressed the Commission regarding his R-10 zoned property on Lake Rd, the old Folio farmhouse, with the windmill and the barn. He hoped the new Code would remain simple; adding a 2,500 sq ft limit was what he needed.

- He stated that the Lake Rd NDA supported his property moving from a home occupation to an outright CU.
- Currently, his home occupation status had certain limitations. One key item was that the proposal would permit him to put up a little signage, so people would not pass the property and then call to ask for directions as they currently did 90% of the time. Presently, all he was allowed was a 2 ft x2 ft sign.
- The property lent itself to a small office use more so than a residence.
- Being able to use the space without it being a split use would be helpful.
- The property was 1½ acres, of which ¾ of an acre was useful. The parking, if done tastefully, would blend into the neighborhood without being an eyesore, while maintaining the residential characteristics and lending itself to the walkability Commissioner Gamba mentioned.
- He noted the use and 2,000 sq ft limitations in the proposal, adding he had a chiropractic massage clinic and a yoga studio, which he would love to see added to the lower density residence. If that did not happen, he would shut down the yoga studio, but he would love to be allowed to use the properties in different ways.
- The benefit to the City, Commission, and residents was that the proposal provided some yardstick to measure things by as some conditions had to be met and maintained, and the Commission would determine whether an application met the conditions. This gave the Commission an element of control and the businessperson something to aim for.

Staff confirmed that the reference in the current draft to office use being limited to no more than 2,000 sq ft was the actual floor area, not the footprint.

**Marty Stiven, Land Use Planning Consultant, 8 North St, Lake Oswego,** stated she had been working with Mr. Mealey and the City and watching this process for the last year to figure out how Mr. Mealey's business could be allowed not as a home occupation.

- She understood the concerns about allowing CUs throughout the city, and believed limiting it to arterials was a good way to start. This would open the door for the many nonconforming businesses that already exist.

- The CU process gave the Commission an opportunity to identify every use on every property and judge them on their own merits. Not only did the Commission get to look at the site and use, and require the applicant to meet the CU criteria, but the Commission could also impose very specific conditions of approval for each business for each use in each neighborhood based on each individual site.
- She was concerned about the 2,000 sq ft limitation because what would the business/property owner do if the whole building could not be converted? Was the goal to make nonconforming uses legitimate? A better performance standard than a size limitation was needed, because no matter what size was set, a remnant square footage would result.
- She questioned whether a performance standard was needed because the Commission would review each individual use. A 4,000 sq ft building might be perfectly acceptable in one location, where in a different location it needed to be limited to 1,000 sq ft because of the availability of land for parking, lighting, etc.
- Any proposals would be limited to the same setbacks, lot coverage, and heights as residents, so a building would be compatible in scale to the residential development. As to parking impact, if it were not appropriate, the Commission would not have to approve the application.

**Mr. Mealey** added that when he was pursuing other commercial properties, it was clear that if the property did not have enough room for parking, it would not be approved. He had looked but numerous properties turned out not to be feasible in terms of parking and other conditions listed under the existing regulations, such as egress and traffic impact. He did not see that this would be any different. Limiting CUs to arterials was important. He would not necessarily want to have a parking lot behind his house if he lived in a residential neighborhood. He liked the discussion about identifying defined roads that lent themselves to these kinds of clear-cut conditions.

Discussion amongst staff and the Commission continued as follows:

- Impacts regarding traffic, site distances, etc., are addressed in the approval criteria for CUs. The underlying concept of the proposed changes was to reduce car trips, and although valid long-term, there would be immediate traffic impacts as people tried to turn into or out of what used to be residential driveways.
- Staff introduced some reasonable requirements in the Transportation Code update for traffic studies, which were previously required no matter what. The Engineering Director would now look at applications on a case-by-case basis to see how that type of business would

operate and impact traffic before deciding if a traffic study was needed. This would be part of the CU review on staff's end.

- Staff added that the City's concurrency policy regarding sidewalk and transportation improvements was rather aggressive, so proportional mitigation was required.
- The City currently allowed CSUs on all these locations, so a large government office building would be allowed, but not a small private office building. This Code change would provide for private offices. While the CSU and CU criteria were different, the City could still require transportation and other analyses. Engineering also requires accesses to be consolidated when necessary.

- If a home occupation wanted a CU for some reason, the owners could still reside there, because the residential use would still be an outright allowed use in the zone. Home occupation standards allow for a wide range of businesses.
- A much larger structure could be built on Mr. Mealey's property and still comply with the setbacks. If he was approved for a CU and decided to replace the current structure with an 8,000 sq ft structure it would be considered a modification and subject to additional review by staff and/or the Commission.
- Staff explained that a number of zones had existing CUs, such as the Type II ADUs only conditionally allowed in all residential zones. However, the CU process for the average person was daunting and could not be done lightly or quickly, so the proposed amendments would not open the floodgates for any rapid or big changes. The proposal would allow some motivated people or the right property and business to get a CU approval. This was not a big risk for the City in terms of suddenly getting lots of big, incompatible CUs in residential zones, whether along arterial streets or not. It was a pretty arduous process to go through and pay for.
- The gains for the City from this proposal included:
  - Having more personal, service-oriented businesses integrated into existing neighborhoods rather than being in single locations spread throughout the city. People might be able to walk down their street to go to doggy daycare, get a cup of coffee, or shop at a resale store, potentially reducing car trips.
  - More property becoming available for people wanting to incubate a small business, or who might otherwise be unable to lease a commercially zoned property.
  - The possibility of converting some nonconforming uses to CUs, changing the regulation framework under which they currently must operate which could be limiting for buying, selling, and changing the property.

- Given the nature of the CU process, the number of properties being discussed, and the fact that this did not regard vacant land necessarily, the proposal did not seem to detract or pose a risk of increasing vacancies in the downtown districts.
    - The City has heard that Milwaukie citizens did not want everything focused on downtown, but that the City pay attention to the corridors. Most land along the arterials was zoned for residential, which was unusual. The fact that there were a lot of home occupations, institutions, nonconforming, and potentially illegal uses along these corridors was an indication that low density residential might not be the best use of land along an arterial. Staff hoped this proposal would help make the corridors healthier in terms of integrating more uses into the community, but in a way that could actually increase the property values because the uses would be fully legal, growing home occupations and not nonconforming.
- **Chair Batey** said that while the residential portions of 32nd Ave seemed an obvious place for CUs, she could not see upper River Rd and 22nd Ave ever being a viable place for CUs because of the traffic and egress for cars. Even if there was a business geared toward walking, that was probably the single most dangerous place to walk in Milwaukie. The arterial did not seem to be the right measure; listing streets seemed a better way to go. Although River Rd was going to be getting sidewalks, etc., the improvements were not on a large scale and would not happen anytime soon.
- **Commissioner Fuchs** suggested identifying 42nd Ave and the south frontage of Hwy 224 across from the Albertson's shopping center. She agreed the parcel on Hwy 224 between Oak Street Square and Monroe Street should also be included.
- Successful neighborhoods in Portland were built around intersections or nodes. Opening up a long linear arterial strip might not be an advantage. Identifying nodes of development, such as in the Clinton neighborhood in southeast Portland, would help concentrate and grow 20-minute walkable neighborhoods.
    - Staff would check with the City Attorney regarding the legal line where this Code amendment would become a rezone.
- **Commissioner Churchill** said they were working backwards from the end result envisioned. The ultimate arterial development was Hwy 99 in Milwaukie, which was not what anyone wanted on the City's arterials. Nodes of small neighborhoods were better.
    - Staff noted some areas like 32nd Ave had somewhat of a linear aspect especially with regard to zoning. However, some great viable, bustling neighborhoods existed in Portland that are in corridors, such as the Hawthorne Blvd area.

- Zoning around the Safeway area was literally just a block, and some businesses wanted to string out from that area. While stringing the zoning out a long way was probably not the way to go, the question was whether the Commission wanted that, and if so, to what point was that acceptable.

- **Commissioner Wilson** preferred opening it up to the entire city as opposed to nitpicking the map. The Commission could work on it in the future as applications came forward.
  - **Commissioner Gamba** agreed opening it up might keep it from looking like a rezoning. As the gatekeepers, the Commission would strategically look at what made sense for a node.
  - **Commissioner Fuchs** was worried that at that point, they were almost doing away with zoning.
  - **Commission Churchill** agreed, adding they would then just be looking at denial on a case-by-case basis.
- **Chair Batey** could see the Commission having someone want to do something on a completely residential street that the Commission did not want to allow, and then they would have to justify why it was different from another project they had approved.
  - **Commissioner Fuchs** added it would be on a street that was never planned or built for that amount of traffic.
  - **Commissioners Wilson** and **Gamba** explained that such projects were self-limiting because applicants would still have to abide by the Residential Development Standards. For example, a parking lot could not cover an entire lot because a certain amount of green space is required.
- The CU aspect was not the core of the Residential Design Standards project. If the Commission's direction was to develop and identify nodes, staff would probably not include CUs in the project. The nodes suggestion would be better suited as its own individual project and would need to be addressed in the Comprehensive Plan.
- CUs could be limited to arterials and collectors with the areas identified on a map and from there the Commission could attempt to nodify it.
  - **Commissioner Churchill** cautioned that once they started that slippery slope and opened it up without controlling the intent, it could get away from them. If the intent was to drive development toward nodes, they should wait until they could identify or limit the areas where that would be allowed.

- This could be accomplished with a Comprehensive Plan change and a zone change for those nodes as a part of a bigger project; however, this would not happen for at least two or three years.

- Nodes would not be created through the CU process but by a set of standards that worked together with design, uses, and the entire thing. These were corridors. Corridors and main streets were also part of the city, part of healthy neighborhoods, and part of how people get around.
  - Regarding the 32nd Ave and 42nd Ave Commercial Corridor Projects, they would be discussing how to make 42nd Ave more of a node, but 32nd Ave would always be a corridor, a main street. Each area was a little different. Moving forward with the CU proposal would not weaken the other urban design conversations. Even if nodes were the big idea, this project would be a bad tool to achieve that end.
  - Opening it up to the collectors would create some nodes.
- **Chair Batey** was more concerned about having some control over the design and size, but was less concerned about the strip aspect of it.
- Rather than having an arbitrary number concerning size, it could be tied either to the scale of the neighborhood or size of the existing building. This same concept was used to govern setbacks, where one could average the setback of the two houses on either side of the proposed project. The new building being constructed would need to stay within some kind of a mean or average of the surrounding buildings.
  - Staff already struggled with the simple setback averaging standard in determining what range should be used as the averaging tool. The CU process provides the Commission a lot of discretion to make decisions versus creating objective standards. Remove the arbitrary size limits was an option.

The Commission took the following straw polls:

- Should the City allow more CUs in its residential zones?
  - All Commissioners responded ‘yes’ with the exception of Commission Churchill who responded ‘possibly’.
- Should there be limits on location for the CUs?
  - All Commissioners responded ‘yes’ with the exception of Commissioner Wilson who responded ‘no’.
- Should there be limits on size for the CUs?

- All Commissioners responded 'yes' with the exception of Commissioners Wilson and Gamba who responded 'no'.

Discussion continued about the CU process addressing the size issue with these comments:

- The CU proposal was not necessarily just for existing buildings, but for residential lots with a new building, a modified home, or the removal and replacement of a home with a new business building.
- If the Residential Design Standards applied, they would already include some things about mass and compatibility with surrounding structures, so an arbitrary size limit might not be needed.
- Concern was expressed about the huge white house on the east side of 32nd Ave possibly being converted to a CU, like doctors' offices; it would not be a residential scale building at that point.
  - The CU chapter included approval criteria as well as specific standards for specific kinds of CUs, which were very limited and covered things like surface mining. One standard for yards stated the yard of a CU in a residential zone had to be enough to make the building compatible. The standards could be beefed up to address some of the concerns.
- Since CUs had to come before the Commission to get their use at all, they did not have to be concerned about having a size limit because the Commission could just say 'no'.
  - The Commission would need a tool to deny the CU on a very large lot. An appropriate size parcel and appropriate size development by residential standards on a very large lot would result in a very large commercial impact.
    - A larger building would need more parking and have more potential traffic impacts. Through the CU process, the Commission could determine that too many impacts existed even without addressing the size of the building.
    - Being on a collector or arterial, there were ways around impacts shown in traffic engineering reports.
  - Staff had confirmed with the City Attorney that not having any standards and leaving it completely up to Commission's discretion would not open the City up to legal problems.
- Staff would research other cities to find different options or ways to craft some approval criteria or standards for the CU section, or find something not quite as arbitrary as a size limitation.

- **Commissioner Churchill** noted a size limit could be set and then take an exception case on a very large lot. Leaving it wide open would leave them open to many things to have to backtrack and try to constrain.
  - The 2,000 sq ft size was a good size for a commercial use in a residential neighborhood even on an arterial. Larger parcels and larger developments would have traffic generation impacts off and on the arterial, which was what they were trying to avoid. They did not want to generate trips but walkable, nodable neighborhoods with their own character.
  - He preferred starting with a limit and then the applicant could make a case for exceeding the limit.
- Staff was also directed to look at size differences between existing buildings and scrape-offs. If there was a 2,500 sq ft building and the limit was 2,000 sq ft, what was supposed to be done with the remaining 500 sq ft?
- Staff clarified that the Commission had general concerns about impacts and compatibility with the scale of the neighborhood.

**Mr. Mealey** reminded that the Code discussed specific uses like offices. The list of CUs was very limited, and that list was being expanded to just a small extent to permit small offices and other things in low-density zones. While the high-density zones allowed retail services, only a half dozen more uses were added, which was important criteria to consider.

The Commission took a brief recess and reconvened at 8:24 p.m.

6.2 Summary: South Downtown – Implementation Strategy
Staff Presentation: Katie Mangle, Kenny Asher

**Ms. Mangle** stated City Council had adopted the South Downtown Concept as the vision for the area south of Washington Street. Staff wanted to enlist the Commission's feedback on some ideas as the project moved forward. She and Mr. Asher presented the South Downtown Implementation Strategy, noting the changes property owners could make outside of any regulatory changes would be critical to bringing South Downtown to life. A one-page handout was distributed that outlined the latest informational update regarding the project and included the resolution adopted by Council.

**Kenny Asher, Community Development & Public Works Director,** reviewed the City's history with the Center for Environmental Structure (CES) beginning in 2008, and the humanist development philosophy they worked by. CES had worked with the "Group of 9" to create a Pattern Language for South Downtown that highlighted the aspects of the area that the community wanted to celebrate and preserve.

- Due to communication issues, the City changed firms and partnered with Walker Macy to extract implementable ideas from the Pattern Language, and the project was now in Phase 4.
- He summarized the South Downtown Concept Plan, noting the public space circulation, plaza location, preserved views, and pedestrian connectivity with the light rail station.
- City Council adopted the plan on September 6, 2011. Staff had asked Council to adopt the Concept Plan by resolution. Adoption of the Concept Plan alone was not enough – staff was now working on how to implement the ideas.
- Presented a list of "Important Patterns for Buildings in the South Downtown" and noted that Ms. Mangle and he had reviewed the Pattern Language in depth to tease out the essentials and conflicts and determine the realities of implementation.

**Ms. Mangle** described the challenges with the concepts, and that holding to the great ideas in the Concept Plan and Pattern Language would require creativity and innovation. She noted that the adopted Downtown and Riverfront Framework Plan and the South Downtown Concept Plan had many similar ideas and concepts, including the mixed-use, people-oriented development; connection to parks and creeks; etc. However, there were specific use and anchor ideas that were different in the South Downtown Concept Plan. She noted the Concept Plan was geared toward smaller scale development and activity rather than bigger scale campus-type development.

**Mr. Asher** clarified that along with Council's endorsement of the Concept Plan, the resolution included a work plan for the Planning and Community Development Departments, which involved zoning code changes and other work to allow for the implementation of the Concept Plan and light rail station area plans. He reviewed the aspects of the Pattern Language that would be carried forward:

- The granularity and texture pattern allowed for development of the area over time with incremental changes, to make it more livable and comfortable. There would need to be a balance between flexibility and restrictions of development.

- The pattern that new construction is unregulated was inconsistent with other patterns and went too far. Although the City wanted to allow for faster transitions for development, there still needed to be some regulation.

**Mr. Asher** added that for early implementation, the Community Development Department understood that there needed to be more activity in that part of town. Some ideas for "small moves" to start using the area included adding a mid-week Farmers' Market, cleaning and painting buildings, adding food carts, closing the street for events, etc.

- Work for the light rail station and with property owners was still continuing.

Comments and questions from the Commission were addressed by Mr. Asher and Ms. Mangle with additional discussion as noted:

- One suggestion for a "small move" was to have a band and food booths to create some kind of critical mass element in South Downtown on first Fridays. One month, the Clackamas County Parks and Recreation District had a kids van doing kids' activities. The City should have things to get people to South Downtown and start thinking about it as place to go.
- Some of what used to be abandoned or nasty little parking lots were now some of the most hopping places in the entire city of Portland because of food carts. Nothing brings people together like little collections of great, cheap food.
    - Something to be considered with the food carts was their impact on the downtown restaurants, although the increased activity might encourage more business for them.
- An information kiosk could be placed in the plaza with a conceptual drawing including Kellogg Creek, Riverfront Park, and South Downtown so that people visiting the site would get excited about all the different plans.
- There should be something for teens in the area other than just a pizza place. This issue of doing whatever possible to connect with the high school had been brought up a lot during the Advisory Committee.
    - High school students liked the food cart idea as well.
- **Commissioner Churchill** agreed with compelling smaller scale development discussed in the second bullet of the staff report on 6.2 Page 3 but some existing buildings still did not have the appropriate scale for that plaza, such as the post office building.
    - Regarding the point that commercial space could receive occupancy space with minimal interior finishes, he stated that when trying to develop a fabric off a plaza like that,

encouraging commercial space to receive occupancy permits with minimal interior finishes could lead to the wrong scale development in that area.

- If the post office building, for example, was not encouraged to really break the scale down, it could detract from the concept of the plaza and the development in the area.

- Mr. Asher responded that the tension in the Concept Plan was captured in those two patterns. On one hand, they wanted a place that could develop with a certain quality of almost yeoman-like, do-it-yourself, noncorporate, organic approach to development, which meant the Codes could not be too prohibitive. There needed to be a certain freedom to allow individuals to exercise their construction or craft. In this planning process, people got excited that this really was about the community and about real people doing real work in creating and using the area. They were trying not to lose that creative element while also trying to protect the area from being downtrodden or ramshackle. Protecting plaza and outdoor spaces, the scale of buildings and how to address public spaces, etc., were all important, but also created that tension.
  - Staff discussions regarded this area coming together over time, and maybe the rules would change over time. If the plaza was not finished in the first five years, maybe they did not need to hold those buildings to the standard of protecting the plaza but encourage life and reuse in the area. They could get to the point where adjustments are needed, because the place was maturing and the plaza was in their sights, so at that point, the buildings had a different job to do.
  - Trying to insert that fourth dimension of time into the regulatory framework was one way to deal with the tension, because the job of the place would change over time.
  - If the existing buildings remained for a long time and low rent uses are allowed forever, the City would not get some of the qualities and spaces desired. On the other hand, if certain qualities and spaces were required on Day One, they would not get the life and artisan quality that people wanted.
- Staff was asked to remind the Commission who owned the parcels indicated on Pages 14 of the parcel framework and Page 22 of the Walker Macy plan.
  - The .13 acres on the southwest corner of Washington St and Main St was owned by Dr. Belori, the dentist. Everything else in the lighter shade of purple was owned by the City. Across Main St, the .13 acre, .08 acre, .26 acre and .13 acre was owned by the Bernards. The .26 acre and .18 acre was owned by the Shipleys. Across Adams St to the south, the .37 acre, which people called the post office building, was also owned by the Shipleys. Everything in yellow overlapping the light rail station, and the .16 acre on

the east side of the light rail station in purple, would all be owned by TriMet. Even though today it was a combination of Union Pacific and private ownership, TriMet would acquire that property for the light rail project. The triangle site to the east of the light rail platforms hopefully would be sold for development to do the train station building which was an idea that came from this planning process.

- **Commissioner Churchill** noted it came down to two primary landowners, the Shipleys and Bernards. He asked how the City would encourage development of those parcels in a way that reinforced the organic growth so it becomes the fabric they were trying to achieve from earlier studies, given the existing compilation.
  - **Mr. Asher** replied that was another tension. Everyone in the community might love the plan except for the property owners, and they needed to be careful about that because laws exist that would protect their property rights.
  - They needed to think about the sequencing of development and desired outcome, but also the common sense of incremental development.
    - The garage in the Bernard holdings was particularly well suited for an adaptive reuse in short order. As an example, the auto shops in Portland that have become brew pubs. The configuration of the building facing Washington St is tailor-made for that idea, which has been shared with Mr. Bernard.
- Issues exist about where retail use is allowed, but three buildings were present that had potential. The idea was not to think about South Downtown as one ultimate plan, but to plan for a process of enlivening the area by changing the zoning.
  - The City needed a zoning code that worked over time and with different scales of buildings.
  - One issue was that the current downtown zoning Code mandated the ultimate build-out now, which was one thing holding them back. The block with Bernard's Garage was a perfect case study. The owners had bigger visions, but were limited by the zoning. Redevelopment using new buildings, old buildings, or a combination was possible that met the goals of the Pattern Language. Code language was needed to allow for all those scenarios, but insisted on what is important.
- The areas across Washington St and across 21st Ave would be the first areas outside the South Downtown area to be impacted by new development, as well as the area right across from the light rail station. Would the new zoning tools apply to those areas as well?

- **Ms. Mangle** replied 'no'. The study was very specific to the South Downtown area largely because it was so highly redevelopable. In that way, it was different from areas north of Washington St.
  - One aspect of the Commercial Core Enhancement Program was a downtown Code refresh. They had a good vision, but some Code elements were hindering them from realizing that vision. They hoped to do the refresh for all of downtown. In trying not to hold that off for too many years, staff had been identifying the low hanging fruit for that project. Similar to the CUs conversation, the City might be able to allow a more robust list of uses with a few small changes and without having to turn it into a huge project.
  - Staff was thinking about the whole area, while also trying to limit the scope, because all the work being done was so specific to this area, and they wanted to respect that. Also, in terms of workload management, staff wanted to make sure they were not biting off more than they could chew.
- The original group talked about the South Downtown project being a Genesis point, where they changed the way things were done and then that would spread throughout the city.

- The .18 acre lot owned by the Shipleys across from the post office would be a great backdrop for a series of food carts. It would not have to be right on the plaza center, but would certainly draw to downtown and feed to the high school.
  - Adams St would have to be closed sooner rather than later because of light rail, so with that parking lot plus the Adams St right-of-way, there was quite a bit of space for that type of thing.
- In thinking about next steps, it was important to remember that the area would be torn up almost entirely on the 21st Ave side as soon as the light rail construction began. They needed to be careful about what they took on and tried to pull off during all the construction activity.
- The little section of Lake Rd between Main St and 21st Ave was being renamed by Council direction to Main St, as a continuation of Main St, which was a good change.
- The light rail project would provide quite a few street improvements, and maybe staff would figure out how to get improvements on Adams St as well. The construction would be unfortunate, but a lot of the streetscapes would become a lot nicer as a result of the light rail project.

- During light rail construction, at least one lane of 21st Ave would have to stay open because emergency vehicles could not make it under the existing railroad trestle.
- The presence of the construction was important to consider when wanting to draw high school students to the plaza for lunch to spark vitality in South Downtown.

**Ms. Mangle** stated staff would return for additional discussion on this issue.

The Commission continued to Item 9.0 Forecast for future meetings at this time.

## 7.0 Planning Department Other Business/Updates

7.1 Neighborhood Corridors Project: 32nd and 42nd Avenues

This item was taken out of order and addressed following 5.0 Public Hearings.

**Ms. Mangle** explained the Commercial Core Enhancement Program has been envisioned as a multifaceted Planning project to deal with various issues such as economic development, urban renewal, downtown and commercial area enhancement. The City was awarded a grant by Metro of more than $200,000 to do that work, but it was now stuck in a lawsuit, limiting access to the funds. Staff has been considering what to move forward on without the grant, and decided to focus on the 32nd Ave and 42nd Ave corridor areas. The project would not be very complex, but would require a lot of neighborhood and property owner involvement, specifically from commercial property owners in the area. Key items to address would be zoning and policy changes to nurture economic development and maintain a nice scale. Some Planning budget funding would be dedicated to the project, and a team of Portland State University graduate students from the Planning program would be recruited to help with outreach, including interviewing property owners, etc. This project would probably start up in early 2012. Parts of the project would involve uses, building design standards, and could include signs.

7.2 Electronic Signs Project: Council Hearing

**Ms. Mangle** stated staff was preparing for a City Council public hearing on October 18 on the Electronic Sign Code Amendments package adopted by the Commission last month. She wanted to ensure that at least one Commissioner attended the hearing so Council could hear directly from someone on the Commission. Councilors expressed concerns about three aspects of the proposal, the time limit, size limit, and retroactivity, which involved whether proposed time

limit changes would apply to existing signs. She envisioned that changes would be made to get the amendments adopted and having the Commissioners explain why the Code was crafted as it was could be useful.

The Commission had deliberately stated that the standards would apply to all signs regardless of when they were constructed.

- Staff was asked to prepare a few alternatives, which would be shared with the Commission on Friday when presented to Council. The sense was there was not a question about the overall goals of the project, but about the same details the Commission had heard from people and had wrestled with. No new letters or correspondence had been received outside of what had been included in the Commissioners' meeting packets.
- In the Sign Code draft, the time limit was two minutes and the size limit was 50% or 50 sq ft, whichever was larger.

**Chair Batey** encouraged everyone who was able to attend the City Council hearing.

The Planning Commission returned to 6.0 Worksession Items at this time.

**8.0 Planning Commission Discussion Items** – None.

**9.0 Forecast for Future Meetings:**

| | |
|---|---|
| October 25, 2011 | 1. Public Hearing: CSU-11-02 Ukrainian Bible Church |
| | 2. Worksession: Residential Design Standards Project Draft Code Amendments |
| November 8, 2011 | 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge |
| | 2. Public Hearing: MOD-11-01 Trolley Trail for light rail |

**Ms. Mangle** confirmed the forecast was still accurate and briefly reviewed the upcoming meeting items. Chair Batey was the only sitting Commissioner when the CSU was previously approved for the Ukrainian Bible Church; this modification was minor comparatively. She sought direction about how to navigate through the Residential Design Standards Project without having to repeat policy discussions at the Commission that were addressed by the Steering Committee. She encouraged the Commissioners to meet for a study session with Ms. Shanks if needed. Staff tentatively scheduled two hearings for the Kellogg Lake Bridge and Trolley Trail applications.

Meeting adjourned at 9:17 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Alicia Martin, Administrative Specialist II

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Lisa Batey, Chair