



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

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**Development Review Advisory Committee**

**Meeting Minutes**

**Thursday, October 17, 2019**

**DRAC Members Present:**

Jeff Bachrach  
Sean Green  
Lauren Jones

Claire Carder  
Michael Harrison  
Jennifer Marsicek

Paul Delsman  
Holloway Huntley  
Martha Williamson

**City Staff Present:**

Beth Benton, BDS  
Rick Faber, Urban Forestry  
Roger Geller, PBOT  
Sarah Huggins, Parks  
David Kuhnhausen, BDS  
Doug Morgan, BDS  
Kimberly Tallant, BDS

Alex Cousins, BDS  
Gordon Friedman, Auditor's Office  
Tenzin Gonta, Auditor's Office  
Mieke Keenan, BDS  
Michelle Marx, PBOT  
Elisabeth Reese-Cadigan, BES  
Nancy Thorington, BDS

Rebecca Esau, BDS  
Gena Gastaldi, PBOT  
Elshad Hajiyev, BDS  
Kurt Krueger, PBOT  
Erin Mick, Water  
Emily Sandy, BDS  
Sandra Wood, BPS

**Guests Present:**

Daniel Forbes, Willamette Week  
Jose Martin, Collective Concrete

Ezra Hammer, HBA  
Sam Noble

Doug Klotz  
Susan Steward, BOMA

**DRAC Members Absent:**

Alexander Boetzel  
Justin Wood

Shea Flaherty Betin

Mitch Powell

**Handouts**

- Draft DRAC Meeting Minutes 9/19/19
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Upcoming City Council Agenda Items

## Convene Meeting

DRAC Vice Chair Claire Carder convened the meeting and welcomed DRAC members, City staff, and guests. DRAC members reviewed and approved minutes from the September 19, 2019 DRAC meeting with one minor change requested by DRAC Member Michael Harrison: Page 2 under the “Policy” section, last sentence should read “The subcommittee ~~will~~ should send a request to development bureau directors...”

## Announcements / Updates

### BDS Customer Survey

BDS Director Rebecca Esau distributed and reviewed the handout ***BDS 2018 Customer Survey***. Esau said that it had been four years since BDS’s last customer survey, and the bureau would like to survey customers every 2 years. BDS wasn’t surprised that survey respondents noted slow permit turn-around times; in 2018 BDS was short-staffed and dealing with record workloads. Carder thanked Director Esau for sharing the results.

### Workload & Financial Update

BDS Deputy Director Elshad Hajiyev reviewed several handouts, including ***FY 2018-19 Major Workload Parameters, Current Major Workload Parameters, Non-Cumulative Cost Recovery Report, BDS Business Continuity Plan Summary, and Large Projects Comparison***. Elshad noted that overall, the decline in workload is continuing. There are national economic risks; the yield curve inverted twice, which typically precedes recession by 6-8 months. There are also geopolitical risks that effect both the global and local economy. BDS hiring and non-essential spending is frozen through the end of December, except for Plans Examiner and Inspector positions. The freeze will likely be extended for another 6 months.

Portland Public Schools had a couple of big development projects come in, but this is one-time money rather than a projection of trends. Multifamily construction is still coming in for permits. There is uncertainty as to what will happen with tenancy in new luxury apartments in downtown as they become available.

Carder asked about the City’s budget development timeline. Hajiyev said the budget development process will start in mid-November, with requested budgets due in late January/early February 2020. BDS’s Financial Advisory Committee will begin meeting in November.

### Review Windows

David Kuhnhausen (BDS) noted that he first discussed review windows with the DRAC one year ago. Review windows are intended to give City reviewers a timeframe for reviewing plans. Commercial reviews have a 30-day window; residential reviews have a 20-day window.

Currently review windows are used with process-managed and NSFR permits. Kuhnhausen said that turnaround times for NSFR projects have improved under the review window model, decreasing from an average of 35 business days in 2018 to 20 business days in 2019.

DRAC Member Paul Delsman asked what the mechanism is to update and improve window duration. Kuhnhausen said that overall review times for certain groups are driving the windows to be closed for specific times. They are in the process of hiring two Commercial Plans Examiners. Some groups are still behind; for example, Life Safety is about a week behind, but this is an improvement over where they were.

Director Esau mentioned that online dashboards are in place on the BDS website, so permit progress can be viewed. BDS is continuing to work with the other development bureaus and is looking at bringing in contract staff for groups that continue to struggle.

DRAC Member Lauren Golden Jones asked when review windows will be implemented to other project types (and which ones). Kuhnhausen said they would like to use review windows for all permit types, but work-arounds required for some permit types makes this impractical. Until the new Amanda is rolled out, review windows will not expand to other permit types.

Delsman said that the DRAC needs to advocate for hiring when permit levels are down. Director Esau said the challenge is finding qualified people to hire.

#### Accessory Short-Term Rental (ASTR) Status

Beth Benton (BDS) said BDS is working to gain compliance with T33 and business tax requirements for online housing platforms. This applies to Type A short-term rentals. City Code was updated to say that Type A rentals need to have a data sharing agreement with the City, or remove their registration from the internet. Only "Air B&B" is currently registered with the City. Beginning December 1, 2019, pass-through registration will send monthly updates to the Revenue Bureau, allowing the City to better enforce ASTR rules. About 1,000 illegal units will be removed. The City will revise in-home inspections and will enact an interim rule for new permits that requires them to self-certify. There will be random inspections of 10% of units. The permits are only good for 2 years. BDS will continue to do life safety inspections.

DRAC Member Sean Green asked if there is anything the DRAC or activists can do to support efforts to make sure City Code has been followed; Benton said not at this point. Green offered support for data collection efforts. In response to a question from DRAC Member Jeff Bachrach, Benton said that short-term rental permits require the owner to live on the property.

Sandra Wood (BPS) said a commercial zone operator can follow short-term rental requirements onsite or change to a hotel.

#### Title 11 Update

Emily Sandy (BDS) gave an update on the proposal to extend amendments to Title 11, Trees. The Code established a tiered tree mitigation schedule that is due to sunset this year.

The amendments were recently presented to the Planning & Sustainability Commission (PSC), which voted to extend the regulations to 2021 to provide time to do more analysis. The PSC also proposed to remove the tree preservation exemption in industrial zones until 2021. Those sites are currently not subject to tree preservation regulations. Removing the exemption means that properties in those zones will be subject to the regulations during the amendment extension. Other exemptions may also be revisited, such as lots under 5,000 square feet.

The Urban Forestry Commission will discuss the proposed amendments today at 9:30 a.m., and the proposal is tentatively scheduled to go to the City Council on November 13.

Claire said DRAC submitted a letter to PSC in support of extending the sunset date. This amendment process will be interesting to follow considering the discussion about potential exemptions.

#### Building Code Appeal Deadlines

Mieke Keenan (BDS) announced that the Building Code Appeals Board is changing the due date for appeal applications. The board meets every Wednesday. Currently, applications are due on Mondays; beginning November 7, 2019, the due date will move to Thursdays. The change will provide City staff with more time to review and comment on applications, and give applicants more time to submit additional materials (if needed). The change goes into effect November 7, 2019 for the board meeting on November 13. Both staff and customers have been involved in discussing the change.

Green asked if there could be a streamlined way for staff to review commonly requested building appeals. Keenan responded that Nancy Thorington (BDS) attends the weekly meeting partly to identify recurring appeals that can be approved under certain requirements. When that comes up a Code guide is developed that, when followed, provides an alternative to a building code appeal.

#### Hourly Permit Review Charge Alignment Policy

Kim Tallant (BDS) reviewed handouts and described policy changes that will bring BDS review groups in alignment with agency partners. This change is scheduled to take effect on December 2, 2019.

Doug Morgan (BDS) said that the new review charge is in place if a developer significantly changes the building plan and there is a value added. Revisions take place very frequently, but changes in scope are not that frequent. The changes apply to only BDS reviews.

Delsman asked what value added means; Morgan replied that when a project adds value (valuation is changed), it increases the amount of time staff spends on the permit. For example, site work or reconfiguring a parking lot.

#### **Demolitions**

Carder referenced Green's letter in the handout packet. Green read an opening statement, expressed interest in change and making things better, and asked for DRAC support for the proposal.

Bachrach asked if something that has changed and why is this coming up now. Thorington said that the demolition ordinance went into effect in July 2018, and at that time staff agreed to report back to City Council because it is a new program. The intent is to provide a project update, review the program and make improvement suggestions. This is an ongoing process. Staff would like to go to City Council before the end of 2019 with recommendations. Thorington said the DRAC Demolition Subcommittee will be reconvened to work on the issue.

Bachrach said that Green's proposal seems premature, and suggested that Green work through the process that is currently in place.

Green expressed support of public processes, but does not feel like change is happening. It seems too difficult to get process improvement. If the DRAC is not supportive of the proposal, Green would take it to other venues.

Harrison asked if it is true that BDS inspectors are showing up to watch demolitions happen after they have already occurred, what percentage of time this happens, and whether making a couple changes to the policy would make an improvement. Director Esau cautioned against leaping to a solution without knowing exactly what the problem is. There are many options that need to be explored.

Carder asked whether the ordinance has proven effective. Carder expressed appreciation for Green's work and intensity, but said that the DRAC needs to base its advice on due diligence. Carder suggested the DRAC Demolition Subcommittee discuss the issue further. Delsman agreed that a vote on Green's proposal is premature.

Benton (BDS) said that the bureau does not currently have good detailed data or a way to capture it. BDS put in place a way to manually collect the data based on Green's suggestion, and can make it more official once Amanda is upgraded.

Golden Jones expressed a need for more context and understanding of the letter and where City staff is coming from.

Green made a motion to approve the recommendations. Harrison seconded his motion to have further discussions.

Carder called for a vote on Green's proposal; vote results were:

In Favor – Sean Green, Michael Harrison.

Opposed – Jeff Bachrach, Paul Delsman, Lauren Golden Jones, Jennifer Marsicek, Martha Williamson.

Abstained – Holloway Huntley.

DRAC members indicated that the demolition proposal should be discussed at the Demolition Subcommittee, and asked Thorington to schedule a meeting for the DRAC Demolition Subcommittee. Green moved to reconvene the Demolition Subcommittee; the motion was approved unanimously.

### **DRAC Policy Subcommittee Letter**

Harrison reviewed a draft letter from the DRAC Policy Subcommittee directed to bureau directors to get policy information in advance of policy decisions. Bachrach asked whether the letter should come from the Policy Subcommittee or the full DRAC.

Delsman moved to adopt and approve the Policy Subcommittee letter from the full DRAC; Williamson seconded the motion. Eight DRAC members approved the motion.

### **Protected Bike Lanes & Development**

Kurt Kreuger (PBOT) introduced Roger Geller (PBOT), who has been working with PBOT on bike lanes for several years. Gellman discussed protected bike lanes, such as those found on Naito Parkway and the Portland State University campus. The proposed plan calls for protecting retrofitted lanes on 450 centerline miles, with a preference that bike lanes be elevated to sidewalk level. Part of the lane is designated for walkers, part for cyclists. The model is safer for kids because it puts them further away from traffic. Rebuilding frontage can happen with building improvements, and PBOT wants to link protected bike lanes to frontage improvements with building development. PBOT plans to draft an administrative rule that would be taken to City Council for approval. PBOT will be asking for SDCs because the proposal will increase costs for development.

Carder said the protected bike lanes are nice but will affect development costs in commercial and mixed-use zones.

Harrison suggested that Geller take the proposal to the DRAC Policy Subcommittee.

### **Pedestrian Districts and 15' Sidewalks**

Michelle Marx (PBOT) said that work on this project has been ongoing for 2½ years. There have been updates to the pedestrian design guide and they have spent some time updating PedPDX, the City's pedestrian plan (<https://www.portlandoregon.gov/transportation/72504>). Marx reviewed a slideshow presentation on updates to the pedestrian guidelines and what the City Council adopted.

DRAC Member Martha Williamson asked what happens when this is adopted, but other related regulations are not. Marx responded that a memo of understanding is in place for an interim period.

Jones asked how the 15' sidewalk requirement would it be implemented and how FAR (Floor Area Ratio) will be determined. Tallant (BDS) responded that FAR is calculated pre-street dedication.

Delsman questioned whether the project is being pushed forward too rapidly without clarity on how it will be implemented. Marx responded that the pedestrian guidelines have been adopted already and not the design guidelines. Delsman asked why the design guide will be adopted after the pedestrian guide. Marx responded that they did not have sufficient staff capacity to adopt both simultaneously.

Williamson asked when the 15' corridor will be heard by City Council, and noted that projects are in limbo because there are two existing policies that are not in alignment. They are waiting for the other document to be adopted so there is clarity on what the requirements will be for some of the projects. Marx replied that they don't have a date at this time, but it will not be for at least 3 months from now.

Director Esau reflected that because the dedication timeline is unclear, people cannot plan their projects. Director Esau asked Marx if they can set a date in the future for when it will be effective. Marx responded that this is a reasonable request, and asked how the DRAC wants to be involved. DRAC members Williamson, Harrison, and Carder asked to be included in the discussion on the 15' sidewalk requirement.

Williamson asked how the BES stormwater manual will be affected, and said that it needs to be considered with the 15' sidewalk proposal.

**The next DRAC meeting is scheduled for Thursday, November 21, 2019.**

Minutes prepared by Mieke Keenan (BDS).