



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee

Meeting Minutes

Thursday, November 21, 2019

DRAC Members Present:

Jeff Bachrach
Lauren Golden Jones
Jennifer Marsicek

Alexander Boetzel
Sean Green
Martha Williamson

Paul Delsman
Holloway Huntley
Justin Wood

City Staff Present:

Beth Benton, BDS
Alex Cousins, BDS
Rick Faber, Forestry
Elshad Hajiyev, BDS
Erin Mick, Water
Dora Perry, BDS
Dave Tebeau, BDS
Sandra Wood, BPS

Ross Caron, BDS
Nik Desai, Forestry
Mark Fetters, BDS
Sarah Huggins, Parks
Doug Morgan, BDS
Andy Peterson, BDS
Terry Whitehill, BDS

Anne Castleton, BDS
Rebecca Esau, BDS
Darryl Godsby, BDS
Kurt Krueger, PBOT
Yung Ouyang, Budget Office
Kim Tallant, BDS
Greg Wilken, BDS

Guests Present:

Jeff Fish, Fish Construction NW
Ashley Fleschner, National Association of the Remodeling Industry PNW
Dan Forbes, Reporter
Susan Steward, BOMA
Ezra Hammer, Home Builders Association

DRAC Members Absent:

Claire Carder
Mitch Powell

Shea Flaherty Betin

Michael Harrison

Handouts

- Draft DRAC Meeting Minutes 10/17/19
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- BDS Business Continuity Plan Summary
- Emergency Quick Inspection Program
- Expanding Opportunities for Affordable Housing
- 17.28.110 Driveways – Permits & Conditions
- Comment on DRAC Agenda (email)
- Upcoming City Council Agenda Items

Convene Meeting

DRAC Chair Justin Wood convened the meeting and welcomed DRAC members, City staff, and guests. Minutes from the October 17, 2019 DRAC meeting were reviewed; approval of the minutes was held over until the December DRAC meeting to allow further time for review.

Announcements / Updates

EQUIP

Anne Castleton (BDS) reviewed the handout ***Emergency Quick Inspection Program (EQUIP)*** and showed a PowerPoint presentation describing the program. BDS has responsibility for assessing damage to buildings after a disaster in Portland, but EQUIP allows certain institutions to inspect their own buildings for damage. Similar programs exist in other cities.

The program is in a pilot phase, with the Port of Portland, PGE, the Water Bureau, and BES participating. Castleton is also talking with Providence Hospital and Portland State University about joining the pilot. EQUIP is designed to include government, institutions, large commercial buildings, and high-rise commercial structures.

Guest Susan Steward (BOMA) asked whether additional certified inspectors would be deputized now, or after a disaster. Castleton replied that property owners in EQUIP will figure out their own teams.

DRAC Member Sean Green asked how the program will look when it's activated, and how people will be mobilized. Castleton replied that the Mayor will make an announcement that approved institutions can begin doing their own inspections.

Green asked how communication with inspectors in the field will work if there is no power after a disaster. Castleton said that is still being worked out. BDS has some satellite phones and 800 mhz radios, but communication will be a big challenge.

Tree Code Amendment & Resolution

Kim Tallant (BDS) provided an update on the information presented at the November DRAC meeting regarding the Tree Code (Title 11) amendment. The amendment went to City Council last week. The Council offered their own amendment to push the extension of the amendment out to 2050, rather than for 2 years (as proposed in the previous amendment). City Council's amendment will be discussed and voted on at the Council meeting on December 5, 2019 at 3:00 p.m.

Chair Announcements

J. Wood noted that the DRAC will hold elections for the Chair and Vice Chair positions for 2020 at the DRAC meeting in December.

DRAC Member Communications

Director Esau referenced recent discussions and emails regarding communications amongst DRAC members. The City Attorney provided training to DRAC members in 2018 regarding their roles and responsibilities as City Council-appointed advisory board members, but not all of the DRAC members were present.

Director Esau reviewed the handout **Advisory Body Member Communication Policy** and noted that DRAC letterhead should not be used without prior authorization. BDS will ask the City Attorney to give a refresher training at the December 2019 DRAC meeting.

Committee Updates

DRAC Process Improvement & Technology Subcommittee – Green said the subcommittee is working with City staff to develop a tracking spreadsheet for process improvement items. They are pleased with the support they're receiving from staff. The ultimate goal is to have a way for the public to submit ideas via the website. The subcommittee will also function as an advisory group for the inter-bureau business process improvement project.

BDS Budget Advisory Committee (BAC) – Green said the BAC met last week and will meet again in December and January. Green has been talking with City staff about asking for additional General Fund support (BDS currently receives about \$900,000).

DRAC Policy Subcommittee – DRAC Member Jeff Bachrach said the subcommittee met last week and heard a presentation from Roger Geller (PBOT) on bike path ideas PBOT is working on. The project is still being formed, and Geller will return to the subcommittee with updates. DRAC Member Lauren Golden Jones said the central idea of the project is establishing protected bike lanes at the sidewalk level (rather than street level). The subcommittee talked with Geller about the implications of implementation, and discussed rolling this project into Streets 2035. The requirements would be triggered by large-scale development.

DRAC Member Martha Williamson expressed interest in being involved in the discussion.

Expanding Opportunities for Affordable Housing

Nan Stark (BPS) presented information on the Expanding Opportunities for Affordable Housing program and reviewed the handout **Expanding Opportunities for Affordable Housing**. Stark manages a Metro grant for program. There is momentum in faith-based communities to help with the affordable housing problem, but they have a lot of land and not much money. The grant seeks to capture that momentum and identify and remove barriers. Stark has been working with a lot of faith-based communities and CDCs. They have given money to 3 projects as case studies, and they are proving valuable in identifying barriers. Stark noted that the increase in allowable floor area described in the handout was requested by Portland Public Schools.

Bachrach said the grant came about because churches located in residential zones have land and want to develop housing, but have to go through the process of changing their conditional use. The project is designed to remove the conditional use and save time and money in order to facilitate the development of more housing.

Sandra Wood (BPS) said the discussion draft is out now, and they are looking for input from the DRAC before the proposed draft is released. Stark said there will be three public comment periods – discussion draft, proposed draft, and post-Planning & Sustainability Commission draft.

Jones asked if the program is citywide in scope, and whether it is only for faith-based communities. Stark said the program applies to any site that has conditional use, not just faith-based communities; typically, this would include schools, hospitals, faith-based properties, fraternal organizations, and community services.

Jones asked if projects need to have a certain percent of affordable units, or just meet the Inclusionary Zoning requirements. Stark said the project is going in the direction of applying to all housing, not just affordable, since most of the units will be affordable anyway. DRAC Member Paul Delsman suggested that a mission-based group with land that was interested in a revenue stream could develop market-rate housing through the program.

Green said that the NE Coalition of Neighborhoods is working hard on affordable housing and supports this effort. Green said it would be great to have the BDS equity team present at a future DRAC meeting on how the DRAC can be involved in promoting affordable housing.

DRAC Member Holloway Huntley asked whether the Metro grant language mentions affordable housing or the groups that should be included. Stark replied that one of the grant's purposes is to tap into available land resources to develop affordable housing, but it's not an explicit requirement of the grant.

DRAC Member Jennifer Marsicek asked whether outreach has been done with the neighborhood coalitions. Stark said they are not doing big outreach to the neighborhoods, but will go to them at the proposed draft phase. Marsicek asked about the staff impact of the program. Stark said they don't envision more than 3-4 projects per year, so there shouldn't be much budget or staff impact.

Huntley asked how the public can find out about the program. Stark said they have done outreach with faith-based communities through Ecumenical Ministries of Oregon, and people can sign up to receive information through the BPS website at <https://beta.portland.gov/ah-grant>. Public comments can be submitted through December 2, 2019.

Director Esau said this seems like a good topic for the DRAC Policy Subcommittee to take up further.

Proposed Title 17 Updates re: Driveways

Kurt Krueger (PBOT) reviewed the handout *17.28.110 Driveways – Permits and Conditions*, and distributed and reviewed the handout *Title 17 Proposed Code Change Executive Summary*. This is an effort to clean up Title 17. Parking is much more of an issue than it was 30 years ago when the code was written, and they are trying to preserve as much on-street parking for the public as possible. Krueger said that Title 17 isn't clear, and they've been writing guidance for staff to consistently interpret it.

Williamson said they have seen pushback about the slope of parking garage ramps. 16% has been stated, but it is not in this draft. Krueger said the team will discuss it. They want the slope to be a little flatter to make it easier for emerging drivers to see pedestrians on the sidewalk.

Krueger said they are currently doing outreach. If requested, they will hold a public hearing before going to City Council, probably in late January 2020. J. Wood advocated for continuing conversation about competing interests/regulations between code requirements.

Guest Jeff Fish said that architectural graphic standards used to have templates for driveways approaching sidewalks. Krueger said they thought about putting it in as a requirement. They used to run into the problem of homes being built at a higher or lower elevation than anticipated, which affected plans for sidewalks, street trees, etc. The team will be discussing this further.

Demolitions

J. Wood said a request had been made to continue the discussion on demolitions. A question has arisen regarding the lack of a formal established chair for the Demolition Subcommittee. J. Wood referenced the handout ***Comment on DRAC Agenda (email)*** and Maryhelen Kincaid's offer to chair the subcommittee.

DRAC Member Alexander Boetzel said there are potential issues around demolition inspections that should be discussed at the DRAC before the subcommittee reconvenes, including the subcommittee chair and the proposal Green has shared with the DRAC previously.

Green said that best practice would be for a DRAC member to serve as the chair of the Demolition Subcommittee. J. Wood replied that Kincaid brings valuable experience from previous involvement on the subcommittee that newer members don't have.

Motion #1

Delsman moved to support Kincaid as the Demolition Subcommittee chair; Bachrach seconded.

Discussion

Marsicek said that Kincaid's institutional knowledge is valuable. Green said it is also valuable to have a current DRAC member as the chair. Green prioritized having the continuity of a DRAC member as chair, rather than continuity from the subcommittee's previous process.

Huntley asked about the role of the chair; J. Wood replied that the chair sets agendas and manages discussion. Nancy Thorington (BDS) has been acting as the de facto chair.

Boetzel said that a current DRAC member would be better as the chair. Green said that given the importance of the chair's role, and with respect for Kincaid's experience, Green cannot support Kincaid as chair.

Vote – Motion passed

Aye – J. Wood, Marsicek, Williamson, Bachrach, Jones, Delsman

Nay – Green, Boetzel

Abstain – Huntley

Motion #2

Green moved to appoint representatives from the Oregon Health Authority and Multnomah County Health Department to the subcommittee. Boetzel seconded.

Discussion

J. Wood said that the DRAC can request representatives from those organizations, but doesn't have the authority to appoint.

Vote – The motion passed unanimously.

Boetzel said it seems like there is consensus that the current demolition ordinance can be improved. Boetzel expressed respect for the process with the subcommittee, and there is a need to review the matter more thoroughly; but given the concerns around demolition, these recommendations can be easily implemented and should be. Boetzel cited two recommended changes – to make middle demolition inspections time-certain, and to require contractors to take photographs of what can't be shown to inspectors.

Jones said the issue is not clear, and asked, why the changes are being proposed. Boetzel said there are three demolition inspections, but the middle inspection doesn't get called in through the IVR system. BDS inspectors often end up going out before or after the demolition takes place, miss the inspection, or have to go back. Calling inspections in through IVR would be more efficient. There is also a need to make sure that lead is removed by hand and wetting equipment is in place. The idea is to call in an inspection for one of those items, make it time certain, and take photos of the other item. The concern is that if hazardous items are not removed before mechanical demolition, it can impact the community. The proposal is a minor change that will give contractors more certainty that they're in compliance.

J. Wood said that abatement removal contractors have to do their work before mechanical demolition. If they've done that, lead and asbestos shouldn't be an issue.

Beth Benton (BDS) asked whether the proposal would have inspectors or contractors take photos; Boetzel said contractors would take the photos.

Benton said the responsibility for removing lead and asbestos is on the contractor. Mike Liefeld (BDS) said there is no clearance report for lead. BDS assumes lead is present if the structure was built before 1978, unless the contractor has a lab report. Lead regulations say elements have to be hand removed and disposed before mechanical demolition starts. J. Wood added that it should be a licensed, qualified person doing the lead removal.

Green said that the lead certification requirement is an extremely low bar, and while a contractor may meet the qualification, their workers may not understand the implications.

Bachrach said that last month the DRAC voted to not move forward with the proposal because it's complex. This is why there is a subcommittee, so they can go through the details and come back with a recommendation.

Motion #3

Bachrach moved to table the proposal until it can be part of a full report from the Demolition Subcommittee. Marsicek seconded.

Discussion

Huntley said it has been a month since the last DRAC meeting and there has been a lot of communication. Huntley asked if DRAC members could agree that there is room for improvement in the way demolition inspections are being done, and that this is a public health issue. J. Wood agreed that it is a public health issue, but took issue with the assumption that lead removal is not being done properly. There is room for improvement. The subcommittee has two more meetings scheduled, and it won't take them months to come up with recommendations.

Huntley replied that some think this is an active public health issue and that there are easy ways it could be addressed; that's why there is more energy around this issue. Huntley was not assuming that lead removal is being done correctly in all cases. Boetzel said there isn't a big downside in making the changes; either they won't change anything, or they'll improve things. The changes are minor, involve minimum staff time, and have the potential to benefit public health.

Director Esau said there would be technical challenges for BDS in making the changes – there is a moratorium on changes to the current permit database (TRACS) due to the upcoming upgrade, and it's uncertain whether it will be feasible to change an inspection process. Liefeld added that if the question is whether there is a way for customers to call in through IVR to request the second demolition inspection, customers could be instructed to use the 205 inspection code.

J. Wood confirmed with Liefeld that IVR doesn't allow for time-specific inspections. Liefeld said that BDS's current practice is to post inspection routes online by 8:00 a.m., with 2-hour inspection windows. Bachrach said that this discussion shows that implementation isn't so simple or straightforward. Green replied that this is truly a simple change. Contractors call other inspections the same way, except for this inspection. Green said that resistance to such a minor change is frustrating and perplexing.

J. Wood replied that not everyone agrees that it's a simple change, and said that the DRAC isn't a policy-making body; the DRAC can make recommendations, but BDS decides whether to adopt them. J. Wood called the question on Bachrach's motion to table the recommendation.

Vote – Motion failed

Aye – Bachrach, Delsman, Marsicek, Wood

Nay – Huntley, Williamson, Boetzel, Green

Abstained – Jones

Boetzel said it could be March 2020 until the Demolition Subcommittee can issue recommendations, and the DRAC should be pre-emptive to get out in front of the issue instead of waiting 3 months. Director Esau noted that subcommittee recommendations for process changes could be implemented more quickly than recommendations for code changes.

Motion #4

Green moved to recommend that BDS schedule the 205 During Demolition inspection using the automated scheduling system and follow best practices to communicate this change to customers. Huntley seconded.

Discussion

Benton said a concern would be having enough time to alert contractors about the process change. Liefeld asked for clarification regarding when contractors would call for the 205 inspection; Green replied that they would call before mechanical demolition.

J. Wood asked how hard it would be to create a new inspection code. J. Wood has failed 205 inspections for erosion control issues that were not demolition related. Benton replied that it would be good to have a separate inspection, but the moratorium on changes to TRACS would prevent it. Currently 205 inspection details are entered manually into TRACS. If BDS goes with the proposal, reasons for failures would need to be defined.

Liefeld said that the inspection can be done prior to mechanical demolition, but that doesn't guarantee that an inspector will be there during mechanical demolition. Liefeld asked for clarification as to whether that is desired as well.

Green said they do not want to change the requirements for contractors; if best practice is to have inspector there during demolition, let's do that. J. Wood said it should be clarified whether all lead should be removed before the 205 inspection is called. Green said the contractor should call the day before demolition. The inspector should be there during mechanical demolition. Huntley suggested that information regarding the changes could be included with permits when they're issued. Jones asked for clarity on what the motion is asking for. Green repeated that the motion is to recommend that BDS schedule the 205 During Demolition inspection using the automated scheduling system and follow best practices to communicate this change to customers.

Vote – Motion passed

Aye – Boetzel, Green, Huntley, Williamson

Nay – Bachrach, Delsman, Wood

Abstained – Jones, Marsicek

The next DRAC meeting is scheduled for Thursday, December 19, 2019.

Minutes prepared by Mark Feters (BDS).