



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee
Meeting Minutes
Thursday, February 20, 2020

DRAC Members Present:

Jeff Bachrach
Sean Green
Jennifer Marsicek

Claire Carder
Michael Harrison
Martha Williamson

Paul Delsman
Holloway Huntley
Justin Wood

City Staff Present:

Beth Benton, BDS
Rebecca Esau, BDS
Darryl Godsby, BDS
Kurt Krueger, PBOT
Erin Mick, Water
Ken Ray, BDS
Nancy Thorington, BDS

Brandon Crawford, PBOT
Rick Faber, Urban Forestry
Elshad Hajiyevev, BDS
David Kuhnhausen, BDS
Phil Nameny, BPS
Elisabeth Reese Cadigan, BES

Nik Desai, Urban Forestry
Mark Feters, BDS
Sarah Huggins, Parks
Amit Kumar, BDS
Yung Ouyang, Budget Office
Kim Tallant, BDS

Guests Present:

Ashley Fleschner, National Association of the Remodeling Industry PNW
Ezra Hammer, Home Builders Association
Susan Steward, BOMA

DRAC Members Absent:

Alexander Boetzel

Shea Flaherty Betin

Lauren Golden Jones

Handouts

- Draft DRAC Meeting Minutes 12/12/19
- Draft DRAC Meeting Minutes 1/16/2020
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Senate Bill 534 Implementation Guidance
- Draft DRAC Bylaws
- Draft Title 3.30.030 Amendments
- Better Housing by Design – Recommended Draft Summary
- Draft DRAC Work Plan
- Upcoming City Council Agenda Items

Convene Meeting

DRAC Chair Paul Delsman convened the meeting and welcomed DRAC members, City staff, and guests. Notes from December 12, 2019 and January 16, 2020 DRAC meetings were reviewed and approved.

City Announcements/Updates

AMANDA Update (<https://www.portlandoregon.gov/bds/72523>)

BDS Deputy Director Elshad Hajiyev noted that AMANDA, the City's new permitting software, went live on February 10, 2020. Hajiyev said some minor issues arose after go-live, but they are being addressed. Most of the issues affect staff and internal processes. At the same time, BDS implemented software that distributes and routes inspections for BDS inspectors. Hajiyev thanked DRAC members for their patience and support during the transition to AMANDA.

Development Services Center (DSC) Update

David Kuhnhausen (BDS) shared that now that AMANDA has gone live, the Development Services Center (DSC) will re-open on Thursday mornings (7:30 a.m. – 12:00 p.m.) beginning in March 2020. Residential Permit Night will also resume in March.

Kuhnhausen said that BDS is beginning to plan the renovation of the DSC, with goals of making the space more efficient and secure for customers and staff. BDS will do outreach with customers and other stakeholders regarding their needs for the space. The renovation will be a lengthy process, with regular updates to the DRAC.

Delsman asked whether the transition to AMANDA has led to any changes in the DSC. Kuhnhausen said there have been some small changes, but nothing significant.

Unreinforced Masonry (URM) Work Group Update

Amit Kumar (BDS) gave brief background information on the Unreinforced Masonry (URM) Work Group (see <https://www.portlandoregon.gov/pbem/66306>). In 2015, the City Council directed BDS and other bureaus to produce recommendations for addressing the risks posed by URM structures. The bureaus produced a set of recommendations in June 2018, but building owners expressed concerns. City Council asked the bureaus to form a new group (URM Working Group) to look into seismic retrofit standards and possible financial assistance for property owners.

The URM Work Group is composed of 27 members broken into two subcommittees (for profit and non-profit structures). The group includes building owners, managers, financial professionals, historic design professionals, non-profit organizations, and others. The group has met twice since December 2019. At their next meeting in March 2020, the group will review previous findings and explore options for financial assistance for property owners. Kumar expects the group to finish its work in December 2020 or January 2021.

Delsman asked about the rationale for creating profit and non-profit subcommittees. Kumar replied that there are different financial resources and options as well as different building standards for the two groups.

Senate Bill (SB) 534 Implementation

Kim Tallant (BDS) reviewed the handout ***Senate Bill 534 Implementation Guidance***. SB 534 will go into effect March 1, 2020, and requires that the development of at least one dwelling unit be allowed on each platted lot, unless the jurisdiction determines the lot is constrained by one or more factors. BPS intends to codify this in Portland City Code Title 33 (Zoning Code) under the Residential Infill Project (RIP), but BDS will need to implement changes now due to the March 1 effective date. Further information is available at <https://www.portlandoregon.gov/bds/article/753284>.

DRAC Member Jeff Bachrach asked about the prohibition on building on lots in environmental zones. DRAC Member Justin Wood replied that the language was in the state legislation. Tallant said that these are generally smaller lots than the base zone, or have natural resources (like creeks) that are hard to avoid.

In response to a question, Tallant clarified that the lot confirmation process isn't codified in Title 33, but is an administrative process.

Appeal of Central City 2035 Plan

Tallant gave an update on the legal appeal of the Central City 2035 Plan. After the Plan (<https://www.portlandoregon.gov/bps/index.cfm?&c=47907>) was adopted by the City Council on June 6, 2018, it was appealed to the Land Use Board of Appeals (LUBA). It eventually went to the Court of Appeals, which issued a decision in January 2020 affirming LUBA's decision. Unless appealed further, final judgement issued ??.

Applications in the Central City area that have been submitted since the Plan was adopted by the City Council have been somewhat in limbo, awaiting the resolution of the appeal. BDS is recommending that those applicants consult with their land use attorneys. Director Esau said that for the future, BDS is asking BPS and the City Council to put effective dates on these types of projects out far enough to give time for appeals to be resolved before applications are accepted under the new regulations.

DRAC Bylaws / City Code Title 3.30.030

Director Esau referenced the handouts ***Draft DRAC Bylaws*** and ***Draft Title 3.30.030 Amendments***. The bylaws were distributed at the January 2020 DRAC meeting, and the DRAC Policy Subcommittee reviewed them at their meeting on January 30, 2020. DRAC Member Claire Carder asked whether there was a need for further DRAC review of the bylaws, but others felt that sufficient review had taken place. The bylaws will go into effect once signed by Director Esau.

Director Esau said that the proposed changes to Portland City Code Title 3.30.030 were made at the request of the DRAC, to add flexibility in making DRAC member appointments. Delsman said that the Policy Subcommittee talked about making changes that would last for a long time and give flexibility in making member appointments.

DRAC Member Sean Green suggested clarifying that that the ex officio DRAC member representing the Planning & Sustainability Commission is a *voting* member.

Motions and Voting

Green moved to approve the Draft DRAC Bylaws. The motion was seconded and passed.

Green then moved to approve the draft changes to Title 3.30.030, with the clarification that the Planning & Sustainability ex officio member is a voting member. The motion was seconded and passed.

DRAC Subcommittee Updates

Process Improvement & Technology Subcommittee

Green said that at their last meeting, the subcommittee reviewed an online submission form created by City staff. The form will allow people to submit process improvement ideas. They also talked about the policy for when an applicant is stuck in the development review process and wants to escalate to a manager (see <https://www.portlandoregon.gov/bds/article/734051>).

Finally, the subcommittee heard a presentation on the Business Process Improvement Project from City consultant Lisa Dennis (Delaris Consulting). Director Esau said this project will be a future discussion topic for the full DRAC.

Policy Subcommittee

The subcommittee met on January 30, 2020 and reviewed the draft DRAC bylaws and proposed changes to Title 3.30.030 (both reviewed by DRAC today). At their next meeting, the subcommittee will discuss ways to get earlier information on upcoming City projects, and making the **Inter-Bureau Code Change List** a more useful tool for DRAC members. Roger Geller (PBOT) has asked to update the subcommittee on the Protected Bike Lanes project.

Director Esau met with the other development bureau directors, and they pledged to do their best to provide information in response to the subcommittee's recent letter.

Nancy Thorington (BDS) said the **Inter-Bureau Code Change List** is based on input from staff at BDS and the other development bureaus. Thorington said the intent is to let DRAC members identify projects of interest and do deeper dives. Bachrach asked Thorington to come to the next subcommittee meeting. Phil Nameny (BPS) said it would be good to get feedback on what the DRAC is looking for from the document.

Residential Demolition Subcommittee

Thorington said BDS has produced a demolition report that will be presented to the City Council next Wednesday, February 26th at 10:15 a.m. (time certain). As per Council practice, there will be no public testimony at that time. The report has been emailed to subcommittee members, DRAC members, and other interested parties, and it is available online at <http://bdsonlineservice.portlandoregon.gov/article/754050>. If the report is adopted, BDS will make code modifications, including moving some details to administrative rules, doing cleanup, and adopting interim administrative rules.

Thorington said there will be two more substantive changes:

- Anyone who performs a residential demolition will be required to have lead-based paint certification; and
- A shift from having a certified asbestos person on-site to doing full asbestos testing.

Public Works Subcommittee

DRAC Vice Chair Martha Williamson said this subcommittee has not yet begun meeting and does not have members. DRAC Members Paul Delsman, Sean Green, and Jennifer Marsicek expressed interest in joining the subcommittee.

Bureau of Planning & Sustainability Updates

Phil Nameny (BPS) gave updates on several projects. Bike parking requirements will be updated on March 1, 2020, including changes to where residential bike parking can be located (see <https://www.portlandoregon.gov/transportation/70439>). Green said that there are numerous projects like this that add to the cost of construction and can result in projects becoming less affordable or not being built at all.

Better Housing by Design (<https://beta.portland.gov/bps/better-housing>)

Nameny distributed and reviewed the handout **Better Housing by Design – Recommended Draft Summary** and summarized key elements of the project. Better Housing by Design was approved by the City Council in December 2019 and will go into effect March 1, 2020.

J. Wood noted that the project relies more on Floor Area Ratio (FAR), and asked if BPS will standardize how FAR is calculated. Director Esau said that BDS has raised that issue. Nameny replied that there has been an ongoing discussion between BPS and BDS on FAR calculations.

Director Esau asked if the minimum density will increase for everything. Nameny said it pretty much stayed the same; however, Nameny thought that R1 no longer has lower density for small lots, and East Portland now is required to conform with density requirements.

Residential Infill Project (<https://beta.portland.gov/bps/rip>)

Nameny said the Residential Infill Project (RIP) is still going through the public engagement process. There have been two work sessions with the City Council, the most recent on February 12, 2020, where the Council reviewed several proposed amendments. A public hearing on the amendments is scheduled for March 12, 2020, and the final vote will come later in the spring. RIP may end up with two effective dates; an earlier date for items affected by SB 534, and a later date for the rest of the changes.

Shelter to Housing Continuum

The Shelter to Housing project is going through internal staff review. The City's housing emergency has allowed shelters to be set up without required approvals, but this exception will end April 20, 2021. Shelter to Housing will look at allowing more flexible options for housing situations. Director Esau said the Portland Zoning Code has been limiting in regard to the development of alternative housing projects.

Nameny expects a discussion draft to be released later this spring. Green is setting up a meeting in March with interested stakeholders to talk about this project, and asked DRAC members to indicate if they're interested in attending.

Upcoming Policy / Project Discussion

Williamson asked about the status of the BES Stormwater Management Manual update (BES gave a presentation on the update on September 19, 2019. Elisabeth Reese Cadigan (BES) said the manual should go out for public comment in March 2020 and take effect this summer. They are waiting for the Bureau of Technology Services (BTS) to implement changes to the public calculator.

Williamson then asked about the status of the Pedestrian Design Guidelines. Kurt Krueger (PBOT) said the effort should kick-off in spring 2020.

DRAC Work Plan

Delsman noted that at the January 16, 2020 DRAC meeting, the discussion about the DRAC Work Plan focused on establishing measurable metrics and producing an annual report. Having hard time thinking about measurable metrics; not sure how to define that for DRAC. Carder said there don't have to be statistical metrics, but it's important to track and document the DRAC's work. It could be a collaborative effort between the DRAC Chair, Vice Chair, and the BDS Director. Carder volunteered to make an initial draft report.

Other

Green was a member of the BDS Budget Advisory Committee (BAC), and noted that BDS's budget development was a thorough and good process.

Bachrach asked about the status of RICAP (Regulatory Improvement Code Amendment Package). Tallant said RICAP is on hold, due to the volume of new code projects.

Members discussed DRAC subcommittees, the involvement of non-DRAC members, and whether subcommittees should be chaired by DRAC members. A few members agreed that only DRAC members should chair subcommittees, and Green suggested putting a requirement into either the DRAC Bylaws or City Code Title 3.30.030. J. Wood said that while that would generally be the goal, circumstances could arise where DRAC members could vote to appoint a non-DRAC member as Chair.

Members also discussed DRAC member recruitment. It was suggested that prospective members be required to attend a couple DRAC meetings prior to their appointment, so they understand what membership involves and what the work looks like. Members said it would also be good to clarify the recruitment and appointment process. DRAC Member Holloway Huntley suggested recruiting individuals involved in public works projects.

The next DRAC meeting is scheduled for Thursday, March 19, 2020.

Minutes prepared by Mark Feters (BDS).