

Staff Report
Ordinance No. 17-1396
Attachment 3

EXHIBIT C OF THE CITY OF PORTLAND'S
LOCALLY PREFERRED ALTERNATIVE RESOLUTION

**Powell-Division Transit and Development Project
Division BRT Locally Preferred Alternative
Conditions of Approval
November 28, 2016**

TriMet, Metro and the City of Portland jointly recognize the importance of mobility, housing and economic development for the livability of the City of Portland.

Implementation of *Powell-Division Transit and Development Project - Portland Local Action Plan* and delivery of Division BRT project will bring substantial improvements to the communities in the corridor and in East Portland. The corridor, and East Portland especially, need better access to jobs, education, other opportunities, and daily needs including more affordable housing. The Division BRT project will substantially improve transit service along high-ridership Division Street and will connect to key institutions such as Portland Community College. It will improve pedestrian crossings, access, and bicycle access, especially in East Portland.

For the greater Powell-Division corridor, project partners developed a Powell-Division Corridor-Wide Strategy (Exhibit D to the Locally Preferred Alternative) that represents commitments to pursue a coordinated set of actions that improve transit, safety, bicycle and pedestrian access, housing and equitable development. This includes transit, bike and pedestrian improvements on Division Street, on Powell Boulevard and on connecting north/south streets, as well as programs to support affordable housing and economic development.

Staff from the Portland Bureau of Transportation (PBO'T), the Portland Housing Bureau (PHB) the Portland Development Commission (PDC), TriMet and Metro met with community representatives from the project's Steering Committee to discuss concerns associated with the Division BRT project. **These Conditions of Approval serve to document and memorialize commitments to actions by the agencies to address community concerns as the project moves forward in implementation.**

The Portland City Council will receive future updates on the Division BRT project and documentation on the progress towards the actions and items listed in these Conditions of Approval at these key project milestones:

- Completion of NEPA and submittal of materials to FTA for a project rating currently anticipated in Summer/Fall 2017; and
- Completion of funding plan commitments for the project for City Council approval, and submittal for an FTA construction grant agreement, currently anticipated in mid-2018.

Community Engagement

Community Advisory Committee: Following the adoption of the Locally Preferred Alternative, TriMet will lead community engagement for the transit project and establish a Community Advisory Committee (CAC). This committee will meet monthly to advise TriMet and City of Portland on project design, final station locations, implementation of TriMet's DBE Contracting and workforce development programs, development of a Conduct of Construction, planning for related bus service, and other project elements.

TriMet will seek representatives who ride transit, live, work or own property in the Division Corridor and wear multiple hats including: business associations, NPIs, community-based organizations and neighborhood coalitions; advocates for seniors and people with disabilities; advocates for safe walking and biking; health and education institutions; and local businesses.

The CAC will provide advice and recommendations to the Policy & Budget Committee. Two members of the CAC will serve on the project's Policy & Budget Committee to represent the voice of the CAC to discussions with elected officials and agency leaders.

Business Outreach: TriMet will launch an outreach program to share plans and gather feedback, including a focus on establishing and continuing relationships with businesses adjacent to construction areas. Staff will meet regularly with business owners and associations and maintain a robust online presence with information and opportunities for feedback. Staff will offer and provide language interpretation to encourage direct dialogue with all Division Street business owners.

Portland Housing Bureau Memorandum of Understanding: The purpose of the Memorandum of Understanding (MOU) is to outline agreements between the affected community and PHB regarding future affordable housing investments. It is anticipated the MOU will provide for methods by which the community can provide input into projects generally, encourage a sense of partnership between PHB and the community in identifying project opportunities, and help establish specific project goals. The MOU will also identify means for the community to navigate PHB to provide potential leads on available properties and plan for future affordable housing investments. PHB will work with community representatives beginning in early 2017 to outline the process to create the MOU along with its overall structure. Included in the MOU will be methods for PHB to report on its activities in the corridor and East Portland generally.

Affordable Housing Investment Strategy

New Affordable Housing Construction in the Powell-Division Corridor: The Portland Housing Bureau (PHB) commits to make investments in new affordable housing construction in the Powell-Division Corridor. The commitments range from approximately 300-600 affordable dwelling units in total. East Portland would receive approximately 20-25% of the total affordable housing investment estimated for the BRT corridor under the commitments outlined below. Any or all of the following funding sources that may be used include:

- General Obligations bonds
 - General Fund backed bonds
 - Interim credit facilities/lines of credit (backed by General Fund)
 - Transit Lodging Tax (or bonds backed by this source)
 - Community Development Block Grant (or loans backed by this source)
 - HOME
 - Housing Investment Fund (HIF)
 - Central Eastside Urban Renewal Area (CESURA) Tax Increment Financing (available only in CESURA)
- **East Portland:** Up to two (2) projects of 125 units or one (1) project of 80-120 units are contemplated in this segment of the corridor. The site(s) may either be on land procured from

private property owners or from vacant and underutilized public land. The actual sites are yet to be determined.

- **Jade District: SE 82nd.** One (1) project consisting of 47 units sponsored by Rose CDC at the Furniture Store site at 82nd Ave and Division Street which was procured by Metro specifically to facilitate equitable Transit Oriented Development (ETOD) in the heart of the Jade District. Metro will continue to work with ROSE CDC on the redevelopment of the site with the possibility for community space owned and operated by the Asian Pacific American Network of Oregon (APANO). The project is anticipated to be completed by early 2019.
- **Caesar Chavez:** Generally located between SE 30th and SE 50th. One (1) project of 100-300 units is contemplated in this segment of the corridor. Land will be procured from private property owners and sites are currently on offer.
- **Clinton Triangle:** In the Central Eastside Urban Renewal Area adjacent to the MAX Orange Line Clinton/SE 12th Ave Station. One (1) project of 70-120 units is contemplated in this segment of the corridor. The land is currently controlled by Portland Fire & Rescue.

Other Affordable Housing Projects Anticipated in East Portland that can serve the Corridor:

- **Affordable Housing Preservation:**
 - **Small Rental Rehabilitation Program:** PHB is in the process of rolling out a rental rehabilitation program that will rehabilitate 300 rental units in East Portland between 2017 and 2022 using an annual allocation of \$1.5 million in general fund resources. The program includes working directly with the Bureau of Development Services through their complaint-driven system to identify properties and landlords that may be candidates for the program.
 - **Manufactured Housing:** PHB does not currently have a program focused specifically on manufactured home parks. However, PHB will explore opportunities to include manufactured home parks as a component of a broader affordable housing preservation strategy.
- **Affordable Housing Mandated by Inclusionary Housing:** If enacted by the City Council, private development of 20 units or more will specifically be required to provide some portion of their units, currently 20% of the units at 80% of the Area Median Income or 10% of units at 60% of the Area Median Income. In either instance, some offsets will be offered consistent with state law. The source of the offsets may include direct financing utilizing Construction Excise Tax (CET) revenue, property tax abatement and bonus density incentives, System Development Charge (SDC) waivers and property tax abatement to offset the costs of compliance as appropriate.

Equitable Housing Initiative: Metro's Equitable Housing Initiative is focusing on local, regional and statewide policy solutions and is convening partners in a research and engagement process to evaluate opportunities and solutions for regional land banking and collaborative public-private funding solutions to expand the development of affordable housing choices in places that provide access to transit, opportunities, and amenities. Components of this work will include developing a market typology, and inventory of publicly-owned lands, a resource inventory and gap analysis, and an opportunity analysis.

The Metro Council through Metro's Equitable Housing Initiative committed \$500,000 in Construction Excise Tax (CET) revenue to provide grants in 2016-17 to carry out work that

eliminates barriers to equitable housing development in our region. These grants were available to cities and counties within the Portland regional urban growth boundary, either solely or in partnership with other government entities, nonprofit organizations, or businesses. While these Equitable Housing Grants were a regional pilot program, Metro is committed to continuing to promote equitable housing in our region and will engage with the community if more grant opportunities arise.

Metro Transit Oriented Development: The mission of Metro's TOD program is to increase opportunities for people of all incomes to live and work in areas with high capacity and high frequency transit. Projects qualify for funding based on transit ridership generated compared to a base case with special consideration given to projects in high cost areas that provide long term affordability. In a typical year the TOD program is able to support between two and six projects region-wide with typical contributions of between \$200,000 and \$500,000.

Metro's TOD program will continue to pursue opportunities to support eligible projects along the Division BRT, particularly those with an affordable component.

Economic Development and Business Mitigation

Construction Mitigation and Business Technical Support: TriMet expects to utilize design and construction practices that focus on minimizing impacts for adjacent businesses. PDC is committed to being a partner to the project and will continue to work closely with community partners and TriMet to discuss project impacts and programing to support and strengthen businesses in the transit corridor.

- TriMet Community Affairs Representatives will serve as full-time liaisons between community members, project staff and the construction contractor, with particular focus on businesses adjacent to construction areas. Each business will have a single point of contact for all project-related concerns. Representatives will offer and provide language interpretation, and will communicate with businesses in their preferred language and format (e.g., verbal, written/handout or email, etc).
- During the design phase, TriMet staff will gather information to inform design (including existing driveways, parking, and landscaping) and construction planning (including access needs, business hours, and noise or vibration concerns). During this phase, input from businesses and residents will be incorporated into the project's design.
- TriMet staff will work with the contractor to develop a Conduct of Construction – a set of guidelines for sequencing construction, focusing on a “get-in-and-get-out” approach. The Conduct of Construction will identify approximate durations of potentially disruptive activities and specify requirements for business access, advance notification for major activities, and construction site housekeeping.
- During the construction phase, TriMet staff will continue to visit businesses regularly and work with the contractor to maintain business access and adjust construction sequencing to minimize construction impacts.
- TriMet will provide customized signage, maps and other tools to help businesses stay accessible and visible, including signs in the primary language of the business.
- PDC is committed to supporting small businesses in East Portland in partnership with local community partners and TriMet. PDC's Small Business Development Program will continue to

deliver tailored business technical assistance to meet the unique needs of the businesses in the Neighborhood Prosperity Initiative (NPI) service areas.

- The PDC will also continue to pursue funding from Portland City Council and philanthropic partners to implement the economic development actions outlined in the Portland Local Action Plan (July 2016). These activities include: promoting business competitiveness and retention through increased technical assistance resources, business training, one on one business support and working capital loan funds.

Disadvantaged Business Contracting and Local Hiring: Continuing TriMet's model for inclusive contracting, construction tasks will be broken into smaller packages to encourage hiring of Disadvantaged Business Enterprise firms (DBEs). Bid documents will require DBE subcontracting plans, along with local supplier plans and workforce training plans. Workforce training plans will encourage contractors to reach out to pre-apprenticeship and existing apprenticeship programs to support new people entering the construction trades, with targeted outreach in the project corridor. TriMet will also reach out to regional DBEs including those in the corridor, provide them with technical assistance, and host events to help introduce these subcontractors to prime contractors. As part of the outreach process, TriMet will partner with community-based organizations that serve residents in or near the area to ensure the opportunities are communicated to area residents, and those who have been displaced.

TriMet will track and report regularly on its efforts and achievements in DBE contracting, local hiring and apprenticeships.

Career Training: TriMet will partner with MHCC (which serves East Portland) and PCC to create clear pathways for students into careers at TriMet. This may include collaboration on short-term trainings, internships, new program development and/or advisory board participation.

Workforce Navigation and Development Services: PDC is committed to pursuing funding from Portland City Council and philanthropic partners to hire a workforce navigator for the East Portland corridor.

Transit Service Enhancements

Enhanced Frequency on Line 20: Subject to review and approval by TriMet's Board of Directors consistent with the TriMet Code and Title VI equity analysis, TriMet commits to making enhancements in weekday frequency on Line 20, which services E. Burnside and SE Stark, so that buses will arrive about every 15 minutes from the AM peak through to the PM peak in two steps: one in Spring 2017 and the remainder in Fall 2017.

Transit Service Planning: TriMet intends to reallocate vehicle hours made available from the replacement of Line 4-Division by the bus rapid transit project instead of using those hours from Line 4-Division to operate the BRT service. These hours (approximately 1,400 weekly vehicle hours) would therefore be available to increase service on existing lines or inaugurate new lines within the corridor at the time that the Powell-Division project opens for service, currently scheduled for Fall 2021. This remains TriMet's intention and barring any unforeseen changes in the economy or major funding sources, TriMet plans to deliver this substantial reinvestment in service to the corridor. If any unforeseen changes do occur, TriMet will consult with the community about how to prioritize service needs before any service changes or reductions are made. As with all service planning

decisions, TriMet would use the five priority considerations defined in TriMet's Service Guidelines Policy (Board Resolution #14-12-60) to inform the decision: equity, demand, productivity, connections, and growth.

TriMet will work with the community to determine the best opportunities for redeploying these service hours. TriMet commits to consulting with representatives from EPAP, Division-Midway, APANO, Jade District and OPAL, as well as riders and others from communities in East Portland, to create a plan to reallocate the approximately 1,400 existing service hours on the Line 4. Potential routes include new north-south bus service on 148th and 162nd, as well as the desire for more service on 181st/182nd (Line 87). TriMet intends to include north-south service in the proposed service hours reallocation with details to be refined after a public process and a Title VI analysis.

Project and outreach staff will begin discussions with the community about how this service is allocated about 18 months before project opening (Spring 2020) with the intention of getting to a preferred scenario about a year before opening (Fall 2020) which will provide time for preparing for new service including any new bus stop work needed on new lines.

Annual Service Plan Enhancements: TriMet will continue to consult with representatives from EPAP, Division-Midway, APANO, Jade District and OPAL, as well as riders and others from communities in East Portland in determining future Annual Service Plan service enhancements.

Future Powell Boulevard High Capacity Transit Project: Metro does not consider the implementation of the Division BRT line to disqualify Powell Boulevard as a potential future High Capacity Transit (HCT) Project. Metro will advance the Powell Boulevard corridor for regional consideration and prioritization as one of the potential HCT corridors in the development of the Regional Transit Strategy as part of the Regional Transportation Plan (RTP) update.