



Steve
Novick
Commissioner

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Director

**CITY ENGINEER REPORT OF AN ENCROACHMENT REVIEW REQUEST FOR A
BELOW GRADE RESTRICTED ACCESS TUNNEL IN THE PUBLIC RIGHT-OF-WAY**

DATE: August 12, 2014

TO: City Council

FROM: Bob Haley, Bureau of Transportation, B299/5000 (503) 823-5171

CASE: Oregon Health Sciences University Proposed Below Grade
Encroachments in the Public Right-of-Way
SW Meade Street Tunnel

GENERAL INFORMATION

Applicant: Oregon Health & Science University, Owner ("OHSU")
3181 SW Sam Jackson Park Road
Portland, OR 97239

Mark Williams, Oregon University System/OHSU Collaborative Life Sciences
Building & Skourtes Tower
515 Market Center Building
MCB PO Box 751
Portland, OR 97207

Representative: George Hager, SERA Architects
338 NW 5th Avenue
Portland, OR 97209

Site Address: 2750 SW MOODY AVENUE

Legal Description: TL 200 12.42 ACRES, SECTION 10 1S 1E

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State ID No.: 1S1E10 00200
 Quarter Section: 3229
 Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
 District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
 Plan District: Central City – South Waterfront
 Zoning: CXdg – Central Commercial with design and greenway overlay
 Case Type: Major Encroachment Review in the Public Right-of-Way

 Procedure: Recommendation to the City Engineer with **Major Encroachment Request Approval by City Council** to be determined at a later date.

 Review Type: Below-grade encroachment for underground structure in the City Wide District (1982 Bureau of Planning document, Encroachments in the Public Right-of-Way).

Proposal: The applicant requests encroachment approval for a new underground 8'0" wide by 8'0" tall tunnel connecting the basement of the Collaborative Life Sciences Building ("CLSB"), currently under construction and the basement of a future medical research building for OHSU located on the north side of SW Meade Street right-of-way ("ROW"). The tunnel will be used exclusively by research scientists. The structure would be owned, operated and maintained by the applicant.

Review of Encroachments in the Public Right-of-Way

All privately owned and maintained above-grade, at-grade and below-grade encroachments in the public right-of-way are subject to Encroachment Review.

The approval criteria for encroachments are the General Policies (Section III), City-Wide District Policies (Section VII) and Standards for Encroachment (Section VIII) of Chapter One of the 1982 Bureau of Planning document, Encroachments in the Public Right-of-Way.

Scope of Encroachment Review: This encroachment review will evaluate the following areas.

Tunnel access extending beyond the curb line and under SW Meade Street

Encroachment Review Process. Historically this is where “Agency Review” and “Utility Review” are referenced and that notice has been sent to them...etc..etc..The structure is a below-grade encroachment located in a portion of the City covered by City Wide Policies. The structure meets the definition of Other Underground Structures.

Relevant Approval Criteria.

In order to be approved, this proposal must comply with the applicable approval criteria of *Encroachments in the Public Right-of-Way*, adopted June 10, 1982. In accordance with Chapter One, Section VII A 2, the applicable approval criteria for the proposal are listed in:

- Chapter One, Section III
- Chapter One, Section VII

Additionally, Exceptions to the standards of Chapter One, Section VII can be allowed with specific review and advice to the City Engineer.

SUMMARY OF PROCESS

Why an Encroachment Review?

All privately owned and maintained above-grade, at-grade and below-grade encroachments in the public right-of-way, that are not prohibited, are subject to encroachment review [Table 1, *Encroachments in the Public Right-of-Way*]. The encroachments proposed are defined in Chapter One Section II Definitions of the same document.

What is requested?

The applicant requests approval from the City of Portland (“City”) for a below-grade access tunnel within the SW Meade Street public right-of-way which will connect the CLSB and a future building to be constructed. At this point in the process, the Portland Bureau of

Transportation ["PBOT"] provides a recommendation from the City Engineer regarding the requested encroachment.

The final decision on an encroachment in the public right-of-way is made by City Council.

ANALYSIS

APPROVAL CRITERIA FOR THE ENCROACHMENT REVIEW

Applicant's Request.

The applicant requests encroachment approval for a new underground 8'0" wide by 8'0" tall tunnel connecting the basement of the Collaborative Life Sciences Building ("CLSB"), currently under construction and the basement of a future medical research building for OHSU located on the north side of SW Meade Street right-of-way ("ROW"). The tunnel will be used exclusively by research scientists. The structure would be owned, operated and maintained by the applicant.

SECTION I

INTRODUCTION

Sub-section 2

Downtown Portland: The area enclosed by the west bank of the Willamette River, the Broadway Bridge and Broadway Ramp, Hoyt Street, the Stadium Freeway, and the Marquam Bridge, excluding the Downtown Retail Core (as described in Item_1 of this section).

Findings

The subject project is defined as the area between SW Porter Avenue on the south, SW Meade Street on the North, SW Moody Avenue on the west and a proposed pedestrian promenade on the east. The requested below-grade encroachment falls in a narrow portion of SW Meade Street from the south ROW line to the north ROW line. The encroachment policies for Downtown Portland (section V) and the General Policies (section III) are then interpreted as the governing policies.

Below is a description of the purpose, use and intent of the encroachment.

- 1. A secure tunnel below grade connecting the basement of the CLSB currently under construction and the basement of a future medical research building for OHSU located on the north side of said Meade ROW.*
- 2. The tunnel interior dimensions will measure 8'0" wide by 8'0" tall per requirements of Section VIII-C-1.*
- 3. The tunnel will be used exclusively by research scientists. It is not the intent for the public to use this tunnel at any time as a means of connection between the two buildings.*
- 4. The area on the CLSB side of the tunnel is a highly secure, access controlled portion of the building allowing only those few people with the proper credentials entry. It is planned by OHSU that the future building side of the tunnel will have similar security restrictions.*
- 5. The tunnel will be used to transport prepared research samples to the imaging suite in the basement of the CLSB. The imaging suite contains several electron and optical microscopes that require unique construction methods to achieve low vibration criteria dictated by the imaging instruments.*
- 6. The tunnel connection allows for an efficient use of OHSU resources by sharing highly sensitive and expensive equipment between buildings with similar programs.*

SECTION II-B DEFINITIONS

BELOW GRADE ENCROACHMENTS

Sub-section 1

Underground Walkway

Underground Walkway: Below-grade pedestrian walkway crossing the ROW between buildings.

Finding

The proposed encroachment does not meet the criteria for Underground Walkway. It is not intended for inter-building pedestrian traffic. (Does not meet definition of Underground Walkway)

This policy is met.

Sub-section 2

Underground Mall

Underground Mall are Below-grade structures within a ROW extending beyond the curblane designed to accommodate uses normally contained in or ancillary to a building, such as shops, offices, restaurants, or plazas. Underground malls may serve pedestrian movements across a ROW.

Finding

The proposed encroachment does not meet the criteria for Underground Mall. (Does not meet definition of Underground Mall)

This policy is met.

Sub-section 3 Building Vaults

Building Vaults are below-grade building extensions into the ROW no further than the curb line.

Finding

The proposed encroachment is not considered a building vault. (Does not meet the definition of Building Vaults)

This policy is met.

Sub-section 4 Underground Parking

Underground Parking is below-grade parking and access structures.

Finding

The proposed encroachment does not meet the criteria for Underground Parking. (Does not meet definition of Underground Parking)

This policy is met.

Sub-section 5 Other Underground Structures

Other Underground Structures are below-grade structures within the ROW not in categories above. Such structures would normally be used for the movement of either vehicles or goods.

Finding

The proposed encroachment does meet the criteria for Other Underground Structures. As stated above, the intent of the tunnel is for the exclusive use of research scientists to transport prepared samples between the CLSB and the future research building. (Does meet definition of Other Underground Structures)

This policy is met.

SECTION III GENERAL POLICIES

Sub-section A-1 The public ROW provides for the movement of pedestrian and vehicles, and for the open space, landscaping, light, air, and vistas. As an important public resource, the public ROW should not be easily given up for private ownership or use.

Finding

The at-grade level of SW Meade Street shall not be impeded by this below-grade tunnel. The public realm will still satisfy and include those elements required by urban design goals as set forth by the City.

Pedestrian traffic by scientific researchers through the tunnel connecting the CLSB and the future research building is not to provide an exclusive path and circumvent active streets by a limited few people. It is to protect both the public and the scientific sample from exposure while being transported from one research laboratory to the imaging suite.

This policy is met.

Sub-section A-2 The street level sidewalks are the primary pedestrian circulation system and encroachments should not be permitted which adversely affect this system.

Finding

The street level pedestrian circulation system is not adversely affected by the underground tunnel. As stated above, all required street level improvements will remain. The presence of the tunnel will go unnoticed by nearly all who use or visit the CLSB or future research building. Only those few who are research scientists that need access to the imaging suite will use the tunnel.

All building entrances for the CLSB are at grade. The building entrances for the future research building are presumed to be similar. Currently, the CLSB has seven main building entrances.

- *One at SW Meade Street;*
- *Four at SW Moody Avenue; and,*
- *Two along the pedestrian promenade on the east.*

In the CLSB, the entrance to the tunnel is through a highly secure, access controlled portion of the building where only a few people would be allowed. The security for the future research building is presumed to be similar.

This policy is met.

Sub-section B As a public resource, encroachments shall only be permitted as a part of a project fulfilling a significant public goal of the Comprehensive Plan, the Downtown Plan, or other adopted Plans and Policies. Encroachments must be in conformance with the City objectives for promoting the "Portland Character" as defined by the rivers, parks, vistas, buildings of architectural significance, and other important visual images as defined in the Comprehensive Plan, Downtown Plans, Development Regulations, and Design Guidelines, or neighborhood or area plans or guidelines.

Finding

The proposed encroachment will allow the overall project to meet several of the goals delineated in the Comprehensive Plan – Goals and Plans.

Goal 2 – Urban Development

Maintain Portland's role as the major regional employment, population, and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

The CLSB project achieves this goal by creating the first building in the new South Waterfront OHSU Schnitzer Campus. This building and campus extends the boundaries of Portland's largest employer. It will also take advantage of the City's new bus, street car and light rail transportation infrastructure by being located at the intersection of SW Moody Avenue and SW Porter Avenue.

Also as a joint project with Oregon University System ("OUS"), Portland State University's campus will be extended to the South Waterfront.

Both of these campus extensions go great distances to promote jobs, housing and business opportunities in and around the South Waterfront. Specifically, this project and the below grade encroachment requested supports the following goal objectives:

- 2.1 Population Growth*
- 2.2 Urban Diversity*
- 2.7 Willamette River Greenway Plan*
- 2.9 Residential Neighborhoods*
- 2.10 Downtown Portland*
- 2.11 Commercial Centers*
- 2.12 Transit Corridors*
- 2.15 Living Closer to Work*
- 2.16 Strip Development (discouraged)*

2.17 Transit Stations and Transit Centers

2.19 Infill and Redevelopment

2.20 Utilization of Vacant Land

2.22 Mixed Use

2.25 Central City Plan

Goal 3 – Neighborhoods

Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

The CLSB project and future research building are located within walking distance of the North Macadam neighborhood. These two buildings will support the need of residential development in this neighborhood. The requested encroachment enforces this support by creating economic efficiency of shared OHSU resources. Specifically, this project and the below grade encroachment requested supports the following goal objectives.

3.2 Social Conditions

3.3 Neighborhood Diversity

Goal 5 – Economic Development

Foster a strong and diverse economy, which provides a full range of employment and economic choices for individuals and families in all parts of the City.

The current CLSB project will include economic opportunity over a wide and varying range of employment types. The range can be seen as beginning with higher education students to administrative support staff, academic teaching and research scientist. The future research building, which this encroachment will connect will provide a similar range of employment. Specifically, this project and the below grade encroachment requested supports the following goal objectives.

5.1 A, B, E Urban Development and Revitalization

5.2 A, B Business Development

5.4 B, C, D, E, G Transportation System

5.5 C, D Infrastructure Development

5.7 A, D, E, F Business Environment Within Designated Commercial Areas

5.11 A, B, C, D, E, F Science and Technology Quarter

Goal 8 – Environment

Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

The current CLSB project includes several enhanced transportation components; ample short and long-term bicycle parking, long-term bicycle transportation amenities, development of a pedestrian promenade, active street levels adjacent to transit stops, and retail uses orientated to public at grade environments. The below grade encroachment requested will not impact this investment at all. In point of fact, the requested encroachment will support these activities by the judicious use of future funding by building now. OHSU plans to connect this tunnel to a future research building. This future research building will further support this goal. Specifically, this project and the below grade encroachment requested supports the following goal objectives:

6.5 B, C, D, E, F Traffic Classification Descriptions

6.6 B, C, D, E, F H Transit Classification Descriptions

6.7 A, B, C Bicycle Classification Descriptions

6.8 A, B, C, D, E Pedestrian Classification Descriptions

6.11 C, E, F, I, J Street Design Classification Descriptions

6.17 Coordinate Land Use and Transportation

6.19 A, C, D Transit-Oriented Development

6.20 A, C Connectivity

6.22 A, B, C, D, E Pedestrian Transportation

6.23 A, B, D, E, F, G, H Bicycle Transportation

6.24 A, B, C, D, F, H Public Transportation

6.25 A, B, C Parking Management

Goal 12 – Urban Design

Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.

The requested encroachment supports this goal in several aspects. The below grade tunnel allows the pedestrian realm to be unaffected by this tunnel. As stated above, the tunnel will be used exclusively for researchers transporting prepared samples between the CLSB and the future research building. It also supports basic urban design principals by preserving view corridors and access. With the tunnel below grade, a secure above-grade sky structure is not required. This decision has allowed the building massing to adhere to basic urban design principals of building massing designed for the public street, allow light to the ground level and not detract from pedestrian movement at-grade. Specifically, this project and the below grade encroachment requested supports the following goal objectives:

12.1 A, C, H, I Portland's Character

12.4 A, B, C, D, G Provide for Pedestrians

12.5 A,D Promote the Arts

12.7 A, B, C, E F Design Quality

This policy is met.

Sub-section C In order to receive City approval for encroachments, an applicant must demonstrate a public benefit, which cannot be achieved without the encroachment.

Finding

The revitalization of an entire multi-block area of former industrial use buildings can only be viewed as an enormous benefit to the public. Two buildings will be able to share resources in an efficient manner.

The configuration and forethought of OHSU to plan for efficient use of resources will only work to an economic benefit for the South Waterfront and the OHSU Schnitzer Campus. Though the CLSB project is burdened with the financial impact of the tunnel, the future research building will not have to fund the design and construction of another duplicate imaging suite for use by researchers in that building. The funding 'saved' on that project for such construction can be used elsewhere for a higher and better economic use.

This policy is met.

SECTION V DOWNTOWN POLICIES

Sub-section A-1 In Downtown, the sidewalks shall retain their role as the primary pedestrian system.

Finding

The street level pedestrian circulation system is not adversely affected by the underground tunnel. As stated above, all required street level improvements will remain. The presence of the tunnel will go unnoticed by nearly all who use or visit the CLSB or future research building. Only those few who are research scientists that need access to the imaging suite will ever use the tunnel. All building entrances for the CLSB are at-grade. The building entrances for the future research building are presumed to be similar. Currently, the CLSB has seven main building entrances:

- *One at SW Meade;*
- *Four at SW Moody; and,*
- *Two along the pedestrian promenade on the east.*

In the CLSB, the entrance to the tunnel is through a highly secure, access controlled portion of the building where only a few people would be allowed. The security for the future research building is presumed to be similar.

This policy is met.

Sub-section A-2 The intent of any permitted encroachment shall be to enhance Downtown's role as the leading center for retail goods and consumer service.

Finding

The proposed encroachment will have no adverse effect on Downtown's role as a leading center for retail goods and consumer services. In support of these goals, the tunnel will further the South Waterfront as a leading economic and employment center. The tunnel will allow the efficient use of shared resources among two buildings. The OHSU Schnitzer Campus is between two mixed-use residential neighborhoods, both within walking distance. The creation and construction of these two buildings will only reinforce these two areas of Downtown as residential centers.

In addition to the employment opportunities, the CLSB is providing 7,500 s.f. of retail space at the ground floor. The exact type of business is yet to be determined, however the building program has acknowledged the need to provide retail spaces.

This policy is met.

Sub-section A-3 In the Downtown Industrial area (MX Zone), the intent of any permitted encroachment shall be to maintain manufacturing, warehousing and wholesaling supportive of downtown activities.

Finding

This policy is not applicable. The CLSB and future research building are located in the CX zone.

Sub-section A-4 To protect the sidewalk as the primary pedestrian system, sky structures and underground walkways shall not be built in lieu of at-grade improvements. Improvement to the immediate street level pedestrian environment and circulation system shall be made prior to, or in conjunction with above grade or below grade improvements.

Finding

The proposed underground tunnel / encroachment is not intended to be a public underground walkway for pedestrians. The streetscape improvements meet or exceed the options offered in the referenced sub-section and will be built in conjunction with the construction of the CLSB.

Street improvements will be available at-grade when the building is open for public use.

This policy is met.

Sub-section A-4(cont) Rain protection over sidewalks.

Finding

The design of CLSB includes canopies at all major building entrances. The building entrances for the future research building are presumed to be similar.

This policy is met.

Sub-section A-4(cont) Street furniture, signings, lighting, tree planting, public art, and other amenities to enhance the pedestrian environment.

Finding

The new streetscape for the project includes integrated bench seating, planters, South Waterfront standard lighting, street trees, and patterned concrete throughout. The CLSB and future research building will also include a pedestrian promenade on the east. The promenade will provide a central pedestrian circulation spine throughout the OHSU Schnitzer Campus. Bike parking is offered throughout the CLSB site; the future research building will have similar pedestrian amenities.

This policy is met.

Sub-section A-4(cont) Sidewalk widening.....to minimize pedestrian traffic conflicts and increase pedestrian space.

Finding

SW Meade Street is the only street and sidewalk being built for this project. SW Moody Avenue to the west was recently built to accommodate new streetcar lines. SW Porter Avenue is a Tri-Met project providing every mode of transportation except private automobile. SW Meade Street is designed with curb extensions to slow traffic and maximize the pedestrian space at the intersection.

This policy is met.

SUB-SECTION C POLICIES FOR BELOW-GRADE ENCROACHMENTS

Sub-section C-1 Below-grade encroachments can only be permitted if the applicant demonstrates to the City's satisfaction that the encroachments meet the requirements of Chapter 1, Sections III and V.

Finding

For Sections II and V please refer to the findings in the previous sections of this application.

This policy is met.

Sub-section C-2a Underground walkways (and other underground structures) can only be permitted if the applicant demonstrates to the City's satisfaction that the encroachment is essential to the projects function or economic feasibility.

Finding

SW Meade Street is being funded and built through the construction of CLSB. It would be cost-prohibitive to construct the tunnel section after the roadway is built. The purpose of the tunnel is to utilize resources between buildings in a campus environment. The tunnel is a critical component of judicious future expenditures by OHSU; essentially planning now to save later.

This policy is met.

Sub-section 2b . . . connects buildings, which are consumer services, or connects consumer services buildings with short-term parking.

Finding

The CLSB contains retail at the ground level on three sides of the building.

This policy is met.

Sub-section 2c . . . meets a public goal in the Portland Downtown Plan.

Finding

The proposed encroachment makes it feasible for this project to include:

- *Enhancements and reinforce Downtown as the center for retail and consumer services (Goal 2–Urban Development, Goal 5–Economic Development, Goal 12–Urban Design)*
- *Enhances the pedestrian experience (Goal 2–Urban Development, Goal 6–Transportation, Goal 12–Urban Design)*
- *Extends the Science and Technology Quarter (Goal 5–Economic Development)*
- *The building massing doesn't detract from the pedestrian experience (Goal 12–Urban Design)*
- *Supports residential neighborhoods by providing a commercial center within walking distance (Goal 3–Neighborhoods).*

This policy is met.

Sub-section 2d . . . is used only for pedestrian/vehicular movement.

Finding

The tunnel will be used exclusively for transporting scientific samples, by researchers between the CLSB and the future research building. This maintains the goal of the sidewalk as the primary pedestrian circulation system.

This policy is met.

Sub-section 2e . . . meets the policies of Chapter 1, Sections III, V, and VIII of this policy.

Please refer to the findings in the previous sections of this application

This policy is met.

Section VIII-C STANDARDS FOR ENCROACHMENT

Standards for Below-Grade Structures

Sub-section – C-1 Underground structures shall have a minimum of 8 feet of headway.

Finding

The current design shows that the interior dimensions of the tunnel will be 8'10" wide by 8'10" tall.

This policy is met.

Sub-section – C-2 Public access to underground walkways (and parking) should be clearly designated on street or ground level.

Finding

Since the tunnel will be for research scientists only and that the entry point of the tunnel is through a very secure portion of the building, this policy is not applicable. The intent is not for public access to the tunnel.

This policy is met.

Sub-section C-3 Underground walkways (and parking) shall be kept clear of furniture or other forms of obstructions that may impede pedestrian (or vehicular) flow.

Finding

Since the tunnel will be for research scientists only and the transporting of prepared research samples to the imaging suite, it is intended that the tunnel be kept clear of furniture or other forms of obstructions.

This policy is met.

CONCLUSION

The proposed encroachments fulfill the encroachment policies for Downtown Portland (section V) and the General Policies (section III) and will allow for unrestricted pedestrian, transit, and commercial activity at grade while supporting economic development in South Waterfront and therefore constitute a public benefit. Based on information provided, the proposed encroachments appear to be the only viable option for the applicant's development program to succeed economically. The proposed encroachments conform to development standards stated in *Encroachments in the Public Right-of-Way*. The proposed encroachments, on balance, meet the applicable review criteria based on the following condition:

- The property owner will enter into a lease agreement with the City for use of the space in the public right-of-way. The lease agreement shall be executed prior to release of any occupancy certificates.
- The tunnel will be constructed in substantial compliance with preliminary plans that have been submitted by the applicant and reviewed by the City.
- This encroachment approval is specific to the adjacent land use and is voided if the adjacent approved developments are not constructed.