

PBOT

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Steve Novick Commissioner **Leah Treat** Director

Date: August 2, 2016

To: Portland Planning and Sustainability Commissioners
From: Judith Gray, Transportation Planning Supervisor & Grant Morehead, Planner II
Cc: Eric Engstrom, Bureau of Planning & Sustainability
Re: Updated Proposal for Pre-Approved TDM Plan for Mixed Use Zones

This memorandum summarizes PBOT's updated proposal for Transportation and Parking Demand Management (TDM) requirements for the proposed Campus Institution Zone (CIZ). This update replaces the proposed requirement from the Transportation System Plan (TSP) Proposed Draft, which was issued in December 2015. It reflects changes that were developed in consultation with representatives from the campuses, medical institutions, neighborhoods, and other stakeholders, as well as staff from the Bureau of Planning & Sustainability (BPS) and the City Attorney's office. These changes were developed based on discussions at six group meetings with stakeholders conducted between February and July 2016, as well as individual or small group consultations.

The proposed draft code language (Title 17.106, Attachment A) reflects the changes proposed in this memorandum. It also integrates the draft code language for a "Pre-Approved TDM Plan" for Mixed Use Zone developments, which was provided to the PSC on June 14, 2016 (Title 17.107). The two sections were integrated in order to simplify the final code.

Requested PSC Action

PBOT is requesting that PSC consider the updated proposal and, if in agreement, provide a letter to City Council supporting approval of the approach. This is similar to the request made regarding the "Pre-Approved TDM Plan" and could be combined with that letter.

Review Requirements for the Campus-Institution Zone

Campuses and Institutions in Portland have long been required to provide Transportation and Parking Demand Management (TDM) plans as part of a Conditional Use Master Plan (CUMP) or Impact Mitigation Plan (IMP) process. The creation of a new Campus and Institutional Zone (CIZ) is intended to provide greater assurance of "by-right" land use development potential while simplifying the process and reducing uncertainty of development approval.

The CI Zone will simplify or remove several current development review requirements. Some key changes include: the process will be subject to Type II rather than Type III approval; the allowable Floor Area Ratio (FAR) will be equal to or larger than the current approvals; the approved height and setback allowances are included in the base zone; the need for Design Review will be eliminated in many cases; and, the process for approving small improvements and modernizations will be simplified.

That said, the potential traffic and parking impacts for campuses and institutions are highly variable. Unlike commercial and residential developments, campus and institutional projects are not well suited

to blanket application of standard trip generation rates. For this reason, the transportation review requirements under the proposed CIZ are not significantly reduced from the current conditional use requirements. The Transportation Impact Review (TIR) identified in Title 33 includes both a traffic impact analysis (TIA) and a Transportation and Parking Demand Management (TDM) plan.

Recognizing the continued obligation for campuses and institutions regarding transportation, PBOT and BPS staff conducted six meetings between February and July 2016 to identify concerns and issues and consider potential strategies. The changes resulting from these meetings seek to accomplish two primary objectives: 1) clarify the requirements identified in the draft TDM code; 2) improve the objectivity and predictability of TDM Plan requirements and evaluation; and, 3) improve the effectiveness of TDM plans in reducing traffic and parking impacts.

Proposed Changes to TDM Requirements

Many of the proposed changes in the TDM code are for the purpose of clarifying or refining terms or concepts included in the December 2015 Proposed Draft.

- **Performance Targets:** clarifies that the performance targets in a TDM plan are those adopted by the City Council in the Transportation System Plan;
- **Interim Performance Targets:** specifies that interim performance targets will be calculated using a straight-line method from the base year to the horizon year;
- **Alternative Performance Targets:** provides an opportunity and guidance for an applicant to propose a site-specific performance target;
- **Approval:** removes language referencing PBOT approval. PBOT recommends to the Bureau of Development Services (BDS) and the Hearings Officer;
- **Enforcement:** Clarifies that failure to achieve the mode split targets is not subject to enforcement.
- **Baseline TDM Plan:** clarifies that if a site has a TDM plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates.

Evaluation Factors for TDM

While TDM plans have long been required for Conditional Use Master Plans or Impact Mitigation Plans, there has been little guidance as to how they would be evaluated. For this reason, past TDM plan evaluations have been relatively subjective, resulting in delays and sometimes putting decisions at risk of appeal. In order to provide a more clear and objective evaluation, PBOT worked with stakeholders to develop an evaluation process that 1) maintains the importance of neighborhood engagement; 2) evaluates TDM results based on adopted performance targets; and, 3) assigns general “weights” to categories of TDM strategies to assist applicants and staff have a common understanding of the general effectiveness of TDM strategies.

The draft code (17.106.020) specifies required elements of the TDM Plan. These include the four key elements for TDM Plan evaluation.

1. *Demonstration of compliance with neighborhood engagement obligations.*
It is essential that institutions provide an opportunity for neighborhoods to be aware of and respond to proposed land use approvals. For that reason, PBOT considers compliance with such obligations as a requirement for any TDM Plan to be approved. The draft TDM code does not set in place additional obligations, but relies on the requirements in place elsewhere in the code. This could be part of 33.150.050 Neighborhood Contact and Outreach, which requires 30-day advance notification to neighborhoods in advance of any application for land use review. Preferably it would be accomplished through an on-going dialogue with neighborhoods, such as through a good neighbor agreement. PSC took action in January 2016 to specifically encourage institutions to engage neighborhoods in such agreements.
2. *Demonstration of compliance with mode split reporting obligations;*
In order to monitor the overall success of a TDM Plan, institutions are required to report the results of Employee Commute Options surveys, which are already required by the Oregon Department of Environmental Quality. Similar to the neighborhood engagement requirement, this factor is a simple and objective yes/no answer.
3. *Evaluation of mode split trends based relative to the performance target; and,*
The mode share results from biannual surveys (required under #2) are to be evaluated to determine whether the mode share performance is trending toward the performance target at an adequate rate. Multiple years of data will help offset external factors such as gas prices or employment trends. If the trend indicates that the institution is on track to meet the performance target, the requirement for any additional TDM measures would be significantly lessened. Some additional strategy may be needed in order to accommodate the growth included in the proposal.
4. *Strategies likely to achieve the identified mode split and parking management performance targets.*
Because there are infinite permutations of TDM strategies, it is not feasible to establish a specific set of requirements that will fit every institution or campus. This underscores the value of tying the TDM results to performance targets; it provides the flexibility to implement the strategies that are the best fit for a given circumstance and at a given time. That said, there is general consensus among TDM and general transportation experts that the most effective strategies tend to be those that address out-of-pocket costs, such as subsidized parking and transit costs.

PBOT staff produced and shared with stakeholders a draft evaluation sheet that provides a range of points representing the weighting of categories (see attachment B). The attached draft shows Parking related strategies have the highest weight (40 points), followed by Transit or other Multimodal subsidies (30 points). A third category is for trips avoided (15 points), such as compressed work schedules or on-site housing. A fourth category is to include “everything else” (15 points) such as information and encouragement, transportation events or on-site facilities. Rather than assign specific requirements or points,

PBOT proposes to have institutions and campuses prepare their TDM Plans with an understanding of these guidelines.

Summary

The proposed changes to Title 17.106, and the guidance regarding TDM plan evaluation process, are designed to make TDM plan development and review more clear, objective, and predictable for neighbors, allowing campuses and institutions to grow while reducing traffic and parking impacts.

17.106 Transportation and Parking Demand Management

17.106.010 Purpose

The purpose of this chapter is to describe the required elements of a Transportation and Parking Demand Management Plan, and the circumstances under which a pre-approved TDM plan may be submitted.

TDM plans provide residents, employees, and visitors with information and incentives to use transportation methods other than single occupancy vehicles in order to achieve the City's transportation goals, including reduced reliance on single occupancy vehicles, reduced vehicle miles travelled. Requiring transportation and parking demand management (TDM) is intended to prevent, reduce, and mitigate the impacts of development on the transportation system, neighborhood livability, safety, and the environment while reducing transportation system costs.

17.106.020 Required Elements of a Transportation and Parking Demand Management Plan

A TDM Plan shall include, at a minimum, the following elements:

- A. Description of proposed development, including trip generation estimates and proposed auto and bicycle parking. The description may include development anticipated to occur for a period of up to 10 years;
- B. Description of existing land uses, traffic conditions, and multimodal facilities in the area within $\frac{1}{4}$ mile of the site, including (if applicable) any current employee mode split data from the most recent Employee Commute Options (ECO) report submitted to the Oregon Department of Environmental Quality;
- C. Performance Targets:
 1. Mode split goals shall be based on the performance targets from Objective 9.28.h in the Transportation System Plan;
 2. An ECO survey submitted in Subsection B shall serve as the baseline mode split, when available. If an ECO survey is not available, census data may be used, or the applicant may submit an independent survey from a professional traffic engineer;
 3. Interim performance targets may be determined as a straight line projection from the base year to 2035;
 4. Alternate performance targets may be proposed based on the following factors:
 - a. The relative availability of bicycle, transit, bike share, and car share infrastructure and services;
 - b. Current TDM strategies that have been implemented by the applicant;
 - c. Travel characteristics, including schedules, of employees, residents, and visitors;
 - d. Best practices and performance of comparable sites in Portland and comparable cities;
- D. If a site has a TDM Plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates. The submittal for a TDM Plan update should include:
 1. Demonstration of compliance with neighborhood engagement obligations;
 2. Demonstration of compliance with mode split reporting obligations;
 3. Evaluation of mode split trends based relative to the performance target;

- E. Strategies likely to achieve the identified mode split and parking management performance targets;
 - 1. Strategies may include but are not limited to:
 - a. Supply, management, and pricing of on-site employee, resident, and student parking;
 - b. Dissemination of information about alternatives to single-occupant vehicle commuting;
 - c. Identification of a site or campus TDM coordinator;
 - d. Financial incentives offered to employees for carpool, car-sharing, transit, bicycling, and walking;
 - e. For nonresidential uses, strategies to reduce total trips such as telework and/or compressed work week scheduling or on-site housing;
 - f. For nonresidential uses, the availability of end-of-trip facilities, such as bicycle lockers, showers, and secured bicycle parking.
- F. For colleges and hospitals in the Campus Institutional Zone, a neighborhood engagement plan;
- G. Reporting as required by Subsection 040, including any Performance Monitoring plans proposed by the applicant that exceed the ECO reporting requirements detailed in Subsection 040.A;
- H. Ongoing Participation and Adaptive Management plan, specifying what additional actions not detailed in Subsection 020.D may be utilized to achieve the 2035 performance targets specified in Subsection 020.C.

17.106.030 Transportation and Parking Demand Management Requirements and Procedures

- A. Requirement for Colleges and Medical Centers.** Title 33 requires College and Medical Center uses in the campus institutional zones to conform to an approved Transportation Impact review. The application requirements for the Transportation Impact review require the applicant to provide a Transportation and Parking Demand Management Plan that has all the elements required by this Chapter. Approval of the TDM plan is subject to the criteria described in Chapter 33.852.
- B. Requirement for Residential Uses.** Title 33 requires development in a commercial/mixed use zone that includes more than 10 new dwelling units to have a TDM Plan at the time of development permit issuance. Development subject to this requirement may utilize the pre-approved multimodal incentive described in section 17.106.035, or develop a custom plan approved through Transportation Impact Review, as described in Chapter 33.852.

17.106.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development

As an alternative to preparing a custom TDM plan subject to 17.106.020 through 17.106.030, and 33.852, mixed use and residential development may agree to provide a pre-approved multimodal incentive, including the following:

- A. Distribution of transportation options information approved or provided by the Portland Bureau of Transportation for the first four (4) years of building occupancy, offered to residents, employees, and visitors;

- B. Multimodal financial incentives equal to the value of a one-year Trimet pass per residential unit, for the first one (1) year of building occupancy. This obligation will pay for a menu of incentives that will be offered to residents of the site to increase the use of transit, bicycling, walking, and other alternatives to driving alone;
- C. Participation in an annual travel survey of residents and employees for the first four (4) years of building occupancy;
- D. Acknowledgment of the enforcement provisions in Title 17.106.050.

17.106.045 Required Reporting

Employers on sites subject to an approved TDM Plan shall submit Employee Commute Options surveys to the Portland Bureau of Transportation a minimum of every two (2) years after initial approval. On residential properties subject to a pre-approved TDM Plan under 17.106.035, the building owner or manager is required to actively participate in an annual City travel survey of residents and employees for the first four (4) years of building occupancy.

17.106.050 Enforcement and Penalties

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this Chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any building owner, employer, tenant, property manager, or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to a civil penalty of up to \$1,000 for every 7 day period during which the violation continues. If an entity or person is fully implementing all other elements of this Chapter, failing to meet performance targets alone shall not be an enforcement violation. The Bureau of Transportation shall seek voluntary compliance for a period of at least 1 month before resorting to penalties.

17.106.060 Administrative Rule Authority

The Director of Transportation shall adopt administrative rules necessary to achieve the purpose of this Chapter.

17.106.070 Fees

The City may charge fees for Transportation and Parking Demand Management goods and services provided, including but not limited to application review, incentives and education, performance monitoring, adaptive management, and compliance and enforcement.

EXAMPLE DRAFT POINTS SYSTEM FOR TDM PLANS

Institution name [Redacted]

Neighborhood Engagement	Neighborhood engagement/notification requirements have been met				In Compliance? (y/n)
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Reporting to PBOT	2010	2012	2014	2016	
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SOV Mode Split Trend Analysis	2010	2012	2014	2016	Increasing or Decreasing?
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See worksheet A.1 for trend analysis

Category	TDM Strategies	Points Awarded
Parking Pricing and Management (40 points)	Effective strategies could include pricing parking at the cost of an annual transit pass, parking cash out options, shared parking with other businesses, carpool parking spaces, and limited parking supply.	
Transit & Financial Incentives (30 points)	Effective strategies could include discounted transit passes, shuttle buses, biking and walking financial incentives, and bike share membership discounts.	
Trips Not Taken (15 points)	Effective strategies could include on campus housing, telework options, compressed workweek options, and housing relocation programs.	
Other (15 points)	Additional points can be gained through strategies such as secure bike parking, bike and walk groups, showers and lockers, carpool assistance programs, alternative transportation information availability, and TDM staff.	
Total Points (100)		

33.852 Transportation Impact Review

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

Commentary

CHAPTER 33.852 Transportation Impact Review

Chapter 33.852 replaces existing code section 33.207 Cascade Station/Portland International Center Transportation Impact Analysis Review and expands the circumstances in which a Transportation Impact Review is required. With these amendments this chapter now serves as a more general tool to evaluate transportation impacts in a variety of situations. In addition to the Cascade Station Plan District, this chapter will now also be used to evaluate the transportation impacts of large college and hospital expansions in the Campus Institutional Zones.

In the commercial/mixed use zones, for projects with 10 or more dwelling units, Transportation Impact Review is also one option for meeting the Transportation and Parking Demand Management Requirements of Chapter 33.266 (see Section 33.266.410). The other option will be to allow an applicant to offer a pre-approved "off the shelf" multimodal incentives described in Title 17.

CHAPTER 33.~~85207~~ ~~CASCADE STATION/PORTLAND INTERNATIONAL CENTER~~ TRANSPORTATION IMPACT ANALYSIS REVIEW

85207

Sections:

- 33.85207.010 Purpose
- 33.85207.100 Procedure
- 33.852.105 Supplemental Application Requirements
- 33.85207.110 Approval Criteria
- 33.852.115 Duration of a Transportation Impact Review

33.85207.010 Purpose

~~Cascade Station/Portland International Center Transportation Impact Analysis (TIA) Review allows additional flexibility for development in the CS/PIC Plan District, while ensuring that the roadway systems are capable of supporting the recommended development.~~ Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.

33.85207.100 Procedure

~~Cascade Station/Portland International Center Transportation Impact Analysis Reviews are processed through a Type II procedure.~~

Commentary

33.852.105 Supplemental Application Requirements

This section establishes the supplemental application material needed for Transportation Impact Review. The listing identifies the types of information needed to address the approval criteria in Section 33.852.110.

Changes are intended to clarify the scope of evaluation, and study area.

33.852.105 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following:

- A. Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;
- B. Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;
- C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:
 - 1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;
 - 2. Table 508-1 assumptions and conclusions must be provided to BDS for tracking purposes;
- D. Traffic forecasts and distribution;
- E. Primary traffic access routes to and from the study area;
- F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;
- G. Recommended mitigation measures including transportation system management and needed transportation improvements; and
- H. Transportation and parking demand management plan that has all the elements required by Chapter 17.106;
- I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:
 - 1. Street function, capacity and level of service;
 - 2. On-street parking;
 - 3. Access;
 - 4. Transit operations and movements; and
 - 5. Pedestrian and bicycle routes and safety.

Commentary

33.852.110 Approval Criteria

The approval criteria have been modified to accomplish several objectives:

- Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors may be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, while still allowing the development.
- Consideration of how the Parking and Transportation Demand Management (TDM) plan will advance City mode split and auto ownership objectives.
- Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.

33.85207.110 Approval Criteria for ~~Cascade Station/Portland International Center~~ Transportation Impact Analysis Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In Commercial/Mixed Use Zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

- A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area, as shown by the TIA. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;
- B. A Proposed transportation and parking demand management actions are sufficient to achieve the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site plan is recommended that includes measures to reduce the number of trips made by single-occupant vehicles during the peak p.m. commuting hours;
- C. Adequate measures to mitigate on- and off-site transportation impacts are proposed recommended. Measures may include, but are not limited to, the following: transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements; and
- D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.852.115 Duration of a Transportation Impact Review

An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.