



PORTLAND BUREAU OF TRANSPORTATION

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Chloe Eudaly Commissioner Chris Warner Interim Director

PBOT – Development Review Design Advice Request Response

Date: Aug. 26, 2019
To: Megan Walker, BDS Land Use Services
From: Tammy Boren-King, PBOT Development Review
503-823-2948, Tammy.Boren-King@portlandoregon.gov
Case File: EA 19-158074
Location: 1021 SW 4TH AVE
R#: R246104
Proposal: The proposed project is a renovation of the existing, historic courthouse into a mixed-use building with new office and hotel program within the existing shell. The existing building is 249,588 gsf above grade with a 34,485 sf basement. The majority of the improvements are anticipated to be interior to the building. No net impervious area is being proposed. Stormwater disposal requirements / strategies to be discussed.

Portland Transportation/Development Review staff has reviewed the pre-application conference materials to identify potential issues and requirements.

PBOT staff has been in communication with the applicant and reiterated the need for a robust Traffic Impact Study (TIS). To date, no one has applied for scoping approval of a TIS. Without data, it is not possible to state if vehicular access can be supported or which right-of-way is most appropriate. A Driveway Design Exception (DDE) will also be needed for each proposed access. The TIS and DDE should be submitted NO LATER THAN THE DATE OF LAND USE SUBMITTAL to allow time for review and any necessary revisions. Information is needed regarding existing trips by all modes including data regarding speeds, potential impacts to all modes from the proposed access, and how the access would operate. Prior to starting a traffic study, the scope must be submitted for review and approved by PBOT's Development Review Traffic Engineer. Please note scoping approval usually requires a minimum of 2-weeks of review time.

The applicant is now proposing two access points, which have the potential to generate additional conflicts. Any application for an adjustment will need to show how two access points will equally or better meet the purpose 33.510.263. Both access points involve access control mechanisms for which no information is available. It is unclear if vehicle stacking is proposed in the courtyard. If so, the DDE must include information on how the stacking system will operate in a manner which does not result in queuing into the public right-of-way.

Parking is not required. Loading is not required. Vehicle access to the site is not allowed by 33.510.263. Seeking an adjustment to 33.510.263 is possible, but will require a robust analysis which takes time to review. Delaying the submittal of the required data may result in delays to the applicant's project schedule.

A. KEY ISSUES AND REQUIREMENTS

1. **Vehicle access to all four rights-of-way is not allowed per 33.510.263.** Establishing vehicle access would require an adjustment. Any adjustment to this section would be difficult based on the purpose statement of 33.510.263 and the conditions surrounding the site. Vehicle access to SW 5th is allowed only when SW 5th is a site's only frontage. Both SW Main St. and SW Salmon St. are designated as Major Transit Priority Streets. SW 4th Ave. is a Major City Bikeway. Both SW 4th Ave. and SW Salmon St. are planned for large public investments to make them the primary north/south and east/west bicycle facilities through downtown as part of Central City in Motion. These are identified as Projects 2 and 8 in Central City in Motion, which you can find out more about at <https://www.portlandoregon.gov/transportation/78066>.
2. If you choose to proceed with an adjustment and attempt to gain vehicle access, a **traffic study would need to be submitted to evaluate the various factors in the purpose statement of 33.510.263.** Prior to starting any type of traffic study, please submit a Traffic Scope Approval form for review by PBOT's Traffic Engineer. The form is available at <https://www.portlandoregon.gov/transportation/article/652872>.
3. A Driveway Design Exception would be required to evaluate any proposed access control mechanism within 20 feet of the lot line such as a garage door. Please visit <https://www.portlandoregon.gov/transportation/77521> to access the application materials and learn about the process. If car stacking is proposed, additional information will be needed regarding the process for stacking cars to ensure queuing does not back up into the public right-of-way.
4. **Encroachments:** This property has two substantial encroachments into the public right-of-way. They are the elevator set into the sidewalk of SW 5th Ave. currently used for prisoner transport and the ADA ramp on SW Salmon St. providing access to the building. I was able to locate Ordinance 155812 passed by the City Council on April 12, 1984 granting a revocable encroachment permit for the ADA ramp. **You will not need to apply for an encroachment permit to retain this ramp in its current configuration.** I was unable to locate an encroachment permit for the elevator. The elevator will be required to be removed. Removal of either or both of these encroachments will require review through a Public Works Permit.
5. **Improvements on Adjacent Frontages:** If the existing curb ramps at the intersections with SW 4th Ave. do not meet current ADA standards, the applicant will be required to reconstruct the corners to current ADA standards. Individual field assessment of each ramp is required to determine if the ramps meet the current requirements. Ramp reports will need to be submitted with the Public Works Permit to determine which ramps will need to be upgraded. In order to avoid impacts to the transit service on SW 5th Ave., the applicant will not be asked to evaluate or upgrade the ADA corner ramps on SW 5th Ave.

Please note the bus mall on SW 5th Ave. has special brick paving, which will need to be maintained as part of any design affecting that frontage, including removal of the elevator.

PBOT signals and street lighting has provided the following information.
Regardless of other frontage improvements, the following will be required:

- *Replace the twin ornamental pole and foundation on the northeast corner of 5th/Main (on 5th)*

- Upgrade all Acorn lighting on 5th Ave frontage and on Salmon to current LED standard
- Repaint light poles on all frontages

Contingent on other improvements:

- On 4th Avenue: Replace three (3) rod style twin ornamentals along project frontage
- Minor signal modifications (pedestrian signal transfers) may be required

If the work extends beyond the corners, additional signals or street lighting work could be triggered.

6. The ROW improvements (including removal of encroachments) will need to be designed, permitted, and constructed under a Public Works Permit. Of significance, the applicant will be required to obtain **Public Works Concept Review (30%) approval prior to City staff being able to provide a decision on the land use proposal.** (see below for additional Public Works information).

B. APPROVAL CRITERIA

The applicant shall submit a written narrative adequately addressing the applicable zoning code approval criteria listed below for the required reviews:

| Topic | Code and Comments | Code Citation & Link |
|-----------------------------------|--|----------------------------|
| Adjustment Review | Granting the adjustment must equally or better meet the purpose of the regulation to be modified. Any impacts resulting from the adjustment are mitigated to the extent practical. | 33.805.040 |
| Parking and Loading Access | Purpose. The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected. | 33.510.263 |

C. STREET CLASSIFICATION AND CONFIGURATION

1. **Transportation System Plan Classifications:** At this location, the Transportation System Plan (TSP) classifies the abutting ROW as follows:

| Street Name | Traffic | Transit | Bicycle | Pedestrian | Freight | Emergency Response | Street Design |
|-------------------------|------------------------|---|--------------------|---|---------------|--------------------|----------------|
| SW 5 th Ave. | Local Service | Regional Transit/Major Transit Priority | Local Service | Central City Transit/ Pedestrian Street | Local Service | Minor | Civic Corridor |
| SW Salmon St. | Traffic Access Street. | Major Transit Priority | City Bikeway | City Walkway | Local Service | Major | Civic Corridor |
| SW 4 th Ave. | Traffic Access Street. | Local Service | Major City Bikeway | City Walkway | Local Service | Major | Local Service |
| SW Main St. | Traffic Access Street. | Major Transit Priority | City Bikeway | City Walkway | Local Service | Minor | Local Service |

Existing Conditions: According to city GIS records, at this location, the abutting ROW is improved as follows:

| Street Name | ROW Width* | Roadway Width*/Condition | Pedestrian Corridor* |
|-------------------------|------------|--------------------------|----------------------|
| SW 5 th Ave. | ~80-feet | ~39-feet paved | 0-18-0 |
| SW Salmon St. | 60-feet | 36-feet paved | 0-12-0 |
| SW 4 th Ave. | 80-feet | 50-feet paved | 0-15-0 |
| SW Main St. | 60-feet | 36-feet paved | 0-12-0 |

Note: The information in this document is derived from City of Portland GIS data, which may be inaccurate. For accurate ROW information, a survey will be necessary.

D. PERMIT INFORMATION

1. System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of Building Permits by contacting Rich Eisenhauer at (503) 823-6108.
2. Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of Building Permits.
3. The Right-of-Way improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed project.

Conceptual PW Design must be submitted to Public Works Permitting in order to verify the type of PW Permit that is required and to determine the required performance guarantee amount.

PW Design Review will determine specific design elements including stormwater management, bus stop, curb-cuts, landscaping, location of signage, location of utility poles and street lights, as well as other design requirements.

The applicant is therefore encouraged to contact Public Works at (503) 823-1987 or at pwp@portlandoregon.gov to familiarize himself with the process and initiate the appropriate meetings/process. Additional information on the City's Public Works Permitting process can be found at the following link: <http://www.portlandoregon.gov/publicworks>. It is important for the applicant to understand the Public Works process and timeline thereof to avoid any conflicts with the Land Use Review and Building Permit process.

4. Plans, fees, a contract (called the application for permit) and a performance guarantee for the estimated value of the improvement must be submitted prior to (Building Permit approval). The performance guarantee may be in the form of a surety bond, irrevocable letter of credit, set-aside account, or cash deposit. Applicant should contact Public Works at (503) 823-1987 for appropriate forms and additional information.
5. The applicant has the opportunity to propose an alternative frontage improvement solution. The applicant may enter into the City's adopted Public Works Alternative Review process. Additional information on this process can be found at the following link: <http://www.portlandoregon.gov/article/4813711>.
6. Encroachments in the right-of-way must be approved through the Encroachment Permit process prior to PBOT approval of the building permit. For more information, go to: <http://www.portlandoregon.gov/transportation/encroachments>
7. If the proposed development will impact the use of an area within the public right-of-way, a separate street temporary closure permit will be required. Additionally, closures that do not allow safe passage and unobstructed flow of normal public use in a partially open area or lane, will also require a City approved Traffic Control Plan. For an application, general information, cost and submittal information, please visit <http://www.tsup.info> or contact (503-823-7365) or cpac@portlandoregon.gov.
8. The applicant is advised that the City cannot guarantee the accuracy of location of utilities in the street, and that the information used by the City and furnished to the applicant or their representatives may be incorrect. Verification of private and public utility locations, as well as the responsibility for any and all damage caused by work in the right-of-way, will be the responsibility of the permittee at the time of performing work and right-of-way improvements associated with their project.

E. SUBMITTAL REQUIREMENTS FOR LAND USE

This list identifies Portland Transportation submittal requirements. Please see the Conference Summary Memo for all of the materials you must submit for your application to be considered complete.

1. Preliminary plans showing necessary right-of-way improvements including the removal of the elevator in the right-of-way for SW 5th Ave.

2. Transportation Impact Study if pursuing adjustment to allow vehicle access and parking.
3. Driveway Design Exception for any access control mechanism within 20-feet of the property line.

All submittal requirements should be provided with the application.