

**RESPONSE TO THE BUREAU OF DEVELOPMENT SERVICES
LAND USE REVIEW REQUEST**

**Portland Transportation
Development Review
Bureau of Transportation Engineering & Development**

LU: 19-258445-000-00-LU Date: April 2, 2020
To: Sean Williams, Bureau of Development Services, B299/R5000
From: Fabio de Freitas, Portland Bureau of Transportation
Applicant: Jesse Winterowd
WINTERBROOK PLANNING
610 SW ALDER ST #810
PORTLAND OR 97205
Location: 1325 SW GIBBS ST
TYPE OF REQUEST: Type 3 procedure PD - Planned Development Review

DESCRIPTION OF PROJECT

The applicant is proposing a Planned Development review for a 5-story, 27-unit multi-dwelling structure that will include 28 vehicle parking spaces and 30 long-term bike parking spaces. A Land Division review is required in order to create one parcel with an environmental resource tract (Tract A). The following Environmental Review Modifications are proposed: 1) Create a lot (Parcel 1) that will be split zoned R7 and R1; 2) Increase in maximum lot area of Parcel 1 from the R7 zone standard of 12,000 to approximately 22,893 square feet; 3) Increase in height within the R7 zoned portion of the site from 30 to approximately 45-feet; 4) Increase in height in the R1 zone within the first 10-feet of the front property line from 25 to 45-feet. Sanitary sewer and water services are proposed from mains in SW Gibbs Street. Stormwater management is proposed via collection and treatment on site then discharge to a main in SW Gibbs Street. No regulated trees within private property are proposed for removal. A geotechnical report and landslide hazard study has been provided as the site is in the Potential Landslide Hazard area. This proposal is reviewed through a Type III procedure because a multi-dwelling structure is proposed in an RF through R2.5 zone. For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 2 units of land (1 parcel and 1 tract). Therefore, this land division is considered a partition.

RESPONSE

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

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A. Land Division Approval Criteria

1. Transportation Impacts (33.641.020)

The regulations of this Chapter allow the traffic impacts caused by dividing and developing land to be identified, evaluated, and mitigated if necessary. The following approval criteria apply to all land divisions in all zones:

The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, 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. 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 33.641.020.B.

Findings: PBOT Development Review staff has performed a review of the submitted professionally prepared Transportation Impact Study (TIS) via 19-267999 TR and agrees with the multiple industry-accepted methodologies, analyses, assumptions, findings and conclusions therein. Generally, each evaluation factor is addressed as follows:

Safety: The TIS included a review of the most recent available crash history period (January 2013 - December 2017) for the study intersections (SW Sam Jackson Park Rd/SW Terwilliger; SW Sam Jackson Park Rd/SW US Veterans Hospital Rd; SW 11th Ave/SW Gibbs) using data obtained from the Oregon Department of Transportation (ODOT). The crash data was evaluated based on the number of crashes, the type of collisions, the severity of the collisions, and the resulting crash rate for the intersection. Crash rates provide the ability to compare safety risks at different intersections by accounting for both the number of crashes that have occurred during the study period and the number of vehicles that typically travel through the intersection. Crash rates were calculated using the common assumption that traffic counted during the evening peak hour represents 10% of the average daily traffic (ADT) at the intersection. Crash rates in excess of one crash per million entering vehicles (CMEV) may be indicative of design deficiencies and therefore suggest a need for further investigation and possible mitigation.

Neither the number of crashes nor the detailed crash records reveal any apparent safety issues. The low number of crashes involving vulnerable road users and the absence of fatal crashes within the study area indicate that the existing infrastructure is functioning consistent with the City's safety goal.

The surrounding neighborhood has many low-volume Local Service streets where bicyclists can comfortably share the road with motorized vehicles. Portland's Bike/Walk Map identifies abutting and nearby SW Gibbs and SW 11th Ave as "shared roadways". Utilization of these as well as other Local Service streets connect users to nearby additional bike facilities. Based on the review of bicycle facilities available in the site vicinity, adequate bicycle facilities are available to safely support commuter and recreational cycling.

Pedestrian facilities are provided along SW Gibbs as an identified "Signed Urban Trail" with direct access to a recognized and nearby trail (4T Trail). However, sidewalk connections are missing throughout the broader area. It should be noted that the applicant will be providing a hard-surfaced shoulder widening (6-ft wide) along SW Gibbs which will facilitate pedestrian passage in the area. Pedestrian opportunities to walk throughout the area will therefore be enhanced. Adequate pedestrian facilities are available within the site vicinity to safely support walking in the area.

Thus, the area offers the opportunity for safe travel for all modes, and the impacts of the proposed project will not have a significant adverse effect on safety.

Access restrictions: There are no access restrictions into/from the subject site. The submitted TIS also included sight distance analyses for the proposed site access in accordance with the 2011 AASHTO Policy on Geometric Design of Highways and Streets. PBOT reviewed the sight distance analysis - it is evident in the documentation that there is adequate sight distance at the proposed driveway location for exiting vehicles turning right onto SW Gibbs/SW Marquam Hill Rd. Adequate sight distance can be achieved for left-turning vehicles (from the driveway) if the applicant removes some existing vegetation in the r.o.w. along the south and east side of SW Marquam Hill Road and places a standard sign warning on-coming motorists of the proposed driveway on the north-bound approach to curve of SW Marquam Hill Road/SW Gibbs St. These measures shall be included as conditions of approval and will be captured in related to the associated Public Works Permit(s) review.

Neighborhood impacts: The impact of the proposed project's generated vehicle trips on area intersections and streets will be negligible and the operations of the transportation system will continue to be acceptable in relation to the City's performance measures. Ample parking opportunities will be provided within the subject site/proposed building. From a transportation perspective, these noted impacts (transportation system and on-street parking) are those that can adversely affect neighborhoods. These issues are not expected to negatively impact the immediate or adjacent neighborhoods.

Impacts on pedestrian, bicycle, and transit circulation: Circulation patterns of these various systems will not be adversely impacted by the proposed partition. The pedestrian environment in the area will be enhanced by the construction of the widened and paved shoulder. Similarly, the numerous identified bicycle facilities in the area will not be affected by the proposed project. Tri-Met's bus patterns in the area will not change in relation to the proposed project.

PBOT agrees with the multiple industry-accepted methodologies, analyses, assumptions, findings and conclusions provided in the submitted TIS. The applicant has clearly demonstrated to PBOT's satisfaction that "*the transportation system must be capable of supporting the proposed development in addition to the existing uses in the area*".

B. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include 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 the local pedestrian and bicycle networks, and transit improvements.

Findings: As noted above in relation to the numerous evaluation factors that refer to potential impacts resulting from the proposed partition, there are no adverse impacts anticipated. However, the applicant will be constructing a less-than-standard improvement (6-ft paved shoulder widening to the extent possible) along the site's SW Gibbs frontage. The construction of this improvement will enhance pedestrian circulation throughout the broader area.

2. Connectivity and Locations of Rights (33.654.110)

This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The City's spacing goals for public through streets/pedestrian connections is a maximum of 530-ft and 330-ft respectively.

Findings: Factors that are taken into consideration when identifying whether or not street and pedestrian connections are appropriate and practical include characteristics of the site, adjacent sites, and vicinity, such as:

- (1) Terrain;
- (2) Whether adjacent sites may be further divided;
- (3) The location of existing streets and pedestrian connections;
- (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;
- (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:
 - Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
 - Tree groves;
 - Streams;
 - Special flood hazard areas; or
 - Wetlands; and

The site, adjacent sites and the vicinity include challenging terrain with Open Space zoning (to the west and north), Environmental Conservation and Protection overlays, landslide hazards, areas of significant tree canopy and water features. It is questionable that adjacent sites (especially to the north and west can be further divided. Although there are abutting rights-of-ways along the western and northern property lines of the subject site, these exist as "paper" rights-of-ways and they will not be required to be improved in relation to the proposed development. No other streets or pedestrian connections exist north or west of the subject site (there is the existing identified trail network adjacent to the subject site – this is not considered a pedestrian connection). *It is not practical or appropriate to extend either a public street or pedestrian connection through the subject site in order to further the City's connectivity goals given the issues identified above.*

3. Design of Rights-of-Way (33.654.120)

This section requires approval by PBOT for the elements within the right-of-way.

Findings: Frontage improvements will be required in relation to the proposed development and are discussed in more detail below.

4. Additional Approval Criteria for Partial Rights-of-Way or Extensions (33.654.130.B-D)

B. Extension of existing public dead-end streets and pedestrian connections. Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

C. Future extension of proposed dead-end streets and pedestrian connections. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or **Pleasant Valley Natural Resource overlay zoning**, streams, wetlands, special flood hazard areas, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:

1. The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or
2. The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.

D. Partial rights-of-way. Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provide future access to adjacent sites. The Office of Transportation must approve the configuration of a partial right-of-way or public street improvement.

Findings: These criteria are not applicable.

B. Planned Development Approval Criteria in All Zones (33.854.310):

Criteria A through F apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E and F apply.

Findings: The proposed subdivision is located on property that is zoned R5 and R10. Subsections A-D are therefore not applicable. Further, subsections E and F are not transportation related. PBOT has no objections to the proposed Planned Development.

C. Code/Title 17 Requirements

1. The City’s Transportation System Plan (TSP) classifies the abutting right-of-way (ROW) as follows:

Street Name	Traffic	Transit	Bicycle	Pedestrian	Freight	Emergency Response	Street Design
SW Gibbs/ SW Marquam Hill Rd	Neighborhood Collector	Local Service	City Bikeway	City Walkway	Local Service	Major	Community Corridor
SW 13 th / SW 14 th / SW Grover	Local Service	Local Service	Local Service	Local Service	Local Service	Minor	Local Service

2. According to City GIS data, the abutting r.o.w. is improved as follows:

Street Name	Roadway Width*/Condition	Pedestrian Corridor Width/Configuration*	ROW Width*
SW Gibbs/SW Marquam Hill Rd	24-ft pavement (fog line to fog line)	None	60-170 ft
SW 13 th / SW 14 th / SW Grover	Un-improved	Un-improved	60-ft

* This information is derived from City GIS. This evaluation is not implied to be more accurate than the sources that the information was obtained from. Based on the lack of survey information to support GIS data, this information may not be accurate.

SW Gibbs:

The site is zoned R1 and R7 and sites across the street (south of SW Gibbs) are zoned R5. For Neighborhood Collector/City Bikeway/City Walkway classified streets, the City’s public r.o.w. standards document requires a 74-ft r.o.w. width to accommodate a 24-ft roadway pavement width (two - 12-ft wide travel lanes), two 16-ft wide sidewalk corridors (0.5-ft curb, 8-ft wide stormwater management facility, 6-ft wide sidewalk & 1.5-ft wide frontage zone) and two 9-ft wide buffered bike lanes. In this case, the City’s Transportation System Plan identifies the future bicycle facility along SW Gibbs/SW Marquam Hill Rd as a “separated in-roadway” facility. As mentioned previously, the site’s SW Gibbs/SW Marquam Hill Rd frontage is also designated on the City’s Zoning Map as a “Recreational Trail”.

The existing conditions of the site frontage include the paved travel lane, striped fog line, minimal edge of pavement behind the fog line at the eastern end of the frontage and mostly a gravel shoulder for the majority of site frontage. There is also significant-length guardrail along most of the frontage and on-street parking is also allowed towards the western end of the site frontage. Just beyond the gravel shoulder (and immediately behind the guardrail), the subject site slopes steeply downward.

Given the potential complexity of the proposed project and some uncertainty with regard to the placement of the primary new building on the site, along with the topography of the site in proximity to edge of the existing SW Gibb/SW Marquam Hill Rd roadway pavement, and the “recreational trail” designation along the street, the following frontage improvement requirements shall be provided in relation to the proposed project:

- The applicant shall provide a minimum 6-ft wide paved shoulder widening.
- On-street parking must be removed.
- The existing guardrail must be replaced with current AASHTO-compliant guardrail.

The applicant has submitted the required Public Works Permit(s) for the above referenced required improvements via 19-193047/TH0903 and 19-193117/EP555. The review process has been ongoing since July of last year –to date, the applicant has not yet obtained Public Works Concept Development phase (30% plans) approval. PBOT typically requires an applicant to obtain this approval prior to a decision being rendered on the associated land use request. This has historically been required because of potential complications related to public stormwater management facilities associated with work in the r.o.w. – property dedication is often required to accommodate the necessary stormwater management facility and said dedication could have implications with on-site requirements. In this case, the shoulder paving/widening requirement triggers compliance with the City’s Stormwater Management Manual. However, there is nearly 18-ft of public r.o.w. at the eastern end of the site frontage and approximately 90-ft of public r.o.w. at the western end of the site frontage. Regardless of any type of stormwater management facility the applicant’s civil engineer may design in this case, there will not be a requirement for any property dedication – there is more than adequate existing public r.o.w. to accommodate any designed stormwater management facility. Moreover, PBOT is aware that the applicant’s civil engineer has submitted a “Special Circumstances” request with BES, that, if approved, may allow the applicant to pay a fee in lieu of constructing a stormwater management facility. *For these reasons, and in this particular circumstance, the applicant does not need to obtain (PBOT) Public Works Concept Development Phase approval prior to the decision being rendered on these subject land use review requests. The approval must be obtained prior to Building Permit issuance for the proposed project.*

RECOMMENDATION

PBOT has no objections to the numerous land use review requests, subject to the following conditions of approval:

1. The applicant must remove existing vegetation in the r.o.w. along the south and east side of SW Marquam Hill Road to achieve adequate sight distance from the site driveway; and,
2. The applicant must place a standard sign warning on-coming motorists of the proposed driveway on the north-bound approach to curve of SW Marquam Hill Road/SW Gibbs St. These conditions will be captured in relation to the associated Public Works Permit review.
3. Prior to the issuance of the Building Permit(s) for development on the site, the required r.o.w. improvements must be designed/approved to the satisfaction of the City Engineer.
4. Prior to Final Plat approval, Public Works financial guarantees for the required r.o.w. improvements shall be provided.