

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Dan Saltzman Commissioner **Leah Treat** Director

TDM for Campus Institutional Zones Meeting #4

Monday, November 6, 2017

Attendees:

Townsend Angell, Reed College
John Cole, Bureau of Planning & Sustainability (BPS)
Jim Edelson, Laurelhurst Neighborhood Association (LNA)
Bob Haley, Portland Bureau of Transportation (PBOT)
Douglas Hardy, Bureau of Development Services (BDS)
Jeanne Harrison, NW District Association (NWDA)
Steve Hoyt-McBeth, PBOT
Tom Karwaki, University Portland Neighborhood Association (UPNA)
Bob Kellett, PBOT
Mark Moffett, (BDS)
Jack Orchard, Ball Janik (Representing Legacy)
Briana Orr, PBOT
Michael Robinson, Perkins Coie (Representing Providence)
Jen Massa Smith, Providence

Next meeting: Monday, January 8, 2018 in the 1900 Building, 1900 SW 4th Avenue, 4a Room

Draft Administrative Rule Discussion

Consensus that Early Assistance meeting should be required as part of the administrative rule. This is notable as Type II reviews do not have an early assistance conference required.

- Bob Haley, PBOT: I believe the way it is framed in title 33 – it's a voluntary early assistance (EA) meeting
- BDS would be supportive – this would probably facilitate process before institutions go down the wrong path. Otherwise a Type II review process is fast – 22 days after application is submitted.

Question: Does the neighborhood get notice of an EA or pre-applications?

Answer, from BDS: The neighborhood only gets notice for a pre-application.



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The code has more stringent requirements than EA meeting.

Proposed Process:

- Early assistance
- Community engagement under the code
- Application submittal

What's different about this EA meeting – we'd have a TDM specialist from PBOT present.

John Cole reminded the group that the TDM Plan review is one part of the larger Transportation Impact Review (TIR) requirement.

- Just as likely someone wants to build a building on their campus, and it triggers this TIR and TDM.
- Less likely someone has the foresight regarding wanting to update their TDM plan.

Question about the effective dates:

When will the Comp Plan be effective?

Effective date is when the Comprehensive Plan is enacted. (City is no longer providing an estimation.)

Question about applicability:

- If you submit a building permit.
- If you have an existing CUMP, you're covered till 2023.
- If you come in before the effective date, you're vested before the rules.
- TDM is still an evaluation factor of the (current) CUMP process.

Michael Robinson, Perkins Coie: As you're thinking about how to draft the rules – be more explicit about the timing of implementing the administrative rule and whether applicants fall under the new or existing process.

PBOT Staff Note: Staff addressed this question at Meeting 2. The new process will be enacted in conjunction with the adoption of the Comprehensive Plan. There is no exact date for that enactment, but it will not be earlier than May 23, 2018.

Any application vested prior to that time will go through the existing/legacy process. For Institutions with existing Conditional Use Plans, that existing plan remains in place until any of the following occurs a) The year 2023; b) the Plan expires; c) the Institution proposes new development of 20,000 square feet more of floor area or four or more parking stalls that is not in the approved Conditional Use plan.

Evaluation

Question, BDS: This 2-year process is informal, not a land use review?

Steve Hoyt-McBeth, PBOT: Yes.

Question from Jim Edelson, LNA: What public involvement would take place for these meetings?

Steve Hoyt-McBeth, PBOT: This meeting would be open to the public.

Question from Jack Orchard, Legacy: What if we can't get there (*i.e., what if the Institution cannot meet the Performance Targets*)?

Answer from Steve Hoyt-McBeth, PBOT: Upfront, we would lay out the universe of TDM that the City will ask for. We'll say: Institution X, you've made a good faith effort, and we do not have further requirements of you.

Question from Jeanne Harrison, NWDA: If I were an institution, I'd say, OK over this period of 8 years, we've implemented all these actions and we feel like we're wasting our money. Can we stop doing them?

Answer, Steve Hoyt-McBeth, PBOT: We wouldn't propose something that would be ineffective. I would be surprised if we didn't see an impact in behavior change. The more likely the scenario is an institution that has done everything they can do, and still didn't quite get to their performance targets. This is a discretionary process; we're trying to clearly communicate our expectations and what we're asking for. If someone says "I think we can do better" and they show some efficacy around that, this process is flexible to allow that.

Bob Haley, PBOT: A simple straight-line projection is arbitrary baked into that is the region's desire to meet those goals. If we (PBOT, TriMet) fail to deliver infrastructure, and build out the plans, what happens then?

Steve Hoyt-McBeth, PBOT: This would be discussed at the biannual meeting with the institution; the external factors are baked into the discussion. We'd be happy to have additional meetings. We will discuss taking extenuating factors into consideration.

Question from Jack Orchard, Legacy:

Two overarching issues:

1. The percentage mode split target is realistic to that institution
2. System improvements

What is required? What is aspirational?

Ultimately, the transportation system is not the institution's system. Somehow that has to be factored into the process. If you've made a good faith effort, and you've taken the actions, and then you're done, then OK.

Answer from Steve Hoyt-McBeth, PBOT:

1. We will put in the Admin rule: If the institution does the recommended actions, and does not meet the performance targets, they are done.
 2. The actions we're looking at the beginning, I believe are significant and will shift the arch of the line.
- What we've seen at institutions so far: Initial success with education and some incentives, and then we've seen a flatline.
- At the outset of this TDM plan, we want to see a jump again in non-SOV/automobile uses.

General Comments:

- Infrastructure is dynamic
- TriMet will be investing in the region, institutions need to weigh in on what they need through TriMet service enhancements process.
- Is 10-year TDM plan dynamic or is it static?
- This is where the check-in period will be helpful
- Potential opportunities for additional engagement with City of Portland's Transit Plan
- There are also ways to improve the quality of the service without necessarily putting in additional lines

Bob Haley, PBOT: In the land-use arena – CIP projects as mitigation – needs to be identified and funded.

Jack Orchard, Legacy: How would you apply that to the CI process?

Bob Haley, PBOT: If it comes down to TriMet, we'd need to ask them what bus enhancements are on the budget for fiscal year 20XX.

Bob Kellet, PBOT: Easy to do and know for 2-3 years, but harder to know what changes will come in 10 years. Part of the challenge is that as the horizon gets longer, the more uncertainty we have. The TSP does get updated on a regular basis, and helps us prioritize.

Michael Robinson, Perkins Coie

- Under Evaluation: "Evaluation on **its** ability to..."
 - *Its refers to – the plan.*
- Propose a "reasonable" plan – what does reasonable mean?
 - *Reasonable is a good word – but we just mean a plan that will meet the performance targets. We'll delete "reasonable" from the text.*
- "Off-track" – when does this realize, when do additional targets kick in?

- *We understand that there may be a lag between implementation and mode share response.*
- *2-year chunks – allows for time to implement the plan, to see behavior change.*
- *ECO performance surveys are also every 2 years, so it provides a good check-in point.*
- *How many tiers? It's discretionary. This could happen more than once, and be iterative.*
- *The intent is to lay out a plan ahead of time. PBOT staff will discuss how exact that TDM plan will be, or whether it will be a menu with required items.*
- "If not feasible to meet target..." What does feasible mean here?
 - *Perhaps "practicable" as a replacement*

Transportation Impact Review appeal process:

- Bureau gives notice
- Public can appeal
- Hearings officer wants applicant work it out with PBOT beforehand

Approval criteria is listed in: chapter 33.852.110 CI Zones A-D

- Michael Robison, Perkins Coie: If we're going down this road that this doesn't turn into a modified TPR review. Not just responsible for reducing trips, but also improving systems. Are we on the hook for off-site sidewalks?
 - Douglas Hardy, BDS: Title 33 addresses that.
- It does talk about the need to mitigate for off-site impacts
- TDM is just a component of the TIR process, so yes, the TIR process does have infrastructure components
- Bob Haley: The hearings officer, who is not a TDM expert, will rely on hearing expert testimony. For example, if a transportation engineer says that an intersection is functioning but a member of the public says there are too many cars, the Officer will favor the engineer's testimony.
- The City has told applicants in the past: For on-street parking impacts – build adequate but not excessive parking on-site – there's inherent conflict between "build parking" and "mitigate your parking needs with TDM".
- How much pain is the neighborhood willing to experience?

Comment from Jeanne Harrison, NWDA: Our neighborhood will have our own transportation plan. It would behoove institutions to participate in that process. Neighborhood will advocate to PBOT what to build.

Off-site parking / On-site parking

Jim Edelson, LNA: We were encouraging reducing off-street parking
Our neighborhood has a willingness to experience pain in parking

Institutions and neighborhoods should be on the same page before we get to the hearings officer.

Jack Orchard, Legacy: If you don't like the TDM Plan, the burden of proof should be on you. If neighborhood has been involved, PBOT has been involved, that should be satisfactory. If we've done our part to work cooperatively with our neighbors, worked cooperatively with PBOT, that should be the basis of the decision.

Douglas Hardy, BDS: Code says that the applicant has the burden of proof. It's on the applicant task list to prove, or reinforce their TDM strategy.

Comment from Jeanne Harrison, NWDA: From the neighborhood's perspective: We seldom appeal, when we do, we think there is very good reason for it. We don't do frivolous appeals.

Douglas Hardy, BDS: The neighborhood would have to address the approval criteria.

Steve Hoyt-McBeth, PBOT: What are the practical changes that would need to happen to turn the burden of proof off the applicant?

Mark Moffett, BDS: When staff – and often staff does – push back, we've been through the exercise. There's no way to eliminate frivolous appeals.

Jim Edelson, LNA: What if we haven't agreed to the process, but it is approved?

Mark Moffett, BDS: My understanding – the traffic engineer hasn't thoroughly addressed and debunked by experts. Hearings officer will refer to experts.

Bob Haley, PBOT What if we make TDM more of a technical administrative piece of the TIR, similar to how stormwater is addressed in Land Divisions? Can TDM be seen as a technical element? If yes, it might narrow things a bit.

Jack Orchard, Legacy: What we're concerned about: we do all this work, and someone is able stop us from building a hospital building.

Douglas Hardy, BDS: And that is the risk. 3 of 4 people might think it is a good plan, but the one person brings in good evidence to say it's not.

Townsend Angell, Reed College: I like goals that are achievable. If we don't make this percentage, they are going to be extra critical.

Bob Haley, PBOT: Is there any way that the goals can be stated as "aspirational"? Because that is what they are.

Steve Hoyt-McBeth, PBOT: I would recommend – the Alternative Performance Targets are there in Title 17 – let’s align things there in the code.

Presumptive decisions: Jack Orchard will circulate suggestions.

Jack Orchard, Legacy: You want to incentivize TDM. We don’t want a required system, we want to encourage innovation and cooperation. As we move toward requirements, this becomes an edgier conversation for institutions.

Tom Carlwalkie – UPNA: My concern is the number of ADUs coming in; students taking 6 blocks into the neighborhood creates a very different issue. University says we’ll have XX cars, but they are parked right across the streets. We would not like to hire our own experts. The appeal fee for neighborhood associations is waived.

Douglas Hardy, BDS: My understanding of TDM is really a toolbox of tools that can be used to get to the goal. They really are intending to be flexible.

Tom Carlwalkie, UPNA: I think the neighborhoods are more interested in performance than the actions.

Bob Haley, PBOT: A city engineer does not give up his or her ability to determine how ROW functions to a hearings officer.

Transportation infrastructure is not a land use decision, it is a technical decision.

TIR is a land use decision.

The elements of the TDM is not a land use decision – this could be a technical piece and not appealable.

Who will be on point for reviewing TIRs?

One person from Bob Haley’s section. TDM recommendations will come from PBOT Active Transportation and Safety in Steve Hoyt-McBeth’s section. We, as the City, will speak with one voice to the hearings officer. PBOT Development, Permitting and Transit (Bob Haley’s team) will be the point of contact and the decision maker.

Steve Hoyt-McBeth, PBOT: We’re writing in what we expect to see as essential parts of the plan, but institutions can propose something else. We will evaluate that proposal on its ability to meet the performance targets (i.e., mode split goals).