TRN-1.27 - Public Works Alternative Review Process

I. Background

City Council directed the Bureau of Transportation (PBOT) to develop a process for evaluating unique development conditions which could preclude full standard frontage improvements. Under the authorities of the Director of the Bureau of Transportation, PBOT created an alternative review committee for administrative reviews and remedies. This rule outlines the process for an alternative review. With the creation of Portland Permitting & Development (PP&D) and council directive for the infrastructure bureaus to retain signatory approval for deviations or waivers of City standards, this process will be administered by PP&D and will require concurrence with PBOT for decision-making.

II. Applicability

These rules apply to any person wishing to propose alternatives to frontage requirements imposed by PBOT.

III. Purpose

These rules establish decision-making, processing and fee requirements for the Public Works Alternative Review process. This gives permission for alternative design to be reviewed under City public works permitting processes.

IV. Definitions

Certain terms used in these rules are defined by Portland City Code (PCC) Chapters 17.04, 17.06 and 17.88.

V. Alternative Review Governance and Decision-Making

A. The PBOT Director has the authority under PCC 17.88.020 to require the construction of frontage improvements. In certain circumstances, a permit applicant may request changes to or the removal of such requirements. The City's consideration of such a request is known as a Public Works Alternative Review. The PBOT Director delegates administration of the Alternative

Review process to an Alternative Review Committee (ARC) but retains authority over decision-making. The decision-making process to evaluate Public Works Alternative Reviews is as follows:

1. An applicant may submit a development proposal to the Alternative Review Committee (ARC). The ARC is composed of public works permitting staff and management, and a representative from PBOT. The PBOT director will delegate decision-making and signatory authority to two representatives, one from PP&D and one from PBOT. The ARC will make a recommendation to these two decisionmakers, who will issue a decision.
2. Decisions may be appealed to the Public Works Administrative Appeal Board under PCC 17.06.050.
3. Final alternative review decisions expire one year from the date of the decision.

B. The review of a Public Works Alternative Review request will not always result in an immediate decision. The ARC may seek additional information from the applicant, provide advice to the applicant, seek additional information from other City Bureaus, or complete additional reviews before a final decision is made.
C. ARC decisions do not substitute for land use approval where required. A Public Works Alternative Review may impact building permit and land use review timelines, so applicants should submit their applications to the ARC as soon as possible.

VI. Fees

Fees for the Public Works Alternative Review are included in the PBOT fee schedule and are updated annually.

VII. Submittal Requirements

A. **Authorized Persons.** A Public Works Alternative Review may only be submitted by the owner of the property or by a developer or contractor who is authorized by the owner to submit a Public Works Alternative Review.
B. **Application Requirements.** An applicant is solely responsible for all costs associated with a Public Works Alternative Review and cost associated with errors to submittals.
C. **Timeframe.** A request for a Public Works Alternative Review must be submitted, reviewed and a decision rendered before a building permit is issued.

D. **Minimum Relief Necessary.** The ARC may consider an alternative to standard right-of-way improvements but will only approve an alternative that will provide the minimum relief necessary to accommodate the site condition while maximizing prioritized functions in the right-of-way, including but not limited to pedestrian circulation and access.

E. **Reason for Request.** The applicant must demonstrate, including through the optional use of documentation listed in Section VII.F below, that conditions exist that make constructing the required right-of-way improvements impractical or infeasible. The ARC will consider alternative improvements to address any of the common site constraints listed below. Additional unique site constraints may be considered on a site-by-site basis.

    1. **Topography**: Standard improvements would be impractical due to topographical conditions. Examples of this include an inability to meet the City's maximum allowed slope requirements or a need for substantial retaining walls to support the public improvement.
    2. **Natural resource impacts**: Standard improvements would result in significant disturbance within an Environmental Protection or Conservation Zone, River Environmental Zone, or similar overlay zone, or would result in the removal of a significant natural resource, such as a tree, from the right-of-way or from the site.
    3. **Site design impacts**: Dedication of property necessary to accommodate standard improvements would prevent compliance with zoning standards by reducing the dimensions of the lot. For a site that is located on a Civic and Neighborhood Main Street in a Pedestrian District and that requires more than 5 feet of property dedication to achieve the 15-foot sidewalk standard prescribed by Table B-3 of the Pedestrian Design Guide, the City will consider approval of a minimum 12-foot sidewalk.
    4. **Existing conditions sufficiently similar to standard sidewalk configuration**: The existing sidewalk does not meet current City standards but is adequate to meet current and anticipated demand due to limited redevelopment potential of lots along the subject block. For example, the subject site may be the only remaining lot to be developed and the rest of the block is developed to its zoned capacity. This criterion only applies to sites located on an improved sidewalk corridor.
    5. **Public infrastructure impacts**: Standard improvements would result in a conflict with existing public infrastructure or applicable infrastructure clearance requirements.

F. **Optional Documentation.** The following are acceptable forms of documentation for supporting requests for alternative frontage improvements. It is recommended that the documentation be created or reviewed by an appropriate expert in the field (e.g., arborist for tree considerations, geotechnical engineer for topography considerations, etc.).
    - Surveys demonstrating topographic constraints or other natural features that would be impacted by standard improvements
    - Arborist reports or concept-level frontage design showing tree impacts
    - Analysis of surrounding zoning, development pattern, and redevelopment opportunities
    - Analysis, with support documentation from the Bureau of Development Services, of zoning standards that cannot be met with the provision of standard improvements
    - Surveys demonstrating a conflict with existing public infrastructure necessitating their relocation by the applicant
    - Summary of inability to meet the requirements of PCC Chapters 33.430, pertaining to environmental protection and conservation zones, or 33.475, pertaining to river environmental zones
    - Analysis of neighborhood systems (e.g., stormwater, bike network, tree canopy, etc.) and the likely impact of the requested alternative on surrounding networks
    - Photographs
    - Site plan or illustrations of the proposed alternative, and a narrative in support of the request

VIII. Code Reference

Title & Section 17.04, 17.06, 17.88

Pursuant to Rule Making Authority Title & Section 3.12