



CITY OF
PORTLAND, OREGON
GOVERNMENT RELATIONS

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April 4, 2025

House Committee on Emergency Management, General Government and Veterans
900 Court Street
Salem, Oregon 97301

Chair Tran, Vice Chairs Grayber and Lewis, and Members of the House Committee on Emergency Management, General Government and Veterans,

During the Thursday, April 4, 2025 public hearing on House Bill 2658, several questions were asked by members of the committee that were not fully addressed by City staff available at that time. Our goal is to answer those questions now. The questions were related to an unfortunate and unique situation that came up for a tenant improvement/remodel of a commercial property on North Lombard Street and Knowles Avenue in Portland.

First, it is important to note that Lombard Street is a state highway, not a City road. When development is required on a road that is not owned by the City, we connect the two parties – in this case, the applicant and the Oregon Department of Transportation (ODOT) – so they can discuss the improvements and come to an agreement.

More information about what happened in this instance is provided below. To summarize, from the City of Portland's vantage point: a permit was requested for a tenant improvement on Lombard. ODOT also had construction plans on Lombard. The permittee communicated with ODOT, determined that ODOT's plans did not meet their desired schedule, and proceeded through engagement with the City. City staff met with the applicant to discuss the requirements and costs involved with their planned improvements, and the property owner moved ahead under the City's requirements.

Here is a much more detailed timeline of events related to this property:

- December 17, 2018: Building permit submitted by applicant for a remodel.
- February 16, 2019: Portland Bureau of Transportation staff issued the building permit check sheet identifying requirements. Applicant was directed to build a curb ramp at the corner of Lombard and Knowles and sidewalk frontage on Knowles. The applicant also received information on how to file an appeal or request an alternative be considered. No appeal was ever submitted.
- August 6, 2019: The applicant initiated the City's Public Works permit process. At this time, PBOT recommended the applicant contact ODOT to discuss the ADA ramp design process under the state's jurisdiction. The City was not a party to any conversations between the applicant and ODOT.
- August 26, 2019: ODOT shared the Lombard project information including an anticipated 2021 construction schedule. Applicant was informed they would need to meet ODOT street design requirements.

- August 27, 2019: Applicant corresponded with the City that their development schedule would be fall 2019/spring 2020, indicated that work would begin prior to ODOT's planned project.
- August 28, 2019: ODOT corresponded that they would remove this corner ramp from their planned project based on applicant direction that they intended to build the ADA ramp.
- October 30, 2020: City Public Works plans are approved.
- November 2020: City Public Works plans are signed and issued for construction.
- November 2021: Preconstruction meeting held with applicant.
- November 2023: Applicant reports that public improvements are complete.

At no point was there any exchange of resources between the City of Portland and ODOT. The City never received any money from ODOT or had any ability to direct how ODOT proceeded with its resources or work on Lombard.

The City did not engage in the direct conversations between the applicant and ODOT nor do we engage in contract negotiations around who does the construction that is required on private property. Even if the property owner and ODOT had reached a different agreement around the construction plans, the applicant would still have been required by the City to make the sidewalk frontage improvements on N Knowles, the intersecting street that is separate from the highway that ODOT is responsible for.

The media coverage of this situation omits some information and puts a lot of the onus on the City of Portland. In reality, there were three parties involved, each making their own independent decisions. The City did impose requirements for frontage improvements, however, with the benefit of hindsight, it is clearer that the property owner may not have understood that they could have pursued having the work done in conjunction with ODOT's project or even by PBOT at a lower cost (PBOT provided an estimate of about \$51,000 for the construction work in 2019). City staff were under the impression the property owner was making an intentional choice to proceed independently ahead of ODOT's schedule.

We deeply regret what this property owner went through and if their options were not clear at the time. We also recognize that the permitting process can be daunting and have been working to make improvements to deliver an efficient, effective permitting process for Portlanders. Since this project occurred, PBOT updated the administrative rule that governs frontage improvements to make requirements more straightforward for applicants. This update also changed how PBOT calculates whether a project will increase trips to the site and therefore trigger requirements necessitating improvements. Changes like this and others are being made to make it easier for small development projects to move forward. The City remains committed to continuous improvement to the permitting system.

If you have any questions or would like to discuss this matter further, including with members of the permitting team, please reach out to me or State Relations Manager Evin Mitchell who will follow up with your offices individually.

Sincerely,



Sam Chase
Director, Office of Government Relations