



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: April 24, 2014
To: Interested Person
From: Staci Monroe, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-240825 DZ *REMOVE & REPLACE TREES IN SOUTH AUDITORIUM PLAN DISTRICT*

GENERAL INFORMATION

Applicant: Ryan Schera, 503-224-9560 | Group Mackenzie |
1515 SE Water Avenue Suite 100 | Portland OR 97214

Applicant: Andy James | Wyse Investment Services Co |
501 SW Taylor St Suite 100 | Portland, OR 97205-1941

Owner: Amco-Portland Inc | 1500 SW Taylor St #100 | Portland, OR 97205

Site Address: 2000 SW 1ST AVENUE

Legal Description: BLOCK H LOT 2 TL 300, SOUTH AUDITORIUM ADD
Tax Account No.: R777502400
State ID No.: 1S1E03CB 00300
Quarter Section: 3229
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City – Downtown Sub District & South Auditorium Plan District
Zoning: CXd – Central Commercial zone with a Design overlay
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission

Proposal:

The applicant's original Design Review proposal included the removal of 17 existing trees located on the western half of the property at 2000 SW 1st Avenue in the South Auditorium Plan District. The trees are located in areas proposed for improvements including re-grading, adding retaining walls, a new set of steps from the upper parking area to the drop off area, and new landscaping throughout the property. After further discussion and an on-site meeting, City Staff, which included the City Arborist, determined that several of the trees were in healthy condition and could remain. As a result, the proposal was revised to remove 12 of the original 17 existing trees. The proposal also includes new landscape areas along the south and

east perimeters of the site, improvements to the re-graded landscape planters and a tree replacement ratio of 2.75:1 (33 new trees).

Design Review is required for the removal of trees in the South Auditorium Plan District that do not meet the exemption of 33.580.130.B (dead, dying or dangerous as determined by an arborist).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- Central City Fundamental Design Guidelines
- Section 33.580.130 – Preservation of Existing Trees

ANALYSIS

Site and Vicinity: The 63,294 SF site located on the east side of SW 1st and immediately north of the new light rail extension down Lincoln Street. The property is developed with a 55,056 SF office building and includes landscape and parking areas. The trees proposed for removal occur on the western portion of the site between the building and SW 1st Avenue. The area is part of the South Auditorium Plan District, an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is partially achieved by requiring the preservation of existing trees.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The design (d) overlay zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

Land Use History: City records indicate there are no prior land use reviews for this site.

- VZ 00106-65: A 1965 Variance approval for signs.
- VZ 00065-66: A 1966 Variance review that approved signs on the north and south side penthouse and denied signs on the east and west sides of the penthouse.
- DZ 00168-85: A 1985 Design Review approval for signage.
- LUR 95-00236: Design Review Approval for rooftop mechanical equipment.
- LUR 96-00827: A 1996 Design Review approval for an RF facility.
- LUR 97-00098 DZ: A 1997 Design Review approval for exterior alterations including a new electrical generator, exhaust pipe and perimeter landscaping.
- 03-145805 DZ: A 2003 Design Review approval for an addition to a loading dock.
- 10-162913 DZ – A 2010 Design Review approval to remove diseased Elm trees throughout the South Auditorium plan district.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 27, 2014**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS (Exhibit E-1)
- Bureau of Transportation Engineering (Exhibit E-2)
- Water Bureau (Exhibit E-3)
- Plan Review Section of BDS (Exhibit E-4)
- Bureau of Environmental Services (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 27, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), and includes tree removal in the South Auditorium Plan District, therefore, the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and Section 33.580.130.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

South Auditorium Plan District

33.580.010 Purpose of the South Auditorium Plan District

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

33.580.130 Preservation of Existing Trees

A. Unless exempt under Section 33.580.130.B, removal of existing trees 6 or more inches in diameter is allowed only when approved through a design review, using the following approval criteria:

1. The location of the tree to be removed is needed for development of a new building or an arborist finds that the tree will be affected by proposed development in a manner that is likely to cause significant damage or death to the tree.

Findings: As shown on the submitted plans, the proposal includes development throughout the site that consists of re-grading, new retaining walls and a new stair from the upper parking lot. Some of the landscape planters within the areas to be improved are overgrown and contain trees that are in poor condition, while other areas, like along the south edge, have been extensively reduced or damaged during the recent light rail construction. These proposed improvements are intended to fill in the landscape areas along the south edge of the property and update up the site to attract new tenants.

That applicant submitted a trees assessment (see Exhibit A.4) to demonstrate the health and conditions of the trees to be removed. City staff, including a City Arborist, reviewed the tree assessment, as well as performed a site visit, and concluded that 5 of the 17 trees proposed to be removed were in good condition and could remain without being damaged by the proposed site improvements. Thus, the number of trees to be removed was reduced from 17 to 12. *This criterion has been met.*

2. The proposal is consistent with the purpose of the plan district.

Findings: The South Auditorium Plan District consists of a unique character of high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkways systems. This character is maintained by preserving existing trees and providing additional landscape areas. As mentioned above, all of the trees and landscaping along the south edge of the property were either removed or severely damaged during the light rail extension. In addition, as demonstrated in the tree assessment, the health or growth pattern of a number of trees on the site are in poor condition or exhibit the presence of a disease that could easily spread to similar species (4 Japanese Maples immediately in front of the building). The 5 trees requested to remain by City Staff due to their good health and decent size (8" to 12" diameter), are located in a planter along the western street edge and, over time, can mature into trees that will add to the large tree canopy of the district. In addition, as a condition of approval, the 24" Elm located in the western planter near the northern parking lot will be preserved with a root protection zone of 12", as recommended by the applicant's arborist (see Exhibit A.5). This substantial tree at the properties edge will also continue to contribute the sequence of large Elms that exist along the pedestrian systems that meander throughout the district. The proposal includes 33 replacement trees, as well as shrubs and ground cover in existing planters along the west, south and east edges of the site. This additional landscaping will contribute to the generous landscape areas evident throughout the district.

In summary, although the proposal includes the removal of 12 trees, the proposal ensures the preservation of 6 mature trees (including the Elm), which, on balance, meets the purpose of the plan district and its unique character of large trees along the pedestrian system. *With the condition of the condition of approval to preserve and protect the 24" Elm trees at the northwest corner of the site, this criterion is has been met.*

3. Each tree removed will be replaced with a new tree elsewhere in the plan district in accordance with the adopted landscaping plan for the plan district or as determined by the design review.

Findings: The proposed landscape plan includes a tree replacement of 2.75:1 (33 trees), in addition to shrubs and ground cover. The adopted landscape plan of the South Auditorium Plan acknowledges a massing of evergreen conifers at the southwest corner of the site near SW 1st & Lincoln, and identifies them as Enhancement Plantings. It is not known how many of these trees existed at the time of the plan or thereafter, as the all landscaping in the planters along the south edge of the property was removed during the recent light rail construction. The proposal restores the species and improves this area with a mixture of 12 Douglas Fir and Western Red Cedar trees. The large size of trees (10") at the time of planting will help this corner appear more established with the more mature trees in the areas.

The adopted plan also identifies English Oak as the species along SW 1st Avenue. The street trees were recently replaced with disease-resistant Elms after numerous Elms were removed throughout the plan district in 2012 because of Dutch Elm disease. The trees in the landscape planters along SW 1st will remain and there is not enough room among the existing trees to plant English Oaks. Therefore, the applicant proposes English Oak trees to line the south and east planters to provide a continuous canopy along the new right-of-way created by the light rail extension to the south. The replacement plantings are consistent with the species and general location identified in the South Auditorium Plan. *This criterion has been met.*

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

Findings for A4, A5 and B1: As stated in the findings, although the proposal removes 12 trees, it retains 6 mature trees and adds 33 new trees of decent size (3" caliper for deciduous and 10' height for evergreens) that will further define and enhance the unique pedestrian system that traverse the plan district. The grove of conifers identified at the southwest corner of the site will be re-established with the new plantings restoring the unique character at this intersection. The simple design of the new concrete stairs with metal railing complements the stairs throughout the walkway system in the plan district. *These guidelines have been met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal has demonstrated that the applicable design guidelines and approval criteria of Section 33.580.130.A.1 have been met and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to remove 12 trees, provide replacement landscaping, including 33 trees, and a new stair in the South Auditorium Plan District, per the approved site plans, Exhibits C-1 through C-6, signed and dated 4/22/14, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-240825 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The 24" Elm in the northwest planter adjacent to the parking area and SW 1st Avenue, must be preserved with a 12' radius root protection zone with a 6' tall chain link fence and posts secured into the ground. No construction activity, storage of materials or ground disturbance may occur with the root protection zone. An arborist must be present at the time of grading and excavation for the stairs in case significant roots are encountered that, if removed, could damage the health of the tree. If such event occurs, work shall stop immediately and a revised arborist indicating additional protection measures must be submitted to City Staff for review.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on April 22, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 24, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 20, 2013, and was determined to be complete on February 24, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 20, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that

the 120-day review period be extended 21 days (see Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on 7/15/14.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 8, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 9 , 2014 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

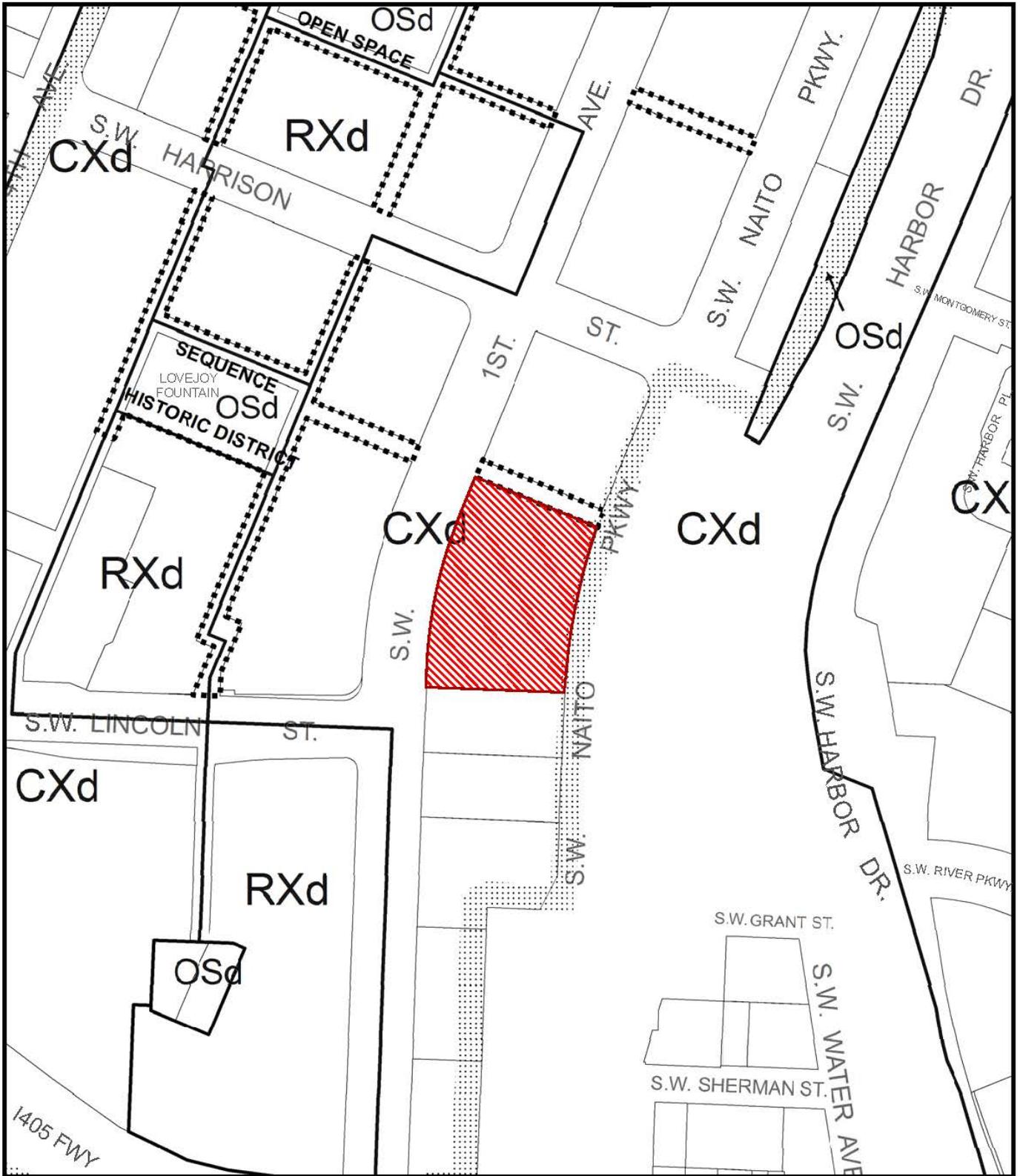
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Narrative dated 12/7/13
 - 2. Arborist Narrative dated 2/4/14
 - 3. Applicant's Response dated 2/17/14 to Staff's Incomplete Letter
 - 4. Applicant's Tree Assessment Summary dated 2/17/14
 - 5. Arborist's Letter dated 4/8/14 regarding Elm tree preservation
 - 6. Response to Approval Criteria
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, Grading and Tree Removal Plan (attached)
 - 2. Irrigation Plan
 - 3. Proposed Landscape Plan (attached)
 - 4. New stair detail
 - 5. Landscape details
 - 6. Root Protection plan for Elm tree
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Section of BDS
 - 2. Bureau of Transportation Engineering
 - 3. Water Bureau
 - 4. Plan Review Section of BDS
 - 5. Bureau of Environmental Services
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Staff's Email dated 3/12/14 with Summary of Concerns
 - 3. 120 Day Extension Form
 - 4. Incomplete Letter dated 12/31/13

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



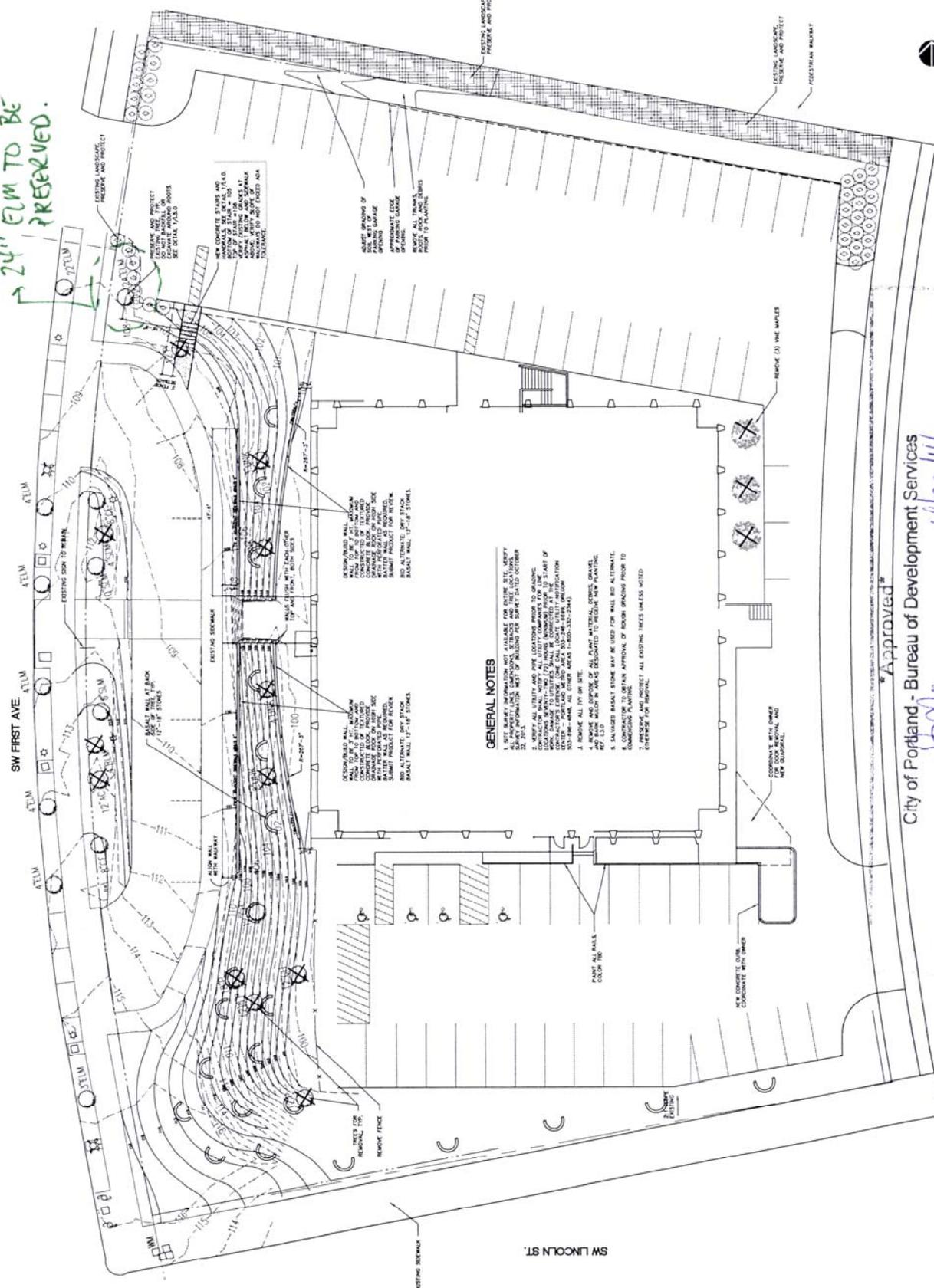
Site



This site lies within the:
**CENTRAL CITY/SOUTH AUDITORIUM PLAN DISTRICT
 DOWNTOWN**

File No. LU 13-240825 DZ
 1/4 Section 3229
 Scale 1 inch = 200 feet
 State_Id 1S1E03CB 300
 Exhibit B (Dec 24, 2013)

24" EUM TO BE PRESERVED.



GENERAL NOTES

1. SITE SURVEY INFORMATION NOT AVAILABLE FOR ENTIRE SITE. VERIFY SURVEY INFORMATION WEST OF BUILDING PER SURVEY DATED OCTOBER 2013.
2. VERIFY ALL UTILITY AND PIPE LOCATIONS PRIOR TO GRADING.
3. CONTRACTOR SHALL VERIFY ALL UTILITY COMMENTS FOR ALL EXISTING UTILITIES TO BE REMOVED OR RELOCATED. CALL RECORD UTILITY INFORMATION (800) 485-4848 AND OREGON UTILITY CROSSING SERVICE (503) 526-5211.
4. REMOVE AND DISPOSE OF ALL PLANT MATERIAL, DRINKING GRATE, AND LIDS IN AREAS DESIGNATED TO RECEIVE NEW PAVEMENT.
5. SALVAGED BASKET STONE MAY BE USED FOR WALL BED ALTERNATE.
6. CONTRACTOR SHALL OBTAIN APPROVAL OF ROUGH GRADING PRIOR TO COMMENCEMENT OF ANY GRADING.
7. PRESERVE AND PROTECT ALL EXISTING TREES UNLESS NOTED OTHERWISE FOR REMOVAL.

City of Portland - Bureau of Development Services

Planner: SW NAITO PKWY. Date: 4/22/14

This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU13-240825 D2
EX. C-1

