



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 10, 2020  
**To:** Interested Person  
**From:** Lois Jennings, Land Use Services  
503-823-2877 or [lois.jennings@portlandoregon.gov](mailto:lois.jennings@portlandoregon.gov)

## **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 mailed copy of this document is only a summary of the decision. 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 19-257325 AD TR TV**

#### **GENERAL INFORMATION**

**Applicant:** John Ford,  
Holman Hospitality Group, LLC  
833 E Michigan St, #1000  
Milwaukee, WI 53202  
Phone#: 414-399-0165 or [jford@catalystdevelops.com](mailto:jford@catalystdevelops.com)

**Representative:** Debbie Cleek,  
The Bookin Group  
1140 SW 11th Ave #500  
Portland OR 97205  
Phone#: 503-241-2423 or [cleek@bookingroup.com](mailto:cleek@bookingroup.com)

**Owner/Agent:** Evan Bernstein  
Pacific NW Properties LP  
660 SW 105<sup>th</sup> Avenue, Suite #175  
Beaverton, OR 97008  
Phone#: 503-901-3232 or [evan.bernstein@pnwprop.com](mailto:evan.bernstein@pnwprop.com)

**Site Address:** 11468 NE HOLMAN ST

**Legal Description:** LOT 1, PARTITION PLAT 2011-7  
**Tax Account No.:** R649620250  
**State ID No.:** 1N2E15DB 00901  
**Quarter Section:** 2442

**Site Address:** 11468 NE HOLMAN ST

**Neighborhood:** EPCO, Parkrose Neighborhood Assoc., contact at [parkroseneighbors@gmail.com](mailto:parkroseneighbors@gmail.com) or mail Parkrose Neighborhood Association c/o East Portland Community Office at 1017 NE 117<sup>th</sup> Avenue, Portland, OR 97220

**Business District:** Columbia Corridor Association, contact at info@columbiacorridor.org, Parkrose Business Association, contact parkrosebusinessassociation@gmail.com

**District Coalition:** East Portland Community Office, contact at 503-823-4550.

**Plan District:** Columbia South Shore

**Zoning:** EG2-General Commercial with a “h”-Aircraft Landing zone and “x”-Portland International Airport Noise Impact zone

**Case Type:** TR-Tree Review, TV-Tree Violation Review and Adjustment Review

**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicant is requesting a Tree Review to change the approved tree preservation plan, a Tree Violation Review to mitigate the unauthorized removal of trees and an Adjustment Review to eliminate the pedestrian connection to Airport Way for the future hotel development on the site.

A tree preservation plan was approved through the land division approval for a three-lot partition under LU 07-106345 LDP. This lot, Parcel 1 of Partition Plat 2011-7 was created by that preliminary land division and subject to Condition D.1 which requires nine Black Cottonwood trees to be preserved on this lot. The arborist report identified these Black Cottonwoods trees as Trees #2, 3, 25, 26, 27, 28, 29 30 and #31. Sometime after the final plat was recorded in 2010 and 2016, seven of these Black Cottonwood trees were removed and only two (#2 and #3) remain on the site today. The Tree Review is requesting the removal of the remaining two trees-Tree #2-a 25-inch Black Cottonwood and Tree #3-a 16-inch Black Cottonwood and proposes to mitigate by planting 25 trees as shown in the mitigation areas on the proposed future development site plan and landscape plan.

A Tree Violation Review is required for the unauthorized removal of the seven Black Cottonwoods. To mitigate for the unauthorized removal of these seven (7) Black Cottonwoods the applicant is proposing to make payment into the Tree Fund equivalent to 27 trees in lieu of planting mitigation trees on-site.

This site currently has two street frontages, NE Holman and NE Airport Way. The final plat for this lot reflects this lot has 12.18 ft. in length along NE Airport Way and within it there is a recorded landscape and utility easement. Columbia South Shore Plan District Pedestrian Standard requires all development within the plan district to meet the pedestrian standards of the EG2 zone. The EG2 Pedestrian Standard of Title 33, Section 33.140.240.B, requires an on-site pedestrian circulation system to connect the main entrance of the building on the site to the adjacent streets. Any future development on this site would be required to provide a pedestrian connection from the main entrance of the building to NE Holman Street and NE Airport Way. The applicant is requesting an Adjustment to this pedestrian standard to eliminate the connection to Airport Way and just have a pedestrian connection from the main entrance of the future hotel building to NE Holman Street as shown on the site plan.

**RELEVANT APPROVAL CRITERIA:**

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

- 33.853.040.B. Changes to Tree Preservation Requirements
- 33.853.040.C. Correction to Violations of Tree Preservation Requirements
- 33.805.040.A-F. Adjustment Approval Criteria

## ANALYSIS

**Site and Vicinity:** The site is an irregular shaped corner lot on the south side of NE Holman Street, which intersects with NE Airport Way. The site is currently vacant with remnants of concrete from the previous use that no longer exists on the site. Thickets of Cottonwood saplings are in the northeast section of the vacant site and the two remaining Black

Cottonwoods are along the eastern property line abutting the parking lot for the neighboring hotel, approximately 110-ft. from NE Holman Street. A retaining wall and a chain link fence aligns itself along the NE Holman frontage of this vacant property. Access to the site is from a private access drive from the adjacent properties to the west.

Zoning to the north and east of the site is EG2 and directly south and to the west it is IG2-General Industrial zoning. Within the vicinity there are various hotels, restaurants and directly to the north is a carwash. On the south side of the site, there are large industrial buildings with a mix of industrial, wholesale and warehouse uses.

**Zoning:** The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrial related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

The Portland International Airport Noise Impact overlay zone (“x”) reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easement. These regulations must be shown to be met at the time of building permit.

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center which is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development.

**Land Use History:** City records indicate that prior land use reviews include the following:

- LU 07-106345 LDP/07-106345 FP: Approval of three lot partition with a tree preservation plan. The final plat for this three-lot partition was recorded on January 20, 2011.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed January 31, 2020 and also Revised Notice of Proposal was mailed out February 12, 2020 to provide the correct neighborhood association. The following Service Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Portland Bureau of Transportation
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 31, 2020 and Revised Notice of Proposal on February 12, 2020. One written response was received from East Portland Land Use and Transportation Committee (EPLUTC) in response to this proposal.

The EPLUTC letter supports the adjustment request to not provide a pedestrian connection to NE Airport Way and removal of the two remaining cottonwood trees with the proposed mitigation planting of 25 trees. The EPLUTC raised two concerns associated to the future development which are summarized below:

- The developer should consider a second entrance point to the parking lot along the easement access road to provide greater access for shuttles and vehicles to the future development.
- The developer should consider how to address the impact this development will have on current traffic demand and traffic flow at this intersection of NE Holman Street and NE Airport Way.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR TREE REVIEW TO CHANGE TREE PRESERVATION PLAN

#### 33.853.040 Approval Criteria

**B. Changes to tree preservation requirements following land use approval.** The approval criteria for changes to tree preservation or mitigation requirements are:

1. If the tree preservation requirement was approved as part of a land division or planned development, the requested change will be approved if the review body finds that the applicant has shown that the revised method will continue to meet the requirements of Chapter 33.630, Tree Preservation.
2. If the tree preservation requirement was approved through a land use review other than a land division or planned development, the requested change will be approved if the review body finds that the applicant has shown that the revised method continues to meet the approval criteria of the original review. Any impacts resulting from the requested change must be mitigated to the extent practicable.

**Findings:** The tree preservation requirement that applies to this site was approved as a part of a land division review for Land Use Case File # LU 07-106345 LDP (Exhibit G.3). Therefore, the applicant must demonstrate that the requested change will continue to meet the Tree Preservation requirements of Chapter 33.630.

In 2007 the arborist report (Exhibit G.4) identified twenty-nine (29) non-exempt trees with a total tree diameter of 301-inches. Only nine (9) of the twenty-nine (29) non-exempt trees were preserved, with a total tree diameter of 129 inches, which is 42.8 percent of the total tree diameter. The below table shows the trees required to be preserved per the 2007 land division decision:

Tree #	Species	Size (dbh)
#2	Black Cottonwood	25-inch
#3	Black Cottonwood	16-inch
#25	Black Cottonwood	7-inch
#26	Black Cottonwood	19-inch
#27	Black Cottonwood	19-inch
#28	Black Cottonwood	11-inch
#29	Black Cottonwood	15-inch
#30	Black Cottonwood	10-inch
#31	Black Cottonwood	7-inch

Under the 2007 Tree Preservation criteria the tree preservation plan met Option #4. Option #4 required preservation of all of the significant trees on the site and at least 20 percent of the total tree diameter on the site. Trees #2, #26 and #27 were three significant native trees and the remainder trees identified in the table above made up the 20% of total tree diameter to meet the Option 4 requirement. At total of 129- inches of trees was preserved by the approved tree preservation plan. Therefore, no additional mitigation was warranted in order to meet the requirements of Chapter 33.630, Tree Preservation. It should be noted that these requirements

have since changed to place emphasis on preservation of trees that are 20 or more inches in diameter as well as the addition of tree preservation approval criteria.

The City approval of the final plat for this land division decision, which created this parcel, was completed on December 21, 2010 and recorded on January 20, 2011. Between the recording of the final plat and today only two of the nine trees required to be preserved remain on the site. These trees are identified in the 2007 tree preservation plan as a 25-inch Black Cottonwood (Tree #2) and a 19-inch Black Cottonwood (Tree #3). The unauthorized removal of the seven of the nine trees are addressed under Tree Violation Approval Criteria below. The applicant is requesting to remove these two trees (Trees #2 & #3) in preparation for future development on the site.

**33.630.200.Tree Preservation Approval Criteria:**

- A. To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area should be considered and may call for different priorities, such as native tree growth rates and priority tree sizes as described in the Portland Plant List, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;*
- B. Trees proposed for preservation are suitable based on their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species;*
- C. Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following:*
  - 1. The specific development proposed;*
  - 2. The uses and intensity of development expected in the zone and the area in which the site is located;*
  - 3. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;*
  - 4. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and*
  - 5. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.*
- D. Mitigation. Where the minimum tree preservation standards of 33.630.100 cannot be fully met, as determined by evaluating the above criteria, or when there is a concurrent Environmental Review and the minimum tree preservation standards do not apply, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City's Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.*

The applicant proposes to remove these two large native Black Cottonwood trees, which meets none of the minimum Tree Preservation standards of 33.630.100. This would result in no trees being preserved where originally 42% (129-dbh inches -9 trees) of the original 301 total dbh inches of trees that existed on this parcel were required to be preserved.

The two trees proposed for removal are located in the northeast corner along the eastern property line in an area where the future development is being proposed. At the time of the 2007 land division per the original arborist report these trees were in good condition (Exhibit G.4). Staff must consider specific characteristics of the tree species, health of the trees, long term viability of the trees and anticipated impact of future development on the trees, expected uses and development allowed in the zone and the surrounding area to determine if these high priority native trees should be retained. Per the Portland Native Plant List the habitat type for a Black Cottonwood tree is wetland or riparian areas. The Columbia South Shore Plan District has specific regulation for sites within environmental conservation and protection zones. This site is not within environmental conservation or protection area and there is no identified wetland area or riparian area on the site. This vacant property is surrounded by properties developed with Commercial, Employment and Industrial uses.

The applicant submitted an arborist report (Exhibit A.4) with this application that provides a current assessment of these trees. The arborist report by Honl Tree Care identifies Tree #2 has grown to be 38-inches and Tree #3 as 27.2-inches in diameter. Photos of the trees were included in the arborist report. The arborist report states both trees are in good health but have significant structural defects that may undermine their long-term viability. Also noted by the arborist *“The species does not compartment wounds well, leading to significant internal decay. These factors make the species excellent for wildlife habitat, but generally inappropriate for developed settings.”*

Future development designs for this vacant property is subject to Title 33 development standards of the Portland Zoning Code. This site abuts another EG2 zone lot line, therefore minimum building setback from a lot line abutting an E zoned lot is zero. EG2 allows a maximum building coverage of 85-percent of the site and a maximum floor area ratio of 3 to 1 for any development and use allowed by this zone and plan district. The future development plan submitted by the applicant shows a building being located in the northeast corner of the site adjacent NE Holman Street and NE Airport Way. Development would present significant encroachments into the root protection zone of these trees, which would impact the current structural defects and affect the long-term viability of both trees. Therefore, staff finds the removal of these two trees to be acceptable subject to mitigation to replace the functions of these trees.

Options for mitigation may include tree planting, payment into the City’s Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter. The applicant has proposed to mitigate for the removal of these two trees via planting twenty-five trees on the site. The applicant provided a preliminary development (Exhibit A.8) and landscape plan (Exhibit A.9 & A.10) showing the location of the 25-trees being proposed for mitigation. Therefore, as part of this review the applicant must demonstrate there is sufficient available area on this property for these mitigation trees, in addition to meeting the landscaping requirements of Title 33 and Title 11 for the future new development. A tree within 10-ft. of an existing building would not be considered for tree preservation under the preliminary land division review. Therefore, planting a tree within 10-feet of a future building is not allowed when mitigating for a tree removed, since it will be a tree required to be retained moving forward.

The City considers the development, lot size, and location and number of replacement trees, species type, mature height, mature canopy spread and the overall health of trees as they mature on a site to determine if what is being proposed is feasible. City staff has concerns regarding this proposed preliminary development and mitigation plan since it reflects a lot configuration that does not exist at this time. No property line adjustment application has been submitted to the City to adjust the lot line between Parcel 1 and Parcel 2 of Partition Plat 2011-7 to reflect this lot configuration. In 2007 during the final plat review a conceptual development plan reflected a building being located along the southern portion of this property. This site has been vacant for some time and therefore development design and lot configuration may or may not change. If this development plan does not proceed, or a change of design in development occurs or a different proposal occurs; these mitigation plantings proposed as part of this tree

review may not be appropriate. City staff would like to prevent additional tree reviews to change a tree preservation plan due to trees being planted for mitigation as part of this tree review, that would impact a different development plan if proposed on this site. City staff discussed with the applicant's representative that the original 2007 land use decision will be considered when reviewing this request against the tree preservation approval criteria and to consider the option of payment into the City's Tree Planting and Preservation Fund as mitigation (Exhibit G.8).

The City reviewed the applicant's mitigation planting plan and have the following concerns:

- Tree species
- Size of trees
- Location and spacing of trees

Two of the tree species proposed, Quaking Aspen and Bitter Cherry, are not appropriate for the intensity of the uses and type of development allowed by this zone for this site. These tree species are more appropriate for a forested, riparian or wetland areas, not in an area which will be surrounded by development. Three of the tree species chosen, Dogwood, Quaking Aspen and Bitter Cherry, are considered small trees. Mitigation with small trees does not provide the same benefits of these older large Black Cottonwoods, being requested to be removed. Some of the mitigation plantings areas, spacings and locations, even though not within 10-ft. of the future building, are located adjacent to developed areas (adjacent to stormwater inlets, ADA walkway, stormwater planter) that may impact the health and full maturity of the trees. Therefore, City acknowledges that although some mitigation plantings areas proposed are acceptable for general landscaping, they are not sufficient to mitigate for the removal of these two Black Cottonwoods.

Therefore, the remainder of mitigation for removal of these two large Black Cottonwood trees shall be payment into City's Tree Planting and Preservation fund. A per inch payment into the City's Tree Planting and Preservation Fund would be an appropriate mitigation for removal of these two high priority native Black Cottonwood trees. This is considering the 2007 land division decision evaluated a total of 29 non-exempt trees and required only 9 of these Black Cottonwoods to be preserved, 42% of the total 301 caliper inches that existed on this site. However, the City will give credit for the 15 additional trees being planted on this site. These 15 mitigation tree plantings will be dispersed in the mitigation areas shown on Exhibit C.1. Each mitigation tree being planted will be 1.5 caliper inches each, therefore a total of 22.5 inches will be planted in mitigation areas as shown, in addition to Title 33 and Title 11 required for landscaping. Therefore, 65-inches of the trees removed minus 22.5-inches being planted = 42.5 x \$450.00 equals a payment of \$19,125 into the City's Tree Planting and Preservation fund.

The mitigation trees planted will not replace the tree preservation plan but will be considered required landscaping. If in the future these trees are removed or determined to be dying, diseased or dangerous they must be replaced in kind.

The required mitigation is consistent with the purpose of Chapter 33.630 Tree Preservation as payment into the Tree Fund, since it will provide for the installation of other trees on public property, including streets, in the same watershed as the site from which the funds were collected. Requiring some replacement trees on the site will provide these benefits directly on the site. With a condition of approval requiring 15-trees to be planted in the mitigation areas shown on Exhibit C.1 and payment into the City's Tree Planting and Preservation Fund for the amount equivalent to 42.5 inches, prior to approval of any development on Parcel 1 or Parcel 2 of Partition Plat 2011-7, this criterion can be met.

#### **APPROVAL CRITERIA FOR TREE REVIEW TO CORRECT A TREE VIOLATION**

- C. *Corrections to violations. For corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservation requirements of a land use review, the applicant must show the review body that all of the following approval criteria are met:*

3. *Mitigation Plan;*

- a. *The applicant's mitigation plan meets the purpose of the regulation that was violated. Where the violation is of a tree preservation requirement of a land use review, the mitigation plan meets the purpose of the regulation that required the preservation plan; and*
- b. *The mitigation plan includes replacement of trees cut, or the preservation and protection of additional trees on the site not originally proposed for preservation. If replacement of trees is proposed, the plan must at a minimum meet the requirements of Table 853-1. If additional trees on the site are proposed for preservation and protection, the applicant must submit an arborist's assessment indicating the suitability of the trees for preservation, recommendations for protection methods, and any remedial treatment that may be necessary to ensure the long-term viability of the trees. The total diameter of additional trees preserved must exceed the total diameter of trees cut.*

<i>Table 853-1 Tree Replacement for Violation</i>	
<i>Size of tree removed (inches in diameter)</i>	<i>Number of Trees to be Planted</i>
<i>Up to 12</i>	<i>3 trees</i>
<i>More than 12 to up to 20</i>	<i>5 trees</i>
<i>More than 20 to up to 25</i>	<i>7 trees</i>
<i>More than 25 to up to 30</i>	<i>10 trees</i>
<i>More than 30</i>	<i>15 trees</i>

4. *Replacement trees must be planted as follows:*

- a. *On the site where the violation occurred;*
  - b. *If it is not possible to plant the trees on the site where the violation occurred, then the trees may be planted on other property owned by the applicant within the City of Portland. This includes property owned by a Homeowners' Association to which the applicant belongs;*
  - c. *If it is not possible to plant the trees as described in 2.a or b, then a payment in lieu of planting may be made to the Tree Planting and Preservation Fund*
5. *Replacement trees must meet the requirements of Section 33.248.030, Plant Materials, unless the mitigation plan calls for different planting specifications to address concerns about plant survival or impacts on the site.*

**Findings:** The applicant has requested a Tree Preservation Violation Review in order to resolve the unauthorized removal of a seven Black Cottonwood trees, which totaled 88-inches of trees on Parcel 1, which was required to be preserved and protected per LU 07-106345 LDP (Exhibit G.3 G.4 & G.5).

Tree #	Species	Size (dbh)
#25	Black Cottonwood	7-inch
#26	Black Cottonwood	19-inch
#27	Black Cottonwood	19-inch
#28	Black Cottonwood	11-inch
#29	Black Cottonwood	15-inch
#30	Black Cottonwood	10-inch
#31	Black Cottonwood	7-inch

In order to meet this criterion, the applicant must provide sufficient mitigation to replace the values lost by the removal of the 88 inches of tree diameter and satisfy the purpose of the regulations that was violated.

This review is for violation of a tree preservation plan in accordance with Chapter 33.630, Tree Preservation. The purpose of the regulation that required the preservation plan is as follows:

**33.630.010 Purpose**

*The land division process provides the flexibility and opportunity to promote creative site design that considers multiple objectives, including integration of trees. The regulations of this chapter require that trees be considered early in the design process with the goal of preserving high value trees and mitigating for the loss of trees. Desired benefits of trees include:*

- *Protecting public health through the absorption of air pollutants, contamination, and capturing carbon dioxide;*
- *Buffering from noise, wind, and storms;*
- *Providing visual screening and summer cooling;*
- *Reducing energy demand and urban heat island impacts;*
- *Filtering stormwater and reducing stormwater runoff;*
- *Reducing erosion, siltation, and flooding;*
- *Stabilizing slopes;*
- *Enhancing property values;*
- *Providing fish and wildlife habitat, including support for native species biodiversity through the preservation and planting of native trees;*
- *Providing food for people and wildlife; and*
- *Contributing to the beauty of the City, its natural heritage, and the character of its neighborhoods.*

Twenty-nine trees with a total of tree diameter of 301-inches existed on the site per the original arborist report (Exhibit G.2) and were subject to the tree preservation regulations during the preliminary review of this subdivision, LU 07-106345 LDP (Exhibit G.3). The tree preservation approval criterion at that time had four options to meet the tree preservation regulations. In 2007, Option 4 was chosen, which required three significant Black Cottonwoods trees to be preserved (#2, #26 and #27) and 20-percent (66-inches) of the total tree diameter, which consisted of trees #3, #25, #28, #29, #30 and #31.

The City considers the development, lot size, and location and number of replacement trees, species type, mature height, mature canopy spread and the overall health of trees as they mature on a site to determine if what is being proposed is feasible. A tree within 10-ft. of an existing building would not be considered for tree preservation under the preliminary land division review. Therefore, planting a tree within 10-feet of an existing building or future building is not allowed when mitigating for a tree removed, since it will be a tree required to be preserved moving forward.

Table 853-1 states a minimum of 27 trees would be required to be planted as mitigation for the removal of these seven trees. Therefore, as part of this review the applicant must demonstrate there is sufficient available area on this property where the violation occurred for these replacement trees and the additional landscaping required to meet Title 33 & Title 11 development standards when the site is developed. If it is not possible to plant the trees on the site where the violation occurred, then the trees may be planted on other property owned by the applicant within the City of Portland. However, in this situation the applicant is not the current owner, but the potential future owner of a portion of this site. No property line adjustment application has been submitted at this time to the City to reconfigure the site. The current owner of Parcel 1 of Partition Plat 2011-7 also owns Parcel 2 which is adjacent to this site. Both sites are currently vacant and have the potential to be developed.

The City requested the applicant to consider a mitigation planting plan which considered the original land use decision in association to trees on this site and the tree preservation standard and criterion.

The applicant submitted a conceptual development plan for a portion of Parcel 1 of Partition Plat 2011-7 where the violation occurred (Exhibit A.8-A.10). No mitigation plantings for the unauthorized tree removal was proposed on Parcel 1, due to the proposed additional trees being planted for the tree review, intensity of use and development allowed by the zone, and plan district .

The current owner also owns other properties within the City of Portland, that have been developed. These developed properties just like vacant properties would need to demonstrate there is sufficient available area to plant mitigation trees on these sites. Mitigation trees may not be used towards meeting Title 33 development standards; therefore, an existing developed site may be limited in ability to plant additional trees for mitigation. The applicant submitted a narrative addressing the limitations on this site and other sites within the City currently under the ownership of Pacific NW Properties LP (Exhibit A.12 & A13).

The applicant's proposal is to pay into the Tree Fund in lieu of planting mitigation trees. *The applicant states " This would be the best option to assure that trees are placed in an area where they can provide a meaningful asset to the City and their long-term survival is guaranteed. The mitigation fee would be based on the number of inches of trees removed using Table 853-1, calculated as follows  $27 \times \$675.00$  ( $1.5 \times \$450$ )= \$18,225.00."*

Staff agrees that given the future required landscaping requirements which include tree planting, and with the trees being planted to mitigate the removal of Trees #2 and #3, there will not be sufficient area on this site for additional tree planting to mitigate for unauthorized tree removal without jeopardizing the overall health of the trees as they mature and other landscaping required by Title 33. The payment in lieu of planting 27-trees is equivalent to 40.5 caliper inches. This mitigation proposal will provide mitigation equivalent to a minimum standard on the original land division site. The site originally consisted of 29 Black Cottonwoods, a total of 301 dbh-inches that were subject to the tree preservation standard. At a minimum the tree preservation standard would have required 35% of trees on a site to be preserved, for this site it would be 105.5 caliper inches ( $301 \times .35 = 105.5$ ). Considering the mitigation plantings (22.5-inches) and payment in lieu (42.5-inches) into the Tree Fund for removal of the remaining trees #2 and #3 ( $105.5 - 65 = 40.5$  inches) a total of 40.5 inches  $\times$  \$450 = \$18,225 of payment into City Tree Preservation Fund is equivalent to meeting the minimum tree preservation standard of 35% of the total tree diameter that applied in 2007.

Therefore, considering the location of this site within the City, the lot size on where the violation occurred and the future uses and development allowed to occur on this site by the EG2 zoning and the overall health of trees as they mature on the site with suitable area for planting, the City determines that a payment of 40.5 inches of trees into City Tree Preservation Fund in lieu of planting will mitigate for the unauthorized removal of the seven Black Cottonwood trees. As described above, this mitigation payment considers there were originally 29 trees on the site subject to the tree preservation standard and mitigation required for the concurrent tree review.

The required mitigation is consistent with the purpose of Chapter 33.630, Tree Preservation as payment into the Tree Fund will contribute to the tree canopy and related benefits within the City, if not directly on the site.

With conditions of approval requiring payment into the City Tree Fund the amount equivalent to 40.5 inches of trees, this criterion is met.

## **APPROVAL CRITERIA FOR ADJUSTMENTS**

### **33.805.010 Purpose (Adjustments)**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity,

some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

#### **A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and**

**Findings:** The applicant is requesting an Adjustment to not provide a pedestrian connection to NE Airport Way and only have a pedestrian connection to NE Holman Street.

The purpose of the pedestrian connection standard is stated in Zoning Code Section 33.515.257 which refers to 33.140.240.A. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

The standard 33.140.240.B. requires that the on-site pedestrian circulation system must provide connections between streets and entrances.

The property is an irregular shaped corner lot which was created under LU 07-106345 LDP and per the recorded final plat (Exhibit G.7) reflects 219.80-ft. of frontage along NE Holman Street and 12.18-ft. of frontage abutting NE Airport Way. The applicant's submitted site plan (Exhibit A.8) reflects a different dimension along NE Holman Street than shown on the recorded plat (Exhibit G.7). The recorded final plat also reflects a 10-ft. landscape, slope & utility easement to the City of Portland within this corner area that abuts NE Airport Way. The landscape easement area is to allow for special Airport Way landscaping with the required 25-ft. setback per 33.515.210.

Eliminating the requirement for a 6-ft. wide pedestrian connection within the 12.18-ft. frontage on NE Airport Way is a reasonable request in this situation. This will allow the required Airport Way landscaping to be maintained in this area, providing continuity of the Airport Way landscaping along NE Airport Way as required by the Columbia Shore Plan District regulations. The applicant is still providing a safe and usable pedestrian connection from the site to NE Holman Street, approximately 105-ft. from the intersection of NE Airport Way frontage along this site.

The total length of site's frontage on public streets is 231.98-ft. of which 219.8-ft. is along NE Holman. This is about 95% of the total, making NE Holman Street the predominant frontage along this site. Visually, a pedestrian walking along NE Holman would not know where the transition to the 12.18' frontage on NE Airport Way even begins due to curvature of the site and the developed intersection. A 6-ft. wide pedestrian connection from the main entrance of the future development to NE Holman Street is being provided. This safe pedestrian circulation system will connect to the city walkway along NE Holman Street which provides pedestrians a direct connection to NE Airport Way and to adjacent properties within the area. To provide flexibility, a condition will allow change in the exact

location of the pedestrian connection provided to NE Holman Street, provided it will be within 125-ft. of NE Airport Way frontage property line as shown on Exhibit C.1. This proposal equally meets the purpose statement and therefore this criterion is met.

**B. If in a residential CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**

**Findings:** Because the subject site is located in an employment zone, the applicant must demonstrate that the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area. Zoning Code Section 33.910 defines desired character as the “preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district” and “it also includes the preferred and envisioned character based on any adopted plans or design guidelines for an area.”

Street classifications: *At this location, the Portland Transportation System Plan classifies NE Holman Street as a Neighborhood Collector, Major Transit Priority street, Local Service Bikeway, City Walkway, Freight District street, Major Emergency Response Street and a Community Corridor. NE Airport Way is a District Collector, Major Transit Priority street, City Bikeway, City Walkway, Priority Truck street within a Freight District street, Major Emergency Response Street and Industrial road.*

Both streets are classified as City Walkways, which are intended to provide safe, convenient, and attractive pedestrian access to activities, provide connections between neighborhoods, and provide access to transit, so NE Holman Street and NE Airport Way equally promote walking and the use of transit. A pedestrian connection will still be provided from the site to NE Holman Street which provides direct pedestrian access to NE Airport Way, and other adjacent properties and activities in the area and to TriMet transit service via Bus Line #87. Therefore, the proposed Adjustment would be consistent with the classifications of the adjacent streets.

Columbia South Shore Plan District: *The Columbia South Shore plan district regulations encourage development of the Columbia South Shore as an industrial employment center that is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development. Special street setbacks and landscaping standards enhance and strengthen the image of the plan district and create a more formal landscape design and provide continuity along Airport Way. Development standards for the southern portion of the district (Southern Industrial subdistrict) reflect City’s standards for general industrial areas.*

*Special development standards for the frontages along Airport Way and Marine Drive are intended to:*

- *Enhance the street image of the plan district through continuity in street frontage landscaping along Airport Way;*
- *Soften the visual impact of buildings, semi-trucks and trailers, and outdoor storage along Airport Way and Marine Drive; and*
- *Encourage non-auto-oriented travel to, from, and within the district.*

EG2 zone character statement: The desired character of the EG2 zone is stated in Zoning Code Section 33.140.030.A:

General Employment. *The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, industrially related, and offices uses, typically in a low-rise, flex*

*space development pattern. Retail uses are allowed but limited in intensity to maintain adequate employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.*

Approval of this Adjustment to not provide a pedestrian connection to NE Airport Way through this site's 12.18-ft. of NE Airport Way frontage is consistent with the purpose of the plan district because it will allow the continuity of required special landscape setback and landscape design along NE Airport Way required by the plan district to be maintained. Non-auto travel is encouraged within the Columbia South Shore Plan District and the pedestrian connection to NE Holman Street provides this alternative form of transportation. Pedestrians will still have a direct access to businesses within this plan district, and adjacent properties via the city walkway along NE Holman Street with a direct connection to the city walkway on NE Airport Way and TriMet Bus Line #87 which provides transit service near NE 112<sup>th</sup> Avenue on NE Holman Street.

Approval of this adjustment is consistent with the purpose of the EG2 zone and Columbia South Shore Plan District since it will allow for this irregular corner lot with limited frontage on NE Airport Way to be developed with a commercial use and meet the remaining development standards of the zone and plan district. The new development being proposed on the site is a hotel, which is consistent with the character of the zone since there are existing hotels within the vicinity of this site. Hotels are considered a retail sales and service use and are allowed within the plan district. Development of a commercial use like a hotel provides job opportunities which is consistent with the purpose of the EG2 zone.

As stated above in the findings for Approval Criterion A, a 6-ft. wide pedestrian connection will be provided from the future development to NE Holman street that provides access via the city walkway to NE Airport Way, and adjacent properties, businesses within the district and TriMet transit service. Therefore, this proposal would be consistent with the EG2 zone character, purpose statement and with the Columbia South character statement. This criterion is met.

**C. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and**

**Findings:** Because only one Adjustment is being requested, this criterion is not applicable.

**D. City-designated scenic resources and historic resources are preserved; and**

**Findings:** City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s" and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

**E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and**

**Findings:** As discussed in the findings for Criteria A and B, no mitigation is required since a pedestrian connection will be provided to NE Holman Street which provides a direction connection via the city walkway to NE Airport Way and adjacent properties within the area. Therefore, the proposal will equally meet the purpose of the pedestrian connection standard and will have no adverse impacts on the classifications of the adjacent streets or the desired character of the area, so no mitigation is required. Therefore, this criterion is met.

**F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;**

**Findings:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). Because no environmental overlay zone is mapped on the subject site, this criterion is not applicable.

## **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 requirements of Title 11 can be met, and 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**

As part of three lot partition approval under Land Use Case # LU 07-106345 LDP a tree preservation plan was established for this parcel. Nine of the twenty-nine Black Cottonwood trees were required to be preserved. Sometime between 2010 and today, seven of these trees were removed from the site and only two large Black Cottonwood trees remain. The applicant is requesting to remove the remaining trees in preparation for future development on the site. To mitigate for the removal of the remaining trees the applicant proposed to plant 25 trees on the site in addition to those required to meet Title 33 and Title 11 landscape standards. The conceptual development plan does not demonstrate there is sufficient area for mitigation trees to grow to mature canopy. Reducing the mitigation tree plantings proposed from 25 to 15 trees and dispersed within the mitigation areas shown provides choice of species type more appropriate for a developed area and provides for spacing of plantings which will ensure overall health of trees to allow for mature height and mature tree canopy spread. These mitigation plantings will be planted to be part of the required landscaping. To address the remainder of the loss of these high priority Black Cottonwoods and to address the unauthorized removal of 7 Black Cottonwoods, the applicant will be required to mitigate the loss by payment into the City Tree Fund the amount equivalent to 63-inches of trees (42.5 inches of tree for the Tree Review and 40.5 inches of trees for the Tree Violation). The combined mitigation of plantings and payment in lieu into the Tree Fund is equivalent to meeting the minimum tree preservation standard of 35% (105.5-dbh inches) of the original land division site.

The proposal to not provide a pedestrian connection from NE Airport Way and to only have a pedestrian connection from the future main entrance to NE Holman Street equally meets the purpose of the regulation and is consistent with the classifications of the adjacent streets and the desired character of the area. The pedestrian connection to NE Holman Street will be within 125-ft. of the intersection of NE Airport Way’s frontage. The East Portland Land Use & Transportation Committee comments supported the adjustment request. The applicant has demonstrated that the applicable approval criteria have been met. Because the approval criteria have been met, the proposal must be approved.

## **ADMINISTRATIVE DECISION**

**Approval of an Adjustment Review** to not provide a pedestrian connection to NE Airport Way (Zoning Code Section 33.140.240.B) and allow the future development on the site to have a pedestrian connection only to NE Holman Street, illustrated by the approved site plan, Exhibit C.1, dated March 6, 2020 and subject to the following condition:

- A. The location of the pedestrian connection may move along the frontage of NE Holman Street, but it must be within 125-ft. of NE Airport Way frontage as shown on Exhibit C.1.

**Approval of a Tree Review** to change the original tree preservation plan of LU 07-106345 LDP to allow removal of Tree #2- and #3 Black Cottonwoods.

**Approval of a Tree Violation Review** to correct a violation resulting from the unauthorized removal of seven Black Cottonwoods (88-inches) required to be preserved as part of LU 07-106345 LDP.

Tree Review and Tree Violation Review are illustrated by Exhibit C.1 signed and dated March 6, 2020 and subject to the following conditions:

- B. Prior to issuance of a building permit for development on Parcel 1 of Partition Plat 2011-7 or reconfigured Parcel 1 or Parcel 2 of Partition Plat 2011-7, the applicant must pay into the City Tree Preservation and Planting Fund [Private Property Trees – Planting and Establishment, fee in Lieu (per inch)] the amount equivalent to a total of 83 inches of trees (42.5-inches for the Tree Review and 40.5 inches for the Tree Violation Review =83 inches). Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.
- C. As part of the building permit application for the future development on the site, the landscape plan must reflect a total of 15-mitigation trees within the mitigation areas as shown on Exhibit C.1. These 15 trees will be dispersed within these mitigation areas. These trees will be counted as required landscaping for this site. If in the future these trees are determined to be dead, dying, or dangerous, then the trees must be replaced in kind.
- D. Condition D.1 of LU 07-106345 LDP no longer applies to the site.

**Staff Planner: Lois Jennings**

**Decision rendered by:**  **on March 6, 2020.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 10, 2020**

**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 November 25, 2019, and was determined to be complete on January 27, 2020.

*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 November 25, 2019.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 26, 2020.**

**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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 24, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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](http://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 Hearings Officer 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 Hearings Officer 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **March 24, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

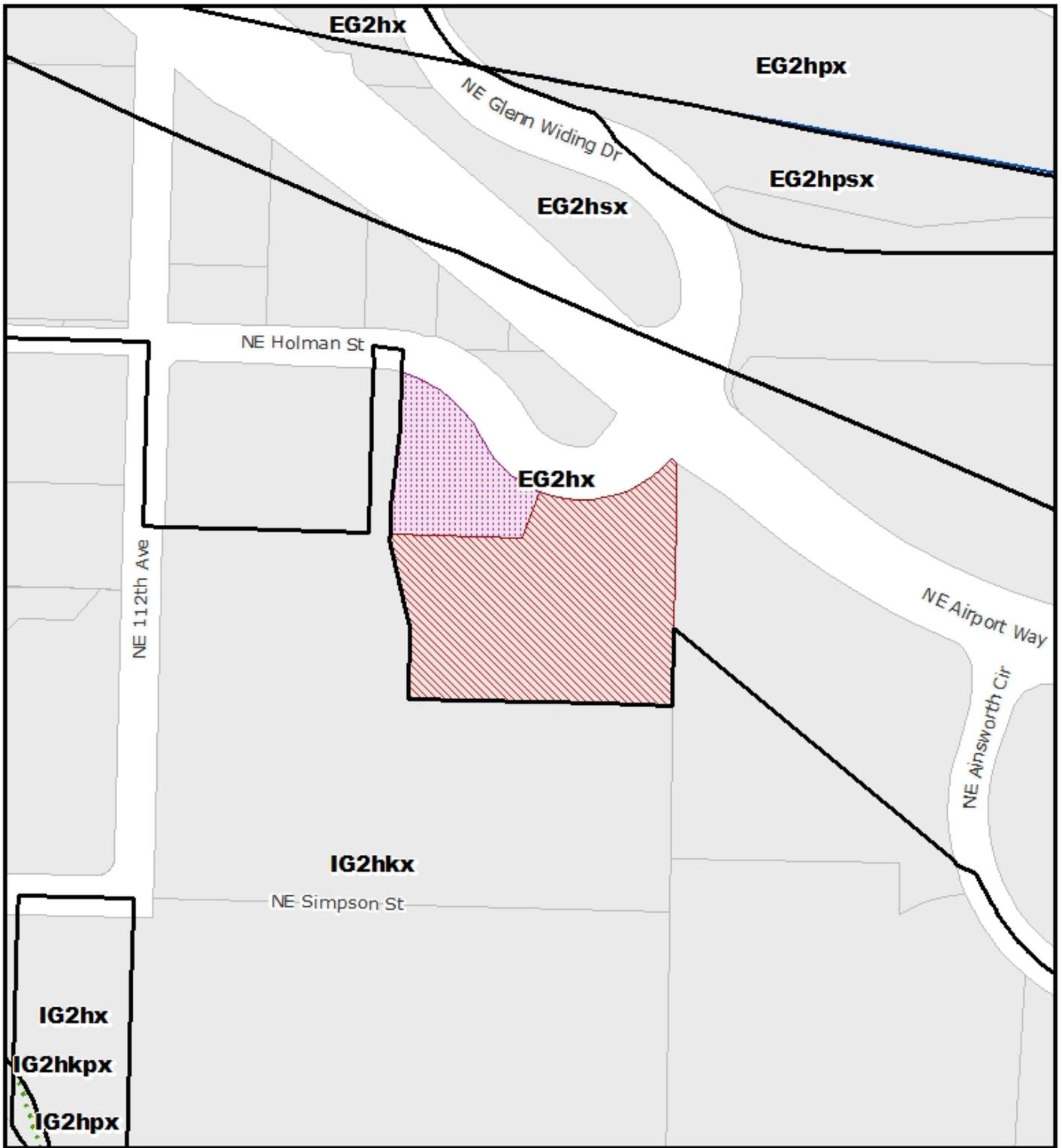
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Original submittal Summary of Proposal and Narrative addressing Approval Criteria
  - 2. Preliminary Plans identified as Exhibit A
  - 3. April 26, 2007 -Tree Care & Landscape Unlimited arborist report (identified as Exhibit B)
  - 4. Honl Tree Care Arborist Report dated November 7, 2019 (identified as Exhibit C)
  - 5. Mitigation for tree review (identified as Exhibit D)
  - 6. Mitigation plan for Violation Review (identified as Exhibit E)
  - 7. January 27, 2020 letter in response to incomplete letter
  - 8. Preliminary Development layout plan (identified as C100)
  - 9. Preliminary Tree Plan (identified as L1.0)
  - 10. Preliminary Landscape Plan (identified as L1.1, L.2, L2.1 & L3)
  - 11. Concept site plan for property line adjustment and easements
  - 12. Summary of Proposal and Narrative addressing Approval Criteria
  - 13. Honl Tree Care Arborist Report dated January 21, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan Modified by City Staff showing Mitigation Areas for trees plantings and pedestrian connection distance from NE Airport Way (**attached**)
  - 2. Original 2007 Tree Preservation Plan
- D. Notification information:
  - 1. Mailing list for January 31, 2020
  - 2. Mailed notice dated January 31, 2020
  - 3. Mailing list for February 12, 2020
  - 4. Mailed notice dated February 12, 2020
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Bureau of Transportation
  - 3. Water Bureau
    - a. Revised Water Bureau comments dated February 27, 2020
  - 4. Fire Bureau
    - a. Fire Bureau Response dated February 28, 2020
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Section of BDS
- F. Correspondence:
  - 1. Arlene Kimura, e-mail
  - 2. East Portland Land Use & Transportation Committee letter received by e-mail dated March 2, 2020
- G. Other:
  - 1. Original LU Application
  - 2. December 20, 2019 Incomplete Letter
  - 3. LU 07-106345 LDP LDS decision with Exhibit C.2 -Tree Preservation Plan
  - 4. Arborist Report from LU 07-106345 LDP
  - 5. Tree Preservation Plan from LU 07-106345 LDP
  - 6. 2007 Tree Preservation Code Chapter 33.630
  - 7. Copy of recorded Final Plat for LU 07-106345 LDP
  - 8. E-mail with memo to Debbie Cleek about Tree Violation and Tree Review
  - 9. E-mail communication with applicant

**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).**



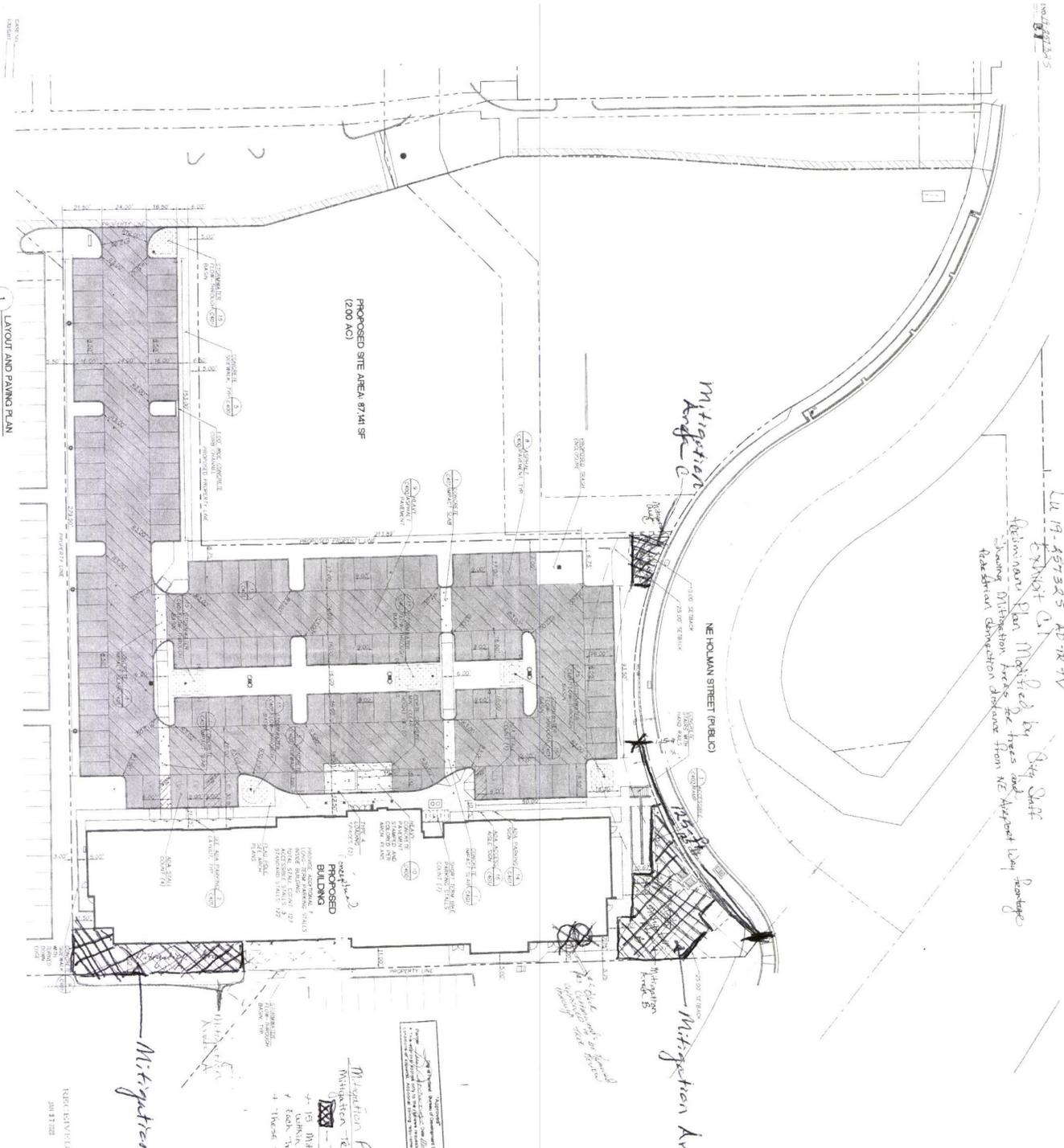
# ZONING

NORTH ↑

COLUMBIA S. SHORE PLAN DIST

-  Site
-  Also Owned Parcels
-  Stream
-  Recreational Trails

File No.	<u>LU 19 - 257325 AD,TR,TV</u>
1/4 Section	<u>2442</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N2E15DB 901</u>
Exhibit	<u>B</u> <u>Dec 02, 2019</u>



11/19/2015 AD TR 1  
 Exhibit C-1  
 Preliminary Plan Modified by Site Staff  
 Showing Distinction Areas for trees and  
 Retention Connection Structure from NE Airport Low Pointage

SHEET LEGEND	
TYPE	DESCRIPTION
[Symbol]	CONCRETE SIDEWALK
[Symbol]	ASPHALT PAVEMENT
[Symbol]	SEAL ASPHALT PAVEMENT
[Symbol]	SEWER CONDUIT
[Symbol]	STANDARD CONCRETE CURB
[Symbol]	GRASS
[Symbol]	TERRAZZO TILE SLAB
[Symbol]	CARP DRIVE
[Symbol]	RETAINING WALL
[Symbol]	TERRAZZO TILE PLANKER CURB (RETAINING)

**Mitigation Plantings**  
 Mitigation Trees  
 [Symbol] - Leaves Mitigation Trees Area A, B, etc.  
 [Symbol] - 15 Mitigation Trees must be preserved (as applicable) within these mitigation plantings (15' x 15' x 15' min) + each tree must be a minimum of 15' caliper inches + these trees are required landscaping

Mitigation Area A

RECEIVED  
 JUN 31 2015



**Humber Design Group, Inc.**  
 503.946.6690  
 hdgdx.com



PRELIMINARY PLANS NOT FOR CONSTRUCTION

**HOLMAN HOSPITALITY GROUP, LLC**  
 CAMBRIA HOTEL  
 LAYOUT AND PAVING PLAN

**ADCI** Architectural Design Consultants, Inc.  
 30 Wisconsin Dells Parkway • P.O. Box 580  
 Lake Delton, WI 53646  
 Phone: (608) 254-6181 Fax: (608) 254-2139

Professional Engineer Seal for David J. Humber, License No. 10000, State of Wisconsin, dated 12-31-2015.

Reduced Copy Not to Scale  
 11/19-257325 AD TR 1  
 Exhibit C-1