



Urban Forestry

Land Use Review Response

Date: September 13, 2021
 From: Dan Gleason
 503-823-1691, Daniel.Gleason@portlandoregon.gov
 Case File: 21-061842-000-00-LU
 Location: 550 SE M L KING BLVD
 Proposal: DZ HEARING - The Applicant is requesting approval for a Type III Design Review with Modifications and a concurrent Type II Historic Resource Review for a proposed new half block, 7-story "5-over-2" mixed-use building in the Central Eastside Subdistrict of the Central City Plan District.
 Ground-level uses include commercial retail spaces, residential amenities, parking with approximately 60 parking stalls, and approximately 132 residential dwelling units of varying sizes at levels 2-7. The Type II Historic Resource Review is required as a small portion of the east building wall is within the East Portland/ Grand Avenue Historic District.

The proposal requests approval of the following Modifications:

Modification 1

ζ Request to modify Ground Floor Windows coverage, PZC, 33.510.220 to reduce from 40% coverage to 33.9% on SE Washington.

ζ Request to modify Ground Floor Windows length, PZC, 33.140.230.B, to reduce length from 50% to 36.2% on SE Washington.

Modification 2 ζ Request to modify Ground Floor Active Use, PZC, 33.510.225 to reduce the requirement from 50% to 39.6% of the ground floor of walls that front onto a sidewalk be design and constructed to accommodate active uses in accordance the standards of the section for height and depth of space, accessibility, and glazing requirements.

Design Review is required because the proposal is for non-exempt new construction within in Design Overlay zone. Modification Reviews are required because the applicant is requesting to not meet the standards indicated above.

Historic Resource Review is required for the portion of the East facade of the proposed building that is within the East/ Portland Grand Avenue Historic District.

Urban Forestry has reviewed the proposal for its impact on existing street trees and heritage trees, street tree planting requirements and related mitigation, in accordance with Title 11, Trees.

PLEASE NOTE THERE MAY BE OTHER APPLICABLE TREE REQUIREMENTS AS PER TITLE 33 PLANNING & ZONING.

A. Response Summary

Urban Forestry does not object to approval of the proposed development subject to the following conditions:

- Changes to ground floor use or façade materials will not require equipment or scaffolding that will require removal of the red oak street tree.
- A Tree protection plan for the red oak street tree must be presented to Urban Forestry as a condition of the Final Plat.



The red oak on the corner of SE MLK and SE Stark must be preserved at all phases of construction. The roots within the ROW must be protected and construction activity must be designed to reduce impacts to the tree. The applicant must preserve tree per 11.60.030 Tree Protection Specifications.

A. Tree Plan (11.50.060)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. A tree plan was not submitted with the EA application, but additional tree information is required. The plan must include the following information for street trees:

- a. The size and location of street trees adjacent to the subject property.
- a. Trees proposed to be preserved including tree protection specifications in accordance with 11.60.030.
- b. Tree(s) proposed for removal.
- c. Tree planting plan (tree species and location(s)).

A. Street Trees

1. *Existing Street Conditions*

- a. SE MLK Blvd: The site has approximately 200 feet of street frontage. The right-of-way is improved with pavement, curbs, planting cutouts, and sidewalks. There are five street trees.
 - i. 16” red oak in good condition
 - ii. The remaining trees are Norway maple trees (18-22”) in good condition
- b. SE Stark St: The site has approximately 100 feet of street frontage. The right-of-way is improved with pavement, curbs, and sidewalks. There are no overhead high voltage power lines. There are no street trees.
- c. SE Washington St: The site has approximately 100 feet of street frontage. The right-of-way is improved with pavement, curbs, and sidewalks. There are no street trees.

2. *Street Tree Preservation (11.50.040)*

Based on the proposed development it appears existing street trees may be impacted. Development proposals must be configured to avoid street trees.

The Norway maples are can be approved for removal if necessary to facilitate development.

The red oak must be preserved at all phases of construction. Streetlights, utilities, and building design must be not impact the red oak.

If the applicant believes the tree must be removed to facilitate development, the applicant must provide adequate technical analysis demonstrating why the tree cannot be preserved while developing the site to City standards. If the tree will be impacted by development an arborist report is required.

3. *Street Tree Protection Specifications (11.60.030)*

Tree protection is required in accordance with Title 11 Trees, Protection Methods (11.60.030). A protection plan for the red oak must be provided and to show that the construction of the building will not impact the trees health. A tree protection shall speak to the possible impacts to the tree roots and canopy and describe the steps that will be taken to avoid these impacts. It is recommended a project arborist is used to speak to the impacts the tree can sustain.



4. *Street Tree Planting* (11.50.060.C)

The applicant has not provided a conceptual street tree planting plan. One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum 2.5 caliper inches. Trees will be required to be planted through the public works permit.

Heritage Trees

1. *Heritage Trees* (11.20.060):

There is not a heritage tree located on or adjacent to the site that is on the City of Portland's Heritage Tree list.

B. Conditions of Approval

Urban Forestry has no objections to the proposal subject to the following conditions of approval:

- A street tree protection plan for the red oak street tree must be sent to Urban Forestry. The protection plan must describe the potential impacts of equipment and building materials that will extend into the right-of-way, and show how changes to ground floor use or façade materials will not require removal of the red oak street tree.





URBAN FORESTRY TREE REQUIREMENTS

Early Assistance and Land Use Review

Portland Parks & Recreation Urban Forestry staff review Early Assistance and Land Use Review materials to identify potential issues and requirements in accordance with Title 11, Trees and Title 33, Zoning Code. The purpose of these reviews is to identify potential issues and/or impacts on existing street trees, heritage trees, and trees on City-owned or managed sites (if applicable), as well as to provide adequate areas for future street tree planting on existing and proposed public streets. Trees on private property are subject to development standards from the Bureau of Development Services. See planning requirements for private property trees or call the Zoning Hotline at 503-823-7526.

Tree Plan Submittal Requirements (11.50.070)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications, and public works permits. The tree plan information may be combined with other relevant plan sheets. The tree plan submittal shall include the following information:

- existing improvements;
- proposed alterations;
- existing street trees ≥ 3 " DBH including size and location;
- existing on-site trees ≥ 6 " DBH within 15' of the limits of disturbance;
- trees proposed for removal;
- tree planting proposal, including tree size, species and location; and
- trees to be retained and proposed tree protection measures meeting the specification in Chapter 11.60.

Any changes to an approved Tree Plan, including amending tree species must be approved by the City Forester. Please note that the City Forester may not approve revised tree planting plans based on the lack of species availability. To facilitate species availability, it is recommended that tree procurement occur approximately 6 months prior to installation.

Tree Mitigation (11.50.040.C.2)

Healthy street trees ≥ 6 " DBH that are approved for removal shall be replanted with two trees in addition to trees required to be planted to meet Street Tree Planting Standards, below. When street improvements are to partially or fully unimproved streets, healthy street trees ≥ 12 " DBH approved for removal shall be replanted with two trees, with trees planted to meet Street Tree Planting Standards credited towards meeting this requirement. Tree replacement for trees removed shall occur in the street planter strip, on site, or in the same watershed either by planting or by paying a fee in lieu of planting in accordance with table 60-1, below.

On City-owned or managed sites, healthy, non-nuisance trees ≥ 6 " DBH that are approved for removal shall be replanted per the Administrative Rule PRK-2.04 for tree replacement standards, below:



Tree Replacement for Development on City Owned or Managed Sites

Size of tree to be removed (inches in diameter)	Number of trees to be planted
6 and up to 12	Up to 2
More than 12 and up to 20	Up to 3
More than 20 and up to 25	Up to 5
More than 25	Up to 6

Street Tree Planting Standards (11.50.050)

One street tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. Planting is exempt when existing above or below grade utilities prevent planting of street trees, or if the existing design of the street will not accommodate street tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells. Trees planted to meet street tree planting standards are credited toward mitigation requirements when street improvements are to partially or fully unimproved streets. When the required number of trees cannot be planted, a fee in lieu of planting will be required, in accordance with Table 60-1, below.

Table 60-1 Broadleaf Tree Size Requirements

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5”	1.5”
Multi Dwelling Residential	1.5”	2”
All others	1.5”	2.5”

Tree Planting Specifications

If there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. Street tree species shall conform to the appropriate “City of Portland Approved Street Tree Planting List.” The City Forester may approve or require an alternate or unlisted species.

All required street trees shall be planted in-ground following Standard Drawing Number P-581 “Typical Street Tree installation,” except when in raised planters that are used to meet Bureau of Environmental Services storm water management requirements. Please include the Standard Drawing Number P-581 as part of the Public Works permit application. Plant materials shall be installed to current nursery industry standards and proper arboricultural practices [American National Standards Institute, *ANSI A300 Part 6: Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices (Planting and Transplanting)* 2012, Tree Care Industry Association, Inc. Londonderry, NH]. Plant materials shall be properly supported to ensure survival.



All trees required or approved to be planted by Title 11 shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Street tree planting may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060 or other assurance deemed acceptable by the City Forester or BDS Director as applicable.

Tree Protection Specifications (11.60.030)

Trees to be retained shall be protected in accordance with Title 11 Trees, Protection Specifications (11.60.030.C). Tree protection shall be shown on the tree plan and include the distance from the trunk of the tree to the fence. A standard root protection zone is established as follows; a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter. Protection fencing shall be a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts established at the edge of the root protection zone and permissible encroachment area.

