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August 8, 2016

Planning and Sustainability Commission
c/o Bureau of Planning and Sustainability
1900 SW 4th Avenue
Portland, Oregon 97201-5380

RE: Central City 2035 – Volume 2: Zoning Code & Map Amendments
June 20, 2016 – Bureau of Planning and Sustainability
Recommendation

The CEIC Board and Land Use and Urban Development Committee (LUDC) remain seriously concerned about the Bureau of Planning and Sustainability's recommendations. The issues we raise were not brought into the process until the very end of this particular phase without adequate research, explanation, or public discourse.

1. **Bonuses: 33.510.200 Floor Area ratios; E. Exemptions.**

Response:

The elimination of nearly all the bonuses for one - affordable housing - is a dramatic change from the philosophy of the adopted Central City Plan. Staff argues that bonuses are not relevant as they have been incorporated into the zoning code. This elimination defeats the bonus system's philosophy. The purpose of the bonus system is to explicitly provide incentives to encourage developers to strive for a higher public good.

Bonus for Art remains important. A new bonus that eliminates structured parking in a building from the calculation of FAR would be extremely valuable. This bonus would serve two purposes: 1) spread interior parking out into multi-use buildings throughout the district and 2) encourage active uses on the ground floor.

Recommendation: The bonuses and their public purposes should be explicitly identified.

2. **Eco-roof Proscriptive Mandate: 33.510.243 Ecoroofs.**

Response: Portland needs to support the creative use of rooftop space for tenants and the public. Active roof tops are common in all

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cosmopolitan urban cities. Rooftops can be used as amenities such as trees, garden areas, patio space, and recreation space.

Stormwater can be addressed in a variety of ways including vertical swales (living walls and connected landscape features) and reuse of the water. There are a variety of ways to deal with reflective heat as well. Oregon State University recently invented a new color blue that has properties that cools surfaces. Eco-roofs can serve an aesthetic function. Birds actually prefer vertical swales for roosting as oppose to flat areas that are vulnerable to predators (sitting ducks). The functionality and loss of diversity in demanding only one roof option harms the City's urban character.

Recommendation: The requirement should be eliminated or 33.510.243.B.1 should include an exemption for active uses of the roof.

The purpose statement should be amended to say: "Ecoroofs is a method to provide a combination of complementary benefits in urban areas, including stormwater management, reduction of air temperatures, and habitat for birds and pollinators. Eco-roofs should not preclude active use of the roof when these benefits can be alternatively addressed."

4. Height Limits in East Portland Grand Avenue National Historic District: Maps 510-3 and 510 – 4.

Response: The East Portland/Grand Avenue National Historic District was created to prevention the ongoing destruction of historic buildings in the Grand Avenue corridor by downtown developers. Portland City Council made a policy decision to allow floor to area ratios and heights in the proposed historic district due to the strong transit including the expected street car and the district's urban design which was built around a strong Grand/MLK spine consistent with the area's history.

The district's purpose is to focus of the area's history, not architecture. History is the basis for historic districts, not architecture.

The City Council in adopting the Central City Plan had no intention to "dummy down" the Grand/King core to create a false perception of the area's historic era that includes both the street car and emerging automobile age. New tall buildings would stand in contrast to the streetcar buildings defining a clear comparison of development eras.

Compatibility between new and old buildings can be achieved without forcing the modern buildings to under develop.

Recommendation: Keep the current floor to area ratios and heights.

5. I-84, Tillicum Crossing, and Salmon Springs Viewpoints: Maps 510-3 and 510 – 4.

Response: 133 view corridors were identified in the Central City. State Goal Five requires identification of the value of the scenic resources, the value of conflicting use and a determination as to allow the conflicting resources, limit (such as the environmental review process), or prohibit. Six resources resulted in a limited determination and 29 resulted in prohibited.

Only three of the prohibited determinations actually resulted in precluding conflicting resources; Tilikum Crossing (Mt. Hood), Salmon Springs (Mt. Hood), and Interstate 84 (downtown).

Goal Five requires that each individual resource be analyzed; particularly when resources are in very different circumstances such as the Central City scenic resources where the only three protected, in their specific circumstance, have a dramatic economic impact.

Salmon Springs is a case in point. The resource is Mount Hood viewed from Portland's Central City lowest elevation; a view visible from downtown less than 8% of the year. A conservative estimate of the economic value of the conflicting uses concluded that the view corridor results in a reduction of 432,915 square feet, \$15,584,940 in value, and job capacity of 2,166.

The impact of the Salmon Spring's decision to protect, limit or allow conflicting resources was never weighed as an Economic, Social, Environmental and Energy (ESEE) was never conducted. In fact, the Bureau of Planning and Sustainability's February 2016 draft recommended that this view corridor should not be protected.

The combined impact of the three view corridors impacting Central Eastside is 1,102,538 square feet; \$39,691,368 lost value, and 5,520 lost job capacity. The staff asserts on page 42 of the ESEE analysis that the Central Eastside's surplus job capacity is roughly 3,000. The protection of these three resources results in a significant loss in job capacity.

The Environment, Social, and Energy aspects of the ESEE analysis were never analyzed. These attributes are negatively impacted as potential jobs and activities are displaced from the City's center increasing

environmental and energy costs and reducing proximity benefits of socialization.

Recommendation: Apply the ESEE analysis to each resource proposed for protection.

6. 50 foot Greenway Setback

Response: The 25 foot setback from the original Greenway plan has been proposed to be increased to 50 feet. Waterfront development was difficult at 25 feet. At a 50 foot setback, it only becomes more expensive and difficult. The City's acknowledgement that river-related and river-dependent property owners can use their property in the setback to support their operations (terminal) is positive; however the City routinely disputes whether a use is river related or dependent. It is unclear if the setback area can be used for anything other than ramps and docks.

River-related and river-dependent operations need to be able to use the setback area to support their operations with buildings that house the operations that support their river business. The setback is unrealistic and does not comply with Statewide Planning Goal 15, Willamette River.

Recommendation: The City needs to continue to make more progress recognizing the Marine Transportation Security Act of 2002 (MTSA).

Sincerely,



**Peter Finley Fry, vice-Chair
CEIC Land Use and Urban Development Committee**



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RE: Central City Zoning – 2035

Bureau of Planning and Sustainability staff has informed us that they intend to close the “record” at the end of the Portland Planning and Sustainability public hearing on August 9th.

Oregon State Goal One asserts that jurisdictions must involve citizens in legislative processes.

We object to the closure of the record for three reasons:

- 1) This is a legislative process.
- 2) Critical background information has not yet been released by the Bureau of Planning and Sustainability.
- 3) The Bureau has raised new and major issues at the very end of this phase of the process.

The Salmon Springs view corridor was not revealed until the June 20, 2016 Bureau draft of recommendations. In fact, the February draft rejected the prohibit option. The “green roof”, reduction of height limits, and view corridors were not discussed throughout the Southeast Quadrant as policy issues.

According to Bureau staff, the Commission will not be holding their workshops until this fall.

We recommend that staff review, for you, the testimony presented and develop their response. At that time, we recommend that you hold a second public hearing on the staff’s document. This is the procedure that Portland’s City Council follows.

As an alternative, we demand that the written record be kept open for seven days as provided for by State law in quasi-judicial requests.

Sincerely,

Peter Finley Fry, vice-Chair
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