



Audubon Society of Portland
5151 NW Cornell Road
Portland OR 97210

Planning and Sustainability Commission
1900 SW Fourth Ave., Suite 7100
Portland OR, 97201 Attn:
CC2035 testimony

August 9, 2016

Dear Members of the Planning and Sustainability Commission,

Please accept the following comments from Audubon Society of Portland regarding the Central City 2035 Plan. Audubon was represented on the NE Quad and West Quad Advisory Committees by Bob Sallinger and also participated in the development of the SE Quad Plan from which the Central City Plan was constructed. We appreciate the opportunity to participate in this process and the tremendous amount of work that has gone into this effort.

Our specific comments are as follows:

Greenway Setback: Audubon strongly supports the expansion of the Greenway Setback from 25 to 50 feet. In fact we believe that the city should go further and try to achieve 100 feet. The greenway setback along the Willamette River serves multiple purposes including protecting water quality, providing fish and wildlife habitat, resiliency against flood events, access to the river, recreational opportunities, trail corridors and ensuring adequate capacity for river dependent economic uses. The current 25 foot setback is far too narrow to achieve these multiple goals and in particular is far below the width necessary to achieve healthy ecological function. Today, the Lower Willamette as it passes through Portland, is the most degraded stretch of the entire 187-mile Willamette River system. The degraded habitat conditions significantly impede efforts to recover federally listed salmonids and undermine the efficacy of efforts to protect and restore salmonid habitat upriver of Portland since every salmonid in the Willamette River system must still pass through Portland as it swims to the sea. The proposed 50 foot setback represents a significant step forward. However, we would make the following three recommendations:

- 1) It is absolutely critical that the City include mechanisms to move existing development out of the 50 foot setback over time. As currently proposed, existing development in the 50 foot setback could be rebuilt on the same footprint and would be allowed to expand upward. Retaining this allowance would render the greenway expansion functionally meaningless on the ground since much of the expansion area is covered with existing development. In fact, given

that property owners would be allowed to build taller without any reduction in footprint size from existing development, it is likely that the greenway will actually become more developed over time. We strongly recommend that the PSC give real meaning to the 50-foot setback by prohibiting new construction and making existing development nonconforming uses, where minor renovations would be allowed but major renovations or rebuilding would be required to be transferred outside the 50-foot setback. We would encourage the City to couple this with incentives such as increased FAR or height allowances in order to encourage owners of existing development to move out of the greenway sooner.

- 2) We encourage the City to look at whether there are locations within the Central City where larger set-backs should be promoted such as was accomplished at South Waterfront. On larger redevelopment areas such as in the area surrounding the Moda Center, we would encourage the City to consider a 100 foot setback.
- 3) While a 50-foot setback in the heavily developed Central City may be the best that can be accomplished, this should not serve as precedent for the North and South Reaches where a much larger setback should be attainable.

Ecoroof Requirement: Audubon strongly supports the proposed ecoroof requirement (33.510.243) on buildings over 20,000 square feet. However, this proposal does not go anywhere near far enough. As currently proposed, the standard would only apply to buildings over 20,000 square feet, and would be required on only 60% of the rooftop excluding areas that are covered by solar panels, skylights or mechanical equipment or fire evacuation routes. The result of these provisions is that ecoroofs would only be required on very small portions of the roofs of very large buildings. We believe that the City can and must do better. Portland was once a leader in ecoroof technology development and implementation, but it has clearly lost that leadership role in recent years.¹ Portland now ranks 4th on the list of US Cities with the worst urban heat island effects in the United States.² Portland has already eliminated one of its ecoroof incentive program administered through BES and the proposed Central City Plan proposes to eliminate the other by terminating the FAR bonuses that have been available to developers who install ecoroofs. Audubon supports the shift from incentives to mandatory ecoroofs, the requirement must be robust. Our recommendations are as follows:

- 1) The requirement should apply to all buildings over 10,000 square feet
- 2) The City should require at least 75% coverage on these roofs
- 3) Restore the BES ecoroof incentives for buildings below the mandatory threshold

Greenway Replanting: Audubon strongly supports the goal of increasing vegetation along the Willamette River Greenway. However, the proposed regulations appear to have significant loopholes or omissions when it comes to vegetation replanting which could significantly undermine this objective. Specifically we are concerned about provisions in which if vegetation is removed in either non-development situations or is non-native vegetation, the requirement to replant does not apply. We urge the City to require replanting as per Table 475-1 in all situations including situations where vegetation is removed in non-development situations and where non-native vegetation is removed. We further

¹ <http://www.bizjournals.com/portland/blog/sbo/2015/04/portland-executives-worry-the-city-is-losing-its.html>
<http://www.oregonbusiness.com/article/item/12212-portland-executives-express-concerns-about-sustainability>

² <http://www.usatoday.com/story/weather/2014/08/21/urban-heat-islands-study/14389371/>

recommend that in situations where non-native vegetation that is found on the City's nuisance plant list is found within the Greenway, that property owners be required to remove and replant so as to not perpetuate invasive species infestations.

Development in Openspace: The proposed Central City Plan would allow commercial development in McCall Waterfront Park as well as in inner eastside parks. From Audubon's perspective, this represents a significant step in the wrong direction. As the city becomes more crowded, the need for real openspace is going to intensify. Out parks and natural areas are not appropriate locations to allow permanent commercial developments. There are many ways to activate parks without filling them up with retail outlets. We urge the city to develop incentives and zoning in the areas surrounding parks that actively promotes the type of commercial activity the city would like to see in close proximity to parks, rather than turning our parks in de facto commercial zones. We also question why this specific issues has not been brought before the Portland Parks Board. When Audubon served on the Parks Board between 2001 and 2014, the Board strongly opposed commercial development in Openspace; however it is our understanding that the Board has not been approached about the current proposal--we would encourage BPS to engage the Parks Board ASAP.

FAR Bonuses (33.510.200): While Audubon supports prioritizing FAR bonuses to support affordable housing (assuming that the plan also adopts a provision to require ecoroofs in lieu of eliminating the existing FAR bonus for ecoroofs). However, we urge the city to retain other limits opportunities use FAR bonuses as incentives. Specifically we support the following:

- 1) Retain the openspace bonus, openspace fund bonus and South Waterfron Greenway bonus as proposed in the draft plan
- 2) Add a river restoration bonus in which developers in the Central City can contribute to a Willamette River Restoration Fund in exchange for increased FAR

Major Public Trails: Audubon does not support the change in terminology from "public recreational trails" to "major public trails" (33.510.253.E.d.(2); 33.475.440.E and elsewhere). We believe that this terminology overemphasizes the use of the Willamette River Greenway as a transportation corridor relative to its other equally important functions (openspace, accesss, restoration, habitat, recreation, etc.) This is much more than a semantic issue---the plan perpetuates a move toward converting the greenway into something that looks increasingly like to two land road to the detriment of its other functions. At the central district of South Waterfront for example, the 100 foot greenway is dominated by two wide paved paths with a median strip and an additional universal access road, despite the fact that there is space allocated for on road biking just a block away. We believe this is very poor use of very limited openspace. We urge the PSC to do the following:

- 1) Eliminate the term "Major public trails"
- 2) Eliminate the requirement to have two trails (one for peds and one for bikes) plus a median within the greenway. There are examples throughout the country of bikers and pedestrians sharing a single divided trail. Our greenway should not be used as a speedway.
- 3) Tier the size of the trails in the greenway to the width of the greenway such that trails may consume no more than 25% of the width of the greenway (a 25 foot wide greenway would allow for a 6.25 foot wide trail; a 50 foot wide greenway would allow for 12.5 feet of trails, etc.)
- 4) Require all trails to be set as far as possible landward of the first 25 feet above top of bank and retain the prohibition on trails within 10 feet of top of bank

Floodplains: Appendix B in Volume 3b which described FEMA Floodplain Requirements (to maintain eligibility for the Federal Flood Insurance Program (page 5) needs to be updated. It indicates that FEMA is currently in consultation with National Marine Fisheries Service for a Biological Opinion regarding the National Flood Insurance Program’s impacts on listed salmonids in Oregon. The BiOp is now complete and includes specific “reasonable and prudent alternatives” (RPAs) that the city should delineate in this section and also ensure compliance throughout the rest of the Central City Plan.

Trees: The Plan sets some ambitious tree targets for portions of the Central City. However the tree components of the Central City Plan have been a continuous state of flux throughout the Central City Process and this aspect of the work still feels unsettled and incomplete. Trees are unevenly distributed across districts and there are some districts that could actually lose tree canopy under the provisions of this plan. Nowhere in the Central City do the tree targets come close to achieving the overall tree canopy targets for the City.

We are not confident at this point that the City has really figured out this element of the Central City Plan. We urge the City to be very aggressive in terms of protecting and planting trees in the Central City. As the city becomes denser, trees will only become more essential in terms of addressing livability, urban heat island effect, sustainable storm water strategies and other environmental and social benefits that are well documented through the work of BES as well as in volume 5 of the CC Plan. We feel that overall, when it comes to trees, the Central City Plan seems to suffer from a sense of limitation based on existing development patterns, as opposed to trying to shape future development patterns to better accommodate a healthier more robust canopy. This plan should represent a pathway towards desired future conditions, not perpetuate the status quo. The following are our concerns/ recommendations regarding trees in the Central City Plan:

- 1) The Plan does a very good job of articulating how more ambitious targets could be achieved (see Alternative Options, volume 5, pages 79-81). The plan notes that the biggest gains could be accomplished by incorporating Title 11 regulations to areas that they do not currently apply such as commercial and industrial lands and by ensuring an adequate funding base for tree goals, but that additional gains could be made by requiring building setbacks, expanding parkland and expanding the right of way. We would urge the City to look at all of these options and make adjustments in each to allow for more aggressive tree targets across the entire Central City. In particular we would strongly urge the City to look at applying Title 11 regulations across the entire Central City—industrial and commercial lands were excluded from Title 11 dues to Statewide Land use Planning Goal 9 issues. However, with the adoption of the Comp Plan, those issue should now be resolved. We would also strongly urge the City to look at the ROW and ensure that the central city plan includes provisions to expand the ROW and reduce physical barriers (such as vaults under the ROW, that impede the planting of larger trees.
- 2) The Plan should include a goal of developing a strong methodology to test the impact of existing and potential future policies, regulations and investments, and to ensure that the targets are aspirational, practical, and achievable. This approach will help inform an update to the tree canopy targets when the Urban Forest Management Plan is next updated.
- 3) Explicitly state that Central City Master Plans should be used as a mechanism to incorporate more aggressive tree planting objectives into larger sites within the Central City. These sites have some of the most significant capacity to support large trees and it is important that the opportunity not be missed or marginalized. Two specific recommendations would be to increase

open area requirement from 20% to 30%, and establishing a graduated tree density requirement depending on tree size. For example, change the 1 tree per 1000 s.f. to 1 tree per 500 s.f. when smaller trees are planted. Also required a mix of tree sizes to ensure that at least some medium and large form trees are planted on these large sites.

- 4) Required Building Lines and Setbacks – Currently, the Proposed Draft allows, in some instances, but does not require or encourage buildings to be setback from the front property line. It is understood that the plan is designed to encourage an active streetscape and transit supportive development. However the lack of required setbacks or open area on development sites creates a significant constraint not only on tree preservation and planting on sites, but also prevents the planting or growth of significant street tree canopy. The required Building Lines section and/or other sections of the plan be revised to require building setbacks that are landscaped or that include trees at least along designated flexible streets and streets within the Green Loop Alignment.
- 5) Strengthen the new code section for requiring adequate sub-surface soil volumes for trees. Policy 6.10 calls for adequate sub-surface soil volume for trees in conjunction with development and infrastructure projects. However, the plan provides no implementing mechanism. Establish a new code section requiring incorporation of adequate subsurface soil volumes for trees that are required to be planted on sites or in the right-of-way as part of a development or infrastructure project. Review regulations from other cities such as Tigard in developing the regulations.
- 6) Explicitly identify and recognize funding sources to achieve tree goals in the fiscal impact assessments for the Central City Plan and ensure the City Council acknowledges these investments in the adopting ordinance or resolution for the plan.
- 7) Add language in appropriate sections of the plan to ensure that trees are incorporated into the capital funding, design and construction of future streetscape improvements in the Central City.
- 8) Add a policy and/or action recognizing potential new City parks as a source of future tree canopy.
- 9) Include an action calling for development of public/private partnerships to sponsor maintenance of street trees in the Central. This will help maintain the health of Central City tree assets and help address property owner resistance to street tree planting.
- 10) Reconsider and eliminate urban forestry program prohibitions on planting new trees in narrower planting strips, particularly those that would require a 4-foot cut outs which are pervasive in the Central City and other areas of the City.
- 11) Standards for view corridors (33.475.440. E-F): If trees are removed in order to preserve view corridors, mitigation should include not only planting ground cover and low shrubs, but also mitigating for any tree loss in an area in close proximity to the view corridor where the trees were removed.

Bridgeheads: Audubon opposes increased height allowances at bridgeheads. We view this as a clear and unnecessary give-away to developers at the expense of the community. The City has long maintained a “step down” approach to height as development approaches the river. This maintains an open, bright welcoming atmosphere among the city’s most active areas and maintains important view corridors. At the behest of developers who unfortunately dominated the West Quadrant Process, the City now proposes to allow much taller buildings at the bridgeheads. We urge the City to reject this change and maintain the step down approach that has served the city well for years. We believe that the

construction that recently occurred at the Burnside Bridge Head has replaced one of the most significant view sheds of the river and the City from East Portland with a dark and uninviting curtain of construction and should go down as a “one off” mistake rather than as a precedent for future poor urban design.

Marine Passenger Docks and Terminals (33..475.215) Audubon opposes the expansion of the expansion of ‘river related’ uses of the greenway to include Marine Passenger Docks and Terminals. The proposed expansion which would allow previously prohibited encroachment into the greenway could have significant impacts on the greenway over time and includes several uses that simply do not need to be located in the greenway. These include passenger waiting and queuing areas, security checkpoints, cold food storage, machine shops and terminals. There is no reason that these uses could not be housed landward of the greenway rather than in the greenway itself. We believe that this proposal violates the intent of Goal 15 and seems designed to appease the demands of a single property owner, but could open the floodgates to additional development in the greenway throughout the Central Reach.

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink that reads "Bob Sallinger". The signature is written in a cursive, slightly slanted style.

Bob Sallinger
Conservation Director
Audubon Society of Portland