

IMPACT STATEMENT

Legislation title: Authorize the Bureau of Development Services to permit construction and environmental remediation of the SW Bond Avenue Extension Phase 1 interim improvements under the authority of the City Engineer.

Contact name: Steve Szigethy

Contact phone: 503.823.5117

Presenter name: Steve Szigethy

Purpose of proposed legislation and background information:

This ordinance will authorize the Bureau of Development Services (BDS) to permit construction and environmental remediation of the SW Bond Avenue Extension Phase 1 project without land use reviews that otherwise would be redundant with existing City purviews including the City Engineer and the Bureau of Environmental Services (BES).

SW Bond Avenue Extension Phase 1, between SW River Parkway and SW Porter Street, is part of the City's commitment to provide public infrastructure to facilitate redevelopment in the South Waterfront District. The project will provide access to the Oregon Health & Science University (OHSU) Schnitzer Campus and become a major north-south circulation feature in South Waterfront when future phases are completed.

On February 17, 2016 City Council adopted Resolution 37189 amending the *South Waterfront Street Plan, Criteria and Standards* to realign SW Bond Avenue Extension Phase 1 to better facilitate adjacent site development and provide access to public amenities including the Willamette Greenway. That resolution also directed the City to construct Phase 1 in an interim fashion, followed by a collaborative process involving adjacent property owners and the Portland Design Commission to design final improvements in accordance with the Special Design Area indicated in the Street Plan.

At the time of this ordinance, the SW Bond Avenue Extension Phase 1 interim improvements are at 100% design level for retaining walls and surcharge and 30% design level for interim roadway civil improvements. The retaining wall and surcharge contract went to bid in early September 2016, authorized by City Council Ordinance 187655 adopted on March 30, 2016. Construction is scheduled to begin in December 2016.

Also at the time of this ordinance, Oregon Health & Science University (OHSU) is preparing to perform environmental remediation of the portion of its property where SW Bond Avenue Extension Phase 1 will be built, including provision of a clean utility corridor under the proposed roadway to meet City requirements. OHSU is completing all necessary clearances with the State of Oregon Department of Environmental Quality (DEQ), including a Remedial Action / Remedial Design Work Plan and a 1200-C water quality permit. BES is reviewing and providing comment on these documents and will inspect the remediation work when it is underway and completed. Another portion of the SW Bond Avenue Extension Phase 1 corridor, located under the Marquam Bridge on Oregon Department of Transportation (ODOT) property, will be remediated by the City with funding from a State of Oregon Immediate Opportunity Fund grant.

PBOT and OHSU are now seeking entitlements to begin their respective site work.

City land use and zoning codes, found in Title 33, do not offer a straightforward approach for reviewing and permitting the construction of a new road outside the context of a subdivision. Similarly, the proposed environmental remediation work does not have a clear land use review path, as it will result in the site having essentially the same topography before and after remediation.

Absent this ordinance, PBOT and OHSU would each need to pursue Type III Design Review, Greenway Review and potentially other reviews and each pay an estimated \$43,000 in fees to BDS to receive entitlements to perform site work. BDS, in turn, would need to spend significant staff time working with PBOT and BES to review plans that are already being reviewed by those agencies.

Because the SW Bond Avenue Extension Phase 1 interim improvements and associated environmental remediation already have ample oversight by City and state agencies, and because PBOT will be required to engage BDS and the Design Commission at a future date when final improvements are designed and constructed, this ordinance proposes to waive land use reviews for the interim improvements and remediation to save time and public resources.

Financial and budgetary impacts:

This ordinance will cause a net reduction in City costs because it will allow PBOT to proceed with construction of the SW Bond Avenue Extension interim improvements without incurring an estimated \$43,000 in land use review fees, and it will excuse BDS staff from spending significant time and resources reviewing the project.

Community impacts and community involvement:

This ordinance causes no community impacts. The SW Bond Avenue Extension has consistently been a priority for district stakeholders and property owners as expressed during public planning and budgeting processes, including the *North Macadam Urban Renewal Plan (1999)*, the *South Waterfront Plan (2002)*, the *South Waterfront Street Plan, Criteria and Standards (2003)*, the *North Macadam Transportation Development Strategy (2009)* and subsequent amendments to those plans as recently as February 2016. The construction of Phase 1 supports growth of OHSU's Schnitzer Campus and joins \$1 billion in public/private investment tied to the Knight Cancer Challenge.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 9-1-16

ORDINANCE No. (font 14)

*Authorize the Bureau of Development Services to permit construction and environmental remediation of the SW Bond Avenue Extension Phase 1 interim improvements under the authority of the City Engineer and without land use review approval.
(Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The North Macadam Transportation Development Strategy, adopted by City Council Resolution 36696 in 2009, identifies the SW Bond Avenue Extension as a Top Priority Project within the North Macadam Urban Renewal Area;
2. The South Waterfront Street Plan, Criteria and Standards, adopted by City Council in 2003 and amended in 2007, 2009 and most recently on February 17, 2016 by Resolution 37189, establishes the general location and design characteristics of the SW Bond Avenue Extension, including a Special Design Area segment between SW Sheridan Street and SW Meade Street;
3. Resolution 37189 further directs that the Special Design Area street segment will be constructed as interim (Interim Project) and that the City will lead a process to design the final Special Design Area. The Interim Project is limited to earth work-, construction of retaining walls, installation of underground utilities, and construction of a preliminary roadway with temporary sidewalks and temporary street lighting, and other preparatory activities. The final roadway within the Special Design Area will obtain all necessary land use review approvals, including design review.
4. At the time of this ordinance, the Phase 1 segment of the SW Bond Avenue Extension, located between SW River Parkway and SW Porter Street and inclusive of the Special Design Area segment, is at 100% design level for retaining walls and surcharge and 30% design level for interim roadway civil improvements and is referred to henceforth as “the Interim Project;”
5. On March 30, 2016, City Council adopted Ordinance 187655 authorizing bidding for the surcharge and retaining wall construction contract for the Interim Project;
6. The design and construction of the Interim Project, including grading, wall construction, surcharge, civil improvements and traffic improvements, will be overseen and, as appropriate, approved by the City Engineer, who will ensure compliance with ~~and meets~~ City specifications and design standards;
7. The Interim Project will become a public right-of-way and City asset, except where the Interim Project shares horizontal space with the Marquam Bridge and Tilikum Crossing, in which case the Interim Project will become a public right-of-way across an asset owned

and/or operated by the Oregon Department of Transportation (“ODOT”) and the Tri-County Metropolitan Transit District of Oregon (“TriMet”), respectively, and authorized by forthcoming Intergovernmental Agreements with ODOT and TriMet;

8. Environmental remediation of the land upon which the Interim Project will be built, including excavation, testing and disposal of contaminated soil and placement of clean fill to grade, ~~is overseen by the Oregon Department of Environmental Quality (“DEQ”) by means of~~ will comply with the applicable provisions of all relevant Consent Decrees, Records of Decision, Remedial Design / Remedial Action Plans, and State of Oregon water quality (1200-C) permits, ~~with~~ The Bureau of Environmental Services will providing review and inspection of any required remediation to ensure compliance with requirements in ~~Portland City Code section 17.24.067, as it pertains~~ to clean utility corridor fill and right-of-way access areas, ~~and~~ The City Engineer will providing review and inspection of geotechnical specifications of placed fill;
9. The Interim Project, including associated retaining walls and fill slopes, is designed in such a way to be seventy-five (75) feet or greater in distance landward from the top of bank of the Willamette River as illustrated in Exhibit A and therefore is affirmed by Portland City Code 33.440.320 as an improvement that may be exempted from Greenway review; and
10. The combination of circumstances recited above results in an abundance of regulatory assurance that will result in the Interim Project being constructed in a manner that meets City and state requirements for public infrastructure, community design, public health and safety and the natural environment.

NOW, THEREFORE, the Council directs:

- a. That the Bureau of Development Services is authorized to permit construction of the Interim Project, including grading, retaining walls, surcharge and interim roadway civil and traffic improvements, under the authority of the City Engineer without land use reviews;
- b. That ~~the~~ Bureau of Development Services is authorized to permit ~~the work~~ environmental remediation necessary to complete the Interim Project and to ensure compliance with the City Code consistent with the terms of this ordinance, including work performed by Oregon Health and Science University and its agents and work performed by the City and its agents, under the review of the Bureau of Environmental Services and City Engineer without obtaining otherwise necessary land use reviews approvals; and
- c. That ~~the~~ final design of the SW Bond Avenue Extension Phase 1, including the Special Design Area segment, shall be subject to all necessary land use reviews, include including a Design Review review process that engages the Bureau of Development Services and the Portland Design Commission.

Section 2. The Council declares that an emergency exists because construction of the SW Bond Avenue Extension Phase 1 must begin as soon as possible in order to meet the agreed upon deadline of opening the roadway at the same time as the opening of the OHSU Knight Cancer Research Building in summer 2018; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

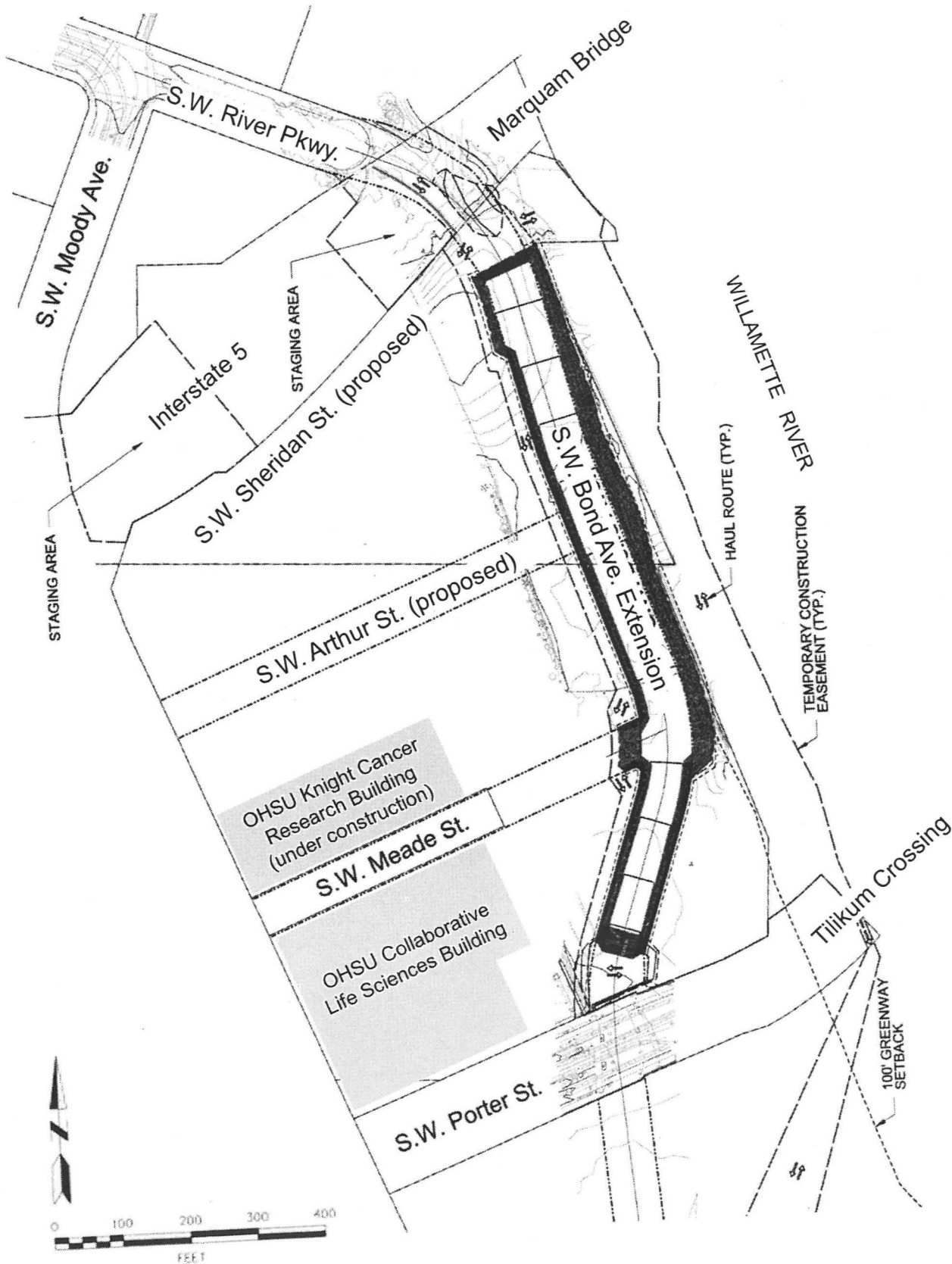
Passed by the Council,

Commissioner Steve Novick
Prepared by: Steve Szigethy:tk
Date Prepared: August 29, 2016

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Exhibit A
SW Bond Avenue Extension Phase 1
Reference Map



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6. The design and construction of the Interim Project, including grading, wall construction, surcharge, civil improvements and traffic improvements, is overseen and approved by the City Engineer and meets City specifications and design standards;
7. The Interim Project will become a public right-of-way and City asset, except where the Interim Project shares horizontal space with the Marquam Bridge and Tilikum Crossing, in which case the Interim Project will become a public right-of-way across an asset owned and/or operated by the Oregon Department of Transportation (“ODOT”) and the Tri-County Metropolitan Transit District of Oregon (“TriMet”), respectively, and authorized by forthcoming Intergovernmental Agreements with ODOT and TriMet;

8. Environmental remediation of the land upon which the Interim Project will be built, including excavation, testing and disposal of contaminated soil and placement of clean fill to grade, is overseen by the Oregon Department of Environmental Quality (“DEQ”) by means of Consent Decrees, Records of Decision, Remedial Design / Remedial Action Plans and State of Oregon water quality (1200-C) permits, with the Bureau of Environmental Services providing review and inspection of required remediation to ensure compliance with requirements in Portland City Code 17.24.067 pertaining to clean utility corridor fill and right-of-way access areas, and the City Engineer providing review and inspection of geotechnical specifications of placed fill;
9. The Interim Project, including associated retaining walls and fill slopes, is designed in such a way to be seventy-five (75) feet or greater in distance landward from the top of bank of the Willamette River as illustrated in Exhibit A and therefore is affirmed by Portland City Code 33.440.320 as an improvement that may be exempted from Greenway review; and
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- b. The Bureau of Development Services is authorized to permit environmental remediation necessary to complete the Interim Project, including work performed by Oregon Health and Science University and its agents and work performed by the City and its agents, under the review of the Bureau of Environmental Services and City Engineer without land use reviews; and
- c. The final design of the SW Bond Avenue Extension Phase 1, including the Special Design Area segment, shall include a Design Review process that engages the Bureau of Development Services and the Portland Design Commission.

Section 2. The Council declares that an emergency exists because construction of the SW Bond Avenue Extension Phase 1 must begin as soon as possible in order to meet the agreed upon deadline of opening the roadway at the same time as the opening of the OHSU Knight Cancer Research Building in summer 2018; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

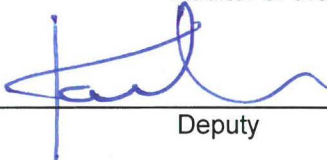
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By

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>SEP 20 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety – Novick <i>aw</i>	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Transportation <i>AW</i> Policy, Planning and Projects Manager: Art Pearce Director: Leah Treat <i>LT</i> Prepared by: Steve Szigethy <i>SS</i> Date Prepared: 8/29/16 Supervisor: Dan Layden <i>DL</i>	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN:
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date Sept 28, 2016	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: _____ Total amount of time needed: 15 min (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Saltzman	3. Saltzman	
4. Novick	4. Novick	
Hales	Hales	