

**SUBSTITUTE  
188009**

**ORDINANCE No.**

\*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. 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 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, 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. The Bureau of Environmental Services will review and inspect any required remediation to ensure compliance with City Code section 17.24.067, as it pertains to clean utility corridor fill and right-of-way access areas. The City Engineer will review and inspect 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 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 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, including design review.

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.

188009

Passed by the Council, **SEP 28 2016**

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

**Mary Hull Caballero**  
Auditor of the City of Portland

By

  
Deputy

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>ow</i></p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: <b>Transportation</b> <i>AMP</i> Policy, Planning and Projects Manager: <b>Art Pearce</b> Director: <b>Leah Treat</b> <i>AMP For LT 9/26/16</i> <i>SLSJ 9/26/16</i></p> <p>Prepared by: Steve Szigethy Date Prepared: 8/29/16 Supervisor: Dan Layden</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>HB</i></p> <p><b>Council Meeting Date</b> Sept 28, 2016</p>	<p>CLERK USE: DATE FILED <u>SEP 26 2016</u></p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Mary Hull Caballero</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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AGENDA
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/></p> <p>Start time: <b>10:45am</b></p> <p>Total amount of time needed: <b>15 min</b> (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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	✓	