



PARK SDC COMMITTEE RECOMMENDATION

Date: June 10, 2021

To: Carmen Rubio, Commissioner

From: Sarah Huggins, Park SDC Program Manager

RE: **Park SDC Qualified Public Improvement Review Committee Recommendation related to AM/DRI LLC request for \$7,004,475 in Parks and Recreation SDC Credits pursuant to building permits 19-238761 and 19-238765, and associated future permits for Blocks 44 and 45.**

Attachments: Record of Vote Staff Report
6/10/21 Meeting Minutes
AM/DRI LLC SDC Credit Application Materials

Copy: Adena Long, Director, Claudio Campuzano, Brett Horner, Todd Lofgren,
Lauren McGuire

Commissioner Rubio,

On Thursday, June 10, 2021, the Parks SDC Credit Review Committee met to consider the AM/DRI LLC request for \$7,004,475 of Park SDC Credits for the donation of capital improvements related to their development.

The Committee discussed, and recommends credits be awarded as follows:

1. Greenway Items: A1. Pedestrian Overlook
Summary: All six Committee members recommend approval of this PSDC Credit Request. The PP&R Staff Report also recommends approval of this PSDC Credit request.
2. Greenway Items: A2. Interactive Water Feature and Sculpture
Summary: Five Committee members recommend denial of this PSDC Credit Request. One Committee member recommended approval. The PP&R Staff Report recommends denial of this PSDC Credit request.
3. Greenway Items: A3. Plaza Enhancements
Summary: All six Committee members recommend denial of this PSDC Credit Request. The PP&R Staff Report also recommends denial of this PSDC Credit request.

Administration

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Director Adena Long



4. Greenway Items: A4. Maker's Plaza
Summary: All six Committee members recommend denial of this PSDC Credit Request. The PP&R Staff Report also recommends denial of this PSDC Credit request.
5. Greenway Items: A5. Greenway Furnishings
Summary: All six Committee members recommend approval of this PSDC Credit Request. The PP&R Staff Report also recommends approval of this PSDC Credit request.
6. Greenway Items: A6. Additional Landscaping
Summary: All six Committee members recommend approval of this PSDC Credit Request. The PP&R Staff Report also recommends approval of this PSDC Credit request.
7. Greenway Items: A7. Retaining Wall
Summary: All six Committee members recommend approval of this PSDC Credit Request. The PP&R Staff Report also recommends approval of this PSDC Credit request.
8. Bank Stabilization: B1. Survey
Summary: Three Committee members recommend denial of this PSDC Credit Request. One Committee member recommended approval. Two Committee members abstained. The PP&R Staff Report recommends denial of this PSDC Credit request.
9. Bank Stabilization: B2. Earthwork
Summary: Three Committee members recommend denial of this PSDC Credit Request. One Committee member recommended approval. Two Committee members abstained. The PP&R Staff Report recommends denial of this PSDC Credit request.
10. Bank Stabilization: B3. Dewatering
Summary: Three Committee members recommend denial of this PSDC Credit Request. One Committee member recommended approval. Two Committee members abstained. The PP&R Staff Report recommends denial of this PSDC Credit request.
11. Miscellaneous Improvements: C1. Riverbank Environmental Remediation
Summary: Four Committee members recommend denial of this PSDC Credit Request. Two Committee members recommend approval. The PP&R Staff Report recommends denial of this PSDC Credit request.
12. Miscellaneous Improvements: C2. In-Water Pier and Piling Demolition and Removal

Summary: Five Committee members recommend denial of this PSDC Credit Request. One Committee member recommends approval. The PP&R Staff Report recommends denial of this PSDC Credit request.

13. Miscellaneous Improvements: C3. Greenway Environmental Remediation
Summary: Four Committee members recommend denial of this PSDC Credit Request. Two Committee members recommend approval. The PP&R Staff Report recommends denial of this PSDC Credit request.
14. Miscellaneous Improvements: C4. Abernethy Accessway
Summary: All six Committee members recommend denial of this PSDC Credit Request. The PP&R Staff Report also recommends denial of this PSDC Credit request.
15. Miscellaneous Improvements: C5. Lane Accessway
Summary: All six Committee members recommend denial of this PSDC Credit Request. The PP&R Staff Report also recommends denial of this PSDC Credit request.
16. Miscellaneous Improvements: C6. Lowell Accessway
Summary: All six Committee members recommend denial of this PSDC Credit Request. The PP&R Staff Report also recommends denial of this PSDC Credit request.
17. General: Hard Cost Factors and additional Soft Costs at 10%
Summary: Five Committee members recommended approval of this PSDC Credit Request. One member abstained. The PP&R Staff Report also recommends approval of this PSDC Credit request.



Per City Code 17.13.070.C.4, for credit requests over \$250,000 the Committee makes their recommendation to the Commissioner, who will issue a decision. Please indicate your decision below.

Agree with majority Committee Recommendations for award of \$705,224.90 in Park SDC Credits for:

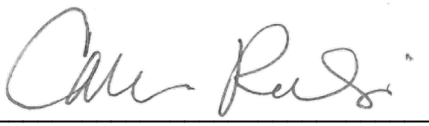
A1 Pedestrian Overlook	\$209,676
A5 Greenway Furnishings	\$32,500
A6 Additional Landscaping	\$67,869
A7 Retaining Wall	\$245,700
Hard and Soft Costs	\$149,479.90

Total Recommended PSDC Credit Award: **\$705,224.90.**

For improvements yet to be constructed, this is a preliminary award. Applicant is required to document and submit actual costs for the improvements listed above once they are completed, at which time final credit amount will be adjusted, with additional payment owed by Applicant, or refund provided by Portland Parks & Recreation as applicable.

This credit award is contingent upon the improvements listed above being conveyed to Portland Parks & Recreation. The applicant is directed to work with PP&R Property & Business Development to ensure that the assets become part of the parks system as capacity increasing improvements.

Disagree with majority Committee Recommendation, and directs awards of credits as follows:

Signature 

Date 7/8/2021



Portland Parks and Recreation
Parks SDC Qualified Public Improvement Review Committee

Meeting Minutes
June 10, 2021
3:00 – 5:00 PM
Zoom Meeting

ATTENDANCE

Committee Members:

Dan Moeller (Environmental Interests)
Jessica Rojas (Neighborhood Interests)
Lisha Shrestha (Business Community Interests)
Oscar Arana (Public Interests)
Paul Agrimis (Park Advocate Interests)
Sarah Schubert (Development Community Interests)

Staff:

Sarah Huggins (PP&R)
Cynthia Castro (Commissioner Rubio's Representative)
Brett Horner (PP&R)
Claudio Campuzano (PP&R)
Eric Shaffner (Deputy City Attorney)

Public / Applicants:

Wade Johns (owner/applicant Alamo Manhattan)
Dana Krawczuk (Stoel Rives LLP)
Linda Tycher (Linda Tycher and Associates)

Meeting Handouts (attached to these minutes)

1. AM/DRI LLC SDC Credit Application
2. Staff Report (Dated: June 2, 2021)
3. Committee Meeting Slideshow
4. AM Blocks PSDC Presentation

Administration

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1. Agenda/Introductions

Sarah Huggins opened the meeting by going over the meeting agenda. Committee members, the applicant team, and City staff introduced themselves, identified their role in the meeting, and listed their favorite park.

2. Overview/Process

Sarah Huggins gave an overview of SDCs and the Parks SDC program. She showed examples of recent capacity-increasing improvements paid by SDCs in Cully Park and Verdell Burdine Rutherford Park. She provided an overview of the Parks SDC credit options and their limitations per the Oregon revised statutes and Portland City Code. Committee members were asked to consider: 1. Is this proposed improvement a parks and recreation system capital facility that increases the capacity of the City's Parks and Recreation system? 2. If yes, do you recommend it to receive Park SDC credits? She then explained the credit review process.

3. Applicant testimony

Wade Johns presented a series of slides detailing the proposed improvements. He showed previous examples of his company's work throughout Portland. He discussed the design process and the amount of public benefit these improvements will bring.

Dana Krawczuk highlighted the legal standards and the qualitative nature of Parks SDC credits and the discretionary nature of the committee's recommendations. She explained that in the applicant's opinion, the City Staff Report is missing the capacity enhancement aspects of the habitat restoration in the Bank Stabilization portions. She emphasized the "catch-all" criterion in the Staff Report (number 4) which she says would allow the members to use their discretion. [Note: Section 6 discusses the Director's discretion.]

Wade Johns and Dana Krawczuk summarized the individual project improvements, noting that they agree with Staff Report finding on improvement A3, but that they believe the interactive water feature in A2 would build capacity by drawing in the public to view the fountain.

They noted that the bank stabilization wasn't required for development, but that the improvements help build habitat in the park and would also build capacity at the park. They stated that the pier demolition would enhance non-motorized watercraft navigation and also build capacity.

Dana Krawkczuk stated that the accessways in C4- to C6 are not for mixed use, as noted in the Staff Report, but are instead pedestrian-only accessways and help draw in the public to the greenway.

4. Applicant Questions

Paul Agrimis asked about the group's approach to the bank stabilization with riprap. Will they be using alternate methods or will they stick to conventional synthetic engineering?

Linda Tycher responded that they will be using a variety of different plantings, treewads, deeper soil and more trees. They are complying with species guidelines and regulations. Riprap will be used as part of the multiple approaches to accomplish a number of goals.

Sarah Schubert asked about the phasing of the project.

Wade Johns responded that phase 1 includes two buildings with a total of about 500 dwelling units, and the full build-out of the greenway. In two years phase 2 will be complete for a total of 1,200 units.

Lisha Shrestha asked about the soft costs, and what those would be for.

Wade Johns responded that a great deal of money has already been spent in engineering, architectural work and landscaping. City fees are expensive. There are contingencies in building as unexpected costs arise.

5. Staff Findings

Brett Horner presented the staff recommendation summary. He explained that PP&R is excited about the project and that he believed the design is of high quality and evolved over time. He said the applicant has been helpful and cooperative and responsive. Brett presented a one-page chart summarizing the requests and staff's findings and recommendations for each item (A1 through C6).

A1 Pedestrian Overlook: The Pedestrian Overlook wasn't required but the applicant stepped up to provide it. Recommended for credit.

A2, A3, A4 Interactive Water Feature and Sculpture, Plaza Enhancements, Maker's Plaza: Staff agrees they are nice to have, but

they aren't things that Parks would normally pursue. These features are primarily on private property and not in the Greenway easement area. A2 and A3 are already receiving height and Floor Area Ratio development bonuses, so the Bureau does not recommend these items for SDC credit.

A5, A6, A7 Greenway Furnishings, Additional Landscaping, and Retaining Wall: In the Bureau's opinion, each of these features would add capacity and qualify. These would all typically be included in the South Waterfront (SWF) Greenway trail and are suggested in the SWF Greenway Design Guidelines. The Bureau recommends credits for these improvements.

B Bank Stabilization: These are great enhancements, but they don't build capacity. They were not required by building code, and they are not in the Greenway easement area. The Bureau does not recommended that this improvement receive credit.

C Remediation, In-Water Pilings, and Accessways: Remediation is the responsibility of a property owner developing their property, and is not adding capacity to the park system. The pilings and the in-water pier are in the river, which is a state waterway, not part of the City's park system. The three accessways are part of, and are required separately by, PBOT's South Waterfront District Street Plan. These are very urban spaces and would be experienced by users more as a street rather than a park. In addition, they are not being conveyed to PP&R.

Hard/Soft costs credits: Recommended for credit, and these costs are reasonable to account for the design and engineering work done and for additional costs that may arise.

6. Applicant Conclusion

Dana Krawczuk disagreed with the findings on A2, A4, B and C. She stated that the water feature is not specified in code. This item is an enhancement over the requirement. Public art will draw in the public. She said the policy should be to encourage private owners to open up their spaces to enhance parks. She noted that applicant agreed with the City's findings on A3, the Plaza Enhancements, as they had received FAR and height bonuses already for those. She said the Maker's Plaza should be seen as an example of a different kind of park like Director's Park. The Bank Stabilization is there to build habitat. It improves the park by creating a better space to look at. The pilings removal will create an enhanced experience for the public. She then reminded the committee of criterion 4,

additional discretionary opportunity. Wade Johns thanked the Committee for their time.

7. Committee Discussion

Lisha Shrethsa asked how these credits will influence future SDC park investments elsewhere in the city, like in East Portland. Sarah Huggins explained that there are different SDC areas (Central City, Non-Central City), and some revenues from each need to stay in each area to provide additional local capacity, and some can be used for citywide investments that add park capacity, but that in general, the awarding of credits reduces the amount of future SDC revenues. Sarah Huggins also noted that the committee is making a recommendation to the Commissioner and not a decision on the items.

Sarah Huggins conducted an initial poll of the individual Committee members recommendation on each item and arranged them on a spreadsheet. Discussion proceeded accordingly.

A1 Pedestrian Overlook: All members indicated they would approve.

A2 Interactive Water Feature and Sculpture: 5 members indicated they would deny, 1 member indicated they would approve. Oscar Arana asked how close the feature would be to the greenway trail. Brett Horner responded that it would feel like it is part of the greenway, but that in Parks' opinion, it was part of the owner's obligation. Sarah Schubert asked if the committee has the ability to reduce the amount they are asking. Sarah Huggins explained that they do not; if credits are awarded they will be for the actual costs of the item. Sarah Schubert said she agreed with Dana Krawczuk that this fountain is more than the standard requirement and that it fits with other park fountains. She asked about the background of the applicants' trying to convey the land. Brett Horner said that ownership of the improvements, as they relate to the Parks SDC code language, were discussed with Parks staff and legal staff. The easement coming to PP&R is satisfying this ownership issue ("conveyance") for the greenway trail area that the Parks Bureau has determined is becoming part of the park system. He said the fountain is in the plaza, but that plazas by definition need to have some typical amenities or features provided in them anyway. The applicant is already benefitting from a height bonus for developing the plaza, so staff did not see these improvements as worthy of SDC credit.

A3 Plaza Enhancements: All members indicated they would deny.

A4 Maker's Plaza: All members indicated they would deny.

A5 Greenway Furnishings: All members indicated they would approve.

A6 Additional Landscaping: All members indicated they would approve.

A7 Retaining Wall: All members indicated they would approve.

B 1-3 Bank Stabilization: 2 members indicated they would approve, 3 members indicated they would deny, 1 member suggested more discussion.

Paul Agrimis noted that Dana Krawczuk made a good argument for habitat restoration. He thought that approval should be contingent upon non-conventional alternatives to riprap. Sarah Huggins explained that we can't condition changes to the applicant's plans at this point. Oscar Arana explained he felt similarly to Paul Agrimis. The retaining wall already physically stabilizes the site, so the stabilization is something extra.

Sarah Schubert asked if they are already receiving credit for stabilization, because these improvements appear like they meet the criteria. Staff were not aware of other credits being awarded for stabilization. Eric Shaffner explained that, in any event, the concern about double-dipping here pertains only to the Parks SDC fund because an applicant can simultaneously qualify for different incentives that could impact other City funds.

Brett Horner said that staff had a hard time seeing how this stabilization wasn't the owner's responsibility. Sarah Huggins noted that this was outside the Parks easement area, and that it wasn't becoming part of the parks system. Sarah Schubert asked if greenway could be built without it. Brett Horner said that if Parks had been doing this development, Parks would probably have not made this same level of investment. Sarah Schubert stated if it was necessary work for the trail, she would approve; if not, she would deny. Dan Moeller noted that this multi-million dollar project would build this anyway, and it is a benefit for the future residents of this development to have an improved bank to look at. He does not see this as expanding capacity of the parks system. Sarah Huggins noted that the stabilization work as proposed is not required by building code. Sarah Schubert asked for more detail on the type of work the applicant was doing that added up to the \$2 million requested amount. At this point, Paul Agrimis left the meeting due to a scheduling conflict.

C1 and C3 Remediation: 1 member indicated they would approve, 4 members indicated they would deny, 1 member suggested more discussion.

Lisha Shrestha said that protecting the environment will make people want to come to the area. She asked whether the applicant could reach out to BES instead of getting credit from Parks. Brett Horner replied that the applicant did work with BES and BES likes what they are doing. However, it is the owner's responsibility. The member who wanted more discussion indicated they would deny, bringing this item to one member recommending approval, five recommending denial.

C2: 0 approved, 4 denied, 2 suggested more discussion. Brett explained that the pier is a liability and that the owner will take care of the problem anyway. Parks is not recommending using public funds to do it.

C4-6 Accessways: All members indicated they would deny.

Hard/Soft Costs: 5 members indicated they would approve. One member indicated they would abstain.

Jessica Rojas suggested in the future that staff could give more context of whether or not similar projects received SDC credits.

Sarah Huggins ended the meeting, thanking Committee members for their time and asking that members return their voting sheets electronically by end of day June 11.



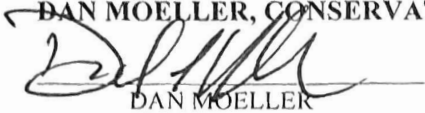
PORTLAND PARKS & RECREATION™

Healthy Parks, Healthy Portland

Meeting Date: June 10, 2021

RECORD OF RECOMMENDATION VOTE: Parks SDC Qualified Public Improvement Review Committee

DAN MOELLER, CONSERVATION PROGRAM DIRECTOR, METRO


DAN MOELLER

Representing: Environmental Interests

Regarding AM/DRI Willamette LLC SDC Funding request for Park SDC Credits for donation of capital improvements.

1. Greenway Items: A1. Pedestrian Overlook

Approve Deny Abstain

2. Greenway Items: A2. Interactive Water Feature and Sculpture

Approve Deny Abstain

3. Greenway Items: A3. Plaza Enhancements

Approve Deny Abstain

4. Greenway Items: A4. Maker's Plaza

Approve Deny Abstain

5. Greenway Items: A5. Greenway Furnishings

Approve Deny Abstain

6. Greenway Items: A6. Additional Landscaping

Approve Deny Abstain

7. Greenway Items: A7. Retaining Wall

Approve Deny Abstain

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8. Bank Stabilization: B1. Survey
 Approve Deny Abstain
9. Bank Stabilization: B2. Earthwork
 Approve Deny Abstain
10. Bank Stabilization: B3. Dewatering
 Approve Deny Abstain
11. Miscellaneous Improvements: C1. Riverbank Environmental Remediation
 Approve Deny Abstain
12. Miscellaneous Improvements: C2. In-Water Pier and Piling Demolition and Removal
 Approve Deny Abstain
13. Miscellaneous Improvements: C3. Greenway Environmental Remediation
 Approve Deny Abstain
14. Miscellaneous Improvements: C4. Abernethy Accessway
 Approve Deny Abstain
15. Miscellaneous Improvements: C5. Lane Accessway
 Approve Deny Abstain
16. Miscellaneous Improvements: C6. Lowell Accessway
 Approve Deny Abstain
17. General: Hard Cost Factors and additional Soft Costs at 10%
 Approve Deny Abstain



Meeting Date: June 10, 2021

RECORD OF RECOMMENDATION VOTE: Parks SDC Qualified Public Improvement Review Committee

JESSICA ROJAS, EXECUTIVE DIRECTOR, NORTHEAST COALITION OF NEIGHBORHOODS

_Jessica Rojas Representing: Neighborhood Interests
JESSICA ROJAS

Regarding AM/DRI Willamette LLC SDC Funding request for Park SDC Credits for donation of capital improvements.

1. Greenway Items: A1. Pedestrian Overlook

Approve Deny Abstain

2. Greenway Items: A2. Interactive Water Feature and Sculpture

Approve Deny Abstain

3. Greenway Items: A3. Plaza Enhancements

Approve Deny Abstain

4. Greenway Items: A4. Maker's Plaza

Approve Deny Abstain

5. Greenway Items: A5. Greenway Furnishings

Approve Deny Abstain

6. Greenway Items: A6. Additional Landscaping

Approve Deny Abstain

7. Greenway Items: A7. Retaining Wall

Approve Deny Abstain

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PAUL AGRIMIS, CHAIR, PORTLAND PARKS BOARD

Paul Agrimis
PAUL AGRIMIS

Representing: Park Advocate Interests

Regarding AM/DRI Willamette LLC SDC Funding request for Park SDC Credits for donation of capital improvements.

1. Greenway Items: A1. Pedestrian Overlook

Approve Deny Abstain

2. Greenway Items: A2. Interactive Water Feature and Sculpture

Approve Deny Abstain

3. Greenway Items: A3. Plaza Enhancements

Approve Deny Abstain

4. Greenway Items: A4. Maker's Plaza

Approve Deny Abstain

5. Greenway Items: A5. Greenway Furnishings

Approve Deny Abstain

6. Greenway Items: A6. Additional Landscaping

Approve Deny Abstain

7. Greenway Items: A7. Retaining Wall

Approve Deny Abstain

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17. General: Hard Cost Factors and additional Soft Costs at 10%
 Approve Deny Abstain



Meeting Date: June 10, 2021

RECORD OF RECOMMENDATION VOTE: Parks SDC Qualified Public Improvement Review Committee

SARAH SCHUBERT, DIRECTOR OF HOUSING, HUMAN SOLUTIONS

Sarah Schubert
SARAH SCHUBERT

Representing: Development Community Interests

Regarding AM/DRI Willamette LLC SDC Funding request for Park SDC Credits for donation of capital improvements.

1. Greenway Items: A1. Pedestrian Overlook

X Approve Deny Abstain

2. Greenway Items: A2. Interactive Water Feature and Sculpture

X Approve Deny Abstain

3. Greenway Items: A3. Plaza Enhancements

Approve X Deny Abstain

4. Greenway Items: A4. Maker's Plaza

Approve X Deny Abstain

5. Greenway Items: A5. Greenway Furnishings

X Approve Deny Abstain

6. Greenway Items: A6. Additional Landscaping

X Approve Deny Abstain

7. Greenway Items: A7. Retaining Wall

X Approve Deny Abstain

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OSCAR ARANA, DIRECTOR OF COMMUNITY DEVELOPMENT, NATIVE AMERICAN YOUTH AND FAMILY CENTER

OSCAR ARANA

Representing: Public Interests



Regarding AM/DRI Willamette LLC SDC Funding request for Park SDC Credits for donation of capital improvements.

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From:
To:
Subject:
Date:



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Lisha Strestha



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Healthy Parks. Healthy Portland

Meeting Date: June 10, 2021

RECORD OF RECOMMENDATION VOTE: Parks SDC Qualified Public Improvement Review Committee

LISHA SHRESTHA, EXECUTIVE DIRECTOR, DIVISION MIDWAY ALLIANCE

Representing: Business Community Interests


LISHA SHRESTHA

Regarding AM/DRI Willamette LLC SDC Funding request for Park SDC Credits for donation of capital improvements.

1. Greenway Items: A1. Pedestrian Overlook
Approve Deny Abstain
2. Greenway Items: A2. Interactive Water Feature and Sculpture
Approve Deny Abstain
3. Greenway Items: A3. Plaza Enhancements
Approve Deny Abstain
4. Greenway Items: A4. Maker's Plaza
Approve Deny Abstain
5. Greenway Items: A5. Greenway Furnishings
Approve Deny Abstain
6. Greenway Items: A6. Additional Landscaping
Approve Deny Abstain
7. Greenway Items: A7. Retaining Wall
Approve Deny Abstain

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Commissioner Carmen Rubio
Director Adena Long

Sustaining a healthy park and recreation system to make Portland a great place to live, work, and play.



MEMORANDUM

DATE: June 2, 2021

TO: Park and Recreation SDC Credit Review Committee

FROM: Sarah Huggins, Parks SDC Program
Brett Horner, Parks Planning Manager

SUBJECT: AM/DRI LLC request for Park and Recreation SDC Credits pursuant to building permits 19-238761 and 19-238765, and associated future permits for Blocks 44 and 45.

COPY: Director Adena Long, Claudio Campuzano, Todd Lofgren, Lauren McGuire

Summary

Portland City Code (“PCC”) section 17.13.070 allows applicants to request park and recreation SDC (“PSDC”) credits for Qualified Public Improvements, as defined in PCC 17.13.020.Y.¹ On March 12, 2021, AM/DRI Willamette LLC

¹ Applicant purports to argue that “PSDC Credit Should be Awarded Pursuant to the Vested Code,” but the argument really appears to be that the staff report findings for the Portland Guild Lofts development should be applied to this proposal. Letter from Dana Krawczuk to Sarah Huggins, May 17, 2021, p. 8-9. To the extent that Applicant is making a legal argument, though, PP&R, with the concurrence of the City Attorney’s Office, does not agree that ORS 92.040(2) was intended to apply to a local government’s modification of its system development charge. LUBA and the Court of Appeals have explained that only land use-related regulations are preempted. *See, e.g., Athletic Club of Bend, Inc. v. City of Bend*, 239 Or. App. 89, 97 (2010) (“As the legislative history indicates, land developers sought the enactment of subsection (2) of ORS 92.040 in order to ensure that the local government laws on which subdivision applications were predicated would be applied to subsequent development on subdivision lots unless developers elected otherwise” (emphasis added)), and *Rogue Valley Ass’n of Realtors v. City of Ashland*, 35 Or. LUBA 139, 167 (1998), *aff’d*, 158 Or. App. 1, 3 (1999) (“ORS

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(“Applicant”) submitted a Request for Parks SDC Credit for Qualified Public Improvements. Staff reviewed the request and deemed it complete on April 1, 2021.

Applicant has requested PSDC credits in the amount of \$7,004,475. The assessment of PSDC fees to which this PSDC credit would be applied is anticipated to be approximately \$8 million. The development is proposed in two phases: a first phase with two submitted building permits for Blocks 41 and 42, and a second phase of related development for blocks 44 and 45. The estimated breakdown is below:

Block 41: **\$2,387,748.18**
 Block 42: **\$1,373,972.04**
 Block 44: **\$2,608,463.70**
 Block 45: **\$1,817,964.54**

Total Estimated PSDC fees for current and future permits: **\$8,188,148.46.**

Applicant has requested PSDC credits for each of these 16 proposed Qualified Public Improvements (table below copied from Applicant’s Exhibit G):²

A. Greenway Items		
A1	Pedestrian Overlook	\$209,676
A2	Interactive Water Feature and Sculpture	\$550,000
A3	Plaza Enhancements	\$463,395
A4	Maker’s Plaza	\$81,637
A5	Greenway Furnishings	\$32,500
A6	Additional Landscaping	\$67,869
A7	Retaining Wall	\$245,700
	Greenway Items Hard Construction Cost Subtotal (inc. fixed bid fees, additional \$253,578)	\$1,904,355
	Soft cost (10%)	\$190,436

92.040(2) limits a city’s authority to apply new land use regulations to construction of subdivisions that were approved after September 9, 1995” (emphasis added)).

² Applicant has separately offered to convey the entirety of open space Greenway Tracts A and B to PP&R for SDC credits, arguing that they are included on the SDC-CIP list under “Utilities, Roads, Trails” for the “SOWA – Lane St. to River Forum segment – south stretch of central district” project. Letter from Dana Krawczuk to Sarah Huggins, May 17, 2021, p. 2-3. However, PP&R does not interpret that category as applying to the tracts and thus would not consider them to be QPIs. PP&R respectfully declines Applicant’s offer.

Greenway Items Subtotal		\$2,094,771
B. Bank Stabilization		
B1	Survey	\$45,000
B2	Earthwork	\$1,167,299
B3	Dewatering	\$141,654
	Bank Stabilization Hard Construction Cost Subtotal (inc. fixed bid fees, additional \$549,904)	\$1,903,857
	Soft cost (10%)	\$190,386
Bank Stabilization Subtotal		\$2,094,243
C. Miscellaneous Improvements		
C1	Riverbank Environmental Remediation	\$903,815
C2	In-Water Pier and Piling Demolition and Removal	\$101,252
C3	Greenway Environmental Remediation	\$198,935
C4	Abernethy Accessway	\$408,215
C5	Lane Accessway	\$365,529
C6	Lowell Accessway	\$272,470
	Miscellaneous Hard Construction Cost Subtotal (inc. fixed bid fees, additional \$345,658))	\$2,595,874
	Soft cost (10%)	\$259,587
Miscellaneous Improvements Subtotal		\$2,855,461
Total Cost of Greenway Improvements for PSDC Credit		\$7,044,475

Total costs for each category include the direct cost of each individual line item (A1, A2, etc), and also additional construction hard costs as outlined in Applicant’s exhibits H, I, J.

Staff Findings

1. Qualified Public Improvement Evaluation

To be eligible, PSDC credit requests must meet the definition of Qualified Public Improvement as set forth in PCC 17.13.020 Y:

Y. “Qualified Public Improvement” means any parks and recreation system capital facility or conveyance of a Real Property Interest that increases the capacity of the City’s Parks and Recreation System, is approved by the Commissioner-in-Charge or designee, and meets the definition and requirements of qualified public improvements under ORS

223.304(4) and 223.304(5).³ Additionally, unless there is a conflict with ORS 223.304(4) or 223.304(5), the following will be considered qualified public improvements:

1. A conveyance of Real Property Interests or capital improvements for public recreational use specified in a Development Agreement between the City and a developer entered into before the effective date of this Ordinance. Conveyances of Real Property Interests or capital improvements for public recreational use specified in a Development Agreement between the City and a developer entered into after the effective date of this Ordinance are excluded from the definition of “qualified public improvement” unless the Development Agreement specifically provides otherwise. If the Development Agreement does include conveyances of Real Property Interests that are intended to be eligible for Parks SDC Credits, the value of the Real Property Interests must be established at the time the Development Agreement is finalized by the appraisal methods described in Section 17.13.070. The date of valuation is the date of the final Development Agreement. If there are subsequent amendments to the Development Agreement, the date of valuation will be the date of the original Development Agreement unless otherwise specified in future amendments.
2. A donation of money to the City to be used for acquisition of Real Property Interests or capital improvements for parks and recreational use, if memorialized in a Development Agreement.
3. A donation of a habitat or trail. If the donation is a habitat, it must be adjacent to a Portland Parks property, or it must be a minimum of 3 contiguous acres with at least 66 percent of its area covered by the City’s environmental overlay zone. If the donation is a trail, it must be a major public trail designated on the City’s Official Zoning Maps.
4. An improvement or conveyance of Real Property Interests for parks and recreational use that does not otherwise qualify as a Qualified Public Improvement; is not separately eligible for a credit, bonus, or other compensation; and, in the opinion of the Director in their reasonable discretion, serves the City’s public parks and recreation needs.

³ PP&R, with the concurrence of the City Attorney’s Office, interprets the statutes and City Code as containing an additional requirement that a capital improvement be conveyed to PP&R before it will qualify for SDC credits. PP&R’s SDC credit policy is based, in part, on that interpretation. The policy is more fiscally responsible than the one that pre-dated the 2016 and 2018 updates to the SDC methodology and Code provisions. It ensures that PP&R will receive capitalizable assets commensurate with the value of credits awarded. Applicant disagrees with PP&R’s interpretation of the statutes and Code. Letter from Dana Krawczuk to Sarah Huggins, May 17, 2021, p. 3-5.

PCC 17.13.020.Y references ORS 223.304(4) and 223.304(5), relevant excerpts of which are provided below:

(4) The ordinance or resolution that establishes or modifies an improvement fee shall also provide for a credit against such fee for the construction of a qualified public improvement. A 'qualified public improvement' means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 (Preparation of plan for capital improvements financed by system development charges) and either:

(a) Not located on or contiguous to property that is the subject of development approval; or

(b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(5)(a) The credit provided for in subsection (4) of this section is only for the improvement fee charged for the type of improvement being constructed, and credit for qualified public improvements under subsection (4)(b) of this section may be granted only for the cost of that portion of such improvement that exceeds the local government's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under subsection (4)(b) of this section.

(b) A local government may deny the credit provided for in subsection (4) of this section if the local government demonstrates:

(A) That the application does not meet the requirements of subsection (4) of this section; or

(B) By reference to the list adopted pursuant to ORS 223.309 (Preparation of plan for capital improvements financed by system development charges), that the improvement for which credit is sought was not included in the plan and list adopted pursuant to ORS 223.309 (Preparation of plan for capital improvements financed by system development charges).

(c) When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. This subsection does not prohibit a local government from providing a greater credit, or from establishing a

system providing for the transferability of credits, or from providing a credit for a capital improvement not identified in the plan and list adopted pursuant to ORS 223.309 (Preparation of plan for capital improvements financed by system development charges), or from providing a share of the cost of such improvement by other means, if a local government so chooses.

Applicant has not entered into a Development Agreement with PP&R for these proposed improvements, nor has Applicant donated money. The applicant is not proposing any Qualified Public Improvement based on criteria outlined in PCC 17.13.020 Y.1 and 2, so Applicant is not required to meet those criteria. Those criteria will not be considered further for the individual requests.

Staff will consider the remaining five criteria from the list above.

To be found eligible as a Qualified Public Improvement (“QPI”), the proposed PSDC credit item will need to meet the following:

PCC 17.13.020.Y Criteria 1 & 2 (proposed QPI must meet both):⁴

- 1) Whether the proposed PSDC Credit item “increases the capacity of the City’s Parks and Recreation System”
- 2) Whether the proposed PSDC Credit item “meets the definition and requirements of qualified public improvements under ORS 223.304(4) and 223.304(5).”

OR:

PCC 17.13.020 Y.3 (Criterion 3):

- 4) Additionally, unless there is a conflict with ORS 223.304(4) or 223.304(5), the following will be eligible:
A donation of a habitat or trail. If the donation is a habitat, it must be adjacent to a Portland Parks property, or it must be a minimum of 3 contiguous acres with at least 66 percent of its area covered by the City’s environmental overlay zone. If the donation is a trail, it must be a major public trail designated on the City’s Official Zoning Maps.

⁴ PCC 17.13.020 Y includes an additional criterion. The proposed QPI must be “approved by the Commissioner-in-Charge or designee” However, PP&R does not include that criterion in its initial evaluation of a proposed QPI because that evaluation is performed at the staff level.

OR:

PCC 17.13.020 Y.4 (Criterion 4):

5) Additionally, unless there is a conflict with ORS 223.304(4) or 223.304(5), the following will be eligible:

An improvement or conveyance of Real Property Interests for parks and recreational use that does not otherwise qualify as a Qualified Public Improvement; is not separately eligible for a credit, bonus, or other compensation; and, in the opinion of the Director in their reasonable discretion, serves the City's public parks and recreation needs.

Staff Findings:

Note: The below staff findings assumes the Parks Commissioner concurs with staff's recommendation. If not, the Parks Commissioner's decision will prevail.

A1 Pedestrian Overlook - \$209,676 requested

Staff finds that this proposed improvement would meet the definition of a Qualified Public Improvement.

Evaluation of criteria 1 & 2:

Criterion 1: Whether the proposed improvement "increases the capacity of the City's Parks and Recreation System." Staff finds that the improvement will increase the capacity of the City's Parks and Recreation System if the improvement is conveyed to PP&R and capitalized as a PP&R system asset. The overlook will be within the defined public access easement area, so it cannot be closed off or removed in the future without PP&R prior approval.

The overlook will be of benefit to park users and the 2004 South Waterfront Greenway (SWG) Development Plan envisions such overlooks along the Greenway, though the plan did not require them.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved land use proposal satisfies the requirement to be required as a condition of development approval.

- 2) Staff finds that the overlook satisfies the requirement to be part of the plan and list adopted pursuant to ORS 223.309. It is on the SDC-CIP as part of the “South Waterfront Greenway South District SOWA – Lane Street to River Forum Segment – South Stretch of Central District” project.
- 3) Staff also finds that the overlook is located, in whole or in part, on the property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is above minimum Title 33 standards, though it is in part how Applicant met the approval criteria for the South Waterfront Design Guidelines. The overlook is not otherwise required by development codes or regulations.

Staff finds that the proposed improvement would meet ORS 223.304(4) and 223.304(5) if it is conveyed to PP&R to become part of the park system.

This improvement has already been found (above) to qualify as a QPI, so Criteria 3 and 4 do not need to be met to obtain a PSDC credit.

Staff Recommendation: PSDC Credit in the amount of \$209,676, pending conveyance to PP&R

A2 Interactive Water Feature and Sculpture - \$550,000

Staff finds that the interactive water feature and sculpture would not meet the definition of a Qualified Public Improvement.

Evaluation of criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the improvement will not increase the capacity of the City’s Parks and Recreation System. The majority of these elements are located on privately-owned and -managed land that will not be part of the PP&R Greenway easement area, nor be managed by PP&R, and do not expand capacity of the park system.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the interactive water feature and sculpture do not satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. It is not on the SDC-CIP.
- 3) Staff also finds that the interactive water feature and sculpture are located, in whole or in part, on the property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is above minimum Title 33 standards, though the water feature is in part how Applicant met the approval criteria for the South Waterfront Design Guidelines. The interactive water feature and sculpture is not otherwise required by development codes or regulations.

Staff finds that the proposed improvement would not meet ORS 223.304(4) or 223.304(5) because it is not on the SDC-CIP list.

Staff finds that the Proposed Improvement does not meet Criterion 3.
Applicant is not proposing to donate these features.

Staff finds that the Proposed Improvement does not meet Criterion 4.
The provision of the plaza, which includes the interactive water feature and sculpture, was required for the applicant to obtain a development bonus (to gain additional floor area and building height closer to the Greenway setback line), so it would not technically exceed the “local government minimum standard.” To their credit, Applicant has designed these improvements in such a way that they are clearly open to the public and they will not appear as private resident-only access areas. Because of the development bonus, they will be within a defined public access area (recorded on the subdivision map) so they are permanent (in perpetuity), and cannot be closed off or removed in the future. However, because of the development bonus, PSDC credits cannot be recommended here as a QPI.

This improvement is being made to obtain a bonus, so it does not meet Criterion 4.

In sum, this proposed interactive water feature and sculpture are determined not to be a Qualified Public Improvement.

Recommendation: No PSDC Credit

A3 Plaza Enhancements - \$463,395 requested

Staff finds that the plaza enhancements would not meet the definition of a Qualified Public Improvement.

Evaluation of criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the improvement will not increase the capacity of the City’s Parks and Recreation System. The majority of these plaza elements are located on privately-owned and managed land that will not be part of the PP&R easement area, nor be managed by PP&R, and do not expand capacity of the park system.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the plaza enhancements do not satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. It is not on the SDC-CIP.
- 3) Staff also finds that the plaza enhancements are located, in whole or in part, on the property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is above minimum Title 33 standards, though the plaza is required to obtain additional height and Floor Area Ratio (FAR) bonus sought by Applicant. The plaza enhancements are not otherwise required by development codes or regulations.

Staff finds that the proposed improvement would not meet ORS 223.304(4) or 223.304(5) because it is not on the SDC-CIP list.

Staff finds that the Proposed Improvement does not meet Criterion 3.

Applicant is not proposing to donate the improvement.

Staff finds that the Proposed Improvement does not meet Criterion 4.

The plaza (5,000 sq. ft. minimum) was required in order for the applicant to obtain a development bonus, both height and additional Floor Area Ratio (FAR - via the

South Waterfront Willamette River Greenway Bonus option in Zoning Code Sections 33.510.210.B and 33.510.210.G). While the zoning code does not specify the expected level of amenity or surface material of the plaza, it should be assumed that the plaza at a minimum be constructed of higher quality surfacing material (not just asphalt or just concrete) and have seating, site furnishings, and other amenities. Pavers are proposed for the plaza.

The plaza was separately eligible for a bonus, so Criterion 4 is not met.

In sum, the plaza enhancement is determined not to be a Qualified Public Improvement.

Recommendation: No PSDC Credit

A4 Maker's Plaza - \$81,637 requested

Staff finds that the Maker's Plaza would not meet the definition of a Qualified Public Improvement.

Evaluation of criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the improvement will not increase the capacity of the City’s Parks and Recreation System. Staff finds this Maker’s Plaza is not a feature that would normally be developed or desired for the park system but, rather, was designed to activate the building frontage along the Greenway. These elements are located on privately-owned and -managed land that will not be fully within the PP&R Greenway easement area, nor be managed by Parks, and will not expand the capacity of the park system.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the Maker’s Plaza does not satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. It is not on the SDC-CIP.
- 3) Staff also finds that the Maker’s Plaza is located, in whole or in part, on the property that is the subject of development approval and required to be built

larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is above minimum Title 33 standards, though the Maker's Plaza design is in part how Applicant met the South Waterfront Greenway Design Guidelines approval criteria, for locating non-required elements within the greenway area. The Maker's Plaza is not otherwise required by development codes or regulations.

Staff finds that the proposed improvement would not meet ORS 223.304(4) or 223.304(5) because it is not on the SDC-CIP list.

Staff finds that the Proposed Improvement does not meet Criterion 3.
Applicant is not proposing to donate these features.

Staff finds that the Proposed Improvement does not meet Criterion 4.
The Maker's Plaza does not otherwise serve the City's public parks and recreation needs. It was also required as part of the Design Commission approval to meet the "local government minimum standard." This criterion is not met.

In sum, the proposed Maker's Plaza is determined not to be a Qualified Public Improvement.

Recommendation: No PSDC Credit

A5 – Greenway Furnishings - \$32,500 requested

Staff finds that this proposed improvement would meet the definition of a Qualified Public Improvement.

Evaluation of criteria 1 & 2:

Criterion 1: Whether the proposed improvement "increases the capacity of the City's Parks and Recreation System." Staff finds that the improvement will increase the capacity of the City's Parks and Recreation System if the improvement is conveyed to PP&R and capitalized as a PP&R system asset.

The greenway furnishings will be of benefit to park users and the 2004 South Waterfront Greenway (SWG) Development Plan envisions such furnishings along the Greenway, though the plan did not require them.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved land use proposal satisfies the requirement to be required as a condition of development approval.
- 2) Staff finds that the greenway furnishings satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. Furnishings along a trail are typically included in trail development. The trail is on the SDC-CIP list as part of the “South Waterfront Greenway South District SOWA – Lane Street to River Forum Segment – South Stretch of Central District” project.
- 3) Staff also finds that the greenway furnishings are located, in whole or in part, on the property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is above minimum Title 33 standards, though the furnishings are in part how Applicant met the approval criteria of the South Waterfront Design Guidelines. The greenway furnishings are not otherwise required by development codes or regulations.

Staff finds that the proposed improvement would meet ORS 223.304(4) and 223.304(5) if it is conveyed to PP&R to become part of the park system.

This improvement has already been found (above) to qualify as a QPI, so Criteria 3 and 4 do not need to be met to obtain a PSDC credit.

Recommendation: PSDC Credit in the amount of \$32,500, pending conveyance to PP&R

A6 – Additional Greenway Landscaping - \$67,869 requested

Staff finds that this proposed improvement would meet the definition of a Qualified Public Improvement.

Evaluation of criteria 1 & 2:

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the improvement will increase the capacity of the City’s Parks and Recreation System if the improvement is conveyed to PP&R and capitalized as a PP&R system asset. Not all of the additional plantings will be entirely within the PP&R easement area.

The additional greenway landscaping will be of benefit to park users and the 2004 South Waterfront Greenway (SWG) Development Plan envisions such enhanced landscaping, including native plantings, along the Greenway, though the plan did not require the additional plants in this portion of the South Waterfront Greenway.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved land use proposal satisfies the requirement to be required as a condition of development approval.
- 2) Staff finds that the additional greenway plantings satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. Plantings along a trail are typically included in trail development. The trail is on the SDC-CIP list as part of the “South Waterfront Greenway South District SOWA – Lane Street to River Forum Segment – South Stretch of Central District” project.
- 3) Staff also finds that the greenway plantings are located, in whole or in part, on the property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is above minimum Title 33 standards, though it is in part how Applicant met the South Waterfront Design Guidelines approval criteria. The greenway plantings are not otherwise required by development codes or regulations.

Staff finds that the proposed improvement would meet ORS 223.304(4) and 223.304(5) if it is conveyed to PP&R to become part of the park system.

This improvement has already been found (above) to qualify as a QPI, so Criteria 3 and 4 do not need to be met to obtain a PSDC credit.

Recommendation: PSDC Credit in the amount of \$67,869, pending conveyance to PP&R

A7 Retaining Walls - \$245,700 requested

Staff finds that the retaining walls would meet the definition of a Qualified Public Improvement.

Evaluation of Criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the improvement will increase the capacity of the City’s Parks and Recreation System. These retaining walls assist in holding up the Greenway trail, specifically, the easterly pedestrian trail. They are needed to revise existing riverbank grades, and provide more horizontal Greenway width for the nearly flat trails. Staff finds that they are an intrinsic part of the trail, and are also necessary to accommodate the required-by-zoning-code public access and trails.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the retaining walls do satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. Retaining walls along a trail necessary for the trail construction can be included in trail development. The trail is on the SDC-CIP list as part of the “South Waterfront Greenway South District SOWA – Lane Street to River Forum Segment – South Stretch of Central District” project.
- 3) Since the retaining walls were required to place the trail in a location that matches the enhanced design of the greenway trail to the north, it is not clear to what extent the retaining walls are required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. By base code, the trails could have been placed west of the proposed design, and potentially right up against the proposed buildings to avoid the need for retaining walls. However, this would have resulted in an inferior design not in keeping with the trails to the north, and could have diminished trail capacity by creating less graceful, and sharper turns, which could reduce bicycle and pedestrian flow. Since there were no engineering drawings completed for westerly aligned trails that could have avoided the need for retaining walls, or made lower height retaining walls possible, for comparison purposes, it is not possible to assess the difference between the two possible greenway trail designs (base code minimum design and the proposed design). Since it is clear, however, that the enhanced trail cannot be constructed without the retaining walls, staff consider this criterion to be met. The retaining walls are not otherwise required by development codes or regulations.

Staff finds that the proposed improvement does meet ORS 223.304(4) and 223.304(5).

This improvement has already been found (above) to qualify as a QPI, so Criteria 3 and 4 do not need to be met to obtain a PSDC credit.

Staff supports construction of the walls as necessary to support the placement of the trail. In sum, the retaining walls are determined to be an eligible Qualified Public Improvement.

Recommendation: PSDC credit in the amount of \$245,700

B. Bank Stabilization (B1, B2, B3) - \$2,094,243 requested

Staff finds that the bank stabilization improvements (B1, B2, B3) would not meet the definition of a Qualified Public Improvement. Staff considered these improvements in a group, as the work is highly inter-related.

Evaluation of Criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the improvement will not increase the capacity of the City’s Parks and Recreation System. These costs make the Greenway land area safe and stable for the proposed and required Greenway improvements. Staff finds that they do not in themselves expand capacity, and they are also necessary to accommodate the required-by-zoning-code public access area and trails. They are part of the property owner’s responsibility to provide a safe and stable place, and they facilitate basic functional design of the public trails.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the stabilization does satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. Stabilization along a trail can be included in trail development. The trail is on the SDC-CIP list as

part of the “South Waterfront Greenway South District SOWA – Lane Street to River Forum Segment – South Stretch of Central District” project.

- 3) Staff also finds that the stabilization work area is located, in whole or in part, on the property that is the subject of development approval, and the stabilization improvements are more substantial than required to meet minimum Title 33 standards. Park staff does not find that they are required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. They are part of the property owner’s responsibility to provide and facilitate basic functional design of the development site. The bank stabilization is not otherwise required by development codes or regulations.

Staff finds that the proposed improvement does meet ORS 223.304(4) or 223.304(5).

Staff finds that the Proposed Improvement does not meet Criterion 3.
Applicant is not proposing to donate these features.

Staff finds that the Proposed Improvement does not meet Criterion 4.
The bank stabilization work does not otherwise serve the City’s public parks and recreation needs.

Staff supports implementation of the bank stabilization improvements and acknowledges that they are indeed a cost to the applicant, but cannot conclude that PSDC credits should be granted for completing them as they are not expanding the capacity of the park system. In sum, the bank stabilization improvements are determined not to be a Qualified Public Improvement.

Recommendation: No PSDC credit

C. Riverbank Environmental Remediation and Greenway Environmental Remediation (C1,, C3) - \$1,102,750 requested

Staff finds that the environmental remediation (C1, C3) would not meet the definition of a Qualified Public Improvement. Staff considered these improvements in a group, as the improvements are of the same type.

Evaluation of Criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that these improvements will not increase the capacity of the City’s Parks and Recreation System. While the remediation makes the area safe and habitable for the proposed and required Greenway improvements and development area, the remediation work does not expand park capacity and is not in the PP&R easement area.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the remediation does not satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. The remediation represents a property owner responsibility and was not specifically called for in the Park SDC-CIP list trail project.
- 3) Staff also finds that the remediation is located, in whole or in part, on the property that is the subject of development approval but finds that the remediation is not required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The remediation is required to meet minimum State DEQ requirements required as a condition of the land division approval to meet land suitability criteria of Title 33.

Staff finds that the proposed improvement does not meet ORS 223.304(4) or 223.304(5).

Staff finds that the Proposed Improvement does not meet Criterion 3.

Applicant is not proposing to donate these features, and these are outside of the PP&R proposed easement area. They would not be under PP&R jurisdiction.

Staff finds that the Proposed Improvement does not meet Criterion 4.

The environmental remediation does not otherwise serve the City’s public parks and recreation needs.

Staff supports implementation of all of the remediation work in Category C but cannot conclude that PSDC credits should be granted for it for the reasons stated above. In sum, the environmental remediation is determined not to be a Qualified Public Improvement.

Recommendation: No PSDC credit

C2. In-water pier and piling demolition and removal - \$101,252 requested

Staff finds that the in-water pier and piling demolition and removal work would not meet the definition of a Qualified Public Improvement.

Evaluation of Criteria 1 & 2.

Criterion 1: Whether the proposed improvement “increases the capacity of the City’s Parks and Recreation System.” Staff finds that the in-water piling removal will not increase the capacity of the City’s Parks and Recreation System. While the the in-water removal of pilings makes the riverbank more beautiful and enhances the health of the river, it is not in the PP&R easement area, and does not expand park capacity.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved land use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the in-water removal of pilings does not satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. The in-water removal of pilings was not specifically called for in the Park SDC-CIP list trail project.
- 3) Staff also finds that the in-water removal of pilings are located, in whole or in part, on the property that is the subject of development approval and finds that the in-water removal of pilings is required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. The improvement is not required by minimum Title 33 standards. It does exceed the local government standard, though it was found to meet discretionary land use review approval criteria.

Staff finds that the proposed improvement does not meet ORS 223.304(4) or 223.304(5).

Staff finds that the Proposed Improvement does not meet Criterion 3.

Applicant is not proposing to donate these features, and these are outside of the PP&R proposed easement area. They would not be part of the park system.

Staff finds that the proposed improvement does not meet Criterion 4.

The in-water piling removal does not otherwise serve the City's public parks and recreation needs.

Staff supports implementation of the in-water piling removal work but cannot conclude that PSDC credits should be granted, for the reasons stated above. In sum, the in-water work is determined not to be a Qualified Public Improvement.

Recommendation: No PSDC credit

C. Accessways (C4, C5, C6) - \$1,046,214 requested

Staff finds that the accessway improvements (C4, C5, C6) would not meet the definition of a Qualified Public Improvement. Staff considered these improvements in a group, as the improvements are of the same type, albeit on different streets.

Evaluation of Criteria 1 & 2.

Criterion 1: Whether the proposed improvement "increases the capacity of the City's Parks and Recreation System." Staff finds that the improvement will not increase the capacity of the City's Parks and Recreation System. The three accessways are required for motor vehicle and public access as a condition of the development approval and, in staff's view, are not part of the park system but, rather, part of the City's transportation infrastructure, as outlined in the South Waterfront District Street Plan, amended most recently in 2016. They are part of the property owner's responsibility to provide access to the development.

Criterion 2: Whether the proposed improvement meets ORS 223.304(4) and 223.304(5), which include three relevant criteria:

- 1) Staff finds that being included in the approved Land Use proposal satisfies the requirement to be a condition of development approval.
- 2) Staff finds that the accessways do not satisfy the requirement to be part of the plan and list adopted pursuant to ORS 223.309. Accessways to a trail are not regularly provided as part of the park system. These three accessways are not on the Park SDC-CIP list.

- 3) Staff also finds that the accessways are located, in whole or in part, on the property that is the subject of development approval. The accessway design elements exceed minimum Title 33 and street design standards but were required to meet discretionary land use review approval criteria. The project was granted a Title 33 Adjustment concurrent with the land division approval that allowed the accessways to be retained in private ownership with public access easements (not managed by PP&R) instead of being dedicated to the public.

Staff finds that the proposed improvement does not meet ORS 223.304(4) and 223.304(5) because it is not on the Park SDC-CIP list.

Staff finds that the Proposed Improvement does not meet Criterion 3.
Applicant is not proposing to donate these features.

Staff finds that the Proposed Improvement does not meet Criterion 4.
The accessways do not otherwise serve the City's public parks and recreation needs.

In sum, the accessway improvements are determined not to be a Qualified Public Improvement.

Recommendation: No PSDC credit

Additional Hard and Soft Costs - \$1,789,549 requested

In addition to the base construction costs indicated above, the applicant has identified other construction costs in their submitted cost estimates in Exhibits H, I, and J, totalling \$1,149,140. In addition to those other "hard" construction costs, the applicant has identified "soft" costs totaling \$640,409. Soft costs pay for the design and planning of the improvements outlined above. They are needed to build the improvements. Staff is in favor of granting the request for the additional hard costs, including soft costs at 10% of the hard costs, for those items that the Commissioner-in-Charge approves as QPIs. This percentage is consistent with cost-estimating benchmarks.

Recommendation: PSDC credit for the additional hard costs identified in Exhibit H, I, and J, including soft costs at 10% of the hard costs, for those items that the Commissioner-in-Charge approves as QPIs.

2. Amount of PSDC Credits Awarded

PCC 17.13.070.B governs the amount of credit that may be awarded:

B. To obtain an SDC Credit, the Applicant must specifically request a Credit prior to the City's completion of the final inspection for the New Development. In the request, the Applicant must identify the improvements for which Credit is sought and explain how the improvements meet the requirements for a Qualified Public Improvement. The Applicant must also document, with credible evidence, the value of the improvements for which Credit is sought. If, in the Administrator's opinion, the improvements are Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvements, an SDC Credit can be granted, if approved as outlined below. The value of the SDC Credits under this section shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of Real Property Interests, as follows:

- 1. For Real Property Interests, the value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction.*
- 2. For improvements yet to be constructed, value will be based upon the anticipated cost of construction. Any such cost estimates must be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought. The City will give immediate credits based on estimates, but it will provide for a subsequent adjustment based on actual costs: a refund to the Applicant if actual costs are higher than estimated, and an additional SDC to be paid by the Applicant if actual costs are lower than estimated. The City will inspect all completed Qualified Public Improvement projects before agreeing to honor any credits previously negotiated. The City will limit credits to reasonable costs. Credits will be awarded only in conjunction with an application for development.*

Staff Finding:

PCC 17.13.010.HH.5: Staff finds that the applicant has submitted cost estimates from professional design professionals that meet the requirements of PCC 17.13.070.B.2 and that the costs reflect and are consistent with costs for similar improvements that PP&R has constructed in past projects. Per PCC 17.13.070.B.2, the City will give credits based on estimates but will provide a subsequent adjustment based on actual costs, including a refund to the applicant or additional SDCs to be paid by the applicant.

3. Subsequent Phase Request

Applicant has requested that any credits awarded greater than the improvement fee for the two permits indicated in their application be eligible to apply against subsequent phases of the original development project. PCC 17.13.070.E outlines the criteria for consideration of subsequent phases:

When the construction or donation of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. For purposes of this paragraph, “subsequent phases of the original development project” means additional New Development that is approved as part of the same regulatory development approval (such as elements approved as part of the same conditional use master plan or planned unit development) or other portions of the same “site” (as defined by PCC 33.901.030) that are explicitly defined in the application for SDC credits as subsequent phases of the original development project. For multi-phased developments, the applicant must describe all subsequent phases at the time application is made for SDC credits and must document to the satisfaction of the SDC Administrator that the subsequent phases are integrally connected with the original development rather than independent projects.

Staff Finding:

Staff finds Applicant’s stated argument for consideration of subsequent phases of the original development proposal satisfactory and agrees that any excess credits could be applied to future building permits for blocks 44 and 45, if those building permits meet the stated time limits for use of credits in PCC 17.13.070.F.

Staff Recommendation to Committee

PP&R staff in the Bureau’s planning and design and construction teams have reviewed the request in detail. We note that the applicant has been cooperative, flexible, and responsive at multiple times throughout the design process to PP&R concerns and suggestions. The developer has built previous properties in South Waterfront and has indicated their intention to build high quality Greenway

improvements in the early phases of the four-block project, which is of benefit to the public. We recommend awarding Parks SDC credits as follows:

	PSDC Requested Improvement	PSDC Request	PP&R QPI Evaluation	PSDC Recommendation
A. Greenway Items				
A1	Pedestrian Overlook	\$209,676	Yes	\$209,676*
A2	Interactive Water Feature and Sculpture	\$550,000	No	\$0
A3	Plaza Enhancements	\$463,395	No	\$0
A4	Maker's Plaza	\$81,637	No	\$0
A5	Greenway Furnishings	\$32,500	Yes	\$32,500*
A6	Additional Landscaping	\$67,869	Yes	\$67,869*
A7	Retaining Wall	\$245,700	Yes	\$245,700*
	Greenway Items Hard Construction Cost Subtotal (inc. fixed bid additional fees)	\$1,904,355	N/A	Proportional to recommended hard cost items above
	Soft cost (10%)	\$190,436	N/A	Proportional to recommended hard cost items above
Greenway Items Subtotal				
B. Bank Stabilization				
B1	Survey	\$45,000	No	\$0
B2	Earthwork	\$1,167,299	No	\$0
B3	Dewatering	\$141,654	No	\$0
	Bank Stabilization Hard Construction Cost Subtotal (inc. fixed bid fees)	\$1,903,857	N/A	N/A
	Soft cost (10%)		N/A	N/A
Bank Stabilization Subtotal				
C. Miscellaneous Improvements				
C1	Riverbank Environmental Remediation	\$903,815	No	\$0
C2	In-Water Pier and Piling Demolition and Removal	\$101,252	No	\$0
C3	Greenway Environmental Remediation	\$198,935	No	\$0

C4	Abernethy Accessway	\$408,215	No	\$0
C5	Lane Accessway	\$365,529	No	\$0
C6	Lowell Accessway	\$272,470	No	\$0
	Miscellaneous Hard Construction Cost Subtotal (inc. fixed bid fees)	\$2,595,874	N/A	N/A
	Soft cost (10%)		N/A	N/A
Miscellaneous Improvements Subtotal				

* Pending conveyance to PP&R.

The base total of the items being recommended for PSDC Credit is \$555,745. By adding a proportional factor for the additional hard costs, this increases to \$641,113.55. By adding 10% soft costs, this increases to \$705,224.90. The total PSDC recommended credit award is \$705,224.90, to be awarded as an estimate and adjusted later based on actuals.



**CITY OF PORTLAND PARKS SYSTEM DEVELOPMENT CHARGE
REQUEST FOR PARKS SDC CREDIT FOR QUALIFIED PUBLIC IMPROVEMENT FORM
PSDC-7**

APPLICANT NAME: AM/DRI Willamette LLC

BUILDING PERMIT #: Block 41(19-238761-CO & 20-205976-MT), Block 42(19-238765-CO & 20-201349-MT), & the Greenway (20-205930-SD)

You may apply for credits against (reductions of) the amount of SDC's you owe. Credits may be given by Portland Parks & Recreation for the value of the donation of land, an improvement or another asset, which is considered a "qualified public improvement", as defined in PCC 17.13.020(Y).

Explanation of Compliance with Criteria for Qualified Public Improvements

Pursuant to PCC § 17.13.070(B), the applicant for SDC credits must explain how an improvement meets the requirements for a qualified public improvement. Attach a detailed description of how each part of this definition is met by the proposed improvement, including any documentation necessary to demonstrate compliance with the elements of the definition other than part 3, approval by the Director of Parks.

Proposed Public Improvement

Please attach a detailed description including site maps and drawings of your proposed public improvement, the value and a copy of a professional certified appraisal. If your public improvement is the conveyance of Real Property please complete the following:

Tax Lot #: _____

Property Owner: _____

Property Address: _____

Size: _____ Improvements: Yes No

Assessed Value of Land: _____ Assessed Value of Improvements: _____

Total Assessed Value of Property: _____

(Attach copy of appraisal)





Signature and Date

I certify that the information presented above is current and accurate to the best of my knowledge.

Wade John 3/11/21
Signature Date

Wade John
Printed Name



March 12, 2021

Dana L. Krawczuk
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9218
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VIA EMAIL
(SARAH.HUGGINS@PORTLANDOREGON.GOV)

Sarah Huggins
System Development Charge Program Manager | Finance, Property, and Technology
Portland Parks & Recreation
1120 SW 5th Avenue, Suite 1302
Portland, OR 97204

**Re: Request for Parks SDC Credit for Qualified Public Improvements: Alamo
Manhattan Blocks**

Dear Sarah:

We are pleased to provide information in support of AM/DRI Willamette LLC's (the "Applicant") request for Parks System Development Charge ("PSDC") credits.

I. Executive Summary

The Applicant is building a missing link of the Greenway, which is estimated to cost about \$10.1M. The Applicant's segment of the Greenway abuts and extends the City-owned South Greenway Waterfront Greenway Central District park and provides both public recreation opportunities and habitat enhancement. We request \$7,004,475 of PSDC credits for the improvements within the Greenway that exceed the minimum standards of the City's code and increase park capacity.

The Greenway improvements are being constructed as part of a mixed-use Project (further described below) that includes approximately 1,200 residential units, 22,000 square feet of retail, and will provide more inclusionary housing-compliant affordable housing units than any private project to date in the City. The Project will also buildout a portion of the multi-modal transportation grid in South Waterfront. The Project will be built in phases, with two buildings and the Greenway improvements included in the first phase, with construction anticipated to begin in May 2021. The Project's total PSDC obligation is estimated to be \$8,332,150.

The Project Greenway improvements were approved through Design Review and South Waterfront Greenway Review. The public process was robust and culminated in the City Council approving the Project. City Council was keenly interested in ensuring the success of the Greenway, and concluded:

“Over the lengthy public design process there has been extensive input from individuals, environmental groups, BDS and the Parks Department. The collaborative process resulted in a Greenway design that carefully and successfully balances habitat restoration and spaces for people to recreate. That balance is delicate because introducing humans to riparian areas typically degrades the habitat. The balance was struck here by providing pedestrian and bike trails, an overlook, lawn areas and two public plazas for human recreation (one of which includes a fountain/water feature that is a play area), and habitat restoration through environmental remediation of the riverbank, removal of the wooden pier, bank stabilization that includes laying back the steeply sloped riverbank, adding large woody debris in shallow water for habitat, and installing extensive and continuous native vegetation.”

City Council Findings, 62.

The Greenway improvements for which PDC credit is sought are Qualified Public Improvements (defined below) that are eligible for PSDC credit. The legal standards require that PSDC credits be awarded for improvements that “increase the capacity of the City’s Park and Recreation System” or are “in excess of the minimum standard.” PCC 17.13.070.Y and ORS 223.304(5)(a).

The Parks SDC-CIP includes eight types of projects that increase parks capacity. The Greenway improvements for which credit is sought all qualify as one or more the SDC-CIP project types, such as “*develop new parks on new land,*” “*expand existing recreation facilities, trails..., etc.*”, “*increase playability, durability and life of facilities,*” “*develop and improve parks to withstand more intense and extended use,*” and include “*natural area restoration.*”

The minimum standards that are applicable to Greenway improvements contiguous to the Project are PCC 33.510.253.D (Required South Waterfront Greenway improvements) and PCC 33.510.253.E (Development Standards). The Project’s Greenway improvements were approved through South Waterfront Greenway Review, in which the City Council concluded that the Greenway improvements better enhance the natural, scenic, historical, economic, and recreational qualities of the Greenway than would be required by the minimum standards.

This application presents the Greenway improvements in three general categories: A. Greenway Items; B. Bank Stabilization; and C. Miscellaneous Improvements. Within each category, there are several Greenway improvement items. Exhibit G. The cost estimates at Exhibits H, I and J further break down the elements of each item, with total costs included in Exhibit G. For example, with the A. Greenway Items, Item A5 is Greenway Furnishings, a line item in the cost estimate includes 7 native basalt benches and the corresponding details are in Exhibits L1.01, E, H and L.

For each Greenway item, we reference relevant exhibits, describe the improvement, cite to the City Council’s findings related to the item, and then correlate the item to the SDC-CIP capacity creating category and minimum standard which is exceeded, which supports a conclusion that PSDC credit should be awarded.

The City Council findings that are cited in this application are a critical part of the PSDC credit analysis. Unlike most PSDC credit applications, in this case City Council has carefully evaluated the Greenway improvements and its adopted findings address how recreational and habitat capacity is increased and minimum standards are exceeded. This is significant because those findings are applicable to the Qualified Public Improvement and PSDC credit award criteria. We request that the PSDC credit award decision be consistent with and implement the City Council's findings, and that a full award be granted.

II. Background

Project

The Applicant is the developer of the 4-block/2-tract project in the South Waterfront that will include 5 buildings, Greenway trail connections and improvements, habitat enhancement, new streets (S. River Parkway, S. Lowell and S. Abernethy) and river accessways (Lane, Abernethy and Lowell east of S. River Parkway) (the "Project"). The Project was approved by the City Council in Case File No. LU 20-102914 DZM AD GW ("Design Review/Greenway Approval"), which includes extensive findings related to the Greenway and improvements subject to this PSDC Credit request (the "City Council Findings").

The Project will be constructed in phases, with the first phase including construction of the Greenway improvements and buildings on Blocks 41 and 42. Building permits are pending for Block 41 (19-238761-CO & 20-205976-MT) and Block 42 (19-238765-CO & 20-201349-MT) and the Greenway (20-205930-SD), and construction is expected to begin in May 2021.

The Project's total PSDC obligation is estimated to be \$8,332,150. Exhibit K.

Greenway Improvements

The Project's Greenway improvements are depicted on Exhibits L1.01 and A-F.

The Applicant seeks PSDC credit for only items that increase capacity, and as detailed below, each item is broken into categories, which then list specific elements. For example, Item A3 is the Plaza Enhancement, which includes several components such as the Plaza Lawn area.

Evaluating PSDC credit eligibility requires breaking down the various elements of the Greenway, but the Greenway was designed and approved by the City in a more holistic way, so the description of PSDC credit items sometimes overlap. Before delving into each item that is PSDC credit eligible, the totality of the Greenway improvements must be understood. Below are some of the City Council Findings that summarize the Project's Greenway improvements, with brackets added to correlate the description to the items that are included in the PSDC credit request.

“The Greenway trail provides five additional access points to the trail: from the north, by connecting to existing trails; to the west through new direct, public accessways via SW Lane, SW Abernethy, and SW Lowell [Items C4, C5 and C6]; and to the south, by connecting to an existing trail. The trails are designed in a curvilinear manner to maximize views toward the river and to provide interest and are separated from the bank area by retaining walls [Item A7] and a naturalized bank treatment [Items B and C1]. The trail has been designed to observe existing topography that falls toward the river and expose concrete retaining walls along the riverbanks. These features illustrate the river- based industrial history of the south waterfront area and provide an experience that differs from other sections of the Greenway trail and adds variety to the Greenway experience. Street markers [Item A5] are provided at the accessway crossings and changes in materials at crossings are proposed to promote convenience, wayfinding and safety.”

City Council Findings, 22-23.

“The Projects north/south extension of the Greenway and three accessways [Items C4, C5 and C6] that connect the Greenway to the right of way provides diverse opportunities for passive human interaction with the Willamette River. Three wide, tree-lined pedestrian malls accessways [Items C4, C5 and C6] direct the public to the Greenway with signage at the entrance to malls at SW River Parkway. Once there, an interactive fountain [Item A2] plaza [Item A3] at the landward terminus of Abernethy provides a view of the river with maritime custom wood benches [Item A5]. Then a direct path crossing the bike trail and pedestrian trail leads east to the river with an unobstructed view of the river at the Abernethy river overlook [Item A1] - a curved, wooden overlook tying into South Waterfront heritage. This river overlook is adjacent to the pedestrian path, still allowing a smooth, uninterrupted flow of pedestrians.

“Two groupings of native stone benches [Item A5] east and west of the pedestrian trail are nestled into trees [Item A6] along the pedestrian trail. There are also provided, adjacent to the fountain plaza [Item A2 and A3], two connected plaza spaces north and south of the fountain [Item A3]. These gathering areas provide wood chaise lounges with comfortable backs facing the river with linear LED blue ground plane light pavers leading from both sides [Item A3] to the central fountain [Item A2] and reflective and symbolic of river adjacency. The maker’s space [Item A4] at the SE corner of Block 44 building provides another plaza with benches overlooking the river. The lawn areas [Item A3] flanking the Abernethy Fountain Plaza provide sunning and recreational opportunities. Bicyclists that traverse the Greenway have marker inserts [Item A5] into the bike path that tell them what street they are crossing. The Greenway trails are lit with shielded pedestrian lights and natural areas east of trails to the river are left undisturbed.”

City Council Findings, 34.

“The project will also remove the dilapidated wooden pier [Item C2] along the site’s river frontage, lay back the steeply sloping riverbank and stabilize banks with large woody debris (LWD) and riprap armor [Item B]. Armored banks, and areas landward of the banks will be restored with riparian plantings of native trees, shrubs and groundcovers [Item A6].”

City Council Findings, 3-4.

This PSDC credit application breaks down the items of the Greenway improvements for which PSDC credit is sought as including:

A. Greenway Items		
A1	Pedestrian Overlook	Exhibits L1.01, A, F.1, H and L
A2	Interactive Water Feature and Sculpture	Exhibits L1.01, B, F.1, H and L
A3	Plaza Enhancements	Exhibits L1.01, C, H and L
A4	Maker’s Plaza	Exhibits L1.01, D, H and L
A5	Greenway Furnishings	Exhibits L1.01, E, H and L
A6	Additional Landscaping	Exhibits L1.01, F.1, H and L
A7	Retaining Wall	Exhibits L1.01, F, F.1, H and L
B. Bank Stabilization		
B1	Survey	Exhibits I and M
B2	Earthwork	
B3	Dewatering	
C. Miscellaneous Improvements		
C1	Riverbank Environmental Remediation	Exhibits J and M
C2	In-Water Pier and Piling Demolition and Removal	Exhibits J and M
C3	Greenway Environmental Remediation	Exhibits J and M
C4	Abernethy Accessway	Exhibits J and N
C5	Lane Accessway	Exhibits J and N
C6	Lowell Accessway	Exhibits J and N

Each item is comprised of multiple elements, as detailed in the line item cost estimates in Exhibits H, I, and J. Total costs are summarized in Exhibit G.

Items of the Greenway improvements that are required to meet the minimum required Greenway standards are not included in this PSDC credit request. The minimum required improvements include items such as Greenway trail construction, code-minimum landscaping and related excavation.

The estimated total cost of the all of the Applicant’s Greenway improvements is \$10,134,372. In 2016, the City’s SDC-CIP PSDC 20-year capital plan estimated that the

“Utilities, Roads, Trail” element this stretch of the Greenway (referred to as the “SOWA – Lane St. to River Forum segment – south stretch of central district”) would cost \$7,303,500. See <https://www.portlandoregon.gov/parks/article/526301>, Ordinance 187770, Exhibit A. This application requests \$7,044,475 of PSDC credit.

III. Analysis: Compliance with Criteria for Qualified Public Improvements

PSDC credits are awarded if the improvements comply with PCC 17.13.070.B (SDC Credits) and PCC 17.13.020.Y (definition of Qualified Public Improvements).

PCC 17.13.070.B SDC Credits

B. To obtain an SDC Credit, the Applicant must specifically request a Credit prior to the City’s completion of the final inspection for the New Development. In the request, the Applicant must identify the improvements for which Credit is sought and explain how the improvements meet the requirements for a Qualified Public Improvement. The Applicant must also document, with credible evidence, the value of the improvements for which Credit is sought. If, in the Administrator’s opinion, the improvements are Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvements, an SDC Credit can be granted, if approved as outlined below. The value of the SDC Credits under this section shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of Real Property Interests, as follows:

Response:

The “New Development” is the Project. The PSDC credit request is timely because final inspection of the New Development has not been completed. Construction on the New Development will be phased, with construction of Blocks 41 and 44 estimated to commence in May 2021 and construction of the final phase estimated to commence in May 2023. See discussion below in response to PCC 17.13.070.E for more details about phasing.

The improvements for which PSDC credit is sought are summarized in Exhibit G and depicted on Exhibits L1.01 and A-F.1. Evidence supporting the estimated cost of the improvements included as Exhibits G-J. The improvements’ compliance with the requirements for a Qualified Public Improvement are detailed below.

1. For Real Property Interests, the value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction.

Response:

Not applicable. No PSDC credits are sought for Real Property Interests.

2. The City will give immediate credits based on estimates, but it will provide for a subsequent adjustment based on actual costs: a refund to the Applicant if actual costs are higher than estimated, and an additional SDC to be paid by the Applicant if actual costs are lower than estimated. The City will inspect all completed Qualified Public Improvement projects before agreeing to honor any credits previously negotiated. The City will limit credits to reasonable costs. Credits will be awarded only in conjunction with an application for development.

Response:

The application for development in which the PSDC credit is requested in conjunction with is the Project. The Applicant requests credit for improvements yet to be constructed based upon fixed price bids from a contractor. The Applicant will seek a subsequent adjustment based upon actual final costs once the improvements are complete.

The anticipated hard costs of construction are included in Exhibits H, I and J, which are fixed bids from Andersen Construction, the Project's contractor. The Anderson bids include all fees that are customarily included in a fixed bid, such as the general contractor's fee (GC), construction contingency (which covers mistakes made by the contractor or increases in the cost of materials), subcontractor default insurance (SDI) which is similar to a payment and performance bond, general liability insurance, and the pass through of the corporate activities tax. These additional costs are industry standard, and charged to the Applicant as part of Anderson's guaranteed maximum price, which in total is the hard costs for the improvements.

Anderson's hard cost bid does not include items such as permitting fees, design costs, or the developer's contingency (which covers cost increases due to design errors). It is difficult to quantify these soft costs for only the elements of the Greenway improvements where PSDC credit is sought. For example, the fees paid to the civil engineer cover the design of all Greenway improvements, so it is not possible to precisely distinguish what elements of that fee are associated with designing the Greenway trails (no PSDC credit sought) and what is attributable to the Pedestrian Overlook (Item A1). The Applicant estimates that these soft costs are approximately 10% of the hard costs, as included on Exhibit G.

The total amount of PSDC credit sought is \$7,044,475. Exhibit G.

3. For improvements already constructed, value will be based on the actual cost of construction as verified by receipts submitted by the Applicant.

Response:

Not applicable. Credits are sought based upon anticipated costs, to be reconciled upon completion pursuant to PCC 17.13.070.B.2.

PCC 17.13.020.Y Definition of Qualified Public Improvement

Y. “Qualified Public Improvement” means any parks and recreation system capital facility or conveyance of a Real Property Interest that increases the capacity of the City’s Parks and Recreation System, is approved by the Commissioner-in-Charge or designee, and meets the definition and requirements of qualified public improvements under ORS 223.304(4) and 223.304(5)....

Response:

In this section, we first define the legal standard for how to determine whether an improvement “increases capacity” and then we apply that standard to each of the improvements for which PSDC Credit is sought.

Legal Analysis: Determining Whether an Improvement “Increases Capacity”

To be a PSDC credit eligible Qualified Public Improvement (“QPI”), the improvements must “increase the capacity of the City’s Parks and Recreation System.” Sources for understanding how the “increase capacity” standard applies to the Applicant’s improvements are the City’s Parks SDC-CIP, state law and the City Council’s Findings.

Parks SDC-CIP

Funds collected as PSDCs can be used solely for the purpose of providing capacity-increasing capital improvements, as identified in the adopted Parks and Recreation SDC-CIP. PCC 17.13.110.A. Similarly, PSDC credit is available only for capacity-increasing capital improvements. The common thread among PSDC expenditures and credits is the improvement must be capacity creating. Therefore, the SDC-CIP’s description of the types of projects that increase capacity apply to both expenditures and credits.

The Parks SDC-CIP PSDC 20-year capital plan (2016)¹ describes projects that increase capacity expansively, and as including:

¹ The Parks SDC-CIP can be accessed at Ordinance 187770, Exhibit A:
<https://www.portlandoregon.gov/parks/article/526301>

TYPES OF PROJECTS THAT INCREASE CAPACITY:

Land acquisition
Develop new parks on new land
Expand existing recreation facilities, trails, play areas, picnic areas, etc.
Increase playability, durability and life of facilities
Natural area restoration
Develop and improve parks to withstand more intense and extended use
Construct new or expand existing community centers, aquatic facilities, and maintenance facilities
Increase capacity of existing community centers, aquatic facilities, and maintenance facilities

The “increase the capacity” QPI standard is satisfied if an element of the Applicant’s improvement is the type of project that the SDC-CIP lists as increasing capacity. As applied here, and detailed below, the improvements for which PSDC credit are sought increase capacity because they “*develop new parks on new land,*” “*expand existing recreation facilities, trails..., etc.*,” “*increase playability, durability and life of facilities,*” “*develop and improve parks to withstand more intense and extended use,*” and include “*natural area restoration.*”

In the narrative below we address each improvement item, and refer back to the SDC-CIP’s list of types of projects that increase capacity as a way to demonstrate that the item is a QPI.

State Law and the City Council’s Findings

The statutory measure of whether an improvement increases capacity is whether it “exceeds the local government’s minimum standard facility size or capacity needed to serve the particular development project or property.” ORS 223.304(5)(a) (emphasis added).

As applied here, the minimum standards that are applicable to Greenway improvements contiguous to the Project are PCC 33.510.253.D (Required South Waterfront Greenway improvements) and PCC 33.510.253.E (Development Standards).

The Project’s Greenway improvements vary from the minimum standards in PCC 33.510.253.E, so South Waterfront Greenway Review (PCC 33.851) was required.² As explained in the City Council Findings,

² The Applicant designed its Greenway improvements so that they are compatible with, and continue the design of, the existing Greenway improvements to the north and south. This trail design deviates from two requirements in the minimum standards in PCC 33.510.253.E: (1) the pedestrian trail closest to the river is 10-foot wide, instead of 12-foot wide, which matches the widths of the existing trails to the north and south; and (2) improving ADA accessibility along the aligned pedestrian trail requires fences taller than 3 feet high and located less than 45 feet from top of bank because a protective guardrail along the retaining walls is required to provide adequate fall protection. PCC 33.510.253.E.c and d.

“South Waterfront Greenway Review requires that “when compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway.” PCC 33.851.300.A.1. That criterion requires an analysis of the baseline qualities (natural, scenic etc.) that PCC 33.510.253 would result in, and whether the Project better enhances those qualities.”

City Council Findings, 44.

This means that the Applicant’s Greenway improvements could be approved only if they went above and beyond the minimum standards with outcomes that enhance recreational and habitat opportunities. Because enhanced recreational and habitat opportunities are considered to be capacity creating by the SDC-CIP, and the Greenway improvements are in addition to the minimum standards, the City Council’s Findings of compliance the South Waterfront Greenway Review approval criteria also demonstrate that elements of the Applicant’s improvements increase capacity and is a QPI.

This is significant because City Council has determined that the Greenway improvements increase capacity, a QPI determination has already been made for the items for which PSDC credits are sought. We request that the PSDC credit award decision be consistent with and implement the City Council’s Findings, and that a full award be granted.

As additional support, this application is supported by two memos by relevant experts which compare the Greenway improvements to the minimum standards. The memo by Linda Tycher and Associates (Landscape Architect) attached as Exhibit L analyzes how the Pedestrian Overlook (Item A1), Interactive Water Feature and Sculpture (Item A2), Plaza Enhancements (Item A3), Maker’s Plaza (Item A4), Greenway Furnishings (Item A5), Additional Landscaping (Item A6) and Retaining Wall (Item A7) exceed the minimum standards. The August 14, 2020 OTAK (Professional Engineer) memo attached as Exhibit M analyzes the bank stabilization activities (Item B), in-water pier removal work (Item C2), and environmental remediation of the riverbank (Item C1) and Greenway (Item C3), and concludes that they are not required by, and are in excess of, the minimum Greenway standards in PCC 33.510.253 (Required South Waterfront Greenway Improvements) and PCC 33.510.253E (Development Standards).

Analysis of Improvements for Which PSDC Credit is Sought

A. Greenway Items

The Greenway items are described by the Project’s Landscape Architect in Exhibit L and depicted in Exhibits L.101 and A-F.1. Cost estimates that include each sub-element are provided in Exhibit H. Total costs are summarized in Exhibit G.

A1 Pedestrian Outlook

Detail: Exhibits L1.01, A, F.1, H and L

City Council Findings:

As relevant to Item A1, Pedestrian Outlook, the City Council Findings described the diverse range of “small gathering areas that are accessible to the public as extensions of the Greenway trail” that respond “to the recreational as well as natural character of the Southern Reach of the river” as including:

“Overlooks: A viewing platform/overlook is proposed at the east end of SW Abernathy, east of the pedestrian walkway. The overlook is enhanced with illuminated guardrails for nighttime safety and visual appeal. The platform includes bollards to be constructed from the existing wood pier as a reference to the historical industrial context of the site. The proposed cable guard rail further references this industrial history.”

City Council Findings, 23-24

Elsewhere in the City Council Findings, the Pedestrian Overlook is described as “providing both active and passive recreation opportunities at the river’s edge.” City Council Findings, 31.

As part of South Waterfront Greenway Review, the City Council Findings describe the Pedestrian Overlook (referred to as the viewpoint) as:

“A viewpoint at the terminus of SW Abernathy was added back to the proposal. No formal viewpoint is mapped at the east terminus of SW Abernathy Street by the City (Map 510- 15), and construction of a viewpoint is not specifically required by code. Nonetheless, provision of a river overlook at this location does address the public access requirements of the *South Waterfront Greenway Design Guidelines*. As shown on the applicant’s plans, although it is not required to, the Abernathy river overlook technically meets the South Waterfront Greenway standards for “minor viewpoints” (33.515.253 E.5.e.(2)).”

City Council Findings, 27 (emphasis added).

Council then concluded that the Pedestrian Outlook, as well as other features, satisfied PCC 33.851.300.A.1’s requirement that “when compared to the development required by the standards of 33.510.253 [the minimum Greenway standards], the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the Greenway” because:

“... Council finds that compared with standards in PCC 33.510.253, the Project “better” enhances the natural, scenic, historic, economic and recreation qualities

intended to be provided by the Greenway by: removing the dilapidated wooden pilings and pier structure from the river [Item C2], laying back the river banks [Item B], providing a public overlook at the Abernethy terminus at the river [Item A1], and placing large woody debris and root wads to enhance shallow water habitat in the river [Item B]— none of which is required by the standards. Council further details its interpretation of the “better meets” standard in the supplemental findings, below.”

City Council Findings, 29 (emphasis added).

SDC-CIP and Statutory Capacity Creating Categories:

SDC-CIP: The Pedestrian Overlook is a new public gathering area that offers active and passive recreation opportunities adjacent to the required Greenway trails, so either qualifies as “develop new parks on new land” or “expand existing recreation facilities, trails, play areas, picnic areas, etc.” and also “increase[s] playability...”

Statutory: The underlined City Council Findings demonstrate that the Pedestrian Overlook exceeds the minimum standards and enhances the natural and recreational qualities of the Greenway.

A2 Interactive Water Feature and Sculpture

Detail: Exhibits L1.01, B, F.1, H and L

City Council Findings:

The Interactive Water Feature and Sculpture (Item A2) is located within the plaza at the terminus of the SW Abernethy accessway. As relevant to Item A2, Interactive Water Feature and Sculpture, the City Council Findings described the diverse range of “small gathering areas that are accessible to the public as extensions of the Greenway trail” that respond “to the recreational as well as natural character of the Southern Reach of the river” as including:

“Plaza: A plaza is located west of the trails at the SW Abernethy terminus. The plaza provides a transition from the more formal open spaces to the west of the Greenway to the more casual, active, and natural spaces to the east. An [sic] fountain is included within the SW Abernethy plaza. This fountain and space reserved in the fountain for public art provide a focal point for the plaza.”

City Council Findings, 23-24.

On page 62, the City Council Findings also describe “two public plazas for human recreation (one of which includes a fountain/water feature that is a play area).”

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The Interactive Water Feature and Sculpture are a play area that will attract people to recreate and adds diversity to the recreational options within the Greenway. The new public gathering area adjacent to the required Greenway trails, so either qualifies as “develop new parks on new land” or “expand existing recreation facilities, trails, play areas, picnic areas, etc.” and also “increase[s] playability...”

Statutory: The Interactive Water Feature and Sculpture are public amenities that enhance the recreational qualities of the Greenway and exceed the minimum standards in the code.

A3 Plaza Enhancements

Detail: Exhibits L1.01, C, H and L

City Council Findings:

As relevant to Item A3 Plaza Enhancements, the City Council Findings described the diverse range of “small gathering areas that are accessible to the public as extensions of the Greenway trail” that respond “to the recreational as well as natural character of the Southern Reach of the river” as including:

- “Plaza: A plaza is located west of the trails at the SW Abernethy terminus. The plaza provides a transition from the more formal open spaces to the west of the Greenway to the more casual, active, and natural spaces to the east. An [sic] fountain is included within the SW Abernethy plaza. This fountain and space reserved in the fountain for public art provide a focal point for the plaza.
- “Lawn areas: Two open lawn areas flank the SW Abernethy terminus to the west of the bicycle trail. These lawns provide an area for picnicking, resting, or relaxing.”

City Council Findings, 23-24.

The City Council Findings also describe the useable lawn areas as that flank the plaza as providing “sunning and recreational opportunities.” City Council Findings, 34. The importance of the bench and lounge seating as a way invite people in to the public space: “chaise loungers oriented towards the river, benches, a large fountain and blue lighting set within the pavers distinguish this space as a destination along the river for the public.” City Council Findings, 13.

During the Design Review/Greenway Approval public review process, the Applicant took additional measures to emphasize the public nature of the Plaza, including:

- “Modified the shape of the plaza so that the footprint is more sinuous.

- Modified the landscaping and relocated furniture to facilitate a direct at-grade connection between the lawn areas and plaza.
- Paving was added to the wide L-shaped benches east of the foundation so that benches now function as 2-sided seating.
- Extended the brick paving from the plaza across the bike and pedestrian paths to the overlook.”

City Council Findings, 4.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The Plaza Enhancements will attract people to recreate and adds diversity to the recreational options within the Greenway. The new public gathering area adjacent to the required Greenway trails, so either qualifies as “develop new parks on new land” or “expand existing recreation facilities, trails, play areas, picnic areas, etc.” and also “increase[s] playability...”

Statutory: The Plaza Enhancements are public amenities that enhance the recreational qualities of the Greenway and exceed the minimum standards in the code.

A4 Maker’s Plaza

Detail: Exhibits L1.01, D, H and L

City Council Findings:

As relevant to Item A4 Maker’s Plaza, the City Council Findings described the diverse range of “small gathering areas that are accessible to the public as extensions of the Greenway trail” that respond “to the recreational as well as natural character of the Southern Reach of the river” as including:

“Maker space patio: The ground floor southwest corner of the building on Block 44 includes an active maker space on the corner that is oriented to the Greenway and SW Lowell accessway, and includes expansive windows that visually connect the interior use with the public space. The maker space interior activity spills onto the maker space patio, which provides the transition between the Greenway and the building. The maker space is a use at the intersection of the Greenway and the SW Lowell accessway that will draw in the public, and the adjacent patio expands the public realm beyond the Greenway to the building’s edge.”

City Council Findings, 23-24 (emphasis added).

During the Design Review/Greenway Approval public review process, the Applicant took additional measures to emphasize the public nature of the Maker's Plaza, which City Council described as:

“The public nature of the space is emphasized through many elements, including directly connecting the patio to the Greenway trail, including welcoming seating, and using brick pavers that connect the space to other public areas and provide a visual cue that the public realm extends into the patio. The recent shift of the bike and pedestrian path westward increases the visibility and access to these spaces from the greenway trail. The size and design of the maker's space evolved over the public hearing process. Responsive changes included enlarging the patio eastward to accommodate more public use and have more of a presence along the greenway, replacing the patio's rectilinear footprint to a sinuous design to better complement the greenway elements and including layered landscaping. The success and public nature of the now larger patio in the greenway relies on the activity of the adjacent spaces within the building and the accessibility of the patio.”

City Council Findings, 13.

The City Council also emphasized the following public elements of the Maker Plaza:

- “Modifying the grading between the Greenway and maker space plaza to accommodate a direct access between the Greenway and maker space, which reinforces the connection between the public spaces
- “Removed railing and planters around the maker space plaza so that space is visually and physically more open and visually connected to the Greenway
- “Extended the brick pavers from the SW Lowell accessway [Item C6] so that it wraps the maker space patio and connects the maker space patio to the Greenway trail with brick paver stairs and a path, which are visual cues that the public space of the accessway and Greenway continue into the maker space patio. The brick pavers are also used in the SW Abernathy and SW Lane accessways [Items C4 and C5], Abernathy plaza [Item A3] and overlook [Item A1], which, like the Lowell accessway are extensions of the Greenway trail. Consistent with Guideline 3, the extension of the Greenway trail is furthered by the materials used on the makerspace.
- “Removed the tables and chairs, which could be perceived as private seating, and replaced with more accessible chaise lounge chairs. The chaise lounge chairs are used elsewhere in the greenway public spaces, so this seating is a visual cue that the maker space is open to the public.”

City Council Findings, 56.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The Maker's Plaza will attract people to recreate and adds diversity to the recreational options within the Greenway. The new public gathering area adjacent to the required Greenway trails, so either qualifies as "*develop new parks on new land*" or "*expand existing recreation facilities, trails, play areas, picnic areas, etc.*" Additionally, the paving materials also "*develop and improve parks to withstand more intense and extended use*" and "*increase playability, durability and life of facilities.*"

Statutory: The Maker's Plaza is a public amenity that enhance the recreational qualities of the Greenway and exceed the minimum standards in the code. The elements included in the Makers Plaza item A4 are specifically referenced by the City Council Findings as contributing to the public character of the Maker's Plaza.

A5 Greenway Furnishings

Detail: Exhibits L1.01, E, H and L

City Council Findings:

The City Council Findings describe the native basalt stone benches element of the A5 Greenway Furnishings as "Benches are to be nestled along the pedestrian trail at regular intervals to provide places to stop, rest, and observe nature along the river or people-watch." City Council Findings, 24.

The bronze street markers are described as "Street markers are provided at the accessway crossings and changes in materials at crossings are proposed to promote convenience, wayfinding and safety." City Council Findings, 23.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The Greenway Furnishings increase the enjoyment of the Greenway and promote pedestrian and bicycle uses, which enhances the recreational opportunities within the Greenway. These public amenities either qualify as "*develop new parks on new land*" or "*expand existing recreation facilities, trails, play areas, picnic areas, etc.*"

Statutory: The Greenway Furnishings are public amenities that enhance the recreational qualities of the Greenway and exceed the minimum standards in the code.

A6 Additional Landscaping

Detail: Exhibits L1.01, F.1, H and L

City Council Findings:

As part of South Waterfront Greenway Review, the City Council Findings describe the Additional Landscaping (A6) provided by the Applicant as: “The...plans show 23,060 square feet of shrubs, 67 trees, and 3,310 square feet of ground cover within Subarea 2, exceeding the landscaping required by standards in Zoning Code Section 33.510.253 E.5. Tables listing species to be planted within each Greenway subarea demonstrate that plants listed in Tables 510-2 and 510-3 are used, as required by the landscape standards.” City Council Findings, 27 (emphasis added).

The City Council Findings conclude that “The current degraded state of the habitat along this portion of the river is typical for sites in Portland that have been subject to past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species in the City of Portland.” City Council Findings, 34 (emphasis added). The additional vegetation included in the Greenway, along with Bank Stabilization (Item B) and Environmental Remediation (Items C1 and C3), contribute to the natural area restoration. One of many references to the habitat benefits of the additional vegetation in the City Council’s Findings is that “Native vegetation will be planted to improve riparian health, provide resiliency of the greenway and facilitate connections between users and the natural environment.” City Council Findings, 31.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The Additional Landscaping qualifies as “*natural area restoration*.”

Statutory: The underlined City Council Findings demonstrate that the Additional Landscaping exceeds the minimum standards and enhances the natural and recreational qualities of the Greenway.

A7 Retaining Walls

Detail: Exhibits L1.01, F, F.1, H and L

City Council Findings:

The Greenway area is steeply sloped. The Item A7 Retaining Walls work in conjunction with the Bank Stabilization (Item B) effort to flatten and enhance the area. Bank Stabilization work is below top of bank and includes excavating and laying back the bank so that it is less steep. The Retaining Walls are located further landward, and provide a larger useable active trail and

recreation areas, and to separate and protect those areas from potential damage from high flow river events. See Exhibit F.1. Specifically, the City Council Findings explain:

“The trails are designed in a curvilinear manner to maximize views toward the river and to provide interest and are separated from the bank area by retaining walls and a naturalized bank treatment.”

City Council Findings 22.

“To allow for flatter vegetated slopes above ordinary high water, retaining walls must be used to make up the height to the trail elevation. Retaining walls have been located near the trail and as high up the slope as possible to minimize the inundation duration. The area below the retaining walls will be vegetated with native trees and shrubs that will provide a slow-moving flow fringe during high flow events adjacent to the retaining wall.”

City Council Findings, 29.

“The proposed trail location and design adequately accommodate trail users while allowing the design team to respond to significant topography while restoring significantly deteriorated riparian habitat at the river’s edge.”

City Council Findings, 28.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The Retaining Walls increase the useable recreation area within the Greenway which is occupied by the Greenway Trails and Pedestrian Overlook. This additional area and the stabilization provided extends the development of the Greenway trail system and increases capacity by connecting the trails to the north and the south of the development with a smooth transition and wide visual corridor. The Retaining Walls qualify as “*develop new parks on new land*” or “*expand existing recreation facilities, trails, play areas, picnic areas, etc.*”

Additionally, the Retaining Walls increase the durability of and provides for more intense and extended use of the Greenway improvements because the retaining walls protect the trails and other upland Greenway amenities from the damage caused by high flows and erosion.

Accordingly, the Retaining Walls “*develop and improve parks to withstand more intense and extended use*” and “*increase playability, durability and life of facilities.*”

Statutory: The Retaining Walls, and resulting additional usable recreational areas within the Greenway, exceeds the minimum standards and enhances the natural and recreational qualities of the Greenway.

B. Bank Stabilization

The Bank Stabilization items are described by the Project's public engineer in Exhibit M. Cost estimates are provided in Exhibit I. Total costs are summarized in Exhibit G.

Detail: Exhibits I and M

Description of Work:

The Applicant's Bank Stabilization (Item B) efforts are a significant investment that creates habitat and additional recreation areas. The Bank Stabilization activities work in concert with other items for which PSDC credit is sought, including: Environmental Remediation of the Riverbank (Item C1) and Greenway (Item C3), In-Water Pier and Piling Demolition and Removal (Item C2), native Additional Landscaping (A6) from above ordinary low water to top of bank, and placing Retaining Walls (A7) landward of the flattened bank to provide an enlarged and useable active area for the Greenway trails and Pedestrian Overlook (A1).

The Bank Stabilization activities that are included in Item B for PSDC credit can be generally described as laying back the bank and installing riprap armoring with large woody debris from ordinary low water to ordinary high water. The Bank Stabilization work is detailed in the City Council Findings quoted below.

The August 14, 2020 OTAK memo attached as Exhibit M is an analysis of some aspects of the Greenway improvements to determine whether they are required by the minimum Greenway standards in PCC 33.510.253 (Required South Waterfront Greenway Improvements) and PCC 33.510.253.E (Development Standards). OTAK's memo analyzes "bank stabilization," which includes bank stabilization activities (Item B), in-water pier removal work (Item C2), and environmental remediation of the riverbank (Item C1) and Greenway (Item C3).

City Council Findings:

The City Council Findings are noteworthy because the findings of compliance with the South Water Greenway Review approval criteria demonstrate that (1) the Bank Stabilization work exceeds the minimum required improvements; (2) that the increased habitat function restores a natural area; and (3) recreational functions are enhanced.

The City Council Findings describe the OTAK memo at Exhibit M as "persuasive" and rely upon it for its Findings, noting that the memo "demonstrate[es] that the proposal will provide for more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish, and [provides] a thorough discussion of enhancement of the function of the Greenway as a vibrant waterfront that provides for human interaction with the Greenway." City Council Findings, 34 (emphasis added).

South Waterfront Greenway Review approval criteria and City Council Findings directed at capacity increasing habitat and recreational enhancement include:

PCC 33.851.300.A.1: When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the Greenway

“...The proposed trail location and design adequately accommodate trail users while allowing the design team to respond to significant topography while restoring significantly deteriorated riparian habitat at the river’s edge.”

“Lastly, the Proposal includes the removal of the existing wood pier [Item C2] along the site’s river frontage and regrading, excavating, and armoring riverbanks [Item B]. These activities restore the riverbank to a more natural state, provide additional shallow water and riparian habitat along the bank, and allow for unobstructed views of the river from the site. Council finds that compared with standards in PCC 33.510.253, the Project “better” enhances the natural, scenic, historic, economic and recreation qualities intended to be provided by the Greenway by: removing the dilapidated wooden pilings and pier structure from the river [Item C2], laying back the river banks [Item B], providing a public overlook at the Abernethy terminus at the river [Item A1], and placing large woody debris and root wads to enhance shallow water habitat in the river [Item B]—none of which is required by the standards.””

City Council Findings, 28-29 (emphasis added).

PCC 33.851.300.A.2: When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people

“While the bank cannot be completely naturalized due to site constraints, including tall, steep existing banks, matching grades to the adjacent properties, and providing trail space, the bank design does incorporate enhancement features that go well beyond the South Waterfront Greenway standards. The standards in PCC 33.510.253 would not require this additional work. Council finds that these added Project components provide substantial benefits to the river area and therefore better enhance the riverbank, riparian area, water quality and fish habitat than compliance with PCC 33.510.253 would achieve.

- “Existing contaminated sediment will be removed and armored to prevent additional erosion of contaminated sediment into the river. [Item C1]
- “Existing slopes 2H:1V or flatter will be preserved, and the riprap will be overlain with large river rock, this is largely at the fringe of the river, so the existing shallow water habitat will be preserved while the bed material will be enhanced with river rock to increase ecological function.

- “The existing slopes 4H:1V or flatter in the two alcove areas will be preserved and the riprap will be overlain with clean fine river rock and sediment, similar to what exists at those areas now.
- “Derelict piles within the work area will be removed. [Item C2]
- “Engineered large woody debris will be incorporated into the riprap below proposed ordinary high water to provide refugia and shelter and meet NMFS SLOPES V requirements.
- “Engineered large woody debris within the planting requirements of subarea 1 will be configured to maximize retention of fine sediment to create plantingpockets.
- “Engineered large wood debris below the planting requirements of subarea 1 will be configured to maximize refugia and shelter for fish.
- “Above ordinary high water the slopes will be a maximum of 3H:1V and stabilized with native vegetation. Vegetation stabilization is adequate for these slopes above ordinary high water because the duration of exposure to wave and wake damage is much less than below ordinary high water.
- “Bank enhancement and stabilization grading will result in a net cut of 5,260 cubic yards of cut and material removal (1,030 cubic yards below OHW).
- “The bank design will also be reviewed and permitted by the USACE and OR-DSL. “

* * *

“The Applicant’s narrative description and supporting evidence detail how when compared to meeting the development standards of PCC 33.510.253, stabilization strategies will contribute well to and better ensure a clean and healthy river for fish wildlife, and people.”

City Council Findings, 29-31.

PCC 33.851.300.B.2.a. Development riverward of top of bank must not result in the significant loss of biological productivity in the river.

“The Applicant has demonstrated how construction will be conducted and how the riverbank, shallow water habitat, and biological productivity will specifically be protected during all pile removal, pier demolition, bank excavation and grading, LWD installation, bank armoring and related construction activities. The site is degraded in its current state and the Proposal will not result in significant loss of biological productivity. Instead, the Proposal will enhance biological productivity by replacing contaminated sediment with clean material [Item C1], incorporating large woody debris into the stabilization, and providing native plantings to enhance provide riparian vegetation [Item A6]. Removal of the wooden pier structure [Item C2] will enhance the biological productivity as the pilings are contaminated.”

City Council Findings, 32.

PCC 33.851.300.C.1: Requires the improvements to “restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish.”

“The unrefuted evidence found that several fish species listed under the federal Endangered Species Act (ESA) occur within the vicinity of the project area. The life stage of these species that are most vulnerable to environmental degradation and habitat loss are juveniles, which rely on shallow water habitat for shelter and as a food source. The proposed restoration project will remove many of the man-made structures that are currently present along the bank [Item C2], remove fill material along the shoreline [Item C1], and make the grade of the riverbank shallower [Item B], which will increase the area of shallow water habitat available for juvenile salmonids. The current degraded state of the habitat along this portion of the river is typical for sites in Portland that have been subject to past industrial use. The proposed project will increase both the quantity and the quality of the habitat for native fish species in the City of Portland.

“Not only will in-water conditions be enhanced, but the quality and the quantity of riparian vegetation will also be enhanced by increasing the density of native trees and shrubs [Item A6]. Shading on the Willamette River is not as important as providing a source of large wood and biota, which benefit native fish species. Removal of contaminated material and installation of clean materials [Item C1] will further increase the habitat value of the site, as well as incorporating Large Wood into the bank stabilization and providing native riparian plantings.”

City Council Findings, 33-34.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The City Council Findings demonstrate several ways in which Bank Stabilization increase capacity, including:

- “*natural area restoration.*” The existing riverbank is degraded. Bank stabilization restores the natural area and increase the quantity and quality of habitat.
- “*develop new parks on new land*” and “*expand existing...trails.*” Flattening the riverbank provides more useable recreation space along the top of bank, which is occupied by the pedestrian trail and Abernathy Overlook. This additional area and the stabilization provided extends the development of the Willamette Greenway trail system and increases capacity by connecting the trails to the north and the south of the development with a smooth transition and wide visual corridor.

- “increase...durability and life of facilities” and “develop and improve parks to withstand more intense and extended use.” Bank stabilization increases the durability of and provides for more intense and extended use of the greenway improvements, particularly those along the top of bank, because the stabilization work prevents undermining or erosion of the trail and reduces the fall hazard because the trail will be adjacent to either a mild slope or a retaining wall that will support the Pedestrian Overlook.

Statutory: The underlined City Council Findings demonstrate that the Bank Stabilization is not required by Code, exceeds the minimum standards and enhances the natural and recreational qualities of the Greenway. Those findings rely upon, and are supplemented by, OTAK’s memo at Exhibit M, which concludes that Bank Stabilization was not required by the minimum Greenway standards.

C. Miscellaneous Improvements

The habitat related Miscellaneous Improvements items [Items C1, C2 and C3] are described by the Project’s public engineer in Exhibit M. The Accessways [Items C4, C5 and C6] are depicted on Exhibit N. Cost estimates are provided in Exhibit J. Total costs are summarized in Exhibit G.

- C1 Riverbank Environmental Remediation**
- C3 Greenway Environmental Remediation**

Detail: Exhibits J and M

City Council Findings:

Environmental remediation of the riverbank includes removing existing contaminated sediment and capping the area with armoring riprap and top dress with river rock, which will “prevent additional erosion of contaminated sediment into the river.” City Council Findings, 30.

Environmental remediation of the Greenway includes removing existing Greenway fill and replacing it with clean topsoil.

The City Council Findings conclude that “removal of contaminated material and installation of clean materials will further increase the habitat value of the site.” City Council Findings, 34.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The existing riverbank is degraded and both the riverbank and Greenway area have contaminated soils. The City Council Findings determined that the Environmental Remediation of the riverbank enhances habitat and qualifies as “*natural area restoration.*”

Environmental Remediation of the Greenway area that is landward of top of bank, and is occupied by recreational features, “*increase[s] playability, durability and life of facilities.*”

Statutory: The City Council Findings quoted in the Bank Stabilization section above demonstrate that the Environmental Remediation is not required by Code and exceeds the minimum standards. The Environmental Remediation enhances the natural and recreational qualities of the Greenway. Those findings rely upon, and are supplemented by, OTAK’s memo at Exhibit M, which concludes that Environmental Remediation was not required by the minimum Greenway standards.

C2 In-Water Pier and Piling Demolition and Removal

Detail: Exhibits J and M

City Council Findings:

“A large dilapidated wooden pier structure covers approximately 4,000 square feet (stretching 110 feet along the shoreline) 300 feet north of the SW Lowell Street right of way.” City Council Findings, 6. The Applicant will remove the Pier as part of its habitat and recreational enhancement efforts.

Examples of the City Council’s findings related to the Pier Removal’s recreational enhancement include:

“The Project will remove the large wooden pier structure and miscellaneous pilings will be removed to provide unobstructed views of the Willamette River, Ross Island, and the native vegetation established to the east of the pedestrian trail. This removal activity is not required by the standards in PCC 33.510.253. Council finds that removing these structures will create unobstructed river views, which better enhances and embraces the river as Portland’s front yard than a design that merely meets the standards of PCC 33.510.253.”

City Council Findings, 31.

“Removal of the pier features and the stabilizing and enhancement work will not restrict boat access to adjacent properties or interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements, because Project activities will not occur in areas used for these purposes. Additionally, once the pier is removed, that portion of the river will be available for recreational purposes (boating and fishing), so the Project enhances recreational opportunities.”

City Council Findings, 33.

An example of the City Council Findings related to the Pier Removal's habitat enhancement include is "removal of the wooden pier structure will enhance the biological productivity as the pilings are contaminated." City Council Finding, 32.

The City Council Findings quoted above in the Bank Stabilization section include additional references to the recreational and functional value of the In-Water Pier and Piling Demolition and Removal.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: Removal of the large wooden pier improves the views from the trails and removes a potential hazard as the pier deteriorates. The piles can be a hazard to boaters and removing them will improve boater safety and expand the area (approximately 4,000 square feet) where boaters can recreate. These recreational enhancements qualify as "*expand existing recreation facilities, trails..., etc.*" and "*increase playability...*" Removing the existing creosote piles improves the overall water quality at the site and downstream of the site, providing healthier conditions for aquatic organism and recreational users, which qualifies as "natural area restoration."

Statutory: The City Council Findings quoted above and in the Bank Stabilization section above demonstrate that Pier Removal is not required by Code and exceeds the minimum standards. The Pier Removal enhances the natural and recreational qualities of the river and Greenway. Those findings rely upon, and are supplemented by, OTAK's memo at Exhibit M, which concludes that Pier Removal was not required by the minimum Greenway standards.

- C4 Abernethy Accessway**
- C5 Lane Accessway**
- C6 Lowell Accessway**

Detail: Exhibits J and N

City Council Findings:

The Abernethy, Lane and Lowell Accessways are extensions of the public right of way that connect the street grid to the Greenway. While these accessways serve a connectivity and transportation function, they are also a Park improvement. The elements of the Accessways that are included in the PSDC credit request (such as pavers, benches and planters) are non-transportation elements of the pedestrian facility that encourages public access to the Greenway and are integrally connected to the elements of the Greenway that draw the public. The Abernethy Accessway transitions into the Abernethy Plaza and Pedestrian Overlook. The Lane Accessway connects to the Greenway trails. The Lowell Accessway leads to the Maker's Plaza and to the Greenway Trail.

The City Council Findings describe the accessways as “Three wide, tree-lined pedestrian malls direct the public to the Greenway with signage at the entrance to malls at SW River Parkway” that connects the trail to South Waterfront businesses, residents and users.” City Council Findings, 31 and 34.

The accessways are enhanced with brick pavers and furnishing that are used in other public recreational spaces, which reinforces the extension of Park areas into the accessways. Specifically, City Council explained:

“Extended the brick pavers from the SW Lowell accessway so that it wraps the maker space patio [Item A4] and connects the maker space patio to the Greenway trail with brick paver stairs and a path, which are visual cues that the public space of the accessway and Greenway continue into the maker space patio [Item A4]. The brick pavers are also used in the SW Abernathy and SW Lane accessways, Abernathy plaza [Item A3] and overlook [Item A4], which, like the Lowell accessway are extensions of the Greenway trail...”

City Council Findings, 56.

CIP or Statutory Capacity Creating Categories:

SDC-CIP: The elements of the Accessways for which PSDC credit is sought extend the Greenway use to the street grid, which increases the useable recreation area and encourages the public into the Greenway, so they qualify as “develop new parks on new land” or “expand existing recreation facilities, trails, play areas, picnic areas, etc.” Additionally, the paving materials also “develop and improve parks to withstand more intense and extended use” and “increase playability, durability and life of facilities.”

Statutory: Although connectivity is required, the elements of the Accessways for which PSDC credit is sought exceeds the minimum standards and enhances the recreational qualities of the Greenway

(cont.) Y. “Qualified Public Improvement” means... Additionally, unless there is a conflict with ORS 223.304(4) or 223.304(5), the following will be considered qualified public improvements:

1. A conveyance of Real Property Interests or capital improvements for public recreational use specified in a Development Agreement between the City and a developer entered into before the effective date of this Ordinance. Conveyances of Real Property Interests or capital improvements for public recreational use specified in a Development Agreement between the City and a developer entered into after the effective date of this Ordinance are excluded from the definition of “qualified public improvement” unless the Development Agreement specifically provides otherwise. If the Development Agreement

does include conveyances of Real Property Interests that are intended to be eligible for Parks SDC Credits, the value of the Real Property Interests must be established at the time the Development Agreement is finalized by the appraisal methods described in Section 17.13.070. The date of valuation is the date of the final Development Agreement. If there are subsequent amendments to the Development Agreement, the date of valuation will be the date of the original Development Agreement unless otherwise specified in future amendments.

Response:

Not applicable because there is no Development Agreement between the City and Applicant.

2. A donation of money to the City to be used for acquisition of Real Property Interests or capital improvements for parks and recreational use, if memorialized in a Development Agreement.

Response:

Not applicable because there is no Development Agreement between the City and Applicant.

3. A donation of a habitat or trail. If the donation is a habitat, it must be adjacent to a Portland Parks property, or it must be a minimum of 3 contiguous acres with at least 66 percent of its area covered by the City's environmental overlay zone. If the donation is a trail, it must be a major public trail designated on the City's Official Zoning Maps.

Response:

The City-owned South Waterfront Central District Greenway abuts Applicant's Greenway improvements, which extend the habitat and trail system created by the Portland Parks property. The Greenway trail is designated as a major public trail on the City's Official Zoning Map. The Greenway trail and amenities are subject to a public access easement, which is a form of a "real property interest" as defined by PCC 17.13.020.Z and qualifies as a donation. PCC 17.13.020.Y.3 provides an alternative and additional basis for characterizing the Greenway improvements as a QPI and awarding PSDC credit.

4. An improvement or conveyance of Real Property Interests for parks and recreational use that does not otherwise qualify as a Qualified Public Improvement; is not separately eligible for a credit, bonus, or other compensation; and, in the opinion of the Director in their reasonable discretion, serves the City's public parks and recreation needs.

Response:

The South Waterfront Greenway is a transportation, recreational and habitat priority for the City of Portland, as detailed in the Parks Department's press release when the abutting South Waterfront Greenway Central District Greenway opened. [The Newest Portland Park! South Waterfront Greenway Central District Complete, Now Open | Portland.gov](#)

At that time, the importance of continuing the Greenway to the North and South segments was noted. The total budget for the South Waterfront Central District Greenway was approximately \$15.5M, which was funded exclusively through public agencies. The Applicant estimates that the next segment of the Greenway will cost approximately \$10.1M, of which \$7,044,475 of PSDC credit is sought.

The Applicant's segment of the Greenway has the same elements as the South Waterfront Greenway Central District: trails, an overlook, a variety of seating, lawn area, public art, significant landscaping, and riparian habitat. The individual elements of the Applicant's Greenway improvements all contribute to the success of a park that, like how the Parks Department described the Central District, serves two of them City's public parks and recreation needs: "The riverbank construction supports endangered fish, while the upland park will provide recreational opportunities for all of those residents, guests and workers."

If any of the Applicant's Greenway improvements do not otherwise qualify as a QPI, PCC 17.13.020.Y.4 provides an alternative basis for awarding all of the requested PSDC credit.

IV Application of Excess Credit to Subsequent Phases of the Original Development Project

The Project will be constructed in phases. Building permits are pending for Block 41 (19-238761-CO & 20-205976-MT) and Block 42 (19-238765-CO & 20-201349-MT). The requested PSDC credits will exceed the improvement fee will be levied against the first phase. Alamo intends to use excess PSDC credit against improvement fees that accrue in subsequent phases of the Project, which are "subsequent phases of the original development project" as described in PCC 17.13.070.E.

All of the Project's improvements were approved by a single regulatory development approval, the Design Review/Greenway Approval. The Project will be constructed in phases, with the first phase including construction of the Greenway improvements and buildings on Blocks 41 and 42. Building permits for the Greenway, Blocks 41 and 42 are pending. Subsequent phasing is anticipated to include Buildings 45A and 45B on Block 45 as Phase 2 (building permits targeted for submittal in November 2021), followed by the building on Block 44 as Phase 3 (building permit targeted for submittal in November 2022).

Sarah Huggins
March 12, 2021
Page 29

The property upon which the Project will be constructed was a single parcel that was divided into 4 lots (Block 41/Lot 1, Block 42/Lot 2, Block 44/Lot 4, and Block 45/Lot 3) and 2 Greenway tracts (Tract A and Tract B) by subdivision decision Case File No. LU 17-160442 LDS AD. The 4 blocks and 2 tracts upon which the Project will be constructed are a single “site” as defined by PCC 33.901.030) (the “Site”).

The subsequent phases that will build out the five building and four block Project are integrally connected with the original development and are not independent projects. The Applicant requests that the PSDC credit award decision include a finding that confirms that all of the phases of the Project are considered “subsequent phases of the original development project” as described in PCC 17.13.070.E, so that PSDC credits can be used on all phases of the Project.

V. Conclusion

The Applicant is proud of the many public benefits provided by the Project. The Project provides more inclusionary housing-compliant affordable housing units than any private project to date in the City, while also building out a portion of the multi-modal transportation system in the South Waterfront. As relevant to the PSDC credit application, the Project completes a missing link in the Greenway that increases the capacity of public recreation and habitat within natural areas. As detailed in this application, the City Council made many findings about the Greenway improvements’ creating parks capacity and exceeding the minimum standards required by the code. We request that the PSDC credit award decision be consistent with and implement the City Council’s Findings, and that a full award be granted.

We would be happy to provide any additional information that the Parks Department may need to process this application. We look forward to participating in the SDC Credit Review Committee to respond to any questions from the Committee.

Very truly yours,



Dana L. Krawczuk

cc: Matt Segrest, Alamo Manhattan
Wade Johns, Alamo Manhattan
Bradley Olmstead, Alamo Manhattan

Attached: PSDC-7 Form Request for Parks SDC Credit for Qualified Public Improvement

Exhibits:

Greenway Items Site Plans

- L1.01 Landscape Master Plan
 - A Pedestrian Overlook
 - B Interactive Water Feature & Sculpture
 - C Plaza Enhancement
 - D Maker's Plaza
 - E Greenway Furnishings
 - F Retaining Wall
 - F.1 Retaining Wall and Greenway Profile

Cost Estimates

- G Summary of PSDC Credit for Greenway Improvements
- H Greenway Items
- I Bank Stabilization
- J Miscellaneous Improvements
- K Projected Parks SDC Fees

Analysis

- L Linda Tycher & Associates Landscape Architecture, "Alamo Manhattan Blocks Greenway Enhancements" Memo dated March 5, 2021
- M OTAK, "Alamo Manhattan Blocks Bank Stabilization Code Requirements" Technical Memo dated August 14, 2020

Accessways

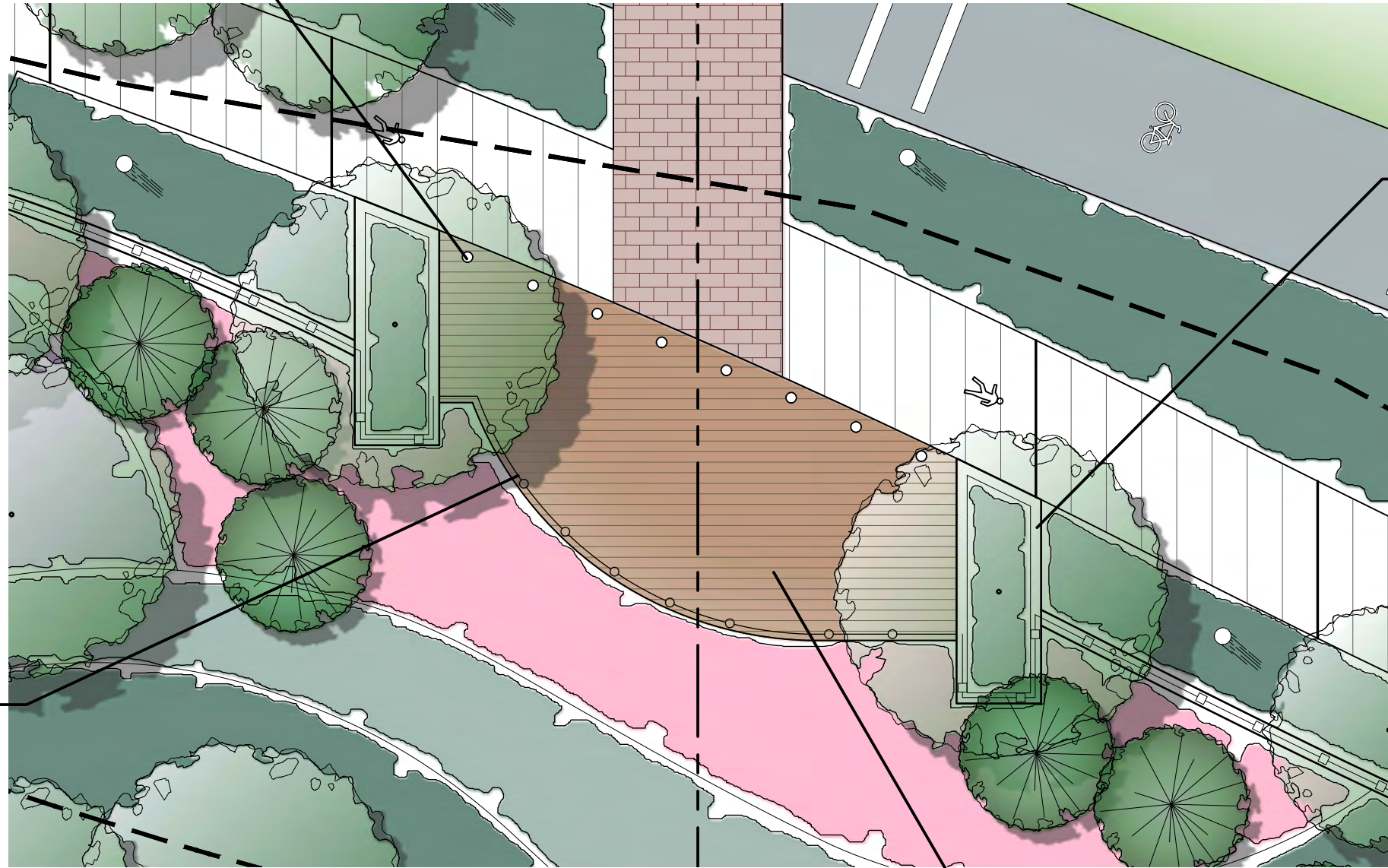
- N Representative Accessway (Lane Accessway)

CUSTOM DESIGNED WOOD BOLLARDS

FLANKING RAISED PLANTERS

SOFTLY DOWNWARD ILLUMINATED CABLE GUARD RAIL

CURVED IPE CLAD VIEWING OVERLOOK



ALAMO MANHATTAN BLOCKS - GREENWAY

3850 S RIVER PKWY

PORTLAND, OREGON



LINDA TYCHER & ASSOCIATES, INC
 11411 N. CENTRAL EXP., SUITE V
 DALLAS, TX 75243
 PH: 214.750.1210

ALAMO MANHATTAN

ALAMO MANHATTAN PROPERTIES, LLC
 3012 FAIRMOUNT STREET SUITE 100
 DALLAS, TEXAS 75201



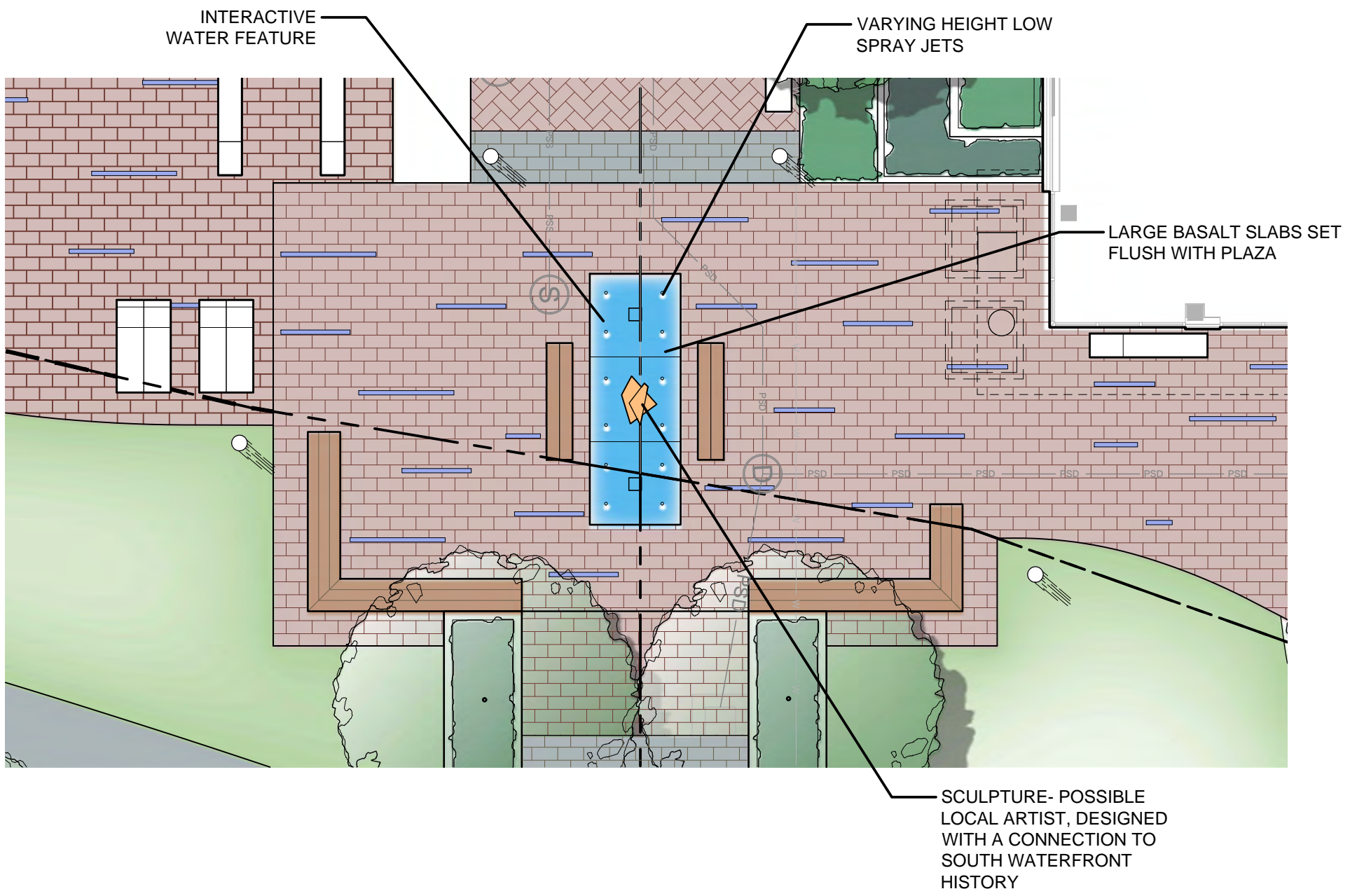
EXHIBIT A- PEDESTRIAN OVERLOOK

SCALE: NTS

ALAMO MANHATTAN BLOCKS - GREENWAY

3850 S RIVER PKWY

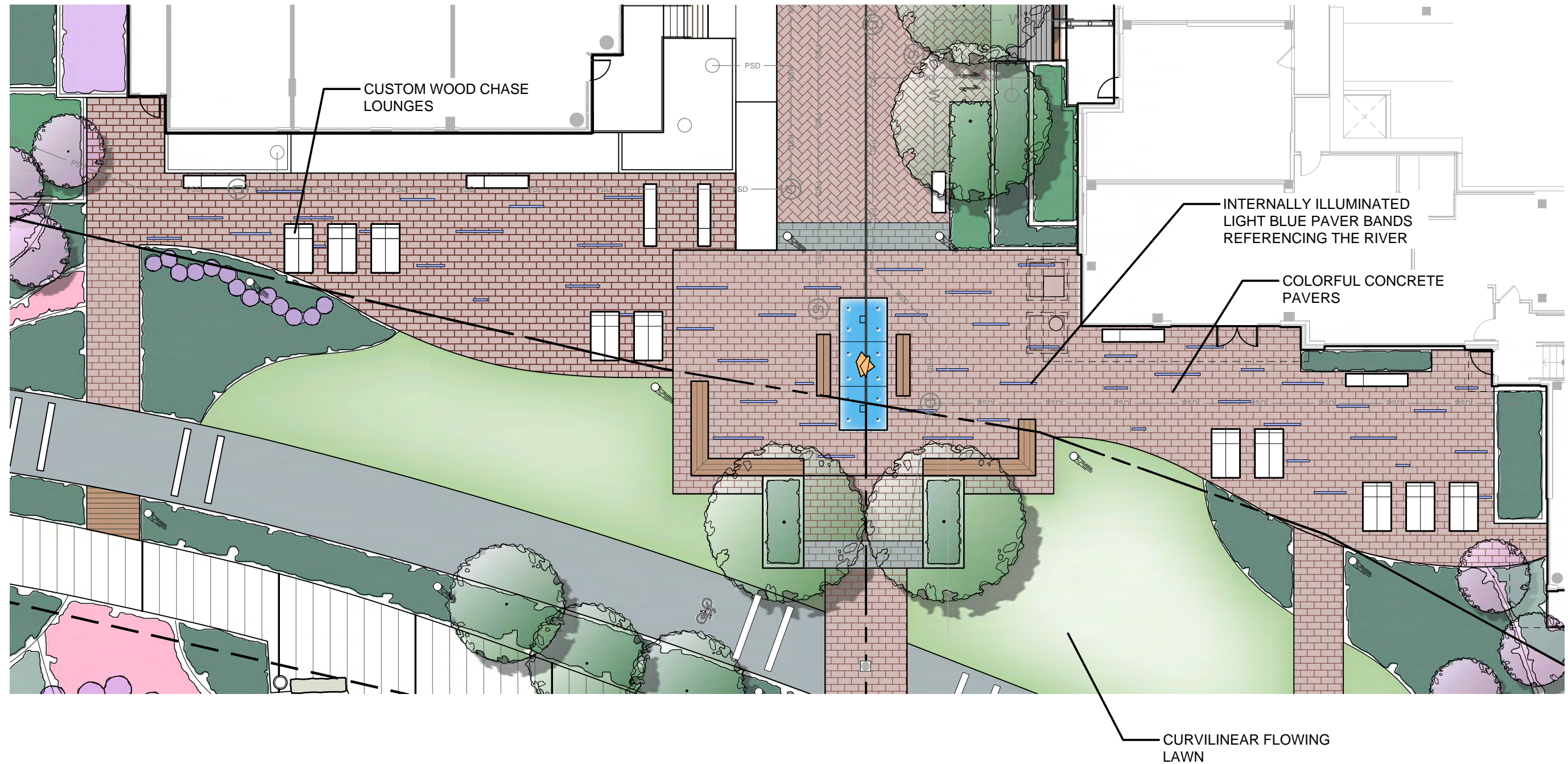
PORTLAND, OREGON



ALAMO MANHATTAN BLOCKS - GREENWAY

3850 S RIVER PKWY

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EXHIBIT C- BONUS PLAZA ENHANCEMENT

SCALE: NTS



ALAMO MANHATTAN BLOCKS - GREENWAY

3850 S RIVER PKWY

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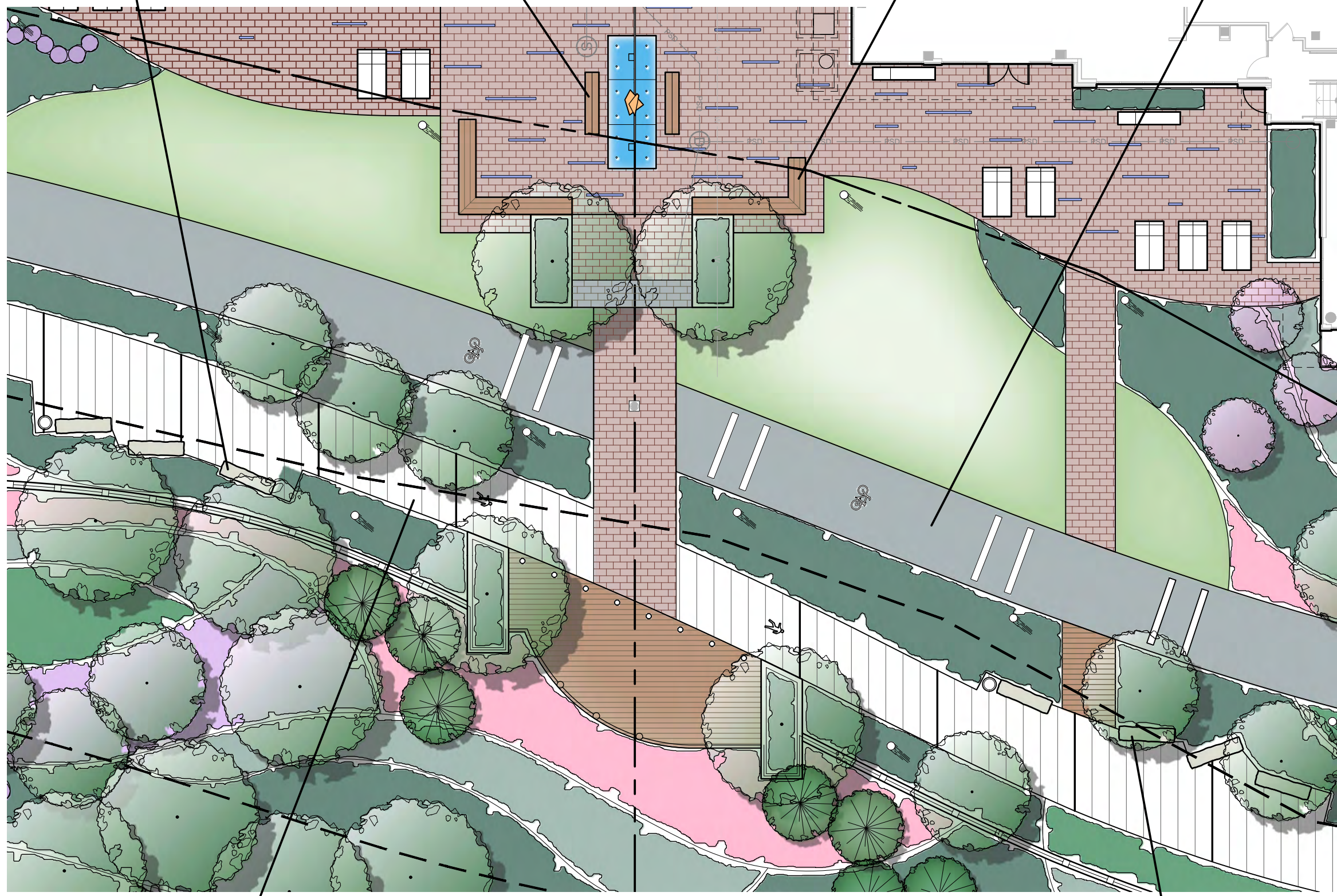
EXHIBIT D- ENLARGED MAKER'S PLAZA SCALE: NTS

GROUPING OF 3- 7'-0" LONG
BASALT BENCHES

FLANKING LARGE TIMBER
COLOSSUS BENCHES

EXTRA WIDE TIMBERFORM
COLOSSUS BENCHES

ASPHALT BIKE TRAIL



CONCRETE PEDESTRIAN
TRAIL

GROUPING OF 4- 7'-0" LONG
BASALT BENCHES

ALAMO MANHATTAN BLOCKS - GREENWAY

3850 S RIVER PKWY

PORTLAND, OREGON



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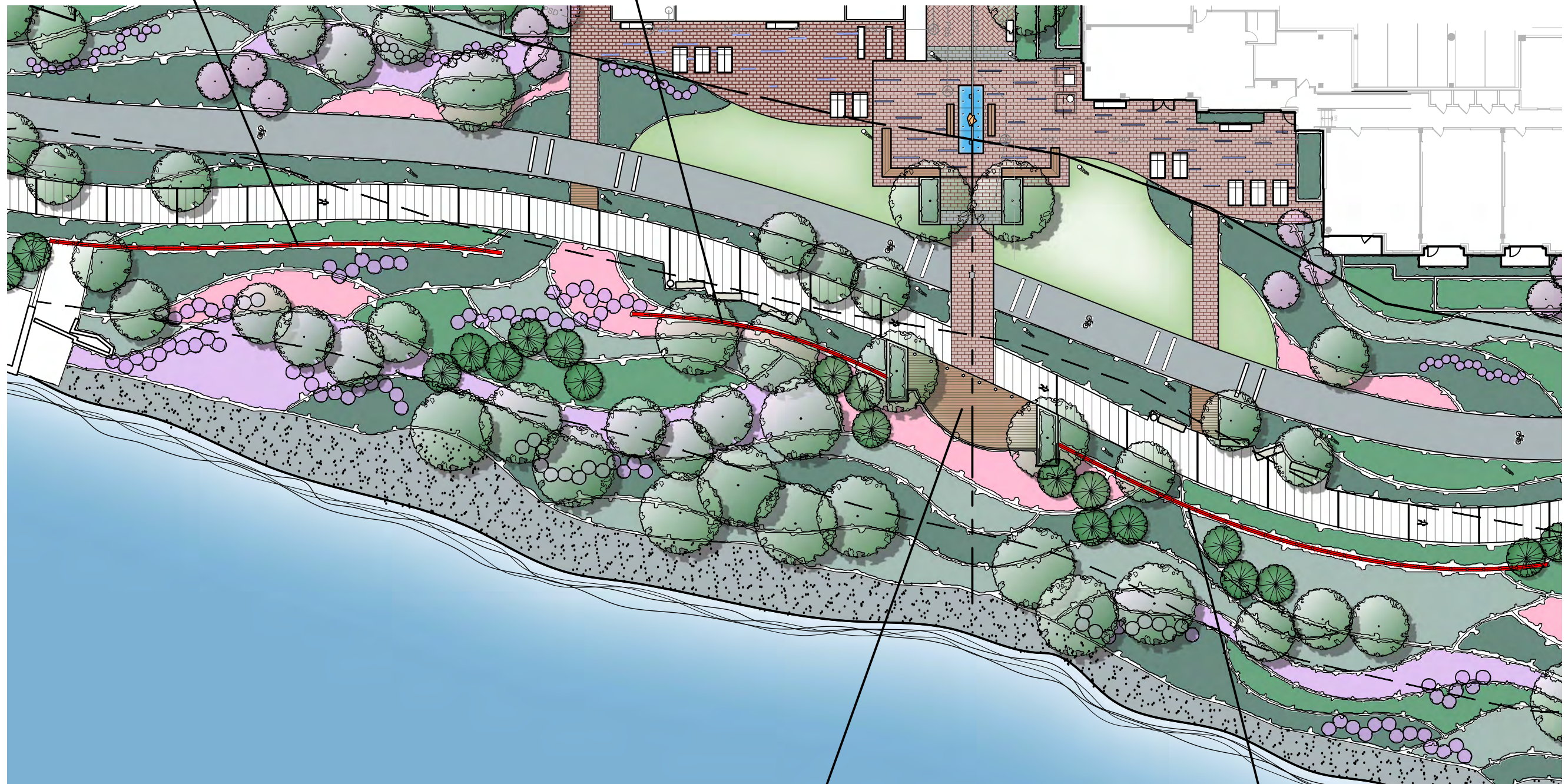


EXHIBIT E- UNIQUE CUSTOM FURNISHINGS
IN THE GREENWAY

SCALE: NTS

147 LF MODULAR
RETAINING WALL

76 LF MODULAR
RETAINING WALL



OVERLOOK

146 LINEAL FEET OF
MODULAR RETAINING WALL

ALAMO MANHATTAN BLOCKS - GREENWAY

3850 S RIVER PKWY

PORTLAND, OREGON



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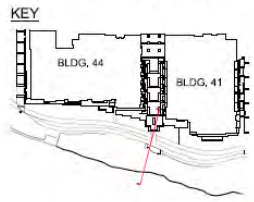
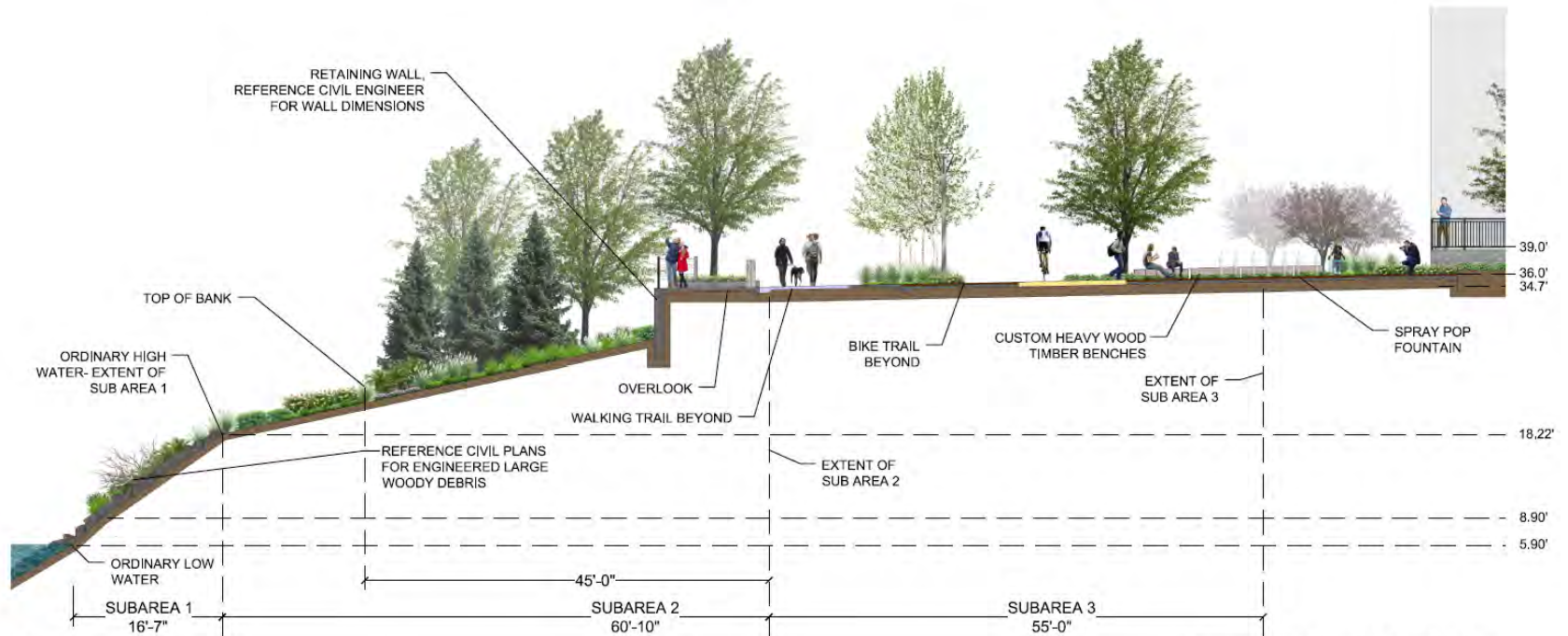
ALAMO MANHATTAN

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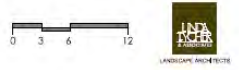


EXHIBIT F- MODULAR RETAINING WALL

SCALE: NTS



GREENWAY PROFILE STA. 2+90
SEE C.115 FOR SECTION LOCATION



LANDSCAPE - GREENWAY SECTION
LAND USE REVIEW # (LU-20-102914 D2M GW) EXHIBIT C.229

Exhibit G
Summary of PSDC Credit for Greenway Improvements
Detailed Cost Breakdown of Each Item Included in Exhibits H, I and J

A. Greenway Items		
A1	Pedestrian Overlook	\$209,676
A2	Interactive Water Feature and Sculpture	\$550,000
A3	Plaza Enhancements	\$463,395
A4	Marker's Plaza	\$81,637
A5	Greenway Furnishings	\$32,500
A6	Additional Landscaping	\$67,869
A7	Retaining Wall	\$245,700
	Greenway Items Hard Construction Cost Subtotal (inc. fixed bid fees)	\$1,904,355
	Soft cost (10%)	\$190,436
Greenway Items Subtotal		\$2,094,771
B. Bank Stabilization		
B1	Survey	\$45,000
B2	Earthwork	\$1,167,299
B3	Dewatering	\$141,654
	Bank Stabilization Hard Construction Cost Subtotal (inc. fixed bid fees)	\$1,903,857
	Soft cost (10%)	\$190,386
Bank Stabilization Subtotal		\$2,094,243
C. Miscellaneous Improvements		
C1	Riverbank Environmental Remediation	\$903,815
C2	In-Water Pier and Piling Demolition and Removal	\$101,252
C3	Greenway Environmental Remediation	\$198,935
C4	Abernethy Accessway	\$408,215
C5	Lane Accessway	\$365,529
C6	Lowell Accessway	\$272,470
	Miscellaneous Hard Construction Cost Subtotal (inc. fixed bid fees)	\$2,595,874
	Soft cost (10%)	\$259,587
Miscellaneous Improvements Subtotal		\$2,855,461
Total Cost of Greenway Improvements for PSDC Credit		\$7,044,475



Alamo Manhattan Blocks - Greenway Items
WDG Documents dated 10-21-2020

Area	Description	Takeoff Quantity	Total Cost/Unit	Total Amount
1. PEDESTRIAN OVERLOOK				
	Pedestrian Overlook - BES Planter Lining	463.00 sf	9.00 /sf	4,167
	Pedestrian Overlook - Conc. Footing and Retaining Wall	75.00 lf	1,200.00 /lf	90,000
	Pedestrian Overlook - SOG	625.00 sf	14.00 /sf	8,750
	Pedestrian Overlook - Adjacent Planter Walls	54.00 lf	475.00 /lf	25,650
	Pedestrian Overlook - SOG Earthwork Prep	625.00 sf	3.07 /sf	1,919
	Pedestrian Overlook - Terminus Plaza Deck	625.00 sf	50.00 /sf	31,250
	Pedestrian Overlook - Wood Pier Bollards	8.00 ea	2,500.00 /ea	20,000
	Pedestrian Overlook - Railings at Top of Bank	75.00 lf	275.00 /lf	20,625
	Pedestrian Overlook - Guardrail LED Lighting	75.00 lf	77.73 /lf	5,830
	Pedestrian Overlook - BES Stormwater Planter Soil	30.00 yd	49.50 /yd	1,485
				<u>209,676</u>
2. INTERACTIVE WATER FEATURE & SCULPTURE				
	Water Feature at East Abernethy	140.00 sf	3,214.29 /sf	450,000
	Sculpture - minimum budget allowance	1.00 ls	100,000.00 /ls	100,000
				<u>550,000</u>
3. PLAZA ENHANCEMENT				
	Plaza - Adjacent Planter Stem Walls/ Footing	75.00 lf	475.00 /lf	35,625
	Plaza - Pavers	6,560.00 sf	16.00 /sf	104,960
	Plaza - Concrete Sub Base	6,560.00 sf	14.00 /sf	91,840
	Plaza - Paver Earthwork Prep	6,560.00 sf	3.07 /sf	20,139
	Plaza - Paver Lighting	1.00 ls	81,523.00 /ls	81,523
	Plaza - Sculptural Bench Seating	6.00 ea	5,000.00 /ea	30,000
	Plaza - Sculptural Lounge Seating	10.00 ea	5,000.00 /ea	50,000
	Plaza - Custom Heavy Timber Benches	2.00 ea	10,000.00 /ea	20,000
	Plaza - Lawn	3,400.00 sf	8.62 /sf	29,308
				<u>463,395</u>
4. ENLARGED MAKER'S PLAZE				
	Maker's Plaza - Pavers	1,250.00 sf	16.00 /sf	20,000
	Maker's Plaza - Concrete Sub Base	1,250.00 sf	14.00 /sf	17,500
	Maker's Plaza - Concrete Steps on Grade	30.00 lf	140.00 /lf	4,200
	Maker's Plaza - Earthwork Prep	1,490.00 sf	5.78 /sf	8,612
	Maker's Plaza - Handrail	30.00 lf	185.00 /lf	5,550
	Maker's Plaza - Guardrail	21.00 lf	275.00 /lf	5,775
	Maker's Plaza - Sculptural Lounge Seating	4.00 ea	5,000.00 /ea	20,000
				<u>81,637</u>
5. UNIQUE CUSTOM FURNISHINGS IN THE GREENWAY				
	Native Basalt Stone Benches	7.00 ea	4,000.00 /ea	28,000
	Bronze Street Marker	3.00 ea	1,500.00 /ea	4,500
				<u>32,500</u>
6. ADDED LANDSCAPING				
	1,754sf - Added Planting Area	1,754.00 sf	5.23 /sf	9,173
	1,754sf - Added Planting Area-Irrigation	1,754.00 sf	2.09 /sf	3,666
	Added (22) 3" Caliper Trees	22.00 ea	935.00 /ea	20,570
	Ground Cover - 4" Pots Increased to 1 Gallon Containers	11,260.00 sf	1.00 /sf	11,260
	Shrubs - 1 Gallon Containers Increased to 5 Gallon Containers	1.00 ls	15,000.00 /ls	15,000
	1 1/2" Caliper Trees Increased to 3" Caliper Trees	82.00 ea	100.00 /ea	8,200
				<u>67,869</u>
7. RETAINING WALL				
	Greenway Retaining Wall - Ultra Block	350.00 lf	702.00 /lf	245,700
				<u>245,700</u>



Estimate Totals

Description	Amount	Totals	Rate	Cost per Unit
Direct Construction Cost	1,650,777	1,650,777		
GC	99,046			
Construction Contingency	52,495		3.000 %	
Subtotal	151,541	1,802,318		
SDI	18,023		1.000 %	
General Liability Insurance	16,508		1.000 %	
Subtotal	34,531	1,836,849		
Fee	59,698		3.250 %	
ACCO Preconstruction				
ACCO Corporate Activities Tax	7,808		0.410 %	
Subtotal	67,505	1,904,355		
Total Construction Cost		1,904,355		
Permits and Fees - NIC				
Special Testing & Insp. - NIC				
System Dev Charges - NIC				
Builders Risk Insurance - NIC				
Design Contingency - by Owner				
Escalation - by Owner				
Total		1,904,355		



Alamo Manhattan Blocks | Bank Stabilization | Permit Set
WDG Documents - 10.21.2020

EXHIBIT I

March 3rd, 2021

Area	Description	Takeoff Quantity	Total Cost/Unit	Total Amount
1. SURVEY				
	Surveying	1.00 ls	45,000.47 /ls	<u>45,000</u> 45,000
2. EARTHWORK				
	MEI Bank Stabilization - Includes Rip Rap	1.00 ls	987,403.00 /ls	987,403
	Mobilization	1.00 ls	16,021.00 /ls	16,021
	Erosion Control	1.00 ls	16,714.00 /ls	16,714
	River Bank Wood Logs/Snags	1.00 ls	147,161.00 /ls	<u>147,161</u> 1,167,299
3. DEWATERING				
	Dewatering Allowance	1.00 ea	141,654.24 /ea	<u>141,654</u> 141,654

Estimate Totals

Description	Amount	Totals	Rate	Cost per Unit
Direct Construction Cost	1,353,954	1,353,954		2,026.877 /LF
GC	402,639			602.753 /LF
Construction Contingency	52,698		3.000 %	78.889 /LF
Subtotal	455,337	1,809,290		2,708.519 /LF
SDI	13,540		1.000 %	20.269 /LF
General Liability Insurance	13,540		1.000 %	20.269 /LF
Subtotal	27,079	1,836,370		2,749.056 /LF
Fee	59,682		3.250 %	89.344 /LF
Preconstruction Services				
ACCO Corporate Activities Tax	7,806		0.410 %	11.685 /LF
Subtotal	67,488	1,903,857		2,850.086 /LF
Total Construction Cost		1,903,857		2,850.086 /LF
Permits and Fees - NIC				
Special Testing & Insp. - NIC				
System Dev Charges - NIC				
Builders Risk Insurance - NIC				
Design Contingency - by Owner				
Escalation - NIC				
Total		1,903,857		2,850.086 /LF



Area	Description	Takeoff Quantity	Total Cost/Unit	Total Amount
1. BANK REMEDIATION				
	Riverbank Environmental Remediation	16,433.00 tn	55.00 /tn	<u>903,815</u>
				903,815
2. DEMO				
	Riverfront Pier and Piling Demolition	1.00 ls	101,252.00 /ls	<u>101,252</u>
				101,252
3. GREENWAY REMEDIATION				
	Greenway Environmental Remediation	3,617.00 tn	55.00 /tn	<u>198,935</u>
				198,935
4. ABERNETHY ACCESSWAY				
	Abernethy - Paver Earthwork Prep and Grading	7,161.00 sf	5.42 /sf	38,813
	Abernethy - Concrete Planters Bottoms	888.00 sf	14.50 /sf	12,876
	Abernethy - Concrete Planters Walls	202.00 lf	375.00 /lf	75,750
	Abernethy - Concrete Planters Curb	133.00 lf	35.00 /lf	4,655
	Abernethy - Site lighting	1.00 ls	69,410.00 /ls	69,410
	Abernethy - Benches	7.00 ea	4,000.00 /ea	28,000
	Abernethy - Pavers (Blended Rate)	7,161.00 sf	14.85 /sf	106,341
	Abernethy - Landscaping and irrigation	1.00 ls	72,371.00 /ls	<u>72,371</u>
				408,215
5. LANE ACCESSWAY				
	Lane - Paver Earthwork Prep and Grading	4,636.00 sf	5.42 /sf	25,127
	Lane - Concrete Planter Walls	258.00 lf	375.00 /lf	96,750
	Lane - Concrete Planter Bottoms	1,068.00 sf	14.50 /sf	15,486
	Lane - Concrete Planter Curbs	203.00 lf	35.00 /lf	7,105
	Lane - Site lighting	1.00 ls	23,660.00 /ls	23,660
	Lane - Benches	5.00 ea	4,000.00 /ea	20,000
	Lane - Pavers (Blended Rate)	4,636.00 sf	14.85 /sf	68,845
	Lane - Landscaping and irrigation	1.00 ls	108,556.00 /ls	<u>108,556</u>
				365,529
6. LOWELL ACCESSWAY				
	Lowell - Paver Earthwork Prep and Grading	5,065.00 sf	5.42 /sf	27,452
	Lowell - Concrete Planter Curbs	320.00 lf	35.00 /lf	11,200
	Lowell - Concrete Planter Bottoms	624.00 sf	14.50 /sf	9,048
	Lowell - Site lighting	1.00 ls	23,660.00 /ls	23,660
	Lowell - Benches	5.00 ea	4,000.00 /ea	20,000
	Lowell - Pavers (Blended Rate)	5,065.00 sf	14.85 /sf	75,215
	Lowell - Benches	5.00 ea	4,000.00 /ea	20,000
	Lowell - Landscaping and irrigation	1.00 ls	85,894.00 /ls	<u>85,894</u>
				272,470



Estimate Totals

Description	Amount	Totals	Rate	Cost per Unit
Direct Construction Cost	2,250,216	2,250,216		1,446.154 /LF
GC	135,013			86.769 /LF
Construction Contingency	<u>71,557</u>		3.000 %	<u>45.988 /LF</u>
Subtotal	206,570	2,456,786		1,578.911 /LF
SDI	24,568		1.000 %	15.789 /LF
General Liability Insurance	<u>22,502</u>		1.000 %	<u>14.462 /LF</u>
Subtotal	47,070	2,503,856		1,609.162 /LF
Fee	81,375		3.250 %	52.298 /LF
ACCO Corporate Activities Tax	<u>10,643</u>		0.410 %	<u>6.840 /LF</u>
Subtotal	92,018	2,595,874		1,668.299 /LF
Total Construction Cost		2,595,874		1,668.299 /LF
Permits and Fees - NIC				
Special Testing & Insp. - NIC				
System Dev Charges - NIC				
Builders Risk Insurance - NIC				
Design Contingency - By Owner				
Escalation - By Owner				
Total		2,595,874		1,668.299 /LF

**Alamo Manhattan Blocks
Projected Parks SDC Fees**

Building		Fee
Block 41	\$	2,438,820
Block 42	\$	1,383,510
Block 44	\$	2,682,040
Block 45	\$	1,827,780
TOTAL	\$	8,332,150



Landscape Architecture

EXHIBIT L
ALAMO MANHATTAN BLOCKS GREENWAY ENHANCEMENTS
MARCH 5, 2021

THE GREENWAY IN SOUTH WATERFRONT ALONG THE WILLAMETTE RIVER FOR THE ALAMO MANHATTAN BLOCKS PROJECT EXTENDS 650 L.F. FROM SW LANE STREET ON THE NORTH TO SW LOWELL STREET ON THE SOUTH. FOLLOWING IS A DESCRIPTION OF USER AMENITIES AND ENHANCED PLANTING THAT EXCEEDS MINIMUM ORDINANCE STANDARDS. * LIST OF APPLICABLE PORTLAND ORDINANCES INDICATED AT THE END OF THIS REPORT. THE FOLLOWING FEATURES WILL ADD TO USERS EXPERIENCE OF THE GREENWAY AND ENHANCE THE WILDLIFE AND RESTORATION OF THE RIPARIAN ENVIRONMENT:

1. **PEDESTRIAN OVERLOOK** - LOCATED AT RIVERWARD END OF SW ABERNETHY & ADJACENT TO THE WILLAMETTE RIVER, THIS CURVED, IPE CLAD VIEWING OVERLOOK ALONG THE PEDESTRIAN TRAIL IS NOT REQUIRED BY ORDINANCE & ITS INCLUSION WAS APPROVED BY THE CITY COUNCIL, DESIGN REVIEW COMMISSION, BUREAU OF DEVELOPMENT SERVICES, BUREAU OF ENVIRONMENTAL SERVICES, & THE PARKS & RECREATION DEPARTMENT. THE CIVIL ENGINEER CONDUCTED A NO-RISE STUDY AND FINDINGS WERE PRESENTED TO BES WHICH CONCLUDED NO IMPACT TO THE RIVER. THIS 630 S.F. OVERLOOK IS FLANKED BY RAISED PLANTERS AND HAS A SOFTLY DOWNWARD ILLUMINATED CABLE RAILING ALLOWING MAXIMUM VISIBILITY AT THE RIVER'S EDGE. THE OVERLOOK IS SUPPORTED BY ENGINEERED CONCRETE RETAINING WALLS AND IS SEPARTED FROM ADJACENT PEDESTRIAN TRAIL BY CUSTOM - DESIGNED WOOD BOLLARDS CRAFTED FROM ON SITE REMAINS OF WOODEN PIERS. SEE LOCATION **A** ON THE ATTACHED LANDSCAPE MASTER PLAN AND DETAILED ENLARGEMENT ENCLOSED – **EXHIBIT A.**

2. **INTERACTIVE WATER FEATURE & SCULPTURE** - THIS 7' WIDE BY 19' LONG AT GRADE WATER FEATURE & SCULPTURE IS LOCATED AT THE LANDWARD TERMINUS OF SW ABERNETHY. TWELVE VARYING HEIGHT LOW SPRAY JETS RISE FROM THREE DARK GRAY BASALT SLABS. THE WATER FEATURE IS NOT REQUIRED BY ORDINANCE AND IS AXIALLY LOCATED & CENTERED ON THE GREENWAY OVERLOOK. THE WATER FEATURE AREA HAS MULTIPLE SEATING OPTIONS AND SERVES AS A GATEWAY INTO THE GREENWAY. THE PROPOSED SCULPTURE, CENTERED IN THE WATER FEATURE, HAS SEVERAL CRITERIA FOR SELECTION WHICH INCLUDE POSSIBLE USE OF A LOCAL ARTIST, A CONNECTION TO SOUTH WATERFRONT HISTORY, & USE OF A MATERIAL THAT WILL WEATHER APPROPRIATELY WITH STANDARD MAINTENANCE IN A FOUNTAIN ENVIRONMENT. SEE LOCATION **B** ON THE ATTACHED LANDSCAPE MASTER PLAN AND DETAILED ENLARGEMENT ENCLOSED – **EXHIBIT B.**

3. **PLAZA ENHANCEMENT** – THE PLAZA AT THE TERMINATION OF SW ABERNETHY WAS CREATED TO ALLOW ADDITIONAL PLANTING AND HARDSCAPE ADJACENT TO THE GREENWAY AND THUS MEETS ORDINANCE IN TERMS OF REQUIRED PLANTING AND WALKABLE SURFACES THAT ENABLE ADDITIONAL BUILDING S.F. THERE ARE, HOWEVER, SEVERAL ENHANCEMENTS TO THE PLAZA THAT EXCEED ORDINANCE. THESE ENHANCEMENTS WERE WELL-RECEIVED DURING THE DESIGN REVIEW PROCESS. LIGHT BLUE PAVER BANDS ARE PLACED IN THE PLAZA RUNNING PARALLEL TO THE WILLAMETTE RIVER REFERENCING THE RIVER. THE ENTIRE PLAZA IS COLORFUL CONCRETE PAVERS IN RUNNING BOND PATTERN TO RECEIVE LIGHTS AND EXPAND UPON THE E-W PEDESTRIAN MALL TERMINATING AT THE GREENWAY. CUSTOM WOOD CHAISE LOUNGES/RECLINERS LINE THE EDGE OF THE ENHANCED PLAZA FACING THE RIVER. THIS TYPE OF SEATING, SIMILAR TO THE HI LINE IN NYC, WAS SUGGESTED BY DRB & BDS AS A WAY TO PROVIDE A SPECIAL CONNECTION TO THE RIVER. A CURVILINEAR, FLOWING LAWN AREA ADJACENT TO THE PLAZA ALLOWS A SMOOTH FLOW OF USERS TO THE PLAZA & PROVIDES RECREATIONAL OPPORTUNITIES SUPPORTED BY THE PARKS & RECREATION DEPT. SEE LOCATION **C** ON THE ATTACHED LANDSCAPE MASTER PLAN AND DETAILED ENLARGEMENT ENCLOSED – **EXHIBIT C**.
4. **ENLARGED MAKER’S PLAZA** – THIS ELEVATED PLAZA AT THE SOUTH END OF THE GREENWAY EXCEEDS ORDINANCE REQUIREMENTS. WHILE THE ORDINANCE ENCOURAGES A LANDWARD PLAZA AT THE TERMINATION OF SW LOWELL PEDESTRIAN CORRIDOR, THE GEOMETRY OF THE TRAILS COMING TOGETHER IN THIS NARROW AREA OF THE GREENWAY PRESENTED A CHALLENGE. A PLAZA WAS PROVIDED ON THE EAST SIDE OF THE BUILDING AT LIVE-WORK/MAKER’S SPACE. CAREFUL STUDY BY BDS INDICATED THAT EXPANDING THE PLAZA TO BE A MUCH LARGER PLAZA AND OVERLOOK TO THE RIVER WAS ALLOWED IN TERMS OF GREENWAY ORDINANCE REQUIREMENTS IN THAT THIS PLAZA HARDSCAPE FOR PUBLIC USE PROVIDED A CONNECTION TO PUBLIC TRAILS, DID NOT ADVERSELY AFFECT PLANTING S.F. REQUIRED FOR GREENWAY, AND PROVIDED AN ADA COMPLIANT PATHWAY TO REACH THE MAKER’S PLAZA. THE SAME TYPE OF CUSTOM LOUNGE SEATING AS WAS PROVIDED IN PLAZA IS USED IN THIS EXPANDED MAKER’S PLAZA. SEE LOCATION **D** ON THE ATTACHED LANDSCAPE MASTER PLAN AND DETAILED ENLARGEMENT ENCLOSED – **EXHIBIT D**.
5. **UNIQUE CUSTOM FURNISHINGS IN THE GREENWAY** – IN TWO AREAS ALONG THE PEDESTRIAN TRAIL, MONOLITHIC BASALT NATIVE STONE BENCH AREAS ARE PROVIDED. THIS REFERENCE TO LOCAL MATERIALS ENHANCES THE GREENWAY AND THE 7’ LONG BENCHES ARE PROVIDED ON NORTH & SOUTH SIDE OF GREENWAY. IN ADDITION, TWO “L” SHAPE BENCH GROUPINGS ARE PROVIDED ON THE RIVER SIDE OF THE PLAZA. THESE TWO GROUPINGS OF EXTRA WIDE TIMBERFORM COLOSSUS BENCHES ALLOWS USERS TO FACE THE WATER FEATURE OR TURN AROUND TO FACE THE RIVER. THEY ARE THE EQUIVALENT OF

8 STANDARD BENCHES AND REFLECT THE MARITIME HISTORY OF SOUTH WATERFRONT. AN ADDITIONAL 2 OF THESE COLOSSUS BENCHES FLANK THE WATER

FEATURE. IN ADDITION TO THE TWO STANDARD SAFETY DETAILS RECOMMENDED BY PARKS DEPT. (AN INLAID PEDESTRIAN WALKER ON PEDESTRIAN TRAIL & BIKE SYMBOL ON BIKE TRAIL), THREE (3) RED BRASS STREET MARKERS ARE PROVIDED, ABOVE ORDINANCE REQUIREMENTS, WHERE THE BIKE TRAIL CROSSES SW LANE, SW ABERNETHY, AND SW LOWELL INDICATING A CITY OF PORTLAND SEAL & STREET NAME FOR ORIENTATION. SEE LOCATION E ON THE ATTACHED LANDSCAPE MASTER PLAN AND DETAILED ENLARGEMENT ENCLOSED – **EXHIBIT E.**

6. LANDSCAPE DEVELOPMENT IN THE GREENWAY THAT EXCEEDS ORDINANCE REQUIREMENTS IS AS FOLLOWS:

ALL PLANTING IS BASED ON THE REQUIREMENTS OF SECTION 33.510.253 E.5.F LANDSCAPING OF TITLE 33, PLANNING AND ZONING. THIS ORDINANCE STATES THE FOLLOWING PERTAINING TO THE GREENWAY:

“PLANTING IS NOT REQUIRED TO MEET THE SIZE AND SPACING REQUIREMENTS OF 33.248.030, PLANT MATERIALS,” HOWEVER, THE ORDINANCE STATES THAT THE PLANTING MUST MEET THE COVERAGE STANDARDS WITHIN 3 YEARS. AS NOTED BELOW IN EACH SUB-AREA, 1 GALLON GROUND COVER IS USED IN LIEU OF 4” POTS, 5 GALLON SHRUBS ARE USED IN LIEU OF 1 GALLON, AND TREES ARE SPECIFIED AS 3” CALIPER MINIMUM IN LIEU OF 1 1/2” CALIPER.

SUB-AREA 1 REQUIRES A MINIMUM 80% PLANTING COVERAGE AND OF THAT REQUIRED COVERAGE, 80% MUST BE SHRUBS AND THE REMAINING AREA TO BE COVERED IN GROUND COVER. CURRENT PLANTING PLAN PROVIDES 86% PLANT COVERAGE WHICH RESULTS IN 760 SF OF PLANTING ABOVE REQUIRED. OF THE REQUIRED PLANTING AREA, 98% IS PLANTED IN SHRUBS EXCEEDING THE ORDINANCE. SHRUBS HAVE BEEN SPECIFIED AS 5 GALLON IN LIEU OF 1 GALLON, AND GROUND COVER HAS BEEN SPECIFIED AS 1 GALLON IN LIEU OF 4” POTS. THERE ARE NO TREES REQUIRED WITHIN SUB-AREA 1, BUT TREES ARE ALLOWED. CURRENT PLANS SHOW 10- 3” CALIPER TREES WITHIN THIS SUB-AREA EXCEEDING MINIMUM TREE SIZES SHOWN IN 33.248.030 WHICH ALLOWS FOR 1 1/2” CALIPER TREES.

SUB-AREA 2 REQUIRES A MINIMUM 80% PLANTING COVERAGE AND OF THAT REQUIRED COVERAGE, 80% MUST BE SHRUBS AND THE REMAINING AREA TO BE COVERED IN GROUND COVER. CURRENT PLANTING PLAN PROVIDES 83% PLANT COVERAGE WHICH RESULTS IN 810 SF OF PLANTING ABOVE REQUIRED. OF THE REQUIRED PLANTING AREA, 90% IS PLANTED IN SHRUBS EXCEEDING ORDINANCE. SHRUBS HAVE BEEN SPECIFIED AS 5 GALLON IN LIEU OF 1 GALLON, AND GROUND COVER HAS BEEN SPECIFIED AS 1 GALLON IN LIEU OF 4” POTS. THERE ARE 63 TREES REQUIRED WITHIN SUB-AREA 2. CURRENT PLANS SHOW 67- 3” CALIPER MINIMUM, TREES WITHIN THIS SUB-AREA EXCEEDING MINIMUM TREE SIZES SHOWN IN 33.248.030 WHICH ALLOW FOR 1 1/2” CALIPER TREES.

SUB-AREA 3 REQUIRES A MINIMUM 80% PLANTING COVERAGE AND OF THAT REQUIRED COVERAGE, 60% MUST BE SHRUBS AND THE REMAINING AREA TO BE COVERED IN GROUND

COVER. CURRENT PLANTING PLAN PROVIDES 81% PLANT COVERAGE WHICH RESULTS IN 184 SF OF PLANTING ABOVE REQUIRED. OF THE REQUIRED PLANTING AREA, 63% IS PLANTED IN SHRUBS EXCEEDING THE ORDINANCE. SHRUBS HAVE BEEN SPECIFIED AS 5 GALLON IN LIEU OF 1 GALLON, AND GROUND COVER HAS BEEN SPECIFIED AS 1 GALLON IN LIEU OF 4" POTS. THERE ARE 19 TREES REQUIRED WITHIN SUB-AREA 3. CURRENT PLANS SHOW 27- 3" CALIPER MINIMUM, TREES WITHIN THIS SUB-AREA EXCEEDING MINIMUM TREE SIZES SHOWN IN 33.248.030 WHICH ALLOWS FOR 1 1/2" CALIPER TREES.

IN SUMMARY, THE SPECIFIED GREENWAY HAS PROVIDED AN ADDITIONAL 1,754 SF OF PLANTING AND 22 TREES ABOVE THE REQUIREMENTS OF SECTION 33.510.253 E.5.F LANDSCAPING OF TITLE 33, PLANNING AND ZONING. IN ADDITION, ALL PLANT MATERIAL HAS BEEN SPECIFIED LARGER THAN THE CITY OF PORTLAND STANDARDS LISTED IN 33.248.030, PLANT MATERIALS.

7. MODULAR/SEGMENTED WALLS AT TOP OF BANK ALONG THE RIVER EXCEEDS ORDINANCE AS FOLLOWS:

THESE RETAINING WALLS IN THREE (3) AREAS ALONG THE TOP OF BANK ALLOW FOR SLOPE IMPROVEMENTS AND BANK IMPROVEMENTS. LOCATION AND LENGTHS ARE 147 L.F. AT FAR SOUTH OF GREENWAY, 76' L.F. SOUTH OF OVERLOOK, AND 146 L.F. NORTH OF OVERLOOK. MODULAR WALLS HAVE GUARDRAILS ON TOP – **EXHIBIT F.**

THE FOLLOWING ORDINANCES ARE APPLICABLE TO THIS REPORT:

CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT OF TITLE 33
PORTLAND CENTRAL CITY FUNDAMENTAL DESIGN GUIDELINES
SOUTH WATERFRONT GREENWAY REVIEW 33-851
SOUTH WATERFRONT GREENWAY DESIGN GUIDLINES ORDINANCE 183518
WILLAMETTE GREENWAY PLAN



DESCRIPTION	DATE
EXHIBIT KEY	02/22/21

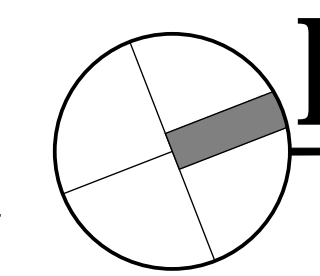
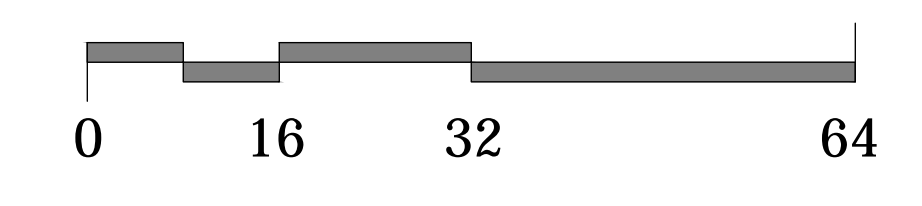


Exhibit M



Technical Memorandum

To: Wade Johns – Alamo Manhattan
From: Joshua Owens, PE
Copies: File
Date: August 14, 2020
Subject: Alamo Manhattan Blocks Bank Stabilization Code Requirements
Project No.: 19050

Introduction

Alamo Manhattan (“AM”) has requested that we analyze whether the bank stabilization activities, in-water pier removal work and environmental remediation of the riverbank and greenway trail that AM will perform as a part of the Greenway improvements are required by the minimum greenway standards found in PCC 33.510.253.D (Required South Waterfront Greenway improvements) and PCC 33.510.253.E (Development Standards).

In short, bank stabilization¹ is not a specific requirement of 33.510.253 (Greenway Overlay Zone in South Waterfront Subdistricts). Instead, the bank stabilization activities are efforts that AM is undertaking as a means to restore and enhance the natural area, create fish and wildlife habitat, and enhance the function of the greenway for human use. PCC 33.851.300.C.

Summary of Bank Stabilization Activities

The bank stabilization work generally includes:

- Install turbidity curtain to isolate the site
- Remove derelict piles with a barge mounted excavator
- Environmental remediation of the riverbank by excavating existing materials in the lower portion of the bank below ordinary low water and remove wood pier. Cap with armoring riprap and top dress with river rock
- Excavate and lay back upper portion of the bank with 2H:1V max slopes from ordinary low water to ordinary high water and 3H:1V max slope from ordinary high water to top of bank.
- Install riprap armoring with large woody debris from ordinary low water to ordinary high water
- The bank from ordinary high water to top of bank will be soil
- Install plantings from 3 ft above ordinary low water to top of bank with native groundcovers, shrubs, and trees.

¹ Alamo Manhattan’s summary of greenway improvements includes separate line items for demolition of the wooden pier/removal of piles from the river, stabilization of the riverbank, environmental remediation of the riverbank and environmental remediation of the greenway. Our memo refers to all of these activities as “bank stabilization.”

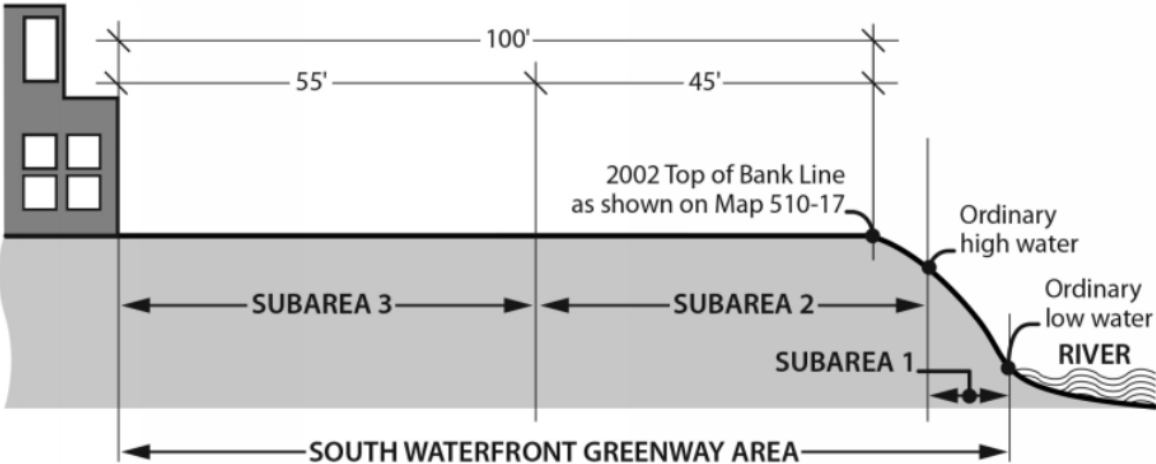
- Retaining walls above ordinary high water will be used in some areas to support the river-related trail use adjacent to the top of bank.
- Remove existing greenway fill and replace with clean topsoil

Bank Stabilization Code Summary

Bank stabilization is not an explicit requirement of Portland Code section 33.510.253 (Greenway Overlay Zone in South Waterfront Subdistricts), which describes the minimum greenway standards. Instead, the bank stabilization work is proposed as part of South Waterfront Greenway Review (PCC 33.851). The greenway review standards are subjective and there are many ways to meet the requirements that do not require bank stabilization. AM has elected to implement bank stabilization as a means to address greenway review.

Bank Stabilization Code Narrative²

**Figure 510-2
South Waterfront Greenway Area and Subareas**



Greenway Area = from ordinary low water to 100' from 2002 Top of Bank Line as shown on Map 510-17
 Subarea 1 = from ordinary low water to ordinary high water
 Subarea 2 = from ordinary high water to 45' in from 2002 Top of Bank Line as shown on Map 510-17
 Subarea 3 = from 45' in from top of bank to 100' in from 2002 Top of Bank Line as shown on Map 510-17

**PZC Section 33.510.253 Greenway Overlay Zone in the South Waterfront Subdistrict
[...]**

D. Required South Waterfront Greenway improvements. Adjustments and modifications to this subsection are prohibited.

[...]

2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.f for subarea 1 must be met.

² Only criteria that relate to bank stabilization are included. Note that the application addressed the pre-CC2035 code as vested by the 2017 land division.

Response: PCC 33.510.253.D.2 does not require bank stabilization work. Instead, if bank stabilization in subarea 1 is proposed, then the planting requirements of 33.510.253.E.5.f are required.

E. Development standards. Generally, proposals are subject to design review. In most instances, applicants may choose between meeting development standards or going through South Waterfront greenway review. In some instances, South Waterfront greenway review is required.

[...]

3. South Waterfront greenway review. South Waterfront greenway review is required for the following:

- a. New development or exterior alterations that do not meet the standards of Paragraph E.5 and are not exempted by Paragraph E.4;
- b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.

Response: The following items did not meet the standards of Paragraph E.5 and were not exempted by Paragraph E.4, requiring South Waterfront Greenway review:

- Proposed fence (guard rail) over 3 feet high, and less than 45 feet from top of bank
- Segments of the greenway trail less than 12 feet wide

Additionally, greenway review was required because AM's proposed greenway improvements offered to address the greenway review approval criteria include the following work riverward of top of bank:

- Removal of dilapidated wooden pilings and pier structure from the river
- Excavating, regrading, armoring the riverbank, and placing large woody debris below top of bank

[...]

5. Development standards. The following development standards must be met unless the applicant chooses South Waterfront greenway review. Adjustments and modifications to these standards are prohibited.

[...]

c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.

d. Trails and pedestrian connections.

(2) Public recreational trails. Public recreational trails must meet the following standards. [...]

- Width. The trail must consist of two paths, each at least 12 feet in width;

[...]

Response: The proposed development includes fences and walls within Subarea 2 and portions of the trail that are 10 ft. rather than 12 ft wide so that the trail aligns with and matches the existing greenway trail to the north and south. Therefore, South Waterfront Greenway Review was required.

f. Landscaping

[...]

(3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:

- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
- Trees. Trees are not required, but are allowed;

- *Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;*
- *Plant list. Only plants listed in Table 510-2, Subarea 1 Plant List, may be planted; and*
- *Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of*
- *33.248.030, Plant Materials. Planting is not allowed during the summer.*

Response Subarea 1 consists of the bank area below the Ordinary High Water (OHW). Currently, much of the existing bank is below the OHW line, therefore the landscaping requirements of E.f.3 above would not apply to most of Subarea 1 in its existing condition.

The bank stabilization work that AM is pursuing for South Waterfront Greenway Review flattens the slope and expands the subarea 1 planting area by converting a portion of subarea 2 to subarea 1. This expanded subarea 1 triggers the required landscaping in this section, which AM has met.

LIGHTING LEGEND

- R.O.W. STREET LIGHTING- REFERENCE CIVIL DRAWINGS FOR SPECIFICATIONS



1 R.O.W. STREET LIGHT



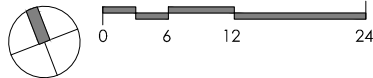
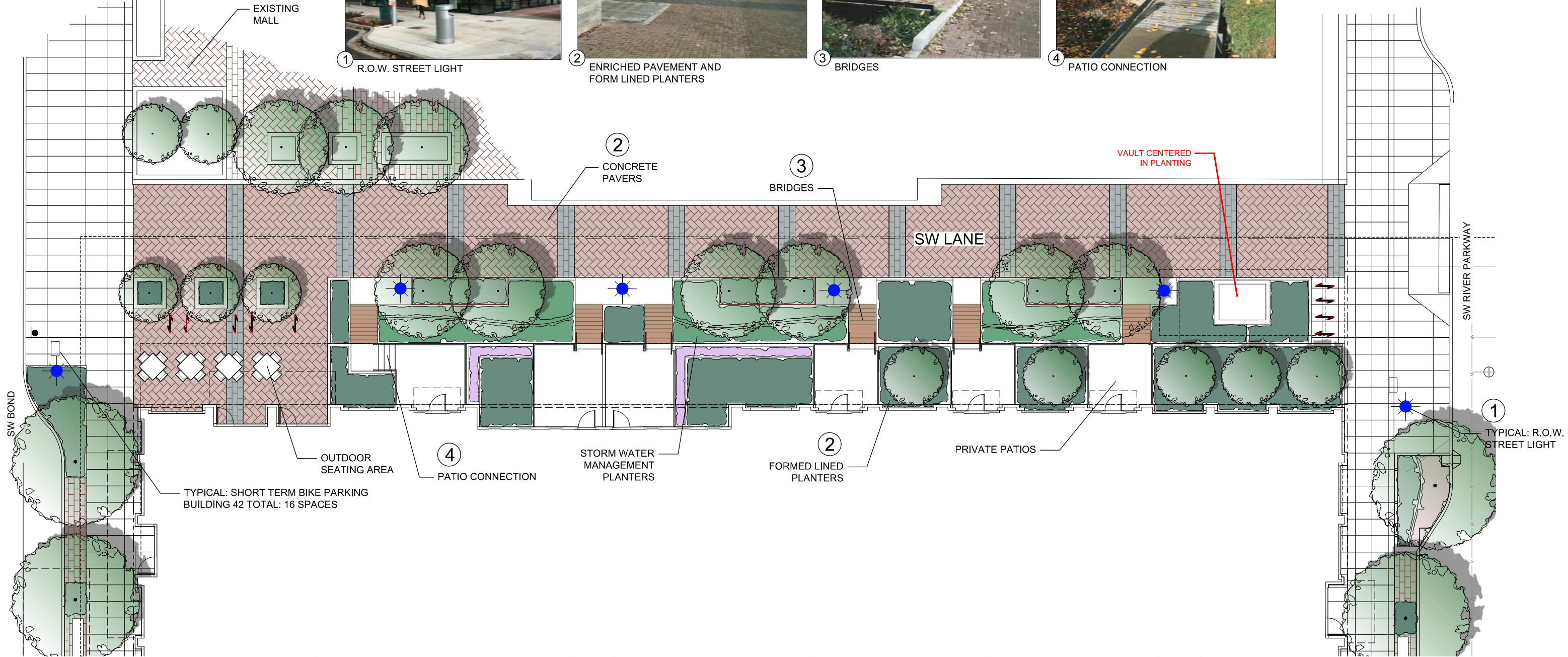
2 ENRICHED PAVEMENT AND FORM LINED PLANTERS



3 BRIDGES



4 PATIO CONNECTION



BLOCK 42 LANE STREET ENLARGEMENT / LIGHTING PLAN