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Sent: Tuesday, October 24, 2017 4:06 PM

To: Planning and Sustainability Commission <psc@portlandoregon.gov>

Subject: Comments on Property Owner proposed plan and zone change for 2525 NW Lovejoy and related properties

Planning and Sustainability Commission Members,

I am writing to express my significant concern and **opposition to a possible Comp. Plan and Zone Change proposal for several properties located near NW 25th and Lovejoy**. The following action is being proposed by the **out of state property owner/developer**.

***Lovejoy Medical Site (2525 NW Lovejoy Street):** This site is zoned RH under the current Code and not proposed for rezoning under the Recommended Draft. The site contains a medical office building that is a non-conforming development. We request CM3 or CM2 zoning and a later corresponding Comprehensive Plan change to bring this office use into conformance.*

As the City Council knows, non-conforming uses are subject to strict rebuilding requirements and a non-conforming use designation can make financing, sale and insurance difficult for projects. In order to remove these detrimental restrictions from the Site, we request that the Site be rezoned CM2 or CM3, which are the only mixed use zones that allow office uses without size restrictions. These zoning designations allow similar density to the current use (but would require bonuses to rebuild to the current FAR), and a wide range of uses.

We acknowledge that CM2 or CM3 zoning for this Site is not compatible with the recently adopted 2035 Comprehensive Plan, and request that the Comprehensive Plan also be changed to allow the desired zoning. We understand from conversations with Staff that zoning changes requiring Comprehensive Plan revisions may be handled in a later "clean-up" amendment, and we will make this request again at that time if appropriate.

We strongly oppose any the proposed changes from the current residential comp. plan and zone designation to commercial plan and zone designation. Our opposition includes:

1. **all neighbors in the area** of the properties (that I have been able to talk with in the past few weeks) in the vicinity of the properties at 2525 NW Lovejoy. Most were not aware of the proposed changes when I asked them about them, and were alarmed when I explained that the 'out of state' property owner/developer was proposing to the Comp. Plan and Zone changes. Most are long term residents and property owners in the immediate area of the 2525 NW Lovejoy properties.
2. **the Northwest District Neighborhood Association and NWDA Planning Committee** have submitted comments opposing the proposed changes.
3. The **city planning staff** does not support the changes. In an earlier version of the proposed plan change the staff included a zone change for these properties, but then changed their position on them and no longer supports the changes. However its our understanding that the 'out of state' property owner/developer will continue to advocate for the plan and zone changes even though the city staff no longer supports changes in this area.

These properties have been designated in the Comp. Plan and zoned for residential for many years, and should not change. This is based on a long term agreement with the neighborhood that commercial uses would remain along NW 23rd and to the east. When the property is redeveloped, it should redevelop to residential uses, not commercial. Our Key objections to these out of state property owner proposed changes include:

1. This building was purchased by the current owner knowing it was non-conforming. The city should not change it now, just because the new out of state property owner wants to make more money on it. It should retain the existing plan and zoning and redevelop as residential as has been planned for many years for this property.
2. The surrounding area is residential, and all area west of the properties along NW 23rd Street is designated as residential. Allowing these to change to commercial will promote strip commercial development and significantly and negatively affect this area of the NW Neighborhood
3. There is no need for additional commercial development west of NW 23rd Street. There is plenty of commercial and mixed use land, and building availability along, and west of NW 23rd. In fact this change will cause serious damage to the neighborhood. The proposed "shot gun" approach to rezoning of the neighborhood will undermine a long term commitment in the neighborhood to keep the commercial uses along and east of NW 23rd. Once you start rezoning some properties, where do you stop. If you open the door to rezoning some properties for commercial in the area West of 23rd, where does it stop and who else gets rezoned. Is it appropriate to allow a few non-conforming properties to be rezoned, and then why not many more...how about all the properties on NW 25th Street, or all the properties on NW Lovejoy west of 23rd. The point is any changes should be done in the context of looking at the neighborhood as a whole, not just the wants of an out of state property owner/developer.
4. Allowing those properties to develop as commercial would be in violation of the agreement with the neighborhood and the Good Sam Hospital/medical community in the area. This agreement limited the expansion of the hospital and medical facilities in the NW area to a specific boundary. Buildings outside that area are/were intended to redevelop according to the comp. plan and zoning that is in place.
5. Allowing the commercialization and intensification of the properties at the intersection of NW 25th and Lovejoy will significantly deteriorate the traffic in the area. Both NW 25th and NW Lovejoy are highly congested streets and the function of them would decline significantly if these properties are redeveloped as commercial. They would not be so significantly affected if they redevelop as residential.
6. There is no need for more commercial or mixed use property in this area. There is plenty of commercial land (and for mixed use) along 23 and 21st, and generally east of 23rd, and along the Thurman Street Corridor.
7. Changing the Plan Designation and Zoning for these properties will not benefit to anyone but the "Out of State Property Owner" Extending commercial use west of NW 23rd will significantly deteriorate the surrounding properties that are designated for and

historically developed for residential use. In fact, there would be great harm to the surrounding neighbors, property owners and the neighborhood in general. It will greatly deteriorate the quality of life in our little neighborhood area in the following ways:

- a. There would be significant deterioration in parking availability in the area for existing residents and other uses.
 - b. There would be significant deterioration in traffic and increases in congestion on NW 25th and NW Lovejoy Streets. Both Streets that are currently over stressed and function at low Levels of Service due to local and through traffic. Adding more commercial uses at this very busy intersection will cause the traffic to break down even more.
 - c. Commercial uses would significantly increase in noise and non-residential disruption in the area in the evening and night time, including noise and commercial activity that would disrupt the surrounding residential areas.
 - d. Significantly undermining the historic character of the neighborhood area as a residential area.
8. The approach proposed here, to making nonconforming uses legitimate, is a bad idea and bad precedent. This specific area has been zoned for Residential uses for a long time – on purpose. The non-conforming uses have been well established in the neighborhood plan and there has been consistent and solid opposition to changing the plan for these properties.
 9. Currently non-conforming uses by definition do not conform to the planning and zoning in the area. They are required to move in the direction of conformance with existing plan/zoning when they redevelop. They should not be sanctioned through changing the zoning, and then allowed to worsen their impacts on the neighborhood. An example of why they don't fit in the residential area is, at 6 AM on a regular basis, the maintenance workers clean out the parking garage area. They use very loud blowers and proceed to blow all the garbage and accumulated dirt from the garage area onto the street. It is inappropriate because of the time they do it (very early in the morning) in a residential area and it is insensitive to the rest of the neighborhood because of the loud noise before most of us are up, and inappropriate that they just blow their garbage onto the street, which means we the neighbors end up picking up their garbage.
 10. The proposed changes (as proposed by the out of state property owner) is not appropriate as a legislative action, but should be more appropriately considered as a quasi-judicial action. It does not fit within definition of a Legislative Action (which is what the plan update is) because it is very specific and only includes a few properties.

A legislative action is a public action in which the planning commission, or city council is acting as a legislator, making new law. A quasi-judicial action is a type of land use proceeding in which the decision maker is acting in the capacity of a judge.

Legislative actions typically occur when considering amendments to the goals and policies in the comprehensive plan, to major map amendments, and to changes to the zoning ordinance. They are generally initiated by the local government.

Because this proposed action affects only a few parcels, it should not be done through a legislative action. This is also true because the property owners are requesting the changes, not the city. We believe that a change of this type needs much more extensive vetting with the neighborhood and nearby property owners, as would occur in a typical quasi-judicial process.

I am unable to attend the Planning and Sustainability Commission meeting to express my opposition, due to my work commitments.

Please note that **we have been unable to make comments on the project web site due to it not working** for comments on these properties. Several other people in my neighborhood have tried to comment on the web page and just given up on making comments because the web site will not allow us to make comments when we try to reference these specific properties near NW 25th and Lovejoy.

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