

CAMERON BROWN  
Harry H. H. Brown & Co  
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June 9, 2016

***VIA E-MAIL ONLY TO: PSC@PORTLANDOREGON.GOV***

Composite Zoning Testimony  
1900 SW Fourth Ave., Ste. 7100  
Portland, OR 97201

Reference: Zoning Map Proposal: CS to CMI

Dear Portland Sustainability Commission:

I am an officer of Harry H.H. Brown & Co., the general partner of Brown Properties Limited Partnership, the owner of three properties located at 1616-1622 SE Bybee Blvd. and 7001 to 7019 and 7027 SE Milwaukie (the "Brown Partnership Properties" or the "Property"). The Brown Partnership Properties are proposed for significant and economically damaging downzoning from CS to CM1 (the "Proposal"). I understand that the policy objective behind the downzoning proposal is to preserve neighborhood character. This letter requests that the City of Portland abandon its current Proposal and treat the Brown Partnership Properties the same as all other properties currently in the CS zone in the vicinity of Milwaukie in Westmoreland and apply the proposed CM2 zone.

The properties proposed for downzoning are in the heart of the Westmoreland commercial district and are surrounded primarily by other commercial development. The Proposal to downzone the core of the commercial district, but to leave the rest of the corridor that abuts directly against existing single family neighborhoods at a higher density runs counter to the City's traditional zoning policy of stepping zoning down in order to buffer residential neighborhoods. The current Proposal inverts the City's normal zoning approach by allowing dense redevelopment adjacent to single family neighborhoods and reducing development potential in the commercial core. Downzoning is the wrong tool to preserve neighborhood character.

The proposed downzoning is drastic. Today, under the CS zone, the FAR is 3 to 1 and the base maximum height is 45 feet. The proposed CM1 zoning, with the Main Street Overlay, proposes a maximum 2 to 1 FAR and a 35 foot maximum height. The decrease in

development capacity and land value from the proposed zone change for the Property is economically damaging. The reduction of 1 FAR amounts to a 21,000 square foot reduction in development capacity. At \$165/square foot, the City is proposing to sever nearly \$1,176,000.00 of potential value from the Property, wiping out years of hard-earned value.<sup>1</sup> My family invested in and have maintained and managed the Property for nearly 40 years, making a significant investment in and contribution to the growth and development of Westmoreland.

The proposed downzoning is inconsistent with Portland's land use and transportation planning. The Property is within one-half mile of the Bybee Light Rail Station, and on three high-frequency bus lines. The Bybee Station Area is unique for light rail station areas because it is surrounded by a golf course, rail lines, and a park. Single family residential zoning surrounds the park and the golf course. Thus, the only area available for additional development within proximity to the light rail station area are those areas currently zoned CS, the very properties proposed for downzoning to CM1. The proposal to downzone the only property available for additional development and density in the light rail station area is not accompanied by a proposal for corresponding upzoning anywhere else in the light rail station area. The downzoning proposal runs counter to the planning completed for the Milwaukie light rail line and station area and does not provide the same level of incentive for housing as the CM2 zone.

The Proposal is inconsistent with existing Comprehensive Plan Policies. For example, *Policy 3.13* describes the role of centers as follows: "Enhance center as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces." The proposed downzoning would deconcentrate development. *Policy 3.36* states "In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services . . ." Here the City is proposing to lower concentrations of development in a neighborhood center. The Proposal is similarly inconsistent with the *Sellwood-Moreland Neighborhood Action Charts*, adopted by City Resolution No. 35663. Action BG 11 sets forth as an ongoing action to "Strengthen urban design and economic function of core intersections," including the intersection of Milwaukie and Bybee. *Comprehensive Plan Policy 3.42* provides direction on how to maintain and enhance district identities: "Use historic preservation and design review tools to accommodate growth in ways that preserve historic resources and enhance the distinctive characteristics of Inner Ring Districts, especially in areas experiencing significant development." Here, rather than implementing the City's policy with carefully considered design standards to accommodate growth, the Proposal seeks to simply limit growth. The Proposal, therefore, is flatly inconsistent with the City's land use planning principles, plans and policies.

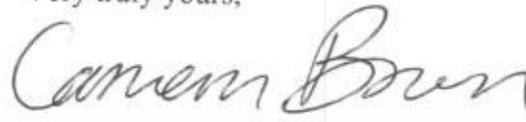
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<sup>1</sup> Loss of land value is: \$165/SF \* 21,600 = \$3,564,000, Loss of 33% of FAR due to proposed rezone = \$3,564,000 \* .33 = \$1,176,120; Loss is \$1,176,120.

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For the reasons set forth above, we request that the City discontinue further consideration of the Proposal to downzone as a means of maintaining neighborhood center character because it is punitive and inconsistent with the City's transportation and land use policies. Rather than downzoning, the City should take the time to work with the entire community (residents and businesses) to develop design standards that help to preserve neighborhood character, while accommodating planned growth. Even if the City chooses to move ahead with downzoning some properties, properties that are within one-half mile of a light rail station and adjacent to multiple high-frequency bus lines should not be downzoned.

Very truly yours,

A handwritten signature in black ink that reads "Cameron Brown". The signature is written in a cursive, flowing style.

Harry H.H. Brown & Co.  
By Cameron Brown, Officer