

TOM BROWN, TRUSTEE
Harry H. H. Brown & Co, Inc. Profit Sharing Plan
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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 the Trustee of the Harry H.H. Brown & Co. Profit Sharing Plan, the owner of the property located at 1625 SE Rural Street Milwaukie and 16th Avenue in Westmoreland (the "Property"). The Rural Street Property is proposed for downzoning from CS to CMI (the "Proposal"). This letter requests that the City of Portland abandon its current Proposal and, rather than apply a punitive downzone, treat the Rural Street Property 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 property proposed for downzoning is in the heart of the Westmoreland commercial district and is surrounded primarily by other commercial development. The Property currently has a ___ unit apartment complex, providing housing in the heart of the commercial district adjacent to three high-frequency bus lines and within one-half mile of the Bybee light rail station. This area is very well suited for additional commercial and residential growth and Portland's zoning code had provided for that outcome since at least the early 1980s.

The proposal to downzone the core of the commercial district and 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 less density in the commercial core, the area with the greatest access to transportation and services. Downzoning is the wrong tool to preserve neighborhood character in the Portland planning context.

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 is economically damaging. The reduction of 1 FAR amounts to a 7,275 square foot reduction in development capacity, which translates into a loss of property value of approximately \$396,124.00.¹

The Proposal is also inconsistent with 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 in Westmoreland within walking distance of the Bybee light rail station. The Proposal, therefore, is flatly inconsistent with the City’s land use planning principles, plans and policies.

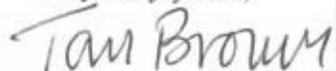
The Bybee Station Area is unique for light rail station areas because it is surrounded by a golf course, rail lines, and a park. Single family residential zoning surrounds the park and the golf course. Thus, the only area available for additional development within proximity to the light rail station 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.

¹ Loss of land value is: \$165/SF * 7,275 = \$1,200,375, Loss of 33% of FAR due to proposed rezone = \$1,200,375 * .33 = \$396,124; Loss is **\$396,124.**

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I 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 from CS to CMI, properties within one-half mile of a light rail station should not be downzoned.

Very truly yours,

A handwritten signature in black ink that reads "Tom Brown". The signature is written in a cursive style with a prominent initial "T".

Harry H.H. Brown & Co. Profit Sharing Plan
By Tom Brown, Trustee

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