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October 6, 2016

**VIA HAND DELIVERY**

City Council  
City of Portland  
c/o Bureau of Planning & Sustainability  
1900 SW 4<sup>th</sup> Avenue, Suite 7100  
Portland, OR 97201

Re: Transportation System Plan Stage 2 Update – Hayden Island Bike Path  
Hayden Island Manufactured Home Community

Dear Mayor and Commissioners:

This firm represents Hayden Island Enterprises, the owners and operators of Hayden Island Manufactured Home Community (“HIMHC”). HIMHC consists of 440 manufactured home sites, 169 RV sites and 1,500 residents located on Hayden Island and has been consistently recognized by the City as a vital affordable housing resource. We are submitting these comments regarding the Transportation System Plan (“TSP”) Stage 2 Update, in particular the proposed City Bikeway path through the HIMHC property as shown in the attached portions of the TSP Stage 2 Update. Hayden Island Enterprises is very concerned about and vehemently opposed to this bike path for several reasons.

The bike path will impact several manufactured homes located along the Columbia River and will require their removal when the bike path is built. HIMHC residents are extremely concerned about the potential impact and uncertainty the bike path will create for those affected manufactured homes. Although PBOT staff advised the public that the bike path won't actually be built unless and until the park is redeveloped, the staff memo to the Planning & Sustainability Commission stated that these "improvements would not likely occur unless a property redevelops." Memorandum from Denver Igarat, PBOT, to Planning & Sustainability Commission, dated April 6, 2016. (Emphasis added). Saying something "would not likely occur" is not the same as saying it won't happen. The potential loss of numerous manufactured homes, no matter how unlikely, is not acceptable. Additionally, there is nothing in the TSP Stage 2 Update that limits its construction to the redevelopment of the property. The potential loss of any manufactured home spaces should be very concerning to the City Council since HIMHC plays such a vital role in providing affordable housing to the community.

The bike path is inconsistent with the recently adopted 2035 Comprehensive Plan and the City's policy of protecting affordable housing resources such as HIMHC. For example, Policy 5.37 of the 2035 Comprehensive Plan provides:

“Encourage preservation of mobile home parks as a low/moderate-income housing option. Evaluate plans and investments for potential redevelopment pressures on existing mobile home parks and impacts on park residents and protect this low/moderate-income housing option. Facilitate replacement and alteration of manufactured homes within an existing mobile home park.”

Proposing a bike path in a location that would require the removal of several manufactured homes located along the Columbia River is inconsistent with Policy 5.37 because it clearly undermines the preservation of the park. Even if the City intends to only require the bike path be constructed if the property is redeveloped, approving the bike path sends a very strong signal that the City wants the property to be redeveloped so the bike path can be constructed. Encouraging the redevelopment of the park is inconsistent with Policy 5.37 and the common desire to preserve this affordable housing resource.<sup>1</sup>

Hayden Island Enterprises, HIMHC residents and other residents of Hayden Island are adamantly opposed to this bike path. At the Planning & Sustainability Commission level, there was overwhelming community testimony from HIMHC and other island residents in opposition to this bike path. Indeed, we are not aware of anyone who testified in favor of this bike path. We anticipate significant opposition to the bike path at the City Council hearings as well. The Planning & Sustainability Commission ignored the community opposition and voted for the bike path because a couple of commissioners thought it would be nice to have a bike path along the Columbia River. We do not understand why the City would impose a bike path when the Hayden Island residents, property owners and businesses are strongly opposed to it.

The bike path is being proposed across private property against the wishes of the property owner and therefore constitutes an unconstitutional taking. *See Loretto v. Teleprompter Manhattan CATV Corp.*, 458 US 419 (1982); *Brown v. City of Medford*, 251 Or App 42, 283 P3d 367 (2012). Since the bike path is being proposed for the general benefit of the public and is not necessary to address impacts from HIMHC, the City cannot establish the nexus and rough proportionality requirements necessary to justify a taking. *See Dolan v. City of Tigard*, 512 US 374 (1994); *Nollan v. California Coastal Comm'n*, 483 US 825 (1987). The bike path will not only significantly affect the HIMHC property when it is actually improved, the mere designation of it as part of the TSP will immediately affect the value of the property and make it more difficult to plan and obtain financing in the future.

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<sup>1</sup> As part of the 2009 Hayden Island Plan, Hayden Island Enterprises agreed to the City's proposal to downzone the eastern portion of the park property from General Commercial (CG) to Residential (R2) as to further the preservation of the manufactured home park. During the 2035 Comprehensive Plan process, Hayden Island Enterprises requested a policy similar to Policy 5.37 to further that goal. Approving a bike path clearly undermines these previous efforts and sends a strong signal that the City does not value Hayden Island Enterprises' willingness to support the preservation of the park.

We understand that a portion of a path was approved on the HIMHC property as part of the 2009 Hayden Island Plan, but neither Hayden Island Enterprises nor its residents were aware of that previous proposal. Moreover, the TSP Stage 2 Update recommendations propose to significantly expand both the nature and scope of the path. The recommended TSP amendments propose to change the prior designation from an "off street path" to a "City Bikeway". The City Bikeway classification is a higher classification and more intense bike path than an off street path. Additionally, the TSP Stage 2 Update proposes to significantly extend the bike path to the east along the entire stretch of the Columbia River. Since the recommended TSP amendments propose to significantly change the nature and scope of the bike path, we believe you should use this opportunity to remove the bike path altogether.

The City should not impose a public bike path across private property against the will of the property owners, residents of this community and the Hayden Island residents whom uniformly oppose this bike path. Please understand that if the City approves this bike path as part of the TSP Stage 2 Update amendments, Hayden Island Enterprises will have no choice but to protect its interests by all legal means necessary, including but not limited to appealing the City's approval of the TSP Stage 2 Update amendments and/or filing an action in court for the unconstitutional taking.

We appreciate your consideration of our comments. We look forward to working with the City further on this matter.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP



E. Michael Connors

EMC/pl

cc: Hayden Island Enterprises

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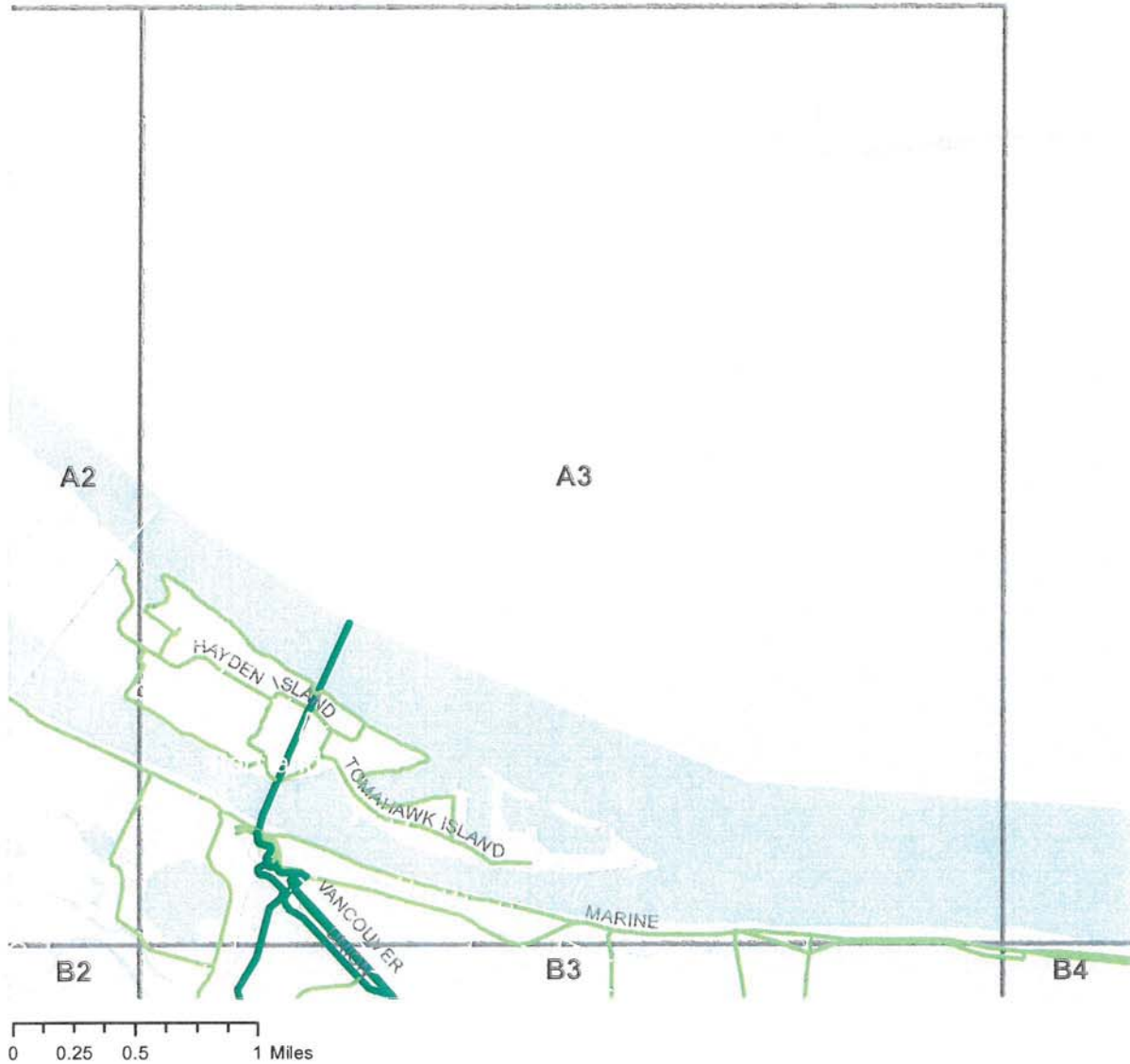
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## Commentary

### Map A3

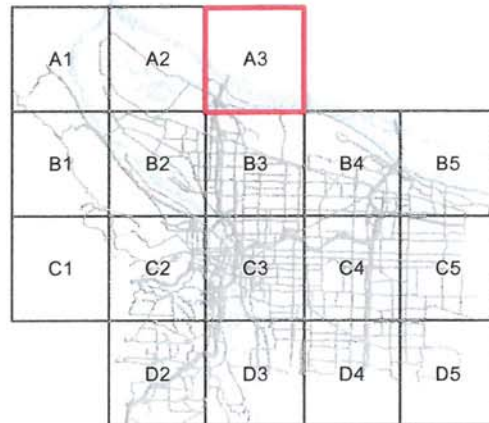
The bicycle classifications shown for Hayden Island were developed as part of the Hayden Island Plan, adopted in 2009. Before adoption, a City Council amendment removed the City Bikeway classification from the pathway around Hayden Bay in the northeast area Hayden Island, in response to community testimony. A Planning and Sustainability Commission amendment has now restored that City Bikeway classification in this Recommend Draft TSP.

# PSC Recommended Amendment



## Bicycle Classification

-  Major City Bikeway
-  City Bikeway
-  Local Service Bikeway



10-6-16

Dear City of Portland Council

We are pleased that the Comp Plan has been changed to help us plan for the future at our two locations.

After reviewing the Zone Change information, we realized the Plan is only implementing changes on the north half of the eastern most tax lot outlined on the attached map (Tax lot R244927, NW corner of SE 92nd and Clinton). This leaves an odd, split zoning; R2 on the south half and MU on the north. In addition, the tax lots to the west are zoned R1.

We still feel Mixed Use zoning for the entire tax lot makes the most sense, however if split zoning can't be avoided, we would very much appreciate the zoning on this portion be changed to R1 to at least conform with the tax lots to the west.

We have asked about this apparent omission and been told that the reason for not just changing the zoning now is to review traffic issues. This should not be a problem on this property one block from light rail, or the other tax lots bordering on the south side of Clinton.

We have no need of R zoned property for our business. This means, if we sell it, it would get developed with R2 zoning. It would be a missed opportunity to get more density next to the light rail, I-205, the planned express bus from Gresham to downtown as well as existing bus lines on both Division and SE 92nd. This property has the best access to transportation of almost any property in Portland.

We would ask that the City Council:

1. make the south half tax lot R244927 match the Mixed Use north half, or the R1 lots to the west.
2. implement the comp plan's R1 designation on all the lots across Clinton Street (south side).

Thank you for your consideration,

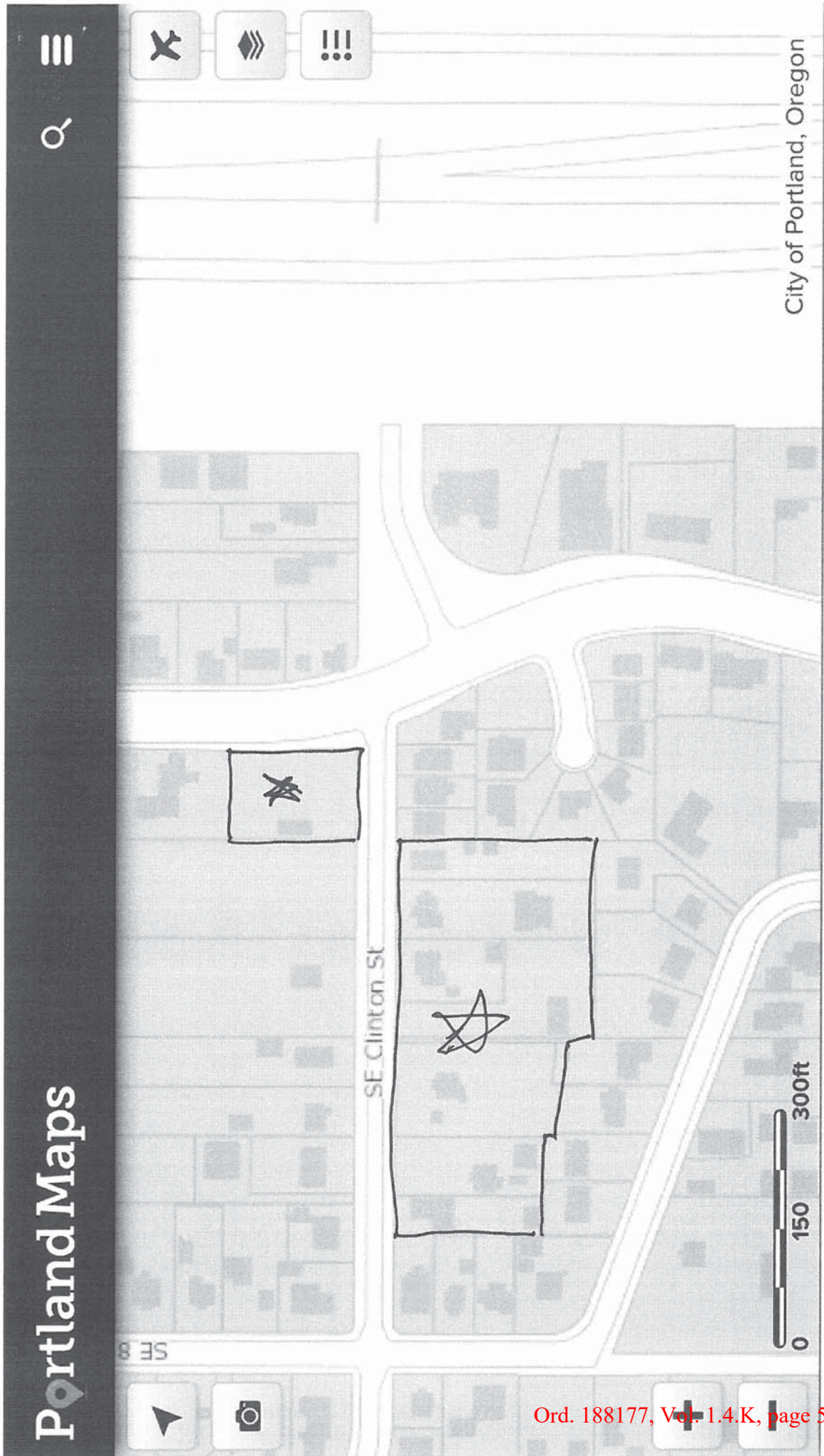


Jon Denney, Pres  
Portland Nursery Co  
5050 SE Stark Street  
Portland, OR 97215

Submitted by  
Jon Denney 10-6-2016



Submitted by Von Denney 10-6-2016



# Portland Maps





## Eric Hovee Retail Testimony to City Council (10-6-16)

My name is Eric Hovee, economic and development consultant speaking on behalf of RTF/ICSC. Analysis that we have prepared and submitted in testimony to the Planning and Sustainability Commission yields three observations for consideration with your deliberations for Mixed Use Zones.

- First, outside the central city, Portland is under-retailed – especially in east Portland where grocery choices remain scarce and expensive for residents. The lack of adequate, affordable full service grocery means that residents must travel further to shop or use convenience stores as a less healthy alternative.
- Second, the city's *food deserts* are also the places where building rents are often sub-par, making it more challenging for investment in providing affordable goods and services to pencil. Especially for day-to-day needs like grocery, pharmacy, restaurants, banking and personal services, auto-accommodating use is important for customer convenience and for business viability.
- Third, while transit, walking and biking are on the rise, auto use still accounts for more than 80% of trips outside the central city. Development standards that work in higher density areas with good transit service run the risk of proving counterproductive for residents living in areas with the poorest access to quality, healthy and affordable shopping choices.

Expanding CE zoning for auto-accommodating development and phased implementation of MUZ is urged to avoid the risk of dis-investment in those areas of Portland where retail services are needed most. Phased implementation is pivotal to encourage investment *in sync* with what the market will support today – as well as over the next 20 years. Thank you for your consideration.

Elizabeth Moore  
5706 NE 25<sup>th</sup> Ave.  
Portland, OR 97211

October 6, 2016

Comprehensive Plan Implementation Testimony  
Portland City Council c/o County Clerk  
1211 SW Fourth Ave., Room 130  
Portland, OR 97204

RE: Proposed rezoning Concordia neighborhood from R5 to R2.5. This is the area between 22<sup>th</sup> Ave. on the west, 33<sup>rd</sup> Ave. to the east, north of Killingsworth and south of Jarrett.

Good Afternoon. My name is Elizabeth Moore. I own and reside at 5706 NE 25<sup>th</sup> Ave. Portland, Oregon. I speak for myself as a home owner and eighteen year resident in the Concordia neighborhood area to be impacted by the proposed Comp Plan 2035. Thank you for the opportunity to address this city council in regard to the proposed rezoning for my neighborhood. I am here today to **oppose** the zoning change from R5 to R2.5 in this area of Concordia.

I have attended the City Residential Infill Proposal sessions, attended the open houses that the city has hosted, attended the Concordia Neighborhood Association meetings and LUTC meetings. I have heard from divergent organizations and have concluded at this point that the **intentions** of the City of Portland to provide housing affordability are just that. For if we daylight the word "affordability" in Portland you will find only minimal opportunities to become just another renter with little security of rental costs and occupation. Where the popularity of the tear down/ build two expensive homes have been rightly challenged, the urgency or "moral obligation" of providing housing for the influx of thousands in the form of "middle housing" as one group states, has become the new embrace. I have not heard that this proposal is anything more than additional apartment rental units built with impunity in all residential R5 neighborhoods. And as such would be questionable as "affordable" given the extreme lee way given to property corporations to set rates and evictions. The Concordia Neighborhood Association never canvassed my neighborhood but none the less made recommendations to the city council representing the neighborhood through a letter supporting a land use that does not represent my interests nor do I suspect the majority of my neighbors effected by this proposal.

I am concerned with families that are not building equity and stability in our Portland neighborhoods when the only choice is to be renters. I would ask that you consider the **missing middle class** when the obvious consequence of the removal of our modest homes leave the possibly of homeownership in these neighborhoods out of reach for middle income families. Most of our homes were built in the late 1920's and would be excluded from the limited protection of the new demolition restrictions. We are fortunate to have an abundance of large trees in our area that should never be available for barter. This neighborhood would be impacted not only by proposed changes to the existing R5 but by further zone change to R2.5. It is an outrage that you would destroy this middle class single residential area in our neighborhood with approximately 84% owner occupied homes by prescribing an R2.5 zoning.

I would accept a formal rezoning process and a vote by property owners effected to come to consensus on this very important matter that effects the stability of our neighborhood and the economic health of the residents of our city.

Thank you,  
Elizabeth Moore

TERRY PARKER  
P.O. BOX 13503  
PORTLAND, OREGON 97213-0503

**Subject: TSP and zoning testimony to the Portland City Council, October 6, 2016**

Regrettably, the TSP was developed under a cloud of bias discrimination. The one-sided, stacked deck policy expert group (see attached list) that helped develop comp plan policy was assembled with an overwhelming majority of citizen members that were vetted to represent or lean towards supporting special interest and alternative mode groups, one individual who is continually being rewarded with appointments for personifying himself as one of the biggest car haters in Portland, and three members for freight interests. As with nearly all PBOT citizen committees, no where is there specific proportional representation for the primary financial stakeholders for TSP projects - the motorists who pay with gas taxes and other related motor vehicle fees.

On Sandy Boulevard, any removal of motor vehicle lanes will increase congestion and emissions. With bi-directional weekday traffic volumes that exceed 26,500, each minute added to the average motor vehicle travel time will result in an increase of more than 440 hours of daily emissions. Any removal of on-street parking will have a negative impact on the small and minority businesses that line the street. With that said, the Rose City Park Neighborhood Association has continually opposed bike lanes on Sandy - instead favoring alternative routes be developed.

Rose City Park is a working class neighborhood. Unlike in the more affluent neighborhoods of Laurelhurst and Eastmoreland, the city is also forcing the up-zoning of nearly 20 city blocks of mostly R5 single family homes near the light rail station. Meetings with homeowners have suggested alternatives that now appear to have been ignored. At 51st and Sandy, a developer with the reputation of a villain wants to build an 89 unit, six story apartment building with only 19 parking places. The area already has a tight supply of on-street parking. Given the city's own studies, where are the other 45 cars that tenants will have going to be stored when not in use?

Implementation of what the city is pushing will be detrimental to the livability in my neighborhood. This has prompted strong feelings by many homeowners that the city doesn't hear or care about them.

Finally, how can messengers expect respect when they communicate the substance of the issue by blocking traffic, disrupting public meetings, vandalizing public property and otherwise show disrespect to the community as a whole? Yet issues brought forward in this manner seem to receive a high level of priority attention by the city. All too often, working through the system as it now exists only bestows less than marginal results. So instead of ramming through the status quo PBOT and PSC edicts; what will it take for motorists and neighborhood associations to receive priority attention for a positive decree of resolution?

Respectively submitted,

Terry Parker  
Northeast Portland ,

## Transportation Expert Group

### Staff

Jim Owens, Facilitator, Cogan Owens Greene  
Courtney Duke, PBOT Coordinator  
Karen Lucchesi, BPS Administrative Coordinator  
Shane Valle, PBOT Note and Logistics Coordinator  
Alexis Kelso, PBOT Note and Logistics Coordinator (former)

### Citizen Members

Don Baack, American Association of Retired Persons (AARP)  
Kara Boden, Transit Advocate + Youth Member  
Corky Collier, Columbia Corridor Association  
Katja Dillman, Move Oregon (former)  
Matt Davis, Multnomah County Department of Health (former)  
Jared Franz, OPAL (former)  
Marianne Fitzgerald, Southwest Neighborhoods Inc (SWNI)  
Cole Grisham, North Portland Neighborhood Associations (former)  
Sam Gollah, Equity Interest  
Arlene Kamura, East Portland Action Plan  
Maryhelen Kincaid, North Portland Neighborhood Associations (former)  
Gerik Kransky, Bicycle Transportation Alliance (BTA)  
Tony Lamb, Transit and Equity  
Keith Liden, Citizen at Large  
Linda Nettekoven, Southeast Uplift (SEUL) and Community Involvement Committee (CIC)  
Chris Smith, Portland Planning and Sustainability Commission (PSC)  
Peter Stark, Central Eastside Industrial Council (CEIC)  
Phil Selinger, Northwest District Association (NWDA)  
Ray Tanner, AARP and Disability Issues  
Mychal Tetteh, Community Cycling Center (former)  
Joe VanderVerr, Portland Commission on Disability (former)  
Pia Welch, Portland Freight Committee  
Garlynn Woodsong, Northeast Neighborhoods

### Agency Members

Leila Aman, Portland Development Commission  
Justin Douglas, Portland Development Commission  
Eric Heese, TriMet  
Phil Healy, Port of Portland  
Tim Kurtz, Bureau of Environmental Services (BES)  
John Mermin, Metro (former)  
Lake McTigue, Metro  
Lidwien Rahman, ODOT Region 1  
Allan Schmidt, Portland Parks (former)

TSP MAPAPP



Tim Ramis  
10/6/2016

# Proposed For FAR Reduction

Map Revised Xxxxx X, 201X



- City Boundary
- Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028



Testimony of Joseph Schaefer  
Portland City Council  
October 6, 2016

1434 + 1512 SW 58<sup>th</sup>  
The properties we are discussing comprise 1 acre on SW 58<sup>th</sup> in Lower  
Sylvan, and are just one block from the commercial node along Skyline  
Blvd. The request is to conform the zone to the comprehensive plan. The  
Comp Plan designation has been R2 for multifamily for decades but the  
zone is R20, for half acre lots, which is a vestige from when the area was  
considered rural by Multnomah County. This acre is 2 lots with 2 small, old  
houses, and has long been planned for increased density. All the properties  
to the south have either redeveloped with townhouses or small scale  
apartment buildings, or are in development review for them now.

The recommendation is against rezone, but not because up zoning to R2 is a bad idea. The Planning and Sustainability Commission felt that in a quasi-judicial application the upzone would be approved. Staff advised them on the importance of sidewalk and street improvements on 58<sup>th</sup> and feared that there would be more leverage to require the improvements in a quasi-judicial setting. Mr. Ramis previously sent a memo explaining the code authority to require the improvements in a quasi-judicial application.

Staff likely is concerned that we might opt for the fee in lieu program; however that is geared for more remote areas where improving an isolated street segment is not practical. In this area, as soon as our neighbors complete their projects, our properties will have a direct, continuous sidewalk to the commercial node.



Equally important, in our view, is that future residents will expect the full improvement. Otherwise walking to the townhouses will be a hazard, and there will be no on street parking for visitors or deliveries.

There is no dispute that new housing for the missing middle is the correct land use for this site. It is a 4 minute walk from a bus stop and the MAX is just a 4 minute drive at rush hour. A traffic study shows there is no issue with the local streets or freeway entrance.

Although obtaining street improvements has clearly not been a problem with any of the other redeveloping properties on the street, to the extent it is a concern, that is a problem we can solve. There are several ways to assure the sidewalk, beyond the requirements of your development code.

First, The improvement can be volunteered in an application, or included in a development agreement, or required now as a condition of this zone change. Mr. Ramis and Mr. Foster will utilize whichever method is preferred by city staff.

Doing the zone change now will save a year of time, and reduce the cost of each unit by \$2000. You have the power to bring these missing middle housing units to the city quickly and efficiently. Thank you.

**RESPONSE TO THE BUREAU OF DEVELOPMENT SERVICES  
LAND USE REVIEW REQUEST**

**Portland Transportation  
Development Review  
Bureau of Transportation Engineering & Development**

LU: 15-221513-000-00-LU Date: September 29, 2016  
To: Shawn Burgett, Bureau of Development Services, B299/R5000  
From: Fabio de Freitas, B106/800, (503) 823-4227  
Applicant: Mark Dane  
MARK DANE PLANNING  
12725 SW GLENHAVEN ST  
PORTLAND OR 97225  
Location: 1530 SW 58<sup>th</sup> Avenue  
TYPE OF REQUEST: Type 3 procedure LDS - Land Division Review (Subdivision)

**DESCRIPTION OF PROJECT**

7 lot land division

**RESPONSE**

Portland Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

**A. Approval Criteria**

The following discussion includes the transportation related approval criteria in Title 33 for this land use review:

**1. Transportation Impacts (33.641.020)**

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Street capacity and level-of-service

**Findings:** Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The applicant included a professionally prepared Traffic Impact Study (TIS) to adequately address the above referenced approval criterion. The following discussion is based on PBOT's assessment of the submitted TIS and transportation impacts for this proposal.

The proposed land division will create 7 lots from the current lot in order to accommodate a combination of attached and detached homes. Referring to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, the proposed development on the site will generate 5 vehicle trips during the morning peak hour and 7 vehicle trips during the evening peak hour. The new residences are projected to generate a total of 66 trips in total each weekday.

The applicant's traffic consultant obtained actual traffic counts and conducted observations during a different day at the following several nearby intersections during the traditional morning and evening peak hours to obtain data/traffic volumes in order to determine existing levels of service and to project the capacity of the intersections in relation to the proposed development. Additionally, to assess the impacts of the proposed development with regard to the existing Portland Public School District/Odyssey Program located at the intersection of SW 58<sup>th</sup> Ave/SW Montgomery, additional traffic counts were obtained for this intersection during the morning peak hour on a recent school-day. These traffic counts were hand-collected, and occurred in tandem with additional observations of school-related traffic.

<u>Intersection</u>	<u>Existing LOS AM Peak/PM Peak</u>	<u>Projected LOS AM Peak/PM Peak</u>
SW Skyline/SW Montgomery (signalized)	B/B	B/B
SW 58 <sup>th</sup> Ave/SW Montgomery (stop controlled)	B/-- *	B/--*

\*There is no PM Peak Hour LOS assessment for this intersection as the hours of the Odyssey Program do not coincide with the traditional PM Peak Hour.

As demonstrated above, all study intersections are currently operating well within City operational standards, and will continue to do so following the addition of the project trips from the proposed development. As found by the applicant's traffic consultant, site generated vehicle trips will have negligible impacts to the capacity of nearby intersections. This evaluation factor is satisfied.

The following should be considered as additional information only – PBOT compliments the applicant and his traffic consultant for providing this assessment of school-related traffic as background information from concerns that were raised several years ago in relation to another nearby land division proposal.

As of September 2016, Portland Public Schools' Odyssey Program, a focus option for PPS students in grades K-8 has occupied the school building at the SW 58<sup>th</sup> Ave/SW Montgomery intersection. The most recent previous use of the building was to house sixth-grade classes from nearby West Sylvan Middle School.

The morning peak period was determined to be the critical period for analysis of school traffic and its impacts on the adjacent roadways. The 2015 traffic counts at the nearby SW Skyline/SW Montgomery St intersection showed that the intersection of SW 58<sup>th</sup> Ave/SW Montgomery St experiences slightly higher volumes during the AM peak period than during the evening. Further, the AM peak periods of the proposed development and the existing school are concurrent, while the school's later-day peak period occurs between 2:00-4:00 PM and the expected peak for the residential development occurs between 4:00-6:00 PM. Observations were therefore conducted during the morning peak period, between 7:00-9:00 AM.

Drop-off activities occurred almost exclusively between 7:40-8:05 AM. Most vehicles arriving to drop-off a student approached from the east, turning left onto southbound 58<sup>th</sup> Ave at the intersection of SW 58<sup>th</sup> SW Montgomery. Along the west side of SW 58<sup>th</sup> Ave just south of this intersection, there is an approximately 90-ft section of frontage adjacent to the school that has the capacity to accommodate 5 stopped vehicles. Though signed as 2-hour parking, this area was observed to be used only for short-term drop-offs during the AM peak hour. Vehicles arriving for drop-off activities would typically utilize a parking space along this stretch if one was free. Vehicles were then observed to continue south, turning into the school driveway and looping around the school before exiting eastbound along the school driveway approach to the SW 58<sup>th</sup>/SW Montgomery intersection. If space along the SW 58<sup>th</sup> Ave frontage was unavailable when a particular vehicle arrived, the vehicle would then loop around the school as described above, dropping off the student prior to re-entering the intersection from the school driveway. Queues resulting from drop-offs occurring along SW 58<sup>th</sup> Ave were thus not observed to have a significant impact on the operation of this intersection, extending into the intersection for a total of only about 20 seconds of the peak hour. It is noted that no school buses arrived at or departed from the site during the observation period.

Based upon this analysis, it is not expected that the proposed new homes will have a significant impact on school traffic, nor will the new Odyssey Program significantly impact traffic generated by the project. The impacts from the school are concentrated along the southern leg of the SW 58<sup>th</sup>/SW Montgomery intersection; the proposed project is not anticipated to add any new trips to this leg of the intersection. Further, the expected peaks and travel patterns of the two properties do not significantly overlap. The study intersections and nearby roadways can safely accommodate both the proposed new use in addition to all existing uses.

#### Vehicle access and loading

**Findings:** Access to the proposed subdivision will be via a private street (shared court) with one curb cut along the site's SW 58<sup>th</sup> Ave frontage. Loading is expected to take place using the shared court and the approx 68-ft of remaining curb length along the property frontage (subtracting the curb-cut length). Loading activities associated with residential land uses are typically light and infrequent, and there is ample space for these activities to occur on-site on the proposed driveways. The subject site provides adequate access for motor vehicles as well as other modes. Vehicle access and loading space at this location are sufficient to accommodate the existing uses as well as the proposed project. This evaluation factor is satisfied.

#### On-street parking impacts

**Findings:** The parking demand that will be generated as a result of the proposed project was estimated using rates from *Parking Generation*. The data utilized to determine the parking demand for the proposed new office use were for land use #210, *Single-family Detached Housing*. Based upon these data, the mean peak parking demand for the proposed new office space is 15 parking spaces.

The applicant's traffic consultant conducted on-street parking observations during the analysis period recognized as the expected peak period for residential parking. There are approximately 31 on-street parking spaces within the parking survey area (SW 58<sup>th</sup> Ave between SW Montgomery and SW Clay). During the observation period, the applicant's traffic consultant counted 13 vehicles parked within the surveyed area. With the proposed development, 8 on-site parking spaces will be included.

Even if all of the expected demand (15 spaces) was to occupy the on-street parking supply in the area, there would be sufficient to accommodate the entire project's demand. Based on observations conducted, the area will be able to accommodate the existing and new parking needs. This evaluation factor is satisfied.

#### Availability of transit service and facilities and connections to transit

**Findings:** Available transit service in the area exists via Tri-Met bus route #58 (Canyon Rd). The nearest stops to the subject site are at the Sunset Hwy ramp at the SW Skyline interchange. The site is well served by transit, and comfortable and safe walking routes between the site and all stops are available. This evaluation factor is satisfied.

#### Impacts on the immediate/adjacent neighborhoods

**Findings:** As analyzed above, the impact of the proposed project's generated vehicle trips on area intersections and streets will be negligible and the operations of the transportation system will continue to be acceptable. Currently, there is sufficient on-street parking to serve the demand of the existing uses in the area. As demonstrated above, adequate on-street parking opportunities will remain after the construction of the proposed subdivision. From a transportation perspective, these noted areas (transportation system and parking impacts) are impacts that can adversely affect neighborhoods. These issues are not expected to negatively impact the immediate or adjacent neighborhoods. This evaluation factor is satisfied.

#### Safety for all modes

**Findings:** Crash records were examined by the applicant's traffic consultant for the most recent reporting time frame available (2010-2014) for the study intersections. Crash rates and patterns were below a level indicative of potential safety concerns, and there were no apparent safety deficiencies noted during site visits. Crash rates greater than 1.0 CMEV (crashes per million entering vehicles) are generally indicative of a need for further investigation and possible mitigation. Based on the detailed crash data and the calculated crash rates, there are no apparent existing safety deficiencies at the study intersections. Accordingly, the vicinity of the site is safe for motor vehicles.

Regarding active modes, the streets in the vicinity of the site are low-speed, low-volume residential roads that can safely be shared between bicycles and motor vehicles. With regard to bicyclists, there are identified bike facilities (Portland Bike/Walk Map) in the area, including a shared roadway (SW Skyline) and a Multi-use path/paved facility and Bike lane (SW Canyon Ct).

Sidewalks are not regularly available throughout the immediate area other than along the multi-dwelling residential development abutting the subject site to the south and then further south at the intersection of SW 58<sup>th</sup> Ave/SW Montgomery. As a condition of approval of the proposed subdivision, the applicant will be required to construct a new sidewalk along the site's frontage, thereby furthering the pedestrian system in the area.

The vicinity of the proposed residential land division currently has no safety concerns for any mode of transportation, and will not be adversely affected by the proposed land division. This evaluation factor is satisfied.

*In summary, as analyzed above and as evidenced in the submitted TIS, with acceptable analyses, methodologies and conclusions, all of which PBOT staff supports, the applicant has clearly demonstrated that "the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area".*

## **2. Connectivity and Locations of Rights (33.654.110)**

This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on PBOT's assessment of the connectivity potential in the area. The City's spacing requirements for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.

**Findings:** No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block, does not satisfy the above referenced spacing goals, similar to many other areas of this quadrant of the city. Given topographic, geographic and environmental overlay constraints, oddly configured partitions and subdivisions and existing development, furthering the City's connectivity goals in this area is challenging. Additionally, providing either a full width public street r.o.w. or pedestrian connection through the subject site would significantly reduce the development potential of the site. PBOT has no concerns regarding this approval criterion.

## **3. Design of Rights-of-Way (33.654.120)**

This section requires approval by PBOT for the elements within the right-of-way.

**Findings:** Frontage improvements will be required along the site's frontage (see below).

## **4. Additional Approval Criteria for Partial Rights-of-Way or Extensions (33.654.130.B-D)**

This section requires approval by the PBOT for the extension of existing public streets and pedestrian connections, provision of future extensions and/or of partial rights-of-way and improvements.

**Findings:** There are no partial rights-of-way nor are there any configurations that allow for future extensions of streets or pedestrians connections in the area. This approval criterion is not applicable.

## **B. Code/Title 17 Requirements**

### **Street Classification**

At this location, the City's Transportation System Plan classifies SW 58<sup>th</sup> Ave as a Local Service street for all modes.

At this location, according to City GIS, SW 58<sup>th</sup> Ave is improved with approx 20-24 ft of paving with no curb or sidewalk within a 40-ft wide r.o.w.

For Local Service classified streets abutting R2-zoned sites, the City's public r.o.w. standards document requires a 62-ft r.o.w. width to accommodate a 32-ft roadway width (which would allow parking along both sides) & two 15-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 6-ft sidewalk & 0.5-ft frontage zone).

There is insufficient r.o.w. along the street to accommodate the above referenced street section, accordingly, property dedication will be required. It appears that there will be a property dedication requirement of approx 11-ft (this has been identified in relation to City GIS, which is not supported by a survey and assuming a standard 8-ft wide stormwater management facility). The precise amount of dedication can only be determined via a survey and once the applicant's civil engineer has proposed an appropriately sized and designed stormwater management facility. The amount of dedication *may therefore vary*. *Property dedication will occur as part of the Final Plat phase of this land use process.*

*In relation to the dedication requirement, regardless of what that ultimately might be, the new curb shall be located 16-ft from the centerline of the r.o.w. This curb placement should be in alignment with the curb (sidewalk corridor) that was constructed in relation to the project immediately to the south of the subject site.*

The r.o.w. improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed project. Conceptual PW Design must be submitted to Public Works Permitting in order to verify the type of PW Permit that is required and to determine the required performance guarantee amount. PW Design Review will determine specific design elements including stormwater management, bus stop, curb-cuts, landscaping, location of signage, location of utility poles and street lights, as well as other design requirements. As of the writing of this response, the applicant has already received Concept Plan (30%) approval via 16-115387 WT/TH0321 and 16-119135 WE/EP226.

Plans, fees, a contract (called the application for permit) and a performance guarantee for the estimated value of the improvement must be submitted prior to (Final Plat approval). The performance guarantee may be in the form of a surety bond, irrevocable letter of credit, set-aside account, or cash deposit. Applicant should contact Public Works at (503) 823-1987 for appropriate forms and additional information.

## **RECOMMENDATION**

PBOT has no objections to the proposed land division subdivision, subject to the following conditions:

1. Right-of-way improvements to the satisfaction of the City Engineer and consistent with current City standards will be required along the site's SW 58<sup>th</sup> Ave frontage.
2. Prior to Final Plat approval, Public Works financial guarantees for the r.o.w. improvements required along the site frontage shall be provided.
3. Prior to Final Plat approval, property dedication necessary to provide City standard r.o.w. improvements shall be completed. Public Works submitted plans for 16-115387 WT/TH0321 and 16-119135 WE/EP226 show all necessary property dedications.



**Public Works  
Alternative Review  
Decision Form**



Review Number: 16 - 119685 - PW

Original Requirement: 14 - 252357 - SD

Date Reviewed: 2 / 17 / 2016

**PUBLIC WORKS ALTERNATIVE REVIEW COMMITTEE DECISION**

A decision has been made for this review and the submitted proposal will not receive further consideration as a Public Works Alternative Review. Please read this decision carefully and take any needed actions such as correcting a building permit plan set or contacting the affected reviewers assigned to an active land use review.

This decision can be appealed through the Public Works Appeals program. Please visit <http://www.portlandoregon.gov/transportation/PublicWorksAppeal> for more information on Public Works Appeals.

Approved as Proposed       Approved with Conditions       Denied

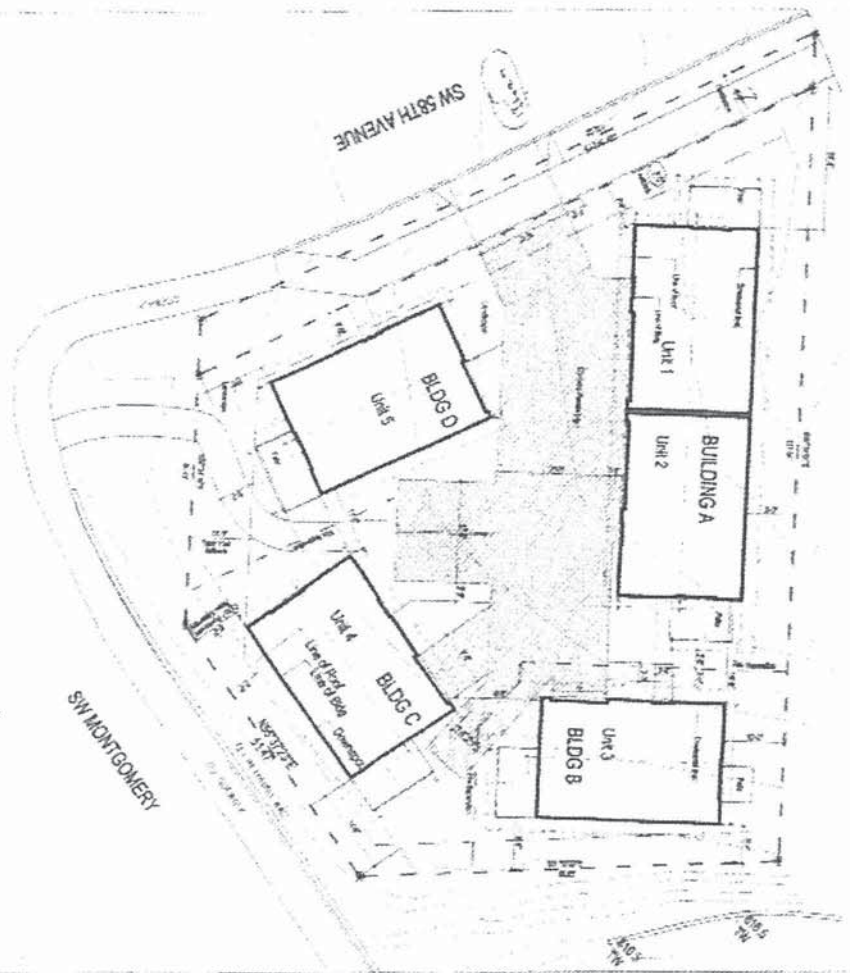
The Public Works Alternative Review Committee has reviewed and considered the applicant's request to maintain existing conditions along SW Montgomery Street. The Committee supports maintaining the existing conditions along SW Montgomery Street provided that signs & poles can be relocated to provide minimum 48" wide clear pedestrian passage. The applicant will be required to reconstruct the ADA corner ramp and complete the required frontage improvements along SW 58th Avenue.



*[Handwritten Signature]*  
Signature, Public Works Alternative Review Committee Member

Date: 2 / 26 / 2016





SITE PLAN  
SCALE 1/8" = 1'-0"

Handwritten note: "All units shall be finished with carpet and tile." (written vertically)

PROJECT INFORMATION	
<b>OWNER:</b> Sylvan Investments	<b>DESIGNER:</b> [Faint text]
<b>PROJECT NAME:</b> Montgomery Townhomes	<b>DATE:</b> [Faint text]
<b>ADDRESS:</b> 1250 SW 58th Ave, Portland, OR 97221	<b>SCALE:</b> [Faint text]
<b>MECHANICAL &amp; ELECTRICAL NOTES:</b>	<b>GENERAL NOTES:</b>
<p>1. ALL MECHANICAL AND ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL MECHANICAL CODE (NMC).</p> <p>2. ALL MECHANICAL AND ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL EXAMINERS' ASSOCIATION (I.M.E.A.) CODES.</p> <p>3. ALL MECHANICAL AND ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL EXAMINERS' ASSOCIATION (I.M.E.A.) CODES.</p>	<p>1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC).</p> <p>2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC).</p> <p>3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC).</p>

DATE:	SCALE:	PROJECT:

SYLVAN INVESTMENTS  
1834 SW 58TH AVE SUITE 202  
PORTLAND, OR 97221  
(503) 292-4573

MONTGOMERY TOWNHOMES  
1250 SW 58TH AVE  
PORTLAND, OR 97221

*58th & Montgomery*

Testimony in support of the RH FAR change to 2:1 in the Alphet Historic District - October 6, 2016

I am a property owner directly impacted by this change and see it as a technical correction that aligns the base zone with the overlay zone requirements.

I submitted written testimony by email. Today, I want to discuss how historic preservation and affordable housing both benefit the community and can work together. The Alphet Historic District is comprised of a small section of the overall NW District and preserves a slice of Portland's early history and cultural heritage -- as a historic district is meant to do. Obviously there is a great need for affordable housing in Portland.

I fully support an affordable housing project at a site that has received much media attention the past few days. However, such a development must comply with applicable zoning requirements and be compatible with the neighborhood. Those are the rules for all development.

The last neighborhood discussion about this site concerned a proposed luxury hotel. The site owner presented a concept that preserved the historic building and included adjacent 3-story new construction. Neighbors praised the preservation of the historic building and the scale of the overall project but pointed out that the residential zoning does not allow a hotel and would require a zone change.

When Northwest Housing Alternatives reached out to me a month ago to discuss a proposed affordable senior project, I was delighted. Based on the last neighborhood discussion with the owners and NHA's two most recent elderly projects, I was encouraged that we were finally going to see constructive action on this property. NHA's two recent elderly projects each have 45 units on sites larger than the one in NW. One is Alma Gardens, located on a 31,555 square foot site in Orenco Station (Hillsboro), a dense transit-oriented community on the MAX line. Another is Oakridge Park Apartments, located on a 29,254 square foot site in Lake Oswego.

In a previous job, I worked closely with NHA on multiple projects integrating housing for people with disabilities into a dense, transit-oriented new urban village community in Wilsonville. These projects were designed to the same standards and scale as adjacent properties. The agency I worked for contributed the site to enhance affordability. The result was wonderfully integrated affordable housing in a new, vibrant community.

I assumed NHA would take a similar approach in NW Portland. Initially, I thought maybe the current owners, who previously expressed support for elderly housing before City Council, were donating the site in support of affordable housing.

I and other neighbors have been discussing ways to support affordable housing development with a Lutheran Church across 18<sup>th</sup> Avenue from the subject site. I introduced NHA to church representatives and noted that the church had offered space for neighborhood meetings about development proposals. I think it would be great if the church and NHA could collaborate and maybe realize some efficiencies in support of affordable development.

Getting back to the FAR issues, please implement the change that eliminates confusion and inconsistency. And please let us all work constructively together toward development that both expands affordable housing and respects historic preservation.

Vicki Skryha  
1728 NW Hoyt Street

October 6, 2016

Mark D. Whitlow  
MWhitlow@perkinscoie.com  
D. +1.503.727.2073  
F. +1.503.346.2073

**VIA HAND DELIVERY**

Mayor Charles Hales  
Portland City Council  
City of Portland  
1900 SW Fourth Avenue #7100  
Portland, OR 97201

**Re: MUZ Project - RTF/ICSC Requests for Equitable Zoning for Auto-Accommodating Uses and Developments**

Dear Mayor Hales and Council Members:

The City is not uniformly ready for high density, mixed use development from downtown to the eastern edge. The market just is not there and will take years in some areas, especially out east, to develop density and transit service and ridership sufficient to support that density of urban development. According, some areas of town are "walkable" while most areas are still "drivable". The current mode split is 80/20 auto with PBOT's 2035 projection being only 76/24. We have a long way to go. There remains a real need to accommodate the auto during the planning period.

The MUZs do not accommodate the auto. Instead, they make vertical mixed use the preferred development format in the policies of the new mixed-use base zones and all of the related mixed use development standards. That is also true for the CE zone, even though it is partially auto-accommodating, but it is still a mixed use zone. The existing general commercial zone (CG) has no MUZ counterpart. The MUZ has no true auto-accommodating zone or development standards, yet the MUZ say it is multi-modal. It is actually anti-auto. That needs to be adjusted to provide equitable zoning for auto-accommodating businesses, including grocery where the eastern part of the City has a pronounced Food Desert problem that the PSC did not address.

Existing auto-accommodating developments then all become nonconforming, as they do not meet your preferred development format. The nonconforming situation review process is not user-friendly for them because it is intended to allow only minor alterations to existing nonconformity, with its primary policy to eliminate the nonconformity in favor of the new mixed use development format. That causes existing auto-accommodating businesses, including grocery supermarkets, to stagnate and drags down the local economy and creates blight.

We addressed this issue with you last time. Hopefully, you remember Joe Angel's testimony about the need to protect the millions of dollars in private investments that have been made by

Mayor Charles Hales  
Portland City Council  
October 6, 2016  
Page 2

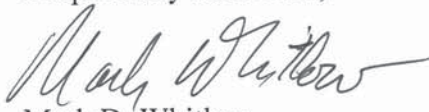
property owners in reliance upon the old zoning. You adopted new Plan Policy # 6.17 to allow the new MUZ development standards to be phased in over time as the market for urban density becomes more feasible. That will not happen in many areas of the City during the planning period, so a phasing system needs to be implemented. Zoning existing auto-accommodating developments as CE is an appropriate way to achieve that, and it is consistent with purpose statement of the CE zone.

The PSC missed that point, so we are now back to Council asking for 3 simple things that will help avoid unnecessary nonconformity and allow auto-accommodating developments to redevelop and expand. We have a 3-prong request:

1. adopt our proposed CE Zone Map for existing auto-accommodating developments in areas unlikely to obtain urban densities within the planning period, which includes 28 sites that were requested for CE zoning by Albertsons/Safeway, Fred Meyer, McDonald's, Starbucks, and Dutch Bros Coffee (only 2 were approved);
2. revise the CE zone purpose statement to make it more auto-accommodating so that adjustments can be obtained to allow redevelopment; and
3. adopt our proposed DT Prohibition Map and treat existing DTs as "allowed" instead of "nonconforming".

We request Council amendments to bring these important issues back to Council for more focused staff analysis and public review. We will submit a more detailed letter into the record before the next hearing.

Respectfully submitted,



Mark D. Whitlow

MDW:sv

Cc: Eric Engstrom  
Barry Manning  
Bill Cunningham  
RTF/ICSC GR Committee

From: [Harriett Heisey](#)  
To: [BPS Comprehensive Plan Testimony](#)  
Subject: Public hearing on zoning maps and codes community involvement  
Date: Thursday, October 06, 2016 3:48:21 PM

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I saw on the internet that the City Council was holding hearings on the above issue on October 6 and 13th. Have the East County neighborhood associations been notified of this and has information been sent to them?

From the internet source, it is the Bureau of Planning and Sustainability that is responsible for this program.

Please advise what information is being provided to communities via the internet so I can view it.

Thank you

Harriett Heisey 15123 NE Summerplace Drive 97230

From: [tpicco@comcast.net](mailto:tpicco@comcast.net)  
To: [BPS Comprehensive Plan Testimony](#)  
Subject: Comprehensive Plan Implementation  
Date: Thursday, October 06, 2016 3:28:12 PM

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I am writing to object to the proposed re-zoning of our Commercial properties at NE 162nd Ave. x NE Halsey St. (State ID #'s: 1N2E36AA 100 & 1N2E36AA 200) from their current General Commercial (CG) zoning to Commercial Employment (CE).

The proposed re-zone would significantly reduce the development value of these properties. As a senior citizen, I am concerned that the value I have been counting on for many years to support my retirement from the CG zoning, may not be realized.

I believe it is grossly unfair to reduce the value of one's property without compensation.

Thank you.

Thomas Picco, member  
TAMPPICCO, LLC

From: [Dean P. Gisvold](#)  
To: [BPS Comprehensive Plan Testimony](#)  
Cc: [Patty A. Richardson](#)  
Subject: Comprehensive Plan Implementation-Testimony from the Irvington Community Association  
Date: Thursday, October 06, 2016 2:38:41 PM

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To Whom It May Concern

Please enter the testimony below into the public record regarding the Comprehensive Plan Implementation. Thank you.

If you have questions, please call or email

Dean Gisvold,  
ICA Board Member and Chair of ICA Land Use Committee  
2225 NE 15th Ave  
Portland, OR 97212  
503 284 3885

Sent from my iPad

Begin forwarded message:

**From:** "Dean P. Gisvold" <[deang@mcewengisvold.com](mailto:deang@mcewengisvold.com)>  
**Date:** October 5, 2016 at 6:55:56 AM EDT  
**To:** "[mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)" <[mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)>  
**Cc:** "[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)" <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>, "[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)" <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)>, "[dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)" <[dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)>, "[novick@portlandoregon.gov](mailto:novick@portlandoregon.gov)" <[novick@portlandoregon.gov](mailto:novick@portlandoregon.gov)>, "Patty A. Richardson" <[pattyr@mcewengisvold.com](mailto:pattyr@mcewengisvold.com)>  
**Subject:** Testimony-mixed use zoning and miscellaneous zoning Oct 6 and 13 hearings

Mayor Hales,

Since I am unable to be present for the hearings [on Oct. 6](#) and 13, I am submitting my written testimony via this email. Thanks for your consideration of same. The ICA hopes to have a representative present to give oral testimony as well.

I am representing the Irvington Community Association Board (ICA) and the Land Use Committee (Committee). I am a Board member and chair of the land use committee.

Background. For six years, the Committee has reviewed over 400 applications for exterior changes to houses and commercial buildings in the Irvington Historic District (IHD). These reviews have been

guided by the 10 criteria set forth in the City Code in 33.846.060 G (the Criteria). For all changes, the Criteria require compatible massing, scale, size, and architectural features (see criterion No. 8), and an overall compatibility with the existing resource, then secondarily with adjacent properties, and finally with the rest of the historic district. See criterion No. 10. In short, is it compatible with existing resources.

**We have learned that the applicable zoning, in many cases, is not compatible with the Criteria. Thus, we have attempted through the Comp Plan process to change the applicable zoning to be more compatible with the Criteria, which will make it easier for neighborhoods and developers to work out compatible developments. We have used this marker in putting together our comments below.**

Another factor in our thinking is that there is enough density in the present zoning code and its application (before the changes contemplated by the Comp Plan) for the next 30 years, which means that the City can be selective about where additional density is allowed. This was the statement made by staff in a prior memorandum.

On behalf of the ICA and the Committee, I offer the following comments on the proposed amendments to the zoning code and to the Comp Plan map.

1. The RH zoning in the IHD with its FAR of 4.0 is incompatible with the fabric of the IHD and with the Criteria. Thus, the FAR change to the RH zone north of NE Schuyler (from 4 to 1 to 2 to 1) is a major step forward in bringing about the compatibility concept discussed above. We fully support this change. Part of the RH in Irvington is covered by the Central City Plan which is not before you today. We will be making a request that the CC Plan RH zone also be changed to 2 to 1.

We requested that all of the RH zoning in the IHD, both the portion in the CC Plan and in the rest of the district, be changed to R-2, but the staff did not make that change. We again make that request to the Council. It is a totally reasonable change to make given the Criteria and the excess capacity already in the system.

2. The 24th and Fremont commercial node change from CN 2 to CM1 is acceptable so long as base FAR and base height cannot be increased with bonuses, which is currently the case under the proposed code amendments.

3. The 7th and Knott commercial node change from CN1 to CM1 is acceptable so long as base FAR and base height cannot be increased with bonuses, which is currently the case under the proposed code



amendments.

4. The zoning change for the area bounded roughly by 7<sup>th</sup>, Schuyler, Tillamook, and 8th, from EX to an acceptable employment zoning is acceptable so long as base FAR and base height cannot be increased with bonuses, which is currently the case under the proposed code amendments.

5. The zone change for the half block north of Broadway between 16 and 27th, from CS to CM2 is acceptable so long as base FAR and base height cannot be increased with bonuses, which is currently the case under the proposed code amendments.

6. The 15th and Brazee zone change from R5 to CR is acceptable so long as the hours of operation are limited to those hours [between 6 am and 11 pm](#), which is currently the case under the proposed code amendments. This property, three 50 by 100 or 15,000 sq feet, is in the middle of the residential heart of Irvington, and one block from Irvington School. However, this property has long provided commercial uses to the neighborhood, first as a grocery store, and now as a yoga/meditation place, a sandwich and cheese place, and the Hophouse, a locally owned brewpub. The original commercial building on this site was allowed only if it looked like a library building, which it did. This commercial node is surrounded on all sides by residential dwellings. The proposed zoning for this three lot area will cure the nonconforming use issue for the owner and the tenants, and the currently proposed limitation on hours will continue the protection originally allowed by the nonconforming use status. Kudos to the staff for this win-win situation.

Please enter this email into the official record and make the changes outlined above.

I am sending copies of this email to the Commissioners.

Dean Gisvold  
[2225 NE 15th Ave](#)  
[Portland, OR 97212](#)  
[503 284 3885](#).

Sent from my iPad

**From:** [Washington, Mustafa](mailto:Washington, Mustafa)  
**To:** [bill@mcgair.com](mailto:bill@mcgair.com)  
**Cc:** [BPS Comprehensive Plan Testimony](#)  
**Subject:** FW: Reject NW downzoning  
**Date:** Thursday, October 06, 2016 2:12:29 PM

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Dear Bill,

On behalf of Mayor Charlie Hales, thank you for contacting the Mayor's office. The Mayor has heard your concerns and appreciates your feedback. Please know your suggestions and feedback have been noted and shared with our staff.

Again, thank you for contacting the Mayor's office.

Sincerely,

Mustafa Washington  
Constituent Services Specialist  
[mustafa.washington@portlandoregon.gov](mailto:mustafa.washington@portlandoregon.gov)

**From:** Bill McGair [mailto:[bill@mcgair.com](mailto:bill@mcgair.com)]  
**Sent:** Wednesday, October 05, 2016 11:09 AM  
**To:** Hales, Mayor <[mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)>  
**Subject:** Reject NW downzoning

Mr Mayor-

I urge you to reject the downzoning of 20 blocks in NW Portland as recommended by the NW District Association. This sets a dangerous, NIMBY precedent at odds with the city's commitment to create more housing.

Should wealthy neighborhoods with powerful neighborhood associations be allowed to opt out of doing their part like the rest of the city? I don't think so. Please reject this recommendation.

Sincerely,

From: [Washington, Mustafa](#)  
To: [Mary Vogel](#)  
Cc: [BPS Comprehensive Plan Testimony](#)  
Subject: RE: Parking Minimums & Mixed Use Zones  
Date: Thursday, October 06, 2016 2:00:19 PM

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Dear Mary,

On behalf of Mayor Charlie Hales, thank you for contacting the Mayor's office. The Mayor has heard your concerns and appreciates your feedback. Please know your suggestions and feedback have been noted and shared with our staff.

Again, thank you for contacting the Mayor's office.

Sincerely,

Mustafa Washington  
Constituent Services Specialist  
[mustafa.washington@portlandoregon.gov](mailto:mustafa.washington@portlandoregon.gov)

**From:** [mvogelpnw@gmail.com](mailto:mvogelpnw@gmail.com) [mailto:[mvogelpnw@gmail.com](mailto:mvogelpnw@gmail.com)] **On Behalf Of** Mary Vogel  
**Sent:** Wednesday, October 05, 2016 3:39 PM  
**To:** Hales, Mayor <[mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)>; Fritz, Amanda <[Amanda.Fritz@portlandoregon.gov](mailto:Amanda.Fritz@portlandoregon.gov)>; Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>; Novick, Steve <[Steve.Novick@portlandoregon.gov](mailto:Steve.Novick@portlandoregon.gov)>; Saltzman, Dan <[Dan.Saltzman@portlandoregon.gov](mailto:Dan.Saltzman@portlandoregon.gov)>  
**Cc:** Moore-Love, Karla <[Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)>  
**Subject:** Parking Minimums & Mixed Use Zones

Dear Mayor and Commissioners,

I came down to City Hall today to testify in support of Oregon Walks letter to you about minimum parking standards in Centers and Corridors--written by our young Board president, Aaron Brown. But I was LOCKED OUT!!! I called a couple of you to let me in, but no dice.

I want to include in my own testimony a paragraph that got left out of our OW testimony:

*Given that future development and adoption of autonomous vehicles might suddenly render all urban parking structures irrelevant to our built form, it's difficult to provide any meaningful or rational explanation for why we continue to stall on making progress towards a litany of policy objectives because of a fierce adherence towards the principle that subsidies for private automobiles are sacrosanct.*

Please try to recapture some affordability for young people like Aaron and Noel Mickelberry by heeding our request.

Mary Vogel, CNU-A



Bringing services nature provides to community design & planning  
A Woman Business Enterprise/Emerging Small Business in Oregon  
503-245-7858  
[mary@plangreen.net](mailto:mary@plangreen.net)  
<http://plangreen.net>

Blog: [Housing Affordability - Put a Bern on It](#)

**From:** [Pahls.Maryanne](#)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Subject:** Comprehensive Plan Implementation  
**Date:** Thursday, October 06, 2016 1:53:15 PM

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My Mother Ingeborg Pahls owns the home and property at 2326 SE 158<sup>th</sup> Ave. She has low level vision and hearing, so I am preparing this communication for her. Inge has no plans to sell the home or property at 2326 SE 158<sup>th</sup> Ave, State Id # 1S2E01DD 8500. I, he daughter Maryanne Pahls, will inherit the property. I have no plans to sell the property for 30 years (maybe more).

Maryanne Pahls  
2326 SE 158<sup>th</sup> Ave  
Portland, Or 97233

From: [margesalem@aol.com](mailto:margesalem@aol.com)  
To: [BPS Comprehensive Plan Testimony](#)  
Subject: Propered zone change N Interstate Ave area  
Date: Thursday, October 06, 2016 1:46:16 PM

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Respectfully submitted to the Mayor and City Councilors:

My husband I and bought a condominium unit in 2009 at the intersection of Interstate Avenue and Shaver. As a now retired land use planner, I have followed the information presented on the proposed Comp Plan and Zone changes in Portland and, in particular, the area of our current residence.

I understand the allowance of mixed uses in an area served by the Tri-Met light rail system. However, I would like to STRONGLY OBJECT to the proposed increased in number of uses and the intensification of the scale as listed for the proposed CM3 zone. Currently, the areas adjoining the Interstate Avenue corridor from Kaiser Permanente north to Going Avenue have a high number of residential uses (multiple tenant dwellings any many large and beautiful single family homes (to the west)--a well established area that is likely eligible to become an historic district if an application were filed). Even to the east (between Interstate and I-5), there is a good mix of residential uses and it works well via safety and friendliness. Currently, there are only scattered and lower impact businesses and services. There are lots/properties that have the potential to be redeveloped if the "right" offer came along.

THE OBJECTIONS. The referenced section/corridor is NOT suitable for an FAR of 5:1 and to be proposed without any public notification to current property owners within the surrounding area of any proposed construction. The current standards only allow for 3:1. The 5:1 is a significant increase over what is currently allowed. I also understand that builders want assurances on what is allowed but the increased "footprint" needs to be presented to those residents who are currently financially invested in this neighborhood.

There are two categories of uses that also do not feel appropriate for this stretch -- Kaiser to Going Avenue. "Quick Vehicle Servicing" is not currently allowed but with the CM3 zone it could be conducted/operated as a use in the category of Limited. Again, it appears folks would not be notified. The Interstate Avenue Corridor already has numerous traffic conflicts and adding a high traffic volume/turnover use does not appear appropriate. If there are requirements listed as to where they can locate such as access via a lower traffic side street or not within a specified distance of another such use or intersection--it might be more palatable.

It does appear that commercial parking (while under a limited category now) would be converted to a conditional use. I struggle with this use being allowed at all. While the City has significantly limited the requirements for required parking (and, in particular for residential uses) within a transit corridor--why now allow commercial parking structures.

I appreciate the opportunity to be allowed to comment and to submit testimony to the record via email. (We will be out of the State attending to family matters during the public hearings.) I would also appreciate being added to a mailing list for any future hearings and/or to receive notification of a final decision.

Sincerely: Marjorie Mattson, 3970 N. Interstate Ave #305, Portland, OR 97970

**From:** [Washington, Mustafa](#)  
**To:** [Rob Wilcox](#)  
**Cc:** [BPS Comprehensive Plan Testimony](#)  
**Subject:** FW: Comprehensive Plan NW Portland FAR Compromise Proposal / October 6 Council Meeting  
**Date:** Thursday, October 06, 2016 1:27:47 PM

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Dear Rob,

On behalf of Mayor Charlie Hales, thank you for contacting the Mayor's office. The Mayor has heard your concerns and appreciates your feedback. Please know your suggestions and feedback have been noted and shared with our staff.

Again, thank you for contacting the Mayor's office.

Sincerely,

Mustafa Washington  
Constituent Services Specialist  
[mustafa.washington@portlandoregon.gov](mailto:mustafa.washington@portlandoregon.gov)

**From:** Rob Wilcox [mailto:[robwilcoxjr@gmail.com](mailto:robwilcoxjr@gmail.com)]  
**Sent:** Wednesday, October 05, 2016 9:45 AM  
**To:** Hales, Mayor <[mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)>; Commissioner Novick <[novick@portlandoregon.gov](mailto:novick@portlandoregon.gov)>; Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)>; Commissioner Saltzman <[dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)>; Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>  
**Subject:** Comprehensive Plan NW Portland FAR Compromise Proposal / October 6 Council Meeting

Mayor and Commissioners,

I do believe that Portland is the City That Works. I believe increased density should be allowed in NW in a compromise that would allow more density and height from 16th to 20th and current density between 21st and 24th.

Council will consider October 6.

I agree with the NWDA to preserve the existing housing stock West of NW 21st. There the FAR could be lowered, even to less than 4:1. The multifamily developments West of 21st have been tasteful to date.

But mid-block between 21st and 20th height and FAR can step up to Pearl District equivalent FAR and height. Consideration should be given to remove the Alphabet Historic District designation East of 20th. Increased height should be extended North of Lovejoy to Thurman. The advantage to NW neighbors would be:

- 1 Building height by 405 North of Irving can help block the noise from the elevated highway.
- 2 Greater heights on full block developments make 2-3 levels of underground parking

economic, and it should be required to be rented to the neighborhood at market rates.

3 NW benefits from seniors in the neighborhood. We hope the great religious institutions in the neighborhood continue to develop tall senior housing that is economic to do so with height.

4 Ground floor space in tall buildings can absorb the professional offices displaced from the existing low rise buildings removed.

5 Development to density between 16th and 20th can bridge the NW to the Pearl under the highway, which today is not a pleasant place to walk.

6 New Pearl height steel frame construction between 16th and 20th can replace unreinforced masonry which is a seismic risk.

7 Greater density between 16th and 20th can provide business opportunities to activate 21st which has long term disused properties.

The NWDA is one of our model neighborhood associations. They may find this creative proposal is better than the limits and status quo as default approach.

Thank you for the opportunity to provide ideas which can be win-win for all.

Rob Wilcox  
SW Portland



September 30, 2016

Dear Mayor Hales and Commissioners,

We write on behalf of our Portland-area members to express opposition to one piece of the zoning map amendments package that is coming to you for consideration in October. This item is part of Exhibit N, Miscellaneous Zoning Amendments. It was voted on by the Planning and Sustainability Commission (PSC) at their August 23 meeting, as *“Miscellaneous Zoning Amendment package item 3, as amended by the Zoning Code Chapter 120 Map Series: 4:1 FAR memo dated August 17, 2016.”*

This amendment would reduce allowed density from the currently allowed 4:1 FAR to 2:1 in an area covering about 27 blocks of Northwest Portland. This downzoning would undermine the City’s intent to increase the availability of affordable housing and provide equitable access to housing for people with low and moderate incomes in high-opportunity areas. **We respectfully request that you pull this item for a separate vote, and vote No.**

We also have concerns about process. As we understand it, the item was brought forward and pushed through by one interest group – the Northwest District Association – without any notice to property owners or to the broader community of stakeholders. We at Oregon ON just learned of proposed change from our member Northwest Housing Alternatives (NHA), whose 161-unit senior housing project is currently in pre-development in the impacted area. Like NHA, we are concerned not just for the loss of this one affordable housing project, but for the future negative impact of this decision.

We know that neighbors in many parts of the City are upset about the pace of change, and that especially in historic areas, they want to preserve the “character” of their neighborhood. But with the housing emergency we are facing, and the growth that is projected to continue into the future, we need all neighborhoods to accept growth through increased density, and to be willing to share the opportunities in their wonderful Portland neighborhoods with new residents – particularly those with low and moderate incomes who will otherwise be shut out or displaced.

The best “character” of Portland includes values like smart growth, good design, and being welcoming and inclusive for all. The existing design review and landmarks review processes help ensure that design and historic considerations are carefully taken into account with new development. Removing an entire swath of a high-opportunity neighborhood at the behest of one group of residents, is not appropriate policy or process.

We very much appreciate all the good work of BPS staff on this enormously complex and important Comp Plan project. And, we appreciate that staff and the PSC mitigated the impact of the neighborhood's proposal by reducing its scope. However, the amendment as brought forward, will cut off not only the NHA project for seniors, but other opportunities for higher FARs in specific locations that are proximate to existing higher buildings.

Please reject this flawed amendment and maintain the existing allowed 4:1 FAR in all of Northwest Portland.

Thank you very much for your consideration, and as always for your hard work on behalf of our City.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth Adkins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ruth Adkins  
Policy Director

From: [Elmore-Trummer, Camille](#)  
To: [Moore-Love, Karla](#)  
Cc: [Engstrom, Eric](#); [BPS Comprehensive Plan Testimony](#)  
Subject: Re: NWDA testimony regarding RH FAR  
Date: Thursday, October 06, 2016 1:14:28 PM

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2 minutes for all testimony regardless if it's an individual or neighborhood association rep.

Please excuse typos. Sent from my iPhone.

Camille Trummer  
Policy Advisor  
Office of Mayor Charlie Hales  
Direct: 503-823-4045  
Cell: 503-823-8062

On Oct 6, 2016, at 12:10 PM, Moore-Love, Karla <[Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)> wrote:

Camille,

Please see Ms. Chung's question regarding testimony regarding Neighborhood Associations.

Karla Moore-Love |Council Clerk  
Office of the City Auditor |City Hall Rm 130  
503.823.4086

From: Wendy Chung [<mailto:wcrossiter@yahoo.com>]  
Sent: Thursday, October 06, 2016 12:01 PM  
To: Moore-Love, Karla <[Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)>  
Cc: Council Clerk – Testimony <[CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov)>;  
Commissioner Novick <[novick@portlandoregon.gov](mailto:novick@portlandoregon.gov)>; Hales, Mayor  
<[mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)>; Commissioner Fritz  
<[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)>; Commissioner Saltzman  
<[dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)>; Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>  
Subject: NWDA testimony regarding RH FAR

Hi Karla,

Please find attached NWDA's testimony and a Powerpoint slide I intend to use today while testifying. I will bring paper copies for the Commissioners and staff as well.

Would you please confirm for me the following -

1) Do individuals get 2 minutes or 3? The agenda seems to say 3.

2) Do neighborhood associations only get the amount of time allotted to individuals? Or do they get more? I wouldn't take much more than 2-3 minutes, but I will be representing the entire district so my testimony is a bit more detailed than most.

Thanks much,  
Wendy Chung  
NWDA Vice President  
NWDA Planning Committee Member

<FAR CC.pptx>

<CC 2016 - RH FAR FINAL.docx>



# Northwest District Association

October 6, 2016

## Portland City Council

1221 SW 4th Ave, Room 130

Portland, OR 97204

Attn: Comprehensive Plan Implementation

## RE: Early Implementation – FAR for RH 4:1 areas in Alhabet Historic District

Dear Commissioners:

The NWDA Planning Committee writes concerning proposed zoning in the Alhabet Historic District described in BPS' Early Implementation Package to City Council (EIP). NWDA appreciates and supports BDS' and the Historic Landmarks Commission's recommendations in the EIP to delete 4:1 FAR maps for certain RH-zoned parcels in the Alhabet Historic District so that the default of 2:1 FAR for RH applies; **but requests City Council consider NWDA's original request to delete all RH 4:1 FAR-zoned parcels in the Alhabet Historic District (see attached maps) to resolve zoning conflicts, as called for by the 2035 Comp Plan:**

*"Policy 4.49 Resolution of conflicts in historic districts. Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district."*

### I. NWDA's request provides up-front clarity in the development process.

Resolving conflicts in base zoning and overlays provides more up-front certainty and clarity to developers and will prevent proposals for out-of-scale projects unlikely to receive approval from BDS or the Historic Landmarks Commission. Under Portland's zoning code, an applicant seeking development in the Alhabet Historic District *"must consider the base zone regulations, the plan district regulations and the Historic Resource Protection overlay zone to properly ascertain development potential, taking note that, when in conflict, the plan district and overlay zones supercede (sic) base zone regulations, per 33.700.070.E Hierarchy of regulations."*<sup>1</sup>

Thus review bodies are required to apply the Alhabet Historic District Addendum to the Community Design Guidelines, and the Northwest Plan District,<sup>2</sup> both of which conflict with the base zoning of 4:1 FAR on RH-zoned parcels because they require compatibility with existing historic structures.

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<sup>1</sup> BDS Pre-Application Conference Response 14-156795, May 23, 2014, page 2. See also page 5, attached.

<sup>2</sup> PC 33.445.040, 33.846.060 E(1)(c), 33.846.080 C (2).

Indeed, City Council, in its own findings and decision rejecting a proposed out-of-scale 4:1 FAR project in the historic district, pointed out that *“While the Council noted that high-density development provided many benefits related to housing and energy goals, it was also noted that the RH zoning is not necessarily an entitlement. Specifically, when a property is subject to an overlay zone, such as the Historic Resource Protection overlay zone or a Plan District, the zoning code has established that these overlays and Plan Districts modify the base zone regulations. Therefore, while high-density development is desirable closer to the city center and near transit facilities, such infill development must be compatible with its surroundings, particularly when its surroundings include significant historic resources.”*<sup>3</sup>

In support of its decision, City Council’s findings identified other projects in the Alphabet Historic District that had been approved under existing base zoning but that were later deemed incompatible with adjacent historic resources:

*“In the past several years, there have been many new buildings constructed within the Northwest neighborhood and within the Alphabet Historic District. One of these is a six story EX-zoned residential building one block away. Two blocks away is another 5-story EX-zoned residential building with a 5-story RH-zoned building across the street. Since construction, staff and the Historic Landmarks Commission have determined that these new buildings are excessively large and relatively incompatible, particularly in one case where the new building is adjacent to, and dwarfs, a Landmark 3-story apartment building directly to its south.”*<sup>4</sup> (emphasis added)

Please note that the FAR for all three of the buildings described as incompatible are at or above 4:1 FAR (which, after bonuses, was allowed under the base-zoning). Resolving the zoning conflict between base zoning and the historic overlay is consistent with PC 33.700.070.E *Hierarchy of regulations*, and helps to eliminate confusion concerning entitlements in the Alphabet Historic District, which will benefit all.

**II. NWDA’s request is consistent with the 2035 Comp Plan’s balancing of affordable housing and historic preservation goals.**

Under the 2035 Comp Plan, the Northwest District is an Inner Ring District in which opportunities for additional housing are to be balanced with preserving historic context: *“These policies acknowledge that growth in the Inner Ring Districts plays an important role in allowing more people to have access to their many opportunities, but also acknowledge that this growth should be integrated into these areas’ historic urban fabric.”* Specifically, Policy 3.42

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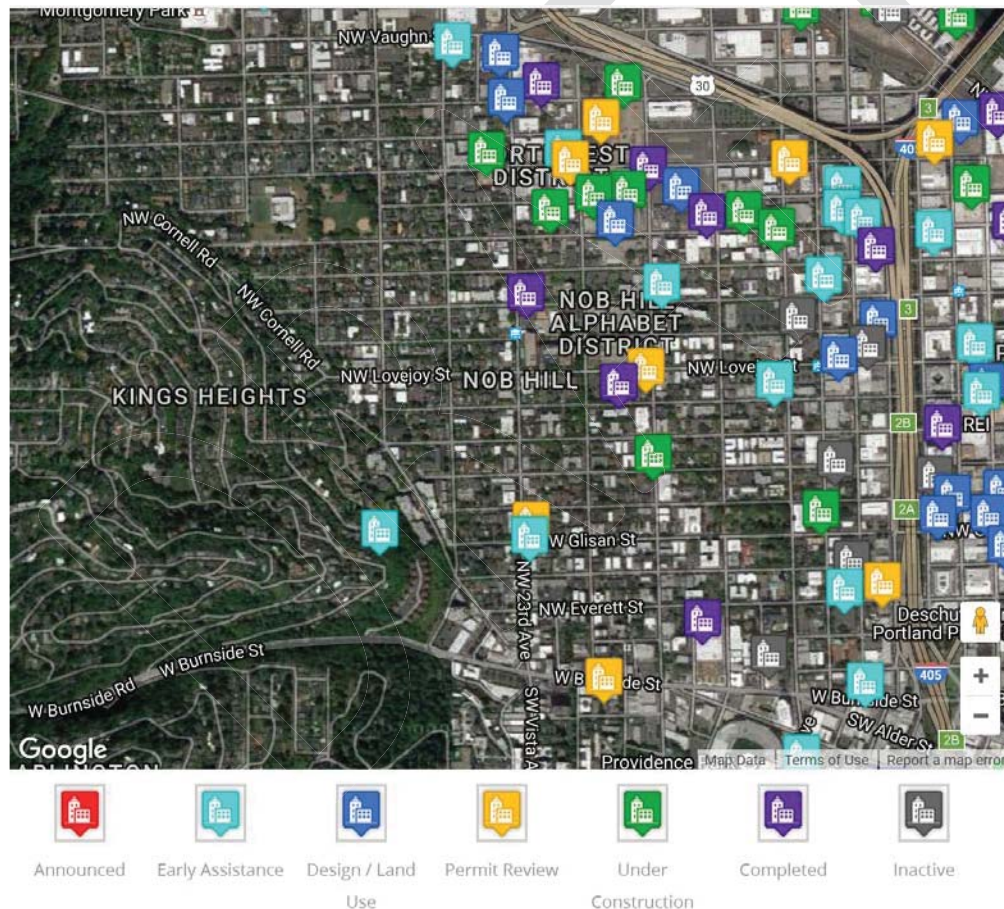
<sup>3</sup> Council Findings, Conclusions and Decision on LU 14-210073 DM (adopted January 7, 2015), p. 19. See also p. 25.

<sup>4</sup> Id. at 26.

states, “Use and expand existing historic preservation and design review tools to accommodate growth in ways that identify and preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.” See JUNE 2016 2035 COMPREHENSIVE PLAN PAGE GP3-15. (emphasis added)

There is no question that the Northwest District is an area that has, and continues to, experience significant development. RH-zoning in the part of the Northwest District in question here was established prior to the designation of the Alphabet Historic District, and during a period when such zoning was intended to encourage the type of high-density development that is now commonplace throughout the Northwest District.

According to BPS, residential permits issued have been issued for nearly 1400 new units in the Northwest District since 2006. In addition, the map below (source: <http://www.nextportland.com/>) illustrates the large number of projects currently in the pipeline. These new projects are estimated to yield hundreds of additional units of housing.



Among the new projects are two multi-family buildings using the City’s MULTE affordable housing program: one at NW 16<sup>th</sup> and NW Everett (50 total units, 10 affordable) and one at NW 17<sup>th</sup> and NW Pettygrove (195 total units, 40 affordable). In addition, the Northwest District is

currently home to at least eight existing multi-family affordable housing projects, providing over 700 additional affordable units to income-eligible individuals, seniors and families, including:

The Victorian Apartments 2255 W Burnside Street	62 units
Gallagher Plaza 2140 NW Kearney Street	85 units
Medallion Apartments 1969 NW Johnson Street	90 units
Northwest Tower & Annex 335 NW 19 <sup>th</sup> Avenue	180 units
Williams Plaza 2041 NW Everett Street	101 units
Marshall Union Manor 2020 NW Northrup Street	200 units
Roselyn Apartments 424 NW 21 <sup>st</sup> Avenue	31 units
Upshur House 2650-1 NW Upshur Street	30 units

These projects were developed in the Northwest District as a result of its long-standing support for affordable housing. In fact, the Northwest Plan District, adopted in 2003, includes an affordable housing bonus.

The attached BPS map showing existing FAR/BLI in the portion of the Alphabet Historic District in question shows a relatively small number of underutilized parcels (see attached map) relative to the areas surrounding it. Many of the parcels (those containing a black dot) are occupied by historic landmarks. This, coupled with set-back requirements of the RH zoning and actual developable potential, suggests that any negative impact on potential housing development would be minimal, particularly given the boom of residential development throughout the Northwest District (of which the Alphabet Historic District is only a small part). In addition, please note that the vast majority of the area in question enjoys an FAR below 2:1; therefore, an FAR of 4:1 would necessarily encourage demolition of relatively affordable older apartment buildings in favor of incompatible new development.

Plans for the development of compatible projects within the Alphabet Historic District, however, have the support of NWDA. For instance, NWDA supports the proposed 57-unit project at the corner of NW 21<sup>st</sup> and Irving (which is in the Alphabet Historic District and includes a RH-zoned parcel with 2:1 FAR), illustrated below.





The Historic Landmarks Commission noted in its approval of this project: *“The proposed building is properly scaled with regard to the historic district and will provide a built example of how to design a new building on a larger site to be compatible with the scale of the historic district.”*<sup>5</sup>

As discussed above, eliminating 4:1 FAR in RH-zoned areas in the Alphabet Historic District ensures compliance with multiple 2035 Comp Plan Policies sought to be implemented by the EIP, provide up-front clarity in the development process, and does not conflict with the City’s affordable housing goals.

**Thank you for considering our request to eliminate 4:1 FAR allowances in RH-zoned parcels in the Alphabet Historic District to resolve the conflict between the base zoning and the applicable historic overlay.**

Best Regards,  
Northwest District Association Planning Committee

*Northwest District Association Planning Committee*

Encl.

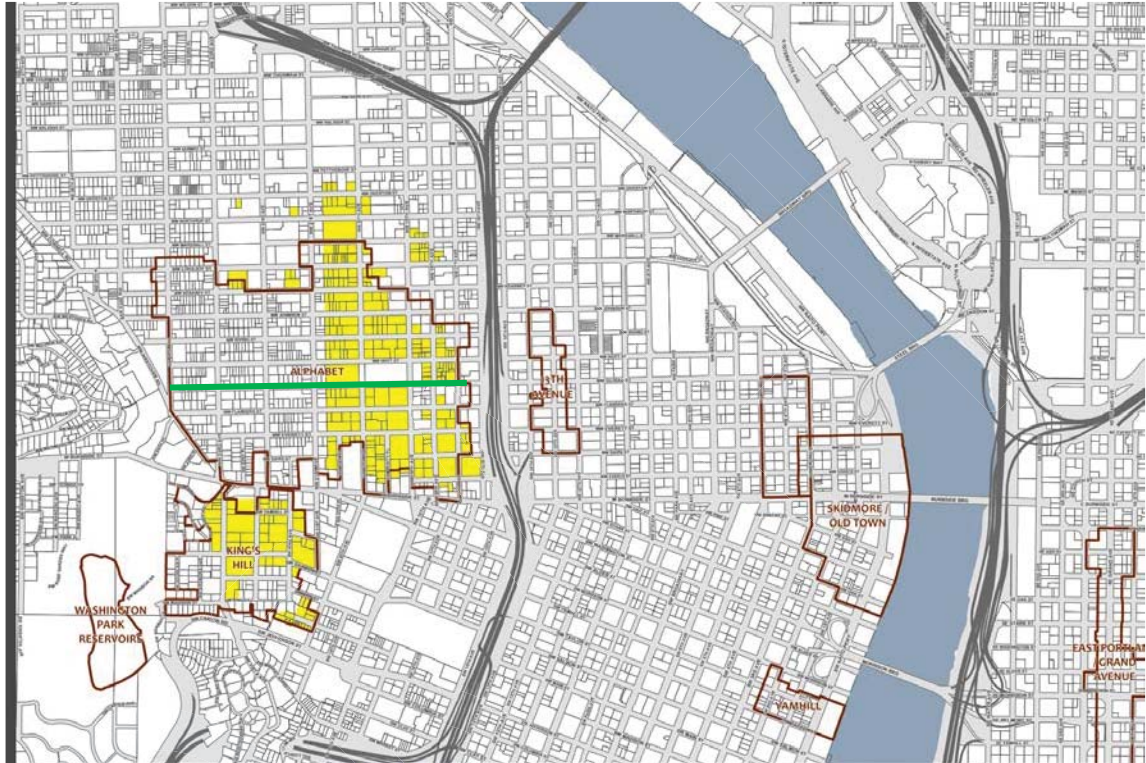
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<sup>5</sup> Historic Landmarks Commission - Final Findings and Decision for LU 15-182060, p. 17.

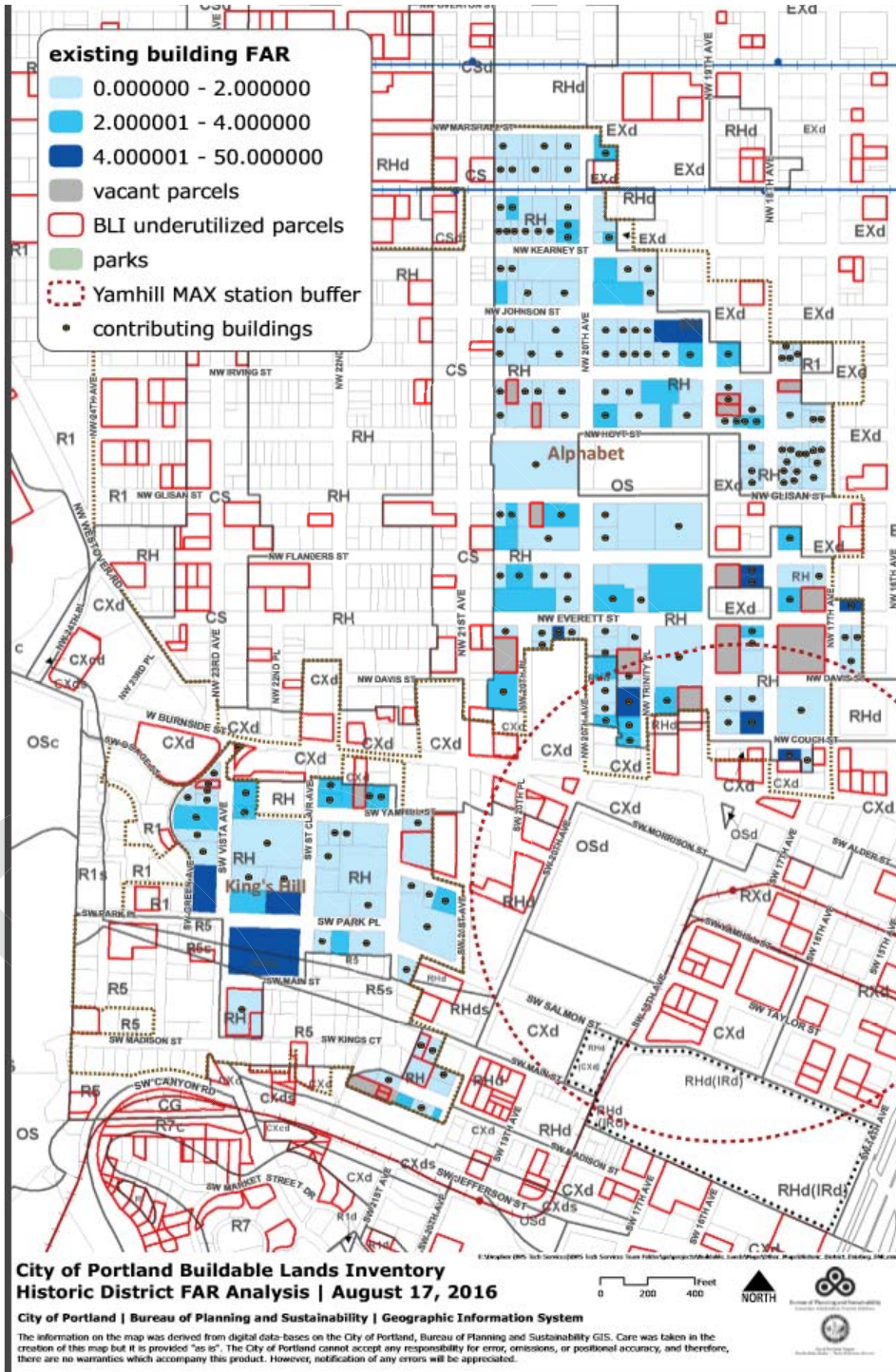
### **4:1 Allowances in RH-Zoned Parcels in Alphabet Historic District**

--NWDA requested all of the yellow areas within the Alphabet Historic District be reverted to 2:1 FAR.

--BPS recommends only the portion north of Glisan (green line below) be reverted to 2:1 FAR.



### Existing FAR relative to Landmarks and Underutilized Parcels



## Approval Criteria and Development Standards in Alphabet District

BDS Pre-Application Conference Response 14-156795

Page 5

severe lack of affordable housing, even for moderate incomes, and rehabilitation of the existing building and its conversion to affordable housing may help with this deficiency. Staff also strongly suggests that the applicant hold a Design Advice Request with the Historic Landmarks Commission in order to receive feedback on the approvability of the proposal early in the design process.

- 8. **Consent.** Owners of northern properties need to be listed on any future land use review.

**A. Land Use Reviews Required**

The following table identifies land use reviews required for your project. Please refer to the identified code citations for additional information. Information and handouts on [land use reviews](#) are available on our [website](#). For information on review procedures and timelines, see the [Summary of Procedure Types](#).

Review Procedure	Land Use Review	Approval Criteria
Type IV	Demolition Review	33.846.080.C
Type III	Historic Resource Review	Community Design Guidelines and Historic Alphabet District: Community Design Guidelines Addendum

**B. Development Standards**

- **Base Zone Development Standards**  
 Proposed development must meet development standards of the RH – High Density Residential base zone. Existing development may not go further out of conformance with standards.
  - Refer to Zoning Code Chapter 33.120 *Multi-Dwelling Residential Zones* for standards applicable in this zone.
- **Plan District Standards**  
 This property is also located in the Northwest plan district.
  - Refer to Zoning Code Chapter 33.562 *Northwest Plan District* for standards applicable in this plan district.
- **Overlay Zone Standards**  
 This site is also located in the Historic Resource Protection overlay zone.
  - Refer to Zoning Code Chapter 33.445 *Historic Resource Protection Overlay Zone* for regulations applicable in this overlay zone.
- **Parking and Loading**  
 Proposed development must comply with the requirements of [Zoning Code Chapter 33.266, Parking and Loading](#).
- **Landscaping and Screening**

# Comp Plan 2035 Early Implementation

BDS and Historic Landmarks' Recommendation for

## FAR in RH zones in the Alphabet Historic District

NWDA Testimony  
to City Council  
October 6, 2016

Not  
Downzoning  
but  
Truth in  
Zoning  
to  
clarify  
entitlements

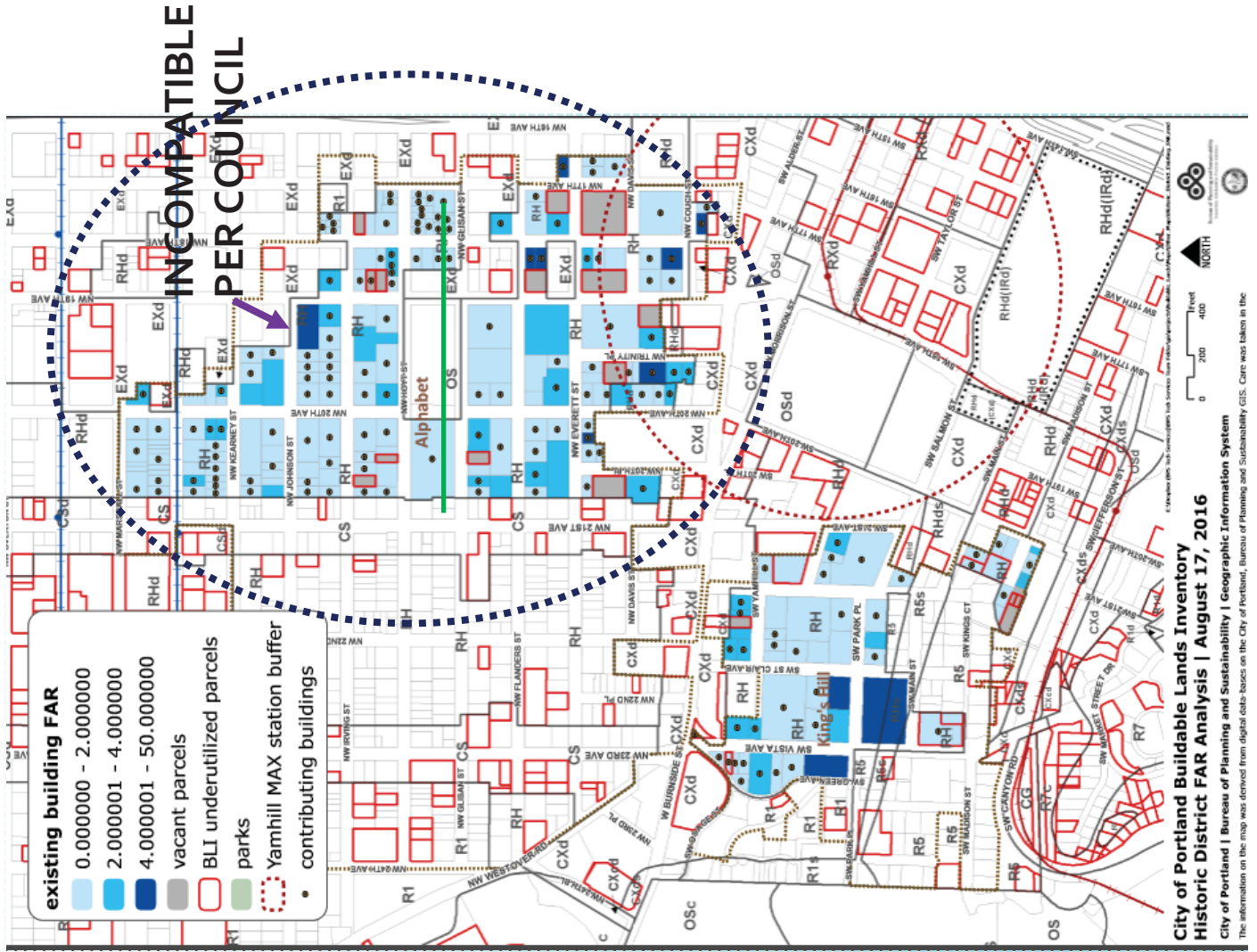
PC33-700.070E(1)(b):  
historic overlay zone  
**supersedes** base zones

---

City Council (findings Jan. 2015):  
historic overlay requires  
compatibility

--rejected 4:1 project in Alphabet Historic  
District as incompatible

Historic Overlay requires compatibility 4:1 is incompatible above and below NW Glisan



## Comp Plan 2035 Policies

-adopted June 2016,  
after years of public  
process/testimony,  
analysis and policy  
choices

-now on Task 5,  
implementation

- *Policy 4.49:*
  - *Resolve conflicts in historic districts.*
  - *Refine base zoning in historic districts*
- *Policy 3.42 (re: Alphabet District – Inner Ring):*
  - *accommodate growth in ways that*
    - *identify and preserve historic resources*
    - *enhance distinctive characteristics, especially in areas with significant development.*

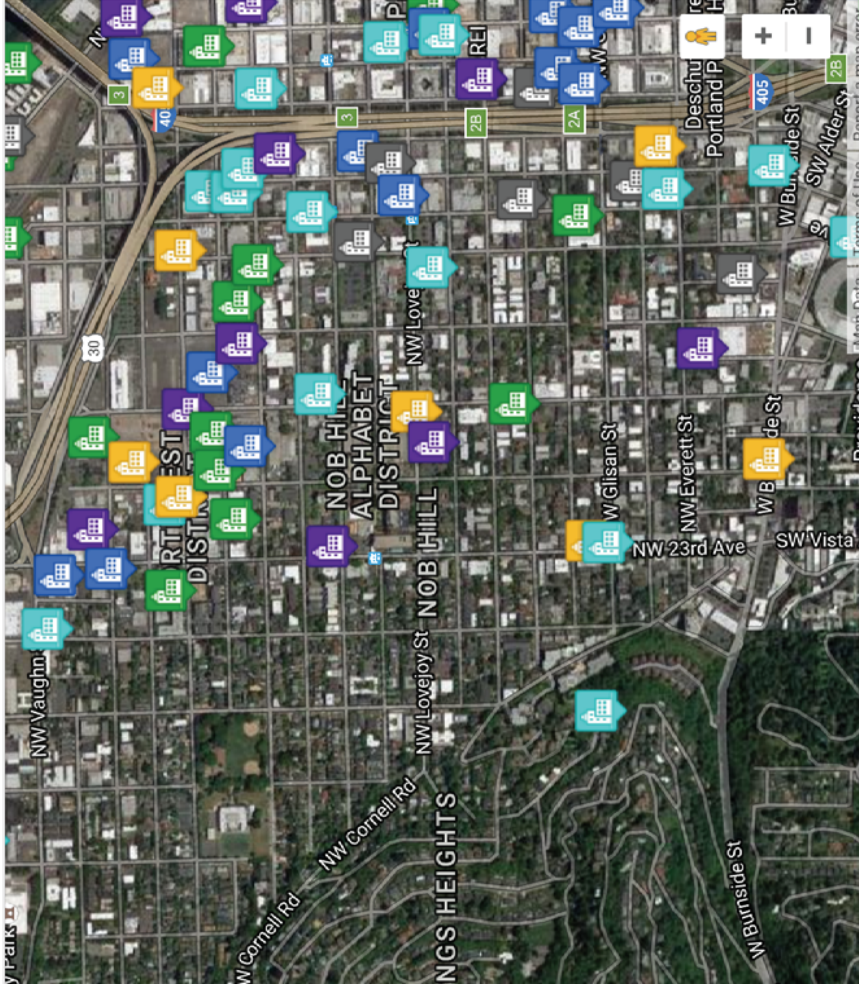


# Northwest District Housing Stock

14,000 new units since 2006.

Close to 800 new units in the pipeline ->

Including 2 MULTE projects



# Northwest District Affordable Housing

+district plan  
has affordable  
housing bonus

- The Victorian Apartments  
2255 W Burnside Street  
62 units
- Gallagher Plaza  
2140 NW Kearney Street  
85 units
- Medallion Apartments  
1969 NW Johnson Street  
90 units
- Northwest Tower & Annex  
335 NW 19<sup>th</sup> Avenue  
180 units
- Williams Plaza  
2041 NW Everett Street  
101 units
- Marshall Union Manor  
2020 NW Northrup Street  
200 units
- Roselyn Apartments  
424 NW 21<sup>st</sup> Avenue  
31 units
- Upshur House  
2650-1 NW Upshur Street  
30 units

NW Irving  
@  
NW 21<sup>ST</sup>

- Gypsy



NWDA supports compatible projects in historic district

- Historic Overlay trumps base zone
- Historic Overlay requires compatibility  
4:1 is incompatible – per Landmarks, BDS  
and City Council
- Comp Plan 2035 requires:
  - +resolving conflicts
  - +historic preservation esp in areas  
with significant development

**PLEASE REMOVE 4:1 FAR IN RH-ZONED  
AREAS IN ALPHABET HISTORIC DISTRICT**

THANKYOU

**From:** [Mike Gemmet](#)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Subject:** Comprehensive Plan Implementation  
**Date:** Thursday, October 06, 2016 12:43:45 PM  
**Attachments:** [Zoning Class 3707 Wilshire.pdf](#)

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Dear City Council,

Re: Property at 3707 NE Fremont St, State ID# 1N1E24DD 17700

I am writing to please ask you to please reconsider the proposed zone this property and change from CR to CM1 as it was proposed all the way up to the notice originating on September 6, 2016.

As I was following the process I was pleased to know that the proposed CM1 zone would allow us with your help to turn the property into a vibrant neighborhood, pedestrian, and cyclist island in an area of folks that ride and walk everywhere.

We have had excellent relations with our neighborhood all along and would like more opportunity to make it better without folks having to navigate Fremont and 42<sup>nd</sup> St east.

The property has been a grocery store and drug store historically since the early 20<sup>th</sup> century. It has always been commercial. It was not a residential turned into commercial as so many properties on Fremont north of it. It is now a restaurant that enhances the area but it could be so much better if allowed to be CM1.

I do not believe there was any issue all along that would have caused the proposed change from CM1 to CR. I talked with Sarah from the city planning and she said there were no complaints. I understand why, we are very involved good neighbors.

Could you please reconsider your most recent proposed zoning and change it back to CM1 as you had had it through this process.

We all appreciate your consideration. Thanks!!

Best Regards,

Mike Gemmet  
503-880-6243

# NOTICE OF PROPOSED ZONING MAP AND CODE CHANGES THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

## What does this mean for me?

You received this notice because the Portland Planning and Sustainability Commission has recommended a new Zoning Map designation for your property.

One of the properties that may be affected is your property at:   
 State ID #:

### BASE ZONE

The current base zone(s) for this property is (are):   
 The proposed base zone(s) for this property is (are):

### OVERLAY ZONE

The current overlay zone(s) for this property is (are):   
 The proposed overlay zone change(s):

### PLAN DISTRICT

The existing plan district for this property is:   
 The proposed plan district change(s):

In addition, proposed changes to the Zoning Code affect all properties in the Commercial/Mixed Use zones, Employment zones, and Campus Institution zones.

Proposed changes to the Zoning Map and Zoning Code may affect the permissible uses of your property as well as other properties with the same zone. These changes may also affect the value of your property.

## Inside you will find more information, including:

- How you can learn more.
- City Council hearing information and how to testify.
- Zoning information at a glance.



T5-ZMC

## How can I learn more?



### ONLINE

All Multnomah County libraries have public access computers.

1. **View the interactive Map App** at [www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp) on any computer, tablet or smart phone, and click on **Zoning Map**. Type the property address to see zone changes recommended by the Planning and Sustainability Commission that may affect your property.
2. **Go online to the project website** at [www.portlandoregon.gov/bps/pdxcompplan](http://www.portlandoregon.gov/bps/pdxcompplan) to view the recommended Zoning Map and learn more about Zoning Code changes recommended by the Planning and Sustainability Commission.



### IN PERSON

3. **Drop in to chat with City staff at a location near you.** Staff will answer your questions one-on-one.
  - Check online at [www.portlandoregon.gov/bps/58191](http://www.portlandoregon.gov/bps/58191) or call 503-823-0195 for a schedule of drop-in hours.

SARAH



### PHONE AND EMAIL

4. **Ask City staff a question.** We are happy to help. Call 503-823-0195 or email us at [pdxcompplan@portlandoregon.gov](mailto:pdxcompplan@portlandoregon.gov).

## How can I provide feedback to decision-makers?

You may testify about proposed changes to the City Council in the following ways:

### Testify in person at the City Council public hearing.

**You may speak for 2 minutes to the Council, and your testimony will be added to the public record.**

**Thursday, October 6, 2016 at 2 p.m.**

**Thursday, October 13, 2016 at 2 p.m.**

City Hall Council Chambers, 1221 SW 4th Avenue, Portland

To confirm dates and times, check the City Council calendar at [www.portlandoregon.gov/auditor/26997](http://www.portlandoregon.gov/auditor/26997)

*If you need special accommodation, translation or interpretation, please call 503-823-4086 at least 48 hours before the hearing.*

### Testify in writing between now and October 13, 2016.

**Please provide your full name and mailing address.**

- **Email:** [cputestimony@portlandoregon.gov](mailto:cputestimony@portlandoregon.gov) with subject line "Comprehensive Plan Implementation"
- **U.S. Mail:** Portland City Council, 1221 SW 4th Ave., Room 130, Portland OR 97204, Attn: Comprehensive Plan Implementation
- **Map App:** [www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp), click on Zoning Map and use the comment tab to provide your testimony

*All testimony to City Council is considered public record, and testifiers' name, address and any other information included in the testimony may be posted on the website.*



# Mixed Use Zoning at a Glance

## Summary of Recommended Mixed Use Zones

The new framework for commercial/mixed use zones replaces the existing commercial zones applied outside the Central City. The framework features three new mixed use zones that vary by the scale of development allowed (CM1, CM2, CM3), a new medium-scale zone predominantly for commercial and employment uses not located in a center (CE), and a zone that allows small-scale commercial uses in areas that are predominantly low-density residential (CR). The Central Commercial (CX) zone is retained for use in the Central City and other select areas. In most cases, the zone proposed for this property was selected because it is the closest to the existing zone. See diagrams on reverse.

### Key changes and features of the new zones.

- Manage bulk of development through new floor area ratios (FAR).
- Include residential uses in the maximum floor area ratios.
- Provide incentives for affordability through bonuses that earn additional floor area.
- Reduce building mass by articulating large façades and limiting building length.
- Enhance street-level vitality by increasing ground-floor window requirements.
- Require outdoor area for new residential units.
- Provide transitions to adjacent residential areas through height step downs and landscaping.
- Set building coverage and landscaping standards by place types.
- Provide flexible street setbacks to allow for gathering spaces.
- Require active ground floor uses in centers ('m' overlay zone).
- Allow development flexibility on large sites via a planned development review.
- Require neighborhood notification of most new development.

The summary table below compares key use and development parameters for existing zones and for proposed mixed use zones. See Recommended Draft for details.

	Small-scale Zones					Medium-scale Zones						Large-scale Zones		
	New		Existing			New		Existing				New	Existing	
	CR	CM1	CN1	CN2	CO1	CM2	CE	CO2	CM	CS	CG	CM3	EX	CX
Height – Maximum Base (feet)*	30'	35'	30'	30'	30'	45'	45'	45'	45'	45'	45'	65'	65'	75'
Height – Maximum with Bonus*	n/a	35'	n/a	n/a	n/a	55' <sup>†</sup>	45'	n/a	n/a	n/a	n/a	75'	n/a	n/a
FAR – Maximum Base	1:1	1.5:1	.75:1 <sup>‡</sup>	.75:1 <sup>‡</sup>	.75:1 <sup>‡</sup>	2.5:1	2.5:1	2:1 <sup>‡</sup>	1:1 <sup>‡</sup>	3:1 <sup>‡</sup>	3:1 <sup>‡</sup>	3:1	3:1	4:1 <sup>‡</sup>
FAR – Maximum with Bonus	n/a	2.5:1	n/a	n/a	n/a	4:1	3:1	n/a	n/a	n/a	n/a	5:1	n/a	n/a
<b>Commercial</b>														
Retail Sales and Service	L	L	L	Y	N	Y	Y	L	L	Y	Y	Y	Y	Y
Office	L	L	L	Y	Y	Y	Y	Y	L	Y	Y	Y	Y	Y
Quick Vehicle Servicing	N	L	N	L	N	L	Y	N	N	N	Y	L	N	L
Vehicle Repair	N	N	N	N	N	Y	Y	N	N	Y	Y	Y	Y	L
Commercial Parking	N	N	N	N	N	L	Y	N	N	Y	CU	L	CU	CU
Self-service Storage	N	N	N	N	N	N	Y	N	N	N	L	L	L	L
<b>Residential</b>														
Household Living	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Group Living	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
<b>Industrial</b>														
Manufacturing and Production	N	L/CU	L/CU	L/CU	N	L/CU	L/CU	N	L/CU	L/CU	L/CU	L/CU	Y	L/CU
Warehouse and Freight Movement	N	N	N	N	N	N	L	N	N	N	CU	L	Y	N
Wholesale Sales	N	N	N	N	N	L	L	N	L	L	L	L	Y	L
Industrial Service	N	N	N	N	N	CU	CU	N	N	CU	CU	CU	Y	CU
<b>Institutional</b>														
Basic Utilities	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Community Service	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU	L	L/CU
Parks and Open Areas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Schools, Colleges, Medical Centers, Religious Institutions, Daycare	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Y = Yes, allowed

N = No, not allowed

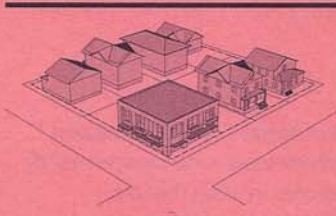
L = Limited

CU = Conditional Use

\* In the CM1, CM2 and CM3 zones, an additional 5' of height is allowed when the ground floor of a building has a ceiling height of 15' or greater.

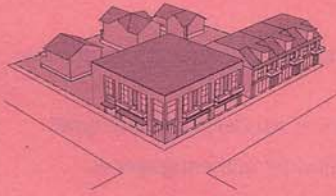
<sup>†</sup> In selected areas with the Design (d) overlay zone.

<sup>‡</sup> In this existing zone, residential floor area is not regulated by FAR, and is allowed to height and setback limits of the zone.



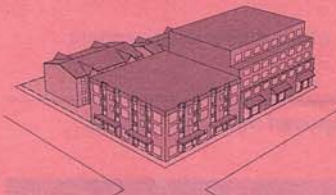
### Commercial Residential (CR)

This low-intensity zone is for small and isolated sites within low-density residential neighborhoods. It allows small scale retail and services for surrounding residential areas, and limits residential density where commercial uses are not present.



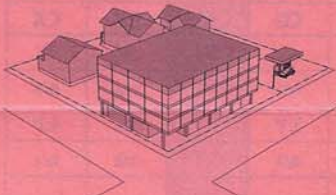
### Commercial Mixed Use 1 (CM1)

This small-scale commercial mixed use zone is intended for sites in smaller mixed use nodes within lower density residential areas, as well as on neighborhood corridors, and at the edges of neighborhood centers, town centers and regional centers.



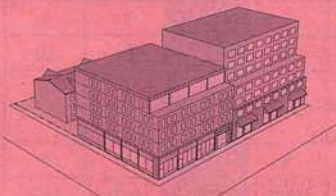
### Commercial Mixed Use 2 (CM2)

This medium-scale commercial mixed use zone is intended for sites in a variety of centers and corridors, and in areas that are well served by frequent transit, or within a larger area zoned for multi-dwelling development.



### Commercial Employment (CE)

This medium-scale commercial employment zone is intended for sites outside designated centers, especially along major streets and traffic routes. The emphasis of this zone is on commercial and employment uses, though residential and retail uses are allowed.



### Commercial Mixed Use 3 (CM3)

This large-scale commercial mixed use zone is intended for sites close to the Central City, in high-capacity transit station areas, town centers and on civic corridors.

## For more information

- Visit the Zoning Map on the Map App at [www.portlandmaps/bps/mapapp](http://www.portlandmaps/bps/mapapp)
- Visit the Comprehensive Plan Update project website at: [www.portlandoregon.gov/bps/pdxcompplan](http://www.portlandoregon.gov/bps/pdxcompplan).
- Get answers from our Helpline. Call 503-823-0195.

## What are base zones, overlays and plan districts?

**Zoning determines how a property can be used (e.g., residential, commercial, industrial) and describes the form of allowed development (e.g., building size, height and setbacks).**

Every property has a base zone. Base zones establish the basic zoning regulations that apply to all properties with that zone.

Some properties are also in an overlay zone or a plan district. Places with an overlay zone or plan district are subject to additional zoning regulations:

- **Overlay zones** occur throughout the city in areas with similar special features — often environmental or design characteristics. Overlay zone regulations are tailored to these features.
- **Plan districts** are unique to a neighborhood or area. Plan districts often implement local plans or studies.

All of the regulations within the base zone, overlay zone and plan district apply to a site. However, if regulations conflict, a hierarchy applies:

- Regulations in an **overlay zone** always supersede the regulations in the base zone.
- Regulations in a **plan district** always supersede the regulations in an overlay zone or base zone.

## Overlay zones and plan districts

**The following overlay zones are being proposed or removed on some properties (check the information on the front of this notice to determine if your property is subject to any of these overlays).**

**The Design (d) overlay zone** promotes conservation, enhancement and vitality of areas with special scenic, architectural or cultural value by requiring design review or compliance with the Community Design Standards. This overlay is proposed to be expanded to apply to all commercial/mixed use properties with a Mixed Use - Urban Center Comprehensive Plan Map designation. This includes Town Centers and other centers and corridors close to the Central City.

**The proposed Centers Main Street (m) overlay zone** adds requirements for active ground floor commercial uses and ground floor windows in new development, requires minimum floor areas, and limits certain auto-oriented uses. This overlay is proposed in the commercial core of all Town Centers and Neighborhood Centers in order to foster continuity of the commercial district and emphasize pedestrian- and transit-oriented design.

**The existing Buffer (b) overlay zone** is proposed to be removed because equivalent regulations are proposed within the new commercial mixed use base zones (CR, CM1, CM2, CE and CM3).

**Two existing overlay zones, the Main Street Node (j) and Main Street Corridor (m),** are being modified and recast as three new Plan Districts for portions of N Lombard Street, SE Division Street and NE Sandy Boulevard. These areas are subject to additional street-specific design standards that are being modified through the Mixed Use Zones Project.

Portland City Council  
1221 SW Fourth Avenue, Room 130  
Portland, Oregon 97204

c/o Council Clerk

**Re: Planning for Multnomah Village**

Multnomah Village is an area of Portland with major historical design significant that needs to be protected. The current scale of this business district is appropriate for its narrow main street, making it an inviting place for people to shop and eat out in unique locally-owned businesses.

With the exception of one 3-story building, the Village consists of one-story and two-story buildings, many of which are the original buildings from the earliest days. The Village is covered by a Design District Overlay under the current Comprehensive Plan and this D Overlay states that new development must be consistent with the scale and character of the existing businesses, but the current zoning code does not provide this protection.

The Mixed-Use Zoning Project of the 2035 Comprehensive Plan proposes to change Commercial Storefront properties in Multnomah Village to either Commercial Mixed Zones 1 (CM1) or 2 (CM2). The CM2 designation would allow out-of-scale buildings of up to 4-stories to be built in this historic area.

I am requesting that the City Council change the designation of all properties in the business district of Multnomah Village that are covered by the current D overlay to CM1. The new CM1 designation is a better fit for the historic Village because it will limit building heights in this area to 35 feet, the approximate height of three-story buildings.

I am also requesting that building heights for lots that are bounded by two streets be measured from the lower street. This will prevent the construction of additional stories that could result if heights are measured from the higher street on these steep lots.

Lastly, I am requesting that a Plan District be implemented as part of the Comprehensive Plan for the Multnomah Village Business District to further protect the scale and character of this special place that has major design significance in the City of Portland.

Please add this to the record.

Thank you,

Letisha R. Wyatt, Ph.D.

2510 SW Hume Ct. Portland, OR 97219

cc: Mayor Charlie Hales, [mayorcharliehales@portlandoregon.gov](mailto:mayorcharliehales@portlandoregon.gov)  
Commissioner Amanda Fritz, [Amanda@portlandoregon.gov](mailto:Amanda@portlandoregon.gov)  
Commissioner Nick Fish, [nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)  
Commissioner Steve Novick, [novick@portlandoregon.gov](mailto:novick@portlandoregon.gov)  
Commissioner Dan Saltzman, [dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)  
City Auditor, La Vonne Griffin-Valade, [LaVonne@portlandoregon.gov](mailto:LaVonne@portlandoregon.gov)  
Susan Anderson, [Susan.Anderson@PortlandOregon.gov](mailto:Susan.Anderson@PortlandOregon.gov)  
MNA Land Use Committee, [mnaLandUseCommittee@gmail.com](mailto:mnaLandUseCommittee@gmail.com)

From: [Rick Bartko](#)  
To: [BPS Comprehensive Plan Testimony](#)  
Subject: Comp Plan question  
Date: Thursday, October 06, 2016 11:36:28 AM

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Greetings,

Will there be a mechanism for creating an Architectural Design Standard overly for the CM zones along the Center corridors?

Thanks for your assistance.

Rick Bartko  
[bartkorick747@gmail.com](mailto:bartkorick747@gmail.com)  
Division Midway Alliance  
Board Member/Treasurer  
cell: (951) 264-2222

**From:** [Moore-Love, Karla](#)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Subject:** FW: Comp Plan Testimony Oct. 6, 2016 Hearing - CORRECTED  
**Date:** Thursday, October 06, 2016 10:25:59 AM  
**Attachments:** [WrittenTestimonyRHZoneRevisionsInHistoricDistrictsPerImplementationPlanOct2016V2.pdf](#)

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Karla Moore-Love |Council Clerk  
Office of the City Auditor |City Hall Rm 130  
503.823.4086

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**From:** Jim Heuer [mailto:jsheuer@easystreet.net]  
**Sent:** Thursday, October 06, 2016 9:00 AM  
**To:** Council Clerk – Testimony <CCTestimony@portlandoregon.gov>; Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>  
**Subject:** Comp Plan Testimony Oct. 6, 2016 Hearing - CORRECTED

### CORRECTED VERSION OF ATTACHMENT

Dear Ms. Moore-Love,

Attached is formal testimony from the Portland Coalition for Historic Resources for the hearing tomorrow, October 6, 2016, on the Comprehensive Plan Early Implementation Zoning Code Amendments being considered by City Council.

Please enter them into the record.

Regards,  
Jim Heuer  
Chair, Portland Coalition for Historic Resources

--

**James S. Heuer**  
**1903 NE Hancock Street**  
**Portland, OR 97212**  
(503) 284-8481 (Home)  
(503) 335-8380 (Work/Cell)  
(503) 348-8694 (Text)

# **Portland Coalition for Historic Resources Written Testimony on the Early Implementation Zoning Code Amendments: RH Zone FAR Changes in Historic Districts**

**Prepared October 5, 2016, Revised October 6, 2016**

**Submitted to City Council as Testimony for Hearings on This Subject Oct. 6 and 13, 2016**

**Prepared by the Volunteer Members of the Portland Coalition for Historic Resources**

## Overview of RH Zoning Issues in Historic Districts

In our testimony to City Council in February, 2016, PCHR and our neighborhood association members argued for changes to the RH zoning in the Alphabet Historic District and the Irvington Historic District. At present the RH zoning in these two areas has an allowed FAR of 4:1 – this is a dramatic exception to the allowable FAR in RH zones across the city, which is 2:1.

PCHR argued then, as we continue to argue, that a FAR of 4:1 in these Historic Districts should be reduced to the city-wide standard of 2:1. The point of this zoning change request is to “right-zone” the Historic Districts to reflect the allowable size, scale and massing under the applicable Historic Resource Review guidelines which reinforce historic patterns of development. The Adopted Comprehensive Plan Policy 4.49 specifically addresses this issue:

***“Policy 4.49 – Resolution of conflicts in historic districts.***

*Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district.”*

While current City Code gives precedence to Historic Resource Review guidelines over base zoning, pronounced discrepancies create confusion for both neighborhood land use committees and developers, and have proven insufficient for sound administration of protections of these Districts. Indeed, we have learned from supporting developers through the Historic Resource Review process alignment of zoning and historic resource review guidelines gives them the clarity and certainty they need to undertake projects. Policy 4.49, in effect is intended to be a stimulus to development in Historic Districts.

To those who object that this is a ploy to minimize density in traditional neighborhoods, we must highlight that we are addressing parts of the city which are already densely populated, at least in comparison with the City’s overall population density -- and already tend to make significant use of low-carbon means of transport. This is clearly illustrated in the table below where the two districts affected by this issue are not only the highest density historic districts in the city but – except for the Central City itself – are the two highest density neighborhoods in the city:

Historic Neighborhood or District at Risk	Population Density - Residents per Square Mile	Walk Score	Transit Score	Bicycle Score	Active Commuting (% of Commuters on Bikes and Walking)	Average Distance from Downtown	Average Age of Residential Structures
Alphabet District (NWDA)	17411	92	66	89	16.10%	1.4	103
Irvington	10312	83	63	93	9.50%	1.6	92
Eliot (Conservation District)	6698	83	64	96	15.60%	1.4	97
Kings Hill Historic District (Goose Hollow)	6587	92	81	80	17.60%	1.5	93
Ladd's Addition (Hosford-Abernethy)	5147	89	60	98	13.10%	1.7	90
Eastmoreland	5410	50	48	72	7.50%	4.5	78
Buckman (Proposed) Historic District (Buckman)	6699	88	61	99	N/A	1.2	99
<b>Portland Overall</b>	4298	63	51	72	13.00%	4.4	68
Notes:							
1) Where neighborhood designation is shown, statistics are for the entire neighborhood unless otherwise indicated							
2) Eliot % of Bike commuters not available, used Boise							
3) Population density per city-data.com							
4) Eliot density takes into account only land used for residential purposes							
5) Alphabet District density based on "Nob Hill" area. Entire Northwest District density is 9334 including vacant, forest and industrial land							
6) Eastmoreland density excludes Reed College property area							
7) Distance from downtown measured to center of Burnside Bridge - straight-line miles							
8) Portland's overall density of land used for residential purposes is approximately 6500 per square mile							

Even with “right zoning”, additional density can be developed in these areas consistent with their current (or projected) Historic Resource Review guidelines. It should also be pointed out, quoting from a February 25, 2014, memo from BPS to the Planning and Sustainability Commission: *“The vacant and underutilized land within [RH through R20 zone] designated areas have a combined development capacity that is double the expected growth, after considering constraints. This means that it is possible to be more selective about where development occurs in residential zones.”* Supporting this assertion, our calculations suggest that the unused capacity of RH zoned land alone at a city-wide FAR of 2:1 is nearly, 20,000,000 square feet of housing, representing a potential 25,000 to 30,000 additional dwelling units!

Finally, it should be pointed out that the total land area in residential use encompassed by ALL Historic and Conservation Districts in the City of Portland is currently less than 3% of total land area used for residential purposes in the city. Providing enhanced protections to these Districts will have *de minimis* impact on Portland’s capacity for absorbing population growth while significantly helping to preserve the character that draws newcomers to our city in the first place.

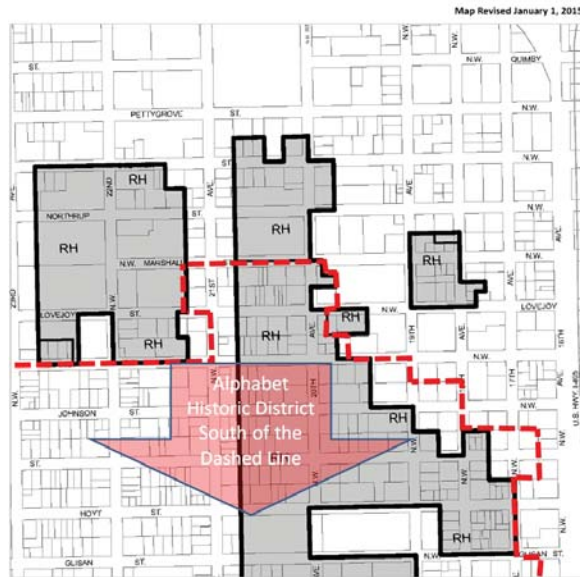
### ***Alphabet Historic District Changes of Roughly ½ Of their RH to 2:1 FAR***

The Northwest District Association originally requested change of all of the RH zone in the District from a FAR of 4:1 to the base RH zone FAR of 2:1. The original overzone designations are found in the Title 33 section 120 maps 120-8 and 120-9 proposed to be deleted. These are shown on the next page with the boundary of the Historic District shown to indicate the portions which were originally requested to be rezoned for compatibility with the District’s historic resource review guidelines:



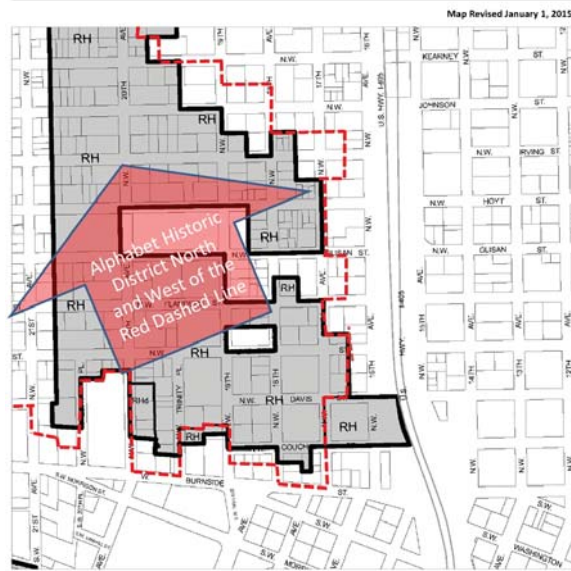
RH Areas with  
Maximum FAR of 4:1

Map 120-8



RH Areas with  
Maximum FAR of 4:1

Map 120-9



In light of this request, BPS wisely noted that the part of the District south of Glisan Street already had substantially larger historic building fabric and could support a 4:1 FAR better than the older, Victorian Era parts of the neighborhood to the north. Thus the compromise solution that we support as illustrated in the FAR and capacity table below:

Section of Alphabet District	Actual FAR All Contributing Structures	Actual Average FAR, Buildings in RH Zones	Percentage of Contributing Structures (all Zones) with FAR over 2:1	Proposed RH FAR Ratio	Available Additional RH Zone Capacity (sq ft) at Proposed FAR
North of Glisan	1.1	1.3	7%	2:1 (right-zoned)	0.6 million
South of Glisan	1.6	1.6	29%	4:1 (retained)	1.9 million

Note that even with the proposed changes, the **plan provides for an additional capacity in RH Zones in the Alphabet Historic District of 2.5 million square feet of residential housing.** Claiming that these proposed changes are “anti density” or “NIMBYism” is utterly ridiculous.

To provide further context, it should be noted that the total un-used RH Zone capacity throughout Portland is nearly 20,000,000 square feet of additional housing (at a universal FAR of 2:1). All of this RH zoned land is served well by transit and services or it wouldn't carry that zoning designation. The problem faced by developers seeking to build affordable housing is not

availability of RH zoned land, but land that can be purchased at a cost to allow such projects to “pencil”. Attempting to make such a project “pencil” in an area with some of the highest land prices in the city is plainly nonsense, and blaming the failure to make it “pencil” on Historic District restrictions is simply propaganda, not sound economics.

### *Irvington Historic District*

Similarly to the Northwest District Association and the Alphabet District, the Irvington Community Association Board of Directors petitioned the Mayor and the City Council to make several changes to the Comprehensive Plan in the part of the District outside the Central City Plan area. The change which is addressed by the Comprehensive Plan Early Implementation Amendments has to do with RH zoning with a FAR of 4:1, with a request to reduction to the city-wide standard of 2:1. The current amendment package provides for this change which PCHR supports. The affected area is designated in the old zoning map 120-10 shown below:



Altogether, RH zoned land in the Irvington Historic District encompasses about 365,000 square feet of area. The current structures on this land have an actual FAR of just under 1:1 – a number that is similar between contributing and non-contributing properties – with the largest contributing structure having a FAR of 2.29:1. Roughly 1/3 of the RH land is occupied by non-

Contributing structures, which could be replaced with new, larger structures. There is about 130,000 square feet of unused building capacity at a FAR of 2:1 on these lots. We thus argue that there is substantial potential for additional density and development in the District within a compatible scale and size and that buildings constructed to a maximum FAR of 4:1 would overwhelm their surroundings and diminish the historic character of the District as a whole.

In this area also there are 17 Contributing single family homes (out of a total of 18), a few of which, to our knowledge have already been equipped with an ADU, but many have not. All the rest of the existing structures in this area are multi-family housing both Contributing and Non-Contributing. Several of the 17 Contributing single family homes in the RH area have recently been enrolled in the State of Oregon Special Assessment Program in return for substantial historic rehabilitation work. By reducing the FAR to 2:1 in these areas, the redevelopment pressure on these buildings will be reduced, encouraging more in-place rehabilitation and optionally expansion of the number of housing units on these sites without damaging the historic fabric.

PCHR and the ICA support ultimately increasing the density in this area to meet the FAR 2:1 limits on the site of non-Contributing structures while preserving the existing Contributing multi-family housing as the closest thing Portland is going to get to moderately priced rental housing. A FAR of 4:1 is plainly out of scale with the District building fabric in this area, is not needed to provide for additional capacity, and simply contributes to confusion on the part of owners and developers as to what is allowed in the District.

Finally, the RH zoned land in question represents just 1% of the total RH zoned land in Portland, and any effects on the overall population carrying capacity in the city are minimal.

October 6, 2016

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. +1.503.727.2264  
F. +1.503.346.2264

**VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)**

Mayor Charlie Hales  
City of Portland City Council  
1221 SW 4th Avenue, Room 130  
Portland, OR 97204  
Attn: Comprehensive Plan Implementation

**Re: Comprehensive Plan Implementation**

Dear Mayor Hales and Members of the Portland City Council:

This office represents Cain Petroleum and Ron Cain (“Cain”). Cain owns and operates numerous gasoline service stations throughout the Portland Metropolitan Area, including a service station east of NE and SE 80th Avenue. The purpose of this letter is to respond to the proposed Portland City Code Title 33 amendments that would adversely affect Cain’s ability to establish new gasoline service stations and maintain and improve existing gasoline service stations.

PCC 33.130.260, “Drive-Through Facilities”, prohibits new drive-through facilities east of NE and SE 80th Avenue. PCC 33.130.260.C.1 and .D.1, PCC 33.910.030 defines “Drive-Through Facility” as including gas pump islands, car wash facilities and auto service facilities.

Cain opposes this text amendment for several reasons. First, it unnecessarily discourages the ability of residents to purchase gasoline and gasoline-related services near their homes. Second, it discourages the continued maintenance and improvement of existing facilities. Unlike areas west of NE and SE 80th Avenue, existing facilities are not expressly allowed to be rebuilt or expanded.

Cain agrees with the testimony by Pliska Investments, LLC and Space Age Fuel, Inc. regarding the Planning and Sustainability Commission’s recommendation that the City Council adopt these provisions.

Cain respectfully requests that the City Council not adopt the prohibition on drive-through facilities east of NE and SE 80th Avenue for the reasons explained in this letter and the Pliska and Space Age testimony.

Mayor Charlie Hales  
October 6, 2016  
Page 2

Please provide me with written notice of the City Council's final decision. Please place this letter in the official file for this Periodic Review Work Task.

Very truly yours,



Michael C. Robinson

MCR:sv

cc: Mr. Ron Cain (via email)  
Mr. E. Michael Connors (via email)



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P.O. Box 4124  
Portland, OR 97208  
503-255-9111  
Fax 503-257-9790  
www.washmanusa.com

October 5, 2016

Portland City Council  
1221 S.W. 4<sup>th</sup> Avenue, Room 130  
Portland, Oregon 97204

**RE: Prohibition of Drive Thru's east of 80<sup>th</sup> Avenue**

My name is David Tarlow, CFO of Washman Car Wash. Our business is a locally owned family business, established in April, 1995. A prohibition of drive-thru's east of 80<sup>th</sup> Ave. would severely harm our business.

We recognize that you are targeting the fast food industry. However, many other types of businesses use drive-thru's; banks, drug stores, coffee shops and car washes, for example. People rely on drive-thru's due to a variety of reasons; many very personal due to situations or constraints such as children, the elderly and those with disabilities. The proposed prohibitions are a shallow approach. Unforeseen consequences and conflicts are created in an area that is least able to absorb the economic and social impact.

The claim that our use is both a use (Quick Vehicle Services) and a standard (drive-thru) is an inconsistency that cannot be resolved. This internal zoning code conflict ensures that any attempt to renovate or improve our facilities (even after applying best new practices of water treatment) will fail due to the City's inability to identify the appropriate process to review a proposal (a non-conforming review or an adjustment with fundamentally different criteria).

Federal and State municipalities have laws that were designed to prevent the public from washing their cars in the street in order to avoid run off into the storm drains. We provide the appropriate alternative to wash cars in a controlled situation where water is recycled eliminating pollutants from entering the storm drains or sanitary system.

These car washes have provided jobs to over 10,000 people. We currently provide over 270 jobs at 15 locations; two in Salem, one in Longview, and the remainder on the eastside of the Willamette River. Our jobs are accessible to people without college educations and provide mobility into management for motivated people. Our family is invested in East Portland (as many of the other small locally owned businesses and franchises). We support local charities, many of which are the local high schools.

Do not prohibit drive thru's east of 80<sup>th</sup> Ave.

Yours Truly;

A handwritten signature in black ink, appearing to read "David B. Tarlow". The signature is fluid and cursive, with a large initial "D" and "T".

David B. Tarlow  
Washman, LLC

October 6, 2016

VIA EMAIL (CPUTESTIMONY@PORTLANDOREGON.GOV)

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. +1.503.727.2264  
F. +1.503.346.2264

Mayor Charlie Hales  
City of Portland City Council  
1221 SW 4th Avenue, Room 130  
Portland, OR 97204  
Attn: Comprehensive Plan Implementation

**Re: Comprehensive Plan Implementation**

Dear Mayor Hales and Members of the Portland City Council:

This office represents Providence Health and Services – Oregon (“Providence”). Providence owns and operates Portland Providence Medical Center located at NE 47th Avenue and NE Glisan Street. The purpose of this letter is to respond to the proposed Transportation Demand Management (“TDM”) and Transportation Impact Review (“TIR”) land use regulations contained in PCC Chapters 33.150, 33.266 and 33.852 and the TDM regulations in PCC Chapter 17.107.

We recognize the City Council’s time is limited and that many people want to testify in the two (2) hearings the City Council has provided to hear from city residents about the zoning code and map proposals. This letter summarizes the issues that Providence has previously raised in written and oral testimony before the City Council, the Planning and Sustainability Commission and City staff.

Providence has participated in the Portland Comprehensive Plan update in many ways. Providence has testified before the Portland City Council and the Portland Planning and Sustainability Commission. It has attended many meetings with staff from the Portland Bureau of Planning and Sustainability and the Portland Bureau of Transportation. Providence and its representatives have met with members of the Portland City Council and their staff to ask questions and explain their concerns about the proposed code amendments.

Providence appreciates the City’s efforts but remains very concerned about the impacts of the TDM and TIR proposals on the hospital’s operation. The proposals adversely affect the ability of Providence Portland Medical Center to serve its patients and fulfill its role in the city of Portland as a caregiver for the region’s citizens the impacts are explained in the letter dated October 6, 2016 from Theron Park, Chief Executive, Delivery System, Providence Health and Services – Oregon, and Krista Farnham, Chief Operating Officer, Providence Portland Medical Center (**Exhibit 1**). As the letter shows, the TDM proposal will have a significant adverse impact on the ability of Providence to provide cost-effective healthcare.

Additionally, Providence continues to be concerned about the fact that the TDM proposal is incomplete. Not only does Providence, as well as the other Portland hospitals, have concerns

38638-0044/132988380.1



Mayor Charlie Hales  
October 6, 2016  
Page 2

about the proposed TDM regulations, the TDM is incomplete until the administrative rules implementing the TDM regulations are proposed. The City has not told the institutions when the administrative regulation will be adopted, what process will be used to adopt them and, most importantly, whether there will be effective and meaningful outreach to the hospitals and their community before the rules are proposed. The Planning and Sustainability Commission noted this concern on page 4 of its September 28, 2016 letter where it urged the City Council to direct PBOT to further develop the TDM program. Adoption of the TDM and the TIR regulations should be delayed until a full package including administrative rules has been publicly reviewed.

Providence is also concerned about the TIR requirements. These requirements are extremely prescriptive and represent a quantum leap over what is required now for a Conditional Use Master Plan. Because they are land use regulations, compliance with the TIR requirements invites appeals.

Providence asks that the City Council not adopt the TDM regulations until a complete package including administrative rules, is available for public review and comment, and only after the hospitals have had an adequate opportunity to review and comment on the complete package. Providence also requests that the City Council not adopt the TIR regulations and direct staff to engage the hospitals and other institutions to revise these regulations.

The City Council has one opportunity to adopt appropriate ordinances. Once adopted, unless changed, the ordinances will begin to have a significant adverse impact on Portland Providence Medical Center. Providence is committed to a continued discussion on these issues. Providence appreciates the City Council's attention to these matters and urges the City Council to act consistently with the requests in this letter.

Very truly yours,



Michael C. Robinson

MCR:rsr  
Enclosure

cc: Mr. Theron Park (via email) (w/ encl.)  
Ms. Krista Farnham (via email) (w/ encl.)  
Ms. Michelle Bernard (via email) (w/ encl.)  
Mr. Jeff West (via email) (w/ encl.)  
Ms. Julia Kuhn (via email) (w/ encl.)

Providence Health & Services  
4400 N.E. Halsey St., Building 2  
Suite 599  
Portland, OR 97213  
[www.providence.org/oregon](http://www.providence.org/oregon)



October 6, 2016

The Honorable Charlie Hales  
Mayor, City of Portland  
Portland City Council  
1221 SW 4th Avenue  
Portland, OR 97204

RE: Comprehensive Plan Implementation and Transportation Demand Management

Dear Mayor Hales and Portland City Commissioners:

For 75 years Providence Portland Medical Center has played a critical role serving Portland's eastside residents, driven economic development and continues to be a good steward of community resources. We recognize the need to balance growth with appropriate accommodations for all Portland residents, and appreciate the City of Portland's work to update the Comprehensive Plan.

Throughout the past two years, Providence has consistently engaged in discussions with officials and provided public comment regarding our primary concern – the lack of guidance about transitioning from current to future zoning requirements. A concern that's amplified when, parallel to the drafting of a new Comp Plan and campus zoning requirements, the Portland Bureau of Transportation is considering extensive rule changes for Transportation and Parking Demand Management requirements.

Providence takes our commitment to the City and our neighbors very seriously. In our most recent Employee Commute Option Survey we have reduced our Single Occupancy Vehicle rate to 68 percent, from a high of 88 percent. To continue this success, we've also adopted a Transportation Management Plan that exceeds City requirements and outlines a series of innovative strategies to ensure we continue to reduce our SOV use over the next 20 years. Of note, our TDM strategies are focused solely on reducing the SOV rate; Providence Portland does not have parking supply concerns.

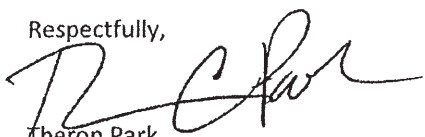
Our past, and future, success hinges on the flexibility to implement TDM measures that are most effective to reduce the SOV rate based on the attributes of our individual campus – these include access to public transportation, employee shift changes and neighborhood proximity, among others. The operational implications are considerable if the City adopts heavily weighted and very specific TDM strategies, like limiting campuses to require pay for parking, without considering issues specific to each campus. Furthermore, without consideration for the effectiveness of current TDM plans, restrictive TDM requirements may not even result in a reduction of the SOV rate.

**At Providence Portland requiring that our caregivers pay for parking or paying them not to drive to work will not only have significant consequences on our facility operations – it will also have a negative impact on the finances of our staff and their families. Some of these consequences include:**

- **Adversely impact lower wage caregivers** - Forcing our lower paid employees to pay for parking may leave them with no other choice but to look for a different job where parking does not impact their paycheck.
- **Concerns about personal safety** – Health care professionals work shifts that vary significantly in duration and times, many of our caregivers have expressed concerns about personal safety, especially after dark while walking to and from the max, bus lines or biking on the Springwater Corridor.
- **Require renegotiation with contracted caregivers** – If Providence is required to charge our 1,200 unionized caregivers for parking, those terms must be bargained in all of our contracts, which may or may not be successful. Pay for parking will be a contentious issue and union negotiators would likely request that Providence pay or somehow offset the cost of the parking fee - this would result in little impact on the SOV rate and create a disparity between union and non-union caregivers.
- **Administrative cost and complexity of pay-to-park** – Providence currently has no systems or infrastructure in place to enforce and monitor a pay for parking system – the cost to implement and maintain such a system would be extensive.
- **Expense associated with pay-not-to-park** – If Providence Portland was required to pay caregivers not to park on campus we would be required to provide this benefit to everyone – including the 32 percent of people who already use alternative forms of transportation. Additionally, because of the added time it takes to commute using public transportation and the competitive health care workforce, incentives would need to be significant in order to have a real impact.
- **No commitment from TriMet to increase bus service** – Before requiring restrictive TDM strategies, the City should commit to increase public transportation or, at a minimum, to maintain current levels. When transit services were reduced between 2005 and 2009 we saw our transit usage drop from 16 to 10 percent. When transit service was increased again usage increased as well and we've maintained a 19 percent transit mode split since 2013.

Providence is committed to being a good partner in this work and future efforts to improve the wellbeing of all Portland residents. We appreciate the council's consideration of more flexible TDM strategies that allow campuses to adopt plans, which take into consideration both the attributes of individual campuses and meet SOV expectations set by the City. Please contact us if you would like to discuss this issue further.

Respectfully,



Theron Park  
Chief Executive, Delivery System  
Providence Health & Services – Oregon



Krista Farnham  
Chief Operating Officer  
Providence Portland Medical Center

October 6, 2016

Re: Parking Requirements In Mixed-Use Zones: Comprehensive Plan Early Implementation

Dear Mr. Mayor and Portland City Commissioners,

Portlanders for Parking Reform encourages the council to trade parking requirements for more affordable housing by eliminating minimum parking requirements in Mixed-Use Zones.

We ask Council members to propose an amendment allowing new mixed-use developments to be built without off-street parking. The Obama administration recently released a Housing Development Toolkit which supports this recommendation.

According to the report, “[parking] requirements have a disproportionate impact on housing for low-income households because these families tend to own fewer vehicles but are nonetheless burdened by the extra cost of parking’s inclusion in the development. The significant cost of developing parking – from \$5,000 per surface parking spot to \$60,000 underground – is incorporated at the start of the project, which can impede the viability and affordability of the construction.”

Portland’s current requirements not only make housing more expensive, but also harder to find. Hundreds of homes may not have been built since 2013 as parking thresholds distort the cost/benefit calculations for new apartment buildings. Our current parking requirements will undercut the effectiveness of incentives for affordable housing and any eventual inclusionary zoning rules. The recommended draft of the Mixed-Use Zones Project points out that “modeling revealed that additional required parking may limit utilization of the affordable housing bonus due to the high cost of providing structured or underground parking.” Exempting affordable units from these requirements is good, but a more effective action is to remove the requirements altogether.

Our request is supported by the Comprehensive Plan Goals and Policies which highlight the connection between parking policy and transportation/environmental goals:

*Policy 9.58 Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices.*

As most Portlanders can testify, off-street parking minimums also fail in their attempted goal of making curbside parking convenient. We can require developers to build garages, but we can't require people to park in them. The only way to make curbside parking more convenient in a busy neighborhood is to charge more for it. If the city prices its permits and meters properly, developers will be forced to provide adequate but not excessive off-street parking in new buildings without the city having to guess what that level is.

Trade parking requirements for more affordable housing in Portland. Eliminate minimum parking requirements in mixed use zones.

Sincerely,



Tony Jordan  
President - Portlanders for Parking Reform  
4540 SE Yamhill St.  
Portland, OR 97215  
twjordan@gmail.com  
971.207.1348

**From:** [Robinson, Michael C. \(Perkins Coie\)](#)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Cc:** "[Richard Piacentini](#)"; "[Ms. Martha F. Stiven \(mstiven@stivenplanning.com\)](#)"  
**Subject:** RE: Testimony by Ricard Piacentini  
**Date:** Thursday, October 06, 2016 9:07:34 AM  
**Attachments:** [image004.png](#)  
[portland zoning let\\_20161005111229.pdf](#)

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Please place this letter before the City Council for its deliberations on the zoning map amendments and in the official file for this Periodic Review Work Task. Please provide Mike Robinson with written notice to the address below of the City Council's final decision

**Michael C. Robinson | Perkins Coie LLP**

**PARTNER**  
1120 N.W. Couch Street Tenth Floor  
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Selected as 2014 "Law Firm of the Year"  
in Litigation - Land Use & Zoning by  
*U.S. News – Best Lawyers® "Best Law Firms"*

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**From:** Robinson, Michael C. (POR)  
**Sent:** Thursday, October 06, 2016 8:53 AM  
**To:** 'CPUtestimony@Portlandoregon.gov'  
**Cc:** 'Richard Piacentini'; Ms. Martha F. Stiven (mstiven@stivenplanning.com)  
**Subject:** Testimony by Ricard Piacentini

Please place this letter before the City Council for its deliberations on the zoning map amendments and in the official file for this Periodic Review Work Task. Please provide Mike Robinson with written notice to the address below of the City Council's final decision.

**Michael C. Robinson | Perkins Coie LLP**

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October 5, 2016

Mayor Charles Hales and Members of Portland City Council  
Portland City Hall  
1221 SW Fourth Avenue  
Portland, OR 97204

Dear Mayor and Commissioners,

I am Richard Piacentini and I am submitting this written testimony regarding the Proposed 2035 Zoning Map designations. I am an owner of Belmar Properties, and manage properties controlled by members of the John Piacentini family, including those in the following ownerships:

- Rosehill Investment, LLC
- John B. Piacentini Trust
- Louise Piacentini
- Siena Capital, LLC

Collectively, the companies and individuals own thirty (30) properties impacted by the Proposed 2035 Comprehensive Plan and the implementing Mixed Use Zones. Although two properties are vacant, the majority of the sites are occupied by small, retail businesses and fall into four of the Proposed Mixed Use Zones.

Belmar Properties supports the zoning as proposed by the Planning and Sustainability Commission (PSC) on most of the sites. In particular we are in support of the revised zoning for the property at SE 60<sup>th</sup> and Belmont. As you will recall you adopted the Mixed Use Neighborhood Comprehensive Plan designation for the property northeast of the intersection of SE 60<sup>th</sup> and Belmont. In turn, PSC has recommended that the property be zoned to CM2 and the adjacent parcel at SE 61<sup>st</sup> to CM1. We are in support of this recommendation and commend you for changing the Plan Designation.

However, we are concerned about several other recommendations by PSC. In our May 17 testimony to the Planning Commission, we requested that the CE zoning be applied to properties where economics are challenging and intense mixed use and pedestrian-oriented development is unlikely to occur in the near future. (See attached letter to PSC, dated May 17, 2016). Those properties are proposed as both CM1 and CM2. Since our request, we understand that the PSC has recommended prohibiting drive-through facilities and limiting some auto-oriented uses east of NE/SE 80<sup>th</sup> Avenue in order to allow opportunity for more local and pedestrian oriented development to occur over time. In general, we oppose this recommendation and are concerned that we continue to be allowed to lease to uses that are auto-oriented and consistent with the



needs of the area, until the market is appropriate for the mixed use development desired by the city.

Table One includes the properties that are proposed as CM1 by the PSC and we are requesting that they be rezoned to CE.

**Table One  
 Proposed CM1 /Requested CE Zoning Designations**

<b>Map #</b>	<b>Street Address</b>	<b>Cross Street</b>	<b>Proposed Comp Plan</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Overlay</b>	<b>Requested Zoning</b>
<b>1006</b>	10354 SE Holgate	SE 104th	MU-Dispersed	CS	CM1	None	CE
<b>990</b>	16152 NE Sandy	NE 162nd	MU-Dispersed	CN2	CM1	(h) (x)	CE
<b>1144</b>	907-917 SW Gibbs Street	SW 9 <sup>th</sup> Avenue	MU-Dispersed	CS	CM1	None	CE

The standards of the CM1 zone restrict both the use and the intensity of development more than do the standards of the CE zone. Given that these sites will be slow to redevelop as mixed use, we believe that the less restrictive CE zone is more appropriate at these locations at this time. The CM1 zone places restrictions on the retail sales and office uses and prohibits auto-related commercial uses. In addition, the CM1 zoning limits the development potential by restricting height to 35' and FAR to 1.5:1 as compared to the more appropriate height of 45' and FAR of 2.5:1 allowed in the CE zone. Therefore, we are requesting that the CE zone be applied to the property to allow greater flexibility in the types of uses allowed and greater density consistent with the development currently allowed within the neighborhood. If the proposed ban is placed on new drive-through facilities, at the Holgate and Sandy locations, we would continue to request the CE zoning in order to remove the limitations on retail and office uses and to increase the allowable density.

It should also be noted that the properties on SE Holgate and on SW Gibbs Street at are currently zoned Commercial Storefront and allow a maximum height of 45' and a maximum FAR of 3:1. The proposed CM1 zoning is a reduction in development potential when compared to that which is currently allowed. The requested CE zoning is more similar to the CS zone in terms of both uses and potential density. Given the density around both areas, the desire for increased housing opportunity and demand for mixed use development, we would request that these sites be rezoned to CE to capture the lost development potential of the CM1 zoning regardless of the outcome of the prohibition on drive-through and auto oriented uses.

We also request CE zoning on four (4) of our properties currently proposed to be rezoned to CM2 as shown in Table Two.

**Table Two  
 Proposed CM2 /Requested CE Zoning Designations**

<i>Map #</i>	<i>Street Address</i>	<i>Cross Street</i>	<i>Proposed Comp Plan</i>	<i>Existing Zoning</i>	<i>Proposed Zoning</i>	<i>Overlay</i>	<i>Requested Zoning</i>
1194	12217 SE Foster Road	SE 122 <sup>nd</sup>	MU- Civic Corridor	CG	CM2	None	CE
1007	4504 SE 122 <sup>nd</sup> Ave	SE Holgate	MU – Civic Corridor	CS	CM2	None	CE
44	11150 SE Division	SE 112 <sup>th</sup>	MU-Civic Corridor	CN2/R2	CM2	(a)	CE
1179	11080 NW St Helens Rd		MU- Neighborhood	CG	CM2	None	CE

We requested that the PSC recommend CE zoning on these properties (See attached letter). Three of the sites, SE 122<sup>nd</sup> and Foster Road, SE 122<sup>nd</sup> and Holgate and SE 112<sup>th</sup> and Division are east of SE 80<sup>th</sup> Avenue and subject to the recommended drive-through window prohibition. We continue to oppose the drive-through window prohibition as we believe it is prudent to continue to allow auto-oriented uses until such time as the market warrants mixed use development. However, if the prohibition is implemented, then the advantage of the CE zoning is eliminated. For that reason, if the drive-through windows and auto-oriented uses are prohibited, we would support the current recommendation of CM2 zoning.

The fourth property on this list is located in the Linnton neighborhood and is proposed to be zoned CM2. It is not impacted by the proposed ban on drive-through windows and restrictions of auto-oriented uses. This site is located between Highway 30 and railroad tracks that run parallel to the highway. The land to the west of Highway 30 has been proposed for CE zoning and the property to the east has been proposed as CM2 zoning. It is unlikely that this area will support redevelopment or the increased densities allowed in either the CM2 or CE zones at this time. Therefore, in order to allow flexibility in future land uses until redevelopment is likely to occur, the CE zoning is appropriate for both the east and west sides of Highway 30. For this reason, Belmar Properties is requesting the CE zoning on this property.

We are also requesting increased density for the property at 1206 SE Belmont, southeast of the intersection of SE Belmont and 12<sup>th</sup> Avenue. Twelfth Avenue is the eastern boundary of the Central City. As shown in Table Three, Belmar Properties requests that this vacant property be zoned CM3 which would allow for greater height and density than proposed.

**Table Three  
 Proposed CM2 /Requested CM3 Zoning Designations**

<i>Map #</i>	<i>Street Address</i>	<i>Cross Street</i>	<i>Proposed Comp Plan</i>	<i>Existing Zoning</i>	<i>Proposed Zoning</i>	<i>Overlay</i>	<i>Requested Zoning</i>
1168	1206 SE Belmont	SE 12 <sup>th</sup> Avenue	MU-Urban Center	CG	CM2	(d)	CM3

Mayor Hales and Commissioners  
October 5, 2016

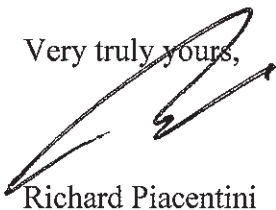
The proposed code identifies where the CM3 zone is appropriate and states one of the criteria as “in locations close to the Central City”. This site is currently undeveloped and with the amount of development occurring in the vicinity is likely to redevelop in the near future. It has the ability to blend with the Central City EX zoning which is on the west side of 12<sup>th</sup> Avenue where maximum building height with the bonus can range from 50 feet to 125 feet. This is an excellent site to accommodate greater density with a high likelihood of occurring in the near future. This corner can be zoned and developed as CM3 property with no negative impact on the land use pattern. Moving from west to east along SE Belmont Street, the pattern would be EX west of 12<sup>th</sup> Avenue, CM3 at the corner and moving east, CM2. The area along SE Belmont from SE 12<sup>th</sup> Avenue to mid-block between NE 15<sup>th</sup> and NE 16<sup>th</sup> is within a design district allowing for control over building transitions, frontages and exterior design. For these reasons, Belmar Properties believes CM3 is the best zone for this site.

### **Non-conforming Development**

We understand that the mixed use zoning project addresses building scale, transitions, historic and local character and other design and context related issues. These standards have the potential to create nonconforming development issues for built properties affected by the mixed use zoning project. As the proposed comprehensive plan designations will be implemented by the zoning designations, we are not able to support any plan that may render existing development non-conforming. If properties are made to be non-conforming, it may hinder their upkeep and/or expansion.

Thank you very much for the work you have put into the city’s future. We request that you consider our request and make the changes we have presented.

Very truly yours,



Richard Piacentini

Attachment

Cc: Marty Stiven, STIVEN Planning & Development Services, LLC  
Michael Robinson, Perkins Coie

# STIVEN

planning and development services, llc.

May 17, 2016

Chair Katherine Schultz & Members of the Planning & Sustainability Commission  
1900 SW 4<sup>th</sup> Avenue  
Portland, OR 97201

Dear Chair Shultz and Members of the Commission,

I am writing on behalf of Richard Piacentini and am submitting this written testimony regarding the Proposed 2035 Zoning Map designations. Richard Piacentini is owner of Belmar Properties, and manages properties controlled by members of the John Piacentini family, including those in the following ownerships:

- Rosehill Investment, LLC
- John B. Piacentini Trust
- Louise Piacentini
- J&F Investments, LTD

Collectively, the companies and individuals own thirty (30) properties impacted by the Proposed 2035 Comprehensive Plan and the implementing zoning. Although two properties are vacant, the majority of the sites are occupied by small, retail businesses and they fall into all four of the Proposed Mixed Use Zones.

Belmar Properties supports the proposed zoning on most of the sites. This letter addresses the zoning of nine (9) properties that we believe should be zoned differently than what has been proposed at this time. Those properties can be grouped together in one of four groups as follows:

- Properties proposed for Commercial Mixed Use 2 (CM2) but we believe should be zoned Commercial Employment (CE);
- Properties proposed for Commercial Mixed Use 1 (CM1) but we believe should be zoned CE;
- Properties zoned CM1 but we believe should be zoned CM2; and,
- Property zoned CM2 that we believe should be zone Commercial Mixed Use 3 (CM3).

Table 1 provides the details of the first four properties which include those that are proposed for CM 2 zoning that we believe should be zoned CE. All four properties are currently developed as single story retail sites and are located in Portland's outlying areas (three are east of I-205 and one is in the Linnton community). The CE zones while allowing all of the uses allowed in the CM2 zone allow a few additional auto oriented uses such as vehicle servicing, self service storage and limited warehousing. In addition the CE zone allows drive through windows such as those provided at banks, pharmacies and food establishments. By allowing the CE zoning, the

14620 uplands drive • lake oswego, oregon 97034 • tel 503.351.8301 • mstiven@stivenplanning.com

Table One  
 Proposed CM2 /Requested CE Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
1194	12217 SE Foster Road	SE 122 <sup>nd</sup>	MU- Civic Corridor	CG	CM2	None	CE
1007	4504 SE 122 <sup>nd</sup> Ave	SE Holgate	MU – Civic Corridor	CS	CM2	None	CE
44	11150 SE Division	SE 112 <sup>th</sup>	MU-Civic Corridor	CN2/R2	CM2	(a)	CE
1179	11030 NW St Helens Rd		MU- Neighborhood	CG	CM2		CE

sites will remain viable development sites until the more dense mixed use development is in demand.

12217 SE Foster Road (Map Change 1194)

Specifically, the site at SE 122<sup>nd</sup> and SE Foster Road is appropriate for the CE zoning. The site is located on the northeast corner of the intersection of SE 122<sup>nd</sup> and SE Foster Road and is occupied by a Plaid Pantry shop. A service station is located on the northwest corner of the intersection. The three other corners of the intersection have been proposed for CE zoning. The CE zoning is surrounded by proposed CM2 zoning on three sides SE 122<sup>nd</sup> Avenue includes four drive lanes with a center turn lane. SE Foster Road is four lanes with a center median until it narrows to 2 lanes east of the subject property. There is no discernible difference between the properties northwest, southwest or southeast of the intersection and the subject property located at the northeast corner. The entire corner is appropriate for CE zoning and development. The request for CE zoning at the northeast corner of the intersection can be accommodated by moving the line between the CE and the CM2 further east. There would be no further impact on the nearby residential development as the CM2 zoning would still be present between the proposed CE zoning at the corner and the residential developments to the north and east. Therefore, there seems to be no reason that the subject corner was deemed appropriate for CM2 zoning and not the CE zoning on the other corners. Belmar Properties requests that the CE zoning be placed on this property.

4504 SE 122<sup>nd</sup> Avenue (Map Change 1007)

This site is located southeast of the intersection of SE 122<sup>nd</sup> and SE Holgate. All of the properties surrounding the intersection are proposed for the CM2 zoning. However properties surrounding other intersections along SE 122<sup>nd</sup> have been designated for the CE zoning, specifically at the intersections of Foster Road and Powell Boulevard. The land use and development pattern appears similar at the 122<sup>nd</sup>/Holgate intersection and could be similarly zoned CE. There is no land zoned for CE development along Holgate between I-205 and Gresham. It is appropriate for intersection of SE Holgate and SE 122<sup>nd</sup> to allow the additional auto-oriented uses allowed in the CE zone.

11132 SE Division (Map Change 1179)

This site is located southwest of the intersection of SE 112 Avenue and SE Division Street. The Division Street corridor between I-205 and just east of SE 112<sup>th</sup> Avenue is zoned for Mixed Use development along its entire length. On the north side of SE Division, the properties between SE 104<sup>th</sup> and SE 112<sup>th</sup> are zoned CE. On the south side of SE Division, the properties are zoned CE from SE 105<sup>th</sup> to one lot east of SE 111<sup>th</sup>. The CE zoning excludes the corner of SE 112<sup>th</sup> and SE Division Street, where it seems most conducive to the auto oriented uses allowed by the CE zoning and not allowed in the CM2 zone. Again, this could be remedied by moving the zoning line between the CE and CM2 zoned properties to the east, without altering the land use pattern or impacting the nearby residential properties.

11080 NW St Helens Road (Map Change 44)

This site is located between Highway 30 and railroad tracks that run parallel to the highway and is occupied by a Plaid Pantry shop. The land to the west of Highway 30 has been proposed for CE zoning and the property to the east has been proposed as CM2 zoning. It is unlikely that this area will support redevelopment or the increased densities allowed in either the CM2 or CE zones. Therefore, in order to allow flexibility in future land uses until redevelopment is likely to occur the CE zoning is appropriate for either the east or west sides of Highway 30. For this reason, Belmar Properties is requesting the CE zoning on this property.

10350 SE Holgate (Map Change 1006)

16152 NE Sandy (Map Change 990)

Two properties are proposed for rezoning to CM1 but Belmar Properties believes that the CE zoning is more appropriate. Both sites are developed as the Plaid Pantry Convenience markets. The underlying Comprehensive Plan Designation is Mixed Use- Dispersed and as such, there are only two zones that can be implemented---CE or CM1. Both of these sites are located east of I-205 and are less likely to redevelop in the near future and would benefit from the allowance of auto oriented uses, such as drive through pharmacies, coffee shops or bank windows. For this reason, Belmar Properties requests that the CE zoning is implemented at these two locations.

Table Two  
 Proposed CM1 /Requested CE Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
1006	10350 SE Holgate	SE 103rd	MU- Dispersed	CS	CM1	None	CE
990	16152 NE Sandy	NE 161 <sup>st</sup>	MU- Dispersed	CN2	CM1	(h) (x)	CE

1206 SE Belmont (Map Change 1168)

The third category of property includes only one site---1206 SE Belmont, southeast of the intersection of SE Belmont and 12<sup>th</sup> Avenue. Twelfth Avenue is the eastern boundary of the Central City. As shown in Table Three, Belmar Properties requests that the vacant property be

zoned CM3 which would allow for greater height and density. The proposed code identifies where the CM3 zone is appropriate and states one of the criteria as "in locations close to the Central City. This site is currently undeveloped and with the amount of development occurring

Table Three  
 Proposed CM2 /Requested CM3 Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
1168	1206 SE Belmont	SE 12 <sup>th</sup> Avenue	MU-Urban Center	CG	CM2	(d)	CM3

in the vicinity is likely to redevelop in the near future. It has the ability to blend with the Central City EX zoning which is on the west side of 12<sup>th</sup> Avenue where maximum building height with the bonus can range from 50 feet to 125 feet. This is an excellent site to accommodate greater density with a high likelihood of occurring in the near future. This corner can be zoned and developed as CM3 property without negative impact on the land use pattern as the property to the west of the site is proposed for CM2 development. Moving from west to east along SE Belmont Street, the pattern would be EX west of 12<sup>th</sup> Avenue, CM3 at the corner and moving east, CM2. The area along SE Belmont from SE 12<sup>th</sup> Avenue to mid-block between NE 15<sup>th</sup> and NE 16<sup>th</sup> is within a design district allowing for control over building transitions, frontages and exterior design. For these reasons, Belmar Properties believes CM3 is the best zone for this site.

Table Four includes the final category of requested zone changes. They include properties that are proposed as CM1 properties that we believe are better suited to CM2.

Table Four  
 Proposed CM1 /Requested CM2 Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
254	815 SE 60th	SE Belmont	MU-Neighborhood	CO1	CM1	None	CM2
254	SE 61st & SE Belmont	vacant	MU-Neighborhood	R5	CM1	None	CM2

815 SE 60<sup>th</sup> Avenue & NE corner of SE 60<sup>th</sup> Avenue and SE Belmont Street

The City Council approved to amend the Proposed Comprehensive Plan map on these two properties from the originally recommended MU-Dispersed to MU-Neighborhood. The MU-Neighborhood Comprehensive Plan district allows for the implementation of three zones – CM1, CM2 and CE. Based on the fact that the Council found that the site was more appropriate for the Mu- Neighborhood plan designation, based on the surrounding land uses, the planned improvement for the intersections along SE 60<sup>th</sup> Avenue and the minimal incremental impact on the street system, Belmar Properties requests CM2 zoning at this location.

Chair Shultz and Members of the Planning & Sustainability Commission  
May 17, 2016

Specifically, properties at SE 60<sup>th</sup> and Belmont are suitable for a zone that allows greater development intensity than that which is allowed by the CM1 zoning. The property at SE 60<sup>th</sup> and SE Belmont is comprised of two adjacent properties. The city identifies one as 815 SE 60<sup>th</sup> Avenue and the other as SE 60<sup>th</sup> and SE Belmont, as shown in Table One. This location is well served by transit, is on a corner, and across the street from the five story Acute Rehab Medical Facility and is appropriate for mixed use development.

In addition, the intersections along SE 60<sup>th</sup> including Stark, Belmont, Burnside and Glisan are included for safety improvements in the propose Transportation System Plan. See project 70006. We have submitted written testimony to the Planning and Sustainability Commission in support of the 60<sup>th</sup> Avenue Corridor Project and requested its funding. I have attached a copy of the March 22 testimony. Together with the nearby development, the planned improvements to SE 60<sup>th</sup> and the revised Comprehensive Plan Designation, the CM2 zone is the most appropriate zone at this location.

**Non-conforming Development**

We understand that the mixed use zoning project addresses building scale, transitions, historic and local character and other design and context related issues. These standards have the potential to create nonconforming development issues for 27 built properties affected by the mixed use zoning project. As the proposed comprehensive plan designations will be implemented by the zoning designations, we are not able to support any plan that may render existing development non-conforming. If properties are made to be non-conforming, it may hinder their upkeep and/or expansion.

Thank you for the opportunity to present this testimony.

Very truly yours,

Martha F Stiven

Attachment

Cc: Richard Piacentini, Belmar Properties  
Mike Robinson, Perkins Coie



BELMAR PROPERTIES INC.

March 22, 2016

Ms. Katherine Schultz, Chair  
City of Portland Planning and Sustainability Commission  
1900 SW Fourth Avenue, Suite 7100  
Portland, OR 97201

RE: Proposed Transportation System Plan

Dear Chair Shultz and members of the Planning and Sustainability Commission

My name is Richard Piacentini and I am submitting this written testimony regarding the Proposed 2035 Transportation System Plan ("TSP") in conjunction with the 2035 Comprehensive Plan update. Our company, Belmar Properties, manages properties controlled by members of the John Piacentini Family including those in the following ownerships:

- Rosehill Investment, LLC
- Siena Capital, LLC
- John B. Piacentini Trust
- Louise Piacentini
- J&F Investments, LTD.

We own property located on the Northeast corner of the intersection of SE Belmont Street and SE 60<sup>th</sup> Avenue. We understand that the proposed TSP identifies improvements to intersections along SE 60<sup>th</sup> Avenue, including improvements at the Burnside, Stark, Belmont and Glisan intersections. This project is identified as Project 70006. We also understand that the project is identified as an unconstrained (unfunded) project. We would like to encourage that the Planning & Sustainability Commission recommend moving the project from unconstrained (unfunded) to constrained (funded) in order to improve the chances for these improvements to occur.

We are working with the City Council and staff to change the proposed Comprehensive Plan Map from Mixed Use-Dispersed to Mixed Use-Neighborhood and know that there are concerns about the capacity at some locations along SE 60<sup>th</sup> north of Belmont. TSP Project #70006 will serve to mitigate those concerns.

We appreciate your consideration of our request.

Very truly yours,

  
Richard Piacentini  
Belmar Properties

Cc: Mayor Charlie Hales  
Commissioner Steve Novick  
Michael C. Robinson, Perkins Coie  
Marty Stiven, Stiven Planning & Development Services, LLC.

2001 SIXTH AVENUE—SUITE 2300  
SEATTLE, WASHINGTON 98121  
PH 206.448.1975 | FX 206.448.1978  
richardp@belmarprop.com

From: [Liana Corliss](#)  
To: [BPS Comprehensive Plan Testimony: Liana Corliss](#)  
Cc: [Bill Ballenberg](#)  
Subject: Comprehensive Plan Implementation  
Date: Thursday, October 06, 2016 8:45:52 AM

---

**Liana Corliss** <[lianacorliss@gmail.com](mailto:lianacorliss@gmail.com)>

Wed, Oct 5, 2016 at 7:23 PM

Dear Portland City Council,

Thank you so much for allowing me to share my testimony with all of you.

My name is Liana Corliss , my address is 1626 SE 38th Avenue, one block south of Cesar Chavez Street and Hawthorne Boulevard. We have lived here since 1990.

I love my walkable neighborhood, where I can grocery shop, go to a movie, wash my dogs, buy a gift and have dinner 2- 3 minutes away. I can take the 14 bus downtown and the 75 north and south. I ride my bike to Providence on NE Glisan and 47th where I work as a Nurse Practitioner.

I understand and support the need for density housing and this is an important location to provide such housing and to share my wonderful neighborhood with more people.

I also believe in affordable housing, which is desperately needed in our city and I welcome that in my block as well.

The current zoning proposal would change every property in my block from R5 to CM2, with the exception of my house at 1626 and 1614 on 38th, (going from R5 to R2.5). This change to CM2 is too radical of a transition to the remaining residential properties. No other residential blocks are proposed to change so drastically. Potentially replacing all the lovely old Portland houses built in the early 1900s with 55-60 foot buildings is too drastic. The SE District Liaison Office of the Portland Bureau of Planning and Sustainability in fact proposed

zoning change of R5 to R2.5 to the north properties and R1 to the east of my house.

I propose the addresses east of mine, toward Cesar Chavez, 3829 and 1621-1627 be zoned to CMI or alternatively R1 to restrict height to 3 stories and soften the transition to abutting residential properties. I propose zoning the 3 houses north of 1614 (addresses 1604, 1534 and 1524) to R2.5 or alternatively R1. The properties side on the east side of Cesar Chavez are already CMI, with density housing at Cedarhurst Village.

Another important issue for me is solar shading. We have a large back yard that we have carefully landscaped to provide to habitat for bees and birds in this very urban location. The solar shading of a 60 foot building would potentially block a majority of my sun. Many species of birds, even hawks and peregrine falcons from Mount Tabor Park visit our back yard.

The stated goals of these zone changes are to " encourage economic prosperity, human health, environmental health, equity and resilience. "

My proposed zone change to CMI is a gentler transition for the properties abutting mine than CM2 and is in keeping with the zoning to the east side of Cesar Chavez at CM1 which includes high density housing at Cedarhurst Village.

I understand that future needs may change and zoning to CM2 may be the best plan for the future needs of the city.

At a Richmond Neighborhood Association meeting we discussed the many areas of high density housing potential in the Richmond Neighborhood. The potential capacity on Powell could provide many housing opportunities. Our block does not have to burden such an extreme change. The RNA is considering recommending zoning changes that lessen the impact on residential properties.

I am asking the Council to do the same for our block, lessening the impact while providing density housing and commercial opportunities.

We can provide density housing with a more gentle transition and impact on our lovely neighborhood.

Thank you for giving me your attention and time today.

Sincerely, Liana Corliss

**From:** [Dorothy Cofield](#)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Cc:** ["David Himmelberger"; lmerricson@yahoo.com](#)  
**Subject:** Emailing: CCF10062016  
**Date:** Thursday, October 06, 2016 6:40:47 AM  
**Attachments:** [CCF10062016.pdf](#)

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To Whom It May Concern:

Please place a copy of this testimony into the record for the City Council October 5, 2016 hearing on the Public Trail Map Alignment (Comprehensive Plan Early Implementation Package- Task 5 DLCDC's Periodic Review Work Order and distribute a copy of the testimony to the Mayor and City Council Members at the hearing today.

Thank you.

Dorothy S. Cofield  
Attorney at Law  
1001 SW 5th Avenue  
Suite 1100  
Portland, Oregon 97204  
COFIELD LAW OFFICE  
T: 503.675.4320  
C: 503.709.9859  
[www.cofieldlanduse.com](http://www.cofieldlanduse.com)

Your message is ready to be sent with the following file or link attachments:

CCF10062016

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



Dorothy S. Cofield,  
*Attorney at Law*

October 5, 2016

Mayor Charles Hales and Members of Portland City Council  
Portland City Hall  
1221 SW Fourth Ave.  
Portland, Oregon 97204  
VIA ELECTRONIC MAIL: [cputestimony@portlandoregon.gov](mailto:cputestimony@portlandoregon.gov)

*Re: Comprehensive Plan Early Implementation Package  
Major Public Trails Alignment Map*

Dear Mayor Hales and Members of the Council,

I represent David Himmelberger and Louise Erricson who own private property on Saltzman Road. Due to a mapping error, a public trail was shown traversing their property. See Exhibit B-1 of Cofield Law Office's July 25, 2016 Testimony Letter to the Portland Sustainability Commission (PSC).

The PSC is recommending that the public trail on the Himmelberger-Erricson property be aligned in the Saltzman Road right-of-way as shown on the proposed citywide map as attached. See Exhibit 1. Staff recommended this map correction to the PSC in its August 16, 2016 Memorandum, Attachment B, Segment 7. See Exhibit 2. Metro is also fully supportive of the Himmelberger-Erricson map correction. See Exhibit G 1-1 from July 25, 2016 Testimony to PSC.

The video from the August 23, 2016 PSC work session explained that the city planning staff had the wrong data when it placed the public trail on the Himmelberger-Erricson property and the realignment into the Saltzman Road right-of-way conforms with the Metro Regional Trail Map. See PSC August 23, 2016 Work session Video, Timestamp 1:05:41-1:06:51 and Attached Exhibit 5 - Minutes from August 23, 2016 Meeting.

The attached Recommended Zoning Map Changes show the portion of the public trail that was sited on the Himmelberger-Erricson property with a green line and how it has been realigned into the Saltzman Road right-of-way, See Exhibit 1. The Recommended Draft Map shows the realigned portion of the trail now in Saltzman Road, rather than on the Himmelberger-Erricson property. See Exhibit 4.

For these reasons, we urge the City Council to adopted the PSC's recommendation to remove the public trail from the Himmelberger-Ericson property as shown on Major Public Trails Alignment Map. Thank you for your consideration.

Please place a copy of this letter and attachments into the record of the proceeding and put my law office on the Notice List.

Very truly yours,

COFIELD LAW OFFICE

A handwritten signature in black ink, appearing to read "Dorothy S. Cofield". The signature is written in a cursive style with a large initial "D".

Dorothy S. Cofield

DSC:dsc  
Attachments: As Stated

cc: Clients



Dorothy S. Cofield,  
Attorney at Law

July 25, 2016

Planning and Sustainability Commission  
c/o Bureau of Planning and Sustainability  
1900 SW 4<sup>th</sup> Avenue, Suite 7100  
Portland, Oregon 97201

**Re: Task 5 – Miscellaneous Zoning Code Amendments  
Proposed Public Trail Alignment  
Property at NW Saltzman Rd., Portland  
State ID: 1N1W22AA 603**

Dear Members of the Planning and Sustainability Commission,

I represent David Himmelberger and Louise Ericcson, the owners of the above-referenced residential vacant lot (hereinafter “Owners”). The Owners received a letter from the Bureau of Planning on May 18, 2016 advising them that a future public recreational trail was proposed to be sited through their vacant lot, which is presently being developed through the City’s environmental review and building permit process. *See Attached “A-2” Site Plan and EA 14-236148 APPT.*

Upon further investigation with Metro and the City of Portland Parks Department, the Owners were told that the trail does not go on the Owners property but is sited in the right-of-way of Saltzman Road. *See Attached Westside Trail Master Plan Map 15, Segment 5.*

John Cole with the Bureau of Planning and Sustainability is recommending the Commission remove the public trail from the Owners’ property from the trail map as shown in staff’s proposed powerpoint slide. *See Attached Draft Slides E-Mail.*



The Owners are also proposing an amendment to Portland City Code (PCC) Title 33.430.080 that would allow a private, residential property in an environmental zone that is adjacent to a public trail to completely fence their property with a six-foot fence.

Allowing a private property owner to permanently fence their property adjacent to a public trail is a necessary measure to keep the public out of undesignated trail areas and keep private property safe, secure and clean.

PCC 33.430.080 only allows a temporary fence. PCC 430.22.080(D)(7). Title 33 is not clear whether a fence is allowed because it requires environmental review. *See Attached* Electronic Mail from Kathy Harden. At any rate, even if a fence is allowed after environmental review, the fence is restricted to 3.5 feet, which is not high enough to protect private property in the manner Metro suggests. *See Attached* Robert Spurlock Memo on Trail Design Best Practices p. 91 "Privacy of Adjacent Property Owners." The Safety Recommendations on Table 26 of the Memo recommend, "Encourage the use of neighborhood friendly fencing and also planting of landscape buffers." It seems that the issue of the height of the fence has to be that which is necessary to provide a reasonable measure of safety and to act as a sufficient deterrent to unwanted intrusion. The problem with public trails and private property are well documented in the Springwater Corridor and need to be addressed so that private property owners who are adjacent to public trails are not subject to these documented impacts.

**Proposed PCC 430.22.080.(D)\_\_\_\_ (Items Exempt from These Regulations)**

**"Installation of permanent fencing up to six feet tall around the perimeter of the private property when such property is adjacent to a public trail to protect private property from the public's entry;**

- (a) The added disturbance area is exempted from the maximum disturbance area standards in Table 430-1;**
- (b) and the disturbance area is located at least 30 feet from the top of bank of a stream or drainage and at least 50 feet from the edge of a wetland."**

Staff has not included the proposed fence amendment in this Miscellaneous Zoning update on the theory that it should be done in a "broader review" than this trail zoning amendment process affords.

We believe public trail designation process is the right process to concurrently amend Title 33 so that fences, which are not allowed outright at a sufficient height, will be able to adequately protect adjacent private property. The attached documents demonstrate that private property next to public trails must have secure fences. *See e.g.* Springwater Corridor Shooting; Robert Spurlock Memo on Trail Design Best Practices p. 91 “Privacy of Adjacent Property Owners”; Safety Issues Continue to Plague Springwater Corridor Trail; PBOT Publication - “A Path to Trail Safety.”

All of these exhibits point out that fencing to secure private property adjacent to public trails is key to decreasing criminal accessibility as well as protecting the health and safety of the private property owner and allowing them use and enjoyment of their property while at the same time promoting the City’s public trail system.

The Owners have an existing wire fence that partially surrounds the property. *See Attached* Photographs. As such, allowing the existing fencing to be replaced by amending Title 33 as suggested above will not create a substantially greater impact on the environmental resources on the property that are zoned “EC.”

We urge the Commission to adopt the proposed fencing amendment. I will be at the hearing on July 26<sup>th</sup> to testify and answer any questions the Commission may have.

Very Truly Yours,

COFIELD LAW OFFICE

  
Dorothy S. Cofield

DSC:dsc

CC: Robert Spurlock  
Emily Roth  
Client

## Dorothy Cofield

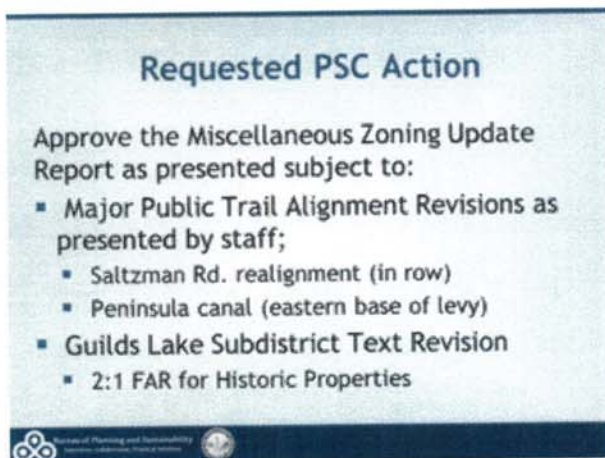
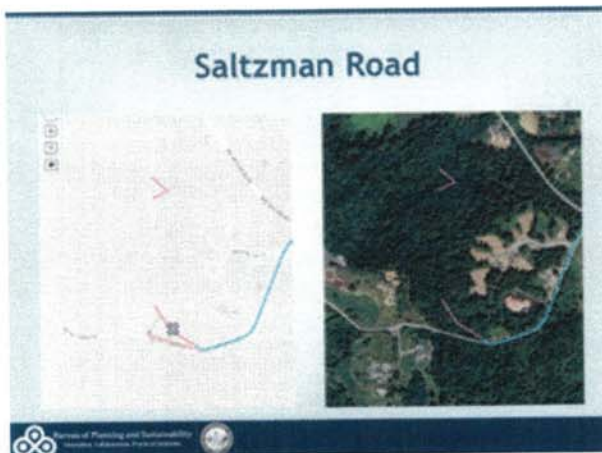
---

**From:** Cole, John <John.Cole@portlandoregon.gov>  
**Sent:** Monday, July 25, 2016 10:44 AM  
**To:** Dorothy Cofield  
**Cc:** david\_himmelberger@healthoutcomesgroup.com; lmerricson@yahoo.com  
**Subject:** RE: Misc Zoning Amendment Public Trail

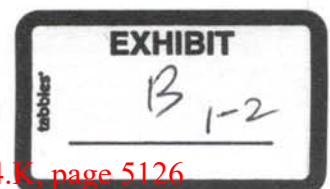
Dorothy,

These may be edited a bit prior to the meeting tomorrow but below please see the Powerpoint slides that will be presented to the commission regarding the Saltzman Rd Property and then the slide that describes Staff's larger request of the Planning Commission at the conclusion, of their meeting.

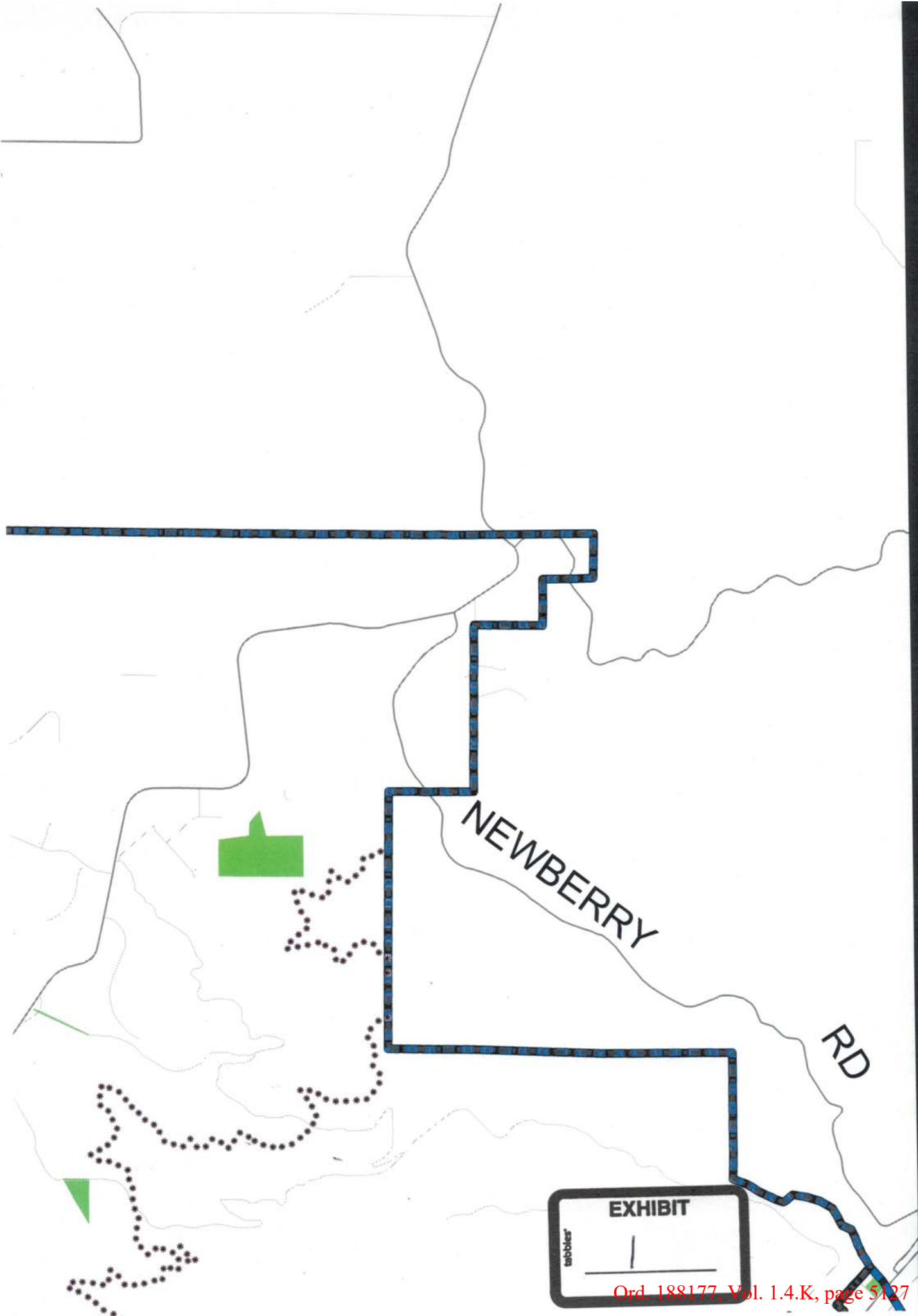
John



**From:** Dorothy Cofield [mailto:cofield@hevanet.com]  
**Sent:** Monday, July 25, 2016 9:51 AM  
**To:** Cole, John <John.Cole@portlandoregon.gov>  
**Cc:** david\_himmelberger@healthoutcomesgroup.com; lmerricson@yahoo.com  
**Subject:** Re: Misc Zoning Amendment Public Trail



# Recommended Zoning Map Changes (A





Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.

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## MEMO

**DATE:** August 16, 2016  
**TO:** Planning and Sustainability Commission  
**FROM:** Shannon Buono, Senior City Planner, and John Cole, Senior City Planner  
**CC:** Tom Armstrong, Supervising Planner  
**SUBJECT:** Zoning Map Trail Alignment

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At the Planning and Sustainability Commission meeting on August 23, 2016, the Commission will hold a final work session on the Miscellaneous Zoning Project. At the July 26 PSC hearing, the Commission directed staff to review the public testimony regarding the proposed Major Public Trails zoning map alignment and provide recommendations on requested amendments. The amendment requests came from the 40-Mile Loop trail organization and several property owners. What follows is an explanation of the purpose of this update of the zoning map trail alignment, and a generalized explanation of staff's responses to the 40-Mile Loop organizations amendment requests. Specific staff recommendations for each amendment request, both property owner and 40-Mile Loop requests, can be found in the attached spreadsheets. ]\*

### Purpose of Update:

The existing zoning map trail alignment has been in place since 1981. The trail alignment is implemented through the trail standards in 33.272, Public Recreational Trail. When development occurs on a site with the zoning map trail designation on it, an easement, and in some cases trail construction, is required. The zoning map trail alignment has not been updated for several years. Over time, additional trail planning and feasibility work has been done and trail easements have been acquired. In some cases, this additional work has result in a mismatch between the trail alignments on the zoning map and the actual or desired location of the trail.

For example, portions of the Springwater Corridor are currently designated on properties adjacent to Johnson Creek, but the trail has been built in the abandoned rail corridor. And, in many places the Columbia Slough trail is designated in the slough itself because at the time it was not clear on which side the trail would ultimately be located.



City of Portland, Oregon | Bureau of Planning and Sustainability | [www.portlandoregon.gov/bps](http://www.portlandoregon.gov/bps)  
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer

EXHIBIT

2

Ord. 188177, Vol. 1.4.K, page 5128

Major Public Trail Alignment Worksheet  
Property Owner Comments with Staff Response

Segment	Location	Property owner / Representative	Proposed Trail description	Property Owner objection or comment	City Staff Response	
1	2252, 2884, 2888-2891	Eastwood Park NOA	Sharon Goldsworthy	trail alignments crosses private Homeowners Association open space.	steep grades, environmental concerns, privacy	Do not agree. These segments are part of Metro regional trail alignment (Scouter Mtn trail) which was planned and endorsed by Metro through a public process.
2	2399	Peninsula Canal	LWVTWG	Trail alignment shown on top of levy	environmental concerns	No change necessary. The specific trail alignment within the site will be worked out with the property owner at the time of trail construction. In addition, the proposed alignment follows existing trail easements.
3	2423	Columbia Steel Casting	Martha Cox	10425 n Bloss Ave.	security concerns	Do not agree. This segment is part of a Metro regional trail alignment, which was planned and endorsed by Metro after a public process.
4	2436, 2440, 2861, 2862	Lewis & Clark	Steve Abel	trail crosses campus	needs ability to exclude specific people from campus	No change necessary. Exclusion policies can be addressed outside of the zoning map.
5	2503	SW Dosch Park Lane	Richard Glick	trail shown along private street ROW	trail must be approved by individual homeowners, privacy conflicts	Do not agree. This segment is part of the Southwest Urban Trail network established in 2000 through a PBOT public process.
6	2726	Broadmoor	Dana Krawczuk	Trail proposed along south and west side of fairways	Trail segment conflicts with ongoing golf operations, safety concerns	Agree. Move part of the alignment to the Metro/City of Portland owned property to the north, and then reconnect to NE Cornfoot via a trail alignment across the eastern edge of the golf course.
7	2852	Saltzman Rd	Dorothy Cofield	Trail segment cuts across private property	segment in error does not conform to METRO proposal	Agree. Relocate zoning map trail to align with the Metro Regional Westside trail located in the NW Saltzman ROW.
8	2871	River view abbey	Stephen Griffith	Trail segment connects across private property	alignment across property conflicts with development concepts	Agree. Trail alignment has been modified to more accurately reflect a feasible trail.
9	2875	Rich's/Angel	Stephen Janik	Trail segment connects across private property	Alignment cuts property in two, steep slope	Do not agree. The zoning map trail alignment in this location is aligned with the PP&R Sullivan's Gulch Trail study that was adopted by City Council in July 2012.
10	2881	Weston Investment	Joe Weston	Trail segment connects across private property	existing building, railroad row width make alignment unfeasible	Do not agree. The zoning map trail alignment in this location is aligned with the PP&R Sullivan's Gulch Trail study that was adopted by City Council in July 2012.
11	2905	Anchor Park LLC	Jan Yost	Trail segment connects across private property	security and safety concerns, conflicts with existing operations	Do not agree. The zoning map trail alignment in this location is aligned with the PP&R North Portland Greenway Trail study that was adopted by City Council in October 2013.

EXHIBIT

2

## Dorothy Cofield

**From:** Robert Spurlock <Robert.Spurlock@oregonmetro.gov>  
**Sent:** Tuesday, July 26, 2016 10:30 AM  
**To:** Dorothy Cofield  
**Cc:** 'David Himmelberger'; Imerricson@yahoo.com; Emily.Roth@portlandoregon.gov  
**Subject:** RE: Westside Trail Master Plan - City of Portland Zoning Amendments

Hi Dorothy,

You (or someone with GIS knowhow) can download a GIS layer with the adopted trail alignment. The GIS data is available at the following website: <http://rlisdiscovery.oregonmetro.gov/>. The layer will show that the adopted alignment does not go through the Himmelberger parcel. Here's a screenshot from an online map I have access to:



Thank you,  
Robert

---

**From:** Dorothy Cofield [mailto:cofield@hevanet.com]  
**Sent:** Monday, July 25, 2016 2:42 PM  
**To:** Robert Spurlock  
**Cc:** 'David Himmelberger'; Imerricson@yahoo.com; Emily.Roth@portlandoregon.gov  
**Subject:** Westside Trail Master Plan - City of Portland Zoning Amendments

Hi Robert,

My clients, David Himmelberger and Louise Ericcson, talked to you in early July about the location of the public trail that was mistakenly shown on their private property.

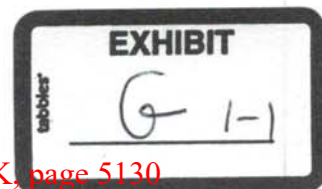
John Cole, with the City of Portland, is proposing a map correction to remove the trail alignment from the Himmelberger property.

Would you confirm that where the trail is proposed to go north from Saltzman Rd, it is not located on the Himmelberger property on its western boundary.

If you have a "to-scale" map showing this information, please e-mail it to me.

The Commission meeting is tomorrow at 4:00 p.m.

**Dorothy S. Cofield**  
Attorney at Law  
1001 SW 5<sup>th</sup> Avenue



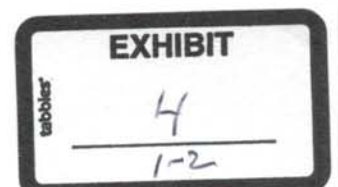
## Dorothy Cofield

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**From:** Wright, Sara <Sara.Wright@portlandoregon.gov>  
**Sent:** Friday, September 23, 2016 4:30 PM  
**To:** cofield@hevanet.com  
**Cc:** Cole, John  
**Subject:** major public trails alignment in the recommended draft

Ms. Cofield:

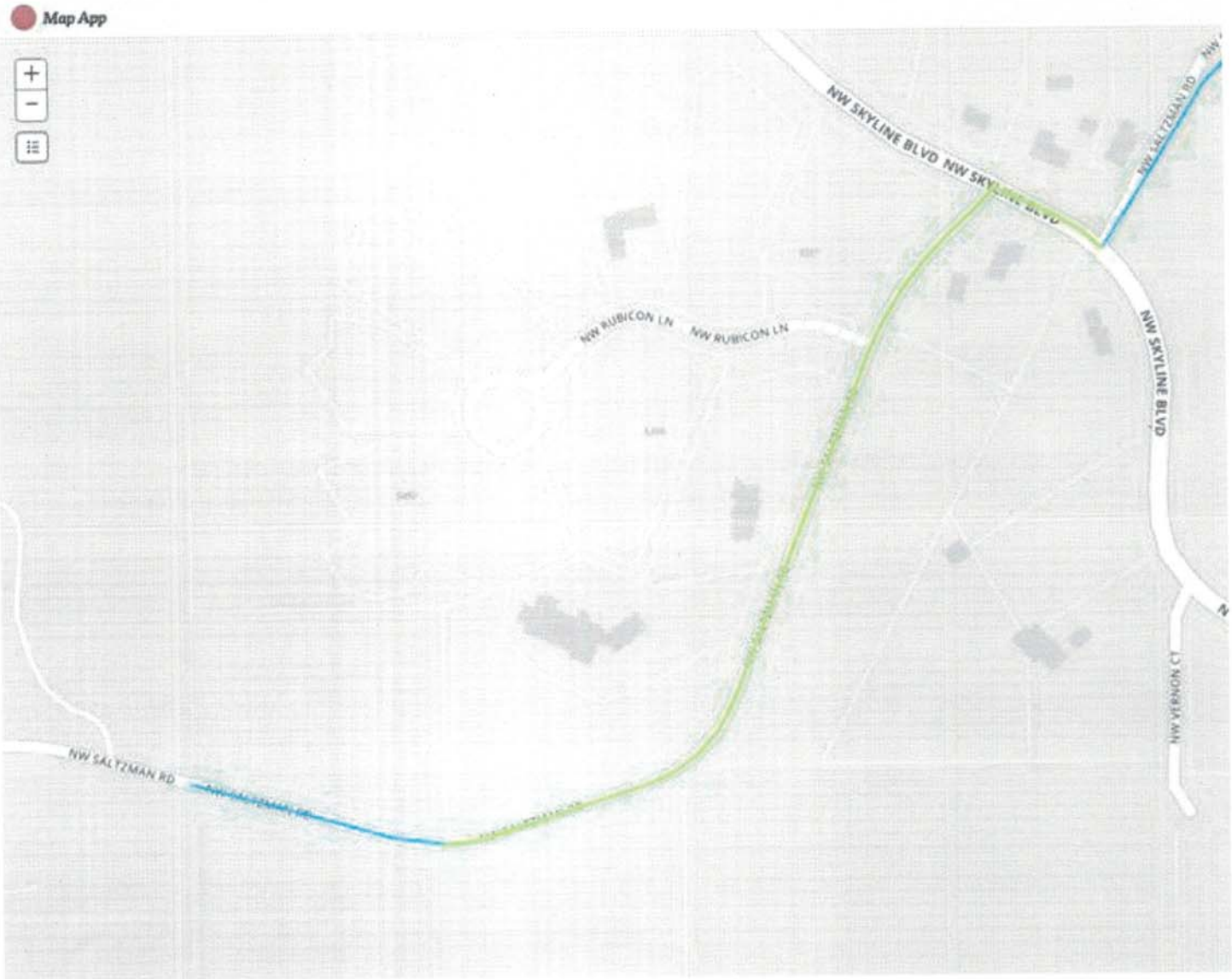
I looked up the testimony you submitted on behalf of your clients and found the property in question. The trail alignment is now proposed to run along Saltzman Rd, which I believe is the alignment that your clients wished to see. Below is a screenshot from the Map App, and you can also see a [PDF online](#) that shows the same information. The PSC [meeting minutes](#) from August 23 include a record of PSC discussion on the topic, and the [video of that meeting is also available](#). Please don't hesitate to follow up with me (contact info below) or with John Cole at 503-823-3475 if you need additional information or clarification.





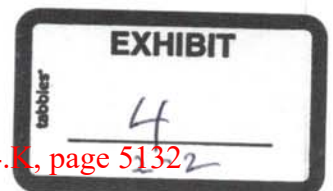
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← → ↻ <https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>



Sincerely,

Sara Wright  
Community Outreach and Information Representative  
City of Portland | Bureau of Planning and Sustainability  
p: (503) 823-7728  
[sara.wright@portlandoregon.gov](mailto:sara.wright@portlandoregon.gov)  
[www.portlandoregon.gov/bps](http://www.portlandoregon.gov/bps)



## Portland Planning and Sustainability Commission

August 23, 2016

3:00 p.m.

### Meeting Minutes

**Commissioners Present:** Jeff Bachrach (arrived 3:48 p.m.), Andre' Baugh, Mike Houck, Katie Larsell, Gary Oxman, Michelle Rudd, Katherine Schultz, Chris Smith, Eli Spevak, Teresa St Martin, Maggie Tallmadge

**City Staff Presenting:** Deborah Stein, Eric Engstrom, Tom Armstrong, Susan Anderson, Joe Zehnder, Shannon Buono, Bill Cunningham

*Chair Schultz* called the meeting to order at 3:00 p.m. and gave an overview of the agenda.

### Documents and Presentations for today's meeting

#### Items of Interest from Commissioners

- *Commissioner Smith* noted he mentioned a memorial ride at the last PSC meeting. We are now up to 31 traffic fatalities on our streets this year, the most recent of which was a high school girl. We are 30 percent ahead of last year's traffic fatalities. As part of my Vision Zero advocacy, I will continue to bring these issues and updates to the PSC.
- *Commissioner Larsell* is back from vacation and is glad to be back. Thank you for all the work you and staff have done in the last month and a half.
- *Commissioner Spevak* is working to launch an ADU effort through PSU and working with BPS staff.

#### Director's Report

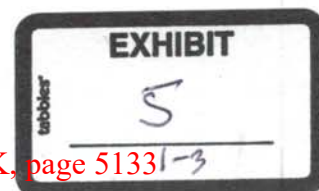
Susan Anderson

- In addition to the documents in front of you for today's session, you have hard copies of the Fossil Fuels Export Policy and Mass Shelters Zoning Amendments that you'll have hearings on at the September 13 meeting.
- We've been busy seeking funding to leverage our City funding related to the sustainability initiatives BPS works on. The good news is that we have four new grants totaling \$600,000.
- I've also been appointed to the Governor's air quality board, representing Oregon cities.

#### Consent Agenda

Consideration of Minutes from the August 2 and August 9, 2016 PSC meetings  
*Commissioner Smith* moved to approve the Consent Agenda. *Commissioner Houck* seconded.

The Consent Agenda was approved with an aye vote.  
(Y10 –Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)



**Southwest District**

*Southwest District disclosures and recusals*

- none

*Southwest District Vote*

*Commissioner Smith:* I move to adopt the Zoning Map amendments show in the Southwest District on the following maps dated August 17, 2016:

- “Zoning Map Changes”
- Overlay zone maps
- “Plan District Changes”

*Commissioner St Martin* seconded.

(Y10 – Baugh, Houck, Larsell, Oxman, Rudd, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

Susan: Congratulations to everyone for this major vote. These items took hundreds of hours before we could vote. In particular I wanted to thank Deborah, and this is perhaps her PSC meeting. She is moving on and retiring at the end of the year. Thank you for your dedication and efforts.

*Chair Schultz* shared her thanks for Deborah’s major contributions and work. All commissioners shared in the thank yous and recognition for Deborah’s work.

**Major Public Trails**

Tom Armstrong, Shannon Buono

Tom noted that BPS staff has worked with PBOT and PP&R as well as the 40-Mile Loop group. Staff agrees with some of the proposals and doesn’t with some of the proposed alignment changes as noted in the spreadsheet (attachment A in the memo). Some disagreement has to do with what’s noted on the Zoning Map versus the work on the Regional Trails map.

*Disclosures and recusals*

- *Commissioner Rudd* has colleagues who commented on this portion of the map and is recusing herself.

Shannon provided an overview of the project, which is part of the Miscellaneous Zoning Project. The goal is to reconcile the zoning map trail designations with the recently-adopted 2035 Comprehensive Plan Map. Shannon provided background and responses to testimony staff received.

The 40-Mile Loop group had 90 amendments, including the addition of a few trail alignments and disagreed with any removal of trails.

Staff generally agreed with the group’s requests when:

- the request is on land in public ownership or in a public right-of-way, and
- the alignment corresponds to a segment of a Metro Regional Trail, or a City of Portland planned or built trail.

✱ This resulted in approximately 25 requests.

Staff generally did not agree to keep an existing alignment or adding a new alignment when:

- recent trail planning or trail building efforts have identified a preferred alignment;
- no trail planning effort has occurred; or
- the alignment is not in the City of Portland, except for the Springwater Corridor.

After discussion with the 40-Mile Loop Land Trust and Commissioner Houck we have agreed to show the continuity of the Springwater Corridor where it dips outside the City limits in the trail data so that we

can create maps showing the entire alignment without interruption, but the stars won't show on a zoning quarter section map.

- Staff also responded to individual property owners' requests (11 total). They agreed with input from:
- Broadmoor Golf Course
  - Saltzman Road
  - Riverview Abbey

Staff did not agree to make changes on the following properties because they are part of a City or Metro process. As a reminder, in this project we are only aligning our stars with already-planned trails on the adopted Comprehensive Plan Map.

- Eastwood Park
- Peninsula Canal
- Columbia Steel Casting
- Lewis and Clark
- SW Dosch Park Ln
- Rich's / Angel Property
- Weston Property
- N Lagoon Ave

#### *Discussion*

*Commissioner Larsell* asked why a number of the trails being taken out of the Columbia Slough area are being taken off. I'm particularly asking about the far east side.

- Currently there are locations where the Zoning Map designations (stars) run down the slough because in 1981 no one knew which side of the slough would be the better alignment. Since then, it's been determined that the trail will mostly be on the north side. So we are taking them out of the middle of the slough and putting them there. We can continue to talk about these with the 40-Mile Loop group and PP&R as we go to City Council.
- There will be smaller items that, if you're not sure you want to make an amendment, there could be additional direction to Council via the PSC letter or when the project is at Council.

#### *Vote on the Major Public Trail Map*

*Commissioner Houck*: I move to approve the Miscellaneous Zoning Amendment package item #8, as amended by staff's "Zoning Map Trail Alignment" memo dated August 18, 2016 and shown on the Major Public Trails map. *Commissioner Smith* seconded.

*Commissioner Houck* appreciates that staff has met with the 40-Mile Loop group to discuss the alignments. Part of the angst on the part of trail advocates is that lots of these trails have taken 30+ years to get on the map, and connectivity is what it's all about. There were additional comments from Metro today. I do not want to muck up our process at this point so it was decided that those additional amendments could be handled at an upcoming City Council hearing. So I feel comfortable moving forward with this today knowing staff will continue to work with the 40-Mile Loop group and other partners, including Metro.

(Y10 – Bachrach, Baugh, Houck, Larsell, Oxman, Schultz, Smith, Spevak, St Martin, Tallmadge)

The motion passed.

**From:** [vskryha@aol.com](mailto:vskryha@aol.com)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Cc:** [Hales, Mayor](#); [Commissioner Fish](#); [Commissioner Fritz](#); [Commissioner Novick](#); [Commissioner Saltzman](#)  
**Subject:** Testimony in Support of 2:1 FAR in Alphabet Historic District  
**Date:** Thursday, October 06, 2016 1:31:25 AM  
**Attachments:** [Comp Plan Testimony re FAR in Alphabet Historic District 10-6-2016.pdf](#)

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Mayor Hales and Commissioners,

Please find a copy of my testimony attached.

Your consideration and support is appreciated.

--Vicki Skryh

From: [Michael Picco](#)  
To: [BPS Comprehensive Plan Testimony](#)  
Subject: Comprehensive plan  
Date: Thursday, October 06, 2016 7:01:01 PM

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I object to the proposed re-zoning of our Commercial properties at NE 162 Ave and Ne Halsey (1N2E36AA 100 & 1N2AA36AA 200) from the current General Commercial zoning to Commercial Employment (CE). This will reduce the development values of these properties and is a hardship on my senior citizen status. It reduces the value of the properties and effects my retirement with this zoning status change. We should be compensated in some way for this hardship.

Michael Picco, member  
TAMPPICCO< LLC



October 6, 2016

Members of the Portland City Council:

My name is Bill Bitar of 9828 E. Burnside, Suite 200, Portland.

I have lived and worked in East Portland for over 50 years. Now we see that the Planning Commission wants to ban all drive-thru restaurants because they want to eliminate fast foods east of 80th Ave, while the rest of the city enjoys this convenience. Is that really fair to the people in East County? How can you stop people from having something they want? Do you remember New York City's Mayor Bloomberg placing a ban on all sugary drinks larger than 16 ounces? The New York Supreme Court ruled against the ban, and now the drinks are back in stores.

Let's look at the bigger picture of East Portland. I feel that our elected officials should be concerned about what is happening in East County and not putting their emphasis on fast food drive-thru. Grocery stores like Safeway and Albertson's have closed. Target at 122nd & Glisan has closed. Why is this happening? The median income is too low to support them. We need a better mix of low-income and market-rate housing to raise the overall income level. I am sure you have all shopped at Trader Joe's, Whole Foods or New Seasons. It would be nice to have at least one in our area. You should be finding ways to support and encourage quality food stores to operate in East County – they are the heart of any neighborhood – instead of limiting access to fast food restaurants.

In closing, our company is losing 19 potential drive-thru locations under the proposed new zoning code. Not all of these properties would be workable for a drive-thru but, nevertheless, we are losing the drive-thru zoning designation. We currently have two fast food restaurants that will lose their drive-thru if the proposed zoning plan gets adopted. One is at 82nd & Fremont, and the other is at 92nd & Powell. I ask the Council to please retain the current drive-thru zoning for these two properties. I have listed their addresses and legal descriptions separately.

I strongly object to the new zoning proposals that arbitrarily limit the uses of properties in East County. Again may I say, the residents are entitled to drive-thru access here, just as in other parts of the city. I am requesting that you do NOT make any of the proposed drive-thru designation changes.

Thank you.

William F. Bitar  
Managing Member



Please retain the current zoning at the locations listed below that utilize a drive-thru to service their customers:

3511 NE 82<sup>nd</sup> Ave.  
R300347, R300348, R300349

9100 SE Powell Blvd.  
R333755, R333756, R333757, R333758





# East Portland Action Plan

October 5, 2016

Re: East Portland Action Plan support for proposed zoning to ban drive-through business expansion east of 80<sup>th</sup> Ave.

Dear Mayor Hales and Commissioners Fish, Fritz, Novick, and Saltzman:

East Portland Action Plan supports the Planning and Sustainability Council amendment to the Mixed Use Zones Project which will ban drive through business expansion east of 80<sup>th</sup> Ave. Drive through business is not the destiny of East Portland: we deserve planning for pedestrian and bike friendly development; cleaner air that leads to better health; the promotion of development that generates living wage jobs applicable to the skill sets of our diverse demographic population; and support for entrepreneurial small business development that is sustainable.

East Portland is 20% of the land mass of the City of Portland; has 29% of the City's population and 40% of the City's students; has significant racial/ethnic/language diversity (schools with over 50% native language other than English); and, has high rates of poverty (schools with 100% free or reduced lunch). When compared to the City of Portland, East Portland's demographic diversity surpasses the city's overall demographic averages for African American (double), Asian (double), Hispanic (1.5 times), and "other" races (1.5 times).

The East Portland Action Plan (Action Plan) was adopted by the City of Portland (2009) and Multnomah County (2010) to provide leadership and guidance to public agencies and other entities on how to strategically address community-identified issues and allocate resources to improve livability for neighborhoods and prevent displacement in the East Portland Neighborhood Office (EPNO) coalition area.

Our support for the Mixed Use Zones Project amendment banning the expansion of drive through businesses is based on the following East Portland Action Plan strategies and items:

- CM.1.1** Review commercial and mixed use zoning; ...consider access and walkability equitably through the area.
- CM.1.2** Promote redevelopment in "centers" and along "main streets."
- CM.2.3** Scope projects and support pedestrian infrastructure improvements in business districts.
- CM.2.8** Re-examine development regulations and fees for key East Portland business districts (i.e. Gateway, Lents, Division, and Parkrose); reduce barriers to quality development and job creation.

- T.2.4** Review policy: prioritize adding sidewalk connections over expanding/widening existing connections.
- NA.4.2** Require incorporation of environmental sustainability practices for all projects receiving public funding.
- EC.2.2** Identify and prioritize commercial nodes and commercial street frontages suitable for storefront and/or “main street” improvements; consider other design and infrastructure improvements.
- EC.3** Promote and support small and independent East Portland-based and owned businesses.

It has been said that East Portland needs more drive-through businesses built before it can evolve to a standard equal to the rest of the city. To that argument we say, let’s skip the evolution and go right to NO more drive-through businesses. We know that drive-through businesses can generate revenue, but once they are built in our neighborhoods, it is highly unlikely that those commercial properties will transition to meet the Action Plan needs expressed above.

Overall we see the Mixed Use Zone Project as positive for East Portland; Planning and Sustainability staff have been overall responsive and accessible to East Portland concerns. However, East Portland did end-up with more CE zoning than other parts of the city. CE is the only zone that will allow NEW drive-through businesses to be built. Some of this currently planned CE in East Portland is in centers, which is contrary to the 2035 Comprehensive Plan policy that limits drive-through businesses in centers (122nd & Burnside, 162nd & Division, and Parkrose). Additional East Portland planned CE is right outside of two other centers Rosewood (Stark between 140<sup>th</sup> & 162<sup>nd</sup>), and Jade (82<sup>nd</sup> to 92<sup>nd</sup>, Powell to Division).

Please see the attached map city-wide drive-through business locations and the spread-sheet listing the drive-through businesses currently in East Portland.

Thank you for your serious consideration of the implication this has on the future of development for those of us living and growing in East Portland.

Respectfully,



Arlene Kimura



Jeremy O'Leary

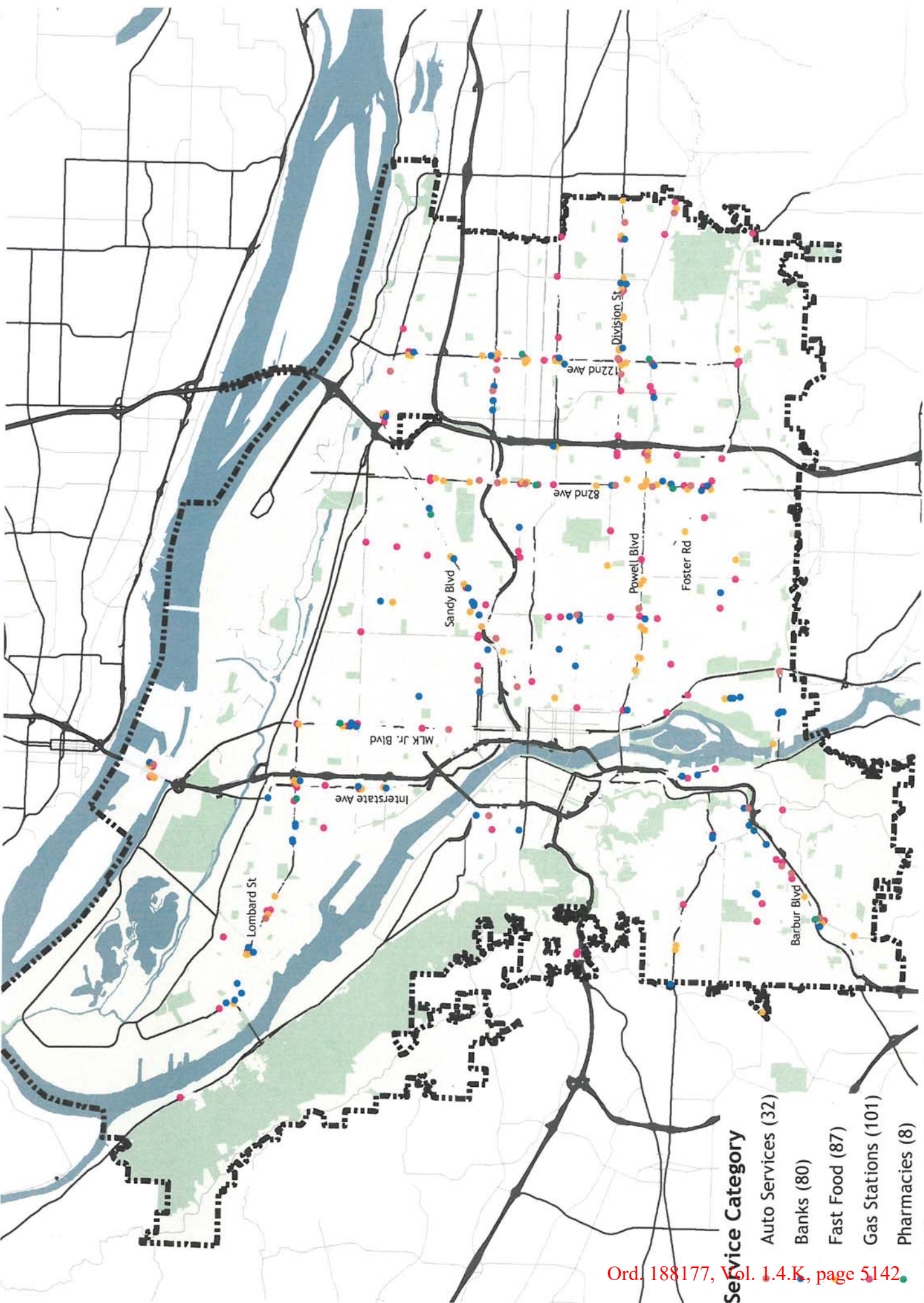
On Behalf of the East Portland Action Plan

- Cc: Chris Scarzello  
 Nick Kobel  
 Susan Anderson  
 Katie Larsell  
 André Baugh

**EAST PORTLAND ACTION PLAN**

[www.eastportlandactionplan.org](http://www.eastportlandactionplan.org)

East Portland Neighborhood Office 1017 NE 117<sup>th</sup> Ave. Portland, OR 97220  
 503.823.4035 or [lore.wintergreen@portlandoregon.gov](mailto:lore.wintergreen@portlandoregon.gov)



Ord. 188177, Vol. 1.4.K, page 5142.

**Service Category**

- Auto Services (32)
- Banks (80)
- Fast Food (87)
- Gas Stations (101)
- Pharmacies (8)

**Existing drive-thru locations in Mixed Use Zones**

Source: U.S. Bureau of Labor Statistics, QCEW, 2014; GasBuddy.com, 2016; Bureau of Planning and Sustainability, July 11, 2016.



1.5



Miles

name	street1	city	state	Category
136TH AND DIVISION DAIRY QUEEN	13608 SE DIVISION ST	Portland	OR	Fast Food
BEST BAGUETTE INC	8308 SE POWELL BLVD	Portland	OR	Fast Food
BRITTS EXPRESS LANE COFFEE LLC	10209 NE SANDY BLVD	Portland	OR	Fast Food
BURGER KING	12044 SE DIVISION ST	Portland	OR	Fast Food
BURGER KING	17218 SE POWELL BLVD	Portland	OR	Fast Food
BURGER KING	3830 SE 82ND AVE	Portland	OR	Fast Food
BURGERVILLE USA	16211 SE DIVISION ST	Portland	OR	Fast Food
BURGERVILLE USA	3504 SE 92ND AVE	Portland	OR	Fast Food
BURGERVILLE USA	4229 NE 122ND AVE	Portland	OR	Fast Food
BURGERVILLE USA	429 SE 122ND AVE	Portland	OR	Fast Food
BURGERVILLE USA	8218 NE GLISAN ST	Portland	OR	Fast Food
DON PEDRO III INC	4829 SE 82ND AVE	Portland	OR	Fast Food
DON PEDRO RESTAURANT	615 SE 122ND AVE	Portland	OR	Fast Food
DUTCH BROS COFFEE	13640 SE DIVISION	Portland	OR	Fast Food
DUTCH BROS COFFEE	17404 SE DIVISION	Portland	OR	Fast Food
FOSTER RD DAIRY QUEEN	12727 SE FOSTER RD	Portland	OR	Fast Food
JACK IN THE BOX RESTAURANTS	4242 SE 82ND AVE	Portland	OR	Fast Food
MCDONALDS	12109 NE GLISAN ST	Portland	OR	Fast Food
MCDONALDS	3330 NE 82ND AVE	Portland	OR	Fast Food
MCDONALDS	9100 SE POWELL	Portland	OR	Fast Food
MCDONALDS RESTAURANTS	5613 SE 82ND AVE	Portland	OR	Fast Food
STARBUCKS COFFEE	12613 SE DIVISION	Portland	OR	Fast Food
STARBUCKS COFFEE	1510 NE 122ND AVE	Portland	OR	Fast Food
STARBUCKS COFFEE	2850 SE 82ND AVE	Portland	OR	Fast Food
SUBWAY #38728 LLC	3103 NE 82ND AVE	Portland	OR	Fast Food
TACO BELL	12017 NE GLISAN ST	Portland	OR	Fast Food
TACO BELL	12605 SE DIVISION	Portland	OR	Fast Food
TACO BELL	1946 NE 122nd AVE	Portland	OR	Fast Food
TACO BELL	2247 NE 82ND AVE	Portland	OR	Fast Food
TACO BELL	3908 SE 82ND AVE	Portland	OR	Fast Food
TACO BELL	9350 SE STARK ST	Portland	OR	Fast Food
TACO TIME	1024 NE 82ND AVE	Portland	OR	Fast Food
TACO TIME	12122 SE DIVISION ST	Portland	OR	Fast Food
WENDYS	232 NE 82ND AVE	Portland	OR	Fast Food
WENDYS	4323 NE 122ND AVE	Portland	OR	Fast Food
KENTUCKY FRIED CHICKEN	12124 NE GLISAN ST	Portland	OR	Fast Food
KENTUCKY FRIED CHICKEN	14515 SE DIVISION ST	Portland	OR	Fast Food
KENTUCKY FRIED CHICKEN	8131 SE POWELL BLVD	Portland	OR	Fast Food
MOCHA EXPRESS INC	1951 SE 82ND AVE	Portland	OR	Fast Food
PANDA EXPRESS	1462 NE 122ND AVE	Portland	OR	Fast Food
PAPA MURPHYS	3335 SE 82ND AVE	Portland	OR	Fast Food
PERFECT CUP EXPRESSO INC	1350 NE 122ND AVE	Portland	OR	Fast Food
CARL'S JR RESTAURANT	14836 SE DIVISION ST	Portland	OR	Fast Food
CARL'S JR RESTAURANT	8205 SE RHINE ST	Portland	OR	Fast Food
JIFFY LUBE	11110 NE WEIDLER ST	Portland	OR	Auto Services
JIFFY LUBE	11545 NE SANDY BLVD	Portland	OR	Auto Services

MIDAS MUFFLER SHOPS	11750 NE HALSEY ST	Portland	OR	Auto Services
MIDAS	11750 NE HALSEY ST	Portland	OR	Auto Services
WASHMAN AUTOSPA	11838 SE DIVISION ST	Portland	OR	Auto Services
JIFFY LUBE	1237 NE 82ND AVE	Portland	OR	Auto Services
JIFFY LUBE	14305 SE DIVISION ST	Portland	OR	Auto Services
ECO CAR WASH INC	16942 SE POWELL BLVD	Portland	OR	Auto Services
JIFFY LUBE	2525 SE 82ND AVE	Portland	OR	Auto Services
WASHMAN AUTOSPA	315 NE 82ND AVE	Portland	OR	Auto Services
MEINEKE	3635 SE 82ND AVE	Portland	OR	Auto Services
ECO CAR WASH INC	5020 SE 82ND AVE	Portland	OR	Auto Services
JIFFY LUBE	9132 SE POWELL BLVD	Portland	OR	Auto Services
LES SCHWAB TIRE CENTER	16650 SE DIVISION ST	Portland	OR	Auto Services
LES SCHWAB TIRE CENTER	2010 NE 82ND AVE	Portland	OR	Auto Services
LES SCHWAB TIRE CENTER	2410 SE 122ND AVE	Portland	OR	Auto Services
WALGREENS	12215 SE POWELL BLVD	Portland	OR	Pharmacies
WALGREENS	12335 NE GLISAN ST	Portland	OR	Pharmacies
WALGREENS	3 NE 82ND AVE	Portland	OR	Pharmacies
WALGREENS	4325 SE 82ND AVE	Portland	OR	Pharmacies
BANK OF AMERICA	10120 NE SANDY BLVD	Portland	OR	Banks
RIVERVIEW COMMUNITY BANK	10401 NE HALSEY ST	Portland	OR	Banks
COLUMBIA STATE BANK	10735 NE HALSEY ST	Portland	OR	Banks
UKRAINIAN FEDERAL CREDIT UNION	11050 SE POWELL BLVD STE	Portland	OR	Banks
NORTHWEST COMMUNITY CREDIT UNION	12001 SE MORRISON ST	Portland	OR	Banks
US BANK NATIONAL ASSOC	12203 NE GLISAN ST	Portland	OR	Banks
NW PRIORITY CREDIT UNION	12630 SE DIVISION ST	Portland	OR	Banks
JPMORGAN CHASE BANK NA NW	14700 SE DIVISION ST	Portland	OR	Banks
KEYBANK NATIONAL ASSOCIATION	14701 SE DIVISION ST	Portland	OR	Banks
JPMORGAN CHASE BANK	1515 NE 112TH AVE	Portland	OR	Banks
US BANK NATIONAL ASSOC	16002 SE DIVISION ST	Portland	OR	Banks
WELLS FARGO BANK N A	1610 NE 122ND AVE	Portland	OR	Banks
US BANK NATIONAL ASSOC	3527 SE 122ND AVE	Portland	OR	Banks
BANK OF AMERICA	4012 SE 82ND AVE	Portland	OR	Banks
US BANK NATIONAL ASSOC	4100 NE 122ND AVE	Portland	OR	Banks
US BANK NATIONAL ASSOC	4300 SE 82ND AVE	Portland	OR	Banks
BANK OF AMERICA	510 SE 122ND AVE	Portland	OR	Banks
JPMORGAN CHASE BANK NA NW	5253 SE 82ND AVE	Portland	OR	Banks
WELLS FARGO BANK N A	5444 SE 82ND AVE	Portland	OR	Banks
BANK OF THE WEST	8135 SE DIVISION ST	Portland	OR	Banks
MBANK	9415 SE STARK ST	Portland	OR	Banks
76	13038 NE Sandy Blvd	Portland	OR	Gas Stations
76 (Menlo Park 76)	520 NE 122nd Ave	Portland	OR	Gas Stations
76 (Al'sAutomotiveCenter)	3445 NE 82nd Ave	Portland	OR	Gas Stations
ARCO	12140 NE Halsey St	Portland	OR	Gas Stations
ARCO (Vina Food Mart)	3442 NE 82nd Ave	Portland	OR	Gas Stations
Chevron (Parkrose Chevron)	4224 NE 122nd Ave	Portland	OR	Gas Stations
Leathers	10202 NE Sandy Blvd	Portland	OR	Gas Stations
Shell	9920 NE Sandy Blvd	Portland	OR	Gas Stations

Shell	10131 NE Sandy Blvd	Portland	OR	Gas Stations
Shell	515 NE 82nd Ave	Portland	OR	Gas Stations
76 (Max Mart & Deli)	12128 E Burnside St	Portland	OR	Gas Stations
76 (76 Station Foodmart)	9150 SE Division St	Portland	OR	Gas Stations
76	16150 SE Stark St	Portland	OR	Gas Stations
ARCO (ampm)	9222 SE Holgate Blvd	Portland	OR	Gas Stations
ARCO (Johnny's Arco)	16141 SE Division St	Portland	OR	Gas Stations
Astro	420 SE 122nd Ave	Portland	OR	Gas Stations
Chevron (Foster Rd Chevron)	12220 SE Foster Rd	Portland	OR	Gas Stations
Chevron (Fairview Plaza)	14440 SE Division St	Portland	OR	Gas Stations
Chevron	11214 SE Division St	Portland	OR	Gas Stations
Chevron	14801 SE Stark St	Portland	OR	Gas Stations
Chevron (Cain Petroleum)	17411 SE Powell Blvd	Portland	OR	Gas Stations
Chevron (ExtraMile)	9 SE 82nd Ave	Portland	OR	Gas Stations
Chevron (Montavilla Chevron)	527 SE 82nd Ave	Portland	OR	Gas Stations
Chevron (Gill Mart Chevron)	9138 SE Foster Rd	Portland	OR	Gas Stations
Fred Meyer	4718 SE 82nd Ave	Portland	OR	Gas Stations
Leathers (Bizy Mart)	11421 SE Powell Blvd	Portland	OR	Gas Stations
Mobil (82nd Gas for Less)	5322 SE 82nd Ave	Portland	OR	Gas Stations
Shell	5524 SE 82nd Ave	Portland	OR	Gas Stations
Shell	9218 SE Division St	Portland	OR	Gas Stations
Shell (Jackson's Store 527)	9215 SE Powell Blvd	Portland	OR	Gas Stations
Shell	3515 SE 122nd Ave	Portland	OR	Gas Stations
Shell (Hai's Shell)	12155 SE Foster Rd	Portland	OR	Gas Stations
Shell	2450 SE 122nd Ave	Portland	OR	Gas Stations
Shell	16331 SE Powell Blvd	Portland	OR	Gas Stations
Space Age	16431 SE Foster Rd	Portland	OR	Gas Stations
Space Age	8410 SE Foster Rd	Portland	OR	Gas Stations
Space Age (205 Gas)	9808 SE Division St	Portland	OR	Gas Stations
Space Age	12920 SE Stark St	Portland	OR	Gas Stations
Space Age (Neighborhood Store)	11214 SE Powell Blvd	Portland	OR	Gas Stations

October 5, 2016

Portland City Council  
1221 SW 4<sup>th</sup> Ave, Room 130  
Portland, OR 97204  
Attn: Comprehensive Plan Implementation

Re: Proposed Changes to the Major Public Trails Zoning Map Designation:  
Dosch Park Lane, Portland Oregon  
(Trail Segment 3892, State ID # 1S1E17AD 7200 and 1S1E17AA 8500)

Dear Mayor and Councilors:

On behalf of the Dosch Estates Homeowners Association (DEHA), I am writing to request that the Council reject the changes recommended by the Planning and Sustainability Commission (PSC) to include Segment 3892 on the Major Public Trails zoning map. We have received the September 6, 2016 Notice of Proposed Zoning Map Change, and are concerned by statements within the Notice that the designation could “affect the permissible uses” of our property and may affect value, and that our property may be considered for “future easement acquisition” by the City. The DEHA consents to no such designation.

The DEHA owns the two roads in Dosch Estates: (1) SW Dosch Park Lane, and (2) SW Campbell Court. Contrary to the designation of Segment 3892 on the City Map App as a “New proposal in public right-of-way,” there is not, and has never been, a public easement or right-of-way on either road. Further, the DEHA is unwilling to grant such an easement or right-of-way. Therefore, for this and other reasons explained below, the recommendation of the PSC must be rejected.

In the mistaken belief that an easement exists, and without consulting the DEHA, the City authorized placement of guide signs showing these roads as part of the SW Trails system. Moreover, the DEHA has learned that the City has previously included these roads on its SW Trails maps that are distributed to the public. The result of these errors has been a significant increase in foot and vehicular traffic, which is neither intended nor designed as a throughfare.

At our request and in response to comments filed before the DEHA, City staff has investigated and acknowledged that in fact no easement exists on Segment 3892. Also at our request, staff is arranging to have the SW Trails guide signs removed from our property. *See*, email exchanges between Rick Glick, John Cole and Michelle Marx, attached hereto as Exhibit A. It follows then, that Segment 3892 be removed from the Major Public Trails Zoning Map, and that the City instruct SW Trails to not include Segment 3892 in their guide maps.

## A BRIEF HISTORY

The property that today comprises the Dosch Estates was purchased by Henry and Mary Dosch in two transactions in 1883 and 1885. Upon the death of Mary Dosch, the property passed into a trust, with their daughter, Marguerite Dosch Campbell as trustee. Mrs. Campbell lived there with her family until her death in 1978. Shortly before she died, she sold the property to her grandson, James Driscoll, and his wife, Patricia. During this period of 95 years, the property was entirely private, with no public streets, roads or easements of any kind on any part of it.

In 1978, Mr. and Mrs. Driscoll decided to develop the property as a residential neighborhood, not as a conventional subdivision, but, rather, as a Planned Unit Development under newly-adopted provisions of the City Code. As a PUD the property could be developed with private roads rather than city streets. At that time, a public street had to be at least 44' wide, while a private road could be only 28' wide. It was not possible to construct a road 44' wide through the property without having to remove many of the existing large trees and impacting a nearby ravine. However, a road 28' wide could be aligned to pass around almost all the large trees without any filling of the ravine. For these reasons, the roads in Dosch Estates were from the outset all private roads.

This history is confirmed by the official plat of Dosch Estates, prepared in 1979 and approved by the City and by Multnomah County in 1978 and 1979. The final plat shows both roads as "TRACT E, COMMON OPEN SPACE, (PRIVATE ROAD)". The note "PRIVATE ROAD" is repeated on the plat at several points along the roads. This is further confirmed by Note 5 on the face of the plat, which reads: "Tracts "A" through "E" shall be owned and maintained by the Dosch Estates Homeowners Association." (emphasis added). Note 6 states: "Tract "E" to be subject to the right of the Portland Water Bureau for the purpose of constructing and maintaining water facilities. There is no reservation, or even any mention, of an easement or right of way for public access or travel. The final, approved plat was recorded on April 7, 1980 in Multnomah County records at Book 1213, pages 48,49, and 50.

The plat also stated, at Note 3, that it was "Subject to Restrictive Covenants recorded \_\_\_\_\_ in Multnomah County Deed Records." The Dosch Estates "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" (CC&R) was reviewed and approved by the City Attorney and recorded in 1982 in the Multnomah County records at Book 1439, pages 1061 - 1076. Article 1, Section 1, states: "'Association' shall mean and refer to the DOSCH ESTATES HOMEOWNERS ASSOCIATION, a nonprofit corporation organized under the laws of the State of Oregon, its successors and assigns." Section 4 states: "'Common areas' shall mean all real property owned by the Association for the common use and enjoyment of the owners. The common area to be owned by the Association at the time of the conveyance of the first lot is described as follows: 1. All roadways and footpaths within the properties; . . ."



Article II, Section 1., states: "Every owner shall have a right and easement of use and enjoyment in and to the common areas which shall be appurtenant to and shall pass with the title to every lot, subject to the right of the Association to dedicate or transfer all or any part of the common area to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument signed by three-fourths (3/4) of the members agreeing to such dedication or transfer has been recorded." To the present day, no one has ever sought a dedication or transfer of rights respecting the two roads, and no such transfer or dedication has ever occurred.

Since the development of the property, the DEHA has maintained the two roads at the sole expense of its members. The City and County have not participated in or contributed to either the construction or the maintenance of these roads. The Association has erected and maintained signs at both entrances that state: "PRIVATE ROAD." To date, no public trail or pathway has been constructed on or through any part of the Dosch Estates.

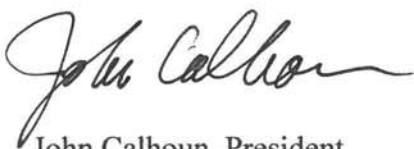
This summary is presented to show that the two roads in the Dosch Estates are private roads. They are owned by the DEHA. There has never been any transfer of a public easement or right-of-way to these roads. There is at present no actual trail on the roads or any other part of Dosch Estates.

The notice sent out in September states that the PSC has recommended that a segment of a "Major Public Trail alignment" should be located on the two roads in Dosch Estates. This implies that there is at present no such alignment. It also suggests that the PSC is operating on the erroneous belief that SW Dosch Park Lane and SW Campbell Court are city streets. Because these streets are and have always been entirely private property, the City has no authority to impose such an alignment. The PSC's recommendation must be rejected.

Thank you for the opportunity to comment.

Respectfully submitted,

Dosch Estates Homeowners Association



John Calhoun, President

4717 SW Dosch Park Lane  
Portland, OR 97239  
503-245-2663  
[john@johncalhoun.org](mailto:john@johncalhoun.org)

October 5, 2016

Mayor Hales and City Commissioners Fish, Fritz, Novick and Saltzman  
Portland City Council  
1221 SW 4<sup>th</sup> Ave, Room 130  
Portland, OR 97204

**RE: Support for RH FAR Change from 4:1 to 2:1 in the Alphet Historic District of NW Portland**

Greetings:

Thank you for consideration of a clarifying FAR change to correct a code inconsistency that exists in my neighborhood. The proposed change to the RH base zone FAR in the Alphet Historic District was proposed after much discussion within NW Portland and a careful analysis and balancing of City comprehensive plan goals that promote historic preservation, increased residential development (especially for affordable units), and the removal of existing code inconsistencies.

Currently, there are some RH-zoned portions of NW Portland that allow only 2:1 FAR development while others allow 4:1. These designations were somewhat arbitrary and predated the adoption of the historic district. On page 7 of the Alphet Historic District nomination, the multi-dwelling zoning (R1 and RH) is discussed. It is noted that "These zones pose a threat to the remaining single-family homes in the neighborhood". If you look at the map developed by city staff (see attachment<sup>1</sup>) and considered by the Planning and Sustainability Commission, you will see the large number of contributing historic properties on small lots. The Northwest District Plan and Historic District overlay zoning overrides the base RH zoning and requires development consistent with local historic character. The proposed FAR change makes base zone floor area allowances consistent with what is realistically allowed when considering the overlay zoning. This change will provide clarity, prevent misconceptions, and help to preserve the historic character in one of Portland's oldest neighborhoods.

I am a long-time affordable housing advocate and supportive of both existing and proposed affordable housing in my neighborhood. Responsible affordable housing development should always comply with zoning requirements and blend into local neighborhoods.

Many property owners, like our family, in the eastern portion of the Alphet Historic District have invested heavily in their older properties because they value the cultural heritage of the area. Maintaining the 4:1 FAR provides an incentive for less responsible owners to let their properties deteriorate in the hope they can eventually demolish existing buildings and build out-of-scale developments. This incentive should be removed. Property owners who maintain properties that contribute to our City's heritage should be supported.

Both historic preservation and affordable housing are important to our city. Preserving historic areas does not have to be incompatible with increasing density and expanding affordable housing. A thoughtful and balanced approach is best. These dual objectives can be pursued in harmony. Why not an affordable housing complex built to a scale compatible with the surrounding historic structures? Large, institutional buildings are no longer

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<sup>1</sup> From a planning staff memorandum dated August 17, 2016.

state-of-the-art. Segregating large numbers of people with very low incomes in huge buildings does not contribute to social justice and equity goals or a desired dispersion of poverty.

Several development strategies can be considered to enable a compatible development. Here are a few examples:

- Historic preservation tax credits can be used to support preservation of existing historic buildings.
- Mixed income development could be proposed so some higher income units, planned together with more affordable units, can enable a project to pencil out.
- Proposed nonprofit projects on nearby lots could partner to increase cost-effective development.
- Land acquisition can be appropriately negotiated to avoid excessive public subsidy of a privately owned site.
- Existing neighbors may be willing to work with nonprofit developers to purchase off-street parking and thereby subsidize a portion of the development cost (and address neighborhood parking shortage problems).
- Small preservation-oriented projects can sometimes prove to be more cost-effective than larger projects involving expensive demolition and extensive below-ground excavation.

Restore Oregon has published a document on Compatible Infill (see <http://restoreoregon.org/advocacy/>). It includes principles for development in historic districts and adjacent to historic resources. One key principle is that new construction will complement and support the historic district. This means “lot size, massing, siting, floor area ratio and height must correspond to the contributing buildings within the district.”

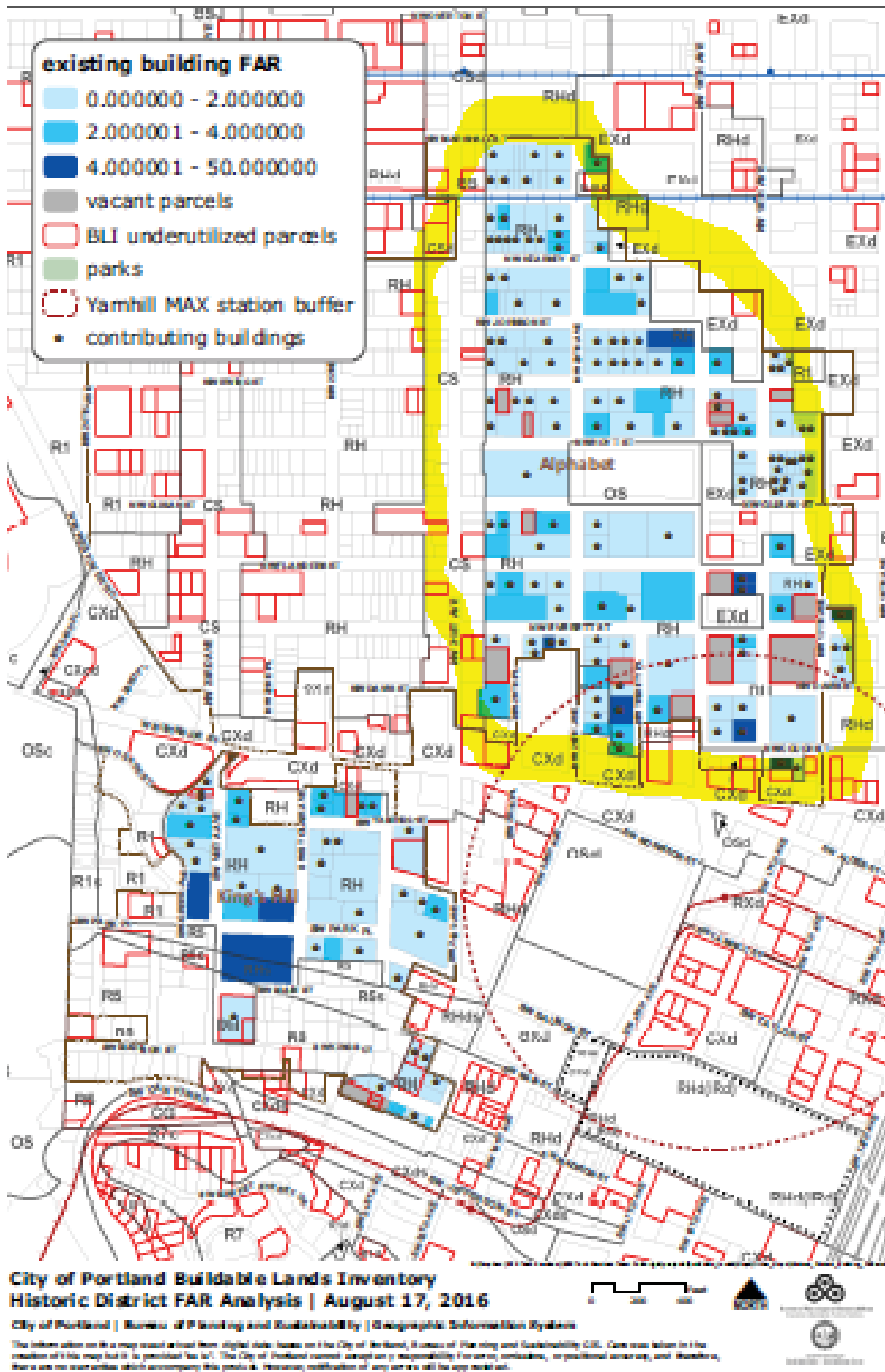
I urge the City to move forward with reducing the FAR to 2:1 in the RH zoned portion of the Alphabet Historic District to bring the base zone building allowance in line with the already existing overlay requirements. With some creativity, the City can then accomplish two goals: historic preservation and increased housing capacity.

Respectfully,

*Vicki Skryha*

Vicki Skryha  
1728 NW Hoyt  
Portland, OR 97209

Attachment



This map was developed by city staff and contained in a memorandum dated August 17, 2016 to the Planning and Sustainability Commission. It shows the high concentration of contributing historic properties (identified with black dots) on small lots in the eastern portion of the Alphet Historic District zoned RH (see yellow-highlighting -- added). There are not many under-utilized parcels, especially north of Glisan. The 2:1 FAR is very important to preserving these historic resources and disincentivizing their speculative deterioration.

Doug Klotz  
1908 SE 35<sup>th</sup> Pl.  
Portland, OR 97214  
Oct. 5, 2016

Portland City Council  
1221 SW Fourth Ave. Suite 301  
Portland OR 97204

Dear Mayor and Commissioners:

Inner Northwest Portland is the closest to an ideal neighborhood we have for reducing auto travel, reducing carbon footprint, providing alternatives to driving, and building a truly urban, progressive city.

In NW Portland, as shown on the **existing Map 120-8 and 120-9 (p. 29 and p. 31)**, there are currently large areas of RH zoning, which are mapped for an allowed FAR of 4:1. In the proposal, more than half of this area, over 22 blocks, is slated to be removed from this mapping (as shown on **the replacement maps 120-7 and 120-8 p. 67 and 69**)), meaning those properties have a maximum of 2:1 FAR. This is a massive downzoning, in one of the most transit, biking and pedestrian-friendly areas in the city. **The current mapping of 4:1 FAR allowances should not change. The higher density allowances here are crucial to achieving the housing and transportation and carbon reduction goals in this plan.**

Thank you.

Doug Klotz

Doug Klotz  
1908 SE 35<sup>th</sup> Place  
Portland, OR 97214  
Oct. 5, 2016

Portland City Council  
1221 SW Fourth, Room 130  
Portland, OR 97204  
Att: Comprehensive Plan Implementation

Re: 5000-5018 SE Hawthorne, zoning

Dear Mayor Hales and Commissioners:

The intersection of 50<sup>th</sup> and Hawthorne forms a node of mixed use, with one, two and four-story buildings, surrounding a small landscaped park. All of the surrounding properties at this intersection are currently zoned CS, and all should have the new CM-2 zoning. Yet, at the request of the Mt. Tabor Neighborhood, the one property that is on the east side of 50<sup>th</sup>, a historic mixed use building at **5000-5018 SE Hawthorne**, is proposed to be CM-1.

**This property should be zoned CM-2** as part of the Comprehensive Plan Implementation, to match the other corners of this key intersection, which forms a gateway to Hawthorne Blvd. The property owners are also in agreement with this.

Thank you.

Doug Klotz

dougurb@gmail.com

Doug Klotz  
 1908 SE 35<sup>th</sup> Pl  
 Portland, OR 97214  
 Oct. 5, 2016

Portland City Council  
 1221 SW Fourth Ave., Room 130  
 Portland, OR 97204  
 Attention: Comprehensive Plan Implementation

Mayor Hales and Commissioners:

I support the great majority of the code changes proposed here, and thank staff and Planning and Sustainability Commission for their diligence in compiling these changes. As a long-time pedestrian advocate and supporter of compact urban streets and neighborhoods, I have a few comments:

### **Code Language**

#### **CR zone characteristics (p. 95)**

I support new, limited application of the CR Zone. This is a good compromise to support these isolated commercial sites, and bring them into conformity by changing the Residential zoning to the CR Commercial Residential Zone. The accompanying regulations on size of building and hours of operation ensure that any adverse impacts on adjacent residential are minimized while providing very local commercial uses that provide needed services. Staff tell me this new zone is only intended for commercial sites within single-dwelling residential zones, but this is not reflected in the code language.

I recommend this change in the language for “Characteristics” in **33.130.030, A.:**

“...The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately ~~residential in character~~ zoned single-dwelling residential.”

#### **CM-1 CM-2, CM-3 new zones (P. 95)**

I support the CM-1, CM-2 and CM-3 zone classifications in **33.130.030**, and their broad application, replacing not only the CN zones, and CS and CM, but also in many cases unnecessary applications of the auto-oriented CG zone.

The Ground Floor window requirements have been substantially increased, and I support this effort to increase the pedestrian-friendliness of our commercial streets.

I have been and continue to be concerned about the reduction in capacity, really a “downzoning”, that is proposed with the 2.5:1 base FAR. The existing CS and CM zones allow effectively about 3.25:1 FAR. The idea with the Mixed Use Zones Project was to lower the base FAR in order to encourage developers

to take advantage of the Bonus structure, and build Affordable Units. Now that Inclusionary Housing requirements are imminent, some of that is a moot point

#### **Disadvantages for small lots**

However, in projects of less than 20 units, which would not require Inclusionary Housing, and of a size which are becoming more common now that larger lots have been developed, this will result in reduction in units, or killing the projects. The restrictive 2.5:1 base FAR in CM-2 remains, and it is unlikely developers will take advantage of the available voluntary bonus by building just two affordable units, e.g., where any gains in FAR are negated by ongoing administrative costs of such units. **To offset this, the base FAR for CM-2 lots under 7,000 s.f. should be increased to 3.25:1 FAR**, so at least the city will get more housing units, instead of no project at all.

#### **Ground Floor Window Options for Dwelling Units Figure 130-11, (p. 165) Drawing Error**

I agree with the concepts these drawings attempt to illustrate. However, there appears to be an error in the second drawing (“Front Setback”). The property line should be at the back of the sidewalk, not at the face of the building. This would then (as described in 33.130.230 (D)2(a)) properly show the front of the building set back” at least 5 feet from the street lot line”. The “street lot line” being the same as a “property line” in this case.

#### **Transit Street Main entrance (p. 173) “All” business hours**

I support these requirements, in **33.130.242**. I would make one change to the proposed subsection E. Modify it to remove the word “regular”, as this should apply to all times the business is open. Change the language to read: **“Unlocked during ~~regular~~ all business hours**. Each main entrance to nonresidential uses that meets the standards of Subsection C and D must be unlocked during ~~regular~~ all business hours.”

#### **Drive-Through Facilities (p. 193) East of 80th**

I agree with the intent, to limit the number and size of drive-through facilities in the city, and would hope that their number will diminish. I also welcome the prohibition on drive-throughs east of NE and SE 80<sup>th</sup> Ave. However, despite the extensive narrative in the Comment section, there is nothing in the Purpose statement that reflects the reasoning for the ban east of 80<sup>th</sup>. Lack of a purpose statement will make it easier to obtain adjustments to this section. Here is a proposed *addition* to the Purpose statement in **33.130.260 A. Drive-Through Facilities:**

East of 80<sup>th</sup> Avenue the prohibition of drive-through facilities limits the development of additional fast-food and other drive-through establishments, to reduce the negative effect of these establishments on the area’s residents, to help achieve a healthier and more pedestrian-oriented urban environment in East Portland.



### Drive-through facilities Multi-Modal Access (p. 279)

I heartily endorse the concept in **33.224.070** of eliminating discrimination by businesses based on mode choice. As a pedestrian advocate I have been raising this issue for decades. I would note that the approach taken, to have the drive-through facility serve walkers, can be improved on. Perhaps cyclists can mingle with queuing cars, but pedestrians should be more appropriately accommodated. I would change the proposed language thus:

"People arriving on foot, by mobility device, or by bicycle must be able to easily and safely access the services offered at a business or agency at any time it is open. Drive-through facilities, including automated services, can only be available at times when facilities are also available for those not in cars."

### Parking requirements in all Commercial/Mixed Use Zones) (p. 293 et seq.)

In **33.266.110 B. 1.**, I support removal of all requirements for auto parking in the Commercial/Mixed Use Zones. Parking requirements are a major driver of dwelling cost, as well as reducing the number of units that can be provided on the ever-dwindling number of sites in the 20-minute neighborhoods of our city. Removing the parking requirements will help alleviate the housing crisis. The *Housing Development Toolkit*, published by The White House in September 2016, recommends eliminating off-street parking requirements (p. 16), saying such requirements can “counteract city goals for increased use of public transit, walking and biking”, and that a recent study” found that minimum parking requirements were the most significant barrier to housing development...” Now that the City’s Parking Permit Systems language is finalized I urge you to adopt that along with the elimination of all parking requirements in the Commercial/Mixed Use Zones.

### Development Standards Purpose Statement (p. 313)

I support the addition of the two new bullets to **33.266.130 A.**:

“Create a strong relationship between buildings and the sidewalk”, and

“Create a sense of enclosure on transit and pedestrian street frontages.”,

Both of these principles are key to developing walkable neighborhoods and a walkable city.

### Location of Vehicle Areas (p. 317)

I oppose removing the current CS and CM “prohibition” of vehicles between a building and a street and the changing of it to “not allowed” in RX, CX, EX, and sites in CM1, CM2 and CM3 that are 2 acres or less in total area. There is never a good argument for placing vehicles between the building and the street, which this change would allow, using the Adjustment process. The language in the “**General Standard**” for these sites in **Table 266-3** should instead be:

“Prohibited ~~Not allowed~~ between a building and any street.”

### **Minimum Floor Area Ratio in Centers Main Street Overlay (p. 337)**

In section **33.415.310**, requiring a minimum FAR within the Centers Main Street Overlay zone is a very good idea. Nothing destroys the integrity of a “Main Street” shopping area like a large parking lot. I would go further than the proposal, though.

Whereas the proposed requirement is 0.5:1 FAR in the Inner Pattern Area, and 0.25:1 in the Outer Pattern Area, I would support the minimum FAR requirement in the Inner Pattern Area being at least 1:1, and in the Outer Pattern Area being 0.5:1.

### **Other Main Street Overlay requirements (p. 339)**

I support the 60 percent window coverage requirement and the requirement for at least one entrance for every 100 feet of building length, in **33.415.340** and **33.415.350**

## **Mapping**

### **CR zoning**

**I support all the current mapping of CR zone**, including 3400 SE Clinton and 4039 SE Clinton as well as 2914 SE 52<sup>nd</sup>. These isolated sites will be able to get financing and make improvements while still serving the immediate neighbors.

### **CM-2 zoning**

I support the mapping of CM-2 wherever it results in **equal housing capacity, or an increase in capacity**, compared to the existing zone. CS and CM have been automatically mapped as CM-2 in most cases. In many locations, existing CG has been remapped CM-2, which is an improvement, as it will result in more pedestrian-friendly development and potentially more housing, while still allowing most previous uses.

I oppose the previously proposed downzonings for “Low-rise Commercial” areas. The CM-1 zone in these locations would and will not prevent demolitions, and the CM-2 is needed in precisely these areas so whatever does get removed will be replaced with a higher intensity use, which is appropriate in the heart of these Neighborhood Centers.

### **CM-2 vs CE**

Certain large retailers like Fred Meyer and Safeway have asked for CE in many locations, such as SE Hawthorne Blvd. at SE Cesar Chavez Blvd., which are now CS. I support the Planning and Sustainability

Commission's (PSC) decision **to keep these sites, which are on transit corridors and Main Streets, mapped as CM-2.**

I disagree with CE mapping where it occurs on inner SE Powell. Powell has much potential to be a more pedestrian-friendly street, despite its current State Highway status. Especially notable are the parcels along Powell around Milwaukie Ave, close to a Light Rail station. **All of the CE zoning on Powell west of SE 53<sup>rd</sup> should be changed to CM-2 (or CM-3 in some spots).**

### **Upzoning to CM-2 to match Comp Plan**

BPS Staff, and also PSC, have designated certain parcels along Transit Corridors and at major Intersections, as CM-2, an upzone from R-5 or R-1, where the Comprehensive Plan designation is Mixed Use-Urban Center. I support this effort, which puts zoning in place to encourage the planned density at these important sites, rather than an intermediate zoning "step", which could result in too-small development holding back the desired density for the area. Development around important transit hubs like Chavez and Hawthorne pays many benefits in increased transit use, reduction in auto trips per capita, and easier access to shops for many new residents.

#### Chavez and Hawthorne Node

One such group of lots is along SE 38<sup>th</sup> and SE Cesar Chavez, between SE Hawthorne and Market. Many adjacent lots are being upzoned to R-2.5 or R-1, but these are Comp Plan Designated Mixed Use-Urban Center. I support changing the existing R-5 on these lots to **CM-2**, to match the Comp Plan designation. These lots are:

**1524, 1534 and 1604 SE 38<sup>th</sup>; 1523, 1535, 1605, 1613 and 1621-1627 SE Chavez, 3829 SE Market, and 1600-1604 SE Chavez.**

(I note that two properties on 38<sup>th</sup>, at 1614 and 1626 SE 38<sup>th</sup>, would be the remaining Residential zoning on that block. I would support a future process to change the Comp Plan on those two to MU-Urban Center and zone them CM-2, to match the rest of the block.)

### **CM-2 instead of CM-1**

#### Hawthorne and 50<sup>th</sup> Node

The intersection of 50<sup>th</sup> and Hawthorne forms a node of mixed uses, surrounding a small landscaped area. All of the surrounding properties at this intersection merit CM-2 zoning. Yet, at the request of the Mt. Tabor Neighborhood, the one property that is on the east side of 50<sup>th</sup>, a historic mixed use building at **5000-5018 SE Hawthorne**, has been proposed as CM-1. I join the property owners in requesting that **this property be zoned CM-2**, to match the other corners of this key intersection, which forms a gateway to Hawthorne Blvd. The buildings further east on Hawthorne seem appropriate for CM-1.

### **CM-3 instead of CM-2**

There are some sites in inner Southeast that are planned to be CM-2, but are of a large enough size and at an important transit intersection, where CM-3 would be the appropriate zone. One is listed below.

### Chavez and Powell Node

The large parcel at **3945-3975 SE Powell Blvd.** is served by the #9 Bus on Powell and the #75 on Chavez. Almost all of the bordering property is planned for CM-2 or R-1. This seems an ideal place to zone CM-3. The gas station at the corner, **3923 SE Powell**, could logically be zoned CM-3 as well. The corner is already planned for CM-2, which will make it a “non-conforming use”, but more in conformance with long-term plans for the area. CM-3 would affect it no differently, and contribute much more urban form and needed housing to the intersection.

### **Reduced FAR in RH areas in NW Portland**

In NW Portland, as shown on the **existing Map 120-8 and 120-9 (p. 29 and p. 31)**, there are currently large areas of RH zoning, which are mapped for an allowed FAR of 4:1. In the proposal, more than half of this area, over 22 blocks, is slated to be removed from this mapping (as shown on **the replacement maps 120-7 and 120-8 p. 67 and 69**), meaning those properties have a maximum of 2:1 FAR. This is a massive downzoning, in one of the most transit, biking and pedestrian-friendly areas in the city. **The current mapping of 4:1 FAR allowances should not change. The higher density allowances here are crucial to achieving the housing and transportation and carbon reduction goals in this plan.**

### **R-5 to R-2.5 Upzoning to Match Comp Plan**

Large stretches of residential zoning, a block or two on either side of transit corridors throughout the city, but mostly in inner Southeast, have had a Comp Plan designation of R-2.5 for 30 years, with a zone of R-5. Through the **Residential and Open Space project**, BPS staff looked at all these areas, and assessed whether now was the time to upzone them to R-2.5. **I agree with all of their decisions**, which changed most of the properties to R-2.5. This move will facilitate converting some larger houses to two-unit structures or to rebuild as rowhouses, and will help meet our housing needs in locations directly adjacent to transit corridors, areas that are well-served by transit and commercial services.

### **Conclusion**

I applaud city staff, Planning Commission, and the Council for addressing so many issues in this Comprehensive Plan process, and for the extensive outreach efforts and many hearings it has taken to get to this point. I hope my suggestions will help prepare the city to proceed in the next 20 years to address current and future issues in Land Use and Transportation.

Sincerely,

Doug Klotz

**From:** [Tamara DeRidder, AICP](#)  
**To:** [BPS Comprehensive Plan Testimony](#)  
**Cc:** [Treat, Leah](#); [Wagner, Zef](#); [Anderson, Susan](#); [Zehnder, Joe](#); [Engstrom, Eric](#); [Wagner, Zef](#); [Stark, Nan](#); [Stoll, Alison](#)  
**Subject:** "Comprehensive Plan Implementation" - RCPNA TSP Recommendations  
**Date:** Wednesday, October 05, 2016 9:07:29 PM  
**Attachments:** [RCPNA-LUandTC-CityCouncilRecommendationsTSPZoneChange10052016.pdf](#)

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Dear City Council Clerk,  
Please forward the attached document to Mayor Charlie Hales and City Commissioners as testimony by the Rose City Park Neighborhood Association on the Comprehensive Plan Early Implementation Package scheduled for the City Council public hearing Oct. 6th and 13h, 2016.

Please let me know if you have any questions or I can be of further assistance in clarifying this testimony.

Thank you!

Best,

Tamara

Tamara DeRidder, AICP  
Chair, RCPNA  
1707 NE 52nd Ave.  
Portland, OR 97213  
503-706-5804



Oct. 5, 2016 (Sent this day via e-mail to addresses listed below)

City of Portland  
Attn: City Council- [cputestimony@portlandoregon.gov](mailto:cputestimony@portlandoregon.gov)  
1221 SW 4th Ave, Room 130  
Portland, OR 97204

CC: Susan Anderson, BPS Director [Susan.Anderson@PortlandOregon.gov](mailto:Susan.Anderson@PortlandOregon.gov)  
Leah Treat, PBOT Director [Leah.Treat@portlandoregon.gov](mailto:Leah.Treat@portlandoregon.gov)  
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Alison Stoll, Exec. Director Central NE Neighbors [alisons@cnncoalition.org](mailto:alisons@cnncoalition.org)

Subject: "Comprehensive Plan Implementation" - RCPNA TSP Recommendations

Dear Honorable Mayor Hales & City Commissioners,

The RCPNA Land Use and Transportation Committee met on Sept. 29, 2016, for a Special Meeting to address the Transportation Systems Plan Stage 2 element of the Comprehensive Plan Early Implementation package. At that public meeting we had a lively discussion among the nine members present regarding the pros and cons of the proposed City Bikeway designation for both NE Sandy Blvd. and NE Halsey St.

**Regarding PSC Recommended Amendment dated Aug. 2016, Transportation System Plan Update: Recommended Draft, Section 5: Bicycle Classification Maps**

Topic: NE Sandy Blvd. proposed Bicycle Classification as a City Bikeway

RCPNA recommends:

- 1) Support local businesses by retaining on-street parking along NE Sandy Blvd. (unanimous)
- 2) Request that the City of Portland contact the businesses impacted along NE Sandy Blvd. for input prior to making a decision on changing the Streetscape. (unanimous) *Please note that our concern is with the businesses. This would require additional public notice to be sent by the City to the 'tenants' in addition to the typical notice that is usually addressed to the property owners.*

- 3) Require the city staff to conduct an objective detailed impact study on Sandy Blvd. implementation options that includes environmental, traffic(transit, freight, commuter, etc), business, and residential for public review prior to implementation (majority support)

Topic: NE Halsey St. proposed Bicycle Classification as a City Bikeway

RCPNA recommends:

- 1) Favor City Bikeway classification along a parallel route to NE Halsey St., rather than on NE Halsey St., between NE 67<sup>th</sup> Ave. and NE 47<sup>th</sup> Ave. (majority support)

Minority comment on both NE Sandy Blvd. and NE Halsey St. bikeway classification was “More bike lanes are good.”

**Regarding PSC Recommended Amendment, Transportation System Plan Update: Recommended Draft, Section 4: Bicycle Classifications and Objectives; Dated August 2016**

RCPNA recommends the following amendment:  
New language **bold and underlined**

“9.5.b. City Bikeways

City Bikeways are intended to establish direct and convenient bicycle access to significant destinations, to provide convenient access to Major City Bikeways and to provide coverage within three city blocks of any given point.

- Land Use. City Bikeways should support 2040 land use types and residential neighborhoods.
- Improvements. City Bikeways emphasize the movement of bicycles. Build the highest quality bikeway facilities. Motor vehicle lanes and on-street parking may be removed on City Bikeways to provide needed width for separated-in-roadway facilities where compatible with adjacent land uses and only after taking into consideration the essential movement of all modes **and health impacts based on air quality**. Where improvements to the bicycling environment are needed but the ability to reallocate road space is limited, consider alternative approaches that include property acquisition, or dedication, parallel routes and/or less desirable facilities. On City Bikeways developed as shared roadways, use all appropriate tools to achieve recommended performance guidelines.” (Unanimous)

Findings.

1. Empirical scientific evidence has proven that bicycling along major arterial streets in urban areas generate harmful short-term and long-term health impacts to the cyclists. A

recent publication states<sup>1</sup>:

“Abstract. Breath biomarkers were used to study uptake of traffic-related volatile organic compounds (VOCs) from urban bicycling. Breath analysis was selected because it is one of the least invasive methods to assess urban traveler exposure. Research hurdles that were overcome included considering that factors other than on-road exposure can influence concentrations in the body, and absorbed doses during a trip can be small compared to baseline body burdens. Pre-trip, on-road, and post-trip breath concentrations and ambient air concentrations were determined for 26 VOCs for bicyclists traveling on different path types. Statistical analyses of the concentration data identified eight monoaromatic hydrocarbons potentially useful as breath biomarkers to compare differences in body levels brought about by urban travel choices. Breath concentrations of the biomarker compounds were significantly higher than background levels after riding on high-traffic arterial streets and on a path through a high-exposure industrial area, but not after riding on low-traffic local streets or on other off-street paths. Modeled effects of high-traffic streets on ambient concentrations were 100–200% larger than those of low-traffic streets; modeled effects of high-traffic streets on breath concentrations were 40–100% larger than those of low-traffic streets. Similar percentage increases in breath concentrations are expected for bicyclists in other cities.”

2. Additional reports from the US National Library of Medicine National Institutes of Health<sup>2</sup> identify cyclists exposed to traffic-related air pollution (TRAP) is due to proximity to vehicular traffic. The two main components of TRAP are black carbon (BC) and nitrogen dioxide (NO<sub>2</sub>). It has been found that bike lanes have a concentration of 33% higher TRAP than bike paths. Parallel lower trafficked residential-type streets best mirror the level of concentrations found on bike paths.<sup>3</sup>
3. The U.S National Library of Medicine<sup>4</sup> website states:  
“Long-term exposure to volatile organic compounds can cause damage to the liver, kidneys, and central nervous system. Short-term exposure to volatile organic compounds can cause eye and respiratory tract irritation, headaches, dizziness, visual disorders, fatigue, loss of coordination, allergic skin reactions, nausea, and memory impairment.”

Therefore, health impacts to need to be included in the City of Portland Transportation System

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<sup>1</sup> “Breath Biomarkers to Measure Update of Volatile Organic Compounds by Bicyclists”, Environ. Sci. Technol., 2016, 50 (10), pp 5357-5363, DOI: 10.1021/acs.est.6b01159, Publication Date (Web): April 20, 2016, Copyright 2016 American Chemical Society. authored by Alexander Y. Bigazzi, Wentai Luo, Miguel A. Figliozzi, James F. Pankow, and Lorne M. Isabelle.

<sup>2</sup> NCBI US National Library of Medicine National Institutes of Health, Abstract: [Sci Total Environ](#). 2014 Aug 15;490:37-43. doi: 10.1016/j.scitotenv.2014.04.111. Epub 2014 May 21.  
“Impact of bicycle route type on exposure to traffic-related air pollution.” by [MacNaughton P](#)<sup>1</sup>, [Melly S](#)<sup>2</sup>, [Vallarino J](#)<sup>2</sup>, [Adamkiewicz G](#)<sup>2</sup>, [Spengler JD](#)<sup>2</sup>; <https://www.ncbi.nlm.nih.gov/pubmed/24840278>

<sup>3</sup> Portland State University PDXScholar, TREC Project Briefs 6-2014. “How Clean is the Air on Bicycle Routes” by Miguel Figliozzi, Portland State University, [figliozzi@pdx.edu](mailto:figliozzi@pdx.edu) and Jame F. Pankow, Portland State University, [pankowj@pdx.edu](mailto:pankowj@pdx.edu); [http://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1008&context=trec\\_briefs](http://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1008&context=trec_briefs); Full: <http://docs.trb.org/prp/15-3401.pdf>

<sup>4</sup> NIH “Tox Town, Environmental health concerns and toxic chemicals where you live, work, and play”, U.S. National Library of Medicine, article, “Volatile Organic Compounds”. See: [https://toxtown.nlm.nih.gov/text\\_version/chemicals.php?id=31](https://toxtown.nlm.nih.gov/text_version/chemicals.php?id=31)



Plan Stage 2 policies and their related impact studies when considering bicycle routes and bikeways on major and minor arterial streets. These major and minor arterial street classification are now being designated by this Plan as Industrial Roads (such as Halsey St.), Civic Main Streets and Corridors (such as NE Sandy Blvd.), Neighborhood Main Streets and Corridors (such as NE Fremont), and Regional Corridors (such as Interstate 84) in the City of Portland's urban areas.

Thank you again for allowing our participation in this process. These proposed recommendations on Stage 2 of the Transportation System Plan are critical to our neighborhood livability and economic vitality as we work with you to integrate changing travel modes while maintaining the integrity of existing neighborhoods.

Please let me know if you have any questions or I can be of assistance to clarify these comments.

Respectfully,



Tamara DeRidder, AICP  
Chairman, Rose City Park Neighborhood Association  
1707 NE 52<sup>nd</sup> Ave.  
Portland, OR 97213  
[SustainableDesign@tdridder.users.panix.com](mailto:SustainableDesign@tdridder.users.panix.com)

Please note: The RCPNA Bylaws and Charter identifies the Land Use & Transportation Committee as the representative body in final recommendations for RCPNA when the land use application or policy is time sensitive, as it is in this case. Our RCPNA Board was not able to review this matter within the timeline allowed by the City of Portland.

To: City Council

Re: Comprehensive Plan Implementation

From: Susan Z. Whitney  
1535 SE 47<sup>th</sup> Avenue - Richmond Neighborhood  
Portland OR 97215

Date: October 5, 2016

The City plans to rezone a large swath of our close-in SE and NE historic neighborhoods, telling us that R2.5 zoning will address the affordable housing issue by creating opportunities for “missing middle” housing.<sup>1</sup> But this is NOT what happens in the real world when one house is demolished and two new units are built.

It is shocking that the City thinks that rezoning to R2.5 will create affordable housing in our old neighborhoods, or that the market will voluntarily build affordable housing in these established neighborhoods. The EVIDENCE is that the market will build and sell at market prices, and the public will continue to buy at market prices.

There is NO evidence that demolishing an existing single-family home and replacing it with a duplex or a four-plex or two rowhouses results in affordable housing. All the evidence is to the contrary. In reality, the result is that developers make huge profits and actually drive up the cost of housing while destroying the character of our old neighborhoods. I challenge the Commission and the Council and their members to cite real-life instances where the two new replacement units were “affordable.” I haven’t found any.

A new project at 4513 SE Madison in Sunnyside is an extreme example. [Exhibit B]. An old single family home was purchased for \$500,000 in 2015 and demolished. The developer built a huge duplex on the lot, and is listing the units for \$699,900 each! There are many many similar examples, as:

625 SE 49<sup>th</sup> Avenue. [Exhibit A]

- Sold in March 2016 for \$620,000 and demolished.
- Two houses were built - each is listed for \$800,000.

7608 SE Clay and 7618 SE 76<sup>th</sup> in Montavilla. [Exhibit C]

- Sold for \$520,000, demolished.
- Modern duplex built. Units sold for \$519,000 and \$539,000.

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<sup>1</sup> However, Parolek’s “Missing Middle” theory, cited with approval by BPS, does not advocate for the destruction of existing urban neighborhoods. His emphasis is on new development and on rebuilding strip malls, parking lots and out-moded suburban housing developments into walkable town center neighborhoods.

SE 19<sup>th</sup> Avenue. [Exhibit D]

- Sold in 2006 for \$260,000.
- Two rowhouses built in 2008 with R2.5 zoning.
- 2711 SE 19<sup>th</sup> sold in 2010 for \$575,000.
- 2715 SE 19<sup>th</sup> sold in 2011 for \$545,000.

Photographs showing the before and after of these locations are attached. These are only a few examples, and the demolitions are continuing. It is so sad and so unnecessary.

Does the upzoning achieve the goal of protecting the character of the neighborhood? No. The character of our historic neighborhood is being changed forever. The R2.5 zone allows structures to be five feet higher than the R5 zone allows. This results in skinny 3-story row houses with a tuck-in garage at street level, a tall staircase to the second story entry and small porch. These houses and their occupants are isolated from the rest of the neighborhood, which is characterized by bungalows with large porches close to the street and garages (if any) at the back of the property. Just take a drive down SE 48<sup>th</sup> Avenue between Harrison and Hawthorne to see what happens when new housing replaces old, destroying the homes that made the neighborhood desirable in the first place.

I am not sure that there is a single neighborhood in Portland where low-income, “middle” housing and more expensive and desirable older homes are mixed together in the same neighborhood, because such a mix does not happen organically in a free market. If the neighborhood is seen as desirable, the lower-priced homes will be improved or rebuilt so they too will sell at market rates and make a profit for the developer. This is called gentrification and so far the City has not been able to halt it through rezoning or any other means.

Before the City undertakes a wholesale change to the character of our existing fully-built city neighborhoods, it should make sure that the means will actually accomplish the end. The goal is laudable, but rezoning alone will NEVER provide affordable housing. If the neighborhood is desirable, new housing will always sell for at or above market. This is free market economics 101. Why would a developer buy an existing property for \$500,000, tear down the structure, build two new units, and sell them for \$350,000 each? When buyers are willing to pay twice that to live in the neighborhood?

Please get off this false bandwagon and do not rezone my property or the other properties in my neighborhood. All it will do destroy an historic neighborhood and INCREASE property values and property taxes!

The primary benefit of the proposed blanket rezoning will be increased profits to developers. There is nothing to be gained by this rezoning, except to encourage folks to sell and to encourage developers to purchase and demolish. Properties in this area are in great demand, and a greater demand will be created because two units will replace one unit, and both new units will sell for more than the demolished unit.

Obviously the developers want to build in this very desirable close in neighborhood, not because they give a whit about improving the city or the lives of its citizens, but to make more money. Construction costs are the same whether they build in Hawthorne/Division or Lents. But only Hawthorne/Division ensures greater profits.

This blanket rezoning violates the sustainability goal. Replacing one house that is over 100 years old and worth \$300-500,000 with two houses that the developer will sell for \$600-700,000 each does not accomplish any city goal. Tearing down and rebuilding is not a sustainable practice. The carbon footprint is increased for no good reason except greed. As a former construction lawyer, I am well aware that new houses are built with cheaper and unsustainable materials using inferior construction methods. These new buildings may look really nice and shiny now, but in twenty years they will not be desirable and will be nearing the end of their useful lives. Just look at the homes in the area that were built in the 1970s. No one wants to buy those, and if they do, they are tear-downs.

### **Conclusion.**

Why are you trying to increase density or affordability or whatever the goal of this rezoning is by ruining the Richmond and Sunnyside neighborhoods? My neighborhood is desirable because of its character - old Portland bungalows, friendly front porches, garages at the back of the property, and neighbors who know each other. You are replacing those with inferior housing, thus ultimately making the area and the housing less desirable. It really is not comprehensible.

Twenty or thirty years from now, our residents will not cheer the disappearance of these historic and sustainable neighborhoods. They will say: We don't understand why you ruined these neighborhoods and allowed inferior housing to replace all those old bungalows. We wish we had those old houses back. They were irreplaceable.

Exhibit A p.1

625  
Google Maps SE 49th Ave



Image capture: Sep 2014 © 2016 Google

Portland, Oregon  
Street View - Sep 2014

Ex. A. P. 26

Sold 3-10-16 \$620,000  
5000 sq' lot → 2 4000sq' lots w/  
adjoining property  
and lot line adjustment



627  
SE 49th Ave  
625 - for sale  
each  
\$799,000

Ex. B. P.1

\$500,000

Sold July 15, 2015

4513 SE Madison St

Google Maps



Image capture: Aug 2014 © 2016 Google

Portland, Oregon  
Street View - Aug 2014

4513 SE Madison St  
 4513 SE Madison St  
 4513 SE Madison St

Ex B. P.Z

4513 SE Maclewan



5113

© 2016



Ex B. p.3

realtor.com<sup>®</sup>

Home For Sale - Active

\$649,900

4513 SE Madison St

Portland, OR 97215 [📍 Calculate Commute Time](#)

3 beds • 2 full, 1 half baths • 2,009 sq ft



Presented by Barry Smith

Exc p.1

7608

SE Clay St

Google Maps



Image capture: Jun 2014 © 2016 Google

Portland, Oregon  
Street View - Jun 2014

Ex C. p.2

1618 SE 76th

Google Maps

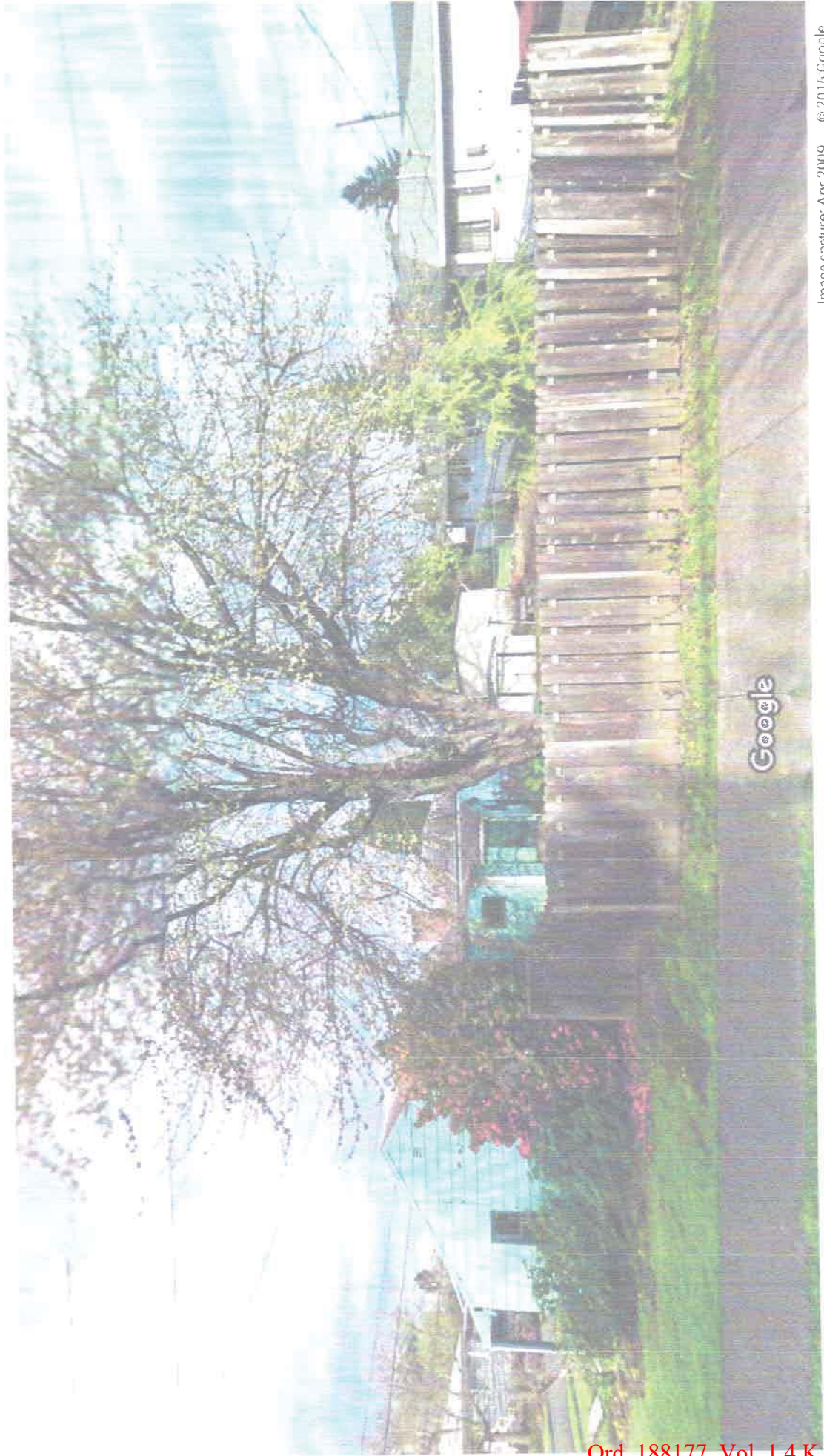


Image capture: Apr 2009 © 2016 Google

Portland, Oregon  
Street View - Apr 2009

Exhibit C p.3

1618 SE 76th Ave or 7608 SE Clay



Image capture: Jun 2016 © 2016 Google

Portland, Oregon  
Street View - Jun 2016

Exc.  
p. 4

7608 SE Clay St sold for \$20,000

# Montavilla Contemporaries

1618 SE 76th Ave.  
**\$519,000 / \$539,000**

- 3 Bedrooms/2.5 Baths 2025 Sqft
- Modern, Open floor-plan
- Attached garage
- Gas Fireplace
- Laundry on bedroom level
- Master Suite

[www.ezsearchpdx.com](http://www.ezsearchpdx.com)



To View These Properties Call:

**Tim Manickam**  
Principal Broker

**503-348-6045**



4507 NE Fremont St.  
realtor4pdx@gmail.com

2711 &  
2715  
SE 19th Ave

Google Maps

2711 sold 6/2008 \$575,000  
2715 sold 6/2010 \$545,000

Ex. D



Image capture: Apr 2016 © 2016 Google

Portland, Oregon  
Street View - Apr 2016

Lot sold in 2006 for \$260,000