

## Testimony to City Council Jan. 16, 2020 regarding Infill Housing

### I. General Remarks:

My name is Gary Miniszewski, I am a Portland homeowner (8343 SW 57<sup>th</sup> Ave), and I have been a land use planner in this state for more than 35 years. I am basically opposed to the RIP that is now before the City Council for consideration. However, I have submitted this testimony to provide constructive criticism and possible solutions in addressing this complex planning issue. The State of Oregon has given major cities until July of 2022 to conform with the House Bill 2001. I believe the City should step back and reconsider in the next 2 ½ years how land for additional middle housing development can be provided that can be amenable to all involved parties.

Three years ago I testified to the City Council stating that over the last 10 years of the comprehensive plan development process, the City planners, the Planning Commission and the City Council have had more than enough time to address land supply and housing needs; and subsequently designate vacant and underdeveloped land with appropriate zone districts to better accommodate a whole array of housing types, including "middle housing". Because the city planning staff and planning officials did not adequately address the need for more "middle housing" through the comprehensive plan process, the City is now playing catch-up in the name of a "Housing Crisis". Moreover, the State of Oregon, under HB2001, has gotten on the same middle housing infill band wagon - that now has emboldened the City planning staff in promoting the latest RIP recommendations that was barely approved by the City Planning Commission last year.

I am not so sure that this City is presently having a "Housing Crisis" requiring rash land planning decisions. The real problem is that there is an affordable housing problem. There is an adequate supply of underdeveloped land zoned for a variety of housing types in Portland to meet the present and future demand, especially in the whole Portland Metropolitan area. Through a thorough and extensive process, Portland City comprehensive planners established that the present "zoned capacity in Portland is sufficient to meet projected housing need" for the next 20 years. This is stated in the "Residential Development Capacity Summary" adopted October 2012.

The fact that affordable housing supply in this City has not kept up with demand is a multi-faceted problem. The overriding cause of inadequate supply of affordable housing units is the income gap between middle and lower middle class persons and those who are in the upper and upper middle class. In addition to housing, other basic needs such as affordable health care in the United States are becoming less affordable, thus less accessible, to those in the middle class and lower middle class.

The affordable housing problem has little to do with lack of land for housing development as explained above. Five years ago when the RIP process began, the supply of new housing units was low compared to demand because of the recession of 2008 that slowed new construction for many years. In addition to the past housing unit construction rate problem, the cost of Portland housing was very high because of the temporary high rate of incoming residents and the opportunistic overpricing of homes that were and presently placed on the market. Also, the supply of apartment units was low with high demand, causing opportunistic increases in apartment rent costs. With such high prices, housing units were not available to most low and middle income residents. Since 2011, private and public housing (State, Metro and Portland affordable housing construction) mainly constituting mutl-family dwelling units has helped to lower the demand for housing, thus helping to stabilize apartment unit costs. Single family dwelling and condominium housing costs have stablized, but are still very high reflecting a housing inflationary bubble as we had prior to the Great Recession.. Also, the high rate of population influx has decreased since the RIP process began. With these housing market changes, if there is adequate land for new housing development as stated in the comprehensive plan, why is there this present urgency to have multi-family housing be developed scattershot in all existing residential neighborhoods at densities higher than presently allowed?

For this City to be entertaining the present RIP proposal - residential density increases (townhomes, tri and fourplexes etc) scattershot in all low density residential neighborhoods is an affront to residents who have bought homes here and have been paying taxes to this City government. It is also an affront to good land planning practices. The owners of homes in existing neighborhoods designated low-density residential bought those properties with the understanding that their neighborhoods would not appreciably change. This understanding is based on the Portland Land Development Code explanation of residential zone districts highlighted below. Residential zone designations provide homeowners in existing neighborhoods "certainty" in how **intensely** land can be developed adjacent to or adjoining their residential property. City adopted Comprehensive Plan and Zoning Districts provide landowners "certainty" which is a major principle in the practice of Land Use Planning. I am disappointed that the City professional planning staff seem to have lost sight of this important land planning, legal principle.

#### **Portland Development Code Explanation of Single Dwelling Zones**

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

**Use regulations** are intended to create, maintain and promote single-dwelling neighborhoods.

**Development standards** preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide "certainty" to property owners, developers, and neighbors about the limits of what is allowed.

Because the State of Oregon has decided to mandate that cities allow "middle housing" in all single family zones, and the City Council's present concern regarding housing displacement of low income families, I request that the City Council step back from the present RIP proposal and take the time to reconsider how to implement the State middle housing mandate. Also, this will give the City time to develop measures to address how displacement be prevented or have displacement impacts be mitigated. Portland can set an example for other cities on how to conform to this state mandate, and address the displacement issue while also, and most importantly, respecting the rights of existing Portland homeowners in low density residential zones.

## II. Observations and Recommendations for conformance with HB 2001

Based Oregon State HB 2001 law, the City of Portland is required to allow duplexes on all lots in single family zones. However, standards for lot size, the height, massing, setbacks, floor to area ratio, site coverage for new duplex construction can be developed to have the duplex building be compatible with the adjoining, existing single family dwellings and the character of the immediate neighborhood. I would argue that Portland limit the number of duplexes allowed on any given single family residential block. This would prevent a qualitative, incremental increase in density affecting the existing character of the neighborhood. The potential for added duplex units in the city would be greatly increased, while not eroding the character of existing neighborhoods.

Regarding tri and fourplexes, the law gives local jurisdictions more flexibility in setting limits on where and how these housing types can be developed in single family zones. Recommendations regarding where and how tri and fourplexes can be allowed in low density residential zones follows. However, this City can reduce the need to have an unlimited number of tri and fourplex units built scattershot in single family zones by revisiting the Comp Plan's land use element. This would involve finding additional appropriate locations (underdeveloped and vacant land) that could be zoned for middle housing development. Housing types allowed in this zone could be tri and fourplex buildings, courtyard housing projects, cluster housing, and row homes. There are also specific recommendations below

regarding ADUs and cottage cluster development and what incentives should be used for making new infill multi-family units affordable over time.

**Recommended development code standards and measures to allow for, but mitigate impact of infill development in existing neighborhoods zoned R 2.5, R-5,R-7,R-10**

**1. Single family dwelling infill structures:**

The minimum size of single family dwelling lot be that of the respective zone.

Maximum square footage of the dwelling be 2,500 sq. ft.

The Floor to Area ration (FAR) be .6 X the site area.

Height maximum for primary structure should be 30 feet. Height maximum for detached accessory structures: maximum 15 feet.

Minimum Front Setback: For R2.5: 10 feet front and 4 feet on side yards. For R5-R7: 15 feet front and 8 feet on side yards. For R10-R20: 20 feet front and 15 on side yards.

Site Coverage: R2.5=.50% of site area. R5, R7 = 40% of site area, R10, R20 =30% of site area. Allow 5% increase for external garage or ADU in R5, R7, R10, R20.

One off-street parking space be provided in R2.5 and R5 zones. No off street parking be required in R97,R10 and R20 zones.

One ADU can be allowed on a new single family infill lot if it is no larger than 450 sq ft.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

**2. Duplexe infill structures:**

Based on the new Oregon State Law HB2001, this housing type is required to be allowed on any lot in the single family zones in cities statewide. The City of Portland is required to comply with this new law, however the city has the opportunity to develop duplex standards with consideration of existing land owner rights presently living in single family zones. In the present RIP recommendation there is no mechanism for limiting the number of duplexes that could be built over time on a given residential block. As such, the density (number dwelling units or households) on a residential block could be incrementally increased to totally change the character of the neighborhood. The City should develop some limit to the number of duplexes that can be built within a given block, i.e. no more than one duplex structure be allowed on each side of a city block street. Where city blocks are longer than 500 feet, no more than one duplex be allowed for ever 500 ft along each side of the street.

Regarding maximum duplex square footage, an infill duplex be no larger (square footage) than the proposed RIP maximum size of a single family dwelling which is 2,500 sq ft.

A duplex should only be allowed on lots meeting the minimum lots size for the given zone. i.e. In an R-7 zone, the duplex structure be allowed on lots 7,000 sq ft in area or more.

Regarding floor to area ratio in R2.5 zone, the maximum FAR should be 0.6 x the site area. For lots adjacent to higher density zones (R2, R1 etc.) the maximum FAR is 0.7.

Regarding floor to area ration in Zones R5, R7, R10, R20. The maximum FAR should be 0.6 x the site area.

Allowed floor area ratio (FAR) should apply to all occupied spaces on a buildable lot including basements wherever basement ceiling framing is > 3 feet above exterior grade and in attics where the finished ceiling is > 80 inches clear in height above the floor.

Regarding maximum height limits, the maximum height of a duplex in the R5, R7, R10, R20 zones on lots 75' or more in width, 35': For lots less than 75 feet wide, 30 feet. Height limits for R2.5 zone: maximum 30 feet.

Minimum Front Setback for duplexes: For R2.5: 10 feet front and 4 feet on side of corner lot. For R5-R7: 15 feet front and 8 feet on side yards. For R10-R20: 20 feet front and 15 on side yards.

Site Coverage: R2.5=.50% of site area. R5, R7 = 40% of site area, R10, R20 =30% of site area. Allow 5% increase for external garage or ADU in R5, R7, R10, R20.

One off street parking space for each unit be required in at least the R-2.5 and R-5 zones because of the minimal size of lot frontage in these zones. No off street spaces be required in the R-7, and R-10 zones. One ADU can be allowed on an infill duplex lot if it is no larger than 450 sq ft.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

The City could provide an incentive for the construction of affordable duplex units - not by allowing larger buildings or dwelling units. An example of a more fair and effective method, that would have no additional impact on the existing neighborhood, could be reducing development fees if the developer and subsequent owners guarantee that one or more of the units be affordable in perpetuity.

### 3. Triplex and fourplex Infill structures:

Residential three and fourplex units in low density residential zones should be allowed :

1. only on lots that front major, improved collector streets that have frequent transit service (every 15 minutes ). These streets must have curbs, and sidewalks; and the lot depth not encroach more than 150' onto residential side streets.
2. only on corner lots located no more than 400 feet from city designated urban centers.

The above plex units only be allowed if the developer and subsequent owners guarantee that one or more of the triplex units be affordable, and at least two units in a fourplex be affordable. An example of how the City could provide an incentive to have the units be affordable is by reducing the development fees for the total structure.

The minimum lot size for a triplex should be at least one and one-half the minimum lot size required for one single family unit in the respective low density residential zones. As an example, in an R-10 zone the required size would be at least 15,000 square feet. The size of the lot for a fourplex should be at least two times the size required for one single family unit in the respective low density residential zone. As an example, in a R-10 zone the required size would be at least 20,000 sq ft.

Regarding floor to area ratio in R2.5 zone, the maximum FAR should be 0.6 x the site area. For lots adjacent to higher density zones (R2, R1 etc.) the maximum FAR is 0.7.

Regarding floor to area ratio in Zones R5, R7, R10, R20. The maximum FAR should be 0.6 x the site area after adjusting for the size of nearby houses within 150 feet of the side lot line on the shared block face. The adjustment should be calculated by applying a multiplier of 1.5 x the average floor area of houses within 150 feet based on data base information provided by Portland Maps and not to exceed the maximum FAR for the zone.

Allowed floor area ratio (FAR) should apply to all occupied spaces on a buildable lot including basements wherever basement ceiling framing is > 3 feet above exterior grade and in attics where the finished ceiling is > 80 inches clear in height above the floor.

Regarding maximum height limits, the maximum height in the R5, R7, R10, R20 zones on lots 75' or more in width, 35': For lots less than 75 feet wide, 30 feet. Height limits for R2.5 zone: maximum 30 feet. Height limits for detached accessory structures: maximum 15 feet.

Minimum Front Setback for 3 and 4 plexes in R2.5: 10 feet front and 4 feet on side of corner lot. For R5-R7: 15 feet front and 8 feet on side of corner lot. For R10-R20: 20 feet front and 15 on side yards.

Site Coverage: R2.5=.50% of site area. R5, R7 = 40% of site area, R10, R20 =30% of site area. Allow 5% increase for external garage or ADU in R5, R7, R10, R20.

Off street parking spaces for each unit be required in at least the R-2.5 and R-5 zones. No ADUs should be allowed.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

**Rationale for above multi-family recommendations:** With the above recommendations for duplexes triplexes and fourplexes there would be a discrete limit on how many duplex and/or tri or fourplex units could be built on a given residential block, thus limiting a possible incremental increase of density allowed by the base zone (set prior to RIP) in existing residential neighborhoods. Regarding compatibility, if duplex, 3 or 4 plex development are allowed on corner lots, they will have less potential impacts to adjoining lots. Corner lots do not have common boundaries with three neighboring lots- only two. And, in most cases the common boundaries are at the side yards of the adjoining existing dwellings. As such, this condition minimizes the possible impacts of a tri or fourplex structure on existing, adjoining single family dwellings. Also, a minor review process should be required to mitigate impacts of all infill residential structures (single family dwellings, duplexes, tri or fourplex structures) on existing, adjoining dwellings. One important factor in this minor review would be the limit on how much light could be obscured by an infill structure on an adjoining existing dwelling. See page for more details on a standard for mitigating this impact.

### **Detached ADUs**

One detached ADU should only be allowed if it is planned to be built simultaneously with a new, infill single family dwelling or a new infill duplex if the site building coverage standard is met and the ADU is no more than 450 sq ft in area. ADUs should not be allowed on lots for new infill Tri or four plexes. The reason 450 sq ft limit is important is because the present standard for ADUs is 800 sq ft., basically constituting another whole dwelling unit. When ADUs were first being built in Oregon cities in the 1980's, they were much smaller than 800 sq ft and were meant to be occupied by only one or two persons, not another family unit of 4 or more. Single Family Dwellings in major subdivisions built just before and after WWII were as small as 800 sq ft. They included two bedrooms, a kitchen, small dining area, living room and one bathroom. A family of 4 could live in a dwelling this size. The present average size of an American Family is no more than 4 persons. If the dwelling is an "accessory unit" for one or two persons and associated with the primary residential structure, 450 sq feet is adequate.

### **Cottage Cluster Development**

In reading section 8 of the RIP document (encourage more cottage cluster development), I found it discouraging to think that the City planning staff has just mentioned this one form of alternative housing type under the "middle housing" category. Why haven't they addressed courtyard housing projects or row home housing types, in addition to 3 or 4plex flats.

There isn't a full explanation of what "middle housing" could include as residential structure types. The new state law HB 2001 also inadequately described what the array of residential housing types can be considered middle housing.

For some reason, the proposed RIP proposal went into very fine detail about what "cottage cluster housing" can be. This seemed to be someones ( a planning commissioner's ?) pet alternative housing type. Moreover, the RIP document states that the density standard for these projects would be that of any of the low density zones where the project was proposed. However, it alludes to the fact that ADUs would be allowed for each cottage unit. The project would be originally designed to include an ADU for each primary dwelling. Based on City Dev Code section 33.205.040, the size of an ADU can be up to 800sq ft. As mentioned above under the heading of ADUs, single family dwellings in major subdivisions built just before and after WWII were as small as 800 sq ft. and could accommodate 4 persons. Presently the average size of an American Family is no more than 4 persons and an 800 sq ft dwelling was once considered adequate area for a family. So, what is really being proposed here is the doubling of the allowed density for a "so called" cottage cluster development. If ADUs are allowed for each dwelling in a cottage cluster development, the maximum size of the ADUs should be no more than 450 sq ft.

### **Density Bonus**

The RIP has proposed that an incentive mechanism to encourage to infill dwelling units be affordable is allowing additional units than proposed by the developer. The City should not be passing out density bonuses for development in low density residential zones if a developer promises to build "affordable" duplex, tri or fourplex housing. The "Portland for Everyone" lobby group has been arguing that more opportunities for middle housing development, even in low density residential zones, will provide for more housing supply. They claim that more supply will reduce the demand and thus, the cost. Why then, should the City be also allowing additional units as an incentive to guarantee affordability?? This is adding insult to injury. I can understand how this mechanism is needed for the provision of some affordable units in new townhouse and multiple family housing in high density residential zones (inclusionary zoning), but it should not be even considered for middle housing in low density residential zones. The city shouldn't be encouraging more densification by offering "density bonuses" at the cost of existing residential neighborhoods!

If the City wants to encourage the provision of affordable housing, one method could be to reduce development fees when affordable units are included in duplex, tri and fourplex structures. To be clear, allowing the addition of an extra dwelling unit to a proposed duplex, triplex or fourplex should not be allowed.

### III. Closing Remarks

**The "Residential Infill Project (RIP)" quickly morphed from "Mitigating Impacts of Single Family Residential Infill" to the provision of "More Housing" at any cost!**

Of all the tinkering with code standards that staff and planning commission have made in the name of reducing the impact of infill residential buildings on existing single family dwellings, I think there are only two in the RIP code change proposals that will qualitatively help. Those are: provision to changing how the height of new residential buildings will be measured and; limiting the size of new infill single family structures. Many more possible residential infill impacts should have been identified, considered and addressed. This lack of breadth and depth of the "infill impact" discussion occurred because the major focus of the RIP Project morphed into "how to provide more affordable housing units" in low density residential zones- also known as the indiscriminate densification of residential neighborhoods. This focus change partly occurred based on the so called the "housing crisis". This hijacking of a planning process was promulgated by the lobby group, "Portland for Everyone". They also caught the attention of State politicians who rashly, and naively thought that if its good for Portland, it must be good for the state; thus voted to apply it statewide.

The height measurement change and the building area limit are token impact mitigation measures – tokens used by those responsible for this RIP project to persuade city residents in low density residential neighborhoods that the City is truly concerned and attempting to protect them from residential infill impacts.

I testified at one of the RIP committee meetings almost four years ago and testified that one of the major impacts of new infill development has been the loss of light to adjoining, existing houses. More specifically, light to solar panels on existing dwellings could be obscured, reducing the energy previously generated by those panels. I also personally spoke to City Planning Staff about this and they ignored me. There has been no discussion of this matter in subsequent meetings or in the many iterations leading to the latest RIP Report before the City Council.

Whatever amount of light an existing residential property gets is a precious commodity and considered a property right, especially here in the Pacific NW. This includes light to dwelling active room windows (i.e.kitchens, dinning and living rooms), as well as light to yards, especially the rear yards. People use their rear yards as living spaces in Summer and Fall months. Many people also grow vegetables in their rear yards and depend on adequate sunlight to do this. Sunlight is not addressed at all in the RIP proposal. Lose of Sunlight is just "one" example of how the property rights of those who live in existing residences can be damaged by new residential "infill" development on adjoining lots.

What is most disconcerting is that this subject of identifying and mitigating the possible and numerous array of infill development impacts has not been adequately addressed. And, ironically, the provision for multi family infill dwelling units in single family neighborhoods, that may cause more negative impacts than an infill single family dwelling, has been given most of the attention in this unfortunate, City sponsored "infill" exercise.

To address the obscuring of light impact, a city review should be required for all proposed infill residential structures to ensure that light to adjoining, existing dwelling active windows, solar panels and rear yards not be substantially obscured. This review standard could be "no more than 25% of light at winter solstice can obscure the above mentioned existing dwelling features by the proposed infill structure.

### **Present status of residential solar access protection in City of Portland and State**

Regarding solar panels, I have not seen any evidence in the City Development Code that there are solar access protection measures. Also, State law (ORS statutes) only allows a person to develop an easement that may or may not be accepted by a neighboring land owner. The following is a status report on how the City of Portland is, or more like "was", addressing the protection of solar access to solar panels.

Solar Access and New Development - written by SE Neighborhood Uplift Coalition  
March 11, 2014

The amount of new development in the SE Uplift coalition neighborhoods has been significant over the past year. Apartment buildings are seemingly springing up left and right, homes are being demolished and replaced by something different, and the splitting of lots is continuing to take place. Our quadrant is clearly a place where people want to live and where developers are eager to cash in on that desire.



One issue that has sprung up from this new development is the impact it can have on the solar access of neighboring properties. You've probably seen examples of this where a single story older home is right next to a recently built modern home that is much taller and bigger in scale. The difference in height and the placement of the new home effectively blocks the older home, and its backyard, from light it used to get prior to the new home's construction.

For many of us, access to light seems like it should be a right and when it has been taken away it feels like our rights have been violated. The Doctrine of Ancient Lights, based on English law, essentially makes that case by saying that after a number of years the owner of a long-standing building has the right to maintain her home's level of illumination. If a neighbor wants to build something that obscures the light, the neighbor must get permission.

This doctrine has been rejected in the U.S. courts, most notably by the Florida Appellate Court in the landmark Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc. case in 1959. The court ruled that a

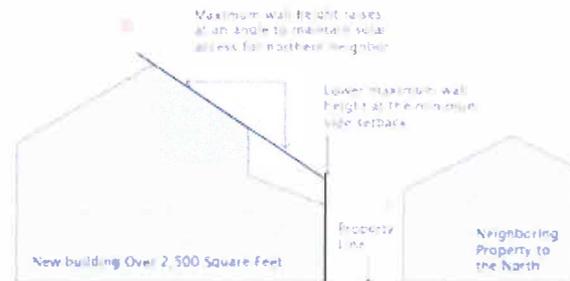
property owner does not have the legal right to the free flow of light and air across the adjoining land of his neighbor.

Even with this ruling, there are regulations that cities can enact to try to protect solar access. In fact, Portland once did this very thing. Back in 1986, Portland City Council passed ordinances that prohibited new houses from casting shadows on their neighbors. The impetus at that time was to encourage the use of a solar energy.

The regulations were met with strong resistance from the Home Builders Association of Metropolitan Portland who argued that they limited the types of homes that could be built and drove up the cost of doing business. After three years of contentiousness, a compromise deal was reached with most of the solar access regulations being removed. What remains in the zoning code today is very little in terms of solar protection.

The current pace and form of new development has led to a renewed interest in exploring ways to protect solar access. For some people, solar access protection means limiting the building heights of adjacent properties. That certainly would be one option that could be explored.

Some cities have had success with regulations that require developers to orient and design lots so that structures of a certain height will not block solar access to adjacent lots. This often takes the form of requiring buildings to have “step downs” in height as it gets closer to an adjacent property.



Another approach is to create “solar setbacks” for new development. These are determined by a formula that considers the height of a building, the angle of the sun when it is at its highest point, and the topography of a lot.

Other municipalities have processes for obtaining solar access permits or recording solar easements, which can establish the right to solar access for an existing or planned lot (this usually is done to protect solar panels from being blocked). A few cities have used a concept of a “solar fence” which is a hypothetical opaque fence that encircles a property at up to a certain height above the ground.

While some of these options would be difficult to implement in an urban environment like what we have in our neighborhoods, it seems that they might be at least worth considering as our city continues to try to accommodate new development while also trying to maintain the existing character of the neighborhoods.

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The affordable housing problem has little to do with lack of land for housing development as explained above. Five years ago when the RIP process began, the supply of new housing units was low compared to demand because of the recession of 2008 that slowed new construction for many years. In addition to the past housing unit construction rate problem, the cost of Portland housing was very high because of the temporary high rate of incoming residents and the opportunistic overpricing of homes that were and presently placed on the market. Also, the supply of apartment units was low with high demand, causing opportunistic increases in apartment rent costs. With such high prices, housing units were not available to most low and middle income residents. Since 2011, private and public housing (State, Metro and Portland affordable housing construction) mainly constituting mutl-family dwelling units has helped to lower the demand for housing, thus helping to stabilize apartment unit costs. Single family dwelling and condominium housing costs have stablized, but are still very high reflecting a housing inflationary bubble as we had prior to the Great Recession.. Also, the high rate of population influx has decreased since the RIP process began. With these housing market changes, if there is adequate land for new housing development as stated in the comprehensive plan, why is there this present urgency to have multi-family housing be developed scattershot in all existing residential neighborhoods at densities higher than presently allowed?

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## II. Observations and Recommendations for conformance with HB 2001

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Regarding tri and fourplexes, the law gives local jurisdictions more flexibility in setting limits on where and how these housing types can be developed in single family zones. Recommendations regarding where and how tri and fourplexes can be allowed in low density residential zones follows. However, this City can reduce the need to have an unlimited number of tri and fourplex units built scattershot in single family zones by revisiting the Comp Plan's land use element. This would involve finding additional appropriate locations (underdeveloped and vacant land) that could be zoned for middle housing development. Housing types allowed in this zone could be tri and fourplex buildings, courtyard housing projects, cluster housing, and row homes. There are also specific recommendations below

regarding ADUs and cottage cluster development and what incentives should be used for making new infill multi-family units affordable over time.

**Recommended development code standards and measures to allow for, but mitigate impact of infill development in existing neighborhoods zoned R 2.5, R-5,R-7,R-10**

**1. Single family dwelling infill structures:**

The minimum size of single family dwelling lot be that of the respective zone.

Maximum square footage of the dwelling be 2,500 sq. ft.

The Floor to Area ration (FAR) be .6 X the site area.

Height maximum for primary structure should be 30 feet. Height maximum for detached accessory structures: maximum 15 feet.

Minimum Front Setback: For R2.5: 10 feet front and 4 feet on side yards. For R5-R7: 15 feet front and 8 feet on side yards. For R10-R20: 20 feet front and 15 on side yards.

Site Coverage: R2.5=.50% of site area. R5, R7 = 40% of site area, R10, R20 =30% of site area. Allow 5% increase for external garage or ADU in R5, R7, R10, R20.

One off-street parking space be provided in R2.5 and R5 zones. No off street parking be required in R97,R10 and R20 zones.

One ADU can be allowed on a new single family infill lot if it is no larger than 450 sq ft.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

**2. Duplexe infill structures:**

Based on the new Oregon State Law HB2001, this housing type is required to be allowed on any lot in the single family zones in cities statewide. The City of Portland is required to comply with this new law, however the city has the opportunity to develop duplex standards with consideration of existing land owner rights presently living in single family zones. In the present RIP recommendation there is no mechanism for limiting the number of duplexes that could be built over time on a given residential block. As such, the density (number dwelling units or households) on a residential block could be incrementally increased to totally change the character of the neighborhood. The City should develop some limit to the number of duplexes that can be built within a given block, i.e. no more than one duplex structure be allowed on each side of a city block street. Where city blocks are longer than 500 feet, no more than one duplex be allowed for ever 500 ft along each side of the street.

Regarding maximum duplex square footage, an infill duplex be no larger (square footage) than the proposed RIP maximum size of a single family dwelling which is 2,500 sq ft.

A duplex should only be allowed on lots meeting the minimum lots size for the given zone. i.e. In an R-7 zone, the duplex structure be allowed on lots 7,000 sq ft in area or more.

Regarding floor to area ratio in R2.5 zone, the maximum FAR should be 0.6 x the site area. For lots adjacent to higher density zones (R2, R1 etc.) the maximum FAR is 0.7.

Regarding floor to area ration in Zones R5, R7, R10, R20. The maximum FAR should be 0.6 x the site area.

Allowed floor area ratio (FAR) should apply to all occupied spaces on a buildable lot including basements wherever basement ceiling framing is > 3 feet above exterior grade and in attics where the finished ceiling is > 80 inches clear in height above the floor.

Regarding maximum height limits, the maximum height of a duplex in the R5, R7, R10, R20 zones on lots 75' or more in width, 35': For lots less than 75 feet wide, 30 feet. Height limits for R2.5 zone: maximum 30 feet.

Minimum Front Setback for duplexes: For R2.5: 10 feet front and 4 feet on side of corner lot. For R5-R7: 15 feet front and 8 feet on side yards. For R10-R20: 20 feet front and 15 on side yards.

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One off street parking space for each unit be required in at least the R-2.5 and R-5 zones because of the minimal size of lot frontage in these zones. No off street spaces be required in the R-7, and R-10 zones. One ADU can be allowed on an infill duplex lot if it is no larger than 450 sq ft.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

The City could provide an incentive for the construction of affordable duplex units - not by allowing larger buildings or dwelling units. An example of a more fair and effective method, that would have no additional impact on the existing neighborhood, could be reducing development fees if the developer and subsequent owners guarantee that one or more of the units be affordable in perpetuity.

### 3. Triplex and fourplex Infill structures:

Residential three and fourplex units in low density residential zones should be allowed :

1. only on lots that front major, improved collector streets that have frequent transit service (every 15 minutes ). These streets must have curbs, and sidewalks; and the lot depth not encroach more than 150' onto residential side streets.
2. only on corner lots located no more than 400 feet from city designated urban centers.

The above plex units only be allowed if the developer and subsequent owners guarantee that one or more of the triplex units be affordable, and at least two units in a fourplex be affordable. An example of how the City could provide an incentive to have the units be affordable is by reducing the development fees for the total structure.

The minimum lot size for a triplex should be at least one and one-half the minimum lot size required for one single family unit in the respective low density residential zones. As an example, in an R-10 zone the required size would be at least 15,000 square feet. The size of the lot for a fourplex should be at least two times the size required for one single family unit in the respective low density residential zone. As an example, in a R-10 zone the required size would be at least 20,000 sq ft.

Regarding floor to area ratio in R2.5 zone, the maximum FAR should be 0.6 x the site area. For lots adjacent to higher density zones (R2, R1 etc.) the maximum FAR is 0.7.

Regarding floor to area ratio in Zones R5, R7, R10, R20. The maximum FAR should be 0.6 x the site area after adjusting for the size of nearby houses within 150 feet of the side lot line on the shared block face. The adjustment should be calculated by applying a multiplier of 1.5 x the average floor area of houses within 150 feet based on data base information provided by Portland Maps and not to exceed the maximum FAR for the zone.

Allowed floor area ratio (FAR) should apply to all occupied spaces on a buildable lot including basements wherever basement ceiling framing is > 3 feet above exterior grade and in attics where the finished ceiling is > 80 inches clear in height above the floor.

Regarding maximum height limits, the maximum height in the R5, R7, R10, R20 zones on lots 75' or more in width, 35': For lots less than 75 feet wide, 30 feet. Height limits for R2.5 zone: maximum 30 feet. Height limits for detached accessory structures: maximum 15 feet.

Minimum Front Setback for 3 and 4 plexes in R2.5: 10 feet front and 4 feet on side of corner lot. For R5-R7: 15 feet front and 8 feet on side of corner lot. For R10-R20: 20 feet front and 15 on side yards.

Site Coverage: R2.5=.50% of site area. R5, R7 = 40% of site area, R10, R20 =30% of site area. Allow 5% increase for external garage or ADU in R5, R7, R10, R20.

Off street parking spaces for each unit be required in at least the R-2.5 and R-5 zones. No ADUs should be allowed.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

**Rationale for above multi-family recommendations:** With the above recommendations for duplexes triplexes and fourplexes there would be a discrete limit on how many duplex and/or tri or fourplex units could be built on a given residential block, thus limiting a possible incremental increase of density allowed by the base zone (set prior to RIP) in existing residential neighborhoods. Regarding compatibility, if duplex, 3 or 4 plex development are allowed on corner lots, they will have less potential impacts to adjoining lots. Corner lots do not have common boundaries with three neighboring lots- only two. And, in most cases the common boundaries are at the side yards of the adjoining existing dwellings. As such, this condition minimizes the possible impacts of a tri or fourplex structure on existing, adjoining single family dwellings. Also, a minor review process should be required to mitigate impacts of all infill residential structures (single family dwellings, duplexes, tri or fourplex structures) on existing, adjoining dwellings. One important factor in this minor review would be the limit on how much light could be obscured by an infill structure on an adjoining existing dwelling. See page for more details on a standard for mitigating this impact.

### **Detached ADUs**

One detached ADU should only be allowed if it is planned to be built simultaneously with a new, infill single family dwelling or a new infill duplex if the site building coverage standard is met and the ADU is no more than 450 sq ft in area. ADUs should not be allowed on lots for new infill Tri or four plexes. The reason 450 sq ft limit is important is because the present standard for ADUs is 800 sq ft., basically constituting another whole dwelling unit. When ADUs were first being built in Oregon cities in the 1980's, they were much smaller than 800 sq ft and were meant to be occupied by only one or two persons, not another family unit of 4 or more. Single Family Dwellings in major subdivisions built just before and after WWII were as small as 800 sq ft. They included two bedrooms, a kitchen, small dining area, living room and one bathroom. A family of 4 could live in a dwelling this size. The present average size of an American Family is no more than 4 persons. If the dwelling is an "accessory unit" for one or two persons and associated with the primary residential structure, 450 sq feet is adequate.

### **Cottage Cluster Development**

In reading section 8 of the RIP document (encourage more cottage cluster development), I found it discouraging to think that the City planning staff has just mentioned this one form of alternative housing type under the "middle housing" category. Why haven't they addressed courtyard housing projects or row home housing types, in addition to 3 or 4plex flats.

There isn't a full explanation of what "middle housing" could include as residential structure types. The new state law HB 2001 also inadequately described what the array of residential housing types can be considered middle housing.

For some reason, the proposed RIP proposal went into very fine detail about what "cottage cluster housing" can be. This seemed to be someones ( a planning commissioner's ?) pet alternative housing type. Moreover, the RIP document states that the density standard for these projects would be that of any of the low density zones where the project was proposed. However, it alludes to the fact that ADUs would be allowed for each cottage unit. The project would be originally designed to include an ADU for each primary dwelling. Based on City Dev Code section 33.205.040, the size of an ADU can be up to 800sq ft. As mentioned above under the heading of ADUs, single family dwellings in major subdivisions built just before and after WWII were as small as 800 sq ft. and could accommodate 4 persons. Presently the average size of an American Family is no more than 4 persons and an 800 sq ft dwelling was once considered adequate area for a family. So, what is really being proposed here is the doubling of the allowed density for a "so called" cottage cluster development. If ADUs are allowed for each dwelling in a cottage cluster development, the maximum size of the ADUs should be no more than 450 sq ft.

### **Density Bonus**

The RIP has proposed that an incentive mechanism to encourage to infill dwelling units be affordable is allowing additional units than proposed by the developer. The City should not be passing out density bonuses for development in low density residential zones if a developer promises to build "affordable" duplex, tri or fourplex housing. The "Portland for Everyone" lobby group has been arguing that more opportunities for middle housing development, even in low density residential zones, will provide for more housing supply. They claim that more supply will reduce the demand and thus, the cost. Why then, should the City be also allowing additional units as an incentive to guarantee affordability?? This is adding insult to injury. I can understand how this mechanism is needed for the provision of some affordable units in new townhouse and multiple family housing in high density residential zones (inclusionary zoning), but it should not be even considered for middle housing in low density residential zones. The city shouldn't be encouraging more densification by offering "density bonuses" at the cost of existing residential neighborhoods!

If the City wants to encourage the provision of affordable housing, one method could be to reduce development fees when affordable units are included in duplex, tri and fourplex structures. To be clear, allowing the addition of an extra dwelling unit to a proposed duplex, triplex or fourplex should not be allowed.

### III. Closing Remarks

**The "Residential Infill Project (RIP)" quickly morphed from "Mitigating Impacts of Single Family Residential Infill" to the provision of "More Housing" at any cost!**

Of all the tinkering with code standards that staff and planning commission have made in the name of reducing the impact of infill residential buildings on existing single family dwellings, I think there are only two in the RIP code change proposals that will qualitatively help. Those are: provision to changing how the height of new residential buildings will be measured and; limiting the size of new infill single family structures. Many more possible residential infill impacts should have been identified, considered and addressed. This lack of breadth and depth of the "infill impact" discussion occurred because the major focus of the RIP Project morphed into "how to provide more affordable housing units" in low density residential zones- also known as the indiscriminate densification of residential neighborhoods. This focus change partly occurred based on the so called the "housing crisis". This hijacking of a planning process was promulgated by the lobby group, "Portland for Everyone". They also caught the attention of State politicians who rashly, and naively thought that if its good for Portland, it must be good for the state; thus voted to apply it statewide.

The height measurement change and the building area limit are token impact mitigation measures – tokens used by those responsible for this RIP project to persuade city residents in low density residential neighborhoods that the City is truly concerned and attempting to protect them from residential infill impacts.

I testified at one of the RIP committee meetings almost four years ago and testified that one of the major impacts of new infill development has been the loss of light to adjoining, existing houses. More specifically, light to solar panels on existing dwellings could be obscured, reducing the energy previously generated by those panels. I also personally spoke to City Planning Staff about this and they ignored me. There has been no discussion of this matter in subsequent meetings or in the many iterations leading to the latest RIP Report before the City Council.

Whatever amount of light an existing residential property gets is a precious commodity and considered a property right, especially here in the Pacific NW. This includes light to dwelling active room windows (i.e.kitchens, dinning and living rooms), as well as light to yards, especially the rear yards. People use their rear yards as living spaces in Summer and Fall months. Many people also grow vegetables in their rear yards and depend on adequate sunlight to do this. Sunlight is not addressed at all in the RIP proposal. Lose of Sunlight is just "one" example of how the property rights of those who live in existing residences can be damaged by new residential "infill" development on adjoining lots.

What is most disconcerting is that this subject of identifying and mitigating the possible and numerous array of infill development impacts has not been adequately addressed. And, ironically, the provision for multi family infill dwelling units in single family neighborhoods, that may cause more negative impacts than an infill single family dwelling, has been given most of the attention in this unfortunate, City sponsored "infill" exercise.

To address the obscuring of light impact, a city review should be required for all proposed infill residential structures to ensure that light to adjoining, existing dwelling active windows, solar panels and rear yards not be substantially obscured. This review standard could be "no more than 25% of light at winter solstice can obscure the above mentioned existing dwelling features by the proposed infill structure.

### **Present status of residential solar access protection in City of Portland and State**

Regarding solar panels, I have not seen any evidence in the City Development Code that there are solar access protection measures. Also, State law (ORS statutes) only allows a person to develop an easement that may or may not be accepted by a neighboring land owner. The following is a status report on how the City of Portland is, or more like "was", addressing the protection of solar access to solar panels.

Solar Access and New Development - written by SE Neighborhood Uplift Coalition  
March 11, 2014

The amount of new development in the SE Uplift coalition neighborhoods has been significant over the past year. Apartment buildings are seemingly springing up left and right, homes are being demolished and replaced by something different, and the splitting of lots is continuing to take place. Our quadrant is clearly a place where people want to live and where developers are eager to cash in on that desire.



One issue that has sprung up from this new development is the impact it can have on the solar access of neighboring properties. You've probably seen examples of this where a single story older home is right next to a recently built modern home that is much taller and bigger in scale. The difference in height and the placement of the new home effectively blocks the older home, and its backyard, from light it used to get prior to the new home's construction.

For many of us, access to light seems like it should be a right and when it has been taken away it feels like our rights have been violated. The Doctrine of Ancient Lights, based on English law, essentially makes that case by saying that after a number of years the owner of a long-standing building has the right to maintain her home's level of illumination. If a neighbor wants to build something that obscures the light, the neighbor must get permission.

This doctrine has been rejected in the U.S. courts, most notably by the Florida Appellate Court in the landmark Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc. case in 1959. The court ruled that a

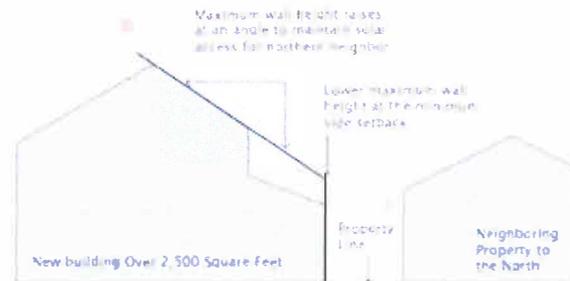
property owner does not have the legal right to the free flow of light and air across the adjoining land of his neighbor.

Even with this ruling, there are regulations that cities can enact to try to protect solar access. In fact, Portland once did this very thing. Back in 1986, Portland City Council passed ordinances that prohibited new houses from casting shadows on their neighbors. The impetus at that time was to encourage the use of a solar energy.

The regulations were met with strong resistance from the Home Builders Association of Metropolitan Portland who argued that they limited the types of homes that could be built and drove up the cost of doing business. After three years of contentiousness, a compromise deal was reached with most of the solar access regulations being removed. What remains in the zoning code today is very little in terms of solar protection.

The current pace and form of new development has led to a renewed interest in exploring ways to protect solar access. For some people, solar access protection means limiting the building heights of adjacent properties. That certainly would be one option that could be explored.

Some cities have had success with regulations that require developers to orient and design lots so that structures of a certain height will not block solar access to adjacent lots. This often takes the form of requiring buildings to have “step downs” in height as it gets closer to an adjacent property.



Another approach is to create “solar setbacks” for new development. These are determined by a formula that considers the height of a building, the angle of the sun when it is at its highest point, and the topography of a lot.

Other municipalities have processes for obtaining solar access permits or recording solar easements, which can establish the right to solar access for an existing or planned lot (this usually is done to protect solar panels from being blocked). A few cities have used a concept of a “solar fence” which is a hypothetical opaque fence that encircles a property at up to a certain height above the ground.

While some of these options would be difficult to implement in an urban environment like what we have in our neighborhoods, it seems that they might be at least worth considering as our city continues to try to accommodate new development while also trying to maintain the existing character of the neighborhoods.

# Gary Miniszewski

**#83179 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I delivered my testimony in hardcopy today to the City Clerks Office. See pdf copy attached

Testimony is presented without formatting.

## Testimony to City Council Jan. 16, 2020 regarding Infill Housing

### I. General Remarks:

My name is Gary Miniszewski, I am a Portland homeowner (8343 SW 57<sup>th</sup> Ave), and I have been a land use planner in this state for more than 35 years. I am basically opposed to the RIP that is now before the City Council for consideration. However, I have submitted this testimony to provide constructive criticism and possible solutions in addressing this complex planning issue. The State of Oregon has given major cities until July of 2022 to conform with the House Bill 2001. I believe the City should step back and reconsider in the next 2 ½ years how land for additional middle housing development can be provided that can be amenable to all involved parties.

Three years ago I testified to the City Council stating that over the last 10 years of the comprehensive plan development process, the City planners, the Planning Commission and the City Council have had more than enough time to address land supply and housing needs; and subsequently designate vacant and underdeveloped land with appropriate zone districts to better accommodate a whole array of housing types, including "middle housing". Because the city planning staff and planning officials did not adequately address the need for more "middle housing" through the comprehensive plan process, the City is now playing catch-up in the name of a "Housing Crisis". Moreover, the State of Oregon, under HB2001, has gotten on the same middle housing infill band wagon - that now has emboldened the City planning staff in promoting the latest RIP recommendations that was barely approved by the City Planning Commission last year.

I am not so sure that this City is presently having a "Housing Crisis" requiring rash land planning decisions. The real problem is that there is an affordable housing problem. There is an adequate supply of underdeveloped land zoned for a variety of housing types in Portland to meet the present and future demand, especially in the whole Portland Metropolitan area. Through a thorough and extensive process, Portland City comprehensive planners established that the present "zoned capacity in Portland is sufficient to meet projected housing need" for the next 20 years. This is stated in the "Residential Development Capacity Summary" adopted October 2012.

The fact that affordable housing supply in this City has not kept up with demand is a multi-faceted problem. The overriding cause of inadequate supply of affordable housing units is the income gap between middle and lower middle class persons and those who are in the upper and upper middle class. In addition to housing, other basic needs such as affordable health care in the United States are becoming less affordable, thus less accessible, to those in the middle class and lower middle class.

The affordable housing problem has little to do with lack of land for housing development as explained above. Five years ago when the RIP process began, the supply of new housing units was low compared to demand because of the recession of 2008 that slowed new construction for many years. In addition to the past housing unit construction rate problem, the cost of Portland housing was very high because of the temporary high rate of incoming residents and the opportunistic overpricing of homes that were and presently placed on the market. Also, the supply of apartment units was low with high demand, causing opportunistic increases in apartment rent costs. With such high prices, housing units were not available to most low and middle income residents. Since 2011, private and public housing (State, Metro and Portland affordable housing construction) mainly constituting mutl-family dwelling units has helped to lower the demand for housing, thus helping to stabilize apartment unit costs. Single family dwelling and condominium housing costs have stablized, but are still very high reflecting a housing inflationary bubble as we had prior to the Great Recession.. Also, the high rate of population influx has decreased since the RIP process began. With these housing market changes, if there is adequate land for new housing development as stated in the comprehensive plan, why is there this present urgency to have multi-family housing be developed scattershot in all existing residential neighborhoods at densities higher than presently allowed?

For this City to be entertaining the present RIP proposal - residential density increases (townhomes, tri and fourplexes etc) scattershot in all low density residential neighborhoods is an affront to residents who have bought homes here and have been paying taxes to this City government. It is also an affront to good land planning practices. The owners of homes in existing neighborhoods designated low-density residential bought those properties with the understanding that their neighborhoods would not appreciably change. This understanding is based on the Portland Land Development Code explanation of residential zone districts highlighted below. Residential zone designations provide homeowners in existing neighborhoods "certainty" in how **intensely** land can be developed adjacent to or adjoining their residential property. City adopted Comprehensive Plan and Zoning Districts provide landowners "certainty" which is a major principle in the practice of Land Use Planning. I am disappointed that the City professional planning staff seem to have lost sight of this important land planning, legal principle.

#### **Portland Development Code Explanation of Single Dwelling Zones**

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

**Use regulations** are intended to create, maintain and promote single-dwelling neighborhoods.

**Development standards** preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide "certainty" to property owners, developers, and neighbors about the limits of what is allowed.

Because the State of Oregon has decided to mandate that cities allow "middle housing" in all single family zones, and the City Council's present concern regarding housing displacement of low income families, I request that the City Council step back from the present RIP proposal and take the time to reconsider how to implement the State middle housing mandate. Also, this will give the City time to develop measures to address how displacement be prevented or have displacement impacts be mitigated. Portland can set an example for other cities on how to conform to this state mandate, and address the displacement issue while also, and most importantly, respecting the rights of existing Portland homeowners in low density residential zones.

## II. Observations and Recommendations for conformance with HB 2001

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### 3. Triplex and fourplex Infill structures:

Residential three and fourplex units in low density residential zones should be allowed :

1. only on lots that front major, improved collector streets that have frequent transit service (every 15 minutes ). These streets must have curbs, and sidewalks; and the lot depth not encroach more than 150' onto residential side streets.
2. only on corner lots located no more than 400 feet from city designated urban centers.

The above plex units only be allowed if the developer and subsequent owners guarantee that one or more of the triplex units be affordable, and at least two units in a fourplex be affordable. An example of how the City could provide an incentive to have the units be affordable is by reducing the development fees for the total structure.

The minimum lot size for a triplex should be at least one and one-half the minimum lot size required for one single family unit in the respective low density residential zones. As an example, in an R-10 zone the required size would be at least 15,000 square feet. The size of the lot for a fourplex should be at least two times the size required for one single family unit in the respective low density residential zone. As an example, in a R-10 zone the required size would be at least 20,000 sq ft.

Regarding floor to area ratio in R2.5 zone, the maximum FAR should be 0.6 x the site area. For lots adjacent to higher density zones (R2, R1 etc.) the maximum FAR is 0.7.

Regarding floor to area ratio in Zones R5, R7, R10, R20. The maximum FAR should be 0.6 x the site area after adjusting for the size of nearby houses within 150 feet of the side lot line on the shared block face. The adjustment should be calculated by applying a multiplier of 1.5 x the average floor area of houses within 150 feet based on data base information provided by Portland Maps and not to exceed the maximum FAR for the zone.

Allowed floor area ratio (FAR) should apply to all occupied spaces on a buildable lot including basements wherever basement ceiling framing is > 3 feet above exterior grade and in attics where the finished ceiling is > 80 inches clear in height above the floor.

Regarding maximum height limits, the maximum height in the R5, R7, R10, R20 zones on lots 75' or more in width, 35': For lots less than 75 feet wide, 30 feet. Height limits for R2.5 zone: maximum 30 feet. Height limits for detached accessory structures: maximum 15 feet.

Minimum Front Setback for 3 and 4 plexes in R2.5: 10 feet front and 4 feet on side of corner lot. For R5-R7: 15 feet front and 8 feet on side of corner lot. For R10-R20: 20 feet front and 15 on side yards.

Site Coverage: R2.5=.50% of site area. R5, R7 = 40% of site area, R10, R20 =30% of site area. Allow 5% increase for external garage or ADU in R5, R7, R10, R20.

Off street parking spaces for each unit be required in at least the R-2.5 and R-5 zones. No ADUs should be allowed.

Prior to Building Permit review, a planning department minor review be made to insure minimal impacts to adjoining existing dwellings – one critical impact is obscuring of light to surrounding dwellings. See page 10 for detailed explanation of this possible review.

**Rationale for above multi-family recommendations:** With the above recommendations for duplexes triplexes and fourplexes there would be a discrete limit on how many duplex and/or tri or fourplex units could be built on a given residential block, thus limiting a possible incremental increase of density allowed by the base zone (set prior to RIP) in existing residential neighborhoods. Regarding compatibility, if duplex, 3 or 4 plex development are allowed on corner lots, they will have less potential impacts to adjoining lots. Corner lots do not have common boundaries with three neighboring lots- only two. And, in most cases the common boundaries are at the side yards of the adjoining existing dwellings. As such, this condition minimizes the possible impacts of a tri or fourplex structure on existing, adjoining single family dwellings. Also, a minor review process should be required to mitigate impacts of all infill residential structures (single family dwellings, duplexes, tri or fourplex structures) on existing, adjoining dwellings. One important factor in this minor review would be the limit on how much light could be obscured by an infill structure on an adjoining existing dwelling. See page for more details on a standard for mitigating this impact.

### **Detached ADUs**

One detached ADU should only be allowed if it is planned to be built simultaneously with a new, infill single family dwelling or a new infill duplex if the site building coverage standard is met and the ADU is no more than 450 sq ft in area. ADUs should not be allowed on lots for new infill Tri or four plexes. The reason 450 sq ft limit is important is because the present standard for ADUs is 800 sq ft., basically constituting another whole dwelling unit. When ADUs were first being built in Oregon cities in the 1980's, they were much smaller than 800 sq ft and were meant to be occupied by only one or two persons, not another family unit of 4 or more. Single Family Dwellings in major subdivisions built just before and after WWII were as small as 800 sq ft. They included two bedrooms, a kitchen, small dining area, living room and one bathroom. A family of 4 could live in a dwelling this size. The present average size of an American Family is no more than 4 persons. If the dwelling is an "accessory unit" for one or two persons and associated with the primary residential structure, 450 sq feet is adequate.

### **Cottage Cluster Development**

In reading section 8 of the RIP document (encourage more cottage cluster development), I found it discouraging to think that the City planning staff has just mentioned this one form of alternative housing type under the "middle housing" category. Why haven't they addressed courtyard housing projects or row home housing types, in addition to 3 or 4plex flats.

There isn't a full explanation of what "middle housing" could include as residential structure types. The new state law HB 2001 also inadequately described what the array of residential housing types can be considered middle housing.

For some reason, the proposed RIP proposal went into very fine detail about what "cottage cluster housing" can be. This seemed to be someones ( a planning commissioner's ?) pet alternative housing type. Moreover, the RIP document states that the density standard for these projects would be that of any of the low density zones where the project was proposed. However, it alludes to the fact that ADUs would be allowed for each cottage unit. The project would be originally designed to include an ADU for each primary dwelling. Based on City Dev Code section 33.205.040, the size of an ADU can be up to 800sq ft. As mentioned above under the heading of ADUs, single family dwellings in major subdivisions built just before and after WWII were as small as 800 sq ft. and could accommodate 4 persons. Presently the average size of an American Family is no more than 4 persons and an 800 sq ft dwelling was once considered adequate area for a family. So, what is really being proposed here is the doubling of the allowed density for a "so called" cottage cluster development. If ADUs are allowed for each dwelling in a cottage cluster development, the maximum size of the ADUs should be no more than 450 sq ft.

### **Density Bonus**

The RIP has proposed that an incentive mechanism to encourage to infill dwelling units be affordable is allowing additional units than proposed by the developer. The City should not be passing out density bonuses for development in low density residential zones if a developer promises to build "affordable" duplex, tri or fourplex housing. The "Portland for Everyone" lobby group has been arguing that more opportunities for middle housing development, even in low density residential zones, will provide for more housing supply. They claim that more supply will reduce the demand and thus, the cost. Why then, should the City be also allowing additional units as an incentive to guarantee affordability?? This is adding insult to injury. I can understand how this mechanism is needed for the provision of some affordable units in new townhouse and multiple family housing in high density residential zones (inclusionary zoning), but it should not be even considered for middle housing in low density residential zones. The city shouldn't be encouraging more densification by offering "density bonuses" at the cost of existing residential neighborhoods!

If the City wants to encourage the provision of affordable housing, one method could be to reduce development fees when affordable units are included in duplex, tri and fourplex structures. To be clear, allowing the addition of an extra dwelling unit to a proposed duplex, triplex or fourplex should not be allowed.

### III. Closing Remarks

**The "Residential Infill Project (RIP)" quickly morphed from "Mitigating Impacts of Single Family Residential Infill" to the provision of "More Housing" at any cost!**

Of all the tinkering with code standards that staff and planning commission have made in the name of reducing the impact of infill residential buildings on existing single family dwellings, I think there are only two in the RIP code change proposals that will qualitatively help. Those are: provision to changing how the height of new residential buildings will be measured and; limiting the size of new infill single family structures. Many more possible residential infill impacts should have been identified, considered and addressed. This lack of breadth and depth of the "infill impact" discussion occurred because the major focus of the RIP Project morphed into "how to provide more affordable housing units" in low density residential zones- also known as the indiscriminate densification of residential neighborhoods. This focus change partly occurred based on the so called the "housing crisis". This hijacking of a planning process was promulgated by the lobby group, "Portland for Everyone". They also caught the attention of State politicians who rashly, and naively thought that if its good for Portland, it must be good for the state; thus voted to apply it statewide.

The height measurement change and the building area limit are token impact mitigation measures – tokens used by those responsible for this RIP project to persuade city residents in low density residential neighborhoods that the City is truly concerned and attempting to protect them from residential infill impacts.

I testified at one of the RIP committee meetings almost four years ago and testified that one of the major impacts of new infill development has been the loss of light to adjoining, existing houses. More specifically, light to solar panels on existing dwellings could be obscured, reducing the energy previously generated by those panels. I also personally spoke to City Planning Staff about this and they ignored me. There has been no discussion of this matter in subsequent meetings or in the many iterations leading to the latest RIP Report before the City Council.

Whatever amount of light an existing residential property gets is a precious commodity and considered a property right, especially here in the Pacific NW. This includes light to dwelling active room windows (i.e.kitchens, dinning and living rooms), as well as light to yards, especially the rear yards. People use their rear yards as living spaces in Summer and Fall months. Many people also grow vegetables in their rear yards and depend on adequate sunlight to do this. Sunlight is not addressed at all in the RIP proposal. Lose of Sunlight is just "one" example of how the property rights of those who live in existing residences can be damaged by new residential "infill" development on adjoining lots.

What is most disconcerting is that this subject of identifying and mitigating the possible and numerous array of infill development impacts has not been adequately addressed. And, ironically, the provision for multi family infill dwelling units in single family neighborhoods, that may cause more negative impacts than an infill single family dwelling, has been given most of the attention in this unfortunate, City sponsored "infill" exercise.

To address the obscuring of light impact, a city review should be required for all proposed infill residential structures to ensure that light to adjoining, existing dwelling active windows, solar panels and rear yards not be substantially obscured. This review standard could be "no more than 25% of light at winter solstice can obscure the above mentioned existing dwelling features by the proposed infill structure.

### **Present status of residential solar access protection in City of Portland and State**

Regarding solar panels, I have not seen any evidence in the City Development Code that there are solar access protection measures. Also, State law (ORS statutes) only allows a person to develop an easement that may or may not be accepted by a neighboring land owner. The following is a status report on how the City of Portland is, or more like "was", addressing the protection of solar access to solar panels.

Solar Access and New Development - written by SE Neighborhood Uplift Coalition  
March 11, 2014

The amount of new development in the SE Uplift coalition neighborhoods has been significant over the past year. Apartment buildings are seemingly springing up left and right, homes are being demolished and replaced by something different, and the splitting of lots is continuing to take place. Our quadrant is clearly a place where people want to live and where developers are eager to cash in on that desire.



One issue that has sprung up from this new development is the impact it can have on the solar access of neighboring properties. You've probably seen examples of this where a single story older home is right next to a recently built modern home that is much taller and bigger in scale. The difference in height and the placement of the new home effectively blocks the older home, and its backyard, from light it used to get prior to the new home's construction.

For many of us, access to light seems like it should be a right and when it has been taken away it feels like our rights have been violated. The Doctrine of Ancient Lights, based on English law, essentially makes that case by saying that after a number of years the owner of a long-standing building has the right to maintain her home's level of illumination. If a neighbor wants to build something that obscures the light, the neighbor must get permission.

This doctrine has been rejected in the U.S. courts, most notably by the Florida Appellate Court in the landmark Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc. case in 1959. The court ruled that a

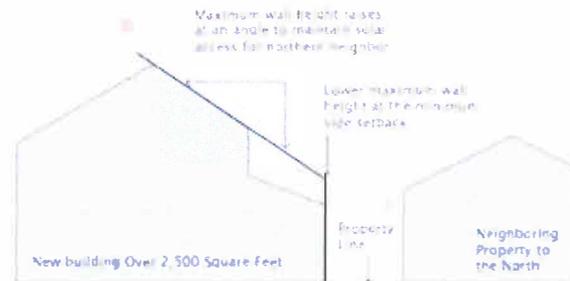
property owner does not have the legal right to the free flow of light and air across the adjoining land of his neighbor.

Even with this ruling, there are regulations that cities can enact to try to protect solar access. In fact, Portland once did this very thing. Back in 1986, Portland City Council passed ordinances that prohibited new houses from casting shadows on their neighbors. The impetus at that time was to encourage the use of a solar energy.

The regulations were met with strong resistance from the Home Builders Association of Metropolitan Portland who argued that they limited the types of homes that could be built and drove up the cost of doing business. After three years of contentiousness, a compromise deal was reached with most of the solar access regulations being removed. What remains in the zoning code today is very little in terms of solar protection.

The current pace and form of new development has led to a renewed interest in exploring ways to protect solar access. For some people, solar access protection means limiting the building heights of adjacent properties. That certainly would be one option that could be explored.

Some cities have had success with regulations that require developers to orient and design lots so that structures of a certain height will not block solar access to adjacent lots. This often takes the form of requiring buildings to have “step downs” in height as it gets closer to an adjacent property.



Another approach is to create “solar setbacks” for new development. These are determined by a formula that considers the height of a building, the angle of the sun when it is at its highest point, and the topography of a lot.

Other municipalities have processes for obtaining solar access permits or recording solar easements, which can establish the right to solar access for an existing or planned lot (this usually is done to protect solar panels from being blocked). A few cities have used a concept of a “solar fence” which is a hypothetical opaque fence that encircles a property at up to a certain height above the ground.

While some of these options would be difficult to implement in an urban environment like what we have in our neighborhoods, it seems that they might be at least worth considering as our city continues to try to accommodate new development while also trying to maintain the existing character of the neighborhoods.

# Jerry Gabay

**#83181 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I am a resident of Laurelhurst in Portland and was active in the successful effort to create an historic district in order to reduce the number of tear-downs and tree removals in our neighborhood. I supported Councilor Eudaly in her contest with Steve Novick. It turns out that I am one of those white old men whom she now rails against as nimbys and in her campaign against neighborhood associations, even though I have spent essentially all my professional life in support of marginalized communities. However this email is not to compare bona fides. It is to make clear what each one of you already knows, to wit, RIP will not likely result in affordable housing by any reasonable definition of that word, and is in fact, likely to exacerbate gentrification. If we estimate the cost to build new construction at \$200/sq/ft and average size at 3000 sq/ft, construction would cost \$600,000 at a very minimum. Permits and SDCs will cost approximately \$140,000 for a four-plex. Demolition will be around \$20,000 depending upon what is demolished and trees to be cut. That results in approximately \$760,000 in costs for four units; likely much higher due to higher construction costs. I believe the average cost for a lot in Portland is roughly \$400,000; in Laurelhurst it will be over \$500,000 as there are few if any lots without a standing house upon them. Then there are costs of financing, developer overhead, selling costs, profit margin, etc. It is difficult to believe that a developer will have less than \$1,500,000 into a tear down and rebuild. If one wants a 10% return annually on this investment, it will have to generate \$150,000/year or nearly \$40,000 per unit in rents or over \$3000/month. Can anyone on the council sincerely believe that is affordable for those who are supposed to benefit from RIP? If you have any doubts, ask your staff to research the 8 or more tear-downs in Laurelhurst over the past 2-3 years, and discover what they sold for (or currently rent for). Affordability is a major issue in Portland and many other cities. The crisis has many sources including low wages. Please do not decimate Portland's many livable neighborhoods by accepting this wolf masquerading as a sheep. Thank you for your attention.

Testimony is presented without formatting.

# Catherine Mushel

**#83182 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please fund a conservation easement system to provide for pocket green space with big trees, especially in East Portland, as well one-way streets everywhere to allow for big trees along roadways to make the Residential infill project make some environmental sense.

Testimony is presented without formatting.

# Barbara Kerr

**#83185 | January 16, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

My name is Barbara Kerr, I live in East Columbia neighborhood, and I am a member of United Neighborhoods for Reform. We all agree that two of our greatest crises are housing and climate change. Yet as we carry the banners expressing our concerns, we march in the opposite direction. The density we say is creating more housing is creating more expensive housing and eliminating our most affordable housing, the existing homes that can be lower cost and therefore more accessible to obtain and fix-up, if necessary. Homes at all price levels can be shared as is or adapted to multiple-family dwellings if desired, allowing for homeownership as well as rentals. Adapting existing housing is how surges in housing needs were dealt with in the past, maintaining neighborhood character and the history that gives our communities a sense of stability. We have been carrying the banner for density for many decades but it was built on the concept of infill, not demolition and building new. The new dwellings we say are addressing affordability may be affordable for new-comers, but are not affordable for those who are desperate to find housing, either to own or rent, who already live here. As new development raises the prices, we are walking away, in the opposite direction, from our low-income, elderly, underrepresented, new families, and minorities whose history and pride of place is being erased. We carry the banner of increasing representation of all citizens, yet we ignore their basic needs of housing and community, and the opportunity to remain or become independent, if they desire, instead of being forced into higher-cost apartments because there are no modest homes, fixer-uppers, or lower-cost rentals that allow them to save for the future. We are in a housing crisis, and yet we march in the direction of destroying our most affordable housing, the homes that already exist. We walk under the banner of sustainability and a “green” city, but we go in the direction of wasting rather than reusing the most “green” buildings, those that already exist, even compared to new “green” construction. We say we need density to decrease the use of the automobile, but we ignore the fact that we can have that density without destroying existing houses and neighborhoods; and we ignore that as we concentrate housing around fewer bus lines, we leave neighborhoods where people have to drive to catch a bus, rather than increasing the bus lines. The Residential Infill Project has followed those that profit from building new, in the opposite direction from where we say it is going. The RIP incentivizes demolition, especially if we have rent control that does not apply to new construction instead of all rentals. We have been led away from common sense, affordable, and more equitable solutions, that have been given minimal attention. We need to turn around and get back to supporting our communities by emphasizing creating regulations that encourage affordable density created in

existing homes in all neighborhoods, and spend our money supporting our communities rather than creating zoning that benefits new development.

Testimony is presented without formatting.

# Michelle Becker

**#83186 | January 16, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I am a long-time Portland resident and I strongly urge you to vote NO on the Residential Infill Project. We bought our home with the existing zoning because it was in a neighborhood with other owner occupied homes. Zoning is essentially a promise from the City that our property is dedicated to single family homes. It's not fair and it's not right to change the zoning and prioritize rentals over home owners. It will drastically diminish the aesthetics and quality of life in our neighborhoods. Here are just a few of the major issues this proposal will create: Cramming over 24,000 units into existing neighborhoods will replace trees and ground surface with buildings. Our city will be hotter with less tree canopy and we have less ground surface to absorb rainfall. We used to have building codes prohibiting too much impervious surface area for just those reasons. The need for tree canopy and drainage area doesn't just go away; it actually becomes more important over time. As the city becomes hotter, more people will use AC and fans to stay cool creating a greater demand on electricity and risking blackouts. It will also increase the cost of electricity making it that much more expensive to live in Portland. The same applies with the surface area. In heavy rainfall we risk sewage overflows into our rivers and we'll have to keep building more solutions, at a cost, to stem the tide. No infrastructure to support those units ~ no additional parking, no additional lanes for more cars and buses, no expanded water and sewer service, greater draws on electrical and gas supplies = more time spent looking for parking and more exhaust pollution, more congestion on the roads, lower water pressure, more sewage overflow into the Willamette, greater risk of rolling blackouts due to electrical shortages, and higher cost for all utilities with greater demand. Higher rents – Yes HIGHER rents, not lower rents. You can't buy a house, tear it down, build two or more in its place and expect the overall cost to be less than the perfectly good house that once was on the lot. The developer needs to make a profit and the renter can no longer afford to buy the expensive new mini home that occupies the lot. RIP is a very BAD idea. Please keep the City's promise and protect single family housing. Please vote NO on RIP.

Testimony is presented without formatting.

# Constance Harvey

**#83187 | January 16, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

RIP is being promoted as a solution to the housing affordability crisis. However, the analysis commissioned by the City of Portland showed that rezoning all single-family lots to allow for duplexes, triplexes, quadraplexes, and townhouses will promote market-rate rentals over home ownership. The new units are predicted to be mostly micro-rental units with unaffordable average market-rate rents of \$1,823/month. Rather than affordable housing, Portland will see speculative redevelopment accompanied by increased demolitions of the most-affordable existing housing and more displacements of the most-vulnerable residents. According to the City's analysis, this type of rezoning will result in the displacement of low-income residents with no path of return. This will disproportionately impact minorities. The adopted 2035 Comprehensive Plan already has a 20-year housing supply of all housing types without RIP, including detached single-family, duplexes, triplexes, quad-plexes, and townhouses. Objections to RIP include: • Elimination of Single-Family Neighborhoods • Promotion of rentals over home ownership • Increased demolitions of affordable housing • No parking requirements • No infrastructure requirements • No transportation planning • Environmental protections overridden • Significant loss of residential tree canopy • No protection for historic resources • No restrictions on vacation rentals • Decreased fire safety in multi-units • Creates unaffordable housing • Displaces minorities worse than redlining • Exceeds the State-mandated requirements of HB 2001 The predicted unintentional consequences of RIP are far too negative to jeopardize the livability of the City of Portland. Please vote against it. Please add this to the Record.

Testimony is presented without formatting.

Dear members of the commission,

Thank you for the opportunity to testify today. My name is Daisy Quiñonez (KEE-nyo-nez), a lifelong Portlander and East Portland raised community member. I wear many hats— among them: grad student of city planning, tenant rights' non-profit worker, and I'm here today as today as one of the four dissenting votes on Residential Infill Project as a member of the Planning and Sustainability Commission.

I'd like to provide greater clarity and context on my vote and why I'm here today to urge you to vote yes on this project along with anti-displacement amendments. It's imperative the city grow our housing stock to accommodate our projected population growths in the next decades and the many forms a household can take on. Single-family zoning, as you all well know, is exclusionary on many levels— from only accommodating nuclear family households, creating a housing context that is out of financial reach for many families, and a racist history and legacy that continues to create housing barriers for communities of color here in Portland and across the US.

As a city we must allow for a variety of housing forms to make housing within reach of more people. RIP creates a pathway to this.

I voted no on this proposal as a planning and sustainability commissioner because, while understanding the context that creates the need for RIP and the long term benefits it'll provide, I know in the short-term, such a zoning change can increase speculation and lead to displacement. While the displacement risk analysis showed an overall net decrease in displacement under RIP, my concern was focused on where the bulk of the expected displacement is likely to take place. The neighborhoods identified by the analysis are some of Portland's last remaining affordable neighborhoods. For a family from one of these areas to face an eviction could have serious impacts on their stability and health.

PSC, as a body, doesn't have purview over making formal non-code related recommendations. On this zoning code change alone, I did not feel comfortable voting yes because of the effects it could have to working families in the short term. However, you as the body able to amend this proposal to include programs and policies outside of code to prioritize anti-displacement can make this a more equitable project in both the long and short term.

Anti-Displacement PDX has for many years offered the City policy recommendations to reduce, mitigate, and prevent displacement. I urge you to take the leadership and suggestions of this frontlines coalition to make RIP a more equitable project and pass RIP with the anti-displacement recommendations proposed by ADPDX. Thank you.

# Daisy Quinonez

**#83208 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

Testimony for residential infill

- **I am** Daniel Berkman, a Cully resident, property owner and concerned citizen.
- **Thank you** for considering raising the number of housing units allowed on lots.
- A number of years back my wife, Nancy Hiss, designed, and we had built, an **ADU for Nancy's parents**.
- After their death we looked to rent the ADU to a refugee family. The family we found were **Portland refugees** from rent hikes of more than 100%.
- The residents of the Normandy Apts were blindsided by the sale of their ~~building~~ **HOMES** and the subsequent **rent increases**.
- If they had a **Tenant Opportunity to Purchase** they could have stayed in their homes, their schools, their community, in Portland.
- **One** of those families did find a home in our ADU.
- It has been a very **positive experience** for us.
- While we could rent the ADU for **twice** what we are getting, we are more than covering our costs now.
- We tried to purchase a nearby Cully neighborhood property to develop more affordable housing, but the **development costs** were prohibitive.
- If the plan being considered is adapted. If **incentives** for building affordable housing ~~was~~ **is** included. We ~~would~~ **would** develop more affordable housing on our lot.
- **Our tenant** works as a house painter and sheet rocker. Good paying occupation, but still not enough that he and his family can afford to live in Portland. I hope that the City Council will adopt zoning policies that will allow, construction workers, and school teachers, and social workers, students, pensioners and dishwashers to stay, or move back to, Portland

# Daniel Berkman

**#83239 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

Received 190093 Council  
1/16/20

January 16th, 2020  
RE: Residential Infill Project

To the Mayor and members of Portland City Council,

I am writing this testimony letter in complete support of using the Residential Infill Project as a way to establish new, truly affordable housing in Portland.

I was born and raised in Portland, and lived all my life in NE Portland. I was pushed out of NE Portland to SE Portland, years ago due to rising rents. I was unable to find anything affordable for my children and I. If my rent was affordable, I would be able to spend more time with my children and improve our livelihoods. I might be able to save money, so that I can one day achieve home ownership, which is definitely a dream of mine. It would take some of the stress off my shoulders, as I am a single parent who relies on one income to get by. How much further out of the city will we have to go next, to find housing that is stable, and reasonably priced for us?

I support using the Residential Infill Project to promote the building affordable housing to developers, by offering them perks or incentives. I also support adding components of Tenant Opportunity to Purchase and Right of First Refusal, to ensure that struggling low income renters, can have a path towards a better life. EVERYONE is worthy of a stable, healthy home.

I ask that you please support measures within The Residential Infill Project that will create sustainable, affordable housing.

Thank you for listening, and for your continued efforts to help low income tenants stay housed.

Sincerely,



Doneshia Brown  
5825 SE 84th Avenue Unit B  
Portland Oregon 97266

# Doneshia Brown

**#83240 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

received 190093 Council  
1/16/20

Residential Infill Project Hearing  
Thursday, January 16th, 2020

Hello Mayor Wheeler and members of Portland City Council,

My name is Coya Crespin, and my children and I live in St Johns, in North Portland. I am also the Portland Metro Community Organizer at Community Alliance of Tenants.

I work closely with Portland's most vulnerable renters. At Community Alliance of Tenants, we are inundated with calls from low income renters facing evictions because rent is simply too high, Low income, hard working families are barely scraping by and unable to meet basic needs for their families due to the cost of their rent. The passing of Senate Bill 608, while an important step in the right direction, doesn't go far enough to stop displacement and houselessness. The current allowance of 5% rent increases +inflation which brings it to around 10%, is still far too high.

The Residential Infill project is the perfect opportunity to start to relieve some of the immense pressure that lays on the heads and hearts of Portland's low income tenants.. WE must act now. Housing Bureau reports for a fourth year in a row that average rents and home prices in most Portland neighborhoods are currently unattainable for indigenous people, people of color, immigrants and refugees, and seniors. There are no neighborhoods affordable to Black renters and single parents with children. I myself live paycheck to paycheck and am one rent payment away from losing my housing. If my kids and I are pushed out of St Johns due to rising rent, this would be devastating to my little family, as we have strong community ties in St Johns. I am like many single parents, who rely on our neighborhood ties to get by.

There is a need within the Residential Infill Project to focus on ways to stop displacement, like Tenant Opportunity to Purchase, Right of First Refusal, and provisions for tenants in single family homes to have the same tenant protections as other zones, as well as incentives or bonus programs for developers to build affordable units.

I would like to express my gratitude to Councilwoman Eudaly as well as other members of council and the Mayor, for taking seriously the need for better policies for struggling tenant families. This sends a strong, clear message that tenant protections are a high priority for Portland's residents and that the City has a role to play in

helping stabilize residents now, and will not sit idly by while more and more families do without enough food during the last week of the month. Or proper meds for their children. This is happening in real time.

I deeply appreciate your immediate attention as to how the Residential Infill Project can be utilized as a way to stop the displacement of my family and the families that I work with.

Thank you,

A handwritten signature in black ink, appearing to read "Coya Crespin". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Coya Crespin  
8415 N. Fessenden Street #9  
Portland Oregon, 97213

# Coya Crespín

**#83241 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

received 190093  
1/16/20

## **Residential Infill Project, Testimony – January 16, 2020**

Submitted by Jim Gorter, Southwest Portland

I am a resident of Southwest Portland and live in a 1200 square foot house. As a member of the Residential Infill Project Stakeholder Advisor Committee, I have participated in the Residential Infill Project since its inception.

**Portland is a city of distinctive neighborhoods, yet RIP takes a “one-size-fits-all” approach by applying the same housing-scale and density allowances to residential neighborhoods throughout the city. The Comprehensive Plan requires development rules to be tailored to enhance the uniqueness of the neighborhood, block and public realm.**

- “One-size-fits-all” redevelopment will focus demolitions and displacement on neighborhoods with less expensive homes and on smaller, less affordable homes in areas of more expensive homes. It is urban renewal, one house and one family at a time.
- RIP will not produce homes that are more affordable..
- RIP will not result in increased home ownership and the opportunity for intergenerational wealth accumulation. BPS says most new middle housing will be investor owned rentals.
- RIP will lead to gentrification. Refill will defeat efforts to achieve equity in Portland’s neighborhoods.

**RIP allows scatter-shot densification that fails to advance Portland’s walkability, sustainability, and transportation goals called for in the Comprehensive Plan.**

- Dispersed density will lead to increased automobile dependency and carbon footprint.
- Dispersed density will not lead to complete, walkable, full service neighborhoods.

## **RECOMMENDATIONS**

- Respect context and scale. Make front setback, height and mass compatible with surrounding houses.
- Require affordability in exchange for density. Require at least one unit in plexes to be affordable at 60-80% MFI.
- Do not provide FAR bonus for affordable dwelling units. Encourage affordable housing through financial and regulatory incentives.
- Focus middle housing density around centers and narrowly on frequent transit corridors.
- Preserve naturally occurring affordable housing. Allow demolitions of viable housing only if it is replaced by affordable housing.
- Allow all middle housing only in R2.5 zones already designated for moderate density.
- Include finished attics and basements in FAR.
- Do not reduce minimal lot sizes.
- Delay further consideration of RIP until the Anti-Displacement Action Plan is completed, fully funded and implemented.

# Jim Gorter

**#83244 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

# Residential Infill Project

Testimony of  
Portland Coalition for Historic Resources  
January 16, 2020  
By John Liu

# RIP Not Needed For Population Growth



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

February 25, 2019

Chair Shemia Fagan  
Senate Committee on Housing  
900 Court Street NE, HR B  
Salem, OR 97301

“Portland recently completed an eight-year process, with extensive public engagement, to update our comprehensive plan. Through that process, the City re-committed to a strategy that focuses our growth in our transit-oriented mixed-use centers and corridors (see map). In addition to the comprehensive plan update, the City also updated the Central City plan, which included increases in building heights, density and affordable housing bonuses.”

**“Our zoning map provides  
twice as much capacity as  
forecasted growth”**

Sincerely,

Joe Zehnder  
Interim Director

# RIP Will Not Produce Affordable Housing



Portland **Small Developer Alliance**

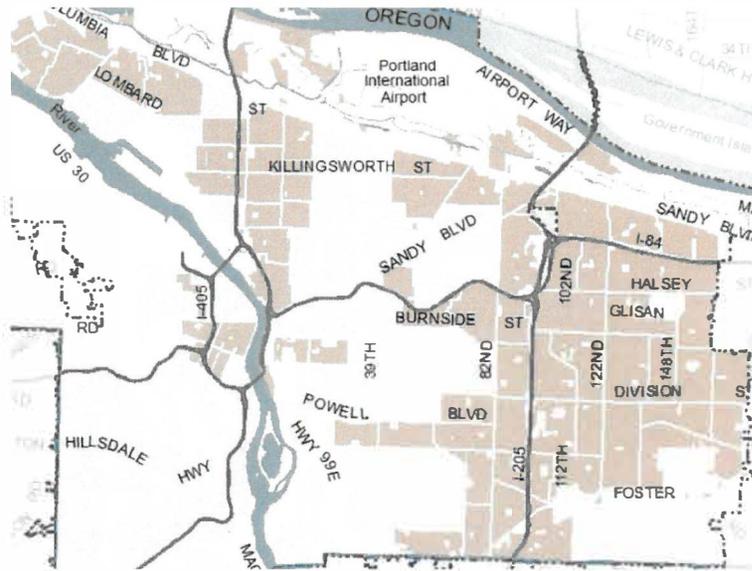
Testimony to PSC May 2018

	Rent/Unit/Month	Unit Size (sf)
Duplex	\$2,734	1,250 sf
Triplex	\$2,968	1,200 sf
<b>Quadplex</b>	<b>\$2,297</b>	<b>1,100 sf</b>

Average rent for 2 bedroom	\$1,645
Affordable 2 bedroom for 80% MFI	\$1,580
Affordable 2 bedroom for 60% MFI	\$1,190

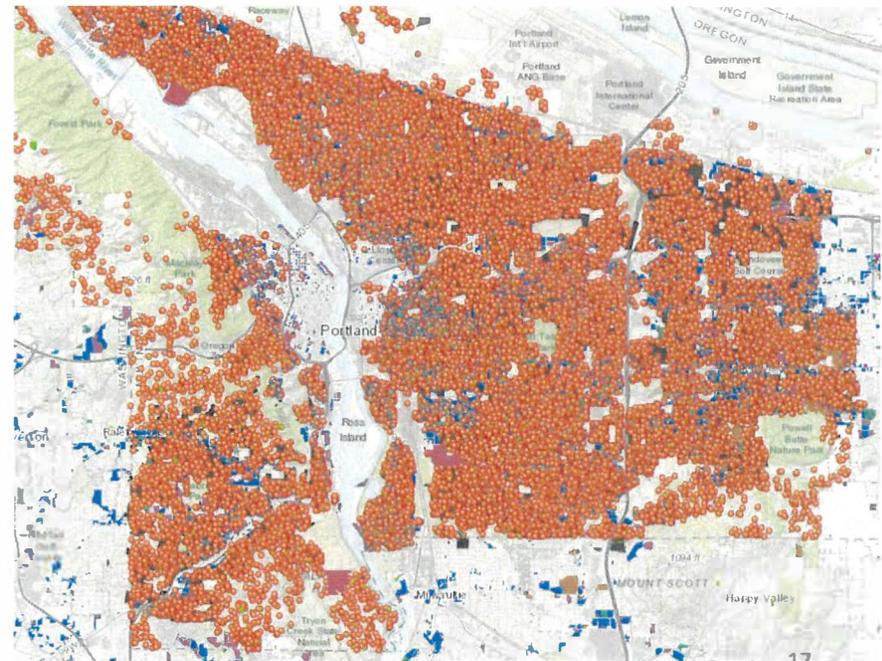
Portland Housing Bureau, State of Housing report

# RIP Will Displace Low Income/Vulnerable

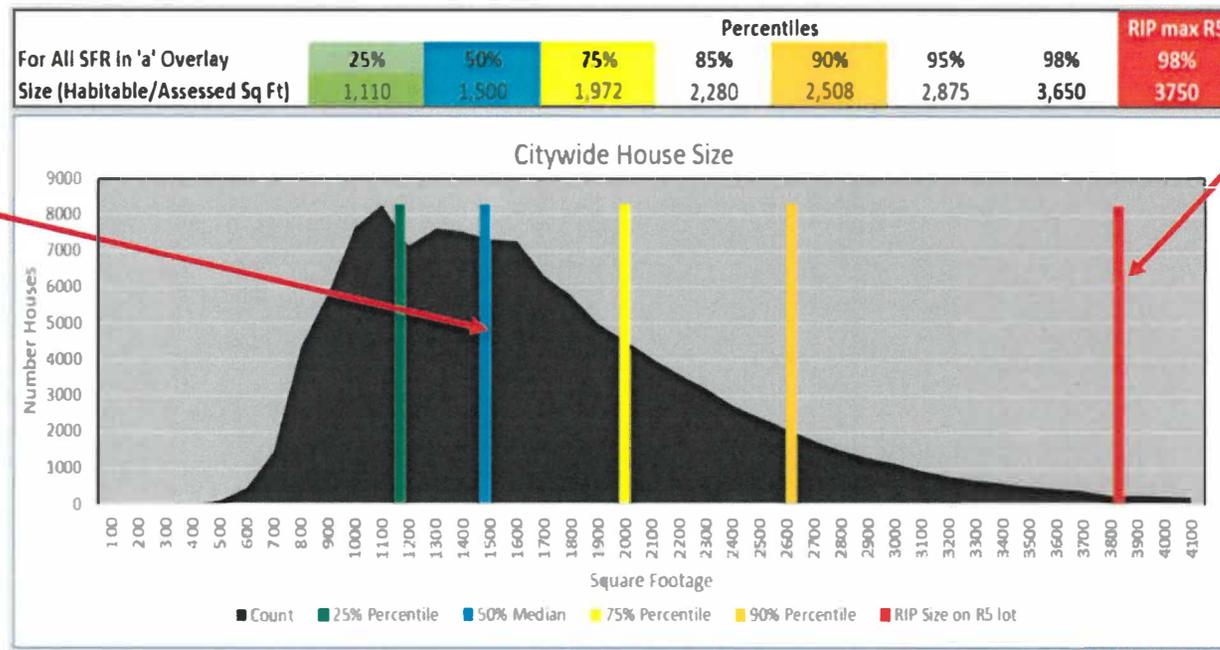


Displacement Risk Areas (2018 city assessment)

Red dots = rental; single-family houses in Portland



# RIP Infill Much Too Large (In Some Areas)



The median Portland house is 1,500 sq ft

RIP infill will be larger than 98% of existing houses

Chart prepared from city data

## PCHR Recommendations

- Require one affordable unit per triplex/quadplex
- Complete, fund, and implement Anti-Displacement Plan before deciding on RIP
- Focus triplex/quadplex on R2.5 single family zones (near transit, already designated for more density), duplexes in R5 zone
- Size/height limits relative to surroundings, e.g. “allowable height X% of tallest on block, up to max Y feet”, city has the data
- Protect trees, discourage demolition existing houses and historic resources
- Pilot RIP (limited area, period), assess results before expanding.

# John Liu

**#83247 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter from Portland Coalition for Historic Resources attached

Testimony is presented without formatting.

received Council  
190093  
1/16/20

**Honorable Members of Portland City Council:**

My name is Ivonne Rivero. I have lived in Portland since 1992. This makes me a resident of Portland for almost 3 decades. I am a translator, an interpreter and I am also taking care of my mother, an octogenarian. I am writing to you today as the representatives of ALL Portlanders.

Today I want to speak on behalf of low income families, those who are struggling in a city that is becoming more unequal in its divide between those who have and those who can no longer afford a roof over their heads.

Ten years ago I lost my apartment in a low-income community across my son's school, Cleveland High School. A year after I packed all of my belongings, I lost my job at OHSU and then I had to send my son to live with his father, because I could no longer pay for the down payment to get into an apartment. Soon after that, my mother got really ill and I had to step in, voluntarily to take care of her health.

Now, when I am called "a senior" my opportunities for being housed on my own are constantly challenged. I am happy that I still have a family I can go to when my income is less by far than the median. I am confronted every day with the realities of how Portland has become a world-capital, with many amenities for the rich, for the up-and-coming, but has forgotten about its working people. Everywhere around me, there's families struggling to make the rent. Every month, in many cases, the rent goes up and up... and up. If it's no longer the rent, thanks to the recent legislation passed for tenants' protections, -then it's the water or something else.- The greed of those in the rental business is commensurate to the displacement. I can see this, specially around the neighborhoods in SE Portland, my friends, small business, artists, thinkers.

This is why I want to support the initiative to create housing for low and middle income earning families, the "**Residential Infill Project.**" I hear that this proposal would allow for more smaller-scale homes to be built in Portland.

I am aligning myself with The Community Alliance of Tenant, who wants to ensure that as many of these new homes as possible will be TRULY affordable for lower-income people. Secondly, I also want to make sure that renters will have advance notice and the opportunity to stay in their homes if their landlords decide to sell.

HOUSING IS A HUMAN RIGHT, and tenants deserve dignified housing in the areas of the city that they choose to raise their families and live. Renters need stability and protection from displacement, as part of the Residential Infill proposal and through additional policies like Tenant Opportunity to Purchase, and First Right of Refusal.

I unite with CAT to say: **YES TO AFFORDABLE HOUSING! YES TO TENANT PROTECTIONS!**

LIZBETH IVONNE RIVERO  
5418 SE Henderson St.  
Portland OR 97206

# Lizbeth Ivonne Rivero

**#83249 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

received in Council  
190093  
1/16/20

Thursday, January 16th, 2020

Good Afternoon Mayor Wheeler and members of Portland City Council,

My name is William Travis the III. I am a business owner and resident in North Portland. I am writing this testimony regarding the Residential Infill Project Proposal.

I was born and raised in NE Portland, and have been working in the community in Portland to support local public schools through fundraisers at my restaurant, Dub's St Johns. I love my community and I work hard to make sure I do what I can to support working families here in Portland.

I have heard from countless customers and friends of mine who are struggling. Struggling with rising rents, and lack of repairs in their rental homes. I know tenant families who are struggling to make ends meet. This is unacceptable and we must find a more well rounded solution to this ongoing problem. Low income tenants, predominantly people of color, need better protections NOW, in the struggle to STAY HOUSED.

I am thankful for the opportunity to express my support for stronger tenant protections. I believe that in order for the Residential Infill Project to be truly successful and fully address the needs of working families, it needs to include several proponents of tenant protections. In order for low income tenants to stabilize, we need to see City Council take responsibility to protect Portland renters from insecurity and homelessness. We really need to see Council take seriously advancing supports, services, and policies for renters now. It cannot wait. The Residential Infill Project must include tenant protections, such as First Right of Refusal, and Tenant Opportunity to Purchase, as well as benefits for developers to build affordable housing units.

I deeply appreciate your attention and sense of urgency to help Portland residents resolve this state of renters' emergency. You have the opportunity to better the lives of low income renters' in Portland.

Thank you for your time,

William Travis The III  
  
8639 N FOWLER CT  
PORTLAND, OR 97217

# William Travis

**#83250 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

received 190093 Council  
1/16/20

Mayor Wheeler, Commissioners, Good evening.

My name is Gary Whitehill-Baziuk and I have been a Realtor for over 25 years in the City. For the last 15 years I have worked almost exclusively with builders and developers.

RIP is mostly about adding inventory and density. There are some design elements that I take issue with but I am not sure you want to hear about that.

I'm going to guess that most people <sup>here</sup> ~~in this chamber~~ have never built a house. Not had the experience of going thru the process of buying a piece of land, obtaining permits, obtaining financing and dealing with construction costs.

This entire process is mainly a math equation and math does not lie.

I have a client who just recently obtained a building permit for a house that he intends to build. Yes it is a larger home but one that would be allowed under RIP guidelines.

It is 2200 sq. ft. The permit alone was \$56,000

Now let's add in just the cost of construction.

The cost if he is lucky, is around \$160 a foot and that is on the low end.

We are now at \$410,000 not including the cost of the land

Land price...\$250,000

We are at \$660,000 just in cost

Add in some reasonable amount for profit and one can see why home prices for new construction are so high.

The point being that doing business in the City is really expensive.

*And many people are leaving because of it.*

I've attended work sessions on RIP and other housing topics. Including Inclusionary Zoning and all of the landlord tenant sessions.

I have always left these feeling perplexed. Perplexed that the City rarely includes people from the real estate community to participate in these working groups. I rarely see experienced Realtors or developers or finance people included in any of the committees.

Ultimately what is decided by Council affects the market place. Shouldn't someone with knowledge of the market be a part of these discussions.

Which brings me to my last point.

*and over time decrease property values*  
 We <sup>do</sup> have a housing crisis. Including affordability and supply. I believe RIP will add to supply. However that supply will take the shape of more rental units as the condo market is a tough sell. And speaking from experience there just are not that many investors jumping into the small plex market given the current climate of rent control and relocation fees.

~~RIP will decrease property values~~

I believe that this and affordability are societal problems. We are all impacted by it one way or another. Yet the only segment of the population that is being forced to remedy this are property owners.

Property taxes continue to go up as we have yet to find a bond measure we don't like. People on fixed incomes are having a harder and harder time with this.

People are leaving the City because of it, Builders and developers are choosing not to continue doing business in the city.

I go back to my math equation. The only real variable in that equation is the price of land.

Building permits will only continue to rise, interest rates can't go much lower, construction costs do not fluctuate much.

I believe over time RIP will have the effect of lowering property values, much like Inclusionary zoning did. How long will it take is an open question.

As RIP dictates the size of what can be built the market place dictates what one can rent an 850 sq ft apartment for or sell a 1750 square foot rowhouse without a garage or what one can sell a 2,500 sq.ft home for.

And once again one segment of the population is being forced to bear the burden of this societal issue.

Thanks for your time.

# Gary Whitehill-Baziuk

**#83251 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

# M. Leslie Carveth

## #83252 | January 16, 2020

### Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

To: Portland City Council Re: Residential Infill Project Testimony I originally submitted testimony in May of 2018 to the Portland Planning and Sustainability Commission regarding the Residential Infill Project. My concerns about the project at that time continue to this day and are further validated with additional information and experience. I continue to obtain information about the 2035 Comprehensive Plan, changes/amendments to the original RIP, and the impact of the legislative HB 2001 and initial work of the Housing Rulemaking Advisory Committee established as a result of HB 2001. In reviewing the RIP documents, which are overly complicated for the average resident, reading on-line posts/opinions and engaging with others in my neighborhood, I have more questions about this proposal moving forward, including, but not limited to the following:

Coordination of efforts: We now have three separate, extensive and expensive work efforts (2035 Comp Plan, RIP, and HB 2001) developed to address the issue of density, growth, affordable housing, livability, etc. It is time to take a step back and review the need to move forward with the RIP changes in base zoning without seriously taking into account the need to coordinate this work with other state and local efforts regarding future land use goals. • I support putting a hold on moving forward with the RIP • Return to the 2035 Comprehensive Plan and amend as needed to provide additional capacity under the current zoning for the projected growth that will occur through 2035 • Coordinate this work with other state and local efforts, including informed citizens.

Infrastructure: A plan of this magnitude requires a simultaneous development of supportive infrastructure: public transportation, parking, increased school capacity, residential safety (sidewalks, bike lanes), sewer/water, etc. as well as “preserving, enhancing, and connecting the area’s network of habitat areas and corridors, streams, parks and tree canopy (Comp Plan Policy 3.100)”. The following statements are examples and not all inclusive of infrastructure that needs to be addressed. • Public Transportation: I live in the Garden Home area - TriMet bus 45 provides transportation to downtown Portland. During the week there are somewhat reasonable options, Saturday less so and on Sunday, Line 45 travels only between Tigard Transit Center and Multnomah Village. I have an acquaintance who lives in an ADU on SW 67th and has no car. Her transportation to work near Kruse Way requires ~ an hour each way. The Thriftway store where she shopped for groceries recently closed. I asked her how she gets her groceries. Fortunately, she is resourceful – she uses Imperfect Produce, switches buses coming home and goes to Target and/or relies on rides from neighbors and friends for groceries. Much of her free time is spent getting to/from work and finding ways to get basic needs fulfilled, e.g. food. • Services: As mentioned above, there is a lack of

grocery stores near current residents along SW Multnomah Blvd, SW Garden Home Road and the Hillsdale area. In the last several years we have lost 4 grocery stores in the area: Safeway, Market of Choice, Food Front, and Thriftway • Parking/Street Safety: It is a laudable goal to aim for a reduced carbon footprint by reducing usage of cars. This may occur in the future, but not likely in the short term, 5 – 10 years. On a daily basis, my children are commuting to work in different corners of the Metro area (Hillsboro, Newberg, downtown PDX), they drop their children off at childcare, schools, etc. It is not reasonable to expect to be able to do this by alternative transportation. I am also driving to pick-up/drop-off my grandchildren as well as transporting friends/neighbors to doctor's appointments, CA treatments, etc. We currently do not have the infrastructure to eliminate the need for car transport. o Parking space requirements: Point number 5 in the Infill Project Summary – “Do not require parking for additional housing types.” With increased density and no requirement, we will see an increase in on-street parking (already occurring in Multnomah Village and throughout the city) contributing to safety issues for those individuals who walk where there are no sidewalks. o Safety: In SW Portland, there are few sidewalks (e.g. Garden Home Road – a main corridor for access to Multnomah Village and bus transportation). Residents are forced to walk along streets that are often narrow thus increasing the potential for harm which conflicts with Portland's stated goals of reducing both car, pedestrian and bicycle accidents. Elimination of off-street parking will force those cars to clog already dangerous streets. • Land stability, erosion and “regional” seismic hazards: As stated in prior testimony, my husband and I had a GEOTEC evaluation of our property in April of 2017. The report was lengthy and addressed several factors, including, but not limited to, slope stability and erosion and “regional” seismic hazards. One thing was clear in reviewing this report and speaking with the engineer is that we live in an area with a high risk of seismic hazards and landslide potential (not just our lot, but much of inner SW area). Further, we were told that we have good stability, but removal of soil would disturb the solidity of the current soil and raise the risk for landslides. Has this risk been evaluated for the areas where there will be increased density, requiring a disturbance in the soil and/or slope stability? Further, in SW Portland, where many streets are not maintained and have no storm sewers, it is well known and documented that runoff causes significant damage. Increased density may further impact street runoff. To summarize, my primary concerns include, but are not limited to, moving forward with the RIF without evidence that the Portland 2035 Comprehensive Plan will be honored; housing affordability (for residents – not developers) with the implementation of the RIF; moving forward without having additional/adequate infrastructure in place; understanding how legislative HB 2001 and initial work of the Housing Rulemaking Advisory Committee established as a result of HB 2001 will impact both the 2005 Comp plan and the RIP. Please add these comments to the record. Regards, M. Leslie Carveth 6009 SW Orchid Drive Portland, Oregon 97219

Testimony is presented without formatting.

received by Council  
190093  
1/16/20

Thursday, January 16th

Greetings Mayor Wheeler and members of Portland City Council,

I write this testimony to you with great enthusiasm and support of the Residential Infill Project being a vehicle for better access to affordable housing and better protections for low income tenants like my family.

My family of 5 has lived in North Portland for over 10 years. We have seen our rent steadily increase over the years to the point of being unaffordable and unbearable. My husband and I have 3 children, ages 11, 8 and 5, who attend school in North Portland. We receive 72 hour notices nearly every month, because my husband's staggered paydays just don't cover our rent and the rest of our bills and necessities. We experience constant harassment about our kids toys being outside our unit, and we are always afraid of being evicted. After we do pay our rent, we won't be able to afford quarters for laundry, or cleaning supplies and toiletries, like toothpaste and shampoo. The check NEVER is enough. My husband was recently hit by an uber driver, as he bicycled home from work on the St Johns bridge, which has lowered his work hours, due to his injuries.

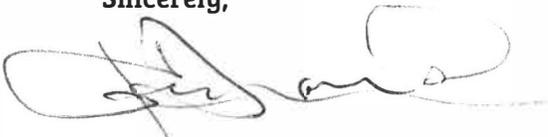
My 5 year old, Azzie, loves building with legos. If you saw the large scale buildings he constructs, you would surely be impressed. Yet there is NO extra money in our home to nurture our son's passions. We have no money for art supplies, we scrounge for shoes and clothes, many of which we get free from nearby Food Pantry, that I volunteer for. If our rent was affordable, we would be more able to obtain the things our children need, to improve their minds, and their quality of life. Things every parent wants to secure for their children.

Please include elements in the Residential Infill Project such as: affordable housing opportunities in St Johns for families like mine, Tenant Opportunity to Purchase and First right of Refusal, and an incentive program for developers to build affordable units.

Tenant families like mine can no longer afford to be left out in the cold due to policies that ignore us. Please do not ignore the seriousness of this RENTER STATE OF EMERGENCY.

Thank you for your attention and time to this matter.

Sincerely,



Cynthia Ardans  
8415 N. Fessenden Street #5  
Portland OR, 97203

# Cynthia Ardans

**#83265 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

Received 1/19/20  
190093  
Y16/20

Date: January 13, 2020

To: Mayor Wheeler and City Council Members

From: Linda Nettekoven

Subject: Residential Infill

Despite the optimism that the Residential Infill Project will provide a strong new tool in City's array of approaches for solving Portland's housing crisis, I have many questions. First, my lens on the situation: I live in the Hosford-Abernethy neighborhood, specifically in the Ladd's Addition portion. Much of my neighborhood, including the portion that is a historic district, already contains many examples of "middle housing" (duplexes, tri-plexes, four-plexes, & courtyard clusters) a continually increasing number of ADUs, along with larger, older homes where rent shared among unrelated adults makes housing more affordable. We have been included in past tours by Portland for Everyone. This mix of housing types and sizes signaled a mix of incomes to me and that was part of the reason I bought a house there.

\*\*Please see footnote at end of testimony.

Therefore, my questions and concerns regarding the RIP are not about an increase in middle housing. They are instead about **Demolition, Displacement, Design** and the growing **Economic Segregation** and the **Environmental Impact** already underway where I live.

### **Displacement**

I am concerned that despite the City's attempt to build upon impressive community efforts to identify & implement anti-displacement measures, we aren't there yet. Is there ongoing funding in place for the anti-displacement initiative or measures to track the efficacy of the approaches we are committing to implement? Will data be collected to help us understand who is being displaced and where they are going? I do not want to see a major zoning change implemented on a citywide basis without sufficient displacement safeguards already in place. You have already received a map from the Portland Coalition for Historic Resources that shows single family houses that are currently rentals. Here I am concerned both about the large numbers of single family homes currently being rented, especially in East Portland. Aren't these the most likely targets for replacement with expensive multi-unit structures. And remembering what has happened earlier in other gentrifying neighborhoods, aren't lower income home owners, perhaps housing cost burdened, likely to find themselves unable to take advantage of new opportunities for wealth creation and likely to end up being taken advantage of instead? What is different this time?

### **Demolition**

I am of course most knowledgeable about my own neighborhood. Even without the RIP, developers have been going after some of our most affordable rental units, especially those on corner lots, for redevelopment. The City is becoming much better at making residential demolitions safe for those living nearby, but seems unable to do anything to discourage the loss of sound housing. A recent demolition case involved a house that provided more affordable living space to 4 or 5 unrelated adults only to be replaced by the usual large, very expensive duplex structure that now houses two or three individuals. This was despite the attempts of a neighbor with cash to match what Renaissance Homes had just paid for the property. Her plan was to remodel the house slightly, keep it for shared living space and add a smaller ADU, all to rent at a lower rate than is now required to make the new units pencil out. The original owner was from out of state and had no interest in addressing Portland's housing

crisis. And so during my 20 years here I've watched my mixed income neighborhood become more and more **Economically Segregated** with each of these new additions.

### **Ownership Opportunities**

I also worry about how the RIP will impact ownership opportunities for Portlanders. My neighborhood has been split 50/50% renter/owner for the 20 years I have lived there. Will people be able to own these smaller living spaces or will these simply be investment opportunities for others, ready to raise the rents over time as high as the market will allow? As I read about foreign investors becoming part owners of some of our new apartment buildings I wonder whether they will work to make sure the units they own are actually rented. And then there are the national/international development companies that have been steadily buying up single family homes across the country for their investors, with profits dependent on steadily increasing rents. To what degree is this happening in Portland?

Finally there is the issue of **Design**. One of the many things I like about the RIP is the limitations it places on lot coverage and its attempt to limit the height, scale and mass of new units. Given the many references to context in multiple planning documents, past and present, will there be any resources available to builders of these new, usually larger structures to help them consider the context of the surrounding area in designing their buildings? With the suggestion that 6 and 8-unit buildings be added to the residential mix throughout the city, this issue becomes even more important. Many of those who oppose missing middle housing are concerned about what these new structures will look like. Good design is not simply an aesthetic, it also involves the livability of the units being created inside the building envelope and the way buildings interact with their near neighbors as well as the fabric of the neighborhood. In some cases new buildings will be a welcome improvement on what they replace. Missing middle housing can be designed to mesh happily with its neighbors. This might help to allay the unease many people feel when they consider buying their "new house" next to a single family home, knowing it could be replaced by a four-plex the following year.

As we struggle to address Climate Change, I would also ask that you carefully consider the trade-offs in the decisions you are making in updating the Tree Code. We talk about the noticeable difference in summer temperatures when one moves away from Hawthorne Boulevard and under the tree canopy in our neighborhood. Even with the removal of parking requirements will the proposed RIP densities preclude the planting of adequate tree canopy, and make it even more difficult to compensate for the current uneven distribution of trees in our city? And although young trees tend to "soak up" more carbon, they cannot do much to provide cooling during our ever hotter summers. Are we tracking the size of trees we are taking down along with the size of what is replacing them? Will that mean a greater demand for air conditioning by some while others are left to swelter inside their homes? Will it also make it less pleasant and less safe to bike, walk and wait for transit, especially along treeless commercial corridors.

I would suggest also suggest that the City do the following: 1) Continue to work carefully on its compliance with HB2001 and HB2003 and learn from other jurisdictions; 2) Focus even more attention on interior conversions to make use of existing structures; 3) Create a revolving loan fund to subsidize creation of ADUs for interested lower income owners, earmarked to be rented at affordable rates to lower income tenants; 4) Limit four-plexes to corners initially and evaluate response including the response under item #5; 5) Consider phasing in the zone changes and Identify a willing portion of the community to pilot the addition of larger middle housing (beyond duplexes on every lot) with incentives for builders to keep units as affordable as possible, before rezoning nearly the entire City; 6) Develop prototypes of well designed missing

middle housing (duplexes, triplexes and four-plexes) via design contest or other strategies to help assure that new buildings will be an asset to all neighborhoods where they are built.

Thank you for your consideration of my concerns.

Sincerely,  
Linda Nettekoven

\*\* Footnote: The mix of housing options in my neighborhood probably exists only because many of the internal conversions and "suspect infill" occurred before the rezoning effort of the 1970's. Since my neighborhood includes a portion of the Central Eastside Industrial area and was part of the decaying inner city that people were fleeing during those decades, there were grounds for lenders to view it as undesirable at a time when banks did not value 20-minute neighborhoods or mixed use development.

# Linda Nettekoven

**#83266 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

received in C 190093  
1/16/20

Robert Archer

I support RIP and affordable housing. ~~Two different things.~~

I'm a Southwest Portland renter and landowner.

We Southwest property owners have been riding the Real Estate Appreciation Rocketship for years.

It's hard to quit.

~~Mark Twain said, "You'll never convince a man of something if his income depends on believing the opposite."~~

But it's time ~~to quit~~, to share.

As Andre Baugh said "You don't need a golf course in your backyard."

Opponents to SW RIP are unconvincing.

Because as we know,

Bus service responds to increased ridership

Stores and such increase with population.

Infrastructure follows a rising tax base.

This is how RIP will improve not damage livability in SW.

*I biked home*

I'm going home on the bus. ~~It's easy, plenty of stops.~~

~~I often bike to the Eastside or Downtown then bus home.~~

*I have more to write about living  
easy from SW.*

In 1994 <sup>got</sup> I could ~~get~~ a building permit in <sup>one</sup> a day for 1200 bucks  
 Today it takes months and tens of thousands of dollars, ~~getting in~~  
 you don't know how many months or thousands. So ~~the~~ ~~price~~ ~~is~~  
~~if~~ you can't schedule or budget.

how long or how much

### Ponies Delay

This is ~~taxation~~ and ~~obstruction~~. In '94 it took 10 minutes to  
 look at my plans, make a few red marks and I'm out the door. It  
~~doesn't~~ take months ~~even~~ now.

should be

An appeal item that has been granted 20 times over many years  
 still needs to be refiled for \$238, this is a tax.

Check out L-Tic.

simply

### Residential

Land values in Portland are dropping as builders give up on BDS.

This means less housing not more.

Faith and community based affordable housing builders can be  
 offered a quote "concierge-like" service to deal with permits,  
 zoning changes and transportation ~~issues~~. Open that ~~to all~~ <sup>up</sup>  
~~housing builders~~.

Property on a non-City maintained Street generates taxes at the  
 same rate as any other. Yet ~~the~~ owners (spend their own money on  
 paving and) are excluded from RIP.  
 Look closely at this disparity.

Increase affordable housing.

Two minutes..... two points Written testimony to follow.

ROBERT Archer

190093

971 235 6512

In '94 I got a building permit in a day for 1200 bucks

Today it's months and many thousands. These are initially unknown numbers so it's hard to schedule or budget.

The delay is pointless.

In '94 it took 10 minutes to look at my plans, make red marks and I'm out the door. Now plans gather dust waiting for that 10 minutes.

These new fees are covert taxation,  
Not the cost of processing plans.

An appeal item that has been granted 20 times over ~~many~~ years still needs to be refiled for \$238, again tax and delay.

I learned last Tuesday that,

"Faith and community based" groups

can be offered a "concierge-like" service

to deal with permits, zoning changes and transportation issues.  
Open that up.

Don't make a carpenter become a bureaucrat for permission to swing his hammer.

Residential land values in Portland are dropping as builders give up on BDS. This means fewer not more housing starts.

Finally,

Property on a non-city maintained Street generates taxes at the same rate as any other. Yet these owners spend their own money on paving and are excluded from RIP.

Look closely at this disparity and you will increase RIP and affordable housing options.

Robert Archer  
I Support RIP

(I been here thirty years and I can't go back to San Francisco Marin County or Boulder Colorado, don't push me out again.)

too expensive

I am in Southwest Portland renter and landowner ~~at risk of becoming a pariah to my neighbors with the following remarks.~~

Southwest property owners have been riding the real estate appreciation rocket ship to great wealth Long enough.

X  
To paraphrase Mark Twain you'll never convince a man of something if his financial benefit depends on believing the opposite.

And  
To Paraphrase Andre Baugh, you don't need a golf course in your backyard.

problems listed for Southwest Portland are specious.  
Bus service ~~responds~~ to ridership  
Services follow density  
infrastructure follows a rising tax base

more people

RIP

SWPOX

I'm going home on the bus. Three bus stops are within two blocks of my property. Two more are close to my rental Home.  
I came on a bike, it was an easy ride and I'm 75

# Robert Archer

**#83267 | January 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

# J Michelle Killourhy

**#83099 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Josie Michelle Killourhy 4234 NE Senate St Portland, OR 97213 Mayor Ted Wheeler 1221 SW 4th Ave, Room 340 Portland, OR 97204 January 17, 2020 RE: RIP to exacerbate core issues facing our city--Please reconsider! Dear Mayor Ted Wheeler, and esteemed Portland City Council members: As a lifelong citizen of Portland I have seen first hand the challenges facing our city over the decades. I am deeply concerned that proceeding with the Residential Infill Project (RIP) will further exacerbate our affordable housing crisis while simultaneously also reinforcing gentrification and racist-driven real estate development. Portland's history has long favored whites, from segregation limiting black ownership to only the Albina neighborhood to the failed Emanuel Hospital expansion and razing of a large portion of the Albina neighborhood in the 1970s. An African American educator and expert on black history in Oregon, Walidah Imarisha, writes, "I think that Portland has in many ways, perfected neoliberal racism...yes, the city is politically progressive, but its government has facilitated the dominance of whites in business, housing and culture" (The Atlantic, "The Racist History of Portland, The Whitest City in America" July 22, 2016). The proposed RIP rezoning is designed to further push out minorities living in our city by encouraging and incentivizing redevelopment of our city's homes. It is not just people of color that will be affected, but many other low income residents as well. During public hearings on RIP, a Portland developers' group study found that the lowest rent per apartment in a RIP quadplex will be \$2,300 a month. This is considerably more expensive than the monthly mortgage of my Laurelhurst home. Who will be able to afford these new homes? In another 20-50 years after Portland's housing market cools and we find a surplus of vacant overly modern cramped quadplexes, will we look back on our city's policies and wonder what our current city leaders were thinking? I urge you to halt the residential infill project rezoning of our city and save the character, citizens and community of our city. Instead, let's make Portland more vibrant by developing affordable housing and policies that encourage and attract minority-owned businesses. Sincerely, J. Michelle Killourhy Portland resident since 1986

Testimony is presented without formatting.

Josie Michelle Killourhy  
4234 NE Senate St  
Portland, OR 97213

Mayor Ted Wheeler  
1221 SW 4th Ave, Room 340  
Portland, OR 97204

January 17, 2020

RE: RIP to exacerbate core issues facing our city--Please reconsider!

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It is not just people of color that will be affected, but many other low income residents as well. During public hearings on RIP, a Portland developers' group study found that the lowest rent per apartment in a RIP quadplex will be \$2,300 a month. This is considerably more expensive than the monthly mortgage of my Laurelhurst home. Who will be able to afford these new homes? In another 20-50 years after Portland's housing market cools and we find a surplus of vacant overly modern cramped quadplexes, will we look back on our city's policies and wonder what our current city leaders were thinking?

I urge you to halt the residential infill project rezoning of our city and save our character, citizens and community. Instead, let's make Portland more vibrant by developing affordable housing and policies that encourage and attract minority-owned businesses.

Sincerely,

J. Michelle Killourhy  
*Portland resident since 1986*

# J Michelle Killourhy

**#83100 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Josie Michelle Killourhy 4234 NE Senate St Portland, OR 97213 Mayor Ted Wheeler 1221 SW 4th Ave, Room 340 Portland, OR 97204 January 17, 2020 RE: RIP to exacerbate core issues facing our city--Please reconsider! Dear Mayor Ted Wheeler, and esteemed Portland City Council members: As a lifelong citizen of Portland I have seen first hand the challenges facing our city over the decades. I am deeply concerned that proceeding with the Residential Infill Project (RIP) will further exacerbate our affordable housing crisis while simultaneously also reinforcing gentrification and racist-driven real estate development. Portland's history has long favored whites, from segregation limiting black ownership to only the Albina neighborhood to the failed Emanuel Hospital expansion and razing of a large portion of the Albina neighborhood in the 1970s. An African American educator and expert on black history in Oregon, Walidah Imarisha, writes, "I think that Portland has in many ways, perfected neoliberal racism...yes, the city is politically progressive, but its government has facilitated the dominance of whites in business, housing and culture" (The Atlantic, "The Racist History of Portland, The Whitest City in America" July 22, 2016). The proposed RIP rezoning is designed to further push out minorities in our city by encouraging and incentivizing redevelopment of our city's homes. It is not just people of color that will be affected, but many other low income residents as well. During public hearings on RIP, a Portland developers' group study found that the lowest rent per apartment in a RIP quadplex will be \$2,300 a month. This is considerably more expensive than the monthly mortgage of my Laurelhurst home. Who will be able to afford these new homes? In another 20-50 years after Portland's housing market cools and we find a surplus of vacant overly modern cramped quadplexes, will we look back on our city's policies and wonder what our current city leaders were thinking? I urge you to halt the residential infill project rezoning of our city and save our character, citizens and community. Instead, let's make Portland more vibrant by developing affordable housing and policies that encourage and attract minority-owned businesses. Sincerely, J. Michelle Killourhy Portland resident since 1986

Testimony is presented without formatting.

# Jessica Roberts

**#83101 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I have lived in Portland for 25 years. In that time, I have seen it become impossible for anyone who is not affluent to buy a home. Both my siblings used to live here as renters, but moved away when they realized they could never afford a home here; I miss them terribly. More importantly, working families are suffering: more and more of their limited income is taken up by housing; evictions and displacement are costly, stressful, and can lead to homelessness; and we are pushing lower-income Portlanders farther and farther out. Residential infill is a logical, gradual, and important part of the solution to these problems. I urge our city Council to enact the RIP policy and help our region move forward with creating abundant housing at every price point.

Testimony is presented without formatting.

# Thomas Fawell

**#83102 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The current proposed RIP is misguided in that it will not create more affordable housing as many hope. Market forces are much stronger than planning changes and this will simply create more expensive smaller living units. In addition, this proposal will destroy livability by increasing crowding and also desecrate the historic nature of many neighborhoods. Parking needs to be required for denser development as despite hopes to the contrary private vehicles will remain the transportation of choice for the foreseeable future. Thank you.

Testimony is presented without formatting.

# Melissa Laurie

**#83103 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please do not move forward with RIP unless you can ensure there will be affordability. The housing market, as a market, is broken. We need government actors to intervene and shape. The talking points for the RIP sound good, but I'm concerned that the housing activists that follow these issues closely are not on board. We need to incentivize the construction of homes for under 300k and rents around 1000. I just had my first child. I'd love to buy a starter home but there is almost nothing available in the 200-350k range. Thank you for your service.

Testimony is presented without formatting.

Mayor Wheeler and City Commissioners:

I oppose **The Residential Infill Project**. This top-down model of development, using upzoning to drive up the value of land and spur real estate investment, will put our city in the hands of people who don't care about Portland's residents, history, or future, only about the amount of profit they can extract from redeveloping the city. Because many of the points I would like to make have already been made by others, I will use this space for excerpts from an interview with Minneapolis (the city that spearheaded the elimination of single-family zoning) City Planning Commissioner, Alissa Luepke Pier, in the June 2019 issue of "The Planning Report." There is nothing in the Commissioner's criticisms and misgivings that isn't relevant to Portland.

"The policy took as its starting point that more units automatically equal more affordability, and there wasn't any interest in delving into whether or not that was actually a factual equation on which to base major decisions. The policy does not cite any research to support its assertion, nor does it even lay out any aspirational goals regarding the extent of the impact they hope to achieve...

"We don't have any safeguards for this proposed policy, and once we enact these rights, they're grandfathered in forever. There's no contingency plan, no method to test effectiveness, and no metrics for success. The consequences of a policy like this on a community like mine are far too harmful to be glossed over in the name of innovation. Let me be clear. Adoption of this policy without adequate safeguards will cause great, long-term harm to low income families and communities of color...

"We're seeing investors come in, run the housing stock into the ground, treat the tenants like garbage, and immediately take all their rental income – money that could be invested in the community – out of the neighborhood. This is an immediate capital flight from the community, leaving local residents without the expendable income to invest in local opportunities or support local businesses.

"I'm fearful that blanket upzoning will exacerbate this problem, which, so far, our regulatory services haven't been able to control...Currently, a lot of absentee investors in Minneapolis shy away from single-family homes because they aren't as profitable and they cost more money to maintain. But with the new policy, a potential first-time homebuyer in my community will suddenly have to compete with an investor from another state who's looking to buy the place sight unseen...Those investors are not looking for homes, but for cash flow opportunities.

"...In an effort to alleviate the affordable housing crisis, the city is offering my community smaller, crappier housing for no less money with the added insult to injury of making it harder for them to buy a house and build generational wealth within their own community. It's shocking to me that we're patting ourselves on the back for this."

Lastly, on the YIMBY public relations campaign:

“From a strictly political strategy standpoint, it’s brilliant. The best thing to do is to inundate the media with trite talking points so that anybody who speaks against them is viewed as a NIMBY, rather than analyzing whether the policy is actually going to help the people we are claiming it’s going to help. I’m disappointed we, as a city, chose to go that route rather than having a meaningful, honest discussion about the potential for this policy to be abused. If we really cared, that’s what we would do.”

I urge you to read the entire interview at  
<https://www.planningreport.com/2019/06/17/minneapolis-planning-commissions-alissa-luepke-pier>.

Regards,  
Katherine Showalter  
SE Portland

# Katherine Showalter

**#83104 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please see attached PDF.

Testimony is presented without formatting.

# Bradford Larrabee

**#83105 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I OPPOSE the Residential Infill Project because I oppose real estate speculation and displacement. I oppose replacing vulnerable residents with wealthy ones. I oppose the absurd notion that the "market" can be used to help the poor and middle class. I oppose the idiocy that puts the city of Portland on the same exact page as the Trump administration in terms of housing policy.

Testimony is presented without formatting.

# Troy Barnard

**#83106 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

My family is in full support of the Residential Infill Project. The housing crisis affects all of us, and we need to be using every tool in the toolbox to get more homes built and do it in a way that supports our most vulnerable populations. I have lived in the same SE neighborhood my entire life and I believe Portlanders want to embrace change and allow 4plexes, and other innovative solutions to increase supply.

Testimony is presented without formatting.

# Residential Infill Project

Testimony of  
Portland Coalition for Historic Resources  
January 16, 2020  
By John Liu

# RIP Not Needed For Population Growth



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

February 25, 2019

Chair Shemia Fagan  
Senate Committee on Housing  
900 Court Street NE, HR B  
Salem, OR 97301

“Portland recently completed an eight-year process, with extensive public engagement, to update our comprehensive plan. Through that process, the City re-committed to a strategy that focuses our growth in our transit-oriented mixed-use centers and corridors (see map). In addition to the comprehensive plan update, the City also updated the Central City plan, which included increases in building heights, density and affordable housing bonuses.”

**“Our zoning map provides twice as much capacity as forecasted growth”**

Sincerely,

Joe Zehnder  
Interim Director

# RIP Will Not Produce Affordable Housing



Portland **Small Developer Alliance**

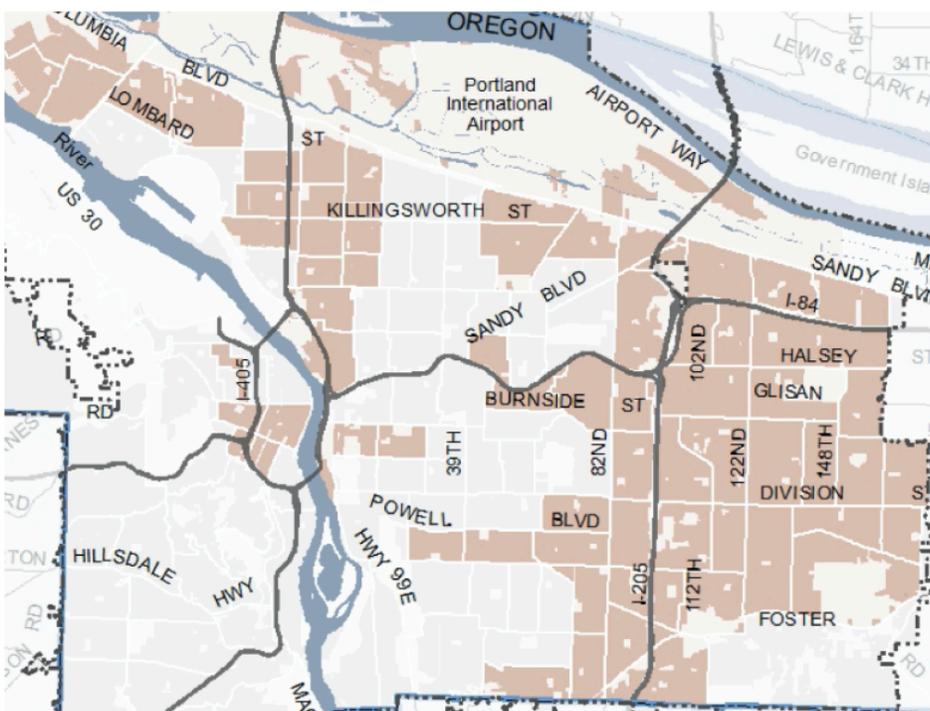
Testimony to PSC May 2018

	Rent/Unit/Month	Unit Size (sf)
Duplex	\$2,734	1,250 sf
Triplex	\$2,968	1,200 sf
<b>Quadplex</b>	<b>\$2,297</b>	<b>1,100 sf</b>

Average rent for 2 bedroom	\$1,645
Affordable 2 bedroom for 80% MFI	\$1,580
Affordable 2 bedroom for 60% MFI	\$1,190

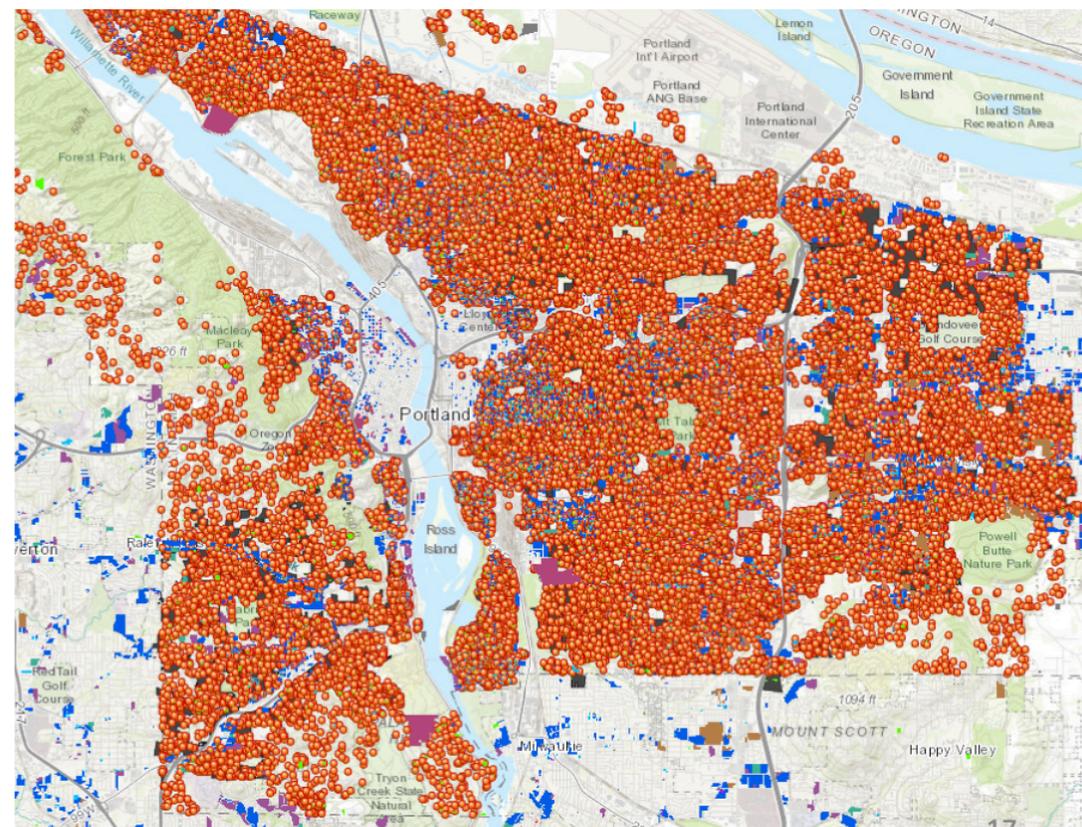
Portland Housing Bureau, State of Housing report

# RIP Will Displace Low Income/Vulnerable

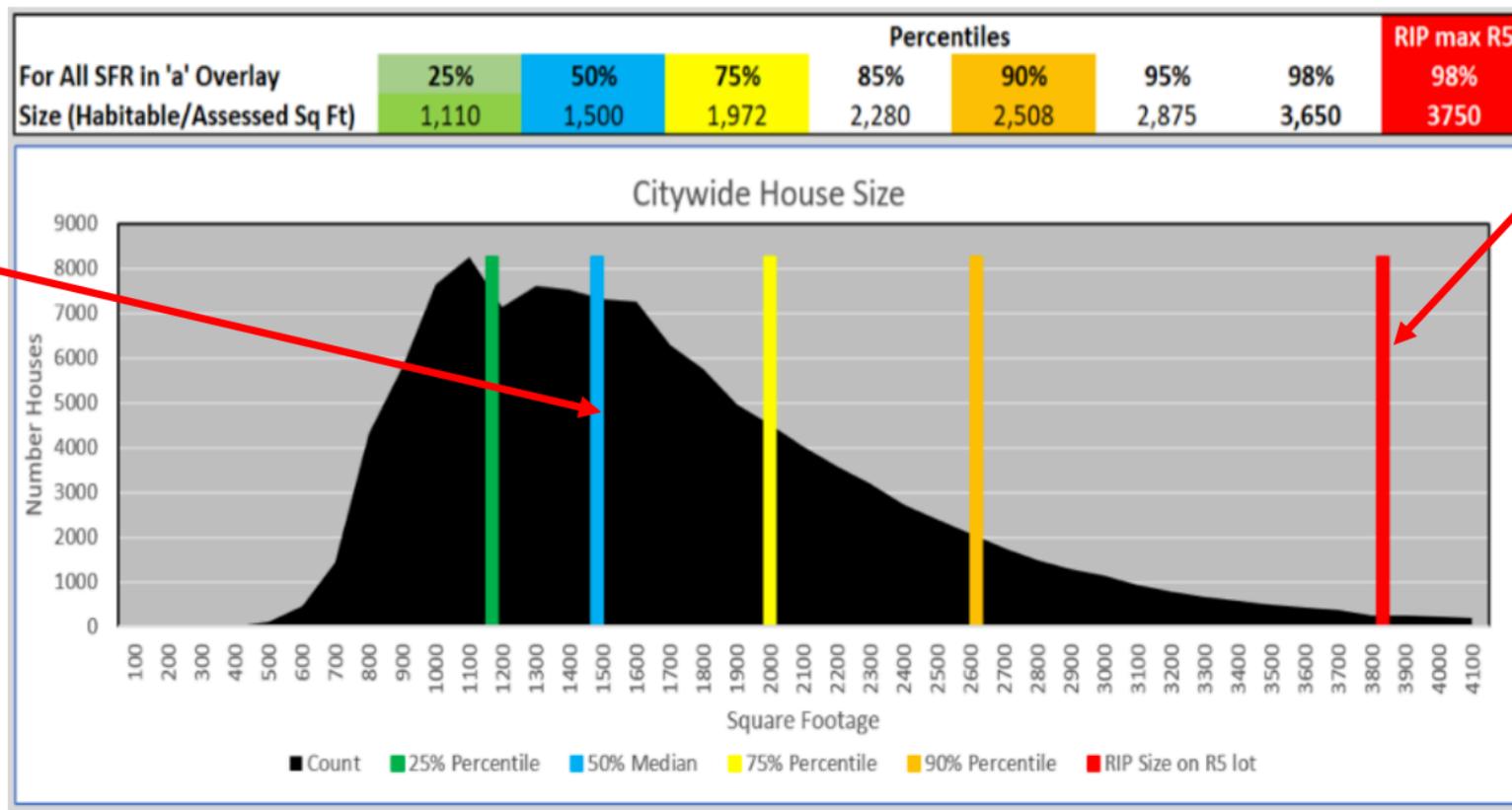


Displacement Risk Areas (2018 city assessment)

Red dots = rental; single-family houses in Portland



# RIP Infill Much Too Large (In Some Areas)



The median Portland house is 1,500 sq ft

RIP infill will be larger than 98% of existing houses

Chart prepared from city data

# PCHR Recommendations

- Require one affordable unit per triplex/quadplex
- Complete, fund, and implement Anti-Displacement Plan before deciding on RIP
- Focus triplex/quadplex on R2.5 single family zones (near transit, already designated for more density), duplexes in R5 zone
- Size/height limits relative to surroundings, e.g. “allowable height X% of tallest on block, up to max Y feet”, city has the data
- Protect trees, discourage demolition existing houses and historic resources
- Pilot RIP (limited area, period), assess results before expanding.

# John Liu

## #83107 | January 17, 2020

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I am attaching the condensed presentation viewed at the hearing on January 16.

Testimony is presented without formatting.

# Michael Burdick

**#83108 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

My mother-in-law lives with us, and we are concerned about the low FAR limits, we would like to expand the house to accommodate her continuing to live with us rather than having to put her in a nursing home where she really does not want to be.

Testimony is presented without formatting.

Mayor and City Councilors,

I'm writing to testify in support of the Residential Infill Project as it has the potential to help to make Portland more affordable, more walkable and transit amenable, and to decrease our carbon emissions.

Here's some background on my housing Portland experience. I moved here over nine years ago to attend graduate school, choosing Portland over other locations partially due to the relatively low cost of living. I was able to move to a nice apartment in a very walkable neighborhood on a graduate student stipend with a much better quality of life than I experienced as a teacher in Brooklyn. However, over the next six years my rent increased ~72%. A pretty steep increase for someone on a fixed student stipend.

Fortunately after graduating, I got a pretty decent gig and I looked to buy a home and found I could essentially afford the same places as I could have when I initially moved here! I cannot afford, and will likely never be to afford a single family home in Portland. I was, however, barely able to buy a small townhome in thirteen unit 1920s courtyard building and hoped this purchase would protect me against rising rents. Overall, I'm pretty lucky, the neighborhood is fairly walkable, has decent access to transit, and within biking distance to my job downtown.

Now, since I've lived there a number of new apartment buildings and infill developments have popped up offering much nicer homes at lower prices than my own! Rent prices in my building have dropped more than a few hundred bucks from the peak and I see lower rents throughout the neighborhood. This is great because it provides more opportunities for more folks to live in a walkable, close-in neighborhood, provides housing that won't fall apart during the inevitable earthquake like my own, and also provides increased demand for established and new local businesses.

Here's the rub. The most affordable new places to buy are new 8-plexes without parking that replaced single family homes. This isn't possible in most of the city and still won't be possible even with the passing of the bill. And, they still aren't affordable to working class folks. So I'm asking for you to take a hard look at including the deep affordability amendment that will allow more folks to live in walkable neighborhoods and will also facilitate a gradual improvement in the walkability of the city.

Thanks for your work and time.

Respectfully,

-Jesse Lopez

# Jesse Lopez

**#83109 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Testimony is attached as a pdf file.

Testimony is presented without formatting.

Mayor Wheeler, Commissioners,

My name is Henry Kraemer. I'm a homeowner in the King neighborhood of NE Portland and I'm an organizer with Portland: Neighbors Welcome but writing only for myself.

I'm asking you to enact the Residential Infill Project to legalize up to four homes on every lot by right, and to go further and enact a Deeper Affordability Amendment to allow up to 8 homes per lot if they're all regulated affordable housing, along with the suite of anti-displacement regulations from the ADPDX coalition.

As for why I think you should do this, I'd like to tell you about my dad, my grandma, and my future kids.

My dad is 70-years-old this year. He's a recovering alcoholic and heroin addict. He swung a hammer for work all his life, and then addiction grabbed him and, even after kicking the habit, he spent years of his life experiencing homelessness, right up through a few years ago. During most of my adult life, I've watched him struggle to find and keep a home. He'll cobble together a situation he can afford, and then it'll fall apart. Over and over. For years. Several years back, he finally found low-income senior housing, and he's been the stablest I've known him in a decade plus.

When I think about who can benefit from the Deeper Affordability Amendment, I think of people like my dad. He doesn't need a lot of space. Just a warm, safe, little home where he can read a book and play his guitar.

We've got affordable housing providers who want to build homes like that, for people like him. Please let them do it, and adopt the Deeper Affordability Amendment.

At the same time, we can't lose sight of the benefits of legalizing fourplexes by right.

I own my home only because when my grandmother passed, she left me enough money to make a downpayment. It was a tradition on the Jewish side of my family, since we came to America after the pogroms. Help the next generation have a home.

I'm terrified that tradition will end with me -- and furious that other families won't ever get a chance to begin it.

I bought my house in 2014. I wouldn't be able to afford it today. Every single-family house in my neighborhood goes for about a half-million dollars today. If we stay on this trajectory, the next generation will be locked out of homes everywhere in this city.

Fourplexes could change that trajectory. They're the ONLY homes shown to be affordable to families making the median income on the day they're built. If we legalize them, there might be enough homes for my future children to get one, and they might even be able to afford it with a bit of help.

I want people like my dad to be able to have stable, affordable housing in this city. I want people like my future children to have stable, affordable housing in this city. To make that happen, we need fourplexes by right, and permanently, deeply affordable 8plexes.

Please enact the Residential Infill Project with the Deeper Affordability Amendment.

Thank you.

# Henry Kraemer

**#83110 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

My name is Henry Kraemer. I'm a homeowner in the King neighborhood of NE Portland and I'm an organizer with Portland: Neighbors Welcome but writing only for myself. I'm asking you to enact the Residential Infill Project to legalize up to four homes on every lot by right, and to go further and enact a Deeper Affordability Amendment to allow up to 8 homes per lot if they're all regulated affordable housing, along with the suite of anti-displacement regulations from the ADPDX coalition. As for why I think you should do this, I'd like to tell you about my dad, my grandma, and my future kids. My dad is 70-years-old this year. He's a recovering alcoholic and heroin addict. He swung a hammer for work all his life, and then addiction grabbed him and, even after kicking the habit, he spent years of his life experiencing homelessness, right up through a few years ago. During most of my adult life, I've watched him struggle to find and keep a home. He'll cobble together a situation he can afford, and then it'll fall apart. Over and over. For years. Several years back, he finally found low-income senior housing, and he's been the stablest I've known him in a decade plus. When I think about who can benefit from the Deeper Affordability Amendment, I think of people like my dad. He doesn't need a lot of space. Just a warm, safe, little home where he can read a book and play his guitar. We've got affordable housing providers who want to build homes like that, for people like him. Please let them do it, and adopt the Deeper Affordability Amendment. At the same time, we can't lose sight of the benefits of legalizing fourplexes by right. I own my home only because when my grandmother passed, she left me enough money to make a downpayment. It was a tradition on the Jewish side of my family, since we came to America after the pogroms. Help the next generation have a home. I'm terrified that tradition will end with me -- and furious that other families won't ever get a chance to begin it. I bought my house in 2014. I wouldn't be able to afford it today. Every single-family house in my neighborhood goes for about a half-million dollars today. If we stay on this trajectory, the next generation will be locked out of homes everywhere in this city. Fourplexes could change that trajectory. They're the ONLY homes shown to be affordable to families making the median income on the day they're built. If we legalize them, there might be enough homes for my future children to get one, and they might even be able to afford it with a bit of help. I want people like my dad to be able to have stable, affordable housing in this city. I want people like my future children to have stable, affordable housing in this city. To make that happen, we need fourplexes by right, and permanently, deeply affordable 8plexes. Please enact the Residential Infill Project with the Deeper Affordability Amendment. Thank you.

Testimony is presented without formatting.

# Simon Boas

**#83111 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Residential Infill Project and encourage the incorporation of the amendments proposed by community advocacy groups for deeper affordability, tenant option to purchase, and, anti-displacement measures.

Testimony is presented without formatting.

## Debunking False Claims from PCHR

**PCHR Claim #1: “RIP upzoning provides no assurance that new replacement housing will be either affordable or family-friendly. It incentivizes demolition of smaller, less expensive houses, displacing families.”**

**The truth: Smaller housing is cheaper. Many examples of this exist right now.**

Advocates for the Residential Infill Project have consistently argued that we can expect the duplexes allowed under the project to be lower priced than the large oneplexes allowed today; and that triplexes and fourplexes would be priced lower than duplexes allowed under the project. **It’s worth noting that the example given on page 7 would not be allowed under the Residential Infill Project.** Each duplex is 2,696 sq ft, including the garage, per permit documents.<sup>1</sup> The largest duplex allowed on a 2,500 sq ft in the R2.5 zone would be 2000 sq ft, unless it qualified for a bonus (which this would not). The example is 35% larger than what’s allowed by the Residential Infill Project. At 1,461 sq ft the example on NE Randall is also larger than what would be allowed by the Residential Infill Project.

**The example given on page 9 of the six townhomes on NE Jessup is in fact lower-priced than the existing housing located on the site.** The house that was replaced, previously addressed as 5704 N Montana, sold for \$450,000 in 2017<sup>2</sup>, vs. \$394,000 per townhome now.

On page 10, the argument is made that “\$370,000 is the minimum price for a 1000 sq ft quadplex unit that makes sense for a developer to build – actual sale price will be as high as ‘the market will bear’”. **This is contradicted by numerous examples of 1,000 sq ft homes that are being built today, in the areas of the city where they are currently allowed.** For example:

- A 1,089 sq ft unit in a sixplex on N Gantenbein, currently on the market for \$339,000<sup>3</sup>. It replaced a home sold for \$475,000 in 2016<sup>4</sup>.
- A 1,009 sq ft unit in a sixplex on NE Davis, currently pending at \$324,900<sup>5</sup>. It replaced a home sold for \$455,000 in 2016<sup>6</sup>.
- A 1,055 sq ft unit in a sixplex on N Greeley, currently listed at \$359,900<sup>7</sup>. It replaced a home sold for \$425,000 in 2017.

On page 11, a similar argument is made. It is stated that “\$2,200 is the lowest rent that makes sense for a landlord to buy a building – actual rent will be as high as the market will bear”. **This**

<sup>1</sup> <https://efiles.portlandoregon.gov/Record/12017842/>

<sup>2</sup> [https://www.zillow.com/homedetails/5704-N-Montana-Ave-Portland-OR-97217/53919376\\_zpid/](https://www.zillow.com/homedetails/5704-N-Montana-Ave-Portland-OR-97217/53919376_zpid/)

<sup>3</sup> <https://www.redfin.com/OR/Portland/3549-N-Gantenbein-Ave-97227/unit-102/home/169941131>

<sup>4</sup> <https://www.redfin.com/OR/Portland/3549-N-Gantenbein-Ave-97227/home/25879854>

<sup>5</sup> <https://www.redfin.com/OR/Portland/2155-NE-Davis-St-97232/unit-101/home/168983446>

<sup>6</sup> <https://www.redfin.com/OR/Portland/2105-NE-Davis-St-97232/home/143060428>

<sup>7</sup> <https://www.redfin.com/OR/Portland/5715-N-Greeley-Ave-97217/unit-B/home/169288813>

## Debunking False Claims from PCHR

is contradicted by examples of listings of small infill buildings, built in the parts of the city where they are legal. For example:

- A two bedroom unit in a small building that replaced a single house in Hollywood was recently listed at \$1,750 / month<sup>8</sup>. It is not possible to tell what the home on that site previously rented for (if it was rented), but the nearest current single family rental listing is priced at \$2,595/month<sup>9</sup>.

Under current policies, affordable housing developers are largely priced out of our low-density zones. When land comes up for sale a for-profit developer wanting to build a giant house can always outcompete a nonprofit who wants to build a single small home. Adding size caps while allowing more units per lot the project levels the playing field and adding a bonus for affordable housing projects gives the nonprofits a slight competitive advantage.

The Residential Infill Project has consistently been supported by community-based developers of affordable housing, including Rose CDC<sup>10</sup>, PCRI<sup>11</sup>, Proud Ground<sup>12</sup>, and Habitat for Humanity Portland/Metro East<sup>13</sup>. To ensure these providers have the greatest chance of providing the greatest numbers of affordable housing units, City Council should add a **Deeper Affordability Bonus** to the Residential Infill Project, consistent with what was adopted as part of Better Housing by Design.

**PCHR Claim #2: “RIP will yield a relatively modest number of new housing units, but will likely displace concentrations of existing residents, particularly those living in more affordable housing units.”**

**The truth: Residential Infill is modeled to decrease displacement.**

The presentation inaccurately argues that the Residential Infill Project will increase displacement. Per the Displacement Risk Analysis produced by the Bureau of Planning and Sustainability, **Residential Infill will significantly reduce demolition-related displacement across the city and in Displacement Risk Areas, versus the status quo:**

- **Citywide, there is a 28 percent reduction of indirect displacement for low-income renters who live in single-family homes.** Through 2035, around 680 low-income renters in single-family homes are at risk of displacement, compared to 950 such renters under the current zoning regulations.

<sup>8</sup> <https://www.apartments.com/close-in-ne-portland-two-bedroom-99-deposit-portland-or/h7cn9z1/>

<sup>9</sup> <https://www.apartments.com/3-br-2-bath-house-1364-ne-47th-ave-portland-or/g4ns9qy/>

<sup>10</sup> <https://www.portlandmaps.com/bps/testimony/item.cfm#search=sauvie&itemID=29557>

<sup>11</sup> <https://www.portlandmaps.com/bps/testimony/item.cfm#search=metz&itemID=30126>

<sup>12</sup> <https://www.portlandmaps.com/bps/testimony/item.cfm#search=diane&itemID=30129>

<sup>13</sup> <https://www.portlandmaps.com/bps/testimony/item.cfm#search=messinetti&itemID=29815>

## Debunking False Claims from PCHR

- **In Portland neighborhoods that are identified as Displacement Risk Areas, there is a 21 percent reduction of indirect displacement risk for low-income renters who live in single-family homes.** In these neighborhoods, through 2035, around 480 low-income renters in single-family homes are at risk of displacement, compared to 610 such renters under the current zoning regulations.<sup>14</sup>

There were however three neighborhoods where a small increase in displacement was predicted. The message from the Planning and Sustainability Commission regarding this was clear, as stated in their transmittal letter:

On March 12, 2019, after 11 months of deliberations, the PSC voted to support the zoning code and zoning map changes proposed in the Residential Infill Project. **The entire Commission expressed support for the Residential Infill Project's ability to increase housing supply and diversity. We are also very concerned about the potential displacement impacts of the changes. Our analysis showed that these provisions would reduce displacement risk citywide compared to current zoning.** This includes a reduction in neighborhoods such as Cully or parts of East Portland that have high risk of displacement today. However, the risk is increased in a few areas which could see more infill under the new code. This is because the land values and rents in these neighborhoods will tend to attract more development under the proposal than under current zoning. In the end, the Commission's final vote was 5 to 4 in support of the proposal. Those members voting against the proposal made it clear they did so out of concern for displacement.

As Portland continues to grow, our residential neighborhoods are projected to absorb 20 percent of the city's population growth. This growth will bring increased competition for the existing and new homes in these areas. We are going to need a wider variety of housing, from single-family homes to smaller compact and more affordable duplexes, triplexes, fourplexes and accessory dwelling units, to ensure that more people and families of varying incomes can afford to live in our wonderful neighborhoods. We believe our recommended proposals satisfy these needs. However, we are also concerned about the vulnerable people that live in these neighborhoods today and **urge City Council to pursue additional partnerships and strategies beyond zoning regulations to strengthen protections and reduce involuntary displacement.**<sup>15</sup>

**PCHR Claim #3: "RIP allows scattershot densification that fails to advance Portland's walkability, sustainability, and transportation goals. It conflicts with policies of the 2035 Comprehensive Plan."**

**The truth: Residential Infill advances the 2035 Comprehensive Plan.**

<sup>14</sup>[https://beta.portland.gov/sites/default/files/2019-12/vol\\_3\\_appendix\\_b\\_displacement\\_risk\\_and\\_mitigation.pdf](https://beta.portland.gov/sites/default/files/2019-12/vol_3_appendix_b_displacement_risk_and_mitigation.pdf)

<sup>15</sup> [https://beta.portland.gov/sites/default/files/2019-12/vol\\_1\\_staff\\_report\\_recommended\\_draft.pdf](https://beta.portland.gov/sites/default/files/2019-12/vol_1_staff_report_recommended_draft.pdf)

## Debunking False Claims from PCHR

In no way does the Residential Infill Project conflict with the 2035 Comprehensive Plan 'Centers and Corridors' strategy. **In the zoning applied to the Center and Corridors, mid rise buildings can accommodate ~200-300 units per acre.** Even in the *highly unlikely* situation that every lot in a R5 zone was redeveloped, **the Residential Infill project only allows ~32 units per acre.**

**The recommendation by PCHR, to exempt the R5 and R7 zones from the Residential Infill Project, would not be in compliance with HB 2001, which requires that jurisdictions allow "all middle housing types in areas zoned for residential use** that allow for the development of detached single-family dwellings". It would have serious equity issues, given that it would exempt large areas of Portland's wealthiest neighborhoods, including Laurelhurst, Eastmoreland and Irvington, which are predominantly zoned R5.

**PCHR Claim #4: “Portland is a city of distinctive neighborhoods, yet RIP takes a “one-size-fits-all” approach by applying the same housing-scale and density allowances to residential neighborhoods throughout the city.”**

**The truth: allowing 1-4 homes on a lot is not one-size-fits-all. Allowing only 1 home is.**

Allowing duplexes, triplexes and fourplexes is consistent with how many of Portland's neighborhoods were originally built out. **The Residential Infill Project would merely remove a prohibition on building types of housing that many Portlanders are already familiar with.**

By introducing new Floor Area Ratio limits, the Residential Infill Project reduces the maximum size of structures compared to what is allowed—and built—today. The project also redefines how height is measured, per the staff report:

The revised height measurement method ensures that structures have a better relationship to the public street and sidewalk. Lots that slope up from the street currently may allow for a full additional floor when viewed at the street. Lots that steeply slope down from the street will continue to have an alternative method that allows for 23 feet of height above the street elevation. The net effects of the change are lower rooflines and facades that do not tower over the street.

The current height measurement uses the highest point near the house as the base point and measures to the midpoint of the sloped roof. On sloping sites, this can result in houses that exceed <sup>2</sup>½ stories. Moreover, retaining walls and fill can be used to artificially elevate one part of the site to obtain a higher base point measurement. By measuring height from the lowest point, it becomes more difficult to artificially raise the height reference point. The entire area around the house would need to be raised (as

## Debunking False Claims from PCHR

opposed to the current method, where only a single raised point can establish the base reference point).<sup>16</sup>

PCHR recommends adaptive reuse of existing structures as an alternative to the Residential Infill Project. This is often illegal under current code. **If the project passes, it will become legal to divide a large house into smaller homes. It would also be possible to build multiple ADUs on a site, while saving the existing home.**

***PCHR Claim #5: “RIP fails to adequately address environmental and waste stream impacts of housing demolitions and undermines the benefits from large tree canopies.”***

**The truth: Residential Infill reduces demolitions and protects tree cover.**

By allowing more housing to be built on any site that is redeveloped, the Residential Infill Project decreases the number of demolitions.

**Removal of trees is often required to build the curb cuts and driveways required for new parking. By making the provision of on-site parking optional there will be more opportunities to save trees.**

Numerous environmental organizations are supporting the re-legalizing middle housing types. Environment Oregon provided particularly compelling testimony on HB 2001:

As Oregon wrestles with the best ways to increase housing stock and manage population growth, it’s crucial that state and local governments make choices that protect the state’s precious outdoor spaces and reduce carbon emissions. Promoting compact urban development helps reduce home energy use, sprawl, and transportation-related greenhouse gas emissions, and a key component of compact urban development is “middle-housing” options like duplexes and cottage clusters. That’s why we support House Bill 2001, which would change single-family zoning rules and promote greener, more dense housing options in Oregon cities.

As the impacts of climate change become ever more apparent, cities and states are looking to reduce greenhouse gas emissions as quickly and in as many ways as possible to limit the damage. Fighting sprawl and encouraging density by promoting the “middle housing” options between detached single-family homes and apartment buildings is a key tool for making the state’s zoning greener while also providing much-needed housing stock.

**The environmental benefits of compact, high-density development with more housing units per unit of area are widespread:**

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<sup>16</sup> [https://beta.portland.gov/sites/default/files/2019-12/vol\\_1\\_staff\\_report\\_recommended\\_draft.pdf](https://beta.portland.gov/sites/default/files/2019-12/vol_1_staff_report_recommended_draft.pdf)

**Debunking False Claims from PCHR**

- Less energy required in the building process
- Decreased emissions from heating & electricity by reducing square footage per family
- Decreased transportation emissions by reducing driving and encouraging low-carbon transportation options
- Reduced sprawl, allows cities to add housing stock without expanding into surrounding natural areas
- Protects water and air by reducing paved area, land conversion, and miles driven in urban areas<sup>17</sup>

***Issue #6: “RIP’s promise to produce or induce “right-sized housing” and offer more “housing options” is untried, untested, and unproven in the face of market demand and economics.”***

**The truth: the status quo is driving displacement & leaving it in place would do harm.**

Rolling out the Residential Infill Project as a pilot in certain neighborhoods would further exacerbate displacement, which is being driven by existing status quo zoning.

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<sup>17</sup> <https://olis.leg.state.or.us/liz/2019R1/Downloads/CommitteeMeetingDocument/203919>

# Iain MacKenzie

**#83112 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I would like to submit the attached document into the record, as a response to the testimony submitted by the Portland Coalition for Historic Resources (<https://www.portlandmaps.com/bps/testimony/item.cfm#search=pchr&itemID=82996>).

Testimony is presented without formatting.

# Ted Hadjisavas

**#83113 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I testify to expanding density in Portland HB2001. Allowing home and property owners to build triplex and fourplex housing units.

Testimony is presented without formatting.

Thank you for considering the Residential Infill Project. My name is Kris Blackmore. I am a member of Portland: Neighbors Welcome, but I am submitting this testimony only for myself.

My husband and I are artists. I'm a student, he's an adjunct college instructor. Living close to the city's arts community is a major priority for us. But a few years ago in the face of rising rents we were forced into a decision: become increasingly rent-burdened in order to remain close to our community, or follow the lead of several of our peers and leave Portland for a city with rents more hospitable to artists. As we were weighing our options the city began allowing tiny house RV's on private property.

That's why today we live in a 200 square foot tiny house on wheels in my friend's backyard in inner Northeast. I'm sure that seems too small to most reasonable adults, but we feel fortunate to have a little house that we can afford that we can call our own. Friends, family, openings, performances, events, and our respective college campuses are all accessible by bike and transit.

And while everything seems to have worked out, getting our house was stressful and a huge amount of work. That's not to say it wasn't a big accomplishment and a cool experience but it took over a year of planning and involved coordinating dozens of people.

It shouldn't be this hard.

The tiny house lifestyle will never be for everyone, but since we started this project it's become obvious to me that there is an urgent demand for this type of smaller housing in Portland that isn't being met. We've received dozens of messages from friends asking us for tiny house advice over the past several months.

I urge you to adopt the Residential Infill Project with proposed community amendments for deeper affordability and anti-displacement. I've already benefited immensely from recent Portland's measures to add density and I see that they work. It's allowed my family to remain in Portland and it has made my community stronger. We need even more opportunities for people who don't mind sacrificing square footage for the amenities of

central Portland. We need multiple ADUs on a single lot. We need triplexes and fourplexes. We need to add density now so that artists don't have to choose between creating and living in the city that we love.

# Kris Blackmore

**#83114 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Thank you for considering the Residential Infill Project. My name is Kris Blackmore. I am a member of Portland: Neighbors Welcome, but I am submitting this testimony only for myself. My husband and I are artists. I'm a student, he's an adjunct college instructor. Living close to the city's arts community is a major priority for us. But a few years ago in the face of rising rents we were forced into a decision: become increasingly rent-burdened in order to remain close to our community, or follow the lead of several of our peers and leave Portland for a city with rents more hospitable to artists. As we were weighing our options the city began allowing tiny house RV's on private property. That's why today we live in a 200 square foot tiny house on wheels in my friend's backyard in inner Northeast. I'm sure that seems too small to most reasonable adults, but we feel fortunate to have a little house that we can afford that we can call our own. Friends, family, openings, performances, events, and our respective college campuses are all accessible by bike and transit. And while everything seems to have worked out, getting our house was stressful and a huge amount of work. That's not to say it wasn't a big accomplishment and a cool experience but it took over a year of planning and involved coordinating dozens of people. It shouldn't be this hard. The tiny house lifestyle will never be for everyone, but since we started this project it's become obvious to me that there is an urgent demand for this type of smaller housing in Portland that isn't being met. We've received dozens of messages from friends asking us for tiny house advice over the past several months. I urge you to adopt the Residential Infill Project with proposed community amendments for deeper affordability and anti-displacement. I've already benefited immensely from recent Portland's measures to add density and I see that they work. It's allowed my family to remain in Portland and it has made my community stronger. We need even more opportunities for people who don't mind sacrificing square footage for the amenities of central Portland. We need multiple ADUs on a single lot. We need triplexes and fourplexes. We need to add density now so that artists don't have to choose between creating and living in the city that we love.

Testimony is presented without formatting.

# David DeFauw

**#83115 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Good morning, I am writing to voice my support for the Residential Infill Project. I own a home in Portland and will be moving into one of them in a few months. I moved to Portland in 1990 and at that time it was pretty easy to purchase a home as the city was quite affordable. I have 5 adult daughters and none of them could afford a home in Portland at this point without assistance. I believe allowing up to 4 units on a property and limiting the size of the buildings is a very smart compromise. I also approve of eliminating parking requirements on residential properties. I also whole-heartedly support allowing up to 8 units on a property if they are PERMANETLY affordable. There is a true housing emergency in the city and the city will never be able to afford building the required housing. Allowing 8 modest units on one lot, no more that 3 stories, is a way that the city can allow a lot more affordable housing at little or no cost to the city. Thank you, David DeFauw

Testimony is presented without formatting.

# Housing Arguments Over SB 50 Distort My Upzoning Study. Here's How to Get Zoning Changes Right

Whether more buildings and greater density make units more affordable is a good question, but results from Chicago are being misinterpreted. Turns out that the nuances and details matter.



Yonah Freemark [Follow](#)

May 22, 2019 · 14 min read



North Beach photo by Kimson Doan via Unsplash.

*[Editor's note: In the heated debate over legislation to address the housing crisis in California*

—namely a bill by state Senator Scott Wiener, known as SB 50—many antigrowth advocates, affordability activists, longtime homeowners, recent renters, NIMBYs, YIMBYs, and others in between weighed in. An academic paper by MIT’s Yonah Freemark became a powerful part of that discussion. **The Frisc** reached out to Freemark about this, and we’re happy to publish his perspective. Last week, SB 50 was put on the shelf by a state committee until at least January 2020. Maybe it’ll be revived, but like everything housing, it’s complicated.]

**H**ow do we shape local land-use policies to encourage more housing — essential to accommodate a growing population — without displacing low-income families from their neighborhoods?

This question has become a matter of pressing public concern. In communities across the country, attention has focused on upzoning, a policy that typically means allowing more housing units on an individual parcel — often, but not always, through bigger buildings. The idea is that upzoning encourages more development and expands the housing supply, accommodating demand and increasing affordability.

In January, I published the results of my peer-reviewed research on a series of upzonings that occurred in Chicago in 2013 and 2015. I compared areas that were upzoned with equivalent areas that stayed as they were previously to identify the short-term effects of the policy. I found that the sort of upzoning implemented in Chicago produced a series of problematic outcomes. One, over the five-year period I studied, the areas that were upzoned saw no increase in the number of housing units built compared with equivalent areas that were not upzoned. Two, upzoned properties did see *a significant increase* in property transaction prices. This indicates that the short-term response to upzoning was speculation on land, not new housing units. Put otherwise, land became more valuable, as we might expect since the city gave landholders the ability to build more on it. But new construction, the actual addition of housing units, did not soon follow.

**Why a Single Housing Study from Chicago Matters Right Now in SF**

A state bill that could reshape San Francisco is in the spotlight. Research from the Windy City has become part of the...

thefrisc.com

While construction may follow over a longer time frame, Chicago’s experience of a rise in property values combined with a lack of growth in dwelling unit construction raises concerns regarding affordability. It suggests that the short-term effects of some upzonings — but perhaps not all — will be property speculation, whose immediate benefit accrues to incumbent landowners and whose impact may be negative, at least for a time, for local communities.

The study, however, does not mean that such an effect is inherent to the act of upzoning itself. The results invite us, rather, to ensure that if we adopt upzoning reforms, that they contain mechanisms addressing concerns of continued affordability in the time between upzoning and a future increase in housing availability. It pays to be deliberate about how we work to increase housing.



**Yonah Freemark**  
@yfreemark

Interesting response to my Urban Affairs paper ([journals.sagepub.com/doi/abs/10.1177...](https://journals.sagepub.com/doi/abs/10.1177/1043986219871177)) in this new CityLab article by @HannahLebovits & @alex Baca, worth reading. I largely agree with the points made in the piece—especially that zoning is a political process! [twitter.com/HannahLebovits...](https://twitter.com/HannahLebovits)

**Upzoning Chicago: Impacts of a Zoning Reform on Property V...**

What are the local-level impacts of zoning change? I study recent Chicago upzonings that increased allowed densities and reduced [journals.sagepub.com](https://journals.sagepub.com)

**Hannah Lebovits** @HannahLebovits

Hey Friends! @alex Baca and I wrote about upzoning for @CityLab!

The gist of it is that DEVELOPMENT IS COMPLEX and

Housing Arguments Over SB 50 Distort My Upzoning Study. Here's How to Get Zoning Changes Right  
THE GIST OF IT IS THAT DEVELOPMENT IS COMPLEX AND GOVERNANCE MATTERS but I have some additional thoughts on this as wellcitylab.com/perspective/20...

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36 12:55 PM - Feb 5, 2019

[See Yonah Freemark's other Tweets](#)

I am chiming in because my study has been invoked in the discussion taking place over California's SB 50 legislation, sponsored by state Senator Scott Wiener. The bill would effectively upzone many areas of that state, while providing new tenant protections. My research has been cited in some quarters as a reason to oppose the legislation and its upzoning policies. For example, the San Francisco Telegraph Hill Dwellers neighborhood organization and the South Bay Cities Council of Governments sent letters to the Senate Housing Committee, using my research as evidence against the legislation.

I have repeatedly and publicly cautioned that results from Chicago should not be interpreted as reflecting what may or may not occur if SB 50 were to pass. Still, after an invitation from **The Frisc**, I wanted to clear the air. I'll do so in three ways: One, I'll describe specific instances in which my work has been misinterpreted, and explain why. Two, I'll point to aspects in the legislation in California that suggest it may produce different outcomes than the upzoning in Chicago — particularly because it includes vital components designed to preserve affordability. And three, I'll point to the kind of future research needed to understand such policies.

As my study continues to be mentioned, I wish to explain in more detail why this use is inadequate. I also want to explain why I have been hesitant to take a direct stand on SB

50 over the past few months, as several organizers have asked. This is for two reasons.

First, as I've written previously, academic research can only be taken so far. (The fact that my work is being talked about can be seen as a positive; in most cases, scholarship languishes, ignored by the public. Plus, this type of analysis has so far been surprisingly rare; there are few studies measuring the effects of upzonings on specific neighborhoods.) I don't want to imply that my work can answer the question of whether we should undertake a certain policy, particularly one that is different from the one I studied. Moreover, I do not want to exaggerate my role by intervening so directly in a conversation in a state where I've never lived; I wish to not diminish the role of local organizers.

Second, the scholarly evidence is still incomplete as to the effects of upzoning, which would make it especially difficult for me to state that I knew what SB 50 (or any other specific upzoning proposal) will or will not do. As such, I've focused my public comments on the issues I believe are raised by my findings from Chicago.

### **Measuring allowed density is not measuring built density**

Upzoning does not automatically mean neighborhoods will densify. As a matter of public policy, upzoning *allows* for an increase in building size and housing units, but that allowance must be followed by actions by public and private stakeholders for density to increase. And even if the number of housing units does increase eventually, change may take many years or even decades.

Let me give you an example. Let's hypothesize that the city of Chicago has an enormous parcel of land on the South Side, previously used for some industrial purpose. The land has been sitting dormant for several decades, despite an arguably beautiful site along the waterfront. In the interest of economic development, the city rezones the parcel for a relatively dense mix of uses. Let's call that a form of upzoning.

But that change in public policy alone does not produce additional construction or housing units. In fact, the South Side of Chicago faces tremendous obstacles relating to decades of racialized disinvestment, white flight, suburbanized industry, and classist American housing policy, and as such new construction may not occur at all. In which case density wouldn't increase, since there would be no more housing. Thus upzoning by

itself does not necessarily mean more construction. (As I've noted, I found no additional new construction from the actual Chicago upzoning in the short term.)

### Peeling the SB 50 Onion with UrbanFootprint

California State Senator Scott Weiner's Senate Bill 50 aims to address California's housing crisis by stimulating more...

[urbanfootprint.com](http://urbanfootprint.com)

A study of upzoning, therefore, is not a study of increased built density. Unfortunately, some have interpreted my study as doing just that — not as assessing the impacts of upzoning (which it does evaluate), but rather as assessing the impacts of increased density (which it does not engage).

To wit, Tim Redmond, writing for 48 Hills, contended that “the YIMBY narrative — that higher density in U.S. cities will bring down housing prices — doesn't work in real life.”

In addition, Cupertino Mayor Steven Scharf said in his state of the city address: “There was just a study I read today from MIT that was looking at the cost of high-density housing, and said, oh, it's actually, it drives up prices enormously because it makes the land so much more valuable, and it's just a myth that if we build really tall buildings suddenly all the prices will come down. It hasn't worked that way anywhere in the world.”

My study of Chicago cannot be interpreted in this way. Since I did not find any increase in construction resulting from the upzoning, I was not measuring the impact of higher density. So it is inaccurate to argue that I identify increased density as a cause of reduced affordability.

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This matters a great deal, because people who favor upzoning typically argue that improved affordability will stem specifically from an increase in the housing supply,

made possible through greater density. My study does not disprove that claim, nor for that matter does it support it. It does suggest that if we want housing supply to increase following upzoning, cities can do more to work for speedy construction by developing their own projects, as well as by making deals with developers.

Moreover, other scholars have studied the impact of new housing supply on overall affordability, and they do find an increase in affordability. Vicki Been, Ingrid Gould Ellen, and Katherine O'Regan, for instance, write that “adding new homes moderates price increases and therefore makes housing more affordable to low- and moderate-income families.”

I have no reason to believe that their assessment is incorrect. When it comes to upzoning, what we need to know is whether it will increase the housing supply, a different question to which I will return below.

### **Upzoning can include affordability**

We can't conclude from my study that more housing units and increased housing density reduces affordability. Where does this leave us then with regards to upzoning, namely the reform that *allows* higher density? Since I find that the short-term consequences of upzoning in Chicago are increased speculation, we should be concerned that such policies may reduce affordability in affected areas, at least in the short term.

Greer Stone and Pat Burt, vice chair of the Santa Clara County Human Rights Commission and the former mayor of Palo Alto, respectively, noted after reading my study that “upzoning ... leads to increased housing costs ... when land is rezoned for increased density, it becomes more valuable, and the price of housing and rents rise.” Francisco Dueñas, a housing advocate for the Alliance of Californians for Community Empowerment, said the following: “Similar to what happened in Chicago, [SB 50] is just going to increase the value of that land, fueling greater speculation, and then that gets translated into increased rent and more people getting pushed out.”

Since I did not find any increase in construction resulting from the upzoning, I was not measuring

the impact of higher density. So it is inaccurate to argue that I identify increased density as a cause of reduced affordability.

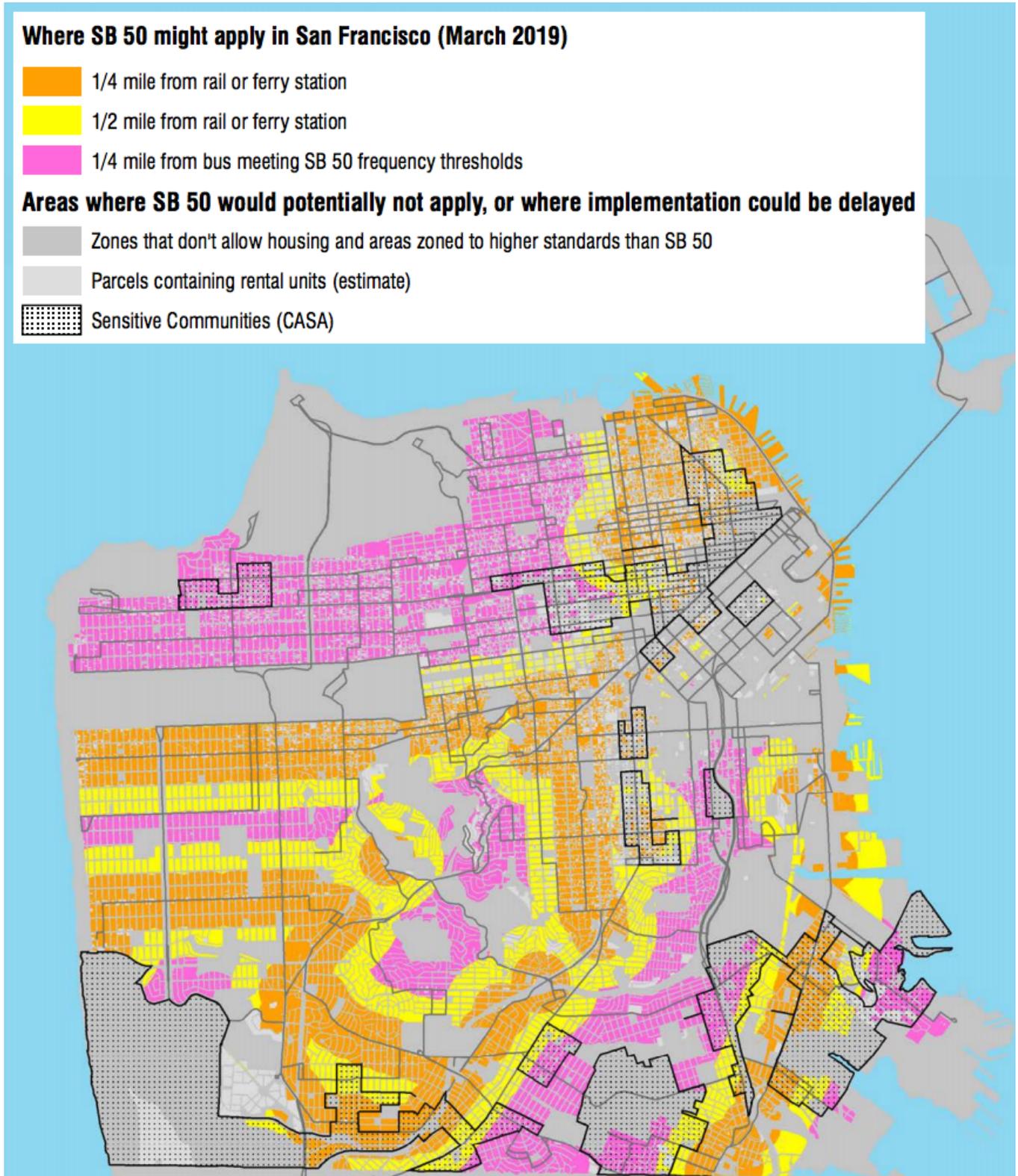
These are largely accurate descriptions of my study. I did find increased housing costs following rezoning in Chicago, including among existing units. Yet the problem of jumping from a study that evaluates one policy to drawing assessments about a *different* policy is, to put it simply, that the devil is in the details. Chicago's upzoning and California's SB 50 are not the same policy, and it is important to bring their differences into stark relief because they should really caution us into making overly general conclusions.

In fact, there are features of the California bill that are not in the Chicago change that could potentially address or ameliorate concerns about speculation. First, SB 50 applies to an area far broader than did Chicago's rezoning. One possible response to my study is that, because Chicago rezoned a relatively small portion of land (just about 6 percent of the city's total parcel area), it encouraged intense interest just in the areas that were affected.

It's hard to see SB 50 produce a similarly focused interest since it would affect a far larger portion of California's cities. That said, one could make an alternative argument, which is that the Chicago results were simply property values adjusting to increased allowed densities; in that case, one would expect similar outcomes as in Chicago. This is an issue that certainly requires further research.

Second, SB 50 will affect areas zoned for single-family homes: It allows fourplexes (four units) on most California areas that are now zoned only for individual houses (plus accessory dwelling units). In areas with many jobs in large counties, density limits are waived and parking limits are reduced. This was not the case for Chicago, where only areas zoned for mixed-use business, commercial, and downtown areas were affected by an increase in allowed housing densities — but not single-family, residential-only areas. There might be a different response to upzoning in single-family-home areas than in mixed-use areas. In Chicago, the policy also did not encourage the sort of low-density multifamily complexes that are key to the Golden State's proposal.

Third, and more importantly, SB 50 includes significant protections for renters, low-income people, and potentially gentrifying areas. These protections were not incorporated into the Chicago rezoning.



Map from the memo by SF Planning Department to the SF Planning Commission:  
[http://commissions.sfplanning.org/cpcpackets/SB%2050\\_Memo.pdf](http://commissions.sfplanning.org/cpcpackets/SB%2050_Memo.pdf)

For instance, SB 50 does not allow the demolition of existing rental housing. It requires 15 to 25 percent affordable housing or an equivalent affordable-housing payout for projects with at least 10 units built under its provisions, a higher share than is the case in Chicago. Finally, it provides a five-year community review period to establish new zoning rules for areas deemed to be sensitive and more likely to face threats of gentrification. This latter area includes about half of San Jose, much of central San Diego, and most of central Los Angeles, among others.

Many of the these features — the renter protections, requirements for affordable housing as a part of new development, and the time given to communities facing the threat of gentrification — are changes Wiener added to his bill since its previous version, SB 827, failed.

That these protections were each added to an earlier bill in and of itself illustrates how upzoning can take many forms, and that some versions confront affordability head-on in a way that others do not.

Together, these provisions will likely moderate the potential negative, speculative impacts of upzoning. The additions to the bill will protect existing renters (through strong enforcement will be necessary) and push new upzoning-related development not into low-income areas, but rather into higher-income communities that historically have been mostly off-limits because of zoning laws that make developing apartments there impossible.

### **Lots more to learn**

There is broad evidence in the academic literature that strict land-use regulations, when compared at the metropolitan scale, block new construction, restricting supply and increasing costs. And tighter zoning restrictions are associated with income segregation and racial exclusion.

As such, there is plenty evidence to support upzoning as a general policy approach. But we also have much more to learn about how upzoning will impact jurisdictions that are considering it. Apart from my work, there is very little causal evidence for how upzoning affects housing construction in the specific neighborhoods where it occurs. We need

more studies to explore other facets of the issue, not only in different places, but also over different time periods.

For one, while my finding that property values increase in upzoned communities suggests that future construction is *likely*, the study does not confirm future construction, nor does it show how long it will take that construction to occur. Wiener recognizes that “it takes a lot more time to build the housing, and that’s frustrating for us who wanted to see housing built yesterday.” We need to better understand how long the development process takes, and use that to inform our policymaking.

As UCLA Professor Michael Lens notes, my study is “a part in ... a larger body of research that is really early.” Scholars and practitioners have to conduct significantly more research to confirm or contradict the generalizing of my findings. If we cannot be entirely sure about how upzoning will affect neighborhoods and cities, it is also true that simply leaving zoning as it is today does not seem likely to induce more housing construction than under an upzoning scenario. In fact, the opposite is almost certainly the case.

Blocking SB 50 maintains low construction levels in many of the state’s most exclusive communities. It will preserve single-family home neighborhoods; in doing so, it will continue to deny many people — disproportionately low-income and minority — access to the well-financed public services that often accompany such communities. SB 50 opens up the possibility of a future with denser construction that includes new affordable units, and broadens access to such places.



**Scott Wiener**  
@Scott\_Wiener

Recently 2 professors published a paper claiming that adding housing by transit doesn't make housing more affordable. The paper was a critique of [#SB50](#). NIMBYS & anti-housing bloggers trumpeted it.

UCLA academics just released a response showing that the paper was way off-base. [twitter.com/mc\\_lens/status...](https://twitter.com/mc_lens/status...)

**Michael Lens** @mc\_lens

Ok people: @elpaavo, Mike Manville and I went long on a critique of the Storper and Rodriquez-Pose piece. Perfect Friday late afternoon

reading: drive.google.com/file/d/1sHh6BJ...

396 8:00 AM - May 19, 2019 · San Francisco, CA

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Of course, we must recognize — as most YIMBY groups do — that upzoning can only be “one part of the answer,” as Richard Florida argues. When Michael Storper warns that with upzoning, “the market will naturally respond best in areas with the greatest returns on upzoning — mostly places with dense, white-collar employment where high-income people will want to live to be closer to their jobs,” he’s right. Upzoning is a strategy that relies on the market to produce housing. The market is ultimately going to build units that are profitable to a select class of individuals.

To return to my previous example, no upzoning, no matter how dramatic its parameters, will bring new construction to neighborhoods like many on the South Side of Chicago that have been systematically marginalized for decades, and for which there is little demand from middle- and upper-income families.

If there is new construction in neighborhoods where such families demand relatively higher-end units, we can expect some “filtering down” of existing units to lower-income families, which would be an important step toward affordability. But we also must recommit to directly supporting low-income families, ensuring they can afford housing, and providing tools for marginalized neighborhoods. That means, among other things, investing directly in social housing and providing housing vouchers as entitlements for low-income families rather than subsidizing mortgages for higher-income households.

### **What’s next for SB 50**

As I’ve said, I have been reluctant to take a public stand on the California legislation because I cannot be sure of the bill’s outcome. It is unquestionably true, though, that

housing in California today is extremely expensive and becoming only more so. The cost of housing reflects, at least to some degree, demand for that housing. Increasing the supply of units should play a role in moderating costs. And reason suggests that upzoning should lead to an increase in housing production over the long term.

Moreover, many of my concerns about the negative impacts of the Chicago changes have been addressed in SB 50. The bill's inclusion of significant protections for existing renters, high affordability requirements, and a pause on changes for potentially gentrifying neighborhoods are good ways of addressing the effects of the short-term speculation I found. It is not the same type of upzoning as Chicago's, and it should not be discussed as such.

More research is needed. Even so, SB 50 is a positive attempt to address California's housing woes.

***UPDATE:** A previous version of this article attributed a remark to Noe Neighborhood Council cofounder Ozzie Rohm, referencing a tweet. Rohm reached out to say the tweet was in fact a misquotation. We regret the error.*

*Yonah Freemark is a doctoral candidate in the Department of Urban Studies and Planning at the Massachusetts Institute of Technology. In addition to his scholarly work, which focuses on the connections between politics, land use, and transportation in the local-government context, he runs the website The Transport Politic. Follow him on Twitter: @yfreemark.*

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# Iain MacKenzie

**#83116 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I have noticed a trend of comments that mention research by Yonah Freemark, as a reason not to move forward with the Residential Infill Project. For example, one comment stated that "a study by Yonak Freemark found that upzoning in Chicago led to higher, not lower housing prices." I would like to enter the attached article by Freemark into the record. This was originally published here: <https://thefrisc.com/housing-arguments-over-sb-50-distort-my-upzoning-study-heres-how-to-get-zoning-changes-right-40daf85b74dc>

Testimony is presented without formatting.

# Paul Schaad

## #83117 | January 17, 2020

### Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

My testimony is specifically about the proposed z zones. I support the overall intention of the residential infill changes to provide more housing options, however I do not support the z zone portion of the draft proposal. The z zones look to me like some sort of afterthought with very little benefit, flies in the face of the goal of creating more housing, and damages property owners with z zone designations based on just computers doing the designation. It is not just half baked, but not even an full ingredients list. Please either remove the z-zones portion - or send the whole back for more work so that whatever reasons behind z-zones can be properly integrated into the existing building codes. 1 - City codes already regulate building when E-zones, steep slopes, etc are involved in the design review process. If any additional restrictions need to be added for higher density buildings, then add them to the existing design review processes and for thoughtful reasons. The z-zone proposal is an all or nothing designation, based on some computer algorithm the totally restricts additional density - its not clear for what reason. As I read it, there is no way to appeal the z zone designation once it is applied to a property. 2 - The z-zone proposal has the (unintended?) consequence of reducing additional housing where it would make sense and harming property owners in the process. I will use my own house as an example. I have a huge ranch house built in the 1940's one a large lot, over 1/2 acre. The far back corner is near a creek and therefore in an environmental zone. The z zone designation is not fine tuned, it does not matter if I have 5% or 100% in and E zone, it will still be totally put into the z-zone and restricted, so mine is listed on the map as in the Z-zone. I have thought for years that it would be perfect to convert my huge house into a duplex. I was excited that finally that would be allowed and even add two Adu's for students at PCC. But the thoughtless z zone rules prevent that. Other properties around me on smaller lots, that don't happen to touch an E zone would be able to convert their smaller houses to duplexes and and add additional ADU's, yet my very large property that is perfect for that is left out, just that a small portion far in the rear of the lot has an e-zone designation. In addition, the z-zone language is very brief, there is now way for me to appeal or change this new z-zone designation listed. Can you see why I think the z-zones part of this proposal is not even half baked? It does not treat me equally with my neighbors, and will lower the potential value of my property relative to those not with z-zone designation. It is unfair and disparate treatment of property owners who are some of the ones supporting natural resource preservation for the city.

Testimony is presented without formatting.

## Testimony – RIP

My name is Bruce Sternberg and I am an architect and planner who has been involved in the design and construction of over 1000 units of low income/affordable housing as well as having experience working with neighborhoods on neighborhood plans. I am also a resident of Eastmoreland.

The Residential Infill Project in my opinion, in its present form, will not create more affordable housing in the short term, and its allowing for older existing housing to become affordable is generations in the future. In the process, however, it will undermine the architectural character of Portland's neighborhoods.

It will not create more affordable housing because it is based on the inaccurate premise that increased housing density produces increased affordability. New York City has the highest density zoning and the least affordable housing in the world. The housing market is not like the consumer economy where increased supply through mass production equates to reduced costs, because housing is not mass produced. Its costs are \$200-\$300 /square foot is not affordable. Having smaller units will help, but as long as the profit motive is the incentive for housing, affordability will be limited.

Increased density can provide the opportunity for affordable housing if it is accompanied by substantial funding programs, tax credits, fee waivers from the federal and local governments.

It will reduce the architectural quality of Portland's neighborhoods because its development guidelines are inadequate. It will increase demolitions because incentives to retain existing houses are insufficient. With the exception of requiring 2 side by side houses on an R5 lot the mechanisms used ( height, setbacks, floor area ratio) will have little impact on design quality. What so called nimbyists are really concerned about is not that new housing will bring in multi-cultural residents, but that it's poor design will undermine the existing beauty, quality of environment, and home values of their neighborhoods. Increased density in of itself is not the problem, it's the quality of design of this increased density that is of issue.

I urge the Council to add additional design controls and attach affordable housing funding programs to construction of new housing to make the Residential Infill Project succeed.

# Bruce Sternberg

**#83118 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

My name is Bruce Sternberg and I am an architect and planner who has been involved in the design and construction of over 1000 units of low income/affordable housing as well as having experience working with neighborhoods on neighborhood plans. I am also a resident of Eastmoreland. The Residential Infill Project in my opinion, in its present form, will not create more affordable housing in the short term, and its allowing for older existing housing to become affordable is generations in the future. In the process, however, it will undermine the architectural character of Portland's neighborhoods. It will not create more affordable housing because it is based on the inaccurate premise that increased housing density produces increased affordability. New York City has the highest density zoning and the least affordable housing in the world. The housing market is not like the consumer economy where increased supply through mass production equates to reduced costs, because housing is not mass produced. Its costs are \$200-\$300 /square foot is not affordable. Having smaller units will help, but as long as the profit motive is the incentive for housing, affordability will be limited. Increased density can provide the opportunity for affordable housing if it is accompanied by substantial funding programs, tax credits, fee waivers from the federal and local governments. It will reduce the architectural quality of Portland's neighborhoods because its development guidelines are inadequate. It will increase demolitions because incentives to retain existing houses are insufficient. With the exception of requiring 2 side by side houses on an R5 lot the mechanisms used ( height, setbacks, floor area ratio) will have little impact on design quality. What so called nimbyists are really concerned about is not that new housing will bring in multi-cultural residents, but that it's poor design will undermine the existing beauty, quality of environment, and home values of their neighborhoods. Increased density in of itself is not the problem, it's the quality of design of this increased density that is of issue. I urge the Council to add additional design controls and attach affordable housing funding programs to construction of new housing to make the Residential Infill Project succeed.

Testimony is presented without formatting.

# Rob Wilcox

## #83119 | January 17, 2020

### Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Commissioners, I support the Residential Infill Project. I think it complements, and ideally coordinates with, the short-term rental and long term rental registration championed by Commissioner Eudaly, and others, as well as the HB 2001 implementation plan mentioned by Commissioner Fritz. I also share architect Rick Potestio's long term concerns about the availability of 2-4 bedroom homes as younger people today have the families of tomorrow. I have two concerns to address with staff. First, the code changes are not well formed for construction on steeply sloped lots. Second, the cost changes penalize residential solar in their height limits. I'm well acquainted with steep lots and the construction challenges on them. To solar, I worked with a group of volunteers to build a 300 square foot solar greenhouse in the most economically disadvantaged neighborhood in that city. My responsibility was the solar survey: where the sun is throughout hours over the year. I would not expect staff would be as deep into these issues as I have had to be. Therefore I would like to schedule appointments with staff to review these items and discuss options. Portland has inventoried steeply sloped areas shown in this map. (Figure in PDF Document) There are vacant lots in steeply sloped areas. It is an advantage to the City they be developed as new development is fully taxed under Measures 5 & 50. Lots sloping up and lots sloping down have individual challenges. (Figure in PDF Document) On slopes the road as traveled may not be centered on the deeded right of way. In that case, the effective setback can be substantial. Building on sloping lots is a compromise of setbacks, vehicle transition & climbing grades, excavation and retaining. The retaining engineering and construction can be challenging. In the illustration above, exterior windows may be impossible on the uphill and on the sides. The excellent vision of visitability is almost impossible to meet on these lots. Finally, the sightline-driven facade elevation concerns are dwarfed by tall native conifers uphill. (Figure in PDF Document) Sloping down sites have a bridge over the setback from the roadway to the entry living level. The roadside facade is in many cases covered with a scenic overlay zone. Facade seen from further down the hill looking up is first, usually screened by native conifers, and second, is often quite distant, because lower houses are built closely to their street while the upper houses are built close to their street. It is common to have 100 feet or more uphill-downhill separation between homes on steeply sloped lots. The result is that the intent of height limits does not apply to this situation. A separate but very important concern is the impact of height limits on residential solar. (Figure in PDF Document) Portland is at about 46 degrees North Latitude. Our solar disadvantages are dominated by latitude more than cloud cover. Facing South, on the Winter solstice the noon sun

**190093**

is about 20 degrees above the horizon; on the Summer solstice the noon sun is about 68 degrees above the horizon. The most efficient angle for solar panels is at an angle equivalent to the latitude, about 46 degrees. That is a steep roof in Portland. Builders usually don't build them to save every penny on materials. But for sites with a South facing roof opportunity, we should encourage those angles, rather than discourage them through height limitations. There are a variety of options to address these details on the Residential Infill Project through code, resolution, or administratively. I look forward to consulting with staff to do so, Best Regards, Rob Wilcox SW Portland

Testimony is presented without formatting.

# Josh Hetrick

**#83120 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Land use is an important part of our climate action strategy. Even modest increases in density away from exclusively detached houses can make a sizable impact on our overall carbon emissions. This applies to the structures themselves, and how we move about. Mixed density neighborhoods are an effective way for places to become more easily walkable, bikeable, and served by transit. And by removing parking minimums, we can instead focus on providing places for people rather than their vehicles. Parking can still be added where truly needed (such as for accessibility). Removing the minimum requirement will remove the hidden subsidy for cars that we are all currently paying. Allowing a diversity of housing types also supports neighborhoods that are more economically mixed. This type of mixed density has already provided my spouse and I the ability to live in a neighborhood where we are otherwise unable to afford a detached home on its own lot. But currently, there aren't many of those options to choose from, and I want this opportunity to be available to more people. In addition to what is in the plan currently, I believe it needs to include more incentives for affordable housing. This must include a range of affordability levels, including deeply affordable for those who are currently severely cost-burdened with housing or can't afford housing at all. This plan must also include strong actions to prevent displacement, such as first right of refusal for tenants when a property is sold. This kind of mixed density, multi-unit housing is already present in most of our neighborhoods (mine included), but would be illegal or impractical to build today. It's time we re-legalize a diversity of housing options to support the full diversity of our city, incentivize more affordable options, actively work against displacement, and act swiftly in light of a climate emergency.

Testimony is presented without formatting.

# Julie Blackman

**#83121 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I strongly oppose most elements of the RIP as do many Portlanders. Demolition of existing homes is not environmentally sound practice. Nor does it result in increasing housing, livability or neighborhood values. The majority of the buildings that are replaced offer housing that is far more affordable than the replacement units. The purported housing crisis in this city will not be alleviated by replacement of affordable homes with substantially more expensive units. While some neighborhoods may be lacking in homes for sale at affordable prices, there are numerous neighborhoods outside of the close-in, east-side neighborhoods that are far more affordable and, in many cases, more livable. Demolishing good old houses and cutting down neighborhood trees destroys much of what draws people to Portland (and keeps us here) in the first place. These changes to Portland are irrevocable, unwelcome and poorly thought out. Other cities, such as Minneapolis, which are experimenting with this approach have encountered consequences that cannot be undone. Why is Portland so intent on making the same mistakes? Can we not learn from their experiences? I oppose displacing vulnerable communities, lower-income families, and renters. I oppose removing requirements for parking in any and all neighborhoods in this city, no matter the demographics involved. RIP is not for Portlanders who need affordable housing. RIP is for real estate developers. It's naive of Council members to fail to understand this. I ask you to stand with ordinary Portlanders and reject the RIP as proposed. Thank you for consideration of a long-time taxpayer. Sincerely, Julie Blackman

Testimony is presented without formatting.

# Sandy McDonald

**#83122 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear. City Council, I am writing to encourage greater affordability for housing in Portland. It saddens me to drive or walk the streets of Portland and see the overwhelming number of homeless people. I volunteer at a food pantry that serves some of these people, I get to know these folks and can feel the pain of their lives. It I believe is our biggest challenge as a community. Secondly the degree in which our city has gone from essentially pristine when I moved here in 1976 to now an eyesore in every corner is very discouraging. We can and must do better. Sandy McDonald

Testimony is presented without formatting.

RIP Testimony re: the Portland Small Developer Alliance

I'm Mary Vogel, co-founder of the Portland Small Developer Alliance (PSDA). I wanted you to meet a few other members as we are some of the people who will be building the Missing Middle housing. Garlynn Woodson, Liz Getty, Holloway Huntley have now testified on behalf of our group and Corey Omev and Adam Zielinski will soon do so.

We certainly support the “deeper affordability option”—indeed we helped develop the numbers to create that option. **We suggest it go into the Phase 2 that we have suggested in our MapApp testimony.** We need the RIP NOW! We're concerned that the longer that implementation of the infill project is delayed by amendments, the worse housing affordability, insecurity, and displacement will get for Portland's vulnerable working and middle class people; the more we will lose our creatives and our recent graduates who go off to seek more affordable housing opportunities elsewhere. As Planning and Sustainability Commissioner Eli Spevak wrote on P:NW

*I'd be curious to see how much less displacement Portlanders would have experienced over the past 4 years had RIP been in place - both citywide and in census tracts with high percentages of persons of color. The analysis shared with the PSC (and qualitative data from redevelopment trends in gentrifying neighborhoods) suggest that there's a big need for anti-displacement measures. And the need is bigger without RIP than it is with RIP.*

I believe he was encouraging the passage of RIP and then getting your OTHER anti-displacement policies in place quickly.

The 6-8-plex deeper affordability option exceeds current entitlements for single dwelling zones in both building coverage and FAR. These are likely going to need to be modeled and reviewed by the various infrastructure bureaus. As a planner who has worked in development review in Washington, DC, I know that modeling and review from the various infrastructure bureaus takes several months in the best of circumstances—often longer when the project is a controversial zoning change.

I want to tell you about how I am feeling in relation to the RIP at this point. PSDA has 118 members as a closed Facebook group. Many of us would like to be more active in development than we are right now. We would like to be creating more housing choices and more construction jobs in the economy. But we are sitting on our hands because we are waiting to see about zoning changes. We've been doing that for the last five years now—although some of us have been building ADUs or cottage cluster developments in the meantime. Others have continued to design or build other people's projects as architects or builders. Some have continued to sell single family homes to those who can afford them—while their clients who can't stack up.

Many of our PSDA members have burned out on housing policy and especially on RIP. They are sick of hearing from me about it. I'm sick of hearing from me on it! I have felt like a pariah for continuing to cheerlead on RIP within PSDA. It took all that I had to get 15 members to a meeting on RIP last week, and then, to get just six of us to testify as PSDA this week.

At least three of our other members—Eric Lindsay, Neil Heller and Sam Stuckey testified with Portland: Neighbors Welcome—for the “deeper affordability option”. P:NW is a group that I have played an influential role in since it was the PDX YIMBY on Facebook. Now, I feel shunned there as well—despite the fact that, on my own initiative, I put up P:NW notices on the PSU campus that likely brought at least 2-3 students to testify; despite the fact that I have been urging them/us to reach out to groups serving people of color and low-income for years. Personally, I’ve been a donor to some of those groups and attended their events for years.

In the past, I have worked to attract more Masters in Real Estate Development students at PSU into PSDA. That was somewhat successful—although temporary—as many of them moved on because they couldn’t deal with housing insecurity in Portland. We believe RIP will help them too.

PSDA is open to any Portland property owner who wants to develop their land with the support and suggestions of other small developers. It’s open to non-property owners who would someday be willing to take on the risks and headaches of development and leave a tangible lasting legacy that creates more housing opportunity and more sense of community. PSDA could play a big role in helping to implement RIP as the incremental development policy that it is intended to be—helping to keep Portland property in the hands of Portlanders and not sharks from equity firms with their anonymous LLCs.

I hope you will call on us to help implement RIP and pass it NOW!  
Mary Vogel  
SW Portland

# Mary Vogel

**#83123 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

RIP Testimony re: the Portland Small Developer Alliance I'm Mary Vogel, co-founder of the Portland Small Developer Alliance (PSDA). I wanted you to meet a few other members as we are some of the people who will be building the Missing Middle housing. Garlynn Woodsong, Liz Getty, Holloway Huntley have now testified on behalf of our group and Corey Omev and Adam Zielinski will soon do so. We certainly support the "deeper affordability option"—indeed we helped develop the numbers to create that option. We suggest it go into the Phase 2 that we have suggested in our MapApp testimony. We need the RIP NOW! We're concerned that the longer that implementation of the infill project is delayed by amendments, the worse housing affordability, insecurity, and displacement will get for Portland's vulnerable working and middle class people; the more we will lose our creatives and our recent graduates who go off to seek more affordable housing opportunities elsewhere. As Planning and Sustainability Commissioner Eli Spevak wrote on P:NW "I'd be curious to see how much less displacement Portlanders would have experienced over the past 4 years had RIP been in place - both citywide and in census tracts with high percentages of persons of color. The analysis shared with the PSC (and qualitative data from redevelopment trends in gentrifying neighborhoods) suggest that there's a big need for anti-displacement measures. And the need is bigger without RIP than it is with RIP." I believe he was encouraging the passage of RIP and then getting your OTHER anti-displacement policies in place quickly. The 6-8-plex deeper affordability option exceeds current entitlements for single dwelling zones in both building coverage and FAR. These are likely going to need to be modeled and reviewed by the various infrastructure bureaus. As a planner who has worked in development review in Washington, DC, I know that modeling and review from the various infrastructure bureaus takes several months in the best of circumstances—often longer when the project is a controversial zoning change. I want to tell you about how I am feeling in relation to the RIP at this point. PSDA has 118 members as a closed Facebook group. Many of us would like to be more active in development than we are right now. We would like to be creating more housing choices and more construction jobs in the economy. But we are sitting on our hands because we are waiting to see about zoning changes. We've been doing that for the last five years now—although some of us have been building ADUs or cottage cluster developments in the meantime. Others have continued to design or build other people's projects as architects or builders. Some have continued to sell single family homes to those who can afford them—while their clients who can't stack up. Many of our PSDA members have burned out on housing policy and especially on RIP. They are sick of hearing from me about it. I'm sick of hearing

from me on it! I have felt like a pariah for continuing to cheerlead on RIP within PSDA. It took all that I had to get 15 members to a meeting on RIP last week, and then, to get just six of us to testify as PSDA this week. At least three of our other members—Eric Lindsay, Neil Heller and Sam Stuckey testified with Portland: Neighbors Welcome—for the “deeper affordability option”. P:NW is a group that I have played an influential role in since it was the PDX YIMBY on Facebook. Now, I feel shunned there as well—despite the fact that, on my own initiative, I put up P:NW notices on the PSU campus that likely brought at least 2-3 students to testify; despite the fact that I have been urging them/us to reach out to groups serving people of color and low-income for years. Personally, I’ve been a donor to some of those groups and attended their events for years. In the past, I have worked to attract more Masters in Real Estate Development students at PSU into PSDA. That was somewhat successful—although temporary—as many of them moved on because they couldn’t deal with housing insecurity in Portland. We believe RIP will help them too. PSDA is open to any Portland property owner who wants to develop their land with the support and suggestions of other small developers. It’s open to non-property owners who would someday be willing to take on the risks and headaches of development and leave a tangible lasting legacy that creates more housing opportunity and more sense of community. PSDA could play a big role in helping to implement RIP as the incremental development policy that it is intended to be—helping to keep Portland property in the hands of Portlanders and not sharks from equity firms with their anonymous LLCs. I hope you will call on us to help implement RIP and pass it NOW! Mary Vogel SW Portland

Testimony is presented without formatting.

# Heidi Levy

**#83124 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The housing issues facing Portland are critical and important, but they will not be solved by destroying the character of Portland's many and distinct neighborhoods. Therefore, I deeply oppose the proposed Residential Infill Project. The RIP will benefit only the developers who seek to maximize their profits and not the renters or first-time buyers who seek affordable housing. Let's be realistic and look at the large number of new apartments and condos that remain empty because the "market value" is too high for the afore mentioned people looking for housing. Further, let's look at the buildable land that Metro says will satisfy Portland's needs for 20 years. If building housing for low-income and first-time buyers was cost-effective, the developers would have already built it. So, how about spending serious government resources to produce housing at the desired lower price point in areas that already have land available. That is, building new communities, not ripping up established ones.

Testimony is presented without formatting.

# Esme Miller

**#83125 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear Commissioners – I came to speak today in support of the Residential Infill Project, and the proposed Deeper Affordability option, out of my experience as someone who stayed too long in a shared family household that ultimately proved to be an unhealthy environment for my child. I stayed because I feared being thrown upon the mercy of the Portland rental market, and the choice I made when I left was to trade familial stress for financial stress. My experience reflects a larger reality: the city’s ongoing housing crisis, and our failure to respond to it with bold and transformative action, makes it hard for victims of intimate partner abuse, elder abuse, or anyone living in an unsafe or unhealthy household to strike out on their own. When we left, it was the availability of a small square-footage, no-parking apartment in the Woodstock multifamily zone that allowed us to stay in the neighborhood at all. Imagine, then, how much easier it would have been, to make the right choice for my daughter, had all of the surrounding neighborhoods been full of such units. But our ability to stay in the neighborhood also has other implications: my family gets around the city almost exclusively on transit and bike. If we are ultimately displaced to Clackamas or Tigard, we will also be thrown into greater auto dependency. Acceding to the ongoing displacement of poor, working-class and even middle-income Portlanders will make it that much harder to achieve the dramatic reductions in carbon emissions that will be required to fend off the worst scenarios for climate change. And in 15 or 20 years, I would like to live in a world that my daughter might consider bringing children into. In the name of the grandchildren I hope to someday help raise, I ask you to do the right thing, and allow this city to build the kind of housing that will allow more of us to establish safe and healthy households, and to live less carbon-intensive lives. Thank you.

Testimony is presented without formatting.

# Eliot Kahn

**#83126 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I strongly support the Residential Infill Project. I moved to Portland to start a business building affordable housing and it is largely because of changes like this that make it possible to build small, affordable housing for those that need it. The data that's available on Accessory Dwelling Units and missing middle housing all indicate that it helps provide the necessary types of housing for those that need it most and helps promote a healthier community and planet. Not only does it allow more people from diverse backgrounds to gain some agency in their housing and work towards generating the type of wealth that home ownership creates, but there is also no data at all that shows it hurts the social fabric or local communities. By providing this type of inclusionary housing, we move in a better direction for our community. For those that argue it will make parking worse, there is zero data to show that relaxing parking space requirements adds significant parking troubles but there IS data showing that these sorts of requirements make it harder to build small, affordable housing at all and forces the community to pay a hidden car tax even for those that have no car. In addition, by allowing more affordable housing to be built throughout the city, we help reduce the carbon emissions from housing and construction. The science shows that reducing carbon emissions from long commutes makes an impact. Additionally, wasteful GHG emissions are directly proportional to the size of a building. By promoting smaller residences, we help push the construction industry in a greener direction. Anyone who says that this type of housing incentivizes big developers to come in and wreck communities with commercial developments hasn't looked at the research. This type of housing has the opposite effect due to the fact that the majority of construction projects of this nature are done by local homeowners looking to provide affordable housing for themselves, their relatives, or generate passive income. The research backs this up as a good way to provide the kind of housing we need and all the science available shows the benefits of these changes. I fully support this, my only urge would be to add more anti-discrimination, anti-displacement, and affordable housing incentives.

Testimony is presented without formatting.

# Stewart Hulick

**#83127 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Residential Infill Project because I believe more density in Portland will lead to more affordable housing options and will change the character of our neighborhoods for the better with more diversity in race, ethnicity and economic status. I also believe that more density will help to alleviate traffic in our city and will help to combat climate change. Please approve the recommended draft and accompany it with a new "deeper affordability" option for below-market developers and the citywide "tenant opportunity to purchase" renter protections advocated by Anti-Displacement PDX. Thank you! Stewart Hulick

Testimony is presented without formatting.

# Todd Borkowitz

**#83128 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear Mayor Wheeler and members of Portland City Council, My name is Todd Borkowitz. I live in Portland's Woodlawn neighborhood and fully support the Residential Infill Project and anti-displacement measures put forth by Anti-Displacement PDX. While I welcome your consideration of future improvements to the project, including recommendations that will be developed through the Anti-Displacement Action Plan, I urge you to adopt the Recommended Draft of the Residential Infill Project without further delay. Doing nothing is not an option. Portland, like many Oregon communities, is continuing to experience a shortage of housing options – a crisis that disproportionately impacts households and individuals with more limited incomes, including people of color, younger adults, and seniors. Further delay of the Residential Infill Project will only exacerbate the inaccessibility of housing options for Portlanders who need them. I commend city staff for its mindful crafting of proposals that help achieve and advance policies of Portland's 2035 Comprehensive Plan, particularly: • Expanding opportunity for housing choice for seniors and people with limited physical ability; • Deploying new tools to limit out-of-scale houses, including use of FAR and new height measurement methods; • Streamlining rules for land divisions and lot confirmations/adjustments; and • Fairly balancing the needs of both homeowners and renters. I also applaud key updates made since the Proposed Draft, namely expanding the geography of the 'z' overlay to allow additional housing types in single dwelling zones nearly citywide. To improve this project, I encourage City Council to direct staff to identify measurable desired outcomes and a develop benchmarks and viable strategy for making future adjustments and refinements to the Residential Infill Project should undesired outcomes result. In addition, I recommend further study by the Bureau of Transportation and Planning and Sustainability of the proposed 'z' overlay related to real constraints posed by unmaintained streets, as such streets often have ample on-street parking availability for accommodating additional density and/or are unmaintained for only short stretches. In closing, I am confident in the integrity of Residential Infill Project. Project staff has been mindful and deliberate in putting forth a proposal that achieves project goals and advances 2035 Comprehensive Plan policies. Most importantly, the project has near unanimous support from anti-displacement advocates and affordable housing providers alike, who have been instrumental in advancing the accessibility of housing to more residents and correcting past racial inequities. Thank you for considering my testimony. Please vote 'yes' on the Residential Infill Project. Best, Todd Borkowitz

Testimony is presented without formatting.



# Katharyn Cohen

**#83129 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear Mayor Wheeler and Councilors: I am a resident of Laurelhurst in Portland and was active in the successful effort to create a historic district, one goal of which was to reduce the number of tear-downs of smaller, more affordable, homes and large tree removals in our neighborhood. My professional career has been devoted to promoting economic justice and I was in favor of Portland's efforts to increase density and affordability within the growth boundary—until I learned that RIP is not designed to increase housing affordability (See Bureau of Planning and Sustainability Johnson Economics study 3/27/18). Since this report, new evidence has emerged that RIP, as currently written, will likely encourage displacement, gentrification and lead to increased corporate ownership of housing in Portland. I urge the City Council to delay a vote on RIP until we have a workable approach to ensuring that the displacement of lower-income families will not be its primary result. Furthermore, I urge the City Council to consider an alternative to bringing scattershot density to all Portland single-family zoned properties and, instead, consider meeting the requirements of HB2001 through rezoning to multifamily around frequent transportation corridors. This simpler approach would allow for the economies of scale nonprofit housing developers say is necessary for the development of affordable units; ensure that these units are accessible and offer climate benefits not available under the scattershot approach of RIP. Finally, I urge the Council to consider taxing landlords who hold units vacant for more than twelve months, thereby incentivizing corporate landlords to allow prices to fluctuate based on market demand. The Portland City Council is positioned to once again offer the country examples of urban planning that meet multiple progressive goals at once. I respectfully ask that the vote on RIP be delayed allowing the Council to ensure that RIP is a smart and equitable step forward for our beloved city of Portland. Sincerely, Katharyn Cohen

Testimony is presented without formatting.

To: Portland City Council  
Re: City RIP

AUDITOR 01/16/20 PM 2:11

The City's RIP unfairly targets Eastside neighborhoods. Negative comments are constantly being made to Portland's City Council and their cohort about the lack of diversity in Eastside neighborhoods when according to source listed in *The Southeast Examiner*, "Portland has the highest concentration of whites, with SE in second place, followed by NE. The highest concentration of blacks is in NE, NW and Asians are most heavily concentrated in portions of East, N

The City's RIP does very little to address density and/or diversity in SW Portland. Where does the mayor's family live? Interest

Gentrification is being encouraged by the City's RIP. It is causing higher home prices as developers are offering thousands of dollars more for a house than a family with a mortgage can afford. It is causing displacement also, as smaller bungalows are being redeveloped into either large housing or more expensive rentals.

In the RIP, the set backs are not commensurate with neighborhood homes. Not only does it not respect neighborhood design but causes many safety concerns.

Portland's RIP is very anti-family. The demolitions of homes and the build of duplexes, and especially 3 plexes & 4 plexes, negatively affects the environment, the community, the schools, the churches, and safety. In addition the increased density can damage a neighborhood's infrastructure. The water & sewer pipes in Portland's East neighborhoods were not meant to include such an increase in density. Will the City be responsible for broken sewer/water pipes? They should

Liveability will also be lost by a loss of green spaces: very little front lawns or backyards, loss of landscaping & trees. How will the City make up for the loss of green spaces caused by the RIP? Cars already line the narrow streets in Eastside neighborhoods and most homes have only one-car garages. With a no-parking availability rule in Portland's RIP, where will the possibility of up to 8 cars park (from 3 or 4 plexes). There will be cars although the City keeps ignoring that fact.

The Jan. 8, 2020 edition of the Oregonian (Home sale) recently reported "... 4.8 million millennials are reaching 30 years of age in 2020, a prime age for many to purchase their first home." The City's RIP ignores this trend & will eventually deter families from buying homes

The State HB2001 is enough!  
The City's RIP does not make Portland  
a better place to live. It fits the  
needs of rich people coming from  
outside the state more than the needs  
of Portlanders + unfairly targets Portlanders  
Eastside

Please choose liveability  
over profit!

Sincerely,

Chris Marrassini

Chris Marrassini

3325 NE Davis

Portland OR

97232

# Chris Marraccini

**#83131 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

# susan gisvold

**#83132 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I oppose RIP and any amendments to add more plex development in single family zones. As I see it, RIP means that a homebuilder, with the blessing of the City, may buy a single family piece of property with an affordable housing unit on it, evict/displace the low income tenants occupying the unit, demolish the unit, build something(s) bigger which is not affordable, sell the bigger, not affordable thing for a profit, and use the profits to do the same thing, over and over again. This is crazy public policy.

Testimony is presented without formatting.

James Purdy and Kimberly Bakken  
2663 NW Westover Road  
Portland, OR 97210  
01/13/2020

City Council  
Residential Infill Project Testimony  
1221 SW Fourth Ave, Room 130  
Portland, OR 97204

Dear City Council:

Thank you for the opportunity to provide testimony regarding the proposed infill rules. We applaud the effort to increase availability and affordability of housing in Portland. With that said, we believe the one size fits all approach of the current proposal fails to address the historical makeup of some Portland neighborhoods, as well as presenting a fundamentally unfair approach to certain properties.

Neighborhoods such as the NW Heights and Laurelhurst have historically been developed with large houses on small lots, and would be unduly impacted by proposed regulations. The current proposal would require smaller homes out of character with the neighborhood if a house were to be removed for new construction, or a vacant lot to be developed. As an illustration, a group of 7 consecutive homes in our 1920s neighborhood have an average lot size of 7729 square feet with an average house size of 3434 square feet (per county records). This average includes the two smallest houses at 2160 and 2210 square feet, respectively. Without those, the average lot size would increase slightly to 7840 and home size significantly to 3934. Parallel homes on the two adjacent streets show a similar trend: 4 homes on NW Summit have an average lot size of 7458 square feet with an average home size of 3665, while 4 on NW Albemarle average 7275 and 4089. Under the new proposal any construction on the vacant 5,000 square foot lot (zoned R7) next to us would be limited to 2,000 square feet—at 50-58% of their size it would be out of character with the rest of the homes in the immediate area.

The proposed regulation does not take into account differences in individual parcels, which can lead to unfair outcomes. For example, the lot at 2663 N NW Westover has a flat surface for the West 50' of the lot, then a drop of 40' over the East 51' (a 65° slope). This would preclude building the proposal offset of allowing an ADU on the property. It would result in a scenario where the allowed size for construction would be significantly lower than under current code, and the mitigating opportunity would not be feasible. Other lots in the West Hills present similar challenges. The proposal also does not distinguish between a lot with an existing structure and one that is currently vacant. Our property that has sat vacant for 96 years for the express use of building a home comparable to the neighborhood

City Council  
01/13/2020  
Page 2

is treated the same as one where an existing home is torn down for the purpose of building a large house. In trying to avoid the latter the proposal unfairly restricts the former.

Realistically, affordable housing will not be built in areas of the city with this type of historical makeup. Any multiple units constructed would likely be high-end units out of reach for the homeowner or renter the Infill Project attempts to address. In these areas the outcome of the new rules will either be no construction, or construction out of keeping with the character and livability of the neighborhood.

We would ask that a broad-brush approach not be used; that consideration be given to the size of homes on comparable lots in the immediate area, to vacant land and to lots with geographical differences. This is a more fair and balanced approach, and more in keeping with the spirit and goal of the changes proposed.

Sincerely,

Handwritten signatures of James Purdy and Kimberly Bakken. The signature for James Purdy is on the left, and the signature for Kimberly Bakken is on the right.

James Purdy and Kimberly Bakken

# James Kimberly Purdy Bakken

**#83133 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

# Peter Ghosh

**#83134 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Residential Infill Project.

Testimony is presented without formatting.

# Aaron Brown

**#83135 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Residential Infill Project. Please relegalize missing middle housing in the name of taking a step forward to making housing a little more affordable, chipping away at racial segregation, and preparing Portland to be a leader on climate justice. I encourage the city to work closely with ADPDX and Portland: Neighbors Welcome to draw up and implement the Deep Affordability Bonus for six- and eight-plexes as well.

Testimony is presented without formatting.

# Rowena Norman

**#83136 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Residential Infill Project because I want to live in an affordable and diverse Portland! I love living in the Irvington neighborhood in my apartment complex and love taking walks along the beautiful trees and having transit so easily accessible. However, current housing prices driven by the current zoning measures prevent me from making Portland my permanent home. Please approve the recommended draft and accompany it with a new "deeper affordability" option for below-market developers and the citywide "tenant opportunity to purchase" renter protections advocated by Anti-Displacement PDX.

Testimony is presented without formatting.

January 17, 2020

City Council  
1221 SW 4th Ave., Rm 130  
Portland OR 97204

Mayor Wheeler and City Commissioners:

Oregon Environmental Council appreciates the opportunity to testify on the Recommended Draft of the Residential Infill Project. Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations. Oregon Environmental Council has worked on land use policy for nearly half a century, and the growing importance of mitigating climate change gives this work greater urgency. The Residential Infill Project proposal is an opportunity to change city policy shaping residential redevelopment over time to be more energy-efficient, more supportive of transit, biking and walking for transportation, and more accessible for more people.

This proposal would lift the ban on slightly denser development in much of the city, allowing the city to become more environmentally sustainable both at a building level and at the community level. At the building level, multi-unit developments are more energy efficient because of shared walls and the opportunity for more efficient building-scale systems. At the community level, dense development supports nearby transit and commercial services that allow people to conveniently get around without driving. Reducing the miles traveled in vehicles is essential to meeting the City of Portland's climate goals, and improves air and water quality as well as human health and safety.

Zoning rules that prevent the development of more than one unit per lot have the effect of banning all but the most expensive kind of housing, the freestanding single-family house. Low-income people must seek cheaper housing at the edges of the city, requiring more driving and less access to employment and educational opportunities. Given the vast racial wealth gap in the United States, this exclusionary zoning, coupled with racial covenants, redlining and racial steering, has led to the racial segregation of Portland neighborhoods. The Residential Infill proposal would allow the construction of more homes that are smaller and often attached, allowing many more people the option to make a home in close-in neighborhoods that are rich in access to jobs, services, schools and other opportunities.

OEC also encourages you to invest in affordability and anti-displacement efforts. While this proposal would reduce displacement more than doing nothing, and would reduce the number of redevelopments, it is necessary to go further. Please amend the proposal to implement a "deeper affordability" option for below-market developers and the citywide renter protections advocated by Anti-Displacement PDX.

The Residential Infill Project proposal is a step toward a more equitable and sustainable future Portland. Oregon Environmental Council urges you to adopt and implement it as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diana Nuñez', with a large, stylized loop at the beginning.

Diana Nuñez  
Executive Director

# Sara Wright

**#83138 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please see attached letter.

Testimony is presented without formatting.

# Kim Feinberg

**#83139 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Portland Residential Infill Project.

Testimony is presented without formatting.

# Jeff Cole

**#83140 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I live and own my own home in Sunnyside. Three of five houses abutting mine are long term rental units, shared by non related inhabitants. Why destroy these housing opportunities to put up condo like units that would be unaffordable to my current neighbors? This is one example of why the Residential Infill Project is a high risk proposal that gambles with Portland's future. It does so without even achieving the stated goals of greater housing opportunity and affordability that is supposed to be its purpose. Because economically, socially, culturally, and historically Portland's "Single Family" neighborhoods are an irreplaceable and invaluable asset, this broad brush proposal is marked for the level of its recklessness. BPS claims Portland's household size is going down. It's true! That's what happens when thousands upon thousands of studios and one bedrooms enter the housing market. It drives down the average household size. It is a general number that doesn't actually reflect what is going on in single family houses; ask my neighbors. It puzzles me that Portland is abandoning its once successful approach to planning: that live-ability and sense of place are critical to the long term success of urban areas. Americans once abandoned urban cores that became unlivable. The suburbs are still there. And they are booming once again. One cannot assume the post recession rush to urban cores will simply continue even when a city's resources to manage growth lags behind the growth itself. Portland grows. It's commitment to community centers and parks services shrinks. It's police force shrinks. It's reputation tarnishes. Polls show Portlanders feel the city is on the wrong track: Proposals like RIP are why. Commission Fritz often asks in the light of criticism: what's your idea or solution? Mine follows: We've seen success in public-private partnerships in building new apartments that are affordable. Now we need to fund Community Land Trusts (CLT) to buy existing single family houses on a scale never seen before. Buy them. Give them energy retrofits. Built an Affordable Dwelling Unit (ADU) on the same lot. And using CLTs offer these homes on an equity share basis. Suddenly a \$400k house is available to a someone who can afford \$200k. And the ADUs? Part of the deal is they're offered as long term rentals to those making less than 60% Median Family Income. These homes become more, not less, affordable over the years because the CLTs hold title. Just like I live in a Sunnyside home that would be difficult for me to purchase now. This is the best of all worlds: Preserve and enhance vintage housing Improve their energy efficiency (there are programs and funding for this) True gentle infill (not demolition) increases density True opportunity to provide single family housing to those who cannot afford it now Increase long term rental opportunities in single family neighborhoods. The money for this is out there. Instead of a billion dollars for a freeway cap we don't need, and a billion dollars to filter

water that's already clean, let's invest \$2 billion dollars to make accessible single family housing in the neighborhoods that people want to live in because of the way they are today. Once we took money earmarked for freeways to build light rail. Now we need a bigger lift to find funds to truly address housing equity. Do this and shred the RIP.

Testimony is presented without formatting.

# Larry Vinton

**#83143 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Many reasons exist to not increase density. But in my opinion the largest and most important reason is the City of Portland's zoning sold to me when I purchased. The R 5 zone was an important and valuable condition of the property I purchased. I believe the City is obligated to legally protect that R5 zone. A developer can't sell a property as R 5 and then say. I changed mind we are going to increase density. A class action law suit would be in order if an oppressive government arbitrarily changes a zone after the fact

Testimony is presented without formatting.

# Gary Runde

**#83144 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

To City Council and BPS Leadership overseeing Project Management for RIP: Many of my colleagues in West Portland Parks are throwing time and effort into the design of the new West Portland Town Center. Ditto for the prospect of a new light rail line running up and down Barbur Blvd, with multi-story residential towers with new businesses on ground floors. In discussions at our NA Meetings we are a bit miffed that RIP proposal (per the MAP) would allow for scattershot density well back from the newly proposed boundaries for West Portland Town Center, and before a single new Residential Tower is permitted along the future light rail line. There is support for the necessary up zoning for the new Town Center, and not much concern over expanded use of duplexes in the initial RIP Housing Opportunity overlay zones. RIP has since gone from Triplexes on corners & Duplexes mid block, to Triplex and Quad plexes on mid block, with a contingency now pushing for Six - Eight Plexes (w/ MFI %s reqmts ) to mid blocks. I sat through Jan 15 testimony and share Cmr Eudaly and Cmr Hardesty about turning RIP's goal into an AFFORDABLE Housing Initiative, instead of the Opportunity Housing Initiative. Ditto for the Gentrification this Project could force upon certain communities. To this end, PLEASE do NOT rush RIP, along with the big new Unit Allowance proposal, into City Law without carefully considering some phased in approaches. Starting with restricting the Tri and Quad Plexes to the very close in Neighborhoods with their mainly level terrain, nearly complete sidewalk and street grids, and great transit & walking options. Some of these same Coalitions are "ready to proceed" per their testimony. East Portland needs a very careful launch of RIP. West Portland Parks is indicative of the entire Southwest Neighborhoods , whereby it makes sense to see how the SW Corridor Project sets up for funding, and monitor the newly permitted residential towers up and down Barbur Blvd prior to approving the use of Tri and Quadplexes into mid blocks ( ok for corners) well back into the hills and valleys served by unwalkable roads. During such time, allow the Duplex's on mid blocks in all NAs, as part of a "phase one" launch of RIP which aligns us with HB2001. PS: There are four Schools, Three Grocery Stores, A newly updated Park (Holly Farms), and a Library all along a 1.5 mile stretch of Barbur Blvd. If RIP Housing Opportunity Zones "cascaded" off these Multi-Dwelling Town Centers and Transit Corridors is not the area to focus on to create live able, walk able neighborhood, then i don't know what is. AS for my official duty as Land Use Chair for SWNI, our original public testimony submitted through SWNI Board reinforces what we have been telling Morgan Tracy for the past two years: the "one size fits all " design approach to RIP is flawed, and requires phased in approach taking into account the different stages of development that are in place for each geographic NA or

NA Coalition. Gary Runde

Testimony is presented without formatting.

# Suzanne Sherman

**#83145 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I am writing to express my opposition to RIP. Portland has already lost so much of its unique character due to rampant development of inappropriate designs for our neighborhoods and lax restrictions on demolitions and tree removals. I believe the RIP plan as currently written will continue the destruction of our neighborhoods and lower the overall quality of life in Portland. I am deeply concerned that RIP will accelerate the demolition of what is left of our affordable housing and contribute to even more loss of our urban tree canopy. In addition Portland is already at capacity in terms of traffic and density. Do we really need to encourage more and more people to live here?!! Please consider putting a hold on RIP to allow for some tighter controls on demos and the tree code before advancing this program. I also think the public would appreciate being able to vote on something that will have such a grand impact on our city's livability...please consider putting this on the ballot for voters to decide.

Testimony is presented without formatting.

# Daniel Amoni

**#83146 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please pass the Residential Infill Project to increase Portland's density and create diverse and vibrant communities where people use the public right of way to get where they are going without the use of polluting and dangerous vehicles that isolate and alienate us from our neighbors and our environment. This more urban Portland will be less a collection of people living in their own homes on their own land, fighting for their own interests, and more a society where people are in it together and care and work for each other's well being over their own conveniences and expectations of entitlement.

Testimony is presented without formatting.

# Kate Foster

**#83149 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Portland is losing its tree canopy and livability. Rents are so high yet many of these high rise apartment buildings have a lot of vacancy. Let's establish a vacancy tax and create motivation to fill the housing void, not create more speculative luxury apartments that the city & taxpayers will end up paying for.

Testimony is presented without formatting.

# P. Y. McIntyre

**#83150 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

We have lived in our house for 26 years and are set to retire soon. We are being pushed out due to your policies, we now have 16 toddlers SCREAMING 6 hours every day 3 YARDS from our house windows. And now we have RIP. We vote in every election and will be voting to stop your re-election because livability in our house is intolerable after all the taxes paid for 26 year, we can't retire in our house due to these policies.

Testimony is presented without formatting.

1/17/2020

Mayor and Portland City Council Commissioners,

I am writing to ask you to support the Residential Infill Project and in support of proposed community amendments by Portland: Neighbors Welcome for Deeper Affordability Bonuses and in support for the suite of tenant protections proposed by Anti-Displacement PDX.

I read a lot of the online testimony in the last few weeks and I watched both hearings. If you simply tally up angry people versus supportive people you'll see that there is strong support for this project. If you actually read what people wrote and listen to what they said, you'll find a lot of support for affordable housing, for anti-displacement policy, for climate action, and for more trees. And what is amazing and makes me hopeful is that you'll find support for those goals across the board.

But if you look at the types of modifications requested and read the other things people say they want, supporters of RIP are often proposing a cogent, consistent, and serious plan to build more housing, more affordable housing, and take meaningful climate action. Opponents of RIP would have you think that simultaneously this is a plot to raise property taxes<sup>1</sup> and to destroy the city's property tax base<sup>2</sup>. It's simultaneously going to produce "'luxury' apartments"<sup>3</sup> that no one can afford and "hovels"<sup>4</sup> that might bring "littering and crime... near us as it does in the blocks just south of us where there are several apartment complexes."<sup>5</sup>

Oh, and the parking.

The most glaring contradictions for me are about parking. Demands for affordable housing, with two parking spaces per unit. Demands for tree canopy preservation, and required parking. Concerns about traffic, but please build more parking. The streets are dangerous, can we build more parking? There's not enough transit, and not enough parking. The earth is burning, but where will I park?

We can't expect to have affordable housing, green space, more trees, less traffic, safer streets, and better transit if we keep building a city based around cars. We cannot make progress on climate action unless we build more compact cities that provide places for people to live at all income levels near transit, shopping, recreation, and areas of opportunity.

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<sup>1</sup> Example: Bruce Hall - <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=83073>

<sup>2</sup> Example: Kieth Comess - <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=72834>

<sup>3</sup> Testimony of Brad Komenda - <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=62716>

<sup>4</sup> Testimony of Barbara Portwood - <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=72967>

<sup>5</sup> Testimony of Daniel Hernandez - <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=72862>

A fair portion of the opposing testimony I read could be considered classist and some of it worse.<sup>6</sup> But mostly I would say it was afraid of change and ill-informed about what really makes up RIP. Unfortunately, misinformation, conspiracy theories, and fear have driven a lot of decisions in our nation's recent years. I hope that you can be brave enough to set Portland on a sustainable course so we have a fighting chance for the future.

Please support the Residential Infill Project with the Deeper Affordability Bonus proposed by Portland: Neighbors Welcome and the anti-displacement policy proposed by ADPDX.

Sincerely,  
Tony Jordan  
Founder, Portlanders for Parking Reform

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<sup>6</sup> <https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=72860>

# Tony Jordan

**#83151 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please accept the attached testimony in support of the Residential Infill Project with the Deeper Affordability Bonus proposed by Portland: Neighbors Welcome and the anti-displacement policy proposed by ADPDX. A slightly modified version of this testimony was delivered in person on 1/15/2020 at City Council.

Testimony is presented without formatting.

Kathryn Philp and Barry Manning  
6631 NE Sacramento Street  
Portland, OR 97213

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January 16, 2020

Dear Mayor Wheeler and Portland City Council:

Thank you for the opportunity to comment on the Residential Infill Project (RIP). Portland is growing, and staff has done a good job balancing the many objectives of this project. In general, we support RIP and the notion of allowing for more housing options in Portland's neighborhoods to better accommodate growth, but have the following comments about the amendments as proposed.

**Allowances for the number of units on a lot:** The recently adopted 2035 Comprehensive Plan goals and policies suggest a framework for growth that would focus much of Portland's new population growth into centers and corridors located throughout the city. These centers and corridors are places where investments in transit, and community services (retail, grocery, public and private services, etc.) can be easily accessed by residents, and development of these areas will create complete communities and will reduce reliance on automobiles. Further, the 2035 Comprehensive Plan process found that the city would have more than sufficient capacity to accommodate population growth for the next 20-years with a centers and corridors-focused growth strategy. Adding additional capacity in single-dwelling areas changes the approach to the plan, and may affect realization of the complete, connected communities anticipated by the Comprehensive Plan centers and corridors strategy. Given recent changes in state law however, a moderate number of additional units are expected in single-dwelling areas. To meet the Comprehensive Plan's objectives of strengthening centers and corridors, while allowing some "middle housing" through residential infill, we ask City Council to consider limiting the maximum number of units allowed on a lot zoned for single dwelling uses to a maximum of three units overall.

**Maximum floor area in Single-Dwelling zones (R2.5, R5, R7):** The proposed code sets the maximum Floor Area Ratio (FAR) for development in the zones. In the R5 zone, the most common single-dwelling zone, the maximum FAR for a single house is proposed to be 0.5:1. On a typical 5,000 square foot lot in the R5 zone, this means a maximum building of 2,500 square feet. While we agree that the current zoning allowances are too generous, we believe that the proposed FAR is too limiting. The FAR limitation constrains the ability to construct a modern family-sized home on a lot. While the recommended code allows more floor area if multiple units are created, some property owners will have different needs, and not all owners wish to be landlords or developers. Further, the new FAR limitation suggests that larger or extended family sized homes will only be available to the more affluent. Homes over the proposed FAR limits exist now and will continue to demand high prices. However, owners of more modest homes (potentially lower-income homeowners) that wish to expand – to accommodate an extended family or for other reasons – will be constrained by the proposed FAR limit. This seems unfair and is an equity concern. We understand that basements and attic space are not counted in the floor area calculations (so more square footage is possible), however those spaces create accessibility issues for some people that may make them unusable. The basement and attic exceptions also favor older Portland homes that typically had these features – many of which are located in Portland's more affluent neighborhoods. We suggest the City Council revise the FAR limitations and increase the maximum FAR to 0.7:1 for single houses on-site and include all habitable space (finished attics and

Kathryn Philp and Barry Manning  
6631 NE Sacramento Street  
Portland, OR 97213

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basements) in that calculation. This will create a more equitable standard. An additional FAR bonus (FAR 0.1:1) could be provided when additional or regulated affordable units are built on-site.

**Application of R2.5 zoning on zoning map:** The amendments to the zoning map change base zones in many areas of Portland with historically platted small lots. However, the proposed R2.5 zoning is generally applied to neighborhoods which are located some distance from the Central City (82<sup>nd</sup> Avenue, NE Sandy, N Lombard, etc.), and may still lack viable frequent transit and community services. Further, the R2.5 zoning is not consistently applied in some of Portland's inner neighborhoods where better transit and community services exist. If a Comprehensive Plan Map and Zoning change to R2.5 is considered now (after recent adoption of the 2035 Comprehensive Plan), the City should further review the Comprehensive Plan and zoning maps and consider application of R2.5 zoning in "inner-ring districts" and other close-in areas which are well-served by transit and services.

Thank you for considering this testimony.

Sincerely,

Kathryn Philp and Barry Manning

# Kathryn Philp

**#83152 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

See attached testimony

Testimony is presented without formatting.

# Constance Beaumont

**#83153 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

STATEMENT BY CONSTANCE BEAUMONT ON RESIDENTIAL INFILL PROJECT

JANUARY 16, 2020 My name is Constance Beaumont and I live in Southeast Portland. I oppose the Residential Infill Project (RIP), as currently drafted, because it would reduce, rather than expand, the city's supply of more affordable housing and retard our progress in achieving critically important sustainability and carbon-reduction goals. Here are my specific concerns: 1. Guaranteed demolition, iffy affordability: In the absence of amendments designed to ensure affordability and protection against displacement, RIP is likely to encourage developers to do more of what they're already doing: targeting smaller, more affordable homes for demolition and replacing them with more expensive homes. If single-family lots are to be up-zoned for triplexes and quadplexes, at least one unit in each triplex or quadplex should be permanently affordable to households with incomes below 60-80% of the Median Family Income. 2. Randomly scattered density: a lost opportunity to cut carbon emissions: As drafted, RIP would randomly scatter higher-density development around the city instead of focusing it on transit centers and corridors, as called for in the city's 2035 Comprehensive Plan (CP Policy 3.2). This scattered approach will reduce our prospects for reaping one of the greatest benefits that typically comes from well-focused density: a reduction in carbon emissions and auto-dependence. I would contrast RIP's approach to the more focused one adopted by my former residence, Arlington County, Virginia, which has chosen to concentrate high- and mid-density development around transit stations and corridors. This targeted approach has enabled Arlington to increase the percentage of commutes taken by transit to 26%. This compares to only 12.6% in Portland. (Note: New raw data show that the percentage of Arlington residents using transit to commute may have risen even higher – to 38% – while the percentage of residents driving alone to work has fallen from 52% in 2007 to 44% in 2016.) Recommendation: Permit duplexes throughout single-family residential areas, as required by HB 2001, but focus the higher-density "middle housing" more on transit centers and along transit corridors. Arlington's Approach (See graphic) 2 3. Prescription for Homogenization: One-Size-Fits-All: While our Comprehensive Plan recognized that Portland is a city of distinctive neighborhoods, RIP takes a one-size-fits-all approach to new development by applying the same size, height, setback, and other features to neighborhoods throughout the city. RIP thus undercuts such CP policies as 3.41, which calls for "maintain[ing] and enhanc[ing] the distinct identities of the Inner Ring Districts and their corridors." The size, height, and setback rules should vary according to their surroundings to ensure compatibility with those surroundings. 4. RIP Out & Replace – Not "Infill": The Residential Infill Project is really a

misnomer, for RIP is more likely to encourage ripping out and replacing existing structures than filling in vacant or underused land, as called for by Policy 3.39 in the Comprehensive Plan:

“Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.” Unlike Portland, whose RIP standards imply that “infill” includes demolition, the City of Tacoma, Wash., which adopted a “Residential Infill Pilot Program several years ago, has defined “infill” as “new development that is sited on vacant or undeveloped land within an existing community, and that is enclosed by other types of development.” 5. Inattention to Walkability – Another Lost Opportunity to Cut Carbon Emissions: RIP takes some baby steps toward making our streetscapes more pedestrian-friendly (e.g., Building Design Rule 11.c, which limits the width of street-facing garage to 50% or less of the building façade), and this is good. But by: ? incentivizing the demolition of many older, well-designed houses, ? doing little to encourage better-designed new development and the preservation of our tree canopy, ? encouraging the homogenization of Portland’s neighborhoods through one-size-fits-all design standards, and ? generally glossing over the importance of pedestrian-friendly design, RIP misses an opportunity to improve the pedestrian-friendliness of Portland, which in turn would encourage more people to walk more frequently. Every trip on foot burns fat instead of gas, keeps the air cleaner, cuts carbon emissions, and makes us healthier. (see graphic) 3 RIP’s standards should advance efforts to increase the percentage of trips taken by foot – an important way to reduce carbon emissions caused by car trips and to improve the health of city residents. As health experts have observed, people are more likely to get out and be active in places that are attractive and aesthetically appealing. Nondescript buildings and streetscape-deadening “snout-house cousins” (structures dominated by double-wide, protruding garages), such as those that are coming to dominate Portland, make walking tedious and destinations seem farther away. By increasing one’s perception of distances, boring, unattractive environments discourage walking. 6. Weak preservation and rehabilitation incentives: Incentives for the rehabilitation (and adaptive re-use) of existing homes and buildings should be strengthened in RIP while the creation of additional housing units through internal conversions of existing buildings should be made easier. Demolition restrictions should be strengthened, allowing demolitions of sound, affordable housing only if the replacement meets affordability goals, anti-displacement regulations, and environmental protections. (Note: Given the harmful environmental effects of demolitions, the city’s recent decision to extend the deconstruction ordinance – Portland City Code Chapter 17.106 – is to be commended.) 7.

Displacement: Before the City Council adopts RIP (ideally, an amended and improved version of RIP), it should complete an Anti-Displacement Action Plan, fund the plan’s implementation, and create a system for monitoring its effectiveness. 4 8. Empty Homes Penalty to Expand Supply of Affordable Homes: There is no shortage of expensive, non-affordable homes in Portland, for which the vacancy rate is almost 10%. And there are 26,830 apartment units in the development pipeline. Increasingly, Portland’s rental housing supply seems dominated by overseas investors. Portland should consider an “empty homes penalty” akin to the “vacancy tax” levied in Vancouver, B.C., on speculators and property owners who keep habitable housing units vacant. The revenues derived from this tax should then be used to create new homes – ones that don’t involve the demolition of

existing houses – and to provide rent subsidies and homeless services. RIP has good goals, but so did Urban Renewal, which caused lasting damage to cities across the country. Concepts embodied in RIP have the potential to trigger widespread displacement and demolition. These concepts should be tested and evaluated on a pilot basis before the program is applied city-wide. Finally, RIP should do more to encourage the preservation of well-designed buildings already in existence – and to encourage better-designed new buildings – so that people will be motivated to sustain them for many generations.

Testimony is presented without formatting.

# Emmett Finneran

**#83154 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I support the Resident Infill Project. We have the benefit of seeing what happens when cities don't take action and let supply and demand get totally out of balance. You end up with cities like San Francisco where a 1 bedroom apartment is \$4,000/month. We have the opportunity to write a different future for ourselves. Please approve the recommended draft and accompany it with a new "deeper affordability" option for below-market developers and the citywide "tenant opportunity to purchase" renter protections advocated by Anti-Displacement PDX. I really like the follow benefits of the project: \* Removing parking requirements to make more room for people. \* Incentives reusing existing housing \* Getting rid of one-for-one teardowns. \* End exclusionary zoning! The history of these types of policies are terrible and Portland needs to move beyond them. Thank you.

Testimony is presented without formatting.

Carrie Richter  
1151 SE 72<sup>nd</sup> Ave  
Portland, OR 97215

January 16, 2020

Portland City Council  
1900 SW 4th Avenue, Suite 7100  
Portland, OR 97201

Re: Residential Infill Project

Honorable Mayor Wheeler and City Council Members,

I regret that I was unable to remain at the January 16 hearing to present my testimony in person. I applaud and support the volume and diversity of testimony in support of allowing additional density as one measure to make Portland accessible and inclusive for all. The Residential Infill Project (RIP) provides the potential to mutually advance meaningful housing, climate, and preservation goals.

As a land use attorney, I know from experience that the success of high-level policies depends entirely on the regulatory language implementing them. Using Paul Frazier's illustrative testimony where 8 stacked soda cans (8 smaller units) placed on a single piece of paper (a city lot) was identified as preferable to a large plastic water bottle (an oversized single family house) on the same piece of paper, please consider the following amendments to better execute the RIP's multiple goals:

- Except in extremely rare cases of vacant land, development to include 8 units (soda cans) will mean that the existing home (the water bottle) will end up in a landfill. As a usable water bottle, we would encourage its reuse; please do the same with existing housing. Regulations must prioritize the proliferation of new dwelling units within existing structures to reduce waste and climate impacts, while still generating the unit mix envisioned by the RIP. In order to do this:
  - Restructure System Development Charges (SDCs) to support internal conversions and penalize demolition. SDC waivers, including those for ADUs, should only be provided for projects that retain the primary structure. With the changes proposed by RIP, now is the time to reevaluate SDCs to encourage activities that have the least impact on climate.
  - Replicate an amendment included in the Better Housing by Design code that would disallow bonus FAR on sites containing contributing buildings in historic and conservation districts unless removal of the contributing building is first authorized through demolition review. This change would ensure that any demolitions in historic areas will result in new construction that provides meaningful community benefits commensurate with the building that is lost.

- Direct BDS to more aggressively pursue alternatives and modifications to local and state building code standards to make internal conversions feasible. It makes no sense to subject a home including 3 dwelling units to drastically different standards than a single-family home accommodating the same number of people.
- Clear and objective design standards can ensure that these new dwelling units (multiple soda cans) are organized in a way that is orderly and compatible. As currently proposed, the definition of basement allows tuck-under garages to be entirely exempt from the FAR calculation resulting in an overall more massive structure that prioritizes cars over people. To truly discourage storage for cars, amend the definition of basement so that 50% of the street-facing wall needs to be below grade for it to be exempt from the FAR calculation. This change would be the single most meaningful amendment to discourage extra car storage and make for more compatible new construction.

With the above amendments, the RIP proposal will better achieve the project's goals and satisfying applicable Comprehensive Plan policies. Without the above amendments, the RIP package will be vulnerable to appeal that may ultimately delay implementation.

Thank you for your consideration of these comments. Please provide me with notice once the decision is made.

Sincerely,  
Carrie Richter

# Carrie Richter

**#83155 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please see attached testimony

Testimony is presented without formatting.

# Elizabeth Hardee

**#83156 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Hello, As a homeowner I would just like to register my support for allowing "missing middle housing" in the proposed areas. Thank you!

Testimony is presented without formatting.

# Eric Lindsay

**#83157 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I urge City Council I urge City Council to approve the current draft after quickly moving to amend it to include a deeper affordability and anti-displacement measures that have been proposed by Portland: Neighbors Welcome and Anti-Displacement PDX. Many others have made the case about housing choices; greater affordability for middle class neighbors and the possibility of creating a framework that could open up the zones in question to non-profit affordable housing developers. These are all goals important to me and I re-emphasize them here. For me the bottom line is this: all humans deserve safe, quality, functional housing in the neighborhoods and communities where they want to live. This means making it possible to build the kinds of housing that allow for the inclusion of diverse folks. The RIP with the amendments mentioned above is one small important step towards achieving that goal. As a sometimes developer, the passage of RIP also challenges me to live up to my values. This means either taking advantage of the current affordability bonus and building a 4-plex with one permanently affordable unit at 80% MFI or, if the deeper affordability amendment were included, building a 6-plex with 3 permanently affordable units at 80% MFI. I think that this is achievable without subsidy as pure market rate development. I cannot wait to try my hardest to create a project along these lines. Please pass the RIP so folks like myself can start building housing for lots of new wonderful neighbors!!!

Testimony is presented without formatting.

Dear Mayor Wheeler and Commissioners Eudaly, Fritz and Hardesty,

Thank you for your consideration of the Residential Infill Project, and for listening to 5+ hours of thoughtful public testimony on this significant code update proposal. I serve on the Planning and Sustainability Commission, but these comments are my own. And although I appreciate the Mayor's willingness to review 100+ pages of testimony, I'll try and keep these a bit briefer than that.

### **Recommendations:**

#### ***(1) Clerical fix: Change the names of Portland's residential zones from "Single Dwelling" to "Neighborhood Residential". With RIP, 'single' doesn't make sense.***

Originally, Portland named its residential zones 'single family'. A while back, we (appropriately) switched to 'single dwelling'. But with the introduction of ADUs and corner duplexes a couple decades ago, the word 'single' became a misnomer. And under RIP, the focus of residential zones shifts towards size of structure and even further away from '1 home per lot'. If RIP passes, as I hope it will, the word 'single' in the name of these zones will create some serious cognitive dissonance. Re-naming these zones should be a quick fix.

Note: I've heard that Portland's interpretation of state law is that such a change would require a Measure 56 notice to all affected Portlanders, independent from the Measure 56 notice that has already gone out for this project. Perhaps staff could confer with Gordon Howard from DLCD, who testified in support of RIP, for his perspective on this. And if the city is concerned about potential legal challenges to RIP from making such a change, council could re-name the zones as a separate decision, immediately following adoption of RIP.

#### ***(2) Support fee simple ownership models in residential zones (without creating lots of tiny condominium associations).***

It's beyond the scope of RIP to reform Portland's subdivision process. But that's no reason to give up on the notion of allowing small homes to each have their own small lot. A provision could be added to RIP that would allow builders to create property lines between attached 3-4 unit townhomes, just as they can today with corner duplexes. This would allow RIP to help meet the demands of moderate-income homebuyers who have been largely shut out of the new home market. The PSC heard support for this provision from affordable housing developers, who would use it to serve first-time, income-qualified buyers if it were available.

As a follow-up to this, it would be helpful for Portland to create a streamlined process for small, uncomplicated 2-4 home partitions so it doesn't take a year to divide a property. This would complement the lot line idea above, so that builders don't keep creating tiny condominium associations as a work-around to the current subdivision process.

#### ***(3) Catch SDC calculations up with RIP's expanded menu of housing choices***

The way in which SDCs are calculated (and sometimes waived) for sewer, transportation and parks will need refinement following the passage of RIP. As currently charged, I believe infill developments with similarly small homes might pay very different SDCs, depending largely on how they are labeled. For instance, SDCs could be quite different for a 'triplex', a 'house + 2 ADUs', or a 'duplex + 1 ADU' – even though the number of residents and sizes of homes might be practically identical. I would encourage council to initiate a coordinated process among affected bureaus to catch SDC fee practices up with development options in residential zones. Until that's figured out, SDCs could steer builders to avoid plexes all together – or to try and qualify smaller units as ADUs whenever possible in order to get a waiver, even if the market would prefer slightly larger homes.

**(4) Think big (and get out the blue marker!)**

Now that Portland is well on its way to updating zoning for single-dwelling (yellow) and multi-dwelling (blue) zones, *it's time to revisit the zoning map*. To align residential zoning with comp plan goals on equity, affordable housing, climate and transportation, Portland should commence with a mapping project to strategically apply multi-dwelling zoning in some places that are now zoned single-dwelling. Here's why:

- *Displacement*. Adding multi-dwelling zoning to close-in neighborhoods *would disproportionately benefit* lower income Portlanders and persons of color. Why? Because more blue on the zoning map in close-in neighborhoods increases housing capacity, thereby reducing displacement pressures on lower income and non-white residents living further from the core. Any displacement is unfortunate. But to the extent it happens through redevelopment, the most equitable approach is to adopt policies that minimize this burden on those least able to bear it.
- *Deeply Affordable Housing, located where it's needed most*. Better Housing by Design has shaped the rules in multi-dwelling zones to be perfect for regulated affordable housing, financed through low income housing tax credits, local & regional housing bonds, and other public sources. Such projects earn density and height bonuses under multi-dwelling zoning, allowing sponsors to compete successfully with market rate builders for land. This zoning is usually located close to transit and services, which is especially important for low-income residents. Finally, with the recent passage of Portland and Metro bond measures for affordable housing, we have significant public resources to develop more permanently affordable housing. Where will it go? By adding some more blue to the map in close-in neighborhoods, we can build it there - where transit service is great and downtown is within walking distance. With the current zoning map, multi-family affordable housing has to follow the map to scarce blue areas, often far from the core.
  - (Note: Mixed use zones don't work as well for affordable housing as one might expect, because ground floor commercial uses trigger BOLI wage rates, which can make projects financially infeasible)
- *Inclusionary Housing*. Inclusionary housing + multi-dwelling zoning -> regulated affordable homes within market rate development of 20+ units. To the extent multi-dwelling development is market rate, some homes within each project would automatically be affordable. In single-dwelling zones this doesn't happen. Yet another reason for more blue on the map.
- *Climate benefits*. The most climate friendly housing options are close-in (to reduce car trips), small, and attached. Increasing the amount of centrally located land zoned for this type of housing will create more carbon-light housing options in Portland.
- *Reducing conflicts along commercial corridors*. Adding 'halos' of multi-dwelling zoning around commercial strips would act as a step-down buffer to abutting single dwelling neighborhoods. This addresses the unfortunate current situation where 4-5 story zoning oftentimes immediately abuts 2-story residential neighborhoods zoning.

**(5) But before all this.... Give staff a much-deserved reprieve!**

BPS staff has done a tremendous job on the RIP project. These follow-up project ideas will require fresh energy. If you move forward on any of these items (especially the last one), please give staff a nice break first. They deserve it!

Thank you for your consideration,



Eli Spevak, 4757 NE Going St. Portland, OR 97218

# Eli Spevak

## #83158 | January 17, 2020

### Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear Mayor Wheeler and Commissioners Eudaly, Fritz and Hardesty, Thank you for your consideration of the Residential Infill Project, and for listening to 5+ hours of thoughtful public testimony on this significant code update proposal. I serve on the Planning and Sustainability Commission, but these comments are my own. And although I appreciate the Mayor's willingness to review 100+ pages of testimony, I'll try and keep these a bit briefer than that. Recommendations:

(1) Clerical fix: Change the names of Portland's residential zones from "Single Dwelling" to "Neighborhood Residential". With RIP, 'single' doesn't make sense. Originally, Portland named its residential zones 'single family'. A while back, we (appropriately) switched to 'single dwelling'. But with the introduction of ADUs and corner duplexes a couple decades ago, the word 'single' became a misnomer. And under RIP, the focus of residential zones shifts towards size of structure and even further away from '1 home per lot'. If RIP passes, as I hope it will, the word 'single' in the name of these zones will create some serious cognitive dissonance. Re-naming these zones should be a quick fix. Note: I've heard that Portland's interpretation of state law is that such a change would require a Measure 56 notice to all affected Portlanders, independent from the Measure 56 notice that has already gone out for this project. Perhaps staff could confer with Gordon Howard from DLCD, who testified in support of RIP, for his perspective on this. And if the city is concerned about potential legal challenges to RIP from making such a change, council could re-name the zones as a separate decision, immediately following adoption of RIP.

(2) Support fee simple ownership models in residential zones (without creating lots of tiny condominium associations). It's beyond the scope of RIP to reform Portland's subdivision process. But that's no reason to give up on the notion of allowing small homes to each have their own small lot. A provision could be added to RIP that would allow builders to create property lines between attached 3-4 unit townhomes, just as they can today with corner duplexes. This would allow RIP to help meet the demands of moderate-income homebuyers who have been largely shut out of the new home market. The PSC heard support for this provision from affordable housing developers, who would use it to serve first-time, income-qualified buyers if it were available. As a follow-up to this, it would be helpful for Portland to create a streamlined process for small, uncomplicated 2-4 home partitions so it doesn't take a year to divide a property. This would complement the lot line idea above, so that builders don't keep creating tiny condominium associations as a work-around to the current subdivision process.

(3) Catch SDC calculations up with RIP's expanded menu of housing choices The way in which SDCs are calculated (and sometimes waived) for sewer, transportation and parks will need refinement

following the passage of RIP. As currently charged, I believe infill developments with similarly small homes might pay very different SDCs, depending largely on how they are labeled. For instance, SDCs could be quite different for a ‘triplex’, a ‘house + 2 ADUs’, or a ‘duplex + 1 ADU’ – even though the number of residents and sizes of homes might be practically identical. I would encourage council to initiate a coordinated process among affected bureaus to catch SDC fee practices up with development options in residential zones. Until that’s figured out, SDCs could steer builders to avoid plexes all together – or to try and qualify smaller units as ADUs whenever possible in order to get a waiver, even if the market would prefer slightly larger homes. (4) Think big (and get out the blue marker!) Now that Portland is well on its way to updating zoning for single-dwelling (yellow) and multi-dwelling (blue) zones, it’s time to revisit the zoning map. To align residential zoning with comp plan goals on equity, affordable housing, climate and transportation, Portland should commence with a mapping project to strategically apply multi-dwelling zoning in some places that are now zoned single-dwelling. Here’s why:

- Displacement. Adding multi-dwelling zoning to close-in neighborhoods would disproportionately benefit lower income Portlanders and persons of color. Why? Because more blue on the zoning map in close-in neighborhoods increases housing capacity, thereby reducing displacement pressures on lower income and non-white residents living further from the core. Any displacement is unfortunate. But to the extent it happens through redevelopment, the most equitable approach is to adopt policies that minimize this burden on those least able to bear it.
- Deeply Affordable Housing, located where it’s needed most. Better Housing by Design has shaped the rules in multi-dwelling zones to be perfect for regulated affordable housing, financed through low income housing tax credits, local & regional housing bonds, and other public sources. Such projects earn density and height bonuses under multi-dwelling zoning, allowing sponsors to compete successfully with market rate builders for land. This zoning is usually located close to transit and services, which is especially important for low-income residents. Finally, with the recent passage of Portland and Metro bond measures for affordable housing, we have significant public resources to develop more permanently affordable housing. Where will it go? By adding some more blue to the map in close-in neighborhoods, we can build it there - where transit service is great and downtown is within walking distance. With the current zoning map, multi-family affordable housing has to follow the map to scarce blue areas, often far from the core. (Note: Mixed use zones don’t work as well for affordable housing as one might expect, because ground floor commercial uses trigger BOLI wage rates, which can make projects financially infeasible)
- Inclusionary Housing. Inclusionary housing + multi-dwelling zoning -> regulated affordable homes within market rate development of 20+ units. To the extent multi-dwelling development is market rate, some homes within each project would automatically be affordable. In single-dwelling zones this doesn’t happen. Yet another reason for more blue on the map.
- Climate benefits. The most climate friendly housing options are close-in (to reduce car trips), small, and attached. Increasing the amount of centrally located land zoned for this type of housing will create more carbon-light housing options in Portland.
- Reducing conflicts along commercial corridors. Adding ‘halos’ of multi-dwelling zoning around commercial strips would act as a step-down buffer to abutting single dwelling neighborhoods. This addresses the unfortunate current

**190093**

situation where 4-5 story zoning oftentimes immediately abuts 2-story residential neighborhoods zoning. (5) But before all this.... Give staff a much-deserved reprieve! BPS staff has done a tremendous job on the RIP project. These follow-up project ideas will require fresh energy. If you move forward on any of these items (especially the last one), please give staff a nice break first. They deserve it! Thank you for your consideration, Eli Spevak, 4757 NE Going St. Portland, OR 97218

Testimony is presented without formatting.

# Michelle Poyourow

**#83159 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear Portland City Council, I support increases in the amount of housing that people are allowed to build just about anywhere in the city, and especially around transit service. It seems like we are just now, finally, starting to see a slow-down in the growth of housing costs, thanks to all of the housing that was built over the past few years. It would be a shame to ignore that lesson and continue regulating and depressing housing construction in the future, as the need for lower-priced housing will become even more severe in the future. I understand that no single strategy is perfect, and I believe we should be using all of the strategies at once. We are facing a climate and a housing emergency. Thank you, Michelle

Testimony is presented without formatting.

# Curtis Bieker

**#83161 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

This seems like a give away to big development money and will lead to more toxic demolitions and displaced residents. Until Portland deals with it's homeless and traffic issues, I don't see how this is a good idea. Most of the developments that have gone up in the past 10 years are not affordable and any new ones will be even less so. People love Portland for it's unique neighborhoods and green spaces. This proposal essentially gives in to PDX being just another overcrowded unliveable concrete distopia like San Francisco or LA.

Testimony is presented without formatting.

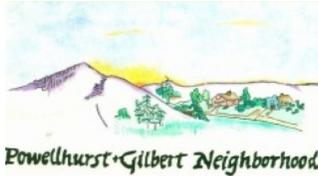
# Terra Wheeler

**#83162 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Until there is a mandated affordable housing requirement RIP will further gentrify Portland. There is little evidence that those who are in the business of real estate build for people with limited budgets. There is little evidence that demolitions create affordable housing. Looking at the history of Portland we see heavy handed policies displacing those who need the most support. Are those who wrote this legislation those who have been displaced? Is it written by privileged people for the privileged? I suggest the city pause and listen to the voices of the most vulnerable not the mouth pieces who say they are woke.

Testimony is presented without formatting.

**Powellhurst-Gilbert Neighborhood Association**

East Portland Neighborhood Office  
1017 NE 117<sup>th</sup> Avenue, Portland, OR 97220

pgnaboard@gmail.com

January 14, 2020

Dear Mayor Wheeler and Commissioners Eudaly, Fritz, and Hardesty,

The Powellhurst-Gilbert Neighborhood Association wishes to voice strong opposition to the current iteration of the proposed Residential Infill Project (RIP). In our original May 10, 2018 letter, the Powellhurst-Gilbert Neighborhood Association offered support for the Bureau of Planning and Sustainability's (BPS) proposed RIP, provided BPS retains the October 2017 version where the "a" overlay had not been applied to the areas of our neighborhood south of Division Street. This language has now changed, and we feel somewhat betrayed. Our neighborhood has already been zoned more densely than most other parts of the City, except the downtown core, and believe that this represents an undue burden considering the City's lack of investment in our area's infrastructure. We still believe that areas with more infrastructure can better absorb this density.

As part of the 1996 Outer Southeast Community Plan our neighborhood was asked to absorb a considerable amount of the new density in Portland. During the ensuing twenty years there has been little investment in infrastructure to support the increase in population that has happened in our area. Our schools are over capacity, and we have a woeful lack of sidewalks and well-connected streets to support even our current zoning. While we seek more investment in our area, our basic resources and infrastructure have not kept pace with the increased population that we have been asked to sustain. The Residential Infill Project provides a way for other neighborhoods that have significantly more robust infrastructure to share the increased density that comes with Portland's growth. These same neighborhoods have enjoyed significantly more benefit from this growth than our area, and we believe that it makes sense to shift some of Portland's projected density to parts of our city that more easily have the capacity accommodate this growth at less cost.

During our PGNA meeting on 11/6/17 we voted to support BPS's former configuration of the RIP, which did not include our neighborhood. This has now changed. Our neighborhood is unique:

- The schools within our neighborhood do a wonderful job with the resources that they are given, but the number of school-aged children in our area has burgeoned in the last couple of decades, and there has been a significant increase in the percentage of students who receive free or subsidized lunches because of their income levels.
- We appreciate having new contiguous sidewalks along 122<sup>nd</sup> and 136<sup>th</sup>, but Powell Boulevard and most of our side streets still lack safe passage for our children. The connectivity within our neighborhood is lacking, and most of our constituents lack good accessibility to parks, grocery stores, commercial establishments and other community resources.
- We were appreciative that the Bureau of Planning and Sustainability appeared to be recognizing environmental considerations such as steep slopes, liquefied soils, and fault lines in their consideration of where to apply the RIP overlay, but areas that are vulnerable now appear to be included.

For these reasons the Powellhurst-Gilbert Neighborhood Association encourages you to either remove the area south of Division and East of I-205 from RIP, as originally planned, or to vote "no" against the overall project. Thank you for your time and consideration.

Sincerely,

Richard Dickinson

For the Powellhurst-Gilbert Neighborhood Association

# Richard Dickinson

**#83163 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please find Powellhurst-Gilbert Neighborhood Association's RIP testimony attached as a PDF.

Testimony is presented without formatting.

# Anita Lindsay

**#83164 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I strongly support the Residential Infill Project for the city of Portland. This change in zoning will bring increased density to the city. I believe that increased density will help to provide more affordable and varied housing within the city limits, helping people to better find housing and reduce their daily work commutes. Increased density leads to enhanced services and amenities, raising the livability of the neighborhood and the overall vibrancy of individual communities within the city.

Testimony is presented without formatting.



Sightline Institute is an independent, nonprofit research and communications center--a think tank--for the Pacific Northwest. We work to advance sustainability in state and local policy, and believe it exists at the intersection of environmental health and social justice.

Our housing program is particularly focused on calling attention to the ways poorly structured zoning codes can build invisible walls around our cities, harming human lives and environments in catastrophic ways.

Portland's residential infill project is a thoughtful reform to the city's lower-density zones. It advances many goals of the city's comprehensive plan: equitable access to housing, affordable housing, workforce housing, affordable homeownership and climate.

There is extensive academic evidence that underbuilding in growing metro areas drives up housing cost burdens, and that construction reduces prices at the regional and maybe even the neighborhood level. To consider findings from a few recent papers:

- Brian Asquith et al, [Upjohn Institute for Employment Research](#), 2019: New buildings decrease nearby rents by 5 to 7 percent relative to locations slightly farther away or developed later, and they increase in-migration from low-income areas.
- Xiaodi Li, [NYU Wagner and NYU Furman Center](#), 2019: For every 10% increase in the built housing stock, rents decrease 1% and sales prices also decrease within 500 feet.
- Evan Mast, [Upjohn Institute for Employment Research](#), 2019: Within six links in each "migration chain" created by a new building in a higher-income tract, more than half of induced movers are relocating out of a below-average-income tract and 20% are coming from very poor tracts. Because of delay as homes are vacated and filled, it takes a few years to create a chain of this length.
- William Yu, [UCLA Anderson Forecast](#), 2018: homelessness in a state correlates directly (and independently) to median home prices, median rents and the recent rate of housing growth.

As for climate, the United Nations Environment Program has also called attention to empirical evidence that in rich countries, modest reductions in building lifespan are a net reduction of lifecycle GHG emissions:

- André Cabrera Serrenho, [University of Cambridge](#), et al, 2019: In the context of the English housing stock, adding to the average lifespan of existing buildings (beyond 50 years) increases net GHG emissions, because the embedded GHG in their materials is dwarfed by the GHG wasted during operation of leaky older buildings.

And a study commissioned by the Oregon Department of Environmental Quality documented a wide variety of environmental benefits, including net lifecycle emissions, associated with smaller home sizes like those that the residential infill project seeks to make an option for more Portlanders in more situations:

- [Quantis, Earth Advantage, and Oregon Home Builders Association](#), 2010: Smaller homes and attached homes reduce net GHG emissions and numerous other environmental impacts compared to large homes and detached homes.

Opponents of the residential infill project have sometimes argued that because the city already offers more zoned housing capacity than its population projections anticipate needing, the project will be irrelevant.

This critique ignores two key factors: housing location and housing type.

Bans on attached and other infill housing limit the local economy's ability to build homes in locations that are sufficiently valuable to support the costs of development. This makes the location of zoned capacity crucial to the question of whether Portland's zoned housing capacity will actually exist.

The critique also overlooks the role of housing type: Saying that your city doesn't need to allow any more triplexes because it already allows plenty of apartments is a little bit like a grocery store saying it doesn't need to stock bananas because it already has plenty of soup.

To maximize affordability, zoned capacity should far exceed actual and anticipated population.

- Gregory Morrow, [UCLA](#), 2013: Homeowner-led movements to downzone Los Angeles in the 1970s and 1980s have been associated with a massive drop in homebuilding and significant increases in home prices.

In Sightline's view, our housing market should be more like a grocery store: subsidized for many and abundant for everyone. The residential infill project moves Portland more in that direction.

Michael Andersen, senior researcher

# Michael Andersen

**#83165 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please see the attached document.

Testimony is presented without formatting.

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To: Mayor Ted Wheeler  
Commissioner Chloe Eudaly  
Commissioner Jo Ann Hardesty  
Commissioner Amanda Fritz

**Re: Support for Residential Infill Project**

Dear Mayor Wheeler and Commissioners Eudaly, Hardesty, & Fritz:

Greetings Council. Thank you for your time and service to the people of Portland. My name is Matchu Williams and I live in a neighborhood adjacent to SE 82nd Ave where my mother also grew up. **I am writing as an individual community member urging you to pass the Residential Infill Project.**

I would like to see a future Portland where a variety of housing choices, styles, and range of prices are available for both current and future residents. As someone born in Portland, I have witnessed friends and family alike displaced from our great city. I have also met and befriended many incredible people who have moved here and made the culture of our city more vibrant and brighter. Portland can both. We can be a city where existing residents remain and newcomers have access to housing without the exclusion or displacement of the other. This can only happen if the supply of housing increases to accommodate population growth.

To stop this cycle a variety of policies and programs need to be explored. The Residential Infill Project is just one mean among many. This is not the end but rather the start of a larger conversation about how to welcome people into our community. RIP is about people and who can live here. RIP will not solve the housing crisis but it will help relieve market supply pressures that afflicts our neighborhoods. Portland needs to build for the future with population growth, and urbanization in mind, and not the past.

One of the greatest obstacles in place today is exclusionary residential zoning that allows for only single, detached housing to be built. By allowing fourplexes to be built by right more people can have access to our celebrated "20 minute," walkable neighborhoods.

I want a city where new and existing people can live, work, and play together. I believe that people are what makes Portland a great city. I hope you do too. Please support the Residential Infill Project with the proposed amendments from Anti-Displacement PDX and the deeper affordability bonuses proposed by Portland Neighbors Welcome.

Thank you for your time and consideration into this important matter.

Sincerely,

**Matchu Williams**

# Matchu Williams

**#83166 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

See attached PDF.

Testimony is presented without formatting.

# Ruth Adkins

**#83167 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

As a resident of Portland since 1988, I strongly support the Residential Infill Project. It is long past time to pass this reform that will help undo some of the racist land use/zoning practices of our past and provide greater opportunity for Portlanders now and into the future. Please do not be swayed by the opposition of residents who seem so fearful of change and appear unwilling to share in the benefits of living in our beautiful Portland neighborhoods. We must act boldly to accommodate Portland's current and future growth in an inclusive and thoughtful manner. Kudos to the city staff who have worked so hard to develop and refine this proposal. I have become a grandmother since this project was first under consideration. I want my kids and grandchild to have more options to live in Portland and I want our neighborhoods to be welcoming and available to all. The time is now - let's get this done! Thank you.

Testimony is presented without formatting.

# timothy dubois

**#83168 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

All of human civilization up till the early 1900s existed without mandatory restrictions on development in the way zoning has. Never during that time was new real estate ever really built for low-income individuals. Although chaos existed in other ways order did still exist in this spontaneous system or lack thereof. In fact, the coolest places in the world and even our own city predate zoning and did not have restrictive covenants. Then we broke that system and began to dictate minimum housing standards. We have been wrestling with the fact that our minimum housing standards, even after aging, are too expensive for our lowest-income neighbors. Our minimum standards are simply too high. RIP is an incredibly small step in reducing that minimum standard. It will not bring about a solution to our housing pinch and will not solve climate change. Displacement will happen. The thing is displacement happens all the time everywhere anyways. It is a natural cycle of the housing market that only is visible now because we never produced enough housing to backfill demand on the lower end of rents. This is a no brainer. Pass this because inaction will be worse.

Testimony is presented without formatting.

# John Kim

**#83169 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I urge the City Council to REJECT the Residential Infill Project. (RIP) I first encountered RIP during one of the many Public Meetings that the BDS was hosting throughout the city. I became suspicious when we were told that any discussion about affordability and demolitions would be off the table in that meeting. The BDS representatives frankly stated that the goals of RIP had nothing to do with affordability (their words) and demolitions were not to be discussed. If anyone ignored these instructions and brought either of these aspects up, the BDS representatives would listen politely but refuse to comment. Everything was about the “need for missing middle housing.” Doing some further research, I learned that the advisory committee was heavily weighted with developers, pushing to remove anything that was remotely good about the project against the objections of a now minority group of architects, planners, and ordinary citizens. And this is not a surprise as RIP, as it eventually became through this process, is designed to benefit developers in the guise of social change. It isn't palatable to say, I want to build in your city as big and as much as I want, maximizing my profits. But if that goal is wrapped in progressive-seeming declarations by its proponents, RIP advocates hope that by saying black is white enough times, they can whitewash over all objections. Fundamentally it is gaslighting, or green-lighting if you will, advocated by the very developers who stand to profit in a cleverly marketed campaign that has allied itself with people who claim to be progressive, but who espouse very black and white thinking, and who seem frustrated when presented with studies that show the impact of density initiatives in other cities, which refutes the underpinning of what RIP proposes. This has sadly resulted in name calling and labeling against any detractors that would be at home at the opposite end of the political spectrum. Look at the facts. Read the many studies that I see you have already been presented with. Research the study writers. Follow the money. I say again: FOLLOW THE MONEY. Look at the names of the biggest proponents who constantly appear as if they have nothing better to do, on either side, and see where they come from, and who is supporting them. When you do that, you will see that some of the biggest supporters of RIP are developers with green-sounding names, and those who are essentially lobbyists, paid and supported by developer dollars. On the other side, you'll find the same architects, teachers, planners, and citizens, people who live here and who are part of and stand by their community, hoping to protect this city for future generations, not plunder it for quick solutions and fast money. Who gains to profit if RIP does not pass? Ironically, not the homeowners, the “NIMBYs,” the Gentrifiers (a sad label in that so many opponents are people of color afraid of being priced out of their homes — I call them my next door neighbors), the Racists (see the

mentioned), the Elderly who struggle to live at home because they cannot afford nursing care or do not want it. Ironically, if RIP passes, these homeowners will see the value of their homes go up significantly. If they are affluent, they stand to make money when they sell. If not, then they are going to be squeezed out and away as their homes become worth more due to rising estimated property values to the point that they must sell. Who gains to profit if RIP does pass? - Again, if you have any integrity or at least want to pretend that you do, follow the money. Read the studies presented to you in other fine testimonies, from both sides. And follow the money and credentials from those who wrote those articles. Are they academics, city planners, architects? Or are they proponents who come from or are funded by developer interests? Are they citing studies and results from actual instances where cities have enacted similar changes already? Or are they speaking in hypotheticals, akin to this will, must, absolutely happen with certainty (nothing is certain). If you look with an honest eye, you will not have to dig deep to unearth the truth. Density = Affordability - Density does not bring affordability (How many times have you seen, assuming that you're looking, where a family home is demolished, and its gardens, trees, and history is replaced by two, three units, where each individual unit, towering over its neighbors to make up for the smaller lot size, is cheaper than the original structure it replaced? Probably never. I've observed over a dozen such instances. In not one has any one of the replacement units been cheaper. Who can afford these? Not Portlanders. I challenged one architect that I met who is actually pro-RIP to name me one such instance in this city where just one of these fractional units was cheaper than the house it and its siblings replaced. He couldn't. But he was still 100% for RIP. (Again, follow the money). Trickle down - One of the most frustratingly crass attempts to justify greed as economic science, fundamentally disproven in practice, and yet pointed at as a justification for any who would benefit by crying its name loud, and the irony of seeing it resurrected by people who claim progressive ideals, but who never bother to look at practical examples of trickle down (not hard to find). If they did, they would see that by the time market forces exert downward pressure, decades have passed. Who will be left to inherit the drips that trickle down to them then? Anti-RIP is all about selfish parking, since density (with no parking provisions) brings more cars; this will force biking - I think this one is true to some extent. I don't think selfish is accurate. That label is a broad brush that really doesn't examine that every person is different, with different pressures and different needs. It's easy to apply these broad brushes to paint over everything in a single stroke that labels everyone the painter wants covered. It's convenient, too convenient. Parking is important to some, the elderly and parents. They cannot do everything via public transportation. Their needs matter. And instead of declaration of how other people should live, the mature solution should be to understand how everyone uses streets and public transportation, and effect plans that enable livability to all. Because of property values, the impact of RIP will be felt in neighborhoods with the lowest property values, not the wealthy areas (prices are too high there). The persons that will suffer under RIP are the renters and the poor (of any color, but including many elderly). Those who will gain are investors, developers, and the City of Portland itself, due to rising property values and resulting property tax increases. But you, the City leader, does that in itself justify the long-term damage this will do, as it has done elsewhere, for a bigger city budget? I say no. I say stand with the community. I say stand

with intelligent planning. I say stand for a future that is green and vibrant and sustainable. TLDR:  
Read the studies (all), Follow the money.

Testimony is presented without formatting.

# Jackie Partch

**#83170 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I have been very disappointed with some of the infill occurring in my neighborhood, so when I first heard of the RIP, I was encouraged. The recommendations to come out of the group, though, were not what I (or my neighbors) was looking for. The group making the recommendations seems dominated by those who have a financial interest in the decisions. I would encourage you to make your choices on what is best for city residents rather than developers/construction industry. Portland residents are inclined to elect politicians who will serve the needs of residents first and foremost. I am in favor of reducing the maximum allowed size of houses based on lot size and zone. There are far too many very large homes being squeezed onto standard lots. RIP rezones far too much of Portland. I am only in favor of duplexes/triplexes/cottage clusters/etc if they do not involve demolishing any home already on the lot. Also, the reduced size of buildings should still apply, no matter how many units are in the building. Developers will try to get away with building enormous structures just by calling them duplexes. We already have several of these in our neighborhood, and they are not compatible with existing housing, in addition to decreasing the property values of the homes around them (no one wants their backyard or all the windows on one side of the house completely blocked from sunlight, for example). I am strongly in favor of providing incentives for retaining existing houses. Demolition is toxic, and the greenest buildings are the ones that are already there. Many homes can be remodeled internally to create more units. Thank you for taking the time to read and consider my comments.

Testimony is presented without formatting.

# Thomas Karwaki

**#83174 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The University Park Neighborhood Association Board supports the goals of the Residential Infill Project and still has the same reservations and concerns that were raised by the UPNA before the Planning and Sustainability Commission. UPNA has been involved in the RIP since its inception. Facts: 1) University Park is one of the neighborhoods that will be most impacted by displacement under the RIP (BPS). Most of those in the UP neighborhood will be young persons (students and recent graduates), seniors and people of color. 2) University Park has lost 10% of its tree canopy in the past 4 years due to development 3) The RIP will have significant infrastructure and budget impacts that have not been modeled or studied. A minimum of \$20 million per year in System Development Charges is likely to be lost due to increased ADUs (Finance study). Additional water and sewer investments will be paid by all residents disproportionately. 4) On street parking is already a premium and the RIP could increase demand by 2-3 times. 5) Without RIP there will be a reduction in on-street parking. Recommendations: 1) University Park and North Portland should be included in developing and implementing any displacement tool and advisory groups. 2) Four plexes and greater should be required to have a Transportation Demand Management plan. 3) Implementation should be graduated - with four plexes being allowed and encouraged in R-2 areas near major transit lines (Lombard). 4) Narrow lots should be addressed by Council before March 2020. 5) Additional protections for trees should be included or done in conjunction with the RIP. (Not street trees).

Testimony is presented without formatting.

# Terry Parker

**#83183 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

At the RIP hearing on January 15, 2020, I testified: "The rezoning of properties that recognize narrow historic lots between 57th and 60th South of the Rose City School needs to be removed from RIP. They are NOT in close proximity to a full range of services, the rezoning promotes the demolition of beautiful working class homes and some of the properties targeted do not even have underlying lot lines." This area is fully built up with single family homes on R5 zoned properties. At the hearing, some of the testimony put forward at the hearing was that all neighborhoods should play their part in adding zoning density. In the Rose City Park Neighborhood, this has already taken place with the implementation of the comp plan. The area around the NE 60th Avenue Max Station between I-84 and, Halsey, 57th at Normandale Park to 63rd has all been up zoned to R2.5 or higher multi-family. This significantly sized area is also already built up. The majority of the properties have single family homes on R5 sized lots which the comp plan are now targets for demolition.

HOW MUCH RIP-PING APART MUST A NEIGHBORHOOD ENDURE TO SATISFY GREEDY DEVELOPER, DENSITY AND ANTI-CAR INTERESTS? The redevelopment that RIP is proposing city wide is no different than what took place in the 60's and 70's when the communities in Albina and along Williams Avenue were decimated with demolition. The following are all "equity" questions: At the hearing there was concern for protecting low income people and people of color from gentrification and displacement. Who or what will protect seniors of any ethnicity that want to age in their place of residence (both homeowners and renters) from gentrification and/or displacement? Who or what is going to protect seniors and other lower income homeowners from increased property taxes assessed to fund more subsidies for transit and/or subsidies to pay for bicycle infrastructure when transit fares do not even cover the operating expenses and bicyclists themselves pay no direct user fees for the privilege of having dedicated right of ways? With no requirements for adequate off-street parking, who or what is going to protect eight to five working class homeowners from the street in front their property becoming a full time parking lot? If the answer to the above question is a parking permit system; why should residents of the surrounding properties of new housing be charged a permit fee in effect subsidizing developers and the new housing it self that has no off-street parking? 59% of low income people drive to their place of employment. If the new housing is meant to be affordable, will tenants with cars also be required to pay a parking permit fee thereby making the new housing less affordable? If not, how can that be at all equitable to the residents of the surrounding properties if they have to pay a fee and tenants of the new housing does not? If an alley is unimproved, unusable or doesn't go through

anymore, how will that be handled related to off-street parking placement? RIP is a "one size fits all" overreach travesty that simply does not fit in all neighborhoods. While destroying the ambiance of single family home residential neighborhoods that have green yards and big trees, it is make-believe to think it will contribute to affordable housing. With demolition of existing homes at it's core, RIP shatters the American Dream for even owning a starter home. Not requiring adequate off-street parking with new housing will only degrade the quality of life for the majority of city residents. History clearly demonstrates higher rates of personal mobility (such as driving) significantly contributes to greater economic productivity which in turn generates family wage jobs. RIP is a do gooder's fantasy!!!

Testimony is presented without formatting.

# Susan Lindsay

**#83184 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I oppose the RIP as passed 5-4 by PSC in March for the following reasons: Much of the affluent, historically ultra-exclusive, “old money” bastions of Portland’s West Hills were specifically excluded from this supposed “comprehensive” upzoning plan. These single family residential areas with their very large homes...and even larger lots, which historically and statistically have the lowest crime stats, highest income per capita and best public school test scores of Portland were not included in the plan due to supposed various mutterings of the “challenges to increase density on hills”...(I guess none at planning have yet to visit San Francisco) and more of hill rationales..that these weren’t “good transit areas”..so therefore persons with lesser means wouldn’t really want to live there. Well it’s true they aren’t good transit areas now...because the mostly wealthy people who live there simply drive everywhere. But transit frequency can be increased..it’s not that hard. The other reason given excluding these beautiful, desirable, safe and close-in neighborhoods from the RIP is protection of natural resources...with a 5000 square foot property granted full protection from infill allowabilities if only \*5 square feet\* of the entire lot fall in a designated “natural resource” overlay. So let me understand this...the mature, nature-sustaining front and backyard trees of Portland’s Eastside, many of which will likely be gutted by this proposal along with the presently smaller and more affordable houses, don’t matter as much?? How can this continuation of preference, deference and protection of the wealthy and most influential/powerful and their West Hills estates be allowed...and codified by the this proposal? All the while, citizens of the flatlands...in not so lofty neighborhoods, raising legitimate concerns about loss of trees, demolitions of older homes, and the likely ‘increased’..not decreased....costs to new residents by the replacement structures...are castigated? This plan is deeply flawed at its non-inclusive heart...specifically protects Portland’s wealthiest, and once again perpetuates the severe historically inequities of Portland, and I urge you not to support it in its present form.

Testimony is presented without formatting.

# Sharron Fuchs

**#83218 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The RIP is an ill conceived notion that does NOT address homelessness , displacement and discrimination. I ask you to step back from a vote on the RIP until the developer community comes up with a viable plan to get people off the streets and under a roof. The RIP will benefit developers NOT the currently housed who themselves could easily lose the homes they have and be put onto the streets due to economic pressures. Prices of homes built under the RIP will continue to push prices up, cause displacement and social disarray due to severe crowding and lack of infrastructure. Please ask for further concrete commitments by builders to get people off the streets and housed and for further economic and social impact studies to assess the currently housed but still very vulnerable populations. Let's think ahead and NOT repeat past mistakes. Follow the money for those pushing the RIP and you might be surprised to find how much the developers are pushing it . Think about those who have already been pushed out of their homes in the past and in this most recent land grab and please let's prevent disastrous 'cleansing ' of our neighborhoods by economic pressures on our vulnerable citizens.

Testimony is presented without formatting.

Dear Mayor Wheeler and Commissioners Eudaly, Fritz and Hardesty,

Thank you for your consideration of the Residential Infill Project, and for listening to 5+ hours of thoughtful public testimony on this significant code update proposal. I serve on the Planning and Sustainability Commission, but these comments are my own. And although I appreciate the Mayor's willingness to review 100+ pages of testimony, I'll try and keep these a bit briefer than that.

### **Recommendations:**

#### ***(1) Clerical fix: Change the names of Portland's residential zones from "Single Dwelling" to "Neighborhood Residential". With RIP, 'single' doesn't make sense.***

Originally, Portland named its residential zones 'single family'. A while back, we (appropriately) switched to 'single dwelling'. But with the introduction of ADUs and corner duplexes a couple decades ago, the word 'single' became a misnomer. And under RIP, the focus of residential zones shifts towards size of structure and even further away from '1 home per lot'. If RIP passes, as I hope it will, the word 'single' in the name of these zones will create some serious cognitive dissonance. Re-naming these zones should be a quick fix.

Note: I've heard that Portland's interpretation of state law is that such a change would require a Measure 56 notice to all affected Portlanders, independent from the Measure 56 notice that has already gone out for this project. Perhaps staff could confer with Gordon Howard from DLCD, who testified in support of RIP, for his perspective on this. And if the city is concerned about potential legal challenges to RIP from making such a change, council could re-name the zones as a separate decision, immediately following adoption of RIP.

#### ***(2) Support fee simple ownership models in residential zones (without creating lots of tiny condominium associations).***

It's beyond the scope of RIP to reform Portland's subdivision process. But that's no reason to give up on the notion of allowing small homes to each have their own small lot. A provision could be added to RIP that would allow builders to create property lines between attached 3-4 unit townhomes, just as they can today with corner duplexes. This would allow RIP to help meet the demands of moderate-income homebuyers who have been largely shut out of the new home market. The PSC heard support for this provision from affordable housing developers, who would use it to serve first-time, income-qualified buyers if it were available.

As a follow-up to this, it would be helpful for Portland to create a streamlined process for small, uncomplicated 2-4 home partitions so it doesn't take a year to divide a property. This would complement the lot line idea above, so that builders don't keep creating tiny condominium associations as a work-around to the current subdivision process.

#### ***(3) Catch SDC calculations up with RIP's expanded menu of housing choices***

The way in which SDCs are calculated (and sometimes waived) for sewer, transportation and parks will need refinement following the passage of RIP. As currently charged, I believe infill developments with similarly small homes might pay very different SDCs, depending largely on how they are labeled. For instance, SDCs could be quite different for a 'triplex', a 'house + 2 ADUs', or a 'duplex + 1 ADU' – even though the number of residents and sizes of homes might be practically identical. I would encourage council to initiate a coordinated process among affected bureaus to catch SDC fee practices up with development options in residential zones. Until that's figured out, SDCs could steer builders to avoid plexes all together – or to try and qualify smaller units as ADUs whenever possible in order to get a waiver, even if the market would prefer slightly larger homes.

**(4) Think big (and get out the blue marker!)**

Now that Portland is well on its way to updating zoning for single-dwelling (yellow) and multi-dwelling (blue) zones, *it's time to revisit the zoning map*. To align residential zoning with comp plan goals on equity, affordable housing, climate and transportation, Portland should commence with a mapping project to strategically apply multi-dwelling zoning in some places that are now zoned single-dwelling. Here's why:

- *Displacement*. Adding multi-dwelling zoning to close-in neighborhoods *would disproportionately benefit* lower income Portlanders and persons of color. Why? Because more blue on the zoning map in close-in neighborhoods increases housing capacity, thereby reducing displacement pressures on lower income and non-white residents living further from the core. Any displacement is unfortunate. But to the extent it happens through redevelopment, the most equitable approach is to adopt policies that minimize this burden on those least able to bear it.
- *Deeply Affordable Housing, located where it's needed most*. Better Housing by Design has shaped the rules in multi-dwelling zones to be perfect for regulated affordable housing, financed through low income housing tax credits, local & regional housing bonds, and other public sources. Such projects earn density and height bonuses under multi-dwelling zoning, allowing sponsors to compete successfully with market rate builders for land. This zoning is usually located close to transit and services, which is especially important for low-income residents. Finally, with the recent passage of Portland and Metro bond measures for affordable housing, we have significant public resources to develop more permanently affordable housing. Where will it go? By adding some more blue to the map in close-in neighborhoods, we can build it there - where transit service is great and downtown is within walking distance. With the current zoning map, multi-family affordable housing has to follow the map to scarce blue areas, often far from the core.
  - (Note: Mixed use zones don't work as well for affordable housing as one might expect, because ground floor commercial uses trigger BOLI wage rates, which can make projects financially infeasible)
- *Inclusionary Housing*. Inclusionary housing + multi-dwelling zoning -> regulated affordable homes within market rate development of 20+ units. To the extent multi-dwelling development is market rate, some homes within each project would automatically be affordable. In single-dwelling zones this doesn't happen. Yet another reason for more blue on the map.
- *Climate benefits*. The most climate friendly housing options are close-in (to reduce car trips), small, and attached. Increasing the amount of centrally located land zoned for this type of housing will create more carbon-light housing options in Portland.
- *Reducing conflicts along commercial corridors*. Adding 'halos' of multi-dwelling zoning around commercial strips would act as a step-down buffer to abutting single dwelling neighborhoods. This addresses the unfortunate current situation where 4-5 story zoning oftentimes immediately abuts 2-story residential neighborhoods zoning.

**(5) But before all this.... Give staff a much-deserved reprieve!**

BPS staff has done a tremendous job on the RIP project. These follow-up project ideas will require fresh energy. If you move forward on any of these items (especially the last one), please give staff a nice break first. They deserve it!

Thank you for your consideration,



Eli Spevak, 4757 NE Going St. Portland, OR 97218

# Eli Spevak

**#83224 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Thank you for your consideration of the Residential Infill Project, and for listening to 5+ hours of thoughtful public testimony on this significant code update proposal. I serve on the Planning and Sustainability Commission, but these comments are my own. And although I appreciate the Mayor's willingness to review 100+ pages of testimony, I'll try and keep these a bit briefer than that.

Recommendations: (1) Clerical fix: Change the names of Portland's residential zones from "Single Dwelling" to "Neighborhood Residential". With RIP, 'single' doesn't make sense. Originally, Portland named its residential zones 'single family'. A while back, we (appropriately) switched to 'single dwelling'. But with the introduction of ADUs and corner duplexes a couple decades ago, the word 'single' became a misnomer. And under RIP, the focus of residential zones shifts towards size of structure and even further away from '1 home per lot'. If RIP passes, as I hope it will, the word 'single' in the name of these zones will create some serious cognitive dissonance. Re-naming these zones should be a quick fix. Note: I've heard that Portland's interpretation of state law is that such a change would require a Measure 56 notice to all affected Portlanders, independent from the Measure 56 notice that has already gone out for this project. Perhaps staff could confer with Gordon Howard from DLCD, who testified in support of RIP, for his perspective on this. And if the city is concerned about potential legal challenges to RIP from making such a change, council could re-name the zones as a separate decision, immediately following adoption of RIP. (2) Support fee simple ownership models in residential zones (without creating lots of tiny condominium associations). It's beyond the scope of RIP to reform Portland's subdivision process. But that's no reason to give up on the notion of allowing small homes to each have their own small lot. A provision could be added to RIP that would allow builders to create property lines between attached 3-4 unit townhomes, just as they can today with corner duplexes. This would allow RIP to help meet the demands of moderate-income homebuyers who have been largely shut out of the new home market. The PSC heard support for this provision from affordable housing developers, who would use it to serve first-time, income-qualified buyers if it were available. As a follow-up to this, it would be helpful for Portland to create a streamlined process for small, uncomplicated 2-4 home partitions so it doesn't take a year to divide a property. This would complement the lot line idea above, so that builders don't keep creating tiny condominium associations as a work-around to the current subdivision process. (3) Catch SDC calculations up with RIP's expanded menu of housing choices The way in which SDCs are calculated (and sometimes waived) for sewer, transportation and parks will need refinement following the passage of RIP. As currently charged, I believe infill developments with similarly

small homes might pay very different SDCs, depending largely on how they are labeled. For instance, SDCs could be quite different for a ‘triplex’, a ‘house + 2 ADUs’, or a ‘duplex + 1 ADU’ – even though the number of residents and sizes of homes might be practically identical. I would encourage council to initiate a coordinated process among affected bureaus to catch SDC fee practices up with development options in residential zones. Until that’s figured out, SDCs could steer builders to avoid plexes all together – or to try and qualify smaller units as ADUs whenever possible in order to get a waiver, even if the market would prefer slightly larger homes. (4) Think big (and get out the blue marker!) Now that Portland is well on its way to updating zoning for single-dwelling (yellow) and multi-dwelling (blue) zones, it’s time to revisit the zoning map. To align residential zoning with comp plan goals on equity, affordable housing, climate and transportation, Portland should commence with a mapping project to strategically apply multi-dwelling zoning in some places that are now zoned single-dwelling. Here’s why:

- Displacement. Adding multi-dwelling zoning to close-in neighborhoods would disproportionately benefit lower income Portlanders and persons of color. Why? Because more blue on the zoning map in close-in neighborhoods increases housing capacity, thereby reducing displacement pressures on lower income and non-white residents living further from the core. Any displacement is unfortunate. But to the extent it happens through redevelopment, the most equitable approach is to adopt policies that minimize this burden on those least able to bear it.
- Deeply Affordable Housing, located where it’s needed most. Better Housing by Design has shaped the rules in multi-dwelling zones to be perfect for regulated affordable housing, financed through low income housing tax credits, local & regional housing bonds, and other public sources. Such projects earn density and height bonuses under multi-dwelling zoning, allowing sponsors to compete successfully with market rate builders for land. This zoning is usually located close to transit and services, which is especially important for low-income residents. Finally, with the recent passage of Portland and Metro bond measures for affordable housing, we have significant public resources to develop more permanently affordable housing. Where will it go? By adding some more blue to the map in close-in neighborhoods, we can build it there - where transit service is great and downtown is within walking distance. With the current zoning map, multi-family affordable housing has to follow the map to scarce blue areas, often far from the core. (Note: Mixed use zones don’t work as well for affordable housing as one might expect, because ground floor commercial uses trigger BOLI wage rates, which can make projects financially infeasible)
- Inclusionary Housing. Inclusionary housing + multi-dwelling zoning -> regulated affordable homes within market rate development of 20+ units. To the extent multi-dwelling development is market rate, some homes within each project would automatically be affordable. In single-dwelling zones this doesn’t happen. Yet another reason for more blue on the map.
- Climate benefits. The most climate friendly housing options are close-in (to reduce car trips), small, and attached. Increasing the amount of centrally located land zoned for this type of housing will create more carbon-light housing options in Portland.
- Reducing conflicts along commercial corridors. Adding ‘halos’ of multi-dwelling zoning around commercial strips would act as a step-down buffer to abutting single dwelling neighborhoods. This addresses the unfortunate current situation where 4-5 story zoning oftentimes immediately abuts 2-story residential neighborhoods

zoning. (5) But before all this.... Give staff a much-deserved reprieve! BPS staff has done a tremendous job on the RIP project. These follow-up project ideas will require fresh energy. If you move forward on any of these items (especially the last one), please give staff a nice break first. They deserve it!

Testimony is presented without formatting.

# Mike McCurdy

**#83225 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please, please do not pass this now. At least give it more study time. There have to be some kind of cost control measures in place that work. We live in the age of greed and builders are only interested in how much they can make. For now, please vote no.

Testimony is presented without formatting.

# Timothy Travis

**#83227 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I live on NE 51st Avenue, between Sandy Blvd and Halsey. Our streets, here, no longer provide sufficient carrying-capacity for safe driving or parking for the cars already here. The City is making that problem even worse by increasing density in our neighborhood. I know the City's plan is for all the tenants of — say -- the new apartment house on the corner of NE fifty-first and Sandy, as well as the other infill housing — to use mass transit. Whether that actually happens or not, we are going to put up with the people moving into our newly densified neighborhood and bringing their cars and trucks that they will be parking down Fifty-First, adding to the unsafe congestion. Since this in-fill is a done deal I would ask that you at least address our narrow and ever more crowded — and dangerous — streets. My suggestion is to make our narrow neighborhood streets one-way: say NE Forty—Eighth Avenue traffic would drive south to north, while NE Forty-Ninth would run north to south and so on. The same should be done with our cross streets: NE Broadway, running east to west, in our neighborhood, while NE Hancock would run west to east. This would normalize the single lane we often must drive now because so many cars are parked against each curb; we would not need to pull over to find an open parking space, or space in front of a driveway, to allow oncoming traffic to pass. I know that there are now, in other parts of the City, some narrow streets where parking is not allowed on one curb so that, in theory, there are two lanes. My sense of it is that such a solution only really creates at best 1.75 lanes and will do nothing to deal with the lack of safety the City is planning on us putting up with. Also, eliminating parking on one side of the street will bring out the pitch forks. There is not room on only one side of the street for the vehicles we own now and would throw us into sharp and serious conflict with one another already here. So I hope the City will at least do something to take the pressure off of our narrow and unsafe streets other than just saying we should all take the bus. That is not going to happen except over a very long period of time and as that time passes our situation, here, will become less and less pleasant. It is my belief, by the way, that by not requiring developers to build in sufficient parking for their new residents the City is externalizing the costs they are turning into profits leaving those of us living here already to live with the problems they are creating.

Testimony is presented without formatting.

# Michelle Neidiger

**#83228 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

So in my twitter feed, I found some very alerting and suspicious activities late last night. Basically I see that several groups - newly established "coalitions" (2018 - 2019) are not 'working together' but are the exact same followers / following; I mean nearly identical. This makes one assume they are all the same organization with different logos. There appears to be a connection between all the below organizations that testified pro RIP. Not just 'like-minded'. I mean they are sub-associations or 'coalitions' who are actually only a few dozen people representing each other's associations/coalitions. They organized several meetings starting in August to align their testimony. Most of these individuals are associated with bike business, realtors, and ADU design / build businesses and groups. Most of them are also linked to the East Portland NA and Cully NA. Most of these individuals are young, white, men, renters (so they say). They are closed membership organizations as you can see from the website. ([portlandneighborswelcome.org](http://portlandneighborswelcome.org)). P:NW, for instance, runs and/or manages several associated twitter accounts, including Bike Portland, The Street Trust, and Sunrise PDX. Each of these twitter accounts has a suspicious similarity of the time frame when they were set up, and who is the earliest or first 'followers'. The same dozen or so people, including Eudaly. Also, around the same timeframe as the various blogs popped up. Early or first followers, followed by 'egg' or 'numbers' accounts are the sign of bots and fake accounts created to solely function as 'spam' or 'echo' accounts. This means one person makes a tweet, then tweets it from another account - as if they are different people - when in fact they are not. These are called 'bots' or 'spam' feeds. I am a very early adopter of Twitter (2009) and am well versed in this technique. I don't delete tweets, and I don't have more than my own single account. I am also very good at finding patterns vs random algorithms. Repetition is the key identifier of these types of 'spam' 'single user run' accounts. I continuously engage in numerous conversations with early software developers (twitter developers) of what to look for in spam or bot 'fake' accounts. I have reported and suspended hundreds of accounts. Geoff's company actually had people hired as 'social media managers' to 'find' and follow accounts in 2011 as a way to increase marketing traffic to their sites. Since the 2016 election, I am sure as you all have heard, these accounts are actually being operated for very scary reasons and the practice is getting shut down by many credible businesses, including those concerned with security, transparency, privacy, data, and personal ID management. (GDPR) As it turns out, I have been harassed by many of these 'early' or 'first' followers of these accounts and so I have blocked them. Especially the intolerable nasty guy originally from Scotland who runs the Next Portland website and works at TVA Architects (Iain). He operates dozens of fake accounts. So I

blocked him years ago, But yet, I get harassed by another account run by him. He is an avid 'blogger' on Bike Portland. All these guys manage the blogs. I confirmed late last night at least 12 of these accounts are being operated by very few individuals. The same ones speaking as 'individual' coalitions or associations as seen in Henry's list below (screenshot). One guy, Mike, confirmed it himself. This is all very very concerning. We have a small group of YIMBY's who are all pro RIP; who organized as individuals and then gave testimony as if they are coalitions. This is tainted and dubious testimony. And how many people were turned away from the opportunity to testify because of it? And I have no doubt Eudaly is absolutely aware, and perhaps the organizer herself. Of the ~600 - 1200 'following' list (quite small numbers overall), at least 1/2 are from Seattle and SF, the other 2/3 are the 'founders' or early followers (the 'coalition' organizers with their various sub-accounts and City accounts) and the remaining few are actually real people (nonaffiliated feeds and real Portland voters). 85% of their feed and follows are ANTIFA white, young, bike rider, males. 1/2 seem to be directly affiliated with the City government in a professional, decision-making capacity. I apologize for the brain dump and if it seems confusing. I am just very in shock (And SHOOK) that our NA's are being marketed to be replaced by essentially a very small organized group of anarchists and activists. And I am very tired of being harassed by the same small group of people who are, at the same time, being promoted as 'inclusive' change-makers on our City Government Community and Civic Life website. We need to unite all the NAs and seek out those who truly need to be lifted up and heard in our community. I'm thinking they are not on Twitter!

Testimony is presented without formatting.

January 17, 2020

Re: Opposing Testimony Residential Infill Project

The Multnomah Neighborhood Association appealed LCDC decision on the Middle Housing Policy 5.6 of the City of Portland 2035 Comprehensive Plan to the Oregon Court of Appeals. Oral arguments occurred on January 9, 20. Details of the MNA Appeal are posted at <https://swni.org/multnomah/land-use>. The likely outcome will be that the Middle Housing Policy will be remanded back to the city for adequate public hearing with a factual basis. The implementation of the Residential Infill Project will have to go through periodic review. For this reason the project should be placed on hold until the court makes their ruling on the Middle Housing Policy.

SB 100 is the foundation of the great land use planning we have in the state of Oregon. It formulated our Land Use Goals and is the basis of all land use laws and planning in Oregon.

The redefining of the zoning of 87,324 single family zoned properties to allow for multiple units in the Residential Infill Project is not need and has not been justified. The 2035 Comprehensive Plan at the time of adoption is required by ORS 197.296 to have a 20 year housing supply of all housing types in order for it to be acknowledged by the state.

Zoned capacity is not Greater Portland's challenge as Metro and city planners stated in last year legislative hearings on SB 10 in Salem. The Metro UGB has zoned capacity for approximately 1.3 million total homes; far more than are likely to be built in coming decades.

RIP does not have an adequate facilities plan to accommodate the increase capacity RIP will create as required by Oregon's Land Use Goals

By allowing duplexes on all residential lots the 2035 Comprehensive Plan would comply with requirements of HB 2001.

The best way to create more affordable housing would be to re-zone some of the single family zoned property around centers and corridors to Multifamily. This would allow wood framed apartment or condominium complex's to be build where there is adequate transit and infer structure. Building 20 or 30 units in one project would have significant cost savings over building projects with 4, 6, or 8 units.

Please add this to the record

James F Peterson  
Multnomah  
Land Use Chair  
2502 SW Multnomah Blvd  
Portland, OR 97219

# James Peterson

**#83229 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The Multnomah Neighborhood Association appealed LCDC decision on the Middle Housing Policy 5.6 of the City of Portland 2035 Comprehensive Plan to the Oregon Court of Appeals. Oral arguments occurred on January 9, 20. Details of the MNA Appeal are posted at <https://swni.org/multnomah/land-use> . The likely outcome will be that the Middle Housing Policy will be remanded back to the city for adequate public hearing with a factual basis. The implementation of the Residential Infill Project will have to go through periodic review. For this reason the project should be placed on hold until the court makes their ruling on the Middle Housing Policy. SB 100 is the foundation of the great land use planning we have in the state of Oregon. It formulated our Land Use Goals and is the basis of all land use laws and planning in Oregon. The redefining of the zoning of 87,324 single family zoned properties to allow for multiple units in the Residential Infill Project is not need and has not been justified. The 2035 Comprehensive Plan at the time of adoption is required by ORS 197.296 to have a 20 year housing supply of all housing types in order for it to be acknowledged by the state. Zoned capacity is not Greater Portland's challenge as Metro and city planners stated in last year legislative hearings on SB 10 in Salem. The Metro UGB has zoned capacity for approximately 1.3 million total homes; far more than are likely to be built in coming decades. RIP does not have an adequate facilities plan to accommodate the increase capacity RIP will create as required by Oregon's Land Use Goals By allowing duplexes on all residential lots the 2035 Comprehensive Plan would comply with requirements of HB 2001. The best way to create more affordable housing would be to re-zone some of the single family zoned property around centers and corridors to Multifamily. This would allow wood framed apartment or condominium complex's to be build where there is adequate transit and infer structure. Building 20 or 30 units in one project would have significant cost savings over building projects with 4, 6, or 8 units. Please add this to the record

Testimony is presented without formatting.

# Richard Petersen

**#83230 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Please note my concern for the RIP as proposed: 1 - It fails to restrict short-term vacation rental use of properties; The RIP should: Require that anyone who rents a property for fewer than 30 consecutive days must live on the site at the same time as the short-term rental occupant; Require that any property used for rental of less than 30 consecutive days be licensed annually by the City and inspected for safety and habitability and no occupancy allowed without a current license. 2 - Trees should be determined to be a critical City resource and no destruction allowed without a plan for replanting of tree of equal or greater stature. 3 - Require any housing density to be only so much as is allowed in all historic neighborhoods - essentially give no exemption to the residential areas such as Irvington, Laurelhurst and similar ilk that is denied to the rest of us. If 6 units are to be permitted on one parcel then the luxe lots in those tony neighborhoods ought to be fair game for similar development.

Testimony is presented without formatting.

# Susan Lindsay

**#83231 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I am very concerned that the upcoming of the entire east side of Portland will result in the loss of mature trees, green spaces and urban nature which is irreplaceable. Large parts of the west side of Portland have inequitably been shielded from the infill overlay, and while all city parcels are now by state law zoned as duplexes, the RIP's permitting of 3-6 or more plexes on all Eastside parcels amounts to unfair and inequitable damage to cherished and needed natural resources. The proposed plan brought to Council is unfair, unbalanced against Eastside neighborhoods and residents compared to the wealthier, better treed Westside, and should not be passed in its present inequitable form. Trees matter to residents of the Eastside of Portland too...and are needed, appreciated and loved.

Testimony is presented without formatting.

# Thomas Karwaki

**#83232 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I personally concur with Commissioner Fritz's comments. Having personally spent over six years in meetings dealing with the Comprehensive Plan and Portland Plan, I agree with Commissioner Fritz that the Residential Infill Project obliterates the new Comprehensive Plan and devalues everyone's time and energy. I have also spent much of the past four years with the RIP and its stakeholder advisory group and feel that many issues such as infrastructure, budgetary and displacement impacts have not been sufficiently examined and addressed. The RIP does not provide for neighborhood identity or design and is a one size fits all approach that is not the tailored mechanism that was agreed to by City Council in its deliberations on the Comprehensive Plan. The RIP does not consider parking nor does it adequately address accessibility concerns for those with physical disabilities. While providing some level of visitability it does not provide access for most of the units so it will prevent many from aging in place. However, I do agree with its emphasis on moving parking to the rear of the buildings, elevation and size of buildings. However, the size will restrict the number of large families and may mean that persons of means who want a larger home will go outside the City of Portland. I also find that the RIP discriminates in favor of the rich by not including much of the NW quadrant.

Testimony is presented without formatting.

# Thomas Karwaki

**#83233 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The University Park Neighborhood Association Board requests that the City consider amending the RIP visitability to require a minimum of 32 inch doors for ALL ADUs and residences, not just one unit (and the RIP only requires 31.75 inch which prevents most wheelchairs and many walkers). The UPNA Board supports universal design, but at a minimum would request this change to 32 inches which has been requested by over a dozen UPNA members who are seniors or physically challenged. The UPNA Board also requests that the City implement a new parking permit policy in conjunction with the RIP.

Testimony is presented without formatting.

## Comments on Proposed RIP

Presented by - John Gibbon Retired Attorney – 9822 SW Quail Post Road –Markham Neighborhood  
Transportation Chair

In my personal opinion, the City desperately needs to adopt some type of land use regulation that allows Middle Housing in all residential areas of the City. I feel this must happen first because the City, as a matter of equity, should provide a level playing field making all types of tenure available to all of its residents in all its neighborhoods. In addition, my prior service on the Public Utility Review Board convinced me the financial needs of Portland's water and sewer infrastructure makes this step essential in order to sustainably maintain the systems that provide health and safety in *all of* the City's neighborhoods.

Unfortunately I am also convinced, for reasons mostly related to the unique characteristic for the Quail Park subdivision and Markham neighborhood that the adoption of the proposal now being presented to accomplish that purpose has to be delayed, returned to planning commission and coordinated with the City's implementation of HB 2001.

I believe that I must take position solely as the result of the apparent political compromise necessary to get the 5<sup>th</sup> vote affirmative on the planning commission. Unfortunately that action, to use the Z (natural resources) overlay ,to limit the perceived negative impact of increased density, will impact both my homeowners and my neighborhood association in manner I believe will defeat our the best chance to sustainably enhance middle housing. It does this because the well intention use of the overlay in these discrete cases , will impact long term planning efforts underway by the Bureau of Environmental Services, PBOT and the Water Bureau to work with our natural resources to support place infrastructure.

I can assure the council deferring action on the proposal at this time will avoid the very bad planning result of City Bureau's inadvertently working at cross purposes in these limited areas ,is mostly unrelated to the displacement issue and also avoids some possible constitutional violations.

My general opinion on RIP is shaped by my entire professional career been one engaged largely as being a legal service provider to owner occupied middle density housing. But it is also shaped a lifetime of personal interest in Land Use planning challenges Oregon has face and a lifetime of professional and volunteer engagement in the evolution we use to address these challenges.

While I was serving as the Chair of the SWNI Land Use Committee, I was asked to serve as the representative of the SW Neighborhoods, Inc. on the stakeholders group that was convened to develop the RIP ordinance, but I declined that appointment. I did this because I felt as someone whose entire professional career had been given to working on land use matters and who had throughout most of that career both worked on and chose to live in middle density type residences I could not serve as a representative of neighborhoods on such a committee.

This was because I knew (primarily from my experience on the Comp Plan's Residential PEG ) that the product of the committee would of necessity would be so at variance from what the predominant voices in the neighbor associations wanted that I could not honestly represent those interests. This is because many of those activists, however well meaning, are enamored with what I fear is an unrealistically idolized vision of the urban functionality low density single family style housing. Even then I offered to serve on the RIP committee as an individual stressing experience as a professional service provider to and a lifetime resident of (primarily) owner occupied middle density housing.

Even though my offer to serve on the project Committee was not taken up I have, though my involvement with my neighborhood association and my neighborhood coalition, followed very closely the development of the proposal. Throughout this process I had hoped that it would produce a result that while, at variance with what I am sure is the position perhaps the majority of my fellow neighborhoodniks, I was constantly hopeful that basic position described would be the end result of the process. I cannot tell you how disappointing it is to see the right result policy wise - middle housing in the neighborhoods- when impacted by a general planning principal, natural resources protection, which I also support ,when applied to specific built environment appears to work at cross purposes with substantial work that has been being done to enhance middle housing.

The following briefly explains why my concerns reasonably appears to occur and why necessitates my request to the Council that it delay the implementation of the proposed RIP until, with a more focused effort by the PSC and the neighborhood, perhaps in conjunction with the environmental mapping project these anomalies can be resolved.

My residence is in the Quail Park HOA a 1970's era Planned Unit Development that is accessed by a private road – Quail Post Rd. running from the 95/9600 block of Lancaster Road to the 2800 block of Huber Street . When the PUD was establish it unquestionably was envisioned as a place where middle housing would be developed, as its founding documents allow the development of “residential lots(not improved with a residential unit )”and the construction of “single family dwellings, apartments, townhouses, condominium units, and residential units of every kind”. In the event however the project was developed in the mid to late 70s to contain 84 single building dwellings and 9 duplexes units sited with reference to lots ranging in size from 2800 to 7500 square feet. Subsequently a portion of the projects common area fronting on SW 25<sup>th</sup> Ave. (9901) was developed with an additional single family home. All of the residences in Quail Park rely on a private water system serviced by the PWB through a common meter and its stormwater management system as well as a public sanitary line running through the project. Except of the house on 25<sup>th</sup> all the residences rely on the private Quail Post Road for access and most of our overflow parking. Because it was a PUD the density in the park is much higher than the standard R-7 zoned subdivision probably 95-90 % of the total units allowed on the acreage.

The problem created by the Z overlay for Quail Park is now, as it faces a potential major infrastructure project related to at least meeting new regulatory requirements for private water systems or perhaps developing one of several alternatives higher level of integration with PWB, the overlay designation has randomly scattered RIP designation through the project . This would make completely the work that we have started with PWB to identify and fund the best water sytem much

more complicated and perhaps prevent implement of the RIP policy in area where the neighborhood character is one of higher density which could, perhaps, be more accommodating to the middle housing type.

The Markham Neighborhood is the most active transportation oriented neighborhood in the upper reaches of the SW coalition. But the designation of Z overlay areas north of Taylors Ferry Road and east of 26<sup>th</sup> Avenue threatens to interfered with development in areas that BES and PBOT identified in the Stephens Tyron Creek planning effort as essential to safe cross neighborhood access. Equally disturbing the Z overlay designation applied to 25<sup>th</sup> Avenue area is directly applies to a property nd limits development a former church property, 2401 SW Taylors Ferry, already **acquired by Habitat** for redevelopment. In addition I would note that the pattern of development in west Markham along Huber Street suggest the most likely scenario for increases in housing stock will most likely occur on larger lots where already existing flag lots end up being upgraded with the addition of a maximum size ADU, a situation where once accomplish can if desired because a an owner occupied two unit condominium.

The RIP is great but long over due policy but in this iteration has been through the hasty use of the Z overlay concept been very damaging to long term efforts at coordinated planning by other City Bureaus in at least some SW neighborhoods at a minimum the PSC needs to revisit the proposal to correct these errors.

# John Gibbon

**#83234 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

Commissioners,

I support the Residential Infill Project.

I think it complements, and ideally coordinates with, the short-term rental and long term rental registration championed by Commissioner Eudaly, and others, as well as the HB 2001 implementation plan mentioned by Commissioner Fritz. I also share architect Rick Potestio's long term concerns about the availability 2-4 bedroom homes as younger people today have the families of tomorrow.

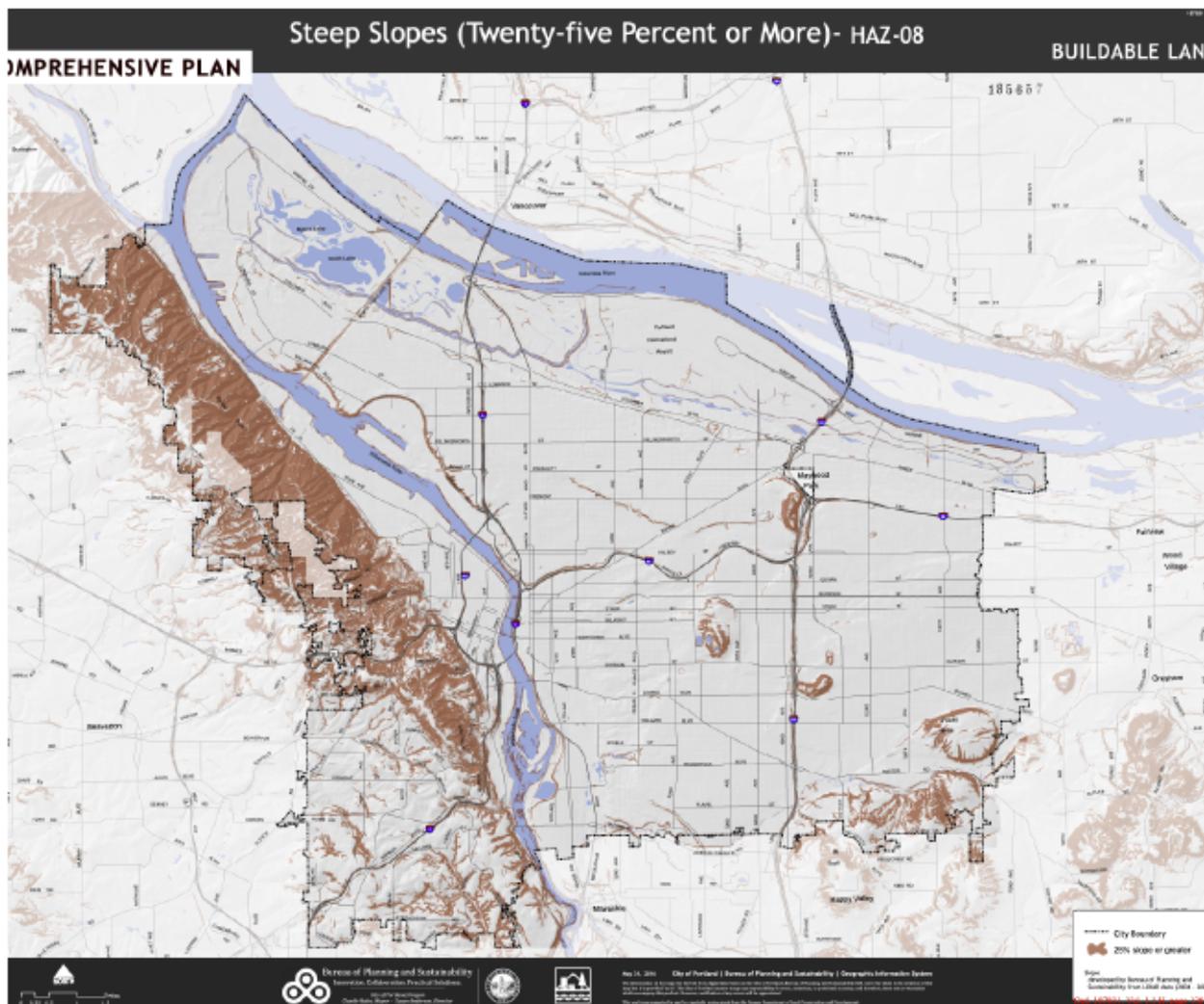
I have two concerns to address with staff.

First, the code changes are not well formed for construction on steeply sloped lots.

Second, the cost changes penalize residential solar in their height limits.

I'm well acquainted with steep lots and the construction challenges on them. To solar, I worked with a group of volunteers to build a 300 square foot solar greenhouse in the most economically disadvantaged neighborhood in that city. My responsibility was the solar survey: where the sun is throughout hours over the year.

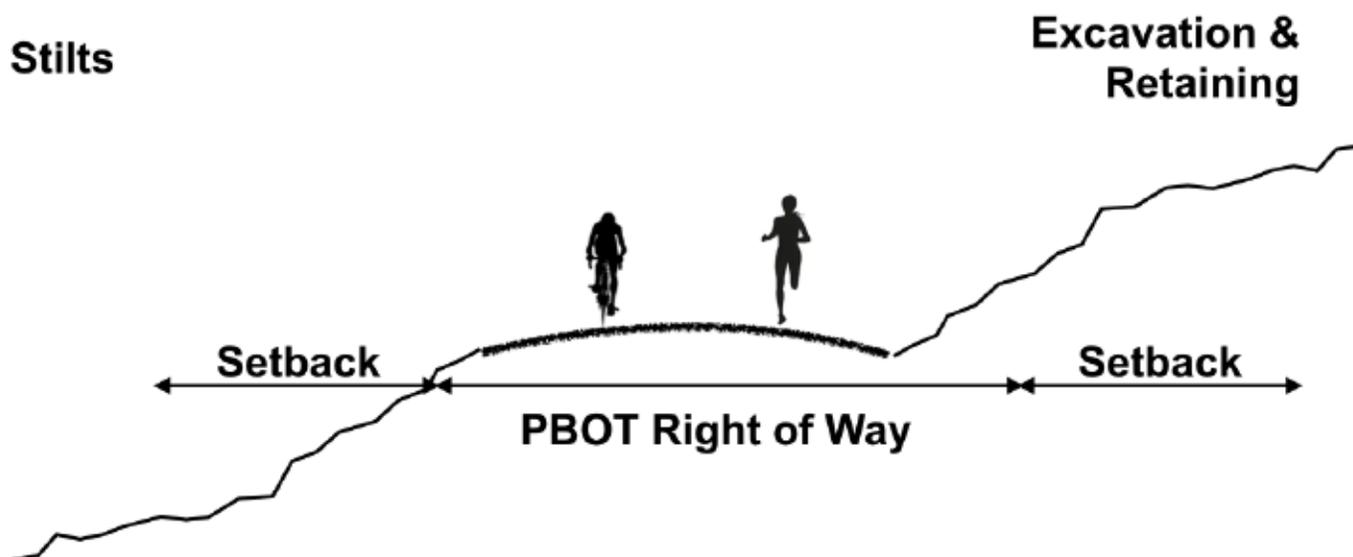
I would not expect staff would be as deep into these issues as I have had to be. Therefore I would like to schedule appointments with staff to review these items and discuss options.



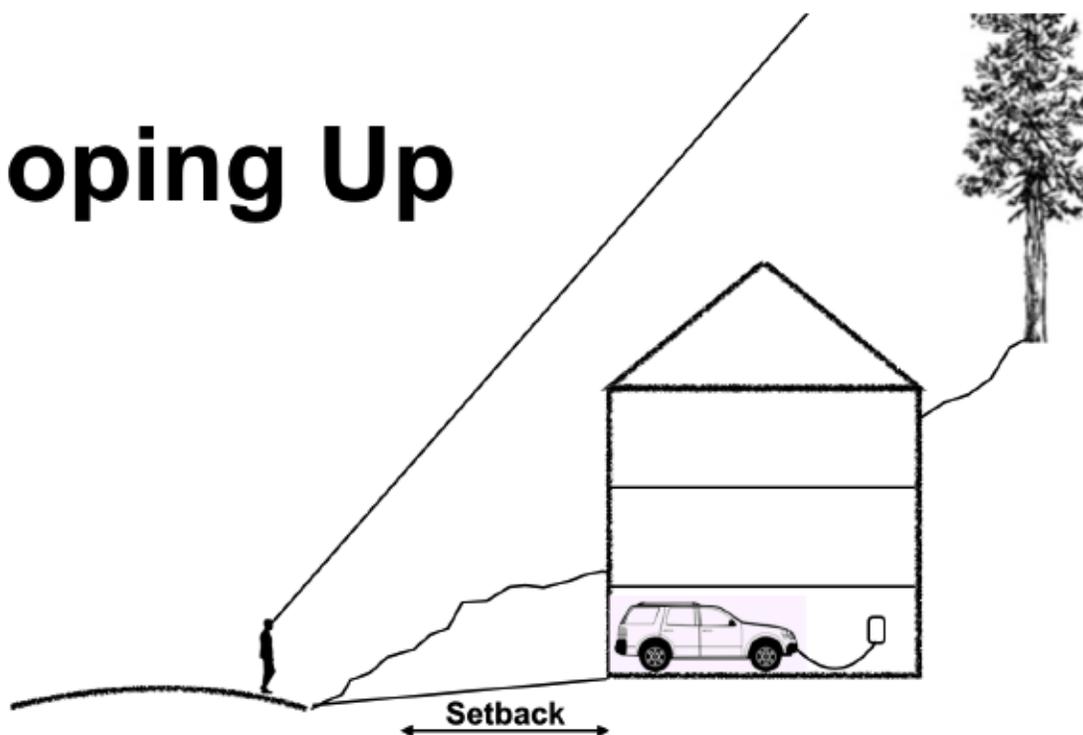
Portland has inventoried steeply sloped areas shown in this map.

There are vacant lots in steeply sloped areas. It is an advantage to the City they be developed as new development is fully taxed under Measures 5 & 50.

Lots sloping up and lots sloping down have individual challenges.



## Sloping Up



Sightlines Dominated by Trees  
Not by Building

On slopes the road as traveled may not be centered on the deeded right of way. In that case, the effective setback can be substantial.

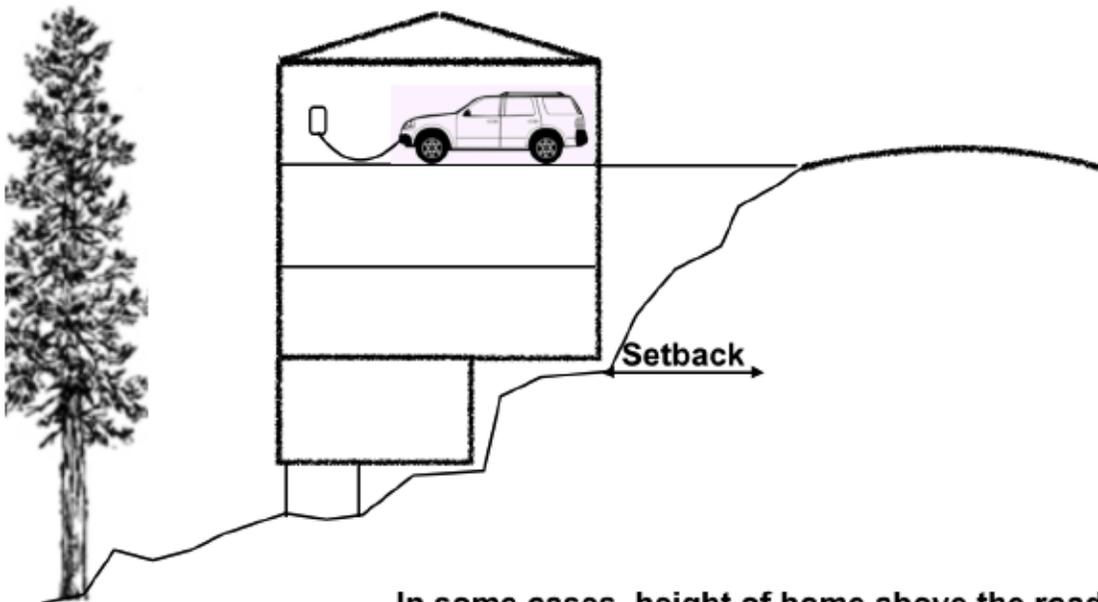
Building on sloping lots is a compromise of setbacks, vehicle transition & climbing grades, excavation and retaining.

The retaining engineering and construction can be challenging. In the illustration above, exterior windows may be impossible on the uphill and on the sides.

The excellent vision of visitability is almost impossible to meet on these lots.

Finally, the sightline-driven facade elevation concerns are dwarfed by tall native conifers uphill.

# Sloping Down



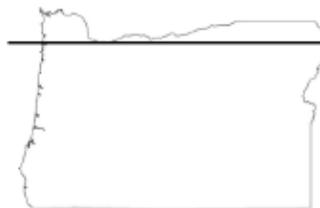
**In some cases, height of home above the roadway is currently covered by a scenic zone**

Sloping down sites have a bridge over the setback from the roadway to the entry living level.

The roadside facade is in many cases covered with a scenic overlay zone. Facade seen from further down the hill looking up is first, usually screened by native conifers, and second, is often quite distant, because lower houses are built closely to their street while the upper houses are built close to their street. It is common to have 100 feet or more uphill-downhill separation between homes on steeply sloped lots. The result is that the intent of height limits does not apply to this situation.

A separate but very important concern is the impact of height limits on residential solar.

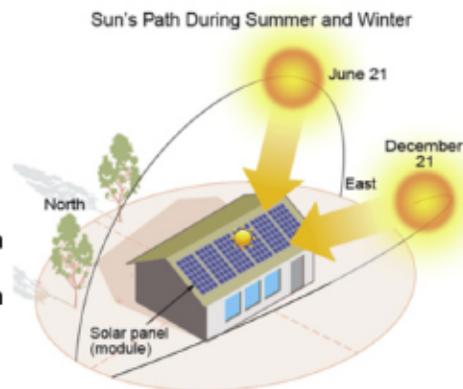
## Height vs Solar



Portland is about  
46 degrees North latitude

Type to enter a caption.

Facing South, the sun is  
~20 degrees above the horizon  
Winter low and  
~68 degrees above the horizon  
Summer high



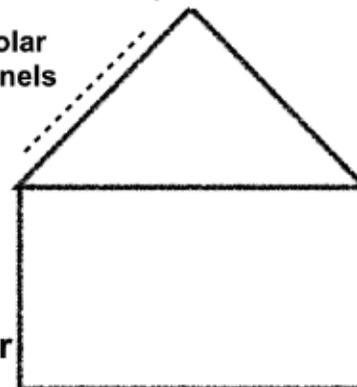
Type to enter a caption.

Summer Solar Noon ~68 degrees



Winter Solar Noon ~20 degrees

Solar  
Panels



The most efficient solar roof angle in Portland  
for South-facing is ~46 degrees

**Proposed height limits penalize residential solar**

6

Portland is at about 46 degrees North Latitude. Our solar disadvantages are dominated by latitude more than cloud cover.

Facing South, on the Winter solstice the noon sun is about 20 degrees above the horizon; on the Summer solstice the noon sun is about 68 degrees above the horizon.

The most efficient angle for solar panels is at an angle equivalent to the latitude, about 46 degrees. That is a steep roof in Portland. Builders usually don't build them to save every penny

on materials. But for sites with a South facing roof opportunity, we should encourage those angles, rather than discourage them through height limitations.

There are a variety of options to address these details on the Residential Infill Project through code, resolution, or administratively.

I look forward to consulting with staff to do so,

Best Regards,

Rob Wilcox  
SW Portland

# Rob Wilcox

**#83236 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.



**President**  
Sam Rodriguez  
Mill Creek Development

**Vice President**  
Sarah Zahn  
Urban Development Partners

**Secretary/Treasurer**  
Tim O'Brien  
Urban Asset Advisors

**Board Members**

**Dennis Allen**  
Urban One

**Doug Burges**  
Greystar Real Estate Development

**Brenner Daniels**  
Holland Partner Group

**Brian Fleener**  
OTAK

**Kurtis Fusaro**  
Gerding Edlen Development

**Matthew Goodman**  
Downtown Development Group

**Jeremiah Jolicoeur**  
Alliance Residential Company

**Noel Johnson**  
Cairn Pacific

**Elia Popovich**  
Oregon Law Group

**Mike Kingsella**  
Up for Growth Action

**Dana Krawczuk**  
Stoel Rives

**Michael Nagy**  
Wood Partners

**Damian Uecker**  
Banner Bank

**Christe White**  
Radler White Parks & Alexander

**Executive Director**

ary 17, 2020

or Ted Wheeler and City Commissioners Eudaly, Fritz, and Hardesty  
SW Fourth Ave.  
and, OR 97201

Mayor Wheeler and Commissioners,

on Smart Growth (OSG) was proud to be an active part of the coalition that advocated B 2001 in the 2019 legislative session, which re-legalized middle housing in exclusively e-detached dwelling zones. Increasing the housing options available in what are now y single detached house zones is an important part of a comprehensive approach to eassing Portland's shortage of housing, which will in turn stabilize housing costs and de opportunities for more Portlanders.

Residential Infill Project Recommended Draft is a critical next step toward creating those ing choices, by allowing duplexes, triplexes, and fourplexes more people can afford, in Portland's neighborhoods. ! "#%&"# ( \$#( # +,( ) #-" # "/ 0-"1)0 281 425 % 6'7)# B 8 "1+"+#9%4):#

ppreciate the work that has gone into the Residential Infill Project over the past 4.5 s; OSG advocated at the Planning & Sustainability Commission to allow these proposed housing options in all neighborhoods, to allow them on mid-block lots (not just corners), o eliminate associated parking minimums. The Recommended Draft you are considering porates these important revisions.

ou consider additional amendments to the Recommended Draft in the coming weeks, ularly in response to near-term displacement concerns, it is important to note that )-"# 1"1)0 281 425 % 6'7)# "# 1# 1)Q+0, 27"8 "1)#0100) 0<" and its adoption should not be er delayed. Demolition and displacement occurs in Portland's single-family zones today, r smaller single-family homes are replaced with larger and more expensive single-family es. The proposed changes in the Residential Infill Project will allow more units on those it a reduced scale, creating more housing opportunities that are more likely to be dable, and reducing demolition-related displacement overall.

e implementation of the Residential Infill Project should not be delayed, major new anti- acement proposals such as a right of first refusal should not be adopted without ional analysis to ensure any unintended impacts—for example, a reduction in the supply iple-family homes on the rental market, where property owners seek to avoid the new ation—don't outweigh intended benefits. The City's in-progress Anti-displacement Actio is a meaningful opportunity to examine these concepts and find a balanced approach to ating near-term displacement; we encourage the Council to utilize this important third onent of the Housing Opportunities Initiative to further address displacement concerns, : moving forward with adopting the Residential Infill Project Recommended Draft now.

lk you for the opportunity to share our support for the Residential Infill Project mended Draft. We look forward to continued discussion of any proposed dments, as we seek to encourage growth in housing options at all levels of affordability, of our neighborhoods, to meet the housing needs of all Portlanders.

rely,

nn A. Baldwin  
utive Director

# Gwenn Baldwin

**#83256 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Oregon Smart Growth (OSG) was proud to be an active part of the coalition that advocated for HB 2001 in the 2019 legislative session, which re-legalized middle housing in exclusively single-detached dwelling zones. The Residential Infill Project Recommended Draft is a critical next step toward creating those housing choices, by allowing duplexes, triplexes, and fourplexes more people can afford, in all of Portland's neighborhoods. Please see our attached testimony, urging you to adopt the Residential Infill Project Recommended Draft. We look forward to continued discussion of any proposed amendments, as we seek to encourage growth in housing options at all levels of affordability, in all of our neighborhoods, to meet the housing needs of all Portlanders.

Testimony is presented without formatting.

# Lisa Maddocks

**#83259 | January 17, 2020**

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

RIP is being promoted as a solution to the housing affordability crisis. However, the analysis commissioned by the City of Portland showed that rezoning all single-family lots to allow for duplexes, triplexes, quadraplexes, and townhouses will promote market-rate rentals over home ownership. The new units are predicted to be mostly micro-rental units with unaffordable average market-rate rents of \$1,823/month. Rather than affordable housing, Portland will see speculative redevelopment accompanied by increased demolitions of the most-affordable existing housing and more displacements of the most-vulnerable residents. According to the City's analysis, this type of rezoning will result in the displacement of low-income residents with no path of return. This will disproportionately impact minorities. The adopted 2035 Comprehensive Plan already has a 20-year housing supply of all housing types without RIP, including detached single-family, duplexes, triplexes, quad-plexes, and townhouses. Objections to RIP include: • Elimination of Single-Family Neighborhoods • Promotion of rentals over home ownership • Increased demolitions of affordable housing • No parking requirements • No infrastructure requirements • No transportation planning • Environmental protections overridden • Significant loss of residential tree canopy • No protection for historic resources • No restrictions on vacation rentals • Decreased fire safety in multi-units • Creates unaffordable housing • Displaces minorities worse than redlining • Exceeds the State-mandated requirements of HB 2001 The predicted unintentional consequences of RIP are far too negative to jeopardize the livability of the City of Portland. Please vote against it. Please add this to the Record: Density = Claustrophobia = Anxiety = Fear = Hostility = Violence = Chaos = Degradation of Life...

Testimony is presented without formatting.

January 17, 2020:

AUDITOR 01/17/20 PM 3:06

To Karla Moore-Love: Portland Council Clerk

I offer the attached article as testimony against the current version of the Portland Residential Infill Project.

Please read the recent, attached Truthout article by Sasin Paraksa titled "UNMASKING THE SECRET LANDLORDS BUYING UP U.S. PROPERTIES". I feel that the future livability and affordability of our city is at stake if we don't make wise choices with our residential zoning decisions in Portland.

Awaiting your response, I am

Ken Cropper

Address: 2208 NE 49th Avenue, Portland, Oregon 97213

Phone: 503 287-8113

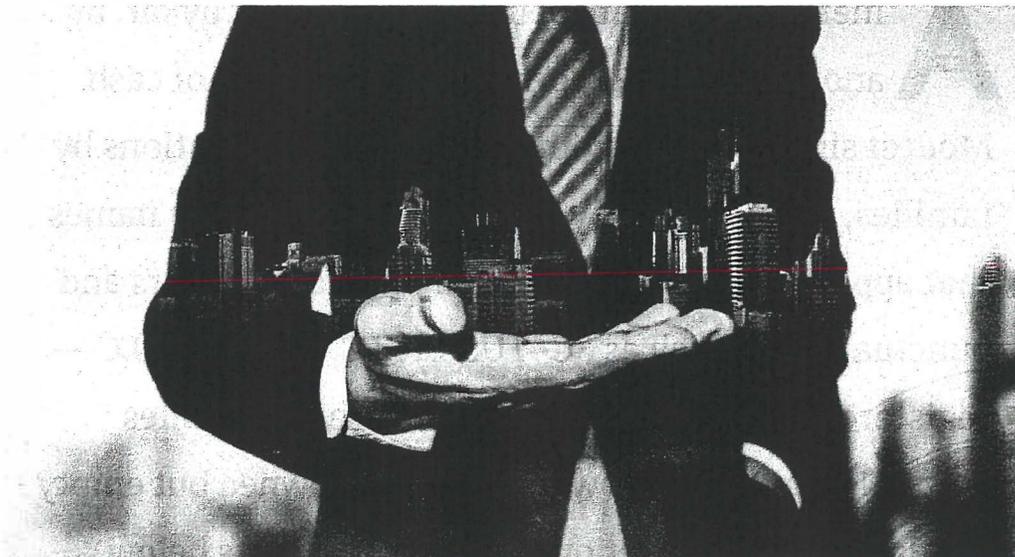
Email: bluesies@q.com



**Truthout**

NEWS | ECONOMY & LABOR

# Unmasking the Secret Landlords Buying Up US Properties



Nearly 3 million U.S. homes and 13 million apartment units are owned by LLC, LLP, LP or shell companies.

SASIN PARAKSA / SHUTTERSTOCK

**BY**

**Aaron Glantz (<https://truthout.org/authors/aaron-glantz/>),  
REVEAL**

**PUBLISHED**

December 19, 2019

*This story was originally published by **Reveal***

*\_\_\_\_\_ from The Center for  
Investigative Reporting, a nonprofit news organization  
based in the San Francisco Bay Area. Learn more at*

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**A**merica's cities are being bought up, bit by bit, by anonymous shell companies using piles of cash. Modest single-family homes, owned for generations by families, now are held by corporate vehicles with names that appear to be little more than jumbles of letters and punctuation — such as SC-TUSCA LLC, CNS1975 LLC — registered to law offices and post office boxes miles away. New glittering towers filled with owned but empty condos look down over our cities, as residents below struggle to find any available housing.

All-cash transactions have come to account for a quarter of all residential real estate purchases, “totaling hundreds of billions of dollars nationwide,” the

Financial Crimes Enforcement Network — the financial crimes unit of the federal Treasury Department, also known as FinCEN — noted (<https://www.fincen.gov/resources/advisories/fincen-advisory-fin-2017-a003>) in a 2017 news release.

Thanks to the Bank Secrecy Act, a 1970 anti-money-laundering law, the agency is able to learn who owns many of these properties. In high-cost cities such as New York, San Francisco, Los Angeles and Miami, it's flagged over 30% of cash purchases as suspicious transactions. But FinCEN also cites this bill to hide this information from the public, leaving the American people increasingly in the dark about who owns their cities.

For journalists, it requires undertaking a tremendous investigative effort to find the real owner of even one property, let alone millions.

## Stay in the loop

Never miss the news and analysis you care about.

“It reminds me of Moldova after the fall of the Soviet Union: oligarchs running wild, stashing their gains in buildings,” James Wright, an attorney and former Treasury Department bank examiner, told me. He now helps foreign governments combat money laundering. “Back then, you’d walk down the street, and people would say, ‘That building is a washing machine.’ Everyone knew it. Today, America is not that different.”

The Census Bureau reports that nearly 3 million U.S. homes and 13 million apartment units are owned by LLC, LLP, LP or shell companies — levels of anonymous ownership not seen in American history. The proportion of residential rental properties owned by individuals and families has fallen from 92% in 1991

([https://www.census.gov/prod/1/statbrief/sb96\\_01.pdf](https://www.census.gov/prod/1/statbrief/sb96_01.pdf))  
to 74% in 2015

(<https://www.nytimes.com/2018/04/30/upshot/anonymous-owner-llc-why-it-has-become-so-easy-to-hide-in-the-housing-market.html>).

The lack of transparency not only represents an opportunity for money laundering, but it also has more prosaic implications. First-time homebuyers are denied the opportunity to buy affordable homes with bank loans because those properties already have been scooped up by shell companies. Tenants can’t figure out

to whom to complain when something goes wrong. Local officials don't know whom to hold responsible for code violations and neighborhood blight.

With anonymity comes impunity, and, for vulnerable tenants, skyrocketing numbers of evictions. It wasn't until reporters from *The Guardian* and *The Washington Post* began to investigate, for example, that residents living in hundreds of properties across the South learned that they shared a secret landlord, hiding behind names such as SPMK X GA LLC: Fox News personality Sean Hannity.

“Among the tenants Hannity's property managers sought to evict,” *The Post* reported ([https://www.washingtonpost.com/investigations/at-hannitys-properties-in-low-income-areas-an-aggressive-approach-to-rent-collection/2018/05/10/964be4a2-4eea-11e8-84a0-458a1aa9ac0a\\_story.html](https://www.washingtonpost.com/investigations/at-hannitys-properties-in-low-income-areas-an-aggressive-approach-to-rent-collection/2018/05/10/964be4a2-4eea-11e8-84a0-458a1aa9ac0a_story.html)), were “a double amputee who had lived in an apartment with her daughter for five years but did not pay on time after being hospitalized; and a single mother of three whose \$980 rent check was rejected because she could not come up with a \$1,050 cleaning fee for a bedbug infestation.”

But while the public remains in the dark, one part of the government knows the people behind these shell companies. Since 2016, FinCEN has issued geographic targeting orders requiring that the “beneficial owners” of residential real estate bought with cash be disclosed. The Treasury police started with six metro areas, then expanded to nine — running from Los Angeles to New York, Miami to Seattle.

Yet FinCEN insists on keeping that information secret.

In July, *Reveal* from The Center for Investigative Reporting filed a Freedom of Information Act request seeking information on the “beneficial owners” of LLCs. We asked for the addresses of all residential real estate purchased with cash, where FinCEN was aware; the amount of money transferred; the name and address of the true, human owners behind each residential real estate purchase; the name of the person responsible for purchasing the property; and the individuals responsible for representing the purchasers — all information currently held by FinCEN but not collected under the Bank Secrecy Act.

In response, the government initially refused to even acknowledge that it has this information, saying it could “neither confirm nor deny the existence of the materials,” citing the Bank Secrecy Act. But when

Congress passed that law in 1970, it never intended that it be used to keep the owners of residential real estate from the public. Without a doubt, financial institutions and the government have to keep some information secret — individual consumers' Social Security numbers, for example. But the name of somebody who owns a building — that's completely different.

*Reveal* appealed and lost. Then we requested the documents again. Our latest request has fallen into a bureaucratic black hole. In October, a top FinCEN official designated our appeal for “further processing.” Since then, months have passed with no response. Now, *Reveal* is going to court. In a **complaint** (<https://www.documentcloud.org/documents/6581132-CIR-FinCEN-FOIA-Complaint.html>) filed Monday in the U.S. District Court in the Northern District of California by our general counsel, D. Victoria Baranetsky, *Reveal* argues that the government has “no lawful basis for declining to release the records” under FOIA.

“The public and the press have a clear and abiding interest in knowing who owns property in their communities,” the complaint states, “and keeping public officials accountable in their handling of this matter.”

There is no compelling reason to keep this information secret. Historically, in the United States, the true owners of residential real estate properties have been publicly available through county recorders offices. However, for more than a decade, the proliferation of all-cash buys by shell companies has begun to obliterate that transparency.

Countries around the world have addressed this problem head on. In Argentina, Australia, Israel, Jamaica and the Netherlands, any member of the public may request this information. In Russia and Ukraine, it is already online. Public disclosure is coming even to some notorious tax shelters, including the Cayman Islands, officials in the United Kingdom say, in 2021.

In the United States, we're on no such path to disclosure.

**A bipartisan anti-money-laundering bill**

**([https://www.congress.gov/bill/116th-](https://www.congress.gov/bill/116th-congress/house-bill/2513/text)**

**congress/house-bill/2513/text)**, which passed the House in October, would require banks to systematically disclose the true owners of shell companies to FinCEN but would keep the public in the dark, stripping out all “personally identifiable information,” including anything “that would allow for the identification of a particular corporation or limited liability company.”

That leaves us with the information the government already collects through FinCEN. There's little reason it should remain secret. Healthy, vibrant communities aren't created by the ghosts of offshore bank accounts. Americans deserve to know who their neighbors are.

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---

**Aaron Glantz**  
<https://truthout.org/authors/aaron-glantz/>

Aaron Glantz is a senior reporter at *Reveal* who produces public interest journalism with impact. His reporting has sparked more than a dozen congressional hearings, a raft of federal legislation and led to criminal probes by the Drug Enforcement Administration, the FBI and the Federal Trade Commission. Because of his reporting, 500,000 fewer U.S. military veterans face long waits for disability compensation, while 100,000 fewer veterans are prescribed highly addictive narcotics by the government. He is also the author of three books, most recently *The War Comes Home: Washington's Battle Against America's Veterans*.

# Ken Cropper

**#83260 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached

Testimony is presented without formatting.

# Allen Field

**#83262 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

The testimony Opposing the Residential Infill Project RIP is being promoted as a solution to the housing affordability crisis. However, the analysis commissioned by the City of Portland showed that rezoning all single-family lots to allow for duplexes, triplexes, quadraplexes, and townhouses will promote market-rate rentals over home ownership. The new units are predicted to be mostly micro-rental units with unaffordable average market-rate rents of \$1,823/month. Rather than affordable housing, Portland will see speculative redevelopment accompanied by increased demolitions of the most-affordable existing housing and more displacements of the most-vulnerable residents. According to the City's analysis, this type of rezoning will result in the displacement of low-income residents with no path of return. This will disproportionately impact minorities. The adopted 2035 Comprehensive Plan already has a 20-year housing supply of all housing types without RIP, including detached single-family, duplexes, triplexes, quad-plexes, and townhouses. Objections to RIP include: • Elimination of Single-Family Neighborhoods • Promotion of rentals over home ownership • Increased demolitions of affordable housing • No parking requirements • No infrastructure requirements • No transportation planning • Environmental protections overridden • Significant loss of residential tree canopy • No protection for historic resources • No restrictions on vacation rentals • Decreased fire safety in multi-units • Creates unaffordable housing • Displaces minorities worse than redlining • Exceeds the State-mandated requirements of HB 2001 The predicted unintentional consequences of RIP are far too negative to jeopardize the livability of the City of Portland. Please vote against it. Please add this to the Record. Thank you,

Testimony is presented without formatting.

# Thomas Moran

**#83263 | January 17, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

I would like to express my overall opposition to the current proposed Residential Infill Proposal. My first significant concern is that it is too much too fast. My assessment is that the various proposals and overall approach is far too sweeping and more significantly is not evidence based. I suspect that such sweeping changes to the current codes are going to have long lasting and likely devastating effects. I support a much more incremental and measured approach toward densification, an approach whereby assessments can be conducted regarding the relative benefits of changes in the code. My second concern, separate, but related to the first point, is that the proposed changes toward densification does not come close to understanding or appreciating the significant impact the proposal will likely have on neighborhoods. Specifically, the proposed plan emphasizes quantity over quality of life. It supports the herding of people together with little regard of standard of living. More specifically, allowing multiple units, such as 3 & 4-plex units in the middle of a well established neighborhood (or most any neighborhood) and add into this not requiring off-street parking (an asinine idea) will significantly deteriorate a neighborhood. I do support efforts to begin some reasonable and measured evidence based changes toward densification which places a central focus on quality over quantity. My greatest fear is that, if the current proposals go through there will be a free-for-all and the quality of life will be greatly diminished in Portland making it a much less desirable place to live. Having distinct and healthy neighborhoods should be our city goal. One we can take pride in. Thank you for considering my perspective. I wish you all the best of luck in navigating a meaningful path toward resolution.

Testimony is presented without formatting.

**Northeast Coalition of Neighborhoods**  
**Portland, Oregon**  
4815 NE 7th Ave. / 503.388.5004 / necoalition.org

November 19, 2019

Mayor Wheeler, City Council Commissioners

CC: Andrea Durbin and Morgan Tracy, Bureau of Planning and Sustainability

**RE: Residential Infill Project Recommended Draft - Increase Affordable Housing in our Neighborhoods**

Mayor and Commissioners,

Thank you for the opportunity to comment on the Residential Infill Project Recommended Draft (RIP). We appreciate the efforts by the Bureau of Planning & Sustainability (BPS) to fulfill the vision of the 2035 Comprehensive Plan by *“increasing the amount of affordable housing”* across our neighborhoods.

As our top land use priority is affordability, we’re encouraged how RIP will support long and short-term affordable housing options. BPS’s analysis projects the *legalization of 4-plexes will support the creation of units affordable* to residents earning 80% of the area’s median income (AMI). Additionally, we appreciate BPS’s responsiveness to our comments on the proposed draft. Specifically, *encouraging the creation of family-sized housing by increasing the floor area ratio and removing parking requirements*.

However, RIP’s support for affordability could be strengthened through two amendments:

- **Support creation of affordable housing** by allowing 6-plexes with at least 3 units affordable to residents earning 60% AMI. With the appropriate FAR increase, this could allow non-profit developers to expand affordable housing in our neighborhoods and serve as a pilot opportunity for the affordable housing bonds passed by Portland voters.
- **Protect existing affordable housing** through the concurrent implementation of the Anti-Displacement Action Plan. We believe the Plan should prioritize strategies for current low-income residents, including the “right to remain” in our neighborhoods.

We believe RIP will support the affordable housing our neighborhoods need to ensure residents of all income levels and family sizes are welcomed.

Regards,

Northeast Coalition of Neighborhoods Board

January 17, 2020:

AUDITOR 01/17/20 PM 3:06

To Karla Moore-Love: Portland Council Clerk

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Awaiting your response, I am

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Address: 2208 NE 49th Avenue, Portland, Oregon 97213

Phone: 503 287-8113

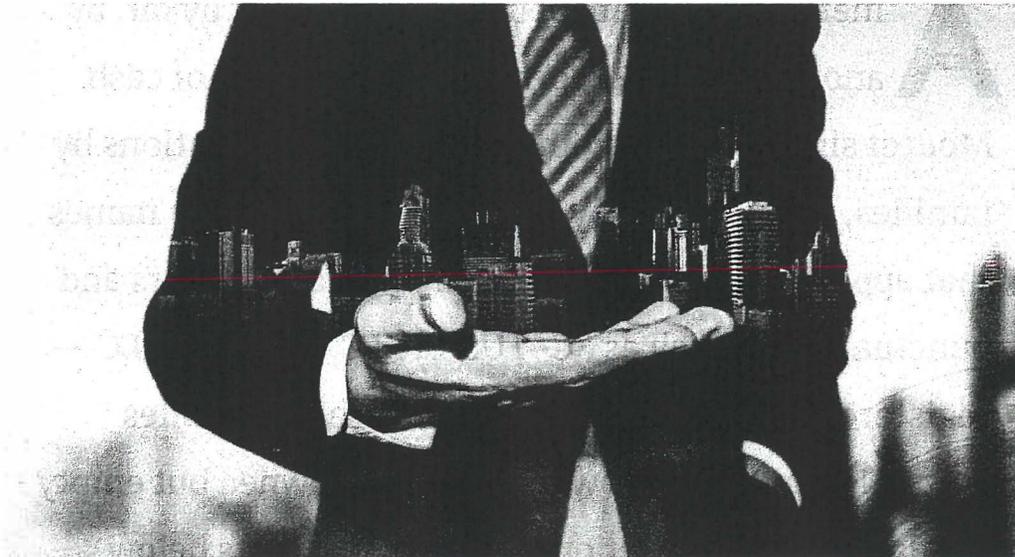
Email: bluesies@q.com



Truthout

NEWS | ECONOMY & LABOR

# Unmasking the Secret Landlords Buying Up US Properties



Nearly 3 million U.S. homes and 13 million apartment units are owned by LLC, LLP, LP or shell companies.

SASIN PARAKSA / SHUTTERSTOCK

**BY**

**Aaron Glantz** (<https://truthout.org/authors/aaron-glantz/>),  
**REVEAL**

**PUBLISHED**

December 19, 2019

*This story was originally published by **Reveal***

\_\_\_\_\_ *from The Center for  
Investigative Reporting, a nonprofit news organization  
based in the San Francisco Bay Area. Learn more at*

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The lack of transparency not only represents an opportunity for money laundering, but it also has more prosaic implications. First-time homebuyers are denied the opportunity to buy affordable homes with bank loans because those properties already have been scooped up by shell companies. Tenants can’t figure out

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With anonymity comes impunity, and, for vulnerable tenants, skyrocketing numbers of evictions. It wasn't until reporters from *The Guardian* and *The Washington Post* began to investigate, for example, that residents living in hundreds of properties across the South learned that they shared a secret landlord, hiding behind names such as SPMK X GA LLC: Fox News personality Sean Hannity.

“Among the tenants Hannity's property managers sought to evict,” *The Post* reported ([https://www.washingtonpost.com/investigations/at-hannitys-properties-in-low-income-areas-an-aggressive-approach-to-rent-collection/2018/05/10/964be4a2-4eea-11e8-84a0-458a1aa9ac0a\\_story.html](https://www.washingtonpost.com/investigations/at-hannitys-properties-in-low-income-areas-an-aggressive-approach-to-rent-collection/2018/05/10/964be4a2-4eea-11e8-84a0-458a1aa9ac0a_story.html)), were “a double amputee who had lived in an apartment with her daughter for five years but did not pay on time after being hospitalized; and a single mother of three whose \$980 rent check was rejected because she could not come up with a \$1,050 cleaning fee for a bedbug infestation.”

But while the public remains in the dark, one part of the government knows the people behind these shell companies. Since 2016, FinCEN has issued geographic targeting orders requiring that the “beneficial owners” of residential real estate bought with cash be disclosed. The Treasury police started with six metro areas, then expanded to nine — running from Los Angeles to New York, Miami to Seattle.

Yet FinCEN insists on keeping that information secret.

In July, *Reveal* from The Center for Investigative Reporting filed a Freedom of Information Act request seeking information on the “beneficial owners” of LLCs. We asked for the addresses of all residential real estate purchased with cash, where FinCEN was aware; the amount of money transferred; the name and address of the true, human owners behind each residential real estate purchase; the name of the person responsible for purchasing the property; and the individuals responsible for representing the purchasers — all information currently held by FinCEN but not collected under the Bank Secrecy Act.

In response, the government initially refused to even acknowledge that it has this information, saying it could “neither confirm nor deny the existence of the materials,” citing the Bank Secrecy Act. But when

Congress passed that law in 1970, it never intended that it be used to keep the owners of residential real estate from the public. Without a doubt, financial institutions and the government have to keep some information secret — individual consumers' Social Security numbers, for example. But the name of somebody who owns a building — that's completely different.

*Reveal* appealed and lost. Then we requested the documents again. Our latest request has fallen into a bureaucratic black hole. In October, a top FinCEN official designated our appeal for “further processing.” Since then, months have passed with no response. Now, *Reveal* is going to court. In a **complaint** (<https://www.documentcloud.org/documents/6581132-CIR-FinCEN-FOIA-Complaint.html>) filed Monday in the U.S. District Court in the Northern District of California by our general counsel, D. Victoria Baranetsky, *Reveal* argues that the government has “no lawful basis for declining to release the records” under FOIA.

“The public and the press have a clear and abiding interest in knowing who owns property in their communities,” the complaint states, “and keeping public officials accountable in their handling of this matter.”

There is no compelling reason to keep this information secret. Historically, in the United States, the true owners of residential real estate properties have been publicly available through county recorders offices. However, for more than a decade, the proliferation of all-cash buys by shell companies has begun to obliterate that transparency.

Countries around the world have addressed this problem head on. In Argentina, Australia, Israel, Jamaica and the Netherlands, any member of the public may request this information. In Russia and Ukraine, it is already online. Public disclosure is coming even to some notorious tax shelters, including the Cayman Islands, officials in the United Kingdom say, in 2021.

In the United States, we're on no such path to disclosure.

**A bipartisan anti-money-laundering bill**

**([https://www.congress.gov/bill/116th-](https://www.congress.gov/bill/116th-congress/house-bill/2513/text)**

**congress/house-bill/2513/text)**, which passed the House in October, would require banks to systematically disclose the true owners of shell companies to FinCEN but would keep the public in the dark, stripping out all “personally identifiable information,” including anything “that would allow for the identification of a particular corporation or limited liability company.”

That leaves us with the information the government already collects through FinCEN. There's little reason it should remain secret. Healthy, vibrant communities aren't created by the ghosts of offshore bank accounts. Americans deserve to know who their neighbors are.

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**Aaron Glantz**  
<https://truthout.org/authors/aaron-glantz/>

Aaron Glantz is a senior reporter at *Reveal* who produces public interest journalism with impact. His reporting has sparked more than a dozen congressional hearings, a raft of federal legislation and led to criminal probes by the Drug Enforcement Administration, the FBI and the Federal Trade Commission. Because of his reporting, 500,000 fewer U.S. military veterans face long waits for disability compensation, while 100,000 fewer veterans are prescribed highly addictive narcotics by the government. He is also the author of three books, most recently *The War Comes Home: Washington's Battle Against America's Veterans*.

**Enrolled**  
**House Bill 2001**

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,  
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.**

**SECTION 2. (1) As used in this section:**

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

**SECTION 3.** (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

**SECTION 4.** (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) **December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.**
- (b) **June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.**
- (5) **The department shall grant or deny a request for an extension under this section:**
  - (a) **Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.**
  - (b) **Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.**
- (6) **The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:**
  - (a) **Defining the affected areas;**
  - (b) **Calculating deficiencies of water, sewer, storm drainage or transportation services;**
  - (c) **Service deficiency levels required to qualify for the extension;**
  - (d) **The components and timing of a remediation plan necessary to qualify for an extension;**
  - (e) **Standards for evaluating applications; and**
  - (f) **Establishing deadlines and components for the approval of a plan of action.**

**SECTION 5.** ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

(A) Vacant lands planned or zoned for residential use;

(B) Partially vacant lands planned or zoned for residential use;

(C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and

(D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development;**  
**and**

*[(C) Demographic and population trends;]*

*[(D) Economic trends and cycles; and]*

*[(E)]* **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

**ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.**

*[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]*

**(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.**

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
- (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section.

**SECTION 6.** ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

**(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:**

- (a) **Household sizes;**
- (b) **Household demographics in terms of age, gender, race or other established demographic category;**
- (c) **Household incomes;**
- (d) **Vacancy rates; and**
- (e) **Housing costs.**

**(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.**

**(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.**

[2] **(5) Subsection (1)(a) and (d) of this section does not apply to:**

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

[3] **(6) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.**

**SECTION 7.** ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "**Reasonable local regulations relating to siting and design**" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) **Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.**

**SECTION 8.** Section 1, chapter 47, Oregon Laws 2018, is amended to read:

**Sec. 1.** (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

*[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]*

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

- (a) Residential units.
- (b) Regulated affordable residential units.
- (c) Multifamily residential units.
- (d) Regulated affordable multifamily residential units.
- (e) Single-family *[units]* **homes**.
- (f) Regulated affordable single-family *[units]* **homes**.
- (g) Accessory dwelling units.**
- (h) Regulated affordable accessory dwelling units.**
- (i) Units of middle housing, as defined in section 2 of this 2019 Act.**
- (j) Regulated affordable units of middle housing.**

**SECTION 9.** ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

- (a) Required by geographic or climatic conditions unique to Oregon;
- (b) Necessary to be compatible with other statutory provisions;
- (c) Changes to the national codes are adopted in Oregon; or
- (d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

**(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.**

**(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.**

**(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:**

**(A) A written explanation of the basis for the denial; and**

**(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.**

**(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:**

**(A) Is other than a judicial proceeding in a court of law; and**

**(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.**

**(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.**

**(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.**

**(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.**

**SECTION 10.** (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

**SECTION 11.** Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

**SECTION 12.** A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

**SECTION 13.** A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

**SECTION 14.** (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

**SECTION 15.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

**SECTION 16.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

**Passed by House June 20, 2019**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate June 30, 2019**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

.....  
Bev Clarno, Secretary of State

received in C 190093  
1/16/20

Robert Archer

I support RIP and affordable housing. ~~Two different things.~~

I'm a Southwest Portland renter and landowner.

We Southwest property owners have been riding the Real Estate Appreciation Rocketship for years.

It's hard to quit.

~~Mark Twain said, "You'll never convince a man of something if his income depends on believing the opposite."~~

But it's time ~~to quit~~, to share.

As Andre Baugh said "You don't need a golf course in your backyard."

Opponents to SW RIP are unconvincing.

Because as we know,

Bus service responds to increased ridership

Stores and such increase with population.

Infrastructure follows a rising tax base.

This is how RIP will improve not damage livability in SW.

*I biked home*

I'm going home on the bus. ~~It's easy, plenty of stops.~~

~~I often bike to the Eastside or Downtown then bus home.~~

*I have more to write about living  
easy from SW.*

In 1994 <sup>got</sup> I could ~~get~~ a building permit in <sup>one</sup> a day for 1200 bucks  
 Today it takes months and tens of thousands of dollars, ~~getting in~~  
 you don't know how many months or thousands. So ~~the~~ ~~price~~ ~~is~~  
~~if~~ you can't schedule or budget.

how long or how much

### Ponies Delay

This is ~~taxation~~ and ~~obstruction~~. In '94 it took 10 minutes to  
 look at my plans, make a few red marks and I'm out the door. It  
~~doesn't~~ take months ~~even~~ now.

should be

An appeal item that has been granted 20 times over many years  
 still needs to be refiled for \$238, this is a tax.

Check out L-Tic.

simply

### Residential

Land values in Portland are dropping as builders give up on BDS.

This means less housing not more.

Faith and community based affordable housing builders can be  
 offered a quote "concierge-like" service to deal with permits,  
 zoning changes and transportation ~~issues~~. Open that ~~to all~~ <sup>up</sup>  
~~housing builders~~.

Property on a non-City maintained Street generates taxes at the  
 same rate as any other. Yet ~~the~~ owners (spend their own money on  
 paving and) are excluded from RIP.  
 Look closely at this disparity.

Increase affordable housing.

Two minutes..... two points Written testimony to follow.

ROBERT Archer

190093

971 235 6512

In '94 I got a building permit in a day for 1200 bucks

Today it's months and many thousands. These are initially unknown numbers so it's hard to schedule or budget.

The delay is pointless.

In '94 it took 10 minutes to look at my plans, make red marks and I'm out the door. Now plans gather dust waiting for that 10 minutes.

These new fees are covert taxation,  
Not the cost of processing plans.

An appeal item that has been granted 20 times over ~~many~~ years still needs to be refiled for \$238, again tax and delay.

I learned last Tuesday that,

"Faith and community based" groups

can be offered a "concierge-like" service

to deal with permits, zoning changes and transportation issues.  
Open that up.

Don't make a carpenter become a bureaucrat for permission to swing his hammer.

Residential land values in Portland are dropping as builders give up on BDS. This means fewer not more housing starts.

Finally,

Property on a non-city maintained Street generates taxes at the same rate as any other. Yet these owners spend their own money on paving and are excluded from RIP.

Look closely at this disparity and you will increase RIP and affordable housing options.

Robert Archer  
I Support RIP

(I been here thirty years and I can't go back to San Francisco Marin County or Boulder Colorado, don't push me out again.)

too expensive

I am in Southwest Portland renter and landowner ~~at risk of becoming a pariah to my neighbors with the following remarks.~~

Southwest property owners have been riding the real estate appreciation rocket ship to great wealth Long enough.

X  
To paraphrase Mark Twain you'll never convince a man of something if his financial benefit depends on believing the opposite.

And  
To Paraphrase Andre Baugh, you don't need a golf course in your backyard.

problems listed for Southwest Portland are specious.  
Bus service ~~responds~~ to ridership  
Services follow density  
infrastructure follows a rising tax base

more people

RIP

SWPOX

I'm going home on the bus. Three bus stops are within two blocks of my property. Two more are close to my rental Home.  
I came on a bike, it was an easy ride and I'm 75

received by Council  
190093  
1/16/20

Thursday, January 16th

Greetings Mayor Wheeler and members of Portland City Council,

I write this testimony to you with great enthusiasm and support of the Residential Infill Project being a vehicle for better access to affordable housing and better protections for low income tenants like my family.

My family of 5 has lived in North Portland for over 10 years. We have seen our rent steadily increase over the years to the point of being unaffordable and unbearable. My husband and I have 3 children, ages 11, 8 and 5, who attend school in North Portland. We receive 72 hour notices nearly every month, because my husband's staggered paydays just don't cover our rent and the rest of our bills and necessities. We experience constant harassment about our kids toys being outside our unit, and we are always afraid of being evicted. After we do pay our rent, we won't be able to afford quarters for laundry, or cleaning supplies and toiletries, like toothpaste and shampoo. The check NEVER is enough. My husband was recently hit by an uber driver, as he bicycled home from work on the St Johns bridge, which has lowered his work hours, due to his injuries.

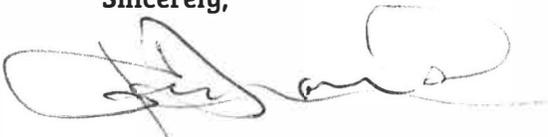
My 5 year old, Azzie, loves building with legos. If you saw the large scale buildings he constructs, you would surely be impressed. Yet there is NO extra money in our home to nurture our son's passions. We have no money for art supplies, we scrounge for shoes and clothes, many of which we get free from nearby Food Pantry, that I volunteer for. If our rent was affordable, we would be more able to obtain the things our children need, to improve their minds, and their quality of life. Things every parent wants to secure for their children.

Please include elements in the Residential Infill Project such as: affordable housing opportunities in St Johns for families like mine, Tenant Opportunity to Purchase and First right of Refusal, and an incentive program for developers to build affordable units.

Tenant families like mine can no longer afford to be left out in the cold due to policies that ignore us. Please do not ignore the seriousness of this RENTER STATE OF EMERGENCY.

Thank you for your attention and time to this matter.

Sincerely,



Cynthia Ardans  
8415 N. Fessenden Street #5  
Portland OR, 97203

Received 1/19/20  
190093  
Y16/20

Date: January 13, 2020

To: Mayor Wheeler and City Council Members

From: Linda Nettekoven

Subject: Residential Infill

Despite the optimism that the Residential Infill Project will provide a strong new tool in City's array of approaches for solving Portland's housing crisis, I have many questions. First, my lens on the situation: I live in the Hosford-Abernethy neighborhood, specifically in the Ladd's Addition portion. Much of my neighborhood, including the portion that is a historic district, already contains many examples of "middle housing" (duplexes, tri-plexes, four-plexes, & courtyard clusters) a continually increasing number of ADUs, along with larger, older homes where rent shared among unrelated adults makes housing more affordable. We have been included in past tours by Portland for Everyone. This mix of housing types and sizes signaled a mix of incomes to me and that was part of the reason I bought a house there.

\*\*Please see footnote at end of testimony.

Therefore, my questions and concerns regarding the RIP are not about an increase in middle housing. They are instead about **Demolition, Displacement, Design** and the growing **Economic Segregation** and the **Environmental Impact** already underway where I live.

### **Displacement**

I am concerned that despite the City's attempt to build upon impressive community efforts to identify & implement anti-displacement measures, we aren't there yet. Is there ongoing funding in place for the anti-displacement initiative or measures to track the efficacy of the approaches we are committing to implement? Will data be collected to help us understand who is being displaced and where they are going? I do not want to see a major zoning change implemented on a citywide basis without sufficient displacement safeguards already in place. You have already received a map from the Portland Coalition for Historic Resources that shows single family houses that are currently rentals. Here I am concerned both about the large numbers of single family homes currently being rented, especially in East Portland. Aren't these the most likely targets for replacement with expensive multi-unit structures. And remembering what has happened earlier in other gentrifying neighborhoods, aren't lower income home owners, perhaps housing cost burdened, likely to find themselves unable to take advantage of new opportunities for wealth creation and likely to end up being taken advantage of instead? What is different this time?

### **Demolition**

I am of course most knowledgeable about my own neighborhood. Even without the RIP, developers have been going after some of our most affordable rental units, especially those on corner lots, for redevelopment. The City is becoming much better at making residential demolitions safe for those living nearby, but seems unable to do anything to discourage the loss of sound housing. A recent demolition case involved a house that provided more affordable living space to 4 or 5 unrelated adults only to be replaced by the usual large, very expensive duplex structure that now houses two or three individuals. This was despite the attempts of a neighbor with cash to match what Renaissance Homes had just paid for the property. Her plan was to remodel the house slightly, keep it for shared living space and add a smaller ADU, all to rent at a lower rate than is now required to make the new units pencil out. The original owner was from out of state and had no interest in addressing Portland's housing

crisis. And so during my 20 years here I've watched my mixed income neighborhood become more and more **Economically Segregated** with each of these new additions.

### **Ownership Opportunities**

I also worry about how the RIP will impact ownership opportunities for Portlanders. My neighborhood has been split 50/50% renter/owner for the 20 years I have lived there. Will people be able to own these smaller living spaces or will these simply be investment opportunities for others, ready to raise the rents over time as high as the market will allow? As I read about foreign investors becoming part owners of some of our new apartment buildings I wonder whether they will work to make sure the units they own are actually rented. And then there are the national/international development companies that have been steadily buying up single family homes across the country for their investors, with profits dependent on steadily increasing rents. To what degree is this happening in Portland?

Finally there is the issue of **Design**. One of the many things I like about the RIP is the limitations it places on lot coverage and its attempt to limit the height, scale and mass of new units. Given the many references to context in multiple planning documents, past and present, will there be any resources available to builders of these new, usually larger structures to help them consider the context of the surrounding area in designing their buildings? With the suggestion that 6 and 8-unit buildings be added to the residential mix throughout the city, this issue becomes even more important. Many of those who oppose missing middle housing are concerned about what these new structures will look like. Good design is not simply an aesthetic, it also involves the livability of the units being created inside the building envelope and the way buildings interact with their near neighbors as well as the fabric of the neighborhood. In some cases new buildings will be a welcome improvement on what they replace. Missing middle housing can be designed to mesh happily with its neighbors. This might help to allay the unease many people feel when they consider buying their "new house" next to a single family home, knowing it could be replaced by a four-plex the following year.

As we struggle to address Climate Change, I would also ask that you carefully consider the trade-offs in the decisions you are making in updating the Tree Code. We talk about the noticeable difference in summer temperatures when one moves away from Hawthorne Boulevard and under the tree canopy in our neighborhood. Even with the removal of parking requirements will the proposed RIP densities preclude the planting of adequate tree canopy, and make it even more difficult to compensate for the current uneven distribution of trees in our city? And although young trees tend to "soak up" more carbon, they cannot do much to provide cooling during our ever hotter summers. Are we tracking the size of trees we are taking down along with the size of what is replacing them? Will that mean a greater demand for air conditioning by some while others are left to swelter inside their homes? Will it also make it less pleasant and less safe to bike, walk and wait for transit, especially along treeless commercial corridors.

I would suggest also suggest that the City do the following: 1) Continue to work carefully on its compliance with HB2001 and HB2003 and learn from other jurisdictions; 2) Focus even more attention on interior conversions to make use of existing structures; 3) Create a revolving loan fund to subsidize creation of ADUs for interested lower income owners, earmarked to be rented at affordable rates to lower income tenants; 4) Limit four-plexes to corners initially and evaluate response including the response under item #5; 5) Consider phasing in the zone changes and identify a willing portion of the community to pilot the addition of larger middle housing (beyond duplexes on every lot) with incentives for builders to keep units as affordable as possible, before rezoning nearly the entire City; 6) Develop prototypes of well designed missing

middle housing (duplexes, triplexes and four-plexes) via design contest or other strategies to help assure that new buildings will be an asset to all neighborhoods where they are built.

Thank you for your consideration of my concerns.

Sincerely,  
Linda Nettekoven

\*\* Footnote: The mix of housing options in my neighborhood probably exists only because many of the internal conversions and "suspect infill" occurred before the rezoning effort of the 1970's. Since my neighborhood includes a portion of the Central Eastside Industrial area and was part of the decaying inner city that people were fleeing during those decades, there were grounds for lenders to view it as undesirable at a time when banks did not value 20-minute neighborhoods or mixed use development.



**President**  
Sam Rodriguez  
Mill Creek Development

**Vice President**  
Sarah Zahn  
Urban Development Partners

**Secretary/Treasurer**  
Tim O'Brien  
Urban Asset Advisors

**Board Members**

**Dennis Allen**  
Urban One

**Doug Burges**  
Greystar Real Estate Development

**Brenner Daniels**  
Holland Partner Group

**Brian Fleener**  
OTAK

**Kurtis Fusaro**  
Gerding Edlen Development

**Matthew Goodman**  
Downtown Development Group

**Jeremiah Jolicoeur**  
Alliance Residential Company

**Noel Johnson**  
Cairn Pacific

**Elia Popovich**  
Oregon Law Group

**Mike Kingsella**  
Up for Growth Action

**Dana Krawczuk**  
Stoel Rives

**Michael Nagy**  
Wood Partners

**Damian Uecker**  
Banner Bank

**Christe White**  
Radler White Parks & Alexander

**Executive Director**

ary 17, 2020

or Ted Wheeler and City Commissioners Eudaly, Fritz, and Hardesty  
SW Fourth Ave.  
and, OR 97201

Mayor Wheeler and Commissioners,

on Smart Growth (OSG) was proud to be an active part of the coalition that advocated B 2001 in the 2019 legislative session, which re-legalized middle housing in exclusively e-detached dwelling zones. Increasing the housing options available in what are now y single detached house zones is an important part of a comprehensive approach to eassing Portland's shortage of housing, which will in turn stabilize housing costs and de opportunities for more Portlanders.

Residential Infill Project Recommended Draft is a critical next step toward creating those ing choices, by allowing duplexes, triplexes, and fourplexes more people can afford, in Portland's neighborhoods. ! "#%&"# ( \$#( # +,) #-" # "/ 0-"1)0 281 425 % 6'7)# B 8 "1+"+#9%4):#

ppreciate the work that has gone into the Residential Infill Project over the past 4.5 s; OSG advocated at the Planning & Sustainability Commission to allow these proposed housing options in all neighborhoods, to allow them on mid-block lots (not just corners), o eliminate associated parking minimums. The Recommended Draft you are considering porates these important revisions.

ou consider additional amendments to the Recommended Draft in the coming weeks, ularly in response to near-term displacement concerns, it is important to note that )-"# 1"1)0 281 425 % 6'7)# "# 1# 1)Q+0, 27"8 "1)#01 00) 0<" and its adoption should not be er delayed. Demolition and displacement occurs in Portland's single-family zones today, r smaller single-family homes are replaced with larger and more expensive single-family es. The proposed changes in the Residential Infill Project will allow more units on those it a reduced scale, creating more housing opportunities that are more likely to be dable, and reducing demolition-related displacement overall.

e implementation of the Residential Infill Project should not be delayed, major new anti- acement proposals such as a right of first refusal should not be adopted without ional analysis to ensure any unintended impacts—for example, a reduction in the supply iple-family homes on the rental market, where property owners seek to avoid the new ation—don't outweigh intended benefits. The City's in-progress Anti-displacement Actio is a meaningful opportunity to examine these concepts and find a balanced approach to ating near-term displacement; we encourage the Council to utilize this important third onent of the Housing Opportunities Initiative to further address displacement concerns, : moving forward with adopting the Residential Infill Project Recommended Draft now.

lk you for the opportunity to share our support for the Residential Infill Project mended Draft. We look forward to continued discussion of any proposed dments, as we seek to encourage growth in housing options at all levels of affordability, of our neighborhoods, to meet the housing needs of all Portlanders.

rely,

nn A. Baldwin  
utive Director

## Recommendations to Residential Infill Code Change Project Anti-Displacement PDX | January 2020

*Endorsed by the following organizations:* Asian Pacific American Network of Oregon, Community Alliance of Tenants, Cully Housing Action Team, OPAL Environmental Justice Oregon, Verde, and 1000 Friends of Oregon

**Anti-Displacement PDX** supports the Residential Infill Project's goal of diversifying and expanding the number of homes in Portland's often-exclusive single-dwelling zones. However, for this code change to be truly equitable -- rather than simply adding housing supply -- it must include measures that support the production of regulated affordable homes and provide more stability for renters.

The Housing Bureau reports for a fourth year in a row that average rents and home prices in most Portland neighborhoods are out of reach for indigenous people, people of color, immigrants and refugees, and older adults. Even more alarming, there are *no* neighborhoods affordable to the average Black household or single parent with children.<sup>1</sup> Even as more apartments are developed in many neighborhoods, continued rent increases mean that there are fewer homes accessible to these communities. Portlanders continue to be displaced, seeking affordable rents in cities across the metro region.

Portland's 2035 Comprehensive Plan requires that all land use decisions respond to and proactively prevent these disproportionate impacts to Black, indigenous, and people of color. It is critical that we include anti-displacement measures in any policy that affects housing production and induces changes in the market -- including the Residential Infill Project.

We call on City Council to support the stability of our communities, and the creation of new opportunities for Black, indigenous, people of color and low-income Portlanders to live in neighborhoods of their choice -- including the choice to return to neighborhoods from which they have been displaced. **To transform this housing-supply policy into an equitable housing policy, the Residential Infill Project should be amended to include the following provisions:**

### 1. Incentives for developers to build regulated affordable units

These incentives make it more feasible for non-profit developers to build affordable infill housing, and incentivize for-profit developers to include at least one affordable unit.

- A. **Density bonus:** The RIP Recommended Draft allows four units on all lots without any affordability requirements. Instead, allow only three units on all lots by-right, but up to six units if all units beyond the first three are regulated to be affordable at 60% MFI. Provide a meaningful FAR increase (plus height and/or lot-coverage increases, if

---

<sup>1</sup> 2018 State of Housing Report, pp. 31-35; Portland Housing Bureau <https://www.portlandoregon.gov/phb/article/707182>

needed) along with any bonus units. Allow developers to pay an in lieu fee as an alternative to developing affordable units on-site, with revenue going to subsidize regulated affordable units in single-dwelling zones.

- B. **Waive the Construction Excise Tax (CET)** for the entire project, in return for at least one regulated affordable unit on-site (60% MFI).
- C. **Waive or reduce the System Development Charges (SDCs)** for the entire project, in return for at least one regulated affordable unit on-site (60% MFI).
- D. **Property tax exemption** for any regulated affordable units built on-site, for the duration of the affordability restriction.

## 2. Subsidies for affordable units

Create a dedicated source of funding to help developers acquire properties and build regulated affordable homes in the single-dwelling zones.

- A. **Earmark Construction Excise Tax (CET) revenue from construction in single-dwelling zones** as a source of subsidy for affordable units in single-dwelling zones. This does not require any new fees on development.
- B. **Charge a fee for any redevelopment of a RIP-eligible property that does *not* include at least two units, unless prevented by site constraints.** This provision would discourage the 1-to-1 replacement of a demolished home, and instead encourage additional, more affordable housing options. Use the new revenue from this fee to subsidize regulated affordable units in the single-dwelling zones.

## 3. Tools for tenant stability - (will likely need to exist outside of the zoning code)

These measures provide greater stability for renters in single-dwelling zones, who are already vulnerable to displacement as a result of both rent increases and redevelopment.

*NOTE: These policies should be extended to all renters, not just those living in RIP zones.*

- A. Require **advance written notice to tenants** if the owner plans to sell the property or applies for permits for demolition or redevelopment.
- B. **A “right to stay” for existing tenants to remain in their neighborhoods** by renting a unit on a redeveloped property at a cost comparable to what they had been paying, or by purchasing a unit with down-payment assistance.
- C. Any **Tenant Opportunity to Purchase** policy enacted by City Council must apply to all renters, including those living in single-dwelling zones.

# Nicole Johnson

**#123654 | February 10, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Letter attached.

Testimony is presented without formatting.



February 12, 2020 (Sent this date via email)

City of Portland

Attn: Mayor Ted Wheeler & City Commissioners([cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov))  
1221 SW Fourth Ave.  
Portland, OR 97204

CC: Auditor Mary Hull Caballero([auditorsoffice@portlandoregon.gov](mailto:auditorsoffice@portlandoregon.gov))  
The Oregonian([gfriedman@oregonian.com](mailto:gfriedman@oregonian.com))  
The Tribune ([jredden@portlandtribune.com](mailto:jredden@portlandtribune.com))

Subject: RCPNA Recommendations for Deeper Affordability and the Residential Infill Project.

Dear Mayor Ted Wheeler and City Commissioners:

The RCPNA Board met on February 4, 2020 where the review of the City Council public hearing proceedings on the Residential Infill Project were discussed. At that time the Board unanimously recommended the following:

“Prior to city-wide implementation, apply the “a” Overlay in a specific test area as a pilot project. Identify to the city staff clear steps to be implemented prior to bringing findings of this Pilot Project back to the City Council for possible broader implementation including impact on public facilities, housing and rental prices, service fees, schools, fire access, utilities, transportation, and sanitary services. Analyze these impacts as comparison and contrast to the policies of the 2035 Comprehensive Plan and supportive documents. We recommend the Cully neighborhood who is supportive of this proposal to use as a Pilot Project area”

Again, the RCPNA Board identifies that the RIP proposal is being pushed too fast without adequate supportive analysis. The city-wide impacts on the “Single Dwelling” properties by the “a” Overlay will not provide housing at the same or lower in cost than what exists. Yes, it may provide more types of housing. The housing generated by the RIP will not satisfy the adopted Housing Needs Analysis as identified by the 2035 Comprehensive Plan. This begs the question of who will benefit?

Respectfully,

Tamara DeRidder, AICP

A handwritten signature in black ink, appearing to read "Tamara DeRidder".

Tamara DeRidder, AICP  
Chair, Rose City Park Neighborhood Association  
1707 NE 52<sup>nd</sup> Ave.  
Portland, OR 97213



February 12, 2020 (Sent this date via email)

City of Portland

Attn: Mayor Ted Wheeler & City Commissioners([cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov)) 1221  
SW Fourth Ave.

Portland, OR 97204

CC: Auditor Mary Hull Caballero([auditorsoffice@portlandoregon.gov](mailto:auditorsoffice@portlandoregon.gov))  
The Oregonian([gfriedman@oregonian.com](mailto:gfriedman@oregonian.com))  
The Tribune ([jredden@portlandtribune.com](mailto:jredden@portlandtribune.com))

Subject: RCPNA Supportive findings for May 15, 2018, and Jan 16, 2020, Testimony in  
Opposition to the RIP

Dear Mayor Ted Wheeler and City Commissioners:

The following are the documented findings that RCPNA submits as supplementing its previously submitted testimony in opposition to the Residential Infill Project (RIP) dated May 15, 2018, and January 16, 2020.

The RIP recommended by the Planning and Sustainability fails to satisfy the 2035 Comprehensive Plan based on the following:

1. The potential infrastructure and service impacts of the proposal, including schools, stormwater, sanitary sewer, water, power(electricity & gas), communications, and private utilities have not been analyzed based on the projected increase in residential density impact by the “a” Overlay. The 2035 Comprehensive Plan identifies the following applicable policies:
  - a. Public Facilities and Services, Public Investment Policies 8.20, 8.21, 8.22, 8.23, 8.24, 8.25, & 8.26. No investment analysis has been conducted to supplement the Public Facilities Plans to determine the impact and investment strategy by which adequate public services are to be provided to “a” Overlay impacted household density and uses.

**Policy 8.20 Regulatory compliance.** Ensure public facilities and services remain in compliance with state and federal regulations. Work toward cost-effective compliance with federal and state mandates through intergovernmental coordination and problem solving.

**Policy 8.21 System capacity.** Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.

**Policy 8.22 Equitable service.** Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders, including individuals, businesses, and property owners.

**8.22.a.** In places that are not expected to grow significantly but have existing deficiencies, invest to reduce disparity and improve livability.

**8.22.b.** In places that lack basic public facilities or services and also have significant growth potential, invest to enhance neighborhoods, fill gaps, maintain affordability, and accommodate growth.

**8.22.c.** In places that are not expected to grow significantly and already have access to complete public facilities and services, invest primarily to maintain existing facilities and retain livability.

**8.22.d.** In places that already have access to complete public facilities and services, but also have significant growth potential, invest to fill remaining gaps, maintain affordability, and accommodate growth.

**Policy 8.23** **Asset management.** Improve and maintain public facility systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled service delivery, and protect the quality, reliability, and adequacy of City services.

**Policy 8.24** **Risk management.** Maintain and improve Portland’s public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

**Policy 8.25** **Critical infrastructure.** Increase the resilience of high-risk and critical infrastructure through monitoring, planning, maintenance, investment, adaptive technology, and continuity planning.

**Policy 8.26** **Capital programming.** Maintain long-term capital improvement programs that balance acquisition and construction of new public facilities with maintenance and operations of existing facilities.

- b. Public Facilities and Services, Funding Policies 8.27, 8.28, and 8.29 rely on the density of designated land uses and zoning densities to determine cost effective extension of services. The “a” Overlay proposes to increase the both the residential density and households up to 4 households and with deeper density up to 8 households on existing lots zoned for “Single Dwelling”. Based on the “a” Overlay proposed density and uses the public facilities projected by the 2035 Plan for the “Single Dwelling” zone average capacity of service needs shall be exceeded thereby demanding supportive analyses that identifies adequate services and equitable cost assessment for needed infrastructure.

Comprehensive Plan supporting documents then new

**Policy 8.27** **Cost-effectiveness.** Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities’ lifecycle costs, and maintain the City’s long-term financial sustainability.

**Policy 8.28** **Shared costs.** Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.

**Policy 8.29** **System development.** Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.

**Policy 8.31** **Application of Guiding Principles.** Plan and invest in public facilities in ways that promote and balance the Guiding Principles established in The Vision and Guiding Principles of this Comprehensive Plan.

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- c. All legislative and quasi-judicial amendments shall comply with the 2035 Comprehensive Plan, Guiding Principles, and supporting documents as identified by Policy 1.10 & 1.14

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<sup>1</sup> Reference applies to the Chapter 1 of the Plan and supportive/co-regulating documents

**Policy 1.10 Compliance with the Comprehensive Plan.** Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.

**1.10.a.** Legislative amendments to the Comprehensive Plan's elements and implementation tools must also comply with the Guiding Principles.

**1.10.b.** Legislative amendments to the Comprehensive Plan's elements should be based on the factual basis established in the supporting documents as updated and amended over time.

**1.10.c.** Amendments to the Zoning Map are considered to be in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map, the amendment is to a corresponding or allowed zone, and current public services are capable of supporting the uses allowed by the zone, or that public services can be made capable by the time the development is complete. *See Policy 10.3 for additional guidance on Zoning Map amendments.*

**Policy 1.14 Public facility adequacy.** Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland's urban services boundaries, as established by Policies 8.2 and 8.6.

- d. Public Facilities and Services, Water systems Policies 8.86, 8.87, and 8.88. Adequate demand for water storage has not been determined based on the proposed increase in density created by the "a" Overlay with proposed 3-8 residential households for an average lot currently zoned "Single Family".

**Policy 8.86 Storage.** Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.

**Policy 8.87 Fire protection.** Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.

**Policy 8.88 Water pressure.** Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.

**Therefore, the Planning and Sustainability Recommended RIP proposal fails to satisfy the City of Portland 2035 Comprehensive Plan based on the above findings.**

**I respectfully request that the RIP proposal be remanded to the Planning and Sustainability Commission in order for adequate public facilities and services studies and analysis be conducted for public review.**

Respectfully,



Tamara DeRidder, AICP  
Chair, Rose City Park Neighborhood Association  
1707 NE 52<sup>nd</sup> Ave.  
Portland, OR 97213

# Tamara DeRidder

**#93418 | February 12, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

See attached letters from RCPNA.

Testimony is presented without formatting.

## Recommendations to Residential Infill Code Change Project Anti-Displacement PDX | January 2020

*Endorsed by the following organizations:* Asian Pacific American Network of Oregon, Community Alliance of Tenants, Cully Housing Action Team, OPAL Environmental Justice Oregon, Verde, and 1000 Friends of Oregon

**Anti-Displacement PDX** supports the Residential Infill Project's goal of diversifying and expanding the number of homes in Portland's often-exclusive single-dwelling zones. However, for this code change to be truly equitable -- rather than simply adding housing supply -- it must include measures that support the production of regulated affordable homes and provide more stability for renters.

The Housing Bureau reports for a fourth year in a row that average rents and home prices in most Portland neighborhoods are out of reach for indigenous people, people of color, immigrants and refugees, and older adults. Even more alarming, there are *no* neighborhoods affordable to the average Black household or single parent with children.<sup>1</sup> Even as more apartments are developed in many neighborhoods, continued rent increases mean that there are fewer homes accessible to these communities. Portlanders continue to be displaced, seeking affordable rents in cities across the metro region.

Portland's 2035 Comprehensive Plan requires that all land use decisions respond to and proactively prevent these disproportionate impacts to Black, indigenous, and people of color. It is critical that we include anti-displacement measures in any policy that affects housing production and induces changes in the market -- including the Residential Infill Project.

We call on City Council to support the stability of our communities, and the creation of new opportunities for Black, indigenous, people of color and low-income Portlanders to live in neighborhoods of their choice -- including the choice to return to neighborhoods from which they have been displaced. **To transform this housing-supply policy into an equitable housing policy, the Residential Infill Project should be amended to include the following provisions:**

### 1. Incentives for developers to build regulated affordable units

These incentives make it more feasible for non-profit developers to build affordable infill housing, and incentivize for-profit developers to include at least one affordable unit.

- A. **Density bonus:** The RIP Recommended Draft allows four units on all lots without any affordability requirements. Instead, allow only three units on all lots by-right, but up to six units if all units beyond the first three are regulated to be affordable at 60% MFI. Provide a meaningful FAR increase (plus height and/or lot-coverage increases, if

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<sup>1</sup> 2018 State of Housing Report, pp. 31-35; Portland Housing Bureau <https://www.portlandoregon.gov/phb/article/707182>

needed) along with any bonus units. Allow developers to pay an in lieu fee as an alternative to developing affordable units on-site, with revenue going to subsidize regulated affordable units in single-dwelling zones.

- B. **Waive the Construction Excise Tax (CET)** for the entire project, in return for at least one regulated affordable unit on-site (60% MFI).
- C. **Waive or reduce the System Development Charges (SDCs)** for the entire project, in return for at least one regulated affordable unit on-site (60% MFI).
- D. **Property tax exemption** for any regulated affordable units built on-site, for the duration of the affordability restriction.

## 2. Subsidies for affordable units

Create a dedicated source of funding to help developers acquire properties and build regulated affordable homes in the single-dwelling zones.

- A. **Earmark Construction Excise Tax (CET) revenue from construction in single-dwelling zones** as a source of subsidy for affordable units in single-dwelling zones. This does not require any new fees on development.
- B. **Charge a fee for any redevelopment of a RIP-eligible property that does *not* include at least two units, unless prevented by site constraints.** This provision would discourage the 1-to-1 replacement of a demolished home, and instead encourage additional, more affordable housing options. Use the new revenue from this fee to subsidize regulated affordable units in the single-dwelling zones.

## 3. Tools for tenant stability - (will likely need to exist outside of the zoning code)

These measures provide greater stability for renters in single-dwelling zones, who are already vulnerable to displacement as a result of both rent increases and redevelopment.

*NOTE: These policies should be extended to all renters, not just those living in RIP zones.*

- A. Require **advance written notice to tenants** if the owner plans to sell the property or applies for permits for demolition or redevelopment.
- B. **A “right to stay” for existing tenants to remain in their neighborhoods** by renting a unit on a redeveloped property at a cost comparable to what they had been paying, or by purchasing a unit with down-payment assistance.
- C. Any **Tenant Opportunity to Purchase** policy enacted by City Council must apply to all renters, including those living in single-dwelling zones.

# Nicole Johnson

**#93336 | February 13, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Submitted on behalf of the *Anti-Displacement PDX Coalition*

Testimony is presented without formatting.



# Portland **Small Developer** Alliance

## COMMENT LETTER:

### RESIDENTIAL INFILL PROJECT, RECOMMENDED DRAFT, PROPOSED AMENDMENTS

FEBRUARY 14TH, 2020

City Council Residential Infill Project Testimony  
 City of Portland  
 1221 SW 4th Avenue, Room 130  
 Portland, OR 97201

RE: Residential Infill Project

Dear Mayor and Esteemed Commissioners,

We're writing with feedback on the proposed amendments to the Residential Infill Project that are before you for consideration now.

#### **5. Infrastructure Amendment**

While the Portland Small Developer Alliance supports the goals of this amendment, it's too complicated. PBOT needs to engage in neighborhood-wide sidewalk building, rather than waiting centuries for the private market to build out a sidewalk network one frontage at a time, with a perverse incentive for existing homes to be torn down so a building permit needs to be pulled to build a new one, triggering a possible requirement to maybe build a sidewalk at that time, if a waiver is not requested. PBOT needs to be directed to build sidewalks for whole streets and neighborhoods at a time, then bill all affected property owners, and place a friendly lien (zero interest loan payable on sale secured with a subordinate note) on the property.

It's time to stop blaming the applicant or the property owner for mistakes made by county planners of decades past, who allowed the original street to be built and properties developed without requiring sidewalk construction at that time; and by past City leaders who allowed annexation without then taking on the debt required to bring the acquired infrastructure up to pedestrian-safe standards.

It's time to treat pedestrian infrastructure like sewer infrastructure. You wouldn't just build pipe to one property, you have to connect it to the broader network, and when you do so, everybody joins at the same time.

Allowing triplexes and fourplexes will increase the municipal revenue stream sufficiently to pay for the construction of sidewalks; if PBOT isn't ready to build out the neighborhood when an application for a fourplex is submitted, then it should at least engage in sufficient engineering to allow the applicant to construct the new street frontage to acceptable standards and deliver it to the City. PBOT should then work with the applicant and neighbors to gravel the sidewalk connection to the nearest complete sidewalk network.

**6. Deeper Affordability Bonus Amendment**

Portland Small Developer Alliance understands from its attendance at the Amendments Working Group on Feb 7 (2 weeks after the Deeper Affordability Bonus Amendment was discussed by that group) that you propose allowing up to six units to achieve the goal of at least at least 50% of units at 60% MFI.

We believe that only developers with very deep subsidies—e.g. with volunteer labor used to reduce costs (e.g. Habitat), or able to write down land costs on city-owned or privately owned properties—will be able to meet this goal. Rather than requiring government subsidy to be constructed, we'd love to instead see an option that allows for affordable units to be cross-subsidized within each project (though there should be nothing precluding a project from receiving subsidy to allow for more affordable units at deeper levels of affordability).

Modified Affordability Bonus: We propose that the City allow up to eight homes (8-plexes) on a lot if an increasing number of homes are affordable per the table below (requirements should not exceed what is shown as possible in this table, which are maximums achievable, not minimums), to allow for affordable housing to be built without subsidy, as long as unit size is not regulated. Larger, more expensive units can cross-subsidize smaller, more affordable units.

Here are our calculations for how to meet goals without such deep subsidies:

Table of Affordability (% AMI) by number of units (% followed by #):

Units	Under 60%	60-80%	80-100%	Above 100%
5	0%	20%	60%	20%
6	17%	33%	50%	0%
7	43%	29%	29%	0%
8	63%	25%	13%	0%
5	0	1	3	1
6	1	2	3	0
7	3	2	2	0
8	5	2	1	0

Table of unit size distribution by affordability level to achieve cross-subsidization:

Units	Under 60%	60-80%	80-100%	>100%	Avg
5	600	800	1,000	1,100	980
6	600	800	1,000	-	867
7	600	800	1,000	-	771
8	600	800	1,000	-	700

We'd like to stress the importance of allow for buildings with 1-4 units with no affordability requirements; it takes the first four units to amortize the land. After that, it's possible to begin cross-subsidizing affordable units with market-rate units, as long as a size differential is allowed.

***FAR calculation:***

To make this possible, and also to encourage all new structures to be as compatible with the surrounding neighborhood as possible, we propose this modification: Exempt daylight basements and attics with the legal 6.8" of height for occupiable spaces from the FAR calc, as neither of these types of spaces contribute negatively to the impact on neighbors. Exempting such spaces from the FAR calc would allow for the allowable FAR of the main floors to be smaller, while still making room for all of the units within an 8-plex. The 8-plex that we modeled that produces five 600 sf units @ 60% of AMI, two 800 sf units @ 80% of AMI, and one 1,000 sf unit @ 100% of AMI, has 5,600 net square feet (6,222 gross square feet) in a building with 1.24 total FAR.

- If this building were to include a full daylight basement and an attic formed using dormers and a gable roof, and just two main floors of 1,725-1,800 sf were counted towards the FAR calc, the FAR would be in the range of 0.69 to 0.72 – for a building on a 5,000 sq ft lot capable of holding an 8-plex within it. This building would fit more harmoniously within existing neighborhoods, with a diminutive 2.5-story height. Tucking a daylight basement under the structure would allow for ramps to access units on both the basement and first floor levels, providing for greater accessibility and affordability by design.
- Changing the FAR calculation in this way would negate the need to increase allowable max FAR for buildings with more units significantly beyond what is proposed currently for 3-4 plexes; allowing up to 0.75 FAR, plus basements and attics, would provide enough allowable building envelope to contain the 8-plex we modeled.
- This change to the FAR calculation methodology should be made, even if the decision is ultimately made to subsidize affordable housing rather than allow the market to deliver cross-subsidized projects that do not require government subsidy to pencil (that is, to only allow the 6-plex, and not the proposal outlined here that would allow 8-plexes with units of varying sizes to solve for no required additional subsidy).
- Attics and basements have more potential value as legal living spaces than as storage spaces. Under the current proposal, effectively the ceiling height isn't allowed to be sufficient to legally live in, otherwise it counts against FAR and you might as well just make it a whole boxy floor rather than adapting the roofline and groundwork to help hide the density within the site. This proposal, instead, encourages context-sensitive design.

***Height Calculation:***

Such a structure should have its height measured from its midpoint, not its low point, so as to encourage the efficient packaging of all of the elements that would make such a structure a success for its residents within an efficient building envelope: a walk-out patio to provide light and easy access to the yard for the daylight basement; a porch that is accessible from the sidewalk without needing to climb too many stairs; and dormers that fit a full legal occupiable floor within what appears to be only half a story from the exterior, above two main floors.

***Needs of Families:***

Whether or not Council is willing to allow eight units for deeper affordability, we believe that our FAR and HEIGHT calculations recommendations are critical to achieving housing that will serve the needs of future populations--especially families needing storage space--without disrupting the character of existing neighborhoods.

**7. Historic Resource Demolition Disincentive Amendment**

*To prohibit more than 2 dwelling units on sites formerly occupied by a historic resource.*

Nobody wants to see historic structures torn down. However, by current regulations, historic resources need to be deconstructed, not demolished. If this is instead a deconstruction disincentive, then it should be so called. If the goal is to encourage adaptive re-use rather than deconstruction and new-build for historic sites, then this amendment needs work to acknowledge the complexity of such re-use projects and provide appropriate incentives and building code changes to ensure their success. Further, it should be recognized that this path likely will result in higher hard costs than deconstruction followed by a new build, and thus affordability requirements would need to be softened for these sorts of projects accordingly.

These projects are much more difficult to permit than new builds, as permit officials often struggle to understand the complexities involved with code pathways for existing buildings that are undergoing a remodel that takes them out of the Residential Code and puts them into the Commercial Code. For this and related reasons, we suggest the following regulatory changes that would be needed for this pathway to be effective.

The following suggestions will allow for reduced cost without any sacrifices of life safety or health; they concern right-sizing the building code for the missing middle context of buildings with four or fewer units:

***Building Code Classification:***

Classify buildings containing four or fewer residential units under the Residential, rather than the Commercial, Building Code. Make this change at the state level, where guidance is legislated as to which structure types are to use which code pathway.

***Fire Sprinkler Requirement:***

Require all new residences, all dwelling units new or renovated, to have at least a Type 13D fire sprinkler system to protect life in case of fire. Currently, Oregon is one of many states to reject the international residential code requirement for sprinklers in all new residences post-2010. This regulation should be implemented statewide ASAP; demand will then cause most plumbers to become certified in 13D sprinkler installation, which can be installed alongside and fed by the regular house cold water pipes. It will also prevent deaths by fire in all new and renovated residences, as well as level the price playing field a bit between SFR, which doesn't have to pay for this cost, and MFR, which does.

*Fire Sprinkler Classification:*

Allow Type 13D fire sprinklers to meet fire sprinkler requirement for all structures containing four or fewer dwelling units. Specifically, allow these fire sprinkler systems to be flushed by draining the far end of each circuit to a toilet, so that it can be flushed a little bit at a time with each flush. Also, eliminate the requirement for a commercial-grade fire alarm system, as would be required in a high-rise. Focus on life safety, which a Type 13D sprinkler system (plus the already-required-in-new-SFR normal integrated smoke and fire alarm system,) will protect.

*Elevator:*

Allow residential-grade elevators to be used for all structures including four or fewer dwelling units; specifically, do not require commercial elevators in this context. Commercial elevators can easily be \$100,000 to install, plus thousands more each year for ongoing inspection regimes. Residential elevators, despite also being safe enough to move small numbers of people routinely, are closer to \$27,000 to \$40,000, with much-reduced annual inspection costs. I think that allowing them on structures including fourplexes or with less than four units will allow more developers and building owners to add elevators to provide adaptability and accessibility for our aging population. Security of access will allow more people to age in place and age in community without worrying that they're always going to be living just one injury away from being able to carry the groceries up the stairs to their home.

*Greywater:*

Allow for all structures within residential zones including four or fewer dwelling units to install greywater systems under an equivalent to Oregon's Tier 1 residential SFR/duplex program, without having to meet the stricter and more onerous requirements of the multifamily-focused Tier 2 system. This will allow people to grow sustainable oases in their yards, food forests that will remain lush and green throughout the year, providing food for humans and animals while reducing the urban heat island effect or increasing the load on the municipal water supply during summer water shortage months.

*Area of openings allowed on walls within a certain distance of other buildings:*

This section of the building code is written as if having more than 15% of a building's wall area within 5 feet of a property line has scientifically been proven to kill babies. It's just not the case. I would recommend that, for buildings where a fire sprinkler system of any sort is provided, including of type 13D or 13R, that openings be allowed on walls within any distance of neighboring properties at the same rate they're allowed on other walls. A fallback solution would be to require dry stand-head sprinkler heads to cover exterior walls within the fire separation distance that contained more than the threshold number of openings. The issue is that old homes often violate this rule freely, because, you know, humans like having windows because they let in natural light. Forcing people to board up windows

because the modern fire code likes to have soccer fields between buildings for fire separation reasons, even when those buildings are protected by fire sprinklers, is obviously needless overkill. There are multiple potential solutions that would be better than the current code.

***Other Building Code Suggestions:***

The following suggestions are simply worth considering discussing with regards to the building codes concerning existing structures being converted from single family to four or less total dwelling units:

*Sound Transmission Code:*

While certainly nobody wants to hear every noise their upstairs, downstairs, or next door neighbor makes, how much is it worth making people pay for this? It can be very expensive to install a brand new floor above the existing floor in an existing house; this could easily add \$20 per square foot to the rehabilitation cost for such a project. While relationships between construction cost increase and rent are not easily stated in a cut-and-dry manner, this could easily add \$200 to the monthly rent of a unit, or more. For rehab projects, is this something that needs to be legislated via the building code (Portland's STC/IIC Sound Transmission Code mandates)? Or, should waivers be granted for rehab projects regarding the sound transmission code, in order to allow all of those beautiful hardwood floors in old homes to be preserved rather than destroyed in the aim of less sound transmission? This is a question, not a recommendation: I simply raise the point because I see it as an area where construction costs on rehabs could be reduced without reducing life safety or health issues. In the old days, you met your neighbor when they were being loud, and they learned to take off their shoes and put down area rugs, and keep the music very low when playing it at odd hours.

*Insulation Code:*

Modern commercial building codes require R-19 or similar insulation that in turn requires 6" thick walls. Older homes are typically constructed with 2x4" walls. While it's important to have an efficient home to save energy, this may not be worth the expense of removing all the drywall on all the interiors of exterior-facing walls in the home, furring out those walls, it's not the expense of the insulation, it's all that plus then having to put up new drywalls, finish it, paint it, and then install new trim over it and of course paint that too. This could easily add \$20 to 40 per square foot to the cost of a project, again, another \$200 to \$400 per month in rent. Is it worth it? Wouldn't caulking obvious gaps, using blow-in insulation if the walls are completely un-insulated, and installing Indows or new double- or triple-paned windows, as well as upgrading to new efficient Mini Split heating and cooling systems, go far enough towards adding energy efficiency to a home conversion project involving an existing house? This is a question for the experts.

**8. Narrow House Garage Amendment**

This is a horrible idea, and we opposed it completely. It's not worth the damage to the pedestrian realm and the loss of on-street parking to allow narrow houses to have front-facing garages. We feel the RIP already adequately addresses this issue, and strongly urge the rejection of this amendment.

**9. Mandatory replacement of affordable housing**

Require one new unit to be affordable at 80% MFI when an 80% MFI house is demolished.

This mandate, while well-intentioned, seems difficult to enforce. However, if our proposed deeper affordability amendment changes are made to allow up to 8-plexes with the ability for project cross-subsidization, then this amendment would be a natural complement that we would support.

#### **10. Inclusionary zoning for triplexes and fourplexes**

We oppose this requirement, as it doesn't pencil and would act as a poison pill against the development of any triplexes or fourplexes within the city; as such it would likely also represent a violation of state law (HB 2001).

#### **11. Limit 3 or more units to R2.5 zones**

This requirement is overly restrictive of access to opportunity, regressive, and counter-productive. We urge it to be rejected soundly.

#### **12. Complete anti-displacement action strategy first**

We see this as a cheap delay tactic, one that is transparently counter-productive. People are being displaced by the demolition of single family homes and their replacement with new single family homes today. The current RIP proposal, without any of these amendments, would reduce displacement. The best near-term anti-displacement action the City could take would be to adopt RIP with the amendments that we support in this letter (and without those we oppose).

#### **13. Disincentive fee for demolition and/or tree removal**

Impose large fees to discourage demolition and tree removal.

This appears to be a solution looking for a problem. The Portland Tree Code regulates trees on and near development sites. We fully support trees, but were under the impression that any loopholes allowing the mass removal of trees without replacement or mitigation fees were more related to Portland's industrial zones than its single-family zones.

#### **14. Determine systemwide impacts of SB534**

BDS is perfectly capable of assessing available infrastructure at the time of development application, they don't need additional regulation from Council to do so. Further, neighborhoods with sub-standard sewer infrastructure will eventually need to see it upgraded. Allowing the RIP's greater diversity of housing types in these areas will boost City revenues and thus help pay for those necessary infrastructure improvements.

#### **15. Rezone additional R5 area to R2.5**

We support this move, though we suggest that lowering the minimum lot size threshold for buildings with 3 or more units to 3,200 square feet in the R5 might be an easier way to solve this problem.

#### **16. Remove dead-end streets for triplex/fourplex development**

Amend RIP overlay map to exclude dead end streets that do not have adequate fire truck turnarounds.

Last time we checked, fire trucks have a reverse gear, and never roll with a crew of less than two. They should thus be perfectly capable of having a spotter walk behind them while they back out of a dead end street, should they ever find themselves in a situation where they are unable to execute a 3-point turn. We thus don't see this as a serious issue worthy of regulation. There appears to be no otherwise-unsolvable public policy problem that is addressed by this amendment.

**17. Increase front setback based on abutting properties.**

This is a neighborhood-level design standard, and should be decided at the local level, not dictated citywide at the last minute through the amendment process. We urge its rejection, but also urge City Council to follow up the RIP with an effort to allow neighborhoods to work with BPS to write their own by-right design standards to include elements such as this that may be appropriate in locations such as Eastmoreland.

*On behalf of the Portland Small Developer's Alliance.*

cc: Planning Director Andrea Durbin, [andrea.durbin@portlandoregon.gov](mailto:andrea.durbin@portlandoregon.gov), Principal Planner Joe Zender, [joe.zehnder@portlandoregon.gov](mailto:joe.zehnder@portlandoregon.gov)

# Garlynn Woodsong

#93340 | February 13, 2020

## Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Dear Mayor and Esteemed Commissioners, We're writing with feedback on the proposed amendments to the Residential Infill Project that are before you for consideration now. 5. Infrastructure Amendment While the Portland Small Developer Alliance supports the goals of this amendment, it's too complicated. PBOT needs to engage in neighborhood-wide sidewalk building, rather than waiting centuries for the private market to build out a sidewalk network one frontage at a time, with a perverse incentive for existing homes to be torn down so a building permit needs to be pulled to build a new one, triggering a possible requirement to maybe build a sidewalk at that time, if a waiver is not requested. PBOT needs to be directed to build sidewalks for whole streets and neighborhoods at a time, then bill all affected property owners, and place a friendly lien (zero interest loan payable on sale secured with a subordinate note) on the property. It's time to stop blaming the applicant or the property owner for mistakes made by county planners of decades past, who allowed the original street to be built and properties developed without requiring sidewalk construction at that time; and by past City leaders who allowed annexation without then taking on the debt required to bring the acquired infrastructure up to pedestrian-safe standards. It's time to treat pedestrian infrastructure like sewer infrastructure. You wouldn't just build pipe to one property, you have to connect it to the broader network, and when you do so, everybody joins at the same time. Allowing triplexes and fourplexes will increase the municipal revenue stream sufficiently to pay for the construction of sidewalks; if PBOT isn't ready to build out the neighborhood when an application for a fourplex is submitted, then it should at least engage in sufficient engineering to allow the applicant to construct the new street frontage to acceptable standards and deliver it to the City. PBOT should then work with the applicant and neighbors to gravel the sidewalk connection to the nearest complete sidewalk network. 6. Deeper Affordability Bonus Amendment Portland Small Developer Alliance understands from its attendance at the Amendments Working Group on Feb 7 (2 weeks after the Deeper Affordability Bonus Amendment was discussed by that group) that you propose allowing up to six units to achieve the goal of at least at least 50% of units at 60% MFI. We believe that only developers with very deep subsidies—e.g. with volunteer labor used to reduce costs (e.g, Habitat), or able to write down land costs on city-owned or privately owned properties—will be able to meet this goal. Rather than requiring government subsidy to be constructed, we'd love to instead see an option that allows for affordable units to be cross-subsidized within each project (though there should be nothing precluding a project from receiving subsidy to allow for more affordable units at deeper levels of affordability). Modified Affordability Bonus: We propose that

the City allow up to eight homes (8-plexes) on a lot if an increasing number of homes are affordable per the table below (requirements should not exceed what is shown as possible in this table, which are maximums achievable, not minimums), to allow for affordable housing to be built without subsidy, as long as unit size is not regulated. Larger, more expensive units can cross-subsidize smaller, more affordable units. Here are our calculations for how to meet goals without such deep subsidies: Table of Affordability (% AMI) by number of units (% followed by #): (see attachment) Table of unit size distribution by affordability level to achieve cross-subsidization: (see attachment) We'd like to stress the importance of allow for buildings with 1-4 units with no affordability requirements; it takes the first four units to amortize the land. After that, it's possible to begin cross-subsidizing affordable units with market-rate units, as long as a size differential is allowed. FAR calculation: To make this possible, and also to encourage all new structures to be as compatible with the surrounding neighborhood as possible, we propose this modification: Exempt daylight basements and attics with the legal 6.8" of height for occupiable spaces from the FAR calc, as neither of these types of spaces contribute negatively to the impact on neighbors. Exempting such spaces from the FAR calc would allow for the allowable FAR of the main floors to be smaller, while still making room for all of the units within an 8-plex. The 8-plex that we modeled that produces five 600 sf units @ 60% of AMI, two 800 sf units @ 80% of AMI, and one 1,000 sf unit @ 100% of AMI, has 5,600 net square feet (6,222 gross square feet) in a building with 1.24 total FAR. If this building were to include a full daylight basement and an attic formed using dormers and a gable roof, and just two main floors of 1,725-1,800 sf were counted towards the FAR calc, the FAR would be in the range of 0.69 to 0.72 – for a building on a 5,000 sq ft lot capable of holding an 8-plex within it. This building would fit more harmoniously within existing neighborhoods, with a diminutive 2.5-story height. Tucking a daylight basement under the structure would allow for ramps to access units on both the basement and first floor levels, providing for greater accessibility and affordability by design. Changing the FAR calculation in this way would negate the need to increase allowable max FAR for buildings with more units significantly beyond what is proposed currently for 3-4 plexes; allowing up to 0.75 FAR, plus basements and attics, would provide enough allowable building envelope to contain the 8-plex we modeled. This change to the FAR calculation methodology should be made, even if the decision is ultimately made to subsidize affordable housing rather than allow the market to deliver cross-subsidized projects that do not require government subsidy to pencil (that is, to only allow the 6-plex, and not the proposal outlined here that would allow 8-plexes with units of varying sizes to solve for no required additional subsidy). Attics and basements have more potential value as legal living spaces than as storage spaces. Under the current proposal, effectively the ceiling height isn't allowed to be sufficient to legally live in, otherwise it counts against FAR and you might as well just make it a whole boxy floor rather than adapting the roofline and groundwork to help hide the density within the site. This proposal, instead, encourages context-sensitive design. Height Calculation: Such a structure should have its height measured from its midpoint, not its low point, so as to encourage the efficient packaging of all of the elements that would make such a structure a success for its residents within an efficient building envelope: a walk-out patio to provide light and easy access to the yard for the daylight basement; a

porch that is accessible from the sidewalk without needing to climb too many stairs; and dormers that fit a full legal occupiable floor within what appears to be only half a story from the exterior, above two main floors. Needs of Families: Whether or not Council is willing to allow eight units for deeper affordability, we believe that our FAR and HEIGHT calculations recommendations are critical to achieving housing that will serve the needs of future populations--especially families needing storage space--without disrupting the character of existing neighborhoods. 7. Historic Resource Demolition Disincentive Amendment To prohibit more than 2 dwelling units on sites formerly occupied by a historic resource. Nobody wants to see historic structures torn down. However, by current regulations, historic resources need to be deconstructed, not demolished. If this is instead a deconstruction disincentive, then it should be so called. If the goal is to encourage adaptive re-use rather than deconstruction and new-build for historic sites, then this amendment needs work to acknowledge the complexity of such re-use projects and provide appropriate incentives and building code changes to ensure their success. Further, it should be recognized that this path likely will result in higher hard costs than deconstruction followed by a new build, and thus affordability requirements would need to be softened for these sorts of projects accordingly. These projects are much more difficult to permit than new builds, as permit officials often struggle to understand the complexities involved with code pathways for existing buildings that are undergoing a remodel that takes them out of the Residential Code and puts them into the Commercial Code. For this and related reasons, we suggest the following regulatory changes that would be needed for this pathway to be effective. The following suggestions will allow for reduced cost without any sacrifices of life safety or health; they concern right-sizing the building code for the missing middle context of buildings with four or fewer units: Building Code Classification: Classify buildings containing four or fewer residential units under the Residential, rather than the Commercial, Building Code. Make this change at the state level, where guidance is legislated as to which structure types are to use which code pathway. Fire Sprinkler Requirement: Require all new residences, all dwelling units new or renovated, to have at least a Type 13D fire sprinkler system to protect life in case of fire. Currently, Oregon is one of many states to reject the international residential code requirement for sprinklers in all new residences post-2010. This regulation should be implemented statewide ASAP; demand will then cause most plumbers to become certified in 13D sprinkler installation, which can be installed alongside and fed by the regular house cold water pipes. It will also prevent deaths by fire in all new and renovated residences, as well as level the price playing field a bit between SFR, which doesn't have to pay for this cost, and MFR, which does. Fire Sprinkler Classification: Allow Type 13D fire sprinklers to meet fire sprinkler requirement for all structures containing four or fewer dwelling units. Specifically, allow these fire sprinkler systems to be flushed by draining the far end of each circuit to a toilet, so that it can be flushed a little bit at a time with each flush. Also, eliminate the requirement for a commercial-grade fire alarm system, as would be required in a high-rise. Focus on life safety, which a Type 13D sprinkler system (plus the already-required-in-new-SFR normal integrated smoke and fire alarm system,) will protect. Elevator: Allow residential-grade elevators to be used for all structures including four or fewer dwelling units; specifically, do not require commercial elevators in this context. Commercial

elevators can easily be \$100,000 to install, plus thousands more each year for ongoing inspection regimes. Residential elevators, despite also being safe enough to move small numbers of people routinely, are closer to \$27,000 to \$40,000, with much-reduced annual inspection costs. I think that allowing them on structures including fourplexes or with less than four units will allow more developers and building owners to add elevators to provide adaptability and accessibility for our aging population. Security of access will allow more people to age in place and age in community without worrying that they're always going to be living just one injury away from being able to carry the groceries up the stairs to their home. Greywater: Allow for all structures within residential zones including four or fewer dwelling units to install greywater systems under an equivalent to Oregon's Tier 1 residential SFR/duplex program, without having to meet the stricter and more onerous requirements of the multifamily-focused Tier 2 system. This will allow people to grow sustainable oases in their yards, food forests that will remain lush and green throughout the year, providing food for humans and animals while reducing the urban heat island effect or increasing the load on the municipal water supply during summer water shortage months. Area of openings allowed on walls within a certain distance of other buildings: This section of the building code is written as if having more than 15% of a building's wall area within 5 feet of a property line has scientifically been proven to kill babies. It's just not the case. I would recommend that, for buildings where a fire sprinkler system of any sort is provided, including of type 13D or 13R, that openings be allowed on walls within any distance of neighboring properties at the same rate they're allowed on other walls. A fallback solution would be to require dry stand-head sprinkler heads to cover exterior walls within the fire separation distance that contained more than the threshold number of openings. The issue is that old homes often violate this rule freely, because, you know, humans like having windows because they let in natural light. Forcing people to board up windows because the modern fire code likes to have soccer fields between buildings for fire separation reasons, even when those buildings are protected by fire sprinklers, is obviously needless overkill. There are multiple potential solutions that would be better than the current code. Other Building Code Suggestions: The following suggestions are simply worth considering discussing with regards to the building codes concerning existing structures being converted from single family to four or less total dwelling units: Sound Transmission Code: While certainly nobody wants to hear every noise their upstairs, downstairs, or next door neighbor makes, how much is it worth making people pay for this? It can be very expensive to install a brand new floor above the existing floor in an existing house; this could easily add \$20 per square foot to the rehabilitation cost for such a project. While relationships between construction cost increase and rent are not easily stated in a cut-and-dry manner, this could easily add \$200 to the monthly rent of a unit, or more. For rehab projects, is this something that needs to be legislated via the building code (Portland's STC/IIC Sound Transmission Code mandates)? Or, should waivers be granted for rehab projects regarding the sound transmission code, in order to allow all of those beautiful hardwood floors in old homes to be preserved rather than destroyed in the aim of less sound transmission? This is a question, not a recommendation: I simply raise the point because I see it as an area where construction costs on rehabs could be reduced without reducing life safety or health issues. In the old days, you met your neighbor when they were

being loud, and they learned to take off their shoes and put down area rugs, and keep the music very low when playing it at odd hours. Insulation Code: Modern commercial building codes require R-19 or similar insulation that in turn requires 6" thick walls. Older homes are typically constructed with 2x4" walls. While it's important to have an efficient home to save energy, this may not be worth the expense of removing all the drywall on all the interiors of exterior-facing walls in the home, furring out those walls, it's not the expense of the insulation, it's all that plus then having to put up new drywalls, finish it, paint it, and then install new trim over it and of course paint that too. This could easily add \$20 to 40 per square foot to the cost of a project, again, another \$200 to \$400 per month in rent. Is it worth it? Wouldn't caulking obvious gaps, using blow-in insulation if the walls are completely un-insulated, and installing Indows or new double- or triple-paned windows, as well as upgrading to new efficient Mini Split heating and cooling systems, go far enough towards adding energy efficiency to a home conversion project involving an existing house? This is a question for the experts.

8. Narrow House Garage Amendment This is a horrible idea, and we opposed it completely. It's not worth the damage to the pedestrian realm and the loss of on-street parking to allow narrow houses to have front-facing garages. We feel the RIP already adequately addresses this issue, and strongly urge the rejection of this amendment.

9. Mandatory replacement of affordable housing Require one new unit to be affordable at 80% MFI when an 80% MFI house is demolished. This mandate, while well-intentioned, seems difficult to enforce. However, if our proposed deeper affordability amendment changes are made to allow up to 8-plexes with the ability for project cross-subsidization, then this amendment would be a natural complement that we would support.

10. Inclusionary zoning for triplexes and fourplexes We oppose this requirement, as it doesn't pencil and would act as a poison pill against the development of any triplexes or fourplexes within the city; as such it would likely also represent a violation of state law (HB 2001).

11. Limit 3 or more units to R2.5 zones This requirement is overly restrictive of access to opportunity, regressive, and counter-productive. We urge it to be rejected soundly.

12. Complete anti-displacement action strategy first We see this as a cheap delay tactic, one that is transparently counter-productive. People are being displaced by the demolition of single family homes and their replacement with new single family homes today. The current RIP proposal, without any of these amendments, would reduce displacement. The best near-term anti-displacement action the City could take would be to adopt RIP with the amendments that we support in this letter (and without those we oppose).

13. Disincentive fee for demolition and/or tree removal Impose large fees to discourage demolition and tree removal. This appears to be a solution looking for a problem. The Portland Tree Code regulates trees on and near development sites. We fully support trees, but were under the impression that any loopholes allowing the mass removal of trees without replacement or mitigation fees were more related to Portland's industrial zones than its single-family zones.

14. Determine systemwide impacts of SB534 BDS is perfectly capable of assessing available infrastructure at the time of development application, they don't need additional regulation from Council to do so. Further, neighborhoods with sub-standard sewer infrastructure will eventually need to see it upgraded. Allowing the RIP's greater diversity of housing types in these areas will boost City revenues and thus help pay for those necessary infrastructure improvements.

15. Rezone

additional R5 area to R2.5 We support this move, though we suggest that lowering the minimum lot size threshold for buildings with 3 or more units to 3,200 square feet in the R5 might be an easier way to solve this problem. 16. Remove dead-end streets for triplex/fourplex development Amend RIP overlay map to exclude dead end streets that do not have adequate fire truck turnarounds. Last time we checked, fire trucks have a reverse gear, and never roll with a crew of less than two. They should thus be perfectly capable of having a spotter walk behind them while they back out of a dead end street, should they ever find themselves in a situation where they are unable to execute a 3-point turn. We thus don't see this as a serious issue worthy of regulation. There appears to be no otherwise-unsolvable public policy problem that is addressed by this amendment. 17. Increase front setback based on abutting properties. This is a neighborhood-level design standard, and should be decided at the local level, not dictated citywide at the last minute through the amendment process. We urge its rejection, but also urge City Council to follow up the RIP with an effort to allow neighborhoods to work with BPS to write their own by-right design standards to include elements such as this that may be appropriate in locations such as Eastmoreland. On behalf of the Portland Small Developer's Alliance

Testimony is presented without formatting.



Portland, OR 97205 \* 503-245-7858 \* [mary@plangreen.net](mailto:mary@plangreen.net) \* <http://plangreen.net> \* WBE: 5001

Feb. 14, 2020

Mayor Wheeler and Esteemed Commissioners:

I am writing in support of the testimony submitted by Garlynn Woodsong on behalf of Portland Small Developer Alliance! I was happy to help in editing much of it and I am honored to be a co-founder of the group with Garlynn.

Since the Mayor asked to hear from developers—and others—on Amendment 7, I asked Garlynn to go into specifics on the preservation of older structures, since I knew he had direct experience in such preservation in his Dekum Charles project in the Dekum Triangle in North Portland. He ran across so many roadblocks with the building code and permitting that in the end he said that **it would have been far less expensive to tear the old building down and rebuild from scratch** a structure with the same look and feel as the one he achieved. (BTW, residents in the neighborhood came by during open houses to praise that structure and even ask how they might invest in it!)

I hope that Garlynn has convinced you that before giving any further consideration to Amendment 7, the City has a great deal of work to do--along with the State--in updating outmoded building code. However, I believe that I can speak for the group in urging you to **REJECT Amendment 7** for now as such work would prolong—possibly by years—what has already been too lengthy a process.

I am VERY disappointed that staff's projected implementation date is October 2020--as reported in the BPS "Impact Statement". With all due respect and appreciation for the tremendous work the Bureau of Planning and Sustainability has already done, I urge City Council to seek to speed up that date.

Thanks so much for your time and attention to my thoughts,

Mary Vogel/PlanGreen

# Mary Vogel

**#93342 | February 14, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Honorable Mayor and Commissioners: Please see my attached testimony submitted in support of that from Garlynn Woodsong of Portland Small Developer Alliance and urging you to reject Amendment 7 for now as the City and State have much work to do in changing the building code.  
Mary Vogel, CNU-A

Testimony is presented without formatting.



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## PORTLAND HOUSING ADVISORY COMMISSION

Nate McCoy, *Chair*

Felicia Tripp Folsom

Cameron Herrington

Stephanie Kondor

Jessy Ledesma

Diane Linn

Taylor Smiley Wolfe

Sarah Stevenson

Ramsay Weit

Fernando Velez

Date:

To: Mayor Ted Wheeler  
Commissioner Eudaly  
Commissioner Fritz  
Commissioner Hardesty

Re: Residential Infill Project

Dear Mayor Wheeler and Members of the Portland City Council,

The Portland Housing Advisory Commission encourages you to adopt the Residential Infill Project (RIP). We support this proposal -- especially if combined with affordable housing and anti-displacement measures -- because it creates the foundation for more inclusive single-dwelling zones in Portland and will increase the supply of both affordable and market rate housing.

According to the Portland Housing Bureau's 2018 State of Housing Report, housing supply is not keeping pace with demand, contributing to rising rents and housing costs. Legalizing middle-density infill housing would open up more housing choice and availability in neighborhoods throughout Portland, which will support our city's housing, livability and climate goals. Middle housing is also less expensive on average than detached single-family homes. Furthermore, analysis performed by Home Forward on their voucher program reveals that the average rent for a unit in a duplex, triplex, or fourplex was 22 percent less than a single-family home for voucher holders in Multnomah County in 2019.

Additional anti-displacement and affordability measures would ensure more equitable outcomes from the RIP. Too many of Portland's single-family neighborhoods are racially and economically exclusive, as climbing housing costs are layered upon decades of discriminatory policies, zoning codes and industry practices. People of color and low-income Portlanders continue to be locked out of housing choices and displaced from their neighborhoods. We encourage the adoption of provisions that will subsidize and incentivize regulated affordable homes and mitigate displacement pressures as part of the RIP.

Sincerely,

PHAC Chair

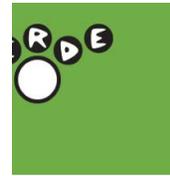
# Jessica Conner

**#93343 | February 14, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Portland Housing Advisory Commission testimony attached.

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necessary stormwater and utility improvements, could prove to be prohibitively expensive.” The amendment will not result in more sidewalks, but fewer and larger homes on our curbless streets. And it’s not only Cully. As Mr. Kellett points out, Montavilla, Lents and Brentwood-Darlington share our lack of street infrastructure. They also share our need for moderately-priced housing choices. The neighborhoods who need them most will be denied the benefits of RIP.

What’s to be done? We have a modest proposal. Allow triplexes and fourplexes on curbless streets. Also, allow developers of those homes to pay the Local Transportation Infrastructure Charge (LTIC) rather than improve the streets. This is what the LTIC was designed for. Rather than producing many 50-foot-long “orphan sidewalks,” the LTIC allows the development of whole blocks to either current or alternative street standards. Cully looks forward to the improvement of three blocks of NE 66<sup>th</sup> Avenue this year or next using LTIC funds.

The difference between a fourplex and a single-family house is not a sufficient burden on the transportation system to warrant a ban. As well, there is no greater stormwater burden, since the lot-coverage standards and roadway frontage requirements are unchanged from the current code. The main difference to PBOT and the utility bureaus is that they would receive four system development charge payments where they now get only one.

Our five organizations have supported the Residential Infill Project for four years, through its various versions, because it promises to help us in our anti-displacement efforts. Now, as we approach the finish line with the best version yet, this amendment threatens to take away that promise. Please keep the housing choices integral to RIP intact. Help us keep Cully as the very special place it is.

Sincerely,

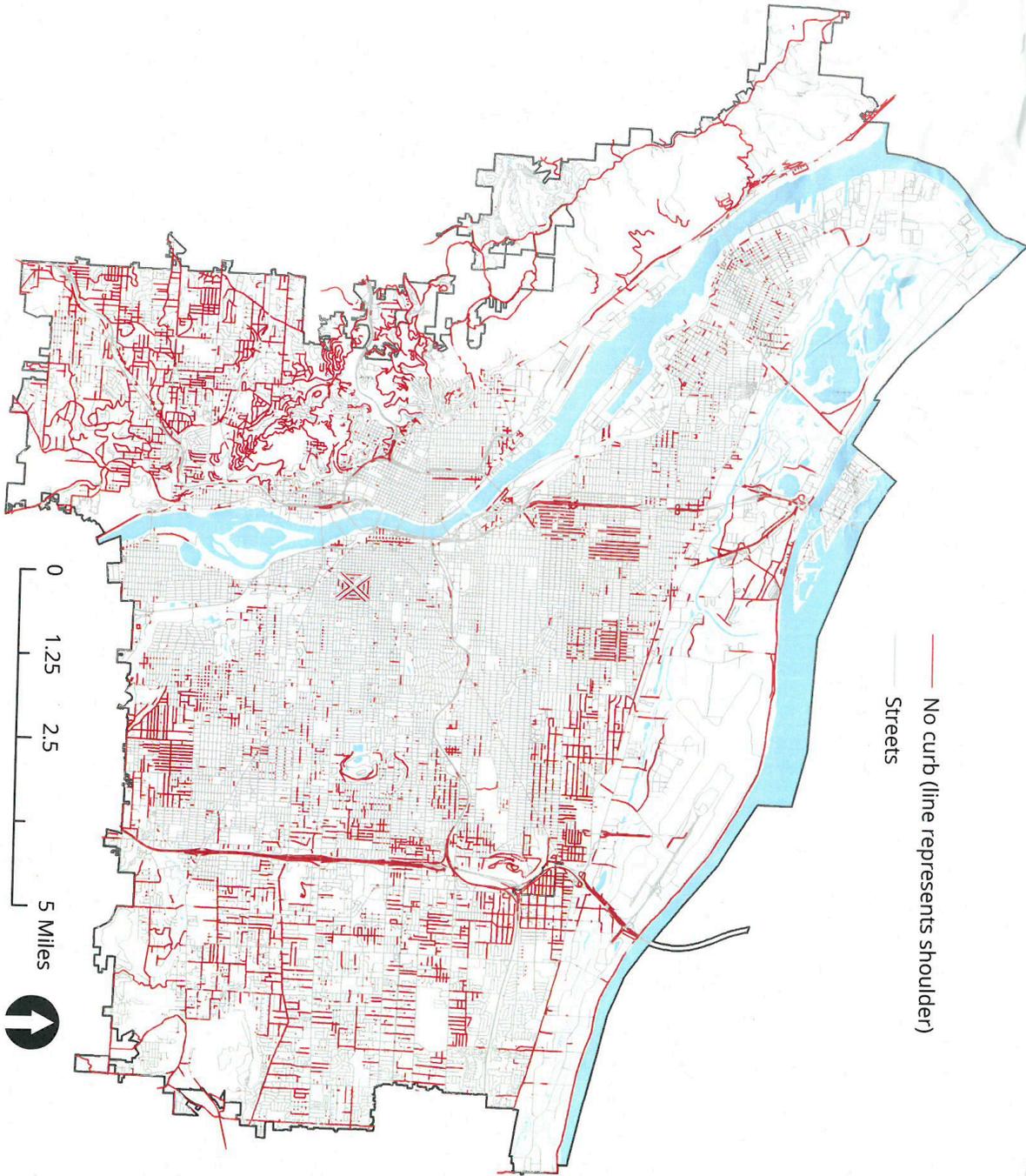
David Sweet and the board  
of the Cully Association of Neighbors

Tony DeFalco  
Executive Director, Verde

Steve Mesinetti  
President & CEO  
Habitat for Humanity Portland/Metro East

Paul Lumley  
Executive Director, NAYA

Ernesto Fonseca, Ph.D  
CEO Hacienda Community Development Corporation



# David Sweet

**#93348 | February 16, 2020**

Testimony to **Portland City Council** on the **Residential Infill Project, Recommended Draft**

Curbless streets & RIP.pdf

Testimony is presented without formatting.