



## Bureau of Planning and Sustainability

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# M E M O

To: Planning and Sustainability Commission members

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Subject: **Response to PSC questions re: 60<sup>th</sup> Avenue Station Community Project**

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Thank you for providing time on the Planning and Sustainability Commission agenda to hear the 60<sup>th</sup> Avenue Station Community Project. Reflecting on public testimony, Commissioners posed several questions and comments for Bureau of Planning and Sustainability (BPS) staff. Some of these relate to citywide issues expected to receive more evaluation as part of the update to the Comprehensive Plan and others relate to zoning and transportation issues specific to the 60<sup>th</sup> Avenue station area. Below please find BPS staff responses. Staff will be happy to further elaborate at the continued hearing on May 24<sup>th</sup>.

1. *What mechanism is in place to inform buyers of a Comprehensive Plan Map designation when such a designation differs from the zoning designation?*

This question relates to one of the fundamental issues of the residential area around the 60<sup>th</sup> Avenue station area – current residential zoning differs from the more urban-scale Comprehensive Plan Map designations. This difference, which exists today, results in a lack of predictability for residents about the type and intensity of potential development in the area. Seeking to reduce this uncertainty was one of the desired outcomes of this project.

When a property is purchased, most buyers become aware of the property's zoning by looking at a title report, which shows the zoning but not the Comprehensive Plan Map designation. In the last five years, prospective buyers and property owners have had easier access to this information. Portlandmaps.com provides access to zoning maps which indicate both current zoning and Comp Plan designations. Sellers often market their properties based on the Comprehensive Plan Map designations as is evidenced through a search of the rmls.com website. One property owner who purchased his house with the intent of redeveloping at a greater density recalls seeing the Comprehensive Plan Map designation in the Craigslist advertisement.

Prior to the internet, it was much more difficult to ascertain if zoning differed from the Comp Plan Map designation. However, notices of Zoning Map Amendment Review proposals and general observations of more intense development occurring in the neighborhood would serve as indicators. Neighborhood participants in this project recognized that many property owners purchased their properties with the intent of eventually redeveloping at the more urban scale density of the Comp



Plan Map, and any proposal which eliminates that option would come at the detriment of those property owners' investments.

2. *What are the implications for a property when the existing use or density does not conform with the zoning? Is there a difference between residential and commercial uses?*

The Portland Zoning Code treats nonconforming commercial uses more strictly than nonconforming residential densities. There are currently several commercial businesses along NE Glisan Street that are nonconforming because they are located in the R1 (Residential 1,000) zone. Nonconforming businesses must provide documentation to show they were existing and conforming under previous zoning which in some cases dates back to 1959. They also must show that operations have continued without a lapse of more than three consecutive years since that time. Providing this type of documentation can be difficult, especially when properties have changed ownership and the new owner was unaware of the nonconforming status. Expansion of nonconforming commercial uses in residential zones is also subject to a land use review. All of these steps can discourage business owners from investing in their properties.

The Portland Zoning Code treats nonconforming residential densities more liberally. The proposal for the 60<sup>th</sup> Avenue Station Community Project would cause many properties north and south of the station to be nonconforming in terms of residential density. For sites where minimum residential densities are not met, the number of residential units on the site cannot decrease. For an owner of a single-dwelling house on a lot, this means that the property owner cannot purchase the house next door and tear it down to expand their backyard. For the owner of a duplex, this means that the property owner cannot convert the structure to a single-dwelling house. Alterations which add amenities such as garages, sheds, additional floor area or major remodels can all be made provided that the number of dwelling units on the property does not decrease. It is also important to reiterate that when a house is accidentally destroyed (i.e. by fire or earthquake), the house may be rebuilt at the current density (one unit) within five years (for more information see Chapter 33.258.060.B.2.b of the Zoning Code).

3. *Are there key opportunity sites on which we could expect redevelopment to occur in the station area? To realize R1 or RH densities would we expect properties would need to be assembled?*

Residential lots in the station area are generally 5,000 square feet in size and individually do not represent significant redevelopment opportunities beyond the type of projects which have already been constructed over the past 10 years. These previous projects have involved construction of five or six units on a single lot following completion of the Zoning Map Amendment process. The development sites were previously vacant or required the demolition of a single-dwelling residence or duplex. Projects which have occurred in the RH zone have not been constructed to the full allowed development potential of the zone as construction to that intensity would involve assembly of multiple lots, which consultant reports point out can be prohibitively time-consuming and expensive. Building code requirements such as elevators also economically discourage high density development on small lots. However, as noted in response #1, neighborhood participants in this project recognized that many property owners purchased homes with the intent of eventually redeveloping at a more urban scale density and any proposal which eliminated that option could come at the detriment of those property owners' investments. Having said this, staff is not aware of any property owner currently seeking to accumulate multiple properties with the RH Comp Plan designation in order to construct a project at the full intensity allowed by that zone.

On the following page are two photos of projects which have been built on 5,000 square foot lots in the RH (High-Density Residential) zone.





4. *Is the City able to ensure that transportation improvements move forward in tandem with proposed changes to zoning and the application of the Design Overlay Zone?*

The sentiment and concerns behind this question are understandable – neighbors are asked to endorse a proposal which eliminates a land use review (the Zoning Map Amendment process) for property owners who may wish to construct higher density development but without guarantees that infrastructure and safety improvements occur to support that potential development (and the development which already exists). Overall, this question extends beyond the 60<sup>th</sup> Avenue Station Area and will require further reflection as part of the update to the Comprehensive Plan and Citywide Systems Plan.

However, as it pertains to this project, it is first necessary to talk about *potential* development versus *actual* development. Changes to zoning do not necessarily translate to increased development. Market factors indicate the potential for more urban scale development in the 60<sup>th</sup> Avenue Station Area; however, this option already exists for property owners through the Zoning Map Amendment process and we haven't seen a great deal of redevelopment in the station area in the last 10 years. Furthermore, the site-by-site redevelopment which has occurred in the station area has not resulted in large-scale transportation improvements. Instead improvements, if required, have been confined to the right-of-way directly adjacent to redevelopment sites.

Considering larger scale transportation improvements, the Transportation System Plan provides information on transportation improvements which are currently prioritized. Timelines assigned are based on a combination of existing project schedules, project evaluation scores and funding. Project evaluation criteria address issues such as vehicle miles traveled, safety, minimizing impacts to the natural environment, providing access to and within activity centers, levels of community support, system-wide efficiency improvements and a wise use of resources, supporting street-connectivity and addressing multi-modal approaches. This prioritization approach would continue to apply to transportation improvements identified in the station area.

5. *How is TriMet included in discussions related to the need for safety and facility improvements to their facilities?*

TriMet was represented on the Technical Advisory Committee (TAC) for the Eastside MAX Station Community Project. During the time when the TAC was most active, TriMet had separate processes underway to examine safety and security issues at Metro area stations. Recognizing these separate processes, the Eastside MAX Station Community Project deferred platform level issues to TriMet and focused more on roadway level issues which included evaluating opportunities to add bike parking near the station. The TriMet Eastside MAX Revitalization Report issued in January 2011 includes improvements for Eastside MAX stations from 82<sup>nd</sup> Avenue to Cleveland Avenue in Gresham. Proposed improvements at these stations reflect similar concerns expressed by neighbors about the



60<sup>th</sup> Avenue station and include items such as illumination improvements, pedestrian crossing safety improvements and tactile pavement replacement.

Safety and security are key issues to address for the 60<sup>th</sup> Avenue station area to be successful. BPS and PBOT staff, as well as neighbors and community members, will continue to advocate for improvements at the 60<sup>th</sup> Avenue Station, especially in light of those improvements proposed for other Eastside MAX stations.

6. *Explain the implications of staff's proposal to apply the Comprehensive Plan Map designations in residential areas in light of the Metro information presented which shows that the NE 60<sup>th</sup> station area already has a much more intense mix of housing and employment uses relative to other station areas throughout the region.*

BPS staff appreciates the testimony and research about housing and employment intensity at stations throughout the region and understands why this would raise questions. In consultation with Chris Yake of Metro's Transit-Oriented Development Department, staff learned that the presentation referenced was a consultant product based on outside data sources. The intent was to provide an illustrative comparison of intensities (employees plus residents) between Portland and Los Angeles. Data for individual station areas was not screened for accuracy by Metro because the report was not intended to inform policy or investment decisions. Metro data sources were used for subsequent analysis over the course of the Transit-Oriented Development Program Strategic Plan and the following corrected information was provided concerning the ½ mile radius around the 60<sup>th</sup> Avenue Station: The intensity around the station (residents plus workers per half mile) is 10,843 (or 6,044 residents and 4,799 employees). This equates to a ratio of 0.8 employees to 1.0 residents per acre. This places the 60<sup>th</sup> Avenue Station Area within the cluster of other relatively less-intense station areas in the region.

7. *How are we better able to notify residents and increase awareness of projects, especially when projects lay dormant for a period of time? PSC Commissioners also identified that some neighborhood association members seemed "ambivalent" about the project.*

This question recognizes that although there was believed to be general neighborhood support for the proposal following the open houses in 2009, people's opinions can shift over time and others may become aware of a project only when hearing notices are mailed. Following the completion of the 2009 open houses, the SE District Liaison provided periodic updates to the North Tabor Neighborhood Association and residents. When the Neighborhood Association Board disbanded in November 2010 and a replacement board was elected, the liaison provided the new board and interested neighbors with an update on the project and proposal. New board members also circulated information to the Neighborhood Association's general membership. Also following the 2009 open houses, the NE District Liaison updated the Rose City Park Neighborhood Association on the project status and when a hearing date was scheduled, the liaison arranged for a discussion of the proposal with BPS staff.

Following the April 12<sup>th</sup> hearing, the Rose City Park Neighborhood submitted a list of "areas of concern" for the Portland Bureau of Transportation to address. A response will be distributed approximately 1-week prior to the May 24<sup>th</sup> hearing. BPS and PBOT staff have also met (or are arranging to meet) with neighbors and neighborhood association representatives for more discussion prior to the May 24<sup>th</sup> hearing.



8. *How does this proposal address vehicle emissions and the proximity of the station area to the I-84 freeway?*

We have a light rail system in Portland that is in many areas nearby or adjacent to freeways. Analyzing issues associated with this proximity will be further discussed, addressed and researched as part of the Portland Plan and update to the Comprehensive Plan. Right now, California appears to be ahead of Portland in the way they are evaluating the issue of human health as it relates to exposure to vehicle emissions and proximity to freeways. Best practices such as vegetative screens, building technology and design, trade-offs and other options are considered in research but it does not appear that there is any one solution. For the 60th Avenue Station Community Project, BPS is not proposing residential density potential which differs the current Comprehensive Plan Map designations. The Zoning Map Amendment process is in place to achieve these greater densities; however, air quality is not part of the approval criteria for that land use review. Both the commercial areas along NE Glisan Street and at the intersection of NE Halsey and NE 60th already have potential for residential density, but less than as would be allowed through this project.

