

Case: LU 09-133971 CP ZC Scheduled for April 1, 3:30 pm at City council  
Site Address: 5012-5014 NE 26<sup>th</sup> Ave

From: Land Use Committee, Concordia Neighborhood Association (CNA)  
March 29, 2010

About 2 years ago the applicant(s) appeared before the Concordia Land Use Committee and then the full CNA Board for suggestions on his proposal to request a re-zoning and plans for a set of condos for his property. In both cases we suggested that he knock on doors and explain his plans to nearby neighbors (this was done with no reported objections) and to talk in more detail with his neighbor to the south on N.E. Alberta, Eric Helzer, whose lot(s) were already commercially zoned. This was to determine possible compatibility or conflicts with any plans that Mr. Helzer may have for his property. (We were concerned with the size/impact of the project given the extremely small size of this lot.) This was not done.

We were impressed that the applicant approached us early in his planning long before he was required to do so, and with his openness. We were glad to see that he was not a major outside developer, but has been a neighborhood landowner for some time. We realize that property owners have every right to develop their sites and to the maximum size allowable and for maximum return on their investment. We realize also the expense involved in going through a zoning change.

Neighborhood residents who had received notice of the proposals contacted the land use committee and asked for a meeting which was then publicized by flyers distributed on their doorsteps. On February 4<sup>th</sup> the applicants and their representative appeared before about 15 people to field questions and clarify their proposal. Then the neighbors and the committee members met separately to discuss what they had heard and to take a stand on any issues. They unanimously voted that the proposal of 9 condos and a re-zoning were unacceptable, the majority agreed that 6 units was also unacceptable, and they voted that the applicant look at other possibilities for re-developing that property. Those voting did not have access at that time to Staff Report and Recommendation to the Hearings Officer.

What follows are their comments that I believe are relevant to the Code and to this hearing before Council:

On re-zoning. The current zoning demarcation between Alberta Street's CSh and NE 26<sup>th</sup>'s R2.5ah is based on development that occurred in the early 1900s and is often erratic (not a straight line). That's a given. However rezoning one additional property that would intrude back into a residential zone would set a precedent for property-by-property re-zoning. Concern was expressed that the property immediately north is a vacant rental and the owner could with the same justification request re-zoning. Although it's outside the jurisdiction of this proposal, there is obviously a need for a holistic look (and decision) on how flexible the zoning is and should be along Alberta.

33.805.040 states in (B) that the re-zoning “will not significantly detract from the livability or appearance of the (adjoining) residential area and (E) that “any impacts...are mitigated to the extent practical...” This is where neighbors focused their objections.

Even though the 3 story structure would be only slightly over 40 feet tall and would be below maximum height limitations, it would block any sunlight on the north side of the site where the “front” of the condos is located. It would also block sunlight from the home to the north and could also impair vegetation growth on that yard. With no plans for any step-down of the building, that could result in an almost continually damp, moldy area, a definite detraction.

The style of the structure and its hardi-plank exterior walls would fit in with the eclectic set of homes and businesses in the area, so there is no basic objection. We do not, however, see any discussion of the plans for the quality of the units, nor is there an explanation of such descriptors as “energy efficiency”, “a range of prices”, “anchor project”, “a different housing type”, “affordable housing types”, “The proposed building forms, colors, and materials...selected with consideration for the history of the area”, and a “variety of floor plan options”. We understand that it is the applicant’s responsibility to show how these and all goals are met but these “goals” have not been spelled out in the packet available to residents.

Concerns also center on the reality of condo sales in the area. Within a block, on Alberta, a set of apartments made over into quality condos 2 years ago are still half unsold and some have become rentals again. A major, recently approved, development, also on the south side of Alberta and 26<sup>th</sup>, will be built as row houses; the developer, a major Northeast Portland developer, stating that condos are too hard of a sale for the foreseeable future.

The concern here is that these 9 units will also become rentals. Currently, the 2 rental units on the site are not kept up with messy, debris-scattered front and rear deck/yards. The 26<sup>th</sup> Street side has not been maintained with “volunteer” trees, grass and bushes growing haphazardly. For example, signage for this proposal was trampled and scattered. Many neighbors call this an “eyesore”. The owner/applicant has owned this site for at least 8 years, so there has not been a history of upkeep. A future with some or all 9 units as rentals does not bode well. Neighbors are thus not convinced that the applicant has proven that his proposal will be an improvement, that it will not continue to detract from the “livability or appearance” of the area.

Because the site is within easy reach of mass transit, no parking needs to be made available. The representative states that the condo buyers will understand that and will use alternative means of transportation like bus, bike and zip-car, and that there are an adequate number of nearby parking spaces available for at least 9 cars. Our anecdotal survey of spaces available show 4 to 12 spaces available at any given time. We can see that individual owners might comply, but if the rental scenario occurs, there may be more cars since renters will have less incentive to go carless.

Also there are only 4 bike spaces planned for 9 units and they will be on the front side, facing NE 26<sup>th</sup>. The bike spaces are inadequate in number and are not secured. Currently the 2 parking spots behind the duplex are both frequently fully utilized. The reality of parking pressure may well affect neighborhood livability. If the property to the south were to be fully developed as a residential project,, there would be only 2 street side spaces available (since Alberta St. has parking time limits), an unfair restriction on that owner. That is another reason that we encouraged a discussion between the 2 owners

Housing units will be gained, from 2 to 9, a plus for in-fill within the UGB. We however do not see them as family units (couples with children), as they will be only 700 to 1100sf in size. The Concordia Neighborhood Plan does encourage more dense housing along the Alberta Street corridor so this proposal does definitely comply with that standard.

We are concerned about the amount of green space on the NE 26<sup>th</sup> side of the structure, given the concrete pad for bikes and the concrete (pavers?) walkway access. There are no landscaping plans provided for that space. At the rear of the building (west end), the space for trash and for recycling appears to be too small for that many units. The drywell for roof rain water run-off seems adequate if it will be 8 feet (instead of 4) deep.

In summary, the neighbors in attendance at the open meeting, plus those who attended and testified at the initial hearing, contend that the project is too big for the 4000sf site which results in not improving, maintaining, or upgrading the site. A smaller alternate proposal could be more acceptable. They are also not convinced that a re-zoning would be in anyone's best interest, except the applicant's. They feel that the case has not been made.

These are the concerns of the neighbors and land use committee members in attendance at our meetings and the hearing. The Board of the Concordia Neighborhood Association has not taken a formal stand on the proposal.

George M. Bruender

Land Use Co-chair,

Concordia Neighborhood Association

 3-29-10