

Dear PSC Chairman Baugh and PSC Commission Members

I have reviewed the first six pages of the Eastmoreland Neighborhood Association Testimony (see attachment), and wish to go on record as personally supporting such testimony, especially the Summary policy Comments on page 6. The first comment is especially relevant to my experience:

"The residential zoning designations need to relate to the context (one size does not fit all). Densities should reflect historic patterns, but also a pattern of increased density in the context of planned, complete neighborhoods that protect historic and cultural resource values."

As Chair of the Irvington Land Use Committee for the last 6 years, I have experienced first-hand the problems noted in the attached testimony. I would expand on the quote by adding multifamily and commercial zoning designations- these too must relate to and protect historic and cultural resources. More density can work if due consideration is given to the design, massing, scale, and compatibility with existing resources.

The role of the neighborhood associations in the planning and zoning process must be maintained without any reduction in notice or other action to reduce such role.

Thank you for your consideration. Again, I am not speaking for the Land Use Committee, but only for myself.

By return email, please confirm timely receipt of my comp plan testimony. Thanks.

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Eastmoreland Neighborhood Association

February 23, 2015

Subject: Draft Proposed Comprehensive Plan Update
Eastmoreland Neighborhood Association Testimony.

C: Stockton, Engstrom, Zehnder, Anderson

Dear PSC Chairman Baugh and PSC Commission Members,

Your consideration of our testimony is appreciated especially considering the scope of the issues to be addressed. Our letter is written in two parts, focusing on the draft Plan as a whole followed by neighborhood specific requests in the context of the Plan.

The first part addresses the Comprehensive Plan Update Proposed Draft released in July, 2014 highlighting concerns about Key Directions and a narrow selection of Goals and Policies; especially single family residential issues that are proposed to be accepted status quo in the form of existing zoning regulations. The entire CP document represents an heroic effort and contains many valuable and worthy directions. In our comments we focus on a few selected areas that seem particularly off the mark and needing discussion and revision.

In the second part, we continue discussion of Draft Comprehensive Plan requests made by the Eastmoreland Neighborhood Board in December of 2013, and reiterate with substantial supporting analysis the requests made in that 2013 letter. Your approval will increase the area of the neighborhood with zone designations consistent with context and endorse the work accomplished and in progress to guide future development within the expanded Plan District. For both there is a very high level of support in the neighborhood.

During the past year, our neighborhood has seen an extraordinary amount of wasteful demolition and “remodels” of more affordable and viable housing. The replacements are far more expensive “product” generally of a size overwhelming the site and dominating the surrounding neighborhood in height, volume and site coverage. While there is clearly a demand for somewhat larger and newer single family housing, the *unbridled encouragement* for this type of redevelopment is not leading the city or the neighborhood to a better place.

Key Directions (Introduction 2035 Comprehensive Plan –Proposed Draft July 2014)

Complete Neighborhoods is a concept we strongly support. In our case this includes support for adjacent neighborhood center plans and for retention of existing neighborhood supported commercial uses as proposed in changes 766 and 639.

One Size Does Not Fit All. “Plan and design to fit local conditions” is a concept we strongly support – but not the “Five Portlands” panacea. Reading the details in *GP3* makes clear that the authors have not been listening to cries from neighborhoods across the city and from the

Residential PEG group that found “Five Portlands” aka *Pattern Areas* to be an inadequate approach to meet goals for *preserving and enhancing neighborhood* character while adapting to change. The *Pattern Areas* are broad categories at best. They do not account for the distinct characteristics and context of neighborhoods within the *Pattern Areas*.

If “one size does not fit all” and *goals 4A (Context-sensitive design and development) and 4B (Historical and cultural resources)* are foundational, a zoning code framework that can be tailored to fit a variety of neighborhoods, is context sensitive, accounts for historical resources, and is practical for implementation must be developed. Given available technology, maps can be readily linked to applicable standards and overlays that make it easy to understand the requirements without an unwieldy document search. We suggest that the “plan district” overlay such as that proposed for our neighborhood could be a model for localized context sensitive standards.

Missing and Noticeably Absent. The concept of *Neighborhood Plans*, so important in the past 20 years after the 1980 Comprehensive Plan was adopted, needs to be front and center to provide the basis for both complete neighborhoods and context specific standards. While there are certainly public processes influencing the Comprehensive Plan and a section devoted to this in the Goals and Policies, *there is no mention* in “**Key Directions**” of neighborhood planning.

Imagery in the Plan illustrating *centers and corridors* are surprisingly uninspiring. They show wide streets and monotonous building facades that seemed as rootless as any suburban 5 lane arterial one might encounter- not inviting pedestrian spaces.

“Urban Design Direction” which illustrates the intent of the plan was not issued until mid-September 2014 and both Institutional and Mixed Use zones are in process as of this writing. Purposeful public engagement and opportunities for public testimony must be reopened and the March 13 date for close of written testimony must be reset to give time for review of the plan as a whole.

Planning Goals and Policies (Summer 2014)

GP4 Design and Development goals are excellent but don’t jive with “Five pattern areas”. Goals 4A “Context-sensitive design and development”, 4B, 4C, 4D and associated Policies 4.1-4.13 *Scale and Patterns (except the unexplained entitlements in the last sentence)* and 4.14 - 4.68 are important goals that we support. When reduced to “Five pattern areas” however the goals relating to context and historic patterns and resources lose serious credibility. Context is localized in space - not categorical and the *pattern areas* are simplistic categories. The GP4 section deserves a separate critique in terms of application to code that is beyond the scope of this testimony.

GP2-1 Community Involvement notably fails to highlight Neighborhood Associations as participants for public participation in the planning process. ***GP-4.2 and 4.3*** the role of the Neighborhood Associations are similarly omitted. In the **Guiding Principles GP1** there is no mention of public participation.

Historically, **neighborhood associations** are the designated contacts in land use review, the engines behind neighborhood planning and protecting Portland citizens from destructive impulses of urban freeway visionaries, the pressures of irresponsible development and careless abuse of environmental and cultural resources. While admittedly varying in capacity, these organizations along with business associations (these *are* mentioned) the Neighborhood Associations need to be recognized as integral to *ongoing success of formulation, implementation and enforcement* of land use policies.

Despite an entire chapter in **GP2** devoted to community involvement, it is difficult to see the instances demonstrating that BPS has moved *beyond the reactive mode* in developing a vision for the *distinctive neighborhoods* the document purports to support.

The Woodstock neighborhood (WNA) is an example of a group that has, at its own expense, initiating such an effort. There are certainly others. Encouraging neighborhoods that take the initiative to create a neighborhood plan should be a key goal of community involvement and be supported with policies and funding to match.

The role of the **Policy Expert Groups** in addressing the Draft Comprehensive Plan goals and policies is inexplicably omitted. Consider: Months of effort by staff and mostly unpaid volunteer participants lead to the final draft version of the **“Residential Design and Compatibility”** report. That was effectively whitewashed by staff editors in its final version. For the benefit of the PSC Commission it should be referenced and hot linked from the Proposed Draft Comp Plan document.

“The land use designations indicated for single dwelling residential substantially *misrepresent* the intended densities.... and should be targeted for reconsideration”

GP10.5 Land Use Designations (Truth in zoning).

The land use designations indicated for single family residential substantially *misrepresent* the intended densities. For example, beginning in 1945 the R5 designation (**Appendix A** page 3, 1980 Comprehensive Plan) indicates minimum lot size is **5000 SF** or rephrased it is intended that each dwelling has approximately 5,000 square feet of land. In fact lots of **3,000 SF** are allowed, **2,500 SF** in random settings, and at corners lots as small as **1600 SF**. These compromised ‘standards’ have evolved as a gradual erosion of the minimum density as described in **Appendix A**. The entitlements are parked in various sections of the zoning code and are difficult to track, understand, and interpret. Very few people, even experienced planners working in the City fully grasp the implications - they are anything but transparent. Consequently we recommend that *confusing* single family zoning designations *not* be endorsed by inclusion in the Comprehensive Plan but rather targeted for reconsideration.

For a summary history of the evolution and erosion of single family zone designations please see **Appendix A : Milestones in Portland’s Residential Zoning Code** attached to this testimony. *This work in progress is the first effort to create a full history. The records are difficult to locate and important portions appear to be closed to public access.* Further discussion follows below:

Alternative Development Options (33.110.240) These policies are intended to make use of “underutilized land” or to incentivize other social goals, often worthy in concept. In 1990 the policy claimed to meet the following goals: “They promote better site layout and opportunities for private recreational areas; they promote opportunities for affordable housing; and they promote energy-efficient development.” (**Appendix A**, page 5, from page 3 1990 Zoning Code...)

Some argue that these policies “make room” for new residents by increasing density thereby containing the urban growth boundary. BPS research finds that this is not proved to be an effective way of increasing density. The growth boundary is most impacted by policies of outlying city growth patterns and zoning regulations. Actually these “options”, lots of record entitlements, and the revised lot standards (tucked into **33.610.020 table 610-1**) undermine the density and lot size standards. Too often, as described below, they fail to meet the stated goals, compromise many other worthy goals, and result in unintended negative impacts.

Among the most contentious “alternatives” is the recognition of substandard platted lots – aka **historic lots of record (33.110.213)**. These are lots or portions of lots, accidents of history, randomly located across the city that typically do not meet the density standards established by the code. They were – except in rare instances – amalgamated into larger tax lots that *did* meet density standards of the zone. Until 1990 they were not recognized as entitled lots superseding zoning standards. When they were recognized in 1990, they were portrayed as *empty lots* on which smaller more affordable houses could be built. Under pressure from developers, these were approved by then Council members over objections from the Planning Commission. (**Appendix A**, page 8, June 4, 2003). Now is an opportune time to reverse this misjudgment and to either tightly constrain or remove these arbitrary entitlements from the code except where the zoning designations and other policies (besides density) support this density.

The most conspicuous outfall of the *entitled substandard lots* phenomenon is the “**skinny house**” - a 15 foot wide structure on a 25 foot wide lot – typically an elongated garage with a dwelling unit above (**Appendix A**, page 7). Neighborhoods and the Planning Commission became alarmed at the *unbridled scale and garage door architecture* dominating the street and adjacent yards as well as *wholesale destruction of blocks of existing viable housing*. Again Planning Commission recommendations to end this type of infill were over ruled by developer friendly Council members in 2003 arguing that these houses produced “affordable” housing. They were however limited to “vacant” land (or land made vacant).

By demolishing houses and splitting lots, developers were given a free hand to produce clusters of highly inefficient “skinny” housing. The houses produce a streetscape dominated by garages and driveways violating adopted design standards applied to other structures in the same zone. They are built at a scale overshadowing neighbor houses and yards leaving little open land for landscape or garden. Side yards are long narrow strips of barkdust. The “**skinny house**” is inherently energy inefficient by geometry (large amount of exterior surface relative to their enclosed area). Generally they are less affordable than the houses they replaced.

Considering the outcomes, it is essential to reverse this misguided experiment. We recommend areas of R2.5 density near centers and corridors while encouraging attached common wall

housing with minimized garage and driveway or where appropriate reworking the code so that the *house is proportional to the lot size* for the zone designation.

The “**narrow lot house**”, typically on a 30 to 40 foot wide lot has been offered as a reasonable form of infill housing in an R5 zone. In some neighborhoods such a pattern is consistent with earlier precedents and is non-controversial. In other neighborhoods this policy damages the neighborhood character by encouraging speculative lot splitting, demolition and removal of affordable and viable housing.

The **corner lot attached or duplex** (see **Appendix A**, page 8, 2002) may in some cases be an appropriate solution for adding additional housing. But lacking regulation of what is appropriate to demolish and design regulation and scale limitations for what is built, this is simply an incentive to demolish and redevelop while doubling the stated density. (For an example of the impacts, see **Exhibit F**)

“...[these] policies are producing little in the way of affordable new housing, ..increase the carbon footprint... don’t promote better site layout, and ... don’t accommodate many more residents. ...[They have] proved to be **corrosive to public trust** ...The primary benefit accrues to private development interests at the expense of existing neighborhood residents and artificially drive up the value and cost of land and housing...”

Most Portlanders seem comfortable with the “**accessory dwelling**” provision that provides flexibility to add a modest sized second residential unit when accessory to a primary residence. This entitlement provides a reasonable but *unrecognized doubling of dwelling unit density on every site*.

No doubt some portion of the housing stock is in such disrepair or of such poor quality that it is effectively obsolete and should be replaced. Replacement housing is typically larger and more expensive. True also there is a strong market desire for housing constructed to new house standards in terms of energy efficiency, seismic resistance, and not requiring extensive renovation and repairs. Alternative density standards may in some cases advance this process by incenting new houses on smaller lots but at what cost and for whose benefit? The regulatory balance favoring the context and numerous other criteria that support “livability goals” and the desires of Portland’s citizens needs to be revised, **tested**, then implemented.

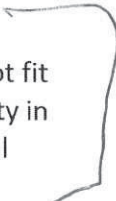


It is our understanding that the BPS numbers show “alternative development” policies are producing little in the way of affordable new housing, and (without effective standards for scale massing or design) don’t promote better site layout, and finally don’t accommodate many more residents. *They are not meeting their purpose*. The primary benefit accrues to private development interests at the expense of existing neighborhood residents. They artificially drive up the value and cost of land and housing as would-be resident owners compete against developers with cash-in hand offers to purchase.

Without considering context, these *one size fits all* policies encourage wasteful redevelopment

and infill – often destructive to the fabric of existing neighborhoods and not consistent with other adopted Goals and Policies. They generally reduce affordability and result in displacement of groups specifically targeted for protection in the goals and policies, and in some cases threaten historic architectural and cultural fabric. They increase the carbon footprint from producing replacement materials and by adding significantly to landfill from demolition.

It comes as a great surprise to most residents that the “alternative development options” and compromised density standards allow the type of infill discussed above and that all corner lots are entitled to double the allowable density by splitting those lots regardless of the quality of housing in place or in the resulting construction. Not least, this back door planning with opaque and misleading standards has proved to be **corrosive to public trust**.

Summary Policy Comments

- The residential zoning designations need to relate to the context (one size does not fit all). Densities should reflect historic patterns but also a pattern of increased density in the context of planned, complete, neighborhoods that protect historic and cultural resource values. 
- The lack of compatibility standards for infill as well as design standards for the neighborhoods is becoming increasingly important and should be addressed in the comprehensive plan. Regulations need to be modeled and tested.
- The planning of neighborhoods must involve those who live and work in the neighborhood. The City should do much more to encourage neighborhood associations and business associations to engage in planning specific to their locale. 
- The single family zoning regulations need to be easily understood by the public, the construction industry, and by City staff responsible for review and enforcement.
- Underlying lots of record and lot remnants are random accidents of history. Entitlement effectively encourages non-contextual spot density zoning.
- The single family zoning *density policies* are *failing to meet many of their intended purpose statements*. The context indiscriminate “alternative development” policies and revised lot standards (tucked into **33.610.020 table 610-1**) are producing little in the way of increased density and less *affordable* new housing. They remove viable lower cost housing from the market and add to regional land fill problems. They drive up the value and cost of land and housing (not because of the constraints of the regional urban growth boundary but because existing lots are valued for their potential to be divided).
- The primary benefits from the compromised density standards accrue to private development interests at the expense of existing and future neighborhood residents. They undermine public trust in planning. 

Many of these issues were addressed in considerable depth by the “Residential Design and Compatibility” Policy Expert Group but their recommendations are omitted or ignored in the Proposed Draft Comprehensive Plan.