

March 10, 2015

To PSC staff:

I live at [1400 SE Oak Street](#), which abuts the addresses [1403 - 1415 SE Stark Street](#) considered for a zone change in the new comp plan. Please find below my complete thoughts on this possible change. Included are considerations related to a comp plan zone change itself as well as comments on the mixed-use zone code characteristics relevant to this possible change. It's hard to speak to one, without the other.

Current Status: Current zoning is R1 (residential). Under current zoning of R1 these properties have had non-conforming uses that have been a nice fit to the neighborhood/community. This said, the property is currently up for sale.

Goal/Future Desire:

1. To encourage similar ground floor use of these spaces either as artist-driven spaces (as they have been) OR commercial space that serves the vibrancy of the neighborhood - such as restaurant, small grocery, etc.
2. To make sure the size/scale of any future development is congruent with the neighboring residential properties (zoned R2.5) in which they abut.

Development Trend Observation: The irony of the moment is that a so-called 'commercial use' zoning designation has high possibility it will end up simply as dense, purely residential development (what is now being referred to as vertical suburbia). Far too frequently, in lot sizes/locations of this nature, property developers are taking advantage of the more flexible commercial zoning parameters and building residential developments - with no commercial use - designed with a 'density and scale' that R1 doesn't really accommodate.

Misnomer: Residents of this pocket of Buckman are against more 'public-serving' commercial space. This is not true. The truth is a few more conveniences are highly welcomed. Neighbors are saddened to see some of the spaces at these 14th/stark addresses already vacate due to the building being up for sale. Similarly, people were excited to see what the renovated Washington High School might bring, and were disappointed all the ground floor space with the exception of one, is simply office space. The SE 14th/Stark street block SHOULD continue in some similar fashion as it has been over that last many, many years.

Problem/Concern(s):

1. In accommodating the city directive to reconcile non-conforming status', a zone change to CM1 (commercial) in this location could, in high likelihood, ACTUALLY result in the opposite of the zone change intent and become a dense residential apartment complex that offers no broader public service/good. The question becomes, what warrants making this zoning change if there isn't something in place within the code guidelines/rules to make sure this doesn't happen? There needs to be some form of ground floor commercial requirement.
2. The size/scale/bulk of commercial development even at the lowest level of CM1 will have a very significant impact on the properties they abut on Oak Street between 14th-15th - which are turn of the century homes that have R2.5 zoning status (but *actually* have lot sizes/homes reflective more of R5 properties). In no way should a commercial zone change allow anything higher than CM 1, as it would be radically inconsistent with the character (in height, scale, FAR) of the adjacent R2.5 zone properties.
3. There seems to be no design review requirement that goes with these type zone changes (from residential to commercial). This neighborhood is changing radically overnight. Design review/neighborhood input should be included/embedded in the process for these properties, particularly given the residential adjacency. *These types of commercial developments often tend toward box-y monoliths that lack design integrity *while* not offering conveniences to the

neighborhood nor respectful integration with residential adjacencies with historic homes.

Opportunity: For the zoning designation to appropriately ENFORCE or ENSURE some version of the continued use of artist/creative space OR *public serving* commercial use in addition to 'allowing' residential use (e.g. Enforce true mixed use).

Suggestion: Create 'either/or' guidelines within the zoning code. See to it that any development EITHER offers commercial use ground floor space OR is held to stricter development guidelines that closely mirror an R1 designation set of parameters. If someone is going to decide to develop something purely residential, they should be held to the current zoning designation or equivalent.

Conditional Endorsement: I can support a CM1 designation to 1403 - 1415 Stark, only with these important caveats:

1. There is a mechanism to enforce/ensure (public) commercial use on the ground floor; if developer decides not to offer commercial use, an entirely residential development is then held to R1 or equivalent criteria.
2. Minimum FAR 1:1 to Maximum FAR (if meeting incentives) of 2.5:1. No more.
3. Strong measures are included to ensure reasonable/appropriate transition from a commercial building development to the neighboring R2.5 properties that these addresses abut.
4. Privacy measures required between these addresses and R2.5 properties that they abut.
5. Design review/neighborhood input are included/embedded in the process. It's simply unfair for properties that have been previously residential/non-conforming residential zones, and are being converted to commercial with property lines directly adjacent to R zones - to be granted a new freedom of development without a sanctioned two-way dialogue with affected neighbors.
6. I do not support a zoning change to. [1421 SE Stark St.](#) It's important to preserve some degree of intimacy to this neighborhood. Commercializing 1/2 the block helps prevent a monolith development and works to more appropriately transition into the housing/elementary school area this side of the block abuts.

Final Comment: If the city cannot apply this level of reasonable/appropriate authority over a zoning change to CM1 for these properties, then the zoning status should not change. Under R1 with the current non-conformance allowance, the property still has plenty of use-flexibility over a 3 year grace period. The next owner/developer of this property should be held to the true vision of mixed-use, otherwise be held to an R1 type residential development as currently slated. It's unfair to the neighborhood to give up the R1 designation in order to accommodate current non-conformance, only to see a new commercial zoning designation be abused and taken advantage of to build a dense, purely residential building apartment complex. And with the recent commercialization of Washington High School AND a planned 46-unit apartment complex (with only 12 parking spaces) 1/2 block away on the corner of SE 14th and Oak Street, it's all the more important to get this right/fair. We cannot afford to see this much development, at this scale, without any actual commercial space being allocated for the use/convenience/necessity of those residing in this new level of dense living.

Thanks for your time and diligence in considering possible changes affecting this neighborhood.

Sincerely,

Chip Rees
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