

April 8, 2016

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**VIA EMAIL (PSC@PORTLANDOREGON.GOV)**

Ms. Katherine Schultz, Chair  
Planning and Sustainability Commission  
City of Portland  
1900 SW Fourth Avenue, Suite 7100  
Portland, OR 97201-5380

**Re: Residential and Open Space Zones Testimony**  
Russell Street Sustainable Housing LLC's Comments on the Proposed Draft of the  
Residential and Open Space Zones Project (March 2016)

Dear Chair Schultz and Members of the Planning and Sustainability Commission:

This firm was recently retained to represent Russell Street Sustainable Housing LLC ("RSSH"), which owns property located at 2605 NE 7th Street (the "Property"). We request that the Commission remove the down-zone of the Property proposed by the Residential and Open Space Proposed Draft in order to allow new development on the Property to remain conforming. Please include this testimony in the record of the above-referenced proceeding and provide us with notice of the final decision.

RSSH began constructing a multi-family development on the Property in 2015 which conforms with the Property's current high density residential (RH) zoning. The development is an allowed use in the RH zone and no discretionary review was required.

The Residential and Open Space Zones Proposed Draft currently proposes to down zone the Property to medium density multi-dwelling (R1). Under that proposed zoning, RSSH's development will become non-conforming. As you know, non-conforming status could disallow replacement of the building at its current density in the event of accidental damage or destruction and may impact both the insurability of and financing for the Property. To avoid that undesirable result, we request that the Commission remove the proposed change from the Proposed Draft and allow the Property's current zoning to remain. We are also requesting that the City Council retain the Property's current comprehensive plan map designation. Our initial communication to City Council is attached as Exhibit A. Council staff members with whom we spoke were supportive of this comprehensive plan change during our initial communications.

Based upon discussions with BPS Staff we understand that the Eliot Neighborhood Association requested the proposed change to R1 as part of a general effort to down-zone underdeveloped

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sites within the Elliot Conservation District and Irvington Historic District, however, the Property is not within either area. BPS staff also indicated that the down-zone was originally contemplated to allow the Property's zoning to better match existing development on the site (which at the time was vacant). The Property is now developed with a multi-family housing project. Given this change in circumstances, a zone change is no longer appropriate for the Property.

We appreciate the Commission's consideration of this request.

Very truly yours,



Dana L. Krawczuk

DLK:ajr

Enclosure

cc: Nan Stark, NE Portland District Liaison (via email) (with enc.)

**2605 NE 7<sup>th</sup> Avenue**

**Request to Retain Existing High Density Residential (RH) Comp Plan and Zoning Designation**

**Comp Plan and Residential Zoning Project Amendment.** Change from High Density Residential (RH) to Multi-Dwelling 1,000 (R1). Proposed Change # 142.

**Request.** No change to comp plan or zoning. Retain existing RH designation.

**Other Impacted Properties.** The entire block between NE MLK, NE Knott, NE 7<sup>th</sup> Ave. and NE Russell, *except for* property with frontage on NE MLK, occupied by the Nike Factory Store which is proposed to change to Mixed Use. See attached map.

**Reasoning.**

- Construction of a new \$20M multifamily development at 2605 NE 7th Avenue that complies with RH standards is underway, and the development would become nonconforming by the change. It appears that density and/or physical elements of development of the existing multifamily development on the remainder of the block (12.5 Condos and Knott Street Townhomes) would also become nonconforming.
- The property is not located within the Irvington Historic District or Eliot Conservation District.
- Rationale for amendment listed on Portland map app is that the designation will better match what is currently built on site; this is incorrect. In fact, at least one development will become nonconforming.
- Based upon conversations with BPS staff, the recommended change was based upon general feedback from the Elliott neighborhood requesting that underdeveloped sites within the conservation and/or historic areas be down-zoned. This reasoning does not apply to the site because:
  - (1) the block is not within a historic or conservation district, and
  - (2) there is no underdeveloped property on the block.

**Contact Information.** Dana Krawczuk

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<b>Proposed Change #</b>	142
<b>Amendment #</b>	
<b>Proposed Comprehensive Plan Designation</b>	Multi - Dwelling 1,000
<b>Existing Comprehensive Plan Designation</b>	High Density Multi-Dwelling

**Proposed Residential designation will better match what is currently built on the site, where existing buildings exceed the residential density allowed by the existing zone.**

**Multi - Dwelling 1,000**

This designation allows medium density multi-dwelling development. The scale of development is intended to reflect the allowed densities while being compatible with nearby single-dwelling residential. The designation is intended for areas near in and along centers and corridors and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 43 units per acre, but may be as much as 65 units per acre in some situations. The corresponding zone is R1.