

May 8<sup>th</sup>, 2016

Portland Planning and Sustainability Commission  
Mixed Use Zones Testimony  
1900 SW 4<sup>th</sup> Ave, Suite 7100  
Portland, OR 97201

Subject Address: 8113 SE 13<sup>th</sup> AVE

Owners: Aaron & Cynthia Brown

Current Zoning: CS

Proposed Zoning: CM1

Subject: Protest of Proposed Zoning Change of CS Properties in Sellwood/Westmoreland to CM1

**Our position: Zoning, if changed, to be CM2**

We are the property owners of 8113 SE 13<sup>th</sup> Ave Portland, OR which we purchased in 2006. At that time we had been looking for 4 years throughout Portland for property that had location and commercial zoning for investment. Our property sits at the SW corner of Tacoma Street and SE 13<sup>th</sup> Avenue. The main frontage faces Tacoma, which is the major corridor servicing the Sellwood bridge not only for the neighborhood, but East Multnomah and Clackamas counties. Being the primary intersection we are at the heart of the Neighborhood Center. It is the only part of Tacoma that has 4 lanes of traffic (*please refer to the attached exhibits 1-4*). We are surrounded by commercial uses and our land is not adjacent to any single family residential property. With New Seasons, 2 major banks (On-Point and Key Bank), Starbucks, Columbia Sport Outlet, and many other commercial entities as our neighbors.

We agree, with the commission in trying "help manage growth to create more vibrant places, increase housing choices, and enable businesses to thrive and meet the daily needs of nearby residents." In the past 10 years we have watched Sellwood change. Businesses struggled while the bridge was being built, but we knew if we could survive, that Sellwood would continue to have positive changes. As an active member and former board member to the Sellwood Westmoreland Business Alliance our goal is and has been to build a vibrant community. We are vested in this neighborhood and its future development.

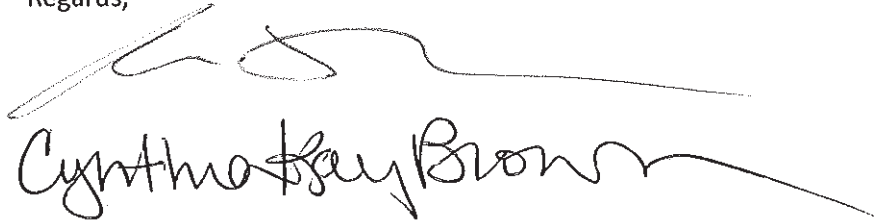
On October 13<sup>th</sup>, 2015 we received a Notice of Proposed Zoning change that indicated that our zoning would change from Urban Commercial (CS) to "Mixed use-neighborhood". When we looked online at Zone Conversion Table, it showed a CS zoned property in a Mixed Use Neighborhood moving to CM2. As this was a logical progression we had no cause to dispute this change.

On Thursday April 6, 2016, however, we received a new Notice indicating our zoning would change from CS to CM1. Now we have cause for concern. This down zoning makes no sense, as other properties along Tacoma away from the neighborhood center are being up zoned from CM to CM2. This will have a huge financial impact to the future property value and development potential of our property. (Please refer to the attached exhibits 5-7). It would, in effect, create an inverted development pattern, pushing higher density construction into the neighborhoods and away from the major high traffic corridor. The summary of Proposed Mixed Use Zones provided with the Notice, including the grid diagram and zoning code descriptions, all support our property changing from **CS to CM2**. In addition, based on the City of Portland data, over 98% of current CS zoned properties are moving to CM2 or CM3. It is unreasonable

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that our zoning which currently supports the Comprehensive Plan with strong commercial retail uses, promotes increased housing choices for the neighborhood, while having no direct impact on residential properties, be down-zoned from CS to CM1. Our position is that the appropriate zoning for our property, was correctly assessed in the October 2015 version of Notice of Proposed zoning change. Current CS zoned properties at the major intersections in the Sellwood/Westmoreland neighborhood and along the Tacoma corridor should be zoned CM2. Let's keep the highest density development from being pushed further into the neighborhood, which is what will happen under this most recent plan revision.

Regards,

A handwritten signature in black ink, appearing to read 'Cynthia Brown', with a long, sweeping horizontal line extending to the right.

Aaron and Cynthia Brown, TTM  
Brown Sellwood, LLC  
4206 NE Glisan Portland, OR 97213  
503 708-9083



Exhibit 1. Property along the Tacoma corridor at the primary intersection in Sellwood - Tacoma Ave and SE 13<sup>th</sup> street (southwest corner)

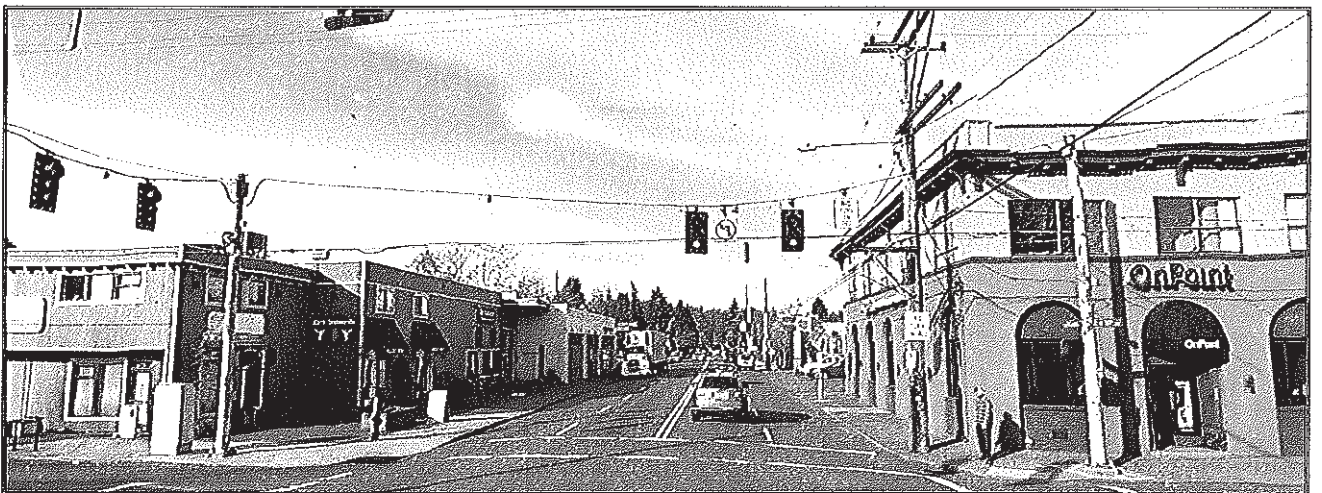


Exhibit 2. View of Tacoma frontage facing west. Note it is a 4 lane thoroughfare in this section.

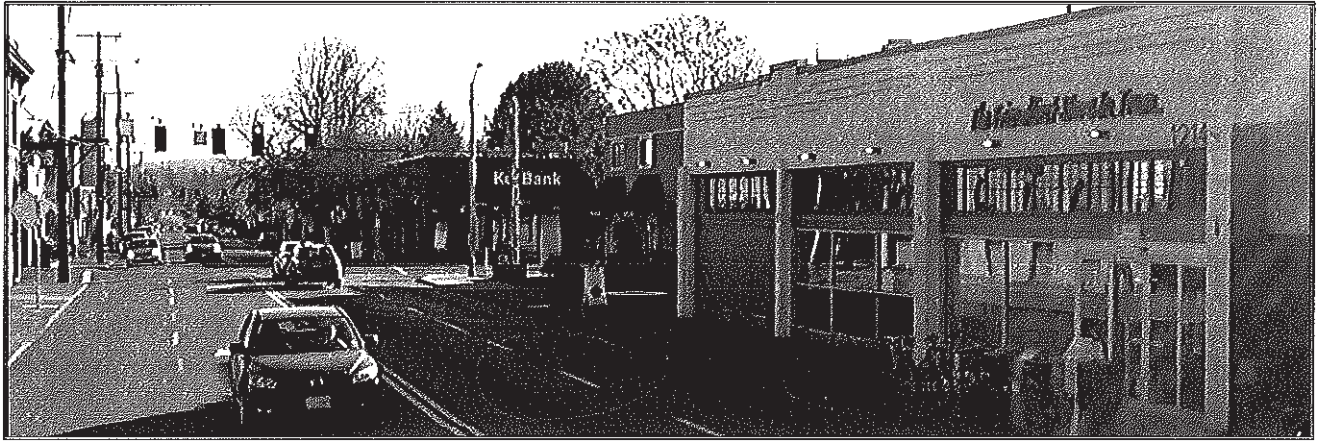


Exhibit 3. View of Tacoma Avenue facing east. Note surrounding uses of New Seasons Market and Key Bank.

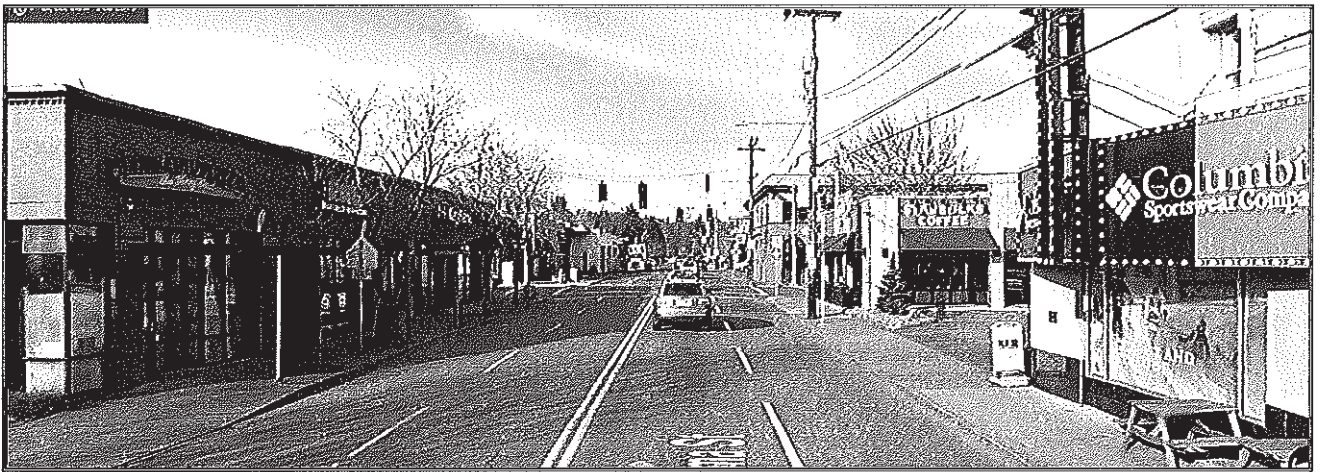


Exhibit 4. View of Tacoma facing west further to the east showing nearby commercial uses supporting the intersection being the heart of Sellwood Neighborhood.

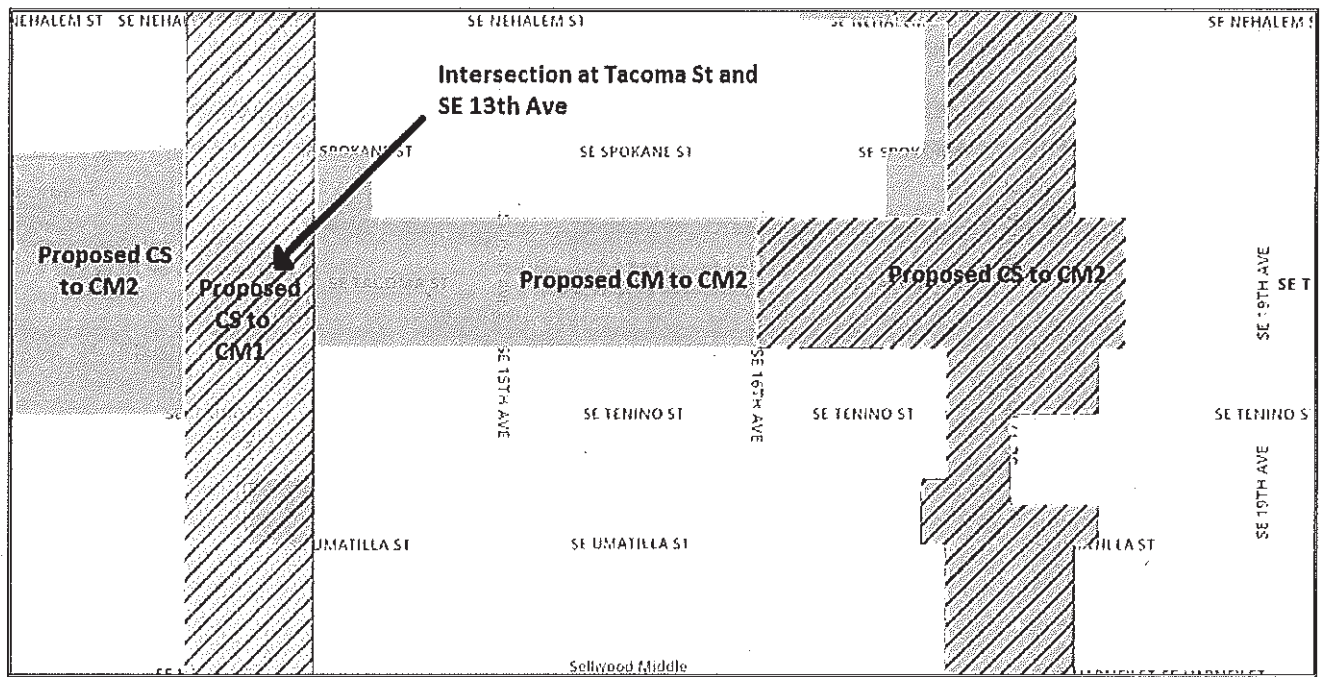


Exhibit 5. Current Comprehensive plan along Tacoma Street. Note CM to CM2 is an up zone (orange) while CS to CM1 is a down zone. All other areas are retaining similar zoning, moving from CS to CM2.



Exhibit 6. View of Tacoma Street facing west showing area being up zoned from CM to CM2 for comparison with area being down zoned at intersection of Tacoma Street and SE 13<sup>th</sup> Avenue.

Table 130-3 Summary of Development Standards in Commercial Zones								
Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 See 33.130.253	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line or Lot Line Abutting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abutting other R Zoned Lot	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4
Garage Entrance Setback (see 33.130.250.E)	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft
Max. Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. 10 ft.	10 ft. 10 ft.	None 10 ft.	None 10 ft.
Building Coverage (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area	Min. of 50% of site area	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130.240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

# NOTICE OF PROPOSED ZONING CHANGES THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

## What does this mean for me?

The City is proposing a zoning change for all the commercially zoned properties outside the Central City.

You received this notice because a new Commercial/Mixed Use Zone is proposed for your property. This may affect the permissible uses of your property, as well as other properties with the same zone. This proposal would also change the shape and size of new buildings that could be built on your property — if you choose to redevelop. These changes may affect the value of your property.

State law requires periodic plan updates. The City is completing Portland's Comprehensive Plan as a part of the state's periodic review.

One of the properties that may be affected is your property at:

State ID #:

### BASE ZONE

The current base zone(s) for this property is (are):

The proposed base zone(s) for this property is (are):

### OVERLAY ZONE

The current overlay zone(s) for this property is (are):

The proposed overlay zone change(s):

### PLAN DISTRICT

The existing plan district for this property is:

The proposed plan district change(s):

## Inside you will find ...

- Information for property owners.
- How to learn more, including websites, a schedule of drop-in hours and information in Spanish.
- Planning and Sustainability Commission hearing information and how to testify.
- An insert explaining proposed Commercial/Mixed Use Zones and how they differ from what's in place today.

## Have questions?

- Get answers from our Helpline. Call 503-823-0195.
- Find more information, including maps and frequently asked questions at: [www.portlandoregon.gov/bps/muzwelcome](http://www.portlandoregon.gov/bps/muzwelcome)



OCTOBER 13, 2015

# NOTICE OF A PROPOSED COMPREHENSIVE PLAN MAP CHANGE THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

## What does this mean for me?

You received this notice because the Portland Planning and Sustainability Commission has recommended a new Comprehensive Plan Map designation for your property. If adopted, this new designation may affect permissible uses of your property as well as other properties with the same map designation. These changes may affect the value of your property.

One of the properties that may be affected is your property at: 8113 SE 13TH AVE

State ID #: 1S1E23CD 13700

The current Comprehensive Plan designation(s) for this property is (are): Urban Commercial

The proposed Comprehensive Plan designation(s) for this property is (are): Mixed Use - Neighborhood

The Recommended Draft Comprehensive Plan applies new Commercial/Mixed Use designations to allow opportunities for shops, restaurants, offices and homes in locations that promote convenience, walkability and access to services. **The new designation(s) proposed for this property is (are) generally similar to what applies today.** Rules for building size and design will be updated through the Mixed Use Zones Project ([www.portlandoregon.gov/bps/mixeduse](http://www.portlandoregon.gov/bps/mixeduse)).

You may have received a letter or notice last year about Planning and Sustainability Commission hearings on the proposed Comprehensive Plan. This new notice is to let you know that the Portland City Council will now consider adopting the Commission-recommended plan. **This is your final notice about Comprehensive Plan Map changes.**

Comprehensive Plan and Zoning map changes will not take effect until the City Council adopts them by ordinance and the Oregon Land Conservation and Development Commission approves them by order.

## Why are these changes proposed?

The Portland Planning and Sustainability Commission (PSC) has recommended a new Comprehensive Plan, a 20-year plan for the development of the city. The Comprehensive Plan Map and Zoning Map depict how land can be used and developed over time. Both maps show broad categories of uses, such as residential, mixed use, industrial, employment, and open space, and convey information about the scale of future development (the type and size of buildings).

## How can I learn more about this proposal?

1. **View the interactive Map App** at [www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp) on any computer, tablet or smart phone and click on the **Land Use** tab. All Multnomah County libraries have public access computers. Type the property address to see proposed Comprehensive Plan Map designations (and zoning changes, if proposed) that may affect your property.
2. **Attend an information session** (brief presentation and Q&A) or **drop in to chat with City staff at a location near you** (staff will answer your questions one-on-one).
  - **Information sessions and drop-in hours:** Check online at [www.portlandoregon.gov/bps/58191](http://www.portlandoregon.gov/bps/58191) or call 503-823-0195 for a schedule.
3. **Ask City staff a question.** We are happy to help. Call 503-823-0195 or email us at [pdxcompplan@portlandoregon.gov](mailto:pdxcompplan@portlandoregon.gov).

## How can I provide feedback to City Council?

You may testify about proposed changes to the Portland City Council in the following ways: