

# **STIVEN**

planning and development services, llc.

May 17, 2016

Chair Katherine Schultz & Members of the Planning & Sustainability Commission  
1900 SW 4<sup>th</sup> Avenue  
Portland, OR 97201

Dear Chair Shultz and Members of the Commission,

I am writing on behalf of Richard Piacentini and am submitting this written testimony regarding the Proposed 2035 Zoning Map designations. Richard Piacentini is owner of Belmar Properties, and manages properties controlled by members of the John Piacentini family, including those in the following ownerships:

- Rosehill Investment, LLC
- John B. Piacentini Trust
- Louise Piacentini
- J&F Investments, LTD

Collectively, the companies and individuals own thirty (30) properties impacted by the Proposed 2035 Comprehensive Plan and the implementing zoning. Although two properties are vacant, the majority of the sites are occupied by small, retail businesses and they fall into all four of the Proposed Mixed Use Zones.

Belmar Properties supports the proposed zoning on most of the sites. This letter addresses the zoning of nine (9) properties that we believe should be zoned differently than what has been proposed at this time. Those properties can be grouped together in one of four groups as follows:

- Properties proposed for Commercial Mixed Use 2 (CM2) but we believe should be zoned Commercial Employment (CE);
- Properties proposed for Commercial Mixed Use 1 (CM1) but we believe should be zoned CE;
- Properties zoned CM1 but we believe should be zoned CM2; and,
- Property zoned CM2 that we believe should be zone Commercial Mixed Use 3 (CM3).

Table 1 provides the details of the first four properties which include those that are proposed for CM 2 zoning that we believe should be zoned CE. All four properties are currently developed as single story retail sites and are located in Portland's outlying areas (three are east of I-205 and one is in the Linnton community). The CE zones while allowing all of the uses allowed in the CM2 zone allow a few additional auto oriented uses such as vehicle servicing, self service storage and limited warehousing. In addition the CE zone allows drive through windows such as those provided at banks, pharmacies and food establishments. By allowing the CE zoning, the

Table One  
 Proposed CM2 /Requested CE Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
1194	12217 SE Foster Road	SE 122 <sup>nd</sup>	MU- Civic Corridor	CG	CM2	None	CE
1007	4504 SE 122 <sup>nd</sup> Ave	SE Holgate	MU – Civic Corridor	CS	CM2	None	CE
44	11150 SE Division	SE 112 <sup>th</sup>	MU-Civic Corridor	CN2/R2	CM2	(a)	CE
1179	11030 NW St Helens Rd		MU- Neighborhood	CG	CM2		CE

sites will remain viable development sites until the more dense mixed use development is in demand.

12217 SE Foster Road (Map Change 1194)

Specifically, the site at SE 122<sup>nd</sup> and SE Foster Road is appropriate for the CE zoning. The site is located on the northeast corner of the intersection of SE 122<sup>nd</sup> and SE Foster Road and is occupied by a Plaid Pantry shop. A service station is located on the northwest corner of the intersection. The three other corners of the intersection have been proposed for CE zoning. The CE zoning is surrounded by proposed CM2 zoning on three sides SE 122<sup>nd</sup> Avenue includes four drive lanes with a center turn lane. SE Foster Road is four lanes with a center median until it narrows to 2 lanes east of the subject property. There is no discernible difference between the properties northwest, southwest or southeast of the intersection and the subject property located at the northeast corner. The entire corner is appropriate for CE zoning and development. The request for CE zoning at the northeast corner of the intersection can be accommodated by moving the line between the CE and the CM2 further east. There would be no further impact on the nearby residential development as the CM2 zoning would still be present between the proposed CE zoning at the corner and the residential developments to the north and east. Therefore, there seems to be no reason that the subject corner was deemed appropriate for CM2 zoning and not the CE zoning on the other corners. Belmar Properties requests that the CE zoning be placed on this property.

4504 SE 122<sup>nd</sup> Avenue (Map Change 1007)

This site is located southeast of the intersection of SE 122<sup>nd</sup> and SE Holgate. All of the properties surrounding the intersection are proposed for the CM2 zoning. However properties surrounding other intersections along SE 122<sup>nd</sup> have been designated for the CE zoning, specifically at the intersections of Foster Road and Powell Boulevard. The land use and development pattern appears similar at the 122<sup>nd</sup>/Holgate intersection and could be similarly zoned CE. There is no land zoned for CE development along Holgate between I-205 and Gresham. It is appropriate for intersection of SE Holgate and SE 122<sup>nd</sup> to allow the additional auto-oriented uses allowed in the CE zone.

11132 SE Division (Map Change 1179)

This site is located southwest of the intersection of SE 112 Avenue and SE Division Street. The Division Street corridor between I-205 and just east of SE 112<sup>th</sup> Avenue is zoned for Mixed Use development along its entire length. On the north side of SE Division, the properties between SE 104<sup>th</sup> and SE 112<sup>th</sup> are zoned CE. On the south side of SE Division, the properties are zoned CE from SE 105<sup>th</sup> to one lot east of SE 111<sup>th</sup>. The CE zoning excludes the corner of SE 112<sup>th</sup> and SE Division Street, where it seems most conducive to the auto oriented uses allowed by the CE zoning and not allowed in the CM2 zone. Again, this could be remedied by moving the zoning line between the CE and CM2 zoned properties to the east, without altering the land use pattern or impacting the nearby residential properties.

11080 NW St Helens Road (Map Change 44)

This site is located between Highway 30 and railroad tracks that run parallel to the highway and is occupied by a Plaid Pantry shop. The land to the west of Highway 30 has been proposed for CE zoning and the property to the east has been proposed as CM2 zoning. It is unlikely that this area will support redevelopment or the increased densities allowed in either the CM2 or CE zones. Therefore, in order to allow flexibility in future land uses until redevelopment is likely to occur the CE zoning is appropriate for either the east or west sides of Highway 30. For this reason, Belmar Properties is requesting the CE zoning on this property.

10350 SE Holgate (Map Change 1006)

16152 NE Sandy (Map Change 990)

Two properties are proposed for rezoning to CM1 but Belmar Properties believes that the CE zoning is more appropriate. Both sites are developed as the Plaid Pantry Convenience markets. The underlying Comprehensive Plan Designation is Mixed Use- Dispersed and as such, there are only two zones that can be implemented---CE or CM1. Both of these sites are located east of I-205 and are less likely to redevelop in the near future and would benefit from the allowance of auto oriented uses, such as drive through pharmacies, coffee shops or bank windows. For this reason, Belmar Properties requests that the CE zoning is implemented at these two locations.

Table Two  
 Proposed CM1 /Requested CE Zoning Designations

<i>Map #</i>	<i>Street Address</i>	<i>Cross Street</i>	<i>Proposed Comp Plan</i>	<i>Existing Zoning</i>	<i>Proposed Zoning</i>	<i>Overlay</i>	<i>Requested Zoning</i>
1006	10350 SE Holgate	SE 103rd	MU- Dispersed	CS	CM1	None	CE
990	16152 NE Sandy	NE 161 <sup>st</sup>	MU- Dispersed	CN2	CM1	(h) (x)	CE

1206 SE Belmont (Map Change 1168)

The third category of property includes only one site---1206 SE Belmont, southeast of the intersection of SE Belmont and 12<sup>th</sup> Avenue. Twelfth Avenue is the eastern boundary of the Central City. As shown in Table Three, Belmar Properties requests that the vacant property be

zoned CM3 which would allow for greater height and density. The proposed code identifies where the CM3 zone is appropriate and states one of the criteria as “in locations close to the Central City. This site is currently undeveloped and with the amount of development occurring

Table Three  
 Proposed CM2 /Requested CM3 Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
1168	1206 SE Belmont	SE 12 <sup>th</sup> Avenue	MU-Urban Center	CG	CM2	(d)	CM3

in the vicinity is likely to redevelop in the near future. It has the ability to blend with the Central City EX zoning which is on the west side of 12<sup>th</sup> Avenue where maximum building height with the bonus can range from 50 feet to 125 feet. This is an excellent site to accommodate greater density with a high likelihood of occurring in the near future. This corner can be zoned and developed as CM3 property without negative impact on the land use pattern as the property to the west of the site is proposed for CM2 development. Moving from west to east along SE Belmont Street, the pattern would be EX west of 12<sup>th</sup> Avenue, CM3 at the corner and moving east, CM2. The area along SE Belmont from SE 12<sup>th</sup> Avenue to mid-block between NE 15<sup>th</sup> and NE 16<sup>th</sup> is within a design district allowing for control over building transitions, frontages and exterior design. For these reasons, Belmar Properties believes CM3 is the best zone for this site.

Table Four includes the final category of requested zone changes. They include properties that are proposed as CM1 properties that we believe are better suited to CM2.

Table Four  
 Proposed CM1 /Requested CM2 Zoning Designations

Map #	Street Address	Cross Street	Proposed Comp Plan	Existing Zoning	Proposed Zoning	Overlay	Requested Zoning
254	815 SE 60th	SE Belmont	MU-Neighborhood	CO1	CM1	None	CM2
254	SE 61st & SE Belmont	vacant	MU-Neighborhood	R5	CM1	None	CM2

815 SE 60<sup>th</sup> Avenue & NE corner of SE 60<sup>th</sup> Avenue and SE Belmont Street

The City Council approved to amend the Proposed Comprehensive Plan map on these two properties from the originally recommended MU-Dispersed to MU-Neighborhood. The MU-Neighborhood Comprehensive Plan district allows for the implementation of three zones -- CM1, CM2 and CE. Based on the fact that the Council found that the site was more appropriate for the Mu- Neighborhood plan designation, based on the surrounding land uses, the planned improvement for the intersections along SE 60<sup>th</sup> Avenue and the minimal incremental impact on the street system, Belmar Properties requests CM2 zoning at this location.

Chair Shultz and Members of the Planning & Sustainability Commission  
May 17, 2016

Specifically, properties at SE 60<sup>th</sup> and Belmont are suitable for a zone that allows greater development intensity than that which is allowed by the CM1 zoning. The property at SE 60<sup>th</sup> and SE Belmont is comprised of two adjacent properties. The city identifies one as 815 SE 60<sup>th</sup> Avenue and the other as SE 60<sup>th</sup> and SE Belmont, as shown in Table One. This location is well served by transit, is on a corner, and across the street from the five story Acute Rehab Medical Facility and is appropriate for mixed use development.

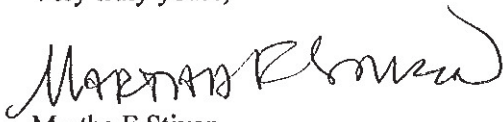
In addition, the intersections along SE 60<sup>th</sup> including Stark, Belmont, Burnside and Glisan are included for safety improvements in the propose Transportation System Plan. See project 70006. We have submitted written testimony to the Planning and Sustainability Commission in support of the 60<sup>th</sup> Avenue Corridor Project and requested its funding. I have attached a copy of the March 22 testimony. Together with the nearby development, the planned improvements to SE 60<sup>th</sup> and the revised Comprehensive Plan Designation, the CM2 zone is the most appropriate zone at this location.

**Non-conforming Development**

We understand that the mixed use zoning project addresses building scale, transitions, historic and local character and other design and context related issues. These standards have the potential to create nonconforming development issues for 27 built properties affected by the mixed use zoning project. As the proposed comprehensive plan designations will be implemented by the zoning designations, we are not able to support any plan that may render existing development non-conforming. If properties are made to be non-conforming, it may hinder their upkeep and/or expansion.

Thank you for the opportunity to present this testimony.

Very truly yours,

  
Martha F Stiven

Attachment

Cc: Richard Piacentini, Belmar Properties  
Mike Robinson, Perkins Coie

PROPERTIES  
**BELMAR** INC

March 22, 2016

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

RE: Proposed Transportation System Plan

Dear Chair Shultz and members of the Planning and Sustainability Commission

My name is Richard Piacentini and I am submitting this written testimony regarding the Proposed 2035 Transportation System Plan ("TSP") in conjunction with the 2035 Comprehensive Plan update. Our company, Belmar Properties, manages properties controlled by members of the John Piacentini Family including those in the following ownerships:

- Rosehill Investment, LLC
- Siena Capital, LLC
- John B. Piacentini Trust
- Louise Piacentini
- J&F Investments, LTD.

We own property located on the Northeast corner of the intersection of SE Belmont Street and SE 60<sup>th</sup> Avenue. We understand that the proposed TSP identifies improvements to intersections along SE 60<sup>th</sup> Avenue, including improvements at the Burnside, Stark, Belmont and Glisan intersections. This project is identified as Project 70006. We also understand that the project is identified as an unconstrained (unfunded) project. We would like to encourage that the Planning & Sustainability Commission recommend moving the project from unconstrained (unfunded) to constrained (funded) in order to improve the chances for these improvements to occur.

We are working with the City Council and staff to change the proposed Comprehensive Plan Map from Mixed Use-Dispersed to Mixed Use-Neighborhood and know that there are concerns about the capacity at some locations along SE 60<sup>th</sup> north of Belmont. TSP Project #70006 will serve to mitigate those concerns..

We appreciate your consideration of our request.

Very truly yours,

  
Richard Piacentini  
Belmar Properties

Cc: Mayor Charlie Hales  
Commissioner Steve Novick  
Michael C. Robinson, Perkins Coie  
Marty Stiven, Stiven Planning & Development Services, LLC.

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