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July 8, 2016

VIA EMAIL psc@portlandoregon.gov
and HAND DELIVERY

Planning and Sustainability Commission
Employment Zones Testimony
1900 SW 4th Ave., Suite 7100
Portland, OR 97201

Re: Employment Zones Testimony/Bill Naito Company

Dear Members of the Commission:

This office represents the Bill Naito Company. The Bill Naito Company owns the Montgomery Park building located in northwest Portland along with four other adjacent developed properties. Among those properties are North Parking Garage (located on the Montgomery Park site), the NACCO Warehouse, the "American Can" building, a tools and storage building, and an office building presently occupied by NBC Grimm. All of these properties have historic landmark designations.

The City Council recently affirmed the existing zoning of EX for the Montgomery Park building, the North Parking Garage, and the NACCO Warehouse.

The remainder of the sites, consisting of the "American Can" building, the tools and storage building, and the NBC Grimm office building, are proposed to be amended from IH to EG. The Bill Naito Company does not object to that change.

Under existing EG provisions, historic landmarks are given a FAR incentive raising the FAR from two to one. Presumably, the FAR incentive is used to make sure circumstances are such that historic resources can be fully utilized and are not put under pressure for demolition.

The revised EG zone eliminates any FAR limitation and thus, the policies imbedded within the historic resource FAR incentive are, in a sense, imported into the new EG provisions. We have no objection to that, as long as the existing historical resource status at the property continues to be recognized for purposes of incentives.

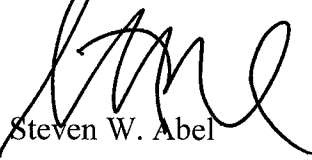
Planning and Sustainability Commission

July 8, 2016

Page 2

Since the rezoning the EG will retain at least a two-to-one FAR (and is, in fact, unlimited) on the EG properties, the Bill Naito Company has no objection to the proposed zone change.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Abel", written over the typed name "Steven W. Abel".

Steven W. Abel

SWA:sm

cc: Marc Fazio, Bill Naito Company

Hartinger, Kathryn

From: Phil <philglee@comcast.net>
Sent: Friday, July 08, 2016 2:55 PM
To: Planning and Sustainability Commission
Subject: Zoning change to 2525 and 2519 E. Burnside

Dear Sir,

I own the property at 2519 E Burnside which literally abuts the 2525 E Burnside building. I would like BOTH buildings re-zoned commercial.

The veterinary clinic in the 2519 building was established for trolley horses back in the early 1900s and has been a Veterinary Clinic continuously since then. I don't understand why it was subsequently zoned as residential given that it, and the building abutting it (2525 E. Burnside) have been commercial buildings for multiple decades and contain well established businesses.

I know it's use has been "grandfathered" but I would like it zoned back to commercial use to reflect what has been there for the last ~100 years.

Best Regards,
Phillip G. Lee

CITY VIEW PARK, LLC
TOM BROWN, MANAGER
E-mail: sellwoodbrown@gmail.com

June 9, 2016

VIA E-MAIL ONLY TO: PSC@PORTLANDOREGON.GOV

Composite Zoning Testimony
1900 SW Fourth Ave., Ste. 7100
Portland, OR 97201

Reference: Zoning Map Proposal: CS to CM1

Dear Portland Sustainability Commission:

I am the manager of City View Park LLC, the owner of the property located on 16th Avenue between Bybee and Rural in Westmoreland (the "Property"). The Property is proposed for significant and economically damaging downzoning from CS to CM1 (the "Proposal"). This letter requests that the City of Portland abandon the Proposal and treat the Property the same as all other properties currently in the CS zone on Milwaukie in Westmoreland and apply the proposed CM2 zone.

The Property is in the heart of the Westmoreland commercial district and is surrounded by other commercial development. The Proposal to downzone the core of the commercial district, but to leave the rest of the corridor that abuts directly against existing single family neighborhoods at a higher density, runs counter to the City's traditional zoning policy of stepping zoning down in order to buffer residential neighborhoods. The current Proposal inverts the City's normal zoning approach by allowing dense redevelopment adjacent to single family neighborhoods and reducing development potential in the commercial core, where accessibility is highest.

The Property is located on Bybee Boulevard within one-half mile of the Bybee Light Rail Station. The Bybee Station Area is unique for light rail station areas because it is surrounded by a golf course, rail lines, and a park. Single family residential zoning surrounds the park and the golf course. Thus, the only area available for additional development within proximity to the light rail station area are those areas currently zoned CS, the very properties proposed for downzoning to CM1. The proposal to downzone the only property available for additional development and density in the light rail station area is not accompanied by a proposal

for corresponding upzoning anywhere else in the light rail station area. The downzoning proposal runs counter to the planning completed for the Milwaukie light rail line and station area and does not provide the same level of incentive for housing as the CM2 zone.

The proposed downzoning is drastic. Today, under the CS zone, the FAR is 3 to 1 and the base maximum height is 45 feet. The proposed CM1 zoning, with the Main Street Overlay, proposes a maximum 2 to 1 FAR and a 35 foot maximum height. The difference in development capacity and land value from the proposed zone change for the Property is stark. The reduction of 1 FAR amounts to a 20,070 square foot reduction in development capacity, which translates into a loss of property value of approximately \$1,093,000.¹

The Proposal is inconsistent with Comprehensive Plan Policies. For example, *Policy 3.13* describes the role of centers as follows: “Enhance center as anchors of complete neighborhoods that include **concentrations of commercial** and public services, housing, employment, gathering places, and green spaces.” The proposed downzoning would deconcentrate development. *Policy 3.36* states “In Neighborhood Centers, provide for **higher concentrations of development**, employment, commercial and community services” Here the City is proposing to lower concentrations of development in a neighborhood center. The Proposal is similarly inconsistent with the *Sellwood-Moreland Neighborhood Action Charts*, adopted by City Resolution No. 35663. Action BG 11 sets forth as an ongoing action to “Strengthen **urban design** and **economic function** of core intersections,” including the intersection of Milwaukie and Bybee. *Comprehensive Plan Policy 3.42* provides direction on how to maintain and enhance district identities: “Use historic preservation and design review tools to **accommodate growth** in ways that preserve historic resources and enhance the distinctive characteristics of Inner Ring Districts, especially in areas experiencing significant development.” Here, rather than implementing the City’s policy with carefully considered design standards to accommodate growth, the Proposal seeks to simply limit growth. The Proposal, therefore, is flatly inconsistent with the City’s land use planning principles, plans and policies.

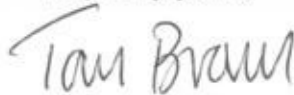
The proposed change in zoning is flatly inconsistent with current zoning and literally decades of Portland planning and development policy. It is unfair and punitive because it arbitrarily severs significant value from the City View Park property without any guarantee that such a change will preserve the character of Westmoreland. The downzone does not prevent demolition, redevelopment, change and growth, it simply takes away long-vested property rights. Growth management planning requires Portland to accommodate planned growth. Planning policy and practice, and Portland’s own planning calls for growth in centers, near services and

¹ Loss of land value is: \$165/SF * 20,070 = \$3,311,550, Loss of 33% of FAR due to proposed rezone = \$3,311,550 * .33 = \$1,092,811; Loss is **\$1,092,811**.

transportation. The Property is located in a neighborhood commercial center within one-half mile of a regional light rail station and along three high-frequency bus lines. By all measures, it is an ideal location for additional commercial and housing development. Downzoning from CS to CM1 will simply limit growth and frustrate the broader purposes behind regional and state growth management policies.

For the reasons set forth above, we request that the City discontinue further consideration of the Proposal to downzone as a means of preserving neighborhood center character because it is punitive and inconsistent with the City's transportation and land use policies. Rather than downzoning, the City should take the time to work with the entire community (residents and businesses) to develop design standards that help to preserve neighborhood character, while accommodating planned growth.

Very truly yours,

A handwritten signature in black ink that reads "Tom Brown". The signature is written in a cursive, slightly slanted style.

City View Park LLC
By Tom Brown, Manager

JOHN KEANE
CAB HOLDING, LLC
6805 SE MILWAUKIE AVE.
PORTLAND, OR 97202
E-mail: cabholdingllc@gmail.com

July 8, 2016

VIA E-MAIL ONLY TO: PSC@PORTLANDOREGON.GOV

Composite Zoning Testimony
1900 SW Fourth Ave., Ste. 7100
Portland, OR 97201

Reference: Zoning Map Proposal: CS to CM1

Dear Portland Sustainability Commission:

I am John Keane, the owner of the property located at 6805 and 6809 SE Milwaukie Ave. in Westmoreland (the "Property"). I have lived in Sellwood-Moreland for my entire life, and currently live and work in Westmoreland. The Property is proposed for significant and economically damaging downzoning from CS to CM1 (the "Proposal"). This letter requests that the City of Portland abandon the downzoning Proposal and treat the Property the same as all other properties currently in the CS zone on Milwaukie in Westmoreland and apply the proposed CM2 zone.

The Property is in the heart of the Westmoreland commercial district and is surrounded by other commercial development. The Proposal to downzone the core of the commercial district, but to leave the rest of the corridor that abuts directly against existing single family neighborhoods at a higher density, runs counter to the City's traditional zoning policy of stepping zoning down in order to buffer residential neighborhoods. The current Proposal allows dense redevelopment adjacent to single family neighborhoods and reduces development potential in the commercial core, where accessibility is highest. This Proposal does not make sense and runs counter to Portland land use and transportation planning paradigm.

The Property is located within one-half mile of the Bybee Light Rail Station. The Bybee Station Area is unique for light rail station areas because it is surrounded by a golf course, rail lines, and a park. Single family residential zoning surrounds the park and the golf course. Thus, the only area available for additional development within proximity to the light rail station area are those areas currently zoned CS, the very properties proposed for downzoning to CM1.

The downzoning proposal runs counter to the planning completed for the Milwaukie light rail line and station area and does not provide the same level of incentive for housing as the CM2 zone.

The proposed downzoning is drastic. Today, under the CS zone, the FAR is 3 to 1 and the base maximum height is 45 feet. The proposed CM1 zoning, with the Main Street Overlay, proposes a maximum 2 to 1 FAR and a 35 foot maximum height. The difference in development capacity and land value from the proposed zone change for the Property is significant and, after three decades of CS zoning, unfair.

The Proposal is also inconsistent with Comprehensive Plan Policies. For example, *Policy 3.13* describes the role of centers as follows: “Enhance center as anchors of complete neighborhoods that include **concentrations of commercial** and public services, housing, employment, gathering places, and green spaces.” The proposed downzoning would deconcentrate development. *Policy 3.36* states “In Neighborhood Centers, provide for **higher concentrations of development**, employment, commercial and community services . . .” Here the City is proposing to lower concentrations of development in a neighborhood center. The Proposal is similarly inconsistent with the *Sellwood-Moreland Neighborhood Action Charts*, adopted by City Resolution No. 35663. Action BG 11 sets forth as an ongoing action to “Strengthen **urban design** and **economic function** of core intersections,” including the intersection of Milwaukie and Bybee. *Comprehensive Plan Policy 3.42* provides direction on how to maintain and enhance district identities: “Use historic preservation and design review tools to **accommodate growth** in ways that preserve historic resources and enhance the distinctive characteristics of Inner Ring Districts, especially in areas experiencing significant development.” Here, rather than implementing the City’s policy with carefully considered design standards to accommodate growth, the Proposal seeks to simply limit growth. The Proposal, therefore, is flatly inconsistent with the City’s land use planning principles, plans and policies.

The proposed change in zoning is inconsistent with decades of Portland planning and development policy. It is unfair and punitive because it arbitrarily severs significant value from the Property without any guarantee that such a change will preserve the character of Westmoreland. The downzone does not prevent demolition, redevelopment, change and growth, it simply takes away long-vested property rights. Growth planning requires Portland to accommodate planned growth, not limit growth in response to parochial neighborhood reactions to growth. Portland’s planning calls for growth in centers, near services and transportation. The Property is located in a neighborhood commercial center within one-half mile of a regional light rail station and along three high-frequency bus lines. By all measures, it is an ideal location for additional commercial and housing development. Downzoning from CS to CM1 will simply

limit growth and frustrate the broader purposes behind regional and state land use planning policies.

For the reasons set forth above, we request that the City discontinue further consideration of the Proposal to downzone as a means of preserving neighborhood center character because it is punitive and inconsistent with the City's transportation and land use policies. Rather than downzoning, the City should take the time to work with the entire community (residents and businesses) to develop design standards that help to preserve neighborhood character, while accommodating planned growth.

Very truly yours,

John Keane
Member, CAB Holding, LLC

CAMERON BROWN
Harry H. H. Brown & Co
E-mail: cambrown21@gmail.com

June 9, 2016

VIA E-MAIL ONLY TO: PSC@PORTLANDOREGON.GOV

Composite Zoning Testimony
1900 SW Fourth Ave., Ste. 7100
Portland, OR 97201

Reference: Zoning Map Proposal: CS to CMI

Dear Portland Sustainability Commission:

I am an officer of Harry H.H. Brown & Co., the general partner of Brown Properties Limited Partnership, the owner of three properties located at 1616-1622 SE Bybee Blvd. and 7001 to 7019 and 7027 SE Milwaukie (the "Brown Partnership Properties" or the "Property"). The Brown Partnership Properties are proposed for significant and economically damaging downzoning from CS to CMI (the "Proposal"). I understand that the policy objective behind the downzoning proposal is to preserve neighborhood character. This letter requests that the City of Portland abandon its current Proposal and treat the Brown Partnership Properties the same as all other properties currently in the CS zone in the vicinity of Milwaukie in Westmoreland and apply the proposed CM2 zone.

The properties proposed for downzoning are in the heart of the Westmoreland commercial district and are surrounded primarily by other commercial development. The Proposal to downzone the core of the commercial district, but to leave the rest of the corridor that abuts directly against existing single family neighborhoods at a higher density runs counter to the City's traditional zoning policy of stepping zoning down in order to buffer residential neighborhoods. The current Proposal inverts the City's normal zoning approach by allowing dense redevelopment adjacent to single family neighborhoods and reducing development potential in the commercial core. Downzoning is the wrong tool to preserve neighborhood character.

The proposed downzoning is drastic. Today, under the CS zone, the FAR is 3 to 1 and the base maximum height is 45 feet. The proposed CMI zoning, with the Main Street Overlay, proposes a maximum 2 to 1 FAR and a 35 foot maximum height. The decrease in

development capacity and land value from the proposed zone change for the Property is economically damaging. The reduction of 1 FAR amounts to a 21,000 square foot reduction in development capacity. At \$165/square foot, the City is proposing to sever nearly \$1,176,000.00 of potential value from the Property, wiping out years of hard-earned value.¹ My family invested in and have maintained and managed the Property for nearly 40 years, making a significant investment in and contribution to the growth and development of Westmoreland.

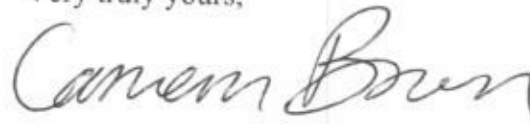
The proposed downzoning is inconsistent with Portland's land use and transportation planning. The Property is within one-half mile of the Bybee Light Rail Station, and on three high-frequency bus lines. The Bybee Station Area is unique for light rail station areas because it is surrounded by a golf course, rail lines, and a park. Single family residential zoning surrounds the park and the golf course. Thus, the only area available for additional development within proximity to the light rail station area are those areas currently zoned CS, the very properties proposed for downzoning to CM1. The proposal to downzone the only property available for additional development and density in the light rail station area is not accompanied by a proposal for corresponding upzoning anywhere else in the light rail station area. The downzoning proposal runs counter to the planning completed for the Milwaukie light rail line and station area and does not provide the same level of incentive for housing as the CM2 zone.

The Proposal is inconsistent with existing Comprehensive Plan Policies. For example, *Policy 3.13* describes the role of centers as follows: "Enhance center as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces." The proposed downzoning would deconcentrate development. *Policy 3.36* states "In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services . . ." Here the City is proposing to lower concentrations of development in a neighborhood center. The Proposal is similarly inconsistent with the *Sellwood-Moreland Neighborhood Action Charts*, adopted by City Resolution No. 35663. Action BG 11 sets forth as an ongoing action to "Strengthen urban design and economic function of core intersections," including the intersection of Milwaukie and Bybee. *Comprehensive Plan Policy 3.42* provides direction on how to maintain and enhance district identities: "Use historic preservation and design review tools to accommodate growth in ways that preserve historic resources and enhance the distinctive characteristics of Inner Ring Districts, especially in areas experiencing significant development." Here, rather than implementing the City's policy with carefully considered design standards to accommodate growth, the Proposal seeks to simply limit growth. The Proposal, therefore, is flatly inconsistent with the City's land use planning principles, plans and policies.

¹ Loss of land value is: \$165/SF * 21,600 = \$3,564,000, Loss of 33% of FAR due to proposed rezone = \$3,564,000 * .33 = \$1,176,120; Loss is \$1,176,120.

For the reasons set forth above, we request that the City discontinue further consideration of the Proposal to downzone as a means of maintaining neighborhood center character because it is punitive and inconsistent with the City's transportation and land use policies. Rather than downzoning, the City should take the time to work with the entire community (residents and businesses) to develop design standards that help to preserve neighborhood character, while accommodating planned growth. Even if the City chooses to move ahead with downzoning some properties, properties that are within one-half mile of a light rail station and adjacent to multiple high-frequency bus lines should not be downzoned.

Very truly yours,

A handwritten signature in black ink that reads "Cameron Brown". The signature is written in a cursive, flowing style.

Harry H.H. Brown & Co.
By Cameron Brown, Officer

TOM BROWN, TRUSTEE
Harry H. H. Brown & Co, Inc. Profit Sharing Plan
E-mail: sellwoodbrown@gmail.com

June 9, 2016

VIA E-MAIL ONLY TO: PSC@PORTLANDOREGON.GOV

Composite Zoning Testimony
1900 SW Fourth Ave., Ste. 7100
Portland, OR 97201

Reference: Zoning Map Proposal: CS to CMI

Dear Portland Sustainability Commission:

I am the Trustee of the Harry H.H. Brown & Co. Profit Sharing Plan, the owner of the property located at 1625 SE Rural Street Milwaukie and 16th Avenue in Westmoreland (the "Property"). The Rural Street Property is proposed for downzoning from CS to CMI (the "Proposal"). This letter requests that the City of Portland abandon its current Proposal and, rather than apply a punitive downzone, treat the Rural Street Property the same as all other properties currently in the CS zone in the vicinity of Milwaukie in Westmoreland and apply the proposed CM2 zone.

The property proposed for downzoning is in the heart of the Westmoreland commercial district and is surrounded primarily by other commercial development. The Property currently has a ___ unit apartment complex, providing housing in the heart of the commercial district adjacent to three high-frequency bus lines and within one-half mile of the Bybee light rail station. This area is very well suited for additional commercial and residential growth and Portland's zoning code had provided for that outcome since at least the early 1980s.

The proposal to downzone the core of the commercial district and leave the rest of the corridor that abuts directly against existing single family neighborhoods at a higher density runs counter to the City's traditional zoning policy of stepping zoning down in order to buffer residential neighborhoods. The current Proposal inverts the City's normal zoning approach by allowing dense redevelopment adjacent to single family neighborhoods and less density in the commercial core, the area with the greatest access to transportation and services. Downzoning is the wrong tool to preserve neighborhood character in the Portland planning context.

The proposed downzoning is drastic. Today, under the CS zone, the FAR is 3 to 1 and the base maximum height is 45 feet. The proposed CM1 zoning, with the Main Street Overlay, proposes a maximum 2 to 1 FAR and a 35 foot maximum height. The decrease in development capacity and land value from the proposed zone change is economically damaging. The reduction of 1 FAR amounts to a 7,275 square foot reduction in development capacity, which translates into a loss of property value of approximately \$396,124.00.¹

The Proposal is also inconsistent with Comprehensive Plan Policies. For example, *Policy 3.13* describes the role of centers as follows: “Enhance center as anchors of complete neighborhoods that include **concentrations of commercial and public services, housing, employment, gathering places, and green spaces.**” The proposed downzoning would deconcentrate development. *Policy 3.36* states “In Neighborhood Centers, provide for **higher concentrations of development,** employment, commercial and community services” Here the City is proposing to lower concentrations of development in a neighborhood center. The Proposal is similarly inconsistent with the *Sellwood-Moreland Neighborhood Action Charts*, adopted by City Resolution No. 35663. Action BG 11 sets forth as an ongoing action to “Strengthen urban design and economic function of core intersections,” including the intersection of Milwaukie and Bybee. *Comprehensive Plan Policy 3.42* provides direction on how to maintain and enhance district identities: “Use historic preservation and design review tools to **accommodate growth** in ways that preserve historic resources and enhance the distinctive characteristics of Inner Ring Districts, especially in areas experiencing significant development.” Here, rather than implementing the City’s policy with carefully considered design standards to accommodate growth, the Proposal seeks to simply limit growth in Westmoreland within walking distance of the Bybee light rail station. The Proposal, therefore, is flatly inconsistent with the City’s land use planning principles, plans and policies.

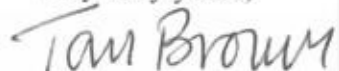
The Bybee Station Area is unique for light rail station areas because it is surrounded by a golf course, rail lines, and a park. Single family residential zoning surrounds the park and the golf course. Thus, the only area available for additional development within proximity to the light rail station area are those areas currently zoned CS, the very properties proposed for downzoning to CM1. The proposal to downzone the only property available for additional development and density in the light rail station area is not accompanied by a proposal for corresponding upzoning anywhere else in the light rail station area. The downzoning proposal runs counter to the planning completed for the Milwaukie light rail line and station area and does not provide the same level of incentive for housing as the CM2 zone.

¹ Loss of land value is: \$165/SF * 7,275 = \$1,200,375, Loss of 33% of FAR due to proposed rezone = \$1,200,375 * .33 = \$396,124; Loss is **\$396,124.**

Zoning Map Testimony
June 9, 2016 – Page 3

I request that the City discontinue further consideration of the Proposal to downzone as a means of maintaining neighborhood center character because it is punitive and inconsistent with the City's transportation and land use policies. Rather than downzoning, the City should take the time to work with the entire community (residents and businesses) to develop design standards that help to preserve neighborhood character, while accommodating planned growth. Even if the City chooses to move ahead with downzoning from CS to CMI, properties within one-half mile of a light rail station should not be downzoned.

Very truly yours,

A handwritten signature in black ink that reads "Tom Brown". The signature is written in a cursive style with a prominent "T" and "B".

Harry H.H. Brown & Co. Profit Sharing Plan
By Tom Brown, Trustee

1165225



133 SW 2nd Ave, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org

Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389

Willamette Valley Office • PO Box 51252 • Eugene, OR 97405 • (541) 520-3763 • fax (503) 223-0073

To: Portland Planning & Sustainability Commission

From: Mary Kyle McCurdy

Deputy Director, 1000 Friends of Oregon

Date: July 8, 2016

Re: Composite Zoning Proposal
Commercial / Mixed Use Zones

1000 Friends of Oregon works with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural areas. Since our inception over 40 years ago, this has included insuring affordable housing and walkable neighborhoods in every community.

As part of this work, 1000 Friends has served on several recent Portland advisory committees, including the Mixed Use Zones Advisory Committee, the Centers & Corridors Parking Advisory Committee, and the Residential Infill Project Stakeholder Advisory Committee. Therefore, we are concerned to see that the city is considering downzoning in some Neighborhood Centers – changing existing zoning from CS to CM1 to reduce the allowed height of buildings - which will result in the loss of housing and employment capacity in the mixed-use walkable core of many neighborhoods. These are places where other Portland polices seek to encourage just such density and mix of uses.

We understand this is being considered for up to 13 Neighborhood Centers because they have concentrations of 1-2 story buildings from the “Street Car Era,” and their current zoning of CS would allow building heights up to 45 feet – in other words, 3-4 story buildings. Therefore, the city is considering *downzoning* these areas to CM1, a designation that would allow buildings up to only 2 stories.

We oppose the blanket use of this downzoning, for several reasons:

- It will effectively remove tens of thousands of square feet of potential residential and/or small business space from core, walkable areas. These are the very areas that the city has, correctly, otherwise said should hold more housing and local employment.
- While the lost potential might seem small relative to the overall capacity of the city for these uses, it is the *locations* that are valuable. These Neighborhood Centers are served by transit and offer other opportunities and amenities within walking distance for the largest and fastest growing part of the population – those in 1-2 person households, and in particular older persons.
- The analysis used by the city to pick these 13 Neighborhood Centers focused only on the height and age of the buildings. It lacks an analysis of transit and other amenity

accessibility. For example, the Moreland Neighborhood Center is within walking distance of a MAX Orange Line station (0.4 mile); three neighborhood schools; several neighborhood parks (Westmoreland Park, Sellwood Park); and has two bus lines that intersect in it. Other Neighborhood Centers to which this downzoning is being considered might have similar amenities and services, but these factors do not seem to be included in the city's analysis.

- Locating housing and local employment near to transit is a particularly effective tool in reducing transportation-related greenhouse gas emissions.

We recommend that instead of downzoning these areas based on one criterion (street car era building heights), that the city retain the current height capacity (which would mean a rezoning to CM2, not CM 1), and instead use a tool more focused on the particular historical features of each Center, such as a Design Overlay with design guidelines appropriate to the particular Center.



July 8, 2016

Portland Planning and Sustainability Commission
City of Portland
1900 SW Fourth Avenue #7100
Portland, OR 97201

Re: Mixed Use Zones Project - Request for CE Zoning for Starbucks Stores

Dear Chair Schultz and Commissioners:

For more than 40 years, Starbucks has built a brand that is about fostering moments of connection between our customers. We have 73 company operated and 35 licensed stores in Portland, and are proud to employ 1,500 partners in the city.

With regard to the City's proposed rezone, we understand four Starbucks stores are slated to be rezoned for mixed-use. We respectfully request these stores be zoned Commercial Employment ("CE") and not subjected to the Centers Main Street Overlay ("CMSO") zone during this process.

In an effort to meet the evolving needs of our customers and to address normal 'wear and tear' on our stores, Starbucks regularly updates our locations with a refresh every five years and a remodel every ten years. Often these updates include a full 'reinvention' of the interior – and sometimes exterior – spaces to improve the customer experience and speed of service model, modernize wi-fi and technology elements, and comply with new ADA laws.

Once this new zoning is in effect, the very foundation of these stores' success – the drive-thru window – will be unlawful. This will present very real problems when Starbucks seeks to refresh or remodel these stores. Depending on the type of remodel, the City may also require the drive-through to be removed.

Therefore the rezone could effectively prohibit future drive-thru uses at our stores. Customers depend on drive-thru business for convenience, so preserving the existing use is a critical element of our business model. It's important to have the ability to expand, remodel, and reconstruct existing stores without being subject to significant areas of non-conformity with Portland City Code.

The City proposes to rezone four Starbucks locations as mixed-use zones and apply the Centers Main Street Overlay ("CMSO") at one of these locations, summarized below.

Exhibit Number	Store Location	Existing Base Zone	Existing Overlay Zone(s)	Existing Plan District	Proposed Base Zone	Proposed Overlay Zone
1.	6003 NE Martin Luther King Boulevard	EX	(d)(h)	N/A	CM3	(d)(h)
2.	2834 SE 82nd Avenue	CG	(b)	N/A	CM2	N/A
3.	3623 SE Powell	CG	N/A	N/A	CM2	CMSO
4.	12613 SE Division	CG	N/A	N/A	CM2	(d)

Of the proposed zones, only CE without the CMSO will allow drive-thrus. We believe applying this zone at these locations is appropriate because they are outside of the Central City and already committed to auto-accommodating development, consistent with the following statement in the Proposed Draft of the mixed-use zones: “[The CE zone] is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and urban scale development is not economically feasible.” In our experience, areas such as these are slow to redevelop and we do not anticipate them doing so in the foreseeable future.

While Starbucks shares the City’s goal of making existing neighborhoods more walkable, a prohibition on drive-thrus are not a means to this end. Most Starbucks drive-thru trips are convenience or pass-by visits and incur relatively low traffic impact. To the extent that curb cuts and vehicle queuing are a concern, we prefer to address these issues through site design and other compliance measures.

Starbucks is committed to operating responsibly in the communities we serve. The proposed zoning of the above stores will make this substantially more difficult to do business in Portland. We request that the locations noted above be zoned CE and without any Centers - Main Street Overlay Zone.

Thank you for your consideration.

Sincerely,

Jim Spillane
Vice President, Store Development
Starbucks Coffee Company

July 7, 2016

MEMORANDUM

TO: Portland Planning and Sustainability Commission
FROM: Peter Finley Fry
RE: 820-830 NW 18th Avenue and 839 NW 17th
1N1E33AC 5400 & 5500

OBJECTION

We object to the City's proposal to change our zoning from EXD to EG1. We support the earlier staff recommendation to change the zone to CM3.

REASONS

1) The location as EG1 is inconsistent to the newly adopted Portland Comprehensive Plan Goals and Objectives. The Comprehensive plan describes the zone as "typically in a low-rise, flex-space development pattern". "Residential uses are not allowed ... to limit the proximity of residents to truck traffic and other impacts." The development uses surrounding this proposed General Employment zone are high rise residential uses that will be adversely impacted by a low-rise and truck generating employment use.

The application of general employment at this location is completely inconsistent with the surrounding land use patterns and creates conflicts between the closely proximate zones.

Employment uses need to be in an industrial park, campus, or sanctuary to ensure proximity of compatible uses, synergy between businesses, and the public's ability to provide appropriate and cost effective infra-structure

The location as EG1 violates the Transportation Element as it is located on a secondary neighborhood collector, limited offsite parking, difficult for truck maneuvering, and remotely located from arterials and the interstate system.

3) The EXd and CM3 allow outright a wide range of residential and retail use. The EG1 zone prohibits residential and limits retail making existing and future similar uses of the property non-conforming or prohibited. The current zoning allows an entitlement of intensity for traffic, sewer, water, and other services. The General Employment changes that service entitlement without any analysis of impact on the subject property or surrounding uses. The property developed as residential has a much different service impact then a property limited to employment uses. For example, residential uses do not generate truck traffic.

The property owner could request a zone change back to the CM3 (similar to the EXd). The applicant would have to prove that services exist for the change in intensity; services that did exist in 2016 for the property designated EXd. A prudent property

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Portland, Oregon USA 97210
peter@finleyfry.com**

owner would immediately request the quasi-judicial zone change in conformance with the Comprehensive Plan before the surrounding growth in intensification consumed all the available services.

4) The site is and has been occupied by retail uses with longer term leases. The owner plans, at the appropriate time, to redevelop the site as mixed use retail/commercial and residential consistent with the surrounding uses and location.

5) There is not a stated reason for rezoning this area to employment except that the area has employment uses and the neighborhood wants employment zoning. Employment uses are significantly north of the site. This location leans toward the residential and retail character of the neighborhood. This area does not have significant employment uses.

6) The General Employment zone was processed in the Employment/Industrial project not the Commercial/Mixed Use project. The application of an employment zone in the Commercial/Mixed Use project entirely lacks the process of the Employment/Industrial project. The misapplication of the general employment zone is an extremely probable outcome.

This apparent last minute change was advocated by the Mayor's office and the neighborhood prior to a hearing before a public body and without any real public process. The change appears to be a political accommodation rather than a thoughtful placement of uses. The designation of GE zoning on a property is driven by the political persuasion of less than .05% of the businesses and residents in the area.

Hartinger, Kathryn

From: Pdxmatza@aol.com
Sent: Thursday, July 07, 2016 8:25 PM
To: Planning and Sustainability Commission
Cc: pdxrenee@aol.com; cslevy@comcast.net; Pdxmatza@aol.com
Subject: Composite Zoning Testimony

Dear PSC,

RE: Commercial Building located at 6680 - 6688 SW Capitol Hwy, Portland, OR 97219
Owner: Rachel Properties, LLC, (Richard Matza, Managing Member.) 503-318-3732. PO Box 4643, Portland, OR 97208

The proposed zoning for the property is CM1. I hereby request the zoning be designated as CM2. The availability of additional height will be beneficial to my property and the future development of the neighborhood. It may have direct benefit to the Jewish community located in the neighborhood.

My property is located on a thoroughfare street, Capitol Hwy. It is positioned on the western side of the Hillsdale town center area and is a short walk to Multnomah Village, giving good proximity to businesses, shopping and human services. Road conditions are good. Tri Met has 24 hour bus service on the street and the bus stop is immediately in front of the property. Accessibility for the disabled is excellent as it is a flat lot with a ground level building which houses five office suites.

The neighborhood has experienced a robust rejuvenation in the last decade. It is a highly desirable part of west side living for residents and businesses alike. It will continue to grow and develop and therefore, a CM2 zoning designation will be helpful to the neighborhood, allowing business of more variety to enhance the neighborhood and serve the public.

The neighborhood has become a hub for the Jewish community of Portland. My building presently serves four Jewish agencies, including the Jewish Federation of Portland which is the communal administration arm for the Jewish community. Other tenants include a synagogue -- Congregation Ahavath Achim, a retail store -- Everything Jewish, specializing in Jewish merchandise, and a Jewish Education Center -- Portland Kollel.

Future plans include expanding the synagogue and adding a dome to the roof, in accordance to the practices of Sephardic Jews from the Mediterranean region. This will require a height variation that is compatible within the CM2 zone, but not in the CM1 zone. Further, future plans call for two apartments to be constructed on a new second level that will be used to lodge orthodox Jews who visit Portland and need to stay in an orthodox neighborhood during the Sabbath so they can walk to synagogue and observe Kosher laws for travel, food, and lodging. Portland does not presently have any facilities that meet these religious requirements. Orthodox Jews who travel to Portland must now seek out families who are willing lodge and feed them for the Sabbath and holidays. There are no hotels in the neighborhood. The addition of two second story apartments may require a CM2 zoning.

We have widespread support from our neighbors for this zone change request. There is no opposition at all.

Finally, several of the surrounding buildings are three stories. The Middleman Jewish Community Center is diagonally across the street from my property, the HUD apartments directly behind my building are three stories, and the zoning for the vacant land across the street is for greater height. My request for CM2 zone will not interfere with the view or enjoyment of the neighborhood for any nearby property owner.

Therefore, I hereby submit this testimony for zone designation to CM2 for my property.

Respectfully,
Richard Matza
For Rachel Properties, LLC