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LEGAL MEMORANDUM

TO: Portland Planning and Sustainability Commission

FROM: Tim Ramis

DATE: July 19, 2016

RE: 1512 and 1434 SW 58th Rezoning Request
File No. 50338-74976

I am providing this summary of key questions and answers to supplement my oral testimony and letter of July 12, 2016 that requested rezoning of two properties in lower Sylvan to conform to their R-2 comprehensive plan designation.

1. Does preservation of two units of existing housing stock justify not conforming the zoning district to the plan district in this case?

No. Staff indicated to the Commission that nonconformity of zoning and plan districts is justifiable in rare cases where updating the zoning to match the plan would create pressure to replace housing with other uses. In this instance, the two existing units would be replaced by up to 22 townhouses. From a housing policy perspective, this is more desirable than the preservation of two small houses on an acre of urban land. The current situation is an obvious underutilization of land resources. The houses, one of which lacks a foundation, are nearing the end of their useful life. Redevelopment under the R2 zone would address the "missing middle" gap in the supply of affordable housing adroitly identified in the staff report; whereas preserving two half acre lots would not.

2. Has there been a change in circumstances that would justify preserving half acre lots in the lower part of Sylvan?

No. In fact the opposite is true. The neighborhood is now well served by the region's substantial investment in transit. The site is a four minute walk from a TriMet stop with frequent service to downtown Portland, Beaverton and Hillsboro. And, it is only a four

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minute drive to drop off a MAX rider to the Zoo Station. Within easy walking distance there are numerous retail, professional and public service uses supporting the neighborhood, including dry cleaners, convenience store, coffee shop, restaurant, alterations service, pizza and sandwich shops, fire station, doctor, dentist and therapist offices, recreation field, middle school and athletic club.

Lower Sylvan is a walkable neighborhood which is well served by transit. The maturing neighborhood, and the substantial investment in transit infrastructure, supports conforming the zoning to the comprehensive plan.

3. Would development at R-2 density have a substantial impact on the Skyline / Sunset Highway interchange?

No. In rezoning the contiguous property to the south, the hearings officer and Bureau staff found that the interchange was designed to accommodate trips generated by development in the area of Sylvan designated R-2 in the comprehensive plan. This legal finding is consistent with the recent traffic study which finds that the net increase at the p.m. peaks is only 9 trips. This falls far below the threshold for conduct of a traffic impact study under ODOT's procedures.

4. Does the condition of SW 58th justify denial of this request?

No. The development review process and conditions will require substantial improvements of the roadway and streetscape along the property frontage. Moreover, the major need on this segment of SW 58th is for safe sidewalks. Adjacent development to the south of the site demonstrates the generous sidewalks that come with redevelopment on the street. We previously provided photographs documenting this improvement. Expanding the network of sidewalks, the width of the sidewalks and the reach of the storm sewer system are needed upgrades to SW 58th that will only occur through redevelopment at an urban density consistent with the comprehensive plan.