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503-598-7070
www.jordanramis.com

Vancouver
1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend
360 SW Bond St., Suite 510
Bend, OR 97702
541-550-7900

VIA HAND DELIVERY

October 13, 2016

Honorable Mayor Charlie Hales
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Nick Fish
Commissioner Dan Saltzman
Jamie Dunphy, Policy Advisor
Claire Adamsick, Senior Policy Advisor
Zach Klonoski, Policy Advisor,
Katie Shriver, Policy Director
Matt Grumm, Senior Policy Manager

mayorcharliehales@portlandoregon.gov.
Amanda@portlandoregon.gov
novick@portlandoregon.gov
nick@portlandoregon.gov
dan@portlandoregon.gov
jamie.dunphy@portlandoregon.gov
claire.adamsick@portlandoregon.gov
zach.klonoski@portlandoregon.gov
katie.shriver@portlandoregon.gov
matt.grumm@portlandoregon.gov

Re: **Lower Sylvan Rezoning Request; 1512 and 1434 SW 58th Ave**
Zoning Issues

Dear Portland City Council:

This letter supplements my letter of October 4, 2016 and the testimony presented on October 6, 2016 by Michael Foster and Joseph Schaefer regarding these two abutting properties which total one acre on SW 58th Ave in Lower Sylvan, near the commercial node along Skyline Blvd. We seek a rezone from R20 to R2 to match the R2 comprehensive plan designation and the R2 zoning of our adjacent neighbors to the south who have townhouses in various stages of development.

The Planning and Sustainability Commission recommended against a rezone, though not because R2 is the wrong zone. They felt that the upzone would be approved in a quasi-judicial application, but staff advised there was a risk that sidewalk and street improvements might not occur with development. I agree completely with Mr. Foster on the need for sidewalks, and the code authority to require them is in Title 17.88.020.A (for a building permit without a land division), and Titles 17.82.070 and 33.641 (for a land division.)

Obtaining street improvements for SW 58th Ave has clearly not been a problem with any of the other redeveloping properties on the street, as shown in the attached documents for the projects at 1530 SW 58th Ave, immediately south of our properties, and at 1742 SW 58th Ave, at the northeast corner of SW 58th Ave and SW Montgomery. Nevertheless, to the extent it is a concern, it is easily resolved. The improvement can be volunteered in an application, or included in a development agreement, or

October 13, 2016
Page 2

required now as a condition of this zone change. Mr. Foster and I will utilize whichever method is preferred by city staff.

Approving the zone change now will bring these new housing units to fruition a year sooner, and reduce the cost of each unit by approximately \$2000, half of which is the city application fee for the quasi-judicial zone change. You have the power to bring these missing middle housing units to the city quickly and efficiently.

The Planning and Sustainability Commission hearing revealed only procedural concerns about this legislative rezone. Substantively, numerous city policies support the change from half acre lots to the urban R-2 designation. The procedural concerns can be resolved as described above to ensure the sidewalk and street improvements are built with redevelopment, and therefore we ask you to approve the rezone to implement the R2 comprehensive plan designation of these properties.

Thank you for your assistance.

Sincerely,

JORDAN RAMIS PC



Timothy V. Ramis
Admitted in Oregon
tim.ramis@jordanramis.com
OR Direct Dial (503) 598-5573

Enclosures

Documents Regarding SW 58th Ave Frontage Improvement
at 1530 SW 58th Ave
(adjacent to the south of the Ramis and Foster parcels)



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
 Paul L. Scarlett, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 15-221513 LDS
 PC # 15-148360
REVIEW BY: Hearings Officer
WHEN: October 12, 2016 at 9am
WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: SHAWN BURGETT / SHAWN.BURGETT@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Mark Dane
 Mark Dane Planning
 12725 SW Glenhaven St
 Portland, OR 97225

Owner: Eric Rystadt
 Main Street Development Inc
 Pmb 208, 5331 SW Macadam Ave Suite 258
 Portland, OR 97239

Site Address: 1530 SW 58TH AVE

Legal Description: TL 2400 0.50 ACRES, SECTION 06 1S 1E
Tax Account No.: R991061900
State ID No.: 1S1E06CA 02400
Quarter Section: 3223
Neighborhood: Sylvan-Highlands, contact Dave Malcolm at 503-805-9587.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills - Skyline

Zoning: R2 (Multi-Family Residential 2,000)

Case Type: LDS (Land Division Subdivision)
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:
 The applicant is proposing a 7-lot land division on this 21,780 square feet site. Proposed Lots 1-3 will measure between 2,200 square feet and 2,383 square feet and will accommodate detached dwelling units facing the new private street tract. Proposed Parcels 4-7 will measure between 1,636 and 1,984 square feet and will accommodate attached dwelling units that will also face the new private street. A Shared Court will serve as the private street tract. A Shared Court is a

lot size standards previously described (most notably, maintain a minimum lot area of 1,600 sq. ft.). However, since several design modifications are required on the site plan to meet the approval criteria (as discussed throughout this report), this issue should be addressed prior to preliminary approval.

Based on the discussion above, this criterion is not met.

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. The applicant submitted a professionally prepared Traffic Impact Study (TIS), prepared by Lancaster Engineering, to address this criterion (Exhibits A.16 and A.40). PBOT has provided the following findings (see Exhibit E.2):

Transportation Impacts (33.641.020)

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Street capacity and level-of-service

Findings: Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The applicant included a professionally prepared Traffic Impact Study (TIS) to adequately address the above referenced approval criterion. The following discussion is based on PBOT's assessment of the submitted TIS and transportation impacts for this proposal.

The proposed land division will create 7 lots from the current lot in order to accommodate a combination of attached and detached homes. Referring to the ITE Trip Generation Manual, 9th Edition, the proposed development on the site will generate 5 vehicle trips during the morning peak hour and 7 vehicle trips during the evening peak hour. The new residences are projected to generate a total of 66 trips in total each weekday.

The applicant's traffic consultant obtained actual traffic counts and conducted observations during a different day at the following several nearby intersections during the traditional morning and evening peak hours to obtain data/traffic volumes in order to determine existing levels of service and to project the capacity of the intersections in relation to the proposed development. Additionally, to assess the impacts of the proposed development with regard to the existing Portland Public School District/Odyssey Program located at the intersection of SW 58th Ave/SW Montgomery, additional traffic counts were obtained for this intersection during the morning peak hour on a recent school-day.

These traffic counts were hand-collected, and occurred in tandem with additional observations of school-related traffic.

<u>Intersection</u>	<u>Existing LOS AM Peak/PM Peak</u>	<u>Projected LOS AM Peak/PM Peak</u>
SW Skyline/SW Montgomery (signalized)	B/B	B/B
SW 58 th Ave/SW Montgomery (stop controlled)	B/-- *	B/--*

*There is no PM Peak Hour LOS assessment for this intersection as the hours of the Odyssey Program do not coincide with the traditional PM Peak Hour.

As demonstrated above, all study intersections are currently operating well within City operational standards, and will continue to do so following the addition of the project trips from the proposed development. As found by the applicant's traffic consultant, site generated vehicle trips will have negligible impacts to the capacity of nearby intersections. This evaluation factor is satisfied.

The following should be considered as additional information only – PBOT compliments the applicant and his traffic consultant for providing this assessment of school-related traffic as background information from concerns that were raised several years ago in relation to another nearby land division proposal.

As of September 2016, Portland Public Schools' Odyssey Program, a focus option for PPS students in grades K-8 has occupied the school building at the SW 58th Ave/SW Montgomery intersection. The most recent previous use of the building was to house sixth-grade classes from nearby West Sylvan Middle School.

The morning peak period was determined to be the critical period for analysis of school traffic and its impacts on the adjacent roadways. The 2015 traffic counts at the nearby SW Skyline/SW Montgomery St intersection showed that the intersection of SW 58th Ave/SW Montgomery St experiences slightly higher volumes during the AM peak period than during the evening. Further, the AM peak periods of the proposed development and the existing school are concurrent, while the school's later-day peak period occurs between 2:00-4:00 PM and the expected peak for the residential development occurs between 4:00-6:00 PM. Observations were therefore conducted during the morning peak period, between 7:00-9:00 AM.

Drop-off activities occurred almost exclusively between 7:40-8:05 AM. Most vehicles arriving to drop-off a student approached from the east, turning left onto southbound 58th Ave at the intersection of SW 58th SW Montgomery. Along the west side of SW 58th Ave just south of this intersection, there is an approximately 90-ft section of frontage adjacent to the school that has the capacity to accommodate 5 stopped vehicles. Though signed as 2-hour parking, this area was observed to be used only for short-term drop-offs during the AM peak hour. Vehicles arriving for drop-off activities would typically utilize a parking space along this stretch if one was free. Vehicles were then observed to continue south, turning into the school driveway and looping around the school before exiting eastbound along the school driveway approach to the SW 58th/SW Montgomery intersection. If space along the SW 58th Ave frontage was unavailable when a particular vehicle arrived, the vehicle would then loop around the school as described above, dropping off the student prior to re-entering the intersection from the school driveway. Queues resulting from drop-offs occurring along SW 58th Ave were thus not observed to have a significant impact on the operation of this intersection, extending into the intersection for a total of only about 20 seconds of the peak hour. It is noted that no school buses arrived at or departed from the site during the observation period.

Based upon this analysis, it is not expected that the proposed new homes will have a significant impact on school traffic, nor will the new Odyssey Program significantly impact traffic generated by the project. The impacts from the school are concentrated along the southern leg of the SW 58th/SW Montgomery intersection; the proposed project is not anticipated to add any new trips to this leg of the intersection. Further, the expected peaks and travel patterns of the two properties do not significantly overlap. The study intersections and nearby roadways can safely accommodate both the proposed new use in addition to all existing uses.

Vehicle access and loading

Findings: Access to the proposed subdivision will be via a private street (shared court) with one curb cut along the site's SW 58th Ave frontage. Loading is expected to take place using the shared court and the approx 68-ft of remaining curb length along the property frontage (subtracting the curb-cut length). Loading activities associated with residential land uses are typically light and infrequent, and there is ample space for these activities to occur on-site on

the proposed driveways. The subject site provides adequate access for motor vehicles as well as other modes. Vehicle access and loading space at this location are sufficient to accommodate the existing uses as well as the proposed project. This evaluation factor is satisfied.

On-street parking impacts

Findings: The parking demand that will be generated as a result of the proposed project was estimated using rates from *Parking Generation*. The data utilized to determine the parking demand for the proposed new office use were for land use #210, *Single-family Detached Housing*. Based upon these data, the mean peak parking demand for the proposed new office space is 15 parking spaces.

The applicant's traffic consultant conducted on-street parking observations during the analysis period recognized as the expected peak period for residential parking. There are approximately 31 on-street parking spaces within the parking survey area (SW 58th Ave between SW Montgomery and SW Clay). During the observation period, the applicant's traffic consultant counted 13 vehicles parked within the surveyed area. With the proposed development, 8 on-site parking spaces will be included.

Even if all of the expected demand (15 spaces) was to occupy the on-street parking supply in the area, there would be sufficient to accommodate the entire project's demand. Based on observations conducted, the area will be able to accommodate the existing and new parking needs. This evaluation factor is satisfied.

Availability of transit service and facilities and connections to transit

Findings: Available transit service in the area exists via Tri-Met bus route #58 (Canyon Rd). The nearest stops to the subject site are at the Sunset Hwy ramp at the SW Skyline interchange. The site is well served by transit, and comfortable and safe walking routes between the site and all stops are available. This evaluation factor is satisfied.

Impacts on the immediate/adjacent neighborhoods

Findings: As analyzed above, the impact of the proposed project's generated vehicle trips on area intersections and streets will be negligible and the operations of the transportation system will continue to be acceptable. Currently, there is sufficient on-street parking to serve the demand of the existing uses in the area. As demonstrated above, adequate on-street parking opportunities will remain after the construction of the proposed subdivision. From a transportation perspective, these noted areas (transportation system and parking impacts) are impacts that can adversely affect neighborhoods. These issues are not expected to negatively impact the immediate or adjacent neighborhoods. This evaluation factor is satisfied.

Safety for all modes

Findings: Crash records were examined by the applicant's traffic consultant for the most recent reporting time frame available (2010-2014) for the study intersections. Crash rates and patterns were below a level indicative of potential safety concerns, and there were no apparent safety deficiencies noted during site visits. Crash rates greater than 1.0 CMEV (crashes per million entering vehicles) are generally indicative of a need for further investigation and possible mitigation. Based on the detailed crash data and the calculated crash rates, there are no apparent existing safety deficiencies at the study intersections. Accordingly, the vicinity of the site is safe for motor vehicles.

Regarding active modes, the streets in the vicinity of the site are low-speed, low-volume residential roads that can safely be shared between bicycles and motor vehicles. With regard to bicyclists, there are identified bike facilities (Portland Bike/Walk Map) in the area, including a shared roadway (SW Skyline) and a Multi-use path/paved facility and Bike lane (SW Canyon Ct).

Sidewalks are not regularly available throughout the immediate area other than along the multi-dwelling residential development abutting the subject site to the south and then further south at the intersection of SW 58th Ave/SW Montgomery. As a condition of approval of the proposed subdivision, the applicant will be required to construct a new sidewalk along the site's frontage, thereby furthering the pedestrian system in the area.

The vicinity of the proposed residential land division currently has no safety concerns for any mode of transportation, and will not be adversely affected by the proposed land division. This evaluation factor is satisfied.

In summary, as analyzed above and as evidenced in the submitted TIS, with acceptable analyses, methodologies and

conclusions, all of which PBOT staff supports, the applicant has clearly demonstrated that "the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area".

Street Classification

At this location, the City's Transportation System Plan classifies SW 58th Ave as a Local Service street for all modes.

At this location, according to City GIS, SW 58th Ave is improved with approx.. 20-24 ft. of paving with no curb or sidewalk within a 40-ft wide right-of-way (r.o.w.).

For Local Service streets abutting R2-zoned sites, the City's public r.o.w. standards document requires a 62-ft r.o.w. width to accommodate a 32-ft roadway width (which would allow parking along both sides) & two 15-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 6-ft sidewalk & 0.5-ft frontage zone).

There is insufficient r.o.w. along the street to accommodate the above referenced street section, accordingly, property dedication will be required. It appears that there will be a property dedication requirement of approx 11-ft (this has been identified in relation to City GIS, which is not supported by a survey and assuming a standard 8-ft wide stormwater management facility). The precise amount of dedication can only be determined via a survey and once the applicant's civil engineer has proposed an appropriately sized and designed stormwater management facility. The amount of dedication *may therefore vary*. *Property dedication will occur as part of the Final Plat phase of this land use process.*

In relation to the dedication requirement, regardless of what that ultimately might be, the new curb shall be located 16-ft from the centerline of the r.o.w. This curb placement should be in alignment with the curb (sidewalk corridor) that was constructed in relation to the project immediately to the south of the subject site.

The r.o.w. improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed project. Conceptual PW Design must be submitted to Public Works Permitting in order to verify the type of PW Permit that is required and to determine the required performance guarantee amount. PW Design Review will determine specific design elements including stormwater management, bus stop, curb-cuts, landscaping, location of signage, location of utility poles and street lights, as well as other design requirements. As of the writing of this response, the applicant has already received Concept Plan (30%) approval via 16-115387 WT/TH0321 and 16-119135 WE/EP226.

Plans, fees, a contract (called the application for permit) and a performance guarantee for the estimated value of the improvement must be submitted prior to (Final Plat approval). The performance guarantee may be in the form of a surety bond, irrevocable letter of credit, set-aside account, or cash deposit. Applicant should contact Public Works at (503) 823-1987 for appropriate forms and additional information.

RECOMMENDATION

PBOT has no objections to the proposed land division subdivision, subject to the following conditions:

1. Right-of-way improvements to the satisfaction of the City Engineer and consistent with current City standards will be required along the site's SW 58th Ave frontage.
2. Prior to Final Plat approval, Public Works financial guarantees for the r.o.w. improvements required along the site frontage shall be provided.
3. Prior to Final Plat approval, property dedication necessary to provide City standard r.o.w. improvements shall be completed. Public Works submitted plans for 16-115387 WT/TH0321 and 16-119135 WE/EP226 show all necessary property dedications.

Based on the discussion above, this criterion is met.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Documents Regarding SW 58th Ave Frontage Improvement
at 1742 SW 58th Ave
(northeast corner of SW 58th Ave and SW Montgomery)

14-252325/43/49/52/53 RS
14-252357 SD



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Sent To: Sylvan - Highlands, I.A.
 Street & Apt. No., or PO Box No.:
 City, State, ZIP+4: PDX

PS Form 3800, July 2014 See Reverse for Instructions

November 13, 2014

Sylvan-Highlands Neighborhood Association,
And
Neighbors West/Northwest
2257 NW Raleigh St,
Portland, OR 97210

Hello Gretchen, & Dave:

Thank you for allowing me to share the details of our new project on the corner of SW 58th Ave and SW Montgomery St. at your meeting Tuesday night.

It seemed that our project was fairly well received, but it was apparent there were a couple major concerns. One was the significant increase in the traffic flow over the past several years on SW 58th and the congestion it causes around East Sylvan GS and Montgomery St.; coupled with the traffic, both vehicle and pedestrian, generated by East Sylvan Grade School. Making matters worse, the corner is somewhat of a blind intersection on the NE corner, due to the sharpness of the turn and the tall trees on the lot.

Another area of concern was street parking. 58th is a narrow street, leaving little room for cars to pass and when you add parked cars on the side of the road it is very narrow.

As I indicated in the meeting, part of our project includes a half street improvement along 58th street for the full length of our property and as part of that, we are dedicating an additional 8' to widen 58th street. It was also suggested that we talk with East Sylvan Grade School and see if we could work out a deal where if we improved the staff parking lot directly across the street from our project, we could use it during off school hours. We will pursue that as we get closer to start of construction.

With regard to the traffic problem several things were suggested, one was that we do not install any tall plantings along the NE corner of SW 58th and Montgomery and we have modified the landscape plan to reflect this. We are however required by the City to plant street trees along SW 58th Ave.

In addition we pointed out that our buildings will set approximately 20' back from SW 58 and 28' back from SW Montgomery.

It was also suggested that when we start construction we talk to East Sylvan GS regarding high traffic hour and try and coordinate large delivers and heavy equipment drop off around these times. We will discuss this with the East Sylvan prior to start of construction.

8555 SW Sagert St., Tualatin OR 97062-9115
Telephone 503-577-6970
Rick@caffallconstruction.com

Another suggestion was that a blinking red light be installed at the intersection to slow traffic and perhaps traffic cameras at the Developers expense. As mentioned Sylvan Development's office is across the street from East Sylvan GS, and we see first hand the congestion. We too are concerned with the safety of the children and parents as they move to and from school as well as neighbors. We have noticed the many rolling stops at the intersection. We however do not understand the thinking that we should be burdened with the entire cost of the traffic light. We are not increasing a large burden to the traffic count with our project.

As an alternative we would suggest that if the concern is as wide spread as indicated among the neighbors that the neighborhood association raise the money to install it. Sylvan Investments will certainly contribute to the effort both monetarily as well as add any influence we can to the cause. If we can assist with the coordination of the construction of the light we would also be willing to do that.

One final concern we heard at the meeting was that the holly hedge along the North property line of our property be retained as a buffer. We will provide a buffer, if the City allows the hedge to remain we will trim it up and leave it.

Thanks,
Sylvan Investment Inc

by: Rick Caffall



Public Works Alternative Review Decision Form



Review Number: 16 - 119685 - PW

Original Requirement: 14 - 252357 - SD

Date Reviewed: 2 / 17 / 2016


PUBLIC WORKS ALTERNATIVE REVIEW COMMITTEE DECISION

A decision has been made for this review and the submitted proposal will not receive further consideration as a Public Works Alternative Review. Please read this decision carefully and take any needed actions such as correcting a building permit plan set or contacting the affected reviewers assigned to an active land use review.

This decision can be appealed through the Public Works Appeals program. Please visit <http://www.portlandoregon.gov/transportation/PublicWorksAppeal> for more information on Public Works Appeals.

- Approved as Proposed
 Approved with Conditions
 Denied

The Public Works Alternative Review Committee has reviewed and considered the applicant's request to maintain existing conditions along SW Montgomery Street. The Committee supports maintaining the existing conditions along SW Montgomery Street provided that signs & poles can be relocated to provide minimum 48" wide clear pedestrian passage. The applicant will be required to reconstruct the ADA corner ramp and complete the required frontage improvements along SW 58th Avenue.



 Signature, Public Works Alternative Review Committee Member

Date: 2 / 26 / 2016

Testimony of Michael Foster
Portland City Council
October 6, 2016

My name is Michael Foster, and I own the ½ acre property which is one half of the area Mr. Ramis discussed. I also happen to live on SW 58th, just three houses up the street from the acre we are discussing.

Sylvan is a great place to live. We have all the convenience uses you could want and easy access to rail and bus service. But what we need is a safe sidewalk system to be completed on SW 58th, so people can get down the hill to the bus stop and everything else. I know this as well as anyone.

The properties that have developed, have built their fair share of that sidewalk, but the only way we can finish it is with redevelopment of the other properties the City has already planned for redevelopment. Please act to conform the zone to the plan so we can move ahead with getting the sidewalk done.

I understand the staff's concern that someone would theoretically try to develop our land without sidewalk and street improvements, but I will not allow that on my property. Tim has shown me how to prevent that with a covenant.

The City staff has never allowed the properties next to us to develop without proper improvements so I do not see the staff worry about our property as very real, but since we have the tools to address their concerns, please change the zoning map and let us get on with the job finishing the sidewalk system on 58th. There is no good reason to wait.

This property is an underutilized acre of ground with only 2 very old houses on it. The comprehensive plan calls for allowing more families to live here close to services and transit. It's time to implement the plan and get the sidewalk built.

Thank you for the opportunity to testify.

Possible Questions

1. What do your neighbors think?

Answer: I would hope they would be supportive. All of us need a safe sidewalk system completed.

2. What about the lack of sidewalk further up the hill?

Answer: Bad conditions on part of the street cannot justify failing to complete the sidewalk network where we can.

October 13, 2016

Portland City Council
1221 SW 4th Ave, Room 130
Portland, OR 97204
Attn: Comprehensive Plan Implementation

DELIVERED TO HEARING ON OCTOBER 13, 2016

Re: Proposed Changes to the Major Public Trails Zoning Map Designation:
Dosch Park Lane and Campbell Court, Portland Oregon (Trail Segment 3892, State ID #
1S1E17AD 7200 and 1S1E17AA 8500)

Dear Mayor and Councilors:

I am a homeowner residing at 4825 SW Dosch Park. I am writing to request that the Council reject the changes recommended by the Planning and Sustainability Commission (PSC) to include Segment 3892 on the Major Public Trails zoning map. We received the September 6, 2016 Notice of Proposed Zoning Map Change, and are concerned by statements within the Notice that the designation could "affect the permissible uses" of our property and may affect its value, and that our property may be considered for "future easement acquisition" by the City. The roads through our planned unit development were built and have been maintained as PRIVATE ROADS. I will consent to no designation of the roads as part of a Major Public Trail. Both roads are owned and maintained by the Dosch Estates Neighborhood Association and both roads abut and provide access to our property,

As noted in the letter from John Calhoun, president of the Dosch Estates Homeowners Association, Dosch Park Lane and Campbell Court have always been private roads that the homeowners pay to maintain. No public easement or right-of-way has ever existed on either road. Further, we would not consent to such an easement.

Therefore, we ask that you please remove Segment 3892 from the Major Public Trails System designation.

Thank you for your consideration.

Respectfully,



James Driscoll
4825 SW Dosch Park Lane
Portland, Oregon

October 13, 2016

Portland City Council
1221 SW 4th Ave, Room 130
Portland, OR 97204
Attn: Comprehensive Plan Implementation

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Therefore, we ask that you please remove Segment 3892 from the Major Public Trails System designation.

Thank you for your consideration.

Respectfully,



Gail Gearin
4825 SW Dosch Park Lane
Portland, Oregon

Oct 13, 2016

Portland City Council,

We want to thank the Planning and Sustainability Commission for recommending our request for CM2 zoning. We ask City Council for another request: Please add the design review overlay or other planning solution to allow our properties to be eligible for the extra height bonus as well.

ZONING AS A WAY TO BUILD REAL WEALTH AND EQUITY

PDC initiated a new program all N/NE Economic Initiative to help build real wealth in inner North East Portland. That is a good approach to help solve an old problem. But Council is also creating real wealth by the zoning choices being made now.

Zoning these properties with the same height entitlement as other parts of Alberta Street would create Real Wealth and Real Equity for several long time owners of inner NE property. **Equitable Zoning** will fulfill the aspirations of the new PDC program with out spending any scare Urban Renewal dollars.

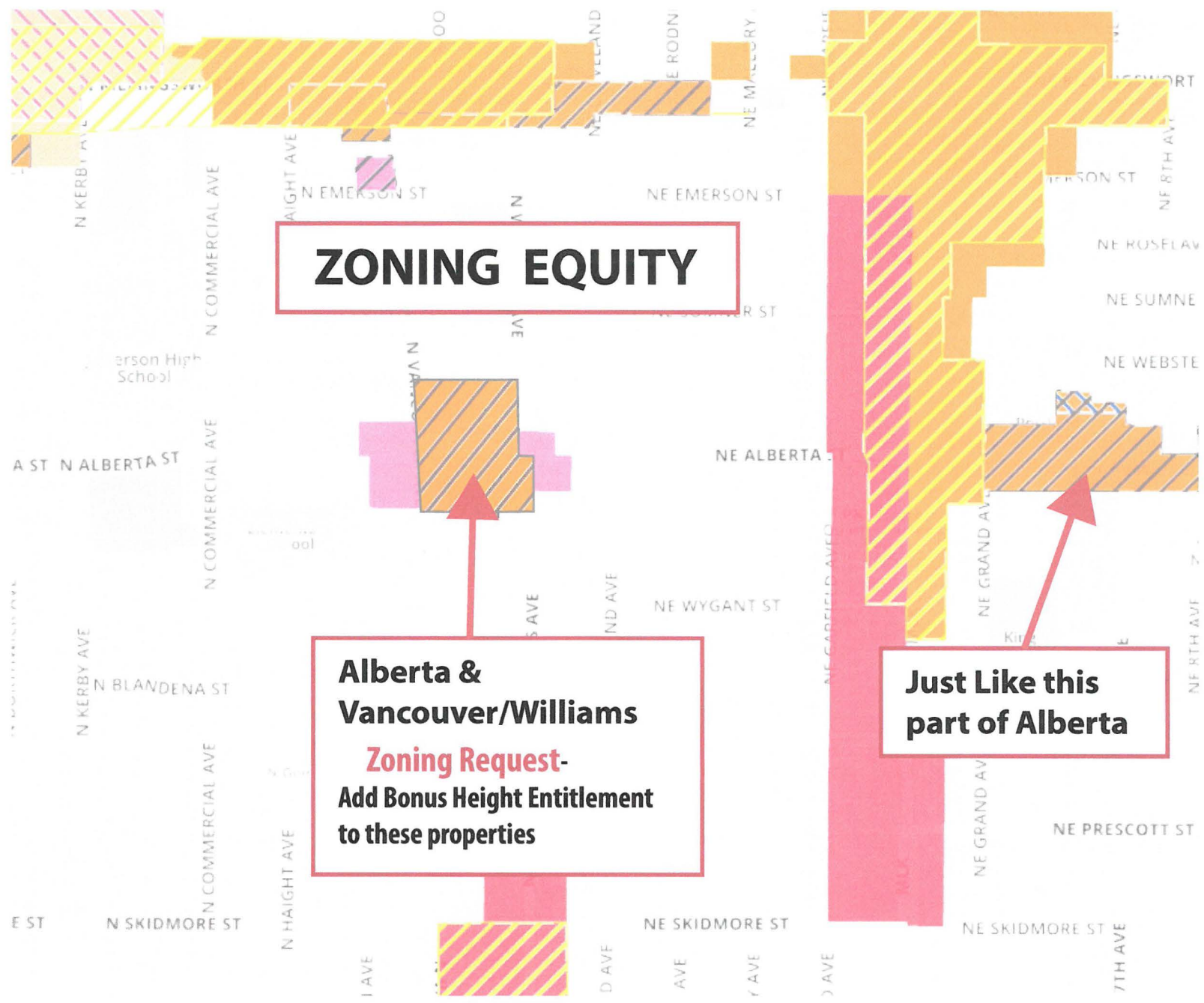
This letter is to demonstrate that all the property owners together are unified in this request.

Acct Number	Address	Owners
R308873	20 N Alberta	Luther Strong Jar, Jessie Strong
R308872	106 N Alberta	Darnell Strong, Jackie Strong
R308871	114 N Alberta	Darnell Strong
R308869	122 N Alberta	Stephanie Gaidosh
R308855	4931 N Williams	Jackie Strong
R639049	N Williams	Luther Strong Jr, Jessie Strong
R308856	N Williams	Luther Strong Jr, Jessie Strong
R308867	4922 N Vancouver	Lise-Allynne Scott
R308868	4934 N Vancouver	Douglas McCabe
R308870	4946 N Vancouver	Ernest and Sonya Hill
R298052 R298051	30 N Webster Street	State of Oregon
R298050 R298049		Shannon Ryan DAS Administrator

Respectfully,



Letter delivered by Jackie Strong on behalf on this group of property owners to the City Council on October 13, 2016



ZONING EQUITY

Alberta & Vancouver/Williams
Zoning Request-
Add Bonus Height Entitlement
to these properties

Just Like this
part of Alberta



Oregon

Kate Brown, Governor

Department of Administrative Services
Enterprise Asset Management – Administration Office
1225 Ferry Street SE
Salem, OR 97301-4281
PHONE: 503-378-2865
FAX: 503-373-7210

July 12, 2016

Planning and Sustainability Commission
c/o City of Portland Bureau of Planning and Sustainability
1900 SW 4th Avenue, Suite 7100
Portland, OR 97201

Re: Mixed Use Zones Testimony

Members of the Commission:

The Oregon Department of Administrative Services (DAS) owns the block bounded by North Webster Street, North Williams Street, North Alberta Street, and North Vancouver Avenue. The property consists of four contiguous parcels with the address of 30 North Webster Street:

Property ID	Legal Description	Area
R298052	WALNUT PK, BLOCK 20, LOT 7-9	15,900 SF
R298051	WALNUT PK, BLOCK 20, S 45' OF E 40' OF LOT 5, S 45' OF LOT 6	4,050 SF
R298050	WALNUT PK, BLOCK 20, LOT 4, LOT 5 EXC S 45' OF E 40', LOT 6 EXC S 45'	10,950 SF
R298049	WALNUT PK, BLOCK 20, LOT 1-3&10-12	29,180 SF

The block currently carries CN2 zoning. Under the 2035 Comprehensive Plan Update, this block and surrounding area are designated Neighborhood Mixed Use, with a proposed CM1 zone.

DAS fully supports the comprehensive plan designation.

The property includes a full block face frontage along North Vancouver Avenue, which is home to higher density development than permitted under CM1 zoning. Neighbors on the northern half of the block south of the DAS-owned parcels (fronting on Vancouver, Alberta, and Williams) have requested CM2 zoning be applied to their properties.

DAS requests that the CM2 zone be applied to the DAS block and has no objection to the neighbors' request for CM2 zoning for their parcels.

Sincerely,

Shannon Ryan
Administrator

October 12, 2016

Mayor Hales and the Portland City Council,

The owners of the property and businesses on NE Fremont Street between 47th and 50th request their property be zoned CM2 as part of the Comprehensive Plan update of the City of Portland.


This is a request from the 9 property owners along the North side of NE Fremont. They represent 90% of the business property along this portion of Fremont Street. These owners want their property to be zoned CM2, the same zoning as the Fremont properties closer to 42nd Ave.

Support for this zoning includes long-time locally-owned neighborhood institutions like Almafis and Stanich's.

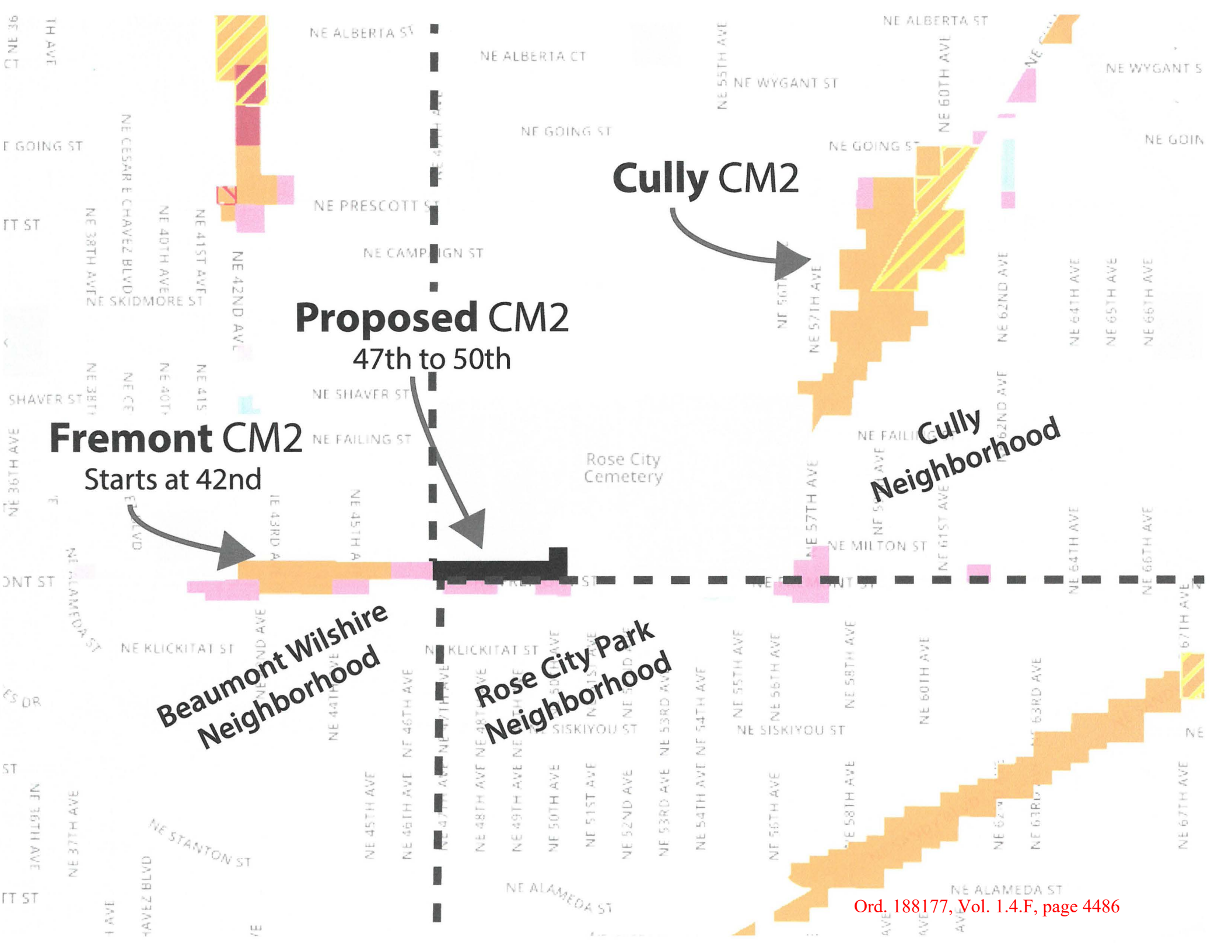
The following owners support the zone change to CM2.

Acct Number	Address	Owners
R317707	4623-4627 NE Fremont	Paradise 39 Grape LLC Richard Larson
R111559	4703 NE Fremont	Almafis Fred Baker
R111560	4727 NE Fremont	Richard Seaberg Properties LLC
R111561	4741-4743 NE Fremont	Holly Mallinson
R111562	4759 NE Fremont	Modern Pacific Prop LLC Mark Fuentes
R111563	4765 NE Fremont	Alameda Brew Pub Kejo Enterprises LLC
R111564	4803 NE Fremont	PCF Properties LLC John Sheils
R111567	4915 NE Fremont	Stanichs - Gladys & George LLC
R111568	4929 NE Fremont	Settlemier Awards Jacket Inc

Sincerely Submitted,


Steve Stanich

Representative for these Fremont Street property owners and business.



Cully CM2

Proposed CM2
47th to 50th

Fremont CM2
Starts at 42nd

Cully Neighborhood

Beaumont Wilshire Neighborhood

Rose City Park Neighborhood

**Additional comments regarding CM2 zoning
for the property between 47th and 50th on Fremont**

Regarding the lack of side street parking because of the Cemetery

The staff reports suggests that since there are no side streets (because these properties abut the cemetery) that density should not be encourage on this site. Where will all the people park if there are no public streets?

Perhaps a better argument is to zone the property CM2 so that the development projects will be larger and they will meet the threshold to require parking. Then the development itself can provide parking rather than relying on public street parking.

Regarding the heights of the buildings

This proposal property is next to the cemetery. The taller height of CM2 would not shade or tower over ANY single family homes – It will only shade the cemetery.

Cemetery as Greenspace

Additionally the cemetery would provide an excellent view of green space for future housing built on property

Please zone the properties between 47th and 50th on Fremont to CM2

Thank you

October 13, 2016

Dear Mayor & City Council,

I am writing to provide the following written testimony on the proposed amendments to City Zoning Map, Planning and Zoning Code and Transportation System Plan to carry out Portland's 2035 Comprehensive Plan. The hearing on this topic is scheduled to continue this Thursday at 2pm.

I participated in the 2015 Title 11 Oversight Advisory Committee which reviewed and evaluated the first year of Title 11 implementation. I also previously served on the Citywide Tree Project Stakeholders Advisory Committee that helped develop Title 11 in 2008-2010.

I want to urge the City Council to remove Title 11 (tree code) exemptions for commercial and industrial zones in the process of updating the zoning maps and codes. It is critical that the City Council consider the impacts of these zone changes on Portland's trees and urban forest canopy goals, especially as new information is now available. **And it is time that the "City-wide Tree Code" be finally and genuinely apply City-wide.**

You might recall that most commercial and industrial zones were exempt from Title 11's preservation and density standards when Title 11 was adopted in 2010 under the premise that Title 11 might potentially limit development capacity on employment lands AND the employment land supply needs were unknown.

Parenthetically, these Title 11 exemptions were never justified. It is already extremely unlikely that Title 11 would limit land supply in a way that would inhibit allowed commercial or industrial uses. That is because Title 11 "preservation standard" always allows a fee-in-lieu of preservation option (11.50.040Cb) and the Title 11 tree density standard has the very low "required tree areas" where planting is required in these zones. Only 15% of the site or development impact area in commercial/office/retail and mixed use zones are required to be planted and only 10% in industrial zones (11.50.050C) must be planted. In many cases this the same as the existing, pathetically small areas required to be landscaped.

Nevertheless, if there was ever any credible basis for exempting commercial zones from Title 11 based on land supply, we now know there is not a land supply issue. Portland's new Economic Opportunities Analysis (Adopted June 2016, <https://www.portlandoregon.gov/bps/article/543100>) found that city has a surplus of commercial land. "Figure 3. 2035 Employment Land Needs Summary" indicates the City has surplus 174 acres (169% capacity) of employment lands in Neighborhood Centers and Corridors. In aggregate geography there is a surplus of 613 acres (189% capacity) of employment lands in Neighborhood Commercial zones.

Based on these findings, Title 11 Oversight Advisory Committee Report recommendation 2 on Page 9 recommended: "Evaluation of tree preservation triggers and exemptions, particularly exemptions for lots less than 5,000 square feet and commercial, industrial and employment zones. In the latter case, the Committee understands that the City's new Economic Opportunities Analysis found that City of Portland has a surplus of commercial land. Therefore, there is no longer a justification for exempting some commercial zones from Title 11."

Proposed code changes to implement the Mixed-Use Zone Project and possibly other proposed zoning code changes currently before the City Council do not eliminate of Title 11 exemptions for relevant commercial zones.

Finally, commercial corridors and industrial areas are precisely the segments of the community most in need of Title 11 regulations. According to the City of Portland's Urban Forestry Action Plan (2007) page 2, public right-of-ways and commercial/ industrial lands are the two land-use categories that are farthest from achieving the city's canopy cover targets (<https://www.portlandoregon.gov/parks/article/226238>). Commercial Corridors are also where more and larger trees have the greatest potential to reduce urban heat and improve air and water quality and thereby yield improved public health outcomes while creating an inviting, vibrant and walkable commercial streetscape.

Therefore I strongly urge the City Council remove exemptions for tree preservation (Title 11.50.040.B1) and tree planting (11.50.050B1d) for commercial zones.

I would further recommend removal of tree preservation and planting exemptions for all industrial zones. It is entirely possible for industrial development to comply with Title 11 at little cost and no significant land supply. There is a tremendous need to expand the urban canopy in industrial zones particularly given the public health impacts often associated with industrial development.

Thank you for considering these comments.

Sincerely,

Jim Labbe
6025B N. Vancouver
Portland, OR 97217

The citywide employment development capacity of the existing Comprehensive Plan is about 152 million square feet, which is distributed across the different employment geographies. The employment land supply is presented in three stages – the base supply (vacant and underutilized parcels), the constrained supply, and the (final) adjusted market supply (see Figure 2).

Figure 2. Summary of 2035 Employment Development Capacity

Aggregate Geography	Acres	Bldg SQFT	% of Base
Central City	266	49,297,000	85%
Industrial	1,365	59,442,000	52%
Neighborhood Commercial	1,303	32,506,000	24%
Institutions	306	10,676,000	100%
Total	3,240	151,921,000	48%

Source: Bureau of Planning and Sustainability

LAND NEEDS RECONCILIATION

By subtracting effective land supply from demand, it is possible to determine whether and to what extent Portland's employment land base will be adequate to serve forecast needs over the 2035 planning horizon. In cases where there is adequate inventory, a land surplus is indicated; where the inventory is not adequate, a resulting deficit is calculated.

Figure 3. 2035 Employment Land Needs Summary

Employment Geography	Added Jobs	Land Demand	Existing Supply	Surplus/Deficit	% Capacity
Central City Commercial	34,120	60	201	141	335%
Central City Industrial	10,620	90	65	-25	72%
Harbor & Airport Districts*	16,050	1,013	774	-239	76%
Harbor Access Lands*	2,070	192	113	-79	59%
Columbia East	9,310	350	356	6	102%
Dispersed Employment	4,200	130	121	-9	93%
Gateway Regional Center	3,970	50	137	87	274%
Town Centers	6,160	130	304	174	234%
Neighborhood Centers & Corridors	25,010	510	863	353	169%
Institutions	22,730	370	306	-64	83%
Residential	7,400	-	-	-	-
Total	141,640	2,895	3,240		
Aggregate Geography					
Central City	44,740	150	266	116	177%
Industrial*	31,630	1,685	1,365	-320	81%
Neighborhood Commercial	35,140	690	1,303	613	189%
Institutions	22,730	370	306	-64	83%
Residential	7,400	-	-	-	-
Total	141,640	2,895	3,240		

* Total land demand shown here includes Traded Sector Support Facilities in marine, rail and air terminals.

Source: E.D. Hovee & Company, LLC, and Bureau of Planning and Sustainability

There are specific geographies that have a deficit or shortfall that will need to be addressed to provide an adequate supply of development capacity to meet the forecasted employment growth.

Introduction

Economic benefits:

- Reduce cooling costs
- Increase property values
- Reduce flood damage
- Reduce engineered infrastructure needed for stormwater management
- Draw business and tourism

The 2004 plan identified the Urban Land Environments noted below and set tree canopy targets for some of them. Canopy is the area occupied by the crowns of all trees, as seen from above. New analysis using 2002 multispectral images provides information about canopy conditions that was not available when the plan was written.

Urban Land Environment	Target Canopy (2004 Plan)	Current (2002) Canopy
Residential	35-40%	30%
Commercial/ Industrial	15%	7%
Developed Parks and Open Spaces	30%	28%
Rights-of-way	35%	17%
Natural Areas and Streams	----	79%
Overall Canopy	----	26%

ABOUT THE ACTION PLAN

Recognizing the City's responsibility to reach the goals of the 2004 *Management Plan*, the following *Action Plan* was developed by an interbureau committee to ensure attainment of the goals and recommendations of the 2004 *Management Plan*. Members of the team that developed the action plan included staff from:

- Portland Parks & Recreation
- Bureau of Planning
- Bureau of Environmental Services
- Bureau of Development Services
- Office of Sustainable Development
- Portland Department of Transportation

My name is Frieda Christopher and I am a member of the David Douglas School Board. Superintendent Richardson sends his regrets that he was unable to be here today. I want to thank the city council and their bureaus for engaging in conversations with the David Douglas School District to address our critical infrastructure need relating to School Capacity. Just to provide a brief description of David Douglas School District:

- DD is 12 square miles in East Portland
- We have 9 elementary schools, 3 middle schools, one high school and one alternative school.
- Our high school is the largest in the state with over 3,000 students
- Current enrollment is approximately 10,700 students with approximately 71 languages spoken in our schools and community.

We have just completed our facility plan with the needs of our district over the next 10 years:

- The Bureau of Planning and Sustainability originally provided the estimated growth in our student population would be around 6,000 to 8,000 in the next 20 years. Of course this concerned our district because of our small geographic size, the lack of large parcels of land available and our elementary schools were at or over capacity.
- Current projections with the proposed Comprehensive Plan of ~~around 3,000~~ would still require the addition of 2 elementary schools for our district in the next 10 years.

We would especially like to thank the Bureau of Planning and Sustainability for their collaborative approach and recognizing how population growth can impact school capacity and the district's goal of providing high quality education opportunities for students now and in the future. The miscellaneous Zoning Amendments package in the Comp Plan has given the school district the ability to review and deny 11+ lot land division applications and zone map amendment applications. We wish to note that these 2 provisions only give us access to a small portion of potential new housing – there is much more potential new housing in the mixed use zones and multi-dwelling zones for new apartments that tend to bring higher numbers of new families and children into our schools.

Currently Neighborhood Associations receive notification when a 5 or more unit development is being planned. They receive this notification early in the process. We feel if the school district could receive the same notification from the developer, it would be very beneficial for us in our planning process. Currently we find out the

Frieda Christopher, David Douglas School Board Member
13311 SE Sherman, Portland, OR 97233 - 503.254.6369

detailed information by driving by and seeing a structure being developed then stopping and asking what is being built. I have distributed possible language changes to code 33.120.050.

Don't you agree that this is a simple change that would be beneficial for all school districts for planning for enrollment each year? (Wait for response)

In addition, a code change being considered by council, is the elimination of the conditional use requirement for indoor agricultural in CE and CM3 zones. There are zoning changes being considered that would increase the amount of CE and CM3 zones in East Portland and the David Douglas community. Indoor agriculture includes indoor marijuana grow operations. We are concerned about indoor grow operations being in close proximity to our current or future schools.

Our request is to ensure that the conditional use process is required before an indoor grow operation is approved or placed. We would like to opportunity to provide input and share our concerns during the conditional use process. Without the conditional use process we will have no voice in this process.

Please consider keeping in place the conditional use process, to ensure our schools and community have a voice for our schools.

We would appreciate your consideration on these 2 items. Thank you.

33.120.050 Neighborhood and School District Contact

A. Purpose. Neighborhood contact is required for larger residential projects in the multi-dwelling zones because of the impacts that multi-dwelling projects can have on the surrounding community and school districts. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. The notification to school districts provides advance notice of the possibility of new students. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts and prepare for new students.

B. Neighborhood and School District contact requirement. Proposals meeting the following conditions are subject to the neighborhood and school district contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested.

1. The proposed development has not been subject to a land use review; and
2. The proposed development would create five or more new dwelling units. Dwelling units are created:
 - a. As part of new development;
 - b. By adding net building area to existing development that increases the number of dwelling units; or
 - c. By conversion of existing net building area from non-residential to residential uses.

To: City Council Members

From: Kevin Flanigan

Inland Sea Maritime Group LLC

Schooner Creek Boat Works

3255 N Hayden Island Drive

Portland, OR 97217

Re: I Overlay Zone on Hayden Island

10-13-16

Mayor Hales and City Council Members,

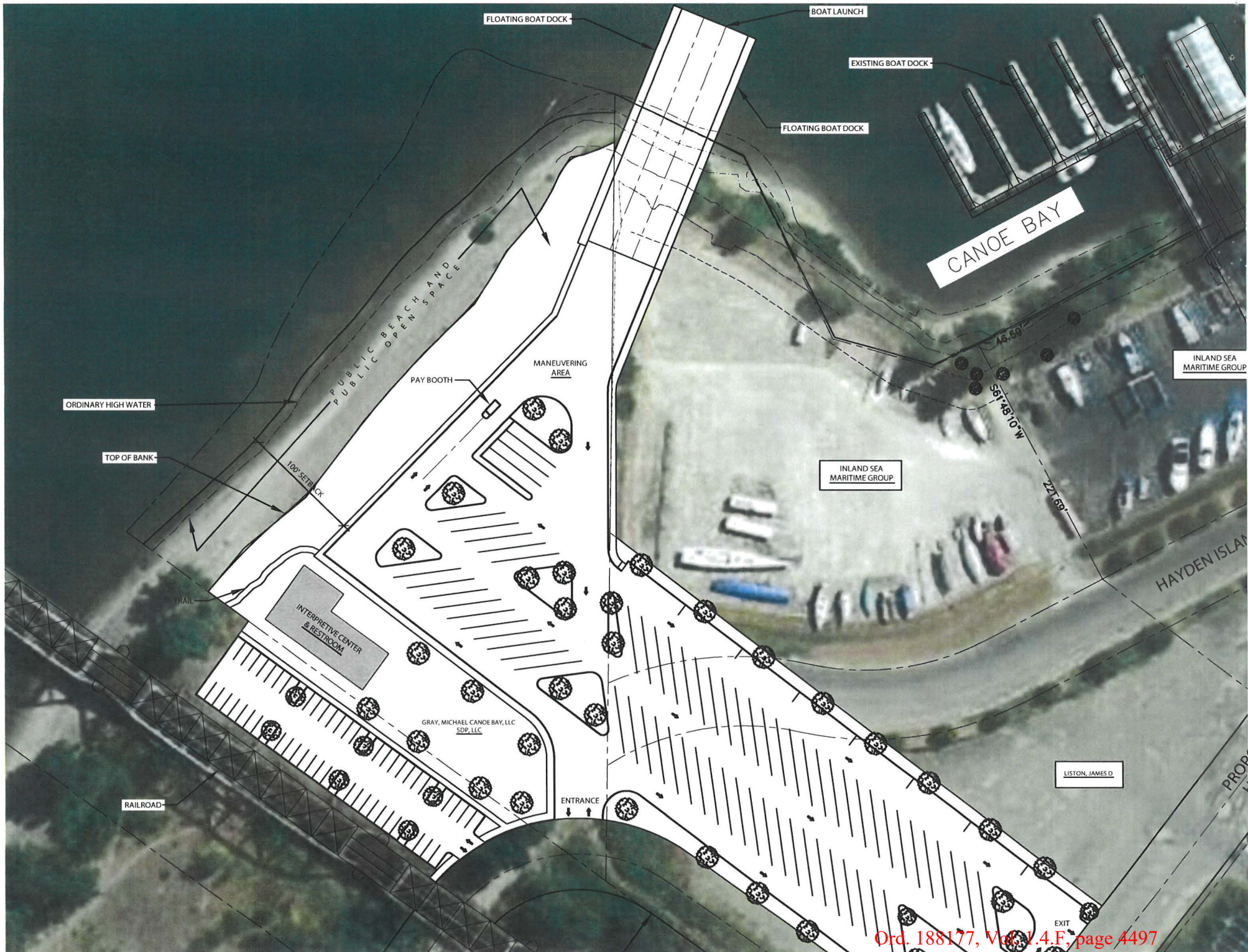
Thank you for allowing me the time to address the City Council today on this important issue. My testimony will focus on the "I" overlay zone on Hayden Island in the Comprehensive Plan. This overlay is inappropriate for Hayden Island and should be removed from the industrial lands on the island.

Hayden Island does not meet the criteria for the overlay, namely we have no railroad access on the island. Currently trains do not stop on the island and there are no plans for such a stop. Additionally, the island has limited truck access due to the single bridge to the island. Due to these constraints it is unfair to apply this overlay to the industrial land on the island. This is the gateway to the city and needs to remain flexible in the zoning to accommodate future developments. Directly across the river in Vancouver, the waterfront is being developed similar to Portland's south waterfront. Hayden Island is an area of the city that is changing and we need to allow for future changes on the island to accommodate growth.

Hayden Island contains some of the best and most accessible beaches in the city. The island is currently park deficient. Public access to the Columbia River should be of paramount importance to the city. River access is very limited in Portland and any opportunity to increase river access should be considered. My company had previously proposed a motorized boat ramp next to the train bridge on the north side of Hayden Island. I have included a conceptual plan for you to consider. This plan is similar to Willamette park or Cathedral park on the Willamette. However the "I" overlay limits parks to less than two acres which would preclude this boat ramp from being developed. The Oregon State Marine Board had deemed this a regionally significant access point for the Columbia. The East Hayden Island advisory board had designated a river access park at this location.

For these reasons I ask the council to remove the "I" overlay from the industrial lands on Hayden Island to allow for future growth and development and give our residents greater access to our cities greatest asset, the Columbia River. Thank you for your consideration.

ENCL: Conceptual plan for motorized boat ramp on Hayden Island (2 pgs)



FLOATING BOAT DOCK

BOAT LAUNCH

EXISTING BOAT DOCK

FLOATING BOAT DOCK

CANOE BAY

INLAND SEA MARITIME GROUP

INLAND SEA MARITIME GROUP

HAYDEN ISLAND

INTERPRETIVE CENTER & REST ROOM

GRAY, MICHAEL CANOE BAY, LLC SDP, LLC

LISTON, JAMES D

PROP

ORDINARY HIGH WATER

TOP OF BANK

RAILROAD

TRAIL

100' SETBACK

PAY BOOTH

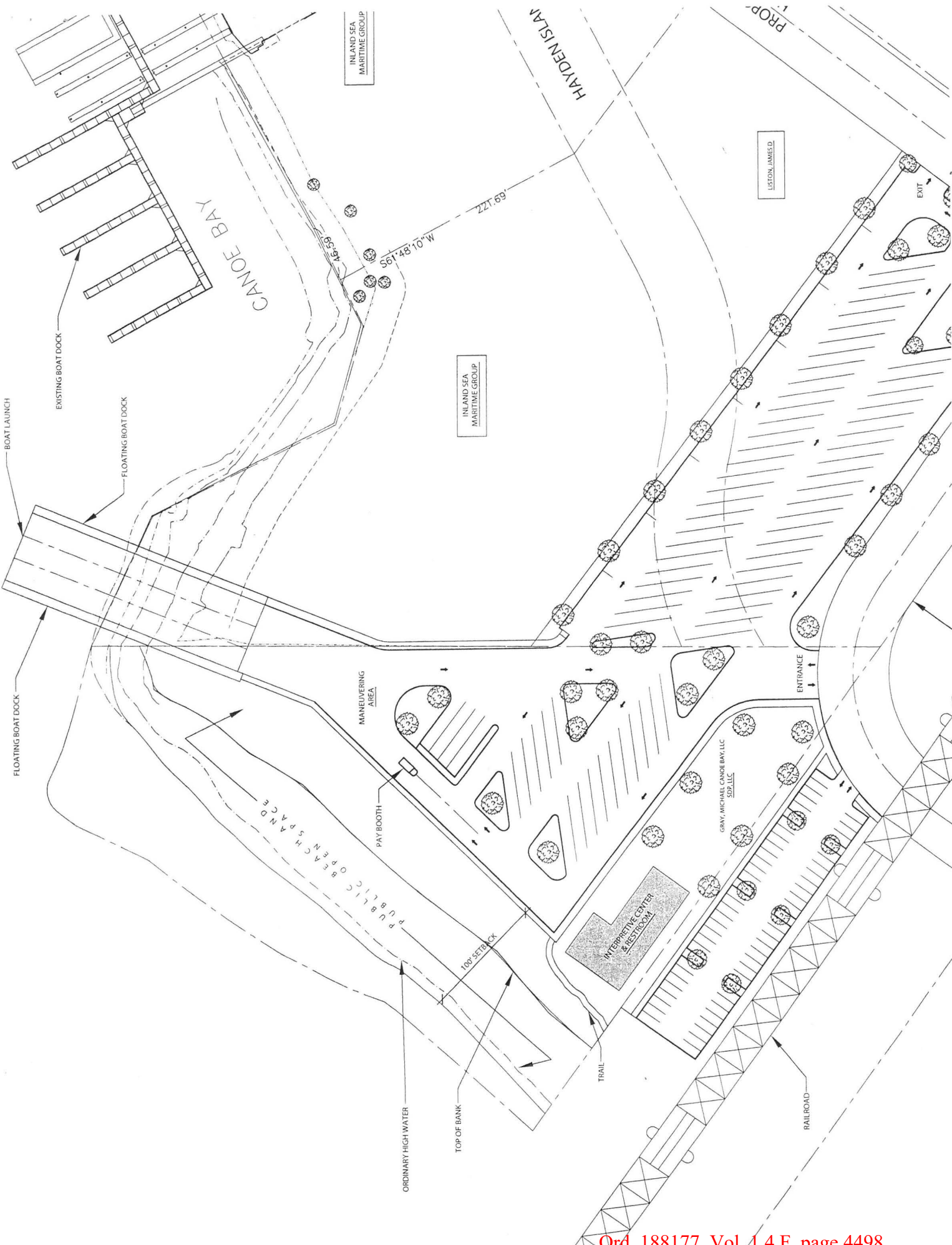
MANEUVERING AREA

ENTRANCE

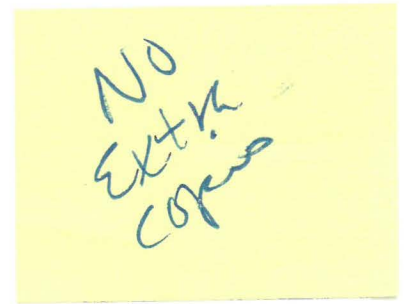
EXIT

46.59°
S61°48'10"W

271.69'



Susan Sturgis and Edgar Waehrer
3484 NW Raleigh Street
Portland, Oregon 97210



October 13, 2016

Portland City Council
1221 SW 4th Avenue, Room 130
Portland, Oregon 97204

Attn: Comprehensive Plan Implementation

Re: Proposed FAR change in RH zones in Alphet Historic District, Map 120-8 proposed to be replaced by Map 120-7

Dear City Council,

We object to the proposed change of FAR allowance from 4:1 to 2:1 in only a portion of the RH zoned areas of the Alphet Historic District of NW Portland. We also object to the concept of "spot-zoning" properties. We believe the RH zone should be consistent throughout the Alphet Historic District.

This proposal affects property which we own, as well as the neighborhood in which we live. We were provided with extremely short notice about this proposal. The proposal appears to have been adopted on or about August 17, 2016. Therefore, we personally have not had a chance to thoroughly examine the pros and cons of the issue.

We have sympathy for the neighborhood position and concerns. We also understand property owners concerns about the "down-zoning" of their properties and possible loss of economic value.

Historic structures are currently protected through the "demolition delay" and City Council approval mechanism, as well as the design review process. There is a valid concern about the bulk and massing of proposed new structures overwhelming adjacent historic structures. An acceptable compromise might be to apply a uniform change of FAR allowance for the entire Alphet District to a combination of FAR 2:1 (25'/65' height limit) (85% lot coverage) or up to FAR of 3:1 (75' height limit) with a "reduced" 60% lot coverage. The reduction in percentage of lot coverage will compensate for the increased "building massing" of development that might visually overpower neighboring historic resources. The somewhat larger FAR still supports the purpose of the RH zone to "CREATE and maintain higher density residential neighborhoods".

An FAR of 3:1 with 60% lot coverage would allow for a 5 story building. There are many historic properties in the district that are five stories. The reduced lot coverage, in addition to setbacks and design review would prevent new structures from "looming over" or visually overpowering neighboring historic resources. This option is worth considering.

Sincerely, Susan Sturgis and Edgar Waehrer

testimony for PDX city council 10/13/2016 on comp plan,
zoning
by Kathy Birch resident/owner at 1618 SE 33rd 97214
Richmond
property owner now zoned R5, proposed zone R2.5

First of all I wish to support the testimony last week by a richmond resident, I think it was Susan Whitney who described and displayed pictures of several single family homes that were bulldozed and replaced by two houses in the \$800,000 category. This will not solve the affordable housing problem to say nothing of tearing at the visual fabric of the neighborhood, the cache of PDX.

Having supported her testimony I would like to add some other ideas.

I know there is pro and con regarding density. Instead of picking sides, I want to speak to how density is designed.

I personally am upset over removal of mature trees to squeeze in property line to property line buildings. This building style is rationalized as a response to global warming. Within a mile or so of any home, many mature trees which had served to clean air, cool the hot sidewalks, take up water for free unlike fancy swales being constructed nearby and visually grace out neighborhood have been cut down. I can read those out loud if you wish but they are listed in my testimony. 50 year old trees are being replaced by saplings because the city's codes let developers do this. In one neighborhood, the developer cut down the trees without any permit and then said "oops." (that was at about 290 th and Market.)

mature trees are an existing response to climate change

20

Kathy Birch page two PDX City council 10/13/2016

Large maple on Cesar Chavez near Stark, cut down and new building has a sort of outdoor entryway with broomstick sized trees where maple was.

26th and Clinton, three aprox. 14 inches in diameter sycamores cut down for a new apartment building that looks like a pediatricians office. That building is also totally out of visual synchrony with the hood.

approx. 45th and Hawthorne, 3 pacific cypress trees on the west property line, those trees were more than two stories tall and 3 feet in diameter. First lobbed off their limbs, they were goat middle fingers from the developer to the surrounds. someone climbed up and attached a sign that said "run forest run."

Belmont across from Movie Madness, nearly a log truck of trees about 8 inches through were removed.

In a city vaunted for its creatives, I just don't believe we cannot plan around our helpful and beautiful trees. Give the task to those free architects and landscape designers coming out of U of O and let them put a positive ~~HOW~~ *HOW* into our inevitably denser fate. *I think the Adults are a better solution because there is the one esthetic,*

Finally to refute those who say minimum parking in new apartment structures is a bad idea. According to these possible arrogant bike riders, having a parking place for one's car with incentives ~~one to drive it downtown.~~

does not necessarily incentivise one to drive it

Kathy Birch PDX City Council 10/13/2016

fact. For example, my son and his girlfriend ages 25, ride their bikes to work but keep their old car for weekends to go to the beach or for fishing. PDX is full of and also attracts residents who don't want just the city but Oregon's stellar outdoor recreation. For this, a car is best.

As to the complaint that parking adds to the cost of the structure, I am certain it does. So the parking space is for rent if one chooses to use it. The condo owner with a parking space already pays separate property tax on that bit of land, same thing. Maybe we will need scattered parking structures in neighborhoods where one rents a space. This would decrease the cars on the streets that will likely be narrowed for safe bike corridors.

Saying that one will stop people from having cars by denying them parking is kinda like suggesting we curb teen pregnancy by forbidding the sale of condoms to people less than 20 years old. Yeah, sure.

Jeff Cole, on behalf of
Wayne Rask
3560 SW Troy St.
Portland, OR 97219

October 13, 2016

Portland City Council
1221 SW 4th Ave, Room 130
Portland, OR 97204
Attn: Comprehensive Plan Early Implementation Testimony

Mayor Hales, Commissioners:

I'm Jeff Cole and this testimony is submitted on behalf of Wayne Rask, a fractional owner and Principal Broker representing adjacent properties at **10010 & 10060 SE Ankeny St.** in the Prunedale area of Gateway.

We have specific concerns about rezoning these lots from the current EX zone to a reconfigured EG1 zone. We purchased these properties in March, 2016.

Our first priority has been to fulfill clean-up of these parcels, which are #17 on the Portland Brownfield Funded Project list. The ownership's ultimate vision for the properties includes a 5-story Industrial Flex building to accommodate small-space users such as start-up, minority, and women owned businesses, as well as build much needed affordable housing as part of mixed-used development.

Brownfield remediation of these properties will cost ownership hundreds of thousands of dollars. While we appreciate the city's need to dedicate an adequate inventory of land zoned for exclusive employment related use, we would still prefer the land to remain zoned EX so that buildable development justifies the projected clean-up costs.

However, if the final decision is to rezone our properties to EG1, we request the following to maintain the viability of our vision:

1. **Retain the Current Gateway Plan District (GPD) Bonus Floor to Area Ratio (FAR) and Height limits** as depicted for our properties in GPD Map 526-2 and GPD Map 526-3. Under these maps Maximum Far is 6:0 and Maximum Height is 120 feet. The zone EG1 with a 45 foot height limit and 3:1 FAR are inadequate given the embedded remediation costs and size of our properties.
2. **Eliminate a new street through our properties called for in the Gateway Master Street Plan.** This represent a huge expense on top of clean-costs and given the rezoning to EG1, would no longer serve the original purpose.
3. **Allow Conditional Residential Use within the Prunedale EG1 area.** Our properties are located 500 feet from the SE Burnside and 102nd MAX station and in close proximity to CX properties on 102nd that will allow buildings over 75 feet higher with a potential FAR up to 15:1. The

Prunedale area is perfect for live/work spaces and affordable housing as part of multiple use and mixed-income development.

4. **Allow FAR and Height bonuses and Residential Use as part of Planned Development on project sites greater than 2 acres.** This is similar in concept to Mixed Use Zone Project proposals and would be a perfect fit given potential parcel sizes in the Prunedale area.

In partnership with the Portland Development Commission and Gateway stakeholders we are ready to contribute to employment activity as well as easing Portland's critical shortage of housing.

We also wish to recognize the long planning history that has proceeded our acquisition of property in the Gateway District:

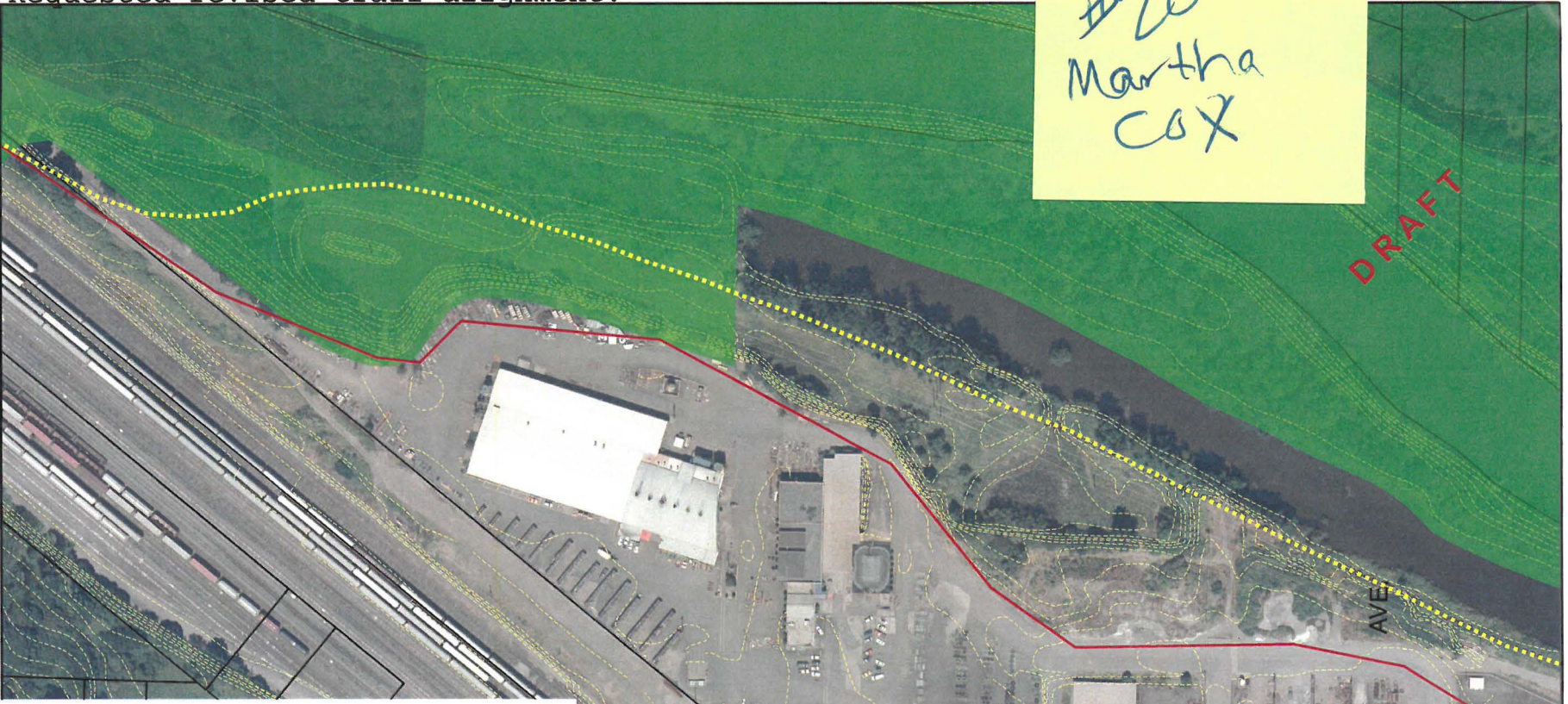
- 1980-90s: "Multnomah County adopts high-density residential zoning in areas around MAX stations and along key portions of the light rail line." These are incorporated into Portland zoning after incorporation.
- 1995: Metro designates Gateway as a Regional Town Center, the only one in Portland.
- 1996: In light of Metro's designation, the Portland City Council designates Gateway as a regional center in the Outer Southeast Community Plan, which recommends zoning Prunedale EX to "encourage more intense future development."
- 2000: Portland City Council approves *Opportunity Gateway Concept Plan*, which states:
The Gateway district, projected to be the most accessible location in the Portland metro region in 20 years, is envisioned by many to become a new center for the people of east Portland. It is anticipated to be a more active place – a destination for working, shopping and recreation, and a home to thousands of people, both newcomers and longtime residents. More than anything else, it is expected to become a place to be proud of – an embodiment of the values and aspirations of the east Portland community.
- June 2001: "City Council creates the Gateway Regional Center urban renewal area and adopts the Gateway Regional Center Urban Renewal Plan. "
- 2000-2004: After four years of meetings, planning and advisory committee efforts, Portland City Council adopts the Gateway Planning Regulations Project.

The Portland Development Commission's *Gateway Action Plan* (2016) updates the vision for Central Gateway. We look forward to playing an active role in a brighter Gateway future. Thank you for your consideration of our concerns.

Jeff Cole, on behalf of
Wayne Rask
Fractional owner and Principal Broker

#20
Martha
COX

DRAFT



— Draft Pub. Rec. Trail

- - - - - Requested Revision to Draft Pub. Rec. Trail

Legend

- Conservation Zone (c)
- Protection Zone (p)
- Taxlots
- 2' contours





October 13, 2016

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Portland City Council
1221 SW 4th Ave
Portland, OR 97204

Re: CE Zone and Auto-Accommodating Development Policy Issues
Comprehensive Plan Early Implementation Package

This firm represents Mr. Joseph Angel, owner of multiple properties lease to drive-through restaurant operators. The current commercial rezoning proposal would reduce the acreage of auto-accommodating zoning by 80%, and arbitrarily prohibit new drive-through facilities in the remaining auto-accommodating zoning east of 80th Avenue. As detailed in this letter, these policies will negatively impact small businesses and result in disinvestment in properties throughout the City.

We ask the Council to revisit the correct balance of auto-accommodating zoning in the City and to not adopt the blanket prohibition on new drive-through facilities east of 80th Avenue. Amendments to the draft code section 33.130.260 which contains the standards for drive-through facilities in the Mixed Use Zones, are attached.

A. Auto-Accommodating Zone Should be Reinstated Outside of the Central City and Pedestrian Districts

The current proposal quietly re-designates 80% of the auto-accommodating zoning in the City. The General Commercial (CG) zone is the sole auto-accommodating zone in the current code, and under the proposed code Commercial Employment (CE) would be the sole auto-accommodating zone. Pursuant to the conversion chart, CG zoned properties are intended to be re-designated as CE, because such areas are auto-accommodating. However, the current proposal does not follow this approach.

The current proposal would change approximately 80% of the acreage currently zoned CG to a new zoning other than CE. Such new zoning is necessarily not auto-accommodating and is likely to result in a nonconforming situation.

It makes sense to reduce application of the CE zone in the City Center and pedestrian districts where dense mixed-use development is likely to be viable in the foreseeable future, but the current proposal goes well beyond that. It does not make sense to remove CE zoning from the further out neighborhoods where Metro and PBOT modeling anticipate an 80/20 mode split of SOV to transit throughout the planning period. Accordingly, we request that Council specifically



consider the application of the CE zone to all current CG zoned properties that are outside of the City Center and existing pedestrian districts.

B. Prohibiting Existing Drive-Through Facilities is a Policy of Disinvestment

The proposed prohibition of all existing drive-through facilities east of 80th Avenue is overbroad and will cause disinvestment in properties in East Portland. The effect of the prohibition is to ensure that all such facilities will have to go through expensive and uncertain non-conforming use review in order to remodel or otherwise invest in the property. This will cause the business, which are invariably operated under long-term leases, to defer property improvement and remodeling. The existing businesses will continue to operate out of increasingly neglected buildings.

Such disinvestment and aging of building stock will not hasten redevelopment in East Portland. Investment follows investment, and the economic viability of mixed-use development in these areas will not be improved by the dilapidation of adjacent properties. Thus, the proposed prohibition will negatively impact the market conditions for redevelopment in East Portland.

As stated by the PSC, the intended purpose of the prohibition is to drive any operating drive-through out of business through making the price of property improvements unachievably high. This outcome is doubtful as these businesses all have long-term leases and will simply operate out of neglected buildings. But if the prohibition operates as intended, the result will be closed small businesses in East Portland, fewer jobs available to those without college degrees, and more vacant lots. None of these outcomes seem consistent with the City's policy objectives.

C. Proposed Zoning Allows the Redevelopment the City Desires, Without Disinvestment in East Portland

All of the Mixed Use Zones allow multi-use, multi-story urban development. Discussion about urban form and the best way to make that happen gave rise to the proposed prohibition on drive-through facilities. What is not acknowledged is that when market conditions change such that the desired redevelopment is viable, the Mixed Use Zones provide the entitlements for such development to go forward.

Finally, we simply don't agree with the idea of a prohibition of drive-through facilities east of 80th Avenue. We think this idea was not well considered, and especially hurts people with families, aging parents and the handicap. Drive-through service is a necessity in their everyday lives, whether that is on the way to work, to a kid's sporting event, or to pick up a prescription. Please do not take away this valuable service option for so many people in Portland.



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Sincerely,

A handwritten signature in blue ink, appearing to read "DRH".

Damien R. Hall

DRH:DRH
encs

33.130.260 Drive-Through Facilities

- A. Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities when accompanying structures are remodeled or repurposed in some of these zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B. CR and CX zones.** New drive-through facilities are prohibited in the CR and CX zones.
- C. CM1, CM2, and CM3 zones.** New drive-through facilities are prohibited in the CM1, CM2 and CM3 zones. The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
1. ~~Drive-through facilities are prohibited in the area east of 80th Avenue shown on Map 130-3.~~
 2. ~~Drive-through facilities outside the area shown on Map 130-3:~~
 - a. ~~New drive-through facilities are prohibited; and~~
 - b. ~~Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded, but adding additional drive-through facilities to the site is not allowed. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3 continuous years, reestablishment of the drive-through facility is prohibited.~~
- D. CE zone.**
1. ~~Drive-through facilities are prohibited in the area east of 80th Avenue shown on Map 130-3.~~
 2. Drive-through facilities are allowed. Service areas and stacking lanes must be set back 5 feet from all lot lines which abut R zones. The setback must be landscaped to at least the L3 standard. ~~outside the area shown on Map 130-3,~~ except that drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.



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Re: Disinvestment in Small Business by Creating Nonconforming Situations
Comprehensive Plan Early Implementation Package

This firm represents Mr. Joseph Angel, owner of multiple commercial properties under long-term leases to locally owned small businesses. The current proposal will make wholesale changes to the City's commercial zones, causing many commercial properties to become nonconforming. Many commercial property owners and tenants invest significant amounts in their facilities in reliance on the existing zoning code, and need that certainty for the life of their asset. This letter asks the Council to establish a clear policy not to cause existing commercial buildings throughout the City to become nonconforming.

A. Creating Non-Conforming Uses is a Policy of Disinvestment

Nonconforming properties are required to go through nonconforming review to undertake any significant improvements. Nonconforming review involves significant expense and uncertainty as to what will be required above and beyond the property owner's desired improvements. Nonconforming status can also be a significant deterrent to underwriting a loan for property improvements.

As a result of these costs and uncertainty, property improvement and remodeling of nonconforming commercial properties are often deferred, and such buildings become increasingly neglected. Creation of nonconforming situations causes disinvestment in existing commercial building stock.

B. Disinvestment will Disproportionately Impact East Portland

Disinvestment in aging commercial buildings will not hasten redevelopment in areas where market conditions cannot support new construction of dense mixed-use projects. Often, the rationale for creating non-conforming situations is to limit the ability of the property owner to invest in any manner other than a tear down and rebuild consistent with the new zoning. But in areas where mixed-use development is not economically viable, such a strategy will instead result in disinvestment without redevelopment.

If the City's intent is to cause existing commercial space to be razed and redeveloped, that strategy will be less effective outside of the Central City and established pedestrian districts that have the land values and market conditions to support the dense mixed-use development required under the new code.



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D. Disinvestment Can be Avoided

The City can and should refrain from making local businesses non-conforming. Non-conforming status triggers the cost and difficulty in improving property which results in disinvestment. Instead of applying new zoning that makes existing commercial space non-conforming, the City should adopt a safe harbor for existing commercial development.

We request the Council make clear that the new Mixed Use Zones are applicable to all new development, but are not intended to cause currently conforming commercial development to become non-conforming. This will ensure that new construction will meet the City's objectives of creating dense, mixed-use urban spaces in the City Center and pedestrian districts, and will also protect and retain the existing, affordable commercial spaces that currently house many of Portland's small businesses and retailers. Attached is a draft text amendment that would achieve this objective.

Thank you for your consideration of this matter.

Sincerely,

Damien R. Hall

DRH:crs

Enclosures

cc: Mr. Joseph Angel

33.130.285 Nonconforming Development

The revisions to this chapter adopted by the City Council on [INSERT DATE] as Ordinance No. [INSERT ORDINANCE NO.], are not intended to create nonconforming development. Existing development that is conforming as of the effective date of Ordinance No. [INSERT ORDINANCE NO.] shall remain conforming and shall not be subject to the regulations of Chapter 33.258, Nonconforming Situations. The City shall have the burden to show by evidence the existence of noncompliance prior to the effective date of [INSERT ORDINANCE NO.]. All new development shall conform to the development standards of this chapter.

~~Existing development does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.~~



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October 13, 2016

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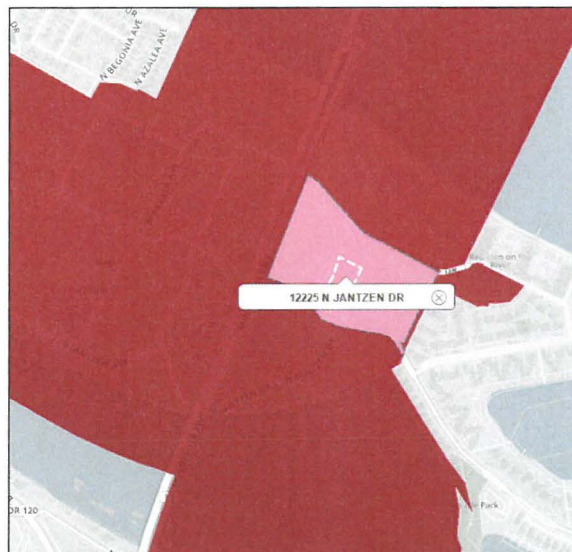
Re: Rezoning of 12223 North Jantzen Drive
Comprehensive Plan Early Implementation Package

Dear Council Members:

This firm represents Mr. Joseph Angel, owner of the real property at 12223 North Jantzen Drive ("Site"). The current draft of the Recommended Zoning Map Changes proposes to rezone the Site from CN2 to CM1. We request that the Site be zoned CE because it is surrounded by the CE zone, there is no policy rationale for retaining an island of CN1 zoning, and the use of the Site is consistent with the purpose of the CE zone.

Address	Current Zone	MUZP Draft Zone	Requested Zone
12225 N Jantzen Dr	CN2	CM1	CE

Consistent with the auto-accommodating nature of Hayden Island, the Site is surrounded by CE zoning. The current proposal creates a needless island of CM1 zoning (pink properties on map below) comprised of properties that all contain auto-oriented uses, including two drive-through restaurants, a bank, a motel, a gas station, a car wash, and an ODOT on-ramp. This spot zoning is apparently a random vestige of the now defunct Columbia River Crossing planning process and serves no policy purpose.





Unless rezoned to CE, all of these properties will become non-conforming situations, causing significant challenges to future investment and improvement of these properties.

Further, the characteristics of the Site correspond to the CE implementing zone. We request that the Council apply the CE zone, for the following reasons:

- 1) The Site is not in or near any designated Center.
- 2) The use of the Site matches the stated characteristics of the CE zone (a copy of PMC 33.130.030 identifying characteristics of the CE zone is included as Attachment 1 to this letter). The Site has the following characteristics consistent with the CE zone:
 - Located on two District Collector Streets;
 - Houses a drive-through facility, an auto-accommodating use; and
 - Primarily serves I-5 traffic, a regional Trafficway and trucking corridor; and is not adjacent to residential uses.
- 3) The current use of the site as a restaurant and drive-through operates under a long-term lease that allows for modernization and remodeling of the restaurant building every ten years, as is typical of agreements with similar franchises throughout the City. Under the currently proposed zoning designation, the Site will be non-conforming and the ability to remodel and modernize related improvements will be impaired. This would operate as a disincentive to invest in the Site. Another restaurant, a gas station, a motel, a bank, and a car wash (the other properties in the proposed island of CM1) will all be similarly impacted. All of these businesses are reliant on the drive-through patronage of I-5 motorists. Revenue from the resident population of Hayden Island is not sufficient to viably operate these businesses.
- 4) The Hayden Island Plan District supports designation of the Site as CE, stating that "The area east of Center Avenue is not designated as a pedestrian district and is appropriate for auto-oriented uses, based on the current uses and the proximity to the bridge . . ." It specifies that its purpose is to "preserve the ability of existing and future businesses (east of Center Avenue) to have drive-through facilities." PMC 33.532.270.A.2.
- 5) The Site was overlooked in the Planning and Sustainability Commission ("PSC") discussion of the CE zone mapping. As indicated on the map presented by staff, the Site is barely visible due to its relatively small size and the scale of the map. Further, the Site was not identified in the CE Zone Map Requests staff report to the PSC and was not discussed in the staff presentation or by the PSC in deliberations.



Zoning the Site anything other than CE would put in question the future of the drive-through facility and conflicts with the stated purpose of the area. This is an instance where following the standardized conversion chart does not result in the correct, site-specific zoning designation.

In any event, the Hayden Island Plan District should be amended to reflect the zone that the PSC applies to the site. PMC 33.532.270.B.2 specifically allows drive-through facilities zoned CN2 and located east of Center Avenue. The Site is currently zoned CN2 and is located east of Center Avenue. The text of PMC 33.532.270.B.2 should be amended to reflect the new zone applied to the Site in order to ensure ongoing consistency with the Hayden Island Plan District.

There is no policy rationale underlying the proposed zoning pattern. The Council should consider the site characteristics and decline to automatically follow the conversion chart. In sum, we request that the Site be zoned CE, and that PMC 33.532.270.B.2 be revised to read, "East of Center Avenue, drive-through facilities are allowed on the portion of a site within a CE zone." Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hall".

Damien R. Hall

DRH:crs
encs
cc:



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October 13, 2016
 Portland City Council
 1221 SW 4th Ave
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Re: Rezoning of 6454 N. Greeley Avenue
 Comprehensive Plan Early Implementation Package

Dear Council Members:

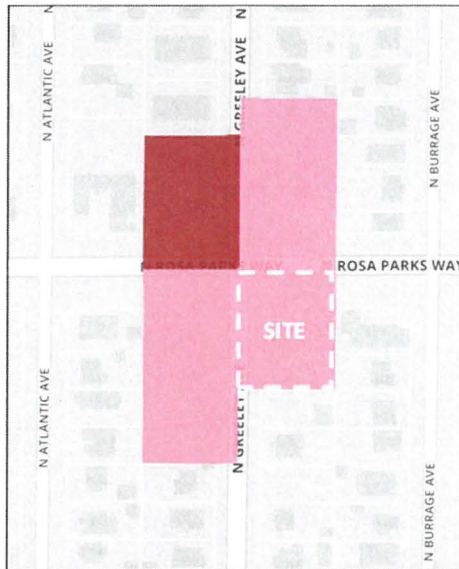
This firm represents Mr. Joseph Angel, owner of the real property at 6465 North Greeley Avenue ("Site"). The Site has a Mixed-Use Dispersed Comprehensive Plan designation that can be implemented by the CE or CM1 zones. The current draft of the Recommended Zoning Map Changes proposes to rezone the Site from C1 to CM1. Based on the Site's historic and current auto-centric use, we request that the Council apply the CE zone to the Site.

Address	Current Zone	MUZP Draft Zone	Requested Zone
6454 N Greeley Ave	CN1	CM1	CE

The characteristics of the Site correspond to the CE implementing zone. We request that the Planning and Sustainability Commission ("PSC") apply the CE zone for the following reasons:

- 1) The Site is not in or near a designated Center;
- 2) The Site is currently used as an office and document archive with associated corporate vehicle storage, which would be relegated to a non-conforming use under the proposed CM1 zoning;
- 3) The past, current, and future use of the Site is more conducive to the CE zone, as the Site has had a history of auto-oriented uses since the 1920s, including a service station and later, an auto mechanic shop, before its current use as corporate offices and associated service and storage of company vehicles. A gas station at this same intersection is proposed to be zoned CE for this same reason, and the Site should be treated the same;
- 4) This request is made in order to: (1) avoid creation of a non-conforming situation that would preclude remodeling the current structure on the Site, and (2) obtain additional FAR for future redevelopment of the Site as a mixed-use, pedestrian-friendly project. Due to the Mixed-Use Dispersed Comprehensive Plan designation, the only potential zones are CE and CM1. More FAR is available under CE than CM1;

- 5) The CE zone is being proposed at the very same intersection for another property with a history of vehicle service and current use as a gas station (See red property designation on map below). That lot currently has the same CN1 designation and history of auto-oriented use as the Site (both have been used to store and service cars for decades). Due to the similarities between the characteristics and proximity of these properties, the same CE zoning should be applied to Site as well; and



- 6) Finally, the Site was overlooked in the PSC discussion of the CE zone mapping at the July 26th hearing. The Site was on Map 6.1.C presented by staff but was barely visible due to its relatively small size and the scale of the map. Further, the site was not identified in the CE Zone Map Requests Discussion Guide and was not discussed in the staff presentation or by the PSC in deliberations.

We request that the Council not arbitrarily limit the ability to remodel this Site or the future development capacity of the Site based on the rote application of the conversion chart. Consistent with the above points, we request that the Council expressly consider the Site zoning and direct staff to designate the Site as CE on the Composite Zoning Map.

Sincerely,

Damien R. Hall