



Sept. 25, 2017 <sent this date to the email addresses below>

City of Portland

Attn: Planning and Sustainability Commission (psc@portlandoregon.gov)

1900 SW 4th Ave, Ste. 7100

Portland, OR 97201

CC: Rick Peterson, property owner (5024 NE Fremont, 97213)
Blair Peterson, property owner(3430 NE 50th Ave, 97213)
BPS Lead Planner Marty Stockton (Marty.Stockton@portlandoregon.gov)
BPS District Liaison, Nan Stark (nan.stark@portlandoregon.gov)
CNN Exec. Dir., Alison Stoll (alisons@cnncoalition.org)
CNN Involvement, Sandra LeFrancois (sandral@cnncoalition.org)
Emily Courtnage, opponent spokesperson (ecourtnage@gmail.com)

Subject: Map Refinement Project – 4.d Technical Map Changes #1683 Rezone 5024 NE Fremont - RCPNA Recommends Postponement of this Item until DLCDC Concludes 2035 Comprehensive Plan Acknowledgement or denial.

Reason: RCPNA retracts Original 2015 Support for Site Recommends Denial unless a Zoning Trade is made for Peterson Properties resulting in 5024 Fremont as R2h zone and 3430 NE 50th Ave. as CM1.

Honorable Chairwoman Kathrine Schultz and fellow Commissioners:

Thank you for the opportunity to comment on the Proposed Draft of the 2035 Comprehensive Plan Map Refinement Project..

On Aug. 1, 2017 the RCPNA Board voted to support the July 20th Land Use & Transportation Committee recommendation on Errata Map #1683 located at 5024 NE Fremont St. as follows:

“To retract the original RCPNA Board support for the zoning change; to deny/oppose the request to rezone 5024 NE Fremont Av as part of the Technical Map process; and recommended that the rezoning request for 5024 NE Fremont Av be addressed with the standard request process (quasi-judicial) and satisfy the requirements of that process.”;

Together with the additional recommendation:

“OR consider postponement of this decision until after the 2035 Comprehensive Plan Appeals have been satisfied by DLCDC. It is our recommendation that a zoning swap should occur with a property rezone, located at 3430 NE 50th, being appealed at DLCDC. If the Peterson-owned property identified as 3430 NE 50th Ave., with access solely on a Residential street, should retain original R2h zoning then RCPNA supports the CM1 zoning to 5025 NE Fremont St.”

Reasoning.

1. The use of the quasi-judicial process for rezoning 5024 NE Fremont requires a notification mailing to impacted neighbors providing access to a public hearing process. The issue here is the 2035 Comp. Plan Update Legislative Process used by the City of Portland lacks mailed notices to impacted neighbors and, thereby, limited neighbor access to the public hearing process.
2. Keeps the CM1 zone change to only 2 parcels with the anticipation that this reduction, from the original 3 Peterson parcels, will minimize the commercial use impact on the neighboring residential lots:
3. The Board, LU & TC, and majority of neighbors support a zoning swap between Peterson parcels. If the Peterson-owned property identified as 3430 NE 50th were to keep the R2h zone then we recommend support for the CM1 zone being applied to the 5024 NE Fremont St. property, based on the following:
 - a. The two properties are similar in size;
 - b. 3430 NE 50th takes driveway access off of NE 50th that provides access for solely Residentially zoned property access between NE Fremont and NE Alameda Streets. Commercial use (CM1) access on NE 50th is strongly opposed.
 - c. 5024 Fremont takes driveway access off of NE Fremont, a minor arterial street. Commercial uses are located directly across the street, on the north side of Fremont St. Fremont access does not interfere with residential uses located to the south of the property.

It is understood that the 3430 NE 50th parcel is currently encapsulated with the 2035 Comprehensive Plan approval sent to DLCDC for acknowledgement. It is our hope that you will support a postponement on this one item to allow the opportunity for staff and yourselves to consider both the Peterson-owned properties within one review process, including both 5024 NE Fremont and 3420 NE 50th Ave.

If the Commission renders no postponement on this item then it is our recommendation that the rezone of 5024 NE Fremont from R2h to CM1 be denied.

Thank you for your time and consideration. Please let me know if you have any questions or I can be of further assistance.

Respectfully,



Tamara DeRidder, AICP
Chairwoman, RCPNA
Co-Chair, LU & TC
1707 NE 52nd Ave.
Portland, OR 97213

Attached:

Exhibit A – Site Map

Exhibit B – Proponents.

1. Owner Rick Peterson's 2015 Application Letter
2. Rick Peterson's July 20, 2017 letter
3. Pete Collins, 3436 NE 47th July 19, 2017 email
4. Deborah Field, Aug. 1 letter

Exhibit C – Opponents.

1. Emily Courtnage & 58 co-signers, neighbors to the site, June 29, 2017

2035 Comprehensive Plan: Map Refinement

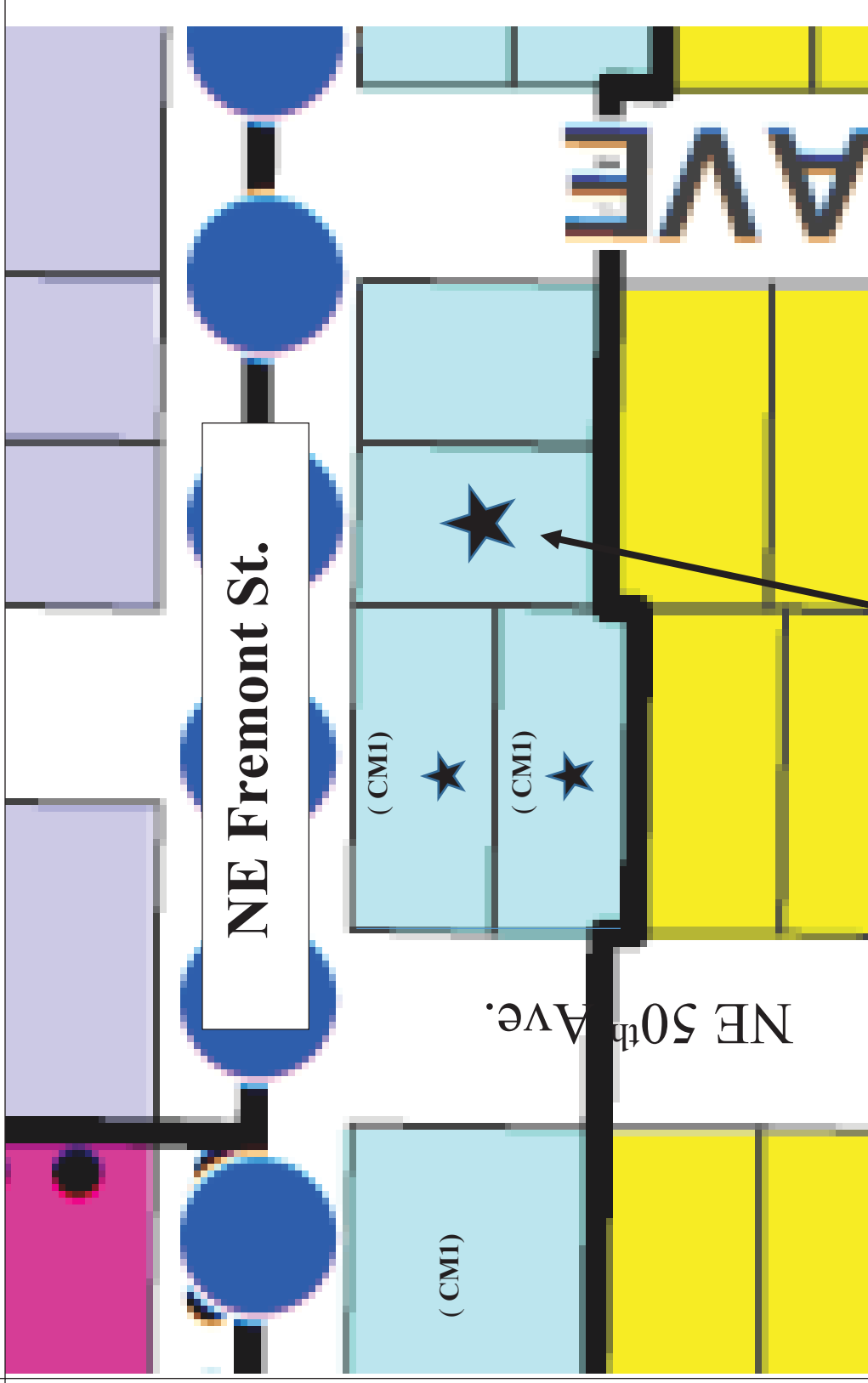


Exhibit A

Rick & Blair Peterson Rezoning - R2h to Mixed Use Commercial

Rezoning Site:
5024 NE Fremont.— Owners:
Rick and Blair Peterson
Note: Also owners of ★ sites.

(CMI)
- Council
Approved
2035 Plan
Map



To: City of Portland - Zone Change Proposal

Request:

We seek your approval for a change from Residential Use to "Mixed Use corridor" at 50th & Fremont.

Background:

My son (Blair Peterson) and I (Rick Peterson) own the southeast corner property at 50th & Fremont. When this property was originally purchased by the family 50 years ago, it was zoned commercial and has been used for retail/commercial sales for the last 44 years, most recently (3+ decades) selling Christmas trees & farm produce. We have lived in both houses over the last 4 decades. We are life long Portland residents - born & raised in Portland, and both went to Jefferson High School.

Objective:

Residential zoning on Fremont Street is no longer an appropriate option as the neighborhood has changed. There is increased traffic and it is no longer safe to have residential driveways on to Fremont, with the possibility of children playing in their front yards & driveways in such a high transit area. This property is thus now more suitable for Mixed Use zoning consistent with a high transit and commercial corridor.

Conclusion:

We would like to add to the growing vitality of the Beaumont business district, while also providing local housing in the urban core. By connecting local families to areas where they work, we can offset costs and reduce commute times. We would like to stay and develop this property into retail storefronts on Fremont with residential on top, similar to that which was done to the property directly across from our property. We would like to have off-street parking, a courtyard and green space. The Mixed Use zoning change would allow for greater density and would be of benefit to the shop local and dine local movement to support our local Beaumont community.

Thank you.



Rick Peterson 971-276-2734 5024 NE Fremont Tax Lot Acct. # R260890, Area Code 201



Blair Peterson 503-651-2022 3430 NE 50th Ave. Tax Lot Acct. # R260905, Area Code 201

Vacant Lot Tax Lot Acct. # R260906, Area Code 201

09/25/2017

ERRATA MAP # 1683

KCPWA Exhibit B2
Read into Record
7/20/17 JPR

Good evening.

I am commenting on our proposal to change the zoning for 5024 NE Fremont from R-2 to CM1.

5024 NE Fremont was intended in our original petition, but the city said an error was made.

Errata is the city's way to include in the comprehensive plan as CM1.

Our original petition, including the following:

- 1) House is landlocked between new construction to our east, and our vacant lot to the west.
- 2) R-2 zoning would require 2 driveways entering on Fremont.
- 3) Within 20' is a bus stop to the east, and within 20' is a crosswalk to the west.
Very busy sidewalk use.
- 4) Commercial on north side of Fremont
- 5) We would like to develop the 3 properties as one project.
- 6) 49th to 50th Fremont also changing to CM1 with identical sq. ft. as 50th.

Thank you.

Rick Peterson 5024 NE Fremont

Blair Peterson 3430 NE 50th

09/25/2017

ERRATA MAP # 1683

Subject: Properties to be rezoned b/t 50th and 51st along Fremont
From: Peter Collins <petercollins99@gmail.com>
Date: 7/19/2017 10:11 PM
To: "Tamara DeRidder, Aicp" <sustainabledesign@tdridder.users.panix.com>

Hi Tamara

Hope you are well!

I just wanted to write you on two things:

1) I support the rezoning of the properties abutting Fremont between 50th and 51st. The xmas tree double lot and the small house should change to commercial mixed use. I can understand the resistance to the property on 50th off Fremont. There should be zoning continuity along Fremont.

2) Not sure if you know but the Deans Scene house sold to a couple of Deans friend who want to bring the bar scene back. I'm not in favor of this. I believe the other neighbor, Deb and John (PaperJam) are not in favor of it either.

Thanks!

Pete Collins
3436 NE 47th

Sent from my iPhone

09/25/2017

7/20/2017 11:30 A

ERRATA MAP

RCPNA Ex. B4

August 1, 2017

Dear Tamara, Board and neighbors,

As most of you know, my husband and I own Paperjam Press on Fremont and 48th and live right next door. I am a native Oregonian, born in McMinnville, and have lived in Portland for 44 years. John and I got married in Portland and have lived in NE neighborhoods for 27 years. Our son, Myles, graduated from Grant High School and is one of those Portland hipsters— although he won't admit it!

I sit on the Rose City Board because, first of all I was asked, but more importantly because I live and work in the neighborhood. I have always been involved in the communities I live in including running the Buckman Art Sale, Chairing the Grant High Foundation, and serving as Vice President of the Beaumont Business Association helping bring the BBA back to life. I serve on this volunteer Rose City Board to give of my skills as a good listener, a honest communicator, a champion for small businesses, and last but not least my love for community. I do not sit on the Rose City Board for my own personal gain. John and I are believers that we are all better off when we are all better off and we will always work for solutions that have a win-win component.

So why are we telling you all this? Because we feel that it is important for you to know us so that we can develop relationships. Building relationships aids in solving our differences and working towards equitable solutions. It creates the notion that we are all in this together — it is not "us" versus "them"

Portland has been growing and developing over the last several years due to the popularity of our city and the need for more housing. As residents of this city, John and I have realized that we need to accept the reality that development is going to happen. We have friends that do not like the growth and have decided to move. We love Portland and plan to spend the rest of our life here. Even though we cannot stop the development, we can stay informed and choose to challenge those issues that affect the livability and quality of life in our city and neighborhoods. For example, we have been a proponent for making the developers put more parking spaces into their buildings. I am working with Prosper Portland (formerly Portland Development Commission) to create requirements that developers make smaller spaces in their buildings for local small businesses, and help with keeping the commercial rents affordable. These are the kind of fights that need to be taken to protect the livability of our city.

Those of us in this room have chosen to live in an urban setting where we live close to our neighbors and businesses. Many of us, including John and I have chosen to live close to Fremont Street which is a main road crossing the city from east to west. The Rose City Park neighborhood was established around 1910 and at the time a trolley ran down the center of Fremont so it has always been intended to be a main road including businesses in designated areas. We love the fact that we can walk to the dentist, hardware store, fitness club, salon, grocery store, restaurants, chiropractor, bank, and more. This is the beauty of our walkable neighborhood business district. We can stay out of our cars, which helps the environment, and create a vital and livable area to live within a larger city. At times I feel I live in a small town.

We are disturbed by the adversarial situation that has developed between the parties surrounding the property on Fremont and 50th. From what we have heard and witnessed there is a lot of anger and mean-spirited actions.

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09/25/2017

There appears to be fear that the continued development on Fremont is not a good thing. We understand but see it a bit differently. The addition of a few more businesses on the south side of Fremont only between 40th and 52nd matching the business development on the north side of the street is appropriate use of our zoning laws. Prosper Portland (formerly PDC) knows the importance of our neighborhood business districts and said the following, "Portland has seen a dramatic increase in retail rents and a decrease in available small scale retail space which has impacted our neighborhood business districts made up of small local businesses that serve a critical role in our economy".

Portland is made up of approximately 50 unique neighborhood business districts. These business districts allow residents to walk or bike to shopping. Small, local businesses are invested in their communities, the statistics show that they give back 10 times more than the national chain stores. The Rose City Neighborhood Association has 5 community partners which are all local businesses — Fire on the Mountain, The Portland Clinic, German American Society, Laurelwood Pub, and Portland General Electric. The neighborhood benefits from having them in our neighborhood.

Allowing a property owner that has lived and owned a property for 50 years on Fremont Street - many more years than I have been here and I am sure many others, to convert the property for a mixed use purpose is reasonable, and any prudent property owner would choose to make the same decision. The city is doing their 30 year Comprehensive Plan which allows all residents of the city to request zoning changes to their properties. And again any prudent property owner would want to take advantage of this opportunity. Fremont Street between 41st and 52nd has businesses all along the north side of the street and it seems appropriate that we should allow businesses on the south side of the street in the designated 12 blocks. There are only 4 full blocks in this area with residential homes, the rest are businesses. Our property between 47th and 48th on the south side of Fremont has had a business occupying the buildings for over 30 years. Now with the changes happening in the city including the need for more housing and keeping with the goal of walkable neighborhoods they are allowing properties like ours and others along Fremont from 44th to 52nd to change to mixed use. This is a good thing for the neighborhood and good for businesses on Fremont. A business district is more successful when there are businesses on both sides of the street.

John and I are for allowing all of the 3 parcels owned by the same property owner to change to CMI at this time. It does not make sense to us that you would deny this one parcel to convert to CMI when the corner parcel will be CMI. The city made the mistake by not placing the parcel of land on the eastern part of the property facing Fremont Street on the new comprehensive map. We do not see that the property owner has done anything illegal nor broken any rules and should not be denied his right to have his property rezoned to CMI as part of the Comp Plan.

We want to encourage our neighbors to look at the Fremont Street business community as a partner for making our neighborhood more livable by offering goods and services so residents can walk to shop and eat. This is a part of making our Rose City neighborhood a wonderful place to live. Let's work together as residents and businesses for "good" development on Fremont allowing for "appropriate mixed use with parking" making a win-win for all of us.

Deborah and John Field
Owners of Paperjam Press and residents at 3437 NE 48th Ave (corner of Fremont)

P 2 of 2

09/25/2017

Date: June 29, 2017

To: City of Portland Bureau of Planning and Sustainability
Attn: Marty Stockton

Re: Map Refinement Project Discussion Draft proposal regarding 5024 NE Fremont St.

To Whom It May Concern:

We are writing to express our strong opposition to the proposed land use designation change and zoning change at 5024 NE Fremont St. from multi-family residential to mixed use commercial. Our reasons are set out in detail in the attached appeal letter to the Department of Land Conservation and Development (DLCD) regarding a residential property under common ownership (3430 NE 50th Ave.). We will not repeat all of our arguments here but wish to highlight these considerations:

5024 NE Fremont St. is a modest house built in 1925 and occupied by owners or renters since it was built. The lot is bordered on the east and south sides by residential houses on residential lots slated to remain residential in the Comprehensive Plan. The lot was not presented by the Bureau of Planning and Sustainability (BPS) staff to City Council for up-zoning during the Comprehensive Plan process and is not slated for commercial zoning in the adopted 2035 Comprehensive Plan. The City Council never considered 5024 NE Fremont St. during the Comprehensive Plan process, and the property is not on the list of properties that the City Council asked BPS to review post-Plan adoption.

BPS staff has failed to articulate any coherent reason why 5024 NE Fremont St. should be recommended for up-zoning during the post-Plan adoption Map Refinement Project. The property is included in the Map Refinement Project Discussion Draft as one of many proposed “technical map changes,” which are described as “ongoing map changes to address technical issues.” (Discussion Draft, page 15). The subset of “technical changes” upon which the BPS relies is the “split zone” rationale, under which the City seeks to adjust sites that “have been identified with split-designation and zoned status.” (Discussion Draft, page 16). This property is not, in fact, split zoned; the entire lot is currently designated residential and has been so designated and utilized for decades. However, the BPS alleges that this lot, unique among all others in the Discussion Draft, is split zoned “based on ownership.” (Discussion Draft, page 46). The BPS is arguing, in effect, that this lot should be designated commercial in a “technical” change to the Plan because the same owner’s adjacent empty corner lot will be designated commercial after the Comprehensive Plan land use designations go into effect in 2018. This strikes us as bizarre reasoning that would lead to ridiculous results: Under the BPS staff’s reasoning, if the same owner purchased all of the lots on the entire square block, the entire block should be re-designated commercial to address a “technical” issue of pseudo-split zoning. In contrast, if 5024 NE Fremont was owned by a different owner, it would not be included in the Map Refinement Project because there could be no argument that it was “split zoned based on ownership.”

The inclusion of this property in the Map Refinement Project under the “split zone” rationale strikes us as simply an attempt to accommodate property owners who seek to maximize their profits upon sale to developers. The only public testimony regarding this property is from the owners, whose reasoning for the requested up-zoning is that they “would like to develop all three [of their] properties as one project.” The owners are not in fact planning to develop these properties; they have listed all three properties for sale. (The owners further argue that 5024 NE Fremont, if it remains residential, would require another driveway off of Fremont St., which is a nonsensical argument given that this small property already has one frequently-used driveway.)

We contend that the inclusion of a property in the Map Refinement Project and recommendations for up-zoning should not depend entirely on the identity of the property owners. We further contend that if the current owner or any future owner wishes to seek a land use designation and zoning change, the owner should be required to do so in a standard quasi-judicial (non-Plan) process, which requires application, fees, notice, and public hearing.

Finally, the up-zoning of this property along with the empty corner lot next to it (already up-zoned in the Comprehensive Plan) would leave a single ¼ block length of residential property between NE 50th and 51st Avenues on Fremont. At no other location along the south side of Fremont is there a block where ¾ of the Fremont facing property will be commercial, leaving only a single ¼ block residential lot. While it is difficult to comprehend the City's planned haphazard, scatter-shot designation of commercial vs. residential zoning on the south side of Fremont in the 2035 Comprehensive Plan, the Plan at least changes designations in half-block or whole-block increments, so that no one residential property remains an island among commercial properties.

The Comprehensive Plan process, with its ineffective neighborhood notice process, resulted in significant harm to adjacent and nearby neighbors at and around NE 50th Ave. and NE Fremont St., as detailed in the attached appeal letter. We are hopeful that the State will grant our request to reverse the City's decision as to 3430 NE 50th Ave. but we have no assurance that it will do so. The City should not compound the harm already done by making additional changes to our block – changes that simply do not qualify as mere technicalities – during the Map Refinement Project.

We, the same 59 co-signers of the attached letter to the DLCD, request that 5024 NE Fremont be removed from the list of potential changes in the Map Refinement Project. The owners may seek a land use designation change in a quasi-judicial process after appropriate application, fees, burden of justification, and due process.

Thank you for your consideration,

Emily Courtnage, 3422 NE 50th Ave., ecourtnage@gmail.com, owner/resident
Andrew Dyke, 3422 NE 50th Ave., dyke@econw.com, owner/resident
Mollie Stewart, 3425 NE 50th Ave., missmollies@comcast.net, owner/resident
L. Don Stewart, 3425 NE 50th Ave., don.stewart@comcast.net, owner/resident
Jessica Malone, 3415 NE 50th Ave., jessica.malone@gmail.com, owner/resident
Lindsey Fecteau, 3415 NE 50th Ave., Lindsey.Fecteau@nike.com, owner/resident
Anja Spence, 3414 NE 50th Ave., cake@spiritone.com, owner/resident
William Jones, 3414 NE 50th Ave., wvjones66@gmail.com, owner/resident
Sharon Jimenez Meyers, 3404 NE 50th Ave., sharonjmeyers@gmail.com, owner/resident
Todd Meyers, 3404 NE 50th Ave., multitodd@gmail.com, owner/resident
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Erika Kelley, 3134 NE 50th Ave., rob.and.erika@gmail.com, owner/resident
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Marti Loeb, 3014 NE 50th Ave., owner/resident
Dana Peterson, 3014 NE 50th Ave., danampeterson@comcast.net, owner/resident
Justin Zimmerman, 2953 NE 50th Ave., justinchomazimmerman@hotmail.com, owner/resident
Shannon Zimmerman, 2953 NE 50th Ave., shannonzimmerman@hotmail.com, owner/resident
Linda Cummings, 4931 NE Stanton St., oregonduck1@msn.com, owner/resident
Mike Cummings, 4931 NE Stanton St., oregonduck1@msn.com, owner/resident
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Timothy Whalen, 3006 NE 49th Ave., tim.whelen@fmr.com, owner/resident