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Sent: Monday, April 11, 2016 3:25 PM
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Subject: Mixed Use Zoning Report

Bill,

Below please find the comments of the Irvington Community Association regarding the draft report (Report) issued by the Mixed Use Zoning Project (Project).

Our comments were first raised during the comment period on the 2035 Comp Plan, but were not made part of the amendment package submitted recently by the City Council, its staff, and BPS. However, the three issues identified below have been treated in the Project and the Report, and are the focus of these comments. We asked that you enter them into the record; if you cannot do that, please advise as to the proper method. Thanks for answering my several questions and being available to discuss issues. I appreciate it very much.

Corner lot at 15th and NE Brazee

For nearby residents, this is a significant change in zoning. The 2035 comp plan amends the R-5 zoning that has applied for decades to the 15,000 square foot property at the northeast corner of NE 15th and NE Brazee (the Property). All surrounding property retains the R-5 zoning designation, which predominates throughout most of the Irvington Historic District. The Comp Plan amendment makes this 15,000 sq foot property CM 1, which is a new mixed use zone designation. This means that the Property becomes a commercial zone and the Property loses its

nonconforming status. Similar amendments are being made elsewhere in the City as part of the Comp Plan process, since the City does not like nonconforming uses.

However, the Report indicates that small commercial properties surrounded by single family zoning, will retain the limitation on hours of use that such property enjoyed as a nonconforming use, close by 11pm and no morning activity until 6 am. The rub is that this limitation, as presently drafted, only applies to sites of 7,500 sq feet or less.

Thus, the ICA proposes that the threshold for this limitation found on page 69 of the Report, Section 33.130.100 B 2 (c) be amended to 15,000 sq feet. If this amendment is not made, the ICA proposes that the rezoning for the Property be eliminated the Comp Plan map such that the zoning remains an R-5 zone.

Broadway Strip from NE 16th to NE 28th

The Comp Plan changed the zoning on this portion of the Broadway strip from its current zoning to CM-2, a new mixed use zoning designation that carries with it an allowed height of 45 feet as a base height, and possible bonus height up to 55 feet, and a base FAR of 2.5 to 1, and possible bonus FAR up to 4 to 1. The base height and FAR for CM-2 is similar to the current zoning, but the bonuses are not. We noted this problem in the ICA comments on the 2035 Comp Plan.

Under the regulations proposed by the Report, the bonuses (including additional height and FAR) cannot be used for properties within the Irvington Historic District, which would include the north side of Broadway from NE 16th to NE 28th. Such properties are not eligible for the bonus height and bonus FAR. Code section 33.130.212.B.1 (page 93 of the Report), provides in part: “Sites located within Historic or Conservation districts are not eligible to use bonus options.”

Thus, the base height and base FAR are acceptable, provided that the restriction cited above remains in place and part of the Report.

7th and Hancock Area

The 2035 Comp Plan proposed to change this area to CM-3, a new commercial zone designation, with a base height of 65 feet and a base FAR of 3 to 1, plus a bonus height of up to 75 feet and a bonus FAR of up to 5 to 1. We objected to this new mixed use zoning designation.

The Report recommends that this property be designated EG 1 rather than CM-3. An EG 1 zone has a maximum height of 45 feet and a maximum FAR of 3-to-1. Once again, the Report contemplates that no bonuses would be allowed for the EG1 zone. The primary differences between the EG1 zone and the various commercial/mixed use zones are in the uses allowed in the zones, including prohibition of new residential uses in the EG zones. The Employment Zoning Project draft includes the Primary Use table as Table 140-1. In the current Zoning Code, Table 140-3 provides that the existing/continuing height and FAR standards for the EG1 zone: <http://www.portlandoregon.gov/bps/article/53298>

The proposed designation of EG 1 with no bonuses is acceptable provided there are no changes during the hearing process.

Please let us know if there are any changes made to the Report as it goes through the review process that affect the comments above. Thanks.

Dean Gisvold,
ICA Land Use Chair and Board member"

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