

CITY VIEW PARK, LLC  
TOM BROWN, MANAGER  
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June 9, 2016

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

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

Reference: Zoning Map Proposal: CS to CM1

Dear Portland Sustainability Commission:

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

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

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

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

The proposed downzoning is drastic. Today, under the CS zone, the FAR is 3 to 1 and the base maximum height is 45 feet. The proposed CM1 zoning, with the Main Street Overlay, proposes a maximum 2 to 1 FAR and a 35 foot maximum height. The difference in development capacity and land value from the proposed zone change for the Property is stark. The reduction of 1 FAR amounts to a 20,070 square foot reduction in development capacity, which translates into a loss of property value of approximately \$1,093,000.<sup>1</sup>

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

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

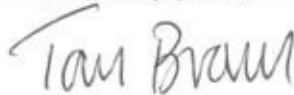
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<sup>1</sup> Loss of land value is: \$165/SF \* 20,070 = \$3,311,550, Loss of 33% of FAR due to proposed rezone = \$3,311,550 \* .33 = \$1,092,811; Loss is **\$1,092,811**.

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

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

Very truly yours,

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

City View Park LLC  
By Tom Brown, Manager