

July 7, 2016

**MEMORANDUM**

**TO:** Portland Planning and Sustainability Commission  
**FROM:** Peter Finley Fry  
**RE:** 820-830 NW 18<sup>th</sup> Avenue and 839 NW 17th  
1N1E33AC 5400 & 5500

**OBJECTION**

We object to the City's proposal to change our zoning from EXD to EG1. We support the earlier staff recommendation to change the zone to CM3.

**REASONS**

1) The location as EG1 is inconsistent to the newly adopted Portland Comprehensive Plan Goals and Objectives. The Comprehensive plan describes the zone as "typically in a low-rise, flex-space development pattern". "Residential uses are not allowed ... to limit the proximity of residents to truck traffic and other impacts." The development uses surrounding this proposed General Employment zone are high rise residential uses that will be adversely impacted by a low-rise and truck generating employment use.

The application of general employment at this location is completely inconsistent with the surrounding land use patterns and creates conflicts between the closely proximate zones.

Employment uses need to be in an industrial park, campus, or sanctuary to ensure proximity of compatible uses, synergy between businesses, and the public's ability to provide appropriate and cost effective infra-structure

The location as EG1 violates the Transportation Element as it is located on a secondary neighborhood collector, limited offsite parking, difficult for truck maneuvering, and remotely located from arterials and the interstate system.

3) The EXd and CM3 allow outright a wide range of residential and retail use. The EG1 zone prohibits residential and limits retail making existing and future similar uses of the property non-conforming or prohibited. The current zoning allows an entitlement of intensity for traffic, sewer, water, and other services. The General Employment changes that service entitlement without any analysis of impact on the subject property or surrounding uses. The property developed as residential has a much different service impact than a property limited to employment uses. For example, residential uses do not generate truck traffic.

The property owner could request a zone change back to the CM3 (similar to the EXd). The applicant would have to prove that services exist for the change in intensity; services that did exist in 2016 for the property designated EXd. A prudent property

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owner would immediately request the quasi-judicial zone change in conformance with the Comprehensive Plan before the surrounding growth in intensification consumed all the available services.

4) The site is and has been occupied by retail uses with longer term leases. The owner plans, at the appropriate time, to redevelop the site as mixed use retail/commercial and residential consistent with the surrounding uses and location.

5) There is not a stated reason for rezoning this area to employment except that the area has employment uses and the neighborhood wants employment zoning. Employment uses are significantly north of the site. This location leans toward the residential and retail character of the neighborhood. This area does not have significant employment uses.

6) The General Employment zone was processed in the Employment/Industrial project not the Commercial/Mixed Use project. The application of an employment zone in the Commercial/Mixed Use project entirely lacks the process of the Employment/Industrial project. The misapplication of the general employment zone is an extremely probable outcome.

This apparent last minute change was advocated by the Mayor's office and the neighborhood prior to a hearing before a public body and without any real public process. The change appears to be a political accommodation rather than a thoughtful placement of uses. The designation of GE zoning on a property is driven by the political persuasion of less than .05% of the businesses and residents in the area.