

7/18/2016

TO: Planning and Sustainability Commission, Portland City Council

FROM: Bob Foglio- 13705 SE Thurmont, Clackamas OR 97068

RE: Comp Plan Designation(s).

Multiple parcel owners are falling in the cracks of this massive re-zoning effort. Particularly small commercial and high density residential parcels that are typically purchased with a specific use within the current code. This Highest Use is identified in the due diligence phase of the purchase process and justifies the higher prices paid for these smaller parcels. When that use is limited or removed it is a massive hemorrhage to the property value and use.

In this process multiple properties are being downzoned from 5 housing units (R-1 to R2). A 12 plex to 10 plex (CN1 due to FAR being applicable as of 1/2018). Com allowing a drive thru to no longer allowing drive thru, etc.,. In many cases this is a **20-50% loss** in property value and or use to small parcel owners.

***I REQUEST THAT STAFF AND COMMITTEE Create a "Sunset Law", "Grandfather" clause, Special Exception, that allow Current landowners to complete projects under CURRENT ZONING and/or Proposed Zoning designated for 2018.***

I believe the proposed clause or condition would be used minimally. Knowledgeable staff would attest to that point and can explain the details of FAR and setback and increases and benefits allowed by new zoning proposal(s). This primarily is a small parcel exception that it necessary. This would be a simple, time and cost effective way of proceeding to a resolution for small parcel owners.

The major beneficiaries of the re-zone in terms of increased density and uses are institutions, hospitals and universities and larger parcel owners. That is logical and understandable. However it should not over flow into the taking of others property uses. Reasonable accommodation must be provided to this population of landowners that fall between the cracks and do not have the resources to act expeditiously due to forthcoming changes.

Appropriate staff and committee will tell you they have overlays to allow for density bonus etc.to maintain current levels however they come with other "affordability" concerns that don't make sense for many reasons. Sounds great however it is simply not cost effective or applicable in **most cases** to the small parcel owner.

*The best solution from staff to date is to submit project before the zoning changes occur. This is impractical, unreasonable for many reasons including leases with current owners for 3-5 years.*

This is acknowledgement that there is major oversight in the proposed zoning process for a percentage of property owners.

Thank you for your time and consideration. Please recognize the need for a simple exception.

Bob Foglio

503-522-4184

### **Summary of my parcel and process-**

2626 NE DEKUM(CN2) 5,000 sqft lot.

Purchased- 7/01/2015.....\$380,000.00

Existing use is a non-profitable mini-market. Therefore I purchased with intention to demolish and build multifamily housing for students. Multi family was and remains the highest and best use. Purchase price was high but due to student demand justified.

I felt it important to hire an attorney, Chris Kobacks, to be assured that we maintained the commercial use versus a proposed Campus designation. This was accomplished with at a significant legal expense. Great!

NO- Now we find out that the FAR (Floor area ratio) as proposed is applicable in this zone. Now we need to re-visit this extremely stressful, time consuming process again due to the following effect of new proposed zoning:

My situation is the taking of approximately 1500 sqft , from 9000 to 7500 of floor area, or two 750 sqft apartments. This equates to approximately 30,000.00 per year in lost income in the first year. Or at time of purchaser based off the highest and best out right use I overpaid approximately 60,000.00 a year ago. This is not complicated to understand, it is simple math no trickery or otherwise.

I feel 95% of new zoning code are positive and accomplishing the desired effect. I see it adding value to the community, city, and commerce in terms of streamlining and expediting growth in our region.

I represent one 5000 sqft lot but one can see the major financial impact and adverse effect that this has on the pieces that are left in the cracks. We are very small percentage of properties and not many would benefit from exercising the prior to 1/2018 zoning suggestion. This "Sunset" or a version of makes sense and streamlines the process for potentially effected small parcel owners.

I believe you will come to the consensus that this is a fair and simple way to eliminate a massive flaw in the proposed zoning. It basically eliminate the FAR conflict and downzoning in residential high density and maintains ones property rights as purchased. This situation is unique to small percentage of properties so the overall use of this exception should be minimal. Example, if commercial was the best use for my site the allowable area would double under proposed changes. (From .75 to 1.5 FAR). Therefore I would build bigger market over the existing mini-market. One can see the new zoning works in profitable areas for small parcel owners as well.

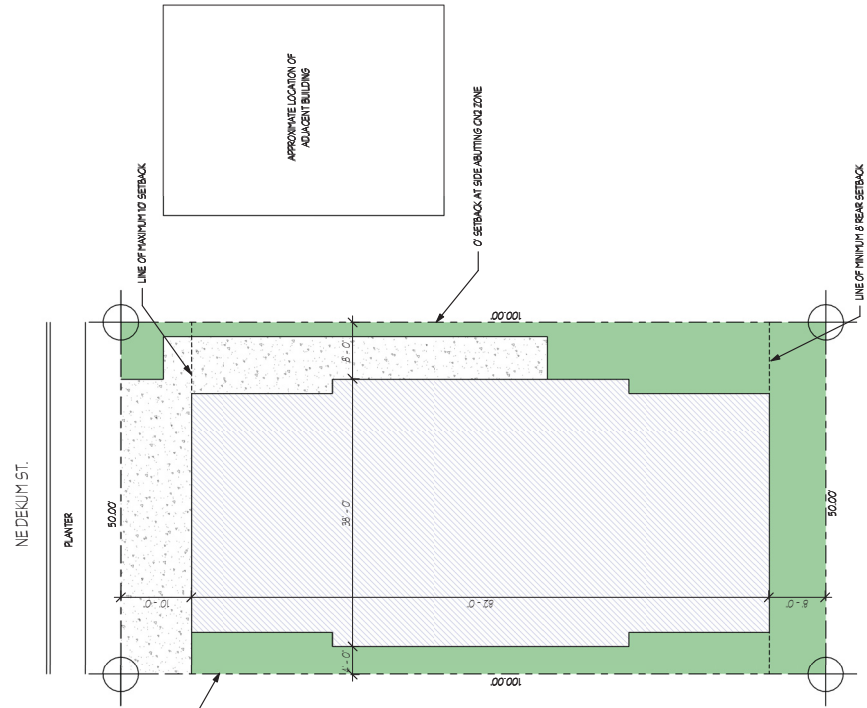
Thank you again

Bob Foglio

503.522.4184

13705 SE Thurmont

Happy Valley Or 97068



**SITE PLAN**  
 11.6.2015

**General Information**  
 Property ID: R02087  
 Client: BOB FOGGIO  
 Survey ID: NERSBC 1440  
 AP Account #: RA1323660  
 Plot Number: 2333  
 Site Info:  
 Site Address: 2626 NE DEKUM ST  
 City/State/Zip: PORTLAND OR 97211  
 Owner Name: BOB FOGGIO  
 Owner Address: PO BOX 100  
 City/State/Zip: GLASTONING OR 97027-0100

**ZONING REQUIREMENTS FOR CURRENT ZONING**  
 MAX. HEIGHT: 35'-0" (DOES NOT APPLY TO RESIDENTIAL USES)  
 MIN. BUILDING SETBACKS:  
 0' TO NORTH, 0' TO ALLEY (WEST),  
 0' TO EAST, & TO SOUTH (OR 5' W/ L3 LANDSCAPE)  
 GARAGE ENTRANCE SETBACK: 5' 8"  
 MAX. BUILDING SETBACK: 10'  
 BUILDING COVERAGE: 25%  
 MAX. LOT AREA: 5,000 S.F.  
 MIN. LOT AREA: 1,500 S.F.  
 LANDSCAPE AREA: 25%  
 LANDSCAPE %: 25%  
 BUILDING COVER AREA: 2,865 S.F.  
 BUILDING COVERAGE: 58.1%

**MIN. BUILDING SETBACKS -**  
 MAX. HEIGHT:  
 GARAGE ENTRANCE SETBACK: 5' 8"  
 MAX. BUILDING SETBACK: 10'  
 BUILDING COVERAGE: 25%  
 MIN. LOT AREA: 5,000 S.F.  
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