

SMILE Land Use Committee
8210 S.E. 13th Avenue
Meeting Notes -- Sept. 4, 2019; 6:00 - 7:15 PM

Committee members present were David Schoellhamer, Vikki DeGaa, Miriam Erb, Francisco Salgado, Rocky Johnson, Bob Burkholder, Karen Kelly, Kirsten Leising and Shari Gilevich. Six area residents attended.

David called the meeting to order at 6:00 PM and attendees introduced themselves.

Discussion of Better Housing by Design (BHD) proposed code amendments

The BHD code applies to areas currently zoned for multi-dwelling development (R3, R2, R1 and RH). The new direction for this zone is to use Floor Area Ratio (FAR) to determine the building size and "form-based code" in which the form of a new structure is regulated (by building height, setbacks, maximum lot coverage), but the number of units allowed in the structure is not stated.

David referred to the "Summary of Multi-Dwelling Zones" document created by the city:

<https://www.portlandoregon.gov/bps/article/738549>.

A City Council hearing on the proposed code amendments will be on October 2nd. It is expected that City Council will adopt the new code in November.

Discussion of proposed code changes

David said that since SMILE submitted its original comments on this code in February 2018, the Planning Commission has reviewed the proposed code and made limited changes in reaction to public testimony. The city has done a better job to coordinate this project with the Residential Infill Project (RIP), the code changes impacting single family zones.

The city acknowledged concerns expressed by many groups that the multi-dwelling zones do not place a limit on the number of units in a structure. However, the city's goal to provide more dwelling units prevailed, so no maximum number of units for a structure has been included in the code.

David suggested amending our original comments about the number of units to request that the multi-dwelling zones state a limit on the number of market rate units in a building, and then require that if the project is larger it must provide affordable units as required by inclusionary zoning (15% of units affordable at 80% MFI or 10% of units affordable at 60% MFI). The group discussed an example of allowing two times the existing density for the base number of market rate units, and requiring that denser developments include affordable housing. Miriam asked if that requirements would be possible even if the number of units were fewer than 20 (state law requires that if a development has more than 19 units, then a certain percentage of the units have to be affordable). David thought this proposal might contradict state law for developments with fewer than 20 units. Later we learned that RIP will propose to provide a similar incentive for affordable housing, so it should be OK.

The group discussed information on the "Residual Land Value" (RLV) by number of dwelling units. This analysis, completed by the City, is based on market rate units. Rocky said that the city should analyze the RLV to include affordable units; it would show that a profit is still possible with affordable units. He thought an incentive is needed to build affordable units and that this idea should be included in our comments.

Another discussion point was about our original request to get information on the fire and building standards that would determine the minimum size of a dwelling unit. The city never answered this question. The group still had concern for fire safety, even if a sprinkler system is required in the structure.

Vikki brought up the issue about narrow streets, such as SE Nehalem, and whether a fire truck could get down the street. Bob said the main issue for fire emergency service is the location of hydrants. As the area is infilled with 4-story residential development, more fire hydrants will be needed. Bob thought the statement that "the maximum number of units should be provided using fire and building standards" should be retained in our next testimony to the city.

The group discussed whether to provide comments on ways to balance density by decreasing density in one area while increasing density in another area. (The example was to decrease density on SE Tenino, a very narrow street, and increase density in a now-single family area which is adjacent to commercial zoning along SE 17th.) Committee members all agreed not to suggest rezoning to the city.

Francisco asked about the single family parcels on SE Tacoma west of SE 13th. David said that the underlying designation of the parcels is commercial, so that as properties are redeveloped, commercial zoning will be applied.

Kirsten asked about the multi-family development along Crystal Springs at SE Lambert and 23rd. David said that the area has a floodplain overlay which places other requirements on development.

The group discussed the original comment that, in the R2 zone, a limit to the size of a dwelling-with-an-internal-ADU should be the base FAR. The purpose would be to lessen the building of a huge house (a "McMansion) that then provides only a small ADU for the second dwelling required in R2. The Committee members all agreed to again request this limit, 0.8:1 FAR which is equal to FAR in R2.5 for two units.

A resident who lives near SE 18th and Insley emailed comments to David about the proposed zone changes in his area under the BHD project. The big issue is that properties were recently downzoned from RH (High Density Residential) to R1, specifically because the Harold Street light rail station and TriMet #33 service on this section of SE McLoughlin were eliminated. However, with the proposed change in standards for R1 (which will become RM2), new multi-dwelling structures will have no limit on the number of units and effectively be like the previous RH zone. The group commented that the issues with the lack of transit and infrastructure improvements to support higher density should be emphasized.

David will incorporate new comments discussed this evening as modifications to our previous testimony, and email the new draft to the Land Use Committee members and anyone else who would like a copy. After review and comment from the LUC and others, he will send the recommended testimony to the SMILE Board for their review and approval to send on to the city.

A question was asked about other standards for building design. David showed additional sections of the BHD proposed code that provide design standards. He noted that our multi-dwelling zones also have a "design overlay" which applies other standards and guidelines to developments. (The next draft of the Design Overlay Zoning Amendments, DOZA, should be available by the end of this year.)

Meeting adjourned at 7:15 PM.