



Concordia Neighborhood Association
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Portland, OR 97211
landuse@concordiapdx.org

May 3rd, 2018

City of Portland Planning and Sustainability Commission
Attn: Residential Infill Project
1900 SW 4th Avenue, Suite 7100
Portland, OR 97201
psc@portlandoregon.gov

Dear Honorable Commissioners,

As you know, the City is at a crossroads. Our single family residential zones contain homes that have ceased to become affordable for the average Portland family to move in to. Yet the current zoning prevents more units from being constructed on lots in these zones, which might act to bring down the cost per new housing unit. Instead, the entire site acquisition cost must be borne by a new single-family house. This results in more and more large, expensive homes that aren't affordable to most of the families who might be able to fully use their space, and generally are purchased by people of means who don't actually need all that room.

Supply, in short, is not meeting demand.

The decision point we find ourselves at is this:

Do we allow this situation to continue and worsen? Or, do we take effective steps to fix it?

After reviewing the latest staff proposal from the Residential Infill Project, we find that the current proposal does not plan to significantly improve the situation with regards to affordability.

No significant changes are proposed from the proposal that was analyzed by Johnson Economics in their October 17, 2016 memo to Tyler Bump of BPS. Indeed, a revised memo from Johnson Economics from April, 2018 confirms that the current staff proposal will not add significantly to the supply of housing units affordable to median-income households in Portland.

In the 2016 memo, the RIP project was projected to actually result in a net reduction of housing units produced in Portland over the next two decades by 8,000 units over the baseline; hardly a ringing endorsement of the success of this proposal! The 2018 memo reverses this and predicts a net increase of 600 or so new homes over the next 20 years, though it rests on questionable assumptions, including that existing homeowners would be willing to accept \$80-\$130,000 as the sales price for their home in central Portland (what the memo refers to as "Residual Land Value"). (Call us if you know somebody willing to sell for those prices, please!)

Further, the Johnson Economics reports indicated that it would be unlikely that any of the

resulting units would be affordable to a household making the Median Family Income or less for the City of Portland.

It is our view, as neighbors who are concerned about the ability of our children, our aging parents, our friends and other potential new neighbors to afford to live near us in the future, that the Residential Infill Project is currently flawed, but that with a few simple fixes, it can be tuned to help deliver a more affordable future for our city.

In that spirit, we respectfully request that the PSC recommend the following changes be made to the staff proposal prior to adoption by Council:

- **‘a’ Overlay:** The new ‘a’ overlay attempts to prevent gentrification and displacement by denying the opportunity to take advantage of the new RIP regulations to areas at risk of gentrification and displacement. As a neighborhood that experienced redlining during the 20th century based on the spatial distribution of people of a particular race, we do not wish to see any other neighborhoods be subject to a policy that effectively red-lines poor neighborhoods of the city, denying property owners there the opportunity to improve their lives and the neighborhood by replacing existing, sub-standard housing stock with newer development that could allow owners to lift themselves out of poverty by the bootstraps, following the American Dream. It’s quite possible that preventing access to opportunity in this manner may be a violation of the federal Fair Housing Act. The City should not seek to deny these sorts of economic opportunities to low-income areas. The new ‘a’ overlay should be applied broadly to all residential zones across the city, or at least to all those within walking distance of transit with 20 minute headways in the peak or better, and/or with bicycle access to high-quality bicycle infrastructure.
- **Economic opportunity:** The current RIP proposal, according to its own economic analysis, will result in limiting new homeowners in Portland’s single-family zones to high-income households. No longer will new construction be affordable to middle-income Portlanders. The price per square foot resulting from these regulations will increase, further accelerating price appreciation of existing homes. We propose an alternate future, one in which lower-income households seeking to live together in a fourplex are able to effectively outbid high-income households seeking to purchase a house for use as a single-family residence. The allowable FAR should thus be increased for new development with multiple units by 0.2 per unit for triplexes and fourplexes; the cap on the number of units within a structure should be lifted (4 or more should be allowed by right); and the height calculation should be changed to clarify that a two-and-a-half-story house will always be legal in all zones. r2.5 zones should maintain their 35-foot height limit and not experience a reduction to 30 feet. Height should be measured from the midpoint elevation adjacent to a structure, not the low point.
- **Form-Based Code:** The City should write a Form-Based Code to regulate its residential zones, or at least those portions subject to the new ‘a’ overlay. This will address the concerns of neighbors about out-of-character development, by specifying the nature of “character.” This would include the specification of amenities such as front porches, while also regulating specific concerns, like height from ground to eaves separately from total structure height, that contribute to the feel of the “urban room” of neighborhood streets. See below for an example

of how a Form Based Code can be used to regulate this sort of development.

1703-2.70 1703-2.70 1703-2.70

Specific to Transect Zones T4 Neighborhood Small Footprint (T4N.SF) Specific to Transect Zones

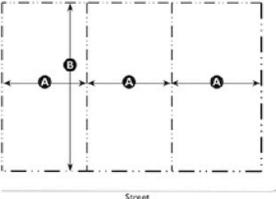
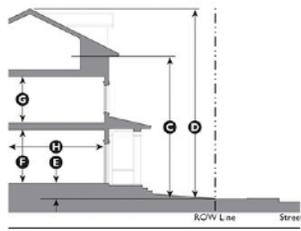
T4 Neighborhood Small Footprint (T4N.SF)

1703-2.70 T4 Neighborhood Small Footprint (T4N.SF)



A. Intent
To provide variety of urban housing choices, in small-to-medium footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this Zone, and support public transportation alternatives. The following are generally appropriate form elements in this Zone:

- Detached or Attached
- Narrow-to-Medium Lot Width
- Small-to-Medium Footprint
- Building at or Close to ROW
- Small to No Side Setbacks
- Up to 2½ Stories
- Elevated Ground Floor
- Primarily with Stoops and Porches

Key
--- ROW / Lot Line

C. Allowed Building Types			
Building Type	Lot		Standards
	Width A	Depth B	
Carriage House	n/a	n/a	1703-3.40
Detached House	30' min.	75' min.	1703-3.60
Compact	50' max.		
Cottage Court	75' min.	100' min.	1703-3.70
		100' max.	
Duplex	40' min.	100' min.	1703-3.80
	75' max.		
Rowhouse	18' min.	80' min.	1703-3.90
	35' max.		
Multi-Plex: Small	50' min.	100' min.	1703-3.100
	100' max.		
Live/Work	18' min.	80' min.	1703-3.130
	35' max.		

B. Sub-Zone(s)
T4N.SF-Open Zone (T4N.SF-O)
The open sub-zone provides the same building form but allows for a more diverse mix of uses.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

D. Building Form	
Height	
Main Building	2½ stories max.
To Eave/Parapet	24' max.
Overall	35' max.
Accessory Structure(s)	
Accessory Dwellings	2 stories max.
Other	1 story max.
Ground Floor Finish Level	18" min.
above Sidewalk	
Ground Floor Ceiling	
Service or Retail	12' min.
Upper Floor(s) Ceiling	8' min.
Footprint	
Depth, Ground-Floor Space	24' min.
Accessory Structure(s)	
Width	24' max.
Depth	32' max.
Miscellaneous	
Loading docks, overhead doors, and other service entries shall be screened and not be located on primary street facades.	

City of Cincinnati Form-Based Code Final Draft 2/15/13 2-23 2-24 Final Draft 2/15/13 City of Cincinnati Form-Based Code

- **Affordability:** The City should allow four units by right. In addition, we strongly recommend the following:
 - Beyond the four units allowed by right, a developer should be able to receive as many bonus units affordable to households making 80% or less of MFI as they feel the market will bear, within the allowable building envelope of height, setbacks, and lot coverage. This will allow for the provision of the most deeply-affordable units that a developer feels it is possible to provide.
 - Single-family zones should NOT be held to a higher standard than buildings with 20 or more units, which can amortize their site acquisition costs over more units and are only required to provide 20% affordable units.
- **Scale:** Projects proposing at least four units should be eligible to build up to 0.9 FAR, 35 feet in height, and with a front setback of ten feet (to maximize the amount of private back yard area shared by residents). This will allow the market to best deliver products that meet the economic needs of our neighbors over the coming decades.

We believe that these adjustments to the RIP proposal will allow neighborhoods to determine their future destiny in terms of setting the terms of the character of future development, while

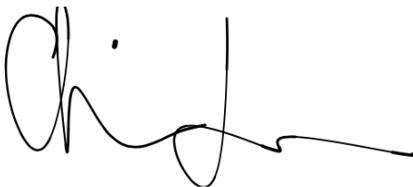
allowing for the diversity of housing types that must be built in order for supply to come into balance with the changing demographic demands of future generations.

We would also like to extend our support for the requirement that, for lots abutting an alley, access from the alley would be required when parking is provided, though parking would not be required for these lots. This will help to protect the pedestrian realm in those areas of our neighborhoods served by alleys.

Finally, a brief note regarding **narrow lot development**: The Concordia Neighborhood Association has previously fought against the development of skinny houses in our neighborhood. In fact, we appealed the approval of one such house all the way to the State Land Use Board of Appeals. We have also been subjected to many skinny houses built on streets with alleys, where the house nonetheless features a garage facing the street instead of the alley, making a mockery of statements in the Concordia Plan (developed as a part of the Albina Plan process) to preserve the pedestrian orientation of the front yard, and to minimize the impact of the automobile. We therefore are pleased to express our support for the new policies embodied in the staff proposal for the RIP with regards to narrow lot development, requiring that any parking be alley-fed, and that the height limit for skinny houses is proportionate to their width. We are encouraged that those of us who own a vacant 25' historically platted side lot will retain our ability to develop such a lot into a skinny house in the future without needing to demolish our primary home. We are also encouraged that, when a house *is* demolished in order to access the underlying historically-platted lots in an R5 zone, that the resulting two primary units will be required to be attached, so that the resulting structure will be more energy efficient and visually appealing.

With all of the work that has been put into developing the Residential Infill Project, we recommend making these minor changes to the RIP, including legalizing fourplexes as a by-right development type anywhere within the 'a' overlay, after which the City should give it a chance. Let's legalize true Missing Middle housing, in our neighborhoods. Let's run the experiment to see if the next generation of houses will produce more affordable and attractive outcomes than those currently being built.

Signed,

A handwritten signature in black ink, appearing to read 'Chris Lopez', with a long horizontal flourish extending to the right.

Chris Lopez
Chair, Board of Directors
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