



**HOSFORD-ABERNETHY**  
NEIGHBORHOOD DISTRICT ASSOCIATION

January 7, 2016

Mayor Charlie Hales  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Steve Novick  
Commissioner Dan Saltzman

Dear Mayor Hales and City Council Members,

During the past year as the Hosford Abernethy Neighborhood District (HAND) board has been discussing the Comprehensive Plan, many livability issues have come to light. Of significant concern is the relationship between residential uses and commercial uses at isolated non-conforming commercial sites nestled in exclusively residential areas, and the desire to preserve and protect both the commercial and residential needs.

In the HAND neighborhood there are four such sites that we would like to bring to your attention. Planning staff has recommended a change to their designation and zoning. The HAND Board opposes a change in the Comprehensive Plan for 3029 SE 21st Ave (People's Coop), 1996 SE Ladd Ave. (Palio's Café), 1540 SE Clinton St. (Northwest Naturopath Clinic), and also the garage at 2021 SE Tibbetts, added by staff in error, from their current residential designation to that of commercial.

All of these sites are in commercial use, have a non-conforming status, and are completely surrounded by residential properties. The non-conforming status provides protections to the surrounding properties, such as limiting the permissible hours of operation and providing a mechanism for review if there is a change of use. Changing the Comprehensive Plan designation and zoning would remove these protections.

Our position should not be viewed as opposing density or the broader goals of planning for vibrant neighborhoods. Nor should it be seen as critical of the existing businesses in these properties, which are great assets to our neighborhood. Our concern is the future of the sites should the zoning become commercial and a subsequent new business moves in. There would be no mechanism to ensure that the future business would remain compatible with the uniquely residential nature of these sites.

The drawbacks of changing the zoning status from residential to commercial for these sites has become more evident to us with the roll out of the Commercial Zoning update. The new commercial zoning code is missing a component critical to the success of isolated commercial sites such as these, as well as others scattered around Portland. Residents need a zone designation that allows them to have more input in the nature and neighborliness of the commercial activity that takes place. Currently the conditional use status allows this to happen.

The proposed CM1 commercial designation, as it is presently defined, does not have similar safeguards in place to ensure the livability and compatibility that currently exists. The businesses at these sites are currently good neighbors, but each has had various issues over the years. Whether it was noise, odors, parking, or early morning deliveries, the conditional use brought the businesses to the table to resolve the conflict with



**HOSFORD-ABERNETHY**  
NEIGHBORHOOD DISTRICT ASSOCIATION

neighbors. Our concern is that the businesses at these sites will lose the obligation to engage with their residential neighbors to resolve issues if the properties turn over to CM1 as it is presently defined.

The HAND Board would not oppose the proposed Comprehensive Plan designations if the zoning code were changed to offer neighbors of sites such as these the protections equivalent to those arising out of the current non-conforming status. We have offer some language below for inclusion in the Comprehensive Plan to guide additional protections for isolated commercial sites such as these.

Until the zoning code is modified to address these concerns over commercial-zoned properties in otherwise residential areas, we feel that for the specific sites listed above, the existing non-conforming designation provides the best balance between neighborhood-oriented commercial uses and residential uses given their close proximity in these three cases.

Thank you for considering these comments.

Sincerely,

Susan E. Pearce  
HAND Chair

#### Ensuring Residential Compatibility of Isolated Commercial Sites:

Limited hours of operation.

Notification and request for input sent to nearby properties following a proposed change of use other than one in the same use category or a less-intensive use category.

Change of Use Notification Procedure: An Isolated Commercial Site situation review is processed through a Type II procedure, giving consideration to the following:

1. The hours of operation;
2. Vehicle trips to the site and impact on surrounding on-street parking;
3. Noise, vibration, dust, odor, fumes, glare, and smoke;
4. Potential for increased litter; and
5. The amount, location, and nature of any outside displays, storage, or activities.