

May 6, 2016

Ken Simon
Managing General Partner
Sandra Plaza No. 2
711 Montana Ave. Suite C
Santa Monica, CA 90403
PH: 310-576-6666
ksimon@kfsproperties.com

Portland Planning and Sustainability Commission
City of Portland
1900 SE 4th Avenue
Suite 7100
Portland, OR 97201

Dear Chair Schultz and Commission Members,

I am the managing general partner for Sandra Plaza No. 2. We are the owners of Foster Square located at 6730-6868 SE Foster Road; State ID # 1S2E17BA 11800.

Ours is a traditional shopping center with a commercial building set back from the street. Ample parking is provided on-site with four rows of parking in front of the commercial building. There is also a drive through coffee store in a pad building in front of the shopping center. The property has a landscape strip on the perimeter. There are bicycle racks and a bus stop for customers that do not use an automobile. There are visible pole signs that are important and beneficial for both retailers and consumers.

This type of traditional shopping center is functional, desirable and has high utility for retailers, service providers, drive through restaurants and area residents who are the customers of these establishments. The Center was developed to accommodate automobile parking for customers and also to accommodate drive through businesses. As currently configured our shopping center is the highest and best use for the site.

We heartily and fervently oppose the proposed zoning change from CG to CM2. It would be a disaster. The macro effect would turn an already difficult area into a ghost town. The micro effect would be to devalue our property. As you state in your literature the proposed zone change does not require me to sell my property, however, effectively this proposed zone change is an eminent domain taking without compensation.

There is not the demand nor is there an economic rationale to develop the type of high density, urban, flush with street development contemplated by the zone change in the immediate vicinity of where our shopping center is located. This cannot be changed by fiat.

We own properties in five states and I have seen this type of legislation before. The municipalities always say that the existing uses will be grandfathered in. However, there is always a trigger mechanism whereby spending money to improve the property above a certain threshold compels the Owner or Tenant to comply with the new zoning requirements. The unintended consequence is that Owners and Tenants have no incentive to improve their properties and in many cases are forced to go vacant as

compliance is problematic. Once vacant, the properties negatively impacted by the zone change become a magnet for mischievous or illegal activity which leads to blight.

As an example, the City of West Valley in Utah, where we also own property, enacted similar legislation and the result has been that there are properties that have been vacant for upwards of seven years because complying with the ordinance is not economically feasible. The same thing could happen in SE Portland with this proposed zone change.

Please reconsider this zone change. It will have deleterious effects.

You may contact me if you have questions or wish to discuss in greater detail.

Sincerely,

Ken Simon
Managing General Partner
Sandra Plaza No. 2