

# KENNETH S. EILER, P.C.

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CITY OF PORTLAND  
BUREAU OF DEVELOPMENTAL SERVICES  
ATTN: DANA PARKER  
1301 SE LINN  
PORTLAND, OR 97202

RE: PROPOSED ZONE CHANGES TO HAWTHORNE BLVD

Greetings,

Thank you for allowing me an opportunity to comment upon the proposed zone change to a five (5) block section of Hawthorne Blvd. It is my understanding that the present proposal is to change the current zoning from CS to CM1, and to impose a design review overlay zone and a centers main street overlay zone. I am writing you on behalf of myself and my wife, Mary Sellin. We have owned the property located at 3556 - 3568 SE Hawthorne Blvd. since 1986. This property is currently the home of three (3) retail tenants on the ground level and five (5) office tenants on the second floor. My wife previously operated a retail clothing business, M. Sellin for Women, on the ground level from 1986 until 2003. My youngest daughter, Sarah, currently operates a jewelry business, Cassidy Jewelry, in that same location. My daughter is also a resident of the Hawthorne community, owning a home with her husband a few blocks from the store, on 34<sup>th</sup> Ave.

I and my family are very familiar with the character and quality of the Hawthorne business and residential community. We have watched it evolve from a declining area into one of Portland's premier retail destinations as well as a highly desired residential community. I would like to believe that the efforts of my wife, with her business, and my daughter, with hers, have contributed to that evolution. Because of our long history in the Hawthorne community, we are, understandably, very interested in any proposed changes to the current zoning rules and regulations.

I understand that this is the first of what will likely be several hearings before the Planning Commission regarding these proposed changes. It is also my understanding, based upon conversations that my daughter has had with your planning department, that some of the regulations necessary to implement these changes have not been fully developed. Consequently, I may have additional comments to the proposed changes as those details become available.

At this time, I have three areas of concern. The first deals with the limitation that the proposed zone change would have on production and wholesale operations. There are several businesses in the Hawthorne area affected by the proposed zone change that have mixed retail, production and wholesale components. My daughter has considered designing and manufacturing her own line of jewelry on site, and selling it in to other retailers. She is aware of other businesses on Hawthorne that currently do the same. The proposed zone change would appear to restrict or eliminate that use.

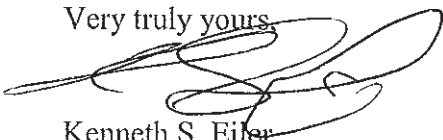
As a further example, I have received a proposal for a brew pub use that would encompass producing beer on site, selling it on site, but also selling to other retailers. Again, the proposed zone change would appear to restrict or prevent that type of small business. Consequently, any limitation on manufacturing, production and wholesale sales would need to be carefully crafted not to interfere with the kind of small business development that has driven the revitalization of the Hawthorne District over the last several decades. I would suggest that any limitation be tied to square footage, perhaps limiting production and wholesale activities to no more than 10,000 sq. feet.

My second concern has to do with the proposed height restriction. The zone change would limit building heights to 35 feet. The planning department understands that this restriction would accommodate a three-story building. I have no objection to limiting buildings in the affected area to three stories. However, I do not believe that a 35 foot height restriction would allow for a three story structure. By way of example, our two story building is approximately 29 feet high. Consequently, it is unlikely that 35 feet would allow for a three story building, especially considering a preference for tall ceilings. I would suggest that a three story, 45 foot, height restriction would be more appropriate.

My final concern has to do with the proposed imposition of a design review overlay. Our property was constructed in 1909. We would envision that any improvements constructed on our property would be consistent with the current structure. However, having lived in Cannon Beach prior to moving to Portland, I am sensitive to the challenges that the planning department faces when trying to create objective review standards for something that is inherently subjective. I am also concerned that such an overlay zone would likely include an approval process that could make minor upgrades to a property too costly or too time consuming. Consequently, I would suggest that any design review process be limited to major improvements, involving over 50% of the property and/or over 50% of the property's value, and include standards that are as objective as possible and susceptible to efficient review.

We are big promoters of the health and well being of the Hawthorne business and residential community. We look forward to working with you in the coming weeks and months regarding these proposed zone changes and hope that you will reach out to us for future input. Thank you for your considerations.

Very truly yours

A handwritten signature in black ink, appearing to read 'Kenneth S. Eifer', written over a horizontal line.

Kenneth S. Eifer