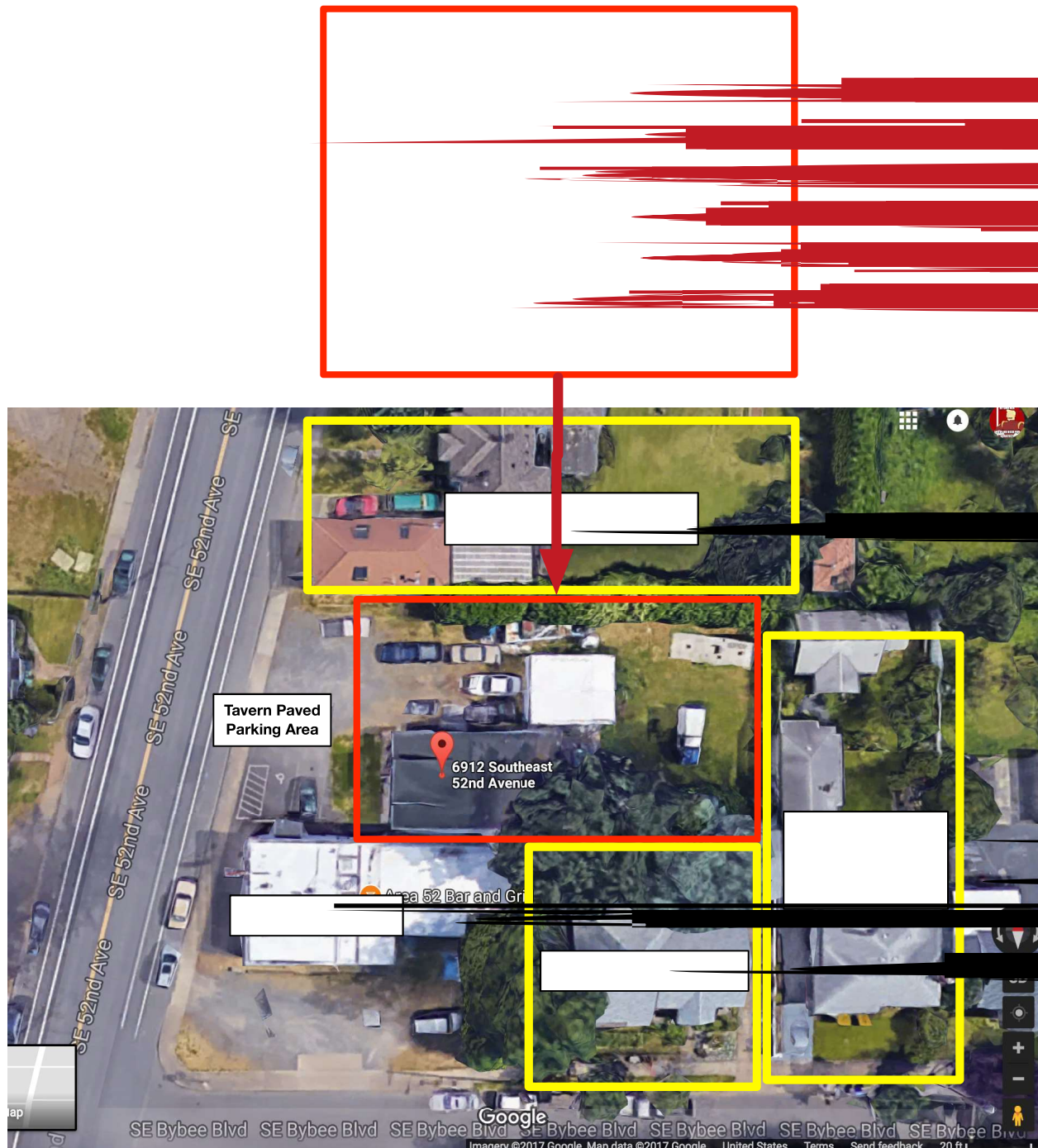


To the Portland Planning Commission:

Please consider the following additional information when making your decision about whether or not to apply CR zoning to the site at 6912 SE 52nd Ave. Based on discussions by the commission occurring after the completion of all resident testimony, I feel this extra information may be relevant in aiding your decision.



1. Discussion of unique aspects of this property that make CR zoning the best choice

In the diagram above, the red area represents an R5-compliant Area of 6912 SE 52nd. This area includes a house, yard, and garage. This area will become CM1 zoned per the Recommended Draft despite the fact that it not been used commercially and is isolated from the other commercial zones on 52nd.

Because of this lack of commercial use, and its decades long historical R5 zoning, the three other R5 neighbors (yellow) would have no reasonable expectation the area in red would one day become commercially zoned. On the contrary, they would have every reasonable expectation that this space in red would exist as a buffer between their properties and the tavern.

Consider the following interactions between the area in red and the surrounding R5 properties:

- The south R5 neighboring property would have CM1 zoning spanning two of its property lines if the Recommended Draft passes 'as is.' This appears to be an unusual situation for an R5 property with frontage on a small side street in a low density area.
- The east R5 neighbor is two lots and 150 feet away from the main street (52nd Ave). Its residents certainly would not reasonably expect late-night commercial activity areas to directly abut their property.
- Lastly, the north R5 neighbor's property on 52nd extends 175.31 feet deep from 52nd. They may have a reasonable expectation that at least part of their property is shielded from the adverse effects of commercial usage. It appears that most commercial zones extend only about 100 feet deep from the main street in 'mixed-use dispersed' areas like this.

The close interactions between this L-shaped property and its other R5 neighbors, its unusually deep extension away from the main street corridor, and the manner in which it protrudes deeply into the residential neighborhood make this an exceptional case. For these reasons, this property should qualify as one of the 'limited' situations where a designation of CR zoning applies.

2. Discussion of the city's decision to recommend CM1 despite opposition

In regards to the city's current zoning recommendation (CM1), it is worth noting that the city was previously informed about issues related to this property. In a letter titled *Letter to Portland Bureau of Development Services in Response to Comprehensive Plan Adjustment*¹, the Brentwood-Darlington Neighborhood Association expressed disapproval of commercial zoning during the 2015 Comp Plan Update process. Their letter demonstrates both the importance zoning played in limiting tavern hours and the already existing concerns about this property expressed by multiple (7) neighbors to the Office of Neighborhood Involvement (ONI) in 2014, as this excerpt shows:

The revisions to the hours [of the tavern during its liquor license application in 2014] were made by the [tavern] applicant because of the zoning code limiting grandfathered bars in residential areas from operating after 11pm. Without this zoning limitation, based on the OLCC ruling made above, it is likely that the current bar would be open past the 11pm hour despite concerns from the neighborhood association, the Portland Police, and several nearby neighbors (it should be emphasized that 4 neighbors outright opposed the application, and of the three neighborhood members that did not oppose outright all three specifically mentioned loud music as a concern despite their lack of outright opposition)

The decision to ignore the concerns expressed in this document and to continue recommending commercial zoning despite these warnings was careless on the city's behalf.

¹ link: <http://efiles.portlandoregon.gov/Record/7279059/File/Document/>

As to why, consider the statements made by the owners of the Acropolis Adult Club in nearby Sellwood during a recent interview with the Vice media organization:

At first, we opened it as a restaurant. We tried dinner and live music, but nobody came. Nothing worked, and we were losing money. What could we do? So I brought [strippers] in.

With its recent recommendation to re-zone, the city overturns decades of hard-fought gains by residents to prevent just this sort of thing from happening at the 52nd Ave location, as well.

To further demonstrate the difficulty of removing these problem properties, the Portland Development Commission had its own widely publicized showdown with the nearby New Copper Penny. This situation was discussed just a few years ago in the Willamette Weekly:

For at least a decade, Tzantarmas negotiated with the Portland Development Commission (now Prosper Portland) over redevelopment plans for the Lents neighborhood. Those plans sometimes included a revamped New Copper Penny, and at other times hinged on Tzantarmas closing up shop, at a multi-million dollar price. (Negotiations often turned hostile: At one juncture, Tzantarmas claimed a city official had called his family “terrorists holding the neighborhood hostage.”)

Be aware, I am not in any way insinuating the current purchasers have any intention of running the tavern in a manner similar to the Acropolis or the New Copper Penny. Nevertheless, bars change hands often. With a turnkey tavern already existing on the premises, a mixed-use developer is not necessarily the most likely outcome to place one's bets on as the next purchaser. However, I'm sure city staff already considered this possibility when they decided to it was time to gamble with our neighborhood.

3. Conclusion (and why leaving the property R5 is also a poor choice)

In conclusion, my position is the property should be zoned CR. CM1 with enforceable deed restrictions that remain in place until the tavern is razed may also be acceptable; these restrictions should prevent any business in the existing tavern from operating past 11pm. However, in order to respect the abutting low density R5 zones, which this property clearly protrudes into in an unusual fashion, CR should be the only viable choice.

Last but not least, leaving this property as R5 is also a poor solution. The likely outcome of R5 zoning is the property remains an unimproved eyesore. I sincerely hope the city will not just decide to shelve this issue by leaving it R5 for now. The CR zone is the obvious solution. If a proposal to build affordable housing or build some other mixed-use building is made in the future that requires CM1 zoning, the upgrade from CR to CM1 can be accomplished via a Type 3 procedure -- something that is not possible if the site is left R5.

City workers, stop being so rigid; CR zoning is the ideal solution.

Sincerely,
Patrick Burke
7006 SE 52nd Ave.