

# KENNETH S. EILER, P.C

*Receiver*

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PORTLAND PLANNING AND SUSTAINABILITY COMMISSION  
BY EMAIL ONLY: [psc@portlandoregon.gov](mailto:psc@portlandoregon.gov)

RE: MIXED USE ZONE PROJECT  
PROPOSED ZONE CHANGE TO CM1 ON SE HAWTHORNE BLVD

Greetings,

This letter is intended to follow up on the letter I hand delivered on May 10<sup>th</sup> in support of my testimony in opposition to the proposal to downzone a four(4) block section of SE Hawthorne Blvd. between 34<sup>th</sup> and 38<sup>th</sup> to CM1. This 'spot zoning' is inconsistent with proposed zone changes along the remainder of SE Hawthorne Blvd., is not supported by the criteria development by the Planning Staff for imposing a CM1 zone, and would render 'non conforming' several buildings and businesses in the affected area.

As noted in testimony on May 10<sup>th</sup>, the CM1 zone would restrict or prohibit wholesale sales and wholesale production. We are aware of at least two existing retail businesses in the affected area that have a 'wholesale' component. In addition, I have been approached by a brew pub to be located on our property that would also include a 'wholesale' component. Rendering these small businesses 'non conforming' will dramatically impact their ability to grow in the future and raise capital to support existing operations.

As noted in my letter of May 10<sup>th</sup>, the CM1 zone would purport to limit building height in a 4 block area to three stories, or 35 feet. Not only is this inconsistent with building heights elsewhere in the Hawthorne business district, it is internally inconsistent with its own provisions. Our two story building is nearly 29 feet tall. A third story, though permissible, could not be accommodated within the remaining 6 feet. Ironically, the proposed zoning criteria for CM2 recognizes a preference in retail businesses for high ceilings, and for architectural features on building that might extend above the height limitation. The CM2 zone allows for extending a building height to accommodate these preferences. The CM1 zone does not.

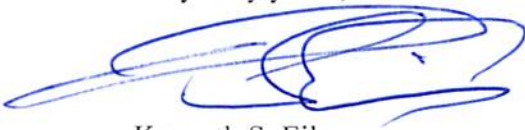
Finally, the CM1 zone purports to limit itself to building that were constructed 'prewar'. However, most of the buildings in the area were constructed well after that era. Those that were not,

have had substantial improvements made since their prewar construction.

My daughter has contacted business operators and building owners in the affected area. She has found that neither were contacted directly about the proposed spot zoning of their business and/or property, and that none were advised of the limitations that the CM1 zone would impose on their existing operation and future growth. They have all voiced opposition, and she understands that several have taken time to mail in their objections.

After listening to testimony from other small business districts impacted by the spot zoning of their property to CM1, it appears that our opposition to the downzoning of four blocks of property along SE Hawthorne Blvd. is consistent with the opposition voiced by other small businesses and property owners. We would urge you to abandon imposing a CM1 zone in the Hawthorne Business district, and elsewhere. Thank you for your considerations.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kenneth S. Eiler", with several loops and a long horizontal stroke extending to the left.

Kenneth S. Eiler