



October 21, 2015

VIA FEDEX
AND VIA EMAIL AT psc@portlandoregon.gov

Portland Planning and Sustainability Commission
Employment Zones Testimony
1900 SW 4th Avenue, Suite 7100
Portland, OR 97201

Re: Kin Property #3004 - 2720 NW 35th Avenue, Portland, OR (“Property”)
State ID#: 1N1E29BD 1300

PSC EMPLOYMENT ZONES TESTIMONY

Those certain zoning modifications affecting the Property and the permissible uses thereof, which modifications are proposed by the Planning and Sustainability Commission for the City of Portland (the “Commission”) in conjunction with the Commission’s “Comprehensive Plan.”

Ladies and Gentlemen:

We write as managing agent for Mascot LLC (“Owner”), the owner of the above-referenced Property. We are in receipt of the Commission’s “Notice of Proposed Zoning Code and/or Map Change” dated September 21, 2015 (the “Zoning Notice”). The Zoning Notice sets forth the Commission’s intention to introduce a new Prime Industrial Land zoning overlay (the “I Overlay”), which I Overlay would “reclassify parks and open areas as a Limited/Conditional Use, limit commercial outdoor recreation to no more than 20,000 square feet, prohibit self-service storage and major event entertainment uses, and prohibit future quasi-judicial Comprehensive Map Amendments.”

As the representative, and on behalf, of Owner, we hereby express our opposition to the establishment of the I Overlay and/or any reclassification or modification to the Property’s current base zone of IH. Any modification to our current base zone may depreciate the value of the Property, including by impacting the future use thereof.

The Property is currently leased to Bushnell’s Warehouse and Trading Corp. (“Tenant”). It is Owner’s contention that Tenant’s operations from the Property are in compliance with the current zoning of the Property; and, further, that such use would not be in violation of any restrictions imposed by the I Overlay. In any event, if the Commission ultimately establishes the I Overlay despite Owner’s objection thereto, and to the extent that the Commission determines that Tenant’s use of the Property would violate the I Overlay despite Owner’s assertion hereinabove, then we, on behalf of both Owner and Tenant, hereby demand that Tenant’s operations at the Property be “grandfathered in” so as to allow Tenant’s continued operation in its ordinary course of business.

This letter is not intended to set forth an exhaustive list of claims, damages, demands or other concerns that Owner has with respect to the I Overlay or its impact to the Property. Owner hereby

(561) 620-9200 (888) KIN-PROP toll-free 185 NW Spanish River Blvd., Suite100, Boca Raton, FL 33431

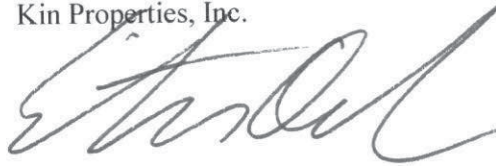
expressly reserves any and all rights to add, amend or modify any demands made, or matters stipulated, herein; and reserves any and all rights and remedies available at law and in equity with respect hereto.

We will not be present at the Commission's hearing scheduled for October 27, 2015 at 3:00 p.m., and we ask that our letter be shared with all in attendance and placed in the Public Record of the proceedings. We further request that you share this letter with all members of the Commission and any and all relevant government officials.

We appreciate your prompt attention to this matter. You may feel free to contact me at 561.620.9200 x184 or via email at eovadia@kinproperties.com in order to discuss our concerns.

Sincerely,

Kin Properties, Inc.



Eitan Ovadia*
Assistant General Counsel

cc: Bushnell's Warehouse & Trading Corp.
c/o Mark Harris, General Manager
at mharris.bushnells@comcast.net
(w/ Zoning Notice enclosed)

Jeffrey Sandelman
Allen P. Lev, Esq.
Andrew Schreier
Lee Cherney
Brett Burstell

*Member of the Georgia Bar, only
Authorized House Counsel of Florida

OF YOUR PROPERTY AND OTHER PROPERTIES

What does this mean for me?

You received this notice because a new zone and/or new zoning code language is proposed for your property. This may affect the permissible uses of your property as well as other properties with the same zone. These changes may affect the value of your property.

One of the properties that may be affected is your property at:

State ID #:

A new Prime Industrial Land zoning overlay ('I') is proposed on your property, which has a base zone of:

Your base zone is not proposed to change. The proposed 'I' overlay would reclassify parks and open areas as a Limited/Conditional Use, limit commercial outdoor recreation to no more than 20,000 square feet, prohibit self-service storage and major event entertainment uses, and prohibit future quasi-judicial Comprehensive Plan Map amendments.

Other zoning regulations also apply to this property that are not proposed to change at this time. For more information, please refer to www.portlandmaps.com or call 503-823-0195.

Why are these changes proposed?

The City of Portland is updating its Comprehensive Plan, a 20-year plan for the development of the city. You may have received a letter last year about proposed Comprehensive Plan changes to the designation of your property. This zoning proposal is the next step to carry out that plan.

How can I learn more about this proposal?

- 1. View the interactive Map App** at www.portlandmaps.com/bps/mapapp on any computer, tablet or smart phone and click on the **Employment Zoning proposal**. All Multnomah County libraries have public access computers. Type the property address to see proposed Comprehensive Plan map designations and zoning changes that may affect your property.
- 2. Attend an information session** (brief presentation and Q&A) **or drop in to chat with City staff at a location near you** (staff will answer your questions one-on-one).
 - **Information sessions and drop-in hours:** Check online at www.portlandoregon.gov/bps/58191 or call 503-823-0195 for a schedule.
 - **¿Español? Spanish language drop-in hours:** Tuesday, October 27, 2015, 4:30 – 7:30 p.m. at Midland Library.
¿Desea que le respondan sus preguntas en español? Un representante encargado de planificación que habla español mantendrá el "horario de oficina" el día martes 27 de octubre de 2015, desde las 4:30 p.m. hasta las 7:30 p.m., en la biblioteca Midland Library ubicada en 805 SE 122nd Ave., para responder a sus preguntas acerca de esta correspondencia, el Plan Integral y los cambios de zonificación. Si no puede venir durante el horario de oficina, nos complacerá poder responder sus preguntas por teléfono. Comuníquese con el 503-823-0195 y solicite un intérprete.
- 3. Ask City staff a question.** We are happy to help. Call 503-823-0195 or email us at pdxcompplan@portlandoregon.gov.

The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, translation or interpretation please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 711.

How can I provide feedback to decision-makers?

You may testify about proposed changes to the Planning and Sustainability Commission (PSC) in the following ways:

Testify in person at the PSC public hearing.

You may speak for 2 minutes to the Commission, and your testimony will be added to the public record.

PSC Employment Zoning Project Public Hearing

Tuesday, October 27, 2015 at 3:00 p.m.

1900 SW 4th Avenue, Room 2500, Portland, OR

To confirm the time and date, check the PSC calendar at

Testify in writing between now and October 27, 2015.

You must provide your full name and mailing address.

- **Email:** psc@portlandoregon.gov with subject line "PSC Employment Zones Testimony"
- **U.S. Mail:** Portland Planning and Sustainability Commission, Employment Zones Testimony, 1900 SW 4th Ave., Suite 7100, Portland OR 97201

OF YOUR PROPERTY AND OTHER PROPERTIES

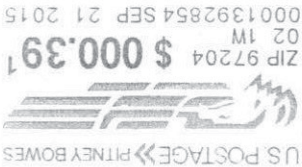
You will receive a notice for each property that you own that may be affected by a proposed zoning code and/or map change. Therefore, if you own multiple properties you may receive more than one notice.



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MASCOT LLC & KIN PROPERTIES
185 NW SPANISH RIVER BLVD #100
BOCA RATON FL 33431-4230

RETURN SERVICE REQUESTED



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First Class Mail
Combas Price

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Notice of Zoning Code and/or Zoning Map Changes

City of Portland, Oregon
Bureau of Planning and Sustainability
1900 SW 4th Avenue, Suite 7100
Portland, Oregon 97201-5380
P514



This is a public notice about proposed land use changes that may affect your property. For more information, call 503-823-0195 and ask for an interpreter.

Este es un anuncio público sobre los cambios al aprovechamiento del terreno que puedan afectar a su propiedad. Para obtener más información, comuníquese con el 503-823-0195 y solicite un intérprete.

这是一则关于可能影响您的财产的拟定土地使用变更的公共通知。如需更多信息，请致电 503-823-0195 并要求提供一名译员。

Đây là một thông báo công khai về các thay đổi sử dụng đất được đề xuất mà có thể gây tác động đến tài sản của quý vị. Để biết thêm thông tin, vui lòng gọi điện thoại đến số 503-823-0195 và yêu cầu một thông dịch viên ngôn ngữ.

Это публичное извещение о предлагаемых изменениях порядка землепользования, которые могут повлиять на принадлежащую вам собственность. Для того, чтобы получить более подробные сведения, позвоните по тел. 503-823-0195 и попросите соединить вас с устным переводчиком.

Kani waa ogaysiis dadweyne oo ku saabsan isticmaal dhuleed oo la soo jeediyayo laga yaabo in uu raad ku yeesho hantidaada. Waxii macluumaad dheeraad ah, wax 503-823-0195 waxaanaad codsataa turjubaan.

このお知らせは、提案されている土地利用の変更を公に通知するものです。この変更は、あなたの所有地に影響を及ぼす可能性があります。詳細については、503-823-0195 までお電話のうえ、通訳をご要請ください。

ນີ້​គឺ​ជា​ការ​ប្រកាស​សាធារណៈ​អំពី​ការ​ផ្លាស់​ប្តូរ​ប្រើ​ប្រាស់​ដី​ដែល​បាន​ស្នើ​សុំ​ផ្លាស់​ប្តូរ​ប្រើ​ប្រាស់​ដី​ដែល​អាច​ប៉ះ​ពាល់​ទៅ​លើ​សម្បត្តិ​របស់​អ្នក។ ប្រសិនបើ​អ្នក​ត្រូវ​ការ​ព័ត៌មាន​បន្ថែម​អំពី​ការ​ផ្លាស់​ប្តូរ​ប្រើ​ប្រាស់​ដី​នេះ ទូរស័ព្ទ​ទៅ​លេខ 503-823-0195 ដើម្បី​សុំ​ឲ្យ​មាន​អ្នក​បក​ប្រែ​ភាសា។

این اطلاعیه عمومی در مورد تغییرات پیشنهادی در استفاده از زمین است که ممکن است بر املاک شما تأثیر داشته باشد. برای اطلاعات بیشتر، لطفاً با شماره 503-823-0195 تماس بگیرید و درخواست کنید تا شما را به یک مترجم وصل کند.

Le pубличное уведомление про запланированные изменения в использовании земли, які можуть вплинути на вашу нерухомість. Щоб отримати додаткову інформацію, зателефонуйте на номер 503-823-0195 і попросити поговорити з перекладачем.