

May 17, 2016

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Katherine Schultz, Chair  
Portland Planning and Sustainability Commission  
1900 SW 4th Avenue, Suite 7100  
Portland, OR 97201

**Re: Powell-Glisan Associates' Request for CE Zoning at Glisan Street Station**

Dear Chair Schultz and Members of the Commission:

This office represents Powell-Glisan Associates ("Powell"), owner of several properties located within Glisan Street Station at the southwest corner of NE 122nd Ave. and NE Glisan Street. These are specifically identified as tax lots 101, 102, 105, and 106 of Multnomah County Assessor's Map 1N2E34DA. **Exhibit 1.** This letter is submitted to respectfully request that these individual properties, as well as the other lots within Glisan Street Station, be zoned Commercial Employment (CE) and without the Centers Main Street Overlay Zone (CMSO) as part of the City's Mixed-Use Zoning project.

These properties include commercial spaces abutting the existing Safeway store, two existing out-parcel commercial buildings with various tenants, and a KFC restaurant. These are zoned CX and CS. **Exhibit 2.** These businesses depend on convenient auto access to operate and in the case of the KFC restaurant, an operational drive-through window.

The proposed Commercial-Mixed Use 2 and 3 (CM2 and CM3) zoning of these properties, as well as application of the CMSO, will substantially reduce Powell's tenants' ability to operate their businesses and will reduce the future development potential of Powell's properties by reducing the amount of available floor area ratio ("FAR"). In particular, this new zoning will have the following substantial adverse effects on Powell's properties:

- The maximum FAR of CS-zoned property will be reduced from 3:1 to 2.5:1 when it is rezoned CM2. PCC 33.130, Table 130-2.
- The maximum FAR of CX-zoned property will be reduced from 4:1 to 3:1 when it is rezoned CM3. PCC 33.130, Table 130-2.
- Drive-through uses will be prohibited. PCC 33.130.260.
- The CMSO would require the following additional development restrictions:
  - A minimum .25:1 FAR is required.

- o No more than 50% of a transit street frontage (including both Glisan and NE 122nd) may consist of vehicle areas.
- o A minimum 60% of a first-floor façade must be windows. PCC 33.415.340.
- o At least one transit street entrance is required per 100 feet of building wall. PCC 33.415.350.


These properties do not meet many of the proposed regulations; therefore, application of the CM2 and CM3 zones and CMSO will cause significant nonconformity. A zoning analysis that identifies areas of potential nonconformity is attached as **Exhibit 3**. Nonconforming status lowers market value, makes it more difficult to obtain financing and sell, and makes it difficult if not impossible to maintain and upgrade the store. Zoning this site to CE, with no CMSO overlay, will be necessary to avoid excessive nonconformity. Also, market value of these properties will be further reduced by City's down-zoning through reduced FAR limits.

Glisan Street Station is "auto-accommodating" as defined in the Portland Zoning Code. None of the proposed mixed-use zones provide development standards which are as auto-accommodating as the development standards contained in the definition, but the CE zone comes closest. It is also the only new zone that does not prohibit drive-through facilities.

Powell needs auto-accommodating development standards to allow its tenants to operate and grow their businesses in Portland. Applying the CE zone to this site is appropriate because it is outside of the Central City and already committed to auto-accommodating development. The CE zone description in the Proposed Draft provides that such sites are appropriately zoned CE: "[The CE zone] is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and urban scale development is not economically feasible." In our experience, areas such as the one around Glisan Street Station are slow to redevelop and we do not anticipate it doing so in the foreseeable future.

We sincerely appreciate the Commission's consideration of this request.

Very truly yours,



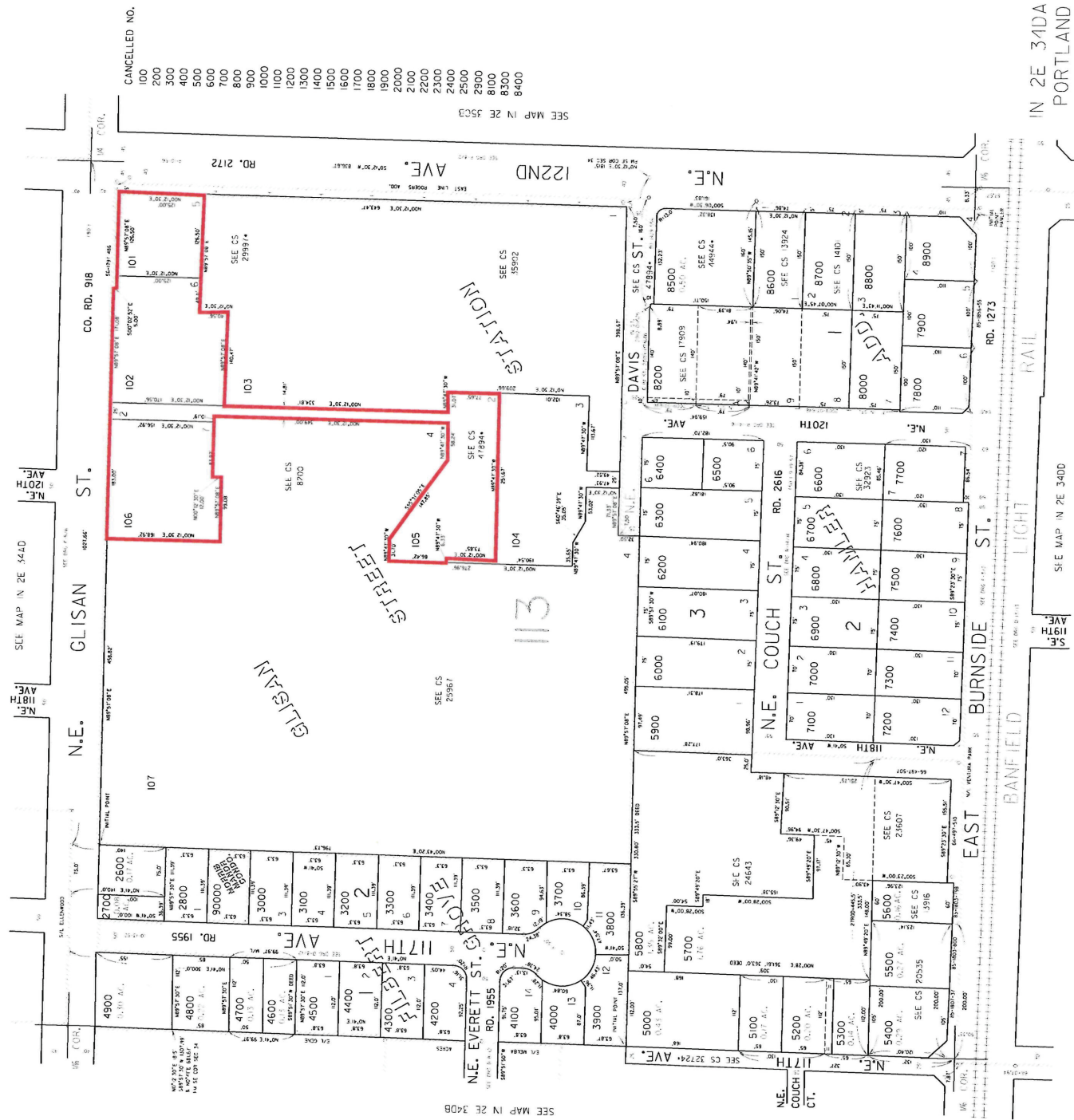
Mark D. Whitlow

Cc: Mr. Peter Powell (via email) (w/encl.)

**Exhibit 1**  
IN 2E 34DA  
PORTLAND

NE 1/4 SEC. 34 T. 1 N. R. 2 E. W. M.  
MULTNOMAH COUNTY  
1" = 100'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



IN 2E 34DA  
PORTLAND

SEE MAP IN 2E 34DB

SEE MAP IN 2E 35C3







Exhibit 3

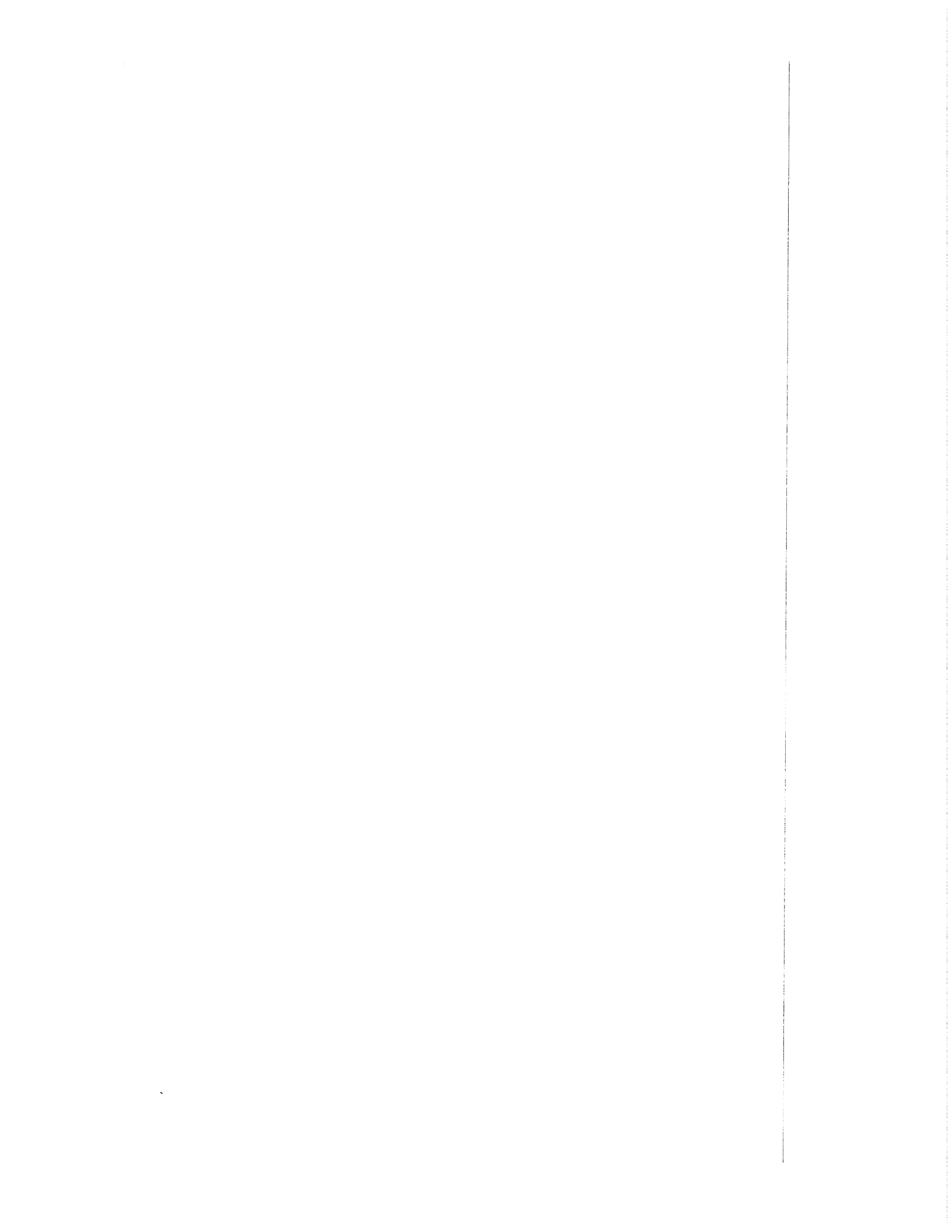
# MIXED USE ZONES PROJECT

## CASE STUDIES



February 16, 2016

Mark Whitlow, Perkins Cole  
Eric Hovee, E.D. Hovee  
Suzannah Stanley, Mackenzie



## Introduction

### FOUR CASE STUDIES

The following document presents four existing or recently permitted retail sites providing affordable and/or value-based grocery in northeast and southeast Portland. The sites were analyzed for their compliance with the proposed zoning language of the Mixed Use Zones project.

Applicable code sections with changes proposed are addressed. Code sections with which each site would not comply as built or recently permitted are shown in red.



# GLISAN STREET STATION



2625 Northrup Way  
Bellevue, WA 98004  
P-425.828.4444  
WWW.POWELLDEV.COM



# POWELL DEVELOPMENT





## 1: Safeway: 221 NE 122nd (Glisan Street Station)

### Existing retail development

**Current Zone:** CX (Central Commercial)  
**Proposed Zone:** CM3m (Commercial Mixed Use - 3), Centers Main Street Overlay zone (CMSO)  
**Site Area:** 768,629 SF (seven tax lots in development)  
**Building Area:** 330,949 SF (all buildings)

### SUMMARY

The existing development does not meet several of the proposed standards for the new base zone or CMSO. From the proposed base zone standards, maximum setbacks of 20' are allowed and setbacks must be improved for pedestrian use. Additionally, transit street main entrances are required for all buildings, at no more than 200' apart (none are currently provided). To meet CMSO standards, development at this site would have to have 70% of building facades to be within 20' of streets, with no more than 40% of the site's frontages for vehicle areas. At least 60% of facades must be windows. Additionally, a minimum FAR of 0.5 is required (currently there is 0.43 across the buildings and lots).

Also per the CMSO, vehicle access would be prohibited from transit streets (both 122nd and Glisan), meaning the site would be required to be accessed from NE Davis St, an approximately 30'-45' wide local street south of the Safeway building which currently only provides access to the private parking for the apartment development on the site.

### ANALYSIS

#### Proposed base zone CM3:

- 33.130.205 Maximum FAR changing from 4:1 to 3:1 or 5:1 with bonuses
- 33.130.210 Maximum height decreasing from 75' to 65' before bonuses
- 33.130.215.C. Maximum Building Setbacks: 10' for zone but 20' for both 122nd and Glisan ("Civic Corridors" per Map 130-1). At least 50% of street-facing facades at ground level must meet max setback. (These must be met on two out of the three streets the site fronts—122nd and Glisan, since they are the highest classifications.) Existing buildings are within 20' of both streets at some locations, but less than 50% of all street-facing facades are within 20' (particularly western large building).
- 33.130.215.C. at least 50% of complying maximum setback areas must be improved for pedestrian use. Existing site does not meet this. Small plaza area at northeast corner of Safeway building on 122nd, two walkways to buildings on Glisan. New buildings would be required to be closer to frontages and setbacks improved for pedestrians.
- 33.130.222.B. Maximum building length: 110' per building (multiple buildings within 20' of street must be at least 20' apart when on same site). Existing Safeway building within 10' of 122nd is approx. 194' (not met). Street-facing facade on Glisan is approximately 374' long and set back approximately 428'. Smaller buildings at northeast corner are approximately 82' and 98' long within maximum setback.
- 33.130.222.C. Facade articulation: Applies to buildings 45'+ high—at least 25% of each facade within 20' of street must be divided into facade planes that are off-set by at least 2'. (Assumed does not apply to subject site building, likely less than 45' high.).
- 33.130.230.B. Ground floor window standard: 40% of street-facing facade within 20' of street must be windows (2-10' above-grade area). (Formerly this was 25% of the area between 2-9' above grade.) Less than 40% of 122nd facade or Glisan-facing facade of large building contain windows.
- 33.130.242.C. Transit Street Main Entrance location—no changes to commercial building standards. No main entrances provided on either transit street frontage, for any buildings (including smaller buildings on Glisan).
- 33.130.242.D. Transit Street Main Entrance distance between entrances—one entrance required for every 200' of building length within the maximum setback. Existing buildings do not meet setback or transit street main entrance locations, so cannot meet this standard.
- 33.130.260 Drive-Through Facilities: Prohibited in CM1, CM2, and CM3 zones. There is an A&W/KFC on corner of 122nd and Glisan.

#### Proposed Centers Main Street Overlay:

- 33.415.100 Quick-vehicle servicing (fuel stations) would be prohibited. (Note: these are currently permitted by way of a specific exception in the existing East Corridor Plan District).
- 33.415.200 Active ground floor uses are required within 100' of a transit street (Glisan and 122nd) and must consist of 50% of the ground floor area. Met with retail uses.
- 33.415.300 Drive-through windows are prohibited. There is an A&W/KFC on corner of 122nd and Glisan.
- 33.415.310 A minimum FAR of 0.51 is required for all new development. (Existing: 0.43)
- 33.415.320 Maximum Building Setbacks: At least 70% of street-facing facade at ground level must meet max setback of the base zone. (On two out of the three streets the site fronts—122nd and Glisan, since they are the highest classifications.) Neither this nor the base zone standard of 50% is met.
- 33.415.330.B. Frontage limitation: No more than 40% of frontage of transit street can be used for vehicle areas or exterior display. Subject site has approx. 857' of drive or parking area on approx. 1,719' of frontage (50%). Not met.
- 33.415.330.C. Access to "on-site parking" or "vehicle areas" prohibited on 122nd and Glisan, which are transit streets. The site currently takes access from those two streets and Davis (to the apartments only).
- 33.415.340 Ground Floor Windows: On transit streets, 60% of street-facing facade must be windows. Less than 60% of 122nd facade or Glisan-facing facade of large building contain windows.
- 33.415.350.B. Transit street entrance frequency: 1 entrance per 100' of building length. No existing buildings have transit street entrances.

33.130.260 would allow drive-through facilities to be rebuilt if demolished under the following circumstances:

- The new drive-through must be part of a development with an FAR of at least 1:1.
- Only one drive-through would be permitted.
- The replacement drive-through must be built on the same lot.
- A replacement drive through is not permissible if the original has been disused for 2 years or more.

