



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

RECORDER

Please stamp the County Recorder's copy of the recording sheet and return with the attached decision to City of Portland, BDS 299/5000/BDS LUR

Please bill City of Portland, Account #1113

Multnomah County Official Records
E Murray, Deputy Clerk

2018-113647



\$121.00

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Pgs=10 Stn=68 NORTONJ

\$50.00 \$11.00 \$60.00

Date: October 10, 2018
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / mfeuersanger@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 17-193030 AD

GENERAL INFORMATION

Applicant: Duncan Wallace, PM Design Group, Inc.
19401 40th Ave West, Suite 300, Lynwood, WA 98036

Owner: Pac West Energy LLC
3450 Commercial Ct, Meridian, ID 83642

Site Address: 515 NE 82nd Avenue

Legal Description: BLOCK 1 LOT 1 EXC PT IN STS LOT 2-4 EXC PT IN ST, NORTH VILLA; BLOCK 1 LOT 5 EXC PT IN ST, NORTH VILLA; BLOCK 1 LOT 6 EXC PT IN ST, NORTH VILLA; BLOCK 1 S 1/2 OF LOT 7 EXC PT IN ST, NORTH VILLA; BLOCK 1 N 1/2 OF LOT 7 EXC PT IN ST LOT 8 EXC PT IN ST, NORTH VILLA; BLOCK 1 LOT 9 EXC PT IN ST, NORTH VILLA

Tax Account No.: R614400010, R614400060, R614400070, R614400080, R614400090, R614400110

State ID No.: 1N2E32AD 21200, 1N2E32AD 21100, 1N2E32AD 21000, 1N2E32AD 20900, 1N2E32AD 20800, 1N2E32AD 20700

10

Quarter Section: 2938
Neighborhood: Montavilla, contact Land Use Chair at hello@montavillapdx.org
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at info@82ndave.org
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: CG, General Commercial Zone
Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant proposes to redevelop the subject site (40,301 square feet, consisting of 6 tax accounts), located at the northwest intersection of NE 82nd Avenue and NE Glisan Street. Existing structures on the site will be demolished, but the underground fuel tanks located at the south end of the site will remain. A new food sales store (4,477 square feet) will be located on the north portion of the site and a new fuel island with four fuel pumps and canopy (2,646 square feet) will be located on the south portion of the site. Ten vehicle parking spaces are proposed near the food sales store. Two driveways, each 35 feet in width, are proposed at NE 82nd Avenue. A third driveway, 30 feet in width, is proposed at NE Glisan Street. Pedestrian amenities are proposed on the site, including a pedestrian path system, a bus shelter, a pedestrian plaza with covered and uncovered benches, landscaping, trash receptacle and low-level pedestrian lighting.

The site plan identifies twelve existing trees located on the site (private trees) and three trees located within the NE 82nd Avenue right-of-way (public trees). Five private trees and two public trees will be preserved with the redevelopment proposal.

Both NE 82nd Avenue and NE Glisan Street are designated as transit streets. For this situation, Zoning Code regulations require buildings to be located within 10 feet of the street lot line, in part to improve access to transit service and the pedestrian environment. The location of the new food sales store meets the maximum building setback along NE 82nd Avenue but does not meet the maximum building setback along NE Glisan Street. Additionally, the Zoning Code limits the amount of vehicle area adjacent to a transit street. For this site, vehicle area may be located along no more than 50 percent of the frontage along NE 82nd Avenue and no more than 50 percent of the frontage along NE Glisan Street. Because the proposal does not meet the above regulations, the applicant is requesting the following Adjustments:

1. To increase the maximum building setback along NE Glisan Street from 10 feet to 183 feet (Section 33.130.215.C.2) for the new food sales building; and
2. To increase the maximum vehicle area frontage from 50 percent (175 feet of vehicle area frontage) to 66 percent (230 feet of vehicle area frontage) along NE 82nd Avenue and from 50 percent (55 feet of vehicle area frontage) to 85 percent (93.5 feet of vehicle area frontage) along NE Glisan Street (Section 33.266.130.C.3); and to allow retention of the existing vehicle area between NE Glisan Street and the new food sales building.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

CONCLUSIONS

The review of the proposal to redevelop the site into a new fuel facility and food sales building has been a complex and lengthy review process. A central issue is the best location for the food sales building – at the intersection or at the proposed location, close to close to one transit street but far away from another. This decision is influenced by the existing underground fuel tanks at the south portion of the site, which results in the proposed location of the fueling station. How can a vehicle-oriented development be designed so that it is a safe and attractive place for pedestrians and transit-users? While voicing concern over the continued vehicle-intensive fueling station, public comment centered on a need to improve pedestrian safety and pedestrian amenities at the busy intersection of NE Glisan Street and NE 82nd Avenue.

Certain aspects of the site and proposed buildings were revised during the review process, in response to issues raised by city staff, Oregon Department of Transportation (ODOT) staff, nearby neighbors, and the neighborhood association. The applicant met with city staff on March 8, 2018, and with the neighborhood association on June 27, 2018. Options to relocate the building close to the intersection were discussed, but due to the existing location of the fueling station and underground tanks, the applicant's direction shifted to exploring improvements to the site's edges for pedestrians and became committed to preserving the site's mature trees.

To fully satisfy the Adjustment approval criteria the following changes were made, or conditions of approval were added:

- Preservation of the site's existing mature and healthy trees, including Trees #1,2,4,5,6,8 and 11;
- Reconfiguration of site's driveways, reducing the number of driveways from 6 to 3;
- Pedestrian plaza at the southeast corner of the site, including covered seating, low wall faced with mosaic tile art, trash receptacles, low-level lighting, landscaping, and decorative pavers;
- Relocation of the bus shelter and bus stop to a position near the intersection, adjacent to the pedestrian plaza, to improve transit access;
- Removal of the free-standing sign, to another position on the site that is outside the pedestrian plaza;
- Adding a new protective furnishing zone with trees and landscaping along the NE 82nd frontage, and providing a 10-foot-wide perimeter landscape area along NE Glisan;
- Locating the food sales building near NE 82nd Avenue, incorporating a large window area along the street-facing façade, and providing additional pedestrian area south of the building for tables and chairs for customers; and
- Reduction of the number of on-site vehicles spaces (from 11 spaces to 9 spaces) for improved conditions for existing trees and additional landscape areas; and
- Written Implementation Program in compliance with Chapter 33.219, requiring coordination with the Neighborhood Association; applicant is required to install mosaic tile on the face of the low wall within the pedestrian plaza.

In sum, the proposal must be approved as these changes result in an improved and inviting pedestrian environment, a key purpose of the regulations subject to the Adjustment review.

ADMINISTRATIVE DECISION

Approval of the following Adjustments for a new fueling station and food sales building:

1. To increase the maximum building setback along NE Glisan Street from 10 feet to 183 feet (Section 33.130.215.C.2) for the new food sales building; and
2. To increase the maximum vehicle area frontage from 50 percent (175 feet of vehicle area frontage) to 66 percent (230 feet of vehicle area frontage) along NE 82nd Avenue and from 50 percent (55 feet of vehicle area frontage) 85 percent (93.5 feet of vehicle area frontage) along NE Glisan Street (Section 33.266.130.C.3); and to allow retention of the existing vehicle area between NE Glisan Street and the food sales building (33.266.130.C.1).

Approvals are per the approved site plans, Exhibits C-1 through C-5 signed and dated October 8, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-193030 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant must implement the Tree Preservation Plan, Exhibit C-1. A certified arborist's report must be submitted with the site disturbance, demolition and building permit plans. The certified arborist report must detail methods to preserve Trees #1, 2, 4,

5, 6, 8 and 11, shown on Exhibit C-1 prior to, during and after site disturbance activities. The arborist's recommendations must be identified as "required" on the site plans. Proposed removal of Trees #1, 2, 4, 5, 6, 8 or 11 must be requested through a Type II Tree Review (land use review).

- C. The portion of the driveway that is directly behind of the food sales building will be a maximum of 20 feet in width. The remaining site area will be incorporated into the landscape area adjacent to the building's west wall, containing Tree #6, an Atlas Cedar.
- D. The applicant is required to construct the pedestrian plaza and its elements on the southeast corner of the site at the same time as site redevelopment. The pedestrian plaza required elements are shown on Exhibits C-1 and C-2.
- E. Prior to submittal of building permits for the food sales building and fueling station, the applicant will meet the requirements of Chapter 33.219 and will develop an Implementation Program for the food sales building, the pedestrian plaza and its elements, and ongoing maintenance for the plaza. The Implementation Program will include:
 - requirements of Sections 33.219.025, 33.219.030, and 33.219.060;
 - a plan for the applicant to coordinate the design, and required installation of the mosaic tile art within the pedestrian plaza with the Montavilla neighborhood association;
 - ongoing maintenance of other required elements on the site, including the pedestrian plaza benches, trash receptacles, lighting, mosaic tile art, and existing and proposed trees and other landscaping; and
 - addition of wayfinding signs directing food sales store customers who are walking to Montavilla Park or Community Center to use the crosswalk at NE 82nd and NE Glisan.
- F. At least three tables with chairs must be provided within 50 feet of the building's east and south entrances for customer use during hours of operation of the food sales building. A minimum 6-foot-wide path must be maintained to the east, north, and south building entrances.
- G. Clear glazing is required for all storefront windows and doors shown on approved east, north, and south building elevations, Exhibits C-3 and C-4. Specifications for the storefront window and door glazing must be added to all building elevation plans that are part of the building permit application.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on October 8, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 10, 2018

Last date to Appeal: October 24, 2018 by 4:30 pm

Effective Date (if no appeal): October 25, 2018. Decision may be recorded on this date

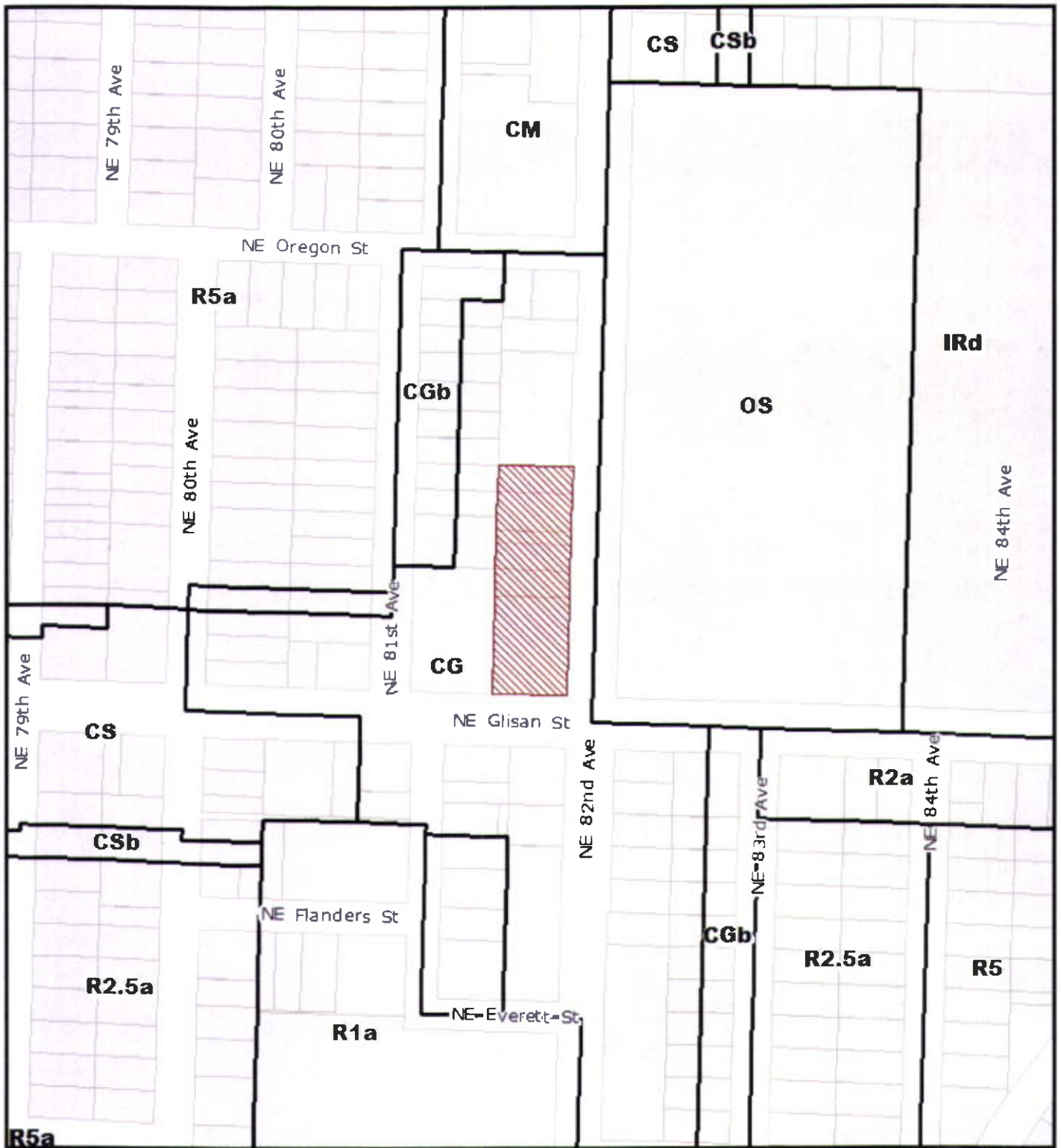
City Stamp

Kimberly Tallant, Principal Planner

City of Portland
Bureau of Development Services
1900 SW Fourth Ave, #5000
Portland, OR 97201

Date: October 25, 2018


Representative



ZONING



Site

File No.	LU 17-193030 AD
1/4 Section	2938
Scale	1 inch = 200 feet
State ID	1N2E32AD 21200
Exhibit	B Jun 26, 2017

(N) 11'-4" x 8'-0" TRASH ENCLOSURE WITH SCREENED MASONRY WALLS

(N) AIR/WATER UNIT

(N) 26'-0" x 8'-0" RECYCLE ENCLOSURE SCREENED WITH MASONRY WALLS

WB-67 TRUCK MAKES LEGAL TURN FROM LEFT TURN NORTHBOUND LANE

INTERIOR LANDSCAPE ABUTTING REQUIRED PERIMETER LANDSCAPE

10' MAX. BUILDING SETBACK

FUEL TRUCK HEADED SOUTHBOUND AND ABLE TO TAKE A RIGHT ONTO SITE WITHOUT CROSSING LANES

GROUND FLOOR WINDOWS REQUIRED WITHIN 20' OF STREET LOT LINE, REQUIRED TO BE 50%

(N) LONG TERM COVERED BICYCLE PARKING (TWO SPACES ON NORTH SIDE OF BUILDING) - ADDITIONAL 2 SHORT TERM SPACES REQ.

PERIMETER LANDSCAPING

WB-67 EXITS INTO LEFT NORTH BOUND LANE

PROPOSED PROPERTY LINE FOR PBOT REQUIRED 5 FOOT PROPERTY DEDICATION

EXISTING PROPERTY LINE

SIDEWALK, LANDSCAPING AND CURB TO BE IMPROVED PER PBOT FRONTAGE IMPROVEMENT REQUIREMENTS

(N) CANOPY

(N) 3'-6" HIGH CMU SCREEN WALL AT FUEL CANOPY

RELOCATED BUS SHELTER WITH EQUIP INC. CONTEMPORARY SERIES 8' LONG BENCH, 25' FROM EXISTING CROSSWALK

PROPOSED LOCATION OF RELOCATED SIGN

(N) PEDESTRIAN PLAZA WITH 100 S.F. COVERED AREA, (2) EQUIP INC. CONTEMPORARY SERIES LONG BENCHES, TRASH RECEPTACLES, CONCRETE PAVERS AND LOW LEVEL YARD LIGHTING, AND MOSAIC TILE ART ON FACE OF LOW WALL.

EXTENT OF DRIVEWAY - WIDTH MAX 20'

City of Portland - Bureau of Development Services

Approved: *[Signature]* Date: Oct. 8, 2013

approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

FUEL TRUCK EXITS WESTBOUND ON GLISAN COULD POTENTIALLY HEAD EASTBOUND

5' HIGH CONCRETE CONNECTION

(N) SALES BUILDING 4,520 S.F.

(N) CANOPY W/ 4 FUELING DISPENSERS

NE 82nd AVE

(E) VST

TREES TO BE PRESERVED:

N.E. GLISAN ST. #1, 2, 4, 5, 6, 8, 11

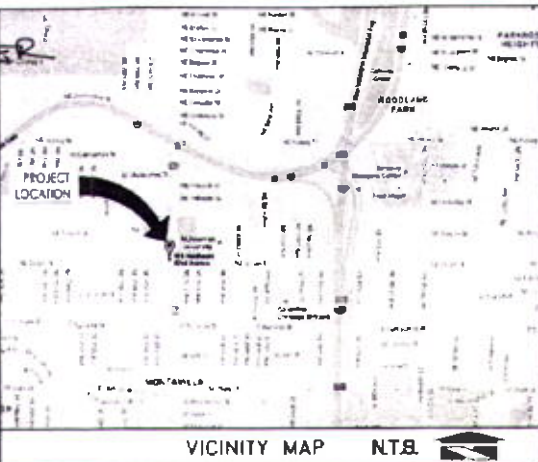
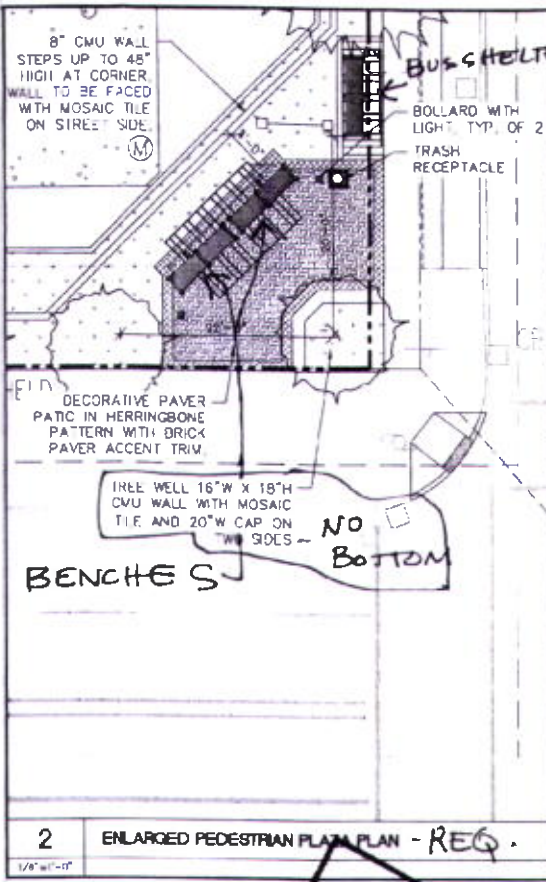
SITE PLAN + TREE PRESERVATION PLAN

EXHIBIT C-1 17.193030 AD



SITE PLAN

C-1



SITE DATA

ADDRESS/LOCATION: 515 NE 82nd ST.
PORTLAND, OR 97220

PROPERTY ID#: RE217382

TAX LOT: 1N2E32A2-21700

MUNICIPALITY: CITY OF PORTLAND

EXISTING SITE AREA: 17,280 SF (0.397 ACRES)

PROPOSED SITE AREA: 40,361 SF (0.925 ACRES)

EXISTING ZONING: OC GENERAL COMMERCIAL

NOTES

1. SEE ALSO SITE RESEARCH REPORT PREPARED BY PWG, DATED JULY 18, 2018.

2. ~~REVISIONS TO BE MADE TO THE PLAN SET AS SHOWN ON THE ATTACHED SHEET.~~

3. "TRANS" STREET MAIN ENTRANCE MUST BE WITHIN 25' OF NE 82nd.

PROPOSED SITE DESIGN INFORMATION

MINIMUM PARKING REQUIRED: 8 STALLS (1/200 SF NET BUILDING AREA)

MAXIMUM PARKING REQUIRED: 15 STALLS (1/100 SF NET BUILDING AREA)

PARKING PROVIDED: 9 STALLS

IN LOT PARKING: 12" LANDSCAPING REQUIRED = 405 SF (9 STALLS X 45 SF)

INTERIOR PARKING: 12" LANDSCAPING PROVIDED = 522 SF

LANDSCAPE AREA REQUIRED: 15% OF 40,361 = 6,054 SF

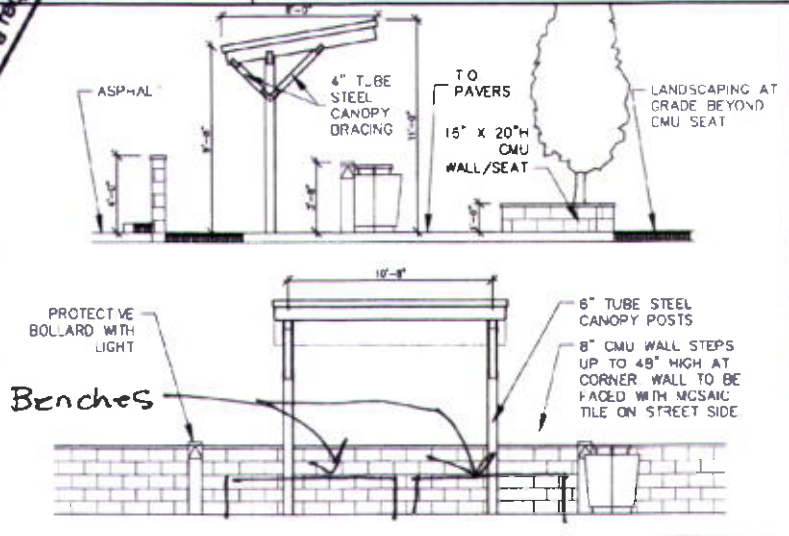
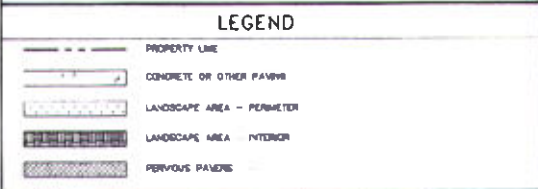
PLUG + TREE FOR 8,200 SF OF PARKING AREA

6,045 SF OF LANDSCAPING REQUIRED

LANDSCAPE AREA PROVIDED: 7,088 SF (18.8%)

BICYCLE PARKING REQUIRED: 2 SPACES

BICYCLE PARKING PROVIDED (3) BIKE RACK WITH 2 SPACES EACH = 6 BICYCLE PARKING SPACES



Ken McCracken
Architect
19401 40th AVE WEST
SUITE 300
LYNNWOOD, WA 98026
(425) 463-7747
ken.mccracken@comcast.net

REVISION

PLANNING DEPT. SUBMITTAL

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Jacksons

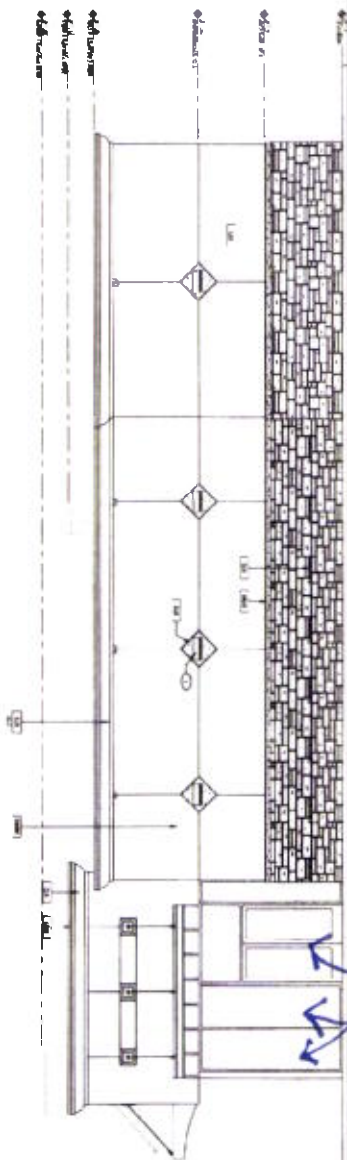
STORE #528
515 NE 82nd AVE.
PORTLAND, OR

Project Number
JAC16003.0

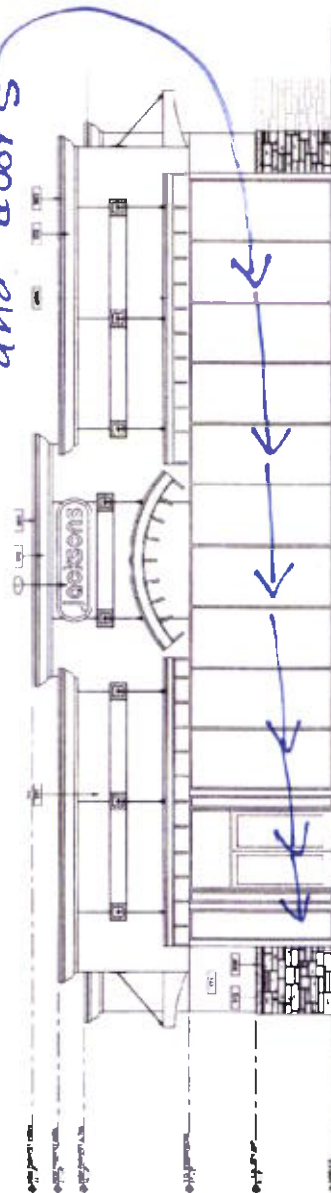
City of Portland - Bureau of Development Services
 Approved Date: Oct. 8, 2018
 Planner: [Signature]
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C.2
17.193030 AD
C-2

PEDESTRIAN PLAZA



Req.: Clear Glass Storefront windows and doors



MINISTRY OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA

Approved

City of Portland - Bureau of Development Services

Date Oct 8, 2018

General applies only to the reviews requested and is subject to any additional zoning requirements that may apply.

EXTENDED FINISH LEGEND

1971-1972

Affirmative Action

We are an affirmative action employer and encourage minorities and women to apply.

Equal Opportunity Employer

M/F/V/H

Year	Number of cases	Percentage of cases
1990	10	10.0
1991	15	15.0
1992	20	20.0
1993	25	25.0
1994	30	30.0
1995	35	35.0
1996	40	40.0
1997	45	45.0
1998	50	50.0
1999	55	55.0
2000	60	60.0
2001	65	65.0
2002	70	70.0
2003	75	75.0
2004	80	80.0
2005	85	85.0
2006	90	90.0
2007	95	95.0
2008	100	100.0
2009	105	105.0
2010	110	110.0
2011	115	115.0
2012	120	120.0
2013	125	125.0
2014	130	130.0
2015	135	135.0
2016	140	140.0
2017	145	145.0
2018	150	150.0
2019	155	155.0
2020	160	160.0
2021	165	165.0
2022	170	170.0
2023	175	175.0
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2025	185	185.0
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2028	200	200.0
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2090	510	510.0
2091	515	515.0
2092	520	520.0
2093	525	525.0
2094	530	530.0
2095	535	535.0
2096	540	540.0
2097	545	545.0
2098	550	550.0
2099	555	555.0
2100		

NAME _____ **DATE** _____
SCHOOL _____ **TEACHER** _____

Variable	Mean	SD	Range
Age (years)	34.5	10.2	18-55
Gender (male/female)	15/15		
Education (years)	12.5	1.5	9-16
Occupation (white/blue)	10/5		
Marital status (married/single)	12/8		
Religion (Protestant/Catholic)	10/10		
Income (pounds per week)	150	50	50-250
Smoking status (smoker/non-smoker)	10/10		
Alcohol consumption (units per week)	10	10	0-40
Physical activity (hours per week)	10	10	0-40
Stress level (low/high)	10/10		
Family size (number of children)	1.5	1.5	0-4
Health status (good/poor)	10/10		
Work satisfaction (satisfied/dissatisfied)	10/10		
Life satisfaction (satisfied/dissatisfied)	10/10		
Overall health (good/poor)	10/10		
Work-life balance (good/poor)	10/10		
Family life (good/poor)	10/10		
Personal life (good/poor)	10/10		
Work environment (good/poor)	10/10		
Family environment (good/poor)	10/10		
Personal environment (good/poor)	10/10		
Work-life balance (good/poor)	10/10		
Family life (good/poor)	10/10		
Personal life (good/poor)	10/10		
Work environment (good/poor)	10/10		
Family environment (good/poor)	10/10		
Personal environment (good/poor)	10/10		

1. **Author** [Name]
 2. **Title** [Title]
 3. **Journal** [Journal]
 4. **Volume** [Volume]
 5. **Issue** [Issue]
 6. **Page** [Page]
 7. **Year** [Year]

THE NEW ENGLAND JOURNAL OF LAW & BUSINESS

NEW 2005 Buick
Yamaha motorcycle gear, clothing & apparel for 4 wheels

STUDY DIFFICULTY

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1-800-368-5847

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HIBIT C

193223

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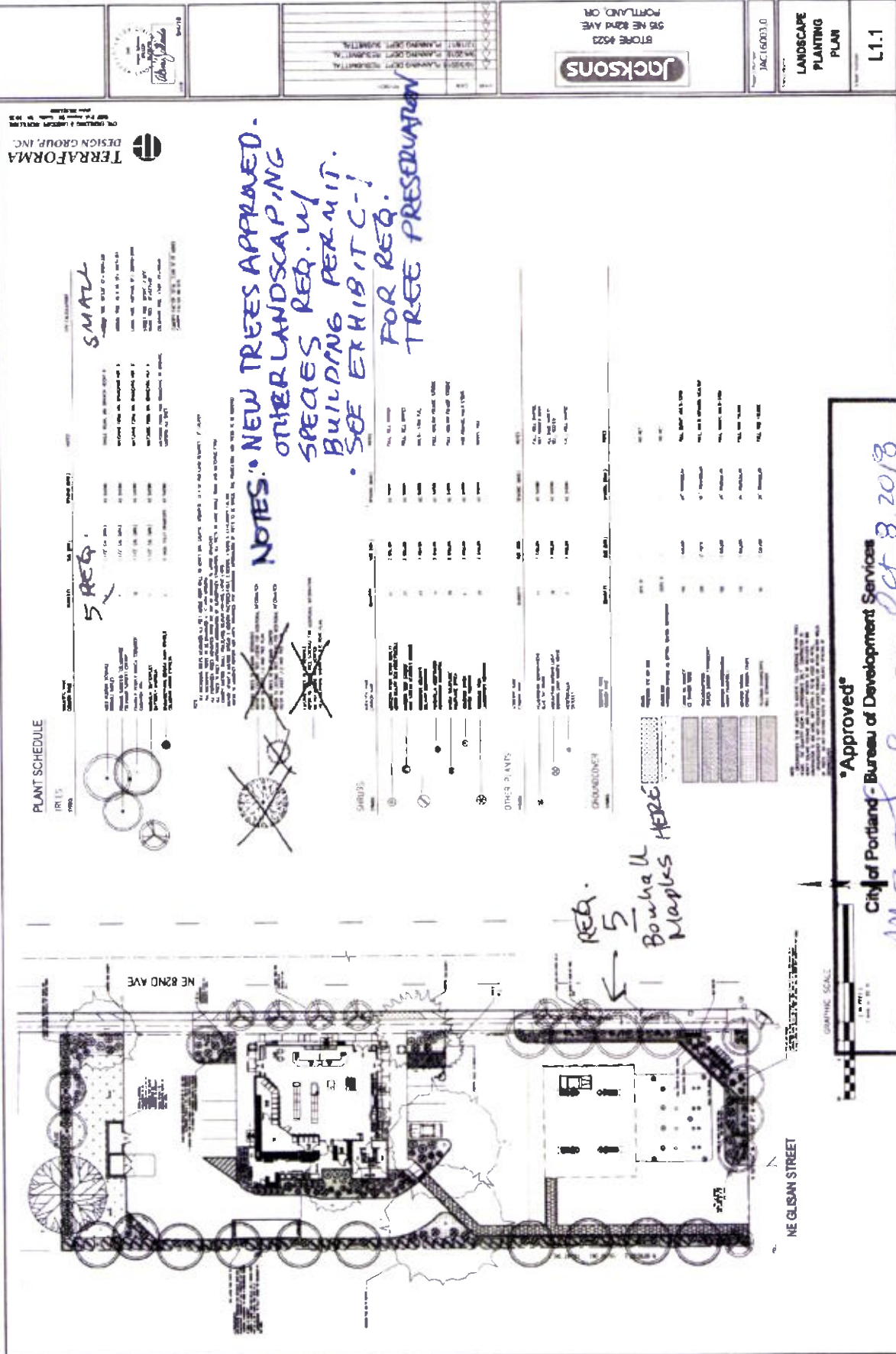
STORE #523
515 NE 24th AVE

100,000

EXTERIOR
ELEVATIONS

A202

EXHIBIT C-3
17-193030 AD



TERRAFORMA
DESIGN GROUP, INC.

NOTES:
NEW TREES APPROVED.
OTHER LANDSCAPING
SPECIES REQ. W/
BUILDING PERMIT.
SEE EXHIBIT C-1
FOR REQ.
TREE PRESERVATION

Jacksons
STORE #522
515 NE 82ND AVE
PORTLAND, OR
JACKSONS
LANDSCAPE
PLANTING
PLAN
L1.1

EXHIBIT C-5
17-193030 AD

Approved
City of Portland - Bureau of Development Services
Planner: [Signature]
Date: Oct 8, 2018
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C-5



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Bureau of Development Services
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Zoning: CG, General Commercial Zone

Case Type: AD, Adjustment

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant proposes to redevelop the subject site (40,301 square feet, consisting of 6 tax accounts), located at the northwest intersection of NE 82nd Avenue and NE Glisan Street. Existing structures on the site will be demolished, but the underground fuel tanks located at the south end of the site will remain. A new food sales store (4,477 square feet) will be located on the north portion of the site and a new fuel island with four fuel pumps and canopy (2,646 square feet) will be located on the south portion of the site. Ten vehicle parking spaces are proposed near the food sales store. Two driveways, each 35 feet in width, are proposed at NE 82nd Avenue. A third driveway, 30 feet in width, is proposed at NE Glisan

Street. Pedestrian amenities are proposed on the site, including a pedestrian path system, a bus shelter, a pedestrian plaza with covered and uncovered benches, landscaping, trash receptacle and low-level pedestrian lighting.

The site plan identifies twelve existing trees located on the site (private trees) and three trees located within the NE 82nd Avenue right-of-way (public trees). Five private trees and two public trees will be preserved with the redevelopment proposal.

Both NE 82nd Avenue and NE Glisan Street are designated as transit streets. For this situation, Zoning Code regulations require buildings to be located within 10 feet of the street lot line, in part to improve access to transit service and the pedestrian environment. The location of the new food sales store meets the maximum building setback along NE 82nd Avenue but does not meet the maximum building setback along NE Glisan Street. Additionally, the Zoning Code limits the amount of vehicle area adjacent to a transit street. For this site, vehicle area may be located along no more than 50 percent of the frontage along NE 82nd Avenue and no more than 50 percent of the frontage along NE Glisan Street. Because the proposal does not meet the above regulations, the applicant is requesting the following Adjustments:

1. To increase the maximum building setback along NE Glisan Street from 10 feet to 183 feet (Section 33.130.215.C.2) for the new food sales building; and
2. To increase the maximum vehicle area frontage from 50 percent (175 feet of vehicle area frontage) to 66 percent (230 feet of vehicle area frontage) along NE 82nd Avenue and from 50 percent (55 feet of vehicle area frontage) to 85 percent (93.5 feet of vehicle area frontage) along NE Glisan Street (Section 33.266.130.C.3); and to allow retention of the existing vehicle area between NE Glisan Street and the new food sales building.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The site is located at the northwest corner of NE Glisan Street and NE 82nd Avenue. A fueling station, small convenience store and commercial building (currently vacant) are located on the site. Currently the site has six driveways: two driveways along the NE Glisan frontage and four driveways along the NE 82nd Avenue frontage. Mature trees, mainly evergreen and oak species, are located on the site and while much of the site paved, the trees appear to be in good health.

Other development at the intersection corners include:

- Car wash at southwest corner;
- Montavilla Community Center and Park at northeast corner; and
- Restaurant with drive-through at southeast corner.

Directly west of the site is a residential area, primarily containing single-dwelling houses. While both sides of this street are in residential uses, the east side properties (within the block of the subject site) are zoned for commercial uses.

Both NE 82nd Avenue and NE Glisan Street accommodate frequent bus service lines and are designated as Transit streets. Vehicle activity is high and uses are primarily auto-accommodating as they contain drive-through facilities, wide driveways, and surface parking areas. Adjacent to the site, both streets contain four vehicle lanes and a center turn lane. There is no on-street parking along either street, and no furnishing zone or landscape area between the curb and sidewalk. Sidewalks along 7 feet in width along NE 82nd Avenue and 15 feet in width along NE Glisan Street. Pedestrian and transit rider activity is high at the intersection, as the buses along each street provide frequent service, and it is a transfer point from one bus line to another.

Zoning: As of June 26, 2017, the day the application was submitted, the site was within the General Commercial (CG) Zone. The zone on the site was changed on May 24, 2018, to Mixed Use Commercial (CE) zone. However, the applicant is vested in the CG zoning that was in effect

on the day the land use review application was submitted. This decision reviews the proposal for compliance with the CG Zone, which is intended to:

“... allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.”

Special Street Setback along NE 82nd Avenue: The site is not within a Plan District or Overlay Zone, but special setbacks for buildings, structures, signs, and off-street parking are applied to the site's NE 82nd Avenue frontage. Zoning Code Chapter 33.288 contains requirements for sites within “special street setback” areas. Note that the special setback along NE 82nd Avenue is a minimum of 10 feet from the centerline of the NE 82nd Avenue right-of-way. Because a 5-foot-wide dedication of public right-of-way is required for the site's NE 82nd Avenue frontage, a minimum 5-foot setback is required.

Land Use History: City records indicate the following prior land use review for the site:

VZ 212-83 Variance to the minimum setback for a sign, with conditions:

1. Screening along the west side may be placed along the property line. The screening along the north side must consist of vegetative materials and should be planted to be compatible with the landscaping on the lot immediately north.
2. All planting areas shown on exhibit must be landscaped before the issuance of a certificate of occupancy, or a bond equal to 110% of the estimated cost shall be filed with the city to ensure that the landscaping is installed within 6 months of occupancy.
3. All landscaping must be maintained by watering, weeding and replacement as necessary.
4. Except for 2 support poles, the sign within the setback must maintain a vertical vision-clearance area between 42" above grade and 10' above grade.
5. The owner of the sign structure within the setback must sign a written agreement to remove the sign at no cost to the city if, in the future, additional right-of-way is needed for widening 82nd Avenue or Glisan Street.

Staff note: The existing free-standing sign will be relocated due to the required dedication of right-of-way along NE 82nd and to accommodate the proposed pedestrian plaza at the southeast corner of the site. The relocated sign must meet the Zoning Code and Sign Code regulations.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 12, 2018**. The following Bureaus have responded with no issues or concerns regarding the proposed Adjustments:

- Fire Bureau
- Site Development Section of BDS

Other city bureaus provided comments or conditions regarding the building permit application:

- The Bureau of Environmental Services (BES) states that requirements of the City's Stormwater Management Manual (SWMM) will be triggered with the review of the building permit application (Exhibit E-1).
- The Water Bureau requires consolidation of the site's existing tax accounts into one tax account. Tax account consolidation must occur prior to approval of the building permit plans (Exhibit E-3).
- The Bureau of Transportation Engineering and Development states that the Adjustments are consistent with the street classifications and will not impact the transportation system

in the area. A five-foot dedication of public right-of-way is required along the site's NE 82nd Avenue frontage. Improvements to both NE 82nd and NE Glisan Street are required, consisting of a 0.5-foot curb, a 4-foot furnishing zone with street trees in tree wells, a 6-foot sidewalk, and a 1.5-foot frontage zone (Exhibit E-2).

- The Life Safety Plans Examiner of BDS provide additional comments about building code requirements including construction of exterior walls, accessible parking and consolidation of existing tax accounts. Consolidation of tax account will be required (Exhibit E-6).
- Staff from the Urban Forestry Division of the Bureau of Parks and Recreation (UF) visited the site in January 2018 and provided an assessment of the tree species, diameter size and condition. UF staff believes that the most significant trees on the site are the large pin oaks and the Atlas cedar in the center of the property. These trees are identified on the site plan (Exhibit C-1) as Tree #1, #2, #4, #5 and #6. The proposal calls for the preservation of these important trees as well as Tree #8 and #11 at the northern portion of the site. Note that Trees #1 and #11 will become public right-of-way trees due to the required 5 feet of right-of-way dedication along NE 82nd Avenue. To preserve these trees, the applicant must apply for an alternative design request (Portland Bureau of Transportation, PBOT) (Exhibit E-7).

Neighborhood Review: Ten written responses were received in response from the Notice of Proposal, from nearby neighbors and the Neighborhood Association. All letters cited concerns about or voiced opposition to the proposed development and requested Adjustments. Following are the main issues raised in the letters:

- *Proposal doesn't qualify for an Adjustment because the site is neither difficult to develop nor an unusual situation.*

Staff response: The purpose of Adjustment review (Section 33.805.010) is shown below. It is broadly stated and is an option for sites or proposals that may not have an unusual situation or may not be difficult to develop. The underlined statements speak to the potential for flexibility of site design, if the purpose of the regulation is met:

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

- *Intersection of NE 82nd and NE Glisan is high-use but lacks pedestrians improvements. Currently it is unsafe for pedestrians, transit-users and cyclists.*
- *Traffic mitigation needed if development will increase traffic flow. Auto accidents and violations (running through red lights) are frequent at this intersection.*

Staff response: Written comment letters (Exhibits F-1 and F-8) provide information about the city's high crash network intersections from the Portland Bureau of Transportation website. The intersection at NE 82nd Avenue and NE Glisan Street ranks 15th overall (total number of crashes) and is ranked first on the list for pedestrian crashes. Both streets do not have on-street parking or furnishing zones. Only the curb separates the roadway and sidewalks. Transit use is high at this intersection, which is a transfer point between Bus Line #72 on NE 82nd and Bus Line#19 on NE Glisan. The proposal includes a number changes that will increase safety for all users:

- Reduction in the number of driveways currently at the site: from two driveways to one driveway at NE Glisan and from four driveways to two driveways at NE 82nd Avenue.
- Addition of a furnishing zone with street trees, between the curb and sidewalk, along NE 82nd Avenue

- Relocation of the existing bus stop and shelter close to the NE 82nd/NE Glisan intersection to improve convenience and bus transfer for transit users and encourage use of the existing crosswalk at the intersection.
- *The Montavilla community center and park (east of the site) and Vestal Elementary School (1 block south of the site) are key sites in the neighborhood. The convenience store location across the street from the community center and park but away from the intersection increases the potential for pedestrians to cross NE 82nd Avenue outside the intersection crosswalk, an unsafe situation. The neighborhood would like to see a marked crosswalk in front of the food sales building connecting to the community center and park. This requires ODOT participation.*

Staff response: Martin Jensvold, an engineer with the Oregon Department of Transportation (ODOT), reviewed the site's proposed driveways and truck circulation. He states the roughly 350 feet of site frontage along NE 82nd Avenue is not ideal for a marked crosswalk as it is within the influence of the intersection – it is within the range of vehicles turning left onto NE Glisan. Because of this, ODOT would not recommend a marked crosswalk as it would conflict with the vehicle traffic lane. He suggests that pedestrians be directed to the intersection with wayfinding signs. This can be done along the site's frontage and the Montavilla community center frontage. Mr. Jensvold said that ODOT has plans to update/rebuild the signal at NE 82nd/Glisan, between 2022 to 2024.

- *Currently drivers cut through the site from NE 82nd to NE Glisan Street to avoid the signaled intersection. This is an unsafe situation for pedestrian which is created in part by the openness of the site, lack of buildings and the vehicle-accommodating nature of the business.*

Staff response: The proposal will eliminate two existing driveways along NE 82nd Avenue and one existing driveway along NE Glisan Street. A furnishing zone will be added between the sidewalk and roadway. These updates to the site will limit the potential for cut-through traffic and will provide pedestrians with a buffer from vehicle traffic.

- *Preservation of trees and planting of new trees is needed, both on the site and within the street right-of-way. The site and surround properties suffer from the heat island effect, posing health risks to the community.*

Tree preservation and planting of new trees are required to satisfy the approval criteria. Seven existing trees will be preserved during and after construction, and additional trees will be planted, both on the site and within the furnishing zones of the NE 82nd and NE Glisan rights-of-way.

- *Litter control is needed.*

Staff response: The applicant proposes to install a trash receptacle, attached to a low wall within the pedestrian plaza area at the southeast corner of the site. This decision requires that the trash receptacle, along with other pedestrian amenities, be part of the building permit plans and be installed at the time of site development. Litter control along with other potential impacts and ongoing maintenance issues will be addressed with a written Implementation Program. The applicant will be required to prepare such a program in concert with the Montavilla neighborhood association.

- *Relocating the bus shelter and a new pedestrian plaza at north portion of the site does not provide value to pedestrians but instead increases potential crime problems by creating concealed areas.*

Based on this neighborhood feedback and discussions with TriMet staff, the applicant has relocated the bus shelter and pedestrian plaza from the north portion of the site to the southeast corner of the site near the intersection, thereby increasing visibility and convenience for pedestrians and transit users (Exhibit F-10).

- *The neighborhood doesn't need another gas station and market. Existing gas stations/markets are located along NE 82nd at E Burnside Street and SE Washington.*

Staff response: The Adjustment review approval criteria do not specifically limit the type of business proposed at the site. Vehicle services and fueling stations are considered retail sales and service uses and are allowed by right in the CG zone. However, the proposal does not meet two of the development standards, which has prompted the Adjustment review request.

- *The food sales building should be relocated to the southeast corner of the site, in compliance with the 10-foot maximum transit street setbacks. This will increase pedestrian safety and convenience. Houses located adjacent to the west boundary of the site would be less impacted as the accessory activity that causes noise, odor, glare impacts, such as trash/recycling area, would be relocated closer to the building and away from existing homes.*

Staff response: The proposal combines two sites into one development. The existing fueling station near the intersection will be replaced with a modern facility and a former restaurant at the north portion of the site will be replaced with a food sales building. Proposed vehicle area and buildings on the site are relatively unchanged from the existing condition.

As mitigation for the proposed Adjustments, preservation of mature trees and a pedestrian plaza with amenities are required conditions of approval. These required features improve the pedestrian environment. Relocating the food sales building to the southeast corner would meet the setback requirements. The fuel station would then be located on the north portion of the site, adjacent to existing house lots. For this option, an Adjustment to the maximum transit street setback would not be needed (as the food sales building would be located within 10 feet of both NE Glisan and NE 82nd). While an Adjustment to the maximum vehicle area requirement would still be needed for this option, it is unlikely that tree preservation or the pedestrian plaza would be part of the redevelopment proposal.

- *The existing homes adjacent to the site's west property line will be negatively impacted by the development. Light, noise and air pollution will detract from the neighborhood's livability. Also, the location of the trash/recycling area is near the backyards of existing homes and has the potential to be a noise and sanitation nuisance.*

Staff response: The proposal will satisfy all minimum required setbacks and landscape buffer standards along the west property line adjacent to existing homes. The commercial zoning of NE 82nd extends west of the site to include properties that are currently in residential use, mostly single dwelling houses. The trash/recycling area is located approximately 18 feet from the west property line and is within an enclosed structure. Trees and shrubs will be planted along the west property line to buffer the adjacent residential properties. As a condition of approval, a Good Neighbor agreement is required, which will address impacts on adjacent development.

- *The proposal doesn't meet the Adjustment approval criteria A, B, C and E.*
Staff response: Analysis of the proposal with respect to the approval criteria is provided below under the findings for each criterion.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and

allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting two Adjustments:

3. To increase the maximum building setback along NE Glisan Street from 10 feet to 183 feet (Section 33.130.215.C.2) for the new food sales building; and
4. To increase the maximum vehicle area frontage from 50 percent (175 feet of vehicle area frontage) to 66 percent (230 feet of vehicle area frontage) along NE 82nd Avenue and from 50 percent (55 feet of vehicle area frontage) to 85 percent (93.5 feet of vehicle area frontage) along NE Glisan Street (Section 33.266.130.C.3); and to allow retention of the existing vehicle area between NE Glisan Street and the new food sales building.

Adjustment #1: The purpose of the maximum building setback is stated below (Section 33.130.215.A). Statements relevant to the CG zone site and proposal are underlined:

Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zone. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

Only the first and last sentences apply to the proposal. (The second and third sentences of the above purpose statement do not apply to the proposal because the site is within the CG Zone and the site does not abut a residential zone (Exhibit B, Zoning Map)).

The desired character of the CG zone is stated in Zoning Code Section 33.130.030.G:

General Commercial Zone. *The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.*

Development in the CG zone is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. While the desired character statement does not directly state that auto-accommodating development should not be allowed on sites adjacent to transit streets, this notion is implied. Furthermore auto-related uses, such as drive-through facilities, are allowed in the CG Zone. This is the dilemma of the review, whether development on the site can be both auto-accommodating and inviting and safe for pedestrians.

Both NE Glisan and NE 82nd Avenue adjacent to the site are transit streets, but the site is not within a Pedestrian District. Because of the following features of the proposal, staff finds that the environment for pedestrians and transit users will be inviting, aesthetically pleasing and safer than the current condition:

- Preservation of most of the site's existing mature and healthy trees;
- Reconfiguration of the site's driveways, reducing the number of driveways from 6 to 3;

- Creation of a pedestrian plaza at the southeast corner of the site, including covered seating, low wall with mosaic tile, trash receptacle, low-level lighting, landscaping, and decorative pavers;
- Relocation of bus shelter to a position near the intersection to improve transit access;
- Relocation of free-standing sign, from pedestrian plaza area to behind the bus shelter;
- Widening of the site's perimeter landscape areas along NE Glisan Street and addition of a furnishing zone between the roadway and sidewalk along NE 82nd Avenue;
- Location of the food sales building near the site's frontage with NE 82nd Avenue, with a main entrance and large window area oriented to this frontage; and providing additional pedestrian area south of the building for tables and chairs for customers; and
- Reduced number of on-site vehicles spaces (from 11 spaces to 9 spaces) for improved conditions for existing trees and additional landscape areas.

These features work together to result in an inviting pedestrian environment. While the proposal is in part for a vehicle fueling station, and at a prominent location near the intersection, the vehicle presence and role is reduced because of the strength of the above proposal elements. Remove any one of these elements and it may be difficult to reach the same conclusion. The above elements are proposed and are required elements of the proposal.

Other conditions are needed to ensure that this criterion is met in full:

Tree preservation/careful site preparation and construction Preservation of mature trees is crucial to the success of the development, from a pedestrian and neighborhood perspective. The existing trees to be preserved are close to proposed buildings and paved areas. To ensure that the trees and root systems are not damaged during site demolition and construction, a detailed arborist report indicating how tree preservation will be achieved must be submitted with the building permit application.

Incorporate art work for a rich and diverse pedestrian environment The applicant proposes mosaic tile on the street-facing side of the low wall within the pedestrian plaza plan (Exhibit C-2). This further enhances the pedestrian environment along the street frontages. The Montavilla neighborhood association details the importance of a public art installation and requests the mosaic tile as it is used on the Montavilla Community Center, located near the site (Exhibit F-11). To ensure that the mosaic art wall is implemented, a condition is needed that requires the applicant to coordinate with the neighborhood association.

Ensure use of clear glazing for a visually permeable building A significant percentage of east, north and south building elevations are dedicated to storefront doors and windows. Provision of windows and doors with clear glass supports this criterion by creating connection between the sidewalk and the activity within the building, leading to a pleasant and interesting pedestrian view. To meet zoning code standards, clear glazing is required, but only along the east elevation facing NE 82nd Avenue. To better meet this criterion, a condition is needed that requires clear glazing on the east, north and south facades. These facades are visible from the sidewalk due to the openness of the development.

With these conditions and the above elements noted as required elements of the proposal, this criterion is met for Adjustment #1.

Adjustment #2: The purpose of the vehicle area frontage and location limitations are stated below (Section 33.266.130.A):

Purpose. *The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:*

- *Provide a pedestrian access that is protected from auto traffic; and*
- *Create an environment that is inviting to pedestrians and transit users.*

Note that the purpose statements for the “parking area layout standards” do not apply to the proposal because the proposal satisfies these standards in full and the applicant is not requesting an Adjustment to these standards.

The purpose statements for this Adjustment are aligned with those of Adjustment #1. This dual directive magnifies the importance of an inviting and safe pedestrian experience both adjacent to and on the site. When the application was submitted in June of 2017, staff asked how could a vehicle-oriented development be designed so that it is safe and inviting for pedestrians? Due to staff concerns and neighborhood requests, the proposal has evolved significantly since the application was submitted in June of 2017. From the neighborhood perspective, this intersection is an important one within their neighborhood. It has a high level of use for pedestrians, transit users and drivers, but is shown to be significantly hazardous for pedestrians (Exhibit F-1).

Many pedestrian-oriented features are now part of the proposal. Tree preservation, a reduced number of vehicle driveways, a retail building close to and oriented to the public sidewalk, and a new pedestrian plaza with specified amenities are most essential to ensuring that the proposal will create an environment that is inviting to pedestrians and transit users. Lastly, it is important to note that Transportation staff is requiring additional public right-of-way along NE 82nd to make room for a new furnishing zone containing street trees, to be installed with the redevelopment, that separates the new sidewalk from the auto traffic lane (Exhibit E-2). Generally, on-street parking provides a buffer for pedestrians from moving vehicles. Because on-street parking is not provided on NE 8nd or NE Glisan, the requirement for dedication and a new furnishing zone is essential for pedestrian protection and comfort. While a furnishing zone is not required for the NE Glisan frontage, the proposal includes a 10-foot deep on-site landscape area (twice the minimum required depth) adjacent to the sidewalk. This landscape area will be planted with groundcover, shrubs and trees and will help shade and cool the sidewalk, among other benefits of trees and new pervious surface areas on the site.

Neighbors expressed concern about the potential for pedestrians, especially children, who may try to cross NE 82nd mid-block from Montavilla Park/Community Center to the new food sales building, or vice versa. Currently there is no marked crosswalk or pedestrian island to facilitate this crossing. ODOT staff does not recommend a marked crosswalk at this location because it is too close to the NE 82nd/Glisan intersection. Addition of wayfinding signs that direct pedestrians to the existing crosswalk at the intersection for customers heading to the park or community center from the food sales store will help address this situation. The content and placement of the signs must be coordinated with the Montavilla neighborhood association as part of the applicant’s written Implementation Program, which is a requirement of Criterion B below. With the condition that the applicant provide such signage, this condition is met.

For the reasons stated above and with the above conditions of approval, the proposed Adjustments equally meets the purpose of the regulations. This criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the subject site is in the CG zone, a commercial zone, the applicant must demonstrate that the proposal is consistent with the classifications of the adjacent streets and the desired character of the area. Zoning Code Section 33.910 defines desired character as the “preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district” and “it also includes the preferred and envisioned character based on any adopted plans or design guidelines for an area.”

Street classifications: The Portland Transportation System Plan classifies the site’s frontage streets as follows:

- NE 82nd Avenue: Major Transit Priority Street, Major City Traffic Street, Regional Main Street, City Bikeway, and City Walkway
- NE Glisan Street: Transit Access Street, Major City Traffic Street, Community Main Street, City Bikeway, and City Walkway

The proposed Adjustments to increase the maximum setback from NE Glisan and the maximum vehicle area frontage will still allow for a full range of retail, service, and business uses with a local market area. The food sales building is located close to NE 82nd and provides a main entrance and large window area facing the street. A pedestrian plaza with covered seating and a bus stop/shelter are located near the intersecting transit streets. These improvements make it easier for transit users to transfer from one bus line to another and provide extra space for pedestrians waiting to cross the street. For these reasons, the proposed Adjustment will be consistent with the classifications of the adjacent streets.

CG zone character statement: Consistency with the desired character of the CG zone is reviewed in the findings for Approval Criterion A, above. Those findings determine that the proposal, with required conditions of approval, results in a development that is consistent with the desired character of this zone.

Outer Southeast Community Plan, adopted by City Council on January 31, 1996. Staff reviewed the policies and objective of the plan and found the following to be relevant to the site and proposal:

Subarea Policy II for 82nd Ave/I-205 Corridor, Economic development: 82nd Avenue is designed in the plan as a Contemporary Main Street. The focus on transit ridership, pedestrian comfort and safety. These streets are different from the traditional model because:

- *Buildings are spaced further apart with parking lots which may separate the sidewalk from some building entrances.*
- *Four to five lanes are common to these main streets.*

The design goal is to move buildings closer to the street with entrances opening directly onto the sidewalk while still providing convenient parking.

Urban Design Policy Objective 4: Promote “main street” development on portions of Foster Road, Glisan Street, and Woodstock Boulevard, on Division and Start Streets, and 82nd and 122nd Avenues. Locate buildings with entrances off the sidewalk. Encourage sidewalk cafes display windows, benches, street trees, awnings, small scale signs that are directed to the pedestrians, and on-street parking.

Findings: Transit ridership is supported through the relocation of the bus stop and shelter to a location close to the intersection of NE 82nd and NE Glisan, which is closer to the cross walks at the intersection. The stop is a transfer point for the NE 82nd and NE Glisan bus lines. The relocation shortens the distance between stops.

Pedestrian comfort and safety is supported through preserving the mature trees on the site. Trees contribute to pedestrian comfort by shading and cooling paved areas and decreasing airborne and waterborne pollution.

The food sales building is located 5.5 feet from NE 82nd Avenue, which is the higher classification for transit. Building entrances are located facing NE 82nd Avenue (east) and south, onto a wide paved area that is equipped with tables and chairs.

To address the absence of a building at the intersection, a pedestrian plaza will be incorporated into the development. It elevates the interest and comfort of the pedestrian area by including the following important details: covered benches facing the streets, trees, low level lighting, trash receptacles, and low walls with mosaic tile artwork. The pedestrian plaza is intended to provide interest, and to give space for pedestrians waiting to cross the street or waiting for a bus to arrive. This space is welcomed as the intersection is busy, and there is no on-street parking to provide separation from traffic lanes. The pedestrian plaza also provides a place for rest and to

observe the urban and active intersection. It provides pedestrians protection from the rain or hot afternoon sun.

Each street contains 5 vehicle travel lanes, with no on-street parking. Currently there are six driveways at the site. To improve the pedestrian environment, a landscaped furnishing zone will be added between the NE 82nd roadway and sidewalk, and three existing driveways will be closed. The site will retain three driveways, one at NE Glisan and two at NE 82nd Avenue.

Because of the reasons above, and with the proposed tree preservation and pedestrian plaza elements approved as required elements, this policy and objective are met.

Montavilla Neighborhood Plan, adopted by City Council on January 31, 1996. Staff reviewed the policies and objective of the plan and found the following to be relevant to the site and proposal:

Policy 2 Historic Preservation and Urban Design

Objective 1: Encourage business owners to provide street furniture in front of their businesses to enhance the appearance and friendliness of their property and the neighborhood.

The proposal includes three tables near the entrances of the food sales building and two covered benches, each 8 feet in length, within the pedestrian plaza. With the condition that the tables, chairs, and benches be permanent features of the site, this policy is met.

Policy 3, Transportation

- *Objective 1. Improve access and mobility for pedestrians, public transit and automobiles traveling in and through the neighborhood.*
- *Objective 11. Improve the appearance and safety of bus shelters and bus stops in the neighborhood.*
- *Objective 13. Encourage “Main Street” type developments along portions of NE Glisan, SE Division, 82nd and SE Stark as a means of accommodating more people and businesses along transit streets.*

Objectives 1 and 11 are met through the required sidewalk and furnishing zone improvements along NE 82nd Avenue, a reduction in driveways leading to the site, and a relocated bus stop and shelter closer to the intersection. The required pedestrian plaza is adjacent to the bus shelter and provide additional covered seating for transit users.

Objective 13 calls for main street-type development along NE Glisan and 82nd, to accommodate more people and businesses along transit streets. The proposal is not a model for a main street type development, as it has limited building coverage and locates a fueling station at the intersection. A small 4,400 square-foot food sales store is located close to NE 82nd with a main entrance door, large window area, and outdoor tables for customers. It is in the spirit of main street development but falls short as it is located 183 feet from NE Glisan Street and does not extend along a high percentage of the site's street frontage. The proposal reflects existing and prior conditions on the site. Currently, the site is two separate developments: a fueling station and small convenience store on the south portion near the intersection, and a restaurant on the north portion. As described in this report, the proposal includes significant upgrades to the pedestrian environment over existing conditions, both on the site and within the public right-of-way adjacent to the site. The intersection currently handles a high volume of vehicles and pedestrians, as documented by neighborhood comment letters and the city's data. Arguably, what is needed here is a higher level and higher quality of pedestrian amenities for the current level of people travelling by or to the site. The proposal does this through the addition of the pedestrian plaza at the site's corner, a larger space adjacent to the sidewalk for pedestrians and transit users to take refuge while waiting for a bus or to cross the street. Preservation of the site's mature evergreen trees and oak trees and planting of new trees provide shading, cooling and mitigation from air pollution. Low level screening walls provide pedestrians with

separation from the fueling station activity and act as a canvas for community art work, in the form of mosaic tile. This objective is met by the proposal and conditions cited above.

Policy 5 Economic Development

- *Objective 3. Buffer residential areas from businesses to help reduce visual and noise impacts.*
- *Objective 5. Enhance commercial nodes at major intersections throughout the neighborhood.*
- *Objective 6. Enhance 82nd Avenue to make it more attractive and viable arterial for shoppers, pedestrians, residents and visitors.*
- *Objective 8. Encourage businesses to implement “Good Neighbor Plans” similar to those required by convenience store owners to reduce negative impacts on nearby residents and businesses to ensures a good working relationship with the neighborhood at all times.*

Objectives 3, 5 and 6 are satisfied by the proposal. A 5-foot-wide landscape buffer will be provided along the site’s west property line to screen adjacent properties. These adjacent properties are within the CG zone but are currently in residential use. The intersection will be enhanced through additional landscape areas adjacent to the sidewalks and a new pedestrian plaza with amenities. A new furnishing zone with trees will be provided along the NE 82nd site frontage, separating the public sidewalk from the adjacent roadway travel lanes. The food sales building will have a main entrance facing NE 82nd and will have an approximate 13-foot-wide pedestrian area south of the building and near the street with chairs and tables for customers.

For Objective 8, a “Good Neighbor Plan” is essential for maintenance and long-term viability of the proposed and required pedestrian plaza and outdoor tables for the food sales business. A condition requiring such a plan will satisfy this objective. Zoning Code Chapter 33.219 includes requirements for a “written Implementation Program,” similar to a “Good Neighbor Plan.” Convenience stores are, by Zoning Code definition, less than 4,000 square feet in area, and are required to meet these requirements. The proposed food sales building is approximately 4,400 square feet in area, and while it doesn’t fit the Zoning Code definition, it follows the “convenience store” model. The written Implementation Program must be developed by the applicant, with input and ongoing communication with the neighborhood association being essential. The program must address crime prevention, alcohol awareness, litter control, loitering control, landscape maintenance, glare from lighting, and communication with the neighborhood association. Neighborhood comment letters raised concerns about litter control, and graffiti and crime prevention, and all these issues are relevant to the site and proposal. In addition to the above issues, the Implementation program must address

- maintenance of other required elements on the site, including the pedestrian plaza benches, trash receptacles, mosaic tile art, and existing and proposed trees and other landscaping; and
- wayfinding signs directing customers of the food sales store to use the crosswalk at NE 82nd and NE Glisan if they are headed to the Montavilla Park or Community Center.

For these reasons and with above condition of approval regarding a written Implementation Program, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area. This criterion is met.

C. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Two Adjustments are requested. The overall purpose of the CG Zone is to:

“... allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and

service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves."

As identified in the findings for Criteria A and B above, the proposal meets the overall purpose of the CG zone, as it provides a retail building close to NE 82nd with a street-facing main entrance. It will activate the sidewalk environment by providing tables and chairs for customers. Mature trees on the site that currently offer benefits of aesthetics, shading, cooling and mitigation of air pollution, will be preserved with an arborist's direction, and are incorporated into new landscape planters with the site's redevelopment. To mitigate for the lack of a building presence at the southeast corner, a pedestrian plaza will be created and maintained by the applicant. The number of existing driveways will be reduced, restoring portions of the public sidewalk and limiting the number of vehicle paths through the site. Newly planted trees, public art, covered benches and extra space for standing, sitting, or waiting, will provide pedestrians with a pleasant environment. This criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s" and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because no scenic or historic resource designations are mapped on the subject site, this criterion does not apply.

E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: As discussed in the findings for Criteria A and B, with the proposed pedestrian features, pedestrian plaza improvements, tree preservation, additional landscaping and the requirement for a written Implementation Program, the proposal will equally meet the purposes of the regulations and will not have adverse impacts on the classifications of the adjacent streets or the desired character of the area. Therefore, this criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). Because no environmental overlay zone is mapped on the subject site, this criterion does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

NOTE The applicant's site plan does not show all details required by the Zoning Code. Of note:

- On-site pedestrian system requirements of Section 33.130.240 not met in full. Curbs, at least 4 inches in height, are required to separate onsite pedestrian paths where parallel to drive-aisles. Other options, such as use of a different paving material, are required where paths cross driveways. Six-inch curbs are also required to protect landscape areas where they are adjacent to vehicle areas. Low level lighting is required for on-site paths.

- Special Street Setbacks apply along NE 82nd Avenue that establish minimum setbacks for buildings, structures, signs, and off-street parking. The regulations of Chapter 33.288 must be met at time of building permit review. For this site, the special setback applied to the site is 45 feet from the roadway centerline. Currently the property line is 35 feet from the centerline of NE 82nd. A five-foot public right-of-way dedication is required and shown on the site plan. Thus, the applicant proposes a 5-foot building setback for the food sales building, providing the full 45-foot required special setback. The special street setback area must be landscaped to at least the L1 standard (Section 33.288.020.C), except where a higher landscape standard is required, such as L2 landscaping between parking areas and the street property line.
- Bicycle parking spaces are required. At least 2 long-term and 2 short term bicycle parking spaces are required for the food sales building, per Section 33.266.210 and 220.
- The applicant provided a landscape plan, which satisfies the requirements for the number of trees for perimeter parking area landscaping. Additional shrubs and groundcover may be required to meet the standards in full.

CONCLUSIONS

The review of the proposal to redevelop the site into a new fuel facility and food sales building has been a complex and lengthy review process. A central issue is the best location for the food sales building – at the intersection or at the proposed location, close to close to one transit street but far away from another. This decision is influenced by the existing underground fuel tanks at the south portion of the site, which results in the proposed location of the fueling station. How can a vehicle-oriented development be designed so that it is a safe and attractive place for pedestrians and transit-users? While voicing concern over the continued vehicle-intensive fueling station, public comment centered on a need to improve pedestrian safety and pedestrian amenities at the busy intersection of NE Glisan Street and NE 82nd Avenue.

Certain aspects of the site and proposed buildings were revised during the review process, in response to issues raised by city staff, Oregon Department of Transportation (ODOT) staff, nearby neighbors, and the neighborhood association. The applicant met with city staff on March 8, 2018, and with the neighborhood association on June 27, 2018. Options to relocate the building close to the intersection were discussed, but due to the existing location of the fueling station and underground tanks, the applicant's direction shifted to exploring improvements to the site's edges for pedestrians and became committed to preserving the site's mature trees.

To fully satisfy the Adjustment approval criteria the following changes were made, or conditions of approval were added:

- Preservation of the site's existing mature and healthy trees, including Trees #1,2,4,5,6,8 and 11;
- Reconfiguration of site's driveways, reducing the number of driveways from 6 to 3;
- Pedestrian plaza at the southeast corner of the site, including covered seating, low wall faced with mosaic tile art, trash receptacles, low-level lighting, landscaping, and decorative pavers;
- Relocation of the bus shelter and bus stop to a position near the intersection, adjacent to the pedestrian plaza, to improve transit access;
- Removal of the free-standing sign, to another position on the site that is outside the pedestrian plaza;
- Adding a new protective furnishing zone with trees and landscaping along the NE 82nd frontage, and providing a 10-foot-wide perimeter landscape area along NE Glisan;
- Locating the food sales building near NE 82nd Avenue, incorporating a large window area along the street-facing façade, and providing additional pedestrian area south of the building for tables and chairs for customers; and
- Reduction of the number of on-site vehicles spaces (from 11 spaces to 9 spaces) for improved conditions for existing trees and additional landscape areas; and
- Written Implementation Program in compliance with Chapter 33.219, requiring coordination with the Neighborhood Association; applicant is required to install mosaic tile on the face of the low wall within the pedestrian plaza.

In sum, the proposal must be approved as these changes result in an improved and inviting pedestrian environment, a key purpose of the regulations subject to the Adjustment review.

ADMINISTRATIVE DECISION

Approval of the following Adjustments for a new fueling station and food sales building:

1. To increase the maximum building setback along NE Glisan Street from 10 feet to 183 feet (Section 33.130.215.C.2) for the new food sales building; and
2. To increase the maximum vehicle area frontage from 50 percent (175 feet of vehicle area frontage) to 66 percent (230 feet of vehicle area frontage) along NE 82nd Avenue and from 50 percent (55 feet of vehicle area frontage) 85 percent (93.5 feet of vehicle area frontage) along NE Glisan Street (Section 33.266.130.C.3); and to allow retention of the existing vehicle area between NE Glisan Street and the food sales building (33.266.130.C.1).

Approvals are per the approved site plans, Exhibits C-1 through C-5 signed and dated October 8, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-193030 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant must implement the Tree Preservation Plan, Exhibit C-1. A certified arborist's report must be submitted with the site disturbance, demolition and building permit plans. The certified arborist report must detail methods to preserve Trees #1, 2, 4, 5, 6, 8 and 11, shown on Exhibit C-1 prior to, during and after site disturbance activities. The arborist's recommendations must be identified as "required" on the site plans. Proposed removal of Trees #1, 2, 4, 5, 6, 8 or 11 must be requested through a Type II Tree Review (land use review).
- C. The portion of the driveway that is directly behind of the food sales building will be a maximum of 20 feet in width. The remaining site area will be incorporated into the landscape area adjacent to the building's west wall, containing Tree #6, an Atlas Cedar.
- D. The applicant is required to construct the pedestrian plaza and its elements on the southeast corner of the site at the same time as site redevelopment. The pedestrian plaza required elements are shown on Exhibits C-1 and C-2.
- E. Prior to submittal of building permits for the food sales building and fueling station, the applicant will meet the requirements of Chapter 33.219 and will develop an Implementation Program for the food sales building, the pedestrian plaza and its elements, and ongoing maintenance for the plaza. The Implementation Program will include:
 - requirements of Sections 33.219.025, 33.219.030, and 33.219.060;
 - a plan for the applicant to coordinate the design, and required installation of the mosaic tile art within the pedestrian plaza with the Montavilla neighborhood association;
 - ongoing maintenance of other required elements on the site, including the pedestrian plaza benches, trash receptacles, lighting, mosaic tile art, and existing and proposed trees and other landscaping; and
 - addition of wayfinding signs directing food sales store customers who are walking to Montavilla Park or Community Center to use the crosswalk at NE 82nd and NE Glisan.
- F. At least three tables with chairs must be provided within 50 feet of the building's east and south entrances for customer use during hours of operation of the food sales building. A minimum 6-foot-wide path must be maintained to the east, north, and south building entrances.
- G. Clear glazing is required for all storefront windows and doors shown on approved east, north, and south building elevations, Exhibits C-3 and C-4. Specifications for the

storefront window and door glazing must be added to all building elevation plans that are part of the building permit application.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on October 8, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 10, 2018

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on June 26, 2017 and was determined to be complete on December 20, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on June 26, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant extended 120-day review period to the maximum 245 days, as stated in Exhibit G-5. **The review period will expire on: December 20, 2018.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 24, 2018**, at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **October 24, 2018**, by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal, June 26, 2017
 2. Updated Submittal, December 21, 2017
 3. Updated Submittal, September 8, 2017
 4. Updated Submittal, October 12, 2017
 5. Arborist Report/Tree Protection Plan, September 9, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Pedestrian Plaza Plan (attached)
 3. East and North Building Elevations (attached)
 4. South and West Building Elevations (attached)
 5. Landscape Planting Plan (attached)

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Life Safety Plans Examiner of BDS
7. Urban Forestry Division, Bureau of Parks

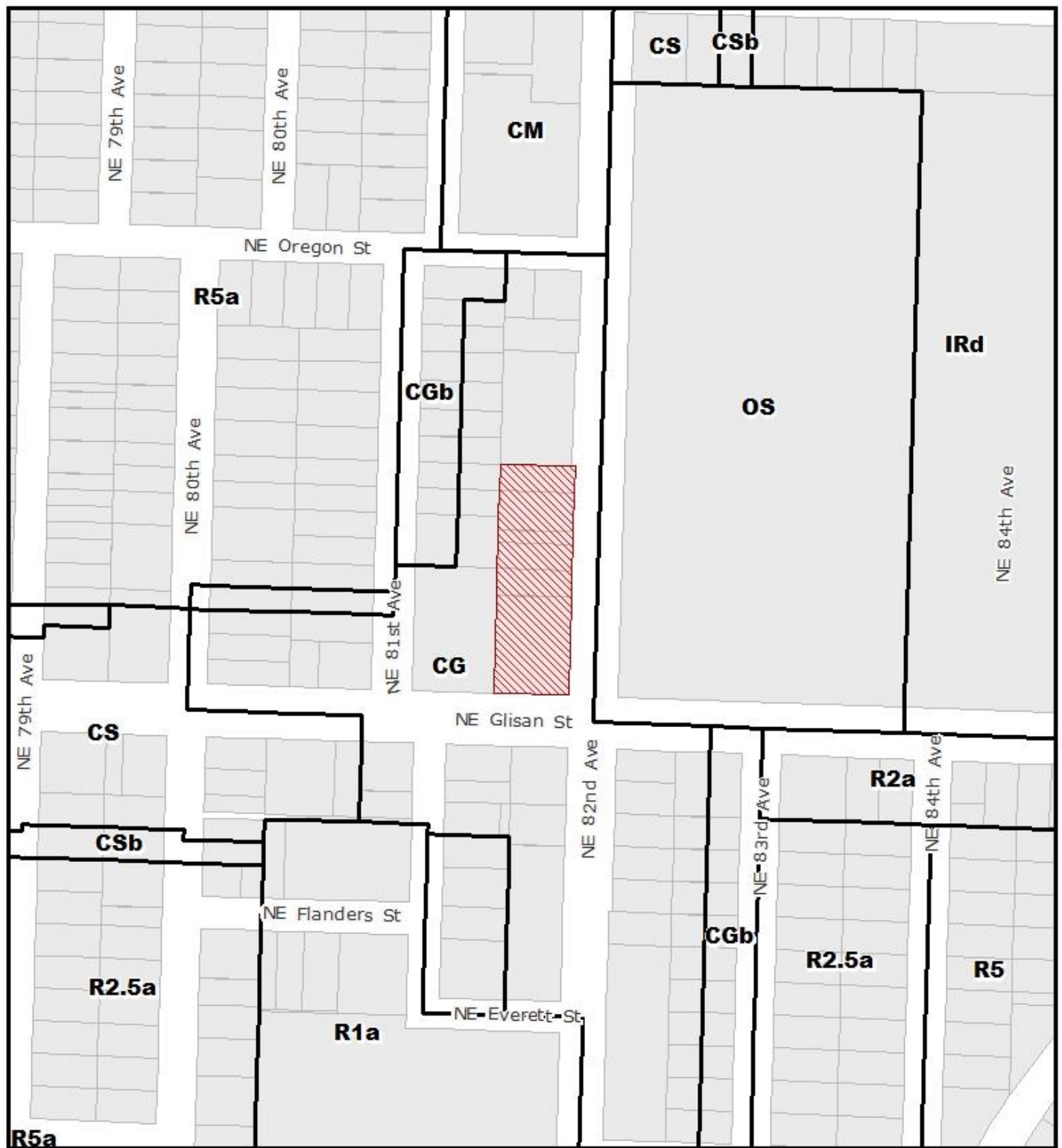
F. Correspondence:

1. Krystal Eldridge, raising concerns about the proposal, January 17, 2018 and February 1, 2018
2. Benjamin Kerensa, raising issue regarding neighborhood association meeting rules, January 28, 2018
3. Nicole Winschel, raising concerns about the proposal, February 2, 2018
4. Kyle Copeland, in opposition to the proposal, January 21, 2018
5. A. Stern, in opposition to the proposal, January 23, 2018
6. Cory Eldridge, in opposition to the proposal, February 1, 2018
7. Sarah Richardson Green, in opposition to the proposal, February 1, 2018
8. Amanda Rhoads, Montavilla Neighborhood Association, in opposition to the proposal and responding to B. Kerensa email, February 1, 2018
9. Kathryn Hartinger, in opposition to the proposal, February 2, 2018
10. Michelle Wyffels, TriMet, email regarding bus stop location, February 21, 2018
11. Amanda Rhoads responding to the applicant, providing suggestions about improving the site's pedestrian amenities, June 29, 2018

G. Other:

1. Original LU Application
2. Letter listing information needed to complete the application, July 6, 2017
3. Applicant's signed extension of the 120-day review period (120 additional days), March 22, 2018
4. Applicant's signed extension of the 120-day review period (60 additional days), August 2, 2018
5. Applicant's signed extension of the 12-day review period (maximum 245 additional days), September 17, 2018

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING  NORTH



File No.	LU 17-193030 AD
1/4 Section	2938
Scale	1 inch = 200 feet
State ID	1N2E32AD 21200
Exhibit	B Jun 26, 2017

(N) 11'-4" x 8'-0" TRASH ENCLOSURE WITH SCREENED MASONRY WALLS

(N) AIR/WATER UNIT

(N) 26'-0" x 8'-0" RECYCLE ENCLOSURE SCREENED WITH MASONRY WALLS

WB-67 TRUCK MAKES LEGAL TURN FROM LEFT TURN NORTHBOUND LANE.

INTERIOR LANDSCAPE ABUTTING REQUIRED PERIMETER LANDSCAPE.

10' MAX. BUILDING SETBACK

FUEL TRUCK HEADED SOUTHBOUND AND ABLE TO TAKE A RIGHT ONTO SITE WITHOUT CROSSING LANES.

GROUND FLOOR WINDOWS REQUIRED WITHIN 20' OF STREET LOT LINE, REQUIRED TO BE 50%

(N) LONG TERM COVERED BICYCLE PARKING (TWO SPACES ON NORTH SIDE OF BUILDING) - **ADDITIONAL 2 SHORT TERM SPACES REQ.**

PERIMETER LANDSCAPING

WB-67 EXITS INTO LEFT NORTH BOUND LANE

PROPOSED PROPERTY LINE FOR PBOT REQUIRED 5 FOOT PROPERTY DEDICATION

EXISTING PROPERTY LINE

SIDEWALK, LANDSCAPING AND CURB TO BE IMPROVED PER PBOT FRONTAGE IMPROVEMENT REQUIREMENTS.

(N) CANOPY

(N) 3'-6" HIGH CMU SCREEN WALL AT FUEL CANOPY

RELOCATED BUS SHELTER WITH EQUIP INC. CONTEMPORARY SERIES 8' LONG BENCH, 25' FROM EXISTING CROSSWALK

PROPOSED LOCATION OF RELOCATED SIGN

(N) PEDESTRIAN PLAZA WITH 100 S.F. COVERED AREA, (2) EQUIP INC. CONTEMPORARY SERIES LONG BENCHES, TRASH RECEPTACLES, CONCRETE PAVERS AND LOW LEVEL YARD LIGHTING, **AND MOSAIC TILE ART ON FACE OF LOW WALL.**

EXTENT OF DRIVEWAY - WIDTH MAX 20'

Approved

City of Portland - Bureau of Development Services

DATE: Oct. 8, 2013

approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

FUEL TRUCK EXITS WESTBOUND ON GLISAN, COULD POTENTIALLY HEAD EASTBOUND.

6" HIGH STAMPED CONCRETE PEDESTRIAN CONNECTION WITH

(N) SALES BUILDING 4,520 S.F.

(N) CANOPY W/ 4 FUELING DISPENSERS

(E) U.S.T.

N 89° 40' 4" W 115.00' (P) FIELD

NE. 82nd AVE.

TREES TO BE PRESERVED:

NE. GLISAN ST. #1, 2, 4, 5, 6, 8, 11

EXHIBIT C-1
17-193030 AD

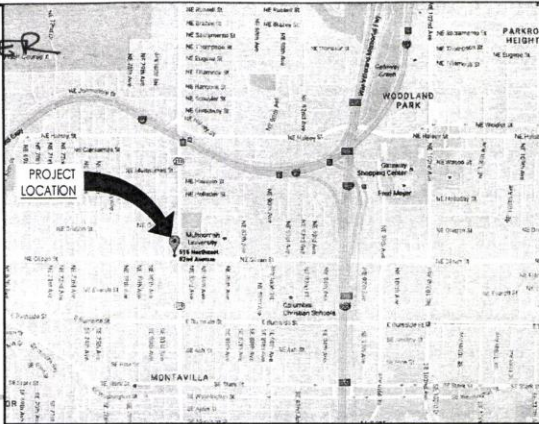
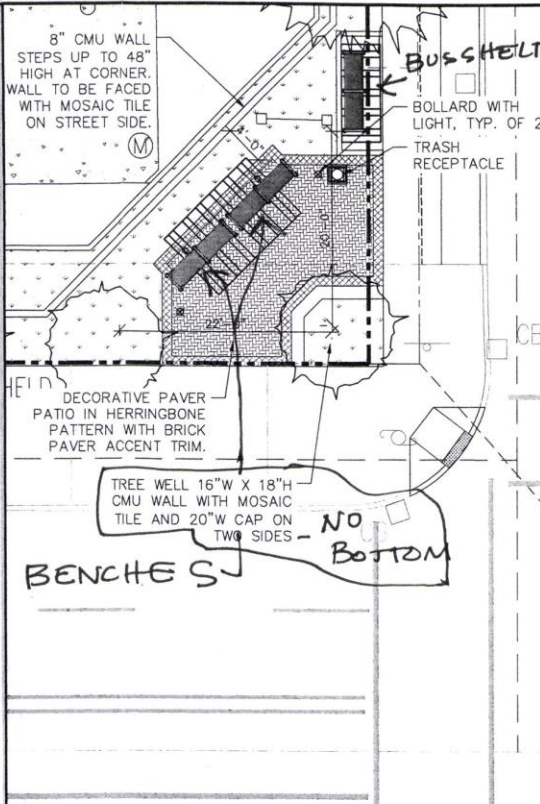


0 10 20

SITE PLAN

SITE PLAN + TREE PRESERVATION PLAN

C-1



Ken McCracken,
Architect
19401 40TH AVE WEST
SUITE 300
LYNNWOOD, WA 98036
(425) 405-7747
ken.mccracken@comcast.net

SITE DATA
ADDRESS/LOCATION: 515 NE 82nd ST, PORTLAND, OR 97220
PROPERTY ID#: R227392
TAX LOT: 1N2E32A0-21200
MUNICIPALITY: CITY OF PORTLAND
EXISTING SITE AREA: 17,280 SF (0.397 ACRES)
PROPOSED SITE AREA: 40,301 SF (0.925 ACRES)
EXISTING ZONING: CG GENERAL COMMERCIAL

NOTES
 1. SEE ALSO SITE RESEARCH REPORT PREPARED BY PMDG, DATED JULY 18, 2016.
 2. MAXIMUM SETBACK ON NE CORNER WILL NOT BE MET AND WILL REQUIRE A VARIATION FROM THE GRANDFATHER (E) CANOPY.
 3. TRANSIT STREET MAIN ENTRANCE MUST BE WITHIN 25' OF NE 82nd.

2 ENLARGED PEDESTRIAN PLAZA PLAN - REQ.
 1/8"=1'-0"

PROPOSED SITE DESIGN INFORMATION
 MINIMUM PARKING REQUIRED: 6 STALLS (1/500 SF NET BUILDING AREA)
 MAXIMUM PARKING REQUIRED: 15 STALLS (1/196 SF NET BUILDING AREA)
 PARKING PROVIDED: 9 STALLS
 INTERIOR PARKING LOT LANDSCAPING REQUIRED = 405 S.F. (9 STALLS X 45 S.F.)
 INTERIOR PARKING LOT LANDSCAPING PROVIDED = 552 S.F.
 LANDSCAPE AREA REQUIRED: 15% OF 40,301 = 6,045 SF.
 PLUS 1 TREE PER 5,000 SF OF PARKING AREA
 6,045 SF. OF LANDSCAPING REQUIRED
 LANDSCAPE AREA PROPOSED: 7,968 SF (19.8%)
 BICYCLE PARKING REQUIRED: 2 SPACES
 BICYCLE PARKING PROPOSED: (3) BIKE RACK WITH 2 SPACES EACH = 6 BICYCLE PARKING SPACES

LEGEND
 - - - - - PROPERTY LINE
 = = = = = CONCRETE OR OTHER PAVING
 [Pattern] LANDSCAPE AREA - PERIMETER
 [Pattern] LANDSCAPE AREA - INTERIOR
 [Pattern] PERVIOUS PAVERS

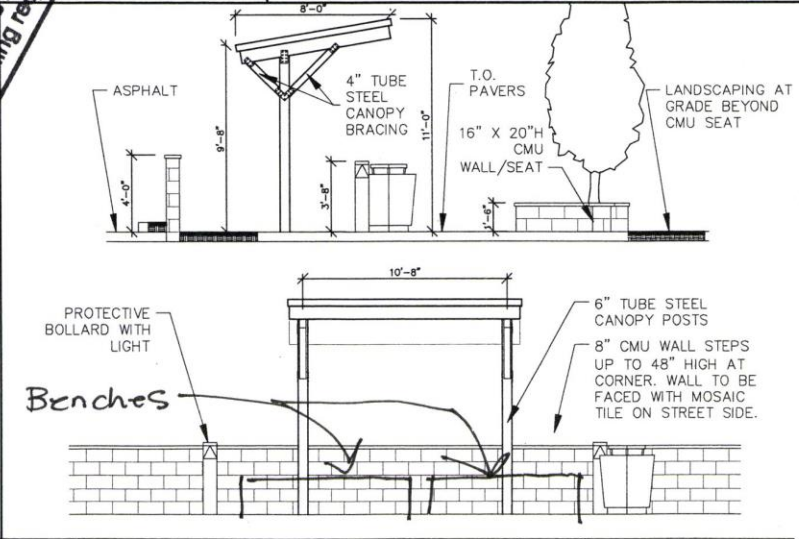
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9			
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IP INC.
NCH, 25'
SIGN
F. COVERED
RY SERIES 8'
S. YARD

City of Portland - Bureau of Development Services
 Approved
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date **Oct. 8, 2018**
 Planner **M. [Signature]**

NORTH

20 40 60 80
"=20'-0"



Jacksons
 STORE #523
 515 NE 82nd AVE.
 PORTLAND, OR.

Project Number
JAC16003.0

3 ENLARGED PEDESTRIAN PLAZA ELEVATIONS - REQ.
 1/4"=1'-0"

EXHIBIT C.2
 17.193030 AD
 C-2

PEDESTRIAN PLAZA



This architectural elevation drawing shows a section of a building facade. The central feature is a sign that reads "Jacksons" in a stylized font, mounted on a curved, ribbed structure. Above the sign, there are three rectangular windows, each with a small square window above it. Below the sign, there are three more rectangular windows, each with a small square window above it. The facade is flanked by two large, arched windows. Blue annotations are present: a large blue arrow points from the top left towards the right side of the facade, and three smaller blue arrows point from the right side towards the left side of the facade. The drawing includes various architectural details such as moldings, cornices, and a decorative frieze. The text "Jacksons" is written in a stylized font. The drawing is a technical architectural representation.



* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

[illegible][illegible]

Project Number
JAC16003.0

EXTERIOR
ELEVATIONS

A202

EXHIBIT C-3
17-193030 AD

Approved
City of Portland - Bureau of Development Services
W. [Signature] Date Oct 8, 2013
Approval applies only to the reviews requested and is subject to all
conditions of approval. Additional zoning requirements may apply.


EXHIBIT C.4
17.193030 AD



★ This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-5
17-193030 AD

MEDIUM SHEET: 50"X36", CF = 8404+136
 MEDIUM SHEET: 45" X 45, CF = 6117+263
 LARGE SHEET: 100"X100, CF = 20200+500
 SHEET SHEET: 20"X15" (7 QT)
 SMALL SHEET: CF=617+41
 COLUMNAR SHEET: 5'X20', CF=214+8

~~1.  **FOR THE SECRETARY OF DEFENSE**
 LIAISON WITH THE ARMY, NAVY, AIR FORCE, MARINE CORPS, AND COAST GUARD
 OFFICE OF THE SECRETARY OF DEFENSE
 1215 PENTAGON
 WASHINGTON, D.C. 20301-1215
 TEL: (202) 697-3000
 FAX: (202) 697-3000
 WWW: www.defense.gov~~

NOTES: NEW TREES APPROVED.
OTHER LANDSCAPING
SPECIES REQ. w/
BUILDING PERMIT.
• SEE EXHIBIT C-1
FOR REQ.
TREE PRESERVATION

FOR
FREE

⊗	RECREATION SUPERMARKET	11	1 SALON	ALL SHOWS	FULL, WELL SHAPED
	BEAT IN JAMES				NOT TUNED DOWN
⊗	WOMAN'S CLOTHES SHOP	38	1 SALON	ALL SHOWS	ALL SAME HEIGHT WILL MOOD
	WOMAN'S CLOTHES SHOP				
⊗	HOROLOGICAL	7	1 SALON	ALL SHOWS	FULL, WELL SHAPED
	SHIRT				

NOTE: - GROUNDWORK TO BE PLANTED TO ACHIEVE FULL COVERAGE WITHIN THREE YEARS. THE QUANTITY SHOWN IS APPROXIMATE ONLY. CONTRACTOR TO VERIFY SQUARE FOOTAGE AND QUANTITY NEEDED TO BE INCLUDED IN BID. CONTRACTOR TO ADD MORE, ANY EXTRA IS TO BE USED AS INT'L. - GROUNDWORK IS NOT REQUIRED UNDER SIDEWALKS OR WITHIN WATER WELLS.

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITY/STATE/ZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED		1NZE32DA 100	WASH MAN LLC	PO BOX 4124	PORTLAND OR 97208
3	RETURN SERVICE REQUESTED		1NZE32AD 19200	KSTUDE LLC	4137 WEST BAY RD	LAKE OSWEGO OR 97035
4	RETURN SERVICE REQUESTED		1NZE32AD 20700	ACKERLEY COMMUNICATIONS OF THE NW	3601 6TH AVE S	SEATTLE WA 98134-2212
5	RETURN SERVICE REQUESTED		1NZE32AD 19800	YEE IAN W	702 NE 81ST AVE	PORTLAND OR 97213-6935
6	RETURN SERVICE REQUESTED		1NZE33CB 8200	THE HOLLAND INC	109 W 17TH ST	VANCOUVER WA 98660-2932
7	RETURN SERVICE REQUESTED		1NZE32DA 1700	STATHES JOAN	960 SW 191ST CT	ALOHA OR 97006-2460
8	RETURN SERVICE REQUESTED		1NZE32AD 19900	EPIDENDIO-81ST AVENUE LLC	PO BOX 22013	MILWAUKIE OR 97269-2013
9	RETURN SERVICE REQUESTED		1NZE32AD 20600	YU HONG J & YU JIC M	PO BOX 3096	CLACKAMAS OR 97015-3096
10	RETURN SERVICE REQUESTED		1NZE32AD 19700	KYLE D DODRILL KYLE	634 NE 81ST AVE	PORTLAND OR 97213-6933
11	RETURN SERVICE REQUESTED		1NZE32AD 19600	CASIMIR PROPERTIES DUDZIK JAMES	1134 MORSE LN SW	ALBANY OR 97211-3611
12	RETURN SERVICE REQUESTED		1NZE32AD 19400	DOANE & JENNIFER ROTAKOWSKI	618 NE 81ST AVE	PORTLAND OR 97213-6933
13	RETURN SERVICE REQUESTED		1NZE32DA 1200	LAMAR ADVERTISING OF EUGENE	PO BOX 66338	BATON ROUGE LA 70896-6338
14	RETURN SERVICE REQUESTED		1NZE33BC 7600	PORTLAND PARKS & RECREATION	1120 SW 5TH AVE #1302	PORTLAND OR 97204-1912
15				CURRENT RESIDENT	8219 NE GLISAN ST	PORTLAND OR 97220
16				CURRENT RESIDENT	8218 NE GLISAN ST	PORTLAND OR 97220
17				CURRENT RESIDENT	8101 NE GLISAN ST	PORTLAND OR 97213
18				CURRENT RESIDENT	710 NE 81ST AVE	PORTLAND OR 97213
19				CURRENT RESIDENT	632 NE 81ST AVE	PORTLAND OR 97213
20				CURRENT RESIDENT	630 NE 81ST AVE	PORTLAND OR 97213
21				CURRENT RESIDENT	515 NE 82ND AVE	PORTLAND OR 97213
22	RETURN SERVICE REQUESTED		RESPONDENT	HARTINGER KATHRYN	8335 NE PACIFIC ST	PORTLAND OR 97220
23	RETURN SERVICE REQUESTED		MONTAVILLA NEIGHBORHOOD ASSOC	RHOADS ANANDA	8046 SE YAMHILL ST	PORTLAND OR 97215
24	RETURN SERVICE REQUESTED		1NZE32AD 19500	STERN ANDREW C & STERN AMY L	622 NE 81ST AVE	PORTLAND OR 97213
25	RETURN SERVICE REQUESTED		RESPONDENT	COPELAND KYLE	113 SE 75TH AVE	PORTLAND OR 97215
26	RETURN SERVICE REQUESTED		DUNCAN WALLACE	PM DESIGN GROUP INC	19401 40TH AVE WEST SUITE 300	LYNWOOD WA 98036
27	RETURN SERVICE REQUESTED		1NZE32AD 20700	PACKWEST ENERGY LLC	3450 E COMMERCIAL CT	MERIDIAN ID 83642-8915
28	RETURN SERVICE REQUESTED		SCOTT STOM	JACKSON'S FOOD STORES INC	3450 E COMMERCIAL CT	MERIDIAN ID 83643
29	RETURN SERVICE REQUESTED		MONTAVILLA NA LAND USE CONTACT	C/O SE UPLIFT	3534 SE MAIN ST	PORTLAND OR 97214
30	RETURN SERVICE REQUESTED		LEAH FISHER	SOUTHEAST UPLIFT	3534 SE MAIN ST	PORTLAND OR 97214
31	RETURN SERVICE REQUESTED		FRANK HARRIS	82ND AVE OF ROSES BUSINESS ASSOC	PO BOX 86775	PORTLAND OR 97286
32	RETURN SERVICE REQUESTED		ATTN LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE SUITE 300	PORTLAND OR 97201
33	RETURN SERVICE REQUESTED		ATTN LAND USE CONTACT	PLAN AMENDMENT SPECIALIST	635 CAPITAL ST NE #150	SALEM OR 97301
34				ATTN LAND USE CONTACT	PDC	B129
35					ATTN LAND USE CONTACT	128/METRO
36					DAWN KRANTZ	B299/R5000
37	RETURN SERVICE REQUESTED		17-191030 REC 10-10-14	CASE FILE FEUERBACHER	1900 SW 4TH AVE #5000	PORTLAND OR 97201

June 22, 2017

Applicant: PM Design Group Inc.

Attn: Duncan Wallace

Property: Jacksons

515 NE 82nd Street

Portland, OR 97202

Application for Adjustment to Transit Street Setback (Setbacks 33.130.215.C.2 and Table 130-3 & 130-4)

Application for Adjustment to Pedestrian Standards 33.130.240.B.1.a.2

Application for Adjustment to On-site locations of vehicle areas-33.266.130.C.3.b

Proposal

We propose to demolish existing convenience store, car wash and canopy and to construct a new 4,477 square foot food sales store and 2,646 square foot fuel island canopy. We will expand the current site from 17,250 square foot site to a 40,301 square foot site. The existing underground fuel storage tanks will remain in place. The new food sales store will be located within 10 feet of NE 82nd and within 178 feet of NE Glisan street.

Adjustment #1. Due to the streets being Transit streets the development is subject to Transit street setback requirements. We are requesting an adjustment to the 10 foot maximum setback on NE Glisan Street. We have identified this as adjustment #1 in the body of this letter.

Adjustment #2. Because of the location of the food sales store relative to fueling area the Pedestrian standards of 33.130.240.B.1.a.2, providing an additional connection to the other street, is not met. We are requesting an adjustment to the requirement for a pedestrian connection to NE Glisan street. We have identified this as adjustment #2 in the body of this letter.

Adjustment #3. Due to the nature of the development which serves the purpose of selling fuel to automotive customers in addition to food sales we exceed the 50% requirements of on-site locations of vehicle area. We are requesting an adjustment to the 50% maximum vehicle area requirement. We have identified this as adjustment #3 in the body of this letter.

Approval Criteria A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Adjustment #1. The first regulation to be modified is the 10-foot maximum setback for enclosed buildings located adjacent to Transit Streets in the CG zone. The purposes of the regulation to be modified as stated in Section 33.130.215.C.2 of the Zoning Code are:

- They create an environment that is inviting to pedestrians and transit users.

The requested adjustment is consistent with the stated purposes of the regulation because:

rec. June 26, 2017

EXHIBIT A-1

17-193030 AD

1. Granting the adjustment will result in a much-improved development over what currently exists for transit, pedestrian and automotive customers. The proposed development is very inviting to both pedestrian and transit users with an emphasis on providing pedestrian scale design and direct access from the building entrance to the highest classification transit street and the longest property frontage which is NE 82nd Street. Glisan street is a lower classification transit street than 82nd street.
2. Locating the building adjacent to NE Glisan Street would require removing the existing underground storage tanks. It is far more favorable to keep the existing tanks where they remain. Removing tanks is an environmental risk that is closely monitored by the State Department of Environmental Quality. The benefit of locating the building closer to the lower classification of the two transit streets (NE Glisan Street) in our opinion does not outweigh the inherent risks involved with tank removal. Fiberglass underground storage tanks cannot be recycled and the remaining product within the tanks are subject to the requirements of Hazardous Waste regulations and will need to be disposed of accordingly.
3. The tanker truck is presently filling the underground storage tanks in their existing location without a problem or concern to the existing neighbors which are largely automotive based. Locating the food store at the south end of the lot would force the location of the fueling area to the north which would locate the tanker truck path, noise, vapors and any potential spills closer to the existing residential properties to the northeast.
4. In order to meet the maximum setback on both streets the canopy would be behind (north) of the food store. This would create an unsafe condition as local police would not have direct line of sight to fueling area while patrolling Glisan street. Customers would not feel safe when using the fueling area. The lack of frontage on Glisan street creates a very narrow lot and a unique situation where the convenience store building if located on the corner would not allow enough space for parking on the side of the building. See attached sketch. This scenario would only allow for six parking stalls along the north apron. Additional parking would be over 120' feet away on the north side of the fuel area and not inviting nor practical.
5. Previous variance, VZ 212-83, allowed for existing condition of vehicle maneuvering between a building and a transit street.

Adjustment #2. The second regulation to be modified is the pedestrian standards for connection to a street in addition to the main street. The purposes of the regulation to be modified as stated in Section 33.130.240.B.1.a.2 of the Zoning Code are:

- The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments.
- They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site.
- In addition, they provide for connections between adjacent sites, where feasible.

The requested adjustment is consistent with the stated purposes of the regulation because:

1. Access to the site for transit and pedestrians from Glisan street is better served by utilizing the sidewalk along 82nd rather than routing across a vehicle area for a minimal reduction of path of travel. Since the frontage on Glisan street is only 115' the benefit to a path running diagonal to the SW corner would only result in a minimal reduction in travel. That is assuming that a path could run

diagonal through the lot which it cannot. It is far safer for the pedestrian and the automotive patrons for the pedestrians and transit user to use the public sidewalk.

2. Pedestrian access to 82nd street exceeds requirements. It provides a very appealing connection to store entrances on south, east and north sides. Development is offering mitigation in the form of a public space along southeast edge of building with tables and chairs.

Adjustment #3. The third regulation to be modified is On-site locations of vehicle areas which are not to exceed 50% adjacent to a transit street. The purposes of the regulation to be modified as stated in Section 33.266.130.C.3.b of the Zoning Code are:

- Provide a pedestrian access that is protected from auto traffic; and
 - Create an environment that is inviting to pedestrians and transit users.
 - The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:
 - Improve and soften the appearance of parking areas;
 - Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
 - Provide flexibility to reduce the visual impacts of small residential parking lots;
 - Direct traffic in parking areas;
 - Shade and cool parking areas;
 - Reduce the amount and rate of stormwater runoff from vehicle areas;
 - Reduce pollution and temperature of stormwater runoff from vehicle areas; and
 - Decrease airborne and waterborne pollution
1. A pedestrian path is provided from 82nd street. The proposed store and pedestrian access is very inviting.
 2. Development is 39% Vehicle Area Frontage which is less than the 50% vehicle area frontage limitation along the northern parcels (R22793, R227394, R227395, R227396, R227397)
 3. Parking area meets all standards with regard to appearance, safety, shade, runoff and pollution.
 4. Vehicle Areas. The existing lot width of 115' precludes the development from meeting the Vehicle Area restriction of 50% maximum for both frontages and was previously approved through a variance.
 5. As described in the Adjustment #1, street setback portion, there are many valid reasons for locating the fuel canopy at the frontage on Glisan street. The existing fuel tanks are located at the south end of the property and we propose to reuse them. The tanker path is already established and has been proven to work in this area. It is prohibitive for a 50% vehicle area restriction at a fuel station unless that fuel station was part of a larger development such as a Safeway or Costco.
 6. The intent of the GC zone is to allow auto based businesses to also serve the transit customers. Our convenience store serves the transit and pedestrian customers extremely well and is also capable of serving automotive customers in a safe and convenient manner.

B. If in a residential zone, the proposal will not significantly detract from the livability or the appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

- This does not apply due to our zone being commercial

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

- The three adjustments are based on increasing the maximum setback standard, pedestrian access and increasing the vehicle areas frontage standard. They are very much inter-related and based on a desire for an attractive, safe and functional site design. The GC zone is intended to allow a full range of retail and service businesses with development standards that promote attractive development with an open and pleasant street appearance. The proposed food sales store with fuel will support the commercial purpose of this zone. The cumulative impact of the three adjustments will allow the building to be sited further from one of the streets than would be allowed otherwise, but this will not prevent an open and pleasant street appearance or create an unattractive development. Additional mitigating improvements are included, that are beyond the code requirements such as additional glazing on east and south elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.

D. City-designated scenic resources and historic resources are preserved; and

- No scenic or historic resources are impacted so this does not apply

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

- Mitigating improvements are included, that are beyond the code requirements such as additional glazing on east elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.
- Pedestrian connection exceeds minimum width of 6' by providing a 13' wide hard-surface connection to NE 82nd along south façade and 7' along west façade not counting public sidewalk.
- Ground floor windows are not required beyond 20 feet from street lot line. However Jacksons recognizes the importance of ground floor windows for the transit, pedestrian and automotive customers and has exceeded the intent of the ground floor windows code by providing ground floor windows on south façade that equal 62% of length and 44% of area vs the requirement of 25% of length and 12.5% of the area. The code only counts requires the glazing up to 9' above finish floor and the building has proposed glazing at 11' above finish floor.
- Significant trees will be maintained to the maximum extent possible. Reference landscaping plan.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

- Development is not in an environmental zone. However the proposed re-use of the underground storage tanks system will minimize the environmental impacts and not result in large quantities for fiberglass reinforced plastic at local landfill.



VICINITY MAP NTS

SITE DATA

[illegible]

NOTES

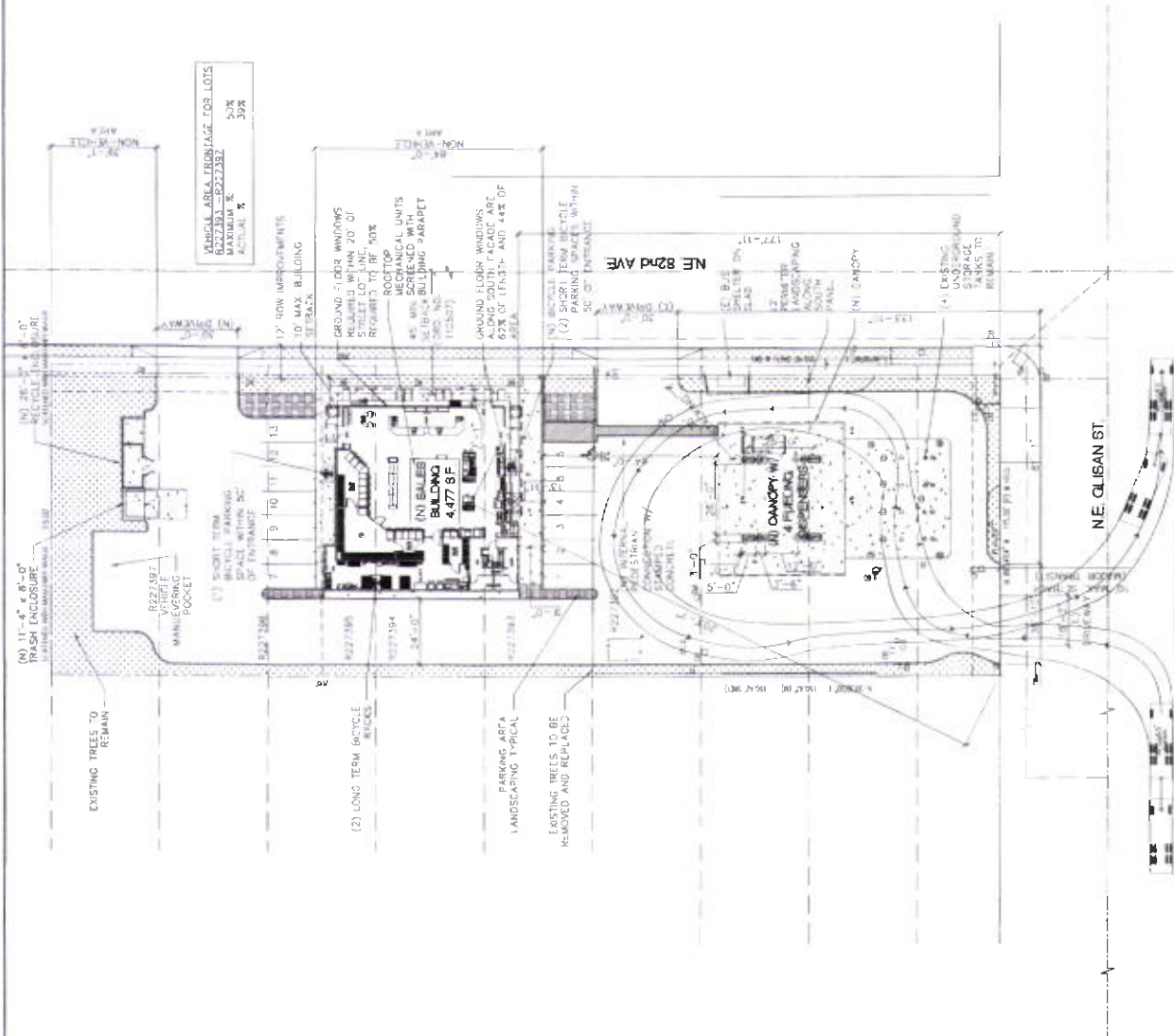
1. The above will require a separate manuscript and pages, dated July 16, 1971.
2. The author has been notified that the above will not be used without a separate manuscript and pages.
3. The author has been notified that the above will not be used without a separate manuscript and pages.
4. The author has been notified that the above will not be used without a separate manuscript and pages.
5. The author has been notified that the above will not be used without a separate manuscript and pages.

PROPOSED SITE DESIGN INFORMATION

[illegible]

LEGEND

PROPERTY NAME
ADDRESS
CITY
STATE
ZIP


$$\frac{1}{\sqrt{2}} \begin{pmatrix} 1 & 0 \\ 0 & 1 \end{pmatrix} = \frac{1}{\sqrt{2}} \begin{pmatrix} 1 & 0 \\ 0 & 1 \end{pmatrix} = \frac{1}{\sqrt{2}} \begin{pmatrix} 1 & 0 \\ 0 & 1 \end{pmatrix}$$




December 15, 2017

Applicant: PM Design Group Inc.

Attn: Duncan Wallace

Property: Jacksons

515 NE 82nd Street

Portland, OR 97202

Application for Adjustment to Transit Street Setback (Setbacks 33.130.215.C.2 and Table 130-3 & 130-4)

Application for Adjustment to On-site locations of vehicle areas-33.266.130.C.3.b

Proposal

We propose to demolish existing convenience store, car wash and canopy and to construct a new 4,477 square foot food sales store and 2,646 square foot fuel island canopy. We will expand the current site from 17,250 square foot site to a 40,301 square foot site. The existing underground fuel storage tanks will remain in place. The new food sales store will be located within 10 feet of NE 82nd Street and within 178 feet of NE Glisan Street.

Adjustment #1. Due to the streets being Transit streets the development is subject to Transit street setback requirements. We are requesting an adjustment to the 10 foot maximum setback on NE Glisan Street. We have identified this as adjustment #1 in the body of this letter.

Adjustment #2. Due to the nature of the development which serves the purpose of maintaining the sale of fuel to automotive customers in addition to food sales we exceed the 50% requirements of on-site locations of vehicle area. We are requesting an adjustment to the 50% maximum vehicle area requirement. We have identified this as adjustment #2 in the body of this letter.

Approval Criteria A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Adjustment #1. The first regulation to be modified is the 10-foot maximum setback for enclosed buildings located adjacent to Transit Streets in the CG zone. The purposes of the regulation to be modified as stated in Section 33.130.215.C.2 of the Zoning Code are:

- They create an environment that is inviting to pedestrians and transit users.

The requested adjustment is consistent with the stated purposes of the regulation because:

1. City staff recommended during EA 17-142606 that the fuel station portion of the project remain at the south end of the lot due to environmental concerns as well as the detrimental relocation of fuel services closer to residential to the north. Staff recommended we provide mitigation to create an environment that is inviting to pedestrian and transit users.
2. City staff recommended during EA 17-142606 that increasing landscape beyond what was required is a recommended way of providing mitigation. We have provided more landscaping than is required and also saved as many existing trees as possible.

EXHIBIT A-2
17-193030 AD

Rec. Dec. 21, 2017

3. Granting the adjustment will result in a much-improved development over what currently exists for transit, pedestrian and automotive customers. The proposed development is very inviting to both pedestrian and transit users with an emphasis on providing pedestrian scale design and direct access from the building entrance to the highest classification transit street and the longest property frontage which is NE 82nd Street. Glisan street is a lower classification transit street than 82nd street, this fact combined with the intent to maintain existing underground storage tanks in use, leads us to focus the design towards the maximum setback on 82nd.
4. Locating the building adjacent to NE Glisan Street would require removing the existing underground fuel storage tanks. It is far more favorable to keep the existing fuel tanks where they remain. City staff stated during EA-17-142606 that they would prefer fuel tanks remain where they are currently located due to environmental reasons. Removing fuel tanks is an environmental risk that is closely monitored by the State Department of Environmental Quality. The benefit of locating the building closer to the lower classification of the two transit streets (NE Glisan Street) does not outweigh the inherent risks involved with fuel tank removal. Fiberglass underground storage tanks cannot be recycled and the remaining product within the tanks are subject to the requirements of Hazardous Waste regulations and will need to be disposed of accordingly.
5. The tanker truck is presently filling the underground fuel storage tanks in their existing location at the south end of the development without a problem or concern to the existing neighbors which are largely automotive based. Locating the food store at the south end of the lot would force the location of the fueling area to the north which would locate the tanker truck path, noise, vapors and any potential spills closer to the existing residential properties to the northeast.
6. In order to meet the maximum setback on both streets the canopy would be behind (north) of the food store. This would create an unsafe condition as local police would not have direct line of sight to fueling area while patrolling Glisan street. Customers would not feel safe when using the fueling area. The lack of frontage on Glisan street creates a very narrow lot and a unique situation where the convenience store building if located on the corner would not allow enough space for parking on the side of the building. This scenario would only allow for six parking stalls along the north apron. Additional parking would be over 120' feet away on the north side of the fuel area and not inviting nor practical.
7. Previous variance, VZ 212-83, allowed for existing condition of vehicle maneuvering between a building and a transit street.

Adjustment #2. The third regulation to be modified is On-site locations of vehicle areas which are not to exceed 50% adjacent to a transit street. The purposes of the regulation to be modified as stated in Section 33.266.130.C.3.b of the Zoning Code are:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:
- Improve and soften the appearance of parking areas;

- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
 - Provide flexibility to reduce the visual impacts of small residential parking lots;
 - Direct traffic in parking areas;
 - Shade and cool parking areas;
 - Reduce the amount and rate of stormwater runoff from vehicle areas;
 - Reduce pollution and temperature of stormwater runoff from vehicle areas; and
 - Decrease airborne and waterborne pollution
1. City staff stated during EA 17-142606 that “the amount of vehicle area at the fuel station is difficult to reduce substantially” and “overall, an adjustment will likely need to be requested for this standard (33.266.130 C.b)” as well as “the request is more likely to be able to meet the approval criteria if mitigation is provided in the form of landscaping or pedestrian amenities”. We have strived to provide as much additional landscaping and pedestrian amenities as possible and still maintain a safe development. See below for additional detail.
 2. A pedestrian path is provided from 82nd street. The proposed store and pedestrian access is very inviting with a wide concrete walkway, canopy for weather protection, outdoor seating and lighting. A second raised pedestrian connection is provided to NE Glisan per the city staff recommendation during EA 17-142606, which is adjacent to perimeter landscaping and utilizes stamped concrete and has lighting for safety.
 3. To reduce the visual impact from the sidewalk we have improved the perimeter landscape buffer along the fuel station portion of the lot. Required landscaping is L2, low screen. In addition to the low screening requirements of L2 which is 36" high we have also provided a decorative masonry wall that is 36" high and will provide additional noise reduction and visual screening similar to a L4 standard. At the corner we have created a pedestrian plaza, with stamped concrete, additional landscape area beyond the required 5', a trellis along the top of the landscape wall and low level pedestrian scale accent lighting. Plazas do not exceed one-third of landscaped area.
 4. Development of the northern parcels which encompasses the convenience store is 39% Vehicle Area Frontage (77' of 200') which is less than the 50% vehicle area frontage limitation along those parcels (R22793, R227394, R227395, R227396, R227397). In correspondence with the original planner we were asked to concentrate on the northern parcels as the southern parcels were an existing fuel station that was to remain and would no
 5. Mitigation is provided for the additional vehicle area by retaining more than 1/3 of non-exempt trees. Ten non-exempt trees are located on site and the proposed development will retain four of those existing trees. Some of these trees will be on public property after the 5 foot street dedication. However even after the street dedication we will meet the required number of non-exempt trees. In addition developer is proposing to make a mitigation payment for non-exempt trees that cannot be saved per 11.50.040.C1.a.3 and Table 50-1.
 6. Parking area meets all standards with regard to appearance, safety, shade, runoff and pollution.
 7. Vehicle Areas. The existing lot width of 115' along Glisan precludes the development from meeting the Vehicle Area restriction of 50% maximum for both frontages. This vehicle area was previously approved through a variance and this frontage has not changed with regard to use but has been significantly been improved with additional landscaping, pedestrian plaza and trellis.
 8. As described in the Adjustment #1, street setback portion, there are many valid reasons for locating the fuel canopy at the frontage on Glisan street. The existing fuel tanks are located at the south end

of the property and we propose to reuse them. The tanker path is already established and has been proven to work in this area. It is prohibitive for a 50% vehicle area restriction at a fuel station unless that fuel station was a small portion of a larger development such as a Safeway or Costco.

9. The intent of the GC zone is to allow auto based businesses to also serve the transit customers. Our convenience store serves the transit and pedestrian customers extremely well and is also capable of serving automotive customers in a safe and convenient manner. The square footage of area dedicated the fuel canopy is much less than the area dedicated to the store which serves pedestrian, transit and bicycle customers
10. The existing easternmost driveway will be closed on NE Glisan per PBOT request on October 25, 2016. ODOT supports this required closure. This closure requires a rerouting of the existing fuel truck path which we have accounted for in our design.
11. ODOT "discussed the possibility" of consolidating the two northern driveways on NE 82nd to one. We have reviewed this possibility and do not think a single access would be feasible and would actually cause a negative impact to safety with fuel trucks, delivery trucks, trash collection trucks, employees and customers all relying on one driveway along NE 82nd. The site is too long and narrow for just one access and we feel it is safer to separate the northerly service access from the more public used southerly access. We cannot utilize the southern driveway for our delivery vehicles as the clearance does not work. Even if we could route the truck in that direction it would be very unsafe with a pedestrians crossing from the canopy over to the store. The area south of the store would be much too congested with a combination of pedestrians, employees, transit users, bicyclists, vehicle customers and delivery vehicles for both fuel and goods.

In our proposed design non-fueling customers can utilize the north access and avoid the busier fueling access to the south. Removal of northerly access would require trash and recycling to be moved to the south and cause additional traffic congestion south of store.

We have submitted our site plan to ODOT and they are currently reviewing. PBOT has indicated they generally follow ODOT's recommendation.

12. Existing significant trees have been preserved that soften the vehicle areas as well as provide additional shade for parking, pedestrians, transit users, bicyclists and all customers using provided seating

B. If in a residential zone, the proposal will not significantly detract from the livability or the appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

- Our proposed development is consistent with the desired character of the zone. It is an auto accommodating commercial development but it is limited in size to a relatively modest Convenience Store and only 4 pump islands for fuel. Most typical new fuel stations have at least 6 pump islands and 8 or more is not uncommon. It has also provided mitigation adjacent to the transit streets by keeping the existing tanks and fuel islands where they were originally placed and providing a pedestrian/transit friendly building within the maximum setback of the 82nd. As discussed in adjustment 1, Item 3, the development is very inviting to pedestrian/transit users. The development meets or exceeds many of the developments standards and is very aesthetically pleasing to all users with existing significant trees, more glazing than required (see

item E, page 5), two separate outdoor seating areas, extra wide walkways, two plazas with seating, high end building materials and extensive building awnings.

- Development is consistent with the classification of the adjacent streets as described below:
 - Major City Traffic Street (82nd, Glisan) – the development will orient to auto development as well as pedestrians to 82nd and Glisan.
 - Major Transit Priority Streets (82nd) – the development is outside the any plan district so auto-oriented development is not discouraged. Safe and convenient access is provided for pedestrians and bicyclists along Major Transit Priority Street streets and includes direct access to store with bicycle parking. Bus Shelter exists along 82nd.
 - Transit Access Street (Glisan) – the development provides pedestrian and transit-oriented development with safe and convenient access to the store via a pedestrian access path.
 - City Bikeway (Glisan) – the development serves bicyclists with wide sidewalks and pedestrian path. Development is not discouraged from auto-oriented land use as Glisan is a Major City Traffic Street. Covered Bicycle Parking is provided on store apron near both the north and south entrances.
 - Local Service Bikeway (82nd) – the development serves local bicyclists with direct access to 82nd along with bicycle parking on store sidewalk near entrances.
 - City Walkways (82nd, Glisan) – the development provides safe and attractive pedestrian access to store through use of dedicated building access to 82nd and raised pedestrian connection to Glisan. Pedestrian access is adjacent to landscaping in route to Glisan and has significant trees and seating in route to 82nd.
 - Regional Main Street (82nd) - the development provides service for transit, bicycles and pedestrians.
 - Community Main Street (Glisan) - the development provides services for motor vehicles and special features such as pedestrian access for public transportation, bicycles and pedestrians.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

- The two adjustments are based on increasing the maximum setback standard and increasing the vehicle areas frontage standard. They are very much inter-related and based on a desire for an attractive, safe and functional site design. The GC zone is intended to allow a full range of retail and service businesses with development standards that promote attractive development with an open and pleasant street appearance. The proposed food sales store with fuel will support the commercial purpose of this zone. The cumulative impact of the two adjustments will allow the building to be sited further from one of the streets than would be allowed otherwise, but this will not prevent an open and pleasant street appearance or create an unattractive development. Additional mitigating improvements are included, that are beyond the code requirements such as additional glazing on east and south elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.

D. City-designated scenic resources and historic resources are preserved; and

- No scenic or historic resources are impacted so this does not apply

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

- Mitigating improvements are included, that are beyond the code requirements such as additional glazing on east elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.
- Pedestrian connection exceeds minimum width of 6' by providing a 13' wide hard-surface connection to NE 82nd along south façade and 7' along west façade not counting public sidewalk. Pedestrian connection also includes weather protection for a portion of the area as well as outdoor seating and tables.
- Ground floor windows are not required beyond 20 feet from street lot line. However Jacksons recognizes the importance of ground floor windows for the transit, pedestrian and automotive customers and has exceeded the intent of the ground floor windows code by providing ground floor windows on south façade that equal 62% of length and 44% of area vs the requirement of 25% of length and 12.5% of the area. The code only counts requires the glazing up to 9' above finish floor and the building has proposed glazing at 11' above finish floor.
- More significant trees will be maintained than required. Reference Existing Tree Plan and Site Plan. See adjustment #2, item 5 for additional information.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

- Development is not in an environmental zone. However the proposed re-use of the underground fuel storage tanks system will minimize the environmental impacts and not result in large quantities for fiberglass reinforced plastic at local landfill.



September 7, 2017

Applicant: PM Design Group Inc.

Attn: Duncan Wallace

Property: Jacksons

515 NE 82nd Street

Portland, OR 97202

Application for Adjustment to Transit Street Setback (Setbacks 33.130.215.C.2 and Table 130-3 & 130-4)

Application for Adjustment to On-site locations of vehicle areas-33.266.130.C.3.b

Proposal

We propose to demolish existing convenience store, car wash and canopy and to construct a new 4,477 square foot food sales store and 2,646 square foot fuel island canopy. We will expand the current site from 17,250 square foot site to a 40,301 square foot site. The existing underground fuel storage tanks will remain in place. The new food sales store will be located within 10 feet of NE 82nd and within 178 feet of NE Glisan street.

Adjustment #1. Due to the streets being Transit streets the development is subject to Transit street setback requirements. We are requesting an adjustment to the 10 foot maximum setback on NE Glisan Street. We have identified this as adjustment #1 in the body of this letter.

Adjustment #2. Due to the nature of the development which serves the purpose of maintaining the sale of fuel to automotive customers in addition to food sales we exceed the 50% requirements of on-site locations of vehicle area. We are requesting an adjustment to the 50% maximum vehicle area requirement. We have identified this as adjustment #3 in the body of this letter.

Approval Criteria A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Adjustment #1. The first regulation to be modified is the 10-foot maximum setback for enclosed buildings located adjacent to Transit Streets in the CG zone. The purposes of the regulation to be modified as stated in Section 33.130.215.C.2 of the Zoning Code are:

- They create an environment that is inviting to pedestrians and transit users.

The requested adjustment is consistent with the stated purposes of the regulation because:

1. Granting the adjustment will result in a much-improved development over what currently exists for transit, pedestrian and automotive customers. The proposed development is very inviting to both pedestrian and transit users with an emphasis on providing pedestrian scale design and direct access from the building entrance to the highest classification transit street and the longest property frontage which is NE 82nd Street. Glisan street is a lower classification transit street than 82nd street, therefore design to meet the maximum setback is focused on 82nd.

2. Locating the building adjacent to NE Glisan Street would require removing the existing underground fuel storage tanks. It is far more favorable to keep the existing fuel tanks where they remain. Removing fuel tanks is an environmental risk that is closely monitored by the State Department of Environmental Quality. The benefit of locating the building closer to the lower classification of the two transit streets (NE Glisan Street) in our opinion does not outweigh the inherent risks involved with fuel tank removal. Fiberglass underground storage tanks cannot be recycled and the remaining product within the tanks are subject to the requirements of Hazardous Waste regulations and will need to be disposed of accordingly.
3. The tanker truck is presently filling the underground fuel storage tanks in their existing location without a problem or concern to the existing neighbors which are largely automotive based. Locating the food store at the south end of the lot would force the location of the fueling area to the north which would locate the tanker truck path, noise, vapors and any potential spills closer to the existing residential properties to the northeast.
4. In order to meet the maximum setback on both streets the canopy would be behind (north) of the food store. This would create an unsafe condition as local police would not have direct line of sight to fueling area while patrolling Glisan street. Customers would not feel safe when using the fueling area. The lack of frontage on Glisan street creates a very narrow lot and a unique situation where the convenience store building if located on the corner would not allow enough space for parking on the side of the building. This scenario would only allow for six parking stalls along the north apron. Additional parking would be over 120' feet away on the north side of the fuel area and not inviting nor practical.
5. Previous variance, VZ 212-83, allowed for existing condition of vehicle maneuvering between a building and a transit street.

Adjustment #2. The third regulation to be modified is On-site locations of vehicle areas which are not to exceed 50% adjacent to a transit street. The purposes of the regulation to be modified as stated in Section 33.266.130.C.3.b of the Zoning Code are:

- Provide a pedestrian access that is protected from auto traffic; and
 - Create an environment that is inviting to pedestrians and transit users.
 - The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:
 - Improve and soften the appearance of parking areas;
 - Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
 - Provide flexibility to reduce the visual impacts of small residential parking lots;
 - Direct traffic in parking areas;
 - Shade and cool parking areas;
 - Reduce the amount and rate of stormwater runoff from vehicle areas;
 - Reduce pollution and temperature of stormwater runoff from vehicle areas; and
 - Decrease airborne and waterborne pollution
1. A pedestrian path is provided from 82nd street. The proposed store and pedestrian access is very inviting. A second raised pedestrian connection is provided to NE Glisan and is protected by a curb on the automotive side.

2. Development is 39% Vehicle Area Frontage which is less than the 50% vehicle area frontage limitation along the northern parcels (R22793, R227394, R227395, R227396, R227397)
3. Parking area meets all standards with regard to appearance, safety, shade, runoff and pollution.
4. Mitigation is provided for the additional vehicle area by retaining more than 1/3 of non-exempt trees. Ten non-exempt trees are located on site and the proposed development will retain five of those existing trees. In addition developer is proposing to make a mitigation payment for non-exempt trees that cannot be saved per 11.50.040.C1.a.3 and Table 50-1.
5. Vehicle Areas. The existing lot width of 115' precludes the development from meeting the Vehicle Area restriction of 50% maximum for both frontages and was previously approved through a variance.
6. As described in the Adjustment #1, street setback portion, there are many valid reasons for locating the fuel canopy at the frontage on Glisan street. The existing fuel tanks are located at the south end of the property and we propose to reuse them. The tanker path is already established and has been proven to work in this area. It is prohibitive for a 50% vehicle area restriction at a fuel station unless that fuel station was a small portion of a larger development such as a Safeway or Costco.
7. The intent of the GC zone is to allow auto based businesses to also serve the transit customers. Our convenience store serves the transit and pedestrian customers extremely well and is also capable of serving automotive customers in a safe and convenient manner. The square footage of area dedicated the fuel canopy is much less than the area dedicated to the store which serves pedestrian, transit and bicycle customers
8. The existing number of fuel pumps is 6 and the proposed development will have 4. The development is reducing the automotive focused portion of the business and is increasing the commercial portion that serves all customers with additional amenities provided for pedestrian, transit and bicycle riding customers.
9. Existing significant trees have been preserved that soften the vehicle areas as well as provide additional shade for parking, pedestrians, transit users, bicyclists and all customers using provided seating

B. If in a residential zone, the proposal will not significantly detract from the livability or the appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

- Our proposed development is consistent with the desired character of the zone. It is an auto accommodating commercial development but it is limited in size to a relatively modest Convenience Store and only 4 pump islands for fuel. Most typical new fuel stations have at least 6 pump islands and 8 or more is not uncommon. It has also provided mitigation adjacent to the transit streets by keeping the existing tanks and fuel islands where they were originally placed and providing a pedestrian/transit friendly building within the maximum setback of the 82nd. As discussed in page 1 Item 1 the development is very inviting to pedestrian/transit users. The development meets or exceeds many of the developments standards and is very aesthetically pleasing to all users with existing significant trees, more glazing than required (see item E, page 5), two separate outdoor seating areas, extra wide walkways, high end building materials and extensive building awnings.
- Development is consistent with the classification of the adjacent streets as described below:

- Major City Traffic Street (82nd, Glisan) – the development will orient to auto development as well as pedestrians to 82nd and Glisan.
- Major Transit Priority Streets (82nd) – the development is outside the any plan district so auto-oriented development is not discouraged. Safe and convenient access is provided for pedestrians and bicyclists along Major Transit Priority Street streets and includes direct access to store with bicycle parking. Bus Shelter exists along 82nd.
- Transit Access Street (Glisan) – the development provides pedestrian and transit-oriented development with safe and convenient access to the store via a pedestrian access path.
- City Bikeway (Glisan) – the development serves bicyclists with wide sidewalks and pedestrian path. Development is not discouraged from auto-oriented land use as Glisan is a Major City Traffic Street. Bicycle Parking is provided on store sidewalk near entrances.
- Local Service Bikeway (82nd) – the development serves local bicyclists with direct access to 82nd along with bicycle parking on store sidewalk near entrances.
- City Walkways (82nd, Glisan) – the development provides safe and attractive pedestrian access to store through use of dedicated building access to 82nd and raised pedestrian connection to Glisan. Pedestrian access is adjacent to landscaping in route to Glisan and has significant trees and seating in route to 82nd.
- Regional Main Street (82nd) - the development provides service for transit, bicycles and pedestrians.
- Community Main Street (Glisan) - the development provides services for motor vehicles and special features such as pedestrian access for public transportation, bicycles and pedestrians.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

- The two adjustments are based on increasing the maximum setback standard, pedestrian access and increasing the vehicle areas frontage standard. They are very much inter-related and based on a desire for an attractive, safe and functional site design. The GC zone is intended to allow a full range of retail and service businesses with development standards that promote attractive development with an open and pleasant street appearance. The proposed food sales store with fuel will support the commercial purpose of this zone. The cumulative impact of the three adjustments will allow the building to be sited further from one of the streets than would be allowed otherwise, but this will not prevent an open and pleasant street appearance or create an unattractive development. Additional mitigating improvements are included, that are beyond the code requirements such as additional glazing on east and south elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.

D. City-designated scenic resources and historic resources are preserved; and

- No scenic or historic resources are impacted so this does not apply

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

- Mitigating improvements are included, that are beyond the code requirements such as additional glazing on east elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.
- Pedestrian connection exceeds minimum width of 6' by providing a 13' wide hard-surface connection to NE 82nd along south façade and 7' along west façade not counting public sidewalk.
- Ground floor windows are not required beyond 20 feet from street lot line. However Jacksons recognizes the importance of ground floor windows for the transit, pedestrian and automotive customers and has exceeded the intent of the ground floor windows code by providing ground floor windows on south façade that equal 62% of length and 44% of area vs the requirement of 25% of length and 12.5% of the area. The code only counts requires the glazing up to 9' above finish floor and the building has proposed glazing at 11' above finish floor.
- More significant trees will be maintained than required.. Reference Existing Tree Plan and Site Plan. See item 4, page 3 for additional information.

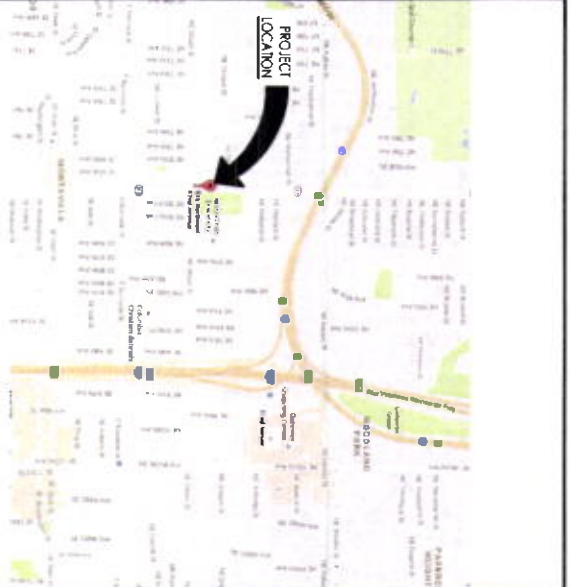
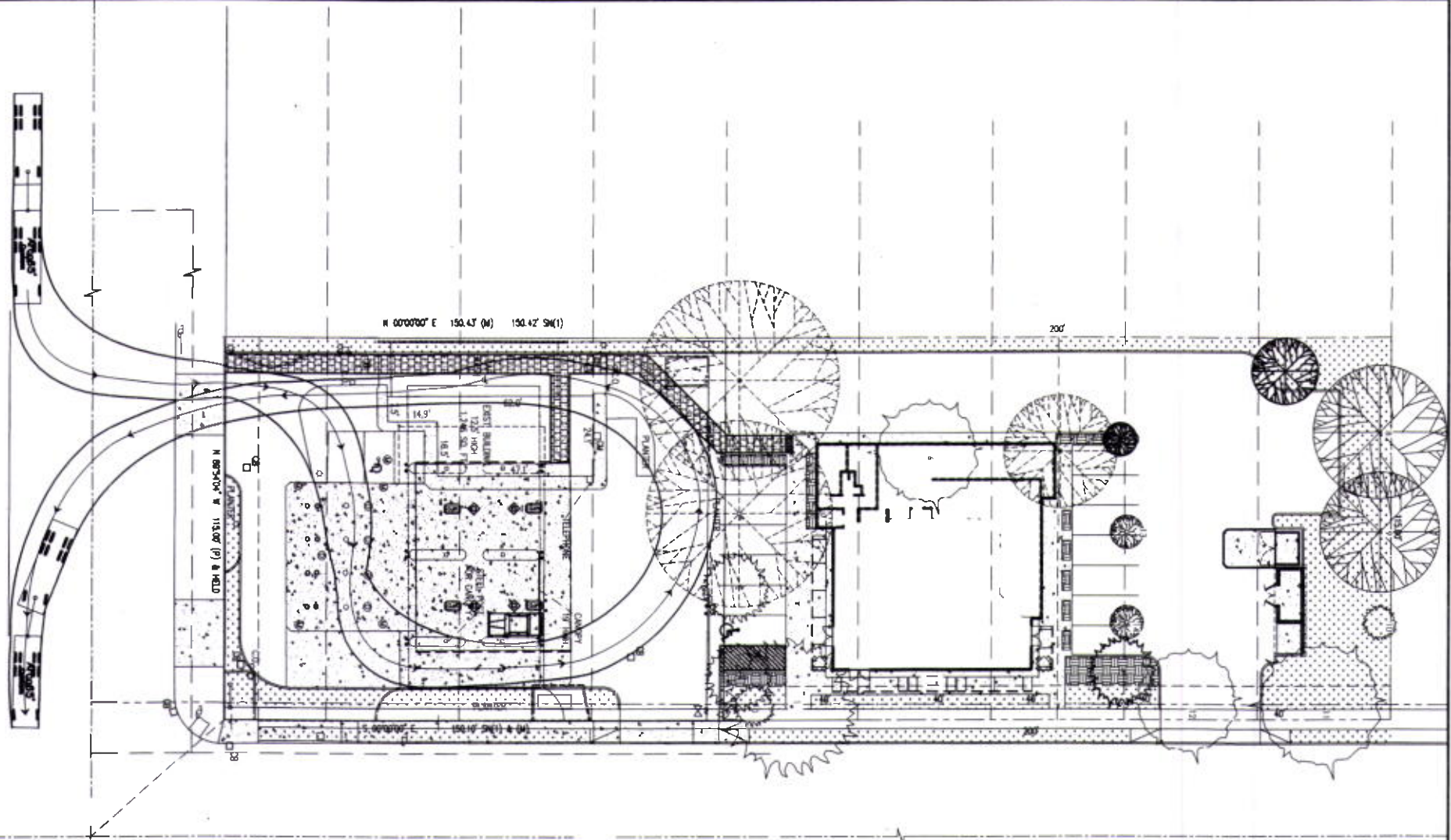
F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

- Development is not in an environmental zone. However the proposed re-use of the underground fuel storage tanks system will minimize the environmental impacts and not result in large quantities for fiberglass reinforced plastic at local landfill.

RECEIVED
SEP 08 2017
BY _____

EXISTING TREES					DESCRIPTION	
CALL OUT	THICK DIA	COOP	HEIGHT	WOUND/STATUS		
0	5.0"	6.8'	13'	X	COASTAL PINE - STAINED GROWN UNDER 15' CANOPY PRUNED TO 7' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 7' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 7' ABOVE SURFACE.	
1	16.0"	20.8'	40'	X	COASTAL PINE - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
2	11.0"	10.8'	40'	X	COASTAL PINE - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
3	10.0"	10.8'	30'	X	COASTAL PINE - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
4	21.0"	28.8'	80'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
5	24.0"	30.8'	100'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
6	16.0"	15.8'	50'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
7	22.0"	17.8'	40'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
8	16.0"	20.8'	60'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
9	16.0"	8.8'	20'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
10	5.0"	5.8'	18'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
11	18.0"	16.8'	60'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
12	20.0"	15.8'	55'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
13	4.0"	5.8'	12'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	
14	4.0"	5.8'	12'	X	OAK - PRUNED TO 11' ABOVE SURFACE. BRANCHES CHIPPING AND TRUNK PRUNED TO 11' ABOVE SURFACE.	

NOTE: TREES ARE TO REMAIN EXCEPT TREES, WE ARE SAVING 3 OF THEM WHICH EXCEEDS THE MINIMUM REQUIREMENT OF 31%.



VICINITY MAP NT8

SITE DATA

ADDRESS: 515 NE 82nd St
PORTLAND, OR 97220
PROPERTY ID: R27392
TAX LOT: 1N2E32A-21200
CITY OF PORTLAND
EXISTING SITE AREA: 17,280 SF (0.397 ACRES)
PROPOSED SITE AREA: 40,301 SF (0.925 ACRES)
EXISTING ZONING: CC GENERAL COMMERCIAL

NOTES

1. SEE ALSO SITE RESEARCH REPORT PREPARED BY PHDO, DATED JULY 18, 2016.
2. 10' MAX. SETBACK ON NE ALIGN WILL NOT BE MET AND WILL REQUIRE A VARIANCE. WE WILL TRY TO AVOID TRAILING (3) SHAPES ON TRAILING STREETS MAY BE USED FOR VEHICLE AREAS AND WILL REQUIRE A VARIANCE.
3. TRAILING STREET MAY ENTRANCE MUST BE WITHIN 25' OF NE BOUND.

PROPOSED SITE DESIGN INFORMATION

LANDSCAPE DESIGN REQUIRED: 8 STALLS (1,760 SF NET BUILDING AREA)
LANDSCAPE DESIGN REQUIRED: 13 STALLS (1,760 SF NET BUILDING AREA)
LANDSCAPE DESIGN REQUIRED: 13 STALLS (1,760 SF NET BUILDING AREA)
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LANDSCAPE DESIGN REQUIRED: 13 STALLS (1,760 SF NET BUILDING AREA)

LEGEND

- PROPERTY LINE
- CONCRETE OR OTHER PAVING
- LANDSCAPE AREA - REMOVED
- LANDSCAPE AREA - PROPOSED

Ken McCracken,
Architect
1801 45TH AVE WEST
LYNNWOOD, WA 98036
(206) 455-7777
KEN@MCCRAKENARCHITECT.COM



MARK	DATE	REVISION
1		PLANNING DEPT. SUBMITTAL

Jacksons
STORE #523
515 NE 82nd AVE.
PORTLAND, OR.

Project Number:
JAC16003.0

EXISTING
TREE
SURVEY
PLAN

SP1

October 9, 2017

Applicant: PM Design Group Inc.

Attn: Duncan Wallace

Property: Jacksons

515 NE 82nd Street

Portland, OR 97202

Application for Adjustment to Transit Street Setback (Setbacks 33.130.215.C.2 and Table 130-3 & 130-4)

Application for Adjustment to On-site locations of vehicle areas-33.266.130.C.3.b

Proposal

We propose to demolish existing convenience store, car wash and canopy and to construct a new 4,477 square foot food sales store and 2,646 square foot fuel island canopy. We will expand the current site from 17,250 square foot site to a 40,301 square foot site. The existing underground fuel storage tanks will remain in place. The new food sales store will be located within 10 feet of NE 82nd and within 178 feet of NE Glisan street.

Adjustment #1. Due to the streets being Transit streets the development is subject to Transit street setback requirements. We are requesting an adjustment to the 10 foot maximum setback on NE Glisan Street. We have identified this as adjustment #1 in the body of this letter.

Adjustment #2. Due to the nature of the development which serves the purpose of maintaining the sale of fuel to automotive customers in addition to food sales we exceed the 50% requirements of on-site locations of vehicle area. We are requesting an adjustment to the 50% maximum vehicle area requirement. We have identified this as adjustment #2 in the body of this letter.

Approval Criteria A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Adjustment #1. The first regulation to be modified is the 10-foot maximum setback for enclosed buildings located adjacent to Transit Streets in the CG zone. The purposes of the regulation to be modified as stated in Section 33.130.215.C.2 of the Zoning Code are:

- They create an environment that is inviting to pedestrians and transit users.

The requested adjustment is consistent with the stated purposes of the regulation because:

1. Granting the adjustment will result in a much-improved development over what currently exists for transit, pedestrian and automotive customers. The proposed development is very inviting to both pedestrian and transit users with an emphasis on providing pedestrian scale design and direct access from the building entrance to the highest classification transit street and the longest property frontage which is NE 82nd Street. Glisan street is a lower classification transit street than 82nd street, this fact combined with the intent to maintain existing underground storage tanks in use, leads us to focus the design towards the maximum setback on 82nd.

2. Locating the building adjacent to NE Glisan Street would require removing the existing underground fuel storage tanks. It is far more favorable to keep the existing fuel tanks where they remain. Removing fuel tanks is an environmental risk that is closely monitored by the State Department of Environmental Quality. The benefit of locating the building closer to the lower classification of the two transit streets (NE Glisan Street) in our opinion does not outweigh the inherent risks involved with fuel tank removal. Fiberglass underground storage tanks cannot be recycled and the remaining product within the tanks are subject to the requirements of Hazardous Waste regulations and will need to be disposed of accordingly.
3. The tanker truck is presently filling the underground fuel storage tanks in their existing location without a problem or concern to the existing neighbors which are largely automotive based. Locating the food store at the south end of the lot would force the location of the fueling area to the north which would locate the tanker truck path, noise, vapors and any potential spills closer to the existing residential properties to the northeast.
4. In order to meet the maximum setback on both streets the canopy would be behind (north) of the food store. This would create an unsafe condition as local police would not have direct line of sight to fueling area while patrolling Glisan street. Customers would not feel safe when using the fueling area. The lack of frontage on Glisan street creates a very narrow lot and a unique situation where the convenience store building if located on the corner would not allow enough space for parking on the side of the building. This scenario would only allow for six parking stalls along the north apron. Additional parking would be over 120' feet away on the north side of the fuel area and not inviting nor practical.
5. Previous variance, VZ 212-83, allowed for existing condition of vehicle maneuvering between a building and a transit street.

Adjustment #2. The third regulation to be modified is On-site locations of vehicle areas which are not to exceed 50% adjacent to a transit street. The purposes of the regulation to be modified as stated in Section 33.266.130.C.3.b of the Zoning Code are:

- Provide a pedestrian access that is protected from auto traffic; and
 - Create an environment that is inviting to pedestrians and transit users.
 - The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:
 - Improve and soften the appearance of parking areas;
 - Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
 - Provide flexibility to reduce the visual impacts of small residential parking lots;
 - Direct traffic in parking areas;
 - Shade and cool parking areas;
 - Reduce the amount and rate of stormwater runoff from vehicle areas;
 - Reduce pollution and temperature of stormwater runoff from vehicle areas; and
 - Decrease airborne and waterborne pollution
1. A pedestrian path is provided from 82nd street. The proposed store and pedestrian access is very inviting. A second raised pedestrian connection is provided to NE Glisan.

2. Development of the northern parcels which encompasses the convenience store is 39% Vehicle Area Frontage (77' of 200') which is less than the 50% vehicle area frontage limitation along those parcels (R22793, R227394, R227395, R227396, R227397)
3. Parking area meets all standards with regard to appearance, safety, shade, runoff and pollution.
4. Mitigation is provided for the additional vehicle area by retaining more than 1/3 of non-exempt trees. Ten non-exempt trees are located on site and the proposed development will retain four of those existing trees. In addition developer is proposing to make a mitigation payment for non-exempt trees that cannot be saved per 11.50.040.C1.a.3 and Table 50-1.
5. Vehicle Areas. The existing lot width of 115' along Glisan precludes the development from meeting the Vehicle Area restriction of 50% maximum for both frontages and was previously approved through a variance.
6. As described in the Adjustment #1, street setback portion, there are many valid reasons for locating the fuel canopy at the frontage on Glisan street. The existing fuel tanks are located at the south end of the property and we propose to reuse them. The tanker path is already established and has been proven to work in this area. It is prohibitive for a 50% vehicle area restriction at a fuel station unless that fuel station was a small portion of a larger development such as a Safeway or Costco.
7. The intent of the GC zone is to allow auto based businesses to also serve the transit customers. Our convenience store serves the transit and pedestrian customers extremely well and is also capable of serving automotive customers in a safe and convenient manner. The square footage of area dedicated the fuel canopy is much less than the area dedicated to the store which serves pedestrian, transit and bicycle customers
8. The existing number of fuel pumps is 6 and the proposed development will have 4. The development is reducing the automotive focused portion of the business and is increasing the commercial portion that serves all customers with additional amenities provided for pedestrian, transit and bicycle riding customers.
9. Existing significant trees have been preserved that soften the vehicle areas as well as provide additional shade for parking, pedestrians, transit users, bicyclists and all customers using provided seating

B. If in a residential zone, the proposal will not significantly detract from the livability or the appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

- Our proposed development is consistent with the desired character of the zone. It is an auto accommodating commercial development but it is limited in size to a relatively modest Convenience Store and only 4 pump islands for fuel. Most typical new fuel stations have at least 6 pump islands and 8 or more is not uncommon. It has also provided mitigation adjacent to the transit streets by keeping the existing tanks and fuel islands where they were originally placed and providing a pedestrian/transit friendly building within the maximum setback of the 82nd. As discussed in page 1, Item1, the development is very inviting to pedestrian/transit users. The development meets or exceeds many of the developments standards and is very aesthetically pleasing to all users with existing significant trees, more glazing than required (see item E, page 5), two separate outdoor seating areas, extra wide walkways, high end building materials and extensive building awnings.
- Development is consistent with the classification of the adjacent streets as described below:

- Major City Traffic Street (82nd, Glisan) – the development will orient to auto development as well as pedestrians to 82nd and Glisan.
- Major Transit Priority Streets (82nd) – the development is outside the any plan district so auto-oriented development is not discouraged. Safe and convenient access is provided for pedestrians and bicyclists along Major Transit Priority Street streets and includes direct access to store with bicycle parking. Bus Shelter exists along 82nd.
- Transit Access Street (Glisan) – the development provides pedestrian and transit-oriented development with safe and convenient access to the store via a pedestrian access path.
- City Bikeway (Glisan) – the development serves bicyclists with wide sidewalks and pedestrian path. Development is not discouraged from auto-oriented land use as Glisan is a Major City Traffic Street. Bicycle Parking is provided on store sidewalk near entrances.
- Local Service Bikeway (82nd) – the development serves local bicyclists with direct access to 82nd along with bicycle parking on store sidewalk near entrances.
- City Walkways (82nd, Glisan) – the development provides safe and attractive pedestrian access to store through use of dedicated building access to 82nd and raised pedestrian connection to Glisan. Pedestrian access is adjacent to landscaping in route to Glisan and has significant trees and seating in route to 82nd.
- Regional Main Street (82nd) - the development provides service for transit, bicycles and pedestrians.
- Community Main Street (Glisan) - the development provides services for motor vehicles and special features such as pedestrian access for public transportation, bicycles and pedestrians.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

- The two adjustments are based on increasing the maximum setback standard, pedestrian access and increasing the vehicle areas frontage standard. They are very much inter-related and based on a desire for an attractive, safe and functional site design. The GC zone is intended to allow a full range of retail and service businesses with development standards that promote attractive development with an open and pleasant street appearance. The proposed food sales store with fuel will support the commercial purpose of this zone. The cumulative impact of the three adjustments will allow the building to be sited further from one of the streets than would be allowed otherwise, but this will not prevent an open and pleasant street appearance or create an unattractive development. Additional mitigating improvements are included, that are beyond the code requirements such as additional glazing on east and south elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.

D. City-designated scenic resources and historic resources are preserved; and

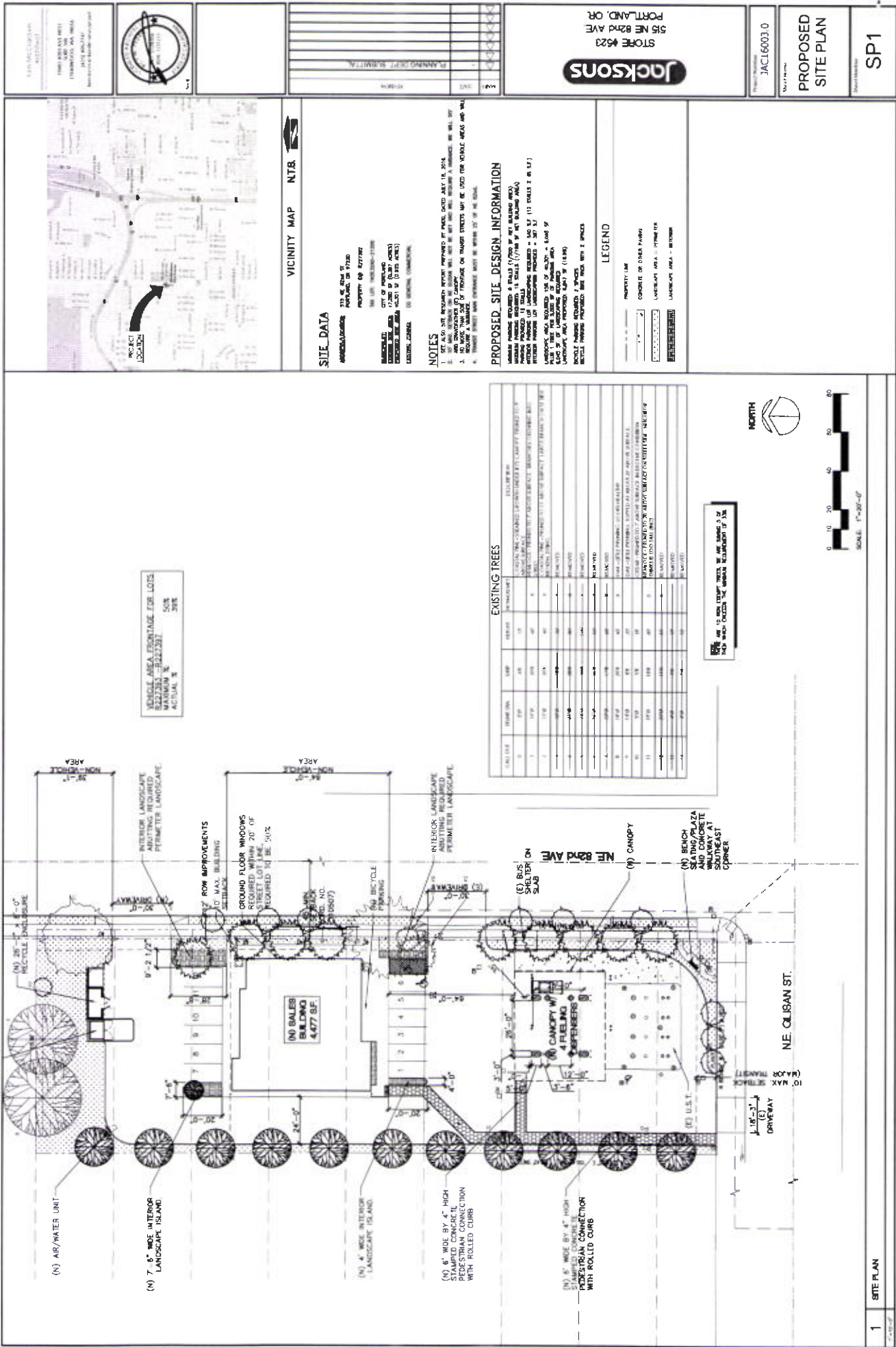
- No scenic or historic resources are impacted so this does not apply

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

- Mitigating improvements are included, that are beyond the code requirements such as additional glazing on east elevations, cultured stone wainscot, metal awnings with tie backs on all facades with glazing, stepped parapets and cornice.
- Pedestrian connection exceeds minimum width of 6' by providing a 13' wide hard-surface connection to NE 82nd along south façade and 7' along west façade not counting public sidewalk.
- Ground floor windows are not required beyond 20 feet from street lot line. However Jacksons recognizes the importance of ground floor windows for the transit, pedestrian and automotive customers and has exceeded the intent of the ground floor windows code by providing ground floor windows on south façade that equal 62% of length and 44% of area vs the requirement of 25% of length and 12.5% of the area. The code only counts requires the glazing up to 9' above finish floor and the building has proposed glazing at 11' above finish floor.
- More significant trees will be maintained than required. Reference Existing Tree Plan and Site Plan. See item 4, page 3 for additional information.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

- Development is not in an environmental zone. However the proposed re-use of the underground fuel storage tanks system will minimize the environmental impacts and not result in large quantities for fiberglass reinforced plastic at local landfill.



[illegible][illegible]

1

1. AFTER NO SIGNIFICANT AND THE FOLLOWING DECREASES THE SCHOOL PERSONNEL AND STUDENT OF THE

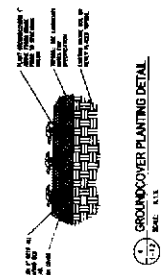
[illegible]

CALL OUT	THREAT DATA	DWR	HEALTH	BTL PROPOSAL	NET CREDIT CALC	DISCUSSION
0	570	6R	13	SAVE	1 SMALL	COASTAL PINE, TRAINED GROWTH UNDER 15' CANOPY, PRIORITY 1 P
1	1870	20R	60	SAVE	1 MEDIUM	BRANDER - TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
2	1170	10R	40	SAVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES ON THE EDGE
3	1070	10R	30	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED HEAVY UP TO 1' ABOVE SURFACE, MANY BR
4	2150	20R	80	REMOVE	1 MEDIUM	COVERED BRANCHES AND ARROUND TRUNK
5	2470	20R	100	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
6	1470	15R	55	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
7	2270	17R	60	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
8	1470	8R	20	SAVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
9	570	5R	10	SAVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
10	1170	10R	40	SAVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
11	2070	15R	55	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
12	470	4R	5	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
13	470	4R	5	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET
14	470	4R	5	REMOVE	1 MEDIUM	COASTAL PINE, TRAINED TO 1' ABOVE SURFACE, BRANCHES GROWING INTO STREET

1.5" TO 6" = 1 SMALL TREE, CANOPY OF 300 SF
6" = 1 MEDIUM TREE, CANOPY OF 500 SF, WITH EACH ADDITIONAL 6" AS AN ADDITIONAL MEDIUM TREE CROWN

NOTE:
TREE PRESERVATION REQUIREMENTS:
ONE THIRD OF TREES 12" OR LARGER IN DIAMETER ARE TO BE PRESERVED.
-9 TOTAL TREES ARE 12" IN DIAMETER. CODE REQUIRES 3 TREES TO BE SAVED.
PROPOSE TO SAVE 4 TREES. (1,8,9,11)

SITE REQUIRES 4,045 SF (158) OF TREE DENSITY
 CREDITS. SITE PROPOSES 10 MEDIUM TREE DENSITY CREDITS FROM 5 TREES (#1,2,8,9,11) +
 3,000 SF OF TREE DENSITY
 CREDITS FROM 2 SMALL TREE DENSITY CREDITS FROM 2 TREES (#2,10) =
 600 SF OF TREE DENSITY
 CREDITS. LANDSCAPE PLAN PROPOSES 3,174 SF OF TREE DENSITY CREDITS (CANOPY
 FACTOR)
 = EXCEEDS CODE REQUIREMENT (3,000 + 600 + 3174 = 6,774)



Attn:
PM Design Group, Inc.
19401 40th Ave. W, #200
Lynnwood, WA 98036

RE: Tree Protection for Jacksons #523

Site Address:
515 NE 82nd Ave.
Portland, OR, OR

Hello,

Harrity Tree Specialists, INC. have been requested to provide a tree protection plan for the construction of the Jacksons store #523. There are thirteen trees that fall under Portland's Title 11 jurisdiction, eight of the trees will be protected while the remainder will be removed.

All of the trees on this site will require a performance tree protection plan. The purpose of a performance tree plan is due to the space restrictions for the proposed construction activity. It is the goal of Harrity Tree Specialists to maximize on the space available to protect the preservation trees while still allowing for construction to take place on site.

There are four species of trees on site, each of the trees are described below in regards to health, tolerance to construction, and any prior impacts that have occurred to each trees root zone. Please refer to the map and attached photographs to better understand the specific protection requirements for each tree.

It should be noted that the current conditions of the trees is not ideal, the majority of the site is asphalt which adds a significant amount of heat to the trees and restricts root growth. In addition, all of the trees have been generally neglected from pruning maintenance; with proper measures, the trees can be properly pruned and brought to a higher standard of viability.

Assuming that the tree protection measures listed in this report are followed, it is likely that the trees on this site will continue to thrive in their given space. Pervious surfaces will be used heavily around trees to be preserved.



Matt Sanchez 7/31/2018

HARRITY

TREE SPECIALISTS, INC.
PO Box 12395
PORTLAND, OR 97212
503-331-0452
harritytree@comcast.net

MATTHEW SANCHEZ
CERTIFIED ARBORIST
PNW/ ISA #7830A
CCB #84426

PROVIDING
KNOWLEDGEABLE
CARE FOR TREES
IN THE URBAN
ENVIRONMENT

received 9/6/18

EXHIBIT A-5
17-193030 AD



18" *Cedrus deodara*, deodar cedar

This tree is in fair condition, there are no signs of storm damage, previous mechanical impacts, or disease. The understory is fairly compacted and there is a clear presence of surface roots on the East side of the tree. Generally, deodar cedar responds well to construction activity. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches.



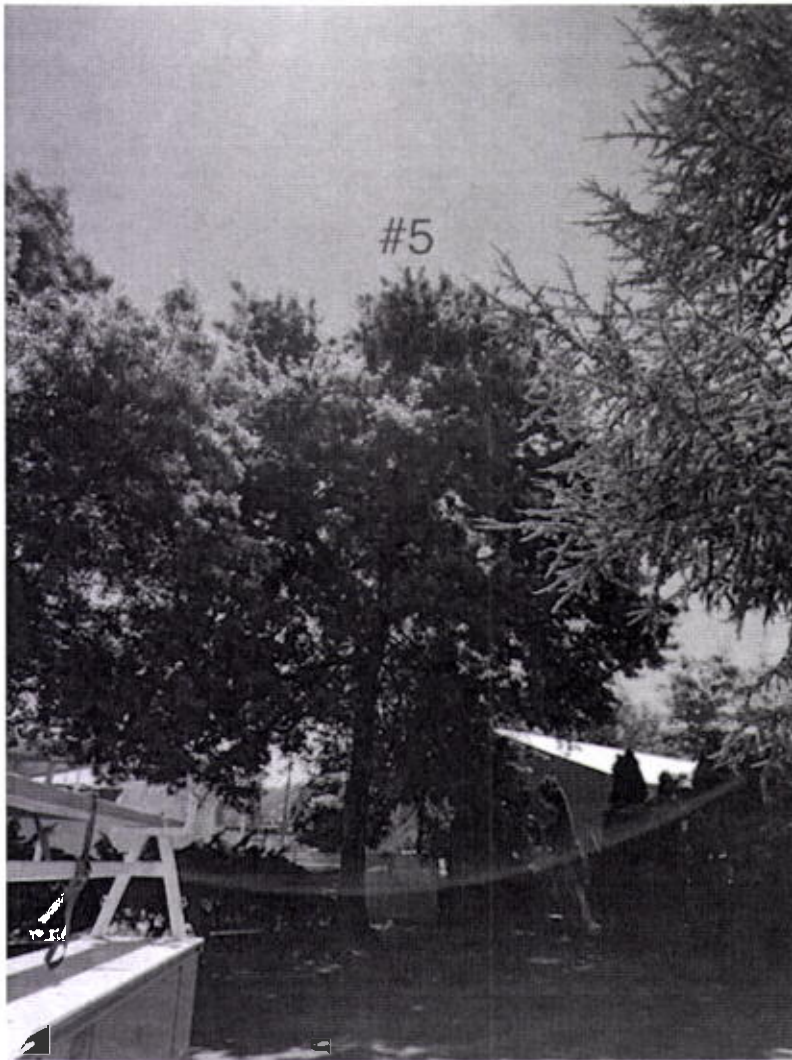
13" *Pinus contorta*, shore pine

This tree is in fair condition, there are clear signs of previous storm damaged limbs, otherwise the tree is viable; there is no sign of previous mechanical impacts. The understory is considerably dry with a mature juniper groundcover. Generally, the coast pine has a shallow root system and it can be easy to encounter larger surface roots during excavation practices. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches.



22" *Quercus palustris*, pin oak

This tree is in fair condition, there is a general lean but the canopy appears to self-correct the issue; there are no signs of previous mechanical impact. The understory is considerably dry with a mature juniper groundcover. Generally, pin oak is a heavily rooted tree with a medium amount of the roots at the surface, but most seek deeper ground water. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches. Dead branch pruning is needed for this tree.



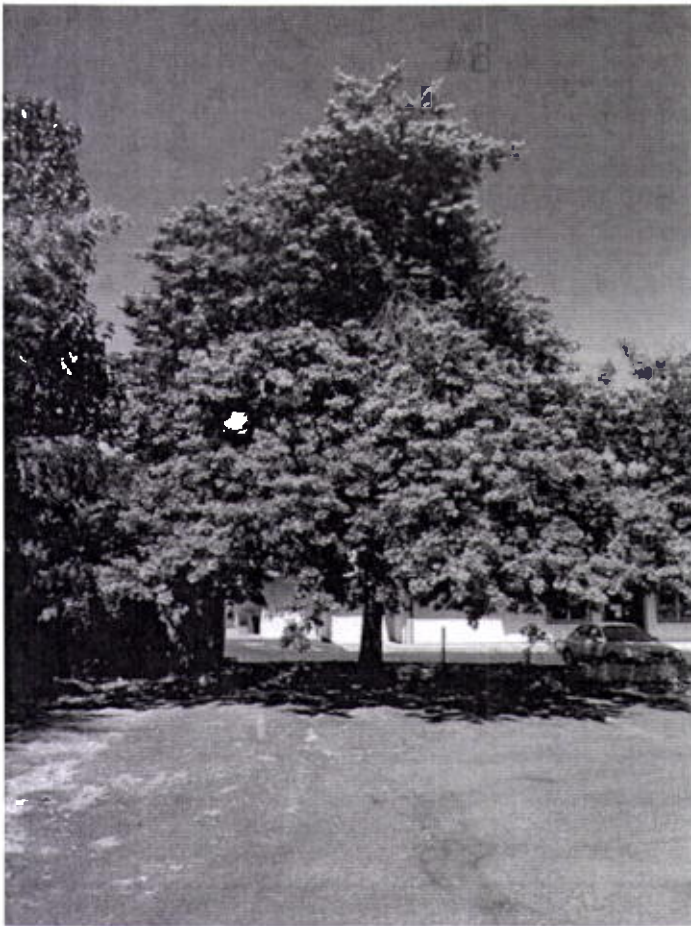
23" *Quercus palustris*, pin oak

This tree is in fair condition, there are no signs of previous mechanical impact. The understory is considerably dry with a mature juniper groundcover. Generally, pin oak is a heavily rooted tree with a medium amount of the roots at the surface, but most seek deeper ground water. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches. Dead branch pruning is needed for this tree.



17" *Cedrus atlantica*, blue Atlas cedar

This tree is in good condition, it has the potential to become a specimen tree if properly maintained. Typically, atlas cedar responds well in construction scenarios and is very similar to deodar cedar. There is one larger surface root growing North that would require an arborist to monitor during the removal of the sidewalk. In addition, there is a light pole growing a few feet from the trunk, assuming this will be removed, Harrity Tree Specialists recommend that the pole be cut at the soil level versus pulled out. Pulling this pole could result in serious root damage that could seriously impact the tree. We recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches.



18" pin oak

This tree is in good condition, there are no signs of previous mechanical impact. Generally, pin oak is a heavily rooted tree with a medium amount of the roots at the surface, but most seek deeper ground water. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches. Dead branch pruning is needed for this tree.



17" deodar cedar

This tree is in fair condition, there are no signs of storm damage, previous mechanical impacts, or disease. The understory is fairly compacted and there is a clear presence of surface roots on the East side of the tree. Generally, deodar cedar responds well to construction activity. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches.



19" deodar cedar

This tree is in fair condition, there are no signs of storm damage, previous mechanical impacts, or disease. The understory is fairly compacted and there is a clear presence of surface roots on the East side of the tree. Generally, deodar cedar responds well to construction activity. In this scenario, the construction activity is going to be close to the tree. Harrity Tree Specialists recommend that an arborist be on site to monitor the removal of concrete and asphalt around the tree. Ideally, the asphalt within the dripline would be removed with a jackhammer or other light excavation tools; as opposed to a larger vehicle. This technique would help prevent tearing of surface roots that are likely to be exposed. We also recommend that if the excavated areas are exposed for a long period of time that a protective layer be placed to protect roots. Materials such as steel plates, wood chips, or large gravel are acceptable. In addition, this tree requires lifting to allow for construction vehicles to pass through without tearing branches.

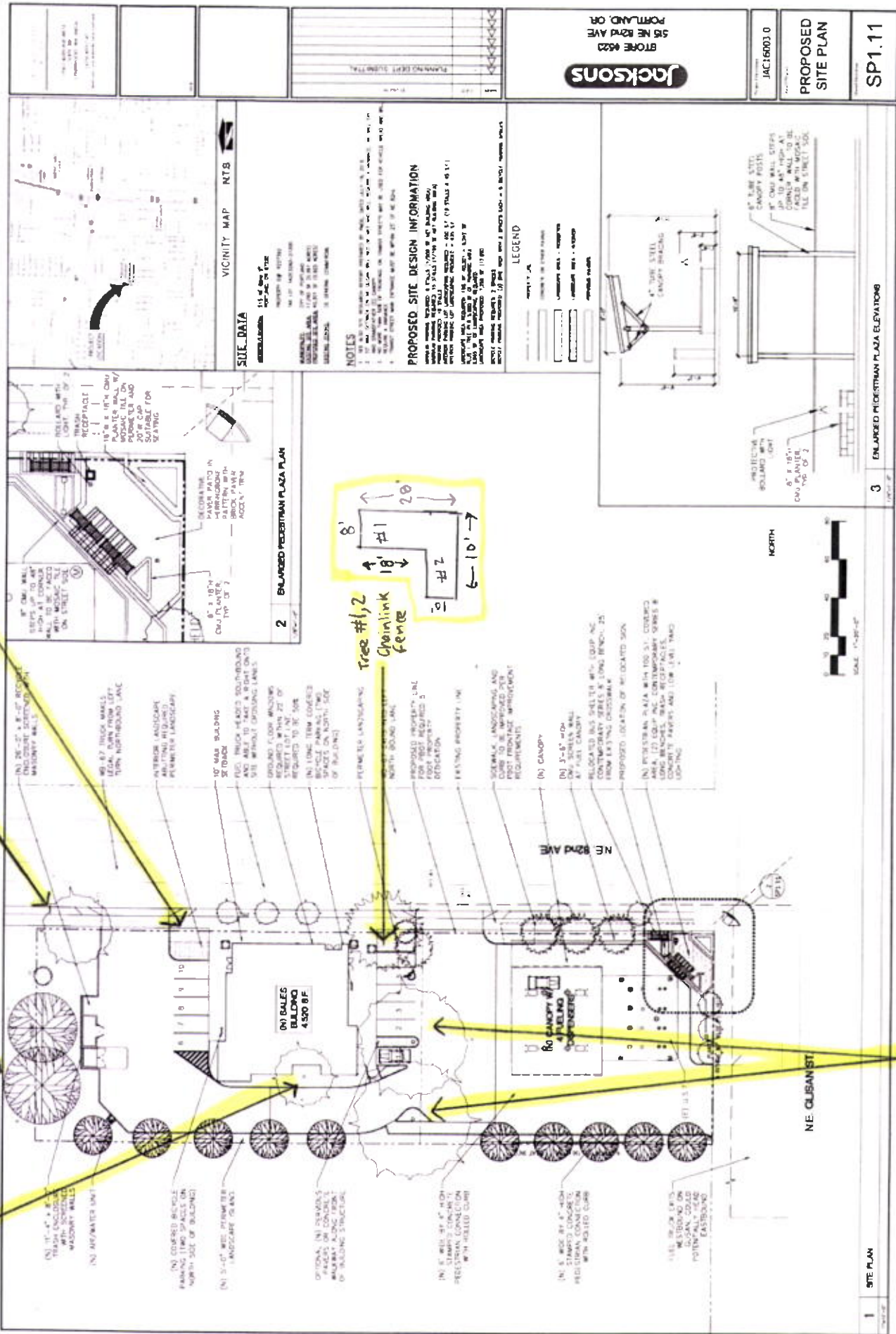
Tree #6
17' N/S, 8' E/W
chainlink fence

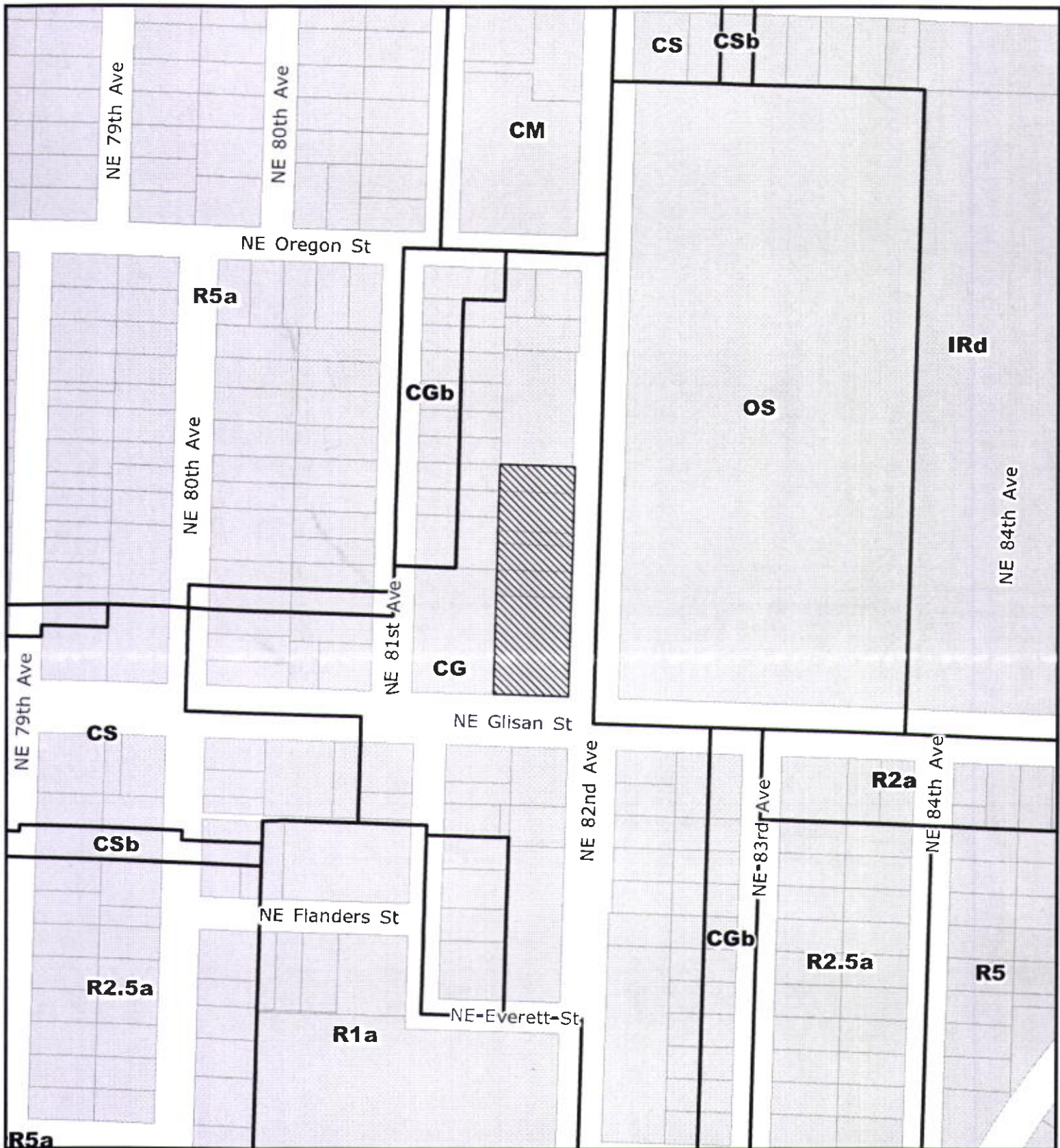
Tree #8
11' N/S, 25' E/W
Chainlink fence

Tree #11
18' N/S, 10' E/W
Chainlink fence

-Tree #12
18' NS, 10' E/W
Chainlink fence

Tree #4, S
10x10'
chainlink fence

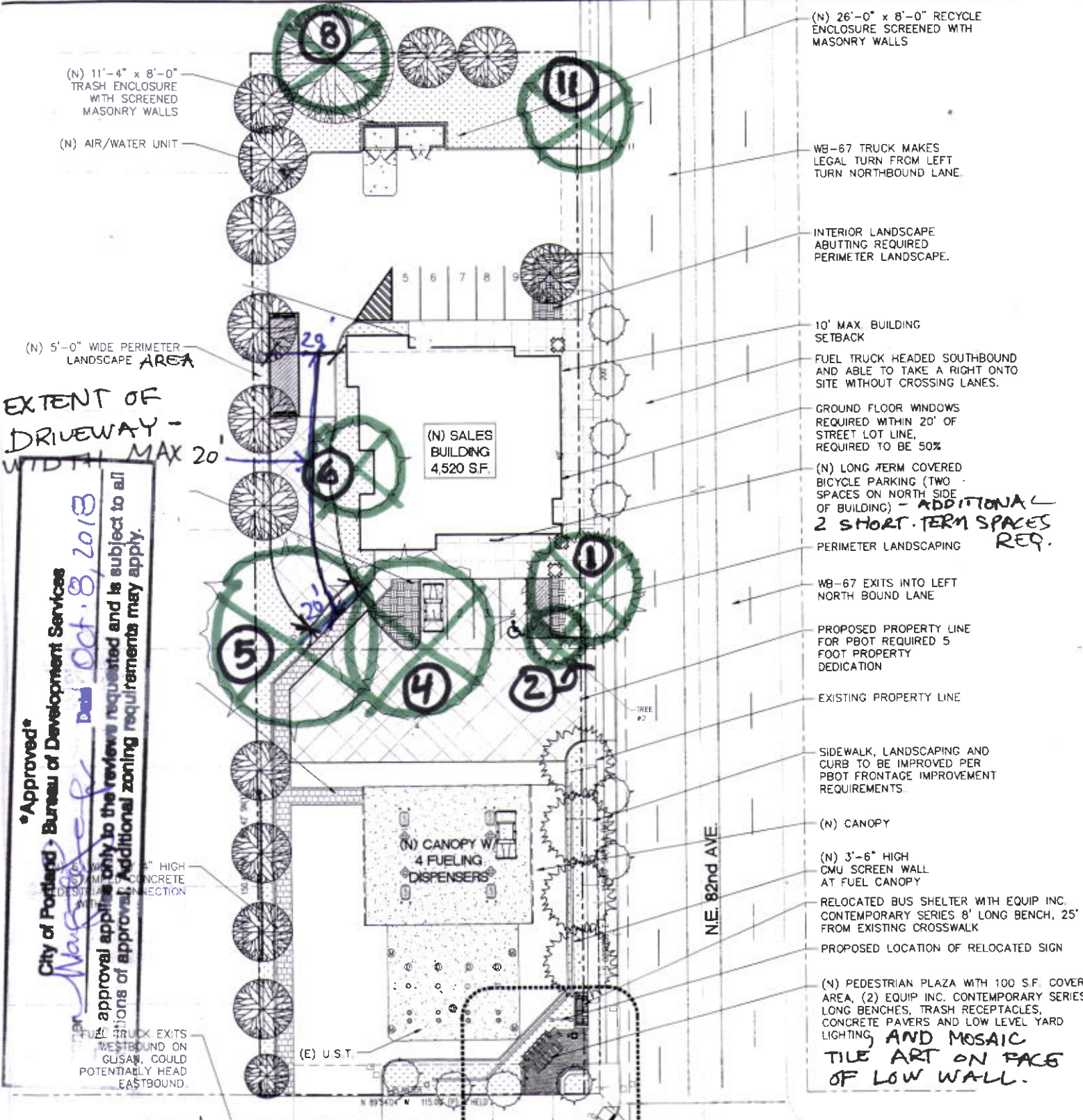




ZONING



File No.	LU 17-193030 AD
1/4 Section	2938
Scale	1 inch = 200 feet
State ID	1N2E32AD 21200
Exhibit	B Jun 26, 2017



Approved*
 City of Portland - Bureau of Development Services
 Date: Oct. 8, 2013
 approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

TREES TO BE PRESERVED:
 #1, 2, 4, 5, 6, 8, 11
 NE GLISAN ST.

EXHIBIT C-1
 17.193030 AD

SITE PLAN + TREE PRESERVATION PLAN

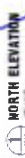
SITE PLAN



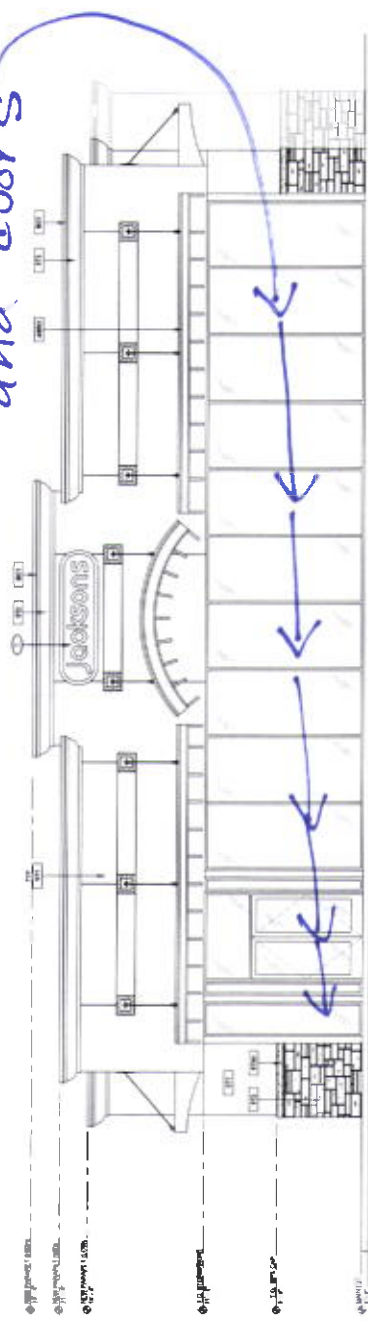
0 10 20

C-1

C-2



• Req.: Clear Glass Storefront windows and doors



EAST ELEVATION

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-3
17.193030 AD

515 NE 82nd AVE
PORTLAND, OR

EXTERIOR ELEVATIONS

A202

EXTERIOR FINISH LEGEND

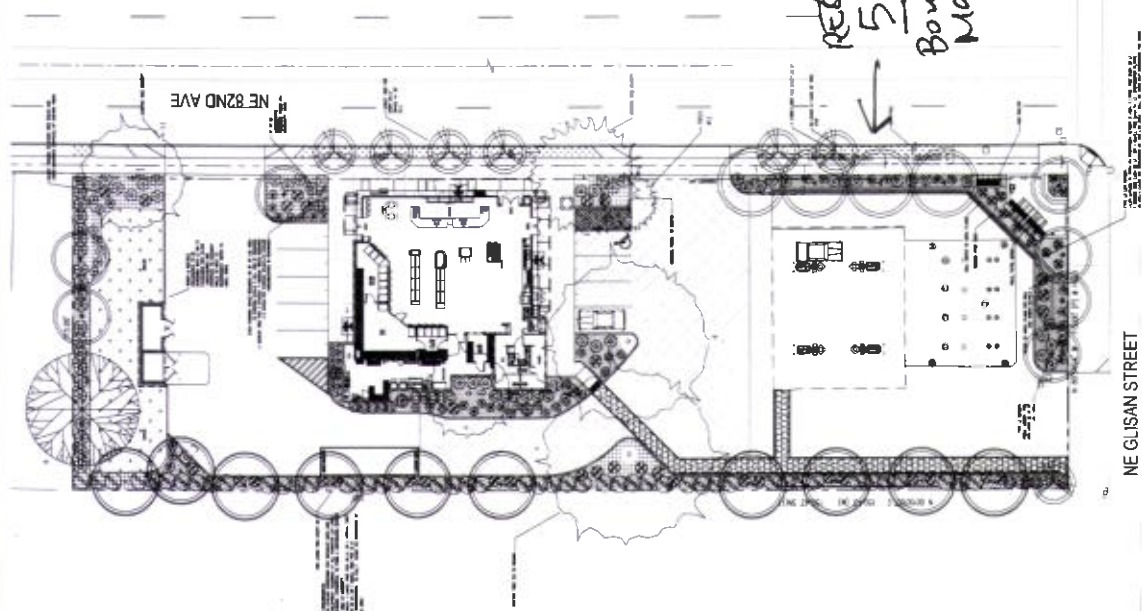
DATE	11/11/77	TIME	11:00 AM
NAME	JOHN J. BROWN	ADDRESS	12345 MAIN ST, NEW YORK, NY 10001
PHONE	212-555-1234	TELETYPE	
SEX	M	AGE	35
HEIGHT	5' 10"	WEIGHT	180
HAIR	BROWN	EYES	BROWN
SCARS	None	MARKS	None
EDUCATION	High School Graduate	EMPLOYMENT	Self-employed
REMARKS	Subject is a known associate of [redacted] and is suspected of involvement in [redacted] activities. Further investigation is required.		

EXTERIOR FINISH SPECIFICATIONS

[illegible]

Approved
City of Portland - Bureau of Development Services
Mr. [Signature] Date Oct 8, 2018
Approval applies only to the reviews requested and is subject to all
conditions of approval. Additional zoning requirements may apply.

Req.: Clear Glass Storefront Windows and Doors



PLANT SCHEDULE

[illegible]

NOTES: NEW TREES APPROVED.
OTHER LANDSCAPING
SPECIES REQ. w/
BUILDING PERMIT.
• SEE EXHIBIT C-1

FOR REQ.
TREE PRESERVATION

DATE	APPROVED (YES)	REJECT (NO)
1/1/2000	ALL APPROVED	NO REJECT
2/1/2000	ALL APPROVED	NO REJECT
3/1/2000	ALL APPROVED	NO REJECT

[illegible][illegible]

City of Portland - Bureau of Development Services
Planner Magister for Date Oct 3, 2018
* Approved*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

	A	B	C	D	E	F
1	ENDORSEMENT	INFO:		NAME	ADDRESS/TO ADDRESS	CITY/STATE/ZIP/ADDRESSSEE
2	RETURN SERVICE REQUESTED	1N2E32DA 100		WASH MAN LLC	PO BOX 4124	PORTLAND OR 97208
3	RETURN SERVICE REQUESTED	1N2E32AD 19200		KSTUDIE LLC	4137 WEST DAY RD	LAKE OSWEGO OR 97035
4	RETURN SERVICE REQUESTED	1N2E32AD 20700		ACKERLEY COMMUNICATIONS OF THE NW	3601 6TH AVE S	SEATTLE WA 98134-2212
5	RETURN SERVICE REQUESTED	1N2E32AD 19800		YEE IAN W	702 NE 81ST AVE	PORTLAND OR 97213-6935
6	RETURN SERVICE REQUESTED	1N2E33CB 8200		THE HOLLAND INC	109 W 47TH ST	VANCOUVER WA 98660-2932
7	RETURN SERVICE REQUESTED	1N2E32DA 1200		STATHES JOAN	960 SW 191ST CT	ALOMA OR 97006-2460
8	RETURN SERVICE REQUESTED	1N2E32AD 19600		EPIDENDIO-81ST AVENUE LLC	PO BOX 22013	CLACKAMAS OR 97269-2013
9	RETURN SERVICE REQUESTED	1N2E32AD 20600		YU RONG J & YU JIC H	PO BOX 3096	MIAMI BEACH FL 33133
10	RETURN SERVICE REQUESTED	1N2E32AD 19500		STERN ANDREW C & STERN AMY L	622 NE 81ST AVE	PORTLAND OR 97213
11	RETURN SERVICE REQUESTED	1N2E32AD 19700		KYLE D DOBELL KYLE	834 NE 81ST AVE	PORTLAND OR 97213-6933
12	RETURN SERVICE REQUESTED	1N2E32AD 19600		CASHIR PROPERTIES DUDZIK JAMES	1134 MORSE LN SW	ALBANY OR 97321-3611
13	RETURN SERVICE REQUESTED	1N2E32AD 19400		DUNNE & JENNIFER RODAKOWSKI	618 NE 81ST AVE	PORTLAND OR 97213-6933
14	RETURN SERVICE REQUESTED	1N2E32DA 1200		LANAR ADVERTISING OF EUGENE	PO BOX 66338	BATON ROUGE LA 70896-6338
15	RETURN SERVICE REQUESTED	1N2E33BC 7600		PORTLAND PARKS & RECREATION	1120 SW 5TH AVE #1302	PORTLAND OR 97204-1912
16				CURRENT RESIDENT	8219 NE GLISAN ST	PORTLAND OR 97220
17				CURRENT RESIDENT	8218 NE GLISAN ST	PORTLAND OR 97220
18				CURRENT RESIDENT	8101 NE GLISAN ST	PORTLAND OR 97213
19				CURRENT RESIDENT	710 NE 81ST AVE	PORTLAND OR 97213
20				CURRENT RESIDENT	632 NE 81ST AVE	PORTLAND OR 97213
21				CURRENT RESIDENT	630 NE 81ST AVE	PORTLAND OR 97213
22				CURRENT RESIDENT	611 NE 82ND AVE	PORTLAND OR 97213
23				CURRENT RESIDENT	515 NE 82ND AVE	PORTLAND OR 97213
24	RETURN SERVICE REQUESTED			PM DESIGN GROUP INC	19401 40TH AVE WEST SUITE 300	LYNNWOOD WA 98036
25	RETURN SERVICE REQUESTED			PACWEST ENERGY LLC	3450 E COMMERCIAL CT	MERIDIAN ID 83642-8915
26	RETURN SERVICE REQUESTED			JACKSON'S FOOD STORES INC	3450 E COMMERCIAL CT	MERIDIAN ID 83643
27	RETURN SERVICE REQUESTED			C/O SE UPLIFT	3534 SE MAIN ST	PORTLAND OR 97214
28	RETURN SERVICE REQUESTED			SOUTHEAST UPLIFT	3534 SE MAIN ST	PORTLAND OR 97214
29	RETURN SERVICE REQUESTED			82ND AVE OF ROSES BUSINESS ASSOC	PO BOX 86775	PORTLAND OR 97286
30	RETURN SERVICE REQUESTED			TRANSIT DEVELOPMENT	1800 SW FIRST AVE SUITE 300	PORTLAND OR 97201
31	RETURN SERVICE REQUESTED			PLAN AMENDMENT SPECIALIST	635 CAPITAL ST NE #150	SALEM OR 97301
32				ATTN LAND USE CONTACT	PDC	BL29
33				ATTN LAND USE CONTACT	ATTN LAND USE CONTACT	128/METRO
34				DANN KRANTZ		B999/R5000
35	RETURN SERVICE REQUESTED	17-193030	PROP	01-12-18	1900 SW 4TH AVE #5000	PORTLAND OR 97201

EXHIBIT D-1
17-193030 AD



CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 **P524**
Land Use Notice Enclosed
Case # LU 17-193030 AD

16

Presort
First Class Mail
CombisPrice



U.S. POSTAGE RITNEY BOWES
ZIP 97204 \$ 000.37³
02 1W
0001392854 JAN 12 2018

RETURN SERVICE REQUESTED

17-193030 PROP 01-12-18
CASE FILE FEUERSANGER
1900 SW 4TH AVE #5000
PORTLAND OR 97201

80 LRAHNS1 97201



EXHIBIT D.2
17-193030 AD



City of Portland, Oregon | Bureau of Development Services | 1900 SW Fourth Avenue, Portland, Oregon 97201 | www.portlandoregon.gov/bds



The City of Portland is committed to providing meaningful access.
For accommodations, modifications, interpretation or other services, please call 503-823-7300,
the TTY at 503-823-6868 or the Oregon Relay Service at 711.

www.PortlandOregon.gov/bds/translated



BDS@PortlandOregon.gov



503-823-7300



Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译
Turjumida ama Fasiraadda | 翻訳または通訳 | Письменные или устный перевод
Traducere sau Interpretare | 번역 및 통역 | الشفوية أو التحريرية
ການຂຽນ ຫຼື ການອ່ານ ປຶ້ງມາດ | Письмовий або усний переклад



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 12, 2018
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619/mfeuersanger@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on February 2, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-193030 AD, in your letter. It also is helpful to address your letter to me, Marguerite Feuersanger. You can also send comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-193030 AD

Applicant: Duncan Wallace, PM Design Group, Inc.
19401 40th Ave West, Suite 300
Lynwood, WA 98036

Owner: Pac West Energy LLC
3450 Commercial Ct
Meridian, ID 83642

Site Address: 515 NE 82nd Avenue

Legal Description: BLOCK 1 LOT 1 EXC PT IN STS LOT 2-4 EXC PT IN ST, NORTH VILLA;
BLOCK 1 LOT 5 EXC PT IN ST, NORTH VILLA; BLOCK 1 LOT 6 EXC PT
IN ST, NORTH VILLA; BLOCK 1 S 1/2 OF LOT 7 EXC PT IN ST, NORTH
VILLA; BLOCK 1 N 1/2 OF LOT 7 EXC PT IN ST LOT 8 EXC PT IN ST,
NORTH VILLA; BLOCK 1 LOT 9 EXC PT IN ST, NORTH VILLA

Tax Account No.: R614400010, R614400060, R614400070, R614400080, R614400090,
R614400110

State ID No.: 1N2E32AD 21200, 1N2E32AD 21100, 1N2E32AD 21000, 1N2E32AD
20900, 1N2E32AD 20800, 1N2E32AD 20700

Quarter Section: 2938

Neighborhood: Montavilla, contact Land Use Chair at hello@montavillapdx.org

Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris
at info@82ndave.org

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: CG, General Commercial Zone

Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant proposes to redevelop the subject site (40,301 square feet), located at the northwest intersection of NE 82nd Avenue and NE Glisan Street. Existing structures on the site will be demolished. A new food sales store (4,477 square feet) will be located on the north portion of the site and a new fuel island with four fuel pumps and canopy (2,646 square feet) will be located on the south portion of the site. Twelve vehicle parking spaces are proposed near the food sales store. Two driveways are proposed at NE 82nd Avenue: a north driveway is 43 feet in width and a south driveway is 30 feet in width. A third driveway is proposed at NE Glisan Street, which is 30 feet in width. Pedestrian amenities are proposed on the site, including a pedestrian path system, a bus shelter, two pedestrian plazas with benches, landscaping, and lighting.

The site plan identifies twelve existing trees located on the site (private trees) and three trees located within the NE 82nd Avenue right-of-way (public trees). Five private trees and two public trees will be preserved with the redevelopment proposal.

Both NE 82nd Avenue and NE Glisan Street are designated as transit streets. For this situation, Zoning Code regulations require buildings to be located within 10 feet of the street lot line, in part to improve access to transit service and the pedestrian environment. The location of the new food sales store meets the maximum building setback along NE 82nd Avenue, but does not meet the maximum building setback along NE Glisan Street. Additionally, the Zoning Code limits the amount of vehicle area adjacent to a transit street. For this site, vehicle area may be located along no more than 50 percent of the frontage along NE 82nd Avenue and no more than 50 percent of the frontage along NE Glisan Street. Because the proposal does not meet the above regulations, the applicant is requesting the following Adjustments:

1. To increase the maximum building setback along NE Glisan Street from 10 feet to 183 feet (Section 33.130.215.C.2) for the new food sales building; and
2. To increase the maximum vehicle area frontage from 50 percent to 69 percent along NE 82nd Avenue and 87 percent along NE Glisan Street (Section 33.266.130.C.3).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

33.805.040 Approval Criteria

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and*
- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and*
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and*
- D. City-designated scenic resources and historic resources are preserved; (not applicable)*
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and*
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; (not applicable)*

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on June 26, 2017 and determined to be complete on date December 20, 2017.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

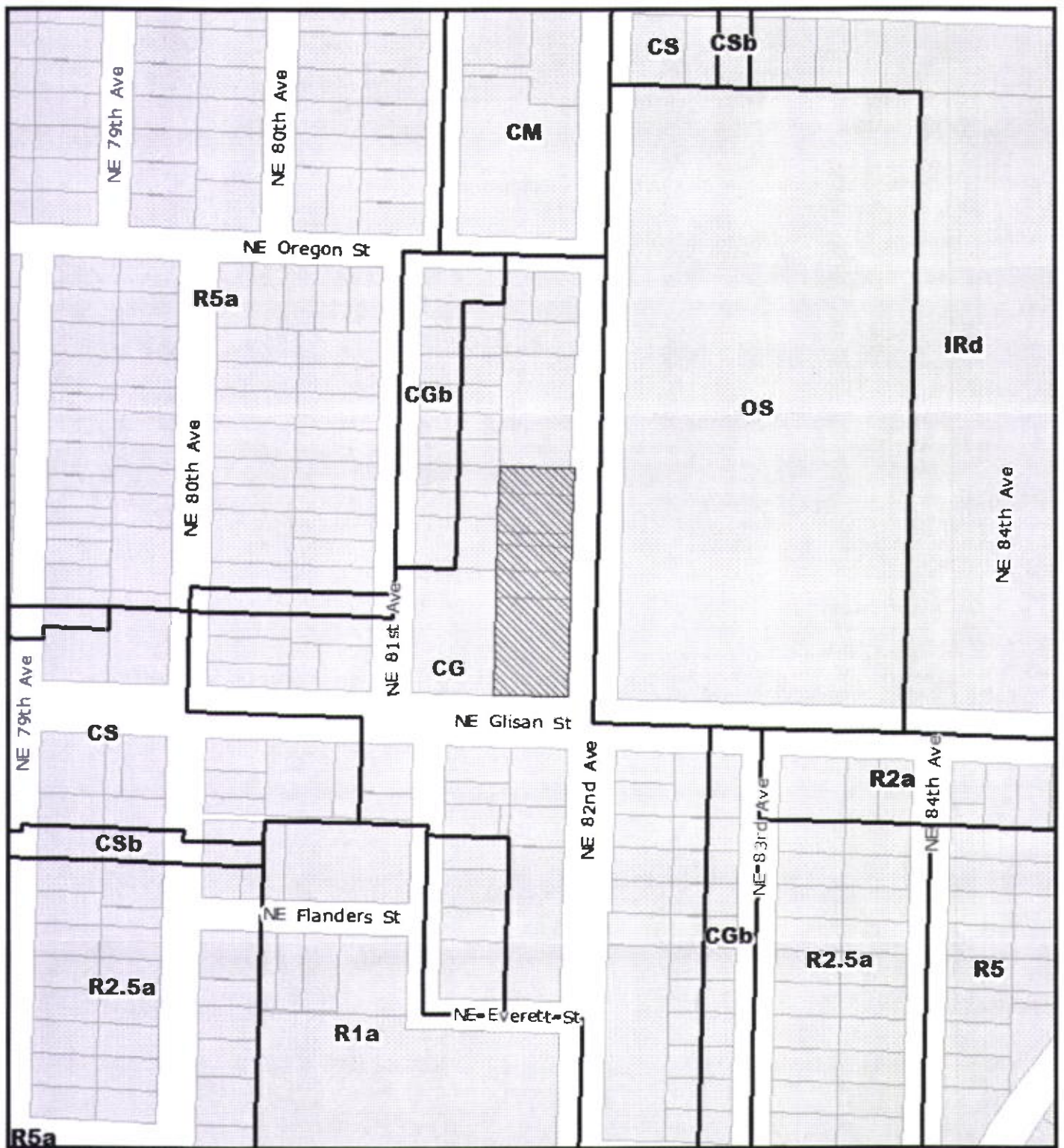
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map
Site Plan
Building Elevations



ZONING



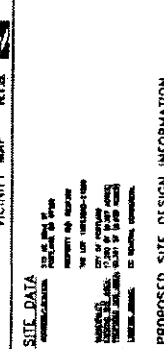
File No.	LU 17-193030 AD
1/4 Section	2938
Scale	1 inch = 200 feet
State ID	1N2E32AD 21200
Exhibit	B Jun 26, 2017

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TOTAL VEHICLE AREA FRONTAGE
FOR LOTS 2227381 - 2227387
ON MC BRIDE AVE & 21ST ST
MAXIMUM \$ 50K
ACTUAL \$ 40K

INCREASE SETBACK
FOR FOOD SALES
BUILDING TO
183' FROM NE
GLISAN STREET

INCREASE VEHICLE
AREA TO 69%
ALONG NE 82ND AVE
AND 87%
ALONG NE
GLYNN ST.

[illegible]

LEGEND

	PROPERTY LINE
	DEPARTMENT OF THE ARMY
	LANDMILITARY AREA - PROTECTED
	LANDMILITARY AREA - RESTRICTED

Tree No.	Species	Height	DBH	Form	Health	Notes
1	Redwood	100	12	Good	Healthy	
2	Redwood	85	10	Good	Healthy	
3	Redwood	70	8	Good	Healthy	
4	Redwood	60	6	Good	Healthy	
5	Redwood	50	5	Good	Healthy	
6	Redwood	40	4	Good	Healthy	
7	Redwood	30	3	Good	Healthy	
8	Redwood	20	2	Good	Healthy	
9	Redwood	15	1	Good	Healthy	
10	Redwood	10	1	Good	Healthy	
11	Redwood	5	1	Good	Healthy	
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8-0001 7725

515 NE 82nd Avenue

rec. Dec. 22, 2017

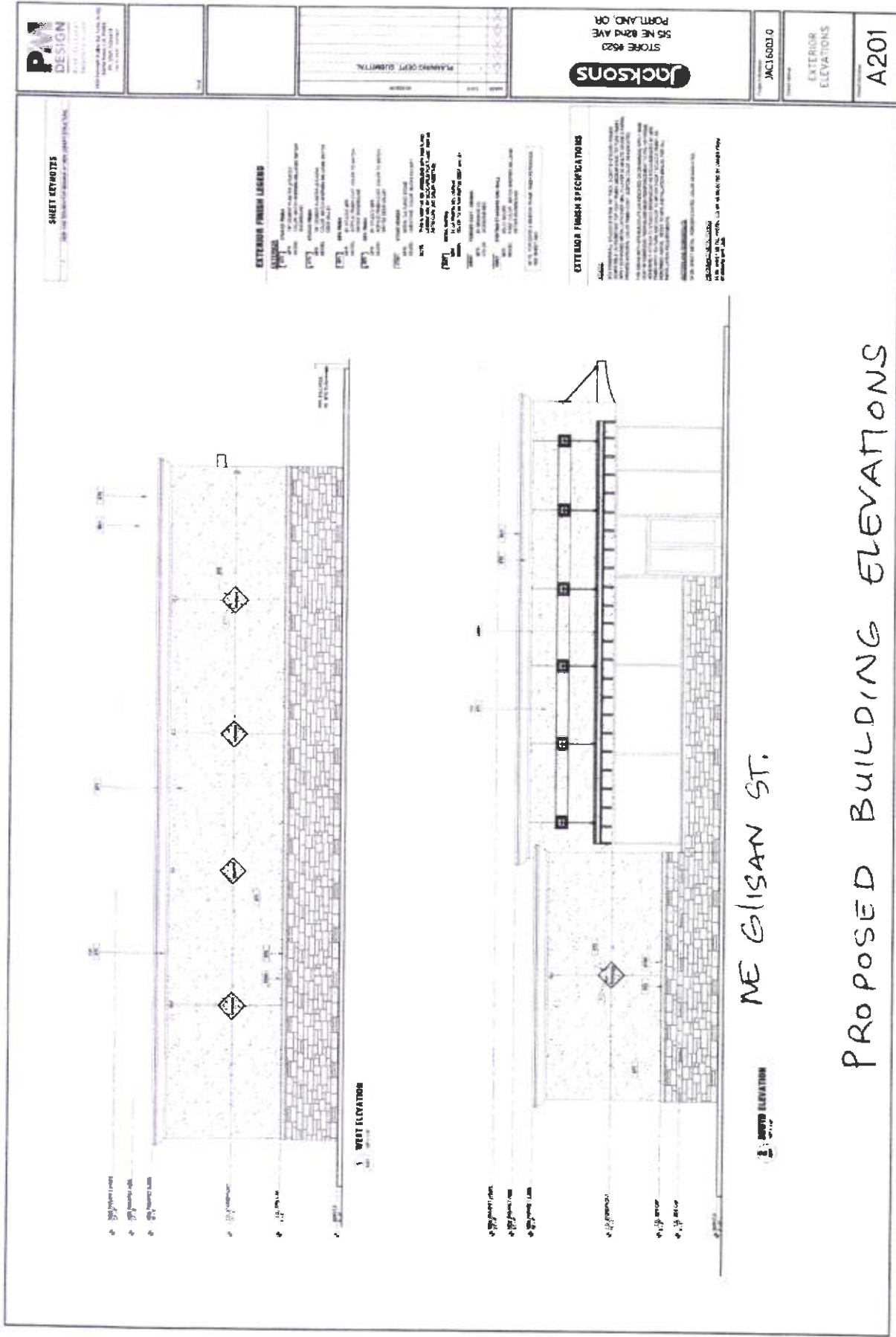
#17-193030 AD

JACKSONS
8101 NE 82nd AVE
PORTLAND, OR

**PROPOSED
SITE PLAN**

SP1

LU 17-193030 AD



LU17-193030 AD

PDA
DESIGN
ARCHITECTS
1000 15th St., Suite 1000
San Francisco, CA 94103
Tel: 415.774.1111
Fax: 415.774.1112



1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

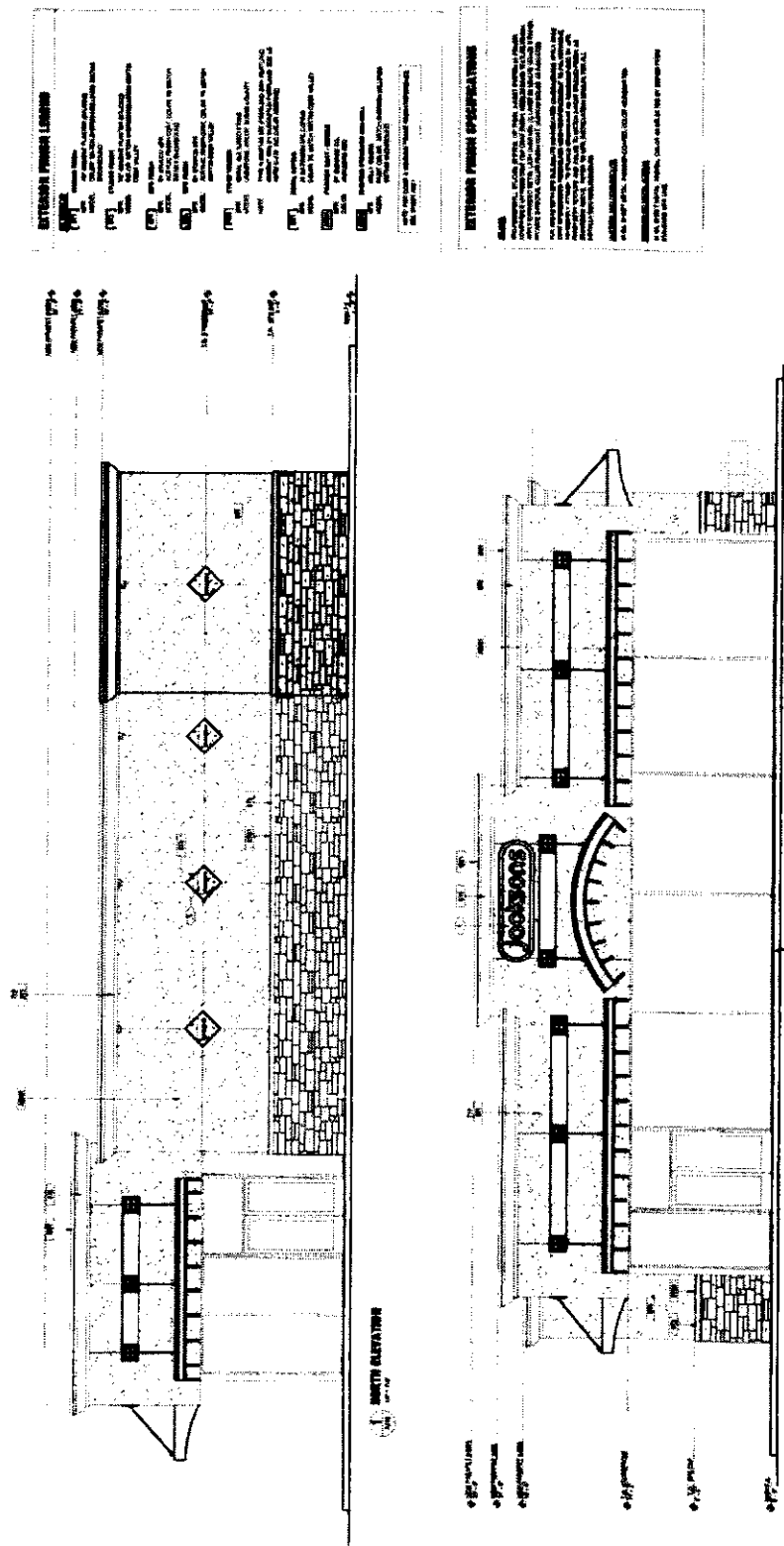
JACKSONS
STORE #423
510 NE 22ND AVE
PORTLAND, OR

MAC16003-0

EXTERIOR
ELEVATIONS

A202

全



NE 82nd Avenue

PROPOSED BUILDING ELEVATIONS
(FOOD SALES BUILDING)

LU 17-193030 AD

AMANDA 4.4.30.1053010 - User Feuersanger, Marguerite Signed on to AMANDA at tprod

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515 NE 82ND AVE [LU]

Folder Property People Info Fee/Charge Process Document File Comment

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2017 193030 000 00 LU
2018 105252 000 00 PR

Folder 17 193030 000 00 LU Process 20155 BES Dev Srv - LU

Property 515 NE 82ND AVE 97213 Inspection #

Status Response Sent Start Date End Date
User BES-LU Schedule 1/12/2018 16:41:37 2/2/2018 16:41:37
Sign Off Piesze, Rachel Actual 1/19/2018 09:04:01 1/19/2018 09:04:05
Discipline OFCR BaseLine 1/12/2018 16:41:37 2/2/2018 16:41:37

Print Flag ☒ Mandatory ☐ Assign To-Do ☐ Scheduled ☐
Display Order 610 File Location ProcessRSN 50460750 Priority

COMMENTS The proposed project will add greater than 500 square feet of new impervious area and will therefore trigger the requirements of the City's Stormwater Management Manual (SWMM). It does not appear that approval of

Attempt Checklist Memo Deficiency Attachment Dependency Info Consent Insp Detail

Date	User	Comment	Result	Time	OT	Unit	Mileage	Expense
1/19/2018 0	BES-LU	<p>A Text Field Editor (Maximum 4000 characters)</p> <p>The proposed project will add greater than 500 square feet of new impervious area and will therefore trigger the requirements of the City's Stormwater Management Manual (SWMM). It does not appear that approval of the requested adjustment will preclude the construction of adequately sized stormwater management facilities, therefore BES does not object to approval. However, BES will require a detailed stormwater management plan for this project during building permit review. Please refer to the Stormwater Infiltration and Discharge Hierarchy and submittal requirements in the SWMM: www.portlandoregon.gov/bes/swmm.</p>						

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End Today End on Due Assign Sign Off Check Activity Review Email

19 Rows Returned

Ready

8/21/2018

EXHIBIT E-1
17-193030 AD



PORTLAND BUREAU OF TRANSPORTATION

1900 SW Fourth Avenue, Suite 5000, Portland, OR 97201 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner Leah Treat Director

**RESPONSE TO THE BUREAU OF DEVELOPMENT SERVICES
LAND USE REVIEW REQUEST**

**Portland Transportation
Development Review
Bureau of Transportation Engineering & Development**

LU: 17-193030-000-00-LU Date: October 4, 2018
To: Marguerite Feuersanger, Bureau of Development Services, B299/R5000
From: Teresa Montalvo, B106/800, 503-823-4810
Applicant: Pm Design Group *Duncan Wallace*
PM DESIGN GROUP
19401 40TH AVE W # 300
LYNWOOD WA 98036

Location: 515 NE 82ND AVE

TYPE OF REQUEST: Type 2 procedure AD - Adjustment

DESCRIPTION OF PROJECT

Adjustment to street setback, 33.130.215.C.2, 2. and to frontage limitation of vehicle areas 33.266.130.C.3.b for Jackson gas station and convenience store redevelopment.

RESPONSE

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Adjustment Approval Criteria

The applicable approval criterion related to the requested adjustment that needs to be addressed by PBOT is noted in Code Section 33.805.040.A and B and are as follows:

"Granting the Adjustment will equally or better meet the purpose of the regulation to be modified"

The applicant has requested Adjustments to street setback requirements as well as to the maximum vehicle area frontage. Neither of these Adjustments will impact the construction of a sidewalk corridor or driveways that meet PBOT standards nor will they impact the transportation system in the area. Accordingly, PBOT has no opposition to the requested Adjustments.

EXHIBIT E-2
17-193030 AD

"If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area;"

The City's Transportation System Plan (TSP) classifies NE Glisan as follows:

- Major City Traffic Street
- Transit Access Street
- City Bikeway
- City Walkway
- Truck Access Street
- Major Emergency Response Route
- Community Main Street

The TSP Classified NE 82nd as follows:

- Major City Traffic Street
- Major Transit Priority
- Local Service - Bike
- City Walkway
- Major Truck Route
- Regional Main Street

The proposed Adjustments are not in conflict with the classifications of the abutting streets. As noted below, as a condition of Building Permit approval, the applicant will be required to improve the existing sidewalk corridors, including widening the pedestrian corridor by 5-ft on NE 82nd and reconstructing the corner to meet current ADA standards, consistent with the requirements of the *Pedestrian Design Guide*. The proposed Adjustments to setbacks and vehicle use areas will not impact or preclude construction of standard public improvements along both rights-of-way. Accordingly, PBOT has no objection to the request.

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits and/or Public Works Permitting. However, the applicant received a Driveway Design Exception for the two driveways on NE 82nd to allow them to be wider than the standard 30-ft wide commercial driveway in order to accommodate fuel trucks.

Title 17 Requirements

Street Improvements (Section 17.88.020)

– In association with the Building Permit, not as a condition of approval of this Adjustment NE 82nd is a State Route / City-Public ROW. PBOT owns the sidewalk corridor and permits any work therein. ODOT owns the roadway between the curbs and any new or modified driveway locations are subject to review and approval by ODOT.

In relation to the proposed development, the applicant will be required to reconstruct both frontages to

achieve the standard 12-ft wide corridor as required by the *Pedestrian Design Guide* (0.5-ft curb, 4-ft furnishing zone with street trees in tree wells, 6-ft sidewalk, and 1.5-ft frontage zone. **A 5-ft dedication of property to the City of Portland for ROW purposes will be required on NE 82nd to accommodate standard improvements. Additionally, the existing corner does not meet current ADA standards and will be required to be reconstructed.** For more detail regarding necessary frontage improvements and requirements that might impact the Building Permit, the applicant is advised to review PBOT's and ODOT's Early Assistance response, 16-257433 as the requirements noted therein continue to apply to this project. However, the submitted site plan reflects direction provided to the applicant relative to existing driveways. Specifically, the applicant has proposed to close the southernmost driveway on NE 82nd and the easternmost driveway on NE Glisan in accordance with PBOT/ODOT requirements. The applicant will still be required to receive formal approval of the driveways by ODOT/PBOT as part of the Public Works Permit Process.

The applicant also provided detailed vehicle turning movement information demonstrating how fuel trucks will circulate through the site. PBOT's traffic engineer has reviewed this information and is supportive of this design.

The ROW improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed project. Conceptual PW Design must be submitted to Public Works Permitting in order to verify the type of PW Permit that is required and to determine the required performance guarantee amount.

PW Design Review will determine specific design elements including stormwater management, bus stop, curb-cuts, landscaping, location of signage, location of utility poles and street lights, as well as other design requirements.

The applicant is therefore encouraged to contact Public Works at (503) 823-1987 or at pwp@portlandoregon.gov to familiarize themselves with the process and initiate the appropriate meetings/process. Additional information on the City's Public Works Permitting process can be found at the following link: <http://www.portlandonline.com/publicworks>. It is important for the applicant to understand the Public Works process and timeline thereof to avoid any conflicts with the Building Permit process.

RECOMMENDATION

PBOT has no objection to the requested Adjustments.



Nick Fish, Commissioner
Michael Stuhr, P.E., Administrator
1120 SW 5th Avenue, Room 600
Portland, Oregon 97204-1926
Information: 503-823-7404
www.portlandoregon.gov/water



An Equal Opportunity Employer

DATE: August 22, 2018

TO: Marguerite Feuersanger
Bureau of Development Services

FROM: Mari Moore
Development Review and Services

SUBJECT: Review of **17-193030 AD**

The Water Bureau has reviewed the proposed action and has the following comments:

Per Title 21 water lines may not cross property lines. Per Water Bureau maps, services are currently crossing property lines. To bring the property into compliance, all tax lots must be consolidated into one tax account prior to approval. Application to consolidate tax lots is facilitated by the Multnomah County Tax Assessor's Office. For additional information please contact the County at 503-988-3326.

Conditions of Approval: Proof of lot consolidation from Multnomah County is required.

Please call me if you have any questions or comments. My phone number is 503-823-7364.

EXHIBIT E-3
17-193030 AD

EXHIBIT E-4
17-193030 AD

AMANDA 4.4.30.1053010 - User Feuersanger, Marguerite Signed on to AMANDA at Inprod

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515 NE 82ND AVE [LU]

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 2005 181730 000 00 CO
 2006 100177 000 00 ET MBG
 2006 124330 000 00 ET
 2010 140415 000 00 PR
 2011 159046 000 00 PT
 2011 168028 000 00 GC Postis
 2012 212630 000 00 PT
 2016 126138 000 00 SG
 2016 126140 000 00 SG
 2016 184637 000 00 ET BCD
 2016 223210 000 00 SG
 2016 257433 000 00 EA
 2017 142606 000 00 EA
 2017 193030 000 00 LU
 2018 105252 000 00 PR

Folder 17 193030 000 00 LU Process 20065 Site Dev Review - LU

Property 515 NE 82ND AVE 97213 Inspection #

Status No concerns Start Date End Date
 User Duquette, Jeff Schedule 1/12/2018 16:41:37 2/2/2018 16:41:37
 Sign Off Duquette, Jeff Actual 1/17/2018 14:13:16 1/17/2018 14:13:19
 Discipline OPDR BaseLine 1/12/2018 16:41:37 2/2/2018 16:41:37

Print Flag ☒ Mandatory ☐ Assign To-Do ☐ Scheduled ☐
 Display Order 650 File Location ProcessRSN 50460754 Priority

COMMENTS

Attempt Checklist Memo Deficiency Attachment Dependency Info Consent Insp Detail

Date	User	Comment	Result	Time	OT	Unit	Mileage	Expense
1/17/2018 1	Duquette, Jeff		No Concerns			Hour		

1 Row Returned

List View Related View
☐ Show no. of rows on tabs

Start Today End on Start Repeat File Location Reschedule Re-Default
 End Today End on Due Assign Sign Off Click Activity Review Email

19 Rows Returned
 16 Rows Returned

Ready

8/21/2018 3:34 PM

EXHIBIT E-5
 17-193030 AD



**City of
Portland, Oregon**
Bureau of Development Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-6983
TTY: (503) 823-6868
www.portlandoregon.gov/bds

LIFE SAFETY COMMERCIAL PLAN REVIEW RESPONSE

To: Marguerite Feuersanger
From: Kathy Aulwes, Life Safety Plans Examiner
Date: February 1, 2018
RE: 515 NE 82ND AVE, 17-193030-LU

The following comments are based on the plans and documents provided to the Life Safety Plan Reviewer. They are intended to provide the applicant with preliminary Building Code information that could affect this Land Use review and/or future Building Permit reviews. The comments may not identify all conflicts between this proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal. The comments are based on the 2014 Oregon Structural Specialty Code (OSSC), or the 2014 Oregon Mechanical Specialty Code (OMSC), henceforward referred to as the Building Code.

RESPONSE SUMMARY

Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.

GENERAL LIFE SAFETY COMMENTS

- | Item # | Comment |
|--------|--|
| 1 | A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). No appointment is necessary. Building Code information is also available online at: http://www.portlandonline.com/bds/ , or by calling (503) 823-1456. |
| 2 | It is recommended the applicant visit the Development Services Center for more information at 1900 SW 4th Ave, 1st floor. The Development Services Center is open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). No appointment is necessary. |
| 3 | For most construction types, exterior walls less than 30 feet to property line must be 1-hour fire-rated construction. Exterior walls located less than or equal to 10 feet to a property line must be one-hour fire-rated for exposure to fire from both sides. Exterior walls located more than 10 feet to a property line must be one-hour fire-rated for exposure to fire from the inside only. OSSC 602.1, 705.5 |
| 4 | Accessible parking is required. Accessible van parking spaces must be at least 9 feet wide with an adjacent access aisle at least 8 feet wide. Accessible parking spaces must be at least 9 feet wide with an adjacent access aisle at least 6 feet wide. OSSC 1106.7, ANSI 117.1 -Section 502 |

EXHIBIT E-6

17-193030 AD

Feuersanger, Marguerite

From: Gallahan, Andrew
Sent: Wednesday, October 3, 2018 9:14 AM
To: Feuersanger, Marguerite
Cc: Montalvo, Teresa
Subject: RE: UF Consultation Track IT#1327862

Hello Marguerite,

If the tree is to become a right of way tree, then Urban Forestry would likely also seek to preserve the tree. We would typically require the applicant for the Public Works permit to request an alternative design review request of PBOT to best preserve the tree. Often this would mean to rebuild the sidewalk as curb-tight in front of the tree rather than a planting strip between the curb and sidewalk.

Thanks,

Andrew Gallahan

Tree Inspector
Portland Parks & Recreation | Urban Forestry
1900 SW 4th Ave., Suite 5000
Portland, OR 97204
(503) 823-4511

Andrew.Gallahan@PortlandOregon.gov

<https://www.portlandoregon.gov/trees>

The City of Portland complies with all non-discrimination Civil Rights laws including Civil Rights Title VI and ADA Title II. To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-4427 TTY 503-823-6868 or Oregon Relay Service 711 with requests, or visit <http://bit.ly/13EWaCq>

From: Feuersanger, Marguerite
Sent: Wednesday, October 03, 2018 9:04 AM
To: Gallahan, Andrew <Andrew.Gallahan@portlandoregon.gov>
Cc: Montalvo, Teresa <Teresa.Montalvo@portlandoregon.gov>
Subject: RE: UF Consultation Track IT#1327862

Andrew, I need your help! I am writing the decision to the approve Adjustments for this site – Jackson's redevelopment. You visited last January – see comments below.

The applicant is required to dedicate 5 feet of NE 82nd frontage (currently there's only a sidewalk. pbot requires a frontage zone and new sidewalk). I want tree #1 (18" deodar cedar) to be preserved. It is current a private tree but will become a public tree after the dedication, and it's in the place of the future NE 82nd sidewalk. Is there a way we can modify public improvements to preserve this tree? This is a hard intersection and keeping all evergreens is important to the approval of the adjustments.

NOTE: Tree #1 and Tree #11 to be preserved - will be rights-of-way trees.

*EXHIBIT E-7
17-193030 AD*

Thanks for your input,
Marguerite

Marguerite Feuersanger, City Planner
City of Portland – Bureau of Development Services
Land Use Services Division
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201

mfeuersanger@portlandoregon.gov
503 823 7619

Work hours: Tuesday through Thursday 8:30 am to 5:30 pm

From: Gallahan, Andrew
Sent: Thursday, January 18, 2018 8:10 AM
To: Feuersanger, Marguerite <Marguerite.Feuersanger@portlandoregon.gov>
Subject: UF Consultation Track IT#1327862

Hello Marguerite,

I have visited the site at 515 NE 82nd Ave and inspected the trees on site. Here are my findings and recommendations:

- (#0) 5" Coast Pine in poor condition
 - Suppressed by D. Cedar, poor live crown ratio
 - Recommend removal
- (#1) 18" Deodar Cedar in fair condition
 - Broken limbs, low hanging limbs, poor root space
 - Recommend preservation
- (#2) 13" Coast Pine in fair condition
 - Broken limbs, 5% lean is self-corrected
 - Recommend preservation
- (#3) 11" Coast Pine in fair condition
 - Large trunk wound, Pitch Beetle infestation
 - Recommend removal – make room for P. Oak
- (#4) 22" Pin Oak in fair condition
 - Poor previous pruning (stubs), 5% lean is self-corrected
 - Recommend preservation
- (#5) 23" Pin Oak in fair condition
 - Codominant stems appear to be well attached (no bark inclusion), low hanging limbs, stem girdling roots
 - Recommend preservation
- (#6) 17" Atlas Cedar in good condition
 - Fairly close to building
 - Recommend preservation
- (#7) 20" Pin Oak in fair condition
 - 5% lean is self-corrected
 - Recommend removal – Too close to building (within 10')
- (#8) 18" Pin Oak in fair condition

- Low hanging limbs
 - Recommend preservation
- (#9) 13" Pin Oak in poor condition
 - Altered top
 - Recommend removal – poor structure
- (#10) 5" Hinoki Cypress in poor condition
 - Sparse canopy, poor live crown ratio
 - Recommend removal – underperforming
- (#11) 17" Deodar Cedar in fair condition
 - Poor root space (volume)
 - Recommend preservation
- (#12) 19" Deodar Cedar in fair condition
 - Poor root space (volume), fairly close to building
 - Recommend preservation
- (#13) 4" Vine Maple in poor condition
 - Excessive pruning
 - Not regulated
- (#14) 9" (M/S) Vine Maple in poor condition
 - Excessive pruning
 - Not regulated

It is my opinion that the most significant trees on site are the large Pin Oaks and the Atlas Cedar in the center of the property. The Oaks are all currently in large, continuous planting strips. The continuous planting strips and the large canopy form of the P. Oaks make them ideal for countering urban heat island effect. Having such a planting strip in the center of the property (center of concrete/infrastructure) is ideal. Urban forestry would prefer to preserve the public trees. Large form conifers such as the A. Cedar and the D. Cedars offer the greatest benefits overall in comparison with other trees so, it would be a good idea to preserve the Cedar trees as well.

Let me know if you need anything more from me here.

Thanks,

Andrew Gallahan

Tree Inspector
 Portland Parks & Recreation | Urban Forestry
 1900 SW 4th Ave., Suite 5000
 Portland, OR 97204
 (503) 823-4511
Andrew.Gallahan@PortlandOregon.gov
<https://www.portlandoregon.gov/trees>

Feuersanger, Marguerite

From: Krystal Eldridge <krystal531@gmail.com>
Sent: Thursday, February 01, 2018 6:19 PM
To: Feuersanger, Marguerite
Cc: Duncan Wallace
Subject: Re: Public comment for case file number LU 17-193030 AD

Marguerite,

I'd like to add one more concern. I've just discovered that the corner of NE 82nd and Glisan is ranked by PBOT as the most dangerous intersection in the city for pedestrians (info [here](#) and full report [here](#)). It's also 15th on the list for overall lack of safety when combining auto, pedestrian, and cyclist collisions. One extremely concerning element of this is that the city has no listed changes proposed for the intersection in order to improve safety for the public.

There are many factors causing this intersection to be so dangerous, and in light of the info above, it would be neglectful to approve the second adjustment requested in the proposal—increasing the maximum vehicle frontage would only add to the problem. It would only serve to increase traffic flow at that intersection, would ignore the stated purposes of the zoning on transit streets, and neglects the needs of the community and the city. I full oppose this requested adjustment.

Thank you,
Krystal

On Thu, Jan 18, 2018 at 8:36 AM, Krystal Eldridge <krystal531@gmail.com> wrote:

Thank you for that important clarification, Marguerite. In light of this, I hope that if the requested increase to the maximum setback from 10 feet to 183 feet along Glisan Street is granted, the city will require street trees along the Glisan part of the property in order to mitigate the damaging effects of radiant heat on the neighboring community. Without sufficient tree cover, the increase in that setback is likely to worsen the current situation.

Thank you,

On Wed, Jan 17, 2018 at 11:24 AM, Feuersanger, Marguerite <Marguerite.Feuersanger@portlandoregon.gov> wrote:

Krystal, thanks for submitting comments. We will consider the issues you raise in our review, and your comments are part of the public record for this case file. I am forwarding your comments to the applicant and the city's Transportation staff assigned to review the proposal.

Regarding the percentage of trees proposed for preservation, the statement on the applicant's site plan is incorrect in that the proposal does not exceed, and only just meets the preservation requirements of the city's tree code, Title 11 (1/3 of existing trees 12 inches or greater in diameter must be preserved). During the review period, tree information provided by the applicant will be verified by the City Forester. Beyond the requirements of Title 11, conditions that require additional tree preservation may be added to this proposal in order to satisfy the Adjustment approval criteria.

Thank you,

Marguerite Feuersanger, City Planner

EXHIBIT F-1
17-193030 AD

City of Portland – Bureau of Development Services

Land Use Services Division

1900 SW 4th Avenue, Suite 5000

Portland, OR 97201

mfeuersanger@portlandoregon.gov

503 823 7619

Work hours: Tuesday through Thursday 8:30 am to 5:30 pm

From: Krystal Eldridge [mailto:krystal531@gmail.com]

Sent: Wednesday, January 17, 2018 10:59 AM

To: Feuersanger, Marguerite <Marguerite.Feuersanger@portlandoregon.gov>

Subject: Public comment for case file number LU 17-193030 AD

Marguerite Feuersanger,

I am submitting public comment for the proposed developments at [515 NE 82nd Ave](#), case file number LU 17-193030 AD. I am a neighbor who owns a home one block southeast of the proposed development, and am therefore a stakeholder in the future use of this site.

My priorities for any development at this particular site include:

1. Major enhancements to pedestrian safety infrastructure, because this is a high-use area for pedestrian traffic that lacks adequate pedestrian protections
2. Preservation of existing trees and the planting of new trees, because this area already suffers as an urban heat island
3. Installation of public garbage cans at the sidewalks, because the surrounding neighborhood is regularly inundated with trash from nearby food-related businesses on 82nd Ave
4. Traffic mitigation if development is expected to increase traffic flow, because auto accidents and the running of red lights at the adjacent intersection are already frequent.

My notes on the first three above points of concern, in greater detail and with comments specific to the current proposal:

1. Montavilla Community Center is directly across the street from this site, so this already is a high-use area for pedestrians and users of public transit, and any proposed changes need to account for the unchanging fact that this corner is especially busy. Right now, walking this stretch of 82nd Ave or Glisan feels like taking a risk with your life, and when I must cross one of these streets, I try to do so away from this intersection because it feels so perilous to stand on these sidewalks.

Along 82nd, the proposed addition of sidewalk landscaping, which moves pedestrians farther from the street, is good. The addition of pedestrian-level accent lighting is also an improvement. I'd like to see these proposed improvements maintained and even increased in the final plans.

However, I also see that there is no proposed pedestrian improvements to the area along Glisan—this is a huge oversight. At a minimum, parking-strip landscaping that creates a buffer between pedestrians and vehicle traffic is desperately needed. Sidewalk improvements that create a curb of proper height are also desperately needed, because with the current curb height it would be far too easy for a vehicle driving along Glisan to accidentally jump the curb and hit a pedestrian. I would like to see this part of the proposal improved.

On the whole, I would like to see more street trees added than currently proposed, since those enhance the feeling of pedestrian safety, increase livability, and also abate the heat-island effect (discussed in point 2).

2. I see that this proposal is saving more of the existing trees than currently required. I applaud the effort to preserve trees, and strongly urge any final plans to maintain as many trees as possible. Additionally, I would prefer to see more of these large trees kept. This property is sited in an urban heat island, which poses certain health risks to the community. This area, as well as all of 82nd Ave radiates heat, a fact documented in a project through Portland State University (please read more about it here: <https://www.opb.org/news/article/mapping-portlands-hottest-places/>).

As someone who lives within a block on 82nd, I can confirm that our summers in this area are shockingly hot. I am from Portland, and no other place I've ever lived within this city has been so sweltering in the summer. The prime difference I see is the lack of trees—stand at this corner or sit here in a car without air conditioning on an August day, and then compare that to similarly busy street corners in Laurelhurst, for example, and you'll immediately feel the difference. Something needs to be done to mitigate this.

If it is not possible to keep any additional existing trees, I strongly urge the addition of new trees planted with this development, especially adjacent to the sidewalk. This development will likely add to the current amount of paved area, which increases the heat problem if additional steps are not taken. This neighborhood and the people who commute through here need trees added at this site.

3. The food-related litter that lands in my yard seems endless. I live on 83rd and am close enough to the food-related business on 82nd Ave that I can see them from my living room window. This proximity to the food-related business on 82nd, coupled with the current major lack of public trash cans, means that I am constantly picking up trash that blows in from these business. I am hoping you can take steps to keep the proposed food-sales building from adding to this problem.

My parking strip is a dedicated pollinator habitat through a Montavilla-based community group, and because of the lack of public trash cans on nearby 82nd, the space that I've built for local wildlife is frequently filled with food wrappers, plastic cutlery, napkins, straws, and cups and lids from soda fountains. It's logical to assume that the proposed food sales building will distribute to customers each of the items I just mentioned, and therefore I strongly urge the inclusion of public trash cans at the sidewalk level.

People waiting for buses at 82nd or Glisan are often the people who drop their food wrappers, and once they leave the food sales building, open their food, and eat while waiting for the bus, they will then need a place to put their trash. Currently, often, this trash goes on the ground. Please kind to the neighbors, and the local wildlife, and add trash cans to the sidewalks.

And a final question:

I see that the bus shelter is proposed to be relocated northward, no longer on the corner of 82nd. While I think this has the potential to be a good move, I wonder if there is going to be a crosswalk added at that location across 82nd Ave. I constantly watch children bolt across 82nd from the neighboring Montavilla Community Center in order to catch the bus—it's terrifying to watch, and I've seen so many close calls with vehicles. If the main bus stop is no longer in close proximity to a crosswalk, I fear this will increase the danger to children leaving the community center. Is there a plan in place to address this need?

Thank you for considering my concerns.

Krystal Hilliker

To improve security, on Feb. 11th the city will begin disabling TLS 1.0 on our websites. This change should not impact you unless you are using an old browser. More information (<http://www.portlandoregon.gov/bis/article/672308>)



Portland Bureau of Transportation

Phone: 503-823-5185 Fax: 503-823-7576 1120 SW Fifth Ave, Suite 800, Portland, OR 97204

More Contact Info (<http://www.portlandoregon.gov/transportation/article/315127>)



High Crash Network Intersections



(<http://www.portlandoregon.gov/transportation/40390>) This table lists the intersections in the City of Portland with the highest number of reported collisions overall (<http://www.portlandoregon.gov/#overall>) and for people walking (<http://www.portlandoregon.gov/#walking>) and biking (<http://www.portlandoregon.gov/#biking>) in the five-year period from January 2011 through December 2015.

Rankings for the overall list reflect three metrics: total number of crashes, collision rate, and total value of collisions. Walking and biking rankings are based on the total number of crashes. For details, view methodology (<http://www.portlandoregon.gov/#method>) below or download the full report (<http://www.portlandoregon.gov/transportation/article/657846>).

Overall intersection ranking (in order, starting with least safe)	Recent and upcoming safety fixes (with construction date)	
SE 122nd & Stark	HSIP funds to add bike lane extensions/conflict areas on 122nd	2018
SE 82nd & Powell	\$110M for safety improvements and jurisdictional transfer of Powell to PBOT	
SE 122nd & Division	Bike lane improvements and access mgmt on Division (2018); new signal for Division Transit Station (2021.)	2018-21
SE 174th & Powell	\$110M for safety improvements and jurisdictional transfer of Powell to PBOT.	
SE 82nd & Division	New signal complete. Protected bike lanes, new signal for Division Transit Station (18-21.)	2016-21
NE 122nd & Glisan	ARTS funding for access management and illumination	2020
SE 122nd & Powell	Sidewalk, bike lane, signal upgrade, illumination	2019-20
SE 136th & Powell	Sidewalk, bike lane, signal upgrade, illumination	2019-20
SE 92nd & Holgate	ARTS funding to upgrade signal hardware	2019
SE 148th & Stark	Access management	2020
NE 122nd & Halsey	ARTS funding for access management and illumination	2020
SE 148th & Division	Remove SB slip lane, shorten ped xings, protected bike lane.	2018
SE 112th & Powell	\$110M for safety improvements and jurisdictional transfer of Powell to PBOT	
SE 92nd & Powell	\$110M for safety improvements and transfer of Powell to PBOT. Upgrade signal hardware (2020.)	2020+
NE 82nd & Glisan		
NE 82nd & Fremont	Restrict left turns at Fremont driveways (complete.) Recommend protected lefts/access mgmt on 82nd (ODOT.)	2017-18
NE Glisan & I-205 NB ramp	Bike/Ped improvements & paving	2018-19
SE Division & I-205 SB ramp	WB dual left, signal timing changes (ODOT.)	2018
SE Foster / 96th / I-205 NB ramp		
SE César E. Chávez & Powell	ARTS funding to upgrade signal hardware, add illumination (ODOT.)	

SE 82nd & Holgate		2019-21
SE 174th & Division	Bike lane improvements (2018), new signal for Division Transit Station (2021.)	2018-21
NE 102nd & Halsey	New signal complete. ARTS funding for signal coordination/detection on 102nd.	2021
NE 102nd & Glisan	Signal coordination/detection on 102nd	2021
SE 110th / 111th / Foster	ADA ramps (2017.) Recommend protected left turn phasing (unfunded.)	2017
NE Columbia / Killingsworth / I-205 SB ramp		2014-18
NE Marine & 33rd	Narrow lane treatment complete; centerline/shoulder rumble strips (2018.) Future signal pending development.	2014-18
SE 7th & Powell	ODOT: reviewed in past for traffic signal but not approved by ODOT	
Burnside & 82nd	New signal, lane use signs, illumination, ADA ramps complete	2016-17
SE 112th & Division	Bike lane improvements, access mgmt on Division (2018); new signal for Div Transit Station (2021.)	2018-21

Ped intersection ranking

(in order, starting with least safe) Recent and upcoming safety upgrades (with construction date)

NE Glisan & 82nd

NE Alberta & MLK	Left turn signals/protected ped signal.	2018
N Denver & Lombard		
W Burnside & 2nd		
N Interstate & Lombard		
SE Powell & 31st	Island and Rapid Flash Beacon (ODOT)	2018
SE Powell & 136th	ODOT Safety Project	2019
N Columbia Way & Fessenden	Lighting, ADA ramps, eliminate turns onto N. Gilbert Ave.	2018
SE Hawthorne & César E. Chávez		
SE Division & César E. Chávez		
SE Woodward & 82nd	New left turn lanes, signal modifications, ADA ramps.	No later than 2021
SE Stark & 162nd	Lighting, new signal heads, ADA ramps. (Gresham owns the signal, PBOT manages west leg of intersection)	No later than 2021
NW 3rd & Burnside	COMPLETE: Curb extensions, ped push buttons.	2016
NW 20th Pl and Burnside	New traffic signal	2019
SE Powell & 125th Pl	ODOT Safety project	2019

Bike intersection ranking

(in order, starting with least safe) Recent and upcoming safety upgrades (with construction date)

SE Hawthorne & 11th		
NE Couch & Grand	COMPLETE: New signal	2015
SW Madison & 3rd	COMPLETE: Upgraded markings/signs	2012
SE Hawthorne & 7th		
N Broadway & Wheeler	COMPLETE: Diverter to prevent right turns	2013
NE Broadway & Victoria	ARTS Project to upgrade bike markings	2019-2021
N Graham & Vancouver	COMPLETE: RRFB to address ped crashes	2016
NE Broadway & 1st	ARTS Project to upgrade bike markings	2019-2021

SE Holgate & 92nd	ARTS Project	2019-2021
N Broadway & Ross	ARTS Project to upgrade bike markings	2019-2021
SW Condor Ln & Terwilliger	COMPLETE: Conflict markings/signing	2012
NW Broadway & Flanders	ARTS Project to upgrade bike markings	2019-2021
NW Broadway & Glisan	ARTS Project to upgrade bike markings	2019-2021
SW Capitol & Vermont		
NW Broadway & Everett	ARTS Project to upgrade bike markings	2019-2021
NE 122nd & Glisan	Bike lane extensions/conflict areas on 122nd	2018

Intersections previously in the overall top 30 and still a priority for safety fixes include:

NE Columbia/Killingsworth/I-205 northbound ramp

SE 162nd & Division: bike lane improvements, access mgmt on Division (2018); new signal for Div Transit Station (2021.)

SE 82nd & Foster: signal rebuild and 3-lane cross-section (2018, Foster Streetscape)

SE 96th/99th/Washington: ARTS project to improve signal hardware and coordination.

Ranking details and methodology

This document lists and prioritizes intersections in the City of Portland with the highest number of reported deadly and injury crashes in the five-year period from January 2011 through December 2015.

Beginning with this year's 2015 High Crash Intersection (HCI) list and moving forward, the crash totals will represent only deadly and injury crashes that were coded to an intersection. This supports the City's Vision Zero focus and the adoption of a Vision Zero plan in 2016 that aims to eliminate deadly and serious injury crashes in the City of Portland by 2025. Prior HCI Listings were created by identifying intersections in the City with the highest number of all crash types; the list was then prioritized considering number, severity and frequency of crashes. Since the list was limited to the top 50 intersections Citywide, the list was skewed toward the busiest intersections in the City.

PBOT's updated methodology will now focus first on severity of crashes by identifying intersections in the City with the highest number of DEADLY and INJURY crashes only – property damage only crashes will be excluded from the list – and then prioritizing based on number of deadly and injury crashes, severity and frequency of crashes. This shift to creating a high crash intersection list based on severity of crashes will help the City to better identify intersections that have a high number of deadly and injury crashes that are disproportionate to the number of people travelling through that intersection.

This year, the HCI listing also includes the 15 intersections with the highest number of pedestrian crashes and the 15 intersections with the highest number of bicycle crashes.

Note that past HCI Listings have included 4 years of data. Beginning this year and moving forward, the HCI List will include 5 years of data to be consistent with the City's Vision Zero Plan, which uses a 5-year data set to identify the High Crash Network of streets.

This report is compiled from data supplied by the Oregon Department of Transportation, Transportation Safety Division, Crash Analysis and Reporting Unit, from records originally received by the Oregon Department of Motor Vehicles. Due to under-reporting of collisions, this list should not be considered to represent all collisions occurring at the intersections listed. The City of Portland, Bureau of Transportation analyzed the data and prepared the resulting report.

METHODOLOGY

Each intersection was ranked based on the three metrics below in the five-year period (2011-2015.) The individual metric ranks were added to together and sorted in ascending order to create an index that ranks our high crash locations.

1. Number of Deadly and Injury Crashes

This is the number of deadly and injury crashes within the five-year period from January 1, 2011 to December 31, 2015.

2. Collision Rate

Number of crashes at an intersection are normalized by considering the number of cars traveling through the intersection. The calculation for the collision rate (collisions per million entering vehicles) is below:

$$\text{Collision Rate} = (\text{Crashes}/5 \text{ years}) \times (1 \text{ year}/340 \text{ days}) \times (1/\text{ADT}) \times 1,000,000$$

ADT is a 24-hour volume count of vehicles entering the intersection in vehicles per day. The volume used is considered to be approximate for a number of reasons; daily variation in counts, the count may not have been taken specifically at the intersection, the count may not be recent enough to reflect current conditions, etc. 340 days per year is used to account for lower traffic volumes on weekends.

3. Total Value of Crashes

The total value of a crash is figured by assigning monetary value to the severity of injuries. The value is multiplied by the total number of each death and injury type. The number of deaths and injuries are sustained injuries, not number of crashes. Monetary values are obtained from the National Safety Council (2013.)

$$\text{Total Value} = \# \text{ Deaths} * \text{Death \$} + \# \text{ Inj A} * \text{Inj A \$} + \# \text{ Inj B} * \text{Inj B \$} + \# \text{ Inj C} * \text{Inj C \$}$$

Death Value	Injury A Value	Injury B Value	Injury C Value
\$1,500,000	\$74,900	\$24,000	\$13,600

Four High Crash Intersection lists are included in this document: All modes intersection list sorted by rank, All modes intersection list sorted alphabetically by street name, Top 15 Pedestrian Crash Intersections, Top 15 Bicycle Crash Intersections.

Note that there are 4 new locations on this year's multimodal list (highlighted in yellow) that PBOT will evaluate for improvements. PBOT will also investigate the locations on the Pedestrian and Bicycle lists that do not already have a proposed or funded project.

For more information, please contact Wendy Cawley (<http://www.portlandoregon.gov/mailto:wendy.cawley@portlandoregon.gov>), Traffic Safety Engineer, PBOT, 503-823-4396

1/31/2018

Feuersanger, Marguerite

From: Benjamin Kerensa <bkerensa@gmail.com>
Sent: Sunday, January 28, 2018 6:56 PM
To: Feuersanger, Marguerite
Cc: Angela Todd; Evelyn Macpherson
Subject: WEB: 2017-193030-000-00-LU

Hello Ms. Feuersanger,

Amanda Rhoads with the Montavilla Neighborhood Association will be submitting a letter on behalf of the association and the association did not properly notify the property owner or developer in this land use review that they intended to hold a meeting to discuss the land use case. This violates Office of Neighborhood Involvement Standards and State Land Use Law and for this reason I would ask that you not consider their letter as their decision to approve the letter violates City rules.

We will be lodging a formal complaint with the City and a grievance with the neighborhood association for this violation of City rules and land use law.

--
Benjamin Kerensa

EXHIBIT F.2
17-193030 AD

Feuersanger, Marguerite

From: Nicole Winschel <nwinschel@gmail.com>
Sent: Friday, February 02, 2018 11:41 AM
To: Feuersanger, Marguerite
Subject: Comments to CASE FILE NUMBER: LU 17-193030 AD

Hi Marguerite,

As a community member of Montavilla, I am writing to inform you of my concerns of this plan. Currently, the intersection of 82nd and Glisan is ranked one of the worst for pedestrian crossings in the city. As a mother, I am concerned about this intersection currently and adding a busy gas station on the corner will only add more concern to this position. The community center, the only family friendly location in this neighborhood will sit directly across the street from this proposed development. This development will make the corner for crossing even more dangerous for families and provide an added risk for our children's safety. I applaud the attention to adding more pederstrain safe elements but feel this will not be enough.

Please take in to consideration the individuals in this neighborhood. This is a neighborhood that is seeing a significant growth for families and will limit access for them to the community center and safety.

Thank you,

Nicole Winschel
Concerned Citizen

EXHIBIT F-3
17-193030 AD

Feuersanger, Marguerite

From: Kyle Copeland <kycop27@gmail.com>
Sent: Sunday, January 21, 2018 8:48 PM
To: Feuersanger, Marguerite
Subject: Re: CASE FILE NUMBER: LU 17-193030 AD

Dear Marguerite,

Another gas station at 82nd and Glisan is not something that the neighborhood needs, in particular if it involves changing the codes. There is already a gas station and market at 82nd and Burnside and 82nd and Washington. I am sure there are plenty more that I am not mentioning. The goal of the land use designation is to make the area more pedestrian friendly, not add more gas stations and parking spaces.

Please do not allow the change in the land use agreements to accommodate this proposal.

Thank you,

Kyle Copeland
113 SE 75th Avenue

EXHIBIT F.4
17-193030 AD

Marty suggested
ODOT considers it
* change of use
move in direction of ODOT reg. not reg to meet
100%
ways to improve circ. depends on where trucks
are.
option to have one under drive at
center.
40 feet
4 to 2 driveway.
Olisan - center turn lane not right(?)
(lane)

120 245
180 180
300 65

Feuersanger, Marguerite

From: A. STERN <SGTSTERN@msn.com>
Sent: Tuesday, January 23, 2018 8:53 PM
To: Feuersanger, Marguerite
Subject: Regarding Case File Number: LU 17-193030 AD

Marguerite,

I've added my address to the letter.

Best,
Amy Stern

Good afternoon,

I am submitting my comments regarding this adjustment proposal, Case File Number: LU 17-193030 AD

First, I believe that neither request (the increase in setback, and vehicle frontage percentage increase) qualifies for an adjustment, per BDS Adjustment Review process explanation "....some sites are difficult to develop in compliance with regulations" and "Adjustment reviews provide flexibility for unusual situations...." This site is neither "difficult to develop in compliance with regulations", nor an "unusual situation"; it is a site on which (I believe) the developer simply doesn't want to adhere the regulations in place because it is not within their vision/desires for the site/lots.

As to the building set back request expanding from 10 feet to 183 feet (a 1,730% increase!) from NE Glisan, implementing a setback this far beyond the requirements, and allowing a larger percentage of vehicle area, will require the removal of several mature trees which provide shade, aesthetic value to the neighborhood, and help mitigate the effects of the already deplorable air quality in the neighborhood due to traffic exhaust from 82nd Avenue.

It will also require the removal of the landscape islands in which the mature trees are planted, which will mean more contaminated storm water runoff across an expanded amount of asphalt (thereby increasing the temperature of the water runoff), rather than being absorbed into the ground. The larger the setback, the more "vehicle area", the more vehicles, contributing to the already problematic environmental conditions for those living, playing, and travelling in our neighborhoods surrounding 82nd Avenue.

I do not feel that the requested setback expansion plan, nor the request for increased vehicle area, "equally or better meets the purpose of the regulation to be modified", as the proposed site design does not create an environment that is inviting and equally or more useful and safe to pedestrian and transit users along the transit street of NE Glisan.

The proposed stamped concrete "pedestrian connection" on the southwest side/corner of the property is most certainly not enough to address pedestrian challenges created by an expanded setback.

For those travelling from the intersection of NE Glisan and NE 82nd (which is the closest entrance to the property from the intersection, and from the three bus stops located at that intersection) the "pedestrian connection" must be reached by crossing the proposed south driveway; a possible hazard to pedestrians as

vehicles travel through to reach the fueling dispensers.

If the setback remains at the required 10 feet, pedestrians would have direct access from Glisan Street to the storefront without having the potential of being run down by a vehicle; the ease and safety of approach is of particular importance for those pedestrians with limited mobility, and those with limited/impaired eyesight. Further, the probability of customers at the fueling pumps using the "pedestrian connection" to gain access to the storefront (to pay inside for fuel, for example) is unlikely; one is more apt to travel the most direct path, which, in the case of the proposed design, would be through the vehicle area across the path of vehicles entering from the driveway on NE 82nd Avenue to the fuel pumps.

If I understand correctly, current regulations do not allow this (for good reason); Table 226-3 Location of Vehicle Areas for CG zones in section 33.266.130 states: "Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District". In this specific case and design plan, the request for increased vehicle frontage area ties directly to the request for larger setback, and vice versa; I believe neither should be approved.

The proposed "pedestrian plazas" and proposed relocation of the bus stop also present potential problems.

The pedestrian plazas do not provide any true value to pedestrians or neighbors, rather, they will simply provide concealed areas where drug use, graffiti, solicitation, and other criminal activity can (and more than likely will) occur, particularly the "plaza" behind the proposed new location for the bus stop (I certainly would not feel safe walking by a concealed plaza, or waiting at a bus stop adjacent to a concealed plaza).

Considering the challenges and issues that our neighborhood already faces in regard to illicit activity, I believe it would be unwise for the BDS to consider or approve these plazas as legitimate alternatives to meet the criteria for the adjustment requests.

The proposed moving of the bus stop similarly would not be in the interest of transit users.

With the relocation of the bus stop, instead of walking a relatively short distance from one bus stop to another, (when one may have transferred from the east/westbound buses) one would now have to walk half way down the block from the current intersection bus stop, crossing two of the proposed east side driveways, to transfer to the southbound bus; this would certainly create barriers for those in our community with limited mobility. Furthermore, the proposed relocation site is in a more secluded spot, which is worrisome from a rider safety standpoint, and also has the potential for bus drivers to have limited visibility of riders waiting at the bus stop.

All in all, the setback expansion simply isn't in the best interests of pedestrians or transit users.

While the site is not a "residential zone", and though our homes have had the misfortune of being designated a "commercial/commercial buffer zone", they are nevertheless HOMES where we live and rightfully expect a certain degree of livability.

Our homes (on NE 81st Avenue) located adjacent to the site will be impacted by the building being further north than the current food mart; our residences will be subject to light pollution with this closer proximity, more air pollution with the increased traffic and the removal of trees that help to alleviate said air pollution, and the potential for noise nuisances with the coming and going of patrons to the food mart (and possible loitering that may occur). All these will most certainly detract from the livability in our neighborhood.

Additionally, the positioning of the dumpster and air/water unit indicated on the site plan is likely necessary for proximity to the developers desired locale of food mart building, however, these being placed on the northernmost lot, directly behind a residence would not be necessary if the developer complied with the 10 foot setback regulations, relative to NE Glisan Street, already in place (the point being that setback adjustment approval will directly cause their proposed placement). The dumpster placement would most certainly attract urban animals/vermin closer to our backyards, and the air/water unit, also in close proximity to our backyards, has the potential to be a noise nuisance, again, detracting from the livability for residents of the neighborhood.

These proposed adjustments negatively impact the neighborhood, and are simply a means for the absentee property owner, and the developer, to circumvent current regulation for their own gain.

I believe that the property could absolutely be developed in keeping with the codes and regulations already in place, and I feel that that neither of these adjustment requests should be approved for the reasons enumerated.

With appreciation of your time and consideration.

Respectfully,

Amy Stern

622 NE 81st Avenue

Portland, Or 97213

Feuersanger, Marguerite

From: Cory Eldridge <coryeldridge@gmail.com>
Sent: Thursday, February 01, 2018 6:17 PM
To: Feuersanger, Marguerite
Subject: Regarding LU 17-193030 AD

Hello Marguerite,

I would like the city to deny the land-use changes in case LU 17-193030 AD, which is in my neighborhood. The applicant would like to make room for a larger gas station and convenience store on the northwest corner of 84th and Glisan.

I live two blocks from the corner and I walk by it everyday on my way to work. The intersection is very busy with cars, buses, and foot traffic, particularly children and teenagers who use the Montavilla Community Center. PBOT data shows that from 2011 to 2015, that intersection had more than 60 accidents, including eight pedestrians struck by cars, one of whom died. The gas station, with a longer runway for cars to pull into at speed would only make this worse.

The safety concern is enough for me to oppose this change, but it's not all. Briefly, I think this change should be made because:

1. This neighborhood needs a focus on pedestrian use. Namely, the infrastructure and zoning that makes walking and biking safer. The pedestrians are here. The infrastructure isn't, and this change would take us farther from it.
2. We don't need gas stations. We have gas stations and convenience stores, plenty of them. The franchise or corporate-owned convenience store that would go in would compete directly with local stores, many of which are owned by immigrants and people of color.
3. We need housing. If rules need to be changed, it should be to encourage property owners to build housing. I understand the owner didn't purchase these properties to build housing, but denying these changes could incentivize a reconsideration.

Thank you for your time. I hope the city makes the best decision for my neighborhood.

Best,

Cory

EXHIBIT F. 6
17-193030 AD

Feuersanger, Marguerite

From: Sarah Richardson Green <sarah.richardson.green@gmail.com>
Sent: Thursday, February 01, 2018 8:53 PM
To: Feuersanger, Marguerite
Subject: CASE FILE NUMBER: LU 17-193030 AD

Marguerite Feuersanger, Land Use Services 503-823-7619/mfeuersanger@portlandoregon.gov

I'd like to voice opposition to the proposed gas station and other building changes to this project.

1. This is at a very deadly and dangerous intersection and these changes make no improvements making it safer. In fact, more traffic will make it less safe from drivers and pedestrians alike.
2. This proposed development further commercializes 82nd Ave with more "chain" businesses, turning away from localized neighborhood activity. This area, with the neighborhood community center and park should celebrate Montavilla, not further commercialize it with out of state big business.
3. The design in no way celebrates Montavilla with any local architecture or design. It is generic and ugly, more appropriate for a strip mall than a middle class family neighborhood.

I urge you to stop this proposal.

Kindly,
Sarah Green

Sarah Richardson Green

EXHIBIT F-7
17-193030 AD

Feuersanger, Marguerite

From: Amanda Rhoads <amanda@montavillapdx.org>
Sent: Thursday, February 01, 2018 9:04 PM
To: Feuersanger, Marguerite
Subject: MNA response to LU 17-193030 AD
Attachments: MNA comments on 17-193030 AD.docx

Hello Ms. Feuersanger,

Please find attached a letter from the Montavilla Neighborhood Association regarding the Jacksons gas station expansion at NE 82nd and NE 82nd Ave.

I know you were sent an email from a concerned ex-board member indicating that we had voted on this topic on Sunday without first notifying the applicant. While I'm not sure how he would have known that, it is true - I did not realize an invitation to an applicant was a mandatory part of the neighborhood process. This point has now been clarified, and our board held an emergency meeting tonight to which we did invite Duncan Wallace. Unfortunately, he was not able to join us from north of Seattle, so we proceeded with our discussion and our vote, resulting in the attached document.

Please let me know if you have any questions regarding the letter or the process by which we arrived at supporting it. I would appreciate any updates on the case.

Amanda Rhoads
8046 SE Yamhill St.
Portland, OR 97215

EXHIBIT F.8
17-193030 AD

February 1, 2018

Marguerite Feuersanger
City Planner II
Bureau of Development Services
1900 SW 4th Ave, Suite 5000
Portland, OR 97201

Dear Ms. Feuersanger,

Please accept these comments in response to your land use case LU 17-193030 AD regarding the Adjustment requests for a redeveloped and expanded gas station and associated convenience store. We at the Montavilla Neighborhood Association have an active interest in the functioning of this intersection. After Stark Street, many consider upper Glisan to have the most potential for a successful, neighborhood-serving, commercial corridor. In fact, many businesses have located only recently in the immediate area to the west, including restaurants, bars, a gym, a dental office and more.

This intersection has important safety considerations within Portland's transportation system. The Portland Bureau of Transportation ranks the intersection of NE Glisan and NE 82nd as the number 1 LEAST SAFE High Crash Network Intersection in the city for pedestrians! And the 15th overall least safe (<https://www.portlandoregon.gov/transportation/59279>), based on number of deadly crashes, collision rate, and overall crash value. Furthermore, the 72 bus line that runs on 82nd Avenue is the fifth most used transit line in the city, surpassed only by the MAX blue, green and red lines, and Bus line 4 (based on fall 2017 data:

[https://trimet.org/about/pdf/route/2017fall/route_ridership_report_\(sorted_by_route\)_weekday.pdf](https://trimet.org/about/pdf/route/2017fall/route_ridership_report_(sorted_by_route)_weekday.pdf)). This high ranking is in part due to the length of the line, but the stops both for the 72 bus north and south and Route 19 that runs along Glisan demonstrate these are well-used. Daily trips for both northbound and southbound stops for 72 total 532. For the #19 bus, 291 people use the two 82nd and Glisan stops daily

([https://trimet.org/about/pdf/census/2017fall/route_stop_level_passenger_census_report_\(weekday\).pdf](https://trimet.org/about/pdf/census/2017fall/route_stop_level_passenger_census_report_(weekday).pdf)). Finally, the road handles a large traffic volume. At Glisan, NE 82nd Ave. accommodates over 25,000 vehicles per day, and 600 freight vehicles daily (<http://www.oregon.gov/ODOT/Projects/Project%20Documents/Baseline-Transportation-Conditions-Memo-17PF120.pdf>).

Furthermore, there are several important community resources in the immediate area. Directly across NE 82nd to the east lies the Montavilla Community Center and Montavilla Park. These are well-used resources in the community, with a daily preschool, free lunch for kids all summer in the park, weekly feeds for houseless residents, a new futsal field funded by the Portland Timbers, classes, an outdoor public pool in the summer, Little League games, etc. This site is a key site in our neighborhood. In FY 2008-09, the community center was visited nearly 73,000 times

(<https://www.portlandoregon.gov/parks/article/473901>). The Community Center was identified as a "minor attraction" in the Outer Southeast Community Plan. Access to the site is already challenged.

Vestal Elementary, one of three PPS elementary schools in the neighborhood, is a K-8 school located a block to the south. We have concerns regarding how people, especially children, will be accessing this new convenience store located so far from the intersection which we will discuss below.

Finally, there are two other auto-oriented businesses on this intersection, Burgerville with its busy drive-through, and the Washman car wash. At the car wash, cars queue literally adjacent to and often on top of the sidewalk, making traversing the area by foot feel very dangerous. We will make a case that enabling another auto-oriented business on this busy transit street is not in the community's best interest, nor is it in line with the Zoning Code's desired character for the area.

We do understand that Jackson's has the right to expand operations and continue to locate on this site. However, we do not believe the proposal to build in opposition to these two Zoning Code standards is supportable.

Comments on Approval Criterion A

For exceeding the maximum transit street setback, the purpose statements are listed below. We have bolded the ones relevant to this review.

33.130.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are **consistent with the desired character of the different commercial zones**. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. **The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.**

The "desired character" of the CG zone is as follows:

G. General Commercial zone. The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses

and to ensure that they do not dominate the character of the commercial area.

Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

Since both intersecting streets are transit streets, development on this CG-zoned lot is expected to **not** be auto-accommodating. Development should be attractive, with a pleasant street appearance, and be inviting specifically to pedestrians. In this case, the applicant is proposing an auto-oriented use designed in a way that accommodates both the automobiles that will bring their customers, but also the large freight vehicles that will refill their tanks. The “give-back” to the pedestrians is a bench under their freestanding sign and a landscape buffer that is deeper than required. There is little that is “inviting” in a paved lot that has so much vehicle area and so little for the pedestrian; pedestrians are actually prevented from entering the site due to the long landscape buffer. The part that might be inviting, the store, is located hundreds of feet north of the intersection, inconveniently located across wide drive aisles and far away from other nearby destinations. In this high-visibility, high-importance location, those accommodations are not sufficient for going against the intent of the CG zone adjacent to a transit street.

For increasing max vehicle area on both streets, the purpose statement includes the following:

33.266.130 Development Standards for All Other Development A. Purpose. The development standards ***promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:***

- ***Provide a pedestrian access that is protected from auto traffic; and***
- ***Create an environment that is inviting to pedestrians and transit users.***

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. ***The setback and landscaping standards:***

- ***Improve and soften the appearance of parking areas;***
- ***Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;***
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;

- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

The purpose here emphasizes safety and appearance, and links the very two standards the applicant is requesting to adjust as ways the code ensures both. We do not believe increasing the amount of vehicle area allowed on both frontages, while setting the primary building back almost 200 feet from a transit street, creates an attractive environment that is safe for pedestrians.

The landscaping proposed is deeper than required, and they're proposing a pedestrian bench, presumably located underneath their freestanding sign. However, these additions will not reduce the visual impact sufficiently from the pedestrian realm.

We are also concerned about the mature trees being removed in what is now the middle of the expanded site. One purpose statement is to reduce the visual impact of the vehicle areas from adjacent residential zones. While there are no residential zones abutting the sites, there are residential dwellings on NE 81st Ave. that will be affected by this development. Retaining the largest trees on the site, especially the large trees between the existing and proposed site, would serve several purposes: provide additional screening from residences to the northwest; work to shade and cool the vehicle areas; and improve and soften the appearance of the now very large, very vehicle-focused site. Without these trees in the middle of the site, it will be more challenging for the above-referenced purpose statements to be met.



The existing mature screening at the current north end of the Shell station.

The primary safety issue for us is the concern that providing this new retail amenity so far from the intersection will lead to unsafe crossings on this most dangerous intersection in order to access the convenience store quickly from the community center. While not directly related to

the vehicle area's safety impacts, this remains an important concern. This concern was shared by ODOT only a half a mile to the north, where they installed a 220-foot-long, 8-foot-tall median to limit mid-block crossings. While the Glisan/82nd intersection does not have the same ped density as the 82nd Ave. MAX stop generates, the propensity to dodge traffic to access a service such as a new convenience store might be a dangerous result of this development moving forward.

The Neighborhood Association does appreciate the pedestrian path proposed for the west edge of the site with the rolled curb. However, how much safer would it be for pedestrians if they could access the store directly from NE Glisan as the code requires, rather than traverse through multiple drive aisles?

Comments on Approval Criterion B

The desired character of the zone is addressed above, but this area has two adopted plans that have specific statements regarding this intersection. The Outer Southeast Community Plan envisions 82nd Ave. to be a **Contemporary Main Street**. From the plan: "Here the primary focus is transit ridership, as well as pedestrian comfort and safety...The design goal for Contemporary Main Streets is to move buildings closer to the street with entrances opening directly onto the sidewalk while still providing convenient parking." We note that, driving south on 82nd Avenue, the buildings on the east side, north of the site, are consistently relatively close to the street.

NE Glisan is envisioned as a **Traditional Main Street**. Traditional Main Streets are "commercial districts built in the streetcar era where retail is on the street level, often with residential development above. Buildings are close together and often share a common design theme."

The Montavilla Neighborhood Plan similarly envisions Main Street-type development on Glisan, "as a means of accommodating more people and businesses along transit streets." It also discusses enhancing "commercial nodes at major intersections throughout the neighborhood," and, more specifically, enhancing "82nd Avenue to make it a more attractive and viable arterial for shoppers, pedestrians, residents, and visitors."

These designations are again prioritizing the pedestrian, including safety, appearance, and comfort. The proposed store does meet the goal of moving a building closer to the street along 82nd Avenue, but the design fails when considering both frontages. The accommodations for pedestrian comfort are limited and focused on barricading pedestrians from the site, not inviting them in in a meaningful way. We would argue the attractiveness of the site will be diminished with the removal of mature trees. And while fewer curb cuts are proposed, the remaining ones are wide and total over 100 feet of vehicle area for pedestrians to navigate along the two frontages.

While these plans were approved over 20 years ago, we are only now seeing projects being built that fulfill the vision laid out a generation ago. We're seeing dramatic changes in Lents that align directly with the vision laid out in the Outer Southeast Community Plan, for example. Interestingly, Jackson's is currently planning to rebuild their gas station at SE 82nd and Foster, and in that case they are providing the new store near to the intersection of the two transit streets, aligned with the plan. Jackson's has decided not to honor the community vision at this intersection. We ask that they reconsider. Accommodating this Adjustment request is discarding our first chance to alter the character of this intersection in alliance with the stated plans and goals for the area.

Looking at the street classifications for Glisan and 82nd results in similar policy direction. From the Comprehensive Plan:

- **Major City Traffic Streets (both):** Auto-oriented development should locate adjacent to Major City Traffic Streets, but should orient to pedestrians along streets also classified as Transit Streets or within Pedestrian Districts.
- **Major Transit Priority (82nd):** Access to Transit. Provide safe and convenient access for pedestrians and bicyclists to, across, and along Major Transit Priority Streets... Transit-oriented land uses should be encouraged to locate along Major Transit Priority Streets, especially in centers.
- **Transit Access (Glisan):** Encourage pedestrian- and transit-oriented development in commercial, institutional and mixed-use areas along Transit Access Streets...Provide safe and convenient pedestrian and bicycle access to transfer points and stops and along Transit Access Streets.
- **City Walkways (both):** City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions...City Walkways should serve areas with dense zoning, commercial areas, and major destinations. Where auto-oriented land uses are allowed on City Walkways, site development standards should address the needs of pedestrians for access.

The policy direction points to building on this site to meet the development standards.

Comments on Approval Criterion C

The purpose statements in 33.266.130 make a clear case. The third sentence states, "Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions..." The applicant is requesting an Adjustment to both the base zone transit street setback AND an Adjustment to the maximum vehicle area. Both Adjustments together will prevent the purpose of the regulations from being met. The CG zone description states that development is expected to be auto-accommodating, **except where the site is adjacent to a transit street or in a Pedestrian District**. The applicant is proposing an auto-accommodating use with few benefits to pedestrians on a site that abuts two transit streets.

Comments on Approval Criterion E

We are not in favor of the Adjustments being granted. The concerns outlined align with the Outer Southeast Community Plan, Montavilla Neighborhood Plan, and the Vision Zero goals. The applicant has attempted to mitigate concerns by closing a couple of curb cuts and providing some landscaping, and putting a bench under their freestanding sign. This by itself will not mitigate locating the building in the back of the site, and the auto-accommodating use right up front at the intersection.

If BDS disregards the stated goals for the area and approves the Adjustments, we reluctantly discussed ideas to counter-balance the impact of granting them. Some mitigations we considered were the following:

- Substantial public art provided at the intersection, accomplished through RACC, that would provide some of the urban edge that the site should by code provide. Less sculptural, potentially more of a focus on murals and walls?
- Relocate the freestanding sign away from the corner, and provide a much more generous public space in the corner. Perhaps more of a plaza with significant, inviting pedestrian amenities.
- Work with ODOT to provide a pedestrian crossing in the area of the entrance to the store. While this is outside the scope of the review, we have serious safety concerns about people crossing 82nd illegally from the community center in this High Crash Network Intersection.
- Likewise, we believe PBOT should consider limiting the southern curb cut to right-turn only upon exit. It is simply too close to the light at 82nd, and traffic is too heavy, for safe left turns without traffic disruptions and possibly additional accidents.
- We also discussed providing bioswales in the rights-of-way. Was this considered here?

This type of mitigation is not preferable to us, and we do not believe this will successfully counter the adverse impact of using a suburban form in an urban setting, especially at this important intersection in our community.

Thank you for considering our comments regarding this development. Please let me know if you have any questions.

Amanda Rhoads
Montavilla Neighborhood Association Vice-Chair
amanda@montavillapdx.org

Feuersanger, Marguerite

From: Kathryn Hartinger <kathryn.hartinger@gmail.com>
Sent: Friday, February 02, 2018 3:54 PM
To: Feuersanger, Marguerite
Subject: LU 17-193030 AD

February 2, 2018

Marguerite Feuersanger
City Planner II
Bureau of Development Services
1900 SW 4th Ave, Suite 5000
Portland, OR 97201

Dear Ms. Feuersanger,

Please accept these comments in response to your land use case LU 17-193030 AD regarding the Adjustment requests for a redeveloped and expanded gas station and associated convenience store. I support the Montavilla NA's letter, and wanted to add a few thoughts.

That intersection is such an important one for our community, particularly because it is across the street from our neighborhood community center and Montavilla Park. In addition to large volumes of people waiting for the bus on that corner (where two transit streets cross), there are regularly small children and families walking by the site to cross the street and access the park. Because there are so few crossings on 82nd near the park, people are literally funneled to this intersection, which is kind of a horrible place to be. Clearly an adjustment to a standard related to the pedestrian environment on such a corner would not fit with the desired character of the neighborhood, and certainly not the desired character of that corner.

This is a location where the pedestrian environment needs to be the MOST safe and pleasant for all users, rather than adjusted to a *much* lower standard.

I won't repeat the comments on the approval criteria already provided in the MNA letter. They were pretty comprehensive!

One last observation on the site though, for what it's worth - currently, many vehicles going south on 82nd cut through the gas station to head west on Glisan as a way to avoid the light. This creates a safety hazard, both for pedestrians and for Jackson's customers. I believe part of the reason this occurs so frequently is because the site appears so open (vehicle areas), with no sense of enclosure, and a weak street edge and corner. There is a direct line of sight from the 82nd Ave driveways to the Glisan driveway. The continued prominence of vehicle areas requested in the adjustment, on the now larger site, exacerbates this problem, as the north-most driveway (now in the old Pizza Hut lot) will also provide a direct connection to Glisan, encouraging even more of this behavior. I believe the prominence of this behavior is directly tied to the prominence of the vehicle areas. All of this leads to a less safe pedestrian environment.

For these reasons and those outlined in the MNA letter, I ask that you consider denial of the adjustment request.

Thank you,

Kathryn Hartinger
8335 NE Pacific Street
Portland, OR 97220

EXHIBIT F-9
17-193030 AD

Feuersanger, Marguerite

From: Wyffels, Michelle <WyffelsM@trimet.org>
Sent: Wednesday, February 21, 2018 9:41 AM
To: Feuersanger, Marguerite
Subject: RE: ODOT Case # 7418 515 NE 82nd Ave

Marguerite-

I consulted with our Field Operations staff and took some time this morning to watch the stop at 82nd & Glisan and look at similar stops nearby.

I would like to move the stop south, closer to the pedestrian crossing. Our standard is to have a nearside stop 15' - 25' from pedestrian crossing. Given the queuing activity at this location, I'd like to go with the maximum and have the bus stop pole 25' north of the pedestrian crossing. The shelter should be behind the sidewalk and somewhere in the vicinity of the bus stop pole.

Michelle

From: Feuersanger, Marguerite [mailto:Marguerite.Feuersanger@portlandoregon.gov]
Sent: Thursday, February 15, 2018 8:31 AM
To: Wyffels, Michelle <WyffelsM@trimet.org>
Subject: FW: ODOT Case # 7418 515 NE 82nd Ave

Michelle, I think you've seen the email messages below. Attached is a copy of the most current site plan with truck circulation routes. The proposed driveway locations at 82nd may change as a result of the issues raised by ODOT and Transportation, so I'll be sure to send you an updated site plan.

Thanks for the info and assistance! Hope to talk with you next week,

Marguerite Feuersanger, City Planner
City of Portland -- Bureau of Development Services
Land Use Services Division
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201

mfeuersanger@portlandoregon.gov
503 823 7619

Work hours: Tuesday through Thursday 8:30 am to 5:30 pm

From: Montalvo, Teresa
Sent: Wednesday, February 14, 2018 2:49 PM
To: Feuersanger, Marguerite <Marguerite.Feuersanger@portlandoregon.gov>
Subject: FW: ODOT Case # 7418 515 NE 82nd Ave

Latest exchange with ODOT regarding the driveways. However, there may be an opportunity to require the applicant to get a driveway permit from ODOT prior to LU approval. Let talk tomorrow!

T

From: Jeffrey, Andy
Sent: Tuesday, February 13, 2018 3:44 PM
To: JENSVOLD Martin R <Martin.R.JENSVOLD@odot.state.or.us>; Montalvo, Teresa <Teresa.Montalvo@portlandoregon.gov>
Cc: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Subject: RE: ODOT Case # 7418 515 NE 82nd Ave

Thank you for your comments Marty.

Teresa, I concur with Marty's concerns. It is unacceptable to have these trucks using the outermost lanes to turn left into the site, as is the case on both Glisan and 82nd. They need to either 1) demonstrate that the trucks can turn left into the site from the center left turn lanes on Glisan and 82nd, or 2) demonstrate their trucks will use routes that allow them to turn in to the site from the appropriate lanes. It sounds like ODOT is fine with slightly wider driveways on 82nd to accommodate these appropriate turns. I am also supportive of this on Glisan.

Also, we should reach out to TriMet to get their comments on moving the bus stop away from the intersection. I assume (as does Marty) that they would not be supportive of this.

Let me know if you'd like my help in coordinating a call with the applicant's engineer and/or TriMet.

Thanks!

Andy Jeffrey, P.E.
Senior Engineering Associate
PBOT Development Review
503-823-4270
Andy.Jeffrey@portlandoregon.gov

From: JENSVOLD Martin R [<mailto:Martin.R.JENSVOLD@odot.state.or.us>]
Sent: Tuesday, February 13, 2018 2:37 PM
To: Jeffrey, Andy <Andy.Jeffrey@portlandoregon.gov>; Montalvo, Teresa <Teresa.Montalvo@portlandoregon.gov>
Cc: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Subject: RE: ODOT Case # 7418 515 NE 82nd Ave

Andy,

Yeah, turning from the outside northbound lane across four lanes of traffic isn't acceptable. It's unclear why they aren't proposing the "Glisan to Glisan" loop as before.

Their turning template has the WB-67's doing the same thing on Glisan. Are they really expecting WB-67's to make deliveries here? It seems they could incorporate parking Space 7 into a larger quarter round landscaped island to provide a little more maneuvering room for trucks. We'd be open to a slightly larger driveway if it resulted in a more conventional travel path.

With other Jackson gas station / convenience stores we've dealt with recently, they've indicated they control all deliveries to their sites (delivery vehicle, schedule and routes). We should recommend they use routes that allow them to turn from and into the appropriate lanes.

We haven't talked to TriMet about moving the bus stop, we just noticed on the applicant's plans that they were proposing to move it. All of the bus stops at the Glisan / 82nd Avenue intersection are right at the intersection (according to Google Earth). Given how busy they are (according to the neighborhood association's letter) and assuming

Feuersanger, Marguerite

From: Amanda Rhoads <amanda@montavillapdx.org>
Sent: Friday, June 29, 2018 9:51 PM
To: Duncan Wallace; Deverie Tye; Cory Jackson
Cc: Feuersanger, Marguerite; Scott Stom; Jack Davis; mna-email@montavillapdx.org; Land Use & Transportation
Subject: Re: Jacksons LU 17-193030 AD

Hi Duncan,

Thank you, Deverie, and Cory for coming to the Montavilla NA Land Use and Transportation Committee meeting on Wednesday. We appreciated the opportunity to speak with you more directly about your project and your proposed mitigation for the two Adjustments you're requesting.

I do not have an opportunity to bring your ideas back to the full MNA board for any additional vote, so I want to preface this email that I'm writing this representing me and the members of the committee who attended on Wednesday. I'm also preparing to leave on vacation so this will be necessarily brief. We're hoping the images speak for themselves.

First, we appreciate the opportunity to create a pedestrian amenity at the prominent corner at NE Glisan and NE 82nd Ave. We believe that working with us to design a more urban plaza, coupled with relocating the sign away from the corner, will help to mitigate for not placing a building at the corner as would be required by code. But we want the space to be successful, and we welcome the opportunity to partner with Jacksons on creating public art at the corner. Here are some suggestions:

- do what you can to create more hardscape in the triangle at the corner to enable pedestrian use of the space.
- if you're going to do landscaping, grass only or a few shrubs with no plan will not contribute to a vibrant public space. Consider designs that work to either integrate the landscaping with the pedestrian plaza in an artful way (see the linked image called "creative landscaping incorporated") or create more opportunities for seating. For example, planters made from concrete with vibrant plantings that allow seating around them would enliven the space (and create more opportunity for public art!)
- We talked a lot about wall height. One of our committee members found a local artist who has done some beautiful murals at 4 feet high, which is not a height that would limit visibility from the store. We encourage you to consider raising the wall height even a small amount to enable public art.
(<http://www.hectorhh.com/gallery/mural.html#miraflor-wint-spr>)
- Visibility could be achieved also by a camera mounted to the canopy structure proposed.
- A mosaic could be another way to beautify the CMU wall and would be a call-back to the mosaics on the Montavilla Community Center across the street.

We would like to work with you and partner to use the corner for public art and to create an accessible, inviting pedestrian amenity for the neighborhood. As I stated at this meeting, we are prioritizing our sites for public art that we want to work on in the near term, and we would love to get your site in the queue. I would welcome crafting an agreement with Jacksons that I could bring to my board. I look forward to hearing from you.

Here is a link to a few photos of other small pedestrian plazas and mosaic art walls for inspiration: https://drive.google.com/open?id=1ZH28mzKYXn1xnsMfGAvLmS_9_FoHPQW

Thanks again for attending the meeting - I look forward to continuing the conversation.

Amanda Rhoads
MNA Land Use & Transportation Chair

EXHIBIT F-11
17-193030 AD

On Tue, May 29, 2018 at 4:51 PM, Duncan Wallace <dwallace@pmdginc.com> wrote:

Amanda, please accept the attached letter in response to the MNA letter dated February 1, 2018. I have enclosed PDF versions of plans showing the modifications we have made since our initial submittal. The Site Plan has 4 different plans to help clarify specific details such as the truck paths.

We would like to request a meeting with Montavilla Neighborhood Association to formally present the revised application, respond to your questions and discuss your feedback. Please review the attached documentation and contact me with a few potential dates so I can coordinate with the property owners.

Thank you for your patience and we look forward to meeting with the Montavilla Neighborhood Association.

Duncan Wallace, LEED AP

Regional Manager

PM Design Group, Inc.



19401 40th Ave. W, #200,

Lynnwood, WA 98036

P: 425.405.7746 C: 206.858.2125



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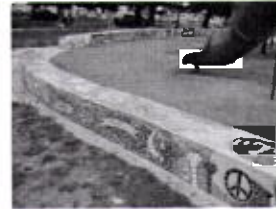
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City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



Land Use Review Application

File Number: LU 17-193030 AD

FOR INTAKE, STAFF USE ONLY

Date Rec 6-26-17 by Byron ? Liz

☐ Type I ☐ Type Ix ☒ Type II ☐ Type Iix ☐ Type III ☐ Type IV

LU Reviews AD

[Y] ☒ Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

No 100 yr No DOGAME

Qtr Sec Map(s) 2938 Zoning CG

Plan District NONE

Historic and/or Design District NONE

Neighborhood Montavilla

District Coalition SEU

Business Assoc 82nd Ave

Related File # EA 17-142606

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

Development Site 515 NE 82nd Street

Address or Location 515 NE 82nd Street

Cross Street NE Glisan Street Sq. ft./Acreage 40,301

Site tax account number(s)

R 227392 R 227394 R 227396

R 227393 R 227395 R 227397

Adjacent property (in same ownership) tax account number(s)

R R R

Describe project (attach additional page if necessary)

Demolish existing restaurant, convenience store, car wash, canopy and fuel islands. Reuse existing underground fuel storage tanks and as much piping as possible. Construct new 4,477 food sales retail building, new fuel canopy, (4) pump islands and landscaping and hardscape.

Describe proposed stormwater disposal methods

Stormwater will be collected via on site catch basins and treated with catch basin filters prior to discharge to public system

Identify requested land use reviews

Adjustment Review Type II

EXHIBIT G-1
17-193030 AD

• **Design & Historic Reviews** - For new development, provide project valuation.

For renovation, provide exterior alteration value.

AND provide total project valuation.

• **Land Divisions** - Identify number of lots (include lots for existing development).

New street (public or private)?

\$ 1,400,000

\$

\$

☐ yes ☒ no

continued / over 1



CITY OF
PORTLAND, OREGON
BUREAU OF DEVELOPMENT SERVICES
1900 SW 4th Ave., Suite 5000
Portland, OR 97201



RECEIPT #: 2009119

6/26/2017

Site Address: 515 NE 82ND AVE

IVR Number: 4040246

Permit Number: 17-193030-000-00-LU

Land Use Review

APPLICANT PM DESIGN GROUP *DUNCAN WALLACE*

Phone: (425) 405-7746

Fee Code	Fee Description	Fee Amount	Paid to Date	Balance	This Transaction	New Balance
1090	Site Development - Land Use Reviews	\$116.00				
1090	Site Development - Land Use Reviews	\$116.00				
1090	Site Development - Land Use Reviews	\$116.00				
242	Adjust. Review - Non-Res.	\$1,800.00				
242	Adjust. Review - Non-Res.	\$1,800.00				
242	Adjust. Review - Non-Res.	\$1,800.00				
2504	Life Safety Review - Land Use	\$100.00				
2504	Life Safety Review - Land Use	\$100.00				
2504	Life Safety Review - Land Use	\$100.00				
324	BES Land Use Rvw-Engineering	\$344.00				
324	BES Land Use Rvw-Engineering	\$344.00				
324	BES Land Use Rvw-Engineering	\$344.00				
373	PBOT Adjustment Review	\$278.00				
373	PBOT Adjustment Review	\$278.00				
373	PBOT Adjustment Review	\$278.00				
404	Water Available Plan Rvw - Type C	\$115.00				
404	Water Available Plan Rvw - Type C	\$115.00				
404	Water Available Plan Rvw - Type C	\$115.00				
711	Fire - Land Use Reviews	\$50.00				
711	Fire - Land Use Reviews	\$50.00				
711	Fire - Land Use Reviews	\$50.00				
Bill #4143770	Sub Total	\$8,409.00	\$0.00	\$8,409.00	\$8,409.00	\$0.00
TOTAL		\$8,409.00	\$0.00	\$8,409.00	\$8,409.00	\$0.00



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

July 6, 2017

Duncan Wallace
PM DESIGN GROUP
19401 40th Ave W # 300
Lynwood Wa 98036

Copy

Re: Land Use Review LU 17-193030 AD

Dear Duncan,

The Bureau of Development Services received the application for Adjustment Reviews for the site located at 515 NE 82ND AVE on June 26, 2017. This case has been assigned to me, Kathleen Stokes. I will be the staff until the last week of July and then the case will be coordinated by my colleague, Marguerite Feuersanger. In order to continue to review the application, additional information is needed. Once you submit this information, the application will be considered complete, and we will proceed with a full review of the proposal. Up to this point, the application has been reviewed only to determine if all required information has been submitted. The application has not been fully reviewed to determine if it meets the relevant approval criteria, however some issues you may want to consider are identified in this letter. Additional information on the items that are needed for completeness is included in Section II below.

I. Issues to Consider

While not necessary to determine the application complete, additional information may be needed to show that your proposal meets the applicable approval criteria. You are encouraged to address the following issues regarding the approvability of your proposal:

- The site is in a location that has very prominent pedestrian connections and activity. While it is understandable that there is great difficulty involved in the idea of relocating the fuel tanks and repositioning the fuel station on the site, the ultimate effort should be made to recognize the pedestrian activity of the area and improve the location to accommodate that character. It therefore seems highly unlikely that a request to waive the pedestrian connection from the store to the NE Glisan frontage could meet the approval criteria. This is particularly true when a fairly modest change to the development plan would move the store to the east, which could allow the 6-foot-wide pedestrian connection to be placed parallel to and abutting the east edge if the western perimeter landscaping. This solution or some other means of meeting this standard should be proposed. The standard would be met and that Adjustment request could then be withdrawn. It is unlikely that staff could write an approval if it continues.
- The site is subject to Title 11 tree preservation standards and there is also a need to preserve existing trees to mitigate for the additional vehicle area on the site. In the previous Early Assistance Appointments for the project, it was suggested that the trees located at the center of the site, between the fuel station and the store building be retained. This point needs to be made more forcefully. The current plan disregards that advice and continues to have more land area devoted to vehicles than currently exists. It should also be noted that, as shown, there are more than 10 parking spaces and so interior landscaping requirements would apply and the current plan does not appear to meet these standards because some of the interior landscaping shown does not seem to meet the location requirements and/or width for interior landscaping (See 33.266.130.G.3). If the parking was reduced to provide no more than 10 spaces, there

would be no requirement for interior parking lot landscaping. This could then allow the retention of some or all of the existing trees and green area between the store and the fuel station, as previously advised. This is especially important in the area closest to NE 82nd Avenue. The retention of this landscaped area would also allow the site to come closer to meeting the vehicle frontage standard (33.266.130.C.3.b). and could make it more likely to meet the approval criteria for that Adjustment request.

- The plan calls for a new 30-foot-wide driveway on the north portion of the site. This driveway would require approval from ODOT for a new curb cut on NE 82nd Avenue, which is also State Highway 213. You must make arrangements with ODOT for this curb cut separately from your application for building permits with the City of Portland.

II. Information Necessary to Complete Application

The following information must be submitted before your proposal can be evaluated:

1. A detailed existing tree plan, showing location, size (DBH) and species of all existing trees on the site must be provided.
2. A detailed landscaping plan, to scale, must be provided. Note that the width of required landscape areas is measured between the curbs that define the landscaped area and does not include the curbs.
3. Please provide additional information on the vehicle turning diagram that is shown on the site plan. Is that intended to show that the stacking requirements for the drive-through facilities standards are met (33.224) or is it intended to show the circulation pattern for the fuel trucks or both?
4. Please provide an explanation of the note on the site plan which states, "internal pedestrian connection w/stamped concrete." Note that this does not appear to meet the pedestrian standards of 33.130.240.B.2.b. for connections that cross auto travel lanes.
5. The narrative that addresses the approval criteria of Code Section 33.805.040 A-F does not contain a response to Approval Criterion B. This criterion reads as follows: *"B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area"*. Apparently, only the first half the criterion was read. The second portion of the criterion applies to commercially zoned sites.

The desired character of the CG zone is described in Code Section 33.130.030.G. The classifications of the streets are:

- NE 82nd Avenue is a Major Transit Priority Street, a Major City Traffic Street, a Regional Main Street, a City Walkway and a Local Service Bikeway.
- NE Glisan Street is a Transit Access Street, a Major City Traffic Street, a Community Main Street, a City Walkway and a City Bikeway.

The description of these street classifications is found in the Transportation Element of the City's Comprehensive Plan, at this link,

<https://www.portlandoregon.gov/bps/article/141421>

Please provide a response to this approval criteria to support the requested Adjustments, keeping in mind the comments in Section I, above.

III. Time to Complete Application

The Portland Zoning Code allows you up to 180 days to complete your application. Since the 180-day period began on the day we received the application, the deadline to make your application complete is **Tuesday, December 26, 2017.**

IV. Determination of a Complete Application

The application will be determined complete when you have submitted:

1. All of the requested information included in Section I, above. If you cannot provide all of the requested information at one time and intend to submit additional information, please include a written statement with each separate submittal indicating that you still intend to provide the additional missing information by the **Tuesday, December 26, 2017** deadline, **or**
2. Some of the requested information included in Section I, above, and a written statement that no additional information will be provided; **or**
3. A written statement that none of the requested information included in Section I, above, will be provided.

Please be aware that not submitting the requested information may result in your application being denied. The information is needed to demonstrate the approval criteria are met. Once the application is deemed complete, review of your application can proceed using the information you have provided.

Your application will be approved if it meets the relevant land use review approval criteria. It is your responsibility to document how the approval criteria are met. The items listed above will help provide that documentation.

Applications for any additional reviews that may be needed will not be accepted unless accompanied by the required fees. Please note that failure to submit the needed application with the required fee may result in a denial of your proposal.

Voiding of Application

If your application is not complete by **Tuesday, December 26, 2017**, it will be voided, and the application fee will not be refunded. The City's land use review procedures are outlined in Chapter 33.730 of the Portland Zoning Code.

Please contact me if you have any questions about this letter. My telephone number is **503-823-7843**, and my e-mail address is Kathleen.Stokes@portlandoregon.gov. After July 26, 2017, contact Marguerite Feuersanger. Her telephone number is **503-823-7619**, and her e-mail address is Marguerite.Feuersanger@portlandoregon.gov. You may mail correspondence to us at the Bureau of Development Services, Suite 5000, 1900 SW Fourth Avenue, Portland, OR 97201. If you deliver the requested material in person, please bring it to the **fifth** floor receptionist at 1900 SW Fourth Avenue. Please label all correspondence and materials you submit with the case number LU 17-193030.

Sincerely,



Kathleen Stokes, Planner
Land Use Services Division

cc: Application Case File ✓



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

Case Information

1. Applicant Name: Duncan Wallace
2. Land Use Case Number: LU # 17-193030 AD
3. BDS Planner Name: Marguerite Feuersanger

Extension Request

Please check one of the following:

- ☒ Extend the 120-day review period for an additional 120 (insert number) days.
- ☐ Maximum allowed extension: 245 days

The total number of extensions requested cannot exceed 245 days.

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: _____

Digitally signed by Duncan Wallace
Date: 2018.03.22 15:00:44 -07'00'

Date 3-22-2018

EXHIBIT G-3
17-193030AD



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
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FAX: 503-823-5630
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Request for Extension of 120-Day Review Period

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If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

Case Information

1. Applicant Name: Duncan Wallace
2. Land Use Case Number: LU # 17-193030 AD
3. BDS Planner Name: Marguerite Feuersanger

Extension Request

Please check one of the following:

- ☒ Extend the 120-day review period for an additional 60 (insert number) days.
- ☐ Maximum allowed extension: 245 days

The total number of extensions requested cannot exceed 245 days.

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: Duncan Wallace

Digitally signed by Duncan Wallace
Date: 2018.08.02 09:27:27 -07'00'

Date: 8/2/18

EXHIBIT G.4
17-193030 AD



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
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TDD: 503-823-6868
FAX: 503-823-5630
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Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

Case Information

1. Applicant Name: Duncan Wallace, PM Design Group
2. Land Use Case Number: LU # 17-193030 AD
3. BDS Planner Name: Marguerite Feuersanger

Extension Request

Please check one of the following:

- ☐ Extend the 120-day review period for an additional _____ (insert number) days.
- ☒ Maximum allowed extension: 245 days

The total number of extensions requested cannot exceed 245 days.

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: 

Date 9/17/2018

EXHIBIT G-5
17-193030 AD