

From: Jim McAdoo <quidam8@yahoo.com>
Sent: Wednesday, April 19, 2023 4:24 PM
To: Besley, David <David.Besley@portlandoregon.gov>
Subject: Land Use Notice LU 22-159396 AD

David

I am resubmitting my Dec 8 2022 comments below on LU 22-159396 AD.

Regards

Jim

Nascent Collective LLC

Land Use Notice LU 22-159396 (Revised 7Nov2022)

Trolleycar Lofts Homeowners Association Comments Dec 8 2022

Context

Trolleycar Lofts Homeowners Association (TLHOA) a six (6) condominium since 1998 in NW Portland with ten (10) residents.

Trolleycar Lofts (TL) a former 1914 industrial/warehouse masonry building re-developed into six (6) residential lofts in 1996-1998. Located in RM1-Residential Multi-Dwelling zone.

Nascent Collective LLC (Nascent) owns since late 2020, a 1914 single story frame/masonry commercial building at 2788 NW Thurman Street 97210. Located in CM2D (MU-N) zone.

Nascent and TL masonry buildings built in 1914 by Beno & Ballis, two real estate developers in Portland, OR. TL building later sold in early 1920's.

Nascent's single story building has an existing 11' x 100' paved alley separating TL building's North exterior masonry wall from Nascent's building's South exterior masonry wall and Bureau Development Services *unapproved* outdoor bar/dining area adjacent to the alley.

(See: https://www.portlandmaps.com/detail/property/2761-NW-SAVIER-ST/R290538_did/).

Alley had been most recently used by long-established tavern from 1950 until July 2020 and ceramic art studio from 1970 until October 2022 to access/support their businesses.

Has also been used by garbage/recycling collectors, beverage/food vendors, and other services/suppliers for those businesses as well as the owner.

Nascent Land Use Notice

Nascent's Nov 2, 2022 and Nov 7, 2022 (Revised) land use proposals to BDS Land Use Services describe a building re-developed from one (1) story to two (2) story commercial use.

Includes an upper courtyard/lower courtyard on the first floor and roof decks on the second floor.

Proposal identifies nine (9) "Vendor" spaces. Two (2) largest to be covered under separate TI permits. Seven (7) smallest permitting plans not specified.

Second floor has two (2) entries: an internal elevator and a stairwell from the first floor alley adjacent to 2 outdoor bar/dining courtyards on the Nascent building's south side.

Stairwell accesses a second floor outdoor stadium seating and customer gathering areas for second floor tenants.

An existing 11' alley is proposed to be developed into a 10'x18' loading zone, 6'x30' pedestrian access, and 10'x50' electrical meter/garbage/recycling storage area.

Building outdoor roof deck/courtyard noise control effected primarily through shrubbery planters and reducing width in 30' of alley length from 11' to 6'.

Comments:

Integrate Architecture and Planning November 3, 2022 letter to David Besley, Planner, BDS Land Use Services leads with Project Description assertion "to support the local neighborhood."

Instead, residential area affected by Nascent's development proposal includes the livability of TLHOA on NW Savier Street/NW 28th Avenue.

Moreover, also affects the livability of the residences on NW 28th Avenue from NW Thurman Avenue up to and including a block each on the east and west sides of the NW 28th Avenue/NW Savier Street intersection. Residences are in RM1 and R5 zones.

The "intent of the (City of Portland's) zoning setback requirement is to "maintain light, air, and the potential for privacy for adjacent residential zones."

The proposed layout *does not* as stated “exceed the 10’ minimum setback along *most* of the south property line.” Set back is also reduced from 10’ to 6’ for 30’ or 30% of the 100’ alley.

TLHOA finds that proposed adjustment under “Relevant Approval Criteria,” does not “equally or better meets the purpose of the regulation.” and does “detracts significantly from the livability and appearance of the residential area.”

Moreover, TLHOA has six (6) specific concerns/recommendations about Nascent’s Land Use Notice:

(1) Restricting 30’feet of the alley width from existing 11’ to 6’ will:

- Reduce TLHOA access to and significantly increase the future maintenance/repair cost of its North exterior masonry wall.
- Increase Nascent delivery, foot traffic, and garbage/recycling collection noise levels in alley affecting the livability of TLHOA’s six(6) lofts, penthouses, and roof decks.
- Increase probability of loaded garbage/recycling containers moving in the 6’ wide alley section from storage to loading zone, damaging TLHOA’s North exterior wall.

TLHOA requests that Nascent maintain a 10’ width for the entire 100’ length of the alley. Fully comply w/Portland Zoning Code minimum setback to residential zone.

Moreover, TLHOA and Nascent develop mutually agreeable plan to ensure cost-effective, timely maintenance to TLHOA’s North masonry wall if/when required.

(2) Proposed large second floor and first floor roof deck outdoor areas if used for bar/dining businesses, can/will contribute noise levels migrating to TLHOA’s lofts’ second floor penthouse/roof deck and first floor living areas.

Levels cannot be fully mitigated by the proposed shrubbery landscaping.

TLHOA lofts 1704, 2777, and 2761 roof deck/living areas are more directly affected by Nascent. However, loft 2781 roof deck use also will be affected at times by Nascent.

TLHOA requests that Nascent re-design its noise control measures to significantly reduce noise migration into Trolleycar Lofts and adjacent residences on NW 28th Avenue/NW Savier Street.

Such measures to include also include any and all live music performances that may be held in any outdoor areas in the Nascent building.

Nascent's measures are to be in compliance with City of Portland Chapter 18.10 Maximum Permissible Sound Levels, 18.10.010 Land Use Zones for Commercial/Mixed Use (i.e. Nascent) that affect Residential (i.e. Trolleycar Lofts) as shown in Figure 1 Permissible Sound Levels Zone Categories of Use.

(3) Nascent's proposed multiple kitchens on two (2) floors w/centralized venting, present unique architectural engineering problems and system solution. Will likely require a scrubber to control system's emissions and other measures to manage its sound.

TLHOA requests that Nascent adopt best practice kitchen venting emissions and sound controls to reduce impact on TLHOA's livability.

(4) TLHOA's garage floor drain's wye elbow located adjacent to TL building's North exterior masonry wall on south side of Nascent's proposed 6' wide alley. Retaining TL garage floor drain connection to Nascent's existing or new combined sewer and providing bollard protection to drain's wye elbow, will be required to ensure drain's long-term TLHOA utility.

TLHOA requests that Nascent provide long-term sewer connection for and protection to TLHOA's garage floor drain wye elbow in alley.

(5) Metro's food scraps requirement in 2023 and beyond (See: <https://www.oregonmetro.gov/food-scrap-policy>). Compliance will affect alley storage requirements as well as noise and rodent control.

TLHOA requests that Nascent include in its revised Bureau Development Services Land Use Notice and/or Building Permit, its plan as to how Nascent will comply with Metro's food scrap requirement in 2023/beyond.

(6) Masonry repair will be required to TL North exterior masonry wall when former Nascent tenant's two (2) ceramic kiln sheds' roofs are removed from wall as shown in Exhibit 2 Partial Floor Plans A1.2.

TLHOA requests that Nascent repair TL's North exterior masonry wall after the two (2) shed roofs are removed or reimburse TLHOA for its masonry contractor to repair wall.

Regards

James C McAdoo

James C. McAdoo President

Trolleycar Lofts Homeowners Association

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