

From: Elliot Levin <levinelliott@gmail.com>
Sent: Wednesday, April 19, 2023 7:37 PM
To: Besley, David <David.Besley@portlandoregon.gov>
Subject: Fwd: Case File LU 22-159396 AD

David,

Good afternoon. For sake of good order I am resubmitting my original letter opposing Nascent's plan for the redevelopment of 2788 Thurman St. The case file is LU - 159396 AD. I want to make sure this letter is included in the record.

Tks/Rgds
Elliot

----- Forwarded message -----

From: Elliot Levin <levinelliott@gmail.com>
Date: Thu, Dec 8, 2022 at 4:39 PM
Subject: Case File LU 22-159396 AD
To: <david.besley@portlandoregon.gov>

December 8, 2022

David Besley
Land Use Services

Re: LU 22-159396 AD

Dear Mr. Besley,

My name is Elliot Levin, and I am an owner/resident of a condo located at 1704 NW 28th Ave. Our property is immediately adjacent to the former Crackerjack Restaurant at 2788 NW Thurman Street.

Scale of Project

The proposed project at this property causes us grave concern as the scale of the proposed adjustment is far beyond the prior operation at the Crackerjack Restaurant. When Crackerjack operated, there was usually a handful of customers and a single kitchen. This proposal will start with a minimum of four kitchens, and over time, as tenants change, it could increase to as many as seven.

The scale and design of the project will allow 150 – 200 people in the outdoor spaces at a given time. The proposed layout will direct the accompanying noise into our condo. By comparison, Crackerjack generally had only a handful of outdoor customers.

On two occasions, I attended meetings with the project developer. We have asked that he consider options for reorienting the property to direct noise and foot traffic toward the commercial zone on

Thurman. He refuses to consider that option. At first, he explained that he didn't want to do this due to the new apartments or condos planned for the opposite side of Thurman. When asked why he would prioritize nonexistent future owners over those already nearby who don't have a choice of locating next to his project, the excuse pivoted to wanting the decks to have a southern exposure. Mr. Opsahl has made it clear that he will not consider reorienting the property. The only mitigation he offers is to consult with an acoustic engineer.

Mr. Opsahl's southern exposure comes at an extreme cost to us. The project's height elevates noise from street level to near or above the parapet wall on our roof. As most of our units do not have air conditioning, we rely on venting skylights to cool our units. Now it is hard to imagine that we will be able to use our venting skylight (or street windows, for that matter) to cool our condo. My neighbors are going to find themselves in a similar situation. Frankly, I find it unconscionable that he is making a conscious choice to direct the noise and activity of the project towards the residential neighborhood versus the commercially zoned area on Thurman to gain a "southern exposure" at the expense of his neighbors.

6' Set back

Our building is over 100 years old, and the brick requires periodic brickwork, such as tuckpointing. Should the setback be reduced to 6 feet, our contractors will have to use scaffolding rather than a man lift to service the wall on the property line. We've already been advised by the contractor for our upcoming work that this would increase the cost by 30%.

The movement of trucks, goods, and garbage/recycling containers increases the risk of damage to our north wall. Damage that may not be readily identifiable due to the layout of the proposed structure. Providing a driveway for delivery trucks, storing garbage alongside our north wall, and adding stadium seating on a staircase to increase capacity adds no value to the neighborhood and will escalate the project's impact on those adjacent to it.

Smokers

In the past, smokers have gravitated from Crackerjacks to the windows alongside our condo. Ours is an old building, and thus the smoke enters our condo. Can you put conditions on the project requiring that they provide and enforce a smoking area on Thurman?

Exhaust Smoke and related noise

M. Osphault has indicated that he will ensure the exhaust system noise and output is engineered to minimize their impact. Given the prevailing winds, can you make it a condition that he ensures this is indeed the case?

Garbage smells and rodents

The location of the garbage and associated smells and rodents are a concern. Given the impact this could have on his business, Mr. Opsahl will be self-interested in ensuring this is kept under control. However, if he doesn't, what is the recourse?

Mr. Besley, I have tried to limit my comments. Our HOA will also send comments pertaining to more technical issues. I have focused on liveability issues directly affecting my condo. I worry that Mr. Opsahl's has chosen a design that seems to maximize the project's impact on his neighbors by directing noise and operations to the residential RM1 zone to the south of his property. We depend on you to protect our RM1 neighborhood by 1) denying the requested adjustments, 2) Limiting operating hours to

no later than 10 pm, 3) requiring that the venting be silent and that odor and smoke do not infringe on the neighboring property, 4) require the property monitor smokers.

We fear the impact this project will have on our home's liveability and are worried that this will blossom into another Café Nell. I realize some or all of the above will be beyond your authority, but I also understand that by asking for the adjustment, you have the authority to place some conditions on the project. I hope that you will do so.

I sincerely thank you for considering my thoughts.

Sincerely,
Elliot Levin