

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.

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