

Parsons, Susan

From: Gulizia, Andrew
Sent: Monday, October 22, 2018 12:22 PM
To: deborah.byrne@comcast.net; Moore-Love, Karla
Cc: Parsons, Susan
Subject: FW: Attached Addendum to Appeal
Attachments: Addendum to Appeal 8-13-18 LU 18-174083.docx

Thanks, Deborah.

Karla, will you please make sure the City Commissioners receive the attached addendum? This is from the appellant for LU 18-174083 CU, which will be heard this Thursday, Oct. 25th.

Andy Gulizia, City Planner
City of Portland Bureau of Development Services
Title 33 Section, Land Use Services Division
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From: deborah.byrne@comcast.net <deborah.byrne@comcast.net>
Sent: Monday, October 22, 2018 3:41 AM
To: Gulizia, Andrew <Andrew.Gulizia@portlandoregon.gov>
Subject: Attached Addendum to Appeal

Andy,

Attached you will find the addendum to my appeal that we previously corresponded about.

Please let me know if there is anything I can do to facilitate this being sent to the Commissioner offices.

Sincerely,
Deborah Byrne

Land use proposal # 8-13-18 LU 18-174083 CU –

Addendum to Appeal –completes Appeal dated September 26,2018

By Deborah A. Byrne JD

5. This land use proposal fails to comply with the criterion of 33.815.105 (c (1) – Livability.

. “The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to: 1. Noise, glare from lights, late-night operations, odors, and litter ...”

in their application to build the proposed parking lot, Imago Dei Ministries did not disclose, that obscured by tall, thick, shrubs, this specific location has been used by homeless people to sleep outside for years. By building the parking lot and obscuring the view of the lot with new trees and shrubs, the obscured space for outside residence will be enlarged. Given the pre-existing use of this location, it is unlikely that houseless people will stop using the space when it becomes a significantly larger, less visible parking lot. With no outdoor toilet facilities this project will have ‘significant adverse impacts on the livability of nearby residential zoned lands due to: late-night operations/activities, Noise, odors from open defecation and urination, and litter.’

Further Explanation:

the Saint Francis Park –located between Stark and oak, and 12th and 11th, was obscured by berms of dirt that prevented police from looking in to what became a homeless encampment, bicycle theft ring, and protected location for drug sells for decades. As I understand it, the St. Francis Church would not allow the police to go into the park – their private property. Here, this proposal may result in a similar situation – an obscured homeless encampment that cannot be viewed by police and local residents.

The Zoning Code requires the new parking lot to be set back from the lot lines behind 5-foot-wide L2 landscaping buffers containing rows of trees, 3-foot-high evergreen shrubs, and ground cover plants (Zoning Code Sections 33.266.130.G.2 and 33.248.020.B). more landscaped area is proposed than the minimum required (Exhibit C-2). the perimeter of the parking lot would be screened by ten new trees and 3-4-foot-high evergreen shrubs. This location is already dimly lit. The extra screening will impede the ability of police and local residence to view the night-time activity in the lot.

Based on a phone call to the Central Precinct, the Portland police identify approximately thirty-six phone calls to 911 in the last year, for incidence occurring at this East end of applicant’s property. I placed

two of those calls: One was a wellness check for a man having a mental crisis. The other call happened when I was leaving a regular Monday night event at the applicant's church. Walking East on Ash, when I turned South on fifteenth at the exact proposed site, I came upon a woman who was weeping and bloody. She said she had just been beaten by a man she was living with behind the obscured shrubs (mentioned above).

Imago Dei Ministries knows about the homeless activity at this site. As a parishioner of the Church, I have reported it to them on several occasions. One of the neighbors who submitted written objections identifies seeing staff removing feces from the site and has had to negotiate with the Church in regards to a homeless resident who was making racial slurs to her young children.

At the hearing I requested that the homeless issue be considered and the any approval of the project contain the condition that the applicant must allow the police to enter the parking lot to check on night time activities. The hearing officer's decision asserts that, by law, he is not allowed to consider land uses not identified the applicant's application. I've requested a citation to this alleged law, but none has been provided. As I understand it, applicant has not agreed to allow police to enter the obscured parking lot.

The night-time use of this project does not meet the criterion of 33.815.105 (c (1)

The Hearing Officer errored when he did not require the applicant to comply to the condition of allowing Police Officers to enter the proposed parking lot on private property.

6. Second failure to comply with criterion 33.815.105 (c (1). "The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to: 1. Noise, glare from lights, late-night operations, odors, and litter ..."

Prior to providing notice of this land-use application, the applicant has publicly announced their involvement in promoting a quote homeless parking Pilate" wherein churches agree to allow homeless people living in cars, to park in church parking lots. In a KO IN news interview, Ben Sands stated the applicant's interest in providing three parking stalls for homeless car parking. The BDS received no documentation of this intended land use.

This land-use fails to meet the criterion of

as mentioned above in item number five. Given that the applicant does not intend to provide nighttime supervision of this location, and they have not agreed to allow police into the private lot, this is a recipe for disaster.

7. Intrinsic discrimination against the elderly and disabled in the criterion of 33.815.105 (A. - E.):

Title 33.815.105 lacks any criterion specific to the land-use needs of the elderly and people with disabilities. I am legally blind and have a spinal cord injury that limits the use of my hands. My sister who has MS used to visit me on a regular basis and assist me with in-home tasks of daily living. Not all parking spaces are created equally! When land-use decisions are made that cannibalize rare public parking spaces for the private use and greed of developers, disabled residents are cut off from the resources they need to maintain their lives. The dismissive statement that the ever-increasing lack of parking in the inner East side is a quote growing pain quote is an insult to the elderly and people with disabilities.

8. Applicant's land use proposal fails to meet the safety criterion of Title 33 815.105 C. 2: "Livability -- Safety"

the location of the proposed driveway in relationship to traffic being redirected by a unique traffic diverter, will create a traffic safety hazard that could result in bodily harm or death. No traffic safety study has been conducted to determine the probability of harm. Acceptance of this proposal by the city commissioners, without a safety study could result in the City of Portland being liable for a tort claim of negligence.

Explanation:

The applicant proposes building a parking lot at the Southwest corner of the intersection of South East Ankeny Street and Fifteenth Ave, with a driveway approximately fifty feet from the intersection. Ankeny Street is a designated "greenway" – a street that is a bicycle Thorofare. due to the conflict between a high level of bicyclist and a high level of car traffic at this location, the City of Portland built a diagonal concrete, traffic diverter at the intersection, in 2016. As I understand it, the unique diverter has just past it's two-year trial period and is about to be built into a permanent structure.

The diagonal diverter prevents all cars on Ash Str and 15 Ave from traveling through the intersection. All cars are redirected and forced to turn here. Cars traveling east on Ankeny Street have no stop sign and the diverter forces them to turn right (South) onto fifteen Ave, reaching the driveway of the proposed parking lot in approximately fifty-feet. When there is a car that has slowed down or stopped in preparation for entering the parking lot, the stopping distance may be as short as forty-feet. This inadequate stopping distance creates a reasonable probability that cars channeled through the traffic diverter will crash into cars that have slowed down to enter the proposed parking lot driveway.

Further complicating this hazard, this proposal does not include any kind of divider/ barricade between the North and South bound lanes on Fifteenth Ave. This means that North bound cars may cross the South bound lane to enter the driveway, entering into on-bound traffic that has low-visibility and a short distance to stop in.

These factors are exacerbated by the prevalence of speeding cars in this area. Fifteenth Ave. is located midway between twentieth Ave and twelfth Ave, the main North/South bound Thorofare's. Cars avoid going to these streets by cutting through the proposed residential area while speeding. I've lived in the Buckman Neighborhood for more than twenty years. I can't think of a worse intersection to build this parking lot and driveway than the proposed intersection.

The Hearings Officer at the Department of development Services erred when he approved this project without a "traffic safety Study". This land use proposal also conflicts with Vision 0, Portland's plan for eliminating all traffic deaths and serious injuries by 2025. An unbiased traffic study needs to be performed that takes into consideration all of the above listed factors, including an analysis of the "real" driver in this neighborhood, not an ideal driver.

City Commissioners have a fiduciary responsibility to promote safety and not make decisions that have a reasonable probability of resulting in a negligence law suit against the City for bodily harm. As I understand it, Portland Auditor Mary Hull Caballero presented an audit on the city's risk management division to the city council on approximately August 30, 2017. She identified that between 2012 and 2016, the City of Portland paid out more than \$eighteen-million (18,00,000.) in legal costs. Of that sum, Portland paid almost \$1.3 million from 2012 to 2016 to resolve claims that people were struck or injured on a city road. The audit found the "city of Portland needs to better promote safety." Approving this land use project without conducting a reliable traffic safety study puts lives at risks and opens the door for the City to be hit with a tort claim of negligence.

Sincerely,

Deborah A. Byrne JD

224 SE 15 Ave.