

**Appeal of Elliott Mantell against Hearings Officer's decision of denial
for the Everett House Community Healing Center LU 18-190331 CU**

**OPPOSE
APPEAL**

If you wish to speak to Council, please print your name, address and email

Name (PRINT)

Address and Zip Code (Optional)

Email (Optional)

✓ 1	FRED KING	2904 NE Flanders	
✓ 2	My Levi Cole	2905 NE Flanders	
✓ 3	My Linda King	2904 NE Flanders	
4			
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**Appeal of Elliott Mantell against Hearings Officer's decision of denial
for the Everett House Community Healing Center LU 18-190331 CU**

**SUPPORT
APPEAL**

If you wish to speak to Council, please print your name, address and email

	Name (PRINT)	Address and Zip Code (Optional)	Email (Optional)
✓ 1	RENEE FRANCE	111 SW COLUMBIA ST, ST 700, PORTLAND OR 97211	rfrance@radlerwhite.com
✓ 2	Michael Ard	17790 SW Dodson Dr, Sherwood 97140	mikesard@gmail.com
✓ 3	MICHAEL FOX	2834 NE EVERETT ST 97232	m-fox@yahoo.com
✓ 4	Elliott Mantell	2927 NE EVERETT ST 97232	commonchino@yahoo.com
✓ 5	KAREN ABRAMS	1230 NW 12th AVE. #314 PORTLAND, OR 97209	kabrams228ka@gmail.com
6	Bob Czymbal	2501 SE MADISON 97214 Portland OR	bobczymbal@gmail.com
7	Jonathan Akers	2324 E Burnside St 97214 #307	
8	AARON CARDELLA	2959 E Burnside St 97214	
✓ 9	Allen Wilson	7440 NE Haven Ave 97203	love listen u 478@gmail.com
✓ 10	JOSHUA RYAN	1705 E. Burnside 97214	JRyan@scarlettmarketing.com

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for the Everett House Community Healing Center LU 18-190331 CU**

**SUPPORT
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If you wish to speak to Council, please print your name, address and email

	Name (PRINT)	Address and Zip Code (Optional)	Email (Optional)
✓ 11	Aaron Cardella	2959 E Burnside St 307 97214	
✓ 12	Eric Ericusson Liss Chun	3350 SW 211 NE Cesar E. Chavez Blvd Portland OR 97232	
✓ 13	Lucas Littlefield	1832 NE Broadway St Portland OR 97232	inalittlefield@gmail.com
✓ 14	Bob Cumbal	2501 SE MADISON 97214	bobcumbal@gmail.com
✓ 15	Jonathan Okers	2324 E Burnside St. Portland OR 97214	Jonluck80@gmail.com
✓ 16	Bridgid McGrath	NE Fremont 97212	
17			
18			
19			
20			

McClymont, Keelan

From: Anne Pernichele <chiroenergy@me.com>
Sent: Wednesday, March 20, 2019 12:00 PM
To: Council Clerk – Testimony
Subject: Everett House Community Healing Center 3/20/19

Dear City Council,

I am a part time practitioner and former board member at EHCC. Thank you for considering our CUP appeal today.

We understand and appreciate the unique nature of our status for 37 years, sheltered within the Kern's neighborhood.

The area has evolved during our 37 years here from a quiet, low income suburb, to a rising urban hub. All but a few of our original neighbors are gone. Many of our current neighbors relocated to our area to enjoy the walkable accessibility to varied, high quality entertainment and dining options, convenient mass transit, and proximity to downtown Portland. EHCHC is sensitive to the pains, joys and compromises of our popular and urbanizing neighborhood. We are vigilant in keeping our impact on the neighborhood discrete and positive. Listed below are just a few of our endeavors to enhance our neighborhood impact while serving the healing needs of our community:

We continually invest in landscape improvements and maintenance at levels well beyond typical residents in the area.

All signage is minimal, natural, muted.

We maintain open channels of communication with all neighbors, and have policies in place for addressing any problems or concerns. In addition, we have a standing invitation for mediation with neighbors open at Solutions Northwest, to address more complex concerns.

We maintain strong, ongoing relationships with the Kern's Neighborhood Association, as well as Southeast Uplift, to keep abreast of opportunities to improve the quality of neighborhood life.

We continually re-invest in the quality of our facilities, to ensure the highest standards of hygiene, safety and efficacy.

We continually invest in staff training, education, and integration. All applicants pass a background check before hire.

We are not a large employer, but we ensure all city, business, Trimet and arts taxes are contributed appropriately.

We appreciate the avid support of local businesses on nearby NE 28th, Glisen and Burnside Streets, who recognize the synergy of our recreational offerings to their bottom lines. We have been told that our unique offerings help keep our neighborhood vibrant. Our Community members and staff eat, drink and shop locally, and employees of local businesses frequently enjoy our healing facilities.

We inform and enforce strict safety policies to ensure the environment is always physically and emotionally safe and clear, non-contact, and non-sexual.

We actively participate in neighborhood activities, fundraisers, and food drives. We donate free and sliding scale services to members who need assistance.

In the interest of time, I simply ask that consideration be given to the testimonials and support submitted by our community members.

We believe the overall effect of EHCHC within the community is positive and life-enhancing. Again, we are **always** open to community input focused on reducing any negative impact of our long term location, and enhancing the positive. We really do believe that community wholeness, wellness and peace is built from whole, well and peaceful individuals.

We ask Portland City Council to help us continue to contribute to to the health, wholeness and peace of our community.

Many, many thanks,

Anne Pernichele
EHHC
503-805-9183

McClymont, Keelan

From: Anne Pernichele <chiroenergy@me.com>
Sent: Wednesday, March 20, 2019 9:36 AM
To: Council Clerk – Testimony
Subject: Everett House Community Healing Center 3/20/19

Dear City Council,

Again, thank you for your time and your consideration of Mr. Frank's opinion regarding the conditional use permit for the Everett House Community Healing Center.

I am a part time practitioner at EHCHC and a former member of the Community Center board.

I would like to emphasize our ongoing desire to care for the quality of life of the greater Kern's neighborhood. We are ALL sensitive to the traffic concerns of our rapidly expanding city. We appreciate and respect the long range transportation plans for the city of Portland.

EHCHC fully supports local traffic and parking solutions that protect the safety and character of our residential streets.

If City zone permits or metered parking are found by residents and the City to be an appropriate overlay for our neighborhood, we will fully support them. If traffic diversion, speed bumps, or flow redirection are deemed beneficial for neighborhood safety, we will also fully support those measures. We look forward to creating **COLLABORATIVE** solutions for maintaining a high degree of safety and livability in our surrounding streets, to balance the heavy development in the nearby NE Glisen, 28th and Burnside commercial zones.

We are **collaboration** and **solution** focused.

Thank you again.

Sincerely,

Anne Pernichele
EHCHC

McClymont, Keelan

From: K Boneybruiser <kboneybruiser@gmail.com>
Sent: Tuesday, March 19, 2019 7:52 PM
To: Council Clerk – Testimony
Subject: Everett House

To whom it may concern regarding LU 18-190331 CU:

My name is Kristin Jo Siess and I live at 2936 NE Everett Street. My house is across the street from the Everett House and I have lived there for 24 years. I am writing in support of having Everett House continue to reside in our neighborhood.

I do not believe the congestion in the neighborhood is caused by Everett House. It seems that the increased popularity of 28th Street venues and the various new apartments going in have caused an influx of visitors and cars. Though I find this sometimes annoying, I'd prefer to appreciate the thriving and changing nature of our community.

I want to let the City Council know that Everett House has always been a great neighbor. They've been a solid part of the community for longer than most of the other folks have resided in the neighborhood. They are quiet neighbors. The people using the services at Everett House are generally respectful and aware they're in a mostly residential area. It has been rare that guests have struggled to find parking on the street. They always keep the property clean and beautiful. They also always pitch in for community events. Finally, Elliot Mantell has really been kind and generous to people in need. He treated my back after an accident when I didn't have insurance and I have heard many others share similar stories.

It seems like a lot of energy is being spent trying to drive out a business that is actually nurturing our neighborhood. This saddens me. I hope that the City Council arrives at a decision that allows the Everett House to continue.

Sincerely,
Kristin Jo

From: Anne Pernichele <chiroenergy@me.com>
Sent: Tuesday, March 19, 2019 6:54 PM
To: Council Clerk – Testimony
Subject: Everett House Community Healing Center 3/20/19

Dear City Council,

Thank you for taking the time to investigate Mr. Frank's findings regarding the Everett House Community Healing Center.

I am fortunate to provide health counseling and relaxation services at the center on a part time basis. I also use the hydrotherapy and massage services there as part of my personal mental and physical wellness routine. I have also served on the Community Center Board. The Center means a great deal to my health, physical, mental, emotional, and social. It is a unique and wonderful healing place, and I invite you all to visit some time.

Due to a non-EHCHC work conflict, I will not be able to speak at the council meeting, but I

would like to reiterate some of the reasons that I believe the historic Everett House Community is woven into the fabric of Portland's soul.

1. EHCHC provides an invaluable "third place," (per Ray Oldenberg) beyond home and work, where neighbors can gather for expression, authentic connection and growth. The spaces it has evolved over the years are beautiful, comfortable, informal, and accessible to all. The atmosphere is positive, respectful, and egalitarian. Typical trappings of social status and position are set aside. Conversation is collaborative and civil. Policies support a safe and nurturing oasis. No alcohol or drugs are allowed. We fiercely support equality and shared humanity across all races, religions, sexual preferences and identifications and national origins. We support community, harmony and

synergy, in an era when the dangers of isolation, alienation and division are all too apparent.

2. EHCHC is not expanding. The Center's footprint and capacity have remained absolutely unchanged over the last 37 years. The scope of services to support Community wellness have changed little. Despite false rumors and drama fomented by one eccentric neighborhood personality, and smeared around the neighborhood with a falsified petition, EHCHC plans to remain the same size and scope as it has for the last 37 years.
3. EHCHC has always been appreciative of our conditional use permit and very responsive to neighborhood needs and desires. EHCHC contributes to neighborhood causes and charities. There are open and effective channels of communication between neighbors, community members and

management. Strong transportation and noise management plans are frequently reviewed to ensure efficacy. We have always and will always worked hard to be good neighbors. We have received several reports from members who, like me, moved to Northeast Portland in order to be closer to the Everett House Community. We have never received a report that anyone has moved away because of our presence here. Obversely, a small number of obsessively eccentric neighbors have shown themselves eager to lie, spread false rumors, disrupt our parking negotiations, harass our patrons and employees, deny mediation and disrupt our community without clear reasons. "I have been trying for 24 years to shut them down," stated Fred King on his Facebook page recently. Despite being well aware of the established Everett House Community when he

chose to purchase his Flanders Street house just 25 years ago, he appears to be unable to hold himself accountable for his decision. His complaints migrate with convenience; “parking,” devolved to “it just seems busier,” once the parking studies proved parking was not a problem. Finally, at the Kern’s Neighborhood association meeting in February, he stated his opposition was due to “being deprived of residential families in those three houses so I could have someone I could garden with,” laying blame on EHCHC for social isolation most likely due to other factors well beyond our control. We empathize with the pain of isolation and helplessness, and would like to engage from a position of mutual respect.

4. “Healing is Contagious.” (Dr. Donny Epstein) The unique synergy of relaxation, bodywork and health

education envisioned by the original founders of the Everett House has evolved into a unique resource for physical, mental and emotional healing. We have collected hundreds of testimonials from members over our 37 years, reporting positive changes in their lives. Our current structural model has given us strength to to survive economic downturns, major renovations, and organizational challenges to support our Community for 37 years. The ability to integrate alternative healing modalities to entrain the physical and energy bodies of our members depends on beginning from a parasympathetic dominate or fully relaxed state. Unfortunately, Portland's growth makes it very unlikely that our Community could relocate to a commercially zoned property and recreate the mature vegetation, geographical energies, peace and quiet

the underlies all our Community ventures, in a geographically accessible and affordable model to continue to serve our Community members. The prospect of moving to an office building so we can support more cars would be a major hardship to our Community, and potentially a loss to the soul of Portland.

5. We occasionally receive visitors from around the country and around the world who ask how such a beautiful and relaxing Community came to be sited in the middle of a growing city, and how they can create one in their home towns. We do feel that Portland Planning and Zoning was ahead of its time in their approval of our 1982 permit. Many people have been attracted to the enhanced quality of life we provide to the Kern's neighborhood. With the rapid urbanization of our neighborhood, the addition of businesses, ADUs and more dense apartments, and

potentially even more Portland zoning changes in the works, we feel the obligation to continue this urban planning experiment and to test the long term vision of Portland's 1982 City Planners of Portland's healing urban oasis. Our goal is the highest quality of life for the Kern's neighborhood and our community.

I understand at this point, The Council is not considering any new information, but seeking to clarify the information already in the record. I believe all of these points had been addressed within the content of our original CUP review. Please kindly disregard any new information.

I do regret that we at EHHC may have been unsophisticated in our understanding of what information Mr. Frank was looking for in the initial land use hearing proceedings. My understanding was that the review involved parking, and we focused the majority of our

resources on compiling data and community input to address that topic in detail. I mistakenly assumed more of an interactive communication would be available to resolve any questions or concerns with evidence presented by all parties at the trial, like a TV courtroom drama. This was my first zoning hearing (I was in high school for the 1982 CUP presentation,) so I apologize if I personally failed to adequately communicate the goals, functions and activities of the Everett House.

Again, thank you all for your time, consideration and service in keeping Portland livable, vibrant and healthy. Please do not hesitate to contact me if you have any questions or would like to visit our facility at any time.

Sincerely,

Anne Pernichele, DC and Flight Attendant
Everett House

503-805-9183

McClymont, Keelan

From: Mike Lindberg <lindbergmc@comcast.net>
Sent: Tuesday, March 19, 2019 6:31 PM
To: Council Clerk – Testimony
Subject: Everett House testimony

Mike Lindberg
PO Box 82
Seaside OR 97138

regarding Everett House
Case # LU 18-190331 CU

March 19, 2019

Dear Commissioners, Joann Hardesty, Chloe Eudaly, Amanda Fritz, Nick Fish and Mayor Ted Wheeler,

I am writing this email in support of the Everett House Community Healing Center. Due to health reasons

I am unable to make the trip into Portland to attend the hearing. I would like to let you know that I have been

a patron and supporter of the Everett House since its inception in the early 80's. In fact I was on council

as a city commissioner for 17 years including the time period when the Everett House first started.

I have enjoyed my time at the Everett House and have found that it is a place that Portland really needs

to balance out the many stresses of the City. I hope that you can support the Everett House in continuing

to offer their unique services that Portland really needs.

Feel free to contact me if you have any questions.

Sincerely,

Mike Lindberg

received 3/19 , 2:38p

Kori Rush

3006 NE Everett Street

Portland Or. 97232

File#LU 18-190331

This letter is from my testimony at the land use hearing on Nov. 26, 2019. I don't know if I will be able to make the City Council Hearing on Wed March 20th so I wanted the Council members to read my testimony. I also submitted a letter previously in the record.

Dear City Council members,

My name is Kori Rush, and my family has lived on 30th NE Everett St. since 1980. There are only 2 houses between us and Everett House.

Firstly, I want to share that my family has always been involved in some way with the facility, whether it be as member patrons or in more official capacities. My father was on the board for Common Ground Community Center (previous name), and I myself have worked for CGC/ Everett House now and again in various roles over the past 40 years. As a teen, I had a little job in the tea house restaurant and I also used to clean the spa facility at nights in the mid/late 80's for CGC for \$5 cash and a hot tub ticket. I have also worked in the CG Chiro office when needed in the 90's.

Our family has also sought chiropractic wellness care when needed and most of the time it has been done at no charge with their neighbors in need program for my parents, myself and my 3 children. When my parents passed away, I bought their home on 30th Ave. and have been residing there for close to 5 years with my 3 children. I've always considered that house to be home, and the neighbors have continued to be my neighbors throughout the years even when I wasn't an official resident. As many children do with their childhood home after becoming adults.

I am here to testify on behalf of the facility, not only due to the afore mentioned familiarity with the facility, but as a neighbor directly affected by the close proximity of the facility. Personally, I do not use the facility much, but I appreciate that it's there when I do need or choose to utilize the various services it provides.

I do not believe the neighborhood would be bettered in any way by not having the facility in our neighborhood. We live 2 blocks from 28th Ave, 2 blocks from Glisan, and 3 blocks from Burnside. All these main streets have commercial businesses which affect our quiet streets in the middle. We accept that and have no say in regards to these businesses, their clientele, nor their clientele's method of transportation.

I wish to make note of my support to grant a new conditional use permit that will allow the facility to remain as it has for 40 years now. 40 years of which I've been a neighbor of, and I view them as a good neighbor.

I hope that my testimony has shed some light upon another neighbor's view and that you will consider this new conditional use permit as valid in the eyes of the close neighbors of Everett House.

Thank you,

Kori Rush

McClymont, Keelan

From: Roxane Auer <roxane24@gmail.com>
Sent: Tuesday, March 19, 2019 12:37 PM
To: Council Clerk – Testimony
Subject: For tomorrow's council meeting - I support Everett House Healing Center

Hello Portland City Council,

I had breast cancer in 2017 and Everett House helped me so much in dealing with my anxiety and depression. It gave me a place to be quiet with my thoughts, process my fear and relax and pamper myself at the same time. I was able to come home to my two young kids, 4 and 6 at the time, less burdened and more relaxed. I continue to use the facility as a place of calm and quiet in my busy world. I would be so sad and disappointed to see it shut down or have to move.

I have no idea how anyone could complain about the operations or location of the Everett House, I was shocked to hear there was a problem at all. From the outside it looks like a residential building. It is half a block to a block from other high density commercial operations. I go on a regular basis and am always able to park on the block of the Everett House so I don't imagine parking is much of an issue. It is always extremely quiet there, rarely many people outside and rarely anyone talking above a whisper. It is very private, and no nudity is allowed outside of very specific locations, so no one near by is exposed to anything remotely offensive in that way either, should they see nudity as offensive. I would happily live next door to this business.

I urge you to grant whatever zoning or variances or permits that are needed to keep this immensely valuable institution in place. They offer an affordable, healthy service to the community and do so in a respectful way.

Sincerely,

Roxane Auer
7143 SE Harrison Ct.
Portland, Oregon, 97215

Portland City Council
1221 SW 4th Avenue
Portland, OR 97201

Re: Statement in Support of the Everett House Community Healing Center
LU 18-190331 CU

Dear Mayor Wheeler and Commissioners Eudaly, Fish, Fritz and Hardesty:

This is a petition in support of the Everett House Community Healing Center "Everett House". Those who have signed this petition are neighbors and community members who respectfully request that the City Council approve the requested conditional use review to allow continued operation of the Everett House as a Community Service use.

The Everett House is a treasured asset to so many in the Kerns Neighborhood. For 38 years, the Everett House has provided a space for health and healing for the neighborhood and surrounding community. We support a Council decision that allows the Everett House Community Healing Center to continue to provide the full spectrum of services that the City approved in the 1982 Conditional Use Permit.

As neighbors we appreciate the efforts that the Everett House has made to reduce impacts on the neighborhood. We believe that the intensity and scale of the Everett House is consistent with the residential setting and does not result in significant adverse impacts on the livability of the surrounding neighborhood.

For these reasons, we support a City Council decision that allows for continued operation of the Everett House. Thank you.

Name:

Mary Jane Zoepfer

Address:

2936 NE Everett St.
Portland OR 97232

Bailey Simon
Nicole Penna
Kenton Rush
Lara Kachenian

2947 NE Everett St. Portland, OR
2947 NE EVERETT ST PORTLAND, OR
3606 NE EVERETT ST.
3844 NE Flanders St, Portland, OR

Moore-Love, Karla

From: Everett Chiro <everetthousechiro@gmail.com>
Sent: Monday, March 18, 2019 6:35 PM
To: Council Clerk – Testimony
Subject: Everett House - case LU 18-190331 CU
Attachments: Neighbors.pdf

Hello there,

Please see attached documents of close by neighbors' testimonies who support the Everett House.

Thank you

--

~ Everett House Healing Center ~
2927 Everett St, Portland, OR, 97232
Main line: (503) 232-4099
Text ONLY line: (503) 482-4659

Portland City Council]
1221 SW 4th Avenue
Portland, OR 97201

Re: Statement in Support of the Everett House Community Healing Center
LU 18-190331 CU

Dear Mayor Wheeler and Commissioners Eudaly, Fish, Fritz and Hardesty:

This is a petition in support of the Everett House Community Healing Center "Everett House". Those who have signed this petition are neighbors who respectfully request that the City Council approve the requested conditional use review to allow continued operation of the Everett House as a Community Service use.

The Everett House is an asset to so many in the Kerns Neighborhood. For 38 years, the Everett House has provided a space for health and healing for the neighborhood and surrounding community. We support a Council decision that allows the Everett House Community Healing Center to continue to provide the full spectrum of services that the City approved in the 1982 Conditional Use Permit.

For these reasons, we support a City Council decision that allows for continued operation of the Everett House. Thank you.

Name: Michelle Desai } Address: 3017 NE Everett St
N d }
Nikhil Desai }
Hilary Woodard } 2955 NE Everett St.
Ryan Woodard } "

Name: Holly Witz (Holly Jo) ^{Padlock}
Address: 2927 NE Couch St. ⁹⁷²³²
Email: heyhojo@icloud.com

Re: Everett House

Case File: LU18-
CU

Attn: Mark Moffe
Planner

1900 SW 4th Ave

Portland Or. 97201

How long have you been coming to the Everett House Healing Center?

_____ months 35 years or longer!

Please tell us about your history with the Everett House Community:

Heavenly, safe, community help
& bonding, health + restorative
education

Please tell us what being part of the Everett House Community has meant to you, and any ways the experience has impacted your life:

The whole reason I bought
my house in this neighborhood, 25 years
ago was because of the Everett House
community

Please comment on the location of our Urban Sanctuary. Has the quiet setting of our Community enhanced your experiences here?

Yes so much! Better than
anything! Always so well kept
and courteous.

Any additional comments?

I have 2 air bnb in the neighbor-
hood - all visitors have loved the
Everett house and the healthy
education it offers - also such
an amazing community +
neighborhood gathering space

dkosanke@gmail.com
To
commonchiro@yahoo.com
Today at 12:18 PM
Matt Kosanke
3145 NE Everett
Mdkosanke@gmail.com

I'd like to voice my support for this wonderful local health-focused organization. My family has lived two blocks away for six years and I couldn't count the number of times my back went out and I needed chiropractic care or I needed their spa or massage facilities. The fact that I can walk there is so wonderful, not just for me and my family, but for the planet—ecologically, and sustainability-wise.

I cannot help but think that the elimination of such a forward thinking local service from this community would not just be a loss for our community but an example of how our city falls short in supporting alternatives to an unsustainable automobile model. I have friends that walk and bus to take advantage of this well-placed local service.

The fact that this organization is in such a quiet setting enhances the experience. I see no conflict between this and nearby residential use that cannot be solved through honest well-intentioned deliberation--something that at least one side of this disagreement has in spades. The misinformation that has been spread to besmirch this company should NOT be taken at face value but instead as the manipulation it is, which will not stand in the light of an honest, open discussion.

Please take into account all the neighbors like me that love having this peaceful, quiet, respectful neighbor in our community!

-Matt Kosanke
3145 NE Everett

Name Marissa Young

Re: Everett House Pa

Address: 3025 NE Everett St. Portland, OR 97232

Case File: LU18-190
CU

Email: Youngmarissa@gmail.com

Attn: Mark Moffett C
Planner

How long have you been coming to the Everett House Healing Center?

2 months 0 years

1900 SW 4th Avenue

Portland Or. 97201

Please tell us about your history with the Everett House Community:

I live in a co-op style house, where our community members and housemates have been going to Everett House, with fond memories, since we've lived there, for over a year

Please tell us what being part of the Everett House Community has meant to you, and any ways the experience has impacted your life:

Everett House is a bonding-community building inst. My roommates and I go regularly, a block away from our house. It is a serene, relaxing, positive space to unwind and connect.

Please comment on the location of our Urban Sanctuary. Has the quiet setting of our Community Center enhanced your experiences here?

It is incredibly important and peaceful to have a quiet, safe, peaceful sanctuary in the center of an urban metropolis.

Any additional comments?

Everett House has been a hidden gem in the heart of Portland. I live half a block away and have experienced the magic and peace of it!

Kenneth Mitchell <kmitpdx@yahoo.com>

To

greg@sideways.org commongroundchiropractic@yahoo.com

Today at 9:47 AM

Hello Greg,

Elliot spoke with me about the concerns in the neighborhood and asked if I would write you a letter. My wife and I live next door to Flanders house and we have owned our home for two years. We like and appreciate all of our neighbors; we are grateful to live and be surrounded by so many good people. We were a little nervous at first about being next to a business in a residential area but we have had no problems. Compared to some terrible neighbors that I have lived next to in the past, this situation, Elliot's business and the rest of the neighborhood is outstanding. I feel that Elliot has made every effort to communicate and be a good neighbor. Neighbors will always have differences and disagreements; but it sounds like the solution to most of the problem is parking and this can be easily resolved. I do hope it can be resolved without any harm to anyone's livelihood or ability to coexist peacefully.

Thank you and well wishes from

Kenneth and Barbara

2936 NE Flanders, 97232

K Boneybrulser <kboneybrulser@gmail.com>

To

greg@sidewayspx.org commonchiro@yahoo.com

Jan 30 at 10:05 AM

Hi Pastor Greg!

I'm K-Jo Siess and I have lived at 2936 NE Everett Street for the past 24 years. I work, as a nurse, Monday eves so I won't be able to make it to the meeting on January 30th, but I wanted to weigh in.

About 20 years ago I was asked to talk at a community mediation between Fred and (then) Common Ground. My opinion hasn't changed in the last 2 decades. Everett House has always been a great neighbor. They are quiet, first of all. I love quiet neighbors! They keep the place clean and beautiful. They always pitch in for community events. Most of all, Elliott is kind. He treated my back after an accident when I didn't have insurance and I've heard many other people share similar stories.

I encourage you to reconsider renting those parking spaces to Everett House. It would be a shame if Fred's personal vendetta against Elliott caused Everett House to disappear. (Suffice to say that Fred isn't our most well-balanced neighbor.) I cringe to think of who or what might replace what has been a very stabilizing business on our block.

Feel free to call me if you have any questions: 503-234-3899. And thank YOU for being a nice addition to the neighborhood. I especially appreciate the food pantry!! Portland is so desperate these days. I love .t that you're pitching in.

Sincerely,
Kristin J

Subject: Re: Responsive Layout - General Inquiry Contact Form**From:** JotForm <noreply@jotform.com>**To:** judy@everetthousehealingcenter.com**Fri, 9 Nov 2018 07:24:19 -0500****📧 Responsive Layout - General Inquiry Contact Form**

Full Name	Aaron Eubank
E-mail	eubank.aaron@gmail.com
If you live in the immediate neighborhood of the Everett House, please share your address with us.	Street Address: 2807 NE Glisan St City: Portland State / Province: Oregon Postal / Zip Code: 97232 Country: United States
Do you use any of the following to get to the Everett House?	Walk
How long have you been coming to the Everett House?	10 months
Please tell us about your history with the Everett House Community:	I have been coming once or twice monthly for the last 10 months or so. I started coming off the recommendation of a friend and we generally came together to use the spa area.
Please tell us what being part of the Everett House Community has meant to you, and any ways the experience has impacted your life:	Coming to the Everett house has been the most rejuvenating experience I've had in years. Each time I came through the doors for the spa, a sense of peace washed over me, and I always left in better mental and physical spirits than when I came. I have also loved enjoying the outside garden area during multiple seasons. When I first started coming, it was cold winter, and the space felt very different than the life filled spring and the warm summers. Experiencing the change of time through in this peaceful space was also a great boon.
Please comment on the location of our Urban Sanctuary. Has the quiet setting of our Community Center enhanced your experiences here?	Absolutely. The fact that the community center is just off 28th, a pretty busy shopping and dining street, is excellent. Many "retreats" and spas are either fully indoors, well outside of towns or in industrial areas. The fact the the Everett house is a quiet place nestled in a neighborhood is unique, charming, and truly adds to the experience of going there.

Subject: Re: Responsive Layout - General Inquiry Contact Form**From:** JotForm <noreply@jotform.com>**To:** judy@everetthousehealingcenter.com**Fri, 16 Nov 2018 11:35:05 -0500**** Responsive Layout - General Inquiry Contact Form**

Full Name	Stephen Sander
E-mail	rosecitysteve@gmail.com
If you live in the immediate neighborhood of the Everett House, please share your address with us.	Street Address: 2915 NE Davis St City: Portland State / Province: Oregon Postal / Zip Code: 97232 Country: United States
Do you use any of the following to get to the Everett House?	Walk
How long have you been coming to the Everett House?	Since at least 1989 when we moved into the neighborhood, and occasionally before that when I lived in other areas of Portland.
Please tell us about your history with the Everett House Community:	The hot outdoor tubs, the sauna, and massage sessions have been what our family has enjoyed over the years. A place to relax, to enjoy community with like-minded folks, and to enjoy the services offered by Everett House. Would also purchase gift certificates to give to family and friends.
Please tell us what being part of the Everett House Community has meant to you, and any ways the experience has impacted your life:	I consider Everett House to be an institution in Portland. Low-key, friendly, quiet atmosphere - never any issues or problems with the Community buildings or customers in the neighborhood. My wife and I have taken advantage of the massages over the years for health and well-being. We then turned on our children now grown to appreciate and enjoy the services that Everett House offers.
Please comment on the location of our Urban Sanctuary. Has the quiet setting of our Community Center enhanced your experiences here?	The location fits very well into the neighborhood. No outlandish signage or sounds coming from the location. Well-kept and groomed landscape and houses on the property. A safe and relaxing space, friendly and professional staff including the massage therapists and chiropractors. Been a source of healing for some minor surgeries that I have had over the years.

Name John Bradley
Address: 3256 NE Everett St
Email: Jbradb42@gmail.com

Re: Everett House Parking

Case File: LU18-190331
CU

Attn: Mark Moffett City
Planner

How long have you been coming to the Everett House Healing Center?

3 months 0 years

1900 SW 4th Avenue

Portland Or. 97201

Please tell us about your history with the Everett House Community:

I live 4 blocks away and have graduated from occasional attendee to spa club member. I was first introduced to the spa by my massage therapist, we would visit after sessions.

Please tell us what being part of the Everett House Community has meant to you, and any ways the experience has impacted your life:

The Everett House is very important to me. It has been a place of healing for physical injuries as well as stress from work and life.

Please comment on the location of our Urban Sanctuary. Has the quiet setting of our Community Center enhanced your experiences here?

As a close neighbor to the Everett house I am delighted to have an establishment such as this in my neighborhood. I believe strongly this spa is one of the largest perks to living around here.

Any additional comments?

The Everett house is an amazing place, the closer you are to it, the more positivity and wellness it can bring to your life.

Name ELLE CONYERS

Re: Everett House Parking

Address: 3250 NE EVERETT ST.

Case File: LU18-190331
CU

Email: elle.conyers@gmail.com

Attn: Mark Moffett City
Planner

How long have you been coming to the Everett House Healing Center?

2 months 1 years

1900 SW 4th Avenue

Portland Or. 97201

Please tell us about your history with the Everett House Community:

MY PARTNER INTRODUCED ME TO EVERETT HOUSE OVER A
YEAR AGO. NOW SPA CLUB MEMBERS, WE BOTH COME TO
SOAK AND STEAM A FEW NIGHTS EVERY WEEK.

Please tell us what being part of the Everett House Community has meant to you, and any ways the experience has impacted your life:

I'VE ENJOYED BOTH THE PERSONAL TIME, QUIET AND
SPACE OF SOAKING HERE AND THE KIND AND OPEN
COMMUNITY OF EVERETT CREW + FREQUENTERS!

Please comment on the location of our Urban Sanctuary. Has the quiet setting of our Community Center enhanced your experiences here?

THE NEIGHBORHOOD SETTING ^{OF EH} IS IDEAL FOR A FEW REASONS.
FIRST, EH IS JUST THREE RESIDENTIAL BLOCKS FROM MY HOME.
SECOND, IT'S SETTING POSITIVELY INFLUENCES THE TONE &
ATMOSPHERE, AND, THE ~~NO~~ PEACEFUL LOCATION LETS ME ENJOY
Any additional comments? NOT ONLY THE SPA BUT THE WALK ~~TO~~

GO EVERETT HOUSE! STICK AROUND.

Moore-Love, Karla

From: Michael Smolski <michaeles388@gmail.com>
Sent: Monday, March 18, 2019 6:53 PM
To: Council Clerk – Testimony
Cc: Elliott M
Subject: Reference Everett House LU 18-190331 CU

Dear council members,

I have been a client of Everett House for 20 years. Since my career has been in the manufacturing industry, this can often mean standing for 10-12 hours a day, and loud, heavy work. So it was a true life saver to find Everett House. The sauna, massage, and over all healing environment I find there has been critical for my physical and spiritual well being. During those 20 years, the parking accommodations have changed from one spot to another, which I have always respected.

Now that the parking options have vanished, due, ironically, to extensive development in the area, some of the neighbors to Everett House are lobbying for it's closure.

Every single person in this city has been impacted by the rapid changes we find around us.

The Everett House neighbors hope to shield themselves from these changes by living in a bubble, where no development encroaches on their street. The simple fact is, that is not possible.

I know, because I wanted to live in a bubble myself. Unfortunately, the location for this hoped-for wrinkle in time is one block north of SE Division at 30th, behind the Reliable Parts building, a one story small business.

Now that Reliable Parts is a four story apartment building with balconies that hang over my back yard, and my street is packed 24 hours a day with cars from the other hundreds of apartments and restaurant patrons in the area, and my back yard in the summer sounds like a riot is going on from the outdoor patio of Bollywood and other restaurants, believe me, my hope for a bubble is long gone. I wish the worst development issue I had to contend with was Everett House. The outdoor areas are always quiet in my experience, and if you don't like naked people next door, don't look over the fence.

The possibility of moving was much discussed, but the benefits still out-weighed the draw backs.

So, what are the benefits?

We walk to most all the stores we want to go to, as well as the library.

Also close by are the two Pilates studios, one Yoga studio, and one gym that I frequent. These small businesses are also in neighborhood settings, with just as many clients as Everett House.

So I don't understand why Everett House is being singled out for closure.

Perhaps these particular neighbors do not recognize what makes a city liveable, as Portland aspires to be.

Everett House embodies these aspirations by it's very nature. Caring community, accessible by a variety of modes of transport, mindful of it's neighbours, and a respected member of the community at large for 40 years. Longer than most of the people living near by, I venture to guess.

If Everett were to be forced to close, the neighbours would be even more unhappy. A developer would buy the property, tear down all the buildings and trees, and build several million dollar monoliths that would destroy the serene nature of the street. Conjecture on my part, but that is my experience.

We weren't asked if we wanted hundreds of apartments built on Division. But that is the nature of a vibrant city.

Decisions are made based on the greater good of the whole, rather than individual stake holders who may not want to be inconvenienced.

Portland needs to continue with an eye on the big picture, there's no going back now. I encourage you to make whatever permit changes are necessary to expand the liveable nature of Portland by allowing Everett House to continue serving it's community as the compassionate center of healing that it has been for so long.

Thank you for the opportunity to be heard.

Michael Smolski

Comment on Case File: LU 18-190331 CU

AUDITOR 03/28/19 PM 4:57

Land Use Hearing,

My name is, David Kirchfeld, and I have lived across the street from Flanders House LLC., since 1990. I consider Dr. Elliott Mantell an acquaintance and believe he does a lot of work to keep his properties in good shape, be a nice neighbor and be part of the community. I want to make it clear that I do NOT want to shut down his business. I believe it serves a positive purpose for many people. For the most part, the employees and guests respect the neighborhood and come across friendly. However, I am concerned with the absence of a 30-space parking lot nearby the subject property. First, I think it is important to provide some backdrop to the neighborhood. Between 29th and 30th on Flanders St., there are 12 kids all under the age of 8 years old. These kids play mostly on the sidewalk but enter the street to come and go from each other's homes. The absence of parking spots has created additional car traffic on our street. I have witnessed guests to Flanders House LLC. rushing to appointments and not obeying speed limits and traffic laws (blocking neighbor driveways and even parking on the curb). I believe this poses a safety risk for those that live in the neighborhood, especially the younger kids. I believe the best way to solve this issue is to require off-site parking for 30 cars. Thank you for considering my comments and please feel free to reach out to me with any questions or concerns.

Best,

David Kirchfeld



Brett Carlos and Karen Moffitt
2954 NE Flanders St.
Portland, OR 97232

RE: Case LU18-190331CU City Council Appeal Testimony

Mayor Wheeler and City Council Members:

We live at 2954 NE Flanders St., the same block as the Flanders House, with our three young children. We strongly oppose the continued expansion of the business that operates out of the Flanders House and the adjoining properties. We have observed the amount of traffic and people on our street to visit the Flanders House increasing over the last few years. As per our testimony at the hearing, we have been frustrated with the volume of cars parking on our block for the Flanders House and have had several instances where cars park on the opposite side of the street (facing the wrong direction). As parents of young children living on a residential street, we teach our children which way to expect cars to come from when they are crossing the street. While we do tell them to look both ways, they are taught to look left first, then right. On our block, that is no longer always prudent since people may pull out of parking spots going in the wrong direction.

The expansion of the business is not only an inconvenience to us, we see it as a safety concern, to have so many people visiting our residential block and not adhering to parking rules.

We trust that you take this into consideration.

Sincerely,



Brett Carlos and Karen Moffitt

Case: LU18-190331CU
MyLinda King
2904 NE Flanders Street
City Council appeal testimony

March 20, 2019

AUDITOR 03/20/19 PM 4:57

Good afternoon Mayor Wheeler and City Council members Hardesty, Eudaly, Fritz and Fish. My name is MyLinda King and I have lived at 2904 NE Flanders since 1994.

I think it is ironic that a business that has broken almost every condition of it's Conditional Use Permit is now asking for conditions to be relaxed or removed entirely.

There's a proverb from Africa that says "No matter how big the river, it will always try to grow." It is the nature of business to grow and try to attract more customers. Businesses don't try to scale back. However, Everett House is operating way beyond the scope of their original Conditional Use Permit.

Here is a small example of an "ever-expanding river." The Flanders House, until a few years ago, operated mainly as a massage facility. I believe there are nine small rooms that are leased out. When Mr. Mantell bought the property in 2016 there was an uptick in intensity with the addition of daily and often twice-daily classes and workshops. I am submitting a calendar of these events.

Activities go on below the radar at Everett House that are extremely disrespectful to the nearby residents, namely after-hours parties. By "after-hours" I mean after 11pm because the business is open seven days a week, including holidays, until 11pm. You won't find these on the "calendar" but they happen. You would think that given the number of times neighbors have complained about noise that last thing they would think about doing is having an outdoor party for their employees until 2am in July, when everyone's windows are open. Another under-the-radar impact is that occasionally employees live in the Flanders House, leaving their cars on the street for weeks at a time. And why did a practitioner feel entitled to

complain to us during a summertime block party that the street was blocked off and her customers would not be able to park nearby?

If a decision is made about reducing the scale of operation, who will enforce it a year from now, five years from now, ten years from now? We had to live through decades of unchecked expansion and violations to get to this point today. What would enforcement look like? Will it have any "teeth?" Will the burden be on the neighbors again because the city doesn't have the bandwidth?

At the hearing in November we heard customer after customer testify that they never used the designated parking lots because there was always plenty of street parking for them. Some customers said they didn't even know that there WERE parking lots! For decades we have complained about parking to this business. They would put on a short-lived dog-and-pony show to convince us they were doing something about it. And now we learn it was all a farce. Their own parking study showed that sometimes there are more cars parked on Everett and Flanders Street than there are spaces. Blocked driveways are a constant problem.

Many of my neighbors, in addition to signing a petition, also wrote letters for the November hearing about their concerns. If you have time I urge you to read them. Many of them could not be here today because of work and school-aged children so I delivering new letters on their behalf.

I ask you to uphold the denial because the city obviously doesn't have the capacity to monitor and enforce violations and this business cannot be trusted to comply.

Thank you.

From Internet Explorer

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29 7 pm - 8 pm Mankind Project	30 7 pm - 8:30 pm In-Depth Tarot: A Spiritual Journey	31 Halloween 5:30 pm - 6:30 pm Meditation Group, Free 7 pm - 8:45 pm Refuge Recovery for Men	November 1 4 pm - 5:30 pm Community Service Session	2	3
4 Daylight Saving (End) 8 am - 11 am Moon Circle: A Divine Feminine Series	5 7 pm - 8:45 pm Insight Meditation and Buddhism	6 7 pm - 8:30 pm In-Depth Tarot: A Spiritual Journey	7 5:30 pm - 6:30 pm Meditation Group, Free 7 pm - 8:45 pm Refuge Recovery for Men	8 4 pm - 5:30 pm Community Service Session	9 7 pm - 8:30 pm Heartfelt Rituals	10
11 9:30 am - 11:30 am Divine Feminine Series Women's Circle ROOM T1 IN FLANDERS 10 am - 6 pm Reiki Warrior Level One	12 Veteran's Day 6:30 pm - 8 pm NVC For Beginners in ROOM T1 of Flanders 7 pm - 9 pm Mankind Project	13 7 pm - 8:30 pm In-Depth Tarot: A Spiritual Journey	14 5:30 pm - 6:30 pm Meditation Group, Free 7 pm - 8:45 pm Refuge Recovery for Men	15 4 pm - 5:30 pm Community Service Session 7 pm - 9 pm Shamanic Healing Techniques: Connecting With Your Spirit Animal	16 5 pm - 9 pm Community Healing Events	17
18 9:30 am - 11:30 am Women's Circles: A Divine Feminine Series 12 pm - 1 pm Kriya Yoga	19 5 pm - 9 pm Holistic Chamber of Commerce Meeting 6:30 pm - 8 pm NVC For Beginners in ROOM T1 of Flanders	20 7 pm - 8:30 pm In-Depth Tarot: A Spiritual Journey	21 5:30 pm - 6:30 pm Meditation Group, Free 7 pm - 8:45 pm Refuge Recovery for Men	22 Thanksgiving 4 pm - 5:30 pm Community Service Session	23 5 pm - 9 pm Community Healing Events	24
25 9:30 am - 11:30 am Women's Circles: A Divine Feminine Series 12 pm - 1 pm Kriya Yoga 2 pm - 5 pm Event	26 7 pm - 9 pm Mankind Project	27 5:30 pm - 8 pm NVC For Beginners in ROOM T1 of Flanders 7 pm - 8:30 pm In-Depth Tarot: A Spiritual Journey	28 5:30 pm - 6:30 pm Meditation Group, Free 7 pm - 8:45 pm Refuge Recovery for Men	29 4 pm - 5:30 pm Community Service Session 6 pm - 8 pm Psychological First Aid Workshop Series	30 6 pm - 8 pm Psychological First Aid Workshop Series 6 pm - 9 pm Community Healing Events	1

Namaste!

Renee France
rfrance@radlerwhite.com
971-634-0217

March 18, 2019

Portland City Council
1221 SW 4th Avenue, Room 130
Portland, OR 97204

Re: Testimony in Support of Appeal
LU 18-190331

Dear Mayor Wheeler and Council:

The Everett House Community Healing Center (the "Everett House") offers this testimony in support of the appeal of the Hearing Officer's decision in the above-referenced matter. Everett House has operated a community center in three converted homes in the Kerns Neighborhood of Northeast Portland for 37 years under a conditional use permit issued in 1982, CU 26-82 (the "1982 CUP"). A photo of the houses from Everett Street that is in the record is attached as Exhibit A. Everett House provides a tranquil space for relaxation, healing, and community connection in a setting and manner that is compatible with the residential character of the neighborhood. Testimony in the record clearly indicates that Everett House is a permitted and long-standing amenity in the neighborhood that is treasured by many within the immediate neighborhood and the surrounding community.

Everett House requested conditional use review to eliminate the 1982 CUP Condition of Approval B, which requires the permit holder to provide at least 30 off-street parking spaces within 300 feet of the site. The Hearing Officer denied the application because he believed that several applicable approval criteria were not satisfied. Everett House disagrees with the ultimate decision the Hearing Officer reached because the evidence in the record demonstrates that the proposed removal of CU 26-82 Condition B complies with all applicable approval criteria. However, as provided below, we agree with several of the conclusions and much of the reasoning in the Hearing Officer's decision and simply seek to clarify why the ultimate decision was in error. The three fundamental grounds for this appeal are provided below.

Everett House Simply Seeks Continued Operation of the Use and Activities Approved in the 1982 CUP

Through this application the Everett House seeks to continue to provide the relaxation, health and wellness community services that it has provided for the past 37 years under the 1982 CUP.¹ The 1982 CUP approved a conditional use for a community club that that was described in the 1982 staff report as follows:

Applicant requests permanent conditional use approval to continue sauna, hot-tub and massage therapy services. The community club will also include relaxation and health counseling and a "tea house" food service.²

¹ The Hearing Officer's reference to and reliance on condition language in a 1981 CUP (CU 32-81) is misplaced and in error because the 1982 CUP replaced the temporary 1981 CUP in its entirety. See, Decision of the Hearing Officer, pg. 15-16. Similarly, reliance on staff comments in the Staff Report that are not reflected in the final decision and conditions is similarly misplaced and in error. Id.

² Staff Report, Exhibit G.6.

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The 1982 Report of Hearing Officer Decision, which included ten conditions of approval, placed no specific restrictions on the activities allowed within the community club under that general description in the staff report.

In the decision for this amendment request, the Hearing Officer first correctly stated that it is not permissible to reverse or otherwise modify the 1982 CUP approval. In other words, Everett House must be allowed to continue the community center activities identified and approved in 1982. The Hearings Officer found that the related approval criterion was not satisfied because he believed that the Everett House proposed uses of the subject property exceed the uses allowed/approved through the 1982 CUP. However, the Hearing Officer clarified that "had the Applicant restricted its proposed uses to those approved by CU 26-82, then the application likely would have been approved."³ The purpose of this appeal is to demonstrate to Council that the existing and proposed activities at the Everett House are in fact restricted to those approved by 1982 CUP under a reasonable interpretation of the decision.

By his own admission, the Hearing Officer interpreted the language in the 1982 CUP narrowly.⁴ In fact, he interpreted the 1982 CUP approval so narrowly that the interpretation is unreasonable and impermissibly restrictive. The following is a description of the services and activities provided at the Everett House identified in the Hearing Officer decision followed by an explanation of how they are consistent with the description in the 1982 CUP staff report:

Hot tubs: Expressly included in the community club description in the 1982 staff report.

Saunas: Expressly included in the community club description in the 1982 staff report.

Massage therapy services: Expressly included in the community club description in the 1982 staff report.

Tea House: Expressly included in the community club description in the 1982 staff report.

Hydrotherapy/floatation tanks: Hydrotherapy includes hot tubs and through the use of floatation tanks is similar to a personal hot tub and contributes to relaxation. Therefore, while not expressly named in the 1982 staff report, the floatation tanks are the modern and functional equivalent of the hot tubs and provide relaxation activities expressly included in the community center description in the 1982 staff report.

Chiropractic services: The chiropractic services offered at Everett House are equivalent to the expressly approved massage services in that they occur in a private room with a licensed practitioner.⁵

³ Decision of the Hearings Officer, pg. 34.

⁴ Decision of the Hearing Officer, pg. 11.

⁵ The Hearing Officer in this case took judicial notice of and improperly relied on a medical definition from the World Federation of Chiropractic in finding alignment with services offered at a medical clinic. However, a more appropriately general definition at Merriam-Webster defines chiropractic as, "a system of noninvasive therapy which holds that certain musculoskeletal disorders result from nervous system dysfunction arising from misalignment of the spine and joints and that focuses treatment especially on the manual adjustment or manipulation of the spinal vertebrae." We request that the City Council take judicial notice of the Merriam-Webster definition in response to the definition relied upon by the Hearings Officer.

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The record indicates that chiropractic services have been offered at Everett House since its inception, and that the City was fully aware of those services and declined to require a cessation to the

chiropractic related services.⁶ The chiropractic services also include health counseling and contribute to members relaxation and healing, which is consistent with the original purpose of the community center.

Acupuncture services: The acupuncture services offered at Everett House are similar to the expressly approved massage services in that they occur in a private room with a licensed practitioner. The acupuncture services contribute to members relaxation and healing, which is consistent with the original purpose of the community center.

Community classes/workshops: Relaxation and health counseling was expressly included in the community center description in the 1982 staff report. The record shows that all of the classes and workshops held at the Everett House further relaxation and/or mental or physical health improvement or awareness. In the current amendment, the Hearing Officer opined that the relaxation and health counseling reference was only intended to apply to on-on-one or small group sessions. However, there is no support for that interpretation either in the 1982 staff report or in the record for this amendment. Counseling can take place in larger group sessions, and community classes and workshops are entirely keeping with the core community center use approved in 1982.

Yoga: Yoga promotes relaxation and contributes to the health and well-being of the community center members.

Special events: As stated in the amendment request narrative and as detailed below, Everett Center is not proposing special events through its amendment request and withdraws any reference to special events.

As noted above, we believe that every activity currently occurring at the Everett House was approved through the 1982 CUP. However, if the City Council believes that activities identified above were not approved by a reasonable reading of the 1982 CUP, Everett House agrees to discontinue or limit the activity. For example, Everett House would agree to a condition of approval prohibiting yoga classes or acupuncture services if the Council found that those services were not approved under a reasonable interpretation of the 1982 CUP decision. Everett House would also agree to a reasonable limit on the number of persons who could attend the group class or workshop counseling sessions, such as a maximum of 20 people per class or workshop.

The Everett House has Clearly Demonstrated that the On-Street Parking Capacity is Sufficient Without Special Events & Everett House is No Longer Proposing Special Events

Everett House included special events in a program description submitted to the Hearings Officer during the open record period after the hearing. However, the Everett House agrees not to host large special events. The Hearing Officer correctly concluded that the on-street parking impacts resulting from special events at the site was not adequately investigated or analyzed because there was no reference to special events in the information submitted by the Everett House traffic consultant. However, the Hearing Officer also agreed with the Everett House traffic consultant and PBOT that the parking occupancy

⁶ See, Exhibit H-53c (a 1997 letter from Sterling Bennett of the Bureau of Buildings to Commissioner Hales office notes that Dr. Mantell indicated that he practices "a non-traditional, or holistic, style of chiropractic medicine, and that he is doing the same as he did when the conditional use was approved").

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estimates in the Everett House transportation study were conservative, and concluded that the traffic study demonstrates that the on-street parking utilization meets City requirements taking into consideration all current Everett House operations (excluding special events). In other words, the sole reason the Hearing Officer found that the public service criterion was not satisfied as it relates to on-street parking impacts was the inclusion of special events in the program description.

Based upon the Hearing Officer's decision and the evidence in the record, the Everett House agrees to remove special events from the proposed activities at the Everett House. Without special events, the evidence in the record and the Hearing Officer decision clearly support a finding that the applicable public service and transportation standards will be satisfied even with removal of the 1982 CUP off-street parking condition.

The Temporary Gazebo in the Back Yard is not Precluded by the 1982 CUP & Should Be Considered a Permitted Accessory Structure

BDS staff recommended a condition that would require removal of a temporary gazebo and a temporary carport on the site. Everett House agrees to remove the temporary carport structure, but requests to retain the temporary gazebo.

As described in the record, the temporary gazebo is the type of gazebo that can be purchased at Costco and is typical in residential backyards and consistent with the residential setting. A photo of the gazebo included in the record is attached as Exhibit B. While the gazebo is likely a structure as that term is defined at Portland City Code 33.910, the 1982 CUP does not preclude new structures. Instead it prohibits new exterior construction, a term not defined by PCC 33.910. The gazebo in question was assembled rather than constructed. Therefore, Everett House requests to keep the gazebo provided it is relocated to comply with setback requirements as a detached covered accessory structure permitted in the zone.

However, Everett House agrees to full compliance with the recommend staff condition for removal of the gazebo in addition to the car port structure if the City Council finds that addition of the gazebo was prohibited by the 1982 CUP.

Conclusion

For these collective reasons, Everett House respectfully requests that the City Council reverse the denial and adopt modified findings of consistency with the approval criteria and Statewide Planning Goals referenced in the Everett House request for appeal to allow continued operation of this treasured community service.

EXHIBIT A



EXHIBIT B



McClymont, Keelan

From: Stacey Royce <staceyroyce@yahoo.com>
Sent: Monday, March 18, 2019 8:51 AM
To: Council Clerk – Testimony
Subject: Reference. Everett House File # LU 18-190331 CU

To whom it may concern:

I have been attending the Everett house for use of the sauna and jacuzzi facilities for 14 years and it has helped me through some pretty tough winters. I stand for the efforts for the Everett House to stay open though I am unable to attend the meeting as I am in Spain at the moment.

The Everett House is a true sanctuary in NE Portland that offers a tranquil healing space for everyone. In my experience the guests of the Everett House take care to be mindful and unobtrusive and the Everett House has signs up expressing the need for tranquility and quiet inside and for the sake of the neighbors. It would be a travesty and a profound loss if the city of Portland refuses the Everett House's conditional use permit and they have to close their doors. A city is only as interesting and dynamic as the balance of old and new. If we continuously deny and tear down the old only to make room for the new, we lose the essence of Portland. Everett House doors should stay open for as long as they are able to keep up the maintenance and the quality of care and services that they offer to Portland residents and visitors.

Stacey Royce and Adnan Kadir
1704 SE Ankeny St. 97214

McClymont, Keelan

From: Elliott M <commonchiro@yahoo.com>
Sent: Sunday, March 17, 2019 12:54 PM
To: hjwoodard@gmail.com
Cc: Council Clerk – Testimony
Subject: Re: Appeal Hearing LU 18-190331 CU Everett House

Dear Hilary and Ryan,

Thank you for your letter of support. We appreciate it. One way Portland can alleviate some car congestion is to make the side streets like NE 30th Avenue a 1 way. That would lessen # of cars passing by half is my estimate. They have made other changes since I've been here like bike routes and stop signs. For many years when I was here there were no stop signs in the neighborhood. That resulted in many car accidents.

Back to your letter. The other neighbors should have no valid concerns about parking. Looking at the letters I left with you they interfered with our pending parking agreement with Pacific Crest school for after 4:30 pm and all weekends and holidays and the church on 29th listed neighbor disagreements and a main reason not to rent to us. We would have otherwise had 30 parking spots for use most of the time. And those same neighbors still complain about parking. Will you be at the hearing on Wed 2pm

Sincerely,
Elliott Mantell DC

On Mar 17, 2019, at 9:25 AM, Hilary Woodard <hjwoodard@gmail.com> wrote:

Dear Portland City Council,

We live 2 lots away from the Everett House Community Healing Center and would like to voice our support for the permit appeal.

The Everett House had been in operation for many years before we moved into the neighborhood and we like having such a Healing Center nearby. We hear no noise from the outdoor hot tub and Elliott Mantel has been a good neighbor.

This is just how the situation affects us. We recognize that other friends and neighbors of ours are more negatively impacted and we do not want to discount their valid concerns. Our greatest desire is that this situation ends with peace in our neighborhood.

Parking is our biggest concern. We have off-street parking, so finding a place to park is not the issue – but, having cars parked on both sides of the street does make driving (and biking and walking across the road) more dangerous. However, we recognize that this is a problem all over Portland and parking from the new apartment complex on the corner of Everett and 28th will soon swamp the neighborhood.

Regards,

Hilary and Ryan Woodard (2955 NE Everett St., Portland, OR 97232)

Testimony - 263

McClymont, Keelan

From: Daniella <daniellakram@gmail.com>
Sent: Friday, March 15, 2019 4:59 PM
To: Council Clerk – Testimony
Subject: Everett House and LU 18-190331
Attachments: EverettHouseHearing_daniella Kramer.docx

Hi,

Attached is a letter for the Everett House Healing Center hearing on March 20th. I am unable to attend in person and testify, therefore I am sharing a personally written letter in their regards.

Thank you,
Daniella

3/15/19

To Whom This May Concern,

I have been a member of the Everett House for the past four years and my bi-weekly visits are part of my routine self-care. I have sought the Everett House for their spa, massages, float tanks, community events, and chiropractic care. I know the center well and utilize most services they offer. As a close-by resident, I bike to their location in the summer and spring, and drive in the winter and fall. In the four years of attending I have always found parking right in front of their house, as there is always an abundance of spaces. Parking has never been an issue, and I have never had to utilize the parking lot a few blocks away, that was now sold to an apartment complex. When parking, I am always careful to never block any neighbor's driveways, and have never seen any other cars block driveways either.

I first began enjoying the Everett house while working a stressful 9-5 job, and was immediately grateful to find such a gem in the middle of the city. For those of us with stressful and busy jobs/lives, we understand the importance of downtime and relaxation for mental health and wellness, which is what the Everett house gave to me. It's the only place in the city, that I know of, that offers absolute quietness while being able to enjoy the company of others.

Then two years ago while in therapy to work through a sexual assault I leaned on the Everett House's spa, massages, and float tanks even more to calm my nervous system, as I was experiencing a common trauma response, PTSD, for months. Even among my trauma, I felt 100% safe and comfortable being in a clothing optional area at the Everett House. Not once did a member or employee cross my boundaries, or do anything to make me feel uncomfortable. Rather, being at the Everett House was a healing experience because there are many rules and policies to help keep the space safe. It was a place where I could relax and feel safe in my body, even if I or others were enjoying the spa while nude, which is a lot for a sexual assault survivor to say.

Then recently after being diagnosed with Lyme's disease and a toxic mold infection, I've been leaning on the Everett House more than ever for their sauna, as detoxing is an important part of of my treatment.

Like many, I need the Everett House.

They are not just a spa, to me they are a refuge and a center for health and wellness, and they have become a staple in my life. The Everett House has been vital to its community members in helping us stay balanced, well, and able to tolerate the hardships that come with living in an urban environment. With amenities lacking for affordable mental health support in Portland, the sudden rise in the cost of living and there being more political stress than ever, I would think the city of Portland would be more supportive and grateful that such a place exists given the amount of people they help.

As I'm sure I'm only one of hundreds of upset and outraged Everett House members, I urge you to support the center with whatever means necessary and approach this with fairness. Please understand the importance of this center.

Everett House Community Member,

D. Kramer

Daniella Kramer
2137 NE Multnomah St
Portland, OR 97232

Moore-Love, Karla

From: Christopher Cournoyer <chriscournoyer@gmail.com>
Sent: Friday, March 15, 2019 2:03 PM
To: Council Clerk – Testimony
Subject: Chris Cournoyer testimony.docx LU 18-190331.
Attachments: Chris Cournoyer testimony.docx

Please include the attached previously offered sworn testimony in the above referenced hearing appeal scheduled before your counsel March 20, 2019. I will be out of the country and therefore unable to attend in support of the Common Ground/ Everett House's Appeal of the Land Use Hearings officers decision below. Thank you.

Christopher Cournoyer
334 NE 27th Ave
Portland, OR 97232-3143

chriscournoyer@gmail.com

Cell: (971) 645-1771

{Sent from my iPhone}

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Chris Cournoyer

334 NE 27th Ave, Portland, OR, 97232

“Good afternoon, my name is Christopher Cournoyer... I have been a resident at that address since 1978 and I’ve been a member of the Everett House community center for that period of time – the last 40 years. I have known Elliott Mantell, Dr. Mantell, over that period of time and I find him to be a man of incredible integrity. I find him to be a man who really does care about other human beings and that is the facility is well kept, as the photographs indicate. The process by which he has attempted to ingratiate himself and integrate himself into the community is not only for the services he renders, but he’s also been an incredibly good community citizen – participating at the Kerns Neighborhood Association, always being present at the various picnics and the like that take place on a community basis. He’s a good citizen and a very good neighbor. I believe that the facility was one of the reasons I moved to the neighborhood that I moved to in 1978, and I hope that it continues to exist. It’s a very, very big benefit to the community and I would hate dearly to see its character change. I really was not all that excited back in 1978 if I thought that the facility would be changed somehow, that the character of the houses would have been reduced in some fashion or made an eyesore in the community rather than a benefit to the community. Instead, the entire neighborhood has been enhanced by his landscaping, by his construction and frankly, I won’t address the parking issue. I agree that the parking is what it is and it’s certainly not the Everett House that’s causing parking issues in the city. I live in the neighborhood, I always find a parking place and I don’t have off street parking for my own home. I would certainly feel strongly that the benefit that the facility offers is one that should continue and it’s a definite benefit to the neighborhood.”

Moore-Love, Karla

From: Commissioner Fritz
Sent: Friday, March 15, 2019 10:35 AM
To: Michelle Poyourow
Cc: Moore-Love, Karla
Subject: RE: Everett House hearing - LU 18-190331 CU

Hi Michelle,

Thank you for your message. This matter is in a quasi-judicial process, and I am not allowed to read or respond to information outside of the public hearing process. I am copying the Council Clerk so your comments are part of the public record should the matter come before Council.

Amanda

Amanda Fritz
Commissioner, City of Portland

Pronouns: she/her/hers

The City of Portland ensures meaningful access to city programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws, and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. Please call 503-823-3008, TTY at 503-828-6868 or the Oregon Relay Service: 711 with such requests or visit <http://www.portlandoregon.gov/bibs/article/454403>

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503-823-3008: Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

Письменный и устный перевод | 翻訳または通訳 | Traducere sau Interpretare

번역 및 통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda



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From: Michelle Poyourow <mpoyourow@gmail.com>
Sent: Sunday, March 10, 2019 1:08 PM
To: Commissioner Fritz <amanda@portlandoregon.gov>
Subject: Everett House hearing - LU 18-190331 CU

Good morning Commissioner Fritz,

I would like to express my support for the continuation of the Everett House's conditional use permit. I could not find an opportunity to submit formal testimony through the planning bureau's webpages (perhaps I have missed the deadline) so I am emailing you directly. I apologize if there is some better channel of communication that I have skipped.

I live in the neighborhood near Everett House, and being able to access services within the neighborhood is what makes it possible for me to drive and park a car almost never. I walk or bike over there every time I go.

If the Everett House goes back to being a single family home, well, I'll end up getting in my car and driving to a soaking pool in someone else's neighborhood and park near their house, and then they will complain to the city about me! Illustrating why this is a game of whack-a-mole.

If we keep pushing out development because of the local impacts, we'll push everything farther and farther apart, and that will push more people to drive to those things. If we are too sensitive to local environmentalism (objections to noise, congestion, parking, etc) then we will fail to deliver on city- and worldwide environmentalism.

If you want to send this permit back to city staff for further negotiation and improvements, I suggest that Everett House be required to make their bike parking better. It is, honestly, crappy. It is hard to access because it is up a short flight of stairs. How many people want to haul their bikes up (much less down) stairs? I'm fairly young and fit and I am not comfortable doing it. This is an obvious improvement that would make it easier for people a few miles away to bike instead of drive to Everett House, and it seems to me like it's an appropriate scale of investment to ask from a small organization, as a condition of use.

(I suppose it is possible that Everett House tried to make such bike parking and access improvements, and was denied a permit to do so by the city. I don't know.)

Finally, this is an example of the type of low-altitude problem that gets dealt with by parking management and parking permit districts. I think it would be appropriate for the Council to say to the neighborhood that, given the booming business district a few blocks away, the holistic solution is a parking management strategy for the whole neighborhood and district, rather than property-by-property battles over parking demand.

Thank you for considering these interesting problems in a growing and wonderful city!

Sincerely,
Michelle Poyourow
3333 SE Morrison Street

3/20 Testimony

McClymont, Keelan

From: Leviticus Cole <leviticuscole@me.com>
Sent: Sunday, March 10, 2019 11:28 AM
To: Council Clerk – Testimony
Subject: Land Use Decision Appeal Testimony Re: LU 18-190331 CU Attn Mark Moffett
Attachments: letter to the Hearing Officer at the BDS.docx

Thank you for your time and effort in this matter.

Levi Cole

Real Estate Broker, Licensed in Oregon
Premiere Property Group, LLC
Call or Text: (503) 703-8856
leviticuscole@mac.com



My business is built on referrals-yours are always appreciated.

3-7-2019

To: The Land Use Hearings Officer
Bureau of Development Services
1900 SW Fourth Street, Suite 3100
Portland, OR 97201
March 7th 2019
Mark Moffett, City Planner

Re: File No. LU 18-190331 CU

Hearing Office Case #4180032

Appeal of Land Use Decision

Regarding the applicant "Everett House" Healing Center and Spa" myself and many of my neighbors whom live on Flanders Street between 29th and 30th Avenues, would like to voice our rejection for both of the appeals to the Conditional Use Permit, that are being out forth.

- 1) To waive the requirement of the 30 required parking spaces
- 2) To waive the existing prohibition on new exterior construction, thereby allowing increased footprint for buildings for commercial purposes.

Elliot Mantell and the Everett House Community Healing Center have systematically failed to comply with many of the Conditional Use Permits original requirements. My family and my community **do not** feel that this appeal nor any further requests to alter the original Conditional Use Permit are in good faith. They have not earned additional leeway or favor from the Bureau of Development Services to continue to violate the laws set forth by the city.

First the Parking variance: For us, we see the parking and the added traffic as a hazard to our children. This is a residential street, but has very much non-residential levels of traffic. There are 15 children living on this block and many of the paying customers coming to-and-fro, do not exhibit anything like a neighborly regard with their behavior in driving at high speeds around the block looking for parking and blocking our driveways.

Instead of the normal residential traffic of the 12 families that live on this block, there exists a great deal of traffic reflecting a commercial zone. At the least 75 to 100 of their customers (on the Flanders St. side of the business alone, which *is only 1/3* of the amount of customers) come and go from this very busy commercial business daily. That is a lot of cars coming and going, for a business that is supposed to operate as a non-profit community center.

Those are cars that are all driving up and down our block repeatedly, past our children playing while looking for parking on a 300' long block. The Everett House Community Healing Center has **never** abided by the requirement to use the parking available when they had it, either for their paying patrons nor the many people whom rent out space in the building for their various businesses. I do not agree to legitimize that behavior. Especially considering that they have thus forth, failed to comply with the parking rules when they had available parking.

Second the Construction of Commercial Structures: My family and my community are opposed to this for the very reason that the Everett House Community Healing Center is already in violation of the Conditional Use Permit. This is a residential street, and instead of having a neighbor, we have a bustling business in the middle of our block. Zoning exists for a reason, and enforcement of this Conditional Use Permit has been nil. If the Everett House Community Healing Center is granted this further variance, it will further legitimize their already invasive business practices on our community. The Everett House Community Healing Center

has all of the trappings, behaviors and badges of a business. We feel the original variance was not intended for this at all. We believe that this should stop because it is not what the city planners had envisioned and the this business is not abiding by the law. The original variance was so poorly written and so amorphous that we ask that it be overturned entirely.

If the original spirit of the Conditional Use Permit being abided by, and were the rules and stipulations being followed, I think that the people immediately affected by this business might have a different feeling about granting additional variance. I understand that the Bureau is only interested in the two appeals at hand, which we are speaking to, but it is impossible for you to understand our position without first understanding the context of the request at hand.

We have lodged numerous code violation complaints over the last decade with the appropriate city entities. We have petitioned directly to Mr. Mantell, regarding these violations, of parking and the traffic associated, noise complaints, the running of commercial businesses, building codes violations etcetera. We have called the police *countless* times for late night noise disturbances. We have called numerous times to have patrons cars towed from blocking our driveways. We have sent in numerous time/date stamped photographic evidence of the employees and patrons alike failing to use the sanctioned parking when it was available. *The burden of enforcing this Conditional Use Permit has been put on us* as the immediate neighbors, and valuable city resources have been squandered, responding to our calls to the police and parking enforcement departments for the violations aforementioned.

We feel The Everett House Community Healing Center, has shown disregard for the neighborhood in which they operate and we do not feel that they are abiding by the law. We have not been successful in gaining enforcement from Bureau of Development Services to enforce the rule of law to this point and we have precious little faith in the future enforcement you might be able to offer.

The Everett House Community Healing Center, is not at all the same entity (originally called "Common Ground") that was granted the privilege of the variance to begin with. It is not at all operating as a "Community Center", as was stipulated. What we see looks like a *for profit*, *commercial* medical office buildings complex and spa being run out of three residential house in our back yards. We believe it has used the 1982 Conditional Use Permit as a Trojan Horse, to violate zoning laws and buy up residential houses (much cheaper than commercial spaces) to run a for profit business in the middle of a residential neighborhood.

The people who live on this street would like the city to deny the Everett House Community Healing Center appeals and further more we would like to petition the city to enforce or overturn the original Conditional Use Permit. If they fail to comply with the stated requirements of the permit and continue to violate the law, we would like to know what course of action we might have. I am aware that that is not what this hearing is for, but our complaints have fallen largely on deaf ears and we are very frustrated. We are simply asking the city to hold them to the letter of the law and not to grant them the ability to further expand their commercial endeavors. That is not what a residential block is for.

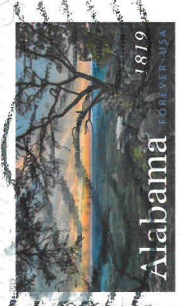
Thank you for your time and consideration.

Signed,

Leviticus Christian Cole RN & Ruth Janan Markee MD; 2905 NE Flanders St. Portland, OR 97232.

leviticuscole@mac.com and jananmarkee@mac.com

Leviticus C. Cole, RN
2905 NE Flinders St
Portland, OR 97232



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97204-19021



Moore-Love, Karla

From: Moffett, Mark
Sent: Monday, March 4, 2019 11:21 AM
To: Moore-Love, Karla; Parsons, Susan
Cc: BDS Hearings Clerk
Subject: FW: Everett House Resolution by Kerns Neighborhood Association at February 2019 Meeting

Hi Karla and Sue,

This came is regarding our 3/20/19 appeal hearing for LU 18-190331 CU. Doesn't look like you were copied.

Thanks,

Mark Moffett

Senior Planner, Land Use Services Division

City of Portland Bureau of Development Services
1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201

503.823.7806

mark.moffett@portlandoregon.gov

Hours: 7:30am to 4:00pm Monday-Thursday (flex Fridays)

From: Kerns Neighborhood Association <kernsna@gmail.com>
Sent: Thursday, February 28, 2019 4:37 PM
To: Wheeler, Mayor <MayorWheeler@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Eudaly <chloe@portlandoregon.gov>; Commissioner Hardesty <joann@portlandoregon.gov>; City Auditor, Mary Hull Caballero <AuditorHullCaballero@portlandoregon.gov>
Cc: KNA <kernsna@googlegroups.com>; Kerns Communications <knacomm@gmail.com>; Kerns Neighborhood Association <kernsna@gmail.com>; Jay Harris <rhythmmon@mindspring.com>; Dave Weaver <dave@webais.com>; Jonak, Ross <Ross.Jonak@portlandoregon.gov>; Moffett, Mark <Mark.Moffett@portlandoregon.gov>; BDS Hearings Clerk <BDSHearingsClerk@portlandoregon.gov>; Molly Mayo <Molly@seuplift.org>; Mireaya Medina <mireaya@seuplift.org>; Leahf <leahf@seuplift.org>; Fred King <marimba@teleport.com>; mylindakings@gmail.com; peter@finleyfry.com; COMMONCHIRO@YAHOO.COM
Subject: Everett House Resolution by Kerns Neighborhood Association at February 2019 Meeting

2/28/2019

To Mayor Wheeler, Portland City Council, Bureau of Development Services, Southeast Uplift, and other parties interested in the Everett House of 2927 NE Everett St, Portland, Oregon:

This is to officially notify you of a resolution voted on by the Kerns Neighborhood Association at our monthly meeting on February 20, 2019.

The KNA board voted in favor of the following resolution 6-0 with 2 abstentions:

"The Kerns Neighborhood Association supports in principal that the Everett House community center should remain in operation in the Kerns Neighborhood - on the conditions that it follows the City of Portland stipulations and that it continues to work with the neighbors in good faith to resolve any disputes, if possible via mediation."

-Dave Weaver

Kerns Neighborhood Association Vice Chair

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Kerns Neighborhood Association

www.kernspdx.org

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