

**OPPOSE
APPEAL**

**APPEAL OF BUCKMAN COMMUNITY ASSN RE
CENTRAL CATHOLIC HS FACILITY EXPANSION & RENOVATION**

2401 SE STARK ST LU 11-115222 CU MS AD

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Emily Witala	2260 SW Winchester Ave. Portland, Oregon 97225	emilyrosewitala@gmail.com
✓ Natalie Osburn		
✓ Charles Hunter	7534 S.E. HENDERSON ST. PORTLAND OREGON 97206	QUEEN B HUNTER@COMCAST.NET
✓ Julius Gatwasi	18506 SE Clinton St. Gresham, Or 97030	j.gakwari@gmail.com
✓ Dan Kearns	2123 NE 21 ST Ave Portland OR 97212	

**SUPPORT
APPEAL**

**APPEAL OF BUCKMAN COMMUNITY ASSN RE
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2401 SE STARK ST LU 11-115222 CU MS AD

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NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Linda Gerber	2221 SE Oak St Portland 97214	linda.gerber@pc.edu
✓ Chris Marston	2343 SE Oak St Portland 97214	
✓ Charlie Christensen	2221 SE OAK ST. PDX 97214	charlie-christensen@comcast.net
✓ Anezka Brazil	2222 SE Oak St PDX 97214	divanezka@yahoo.com
✓ Larry Walters	2203 SE OAK ST PORTLAND OR 97214	larrylarswalters@yahoo.com
✓ S.C. "Khris" Soden	1436 SE Stark St #101 PORTLAND OR 97214	khris.soden@gmail.com
✓ Sandy Simpson	2238 SE OAK ST PDX 97214	sandy@simpson.org
✓ Carmen Brannon	317 SE 24th Ave PDX 97214	threedalgal@libero.it
✓ Olivia Sitea-Walters	2203 SE OAK PDX 97214	ositeawalters@yahoo.
✓ Larry Brannon	317 SE 24 TH AVE PDX 97214	carmenbrannon@aol.com.

**SUPPORT
APPEAL****APPEAL OF BUCKMAN COMMUNITY ASSN RE
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NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Jenny Stenseth	2501 SE Pine St PDX 97214	jstenseth@hotmail.com
✓ Patricia Sweeney	2335 SE Pine St PDX 97214	
Edward Kerns	2335 SE Pine St PDX 97214	
✓ Christine Yun	1915 SE Alder St. PDX 97214	
✓ Timothy Askin	934 SE 15th Ave PDX 97214	tim.askin@gmail.com

September 12, 2002

Land Use Review LU 11-115222 CU MS AD

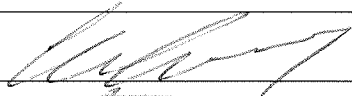

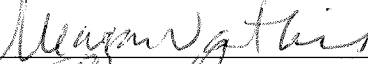








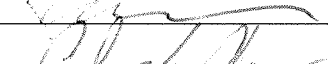
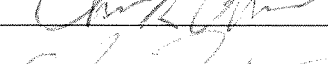
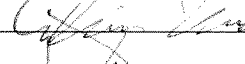
Pg. 1 of 5

Submitted by
Chris Marston
9-15-11




We, immediate neighbors of Central Catholic High School are unable to attend the hearing, but would like to register our support for the appeal of the recent approval of the school's Conditional Use Master Plan.

We the undersigned support our neighbors who are testifying and ask the City Council to:

1. Refuse permission to build a parking lot on the residentially zoned lots on the west side of 24th between Oak and Stark Streets.
2. Include a clear reporting, recording and enforcement protocol for monitoring of all conditions of approval included in any decision.

Printed Name	Signature	Home Address
Chris Graham		423 SE 22nd
Guy Weigold		503 4536376
Meagan Watkins		503-327-4386
Aaron Monette		503-957-0952
LEBEN BASEL		2213 SE PINE ST.
David Phillips		2221 SE Pine St.
Patrick Schneider		2229 SE Pine St.
Bob Kellett		2227 SE Pine St.
David Nuss		2335 SE Pine St.
Leila Elliott		2342 SE Pine St.
Rob Seeger		111 W Burnside St (Pine)
Charlie Andrews		223 S.E. 22nd
Colin Davis		223 SE 22nd
Hannay Weber		233 SE 22nd

Pg. 2 of 5

Printed Name	Signature	Home Address
Katherine Ray		2239 SE oak.
Victor Maldonado		2305 SE Oak
Jessica Gulgusek		2213 SE Oak

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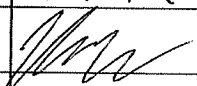
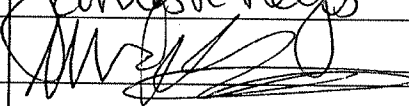
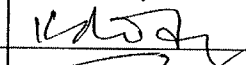
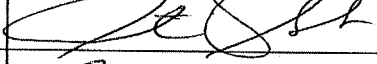
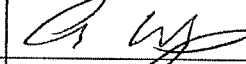
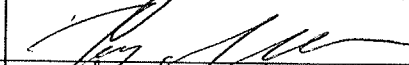

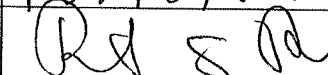
September 12, 2002




Land Use Review LU 11-115222 CU MS AD

We, immediate neighbors of Central Catholic High School are unable to attend the hearing, but would like to register our support for the appeal of the recent approval of the school's Conditional Use Master Plan.

We the undersigned support our neighbors who are testifying and ask the City Council to:

1. Refuse permission to build a parking lot on the residentially zoned lots on the west side of 24th between Oak and Stark Streets.
2. Include a clear reporting, recording and enforcement protocol for monitoring of all conditions of approval included in any decision.

Printed Name	Signature	Home Address
Francesca Frattaroli	Francesca Frattaroli	2238 SE Oak St. 97214
RICHARD GOUGH	Richard Gough	2324 SE OAK ST 97214
Anita R. Harper	Anita R. Harper	2324 SE Oak St. 97214
Michael Vera		2343 SE Oak St. 97214
James Reyes	James Reyes	2222 SE Oak St 97214
Melissa Nickles		316 SE 26 th Ave 97214
Kim Dady		326 SE 26 th Ave 97214
TONY SARMIENTO		346 SE 26 th AVE 97214
Owen Wozniak		400 SE 26 th Ave. Portland, OR 97214
Jenny Clock		416 SE 26 th . PDX, OR 97214
Leela Hickman		416 SE 26 th Ave PDX, OR 97214
Olga Borlary	Olga Borlary	2200 SE 26 th ave Portland 97214 OR
MARTA FRÖNDLICH	M. Fröndlich	214 SE 26 th Ave Portland OR 97214
Bob Roy Rowley	Bob Roy Rowley	214 SE 26 th Ave Portland 97214
Robert Demp-h		206 SE 26 th Ave 97214

Printed Name	Signature	Home Address
GEORGE GATES		2507 SE Pine St 97214
Cynthia Korbuck		216 SE 24TH AVE 97214
GAREN AMUSSEN		2398 SE PINE 97214

[illegible]

[illegible]

Moore-Love, Karla

From: Susan Lindsay [lindsays@pdx.edu]
Sent: Thursday, September 15, 2011 10:54 AM
To: Moore-Love, Karla; Adams, Mayor; Leonard, Randy; Commissioner Fish; Saltzman Dan; Commissioner Fritz
Subject: LU 11-115222 CU AD letter to council for today's hearing: Central Catholic High School
Attachments: bca_cchs_appealletter_sept11.doc

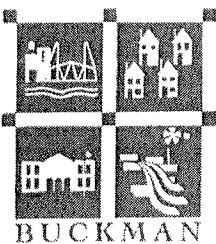


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letter_sept11.d...

Thank you Ms. Moore-Love for getting this to the council for today's hearing :)

See attached.

Susan



BUCKMAN COMMUNITY ASSOCIATION

c/o Southeast Uplift 3534 SE Main Portland, OR 97214

September 14th, 2011

Karla Moore-Love
Representing the Portland City Council
SW 4th Avenue
Portland, OR 97201

RE: Land Use Appeal: LU 11-115222 CU AD

Dear Honorable Mayor Adams and Fellow City Commissioners,

This letter is written in opposition to a piece of the findings of the Hearings Officer in regards to the conditional land use for the planned Central Catholic High School redevelopment.

First of all, let me apologize for my physical absence today. When this date was suggested for the hearing, I made it clear I was unavailable and asked it be moved ahead a week to the 22nd, but my request was denied. So, consequently, I am not able to be there in person.

Second, I want to make very clear that the BCA does not now and has never opposed the planned expansion of classroom size that this redevelopment will create for the CCHS students. In fact we support and have supported the school and its many fine educational and athletic programs that bring in students from throughout the region.

It is unfortunately a testament to the success and reputation of this institution that we find ourselves here today. The majority of the student body lives outside primarily the area, and most of the students (and parents and friends etc.) drive their cars to a school that is nestled within a residential area.

We are here today because the BCA strongly opposes the part of the approved plan that calls for the building of parking lots on two adjacent to the main school lots zoned "R-5" We have opposed this idea of building parking lots on residential land in the neighborhood with support of the city for many years.

Not only is this aberrant use of land clearly designated for housing in an area that needs family housing, but it will simply not solve the problem. The lot creates a scant 15 spaces to replace the 13 lost with the redevelopment. The problem is not the lost 13 spaces...it is the scores and scores of cars that come to the school daily for classes and especially after school events in an area without parking management and alternatives.

We believe that not only will this not solve anything, but in fact will most likely increase traffic congestion, circling etc. for the homes located near the lots (that are designated for "residential" use..) and along 24th Avenue.

While we support the planned redevelopment without delay, we instead implore the Mayor and City Commissioners to suspend or delay the paving of these lots until:

- The construction is complete.
- A parking management plan (permits) has been put into place.
- The planned building of angle parking on west face of 26th Avenue is put into place.

Under the current conditions of the Hearings Officer, the parking lots must be built concurrent with the construction. We ask that with your authority that you change that piece of the overall plan and allow for the parking management plan and the 26th Avenue angle parking to be put into place while the construction takes place, and then to review the situation later. We believe that with the addition of the permit program, and the creation of the angle parking, the situation will be greatly ameliorated.

We understand that the Hearings Officer was simply trying to ensure that the lost parking spaces created on the main school site be mitigated, but we believe this is misguided in that it will not really "fix" much of anything, and in fact will most likely make the situation in the neighborhood worse.

Again, my apologies that I am unable to present in person.

Yours Very Truly,

Susan Lindsay
Co-Chair, Buckman Community Association

Moore-Love, Karla

From: sandy sampson [sandy@sampson.org]
Sent: Wednesday, September 14, 2011 8:56 PM
To: Moore-Love, Karla
Subject: LU 11-115222 CU MD AD Central Catholic Appeal
Attachments: Text of testimony for Appeal of LU 11.docx; List of Exhibits.docx; EX_1a_Boora GNA email to BCA.pdf; EX_1b_Boora email rebuttal.docx; EX_2a_L_Susan Lindsay_CUMP-3.pdf; EX_2b_Re_CCHS Appeal.rtf; EX_3a_Minutes_2010_03_04-Buckman Community Association.pdf; EX_3b_Re_CCHS Appeal.rtf; EX_4_alternate design.pdf

Dear Ms. Moore-Love

Will you please give the attached exhibition and testimony documents to City Council and Mayor Adams in advance of the appeal hearing or LU 11-11522 CU MD AD (Central Catholic Master Plan.)

Thank you,
Sandy Sampson

sandy@sampson.org
<http://www.parallel-university.org/>
<http://www.growinginalldirections.org/>

9/15/2011

Cover Page

Text of testimony for Appeal of LU 11-115222 CU MS AD

10 minute Introduction Linda Gerber 2221 SE Oak St.

3 minute testimony Chris Marsden 2343 SE Oak St.

3 minute testimony Charlie Chistensen 2221 SE Oak St.

3 minute testimony Anezka Drazil 2222 SE Oak St.

3 minute testimony Larry Walters 2203 SE Oak St.

3 minute testimony Sandy Sampson 2238 SE Oak St.

3 minute testimony Carmen Brannon 317 SE 24th

3 minute testimony Olivial Sitea-Walters 2203 SE Oak St.

3 minute testimony Larry Brannon 2238 SE Oak St.

City of Portland
City Council
Appeal of Central Catholic High School Master Plan Decision
September 15, 2011

INTRODUCTION

Linda Gerber

2221 SE Oak St. (neighbor since 1984)

Mayor Adams and Commissioners,

Thank you for this opportunity for the Buckman Community Association (BCA) and the neighbors of Central Catholic High School to express our opposition to the Conditional Use Master Plan the school has submitted. I represent the BCA, and am a board member.

From the 1950's through the 1970s, Buckman was a neighborhood in decline; in that period, owner occupied structures declined by 65%. It is now a thriving neighborhood where people desire to live. In large part, this is due to the vision and commitment of past city leaders in your position on City Council who made tough policy and operational decisions to protect the residential nature of Buckman. The most significant of those decisions was to rezone it, prohibiting the building of apartments, commercial structures and parking lots. The BCA has been a partner with the city in this effort to revive Buckman and has a long history of working to protect the residentially zoned lots in our neighborhood.

The school proposes to add an additional 47,000 s.f. to its campus. The BCA and neighbors who oppose the master plan are supportive of the school's educational mission. However, we have found the school determined not to compromise on the one issue that is most important to the community. That is, the conversion of two R5—residentially zoned lots—into a paved parking lot. The BCA has steadfastly opposed this conversion since the idea was first forwarded by the school in 1977. It was unsuccessful in 1977 and again in 1987 in its efforts to convert these lots. It did, however, purchase the lots, and--despite not having received city approval to build a parking lot--demolished the duplex and house on them.

It is relevant to note that, in addition to these two residential lots, the school has purchased three other houses within a block of the school which they now rent out. In the version of the Conditional Use Master Plan that the City Planning Bureau posted on its website prior to the June 6 hearing, the school's vision for 3 these residences was made clear for the first time to neighbors.

In that on-line document, buried deep in the text, was the plan to make the houses on these three additional lots offices for school administrative use. **Since neither the architects nor school officials** revealed this vision during our year long negotiations, we were totally surprised and dismayed to find it in the planning document. But we prepared to address and oppose this new element in the school's plan at the hearing. We were again surprised when we arrived at the hearing and found the paper copy of the plan distributed there was different from the one posted on line--the one we thought was the final version. In this new paper copy, the

conversion of the three rental lots had been removed. Why is this important to the parking lot question?

First, this lack of transparency leads neighbors to believe that the school's long-term intent is to pursue incremental expansion into the residential areas of our neighborhood--expansion that has been going on for decades. We believe the parking lot development is one more step in this process.

Second, the change of documents represents a serious flaw in the hearing process. We were not kept up to date on revisions to the proposal during the process. We were not notified that the plan had been revised and did not see the final plan until we were in the room where the hearing was held. Neighbors who received notification about the application by mail and submitted comments to the planning officer obviously are interested parties and should have been notified of any revisions. The planning office, responsible for the integrity of the process, failed to ensure that the planning document posted on the bureau website was the same document presented at the hearing.

Third, the school's architects have sent two letters to Susan Lindsay, BCA Chair, making misleading and erroneous statements about agreements made with either with BCA or with the Immediate Neighbors of Central Catholic, the subgroup that negotiated with the school. The unexpected appearance and then disappearance of a conversion of the three residences to offices heightened our belief that the school was not negotiating in good faith.

REQUEST

The BCA believes the hearing officer's decision to approve the master plan was a flawed process and decision. We ask you, our City Council, to overturn the decision and to require Central Catholic to adjust its plan in the following ways prior to approval:

- 1) Require the school to drop its plan to build an un-needed parking lot on residentially zoned property;
- 2) Require that plan include the method by which neighbors can report and have enforced noncompliance with the conditions of approval. This request is in response to an on-going failure of the school to fully implement the traffic and management plan in its current conditional use permit, a plan that with just a few changes has been made a condition of this new permit.

Let me address each of these items in turn.

WHY DO WE OPPOSE THE PARKING LOT? LIVABILITY AND SUSTAINABILITY.

The City has found in the past, and it continues to be true today that a parking lot, built on a block surrounded by single family dwellings, conflicts with the residential nature of that block, and violates the zoning regulation in place to maintain it. Any reasonable person would agree that a nearly 10,000 s.f. parking lot developed at the end of one of Portland's small historic Eastside neighborhood blocks creates a significant livability impact. It:

- Takes out of the housing stock land that could be used to address Portland's density issues;
- Reduces the property value of the surrounding homes;

- Creates an on-going nuisance which will attract more cars to the already congested 24th and Oak Streets.

A parking lot is not good for the neighborhood, and it is not good for the environment. It is ironic that after 25 years of saying no, Portland is about to say yes to this parking lot at the very time we proudly proclaim we are one of the most sustainable cities in the country. The school's plan for a parking lot prioritizes cars over the neighborhoods' single family homes.

WHY DO WE REQUEST A REPORTING MECHANISM FOR CONDITIONAL USE VIOLATIONS?

Over the past quarter century, neighbors have endeavored to work with the school to establish a balance between the school's objectives and the livability and welfare of the neighborhood. This collaboration resulted in a traffic management plan in 1987, amended in 2002, created to manage traffic without the need for the parking lot. This plan was made a condition of the school's 1987 conditional use permit. When it was fully implemented by the school, the plan adequately managed traffic and parking and neighbors were quite satisfied. But the school gradually stopped implementing selected parts. As a result, traffic and parking has worsened. Neighbors are frustrated and confounded by the school's failure. *These same conditions...agreements to manage parking...have been folded into the current permit. While the parking lot is proposed to solve parking and traffic problems, those problems would be better solved by simply going back to the traffic management plan that we know already works. But the school has a history of not adhering to conditional use traffic management agreements, so we have no reason to believe the school will begin adhering to them if this new permit is issued.*

You can understand why we ask you to require the plan include a clear reporting and enforcement mechanism to put teeth into these agreements.

The school traffic experts found that there is adequate available parking in the neighborhood. We agree, there is parking available, enough availability to obviate the need for a lot even with the loss of parking space caused by building over existing spaces; but the school has failed follow the traffic management plan. It has a management problem not a parking problem.

CONCLUSION:

The livability of the Buckman Community will be negatively impacted by this parking lot. There are many other, better uses for the two now vacant lots. For example, they could serve as a small park for the school, or a learning garden for students, or could be sold and used in a way consistent with the R5 zoning, to add housing stock to the community. The school has many options for using the lots that the neighbors would not oppose.

The Buckman Community Association asks you to intervene to require that CCHS work in good faith with the Buckman community to address significant livability issues their master plan's parking lot will create and to ensure that the school adheres to the traffic management plan in the conditional use permit. We ask you to walk the courageous path of your predecessors on City Council and protect the residentially zoned lots of the Buckman Community.

##

Christ Marsden

We expect that those presenting on behalf of Central Catholic will characterize the neighbors--who have worked in good faith to come to reasonable agreement on this issue--as inflexible, cantankerous cranks. That is not accurate. We are citizens who have invested our lives and our savings into this neighborhood which we are dedicated to preserving. We expect that you will be told the law requires you to grant this parking lot because to do otherwise would violate laws regulating religious freedom. If city attorneys look closely at this law, though, they will discover that denial of the parking lot will not violate federal laws. You may also hear from the school that the school has held many meetings with the neighbors and accommodated our concerns. We have had many meetings, but while a few of the neighbor's recommendations were adopted, the school refused to make the changes that are most important to us. On several occasions, the architects leading this process have stated in written documents that we agreed to points which we consistently had not agreed to. Today, we have with us our responses to those communications clearly stating that no such agreements were made; Council should be in possession of seven exhibits that document this testimony. We suspect that these peculiar, erroneous communications were planned to create documentation that makes us look as if we have not been consistent in our position regarding these lots. As you might expect, this has contributed to our feeling that Central Catholic was not negotiating in good faith. The neighborhood is united in opposing the parking lot, and though many neighbors were unable to take off work to attend this hearing, I have with me a petition signed by many of them stating their opposition to the lots. May I submit it to the council?

##

Charlie Christensen

Central Catholic recently received a conditional use permit, contingent on the outcome of this hearing, to build a parking lot in our neighborhood. The neighbors, Buckman Community Association, SE Uplift and the City of Portland have been against this expansion into the neighborhood since 1984.

The neighbors have been against the parking lot for a number of reasons. First of all we feel having a parking lot in our midst will lower the livability of our neighborhood. Secondly we feel it will be a magnet for game participants and visitors to come into the neighborhood to park even when the lot is full because of course they won't know the lot is full till they get there. Third, I don't care how much landscaping is done it is still a parking lot. Fourth, the noise and lights

associated with a parking lot will decrease the livability of our neighborhood and lastly property values. I don't care what the school and the architects say, no one wants to live next door to or even near a parking lot.

The Buckman Neighborhood Plan was written and adopted by the City in 1991. The school's construction of a parking lot on residentially zoned property flies in the face of the Buckman Plan. The Plan specifically states in **Policy 2. Housing_ Objective 2.8—Discourage demolition of residentially zoned housing for purposes of providing surface parking**. The BDS Staff Report comments on this as follows: "CCHS is proposing the development of a new 15-space surface parking lot on two residentially zoned lots that are currently outside the schools' Conditional Use boundaries". The staff report is in direct opposition to the Buckman Neighborhood Plan and also represents an expansion of Central Catholic's traditional boundary. While the demolition of these houses was 27 years ago the passage of time doesn't change the facts of the case: housing stock was removed in order to build a surface parking lot.

##

Anezka Drazil

The City of Portland has not supported the building of a surface parking lot on these residential lots either. In an August 1, 1984 article in the Oregonian on page 66 headlined, "**City delays parking plan action**" the hearings officer for the planning bureau, Paul Norr, requested a four month delay for the hearing of a plan to develop the lots on 24th Ave between Oak and Stark Streets in part to encourage Edwards, the principal of Central Catholic, to discuss the master plan with the BCA and consider area residents' ideas. The article also states: "The Buckman Community Association and the land-use committee of the Southeast Uplift Neighborhood Program submitted written opposition to the parking lot request because of concerns about the loss of housing". In the same article Hearings Officer Norr also said, referring to the removal of the housing, "I always feel that it's a bit presumptuous of an applicant to begin work before an approval is granted". A 1977 master plan showed a larger lot on school property at the east end of the campus but it was scaled down to the 22 spaces proposed in 1984 for the residential lots on 24th.

In CU 99-85, Central Catholic's conditional use application from 1985, Hearings officer George Fleerlage, in referring to the residential lots stated "such an expansion could result in incremental expansion over time, which may have major ramifications for the character of the neighborhood." He went on to say that the "issue of precedent is of concern".

The most tragic part of this issue of a parking lot on residentially zoned lots is that it is not needed. Central Catholic's own engineering firm, Lancaster Engineering has said on page 18 of their traffic analysis report for the school's Master Plan application that even at the most heavily attended functions, such as a rivalry basketball game like one with Jesuit HS, only 83% of available spaces are used. This

includes all participants, fans, students, guests and residents. Chris Linn of Boora Architects testified in the Master Plan hearing, and I'm quoting from the hearing officer's report, "at full occupancy of available parking space around the school, there still exists a 20 percent surplus of available parking space in the immediate area". Either Lancaster is right or they are wrong, you can't have it both ways. If they are correct then a parking lot is not needed. If they are wrong we need to go back to square one in this whole process.

##

Larry Walters

If, despite all of our objections, you feel the parking lot has to be built, there are ways to mitigate the impact on the livability of our neighborhood. The neighborhood has taken the brunt of the school's solutions for parking for 27 years and creating a special lot in the neighborhood is a continuation of that policy. However one of the ways to mitigate the impact on the immediate neighbors is to not allow an ingress or egress point on Oak St. The lot would be a magnet that would bring people to Oak Street who may have parked somewhere else. Human nature is such that people want to park as close to an entrance as possible so the parking lot will draw more people than ever to Oak St. and 24th Ave. looking for the last empty spot in the lot and when it is full they will cruise down Oak St. looking for the next most convenient spot. Alternately, dead-ending Oak at the parking lot with a planting strip or pilings would control the increased traffic problem, much like the streets near the Broadway Fred Meyer. The streets were dead-ended to protect the neighbors of Sullivan's Gulch from the increased traffic of having a Fred Meyer in their midst. Dead-ending Oak St at the parking lot or not allowing an entrance or exit onto Oak St. would somewhat mitigate the adverse effects of the traffic associated with the parking lot.

The school will try to convince you they are doing our bidding by building this parking lot. Nothing could be further from the truth. The BCA has been against this lot for at least 24 years, the Bureau of Development Services has been against this parking lot for 24 years, the neighbors have been against using R-5 lots for parking since the first time it was proposed in 1984. We have never asked for a parking lot in our neighborhood and are adamantly opposed to its construction. An underground lot on their campus or use of an existing site like the vacant Wells Fargo lot on 26th and Burnside or the lot on the old Washington HS property just down Stark St would be an alternative the neighbors would accept. The school has refused to honestly examine alternative sites that already exist. They continue to put their convenience over the neighbors' livability. For all of these reasons the BCA, SE Uplift, the neighborhood, and traditionally the City, are against this surface parking lot being built in residentially zoned lots in our neighborhood. We ask for your support in protecting the character of our neighborhood.

##

Sandy Sampson

We submit that the decision as it stands is flawed because of a lack of clarity. Similar to the land use approval in 2002 it states conditions, and says that the city is responsible for enforcement but not monitoring compliance; yet there is no clear instruction on how citizens can report non-compliance, or indeed who to report it to. Also similar to 2002 neighbors asked for a meaningful process for reporting and enforcing non-compliance with conditions cited in the decision.

During cc's CUMP application hearing there were several complaints by the neighbors of non-compliance by the school. The lawyer and the hearings officer rightly stated that there was only one documented case of a complaint they could find in the record. That was a complaint lodged by Chris Marston concerning the noise emitted by the HVAC system on the roof of the school in 2003. The school responded and spent several thousand dollars to try to remedy the noise and while it is now mostly within the City's noise limits it is still audible from 22nd St., 2 blocks from the school. It is only because there is a City department that handles noise abatement issues that this issue was able to be logged, documented and addressed. I know other people have notified the city of violations. Linda Gerber called twice to complain of people parking on the vacant lots in violation of the Traffic Management plan of 1987 and 2002. The Bureau of Development Services told her it was private property and there was nothing they could do about it. BDS was unable to provide a number to call that would accept a complaint of that nature. I myself called both the city and the school to inquire about newly installed curb cuts and approaches leading into the residential lots on 24th. City code states that abandoned driveways should be re-poured to sidewalk specifications. I was only able to leave messages with the city, and my questions were left un-answered. I was offered no contact in the city that could help me. There have been other calls to the city by other neighbors as well.

Most calls have been to the school itself. CC is required to keep a log of these complaints and have them available for the BCA's inspection with notice. When this complaint logging by the school was first mandated in 2002 the school provided monthly reports to the BCA. The BCA felt it was not their job to monitor the Good Neighbor Agreement and asked that there be no more monthly reports of complaints *but that the school continue to log them.*

##

Carmen Brannon

Recently Susan Lindsay from BCA contacted the school to request the complaint logs and was told there were no comprehensive logs, but there were some recent ones that we were welcome to. Aaron Homburg was helpful and offered to copy everything they had for neighbors. It doesn't take long for neighbors to quit trying to lodge issues of non-compliance when there is no meaningful mechanism for lodging them, nor any follow-up.

In the hearing many neighbors had asked for a mechanism to lodge instances of non-compliance of the Good Neighbor Agreements. On page 25 of the Decision of the Hearings Officer Ken Helm says,

*"there was abundant testimony that since 2002, the school has allowed CYO events to creep back up to pre-2002 agreement levels. While the testimony was largely anecdotal, the Hearings Officer has no reason to doubt its credibility **and the applicant appeared to concede that some event creep may have occurred since 2002.** However, the Hearings Officer notes that the record does not contain any evidence that the City received any code enforcement complaints about events since 2002"*

On page 29 of the Decision Mr Helms says,

"First, there is abundant testimony in the record alleging that CCHS has not honored it's commitment to the two prior GNAs" both of which were rolled into the 2002 approval. "Second, the neighbors have asked for a mechanism by which they can better enforce those conditions as they claim that the current mechanism does not work". "It is very difficult for the Hearings Officer to respond to the neighbors' charge that the school has not honored the GNAs. The testimony on this subject is entirely anecdotal". "While the Hearings Officer does not doubt the veracity of those testifying, it is nearly impossible to quantify in a meaningful way the type and frequency of the alleged failures". "One of the fundamental problems related to the above issues is that there is no record of code enforcement action related to the school"

And lastly from the Hearings Officer also on page 29.

"Failure to comply with condition, if established through the proper enforcement procedures, is a code violation and the City has authority to remedy the violation".

We are asking for a method to document code violations.

##

Olivia Sitea Walters

Let me site a few examples of alleged violations noted by the neighbors:

- the 2002 agreement stated that Central Catholic would provide Multnomah County sheriffs to patrol during large gatherings of 250 or more people. By 2005 they had stopped providing security because they said it was too expensive and didn't help the parking situation. The neighbors felt the sheriffs did help but we really had no recourse so the security was gone.
- 2) Also in 2002 the school agreed to stop having CYO football games on the weekends. Those weekend games clogged the streets around the gym entrance on 24th and on Oak and Pine Streets all weekend long. The school has been having CYO football games on weekends for a couple of years now. In their 2011 application they are willing to cut the number of games in half from 12 to 6. My question is what happened to the 2002 promise not to have any CYO games?
- 3) In 2002 there was to be a *dedicated* phone line for parking issues, *gone*. Charlie Christensen called the number this fall to report parking problems and found the number had been disconnected. Now neighbors must call a non-dedicated number in the main office. This change was made without warning or consultation with the neighbors.
- 4) In 2002 there was a promise to not renew some other events that drew cars to park in the neighborhood, in 2011 they are asking to reinstate at least one of those, an AA meeting that had gotten quite large over the years.

So even when they agree to cut back on activities, over time, by their own admission, the activities creep back in. For all of these reasons we feel we need a mechanism for reporting instances of non-compliance.

At the hearing the school's lawyer stated that the hearing was not the venue to discuss code violations.

I do not understand why violations of past conditions (*because they are* code violations) should have no bearing on the decision to grant additional approvals to the school. Approvals based on the same and additional conditions. However I now understand that any violations are functionally invisible to the city unless they *are* code violations. Without a clearly articulated reporting, and enforcement protocol in place most of the conditions in this decision are meaningless.

##

Larry Brannon

Some of the conditions in the current decision such as:

- Providing message boards and staff to direct incoming traffic to appropriate parking during large events.
- Closing or making exit only certain doors on weekends and during the summer.
- Or ending evening events by 10 pm.

Are meant as mitigations of impact on livability for residents. But who would we call to have non-compliance for these types of conditions documented, or enforcement engaged? What is the appropriate city number to call to report gym doors being entered on a Sunday, or the absence of message boards on the evening of an event?

It seems onerous enough, we as neighbors of the school, have to live with the impacts created by the school, and that we are burdened with monitoring the school's compliance with conditions; *as the city is only responsible for enforcement*. We did what we thought we were supposed to do after the 2002 ruling, called the school, even after the dedicated line, that was part of the 2002 agreement was disconnected, only to learn that the formal comprehensive log (also a condition of the plan) has not been kept, and apparently would not rise to the level of documentation needed anyway.

I hope this testimony makes clear the neighborhood's profound need for a clear reporting, and enforcement mechanism that meets the legal threshold the city requires.

##

List of Exhibits

- 1a.) Letter from Abby Dacey, Boora Architects, to Susan Lindsay and Buckman Community Assn. (BCA)
- 1b.) Charlie Christensen's Letter to Office of Planning and Development refuting statements in above letter.
- 2a) Letter from Chris Linn, Boora Architects, to Susan Lindsay explaining CCHS's decision not to meet with BCA and neighbors prior to appeal
- 2b) Susan Lindsay's email response to above letter
- 3a) Minutes of a March 4th 2010 meeting sent by Chis Linn to support his previous assertions.
- 3b) Susan Lindsay's email response to above meeting minutes
- 4a) Sketch of suggested alternate parking lot design

May 13, 2011

Dear Susan and the BCA board:

Thank you for the update on the conversation at the BCA meeting last night. As you acknowledge, CCHS is a fine school and has been a committed member of the Buckman Community. In spite of some of the comments you may have heard, the school has engaged in a very involved process with the neighborhood and has made direct changes to their plans based on their input. We offer the following details for your consideration.

The school has shared their master plan in the following contexts:

- 1/28/2010 – BCA meeting at Buckman Elementary
- 3/4/2010 – BCA Board meeting at Buckman Elementary
- 5/19/2010 – INCCCH meeting at CCHS, 6:30 pm
- 7/2010 – article on CCHS master plan included in BCA newsletter
- 10/24/2010 – BCA meeting at CCHS, 7 pm
- 11/18/2010 – INCCCH meeting at CCHS, 6 pm
- 11/18/2010 – BCA meeting at CCHS, 7 pm
- 1/13/2011 – presentation to Sunnyside Neighborhood Association
- 1/19/2011 – INCCCH meeting, hosted by Resolutions Northwest, 6:15 pm, attended by CCHS, INCCCH, and BCA representatives (note, INCCCH made a wide call to their neighbors for representation at this meeting. No one from 26th street responded).
- 1/31/2011 – INCCCH and CCHS meeting with City Parking Program, 6 pm at CCHS
- 2/10/2011 – INCCCH meeting, hosted by Resolutions Northwest, 6:15 pm, attended by CCHS and INCCCH, and BCA representatives
- 4/06/2011 – INCCCH meeting, hosted by Resolutions Northwest, 6:15 pm, attended by CCHS and INCCCH representatives
- Direct communication with Charlie Christensen, the INCCCH representative, to review the language of the Good Neighbor Agreement

The direct input and changes that have been implemented as a result of these meetings include:

- A decision to close the SE 24th street door that is located across from residences (between Oak and Pine).
- A decision to widen 24th street from Stark to Pine to reduce traffic congestion at peak hours.
- A decision to add an on-street, drop-off zone and on-site pedestrian plaza at the corner of SE Stark near 26th Avenue to facilitate the use of that portion of the building as an entry point to the school's property.
- A decision to re-implement the use of security patrols during large events to facilitate parking.
- A proposal to implement a neighborhood parking permit program. This was suggested by the BCA and the school agrees that it is the only comprehensive way to control parking behavior on public streets.
- A decision to add a complaint hotline that is active during all school events.

As mentioned, the school engaged in a set of facilitated meetings with the INCCCH and BCA representatives. The conclusion of this process included a list of items that were agreed upon, proposals the school has made and proposals that INCCCH has made. Of the 12 items INCCCH proposed, four have been accepted outright and three more have been partially incorporated into the master plan, which will be implemented in phases. Additionally, the school is supportive of, but has not advanced, the designation of a one-way street grid around the school. A summary of those items:

1. **Entrance on Stark Street** – reviewed and partially accepted. Mid-block entrance not physically feasible. School is constructing a pedestrian entrance at the corner of 26th and Stark that will encourage access to the building from parking along Stark and the Cemetery.
2. **All doors on 24th Avenue to be exit only** – reviewed and partially accepted. The door opposite residences will be converted to an emergency exit only. The door at Oak Street, which is the only ADA access to this level, will remain active.
3. **Limit parking permits to 225** – Accepted
4. **Off-site park and ride** – Reviewed. Investigation already underway by CCHS. Seeking lots within walking distance, primarily for large events. Not feasible for daily use.
5. **Parking patrol for events** – Accepted. School will use staff or a private security company in place of the sheriffs called for in the original document.
6. **School consider funding mechanisms for resident parking permits** – Not accepted.
7. **Expand restricted area and staff/student monitoring** – Reviewed. Expanded restricted parking area not accepted. Four staff are currently utilized; there are not enough additional staff who are free before or after school to be available for street parking duty.
8. **On-site parking lot not including vacant lots** – Not accepted. This lot will provide 15 spaces on CCHS property, in addition to the four that will remain on the main lot, resulting in a net add of two parking spaces on CCHS property.
9. **No double parking of buses on public right of way** – Accepted. Bus parking to be coupled with west parking lot or a dedicated, timed bus loading zone on 24th street.
10. **One-way grid around school** – CCHS accepts this solution if it is what the neighbors want. Boora has provided neighbors with contact information for City Bureau.
11. **Contact number during events** – Accepted. CCHS will provide.
12. **School move to another neighborhood** – Not accepted.

The school did carefully consider the implications of providing an on-site parking garage. This will not be implemented due to:

- **Neighborhood traffic impacts.** Access to the garage would need to be on either 26th Avenue north of Stark Street or on Pine Street. Both of these facilities are local residential streets and the access to a major facility such as a parking garage would route the majority of school traffic through the neighborhood. This could be well over 200 trips during each of the school peak hours, as well as during events. Impacts to 26th Avenue would be significant and daily traffic volumes would likely exceed the reasonable demands for a local residential street. Street widening and/or parking restrictions would be necessary in areas where both would be extremely difficult.
- **Partial solution.** While a parking garage would offer a large amount of off-street parking supply, it would be in a location that is less convenient than existing on-street parking. Garage spaces would still be more remote from school entrances than on-street parking areas along Stark Street, 24th Avenue, and 26th Avenue.
- **Cost.** It is estimated that a garage would initially cost approximately \$10,240,000 to construct, and then have recurring costs associated with maintenance and necessary security services. The cost per parking space would be prohibitive, particularly when it would not be a comprehensive solution as described above.

The school is taking measures to reduce the number of vehicles that travel to the school by instituting a transportation demand management plan. The elements of this plan are:

- To encourage public transportation, CCHS makes student bus passes available to students at TriMet's discounted student rate. Passes are provided for free on an as needed basis to students with demonstrated financial need. The school has, and will continue, to communicate with TriMet about reinstating service that has been cancelled near the school
- To encourage bike riding and in order to bring the school to compliance with the current zoning code, CCHS will provide 80 additional bike parking spaces. All will be located in secure zones. Many will be covered and near the pedestrian entrances and shower facilities. The CCHS bike club will be a part of the promotional efforts to encourage biking.
- Over one quarter of the student body currently carpools. The school will continue to promote carpooling through match programs and will more aggressively match students and staff with similar travel routes and school schedules. The proposed parking lot on the west lot will be available only to carpools with three or more passengers, thus maximizing the impact of this lot.
- The school will engage the SmartTrips program operated by the City of Portland. SmartTrips is a service offered by the Portland Bureau of Transportation that encourages the use of alternative modes of transportation. The service's goal is to ensure that all transportation system users are aware of options that are available for getting around Portland, including commuting and trips to school.

You have a copy of the Good Neighbor Agreement that we have worked on with the INCCCH representatives. It reflects the points where the school and neighbors agree on how to coexist in their neighborhood.

Sincerely,

Abby Curtin Dacey, AIA, LEED
Boora Architects

May 26, 2011

City of Portland
Office of Planning and Development
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201
Attn: Hearings Officer

RE: Central Catholic High School
Land Use Review LU 11-115222 CU MS AD

Dear: Mr. Franks

Central Catholic (CC) and an ad hoc group of neighbors (INCCH, the Immediate Neighbors of Central Catholic High) have been meeting earlier this year to try to resolve differences that have cropped up as a result of CC's 10 year \$30 million master plan application. I attended the Buckman Community Association (BCA) board meeting Thursday, May 12th asking the BCA to oppose the CUMP application by CC. The next day, May 13th, the BCA received an email from Abby Dacey of Boora Architects (this email is attached) outlining all the points of agreement reached in three negotiated meetings with the neighbors. The neighbors have been given inconsistent information from both Boora and CC in regards to their plans and in some cases have been deceived by inaccurate information given to us by them. The neighbors feel that CC and Boora have not bargained in good faith through a series of three mediated meetings hosted by Resolutions NW.

In the email, Boora lays out a history of these meetings and Boora's interpretation of the results of those meetings. The neighbors (INCCH) dispute many of Boora's assertions and their interpretation of the agreements and results of those meetings.

BACKGROUND

In this letter, I present on behalf of INCCH, our record and interpretation of those meetings and, most importantly, the proposals that were made by INCCH and CC and whether those proposals were agreed to or rejected.

Placing these mediated meetings in an historical context is important. In 1987 parking and traffic in the area around Central Catholic was so bad that CC, BCA and City of Portland entered into an agreement with the intent of managing the growing problem of operating a commuter high school in a dense urban neighborhood. Having lived here since 1983 I can assure you traffic and parking has not gotten better in the intervening years; in fact, it is much worse. In meetings in 2002 the school and INCCH negotiated additions to the original 1987 agreement. Ultimately the school, INCCH and the BCA ratified and signed the agreement.

In the first part of the attached Boora email, the number and dates of meetings is listed. These are accurate to the best of my knowledge and are not disputed. The last meeting indicates a meeting that Abby Dacey and I had at my home regarding re-writing the '87/'02 agreement into a more readable format. In the days leading up to this meeting I had communicated with other members of the INCCH group whom I was representing. INNCH determined it was in the neighbors' best interest to retain the existing (old) GNA rather than enter into a new one because:

1. There were not enough areas of agreement to warrant writing a new GNA, and
2. CC has violated and currently is violating a number of its commitments in the existing agreement, therefore demonstrating unreliability as a partner in a formal agreement

I communicated this to Abby and stated that INCCH chose to leave the original documents in force. Abby insisted on having a short meeting to look at the existing 87/02 agreements. Abby volunteered to re-write the existing (old) agreement to make it more "streamlined." In other words, the existing (old) agreement was wordy and not easy to understand so "streamlining" it would make it more readable. I thought it was a waste of time, but she was willing to do the work so I said OK. The result, indeed, is a "streamlined" and more readable version of the existing (old) GNA but contains many items that were never part of the old agreement. INNCH is prepared to sign a continuation of this existing "streamline" version of our existing agreement if the new additions are removed.

INNCH members were shocked, however, to see this "streamlined" version of the existing agreement characterized as a "new GNA" in CC's CUMP application. It is patently false to state or imply that INNCH has entered into a new GNA with CC.

BOORA ARCHITECTS MAY 13 EMAIL TO THE BCA BOARD

Below I have listed the assertions that Boora made regarding the outcomes of the three mediated meetings between CC/Boora and INNCH. In the email Boora calls these **"the direct input and changes that have been implemented as a result of these meetings."** As INNCH's representative who was present at each of these meetings, I wish to address each bullet point. Boora's bullet points are in bold and are direct copies from their email, my remarks follow each bullet point.

The school says they carefully considered the implication of providing an on-site parking garage and that it would not be implemented due to:

- **Neighborhood traffic impacts. Access to the garage would need to be on either 26th Avenue north of Stark Street or on Pine Street. Both of these facilities are local residential streets and the access to a major facility such as a parking garage would route the majority of school traffic through the neighborhood. This could be well over 200 trips during each of the school peak hours, as well as during events. Impacts to 26th Avenue would be significant and daily traffic volumes would likely exceed the reasonable**

demands for a local residential street. Street widening and/or parking restrictions would be necessary in areas where both would be extremely difficult.

Access to the garage could be on Stark St. The field is about 6 feet higher than Stark St and about 100 feet away. The ramp under the field would be so gentle there is no reason it couldn't be done if there was the will to do it.

- **Partial solution.** While a parking garage would offer a large amount of off-street parking supply, it would be in a location that is less convenient than existing on-street parking. Garage spaces would still be more remote from school entrances than on-street parking areas along Stark Street, 24th Avenue, and 26th Avenue.

One of the issues presented at the facilitated meetings was convenience, would people walk to the school from the lot. How can an on-site lot be further away than street parking? If parking on 26th will encourage people to use the back entrance so would the parking lot because it is even closer. You can't have this argument both ways.

- **Cost** – It is estimated that a garage would initially cost approximately \$10,240,000 to construct, and then have recurring costs associated with maintenance and necessary security services. The cost per parking space would be prohibitive, particularly when it would not be a comprehensive solution as described above.

There are those that dispute the cost.

The school is taking measures to reduce the number of vehicles that travel to the school by instituting a transportation demand management plan. The elements of this plan are:

Traffic Demand Management Plan –

- **Encourage public transportation.** This has been in the GNA since 1987. The neighbors don't expect any new reductions from this program that has been in place for 24 years.
- **Encourage bike riding.** This was also included in the GNA since 1987. The existing bike racks haven't been fully used so adding new ones is not the solution for the 225+ cars parking in our neighborhood every day. May has been "Bike and Walk Month" at Central Catholic. A photo was taken on Tuesday 5/24, 70 degrees and sunny. There were ten bikes in the racks!
- **Over one quarter of the student body currently carpools.** That is great but adding a parking lot for carpoolers will not increase the number of carpoolers since there are already way too many carpoolers to fit into the lot and the loss of residential land is not worth the 2 additional parking spaces gained.
- **The school will engage in the Smart Trips program operated by the City of Portland.** I think that is great. Will it solve evening and weekend parking problem in our neighborhood, I think not.

Nowhere in this traffic demand management plan is evening and weekend parking addressed which is the main issue for many neighbors.

The following paragraph is directly from Boora's email:

As mentioned, the school engaged in a set of facilitated meetings with the INCCH and BCA representatives. The conclusion of this process included a list of items that were agreed upon, proposals the school has made and proposals that INCCH has made. Of the 12 items INCCH proposed, four have been accepted outright and three more have been partially incorporated into the master plan, which will be implemented in phases. Additionally, the school is supportive of, but has not advanced, the designation of a one-way street grid around the school. A summary of those items:

- 1. Entrance on Stark Street – reviewed and partially accepted. Mid-block entrance not physically feasible. School is constructing a pedestrian entrance at the corner of 26th and Stark that will encourage access to the building from parking along Stark and the Cemetery.**

I don't know what partially accepted means because there is not going to be a Stark St entrance as proposed by INCCH. This means 'not accepted' as far as I can tell. There is going to be an entrance to the Link Building that is around behind the existing Stark St wing accessed from 26th and Stark. The Link Building entrance has been in all of the schools proposals from the beginning, it has nothing to do with neighborhood requests. The neighbors feel it will not help alleviate parking pressure by the gym entrance for evening and weekend events. It has been observed that people always park as close as they can to the door that will let them in the building for the event they are attending. If the door is on Stark they will park on Stark. Now the door is on 24th and Oak, and they park on 24th and on Oak.

- 2. All doors on 24th Avenue to be exit only – reviewed and partially accepted. The door opposite residences will be converted to an emergency exit only. The door at Oak Street, which is the only ADA access to this level, will remain active.**

Again, partially accepted? Neighbors had asked that the doors on 24th Ave be exit only and the school said no. We asked that event participants be given access through a new Stark St entrance or the existing main entrance for sporting and weekend functions. The existing situation has one set of doors on 24th, the second set being for deliveries only. The new arrangement as proposed in the CUMP application will have 2 sets of doors on 24th, the new entrance, the existing delivery door, will be about 100 ft south of the existing gym entrance with a new plaza for students to gather. The neighbors don't think the new arrangement will change the parking habits of athletes or visitors wanting entrance to the gym complex. Evenings and weekends will still have participants parking on Oak St and 24th Ave. so this is not mitigation for our parking problems but rather the status quo 100 feet south.

- 3. Limit parking permits to 225 – Accepted**

This has been in the agreement since 1987 and it is not new and shouldn't be listed in this section. The school has already admitted the parking permit restriction doesn't work and is unenforceable and the INCCH representatives in the negotiated meetings agreed. There were a large number of neighbors that insisted this be kept in the agreement and as their representatives we asked the school keep this in the agreement so the school accepted the limit knowing it was unenforceable.

4. Off-site park and ride – Reviewed. Investigation already underway by CCHS. Seeking lots within walking distance, primarily for large events. Not feasible for daily use.

The neighbors had asked the school to implement an off-site park and ride lot for students with restrictions on student parking in the residential block faces in the immediate neighborhood. The '87 and '02 agreements are so full of 'investigations' and 'encouragements' that have never reached the light of day I'm not going to comment other than to say the park and ride would have the most impact for daily use which was rejected. The neighbors agreed with the school that evening functions wouldn't make use of the park and ride. INCCH feels that an on-site lot is the solution for evening and weekend functions.

5. Parking patrol for events – Accepted. School will use staff or a private security company in place of the sheriffs called for in the original document.

It was agreed in 2002 that the school would provide security for large evening games and functions. The school quit hiring security in 2004 in violation of the 2002 agreement. They have agreed to restart what they had agreed to in the past so I don't consider this a new agreement. I believe it will help the evening parking situation as it did in 2003.

6. School consider funding mechanisms for resident parking permits – Not accepted.

This was included as an 'investigation' in '87 and '02 but dismissed by the school in our recent facilitated meetings. One of the reasons we didn't want to write a new Good Neighbor Agreement was fear of losing small details like this one. There are a number of households that would be financially harmed by instituting a permit system to control CC's students and visitors.

7. Expand restricted area and staff/student monitoring – Reviewed. Expanded restricted parking area not accepted. Four staff are currently utilized; there are not enough additional staff who are free before or after school to be available for street parking duty.

Monitoring student parkers is a cost of having a school in a dense urban neighborhood and CC should accept this cost. CC has agreed a city enforced permit parking system would regulate parking in the neighborhood. In our discussions of permit parking it was determined that all residential block faces around the school would be off limit to student parking. INCCH wanted to expand the existing

agreement to include no student parking on the N. side of Pine between 24th and 26th and the E. side of 26th between Stark and Pine which the school had already agreed to in the permit parking scenario.

The neighbors see that there is already staff patrolling those streets so it wouldn't require more staff. Furthermore students or parents could volunteer to patrol. If you live in the neighborhood you may have noticed 10 and 11 year old students of Buckman School directing traffic at crosswalks on Stark St and Pine St in the mornings and afternoons. Sometimes they are accompanied by parents, sometimes not. CC students are required to do community service and this should qualify.

8. **On-site parking lot not including vacant lots – Not accepted. This lot will provide 15 spaces on CCHS property, in addition to the four that will remain on the main lot, resulting in a net add of two parking spaces on CCHS property.**

The school still insists on putting the burden of parking for their school on the neighbors by expanding into the neighborhood, not acceptable to the neighbors. Going back to the 80's, each remodel or addition has eaten up a few more of the on-site parking spaces. According to city maps from that time the school had in excess of 40 spaces on-site in a dedicated lot and other spaces near the building for approximately 50 spaces. Now they want to cover up all but four of what's left with a net add of 2 spaces in the residential lots in the neighborhood. At what cost to the livability of the neighborhood? INCCH feels that if the school needs to expand into the neighborhood they have outgrown their site. In the 40's there were houses all along the west side of 26th Avenue, they are all gone now. CC has stated in the negotiated meetings that they have no intention of expanding into the neighborhood beyond the two lots. Their history and their CUMP application contradicts this by saying they want to use the three houses they own in the neighborhood as administration offices and the yards for gardening classes. INCCH says an emphatic no. They need to remain within their traditional boundary and provide on-site parking.

9. **No double parking of buses on public right of way – Accepted. Bus parking to be coupled with west parking lot or a dedicated, timed bus loading zone on 24th street.**

In the negotiated meetings this was rejected. INCCH had asked that the school build or create a legal way to park and load their activity busses. There are as many as three Greyhound sized busses parked and idling on Pine St. many afternoons.

Their acceptance relies on being able to expand into the residential lots on 24th Avenue. If not, the buses will continue to park illegally as they have for the past 10 years at least.

10. **One-way grid around school – CCHS accepts this solution if it is what the neighbors want. Boora has provided neighbors with contact information for City Bureau.**

The school is willing if the neighbors make it happen, great! This is one more instance of the school putting the burden on the neighbors to solve the problem. With the widening of 24th it most likely won't be necessary.

11. Contact number during events – Accepted. CCHS will provide.

This was a request by the neighbors. When a resident is going out to a play, a movie or just visit friends and their driveway is blocked there isn't time to wait for a parking enforcement officer to show up to call a tow truck. The neighbors requested a hot line be 'live' for all events at the school for a timely response to parking issues during events. Thank you CC!

12. School move to another neighborhood – Not accepted.

This was **not** a request made by INCCH in the negotiated meetings. There is an online petition saying that if the school isn't able to live within its existing boundaries they have out-grown their site. There have been parking issues since 1987 as witnessed by the 1987 agreement between BCA, City of Portland and CCHS. In the middle 80's the school was at a low point in it's enrollment, there was bus service on Stark St, there was no Title IX sports, not very many 16 year olds drove to school every day, they didn't have a gym capable of hosting volleyball and basketball tournaments and they didn't have a performing arts center. Because of all these things parking and traffic have gotten worse over time, not better. Now they are asking to expand into the residential part of our neighborhood, obviously they have outgrown their site but this was not an official request and shouldn't be treated as one.

Of the 11 requests that INCCH recognizes, CC has accepted **1) Limit parking permits to 225, 2) Parking patrol for events, 3) Contact number during events 4) One way grid around school** (if neighbors do all the work CC will stay out of our way). Two of the four agreements were included in the 2002 agreement so are not new at all.

Items that INCCH requested that didn't make it into CC's document are 1) self-limit enrollment at 850 in a binding agreement and 2) dead-end Oak St at lot entrance (if CC gets their CUMP).

Sincerely,

Charles Christensen
2221 SE Oak St.
Portland, Oregon 97214-1635

boora architects

720 SW Washington
Suite 800
Portland, Oregon 97205
503.226.1575
503.241.7429 fax

boora.com

September 2, 2011

Susan Lindsay, Board Member
Buckman Community Association
c/o SE Uplift Neighborhood Association
3534 SE Main Street, Portland, OR 97214

RE: Central Catholic High School Conditional Use Master Plan

Dear Susan:

I would like to take this opportunity to summarize some of the discussions that we have had related to the Hearings Officer's findings for Central Catholic High School's Conditional Use Master Plan.

As you know, we have been working with CCHS for over 2 years on developing a master plan for the modernization of the facility. During that time, we worked closely with the Buckman Community Association (BCA) and the Immediate Neighbors of Central Catholic High School (INCCCH). Our work included several public forums, regular reports to the BCA Board, regular meetings with INCCCH as well as several informal mediation sessions that were moderated by Resolutions Northwest.

These frequent and honest communications have had a tremendous impact on the final master plan. We heard directly from INCCCH that their number one concern was related to student and visitor parking encroaching onto neighboring streets. Additional concerns from INCCCH include congestion on 24th, the number of school events, the occasional noise related to the use of the existing gym entry and the stacking of school activity buses on Pine Street.

In direct response to these concerns, and in an effort to ensure that the execution of the master plan resulted in improved livability for the immediate neighbors, CCHS voluntarily proposed to include and fund several improvements, the sum of which will be a substantial expense to the school. CCHS will widen and reconstruct the entire frontage of 24th Street along their property. They will relocate the gymnasium entry so that it is no longer across the street from residents. They will voluntarily reduce the number and size of events. Finally, and most significantly, CCHS will construct a 15 car parking lot on their property on the west side of 24th. CCHS believes that this parking lot will benefit the immediate neighbors in several ways. Because the parking lot will be restricted to carpools of 3 or more, it potentially reduces the number of cars in the neighborhood by 30. In addition to this, the lot will be designed to permit attendant stacked parking of an additional 20 cars during events. The lot will be designed to permit the stacking of school event buses, thus improving the current situation where they stack on Pine Street.

When we met with you at your office in the spring of 2010, we talked directly about the prospects of having a parking lot on the CCHS-owned lots. You did not rule it out as a possibility. At the March 4, 2010 BCA board meeting, we again presented a plan showing this parking lot. At that time, Don MacGillivray indicated he wasn't too worried about this development, although if any houses were to be removed he'd like to see them dismantled and recycled. He asked that the parking be minimized visually by adding lots of landscaping. We proceeded in planning with this guidance, are removing no houses, have restricted those properties from ever being used for non-residential uses, and have provided a significant amount of screening for the parking area.

PBOT, The Hearings Officer and BDS have supported CCHS's effort to improve the neighborhood through the construction of this parking lot, and the Hearings Officer's findings were positive in this regard.

BCA has chosen to appeal the Hearings Officer's findings. During one of our recent discussions on this matter, you informed me that BCA is fundamentally opposed to surface parking lots on CCHS's property in the neighborhood. While generally supportive of the rest of the master plan, BCA would like to consider alternatives to the surface parking lot. These options include the installation of a bus parking zone on Stark Street and the removal of 15 on-site parking spaces. In this proposal, you indicated that you thought it would be acceptable to add these cars to the on-street demand.

I have discussed your proposal with CCHS, Lancaster Engineering, and other representatives at PBOT and BDS. I believe that the BCA proposal will result in decreased livability in the immediate neighborhood. It will result in more cars parking on neighborhood streets. In addition to this, I believe that parking buses on Stark Street is impractical, potentially unsafe, and could result in substantial congestion.

CCHS truly appreciates your willingness to continue discussions in an effort to forge a compromise. However, at this time, it appears that BCA and CCHS will need to "agree to disagree" on this issue. CCHS remains open to continuing the discussion further should other ideas develop.

Thanks for your time, and please feel free to contact me or Abby Dacey should you have any questions or concerns.

Sincerely,

Boora Architects



Christopher Linn, AIA, Principal

From: Susan Lindsay <lindsays@pdx.edu>
Date: September 9, 2011 8:39:27 AM PDT
To: "Linn, Chris" <linn@BOORA.com>
Cc: sandy sampson <sandy@sampson.org>, Linda Gerber <linda.gerber@mobile.pcc.edu>, Charlie Christensen <charlie-christensen@comcast.net>, Khrist Soden <khrist.soden@gmail.com>
Subject: Re: CCHS Appeal

Hi Chris,

As you know, neither I in my capacity of Board Chair of the BCA, nor the BCA Board has ever approved the building of parking lots on the R-5 lots..and to imply otherwise is misleading and inaccurate.

You wrote recently in response to our request that the applicant is open to meeting to discuss the appeal in a small group, but we have never heard about the meeting.

Am I to assume that you are no longer willing to meet to help resolve this issue prior to the appeal hearing? We at the BCA and the neighbors would like to spare the city the time and expense of the hearing and as we believe that we may be able to work together to resolve this.

Please let me know your willingness at your earliest convenience.

Thank you,

Susan

Linn, Chris wrote:

Susan,

You should have received an email on September 2 with a letter attached. If not, here it is again.

Chris

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From: Susan Lindsay [mailto:lindsays@pdx.edu] Sent: Thursday, September 08, 2011 11:22 AM

To: Linn, Chris

Cc: Dacey, Abby; buckmanboard@googlegroups.com; Leah Hyman; Charlie Christensen; sandy sampson

Subject: Re: CCHS Appeal

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Thanks,

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Let me know if this is acceptable to you and we can put the parties in touch with each other.

Chris

-----Original Message-----

From: Susan Lindsay [mailto:lindsays@pdx.edu] Sent: Thursday, August 25, 2011 10:06 AM

To: Linn, Chris

Cc: buckmanboard@googlegroups.com; Leah Hyman; Charlie Christensen; sandy sampson

Subject: CCHS Appeal

Hi Chris,

I have been most unsuccessful in contact you directly for a couple of weeks. My understanding with you is that we were going to discuss the appeal and how to successful satisfy the needs of your client as well as the needs of neighbors and us (the NA) in regards to the planned redevelopment.

At this point however I am concerned that we are being intentionally not contactedwhich I hope of course is not the case.

Please contact me as soon as you can so we can discuss the appeal and resolving it.

Thank you very much,

Susan Lindsay
503-703-6647

September 2, 2011

Susan Lindsay, Board Member
Buckman Community Association
c/o SE Uplift Neighborhood Association
3534 SE Main Street, Portland, OR 97214

RE: Central Catholic High School Conditional Use Master Plan

Dear Susan:

I would like to take this opportunity to summarize some of the discussions that we have had related to the Hearings Officer's findings for Central Catholic High School's Conditional Use Master Plan.

As you know, we have been working with CCHS for over 2 years on developing a master plan for the modernization of the facility. During that time, we worked closely with the Buckman Community Association (BCA) and the Immediate Neighbors of Central Catholic High School (INCCCH). Our work included several public forums, regular reports to the BCA Board, regular meetings with INCCCH as well as several informal mediation sessions that were moderated by Resolutions Northwest.

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I have discussed your proposal with CCHS, Lancaster Engineering, and other representatives at PBOT and BDS. I believe that the BCA proposal will result in decreased livability in the immediate neighborhood. It will result in more cars parking on neighborhood streets. In addition to this, I believe that parking buses on Stark Street is impractical, potentially unsafe, and could result in substantial congestion.

CCHS truly appreciates your willingness to continue discussions in an effort to forge a compromise. However, at this time, it appears that BCA and CCHS will need to "agree to disagree" on this issue. CCHS remains open to continuing the discussion further should other ideas develop.

Thanks for your time, and please feel free to contact me or Abby Dacey should you have any questions or concerns.

Sincerely,

Boora Architects

A handwritten signature in black ink, appearing to read "Chris Linn", written over the printed name.

Christopher Linn, AIA, Principal

MEETING NOTES

720 SW Washington
Suite 800
Portland, Oregon 97205
503.226.1575
503.241.7429 fax

boora.com

Date March 4, 2010

By Abby Dacey

Subject Central Catholic High School 75th Anniversary Master Plan
Buckman Community Association Board Meeting

Project No. 09022

Present John Harrington – CCHS
Chris Linn, Abby Dacey – Boora
Don MacGillivray, Jeff West, Nancy, Adam, Mary (?), one more member came
in towards the end

This meeting was a follow-up to our January meeting, with the goal of introducing more board members to the master plan and to provide details.

- Chris showed the group the overall aerial view and renderings of the main and 24th street entrances, as well as a graphic summarizing the CU permit items and one summarizing parking and sustainability strategies.
- Don was very interested in sustainability.
- Don did not seem too bothered by the concept of developing the 5 adjacent lots. He indicated that if houses were removed, it would be best if they were moved or dismantled so the materials would not go to waste.
- He did ask that any parking be minimized visually. He was also interested in permeable pavement and lots of landscaping.
- Adam indicated he didn't think it was a big problem to build along the zero setback line on Stark.
- Adam did mention that the lawn signs in the neighborhood are indicative to the pressure that results from event parking.
- John brought up the issue of Trimet service along Stark (there hasn't been any for years). He suggested that it might be in the best interest of both CCHS and the BCA to lobby for service along Stark, serving both the school and the new community center at Washington Monroe HS.
- Nancy wants to see curb extenders on the cemetery side of Stark Street. It sounds like they have not had a lot of luck lobbying PBOT for improvements like this.
- Adam said they would not necessarily have a problem with the increased F.A.R. or building massing. "We promote density and open space," he says. He acknowledged that this phrase seems conflicted, but thinks CCHS's plans are in line with neighborhood goals.
- They would like to know when the meeting with the immediate neighbors is; one of the BCA members will try to attend.
- There is an opportunity to submit a news update for the BCA newsletter in July.

The foregoing is the writer's interpretation of the issues discussed. If there are any discrepancies or omissions, please report them to Boora within three business days of receipt of this document.

END OF MEETING NOTES

From: Susan Lindsay <lindsays@pdx.edu>
Date: September 9, 2011 11:42:26 AM PDT
To: "Linn, Chris" <linn@BOORA.com>
Cc: sandy sampson <sandy@sampson.org>, Linda Gerber <linda.gerber@mobile.pcc.edu>, Charlie Christensen <charlie-christensen@comcast.net>, Khris Soden <khris.soden@gmail.com>, "Dacey, Abby" <dacey@BOORA.com>, John Harrington <jHarrington@centralcatholichigh.org>, "sjanik@balljanik.com" <sjanik@balljanik.com>
Subject: Re: CCHS Appeal

Hi Chris,

Thanks for sending that. Your previous letter had seemed to some to indicate prior BCA Board approval for the parking lots, which of course has never formally existed and which we have discussed many, many times.

Don was not a board member at the time of this meeting, but a valued community member who has been involved with Buckman for many years.

I am sorry that the school does not want to meet. We have supported the school in many capacities and believe this issue to be resolvable.

If the school should change its mind, please let us know.

Thank you,

Susan

Linn, Chris wrote:

Susan,

Attached are our meeting minutes from March 4, 2010. We met with the land use committee, which included at least 2 board members, I believe. Hopefully this clarifies my previous letter to you.

CCHS prefers not to discuss the appeal with the neighbors prior to the hearing.

As you know, we have had many discussions with the neighbors over the past two years. I am not sure what could be gained through further conversation at this time.

Thanks.

Christopher Linn AIA

Principal

boora architects | 503 226 1575 | boora.com This e-mail is intended solely for the addressee and may contain confidential information. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. Electronic information may be altered and cannot be guaranteed. If you are not the intended addressee, please notify the sender immediately and delete this

message.

-----Original Message-----

From: Susan Lindsay [mailto:lindsays@pdx.edu] Sent: Friday, September 09, 2011 8:39 AM

To: Linn, Chris

Cc: sandy sampson; Linda Gerber; Charlie Christensen; Khris Soden

Subject: Re: CCHS Appeal

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503-703-6647

September 14, 2011

TIME SENSITIVE INFORMATION

Mayor Sam Adams, room 340
Commissioner Amanda Fritz, room 220
Commissioner Nick Fish, room 240
Commissioner Randy Leonard, room 210
Commissioner Dan Saltzman, room 230
1221 SW 4th Avenue
Portland, OR 97204

AUDITOR 09/14/11 PM 3:03

RE: Central Catholic High School
Approved Land Use Decision LU 11-115222 CU MS AD

Dear Mayor and Commissioners,

The public testimony for the Central Catholic Land Use appeal, LU 11-115222 CU MS AD includes a powerpoint presentation submitted by James Wood. I wanted to take a moment to point out inaccuracies that unfairly depict the current land use request in the historical context.

Slide 17: Mr. Wood states that in 1984, two houses were removed from CCHS property "without Planning Bureau approval." Land use approval was not required. Rather, as stated in the Hearings Officer's decision, CU 99-85, "On May 4, 1984, the school received a permit to demolish as single-family house at 2342 SE Oak and a permit to move a single-family structure from 425 SE 24th Avenue to Clackamas, Oregon." Contrary to common urban myth, these homes were not illegally removed.

Slide 18: Mr. Wood speculates about CU112-90 (in 1990) and a parking lot. There was no request for a parking lot as part of this CU.

Slide 19: Mr. Wood incorrectly states that there was a proposal to build a parking lot at SE 24th street as part of LU 02-131397 (in 2002). The application involved a review of the parking spaces on the main building site only.

Slide 20: Mr. Woods writes that the parking lot has been "proposed and opposed 3 times". A parking lot was part of the 1985 CU99-85 application. It has not been included in any land use proposals since that time.

In the Hearings Officer's report from 1985, he indicated that circumstances "may ultimately require" the use of the 24th and Stark lot. The 2011 approved parking lot differs greatly from what was proposed in 1985. It has been carefully studied by City staff. It is considered a very efficient lot that will promote carpool use, accommodate event parking, and permanently remove bus loading and unloading from City streets.

In addition to the historical misrepresentations, Mr. Wood has made two proclamations that are incorrect:

Slide 4: Mr. Woods comments that the approved parking lot "decreases CCHS's density at [the neighbors'] expense." The approved lot increases CCHS's off-street parking supply by using land owned by CCHS since 1984.

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Thank you for taking into account the factual accuracies of this case.

Sincerely,



Abby Dacey, AIA, LEED AP

CC:
Karla Moore-Love, Council Clerk
1221 SW 4th Avenue, Rm 140
Portland, OR 97204

Douglas Hardy, Senior Planner
1900 SW 4th Avenue
Portland, Oregon 97201

Parsons, Susan

From: Parsons, Susan
Sent: Wednesday, September 14, 2011 2:26 PM
To: Ansary, Raihana; Schmanski, Sonia; Crail, Tim; Edwards, Kenneth; Grumm, Matt; Beaumont, Kathryn
Cc: Hardy, Douglas; 'Dacey, Abby'
Subject: FW: Testimony Central Catholic HS LU 11-115222 CU MS AD
Attachments: 2011.09.14 letter in response to James Woods testimony.pdf

*Also Fw to
Susan Lindsay
@ Buckman
Comm*

Sue Parsons

Assistant Council Clerk
City of Portland
503.823.4085

please note new email address:

Susan.Parsons@portlandoregon.gov

From: Dacey, Abby [mailto:dacey@BOORA.com]
Sent: Wednesday, September 14, 2011 2:16 PM
To: Parsons, Susan; Moore-Love, Karla
Cc: Hardy, Douglas
Subject: CCHS LU 11-115222 CU MS AD

Sue,

Per my phone call, here is a digital copy of the letter that I wish to add to the file for LU 11-115222 CU MS AD.

I will also have a paper copy delivered to your office this afternoon. I would appreciate it if you could ensure it is delivered to the Mayor and Commissioners.

Thank you,

Abby Curtin Dacey, AIA, LEED AP
Associate Principal

boora architects | 503 226 1575 | boora.com

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9/14/2011

boora architects

720 SW Washington
Suite 800
Portland, Oregon 97205
503.226.1575
503.241.7429 fax

boora.com

September 14, 2011

TIME SENSITIVE INFORMATION

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Commissioner Amanda Fritz, room 220
Commissioner Nick Fish, room 240
Commissioner Randy Leonard, room 210
Commissioner Dan Saltzman, room 230
1221 SW 4th Avenue
Portland, OR 97204

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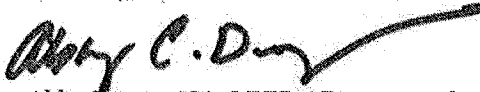
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Sincerely,

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Abby Dacey, AIA, LEED AP

CC:

Karla Moore-Love, Council Clerk
1221 SW 4th Avenue, Rm 140
Portland, OR 97204

Douglas Hardy, Senior Planner
1900 SW 4th Avenue
Portland, Oregon 97201



City of

PORTLAND, OREGON

Bureau of Development Services
Compliance Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7305
FAX: 503-823-7915
TTY 503-823-6868
www.portlandonline.com/bds

Date 9/9/11

CENTRAL CATHOLIC HIGH SCHOOL
2401 SE STARK ST
PORTLAND, OR 97214-1759

Re: 11-168921-NC

Dear John Rilatt:

This letter is to inform you that as of **September 2, 2011**, the property is in compliance with noise regulations specifically indicated in the possible noise violation letter sent to you with the above referenced case number. The Noise Control case has been closed as unfounded. Penalties were not assessed against this property.

This letter only applies to the specific complaint indicated in the Noise Control case. This letter does not reflect violations on the property with respect to other City of Portland bureaus or departments and from other government agencies.

If you have questions regarding this letter, contact me at (503) 823-7730.

Sincerely,

Joe Chamberlain, CSII
Compliance Services

cc: File

Weston Investment Co. LLC

A Real Estate Holding Company

Administrative Office

2154 N.E. Broadway, Suite 200 • Portland, Oregon 97232-1590
Mailing Address: P.O. Box 12127 • Portland, Oregon 97212-0127
Phone 503-284-9005 Fax 503-284-5458

September 12, 2011

Karla Moore-Love
Council Clerk Office
1221 SW 4th Ave, Rm 140
Portland, OR 97204

AUDITOR 09/13/11 AM 9:57

RE: September 15 City Council Agenda and Meeting

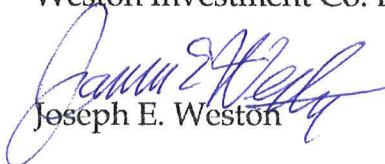
Dear Ms. Moore-Love;

I have enclosed a copy of a letter I sent to Mayor Sam Adams and the Portland City Council members, that I request be added to the agenda for the September 15, 2011, City Council meeting.

I have sent a copy of this letter to you to ensure that a copy of the letter is in their meeting packet for the September 15, 2011 meeting.

If you have any questions, please contact me.

Yours truly,
Weston Investment Co. LLC


Joseph E. Weston

JW/ji

Administrative Office

2154 N.E. Broadway, Suite 200 • Portland, Oregon 97232-1590

Mailing Address: P.O. Box 12127 • Portland, Oregon 97212-0127

Phone 503-284-9005 Fax 503-284-5458

AUDITOR 09/13/11 AM 9:57

September 12, 2011

IMPORTANT - TIME SENSITIVE

Mayor Sam Adams
Portland City Hall, Rm. 340
1221 SW 4th Avenue
Portland, OR 97204

Commissioner Randy Leonard
Portland City Hall
1221 SW 4th Avenue, Rm. 210
Portland, OR 97204

Commissioner Amanda Fritz
Portland City Hall
1221 SW 4th Avenue, Rm. 220
Portland, OR 97204

Commissioner Dan Salzman
Portland City Hall
1221 SW 4th Avenue, Rm. 230
Portland, OR 97204

Commissioner Nick Fish
Portland City Hall
1221 SW 4th Avenue, Rm. 240
Portland, OR 97204

Dear Mayor and City Council;

I am writing in support of Central Catholic High School land use application for the vacant property at the southwest corner of 24th and SE Stark, which will be before the City Council on the agenda of September 15, 2011.

In addition to being an alumni of Central Catholic some 59 years ago, and being active in the Buckman neighborhood since 1963, with the construction of many affordable apartments of which we still retain ownership and maintain these properties as an asset to the Buckman neighborhood.

Central Catholic High School has been, and will remain a long term learning institution in the close-in inner east side. The school has been able to maintain their high school presence when the public school system was unable to do so. The school district has closed both Washington High School and Girls' Poly High School, both of which are within five blocks of Central.

This current school year, 2011-12, Central has a healthy enrollment in excess of 800 students and has proven itself as a viable member of the neighborhood.

Mayor Sam Adams and the
Portland City Commissioners
September 12, 2011
Page 2 of 2

The Planning Commission has voted to support the application, and I would suspect that the only reason an appeal was filed by the neighborhood association was it is a "freebie"; no cost to the association to do so.

As the system works that applicant on a neighborhood appeal must pay a substantial appeal fee, while the neighborhood association, with a limited number of association members can take the position 'Let's appeal it a "freebie"'. What do we have to lose?'

I would encourage the city to review the "freebie" of the neighborhood association when they appeal the decision of the Planning Commission, and perhaps require that a certain percentage of the affected property owners approve the decision of the appeal by the officers of the neighborhood association.

The vacant lot(s) in question is school owned, and the fact that the school has allowed the use of this grassy area to be used by the neighbors to walk their pets in no way gives the neighbors living in the area a right to claim the right of possession through the neighborhood association as a neighborhood park.

As a long time substantial property owner of property in the Buckman neighborhood, I urge you to vote to allow Central Catholic High School the opportunity to develop their property as has been recommended by the City of Portland Planning Commission. One must not lose sight of the fact that the neighborhood association acts only in an advisory role, and the policy of land use is determined by the Planning Commission and the Portland City Council. I again urge you to support the findings of the Planning Commission.

Yours truly,
Weston Investment Co. LLC

Joseph E. Weston

✓ CC: Karla Moore-Love
Council Clerk Office
1221 SW 4th Ave, Rm 140
Portland, OR 97204

JW/ji

Moore-Love, Karla

From: Krawczuk, Dana [dkrawczuk@balljanik.com]
Sent: Monday, September 12, 2011 4:44 PM
To: Beaumont, Kathryn
Cc: John Harrington; Moore-Love, Karla; Janik, Stephen T.; Hardy, Douglas
Subject: Testimony for LU 11-115222 CU MS AD
Attachments: PORTLAND-#790655-v1-RLUIPA_Ltr_to_Kathryn_Beaumont.PDF

Please include this letter in the record for the City Council appeal hearing of Central Catholic High School's approved master plan (LU 11-1522 CU MS AD).

Thank you.



Dana Krawczuk

t 503.944.6021
f 503.295.1058
dkrawczuk@balljanik.com

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

9/12/2011



101 SW Main Street, Suite 1100
Portland, Oregon 97204
balljanik.com
t 503.228.2525
f 503.295.1058

September 12, 2011

Dana L. Krawczuk
Also Admitted in Washington
dkrawczuk@balljanik.com

Kathryn Beaumont
Senior Deputy City Attorney
City Attorney's Office
1221 SW Fourth Ave., Suite 430
Portland, OR 97204

Re: RLUIPA and Central Catholic High School (LU 11-1522 CU MS AD PC)

Dear Kathryn:

The Hearings Officer's approval of Central Catholic High School's master plan carefully considered the proposal, neighborhood testimony, and mitigation measures, and imposed appropriate conditions. As the City Council considers the Hearings Officer's decision and conditions, we urge the City to keep the constraints of the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA" or the "Act") in mind. Please include this letter in the record.

RLUIPA protects religious assembly by precluding government from imposing substantial burdens upon the religious practices, including religious education, of individuals, assemblies, and institutions through land use regulations, unless the burden is in "furtherance of a compelling governmental interest" and is "the least restrictive means of furthering that compelling governmental interest." 42 U.S.C.A. § 2000cc-1(a)(1).¹

Central Catholic High School is hopeful that the Hearings Officer's approval will not be amended in a manner that will impose a substantial burden on the

¹ The applicable text of RLUIPA provides:

- (1) GENERAL RULE—No government shall impose or implement land use regulations in a manner that imposes a substantial burden on the religious exercise of a person, including religious assembly or institution, unless the government demonstrates that the imposition of the burden on that person, assembly or institution—
- (A) is in furtherance of a compelling governmental interest; and
 - (B) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C.A. § 2000cc-1(a)(1).

:::ODMA\PCDOCS\PORTLAND\790536\1



Kathryn Beaumont
September 12, 2011
Page 2

school's religious exercise of fulfilling its religious mission² of providing religious education to the greater-Portland/Vancouver Catholic community. However, the school is not waiving any rights under RLUIPA.

It is only permissible for the City to evaluate the impact of the proposed renovation and expansion, not the neighbors' complaints about on-street parking from the school's current operations. The Hearings Officer found that "the proposed additions to the main campus area do not represent a significant intensification of use". The Hearings Officer's conclusion was based upon factors such as the expansion will result in a net increase of only one classroom, student enrollment is expected to be maintained at the current level, the number and character of activities and special events at the school will decrease and not increase, and the renovation will be accompanied by several improvements to adjacent streets.

The proposed renovation and expansion are needed to bring the school up to modern high school standards. Without the improvements to the school's home³ since 1939, such as specialized learning spaces, enlarging classrooms and moving instructional areas out of the basement, CCHS will not be able to fulfill its religious mission as a college preparatory school. There are limited opportunities in the region for students seeking a Catholic high school education, and alternative Catholic high school choices are at capacity. If CCHS is unable to modernize, students will be forced to forfeit the opportunity for a high quality Catholic college preparatory education. In sum, if the master plan is denied or new conditions impose so great an economic burden as to make the renovation unviable, it would be a substantial burden on CCHS' religious exercise, in violation of RLUIPA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dana L. Krawczuk".

Dana L. Krawczuk

cc: John Harrington, CCHS
Douglas Hardy, BDS
Karla Moore-Love, Council Clerk

² Central Catholic High School's Mission Statement explains,

"Central Catholic High School is a college preparatory school committed to educating the whole person within the Catholic community. Central Catholic focuses on the moral development and particular gifts of each student, challenging the individual to develop spiritually, intellectually, socially and physically, and to live as a Christian witness in service to others."

³ CCHS' centralized location supports the school's mission of attracting a diverse student population.

Moore-Love, Karla

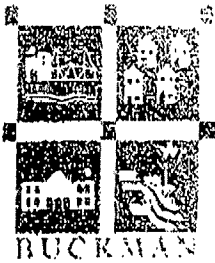
From: Hardy, Douglas
Sent: Monday, September 12, 2011 1:57 PM
To: Moore-Love, Karla; Ansary, Raihana; Grumm, Matt; Edwards, Kenneth; Crail, Tim; Schmanski, Sonia; Beaumont, Kathryn
Cc: McKinney, Susan
Subject: RE: LU 11-115222 Request to and Not to postpone Thurs. 9/15 Hearing

...and an additional e-mail from the applicant (Central Catholic) regarding issues with postponement.

From: John Harrington [<mailto:jHarrington@centralcatholichigh.org>]
Sent: Monday, September 12, 2011 12:44 PM
To: 'Krawczuk, Dana'
Cc: Janik, Stephen T.; Linn, Chris; Dacey, Abby; Hardy, Douglas
Subject: RE: Objection to request for postponement of 9/15 Central Catholic Appeal Hearing

Thank you, Dana. If you have reason for further communication with Kathryn, you might mention that we have people who have committed to speak at the Spt. 15 hearing and if the date is changed, may not be able to reschedule themselves.

John Harrington



BUCKMAN COMMUNITY ASSOCIATION

11-115222 CU MS AD PC # 10-103198

AUDITOR 09/09/11 AM 8:54

Thursday, September 8th, 2011

To:
Hearings Officer,
Portland City Council,
Land-Use Appeal Board,
Portland City Auditor's Office

Regarding:
CASE FILE:
LU 11-115222 CU MS AD PC # 10-103198
(Request to Reschedule)

To Whom It May Concern:

I, Mike Dee, a Buckman Community Association Neighborhood Board Member have been asked by the neighborhood association board to submit this request as voted on and passed, in tonight's (Sept. 8th, 2011) monthly neighborhood meeting, which just happened hours ago.

We, the Appellant, the members of the Board of the Buckman Community Association (BCA), are writing to express our request for the Portland City Council hearing regarding land-use review and Central Catholic High School (CCHS), to be set-over from September 15th, 2011 at 2:00p.m.

Rescheduling requested due to: First, many of the representing Appellant's, our District Neighborhood Coalition Partners-South East Up-Lift, and many of the directly affected neighbors (INCCCH-local negotiating arm) are not available to attend the currently scheduled hearing. Second, (CCHS), has not been able to come to the table and meet with us, so that we can come to a unified plan as suggested/requested by city officials to present at the hearing. Third, scheduling an evening meeting, with lots of notice, would be much more appropriate for the families, neighbors, and community involved.

We believe this is a timely request, grantable, and done in good faith. It will not put the city council in a difficult decision regarding:

ORS 227.178 states the City must issue a final decision on Land-Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant. In this case, the applicant extended the 120-day review period the full 245 days allowed. The 120-day plus 245-day review period will expire on April 10, 2012.

(Staff Report and Recommendation for LU 11-115222 CU MS AD Page 34-35)

{Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.} <Page35-Appeal of the Decision>

Thank You,
Mike Dee
Board Member, Buckman Community Association

Moore-Love, Karla

From: McKinney, Susan
Sent: Monday, September 12, 2011 9:03 AM
To: Moore-Love, Karla; Beaumont, Kathryn
Subject: FW:Central Catholic High School
Importance: High

FYI

From: Linn, Chris [mailto:linn@BOORA.com]
Sent: Monday, September 12, 2011 8:23 AM
To: Hardy, Douglas
Cc: John Harrington; sjanik@balljanik.com; Krawczuk, Dana; Dacey, Abby
Subject: CCHS

Douglas,

I would like state once again that CCHS is opposed to any rescheduling of the hearing. We have arranged for a number of people to testify in support of the proposal. Many of them are people with very busy schedules. Changing the hearing date would represent an undue hardship on CCHS.

This is clearly a delay tactic on the part of BCA. We have reached out to them on numerous occasions to discuss their counter proposal. You may recall that we discussed their counterproposal with you and Bob Haley. Neither of you expressed support for their proposal as it relates to the approval criteria, and we concur that the current master plan will result in improved livability in the neighborhood. At this time, they are not offering any new proposals, and therefore we do not think it would be productive to engage in further conversations.

We request that the hearing take place as scheduled. Thanks for your time.

Christopher Linn AIA
Principal

boora architects | 503 226 1575 | boora.com

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9/12/2011

Moore-Love, Karla

From: James Wood [blountwood@comcast.net]
Sent: Wednesday, September 07, 2011 7:14 PM
To: Moore-Love, Karla
Cc: Charlie Christensen; Jenny Stenseth; sandy sampson
Subject: Re: LU 11-115222 appeal before City Council 9/15/2011
Attachments: J.Wood testimony 9-15-2011.pdf; J.Wood testimony 9-15-2011.ppt

Thank you, I will ask a neighbor who doesn't wish to speak to attend & start the slideshow. That may or may not work. Attached are copies of the powerpoint & a pdf of the slides if you prefer to print them out.

I will be out of Portland until 9/19. If there is a problem please reply to this email. My neighbors may be able to sort it out.

James Wood
 503 867-6422

On Aug 16, 2011, at 1:00 PM, Moore-Love, Karla wrote:

-Yes, you may submit the video or PowerPoint and I will distribute it to all members of the Portland City Council.

-The only way to get it played at the September 15th meeting would be for you to have someone who is not signing up to speak for themselves to sign up and show your video/PowerPoint.

Regards,
 Karla

Karla Moore-Love
 Council Clerk
 City of Portland - Office of the City Auditor
 1221 SW 4th Avenue, Room 140
 Portland, OR 97204-1900
 voice 503.823.4086 fax 503.823.4571
Clerk's Webpage: <http://www.portlandonline.com/auditor/index.cfm?c=26979>

From: blountwood@comcast.net [mailto:blountwood@comcast.net]
Sent: Monday, August 15, 2011 5:45 PM
To: Moore-Love, Karla
Subject: LU 11-115222 appeal before City Council 9/15/2011

I would like to provide oral testimony at this hearing but will be out of town that week. I know written testimony will also be accepted but I doubt the Commisioners will have the time or patience to read a long complicated document. Can I submit a short (less than 3 minutes) video or powerpoint slide show instead?

James Wood
 2336 SE Pine St

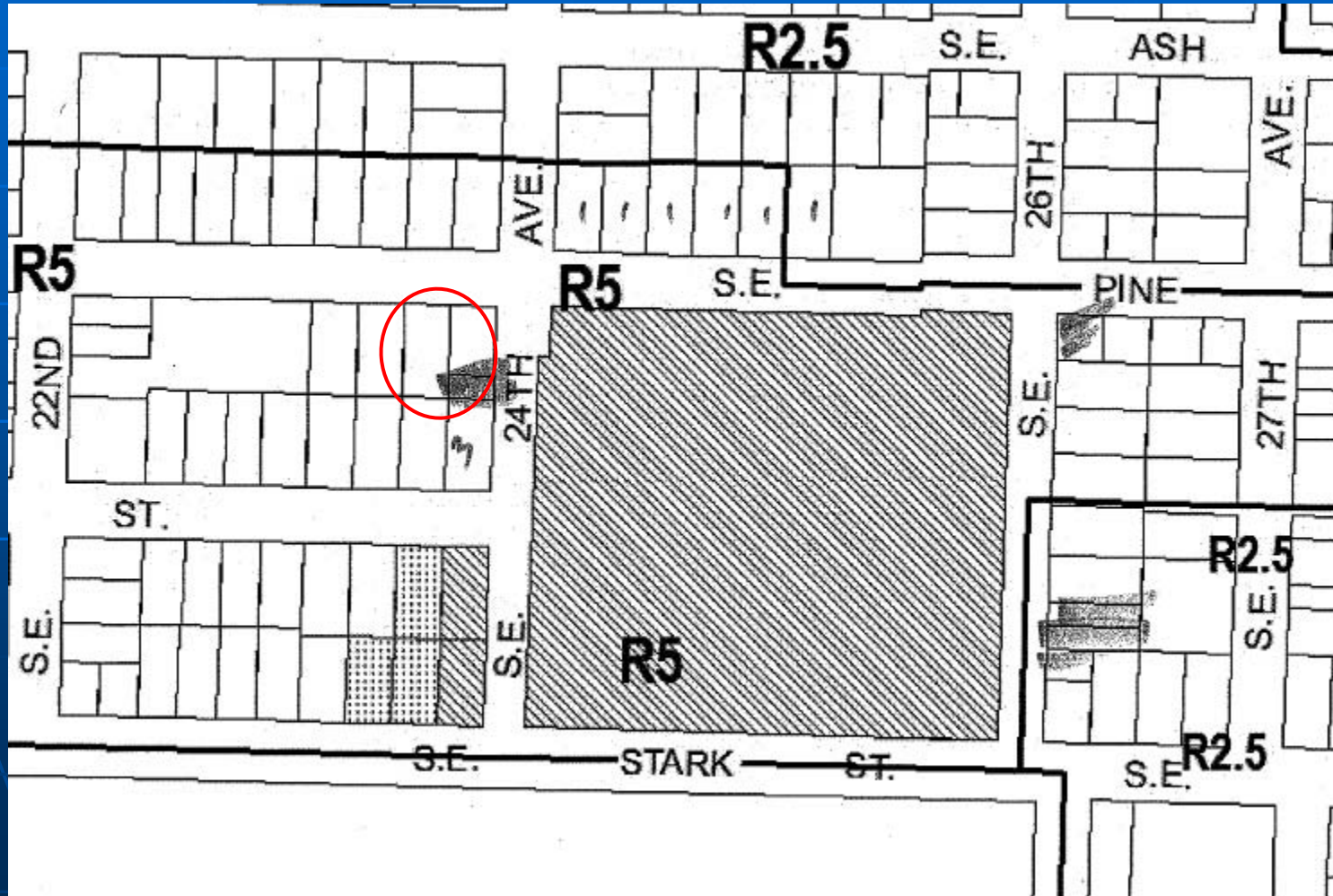
Neighbor testimony appealing the Land Use decision LU 11-115222 CU MS AD

- A 3 minute silent slideshow prepared by
 - James Wood
 - 2336 SE Pine St.
 - CCHS neighbor since 1989

We wanted to be here to testify but
we're celebrating our 20th wedding
anniversary



We've lived 100 feet west of CCHS
since 1989



Why the Decision was wrong

- City Planner ignored 25 years of policy regarding residential lots proposed for a surface parking lot. There's a reason the lots have been vacant for 27 years, it was required by the 1985 LU decision
- Proposed parking lot does not increase parking supply, it decreases CCHS's density at our expense.

Why the Decision was wrong

- Hearing Officer dismissed neighbor's "anecdotal complaints" regarding compliance with past LU decisions when there was no mechanism to formalize complaints.

Remedy we seek

- Amend decision to permit CCHS to add classrooms without 15 space parking lot.
- Assign a ***single*** City agency to log & monitor citizens complaints. Except for noise & parking, previous GNA's have had no tracking or 3rd party oversight.

But first..... some Land Use history

- 1858: Tim Sullivan donates 4 acres to the Archdiocese of Portland for **St. Mary's Cemetery** at SE 24th & Stark, now the Central Catholic High School campus

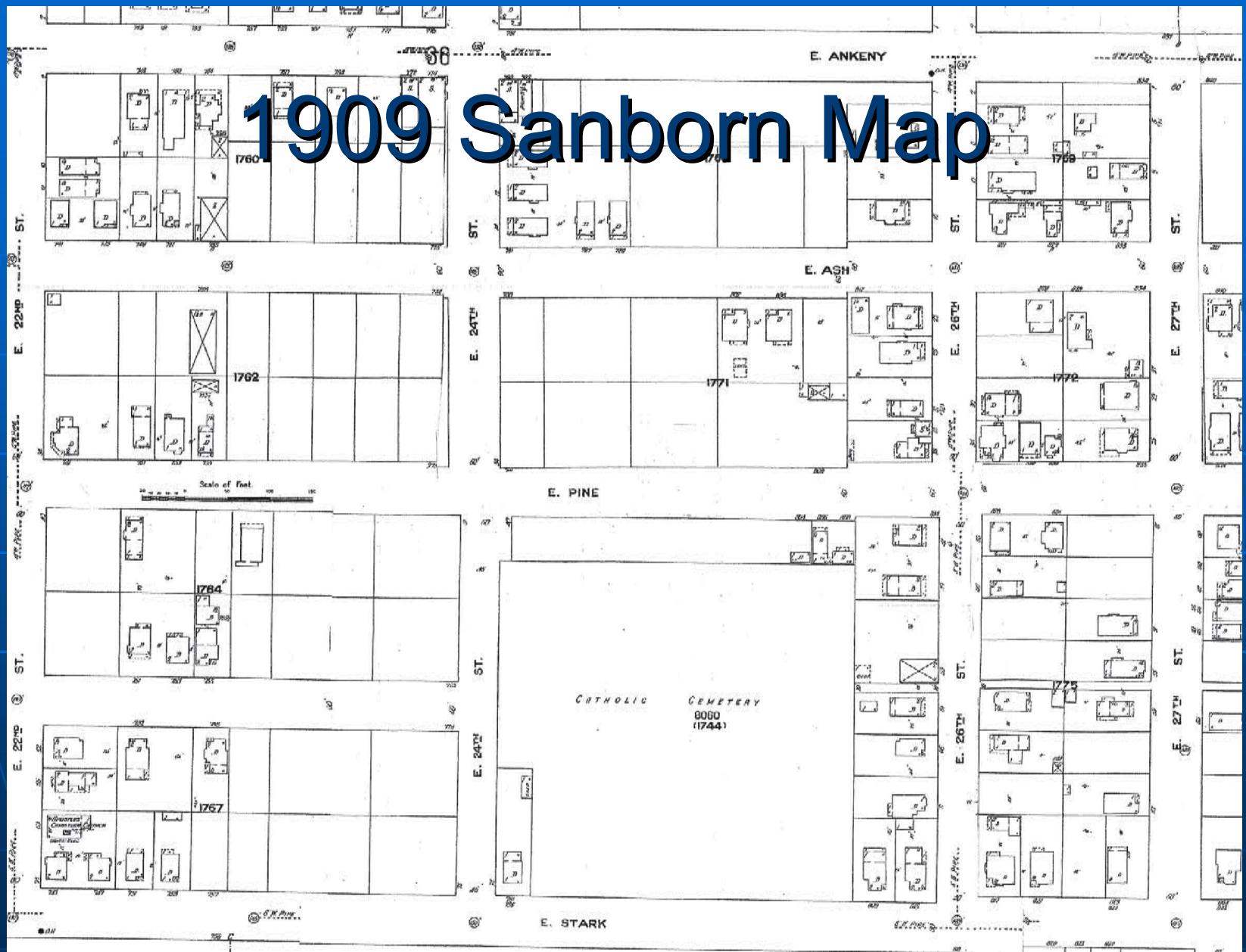
1860's thru 1880's

- 1865: Lone Fir expanded to 30 acres
- ***1882: Pleasant Home Addition
platted east of St. Mary's
Cemetery***
- 1887: Streetcars built on SE Morrison
- 1888: St. Mary's almost filled, Mt. Calvary opened on the west side

1890's to 1920's

- 1891: East Portland merges with Albina & Portland. City limits @ 24th.
- 1893: East Ankeny Streetcar begins.
- ***1896: Dalton's Addition platted west of St. Mary's Cemetery***
- 1903: Newspapers decry poor maintenance of St. Mary's & Lone Fir

1909 Sanborn Map



Between the World Wars

- 1922: Last few burials in St. Mary's are documented in the Oregonian obits.
- 1929: Bishop Howard begins fund raising for Central Catholic High School
- **1939: Central Catholic High School opens**
 - 10 existing homes on SE 26th share block with the new school**

After CCHS Opens: 1940-1960

- 1943: Original Gym completed
- 1948: 2-story east wing completed
- Early 50's;
 - Streetcars eliminated
 - Rose City Bus runs down Stark
 - 10 homes removed from the block to create mega-block campus
- 1960's: Enrollment peaks over 1000

Meanwhile ...Post War
Buckman loses houses to
industrial & multifamily
development





1948 Aerial Photo



1957 Aerial Photo



CCHS:1977-1984

- 1977: CCHS's master plan envisions expansion west into Dalton's Addition.
- 1980: Enrollment nadir. Less than 500 students
- Fall 1981: CCHS becomes Coed, grows
- **1984: Two houses on 24th between Stark & Oak removed without Planning Bureau approval.**
- CCHS retracts CU 42-84 after protests from BCA & neighbors. Enters mediation.

CCHS:1985-Present

- 1985: CU 99-85 decision permits 2nd Gym construction but requires empty lots be landscaped, not paved.
 - Decision includes first Good Neighborhood Agreement (GNA) based on mediation.
- 1990: CU 112-90 permits construction of Performing Arts Center and removal of interior parking. If a parking lot on 24th was permissible, it would have been included then.

CCHS:1985-Present

- 2002: LU 02-131397 CU AD permitted new Library after CCHS removed proposed SE 24th parking lot from plan.
 - Both City Planner & Neighbors opposed parking lot.
 - 2nd GNA developed. Long on goals, short on enforcement mechanisms.

Current Proposal

11-115222 CU MS AD

- Fall 2010: "New plan" includes parking lot that been proposed and opposed 3 times since 1985.
- Proposal contains ideas that neighbors have promoted in GNA's since 1985 but CCHS has never accomplished.
- Winter 2011: Neighbors join CCHS in 3 mediation sessions but are told lots are not negotiable.

In Closing....

- City Planner ignored history
- New parking lot would not increase the number of spaces, just move them into a residential neighborhood.
- CCHS's own transportation study said there was enough parking for the neighbors. There is a double standard here: it's OK for *us* to have to walk a few blocks but not CCHS.

Thank you for your consideration

Keep Buckman Green!

Moore-Love, Karla

From: Poelwijk, Yvonne
Sent: Tuesday, September 06, 2011 10:23 AM
To: Anderson, Toni; Moore-Love, Karla
Cc: Hardy, Douglas
Subject: LU 11-115222 BOORA letter to Susan Lindsay
Attachments: LU_11-115222_BOORA_Ltr.pdf

Please find attached exhibit I.5 which is letter from BOORA to Susan Lindsay dated September 2, 2011.

Yvonne L Poelwijk
BDS, Records Management
(503) 823-7814
Office Hours: Mon - Fri, 7:00 AM - 3:30 PM
Yvonne.Poelwijk@portlandoregon.gov

boora architects

720 SW Washington
Suite 800
Portland, Oregon 97205
503.226.1575
503.241.7429 fax

boora.com

September 2, 2011

Susan Lindsay, Board Member
Buckman Community Association
c/o SE Uplift Neighborhood Association
3534 SE Main Street, Portland, OR 97214

RE: Central Catholic High School Conditional Use Master Plan

Dear Susan:

I would like to take this opportunity to summarize some of the discussions that we have had related to the Hearings Officer's findings for Central Catholic High School's Conditional Use Master Plan.

As you know, we have been working with CCHS for over 2 years on developing a master plan for the modernization of the facility. During that time, we worked closely with the Buckman Community Association (BCA) and the Immediate Neighbors of Central Catholic High School (INCCH). Our work included several public forums, regular reports to the BCA Board, regular meetings with INCCH as well as several informal mediation sessions that were moderated by Resolutions Northwest.

These frequent and honest communications have had a tremendous impact on the final master plan. We heard directly from INCCH that their number one concern was related to student and visitor parking encroaching onto neighboring streets. Additional concerns from INCCH include congestion on 24th, the number of school events, the occasional noise related to the use of the existing gym entry and the stacking of school activity buses on Pine Street.

In direct response to these concerns, and in an effort to ensure that the execution of the master plan resulted in improved livability for the immediate neighbors, CCHS voluntarily proposed to include and fund several improvements, the sum of which will be a substantial expense to the school. CCHS will widen and reconstruct the entire frontage of 24th Street along their property. They will relocate the gymnasium entry so that it is no longer across the street from residents. They will voluntarily reduce the number and size of events. Finally, and most significantly, CCHS will construct a 15 car parking lot on their property on the west side of 24th. CCHS believes that this parking lot will benefit the immediate neighbors in several ways. Because the parking lot will be restricted to carpools of 3 or more, it potentially reduces the number of cars in the neighborhood by 30. In addition to this, the lot will be designed to permit attendant stacked parking of an additional 20 cars during events. The lot will be designed to permit the stacking of school event buses, thus improving the current situation where they stack on Pine Street.

When we met with you at your office in the spring of 2010, we talked directly about the prospects of having a parking lot on the CCHS-owned lots. You did not rule it out as a possibility. At the March 4, 2010 BCA board meeting, we again presented a plan showing this parking lot. At that time, Don MacGillivray indicated he wasn't too worried about this development, although if any houses were to be removed he'd like to see them dismantled and recycled. He asked that the parking be minimized visually by adding lots of landscaping. We proceeded in planning with this guidance, are removing no houses, have restricted those properties from ever being used for non-residential uses, and have provided a significant amount of screening for the parking area.

PBOT, The Hearings Officer and BDS have supported CCHS's effort to improve the neighborhood through the construction of this parking lot, and the Hearings Officer's findings were positive in this regard.

BCA has chosen to appeal the Hearings Officer's findings. During one of our recent discussions on this matter, you informed me that BCA is fundamentally opposed to surface parking lots on CCHS's property in the neighborhood. While generally supportive of the rest of the master plan, BCA would like to consider alternatives to the surface parking lot. These options include the installation of a bus parking zone on Stark Street and the removal of 15 on-site parking spaces. In this proposal, you indicated that you thought it would be acceptable to add these cars to the on-street demand.

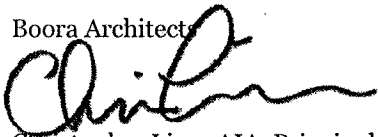
I have discussed your proposal with CCHS, Lancaster Engineering, and other representatives at PBOT and BDS. I believe that the BCA proposal will result in decreased livability in the immediate neighborhood. It will result in more cars parking on neighborhood streets. In addition to this, I believe that parking buses on Stark Street is impractical, potentially unsafe, and could result in substantial congestion.

CCHS truly appreciates your willingness to continue discussions in an effort to forge a compromise. However, at this time, it appears that BCA and CCHS will need to "agree to disagree" on this issue. CCHS remains open to continuing the discussion further should other ideas develop.

Thanks for your time, and please feel free to contact me or Abby Dacey should you have any questions or concerns.

Sincerely,

Boora Architects



Christopher Linn, AIA, Principal