

Moore-Love, Karla

From: Ruiz, Amy
Sent: Thursday, January 27, 2011 7:54 AM
To: Moore-Love, Karla
Subject: FW: Oregonian Article
Attachments: IMG_0021.jpeg; ATT00001..txt

ICE testimony, of sorts.

.....
Amy Ruiz

Planning and Sustainability Policy Advisor
Office of Mayor Sam Adams
City of Portland
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204
Phone: 503-823-3578
Email: amy.ruiz@portlandoregon.gov**
Web: mayorsamadams.com
Twitter: @amyjruiz

From: Adams, Sam
Sent: Wednesday, January 26, 2011 9:20 AM
To: Ruiz, Amy
Subject: FW: Oregonian Article

Cevero C.G. Gonzalez
Executive Assistant to Mayor Sam Adams
City of Portland, Oregon
1221 SW 4th Avenue, Suite 340
Portland, Oregon 97204
503.823.1121 voice
503.823.3588 fax
cevero.gonzalez@portlandoregon.gov
www.mayorsamadams.com

NOTE: Meeting or event confirmations are subject to change - with notice where possible - due to unforeseen circumstances. In the event of a meeting or event cancellation, every effort will be made to reschedule as quickly as possible. Your thanks and understanding are appreciated.

From: Gordon Caron [<mailto:gordon.caron@gmail.com>]
Sent: Wednesday, January 26, 2011 5:34 AM
To: Adams, Sam
Subject: Oregonian Article

1/27/2011

Dear Mr. Mayor,

I congratulate you on your article in yesterday's Oregonian.

The cartoon which I attach was on the same page. I think it shows that people conclude that the proposed ICE building on SW Macadam Ave is obviously a detention facility.

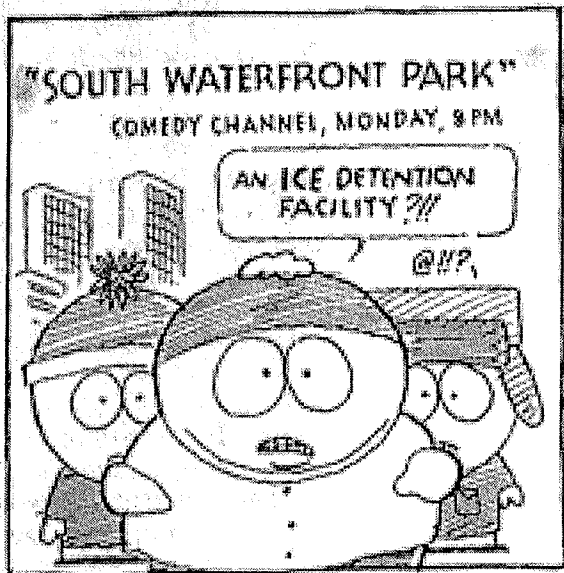
Yours sincerely,

Gordon A. Caron MD

0836 SW Curry St, # 1502,
Portland OR 97239.

COMMENTARY

EDITOR, COLUMNS AND



Moore-Love, Karla

From: Jessica Parks [soufulcollage@gmail.com]
Sent: Wednesday, January 26, 2011 4:58 PM
To: Adams, Sam; Moore-Love, Karla
Subject: Case# LU- 10-145100 DZM - (South Waterfront ICE Building)
RE: Case# LU- 10-145100 DZM - (South Waterfront ICE Building)

The following is the Timeline of SWCS trying to occupy 680 Bancroft. Dates are from email headers or signed documents, except the last one's which are indicated from the January board meeting.

Jessica Parks

--

October 7, 2009

Jerry Rundorff of Southwest Charter School (SWCS) meets Dale Bernards of Canterbury Commercial at a South Portland Neighborhood Association meeting and first discusses both 680 Bancroft and the 4310 SW Macadam properties for SWCS consideration.

October 26, 200

Dale Bernards, working as Stuart Lindquist's broker gives a tour to SWCS of the 4310 SW Macadam property.

October 26, 2009

Also on 10/26, SWCS presents both the 680 Bancroft and the 4310 SW Macadam buildings to Commissioner Randy Leonard's office for preliminary approval of occupancy by SWCS.

November 9, 2009

Dale Bernards reviews the first proposal from SWCS to lease the 680 Bancroft building. Stuart Lindquist plans to purchase 680 Bancroft and SWCS would lease the space from him.

December 7, 2009

1/26/2011

Dale Bernards notes he is about to "draft the final counter" to the SWCS Letter of Intent to lease 680 Bancroft.

December 9, 2009

SWCS receives signed "Counter offer to Southwest Charter School Letter of Intent" from Rod Grinberg of Lindquist Development.

December 18, 2009

Email from Dale Bernards indicates that September 1, 2010 is the target date to occupy 680 Bancroft.

February 5, 2010

First actual lease document received by SWCS from Rod Grinberg.

March 17, 2010

Following several rounds of discussions and costly legal review (pad by SWCS), Dale Bernards presents SWCS with an entirely new lease.

April 14, 2010

Dale Bernards

April 20, 2010

Dale Bernards indicates to Squire Smith, SWCS broker, that they are "signed around on the GSA deal" and that they can resume work on our lease. Dale Bernards spells out the 4 changes they plan on making.

April 26, 2010

SWCS receives an email stating that an ICE facility will go in at 4310 SW Macadam. The email notes that "the property will have armed guards and secure fencing." No more detail was provided.

1/26/2011

April 26, 2010

Eric Lea sends a message to Squire Smith indicating that after months of negotiations, SWCS has no alternative but to pursue 680 Bancroft or close its doors.

April 26, 2010.

There is no signed lease still from Lindquist. Eric meets with Lindquist's broker and meets JD Wadamull, the current owner of 680 Bancroft at the meeting.

May 5, 2010

JD Wadamull's broker, Bob Niehaus, is notified of the deadline imposed on SWCS by the Oregon Department of Education (ODE).

May 14, 2010

Two board members reported that based on their research, there would "unlikely to be any detention" at the ICE facility. Eric alludes to the fact that the city and BDS have also indicated that the ICE facility was to be an office.

May 20, 2010

Lease was signed, the day before our requirement to have signed lease by the ODE.

Information below from board meeting on January 20, 2011

January 18, 2011

Wadamull's broker, Bob Niehaus emails Eric a letter supporting the ICE project expecting Eric to sign it.

-note, we were first asked before that to write our own letter. The purpose of this letter is to state that "we did not object to the facility". In addition to emailing the letter, there were numerous follow up calls and emails insisting that we sign it.

The following is the letter that Eric Lea, SWCS Board President was asked to sign.

1/26/2011

January 18, 2011

To Whom It May Concern,

Watumull Bancroft LLC owns the building at 0680 SW Bancroft Street. We entered into a lease with Watumull Bancroft LLC in May of 2010. We were informed of the lease with the Federal Government, Department of Homeland Security, Immigration Customs and Enforcement Division, at 4310 SW Macadam Avenue, prior to signing our lease.

We did not object to locating in the building next to this use.

We are looking forward to opening our school soon.

Sincerely,

Eric Lea

Southwest Charter School

9 pm January 19, 2011

Eric gets a message from Squire, the school's real estate agent, saying that Lindquist is pulling out of the project and removing his work groups.

-Marlene got a message from Dale on Jan. 19th at around 4pm I believe (either while the council meeting was going on or just after). Perhaps stronger than the message Eric received.

-In addition to the many emails and calls we got prior to the 19th regarding the letter, Dale left a message with Marlene (I believe that insisted we "reign our people" [the parents] in).

Transcript

Message 1

From Dale Bernards who represents Stuart Lindquist

Left on Marlene Dorfman's, SWCS office manager's phone.

It's 6:30 right now on Tuesday, I believe. Um, we just got an email from the city saying that parents of the school have been writing a lot of letters in support of the appeal of the project next door which is the GSA building. This is going to create a huge, huge train wreck. Ah...it's just, it's enormous. I mean, we have a letter or an email from [name unclear] supporting it or saying they weren't objecting to it but now all of a sudden they have a potential of parents at Southwest Charter objecting to the GSA building next door is enormous. So um, I'm probably, you know, I'm just giving you the heads up-- ah, Eric always slaps my hand when I, when I call you, so I just thought, you know, please keep this confidential that I'm talking to you (garbled). Squire's gonna get a hold of Eric to see what we can do to avoid this but it's enormous. (garbled)

1/26/2011

Message 2

From Dale Bernards who represents Stuart Lindquist

Left on Marlene Dorfman's cell phone in the evening after the City Hall meeting.

Hey Marlene, Dale. Sorry I'm calling you late but we've got a serious issue with Eric not writing that letter. I mean, Stu's going to pull everybody off the job or I'm going to pull everybody off the job right now. Ah...you have no idea the impact this has as far as ah, you know, cost savings and everything else and everything that we have been trying to accommodate for the school to have them turn on us like this. Call me if you get a chance 503-701-4000 but I'm leaving town tomorrow so this is huge.

Moore-Love, Karla

From: Fioravanti, Kara
Sent: Wednesday, January 26, 2011 4:30 PM
To: Moore-Love, Karla
Subject: BDS additional testimony 10-145100

Attachments: 10_145100_DZM council info.pdf; 10_145100_DZM_council response 1_26_11.doc

Hi Karla. Attached is the additional testimony for LU 10-145100 DZM for BDS. The information attached includes a memo dated today and 2 memo attachments that are within the single PDF in this email. Let me know if you have any questions.

Thanks. Kara 3-5892



10_145100_DZM 10_145100_DZM
council info.pdf..council response.



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

MEMORANDUM

TO: SUSAN MCKINNEY, SECTION MANAGER, LAND USE SERVICES
FROM: MICHELLE SEWARD, SENIOR PLANNER, COMPLIANCE SERVICES *MS*
SUBJECT: 511 NW BROADWAY ENFORCEMENT CASES
DATE: 1/26/2011

Per your request, I have reviewed computer files relating to the address of 511 NW Broadway (R141464 and R180236920) described as COUCHS ADD, BLOCK S TL 7800 for past and current enforcement cases. The computer records include listings of permits and cases between 1998 through 2010. The records do not indicate that the Bureau of Development Services has received any formal complaint related to noise, building code, zoning, or nuisance violations for the property at 511 NW Broadway.

Please let me know if you need additional information.

CAD Calls for address: 511 NW Broadway

| CAD Call Type | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|------|------|------|------|------|------|
| Assault | 1 | | | | | |
| Runaway Juvenile | 1 | | | | | |
| Welfare Check | 1 | | | | 1 | |
| Follow up | 1 | | | 1 | 5 | |
| Non Injury Accident | 1 | | | | | |
| Warrant, Pickup | | 1 | | | | |
| Theft | | 1 | | 1 | | |
| Assist Citizen or Other Agency | | 1 | | | 1 | |
| Bio/Chem Threat | | 1 | | | | |
| Trespassing | | | 1 | | | |
| Missing Person | | | 1 | | | |
| Unwanted Person | | | | 1 | | |
| Undescribed Incident | | | | 1 | | |
| Sex Offense | | | | 1 | | |
| Detail | | | | 1 | | |
| Suspicious: Subject, Vehicle, Circumstance | | | | | | 2 |
| Device Discovered | | | | | | 1 |

| | | | | | | |
|---------------------------|----------|----------|----------|----------|----------|----------|
| Total Yearly Count | 5 | 4 | 2 | 6 | 7 | 3 |
|---------------------------|----------|----------|----------|----------|----------|----------|

Note: CAD Calls identified as Portland Police.

Offenses for address: 511 NW Broadway

| OFFENSE Type | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|-------------------------|------|------|------|------|------|------|
| Assist - Law Enf Agency | 1 | | | | | |
| Traffic- Hit and Run | 1 | | | | | |
| Fugitive | | 1 | | | | |
| Civil Hold - Detox | | | 1 | | | |
| Assist - Public | | | 1 | | | |
| Larceny - from MV | | | 1 | | | |
| Project 57 Arrest | | | | 2 | 2 | |
| Suspicious Activity | | | | | | 1 |

| | | | | | | |
|---------------------------|----------|----------|----------|----------|----------|----------|
| Total Yearly Count | 2 | 1 | 3 | 2 | 2 | 1 |
|---------------------------|----------|----------|----------|----------|----------|----------|

Note: Offenses from Portland Police cases.



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

MEMO

Date: January 26, 2011
To: Portland City Council
From: Kara Fioravanti, Development Review
Phone number (503) 823- 5892
Re: LU 10-145100 DZM

The Type III DZM appeal hearing for LU 10-145100 DZM was held on January 19, 2011. Before the conclusion of the hearing council members made specific requests for staff to provide follow-up. This memo addresses those requests.

1. Does the impact of phasing change the definition of the project's use?
 - No. The phasing of the project is entirely related to the development of the site; Phase 2 simply upgrades the site with regard to landscaping, paving, pedestrian amenities, street standards, a water feature, etc. There has been no mention that the use will change with implementation of Phase 2.
2. Experience of the existing facility.
 - Bureau of Development Services records do not indicate Code Compliance cases with regard to the facility at 511 NW Broadway. This information is based on records dating from 1998 until 2010. The summary of findings is attached.
 - Police Bureau records from 2005-2010 indicate the type and number of Computer Aided Dispatch (CAD) calls and offenses tied to the address of 511 NW Broadway. These CAD calls and offenses are not necessarily tied to the facility at 511 NW Broadway, they are associated with the address and may be tied to the facility. The information provided does not confirm or deny the CAD calls and/or offenses are connected to persons associated with the facility. The records are attached.
 - There are a few records from 2005 and 2008 for Multnomah County to provide services at this address. Staff was unable to locate details beyond this broad information.
3. What is Phase 2a?
 - As part of the original Staff Report and Recommendation to the Design Commission (dated 9-28-10) the recommended Condition of Approval referenced Phase 2 as being broken into "Phase 2a for Phase 2 development associated with the SW Moody extension" and "Phase 2b for Phase 2 development associated with the SW Bancroft realignment". At the November 4th hearing staff and the Design Commission discussed revisions to the original Condition of Approval, which included breaking the original Condition of Approval into 2 Conditions and referencing Phase 2 as "Phase 2 associated with SW Moody" and "Phase 2 associated with SW Bancroft". These revisions eliminated the subcategories of "2a" and "2b"; it was agreed the revisions made the Conditions of Approval more straightforward.

4. Clarification on how proposed Conditions of Approval B and C will require Phase 2.

- Requiring Phase 2 was a very specific point the Design Commission wanted to confirm before they granted approval. Thus, Conditions of Approval B and C were added to the final decision as follows in italics:

B. The proposed on-site SW Moody Avenue frontage improvements (noted in the approved plans as "Future Development" and including the proposed conversion of parking to ground level retail at the East Elevation and the kinetic water feature at the intersection of SW Moody and Bancroft) shall be completed within 120 days of substantial completion of at least the adjacent half-street public right-of-way improvements.

C. Subject to the applicant's or its successor's acceptance of conveyance of property currently held in the public right of way to the landowner, on-site SW Bancroft Street frontage improvements (noted in the approved plans as "Future Development") shall be completed within one year of a City Council approved street vacation and the vacated property reverting back to 1S1E10CD 500.

- Condition of Approval B: BDS staff is confident Condition of Approval B will require full Phase 2 improvements within 120 days of substantial completion of at least the adjacent half-street public right-of-way improvements associated with SW Moody. The City of Portland's street project for SW Moody extension will trigger the Phase 2 requirements along SW Moody. Regarding the responsible party for complying with the Condition of Approval, it is not necessarily the lessee who is the responsible party; as noted in all Land Use Review decisions, *"These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review."*

One minor edit to make Condition of Approval B unambiguous would be to add the term "applicant" (shown underlined below); this addition would be an intentional establishment of the responsible party. The Condition with this edit would read as follows:

B. The proposed on-site SW Moody Avenue frontage improvements (noted in the approved plans as "Future Development" and including the proposed conversion of parking to ground level retail at the East Elevation and the kinetic water feature at the intersection of SW Moody and Bancroft) shall be completed by the applicant within 120 days of substantial completion of at least the adjacent half-street public right-of-way improvements.

- Condition of Approval C: The originally suggested Condition of Approval C (requiring Phase 2 improvements for the portion of the site facing SW Bancroft) mirrored the language of Condition of Approval B above. However, PBOT staff raised concerns with regard to how the previous right of way land would be conveyed. These concerns led to the current wording requiring Phase 2 improvements along SW Bancroft to happen with "the applicant's or its successor's acceptance of conveyance of property currently held in the public right of way to the landowner." The way in which the current Condition of Approval C is written suggests that Phase 2, with regard to SW Bancroft development, will happen only if the applicant accepts the property.

BDS staff and PBOT staff will work together to determine more definitive language requiring the applicant to be the responsible party for developing Phase 2 at SW Bancroft with the street's realignment. This revised language will be provided to you prior to February 16, 2011.

5. If the proposed processing center and its supporting offices are determined to be a Detention Facility, a Type III Conditional Use Review is required per Table 130-1 and a Type III Central City Parking Review is required per 33.510.267 A.6.b.(2) third bullet point. The approval criteria for the Type III CU are found at 33.815.205, Detention Facilities and they address appearance, safety and public services. Such a review would normally consider not only the Detention Facility portion of the project, but also the part of the project that would normally be allowed by right. So, all of the transportation impacts, for example, of the office portion of the project will be subject to the service adequacy criteria.

Council directed staff to suggest a Condition of Approval for the current land use review case if the determination is made that the processing center and its supporting parking and offices are classified as a Detention Facility, which would require a Type III Conditional Use Review and a Type III Central City Parking Review. Staff offers below 2 conditions for Council to choose from. The first would require a Conditional Use review that would consider the entire project; the second would require a Conditional Use review that would consider only the portion of the project that is directly related to the Detention Facility (including associated office and parking).

➤ **Suggested new Condition of Approval for the entire project:**

"If the building is to include a use subject to a Type III Conditional Use review per Table 130-1, building permits in compliance with LU 10-145100 DZM cannot be issued until a final City decision is made on the required Type III Conditional Use and Central City Parking Reviews."

OR

➤ **Suggested new Condition of Approval for the Detention Facility portion of the project:**

"LU 10-145100 DZM only approves a building addition, building renovation, and sitework that includes Office and Retail uses with associated parking. Building permits for Office and Retail uses with associated parking can be issued once this land use review is final. Building permits for a Detention Facility with supporting office use and associated parking cannot be issued until a final City decision is made on the required Type III Conditional Use and Central City Parking Reviews."

6. Legislative intent regarding the Zoning Code definition of Detention Facilities:

- Staff was unable to find any legislative intent/commentary regarding the inclusion of the Detention Facility use category, and its characteristics and examples, as part of the new Zoning Code in 1991. Prior to 1991 the Zoning Code didn't provide a definition or specific approval criteria for such facilities, only stating that corrections facilities require approval through conditional use.

7. City records regarding previously approved Detention Facilities:

- **LU 10-146928 (Wapato Jail).** Approval of a Type III Conditional Use in order to remove and replace previously applied conditions of approval for a 525 bed Detention Facility. The Zoning Code in 33.920.520 classifies jails as Detention Facilities.
- **LU 09-110935 (2205 NE Columbia Blvd).** Approval of Type III Conditional Use for a Detention Facility involving the expansion of an existing probation/parole office operated by Multnomah County. Expansion will increase existing floor area from 9,987 square feet to approximately 17,256 square feet. The Zoning Code in 33.920.520 classifies probation centers as Detention Facilities.
- **LU 09-111841 (6000 NE 80th).** Approval of Type III Conditional Use for a Detention Facility to increase the number of beds at the Oregon Halfway House, a program serving federal offenders for post incarceration and community sanction services. The Zoning Code in 33.920.110 classifies halfway houses where residents are supervised by "peace officers" as Detention Facilities.
- **LU 02-116629 (Inverness Jail).** Approval of Type III Conditional Use to increase the number of inmates of the jail from 971 to 1068. The Zoning Code in 33.920.520 classifies jails as Detention Facilities.
- **Downtown Justice Center.** The building was built in the 1980's. Staff is unable to find Conditional Use history for the use. Staff only found conditional use reviews for rooftop antennas and for parking associated with the uses in the building. The parking was subject to a Conditional Use review because the Zoning Code at that time required Conditional Use reviews for downtown parking.

9. Legislative intent regarding the Zoning Code definition of Basic Utilities:

- “Public safety facilities” are Basic Utilities. While the subject processing area resembles a Basic Utility, which specifically speaks to “holding cells”, the definition of a public safety facility states it is a “facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. (emphasis added) Staff was unable to find any legislative intent behind the requirement for City ownership.

10. City records regarding previously approved Basic Utilities:

- BDS has processed many Conditional Use reviews for uses such as fire stations, police stations, pump stations, water towers, light rail stations, etc. These facilities have all been owned, operated or leased by the City of Portland. At the January 19th hearing, Commissioner Leonard specifically asked about the east side precinct. That facility located on SE 106th Avenue was originally reviewed in 1995 as a Basic Utility through a Conditional Use review because the site was zoned R1 (Table 120-1 Primary Uses in Residential Zones). The project included administrative offices, a community meeting room, locker facilities for officers, and a prisoner detention area. Through the Outer Southeast Community Plan, the site was rezoned to CXd and today the use is allowed by right and all conditions of approval associated with the conditional use review no longer apply.

Attachments: Memo, BDS Compliance Services 1-26-11
Matrix, Portland Police Bureau's Strategic Services Division, 1-25-11

To: Karla Moore-Love
cc: Sam Adams

AUDITOR 01/26/11 PM 3:54

ICE Building proposed at 4310 SW Macadam Avenue
Case# LU- 10-145100 DZM

We, the undersigned, find that the applicant has not demonstrated consistency with the Design Review Criteria, Code Section 33.825.055 as discussed below:

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have

shown that the proposal complies with the design guidelines for the area.

Central City Fundamental Design Guidelines and the South Waterfront Design Guidelines.

Central City Plan Design Goals

8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;

Finding: There is a K-8 school located adjacent to the subject site. The applicant has not demonstrated how the proposed building will meet Goal 8 and therefore has not met the burden of proof. The applicant, knowing that the building will temporarily house people charged with and/or convicted of serious crimes, has not addressed safety impacts to the children attending the adjacent school and to neighborhood residents. The applicant has also not addressed how ICE clients/people in holding cells will be transported into and out of the building. In order to evaluate potential impacts, needed buffering, effective mitigation, the conditional use process should be required. Therefore Goal 8 has not been met.

| DATE | NAME (Please Print) | SIGNATURE |
|---------|---------------------|-----------------|
| 1-26-11 | Jessica Parks | Jessica Parks |
| 1-26-11 | LAURA Bracke | LAURA Bracke |
| 1-26-11 | Heather Petzold | Heather Petzold |
| 1-26-11 | Sarah Gilmore | Sarah Gilmore |
| 1-26-11 | Kristen Corwin | Kristen Corwin |

TO: Karla Moore-Love
cc: Mayor Sam Adams

Petition P.1 of 7

Case# LU- 10-145100 DZM - South Waterfront ICE Building proposed at 4310 SW Macadam Avenue

We, the undersigned, are concerned parents and friends of Southwest Charter School. We petition the City of Portland, Oregon, represented by the elected members of the City Council and the Bureau of Development Services, to oppose the Design Commission's decision to approve a building addition at 4310 SW Macadam Avenue without requiring a Conditional Use Review.

We support a decision to require the Immigration Customs Enforcement's proposed facility to be heard as Conditional Use because:

- 1) This building has more than one primary use.
- 2) The plan includes a major addition/renovation.
- 3) It is a change of use.

AUDITOR 01/26/11 PM 3:53

| DATE | NAME (Please Print) | SIGNATURE |
|---------|----------------------|----------------------|
| 1/25/11 | Laura McCue | Laura McCue |
| 1/25/11 | Lyaall Day | Lyaall Day |
| 1/25/11 | Meigan Madden | Meigan Madden |
| 1/25/11 | Carmi Summers-Nomura | Carmi Summers-Nomura |
| 1/25/11 | Sarah Mutal | Smutal |
| 1/25 | TTMA KERU | TTMA KERU |
| 1/25 | Nick Zupo | Nick Zupo |
| 1/25 | Shawna Wrey | Shawna Wrey |
| 1/25 | Noc Garnica | Noc Garnica |
| 1/25/11 | Laura Bracke | Laura Bracke |
| 1/25/11 | Heather Petzold | Heather Petzold |
| 1/25/11 | Sarah Gilmore | Sarah Gilmore |
| 1/26/11 | Melissa Baker-Cokley | Melissa Baker-Cokley |
| 1/26/11 | Donal R. ... | Donal R. ... |
| 1/26/11 | Jean Rathfelder | Jean Rathfelder |
| 1/26/11 | Jenny Coleman | Jenny Coleman |
| 1/26/11 | R. J. Geary Guyon | R. J. Geary Guyon |
| 1/26/11 | Helga Katenos | Helga Katenos |
| 1/26/11 | Sara Bower | Sara Bower |

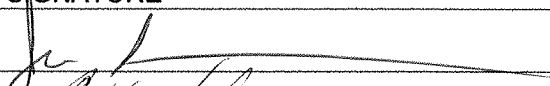
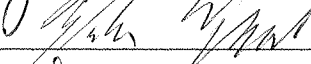
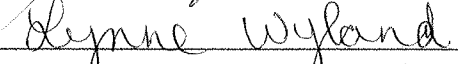
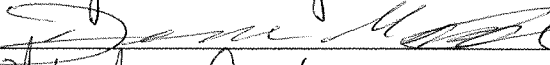


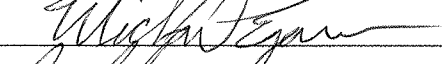


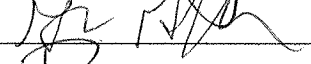
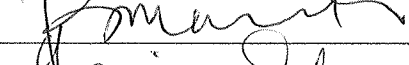
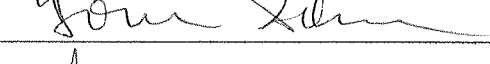
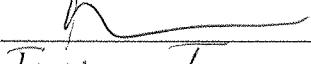

Case# LU- 10-145100 DZM - South Waterfront ICE Building proposed at 4310 SW Macadam Avenue

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- 3) It is a change of use.

AUDITOR 01/26/11 PM 3:56

| DATE | NAME (Please Print) | SIGNATURE |
|---------|---|--|
| 1/25/11 | Tered Spencer |  |
| 1/25/11 | Blake Wyland |  |
| 1/25/11 | Lynne Wyland |  |
| 1/25/11 | Desiree Mandac |  |
| 1/25/11 | Michelle Guilbault |  |
| 1/25/11 | Michael Egan |  |
| 1/25/11 | Michael Egan |  |
| 1/25/11 | Aaron Charrriere |  |
| 1/25/11 | Bethany Morris |  |
| 1/25/11 | Gerald Griffin |  |
| 1/25/11 | Brenda Mavromatis |  |
| 1/25/11 | Lorien Serock Lorien Serock |  |
| 1/25/11 | Tam Conner |  |
| 1/25/11 |  | Jenna Fegner |

Case# LU- 10-145100 DZM - South Waterfront ICE Building proposed at 4310 SW Macadam Avenue

We, the undersigned, are concerned parents and friends of Southwest Charter School. We petition the City of Portland, Oregon, represented by the elected members of the City Council and the Bureau of Development Services, to oppose the Design Commission's decision to approve a building addition at 4310 SW Macadam Avenue without requiring a Conditional Use Review.

We support a decision to require the Immigration Customs Enforcement's proposed facility to be heard as Conditional Use because:

- 1) This building has more than one primary use.
- 2) The plan includes a major addition/renovation.
- 3) It is a change of use.

AUDITOR 01/26/11 PM 3:56

| DATE | NAME (Please Print) | SIGNATURE |
|---------|---------------------|---------------------|
| 1-25-11 | Kristi Hansen | Kristi Hansen |
| 1-25-11 | Tia Rich | Tia Rich |
| 1-25-11 | Timothie Roach | Timothie Roach |
| 1-25-11 | ANA Rodriguez | ANA Rodriguez |
| 1-25-11 | Carolyn D. Whelan | Carolyn D. Whelan |
| 1-25-11 | Jennifer Childs | Jennifer Childs |
| 1-25-11 | NANCIE ROACH | Nancie Roach |
| 1-25-11 | Jessica Parks | Jessica Parks |
| 1-25-11 | Jennifer Litwin | Jennifer Litwin |
| 1-25-11 | Jennifer Egan | Jennifer Egan |
| 1-25-11 | Susan Hathaway | S. Hathaway |
| 1-26-11 | Eric Nomura | Eric Nomura |
| 1-26-11 | Jennifer Bransfield | Jennifer Bransfield |
| 1-26-11 | Chiera Thayer | Chiera Thayer |

Case# LU- 10-145100 DZM - South Waterfront ICE Building proposed at 4310 SW Macadam Avenue

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- 1) This building has more than one primary use.
- 2) The plan includes a major addition/renovation.
- 3) It is a change of use.

AUDITOR 01/26/11 PM 3:56

| DATE | NAME (Please Print) | SIGNATURE |
|---------|--------------------------------|--------------------|
| 1/26/11 | Joanne Foy | Joanne Foy |
| 1/26/11 | Kevin Crouch | Kevin Crouch |
| 1/26/11 | Leo Eisner | Leo Eisner |
| 1/26/11 | Judith O'Neill | Judith M O'Neill |
| 1/26 | MATI Conti | Mati Conti |
| 1/26 | MARIE Carhi | Marie Carhi |
| 1/26 | Karmel Ungerleider-Abrams | Karmel Ungerleider |
| 1/26 | Jeff Murray | Jeff A. Murray |
| 1/26 | Krista Rodriguez | Krista Rodriguez |
| 1/26 | Jennifer Green | Jennifer Green |
| 1/26 | Melody Melody McBee | Melody McBee |
| 1/26/11 | Erin Way | Erin Way |
| | | |
| | | |

[illegible]

[illegible]

[illegible]

January 26, 2011

To Portland City Council

AUDITOR 01/26/11 PM 3:41

The proposed ICE building in South Waterfront is of great concern to many of the residents of this community. We are particularly interested in knowing why this project was not given the transparency such a building requires.

In order to provide enough information to all who are affected, I strongly request that the project be referred to a Conditional Use Hearing. I am especially concerned about the safety of the neighborhood, proximity of the building to school, traffic congestion, parking, and its impact on the new and developing community of South Waterfront.

Sincerely,



Jim Farzan

*0836 S.W. Curry Street
Portland, OR 97239*

Date: January 25, 2011

To: City Council

From: Susan Lee, Susanlee@attglobal.net

Re: Conditional Use Review regarding the Detention and Administrative ICE facility in South Water Front District (SWF).

As a owner and resident of South Water Front District since 2006, I am writing to petition the City Council to hold a "Conditional Use Review" for the proposed Detention and Administrative ICE facility.

My reasons are relating to the safety of all the residents and students, the transportation system to handle the additional traffic with the narrow streets in the district and the already busy Macadam Avenue, the required parking spaces, and the school being near by. For those decision making persons, would they want to live with their families closed to a detention facility and would they want to have their children going to schools adjacent to a detention center, even if the Detention and Administrative ICE facility is designed to be a five star facility?

The City Code requires a Conditional Use Review for the detention facilities and for the schools. Citizens' views and inputs would be very important to this urgently requested Review because the City Council needs to conclude if there are truly any benefits and positive impacts to the SWF community.

Sincerely,



Susan Lee

Residents of the John Ross Building
3601 SW River Parkway
Portland, OR 97239
January 26, 2011

Mayor Sam Adams
Commissioner Amanda Fritz
Commissioner Nick Fish
Commissioner Dan Saltzman
Commissioner Randy Leonard

Dear Mayor and Commissioners:

AUDITOR 01/26/11 PM 3:41

We are writing to express our strong support of the appeal, to the city council, requesting a Conditional Use Hearing on the Detention and Administrative Immigration and Customs Enforcement (ICE) facility next to the neighborhood Charter school that is scheduled to relocate in the Discovery Center, 60 feet east of the detention facility. We understand that the city approved the detention facility with just a Design Review. Design Reviews are limited to architectural issues such as how a proposed building will look in the neighborhood.

However, city code *requires* a Conditional Use Review for detention facilities and for schools. On that basis, the South Portland Neighborhood Association filed an appeal and testified in strong support of the need for a Conditional Use Hearing. The need for a Conditional Use Hearing is clear considering the following critical factors:

1. **Safety:** If an emergency occurs, it is questionable whether or not local law enforcement agencies have the budget, equipment, training and staffing levels to deal with such an emergency.
2. **Transportation:** The intersection of Bancroft and Moody appears to be too narrow to handle the 120 plus official cars, trucks and buses ICE claims it needs to support the facility, including transporting the detainees to and from South Waterfront. Also, it has to be determined whether or not the public transportation system can handle additional passenger load.
3. **Parking:** ICE anticipates a work force of at least 150 employees. No on-site employee parking is planned. Therefore, those who drive cars will have to park on the street. Given the limited parking spaces in South Waterfront, this presents a significant problem for that area.
4. **School location:** The ICE facility will be less than 300 feet from a school. U.S. Government (GSA) regulations specify that this sort of detention facility cannot be within 300 feet of a school. The ICE facility will be located just 60 feet from the neighborhood school. This violates government rules.

Date-1/16/2111

AUDITOR 01/26/11 PM 3:41

Subject—Condition Use Hearing

To Whom It May Concern,

It is my understanding that before the City Code can place a building or implement the use of that building on a site for detention facilities or for schools a Conditional Use Review is required by City Code. In order for the community of the South Waterfront to become informed and educated on the exact impact such a decision would have on the residents it would behoove City Council and other government officials to grant the Conditional Use Review Hearing.

The South Waterfront I believe has serious concerns about the Detention Facility under consideration. One being the proximity to the school. I do believe it has the potential of putting staff, students as well as those who live and work in the community at risk. If a crisis occurs what assurances do we have that our local law enforcement has the training and man-power to address the emergency in a timely manner. I also believe this is a violation of GSA regulations.

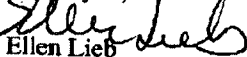
Although it will provide jobs for an estimated 150 employees – the impact to community is where do they park. Parking is already limited to those who reside in our community and their guests. Oh and by the way if retail space is developed where does the store owner and customers park. (which brings in added revenue to all.)

I will not address my concerns to the future development of the South Waterfront or the short-sightedness of this endeavor and what it could potentially bring to the City of Portland in revenues-as I have already voiced that concern in a previous letter.

In closing I would ask the City Council to understand the long-term impact placed on those who reside and work in this community.

And I would also ask the City Council what is the definition of site improvement because for me it is not only the architectural beauty of a building but more importantly the functionality of that building and the setting it is placed.

Thank you,



Ellen Lieb

The John Ross Condo Owner

For - Jim Luke by 3 PM today 1/26/11

Date-1/16/2111

Subject—Condition Use Hearing

* AUDITOR 01/26/11 PM 3:41

To Whom It May Concern,

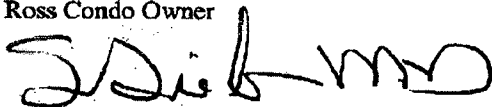
It is my understanding that before the City Code can place a building or implement the use of that building on a site for detention facilities or for schools a Conditional Use Review is required by City Code. In order for the community of the South Waterfront to become informed and educated on the exact impact such a decision would have on the residents it would behoove City Council and other government officials to grant the Conditional Use Review Hearing.

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Although it will provide jobs for an estimated 150 employees – the impact to the community is where do they park. Parking is already limited to those who reside in our community and their guests. Oh and by the way if retail space is developed where do the store owners and customers park. As you are well aware lack of parking spaces will affect business revenues which translates to less city tax revenues. In addition the presence of a detention center in the SWF may also deter future retailers from leasing space and potential buyers and renters willing to locate in an area they share with such a facility. This I feel will have a greater long term impact on city tax revenues than that obtained from the detention's land lease arrangements. In closing I would ask the City Council to understand the long-term impact placed on those who reside and work in this community.

And I would also ask the City Council what is the definition of site improvement because for me it is not only the architectural beauty of a building but more importantly the functionality of that building and the setting it is placed.

Thank you,
Stephen M. Lieb, M.D.
John Ross Condo Owner





January 26, 2011

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97204

AUDITOR 01/26/11 PM 3:41

**RE: Need for Conditional Use Hearing
Detention and Administrative ICE Facility – South Portland Neighborhood Association**

Dear Council Members:

I serve on the Board of Directors for the John Ross HOA, and also manage several retail units located on the street level of the John Ross tower. As an involved member of the South Waterfront community, I am very concerned about the city's move to approve the addition of a Detention and Administrative ICE Facility in the neighborhood. The addition of such a use in the South Waterfront district raises a number of serious concerns:

1. **Safety:** The ICE facility is located in very close proximity to a school, which is in direct violation of U.S. Government (GSA) regulations. Further, if an emergency occurs, it is questionable whether or not local law enforcement agencies have the budget, equipment and man-power to deal with such an emergency.
2. **Transportation:** The intersection of Bancroft and Moody appears to be too narrow to handle the 120 plus official cars, trucks and buses ICE claims it needs to support the facility, including transporting the detainees to and from SWF.
3. **Parking:** ICE anticipates a work force of at least 150 employees. No on-site employee parking is planned. Therefore, those who drive cars will have to park on the street. Given the limited parking spaces in SWF, this presents a significant problem for SWF, and will significantly impact the viability of street-level retail in the neighborhood.
4. **School location:** The ICE facility will be located less than 300 feet from the neighborhood school. This violates government rules.

I strongly encourage the Portland City Council to hold a "Conditional Use Review" of this project so that we may all thoroughly examine the true impact of such a project on the South Waterfront neighborhood.

Sincerely,

A handwritten signature in cursive script, reading "Susan M. Iggulden".

Susan M. Iggulden
Managing Director, Colliers International
Member, John Ross Board of Directors
601 SW 2nd Avenue, Suite 1950
Portland, OR 97204

Dated: January 26, 2011

Andrea Bocci

Subject: FW: South Waterfront Federal Building

AUDITOR 01/26/11 PM 3:40

Mayor Adams, and to whom it may concern,

At this point I am wondering what in the world the city and the federal government are doing. This area has struggled so hard to overcome the downturn in the economy and the over building of condos in the Portland area. At this juncture, the proposal for this building that will house federal offices and holding for illegals, is designed so badly, I find it hard to fathom why, with these kind of changes, you would expect the area to grow and thrive. The traffic patterns are already not great, there is a large office building going in on Moody, Moody avenue is going under a huge construction, and there are really only 2 entrances and exits from the immediate area. There is also a low income housing project going in on Bancroft and we pay one of the highest millage rates in the entire Multnomah County, a real cash cow for Multnomah County and Portland. We have no supermarket or other needs for a neighborhood, other than a park, like even being able to buy a postage stamp, available to us. As a green planned area, it seems strange to me that we have to get into our cars for the most simple errands. And yet, this kind of construction will not make it any easier to engage prospective merchants to the overpriced leasable spaces still sitting empty. Where has the planning gone? Do we actually have a PDC anymore? What is their role in the development of an area? At what point do they just abandon a planned project and let it become a mishmash of design elements and inconvenient and inappropriate choices? I am less than impressed with the mess that is taking over the area and yet, no one at city hall seems to have any concerns about the overall plan or lack of development planning now happening in the South Waterfront. I am all for low income housing, certainly my 3 children would no doubt qualify to live there, but a holding building with not one, but two fences. Then there is the possibility that the lower portion will have to be rebuilt when the lightrail goes in. What a mess! Please take more time and care in the planning aspects of these changes to this marginal area and consider the residents who have bought into the original plan and actually LIVE there.

I am forever standing up for you with voters who are less than enamored with the way things are going throughout the city, would you please stand up for **us**? **This is not just a rant, I am very upset about the overall changes to the original plan for the area without regard for the residents who live there. I was a real estate appraiser for 20 years and I do realize what these changes will do to the property values if they are not handled with the same scrutiny of design and appropriateness that the original plan addressed.**

It has come to my attention that the city has only OK'd the design of this property. It occurs to me that there needs to be a "conditional use Review" in order to do this change properly and "by the book". There are four criteria for requesting a Conditional use Review and those are all met in this instance. Safety, with a school approximately 60 feet away might be an issue, Transportation, is definitely a concern, due to the already overloading traffic patterns both in the neighborhood and along Macadam, Parking, is always an issue in the area, just ask the residents and OHSU, they rent buses and taxi their employees around and of course School Location has already been addressed. Please take some time and heart in your decision, and do it the clean, right way. At that point no one can complain if you haven't taken the easy way and short cut the neighborhood.



Andrea Bocci
Resident of South Waterfront

1550 SW Bond #2807
Portland OR 97239
Jan. 26, 2010

AUDITOR 01/26/11 PM 3:40

To Members of the Portland City Council:

As a resident of the Portland South Waterfront District, I am concerned about the lack of transparency regarding the ICE facility proposed for this neighborhood. Thus I am writing to request that there be a Conditional Use Review on this issue, which is required by City Code for any school or detention facility.

The main questions that could be addressed in such a review include potential issues such as (1) traffic/transportation, (2) proximity to a school, (3) parking for employees and visitors

There is very little information available to those of us in South Waterfront at this time. It would be helpful to have City Council hold such a Conditional Use Review to bring to light more of the issues pertaining to the potential effect on the neighborhood.

Nancy R. Jenner

Portland City Council

Council Members:

AUDITOR 01/26/11 PM 3:40

This letter is to urge you to hold a "Conditional Use Review" concerning the Detention and Administrative ICE facility at 4350 SW Macadam Avenue.

A Conditional Use Review is needed for you to hold a thorough, complete, and transparent review process of the ICE location project.

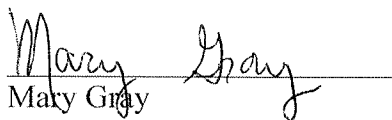
My husband and I have lived on Landing Drive and on Bond Avenue. The intersection governed by the light at Bancroft and Moody is a narrow road, narrowing to 2 lanes just at the entrance to the building. We do not see how 120+ official cars, trucks, buses needed to transport detainees and support a detention center can possibly be handled without causing serious congestion. Cars may be backed up through the light, onto highway 43 (Macadam).

Parking will also be very difficult. ICE has indicated it will need a work force of at least 150. Yet there is no on-site parking planned. Where on the nearby streets will employees park? There are only a few parking spaces on the street; the lot across from the building becomes a construction site this spring. ICE mentions attorneys and family members visiting detainees; where will they park? South Waterfront residents have limited parking available now; their guests compete for the metered spots.

Of greater concern to us is the fact that the City and South Waterfront planning groups have wanted to include young families with children in the area. A great deal of money and effort have provided the Elizabeth Caruthers Park, the walkway from Bancroft to the Greenway, a new childcare facility and school near OHSU, and a development for low-income families. A neighborhood school will be just 60 feet from the ICE, just across the trolley lines. By Oregon and federal law, a school and a detention center cannot be located so closely. If there is an emergency now in a neighborhood, law enforcement locks down a school. The chances of an emergency rise considerably if ICE is so close to a school. There would be little time to marshal law enforcement people to protect the school children.

We ask you to hold a "Conditional Use Review" so that answers to these concerns can be examined and shared with all who use the South Waterfront area.

Sincerely yours,


Mary Gray
January 26, 2010


Cliff Gray

January 26, 2011

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97204

**RE: Need for Conditional Use Hearing
Detention and Administrative ICE Facility – South Portland Neighborhood Association**

Dear Council Members:

I am the owner of several retail units located in the John Ross tower. As an involved member of the South Waterfront community, I am very concerned about the city's move to approve the addition of a Detention and Administrative ICE Facility in the neighborhood. The addition of such a use in the South Waterfront district raises a number of serious concerns:

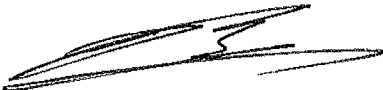
1. **Transportation:** The intersection of Bancroft and Moody appears to be too narrow to handle the 120 plus official cars, trucks and buses ICE claims it needs to support the facility, including transporting the detainees to and from SWF. Also, it has to be determined whether or not the public transportation system can handle additional passenger load.
2. **Parking:** ICE anticipates a work force of at least 150 employees. No on-site employee parking is planned. Therefore, those who drive cars will have to park on the street. Given the limited parking spaces in SWF, this presents a significant problem for SWF, and will significantly impact the viability of street-level retail in the neighborhood.
3. **School location:** The ICE facility will be located less than 300 feet from the neighborhood school. This violates government rules.

I strongly encourage the Portland City Council to hold a "Conditional Use Review" of this project so that we may all thoroughly examine the true impact of such a project on the South Waterfront neighborhood.

Sincerely,

J & R John Ross Retail

Dated:



Morgan Zhang, Member

January 26, 2011

MEMORANDUM

DATE: January 26, 2011

TO: ✓ Mayor Sam Adams

Commissioner Nick Fish

Commissioner Amanda Fritz

Commissioner Randy Leonard

Commissioner Dan Saltzman

AUDITOR 01/26/11 PM 3:39

From: Perry Walker

Kristie Walker

Subject: Proposed ICE Detention Facility, South Waterfront

We are residence of South Waterfront and urge you to order a "Conditional Use Review" of the proposed ICE detention facility at South Waterfront.

The presence of a detention facility in our neighborhood raises serious questions that can only be addressed in a Conditional Use Review. These include:

Safety: The facility will be less than 300 feet from the neighborhood charter school, as is required by Federal code. Also, it is not clear whether or not local law enforcement agencies have the budget, personnel, equipment and training to deal with an emergency at the detention facility.

Transportation: The intersection of Bancroft and Moody appears to be too narrow to handle the 120 plus cars, trucks and buses needed to support the facility. It is not clear if the existing public transportation system can accommodate the added employee and visitor passenger load.

Parking: ICE anticipates a work force of at least 150 employees and no on-site employee parking is planned on facility property. This will force a volume of on-street parking that exceeds neighborhood capacity.

School location: The ICE facility will be 60 feet from the neighborhood school and this violates government rules.

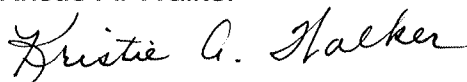
Your decision on this proposal will have a lasting impact on our neighborhood and only through a "Conditional Use Review" can these questions be addressed thoroughly, completely, and with transparency.

Thank you for considering our petition.

Perry L. Walker



Kristie A. Walker



≡ LU 10-145100 - 4310 SW Macadam Ave.

By: Jim Luke, Peter Fenner, Perry Walker & Millidge Walker, Residents

City of Portland

Code Title 33

Testimony

Please consider the following as our continued testimony in the Appeal Hearing of LU 10-145100 at 4310 SW Macadam Avenue commonly referred to as the ICE facility. This in reference to the use issue for the project at said address. Title 33 of the City Code details the Planning and Zoning regulations for the City of Portland. These regulations define the zones which are assigned throughout the City and spell out what is allowed in each zone as well as what is not allowed in each zone. Title 33 also details the procedures to be followed as projects make their way through the approval system. City staff has followed a course with this project so that we have been denied the protection that we should have had under Title 33. This appeal is made to ask that City Council correct the project course so that we can have the protection provided under Title 33 through the process of the Conditional Use Review. We also think that City Council and Staff should be interested in the answers provided during the Conditional Use Review.

In the Preface of the Title 33 Document it says that one of the goals is "providing certainty in regulations". We are sure that you will see the certainty in the definitions and examples. Lets take a quick look at some applicable portions of Title 33 as they relate to this project. Portions of the Title 33 text are included on Page 3 for your convenience.

33.130.030

- ▶ Some questions surfaced during the testimony at the appeal hearing about Primary Uses and about Conditional Uses. Here the Item C of Conditional Uses falls under the heading of Primary Uses. The uses shown on Table 130-1 as a CU are allowed if approved through the conditional use review process. So the Detention Center Use is a Primary Use. (See Table 130-1)

33.130.Table 130-1

- ▶ Clearly Detention Facilities are a use allowed within Zone CX with Conditional Use Review Required. We maintain that this table means just what it says and nothing less. A proposed project that includes Detention Facilities is not allowed in the CX Zone without going through the Conditional Use Review. Period. Contrary to what staff suggests, **there is no limitation that if the detention use portion of a project is less than a specified percentage of the total area, it can be ignored or it can be otherwise approved. There is no alternative to the Conditional Use Review because it is required.** (See Table 130-1)

33.130.030

Detention Facilities (under the heading of Conditional Uses)

This is the criteria of the review process that this project would have to address if you direct City staff to submit the project through the Conditional Use Review. There are several of the items here that you heard concerns about during the hearing on Wednesday.

City of Portland

Code Title 33

- Safety
- Traffic
- Parking

Concerning safety, there will be no answers for the neighborhood without going through the required Conditional Use Review. Is it possible that even City Staff is not asking these questions either? Of course we can't imagine a school right across the trolley tracks where someone may decide to create a hostage situation in order to free their family or friend. We must recognize that some of the detainees are from different cultures and "solve" their problems differently than our law abiding citizens. Remember the lady who owns Columbia Sportswear for a recent example.

We think there are problems with the existing street and driveway configuration. There is a short piece of Bancroft Street between two intersections where the driveway enters the street. The only way we can envision them getting their busses and cars out into traffic is to send a couple of the Law Enforcement Officers out to stop traffic so that they can exit the driveway. Is that the way they are planning to do it?

We also need to hear how the designers plan to provide parking for the 100+ employees of the building since they are not providing any on-site parking for them. Will they be parking at the Old Spaghetti Factory? The City closed the off-street parking lot available to us residents last fall. In order to get a parking lot approved on one of the South Waterfront Blocks, the project will have to go through a Conditional Use Review. Isn't that just too much of a coincidence? But continuing the thought of parking; where will the immigration attorneys park when visiting their clients who are detained at the facility? Where will the families and friends of the detainees park while they are visiting? You see, for us parking is a big issue here in South Waterfront because there is so little of it here. OHSU had to provide several parking lots for their employees and students to park because there was no other parking available. Currently people are parking on Block xx but that will start construction in the spring and will not be available for parking any longer. We can't imagine ICE allowing "clients" and "client families" to park within their secure facility while they are being processed or visiting. By following the Conditional Use Review process required for Detention Centers, these questions could be asked and could be addressed. Up to this point, we are not sure even your staff are asking these questions because they have not followed the required procedure.

Finally we get to the Descriptions of the Use Categories where we can determine what Detention Facilities are for Title 33 Uses. Can this project be defined without acknowledging the detention facility use? ICE testified that most of the detainees at the proposed facility come from prisons or jails. Those persons have not been released and are still under custody and are now being considered for deportation.

City of Portland

Code Title 33

Some of the testimony at Wednesday's appeal hearing would have us believe that since deportation is a civil matter (really?) rather than a criminal matter, this detention can't be considered to be judicially required, therefore not meeting a characteristic required. They also state that this center will only be operational for 12 hours each day and therefore the 24 hour requirement would not be met. Here again most of the detainees will be picked up at prisons or jails, taken to the project facility, held and processed for deportation and then taken to Tacoma for further detention, never being free from the appropriate supervision of peace officers. This use seems to have the characteristics of the detention use even though all of the facility is not specifically designated for this use.

The accessory uses are some of the uses planned in this facility, so that appears OK with the definition.

The Examples were discussed by several of the speakers at the appeal hearing. In order to get to the bottom of the meaning, I would take us back to the Preface where it says, "providing certainty in regulations". We should be looking at these examples as types of uses that would be included in the definition of detention facilities. In this project the ICE detention facilities portion of the building use would probably fall somewhere between a probation center where the clients are not restrained and the other three examples. How could that part of the building not be Detention Center? It is used as a Detention Center.

No matter how we look at it, the detention facilities use portion of the project has to require the Conditional Use Review. We urge City Council to direct staff to process this project through that process. If you still have any doubts, better to be safe than sorry. Thank you.



**City of Portland****Code Title 33****33.130.100****33.130.100 Primary Uses****A. Allowed Uses****B. Limited Uses**

C. Conditional Uses - Uses which are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited Uses**33.815.205****33.815.205 Detention Facilities** (under heading of Conditional Uses)

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

A. Appearance. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and

B. Safety. The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;

C. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;

2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

3. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; serving the proposed connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

4. Public services for water supply, police and fire protection are capable of use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

33.815.205**33.920.520 Detention Facilities** (under Descriptions of the Use Categories)

A. Characteristics. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.

B. Accessory Uses. Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.

C. Examples. Examples include prisons, jails, probation centers, and juvenile detention homes.

D. Exceptions. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

Table 130-1
Commercial Zone Primary Uses

| Use Categories | CN1 | CN2 | CO1 | CO2 | CM | CS | CG | CX |
|--|--------------|--------------|--------------|--------------|----------------|--------------|----------------|--------------|
| Residential Categories | | | | | | | | |
| Household Living | Y | Y | Y | Y | Y | Y | Y | Y |
| Group Living | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] |
| Commercial Categories | | | | | | | | |
| Retail Sales And Service | L [2] | Y | N | L [3] | L [4] | Y | Y | Y |
| Office | L [2] | Y | Y | Y | L [4] | Y | Y | Y |
| Quick Vehicle Servicing | N | L [12] | N | N | N | N | Y | L [12] |
| Vehicle Repair | N | N | N | N | N | Y | Y | L [5] |
| Commercial Parking | N | N | N | N | N | Y | CU [11] | CU [11] |
| Self-Service Storage | N | N | N | N | N | N | L [6] | L [6] |
| Commercial Outdoor Recreation | N | N | N | N | Y | Y | Y | Y |
| Major Event Entertainment | N | N | N | N | N | CU | CU | Y |
| Industrial Categories | | | | | | | | |
| Manufacturing And Production | L/CU [2] | L/CU [2] | N | N | L/CU [4, 5] | L/CU [5] | L/CU [5, 7] | L/CU [5] |
| Warehouse And Freight Movement | N | N | N | N | N | N | CU [5, 7] | N |
| Wholesale Sales | N | N | N | N | L [4, 5] | L [5] | L [5, 7] | L [5] |
| Industrial Service | N | N | N | N | N | CU [5] | CU [5, 7] | CU [5] |
| Railroad Yards | N | N | N | N | N | N | N | N |
| Waste-Related | N | N | N | N | N | N | N | N |
| Institutional Categories | | | | | | | | |
| Basic Utilities | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] |
| Community Service | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] |
| Parks And Open Areas | Y | Y | Y | Y | Y | Y | Y | Y |
| Schools | Y | Y | Y | Y | Y | Y | Y | Y |
| Colleges | Y | Y | Y | Y | Y | Y | Y | Y |
| Medical Centers | Y | Y | Y | Y | Y | Y | Y | Y |
| Religious Institutions | Y | Y | Y | Y | Y | Y | Y | Y |
| Daycare | Y | Y | Y | Y | Y | Y | Y | Y |
| Other Categories | | | | | | | | |
| Agriculture | N | N | N | N | N | CU | CU | CU |
| Aviation And Surface Passenger Terminals | N | N | N | N | N | N | CU | CU |
| Detention Facilities | N | N | N | N | N | N | CU | CU |
| Mining | N | N | N | N | N | N | N | N |
| Radio Frequency Transmission Facilities | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] |
| Rail Lines And Utility Corridors | CU | CU | CU | CU | CU | CU | CU | CU |

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

L = Allowed, But Special Limitations
N = No, Prohibited

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

South Waterfront

We, the undersigned residents of South Waterfront ask for a Conditional Use Review

Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

AUDITOR 01/26/11 PM 3:37

Luis H. Uman
Manny J. Uman

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

South Waterfront

We, the undersigned residents of South Waterfront ask for a Conditional Use Review

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January 26, 2011

AUDITOR 01/26/11 PM 3:37

Shirley N. Papp

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

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January 26, 2011

AUDITOR 01/26/11 PM 3:37

Robert C. Brown
Dona M. Harris

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
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Matisse

South Waterfront

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January 26, 2011

AUDITOR 01/26/11 PM 3:37

Yvonne C Branchflower

Portland, Oregon
Meriwether
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January 26, 2011

AUDITOR 01/26/11 PM 3:37

Nancy Ann Glavin #603
Rolf W. Glavin #603

Portland, Oregon
Meriwether
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Matisse

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

AUDITOR 01/26/11 PM 3:37

Clifford Gray
Mary Gray

Portland, Oregon
Meriwether
Mirabella
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Matisse

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January 26, 2011

AUDITOR 01/26/11 PM 3:37

Margaret Hickman
Charles M. Hickman

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

January 26, 2011

AUDITOR 01/26/11 PM 3:38

I have followed the hearing and subsequent discussions on this issue. The review of the ICE detention facility has not been fully considered by the commissioners and additional examination of the issue should be taken.

The treatment of the school by the real estate brokers should be carefully examined.

Millidge Walker

Millidge Walker

mp3walker@comcast.net

Irene Tinker

Irene TINKER

~~mp3walker~~ i-tinker@comcast.net

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

South Waterfront

We, the undersigned residents of South Waterfront ask for a Conditional Use Review

Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

To the City Council:

We are particularly concerned with the impact the Ice facility will have on the projected neighborhood school. We petition you to hold a Conditional Use Review, as is required.

Mary M. Bosch

January 26, 2011

Frank Bosch

1-26-2011

Mariabella - #504
3550 S.W. Bond Ave
27239

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

AUDITOR 01/26/11 PM 3:38

Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

AUDITOR 01/26/11 PM 3:38

John Ross
Ardea
Riva
Matisse

Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

| | |
|--------------|-----|
| Al Fochung | 705 |
| Mary Fochung | 705 |

John Ross
Ardea
Riva
Matisse

South Waterfront

We, the undersigned residents of South Waterfront ask for a Conditional Use Review
Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

AUDITOR 01/26/11 PM 3:38

Jill Seeger
Lewis H Seeger

Carol Homeric

Paul Johnson

Ralph G Merrill

Bonnie Merrill

Portland, Oregon
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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

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Jeanette P. Oliver

The inevitable
traffic and transportation
problems which would
develop in this area - with
the development you are
proposing - make this
detention center location
most inadvisable.

I would request a
Conditional Use Review - and
the possible location outside
the city center.

Jeanette P. Oliver

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

It is only through "Conditional Use Review" that these and other critical questions be examined. Therefore, we strongly urge the Council to hold a thorough, complete and transparent review process of this project before it decides on its merits.

Sincerely,

AUDITOR 01/26/11 PM 3:38

Mary Elter Marnick #808

Dany H. H. #2108

Cathy Johnson #1018

Macy A Scott Johnson #1018

Kim Moun 1908

Mar P. Smith #2600

Jill Kenney #714

N B Zemel #2508

Julie DePrie #2218

Ash V. Sten #2801

Sten #2801

South Waterfront

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

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Rellasi

11

411

1205

2201

505

1909

1703

2005

6009

1907

1311

1311

1709

902

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

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Scorsio Hughes #404
 Paul J. #1001
 Myron E. Mundy #613 Barbara Wiley #613
 Lee #H-F
 H. Mohan #H-F
 Phuong Hart #1711
 J. #711
 Peter S. #1007
 Nellie Madison #409
 L. #1411
 Carolyn J. Brown #913
 Dale E. Tapp #703
 Dana Tierney #203
 Lou Ester #0815
 Kim Saunders #711
 Steve Bonini #711
 Thomas Noguchi #1013
 Mele Noguchi #1013
 Neil W. Brown #913

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

South Waterfront

AUDITOR 01/26/11 PM 3:38
January 26, 2011

| | |
|-----------------------|-----------------|
| Kristen Gravit | Meriwether #507 |
| Ernst Danner | Meriwether 1403 |
| Ray Danner | Meriwether 1403 |
| Ken McCaw | MERIWETHER 1413 |
| Linda McCaw | Meriwether 1413 |
| Karen (Kathleen Lyko) | " 601 |
| John Schneider | " 601 |
| [Signature] | " 2101 |
| Robert H. Danc | 1201 |
| Sam Han | " 1107 |
| Ginnette Lucas | " 1609 |
| Roger Martenich | 501 |
| Chucker | 2101 |
| James H. Turke | 2003 |
| AD Whit | 1309 |
| Kent L. Turke | 2003 |
| Shirley Rj | 1303 |
| Paul W | 1905 |
| [Signature] | 1405 |
| [Signature] | 1287 |
| [Signature] | 1611 |
| Nancy Wiley | 1301 |
| Alt Jan | 2007 |
| [Signature] | 2407 |
| Bob Cuh | 1711 |

Portland, Oregon

Meriwether

Mirabella

Atwater

John Ross

Ardea

Riva

Matisse

South Waterfront

We, the undersigned residents of South Waterfront ask for a Conditional Use Review
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January 26, 2011

AUDITOR 01/26/11 PM 3:38

Jane Melling
Walter Melling
Vicki Melling
Michelle Walsh

Donna Chen
Joyce M. Romanski

J. Shantley (LISA SHANTLEY)
Allen D. Pusch

Margaret D. Pusch
Carol L. Ots (CAROL L. OTS)

Roger Goldingay (ROGER GOLDINGAY)
B. Goldingay

Sally Goldingay

Edna Wall

Laura & Paul Jamura

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

AUDITOR 01/26/11 PM 3:39

Frank P. Jones
Wendy Hecht Rubin
Robert Rubin
Susan Meredith
Frank Mitchell
Carol Gans
Kathleen Dunstun
Carmen G. Durichon 1/26/11
John H. Hoffelt

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Meriwether
Mirabella
Atwater

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January 26, 2011

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Dongseok Choi, Atwater Unit 502, *dschoi* 1/26/2011
Wonmi Woo, Atwater Unit 502, *Wonmi* 1/26/2011

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

South Waterfront

January 26, 2011

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| | |
|---------------------|-----------|
| Murphy & Malsen | 1-26-11 |
| Ganeshan & Kula | 1-26-11 |
| Carol B. Juckeland | 1-26-11 |
| Sidney S. Moore | 1-26-11 |
| Hilary Bratton-Huay | 1-26-2011 |
| Lella J. BARKER | 1/26/2011 |
| Asham Anderson | 1/26/2011 |
| Denise Presnick | 1-26-11 |
| Travis Stuber | 1-26-11 |
| Suzanne R. Barker | 1-26-2011 |
| Symon L. Duvall | 1-26-2011 |
| Pete Francis | 1-26-2011 |
| Kathy Francis | 1-26-2011 |
| Jan Skopil | 1-26-2011 |
| Irene Hamman | 1-26-2011 |
| Don Dagg | 1-26-2011 |
| Lynn Dagg | 1-26-2011 |
| Betsy Russell | 1-26-11 |
| Dennis Stegman | 1-26-2011 |
| Rain Saffelt | 1-26-2011 |

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Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

South Waterfront

January 26, 2011

AUDITOR 01/26/11 PM 3:39

Barbara H. Herbold
James E. Herbold

Portland, Oregon
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Mirabella
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Ardea
Riva
Matisse

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We, the undersigned residents of South Waterfront ask for a Conditional Use Review

Process for the ICE facility at 4350 SW Macadam Ave. - - LU 10-145100

January 26, 2011

AUDITOR 01/26/11 PM 3:40

Barbara N. Short 1-26-11
Lina M. Wood 1-26-11

Portland, Oregon
Meriwether
Mirabella
Atwater

John Ross
Ardea
Riva
Matisse

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 26, 2011 1:56 PM
To: Moore-Love, Karla
Subject: FW: Support for US Immigration and Customs Enforcement Facility

Sonia Schmanski
Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

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

From: Sept, Natalie
Sent: Friday, January 21, 2011 7:48 AM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: Support for US Immigration and Customs Enforcement Facility

The first positive letter we've had in support of ICE location.

Natalie Sundeleaf Sept
Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our Website

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

From: Dane Eastlake [<mailto:oxymoroni@yahoo.com>]
Sent: Thursday, January 20, 2011 4:29 PM
To: Commissioner Saltzman; Leonard, Randy; Commissioner Fritz; Commissioner Fish; Adams, Mayor
Subject: Support for US Immigration and Customs Enforcement Facility

Hello Everyone,

I'd just like to voice my strong support for the new facility and the choice of location in the SW waterfront area. Keep up the good work, Dane

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 26, 2011 1:56 PM
To: Moore-Love, Karla
Subject: FW: SW Waterfront ICE project

Sonia Schmanski

Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Sept, Natalie
Sent: Friday, January 21, 2011 11:21 AM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: SW Waterfront ICE project

Natalie Sundeleaf Sept

Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our [Website](#)

From: McAtee, Terri [mailto:Terri.McAtee@providence.org]
Sent: Friday, January 21, 2011 11:12 AM
To: Commissioner Fish
Subject: SW Waterfront ICE project

Hello Commissioner Fish,

I took time off from work to attend the meeting at City Hall on Wednesday. I had heard about the installation of an ICE facility in my neighborhood and thought it would be prudent to find out exactly what it was. I went there with the opinion that many in my neighborhood might be reading more into this project than warranted, and were worrying for no reason. I thought the questions the commissioners asked were in line with what I would have

1/26/2011

asked. All in all it was a great experience.

Now, I would like to give you my take on what I heard. I heard that the developer does not feel they need to go through some of the litmus tests other developers are subjected to. They stated it is just a business office that happens to have a few holding cells. They explained the people using these holding cells are not legally incarcerated detainees, and therefore are not considered prisoners, which alleviate them from certain rules and regulations. They presented a couple of codes to support their claims.

This is where the waters got a little muddy.

One code spoke about office buildings. An office building is allowed to have additions that would serve as conveniences to the employees. The code mentioned, exercise rooms, lunch rooms, etc. The developer stated this code is not all inclusive and open to interpretation. This would support their including "Holding Cells"

Another code was brought up.

This code was one that required developers to follow certain restrictions when dealing with legally detained or incarcerated men and women. The description of what a legal detainee would include, was written much like the description of what additions to offices included in the previous code. No surprise, the developer decided this code was NOT open to interpretation, and concluded the people they would be ushering to and from that site under "Armed Guard", did not meet the criteria of a prisoner or legally incarcerated detainee.

Now, I consider myself a logical person. Any man or woman that is being escorted by an official police force, and does not have the freedom to choose where they are going and when, are in fact legally incarcerated. Building additions to be used by the office employees do not include Holding Cells. This is in fact a very small jail, which will receive criminals awaiting deportation hearings.

If they can meet the proper codes and guidelines for jails and the area usage guidelines, by all means let them build. But please do not let the developer and their legal staff get away with slipping something into my neighborhood using back door methods.

Thank you for listening
Terri McAtee
John Ross Resident
terrimcatee@msn.com

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

1/26/2011

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 26, 2011 1:54 PM
To: Moore-Love, Karla
Subject: FW: concern about permitting a jail in the South Waterfront

Sonia Schmanski

Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Sept, Natalie
Sent: Wednesday, January 19, 2011 4:11 PM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: concern about permitting a jail in the South Waterfront

Natalie Sundeleaf Sept

Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

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From: Cheryl Schultz [mailto:CherylS@eisnersafety.com]
Sent: Wednesday, January 19, 2011 2:25 PM
To: Commissioner Fish
Subject: concern about permitting a jail in the South Waterfront

Reference Case #LU 10-145100 DZM

Dear Commissioner Fish,

I am a mother of three with a child at Southwest Charter. I hope, over the years, this will be the school for all of my children. It is an amazing school with a focused vision (Science, Arts and Civics) and the promise to help our children both grow into responsible adults and to contribute back to the community.

1/26/2011

Therefore I am alarmed and saddened that the City did not follow its own procedures in permitting what will be our neighbor for Southwest Charter for years to come. The permit for this neighboring space was permitted as "Office Space." However, part of the intent of the building is to house a jail. Having a federal prison (even if a small one) directly adjacent to an elementary school is inappropriate and potentially dangerous. In the long-term, it could mean a devastating event which the City is then responsible for in permitting this use. In the short-term, it could mean the demise of a fantastic new educational option in a place that is underserved by Portland's current public education options, in an area set to grow and be a place of great strength for the city.

I ask you to reconsider this decision – to either restrict the use of the space to Office Space only (without any holding cells) or to completely re-review the matter and use appropriate procedures for considering location of a jail relative to uses of adjacent buildings and the desires of the local community.

Regards,

Cheryl Schultz (Mother of a 2nd grade Southwest Charter Student)
Portland, Oregon

1/26/2011

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 26, 2011 1:54 PM
To: Moore-Love, Karla
Subject: FW: stats on immigrants in detention

Sonia Schmanski
Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

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

From: Sept, Natalie
Sent: Wednesday, January 19, 2011 4:12 PM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: stats on immigrants in detention

Natalie Sundleaf Sept
Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our Website

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

From: Sarah Mirk [<mailto:smirk@portlandmercury.com>]
Sent: Wednesday, January 19, 2011 4:01 PM
To: Commissioner Fish
Subject: stats on immigrants in detention

I don't know why the ICE rep. wouldn't tell you these numbers directly during today's SoWa hearing:

From October 2008 through July 2010, ICE booked 148 people into custody in Multnomah, Marion, and Clackamas Counties, according to data released only after ICE lost a Freedom of Information Act lawsuit filed by three legal advocacy groups in April.

Of those 148, 73 were convicted of no crime. Forty-five were convicted of serious crimes like robbery or assault, and 30 were convicted of lesser property crimes or misdemeanors.

<http://www.portlandmercury.com/portland/max-imum-punishment/Content?oid=2798753>

Sarah Mirk
Reporter
Portland Mercury
503-294-0840
smirk@portlandmercury.com

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 26, 2011 1:54 PM
To: Moore-Love, Karla
Subject: FW: ICE building in SW Waterfront area

Sonia Schmanski

Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Sept, Natalie
Sent: Thursday, January 20, 2011 1:45 PM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: ICE building in SW Waterfront area

Natalie Sundeleaf Sept

Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our [Website](#)

From: McAtee, Terri [mailto:Terri.McAtee@providence.org]
Sent: Thursday, January 20, 2011 1:21 PM
To: Commissioner Fish
Subject: ICE building in SW Waterfront area

Hello Commissioner

I was at the meeting yesterday, Thank you for your thoughtful questions. Many of them echoed my questions and concerns.

As I listened to the presentation, it struck me that they went to great lengths to slip this in through the back door.

1/26/2011

To consider the people that will be processed there as not "Legally" incarcerated was in my estimation, really stretching it. I have a problem wrapping my head around the thought that these people, who will be released from Jail or Prison, escorted by Law Officers to the building, Kept in holding cells, then transferred by Law officers to other facilities, are not "Legally" incarcerated. Since they do not have the option to come and go as they please, that is exactly what they are. The only other option is that they are "illegally" incarcerated. Our Constitution does not allow that.

Also, the qualifier of being 300 ft from a school is troubling. Evidently they leased the building prior to the school securing the Discovery Center. My question is, was the School told about the plans for the building next door? If they weren't, why not. The future ICE site was already leased for a specific purpose. I would think there would be an obligation to make all new businesses aware of what was going in.

Please make sure word play and back door tactics do not rule the day. It is a Duck...

Thank you for listening

Terri McAtee
terrimcatee@msn.com
John Ross Resident

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1/26/2011

Moore-Love, Karla

From: Laura Bracke [laurabracke@hotmail.com]

Sent: Wednesday, January 26, 2011 1:03 PM

To: Moore-Love, Karla; Fioravanti, Kara; Leonard, Randy

Subject: Case# LU- 10-145100 DZM - (South Waterfront ICE Building)

Please submit this comment in response to Commissioner Fritz's comments at the City Council Meeting of January 19, 2011

RE: Case# LU- 10-145100 DZM - (South Waterfront ICE Building)

The Emerson School & 511 NW Broadway

Commissioner Fritz commented on the similarity between the Emerson School at 105 NW Park and the current ICE facility at 511 NW Broadway. She likened that similarity to the one between Southwest Charter School at 0680 SW Bancroft and the proposed ICE facility site at 4310 SW Macadam. To gauge the proximity between the Emerson School and ICE, I exited ICE, on foot, from its main entrance. After a four-block walk I finally arrived at the Emerson School! Commissioner Fritz's comparison between the four addresses is an "apples and oranges" one, not an "apples and apples" one!

Regards,
Laura Bracke

Moore-Love, Karla

From: Commissioner Fritz
Sent: Sunday, January 23, 2011 9:48 PM
To: 'McAtee, Terri'
Cc: Moore-Love, Karla; Crail, Tim
Subject: RE: ICE project in SW Waterfront

Dear Terri,

Thank you for your comments. As recommended by the City Attorney at the end of the hearing, I am not allowed to respond to your testimony at this time. I am copying Karla Moore-Love, the Council Clerk, so your advice is included in the record for this case. Please contact Tim Crail on my staff if you have questions about the process.

I expect addressing your concerns during the Council's continued hearing on February 16. Thank you for participating in this land use review.

Sincerely,

Amanda

Amanda Fritz
 Commissioner, City of Portland

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From: McAtee, Terri [mailto:Terri.McAtee@providence.org]
Sent: Friday, January 21, 2011 10:47 AM
To: Commissioner Fritz
Subject: Re: ICE project in SW Waterfront

Hello Commissioner Fritz,

I took time off from work to attend the meeting at City Hall on Wednesday. I had heard about the installation of an ICE facility in my neighborhood and thought it would be prudent to find out exactly what it was. I went there with the opinion that many in my neighborhood might be reading more into this project than warranted, and were worrying for no reason. I thought the questions the commissioners asked were in line with what I would have asked. All in all it was a great experience.

Now, I would like to give you my take on what I heard. I heard that the developer does not feel they need to go through some of the litmus tests other developers are subjected to. They stated it is just a business office that happens to have a few holding cells. They explained the people using these holding cells are not legally incarcerated detainees, and therefore are not considered prisoners, which alleviate them from certain rules and regulations. They presented a couple of codes to support their claims.

1/24/2011

This is where the waters got a little muddy.

One code spoke about office buildings. An office building is allowed to have additions that would serve as conveniences to the employees. The code mentioned, exercise rooms, lunch rooms, etc. The developer stated this code is not all inclusive and open to interpretation. This would support their including "Holding Cells"

Another code was brought up.

This code was one that required developers to follow certain restrictions when dealing with legally detained or incarcerated men and women. The description of what a legal detainee would include, was written much like the description of what additions to offices included in the previous code. No surprise, the developer decided this code was NOT open to interpretation, and concluded the people they would be ushering to and from that site under "Armed Guard", did not meet the criteria of a prisoner or legally incarcerated detainee.

Now, I consider myself a logical person. Any man or woman that is being escorted by an official police force, and does not have the freedom to choose where they are going and when, are in fact legally incarcerated. Building additions to be used by the office employees do not include Holding Cells. This is in fact a very small jail, which will receive criminals awaiting deportation hearings.

If they can meet the proper codes and guidelines for jails and the area usage guidelines, by all means let them build. But please do not let the developer and their legal staff get away with slipping something into my neighborhood using back door methods.

Thank you for listening
Terri McAtee
John Ross Resident
terrimcatee@msn.com

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1/24/2011

Members of the City Council,

AUDITOR 01/21/11 PM 3:15

I appreciate the opportunity to voice my opinion and share my concerns regarding the proposed ICE facility to be located at the intersection of Bancroft and Macadam Avenues. My son's school building is in the process of being renovated and nearing completion. Our building is 100' away from the proposed ICE facility. After attending the hearing on January 19th I was left with a lot of questions. I am hopeful that during this extended review period I will be able to have my questions answered by those in charge of this project.

1. How and where will individuals being serviced at this facility enter the building?
 - a. Will they enter on their own free will, unrestrained?
 - b. Will there be instances when individuals are entering under armed escort?
 - c. Will individuals enter or exit the building in restraints?

My concern with the above is both line of sight and safety. If restrained individuals are entering or exiting the building in close proximity to our school facility what steps are being planned to prevent the children from witnessing this? I do not see how the vision of a man or woman in restraints and under armed escort would not make a lasting impression on a 5 year old Kindergarten student. Could there be an alternative entrance and exit for the detention center portion of the building? My other concern relates to safety. If an individual is escorted in under armed guard would our school receive notification so we could make adequate arrangements to protect our children? I'm not sure what the effect this would have on any sort of safety/lockdown policy that most schools have in place. It's my understanding that if there's a legitimate threat of gunfire then the children need to be kept indoors. If there's an armed guard 100' away isn't there constantly the legitimate threat of gunfire?

2. Approximately how much foot traffic can we expect to see passing through this facility? And what impact does ICE expect to see on car traffic?

Our children spend a great deal of their day outside exploring their environment; it is part of our school's mission statement. We seek out opportunities to get them outside the classroom so that they can connect with the world around them. If there is a substantial increase in vehicle traffic what steps are being taken to ensure the safety of the children walking through the neighborhood? Will there be additional cross walks added or speed humps to slow traffic? How will this effect on street parking? Where will the buses park that would be used to transport the detainees to Tacoma? What time of day would that bus leave? How will this impact the flow of traffic from 150 families dropping off and picking up their children?

I realize that at the end of the hearing on the 19th comment was made comparing this situation to the current NW Broadway building and the proximity to Emerson School. I looked at Yahoo Maps after the hearing. Those two facilities are .3 miles apart, on parallel streets and separated by approximately six city blocks, I hardly think that this can be considered the same thing. Our facility is .01 miles, quite literally a stone's throw,

away. While I understand the desire to make sense of this situation by comparing it to Emerson and the NW Broadway building I see more differences than similarities and I would caution against using that as a model for this unique situation. My son will be able to wave hello to the armed guards outside this building some families at Emerson may not have even been aware that there was a government building .3 miles away.

This facility was approved and pushed through as an office with a detention center on the side yet it was characterized by commission member Ben Kaiser as a "jail".

"It's too bad that a jail is the city's gateway to South Waterfront," said commission member Ben Kaiser after looking at a scale model of the building. "But if it's going to be located here, I'd like to see it be more appealing."

http://www.oregonlive.com/portland/index.ssf/2010/10/us_immigration_and_customs_enf.html

So, which is it? Is it a jail or an office? I do not know of many offices that require a "secure entranceway with a bulletproof guard post" as reported in that same article. And those that do are not typically located 100' away from a K-8 public charter school.

I write today first and foremost as a mother. Protecting my son and ensuring his health, well being and safety is my primary motivation. I want to feel assured that my son will be safe to continue at SW Charter School through 8th grade, as we have planned, if this office/detention center goes through. But by being kept out of the planning and review process I cannot feel assured of anything remotely close to that. No one has said, ask me your questions, I will answer them and that is honestly all I'm asking for. Because of that silence, I just don't know what to expect from ICE as our neighbor. I don't know that my son would be safe. And neither do you. Such a small distance separates the facilities, .01 miles, 100', that feels like nothing compared to the 1/3 of a mile that separates Emerson and the soon to be vacant NW Broadway building. I also write today as a frustrated citizen. I do not understand why this building was not subject to Conditional Use from the beginning. Mr. Davis commented that the Naturopathic College had to go through Conditional Use, but a far more controversial facility was allowed to be pushed through until people started jumping up and down, figuratively speaking, and making noise. This is a dramatic change for the neighborhood and I cannot understand why the neighborhood was not involved in the process sooner. It certainly could have eased my personal fears to have been invited into this process sooner. Instead for me, I feel like this building is being foisted on us when we are on the verge of moving into our newly renovated home.

Our school is like the Little Engine that Could, we have worked so hard to surmount challenge after challenge all for the sake of our children. My son loves his school, as do I. It is unique and a true blessing for him and for the City. We've waited for this opportunity of having our own building where all the grades can come together and we can settle and focus on building our school and enhancing our program even further and now there is a cloud hanging over what should be a very joyful time. I should be thrilled to be close to moving into our Bancroft building; instead I'm waiting, unsure, unsettled

and afraid, waiting to see what happens with this ICE project. I know I for one just want some answers and I hope that this process will enable me to get those answers.

Thank you for reviewing my questions, comments and concerns. I would welcome any opportunity to continue this discussion with the City and I look forward to seeing this issue resolved in the best interest of all involved.

Sincerely,

Krista Rodriguez
503-810-0654
Krista@hillsideimports.com

Moore-Love, Karla

From: Adams, Sam
Sent: Friday, January 21, 2011 2:14 PM
To: Moore-Love, Karla
Cc: Uwagbae, Grace
Subject: FW: SW Waterfront ICE Project

Cevero

From: McAtee, Terri [mailto:Terri.McAtee@providence.org]
Sent: Friday, January 21, 2011 11:13 AM
To: Adams, Sam
Subject: SW Waterfront ICE Project

Hello Mayor Adams,

I took time off from work to attend the meeting at City Hall on Wednesday. I had heard about the installation of an ICE facility in my neighborhood and thought it would be prudent to find out exactly what it was. I went there with the opinion that many in my neighborhood might be reading more into this project than warranted, and were worrying for no reason. I thought the questions the commissioners asked were in line with what I would have asked. All in all it was a great experience.

Now, I would like to give you my take on what I heard. I heard that the developer does not feel they need to go through some of the litmus tests other developers are subjected to. They stated it is just a business office that happens to have a few holding cells. They explained the people using these holding cells are not legally incarcerated detainees, and therefore are not considered prisoners, which alleviate them from certain rules and regulations. They presented a couple of codes to support their claims.

This is where the waters got a little muddy.

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Another code was brought up.

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Now, I consider myself a logical person. Any man or woman that is being escorted by an official police force, and does not have the freedom to choose where they are going and when, are in fact legally incarcerated. Building additions to be used by the office employees do not include Holding Cells. This is in fact a very small jail, which will receive criminals awaiting deportation hearings.

If they can meet the proper codes and guidelines for jails and the area usage guidelines, by all means let them build. But please do not let the developer and their legal staff get away with slipping something into my neighborhood using back door methods.

Thank you for listening
 Terri McAtee
 John Ross Resident

1/21/2011

terrimcatee@msn.com

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1/21/2011

Moore-Love, Karla

From: Commissioner Fritz
Sent: Thursday, January 20, 2011 9:20 PM
To: 'Dane Eastlake'
Cc: Moore-Love, Karla
Subject: RE: Support for US Immigration and Customs Enforcement Facility

Dear Dane,

Thank you for your message. I am copying it to Karla Moore-Love, the Council Clerk, since all communications on this quasi-judicial case must go through her. Since the public hearing is closed, I cannot comment on your perspective until the final hearing on February 16.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

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

From: Dane Eastlake [mailto:oxymoroni@yahoo.com]
Sent: Thursday, January 20, 2011 4:29 PM
To: Commissioner Saltzman; Leonard, Randy; Commissioner Fritz; Commissioner Fish; Adams, Mayor
Subject: Support for US Immigration and Customs Enforcement Facility

Hello Everyone,

I'd just like to voice my strong support for the new facility and the choice of location in the SW waterfront area. Keep up the good work, Dane

Moore-Love, Karla

From: Commissioner Fritz
Sent: Thursday, January 20, 2011 11:00 AM
To: 'Krista Rodriguez'
Cc: Moore-Love, Karla
Subject: RE: [Approved Sender] RE: [Approved Sender] RE: LU 10-145100 DZM

Yes, however likely no public testimony will be taken.

Amanda

Amanda Fritz
Commissioner, City of Portland

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From: Krista Rodriguez [mailto:krista@hillsideimports.com]
Sent: Thursday, January 20, 2011 6:01 AM
To: Commissioner Fritz
Subject: [Approved Sender] RE: [Approved Sender] RE: LU 10-145100 DZM

Is the February 16th meeting open to the public as well?

Krista Rodriguez
Hillside Imports
503-293-0146 #101

From: Commissioner Fritz [mailto:amanda@portlandoregon.gov]
Sent: Wednesday, January 19, 2011 10:34 PM
To: 'Krista Rodriguez'
Cc: Moore-Love, Karla
Subject: RE: [Approved Sender] RE: LU 10-145100 DZM

Dear Krista,

Thank you for your message. I am not allowed to discuss the case outside of the hearings process. Please contact Karla Moore-Love, the Council Clerk, for information about the timeline for submitting more comments.

One issue that was raised in the hearing today, was that ICE has operated for decades a similar facility in the Pearl District, opposite the Post Office. That facility is near the Emerson Charter School. Staff was asked to research whether there have been any public safety incidents there, and report back at the Council deliberation on February 16 at 2 p.m.

1/20/2011

Amanda

Amanda Fritz
Commissioner, City of Portland

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From: Krista Rodriguez [mailto:krista@hillsideimports.com]
Sent: Wednesday, January 19, 2011 10:06 PM
To: Commissioner Fritz
Subject: [Approved Sender] RE: LU 10-145100 DZM

Commissioner Fritz,

First, thank you for giving me the opportunity to voice my concerns, however briefly, today. This was my first experience as an adult down in City Hall. I don't think I've actually been inside the building since I was 8 and my class had a field trip down for lunch with Mayor Bud.

My son and I had to leave early today due to a scheduling conflict with our school auction committee meeting. I'm curious to know what, if any, decisions have been made.

I understand citizens have an opportunity to pose more questions about this facility and I am not sure where I should be directing my questions. If you are not the appropriate person please pass on my questions to whoever that might be.

After seeing the design renderings, for the first time, I did have some logistical questions come to mind. First, under what circumstances will potential detainees enter the building? Specifically, will they be entering on their own volition, as if in response to a summons, walking in unguarded? Will there be circumstances where individuals will enter the building escorted by police or armed Immigration employees? If there are individuals being escorted in or out under armed guard would our school then require notification so we can lock down the children? (I'm not sure how that process works but it was my understanding as a parent if there was any threat of gunfire we would have to have some sort of response in place.) Would there be circumstances of individuals entering or leaving in restraints? And through what door would that occur? My primary concern with this facility is that such individuals would enter or exit in plain view site of my son and his classmates and that would be a frightening thing for a child to see.

My son is only six years old. Yesterday when I explained what the building was to him he was upset, frightened even. He actually told me that maybe he'd need to change schools and this came from a child that loves his school and worships his teacher. The mere face that he felt scared enough to say that broke my heart; children should have associate school with fear.

I'm grateful that we have the opportunity to continue this discussion, honestly though I wish we would have been invited into this process earlier on. It feels so late in the game that some families may feel discouraged from speaking up. Being new to this political process it's all a bit overwhelming and somewhat confusing, so if you would be so kind as to forward my questions to the appropriate parties I would be very grateful.

Krista Rodriguez
Hillside Imports
503-293-0146 #101

From: Commissioner Fritz [mailto:amanda@portlandoregon.gov]
Sent: Friday, January 14, 2011 10:08 PM
To: 'Krista Rodriguez'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: LU 10-145100 DZM

1/20/2011

Dear Krista,

Thank you for your message. Your son sure is cute! My older son graduated from Western Oregon, and my three children are native Oregonians.

Since the hearing next Wednesday is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the Approval Criteria specified in the Code.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further questions or requests on this issue. I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

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From: Krista Rodriguez [mailto:krista@hillsideimports.com]
Sent: Friday, January 14, 2011 2:38 PM
To: Fritz, Amanda
Subject: LU 10-145100 DZM

Good afternoon Commissioner Fritz,
My name is Krista Rodriguez. I was born and raised in Portland; I attended Skyline Elementary, West Tualatin View Elementary, West Sylvan Middle School and graduated in 1992 from Benson High School. After I graduated from Western Oregon University I resettled in the Portland metro area to raise my family and am now running a successful automotive shop with my husband in SW Portland.

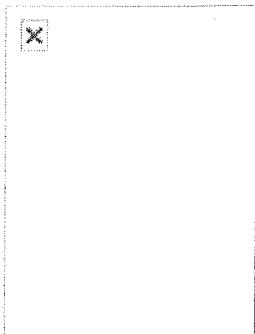
I write to you today as a life long Portland native and as a concerned Mother. You see, my son is a 1st grader at Southwest Charter School. As I am sure you are well aware there is some debate going on in the City about the decision to locate an Immigration Detention Center a few hundred feet away from my son's new School Building which is in the final stages of renovation before we can occupy it. I am very concerned about this decision and I truly believe it is not in the best interest of the City to allow this to proceed. I think we can all agree that the City of Portland needs to invest in the future. That future is our children. Our children have a right to feel safe when they walk into their school building. They have a right to feel safe when they are outside for recess-our kids get recess twice a day-I ask you, can they feel safe when there is an armed guard shack a few hundred feet away? Can I as a Mother feel safe with a decision to house potentially dangerous people a stone's throw away from my son? Would you? I realize we are talking about hypothetical danger here but it is a legitimate concern. All it takes is one attempted escape. One shot fired. Bullets do not always find their intended target.

Our school is one of Portland's best kept secrets. It is an amazing place where my son is inspired every day to be a thinker, to

1/20/2011

become a leader, to become the future of Portland. I would hate to see the enrollment drop in this school because of the City's decision to proceed with this and this is something that I think parents will factor in when they consider our school. It would be a tragedy in its own right if enrollment was effected and the school closed. If you could see the dedication of these people you would understand why I feel so passionate about our school. These teachers love my son, even the ones that have never taught his class, they all know him by name. They are all working together to create the best education possible for my son and so many other children, and the school needs you to support it. My son needs you to support him and keep him safe so he can thrive and become a future leader in the City. It might sound cliché, but the children really are our future and they should come first on our priority list.

I realize, sadly, that there is a need for a facility such as this but I cannot believe that there is no better location than next door to an Elementary School. I do not believe that locating this facility next to my son's school and in the middle of an up and coming urban development area is in the best interest of the City and it definitely is not in the best interest of my six year old son. I am asking as a life long Portland native, a business owner and a Mother for the City to reconsider this decision and relocate the Detention Facility to a more appropriate area.



Krista Rodriguez
Hillside Imports
503-293-0146 #101

APPEAL OF SO. PORTLAND NEIGHBORHOOD ASSOCIATION AGAINST DESIGN COMMISSION DECISIONLU 10-145100 DZM 4310 SW MACADAM AVE**OPPOSE APPEAL**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

| NAME (print) | ADDRESS AND ZIP CODE | Email |
|-------------------------|---|----------------------------|
| Shirley Papi | 3550 S.W. Bond Ave | |
| ✓ Scott Matson | 5817 S 144 St Tukwila WA | scott.matson@gsa.gov |
| ✓ Pat Prendergast | 3720 SW Bond Ave #3000 | Pat@pinascociates.com |
| ✓ JAMES GRONEWOLD | 1638 J Street, Tacoma WA | JAMES.GRONEWOLD@DHS.GOV |
| ✓ JOHN JUNKIN | GARVEY SCHUBERT BAKER 121 SW MORRISON ST. #1100 PORT, OR 97204 | J.JUNKIN@GSBLAW.COM |
| ✓ HOWARD CARSMAN | 18 9932 NW ABBEY RD Portland 97227 | HOWARD.CARSMAN@ME.COM |
| ✓ Agustin Enríquez V | 1120 NW Couch #300 PORTLAND, OR | agustin@gbdaarchitects.com |
| | | |
| | | |

APPEAL OF SO. PORTLAND NEIGHBORHOOD ASSOCIATION AGAINST DESIGN COMMISSION DECISIONLU 10-145100 DZM 4310 SW MACADAM AVE**SUPPORT APPEAL**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

| | | |
|-----------------------------|--|---------------------------|
| ✓ BOB FRIEDHOFF | 3550 SW BOND AVE APT 501 | BobFriedhoff@comcast.net |
| ✓ Irene TINKER | " | i-tinker@comcast.net |
| ✓ Jim Luke | 3570 SW River Pkwy #2401 97239 | Jim@lukeonline.com |
| ✓ Thomas Noguchi | 3570 SW River Pkwy #1013 97237 | noguchi.tom@gmail.com |
| ✓ Kvista Rodriguez | 15273 SW Greenfield Dr Tigard 97224 | info@hillsidesimports.com |
| ✓ Leroy Barker | 0841 S.W. GAINES ST 97239 | LeroyBarker@aol.com |
| ✓ Hadley Corwin | 3616 SW 55 Drive Portland OR | KristenCorwin@aol.com |
| ✓ Madeline Abrams | 2724 SW Stanley Ct. Portland, OR 97219 | |
| ✓ Karmel Ungersleider-Abram | 2724 SW Stanley Ct. Portland OR 97219 | maddie629@msn.com |
| ✓ LEONARD MICHAU | 0841 SW GAINES ST. PDX 97239 | BONDONE@COMCAST.NET |

APPEAL OF SO. PORTLAND NEIGHBORHOOD ASSOCIATION AGAINST DESIGN COMMISSION DECISIONLU 10-145100 DZM 4310 SW MACADAM AVESUPPORT APPEAL

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

NAME (print)

ADDRESS AND ZIP CODE

Email

| | | |
|---------------------------------|--------------------------------|--------------------------|
| ✓ Peter Fennor | 3550 SW Bond Ave #2801 | Peterfennor@gmail.com |
| ✓ FRED GAVIS | 641 SW GAINES ST., #608 | FRED.GAVIS@COMCAST.NET |
| ✓ LEE DALY SMOLEN | 0835 SW Pennoyer St. | lee@leedaly.com |
| ✓ ^{Perry} Perry Walker | 3550 SW Bond Ave #1503 | perrywalker@beslabel.net |
| Sabrina Stein | 3601 SW RIVER PKWY #2801 | Sabrina_Stein@me.com |
| ✓ GORDON CARON | 0836 SW CURRY ST, #1502, 97239 | gordon.caron@gmail.com |
| Susan Walenz | 3570 SW River Pkwy 1705 | swalenz@gmail.com |
| | | |
| | | |
| | | |

GSA remarks for Portland City Council hearing January 19, 2011

Thank you for your time today. My name is Scott Matson, and I am the Branch Chief of the Real Estate Acquisition Division for the Northwest Arctic Region of the U.S. General Services Administration, or GSA.

GSA is a federal government agency that manages real estate needs for federal agency customers. We signed a lease on behalf of our customer, the Department of Homeland Security Immigration and Customs Enforcement (ICE) with the applicant in April 2010. We are here to ask for your support of this project.

ICE needs this new building because their existing facility no longer meets their requirements. ICE is currently housed in the 511 Building, a federally-owned facility in the Pearl District that was declared excess to the government in 2005. A new facility will allow ICE to consolidate operations currently housed in separate facilities, which will save taxpayer money. Once ICE moves out of the 511 Building, the facility will be transferred at no cost to the Pacific Northwest College of Art, providing additional classroom space to meet their expanding needs.

The process of finding a new home for ICE began in the early 90s. Executive Order 12072 mandates that the "process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area," or CBD. We understand the importance of a vital and healthy downtown and only move agencies outside the CBD when their mission requires it, or when no suitable space can be found. The site at 4310 SW Macadam meets the Government's requirements and is located within Portland's CBD.

MAC ADAM

We have heard the message loud and clear from you Mayor Adams, from the PDC, and from Portland's congressional delegation that keeping federal agencies in the CBD is critical for the economic health of downtown Portland. This lease will inject 2.1 million dollars per year for 15 years into Portland's struggling downtown real estate market.

GSA believes this neighborhood and facility are good matches for our customer and for Portland. This move does not represent an expansion of ICE's mission, just a consolidation of existing staff and operations. The operations currently ongoing in the Pearl District will simply move to the South Waterfront neighborhood. I spoke with Elizabeth Godfrey, the Assistant Field Office Director for ICE. Elizabeth has worked on immigration issues in Portland for more than 20 years, and informed me that her organization's neighbors in the Pearl District have never registered a complaint, and that ICE hopes to have the same positive relationship with their new neighbors in the South Waterfront neighborhood.

Finally, we have heard objections to this project on the grounds that the Southwest Charter School plans to expand their facility into a building within 300 feet of the new ICE facility. It is

correct that ICE may not locate within 300 feet of an educational institution, and at the time the lease was signed no educational institutions were located within the limitation. We have offered to brief the South Portland Neighborhood Association on this project and discuss their concerns about the ICE facility, and that offer still stands.

GSA believes this project is beneficial for ICE, for the federal employees who will work there, for Portland's CBD, and the American taxpayer. Granting this appeal will mean that GSA will have to start over for a third time to find a new location at additional cost to the taxpayer and risk moving outside the CBD.

Thank you for the opportunity to speak in support of this project.

Luke

1/19/11

Appeal of Case No. LU 10-145100 DZM at 4310 SW Macadam Ave. Portland
Mayor and City Commissioners and City Staff:

In the past it has been my responsibility to supervise staff at various levels. Occasionally I have had to revisit decisions made and directions followed by those staff members. And so it is with you here today. Staff had defined this project as an addition to existing office building. The proposed use of this new building will be Office with accessory uses. Then those accessory uses are described as Lobby, Loading Area, Processing Area, General Office layout, Gym, Lunch Room, Circulation space and Outdoor Terrace.

But the Architect memo of 5/11/10 described the facility as a High Security Jail or Detention Center with accessory Office use. And the GSA document SFO No. 60R0135 states that holding cells be of high security construction and that space must be capable of maintaining a high level of security.

It is now your task to determine if this Detention Center use can be allowed in South Waterfront without following the Conditional Use procedure. The last paragraph of the Central Commercial Zone (CX) from Title 33.130.030 (H) is as follows: "Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape". Title 33.130 Table 130-1 shows Detention Facilities in the CX zone as "**Conditional Use Review Required**". It does not say "Allowed, but Special Limitations" like some other uses. It does not say allowed if less than 40% of total building use or 20% of building use. It **says required**. And that is what we are asking for today. Please tell staff to run this project through Conditional Use Review like what is required by City of Portland Code. Even Title 33.920.520 has a definition of Detention Facilities which includes Item B as "Accessory uses include offices, recreational and health facilities, etc."

The City of Portland along with developers has created a sustainable neighborhood in South Waterfront and we thank you for that. Now we are asking you to keep it sustainable and send this project through the Conditional Use Review Process. Just the traffic problems with this site will probably cause ICE to move on.

Thank you.

Jim Luke
3570 SW River Pkwy #2401
Portland, OR 97239

auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

- H. **Central Commercial zone.** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

33.130.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

Luke

Lake

| <p align="center">Table 130-1 Commercial Zone Primary Uses</p> | | | | | | | | |
|--|--------------|--------------|--------------|--------------|----------------|--------------|---------------|--------------|
| Use Categories | CN1 | CN2 | CO1 | CO2 | CM | CS | CG | CX |
| Residential Categories | | | | | | | | |
| Household Living | Y | Y | Y | Y | Y | Y | Y | Y |
| Group Living | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] | L/CU [1] |
| Commercial Categories | | | | | | | | |
| Retail Sales And Service | L [2] | Y | N | L [3] | L [4] | Y | Y | Y |
| Office | L [2] | Y | Y | Y | L [4] | Y | Y | Y |
| Quick Vehicle Servicing | N | L [12] | N | N | N | N | Y | L [12] |
| Vehicle Repair | N | N | N | N | N | Y | Y | L [5] |
| Commercial Parking | N | N | N | N | N | Y | CU [11] | CU [11] |
| Self-Service Storage | N | N | N | N | N | N | L [6] | L [6] |
| Commercial Outdoor Recreation | N | N | N | N | Y | Y | Y | Y |
| Major Event Entertainment | N | N | N | N | N | CU | CU | Y |
| Industrial Categories | | | | | | | | |
| Manufacturing And Production | L/CU [2] | L/CU [2] | N | N | L/CU [4, 5] | L/CU [5] | L/CU [5,7] | L/CU [5] |
| Warehouse And Freight Movement | N | N | N | N | N | N | CU [5,7] | N |
| Wholesale Sales | N | N | N | N | L [4, 5] | L [5] | L [5,7] | L [5] |
| Industrial Service | N | N | N | N | N | CU [5] | CU [5,7] | CU [5] |
| Railroad Yards | N | N | N | N | N | N | N | N |
| Waste-Related | N | N | N | N | N | N | N | N |
| Institutional Categories | | | | | | | | |
| Basic Utilities | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] | Y/CU [10] |
| Community Service | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] | L/CU [8] |
| Parks And Open Areas | Y | Y | Y | Y | Y | Y | Y | Y |
| Schools | Y | Y | Y | Y | Y | Y | Y | Y |
| Colleges | Y | Y | Y | Y | Y | Y | Y | Y |
| Medical Centers | Y | Y | Y | Y | Y | Y | Y | Y |
| Religious Institutions | Y | Y | Y | Y | Y | Y | Y | Y |
| Daycare | Y | Y | Y | Y | Y | Y | Y | Y |
| Other Categories | | | | | | | | |
| Agriculture | N | N | N | N | N | CU | CU | CU |
| Aviation And Surface Passenger Terminals | N | N | N | N | N | N | CU | CU |
| Detention Facilities | N | N | N | N | N | N | CU | CU |
| Mining | N | N | N | N | N | N | N | N |
| Radio Frequency Transmission Facilities | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] | L/CU [9] |
| Rail Lines And Utility Corridors | CU | CU | CU | CU | CU | CU | CU | CU |

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

L = Allowed, But Special Limitations
N = No, Prohibited

33.920.520 Detention Facilities

- A. Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.
- B. Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.
- C. Examples.** Examples include prisons, jails, probation centers, and juvenile detention homes.
- D. Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

33.920.530 Mining

- A. Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material
- C. Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

33.920.540 Radio Frequency Transmission Facilities

- A. Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
- B. Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. Examples.** Examples include broadcast towers, communication towers, and point to point microwave towers.
- D. Exceptions.**
 - 1. Receive-only antenna are not included in this category.
 - 2. Radio and television studios are classified in the Office category.
 - 3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

Moore-Love, Karla

From: Barbara Bullier [bbullier@easystreet.net]
Sent: Wednesday, January 19, 2011 9:11 AM
To: Moore-Love, Karla
Subject: Case File:LU-10-145100 DZM 4310 SW Macadam

To the Members Portland City Council:

At least 3 issues require further study and a "Conditional Use" study and approval for the above referenced project.

1. Use: The proposed project will contain 59000 sq. ft. of space of which a portion is identified as "holding cells". Although these actual cells may only require 10% more or less of the space they are not incidental to the use of the building, they are the primary purpose of the facility, and require 8 foot double fencing, security checkpoint, guard house, and vehicle inspection. Such a jail type use should be subject to Conditional Use hearing and approval.
2. Parking: The proposed project will contain 54000 sq. ft. of parking. The proposal suggests 101 cars or approximately 2 cars for each 1000 sq. ft. of finished space. A very liberal ratio compared to other Downtown buildings. 400 sq. ft. per car would provide 135 car parking and possibly even more. One car per 1000 sq. ft. would provide 54 car parking a more likely standard. A Conditional Use study is needed to determine the appropriate allowance.
3. Traffic: The intersection of SW Macadam and SW Bancroft is an unusual configuration, with a stop-light. Macadam is one-way going north at this juncture. Bancroft only proceeds east. The east bound cross traffic comes from north to south either from an I-5 ramp off the Marquam Bridge, a Ross Island Bridge west bound ramp, or downtown via Naito Parkway. Traffic backs up under a freeway overpass and has no left turn sight line. There is no immediate on-street parking on Bancroft or Macadam. Traffic could back-up on both Bancroft and Macadam seeking entry which could create a dangerous problem. This should require a traffic safety study as part of the Conditional Use study.

I am unable to attend the Hearing, and would appreciate this correspondence becoming a part of the record. Thank you for your consideration.

Albert Bullier Jr
3550 S.W. Bond Ave #707
Portland Oregon 97239

Moore-Love, Karla

From: Commissioner Fritz
Sent: Wednesday, January 19, 2011 8:50 AM
To: 'Cindy Hallam'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: Reference case # LU 10-145100DZM

Dear Cindy,

Thank you for your message. Since the hearing this afternoon is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the requirements specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here: <http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings in the decision are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
 Commissioner, City of Portland

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

From: Cindy Hallam [<mailto:jackmakes5@yahoo.com>]
Sent: Wednesday, January 19, 2011 8:34 AM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: Reference case # LU 10-145100DZM

I oppose the detention center on the corner of Macadam and Bancroft in Portland.
 Please keep our children safe.

Cindy Hallam

1/19/2011

Moore-Love, Karla

From: Commissioner Fritz
Sent: Wednesday, January 19, 2011 8:51 AM
To: 'Sharon Decker'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: Case # LU 10-145100 DZM

Dear Sharon,

Thank you for your message. Since the hearing this afternoon is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the requirements specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here:
<http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings in the decision are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

From: Sharon Decker [<mailto:sharon.kottler.decker@gmail.com>]
Sent: Wednesday, January 19, 2011 8:00 AM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: Case # LU 10-145100 DZM

I am a parent of a child attending SW Charter School. Eventually we will have 3 children attending the school.

1/19/2011

I was surprised to hear that a federal detention center was planned to be built next door to the new and permanent location of this K-8 School. Although I understand the importance of detention centers, and the need for convenient access, I was more than surprised to hear that it would be placed next door to a school. Is this appropriate? Would you be comfortable with your children attending a school with this location? Are there other locations in the United States where any sort of Jail or holding facility are directly next door to elementary schools?

This makes me nervous. How do you think it will make the children feel. Imagine the kindergarten children walking in on their first day of school and seeing a barbed wire fence and armed guards next door. That wouldn't make me feel very good.

This school is amazing. Please consider putting this detention center somewhere else, or finding a location for our school which will pass city code.

Sincerely,

Sharon Kottler-Decker

Moore-Love, Karla

From: Ruiz, Amy
Sent: Wednesday, January 19, 2011 9:13 AM
To: Moore-Love, Karla
Subject: Fwd: sw waterfront jail

Amy Ruiz
 Planning and Sustainability Policy Advisor
 Office of Mayor Sam Adams
 City of Portland
 1221 SW Fourth Avenue, Suite 340
 Portland, OR 97204
 Phone: 503-823-3578
 Email: amy.ruiz@ci.portland.or.us
 Web: mayorsamadams.com
 Twitter: amyjrui

Begin forwarded message:

From: "Adams, Sam" <Sam.Adams@portlandoregon.gov>
Date: January 18, 2011 10:37:24 PM PST
To: "Uwagbae, Grace" <Grace.Uwagbae@portlandoregon.gov>, "Ruiz, Amy" <Amy.Ruiz@portlandoregon.gov>
Subject: FW: sw waterfront jail

Cevero

From: Peg Roberts [sea2river@gmail.com]
Sent: Tuesday, January 18, 2011 5:21 PM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; randy.leonard@portlandoregon.gov; Fritz, Amanda
Subject: sw waterfront jail

Sir;

We would like to ask for a negative vote on the proposed Jail in the SW Waterfront area.

The city has invested a good deal of taxpayer money in the area and it will be devalued along with the rest of the area with a jail close at hand.

We also understand a needed charter school is being planned. A jail is likely to kill it.

The low cost housing due to be started soon will be way too close to the jail. There will be a goodly number of children housed that should not be exposed to a jail next door.

We are sure you will have many other reasons for your negative vote. Please consider all of them when it is time to vote on this proposal.

Snowden and Peggy Roberts sea2river@gmail.com

Moore-Love, Karla

From: Ruiz, Amy
Sent: Wednesday, January 19, 2011 9:14 AM
To: Moore-Love, Karla
Subject: Fwd: Opposition to detention center location

Amy Ruiz
Planning and Sustainability Policy Advisor
Office of Mayor Sam Adams
City of Portland
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204
Phone: 503-823-3578
Email: amy.ruiz@ci.portland.or.us
Web: mayorsamadams.com
Twitter: amyjrui

Begin forwarded message:

From: "Adams, Sam" <Sam.Adams@portlandoregon.gov>
Date: January 18, 2011 10:36:55 PM PST
To: "Uwagbae, Grace" <Grace.Uwagbae@portlandoregon.gov>, "Ruiz, Amy" <Amy.Ruiz@portlandoregon.gov>
Subject: FW: Opposition to detention center location

Cevero

From: Cynthia Livingston [cyliving@hotmail.com]
Sent: Tuesday, January 18, 2011 6:25 PM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: Opposition to detention center location

To Whom it May concern,
Reference case # LU 10-145100DZM
I oppose the detention center on the corner of Macadam and Bancroft in Portland.
Please keep our children safe.

Cynthia Livingston

Moore-Love, Karla

From: Ruiz, Amy
Sent: Wednesday, January 19, 2011 9:36 AM
To: Moore-Love, Karla
Subject: Fwd: Please don't put holding site at South Waterfront

Amy Ruiz
Planning and Sustainability Policy Advisor
Office of Mayor Sam Adams
City of Portland
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204
Phone: 503-823-3578
Email: amy.ruiz@ci.portland.or.us
Web: mayorsamadams.com
Twitter: amyjrui

Begin forwarded message:

From: "Adams, Sam" <Sam.Adams@portlandoregon.gov>
Date: January 19, 2011 9:32:43 AM PST
To: "Uwagbae, Grace" <Grace.Uwagbae@portlandoregon.gov>, "Ruiz, Amy" <Amy.Ruiz@portlandoregon.gov>
Subject: FW: Please don't put holding site at South Waterfront

Cevero C.G. Gonzalez
Executive Assistant to Mayor Sam Adams
City of Portland, Oregon
1221 SW 4th Avenue, Suite 340
Portland, Oregon 97204
503.823.1121 voice
503.823.3588 fax
cevero.gonzalez@portlandoregon.gov
www.mayorsamadams.com

NOTE: Meeting or event confirmations are subject to change - with notice where possible - due to unforeseen circumstances. In the event of a meeting or event cancellation, every effort will be made to reschedule as quickly as possible. Your thanks and understanding are appreciated.

From: MMARMADUKE@aol.com [mailto:MMARMADUKE@aol.com]
Sent: Wednesday, January 19, 2011 9:19 AM
To: Adams, Sam
Subject: Please don't put holding site at South Waterfront

Dear Mayor Adams:

This facility should not be placed in any residential neighborhood. The South Waterfront is densely populated and the current traffic at that corner is very tight, so the traffic to the facility would have a strong negative impact.

Thank you for considering this problem,

Mary Ellen Marmaduke
3601 SW River Parkway #808

Moore-Love, Karla

From: Wonmi Woo [wmwoo68@gmail.com]
Sent: Wednesday, January 19, 2011 10:11 AM
To: Moore-Love, Karla
Subject: Re LU 10-145100 DZM, 4310 SW Macadam

Dear City Council members,

Thank you so much for your service for our beloved city Portland.

Unfortunately, I have been very concerned for the last several months that a "High Security" detention facility with accessory office use would be very close to my new peaceful condo home. I moved to South Waterfront community to have a more peaceful and secure life. I never dreamed that the high security jail would be the South "gateway" to my community.

My specific concerns are as follows:

1. I am afraid of traffic congestion and safety issues at the corner of Bancroft, Moody and Macadam. The only entrance to the proposed jail right now is on Bancroft Street, which has only one lane for each direction. "With more than 54,000 square feet of planned parking on the site, traffic could be heavy in mornings and evenings, especially with fast-moving traffic on Macadam Avenue, which runs perpendicular to Bancroft."
2. I understand that the proposed jail is located less than 100 feet of the Discovery Center which is now planned as a charter school, a facility that is much needed in our community. Will we lose the charter school because it would be less than 300 feet from the jail?
3. The jail is inconsistent with approved affordable housing to be constructed diagonally across the street on Moody and Bancroft.
4. Some real estate folks estimate a 10% further reduction to our already depressed home prices. Especially since the jail is located at the South "gateway" to our community.
5. Promises made for Greenway and dock have not been delivered. This is another blow to real estate values.
6. Developers and residents have each invested well over \$600 million in South Waterfront. City of Portland several hundred million as well. Further depressing prices will reduce much needed tax collections and delay further investments and related jobs.

Above all, I am greatly afraid that the entire South Waterfront future development might be hindered by the jail because the jail could be an immediate serious turn-off to potential developers, investors or homebuyers.

I would really appreciate it if you consider all the negative effects which the proposed jail will have on the entire South Waterfront community and send the proposal to a "Conditional Use Review" like it should have from the start.

Thank you so much for your time.

Sincerely,

Wonmi Woo
0841 SW Gaines St. #502
Portland, OR 97239

1/19/2011

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 19, 2011 11:46 AM
To: Moore-Love, Karla
Subject: FW: Case# LU 10-145100 DZM - ICE Detention Facility -- Request for Denial

Sonia Schmanski
Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Sept, Natalie
Sent: Wednesday, January 19, 2011 8:09 AM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: Case# LU 10-145100 DZM - ICE Detention Facility -- Request for Denial

Natalie Sundeleaf Sept
Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our [Website](#)

From: Stacey Goldstein [mailto:jsmgold@gmail.com]
Sent: Tuesday, January 18, 2011 8:37 PM
To: Commissioner Fish; Commissioner Fritz; Leonard, Randy; Commissioner Saltzman
Subject: Case# LU 10-145100 DZM - ICE Detention Facility -- Request for Denial

Greetings City Council.

Please accept this email as my respectful request for you to carefully consider the appeal of the above referenced land use case, deny the original proposal, and side with the appeal brought by the South Portland Neighborhood Association.

1/19/2011

In error, BDS staff made a determination that the above referenced land use matter should not be required to go through a Conditional Use Permit. Staff concluded that the proposed detention facility is an office use and therefore an outright permitted use. In fact, the true nature of the land use is a detention facility -- not an office use as city staff has stated. The purpose of the land use in question is to hold individuals in custody. It is not an office in the traditional sense and the office use is in fact secondary to the detention facility, not the other way around as staff has concluded. Without the detention facility, there would be no need for the office support. Furthermore, converting the use from an existing retail use to the proposed detention facility is clearly a change in use and should be required to go through a Conditional Use Review. There are numerous impacts from the proposal, including safety and transportation, which need to be thoroughly addressed.

Lastly, there are significant issues in terms of land use compatibility. Adjacent to the proposed detention facility is an elementary school serving K-8. In no way is this a compatible land use. In addition, there is a Montessori school located within one block.

Ultimately the nature of the facility does not fit with the goals of the South Waterfront vision. The vision called for embracing the principles of Smart Growth in terms of land uses. A detention facility in no way embodies this vision of creating a vibrant, walkable urban neighborhood.

Thank you for your consideration.

Stacey Goldstein

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 19, 2011 11:46 AM
To: Moore-Love, Karla
Subject: FW: Detention Center

Sonia Schmanski
Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Sept, Natalie
Sent: Wednesday, January 19, 2011 8:13 AM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: Detention Center

This one was accidentally overlooked yesterday.

Natalie Sundeleaf Sept
Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our [Website](#)

From: Tina [mailto:tinaboucher_25@sbcglobal.net]
Sent: Tuesday, January 18, 2011 2:43 PM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: Detention Center

Reference case # LU 10-145100DZM

I oppose the detention center on the corner of Macadam and Bancroft in Portland. Just the thought of this facility in a largely residential area is appalling.

Please keep our children safe.
Thank you,
Tina Boucher

1/19/2011

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 19, 2011 11:46 AM
To: Moore-Love, Karla
Subject: FW: ICE in South Waterfront

Sonia Schmanski

Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Sept, Natalie
Sent: Wednesday, January 19, 2011 10:18 AM
To: Schmanski, Sonia
Cc: Fish, Nick
Subject: FW: ICE in South Waterfront

Natalie Sundeleaf Sept

Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our [Website](#)

From: Sharon Guthrie [mailto:seguthrie@comcast.net]
Sent: Wednesday, January 19, 2011 10:04 AM
To: Commissioner Fish
Subject: ICE in South Waterfront

Dear Commissioner Fish:

I entered Mirabella Portland in the South Waterfront Community believing it would be a pleasant and open community. The presence of a barbed wire facility holding prisoners, even for a short time, shatters my image of a pleasant and open community.

Curtis D. Guthrie

1/19/2011

Moore-Love, Karla

From: Schmanski, Sonia
Sent: Wednesday, January 19, 2011 11:55 AM
To: Moore-Love, Karla
Subject: FW: Proposed ICE Detention Facility at South Waterfront

Sonia Schmanski
Policy Coordinator
Office of Commissioner Nick Fish
503-823-3592
www.portlandoregon.gov/fish

From: Commissioner Fish
Sent: Wednesday, January 19, 2011 11:49 AM
To: Schmanski, Sonia
Subject: FW: Proposed ICE Detention Facility at South Waterfront

Natalie Sundeleaf Sept
Community Liaison
Office of Commissioner Nick Fish
City of Portland
Direct Line 503.823.3597

Visit our [Website](#)

From: Perry L. Walker [mailto:perrywalker@sbcglobal.net]
Sent: Wednesday, January 19, 2011 11:41 AM
To: Commissioner Fish
Subject: Proposed ICE Detention Facility at South Waterfront

Commissioner Fish,

My wife and I are residents of South Waterfront. We are concerned that the above mentioned proposed facility will be approved without receiving an adequate review. To date, only the Design Commission approved the project, with stipulated modifications, but the City has not yet examined how ICE will use the facility and how these uses, present and future, will impact the South Waterfront community and the City

1/19/2011

of Portland.

Therefore, we respectfully request that you and the commissioners order a thorough and complete use review of this project before you decide its merits.

Thank you for your consideration of this request.

Respectfully,

Perry and Kristie Walker

Moore-Love, Karla

From: Commissioner Fritz
Sent: Tuesday, January 18, 2011 10:33 AM
To: 'Eric Livingston'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: Immigration and Customs Facility

Dear Eric,

Thank you for your message. Since the hearing on Wednesday is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the Approval Criteria specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here: <http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings on the listed Approval Criteria are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

From: Eric Livingston [<mailto:eric.livingston6@gmail.com>]
Sent: Tuesday, January 18, 2011 9:42 AM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda; Moore-Love, Karla
Subject: Immigration and Customs Facility

1/18/2011

I am a father of 3 children who attend Southwest Charter School. I am opposed to the proposed location of the Detention Center on the corner of Macadam and Bancroft in Portland. Please do not have our children attend school within 100 ft of armed guards.

Reference Case # LU 10-145100 DZM

Eric Livingston

1/18/2011

Moore-Love, Karla

From: Adams, Sam
Sent: Tuesday, January 18, 2011 10:26 AM
To: Uwagbae, Grace; Ruiz, Amy
Subject: FW: New detention center

Cevero C.G. Gonzalez

Executive Assistant to Mayor Sam Adams
City of Portland, Oregon
1221 SW 4th Avenue, Suite 340
Portland, Oregon 97204
503.823.1121 voice
503.823.3588 fax
cevero.gonzalez@portlandoregon.gov
www.mayorsamadams.com

NOTE: Meeting or event confirmations are subject to change - with notice where possible - due to unforeseen circumstances. In the event of a meeting or event cancellation, every effort will be made to reschedule as quickly as possible. Your thanks and understanding are appreciated.

From: Eric and Shelley Chase [mailto:chse6@hotmail.com]
Sent: Tuesday, January 18, 2011 10:03 AM
To: Adams, Sam
Subject: New detention center

Reference case # LU 10-145100DZM

I oppose the detention center on the corner of Macadam and Bancroft in Portland.

Please keep our children safe.

Shelley Chase

Moore-Love, Karla

From: Commissioner Fritz
Sent: Tuesday, January 18, 2011 10:31 AM
To: Crail, Tim; Moore-Love, Karla
Subject: FW: Immigration customs enforcement facility

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

From: Commissioner Fritz
Sent: Tuesday, January 18, 2011 9:31 AM
To: 'Marnie'
Subject: RE: Immigration customs enforcement facility

Dear Marnie,

Thank you for your message. Since the hearing on Wednesday is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the Approval Criteria specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here: <http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings on the listed Approval Criteria are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

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

From: Marnie [<mailto:marniebconti@hotmail.com>]
Sent: Tuesday, January 18, 2011 9:13 AM
To: sam.adams@portlandoregon.org; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Cc: Matthew Conti
Subject: Immigration customs enforcement facility

To Whom it May Concern,

As a concerned parent of three Southwest Charter School children, I am writing in opposition to the proposed location of the Immigration Customs Enforcement facility on the corner of Bancroft Street and Macadam. I find it hard to believe this letter is necessary, as it should be common sense that a federal detention center is not an appropriate neighbor for a school. I trust the city will do the right thing and stop this now before it's too late.

Regards,
Marnie Conti

Sent from my iPhone

Moore-Love, Karla

From: Commissioner Fritz
Sent: Tuesday, January 18, 2011 10:34 AM
To: 'Conti, Matthew DIST'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: Immigration Customs Enforcement Facility

Sensitivity: Personal

Dear Matthew,

Thank you for your message. Since the hearing on Wednesday is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the Approval Criteria specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here: <http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings on the listed Approval Criteria are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

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

From: Conti, Matthew DIST [<mailto:Matthew.Conti.DIST@FMR.com>]
Sent: Tuesday, January 18, 2011 9:43 AM
To: sam.adams@portlandoregon.org; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: RE: Immigration Customs Enforcement Facility
Importance: High
Sensitivity: Personal

Dear Public Servants,

As a concerned parent of three Southwest Charter School children, I am writing in opposition to the proposed location of the Immigration Customs Enforcement facility on the corner of Bancroft Street and Macadam.

Clearly this is not in the best interest of our children and we are holding YOU accountable to be our best DEFENSE against this planning mistake!

Any prudent citizen would understand that a federal detention center is not an appropriate neighbor for a primary school with impressionable young children playing outside. I IMPLORE you to do the right thing and STOP THIS NOW before it's too late.

Sincerely,

Matthew Conti, CFP(r)
VP Senior Account Executive
Portland Downtown Investor Center
825 SW 5th Avenue, Portland, OR 97204
503-915-7770

>
Go Green! Please consider the environment before printing this email and/or its attachments.

>
Notice: All e-mail sent to or from Fidelity Investments is subject to retention, monitoring and/or review by Fidelity personnel. Please note that Fidelity is unable to accept orders left over voicemail or email regarding any account. The information in this e-mail and in any attachments is intended solely for the attention and use of the named addressee(s) and may contain information that is considered privileged, proprietary, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of this email or if you have otherwise received this email in error, please immediately notify me by replying to this message or by telephone (you may call me collect). Any use, dissemination, distribution or copying of this e-mail is strictly prohibited without authorization from Fidelity Investments. Clearing, custody or other brokerage services may be provided by Fidelity Brokerage Services LLC or National Financial Services LLC, members NYSE, SIPC.

Moore-Love, Karla

From: Commissioner Fritz
Sent: Tuesday, January 18, 2011 10:35 AM
To: 'Becky Rios'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: Reference case # LU 10-145100DZM

Dear Becky,

Thank you for your message. Since the hearing on Wednesday is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the Approval Criteria specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here: <http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings on the listed Approval Criteria are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
 Commissioner, City of Portland

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From: Becky Rios [<mailto:rrios221@gmail.com>]
Sent: Tuesday, January 18, 2011 10:08 AM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: Reference case # LU 10-145100DZM

I oppose the detention center on the corner of Macadam and Bancroft in Portland.
 Please keep our children safe.

Becky Rios

1/18/2011

Moore-Love, Karla

From: Ruiz, Amy
Sent: Tuesday, January 18, 2011 11:25 AM
To: Moore-Love, Karla
Subject: Fwd: case number LU 10-145100 DZM ICE Detention Center

 Amy Ruiz
 Planning and Sustainability Policy Advisor
 Office of Mayor Sam Adams
 City of Portland
 1221 SW Fourth Avenue, Suite 340
 Portland, OR 97204
 Phone: 503-823-3578
 Email: amy.ruiz@ci.portland.or.us
 Web: mayorsamadams.com
 Twitter: amyjruiuz

Begin forwarded message:

From: "Adams, Sam" <Sam.Adams@portlandoregon.gov>
Date: January 18, 2011 10:41:48 AM PST
To: "Uwagbae, Grace" <Grace.Uwagbae@portlandoregon.gov>, "Ruiz, Amy" <Amy.Ruiz@portlandoregon.gov>
Subject: FW: case number LU 10-145100 DZM ICE Detention Center

Cevero C.G. Gonzalez
 Executive Assistant to Mayor Sam Adams
 City of Portland, Oregon
 1221 SW 4th Avenue, Suite 340
 Portland, Oregon 97204
 503.823.1121 voice
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www.mayorsamadams.com

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From: janny downey [<mailto:jannydowney@gmail.com>]
Sent: Tuesday, January 18, 2011 10:34 AM
To: Adams, Sam; dan.saltzman@portland.gov; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: case number LU 10-145100 DZM ICE Detention Center

1/18/2011

Dear Mayor & Commissioners,

As a resident in the Johns Landing area, and a parent of a student in South West Charter School I oppose the siting of an ICE Detention Center without a deeper study and review, especially neighborhood input. The standards for Conditional Use should have been applied. To locate such a facility within 100 feet of a K-8 school seems absurd!

The South Waterfront has had it's set backs during this recession, but to locate such a facility seems completely at odds with the hopes and dreams the residents and city alike, share for this neighborhood.

With the continuation of the street car line going South from Bond St., a K-8 school next door, a daycare facility very close near the tram, and the desire for a pedestrian and bicycle assessable neighborhood that will be linked with Lair Hill, this seems completely inconsistent.

I urge you to reconsider and not allow this in the South Waterfront.

Best regards,

Janny Downey

Moore-Love, Karla

From: Commissioner Fritz
Sent: Tuesday, January 18, 2011 10:32 AM
To: 'Carolyn Dute Whelan'
Cc: Crail, Tim; Moore-Love, Karla
Subject: RE: Case# LU 10-145100 DZM - ICE Detention Facility

Dear Carolyn,

Thank you for your message. Since the hearing on Wednesday is a quasi-judicial matter, I cannot discuss the case with you outside of the open public review process. I have read your advice and concerns, and your views will help inform my decision. My vote must be based on whether or not the application meets the Approval Criteria specified in the Code.

The Design Commission's report, which lists the Approval Criteria, is here: <http://www.portlandonline.com/bds/index.cfm?c=46579&a=331939>. To overturn the Design Commission's decision, appellants must show how the findings on the listed Approval Criteria are in error.

I am copying Tim Crail on my staff - you are welcome to contact him if you have further comments or requests on this issue. For technical or process questions, please contact the Bureau of Development Services staff on the case, Kara Fioravanti 503-823-5892 / kfioravanti@ci.portland.or.us

I am also copying Karla Moore-Love, the Council Clerk, so that your comments are included in the record for this case. Thank you for your input.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

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

From: Carolyn Dute Whelan [<mailto:carolyn.whelan@comcast.net>]
Sent: Tuesday, January 18, 2011 9:37 AM
To: Fritz, Amanda
Subject: Case# LU 10-145100 DZM - ICE Detention Facility

Dear Commissioner Fritz,

I am writing to you on behalf of my family and other families in my community. I felt sick to learn of future plans to house a criminal detention center next to the future sight of our kindergarten through eighth grade school. The building we have been working on laboriously for a year and are soon to move to (within weeks) is going to be right next door to armed guards, barbed wire fencing, and criminals?! Can this be the very first elementary school housed next to a federal detention center? A detention center which has NOT been sent through the appropriate review committees standards for "conditional use". I find much to be concerned about with this new neighbor.

SW Charter school has been working closely with city of Portland to create an exceptional space and place for the children, seismic enhancement, E rated occupancy, and much more. Is this an oversight by city planners? Did they forget somehow that school children will be 100 feet away? That's one third of a soccer field distance, can you imagine if you had children watching the prisoners and armed guards while playing at recess? I'm sure you would choose another school. But, that's the thing, this is a really wonderful school. This school prides itself on community involvement. This school bases its curriculum on the local community. This school has followed all the permit processes and requirements the city has requested, why are we to lose, why is the federal government getting fast tracked through this process?

I also have a great concern over the development of SW waterfront, with the exercise paths, OHSU development, the

amazing new housing opportunities, why add a detention center there? I am an avid runner and will never use that path knowing that disgruntled family members of detainees could be lurking about, waiting to see what's to come of their loved one, it's just not safe. This neighborhood should be the shining new star in Portland, not this new mixed up idea that jails go well with schools and growth. I do believe there is an empty jail in North Portland that could be considered instead of the waterfront. Why not use the empty jail for the 12-100 prisoner holding center, revolving door jail, why continue to waste money on already existing jail which sits empty?

My children were also wondering why this would happen, a jail next to their school. Do you have an answer for them? Hopefully, you can be that innovative mayor I enjoy that thrills everyone by using other jail space in Portland versus allowing this ridiculous expansion and degradation of our community building efforts.

Please help us!

Respectfully,

Carolyn Dute Whelan

Moore-Love, Karla

From: Ruiz, Amy
Sent: Tuesday, January 18, 2011 11:49 AM
To: Moore-Love, Karla
Subject: Fwd: The ICE Detention Facility

Amy Ruiz
Planning and Sustainability Policy Advisor
Office of Mayor Sam Adams
City of Portland
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204
Phone: 503-823-3578
Email: amy.ruiz@ci.portland.or.us
Web: mayorsamadams.com
Twitter: amyjrui

Begin forwarded message:

From: "Adams, Sam" <Sam.Adams@portlandoregon.gov>
Date: January 18, 2011 11:34:16 AM PST
To: "Uwagbae, Grace" <Grace.Uwagbae@portlandoregon.gov>, "Ruiz, Amy" <Amy.Ruiz@portlandoregon.gov>
Subject: FW: The ICE Detention Facility

Cevero C.G. Gonzalez
Executive Assistant to Mayor Sam Adams
City of Portland, Oregon
1221 SW 4th Avenue, Suite 340
Portland, Oregon 97204
503.823.1121 voice
503.823.3588 fax
cevero.gonzalez@portlandoregon.gov
www.mayorsamadams.com

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From: Scott Kelly [<mailto:scottalankelly@hotmail.com>]
Sent: Tuesday, January 18, 2011 11:33 AM
To: Adams, Sam; Saltzman, Dan; Commissioner Fish; Leonard, Randy; Fritz, Amanda
Subject: The ICE Detention Facility

1/18/2011

Dear Mayor and Commissioners,

As a parent of a child at Southwest Charter School, I urge you, please, to oppose the proposed construction of the ICE Detention Facility in the South Waterfront neighborhood.

Thank you very much for your consideration, Scott Kelly

Moore-Love, Karla

From: prjohn@comcast.net
Sent: Tuesday, January 18, 2011 1:24 PM
To: Moore-Love, Karla
Subject: Fwd: Proposed ICE Building on South Waterfront

Dear Ms. Moore-Love;

I would like my testimony on the proposed ICE building submitted in writing as suggested by Amy Ruiz. If my email (below) is considered "in writing", I would like to have it submitted.

Thank you, Paul Johnson

----- Forwarded Message -----

From: "Amy Ruiz" <Amy.Ruiz@portlandoregon.gov>
To: "prjohn@comcast.net" <prjohn@comcast.net>
Sent: Tuesday, January 18, 2011 9:35:09 AM
Subject: RE: Proposed ICE Building on South Waterfront

Paul and Carol -

Thank you for your comments concerning the Design Commission's decision granting design review approval for the proposed Immigration and Customs facility on S.W. Macadam Avenue. The Mayor has asked me to respond on his behalf.

The South Portland Neighborhood Association has appealed the Design Commission's decision to the City Council and the appeal hearing is scheduled for January 19 at 2 pm in Council Chambers. The appellants argue the Design Commission erred by considering the proposed facility an office and retail use allowed by right, rather than a detention center, which requires conditional use approval.

The appeal of the Design Commission's decision is a quasi-judicial matter, which means the Council members must base their decision on the evidence presented to the Design Commission and arguments presented to them in next week's hearing before the Council. If you would like the City Council to consider your testimony concerning this appeal, I encourage you to attend the hearing and speak in person, or to submit your testimony in writing to the Council Clerk, Karla Moore-Love, by 2 pm on January 19. She can be reached directly at Karla.Moore-Love@portlandoregon.gov, and I will forward to the Council Clerk any e-mails and letters the Mayor receives on this matter before the hearing.

Many thanks for your interest in this issue.

best,
 Amy

.....
Amy Ruiz
 Planning and Sustainability Policy Advisor

1/18/2011

Office of Mayor Sam Adams
City of Portland
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204
Phone: 503-823-3578
Email: amy.ruiz@portlandoregon.gov**
Web: mayorsamadams.com
Twitter: @amyjruiiz
**Please note new email address.

From: prjohn@comcast.net [prjohn@comcast.net]
Sent: Monday, January 17, 2011 3:56 PM
To: Adams, Sam
Subject: Proposed ICE Building on South Waterfront

Dear Mayor Adams;

My wife and I recently moved into Mirabella retirement community on the South Waterfront. This location was important to us because of the high quality of the area and its potential for further development. The appeal of the area includes, but is not limited to, access to public transportation, the provision for affordable housing, the proximity to OHSU, the new park, and the recently announced land bridge across Interstate 5. Also, we are looking forward to new residential construction that will encourage the development of a strong infrastructure for the area, including grocery markets and other retail outlets.

It has recently come to our attention that the Portland Design Commission has approved a three-story building connected to an existing four-story building to provide office space for the Immigration and Customs Enforcement Unit operations and include seven temporary holding cells for those facing criminal and administrative violations tied to customs or immigration laws. The property will be surrounded by an 8 foot high metal fence that has a security checkpoint, a guardhouse and a vehicle inspection site.

It has further come to our attention, that this project was approved for construction without benefit of a use study. It would seem that moving ahead with this building, without studying the impact on the surrounding area, does not take into consideration the negative affect that such a facility would have on this community.

Some real estate people estimate that the facility could result in a 10% further reduction to the already depressed home prices in this area. A traffic congestion and safety issue at the corner of Bancroft, Moody and Mcadam is another problem. The construction of a jail like facility in a largely residential area is not consistent with the vision of a first-rate residential compound within the city. A planned charter school probably would not be opened because it would be less than 300 feet from the jail. Not having the school would have a negative impact on the age diversity we all hope for.

Developers and residents have each invested well over \$600 million in the South Waterfront. The city of Portland has invested several hundred million as well. Further depressing prices will reduce much needed tax revenues and delay further investment and related jobs.

Because there is so much at stake concerning this project it would seem prudent to at least look at the impact such a facility could have on the neighborhood. There are issues that need to be addressed because of the potential

negative impact of the development on the community.

Thank you for taking the time to read this e-mail, which we hope provides an insight into what we as residents consider an important issue before us.

Paul Johnson and Carol Domenico

Moore-Love, Karla

From: Fioravanti, Kara
Sent: Tuesday, January 18, 2011 1:13 PM
To: 'Scott Kelly'; Moore-Love, Karla
Subject: RE: ICE Detention Facility

Scott. Thank you for your comments. The City Council hearing on this matter is Wednesday the 19th at 2PM in Council Chambers. Please contact me if you have additional questions.

Karla. Please include in the public record for LU 10-145100 DZM.

From: Scott Kelly [mailto:scottalankelly@hotmail.com]
Sent: Tuesday, January 18, 2011 11:30 AM
To: Fioravanti, Kara
Subject: ICE Detention Facility

Hello Ms. Fioravanti,

As a parent of a child at Southwest Charter School, I urge you, please, to oppose its proposed neighbor, the ICE Detention Facility.

Thank you for your consideration, Scott Kelly

Moore-Love, Karla

From: Fioravanti, Kara
Sent: Tuesday, January 18, 2011 1:12 PM
To: Moore-Love, Karla; 'adam.wagner@comcast.net'
Subject: FW: ICE Detention Center Concerns

Adam. Thank you for your comments. The City Council hearing on this matter is Wednesday the 19th at 2PM in Council Chambers. Please contact me if you have additional questions.

Karla. Please include in the public record for LU 10-145100 DZM.

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

From: Adam Wagner [mailto:adam.wagner@comcast.net]
Sent: Tuesday, January 18, 2011 11:40 AM
To: Fioravanti, Kara
Subject: ICE Detention Center Concerns

I am writing with my concerns over the proposed ICE Detention Facility in the South Waterfront area. We are parents with 2 kids in the Southwest Carter School and have spent the last 3 years searching for a suitable location for the school. We finally found a site that would work, after the City denied the previous few sites. It is extremely poor planning to put a site that houses any potential criminals, illegal aliens, or potential terrorists within such close proximity to an elementary school, especially a public school. This is simply unacceptable and additional accommodations need to be met for the ICE facility.

Thanks for your attention,
Sincerely,
Adam Wagner

Moore-Love, Karla

From: Fioravanti, Kara
Sent: Tuesday, January 18, 2011 1:13 PM
To: 'Krista Rodriguez'; Moore-Love, Karla
Subject: RE: LU 10-145100 DZM

Krista. Thank you for your comments. The City Council hearing on this matter is Wednesday the 19th at 2PM in Council Chambers. Please contact me if you have additional questions.

Karla. Please include in the public record for LU 10-145100 DZM.

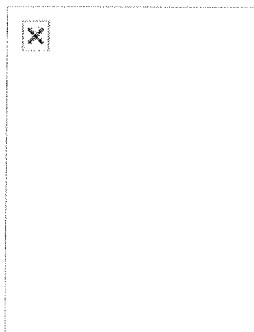
From: Krista Rodriguez [mailto:krista@hillsideimports.com]
Sent: Tuesday, January 18, 2011 10:16 AM
To: Fioravanti, Kara
Subject: LU 10-145100 DZM

Kara,

My name is Krista Rodriguez. I was born and raised in Portland; I attended Skyline Elementary, West Tualatin View Elementary, West Sylvan Middle School and graduated in 1992 from Benson High School. After I graduated from Western Oregon University I resettled in the Portland metro area to raise my family and am now running a successful automotive shop with my husband in SW Portland.

I write to you today as a Portland native and as a concerned Mother. You see, my son is a 1st grader at Southwest Charter School. As I am sure you are well aware there is some debate going on in the City about the decision to locate an Immigration Detention Center a few hundred feet away from my son's new School Building which is in the final stages of renovation before we can occupy it. I am very concerned about this decision and I truly believe it is not in the best interest of the City to allow this to proceed. I am concerned that we, as the potential new neighbors, only heard about the true nature of the building recently. I am positive that the City would have received quite a bit of feedback from our families had we known the true intent of the building early on in the development stage. It is my understanding that it was presented as an office building, but I do not know of any office building that requires an armed guard shack or barbed wire fencing. I think we can all agree that the City of Portland needs to invest in the future and in this particular area of Portland. There is a huge growth potential in the South Waterfront area. Part of that investment is served by getting businesses to move into that area, that's true. But the other part of that investment is our children and our school, this school is one of Portland's best educational opportunities. My son loves his school, he loves his teacher, he is excited to go and learn everyday and he knows that he's safe, loved and respected. Our children have a right to feel safe when they walk into their school building. They have a right to feel safe when they are outside for recess-our kids get recess twice a day-I ask you, can they feel safe when there is an armed guard shack a few hundred feet away? Can I as a Mother feel safe with a decision to house potentially dangerous people a stone's throw away from my son? Would you? I realize we are talking about hypothetical danger here but it is a legitimate concern. All it takes is one attempted escape. One shot fired. Bullets do not always find their intended target.

I realize, sadly, that there is a need for a facility such as this but I cannot believe that there is no better location than next door to an Elementary School. I do not believe that locating this facility next to my son's school and in the middle of an up and coming urban development area is in the best interest of the City and it definitely is not in the best interest of my six year old son. I am hopeful that a more appropriate location can be found for a building such as this.



Krista Rodriguez
Hillside Imports
503-293-0146 #101

Moore-Love, Karla

From: Fioravanti, Kara
Sent: Tuesday, January 18, 2011 1:14 PM
To: 'Michele Guilbault'; Moore-Love, Karla
Subject: RE: LU 10145100 DZM

Michele. Thank you for your comments. The City Council hearing on this matter is Wednesday the 19th at 2PM in Council Chambers. Please contact me if you have additional questions.

Karla. Please include in the public record for LU 10-145100 DZM.

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

From: Michele Guilbault [mailto:guilbault.michele@gmail.com]
Sent: Monday, January 17, 2011 7:32 PM
To: Fioravanti, Kara
Subject: LU 10145100 DZM

Ms. Fioravanti,

I oppose the placement of the proposed ICE detention center, reference code: LU 10-145100 DZM. It is less than 100 feet from Southwest Charter School, which includes K-8th grades. Transferring and holding illegal immigrants and convicted violent criminals near a vulnerable population puts our community at daily risk for dangerous and life-altering consequences. Prevention seems less costly than post-traumatic problem-solving. This is definitely not a "regular office building."

Michele Guilbault
Parent of Southwest Charter School students

Moore-Love, Karla

From: Fioravanti, Kara
Sent: Tuesday, January 18, 2011 1:18 PM
To: 'leroyjbarker@aol.com'; Moore-Love, Karla
Subject: RE: Public Hearing -LU 10145100 DMZ, 4310 Macadam

Leroy. Thank you for your comments. As you indicated in your follow-up email, the City Council hearing on this matter is Wednesday the 19th at 2PM in Council Chambers. Please contact me if you have additional questions.

Regarding your request for an analysis of parking: the Design Review approval criteria did not require such an analysis. Therefore, there is no such information in the record. The Zoning Code does not require parking for any project in the South Waterfront sub-district of the Central City.

Karla. Please include in the public record for LU 10-145100 DZM.

From: leroyjbarker@aol.com [mailto:leroyjbarker@aol.com]
Sent: Monday, January 17, 2011 4:35 PM
To: Fioravanti, Kara
Cc: Fritz, Amanda
Subject: Public Hearing -LU 10145100 DMZ, 4310 Macadam

Dear Ms. Fioravanti,
Commissioner Fritz suggested I contact you regarding any analysis that has been done for this project regarding the need for additional public parking. I would appreciate any information you can provide me. If such an analysis has been performed can I review a copy of it sometime this week before the hearing on Thursday afternoon?
Thank you in advance.
Leroy Barker
503 274 9491