

**OPPOSE  
PROPOSAL**

PROPOSAL OF MILL CREEK RESIDENTIAL TRUST

ZONE CHANGE BLOCK 7 - LU 14-105474 CP ZC

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

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Tom Milne	1132 SW 19 <sup>th</sup> Ave. #708	
✓ Tracy Prince	2187 SW Market St. Dr.	tprince@pdx.edu
spoke ✓ Jennifer Bragar		
✓ Susie Younie	2024 SW Howards Way #103 Portland OR 97201	
✓ Kal Toth, Ph.D.	1132 SW 19 <sup>th</sup> Ave. #304 Portland OR 97209	conniekinke@me.com
✓ Karl Reer	1132 SW 19 <sup>th</sup> Ave. #903 Portland OR 97209	
✓ Marge Sande	1132 SW 19 <sup>th</sup> Ave. #706 Portland OR	
✓ Jeff Walmquist	2020 SW MAIN ST. #408 PORTLAND OR 97205	jwalmquist6974@gmail.com
✓ Norm Zeller	1132 SW 19 <sup>th</sup> Ave. #504 Portland, OR 97209	
✓ Elizabeth Perris	1132 SW 19 <sup>th</sup> Ave. Portland, OR 97209	

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NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Marilyn Weber	1132 SW 19th Ave. #805 Portland, OR 97205	
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✓ Michael Wallace	3213 SW Upper Cascade Drive, Portland 97205	mbw4971@gmail.com
✓ CLIFF WEBER	1234 SW 18th Ave, Apt. 503, PORTLAND OR 97205	webercliff@gmail.com
✓ <del>RODGER LEACHMAN</del>	4117 SW View Point Terr 97239-4080	SCLSPARKY@comcast.net
✓ Daniel Salomon	1701 SW Columbia St. Apt. 118 Portland, OR 97201	daniel.salomon@comcast.net
✓ Connie Kirk	1132 SW 19th Ave. #304 Portland, OR 97205	
✓ Rev. John Dennis	3550 SW BOND APT 2301 PDX 97239	
✓ Mark Velky	1000 SW VISTA AVE. APT. #712 PORTLAND OR. 97205-1137	DMC.LOTUS@YAHOO.COM
✓ <del>Casey Whitne</del>	2722 SW RUTLAND TERRACE PORTLAND, OR 97205	hilary@malckenziearchitecture.com
✓ HILARY MACKENZIE		

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NAME (print)	ADDRESS AND ZIP CODE	Email
<del>Seth Leavens</del>		
✓ Dale Cardin	1132 SW 19th Ave. #707 Portland, OR 97205	
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✓ Helen Gundlach	2024 SW Howards Way #203 Arbor Vista Condo 97201	helen@spiritone.com
✓ Tom Walsh	7615 SW Kelly Ave, Portland, 97219	partnerse.tomwalsh.com
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Roger Leachman	742 SW Vista Ave, #36 Portland, OR 97205	rogerleachman@hotmail.com

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NAME (print)	ADDRESS AND ZIP CODE	Email
Jerry Powell	1926 SW Madison St Portland, OR	jerry@gosethollow.net
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**SUPPORT  
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**PROPOSAL OF MILL CREEK RESIDENTIAL TRUST  
ZONE CHANGE BLOCK 7 - LU 14-105474 CP ZC**

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✓ Adrienne Hill	2178 SW KINGS CT. 97205	dhill167@comcast.net
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✓ Peter Richter	2285 SW Park Place 10A 97205	peter.richter@milvernash.com
✓ John Raaf	<sup>Home</sup> 3415 NE Schuyler, 2165 SW Main - bus	john@raafinvest.com
✓ Dwight A. Terry	16499 NW CHARLAIS ST BEAVERTON OR 97006	DWIGHT.TERRY@COMCAST.NET
✓ Mary Whillond	2188 SW Main St. 97205	
✓ <del>MARLIS MILLER</del> Lynn Brown	2395 SW montgomery or 97201 <del>1132 SW 19th 97205</del>	portlandlb@msn.com
✓ NORM RICH	1849 SW SALMON ST. 97205	NRICH@THEMAC.COM
✓ Len Stevens	834 SW St. Clair Ave 97205	lensstevens@gmail.com
✓ Ty Miles	2221 SW 1 <sup>ST</sup> Ave Pdx 97201	Ptmiles@aol.com

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✓ Spencer Raymond	1105 SW 18 <sup>th</sup> Ave # 3, 97205	swraymond@gmail.com
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✓ Leslie Johnson	3225 SE 25th Ave Pt 97202	ljohnson@kentlaw.com
✓ Andrew Jansky	4217 SW ACTADENA AVE, 97239	ANDREW JANSKY @YAHOO.COM
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NAME (print)

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NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Darcy Henderson	1514 SW Springst 97201	darcythestylist@gmail.com
✓ Peter F Fry	2153 SW Main 105 97205	

**Moore-Love, Karla**

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**From:** Tracy J. Prince, Ph.D. <tprince@pdx.edu>  
**Sent:** Thursday, October 02, 2014 10:41 AM  
**To:** Moore-Love, Karla  
**Subject:** Hearings Officer misled on % of MAC members concerned about parking

Dear Ms. Moore-Love,

To expedite research for Commissioners, here are the quotes I referred to in my testimony yesterday against the MAC's/Mill Creek's requested zone change (LU 14-105474 CP ZC).

The Hearings Officer was relying on incorrect information. Page 7 of the Hearings Officer's report states:

"On the issue of TDM, the applicant noted the parking survey conducted by the MAC showed that 70 percent of members said inadequate parking is a problem."

In fact, the opposite is true. As indicated in the document I provided of the MAC President's Report on February 8, 2011: "71 percent were satisfied with the amount of available parking." MAC surveys since 2011 continue to reflect that an average of 70 percent of members do not have a problem with parking.

Sincerely,

Tracy J. Prince, Ph.D.  
Scholar in Residence  
Portland State University  
Portland Center for Public Humanities  
<http://www.pdx.edu/public-humanities/profile/tracy-j-prince>

## Moore-Love, Karla

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**From:** Robert Davis <rbtadavis@gmail.com>  
**Sent:** Wednesday, October 01, 2014 7:19 PM  
**To:** Moore-Love, Karla  
**Subject:** Re: Proposed Block 7 Rezone  
**Attachments:** Memo 19.docx

Mr. Moore-Love, I am a property owner in the Goose Hollow neighborhood. I have attached here a letter concerning the proposed rezone of Block 7 in the neighborhood. I am respectfully requesting that you provide the letter to members of the Portland City Council. Thank you for your courtesy and assistance as to this matter. Robert Davis

2021 SW Main, #67

Portland, Oregon 97205

October 1, 2014

Members of the Portland City Council

1221 SW 4<sup>th</sup> Avenue

Portland, Oregon 97205

Re: Proposed Rezone of Block 7, Goose Hollow

Dear Members of the Council:

I am the chair of the Royal Manor Condominium located in the Goose Hollow neighborhood. Our building is “catty-corner” from the proposed structure as advocated by the Multnomah Athletic Club. I write on my own behalf and do not purport to speak for our building population as a whole (though there is considerable opposition in our building to the proposed structure).

We are part of the highest density square mile in the State of Oregon. We are not pikers when it comes to density.

We are, however, an especially impacted area:

To the northeast of our building are the Providence Stadium and the Multnomah Athletic Club. To the south of our building is Jefferson Street, which serves as an exit for east-bound traffic coming off Highway 26.

The stadium, the club, and the highway generate a great deal of traffic through the neighborhood. The Multnomah Athletic Club now proposes to build a structure entirely out of proportion to its immediate surroundings and to build it

Re: Proposed Rezone of Block 7

October 1, 2014

Page 2

in such a way as to create over 100 apartments without parking. The effect of this would be to create more traffic in the area as the residents of the apartments circle the neighborhood in search of parking spaces. Further, the club's members would likely be driving through additional parts of the neighborhood to reach off-premises parking in the proposed building. It is unclear to me what efforts the Multnomah Athletic Club has ever made to reduce automobile traffic to its facility. Furthermore, the club owns property in a more clearly commercial area where a parking garage would be much more suitable.

It has long been the understanding in the neighborhood that the MAC agreed it would not propose a commercial use for Block 7. It is now doing just that. It proposes to construct a residential structure including a hotel and a commercial parking garage. The neighborhood is already an area greatly affected by high-use factors such as the club and stadium and Highway 26. I ask that we have no further commercial uses that will impact the many residents of the neighborhood in a negative manner. I ask that you deny the rezone to commercial as to Block 7. Thank you for your consideration.

Yours truly,

Robert Davis

## Testimony at City Council, October 1, 2014

My name is Michael Wallace. I live at 3213 SW Upper Cascade Drive, a little west of Block 7, which I pass by every day on my way to work. I am opposed to rezoning for the purpose of commercial construction in Block 7. The MAC has repeatedly promised never to develop Block 7 beyond residential zoning, and now MAC is ignoring this commitment to the neighborhood.

⊗

Do we need more commercial area in Portland? In historic neighborhoods? Commercial rezoning would increase traffic congestion, increase competition for on-street parking, increase noise and air pollution, decrease pedestrian safety, and decrease livability in a historic, residential neighborhood. Can the City Council not say "no" to development, say "no" to more traffic, and maintain livable residential space in Goose Hollow? *Is this proposal compatible?*

The neighborhood does not need nearly 300 new apartments, particularly when one-third of them will have no parking. Current residents will have to compete with new residential traffic and compete for limited on-street parking. If the MAC needs more parking, let the MAC-owned property on SW 20<sup>th</sup> and 21<sup>st</sup> be developed, close to the clubhouse and Providence Park. *Is this proposal compatible?*

As Portland grows, City Council must be increasingly aware of its obligation to the general public, and not be beholden to interests pushing for commercial expansion. Rezoning would allow MAC an exclusive garage that is not public. Rezoning would allow MAC to build hotel suites that will require supply trucks in a residential neighborhood, and increase traffic far beyond that of the added residents of the new apartments. Trash collection will occur on a 24-hour basis, further disrupting the residential neighborhood. ~~This is not right.~~ *Is this compatible?*

This zoning proposal does not provide net benefits to the City of Portland, nor to the residents of Goose Hollow. The only beneficiaries are the developer and some of the members of the MAC. ~~Neither of the potential beneficiaries~~ represents the general public of the City of Portland, which the City Council is committed to serve. This zoning proposal should be denied.

Thank you.

*M Wallace*

503-227-2600

⊗ Earlier today Commissioner Fritz stated that compatibility is essential to changing land use. The proposed zoning change is not compatible with the existing neighborhood.

October 1<sup>st</sup>, 2014

**Portland Mayor Hales and Portland City Commissioners Fish, Fritz, Novick and Saltzman**

**Subject: GHFL Block 7 Planning Committee's Final Report\* of April 24<sup>th</sup>, 2014**

Ref: LU 14-1054474 CP ZC, Pre-App: #13-142602, Mill Creek Realty Trust LLC to the City of Portland.

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My name is Susan Younie, I have lived in Goose Hollow for 25 years, and owned my home at Arbor Vista for 16 years. I am a life-long member of the MAC, and use the facilities frequently. I love the MAC, but I think that they are not honoring promises made to the neighborhood.

I am going to talk to you about the GHFL sanctioned Block 7 Committee report and the lack of follow through on promises by the MAC to the City to provide regular updates and progress on managing parking demand. Copies of the GHFL Block 7 report are in your packet.

In the report you will find that the Block 7 Planning Committee found that the proposed CX rezone of Block 7 undermines numerous applicable Comprehensive Plan goals and policies, in particular, Goal 6 Transportation, Goal 3 Neighborhoods, Goal 5 Economic Development, and Goal 8 Environment. We respectfully disagree with the hearings officer's analysis.

### **Comprehensive Plan Goal 6 Transportation and Dependent Goals 3, 5 and 8**

Block 7 Committee Report finds that CX zoning, which enables MAC parking and guest suites, stimulates additional traffic into Goose Hollow, undermining Goal 6 and thereby goals 3, 5, and 8:

- a) Worsening traffic congestion, parking, and safety on our local streets (G6)
- b) Reducing mass transit ridership, eroding TriMet revenues (G6)
- c) Degrading the environment via escalating noise and air pollution due to traffic and parking (G8)
- d) Eroding neighborhood livability and stability (G3)
- e) Enabling the MAC to compete unfairly with area convention centers (G5)
- f) Offering little or no economic benefits to area businesses (G5)

### **MAC has Not Practiced Effective Parking Demand Management**

Hearings Officer has not challenged MAC's poor management of parking demand or considered the negative impacts on the Goose Hollow neighborhood.

Policy requiring members to be in the Clubhouse when using MAC parking is routinely violated:

- Lack of enforcement enables members to park in the garage when going downtown for entertainment or work, and while attending Timbers, Thorns, PSU, and Lincoln High School games.
- On August 27<sup>th</sup>, the MAC GM was observed returning by train to the MAC garage from the Moda Center to retrieve his car, a violation of club policy.

MAC should practice proven parking demand management schemes such as:

- Establishing parking fees that are competitive with mass transit, also peak-, and off-peak pricing
- Establish a time limit (for example 3 hours) for parking in Club facilities, and enforce it
- Limiting the number of parking permits to one or two per membership
- Monitoring parking policy violations and levying meaningful penalties

Let's see some actual demand management (as promised) before we approve additional parking.

MAC's lack of Parking Demand Management discourages carpooling and mass transit ridership while creating traffic and parking problems for Goose Hollow residents. Consider for example:

- MAC offers unlimited free parking to members
- MAC allows members to obtain parking permits for as many as 4 vehicles/membership

Please note that the Hearings Officer derived his assessments of Goals 3, 5 and 8 from his assessment of Goal 6 Transportation. The lack of effective parking demand management negatively impacts parking and therefore traffic arriving and leaving the MAC garage and proposed new Block 7 parking. Because Goals 3, 5 and 8 are directly dependent on Goal 6 Transportation, the Hearings Officer has also thereby erred in his assessment of Goals 3, 5 and 8.

Sincerely, Susan Younie, 2024 Howards Way, 103, Portland, OR, 97201, [susie.younie@gmail.com](mailto:susie.younie@gmail.com)

Attachment: GHFL Block 7 Planning Committee Report, April 24, 2014

Submitted on  
10/01/2014

City of Portland Comprehensive Plan Goals and Policies

**GHFL Block 7 Planning Committee Response to  
Mill Creek / MAC Request to City of Portland to  
Amend the Comprehensive Plan Map and the  
City's Zoning Map on Block (RH to CX)**

**Executive Summary**

Final Report

Submitted April 24<sup>st</sup>, 2014

**GHFL Block 7 Planning Committee**

Chaired by Linda Cameron

**Committee Members:**

Harvey Black

Dale Cardin

Nic Clark

Annette Guido

Connie Kirk

Casey Milne

Tom Milne

Timothy Moore

Jerry Powell

Karl Reer

Doug Richardson

Daniel Salomon

Jesse Spillers

Ann Thomson

Kal Toth

Tina Wyszynski

**Resolution of the GHFL Block 7 Planning Committee passed April 23<sup>rd</sup>, 2014**

Moved by H. Black, seconded by R. Leachman, the Committee resolved, by a vote of 18 to 5 (3 abstentions) that:

"The GHFL Block 7 Committee takes the position of opposing the Mill Creek-MAC application for zone change on Block 7 because of the application's failure, on balance, to be compliant with the 12 goals of the City's Comprehensive Plan, and because the proposed zone change of Block 7 to CX is in direct contravention of the MAC Master Plan and the MAC agreement with the GHFL and the City to develop Block 7 in conformance with the existing RH zoning."

## City of Portland Comprehensive Plan Goals and Policies

### Organization of this Report

This report to the GHFL Board consists of this Executive Summary packaged with the reports of the GHFL Block 7 Planning Committee groups, each group assessing how well, on balance, the Mill Creek / MAC application and request to rezone Block 7 from RH to CX complies with the 12 goals of the City of Portland's Comprehensive Plan. The applicant's burden of proof is to demonstrate compliance with all 12 goals.

The applicant's submission consists of context-setting introductory sub-sections (pp. 4-17) followed by 12 main sections, each identifying a Comprehensive Plan Goal and the Applicant's responses to each goal.

The Annex following this Executive Summary contains the reports of the committee's working groups starting with a report addressing the introductory sub-sections of the submission, followed by reports addressing each goal of the Comprehensive Plan. Each report articulates the goal and policies being addressed, Mill Creek's response(s), and the GHFL Block 7 Planning Committee's responses.

### Background Relevant to the Mill Creek Submission

On 7/23/81, the GHFL and the MAC entered into an agreement to develop Block 7 within RH which led to the 1981 MAC Master Plan approved by the City (4/06/83) to develop Block 7 within RH. On 6/28/90, the GHFL Board passed a resolution to amend the 1981 MAC Master Plan. Subsequently, the GHFL and the MAC entered into an agreement to amend the MAC Master Plan creating the 1993 MAC Master Plan which specified the intent to develop Block 7 within RH.

This sequence of events provides objective evidence that the GHFL Board has been committed to the development of Block 7 within RH since 1981 - 33 years ago. The current proposal by Mill Creek, the MAC's development partner, to develop Block 7 within CX, breaks with the MAC's commitment to build within RH on Block 7.

### Mill Creek's Context Setting Response to the Comprehensive Plan

Mill Creek (the applicant) asserts that their proposal to develop Block 7 under CX is more supportive of the goals and policies of the City's Comprehensive Plan under CX zoning than under RH because the proposal will improve upon the existing traffic problems in the area and that MAC's parking deficiency will be solved. The proposal does not provide objective evidence that validates the claimed traffic problems that will be improved upon. And solving the MAC's parking deficiency does not appear to further any of the Comprehensive Plan's goals.

### Summary of Assessments

The summarizing assessments below are supported by the detailed assessments documented in the Annex. The reader should begin by reviewing the summarized assessments below, and subsequently explore the detailed assessments found in the annex to this report.

**Goal 1 Metro Coordination:** With respect to Title 6, additional free MAC parking will increase reliance on the automobile, discourage ride-sharing, cycling, walking and public transit, and thereby fail to protect the region's and the City's investments in high capacity transit. With respect to Title 12, the proposal escalates parking and traffic congestion which elevates noise and air pollution.

**Goal 2 Urban Development:** Goose Hollow is a historic district consisting of a considerable number heritage homes. The MAC/Mill Creek proposal for Block 7 would seriously undermine Goal 2's mission to retain this character of this neighborhood. Executing a zone change on Block 7 from "RH" to "CX" would support a public policy allowing the building of a commercial parking garage in the middle of the residential neighborhood, thereby compromising the character of this neighborhood, and lowering the quality of life for all its residents. Although Block 7 is not officially "designated" an open space, it has been freely used as such for over 30 years, neighbors enjoying a variety of large shade trees, grass, and an assortment of flowering plants, birds and small animals. Block 7 has made an enormous contribution to the quality of life in the neighborhood. A rational plan for development of the block would be to set aside at least a portion of the property as a green space while permitting high-density residential development with smaller buildings of comparable size to those already present in the neighborhood, such as the Four Seasons or Royal Manor condominiums. The submission presents a relatively massive 9-story block structure with no setbacks from the sidewalks. Other factors compromising Goal 2 conformance by Mill Creek include traffic congestion, pollution, on street parking problems, mass of the structure which are covered later in this report.

## City of Portland Comprehensive Plan Goals and Policies

**Goal 3 Neighborhoods:** Block 7, zoned RH, is bounded on the east and west sides by RH zoning with 132 homes in total. The southern boundary of the block faces 6 Victorian-era houses – 3 of them with residential uses, and 3 of them with commercial (small business) uses. The northern side faces the existing MAC parking garage. Block 7 is the keystone RH element joining Block 2 (RH) to the foot of mostly residential Kings Hill. Rezoning Block 7 would bifurcate this contiguous RH-zoned residential area – inserting a CX zoned property with commercial parking and hotel suite elements. Introducing hotel suites into the neighborhood further commercializes the area comprised of primarily residential homes and a few small businesses. This is not a good fit for the neighborhood. Furthermore, traffic congestion elevated by the additional MAC parking will significantly worsen traffic on the local streets around the block, these streets being already overburdened during rush hours and Timbers games. This will threaten livability including pedestrian and cycling safety (also motorized wheel chairs). Residents will be obliged to compete more rigorously for already scarce on-street parking because an estimated 50-75% of Block 7 residents will not have parking, and because during busy periods MAC members will be seeking out on-street parking to avoid the queues of cars waiting at the two garage entrances. The mass of the building, escalated by the need to achieve economic viability of the project to pay for MAC parking and hotel suites, puts downward pressure on the number of parking spaces constructed for Block 7 residents, which additionally increases area competition for on-street parking.

**Goal 4 Housing:** The applicant's proposal satisfies the housing need but trades off too much livability for high density housing. MAC parking for an additional 225 parking stalls plus 14-16 hotel suites escalates building mass which undermines residential features. For example, the high cost MAC parking has eliminated possibilities of a true pocket park and the court-yard depicted in previous renderings of the proposed structure.

**Goal 5 Economic Development:** The proposed additional MAC parking is for the exclusive use of MAC members and guests who will directly benefit from MAC free parking. Area residents and small businesses in the neighborhood will not have access to MAC parking to satisfy their own parking needs. This will hurt local businesses and residents rather than benefit them. With respect to the conservation of natural resources, the neighborhood is "park-deprived". This proposed project intends to eliminate a plot of land (over 40 trees and shrubs) that provides clean air for the area and is home to a variety of wildlife and old trees.

**Goal 6 Transportation:** The applicant has asserted, without attribution, that there will be "no new trips" to the Club for parking as a result of the proposed reconfiguration of parking. Inevitably, the additional 225 (42%) MAC parking spaces and 14-16 hotel suites will generate more trips because of the availability of MAC parking, enabling the club to increase the number and size of special events and attract many more members and guests to fill the available capacity. It appears that the MAC's current overflow parking facilities will remain available for the MAC to continue using (MAC has not stated whether this parking will, or will not, continue to be used – see Annex). The lack of MAC parking demand management (parking is free, number of permits/members not controlled, etc.) exacerbates this problem. These factors will combine to drive up the total volume of cars entering and exiting the area thereby elevating noise pollution, air pollution, pedestrian safety, and cycling safety and other livability factors.

**Goal 7 Energy:** Additional MAC parking increasing the number of MAC trips to the club will increase energy consumption by MAC members in comparison to other citizens, such as Timber's fans, who use alternate means of travelling to the stadium, namely, transit, walking and cycling.

**Goal 8 Environment:** Goose Hollow residents have a number of livability concerns. The excessive mass of the proposed building necessitates removing all of the 40 large trees and other vegetation on the block which destroys the habitat for a wide variety of animal life. This removes the natural purification system and significantly degrades local water quality. The proposed green roof will only partially off-set this loss of flora. Meanwhile, increased congestion on the small area streets will increase air and noise pollution which will additionally degrade livability for area residents. Escalated traffic congestion and parking caused by the proposed project will also significantly threaten pedestrian and cycling safety. Neighbors are also concerned about the landslide and seismic conditions which are not addressed by the applicant. Using the precautionary principle, the applicant should be required to conduct a comprehensive geologic study that concretely explains such risks to residents, as well as city officials.

**Goal 9 Citizen Involvement:** If the zone change to CX with restrictive covenant is approved, neighborhood involvement in future changes on Block 7 will be significantly impaired given public notice, meetings and hearings would not need to be held under such a restrictive covenant. Area residents are also very concerned about the efficacy of the proposed restrictive covenant itself. Unanticipated changes to the CX zoning designation that are not allowed under RX would harm the interests of individual Block 7 residents as well as neighbors. The proposed restrictive covenant could permit uses under CX that are not allowed under RH, for example, overnight trash

## City of Portland Comprehensive Plan Goals and Policies

pickup. Also, as mentioned above, owners of Block 7 could open negotiations with the City at virtually any time to remove restrictions on Block 7 or even cancel the covenant ... without involving neighbors.

**Goal 10 Plan Review and Administration:** The requirements of Goal 10 are not met because Policy 10.7 (1-4) of the applicants' request specifically asks that commercial parking and hostelling activity be allowed on the site. These are activities that are specifically not allowed under the present Comprehensive Plan designation and implementing zone. The applicant's intent well may be that no net loss of housing would result on site, but numerous policies of the Portland Comprehensive Plan cite potential threats to the sustainability of the residential character of the surrounding properties... and thus to the broad range of housing opportunities that exist now in this residential area. Furthermore, this plan amendment and zone change request would enable the Multnomah Athletic Club to expand its public parking supply into a nearly solidly residential portion of the Goose Hollow/Kings Hill neighborhood, albeit through an underground access.

**Goals 11 Public Facilities:** Although addressed by Mill Creek, this goal is not applicable to the Block 7 zone change request.

**Goal 12 Urban Design:** The proposed structure does not fit with Goose Hollow's unique identity anchored by Victorian homes and an extensive tree canopy – the proposed structure is inconsistent with this historic neighborhood. The additional MAC parking draws additional traffic into the edge of the City's downtown core, and discourages use of mass transit. Better urban design options more compatible with the surroundings are available. For example, the MAC owns several properties to the west of its clubhouse that are adjacent to developments that are not residential in nature. The impact on the neighborhood of using one of those properties (e.g. the surface lot on SW 20<sup>th</sup> across from the stadium) would be less expensive to build and would have little or no negative impact on Goose Hollow's residential neighborhood.

### Recommendations Proposed by Committee Members

1. The GHFL and the City should sustain its agreements with the MAC to develop Block 7 within RH.
2. The GHFL should recommend to the City that it reject the application to rezone Block 7 to CX because the proposal fails to support, on balance, the City of Portland's Comprehensive Plan Goals.
3. The GHFL should recommend to the City that it deliberate no further about the applicant's submission to rezone Block 7 to CX without the applicant taking the following actions:
  - (a) Objectively determining the MAC's parking deficiency by way of a Central City Parking Review (CCPR) or equivalent independent quantitative study;
  - (b) Completing an independent environmental impact study that determines the impacts on the neighborhood of the proposed project on water quality, air pollution, and noise pollution;
  - (c) Completing an independent geologic study that determines the combined risks and impacts on the neighborhood of landslide, seismic, and rainfall conditions during the excavation phase of the proposed construction.

**Please see Annex which follows for comprehensive assessments of the Applicant's request.**

## **Annex**

### **GHFL Block 7 Planning Committee Reports**

Response to Introductory Section of Mill Creek Submission

Goal 1: Metropolitan Coordination

Goal 2: Urban Development

Goal 3: Neighborhoods

Goal 4: Housing

Goal 5: Economic Development

Goal 6: Transportation

Goal 7: Energy

Goal 8: Environment

Goal 9: Citizen Involvement

Goal 10: Plan Review Administration

Goal 12: Urban Design

Evaluation of the MAC-Mill Creek CPM-ZC Application

## Response to the Introductory Sub-Sections of Mill Creek Submission

*This segment of the GHFL Block 7 Planning Committee Response addresses the subsections found in pages 1-17 of the submission.*

### Land Use Reviews Requested (pp. 4-5)

#### Mill Creek Request for Block 7

- (a) The MAC, who owns Block 7, has partnered with Mill Creek Residential Trust to develop Block 7.
- (b) The MAC is providing the land; and Mill Creek has committed to build MAC uses for the Club's exclusive and private use, namely, MAC parking and MAC hotel suites (a.k.a. MAC units).
- (c) Proposal summary:
  - Amend Comprehensive Plan Map from High Density Multi-Dwelling to Central Commercial
  - Amend zoning RH to CX
  - Allow the construction of:
    - 260-280 rental apartments (non-MAC residential apartments)
    - 191 parking for apartments (non-MAC residential parking stalls)
    - 225 MAC parking stalls/spaces (MAC parking stalls)
    - 14-16 MAC hotel suites (MAC units).
- (d) The current zoning of RH on Block 7 must be amended to CX to allow 225 car MAC parking.
- (e) Such a zone change also requires an amendment to Portland's Comprehensive Plan MAP which requires City Council approval.

#### GHFL Block 7 Planning Committee Response

- (i) 7/23/81 GHFL and MAC entered into an agreement to only develop within RH on Block 7 [3]
- (ii) 4/06/83 City approved 1981 MAC Master Plan to develop only within RH on Block 7 [4]
- (iii) 6/28/90 GHFL Board passed a resolution to amend the 1981 MAC Master Plan [5]
- (iv) 7/23/81 GHFL and MAC entered into an agreement to amend the MAC Master Plan [6]
- (v) 3/01/93 City approved 1993 MAC Master Plan to only develop within RH on Block 7 [7]
- (vi) 11/17/95 S. Janik letter to City of Portland stated:

"The Master Plan is a separate land use decision that continues to apply to all properties discussed in the Master Plan, until the Master Plan terminates, which will be when all the development allowed by the Master Plan is completed."
- (vii) The submission states that the sole purpose of the application is to allow MAC uses under CX.
- (viii) The submission and proposed development project therefore breaks the MAC's commitment and signed agreements with both the GHFL and the City to develop Block 7 with RH zoning on Block 7.
- (ix) GHFL and City should enforce its agreements with the MAC by rejecting Mill Creek's zone change request.

#### References

- [1] Summary of Documents in the GHFL's files, Susan Hall, Vice President GHFL, 6/7/1990
- [2] City Council Hearing Minutes Regarding MAC Application to Build Parking Garage, 1/28/81
- [3] Agreement and Master Plan negotiated between the GHFL and MAC, 7/23/81
- [4] 1981 Multnomah Athletic Club Master Plan submitted 8/5/81 and approved by the City 4/6/83
- [5] GHFL Board Resolution re. Amendment to Agreement and Master Plan, 6/28/90
- [6] Amendment to Agreement of 7/23/81 between GHFL and MAC dated 8/2/90
- [7] 1993 "Multnomah Athletic Club Master Plan" draft dated 5/21/92, final dated 3/1/93 approved by City
- [8] MAC President D. Cusack letter to GHFL President S. Paget, 5/30/1995
- [9] MAC President D. Cusack letter to J. Claypool, City of Portland Bureau of Planning, 6/30/1995
- [10] S. Janik, Ball Janik & Novack letter to City of Portland Planning Department, 11/17/1995

## City of Portland Comprehensive Plan Goals and Policies

### Mill Creek Proposes

To attach a Restrictive Covenant on the Block 7 legal title (draft included with submission):

- Restrictive Covenant on Block 7 could be canceled or modified by current or future owner applying to City without neighborhood involvement or public hearings. This would damage neighborhood interests.
- The neighborhood is concerned that a zone change would permit other uses under CX, for example, early morning trash pickup which is not permitted under RH.
- This could occur if the Restrictive Covenant is ambiguously drafted, poorly enforced, cancelled or modified.

### Proposal Overview (pp. 6-7)

#### Mill Creek Submission:

- Additional MAC parking will serve existing demand ("no new trips" to the MAC for parking).
- Traffic Impact Analysis (TIA) is based this assertion of no new trips.
- Submission also claims that traffic and parking conditions will realize improvements.

#### GHFL Block 7 Planning Committee Response

- Response under Comprehensive Plan Goal 6 Transportation provides objective evidence that automobile trips to MAC parking are rising, not remaining flat.
- This, thereby, compromises the efficacy of Mill Creek's submitted Traffic Impact Analysis (TIA).

### Background (pp. 7-11)

#### Mill Creek Submission

- Proposal states there are no maximum or minimum parking requirements in Central City Plan District. Proposal also concedes that parking requests exceeding 60 spaces normally undergo Central City Parking Review (CCPR).
- Proposed 225 parking spaces exceeds this threshold - applicant has not submitted a CCPR.
- Proposal asserts that PCC Table 266-2 implies that MAC needs 1,060-1,891 parking spaces and is therefore under-parked because current MAC parking totals 652 (536+116).

#### GHFL Block 7 Planning Committee Response

- PCC Table 266-1 confirms that under CX zoning the City could approve zero parking (see box "none").
- In the absence of a comprehensive Central City Parking Review (CCPR), the applicant has not provided objective evidence that the MAC is parking deficient.

#### Mill Creek Submission

- Proposal states that a substantial portion of the properties in the vicinity of Block 7 are currently CX.

#### GHFL Block 7 Planning Committee Response

Applicant does not acknowledge that the predominant character of the area surrounding Block 7 is residential, not commercial.

- Block 7 is bordered by 132 residences (all RH) on the western and eastern sides
- On the south side, the block is bounded by 6 properties zoned CX, 3 of them being multi-family residences
- Block 7 is bounded on the north by the MAC parking garage which is zoned CX.

Neighborhood concerns:

- If Block 7 is rezoned to CX:
  - This predominantly residential area would be bifurcated (split in two)
  - RH zoned Block 2 would be surrounded by CX and isolated from rest of residential neighborhood
- If CX is approved on Block 7 there is a risk that the Restrictive Covenant would be eliminated or modified to allow non-residential (commercial) uses on Block 7 without neighborhood involvement.

## City of Portland Comprehensive Plan Goals and Policies

### Chapter 33.810 – Comprehensive Plan Map Amendments (pp. 12-17)

#### Mill Creek Submission

Applicant asserts (on p. 14) that the proposal will, on balance, be more supportive of the Comprehensive Plan under CX zoning than under RH zoning because the proposal will have a positive effect on the MAC's parking deficiencies and overall traffic in the study area.

#### GHFL Block 7 Planning Committee Response

As detailed in the neighborhood response to Goal 6 Transportation, and as highlighted above, having not completed a Central City Parking Review (CCPR), the applicant has not provided objective evidence of parking deficiency. Furthermore, objective evidence provided confirms that MAC parking is actually increasing which discredits the Traffic Impact Analysis (TIA) together with any benefits this study is claimed to provide.

- Before deliberating any further, the City should require the applicant to complete and submit a Central City Parking Review (CCPR), and provide objective evidence that MAC needs additional parking as claimed.
- The GHFL and the City should take actions to enforce their agreements with MAC to develop Block 7 within RH by rejecting this zone change application.

#### Summary

The GHFL and the City should reject the application to rezone Block 7 to CX because the proposal fails, on balance, to meet most of the goals of the Comprehensive Plan and documented the sections that follow addressing Comprehensive Plan goals 1 through 12.

## City of Portland Comprehensive Plan Goals and Policies

# Goal 1 Metropolitan Coordination

*The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.*

### **Title 6 – Centers, Corridors, Station Communities, and Main Streets**

*Calls for actions and investments by cities and counties to comply with the Regional Framework Plan including investments in high capacity transit line.*

#### **Mill Creek Response**

Proposal only states that the property will remain fully subject to Central City Parking Review.

#### **GHFL Block 7 Planning Committee Response**

The Mill Creek response falls well short of completing and submitting a CCPR to the City. Before making a decision about the CX zoning change, the city should require the applicant to demonstrate that the MAC is indeed parking deficient by completing a Central City Parking Review (CCPR). A completed comprehensive CCPR would help the City assess the impacts of new MAC parking on Tri-Met usage at the 3 MAX stations close to the Club.

If the City approves the applicant's proposal for a zoning change to CX, this action would enable the MAC to offer additional free parking to members and guests thereby promoting increased automobile usage over mass transit, eroding Tri-Met revenues, and increasing the tax burden on the general public. This would damage the City's and the Region's investment in high capacity transit.

### **Title 12 – Protection of Residential Neighborhoods**

This title includes helping implement the Regional Framework Plan to protect existing residential neighborhoods from air, noise and water pollution.

#### **Mill Creek Response**

The applicant claims that Title 12 is not applicable because the proposal does not involve a designed park, school, or neighborhood center.

#### **GHFL Block 7 Planning Committee Response**

This appears to miss the point. Before making a decision about the CX zoning change, the city should assess the impacts of the proposed additional MAC parking on air, noise and water pollution.

As detailed in neighborhood responses to Goal 6 Transportation, the number of MAC automobile trips for MAC parking will increase, rather than decrease as asserted. This in turn will increase noise and air pollution in the vicinity of Block 7.

As described under Goal 8 Environment, the proposed project will eliminate 40 trees and all vegetation on Block 7 and thereby decrease the quality of water and land resources in the area.

#### **GHFL Block 7 Planning Committee Response with Respect to Goal 1**

Applicant does not comply with Goal 1 Metropolitan Coordination primarily because the proposal fails to comply with or improve upon Comprehensive Plan Goal 6 Transportation and Goal 8 Environment. The City should not approve the applicant's proposal for a zoning change to CX since this action enables the MAC to offer additional free parking which competes with mass transit and erodes investments in high capacity transit. The City should reject the application to rezone Block 7 from RH to CX.

## Goal 2 Urban Development

*Maintain Portland's role as the major regional employment, population and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.*

### Mill Creek Response

Mill Creek's proposal under the requested Central Commercial (CX zone) designation is more supportive of Goal 2 than under the existing High Density Multi-Dwelling (RH zone) designation. Under the existing RH zoning, Mill Creek would be able to develop the proposed Apartments, but it could not provide for the additional MAC Parking. However, under the proposed CX zoning, Mill Creek will be able to develop both the Apartments and the MAC Parking, thereby supporting both components of Goal 2. First, the proposal will fully preserve the residential character contemplated under the current RH zoning designation through Mill Creek's commitment to build the Apartments consistent with the Goose Hollow design guidelines. Second, the additional MAC Parking allowed under the proposed Central Commercial designation will expand opportunities by remedying the current parking and traffic deficiencies for the MAC. Both residents and visitors to the Goose Hollow neighborhood will therefore benefit from Mill Creek's proposal.

### GHFL Block 7 Planning Committee Response

- Retaining the Character of the neighborhood compromises: The key phrase in Portland's Goal 2 mission statement is "while retaining the character of established residential neighborhoods", which the MAC/Mill Creek proposal for Block 7 would seriously undermine. Executing a zone change on Block 7 from "RH" to "CX" would support a public policy allowing the building of a commercial parking garage in the middle of the residential neighborhood, thereby compromising the character of this neighborhood, and lowering the quality of life of all its residents.
- Increased traffic will damage character of the neighborhood: The proposal includes parking for 225 MAC members, whose use would be short term resulting in over 1,000 automobile entries and exits daily.
- On street parking would also be compromised: Additionally, the property would provide 70-90 fewer parking spaces than apartments, creating increased demand for the already limited parking in the neighborhood for residents, their families and guests.
- Mass of the building incompatible with character of the neighborhood: The mass of the building to be built over the parking will be well over twice the mass of any non-MAC building in the area, thus damaging the character of the neighborhood
- CX zone change incompatible with existing neighborhood: Rezoning Block 7 to CX would effectively cut off the residential zoning of the neighborhood to the East, creating a mixture of zoning designations. Executing a zone change on Block 7 from RH to CX will support a public policy allowing the building of an auxiliary parking garage on an RH block that bridges or connects RH zoning in adjacent areas. This block is critical in retaining a zoning continuity between King's Hill and The Flats (both zoned RHd) to the east. If the zoning of Block 7 is changed, the RHd zoning of The Flats will be disconnected, putting it at risk for zone changes in future years.

## POLICIES & OBJECTIVES:

### 2.2 Urban Diversity

*Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.*

#### Mill Creek Response

This proposal provides a unique opportunity to maximize the effective use of the Block 7 property in a manner consistent with the surrounding land use pattern. The proposed Apartments will contribute towards accommodating the demand for housing within the City, while the MAC Parking will reduce existing traffic issues (as discussed below) and thereby improve the livability of the proposed development and the surrounding area.

## City of Portland Comprehensive Plan Goals and Policies

### **GHFL Block 7 Planning Committee Response**

- The Proposal will magnify existing traffic issues: The added MAC Parking will magnify already existing traffic issues and thereby worsen the livability of the proposed development and the surrounding area. More parking means "more cars, more noise, more pollution" in our neighborhood. Increasing capacity of the garage without increasing the number of entrances/exits in the existing garage through use of a tunnel will back traffic up on already busy SW 20<sup>th</sup>. Conversely, adding entries and exits for MAC parking in the proposed structure will greatly impact traffic on quiet residential streets.
- Rentals increase resident turnover rate: The creation of 260-280 rental apartments will create a higher turnover rate of residents than currently exists in owner-occupied residences in the neighborhood.

### **2.6 Open Space**

*Provide opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways and cemeteries. Establish a loop trail that encircles the city, and promote the recreational use of the city's rivers, creeks, lakes and sloughs.*

#### **Mill Creek Response**

Although the Block 7 property is presently vacant and undeveloped, it is not zoned or otherwise designated as open space. More importantly, high density residential development is fully allowed on the subject property under the current plan and zone designations. The proposal to convert the site to a Central Commercial designation will therefore not impact any open space policies.

### **GHFL Block 7 Planning Committee Response**

The block IS an open space currently and used by neighbors. Regardless of whether the Block 7 property is officially "designated" as an open space, it is in fact an open space and contains a variety of large shade trees, grass, and an assortment of flowering plants, and has been enjoyed by residents in the neighborhood for many years and has contributed to the quality of life in the neighborhood. A rational plan of development for the block could set aside at least a small portion of the property as a green space, while still allowing high-density residential development with smaller buildings of comparable size to those already present in the neighborhood, such as the Four Seasons or Royal Manor condominiums. However, the plan calls for a massive, block-like 9-story structure with no setbacks.

### **2.9 Residential Neighborhoods**

*Allow for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods.*

#### **Mill Creek Response**

The applicant did not respond to this policy.

### **GHFL Block 7 Planning Committee Response**

The commercial parking component of this proposal compromises every facet of residential life in the Block 7 neighborhood by exacerbating air and noise pollution impacts, heightening dangers for pedestrians and bicyclists, and maxing out the residential road and transportation infrastructure, among others.

### **2.13 Auto-Oriented Commercial Development**

*Allow auto-oriented commercial development to locate on streets designated as Major City Traffic Streets by the Transportation Element. Also allow neighborhood level auto-oriented commercial development to locate on District Collector Streets or Neighborhood Collector Streets near neighborhood areas where allowed densities will not support development oriented to transit or pedestrians. Where neighborhood commercial uses are located on designated transit streets, support pedestrian movement and the use of transit by locating buildings and their entrances conveniently to transit users, pedestrians, and bicyclists and providing on-site pedestrian circulation to adjacent streets and development.*

## City of Portland Comprehensive Plan Goals and Policies

### Mill Creek Response

The applicant did not respond to this critical policy.

### GHFL Block 7 Planning Committee Response

Affected streets are NOT classed as "Major City Traffic Streets" SW 20th Avenue and SW Main Street in the vicinity of the current MAC parking garage and the proposed new garage cannot reasonably be deemed "Major City Traffic Streets". SW 20th Avenue in particular is already overloaded with traffic, partly owing to through traffic between Jefferson St and Burnside, and partly due to MAC members entering or leaving the existing garage. Adding a new parking garage, to boost parking capacity by 40%, will only exacerbate an already bad situation on those streets, which are classified as "Local Services Traffic Streets" by the City.

## 2.17 Transit Stations and Transit Centers

*Encourage transit-oriented development patterns at transit stations and at transit centers to provide for easy access to transit service. Establish minimum residential densities on residentially-zoned lands within one-half mile of transit stations and one-quarter mile of transit centers that support the use of transit. The design and mix of land uses surrounding transit stations and transit centers should emphasize a pedestrian- and bicycle-oriented environment and support transit use.*

### Mill Creek Response

The applicant did not respond to this policy.

### GHFL Block 7 Planning Committee Response

- The proposal discourages use of public transit: The proposed parking garage does not encourage transit use but instead encourages and facilitates the further use of private transportation for the several thousand MAC members who visit the facility regularly.
- MAC has a history of ignoring traffic-related problems: The MAC historically has not shown a genuine or concerted effort to mitigate the problems introduced by the first garage, including heavy traffic congestion, air pollution, car noise, hazardous driving, and the resulting threats posed to pedestrian and bicyclists' safety, despite the MAC's assurances to the City multiple times in the past.
- MAC has not complied with assurances to manage parking demand: Despite promises to the city in 1983 and again in 1995, MAC has made only token efforts to encourage use of mass transit. Members may receive up to 5 parking stickers, and are not limited in length of time for parking. Guests attending the increasing number of "special events" compete for both garage and on-street parking spaces.
- The proposal is inconsistent with vision of the City: Evidence suggests their proposal will only increase the car presence in the neighborhood, along with the associated problems. The proposal de-emphasizes and works counter to a pedestrian, bicycle and transit-oriented environment for the 21st century.

## 2.23 Buffering

*When residential zoned lands are changed to commercial, ensure that impacts from non-residential uses on residential areas are mitigated through the use of buffering and access limitations. Where R-zoned lands have a C, E, or I designation, and the designation includes a future Buffer overlay zone, zone changes will be granted only for the purpose of expanding the site of an abutting nonresidential use.*

### Mill Creek Response

The applicant did not respond to this policy.

### GHFL Block 7 Planning Committee Response

- Neighborhood Goals not supported by the Proposal: Portland's goals for housing and neighborhoods support the notion that community, a social concept, is a necessary component for a sustainable and enduring residential neighborhood, regardless of its density, its diversity, or its location. Implicit in that concept is that the unnecessary intrusion of commerce, industry or institution that doesn't intrinsically support the neighborhood is to be avoided.

## City of Portland Comprehensive Plan Goals and Policies

- Conveniences of the project don't benefit residents: The ultimate aim of the MAC/Mill Creek proposal for Block 7 is to create added features and conveniences for visitors (but not residents), and will be experienced only by visitors on a temporary, intermittent basis, at the expense of residents in the neighborhood, who will be forced to deal with more significant noise and traffic impacts on a regular, permanent basis.
- MAC has not made reasonable efforts to limit parking demand: The MAC has shown great reluctance to impose any kind of cost or limits on its members parking privileges at the club. The parking for members is free and unlimited, and no serious attempt is made to recommend or encourage the use of mass transit or any other means of transportation by its membership.

### 2.23 Central City Plan

*Encourage continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living. Through the implementation of the Central City Plan, coordinate development, provide aid and protection to Portland's citizens, and enhance the Central City's special natural, cultural and aesthetic features.*

#### Mill Creek Response

Mill Creek's proposal under the requested Central Commercial designation better supports the foregoing Goal 2 policies than under the existing High Density Multi-Dwelling designation. Mill Creek's commitment to fully developing the property with the Apartments project designed consistent with the current RH zoning will ensure the protection of the residential character of the surrounding properties as well as increase the residential density of the Central City area, thereby supporting Policies 2.9, 2.11 and 2.15. However, as discussed above, the Central Commercial designation will allow Mill Creek to develop *both* the Apartments allowed under the current zoning *and* the MAC Parking allowed under CX zoning, thereby maximizing the utilization of the currently vacant and undeveloped site in support of Policy 2.19 and 2.20. Finally, by amending the plan designation to accommodate Mill Creek's proposal, the City will ensure a continued investment and development of the Central City Plan area pursuant to Policy 2.25. The development contemplated by this application is exactly the kind of efficient use of land that is the key to continuing to promote the Central City and Goose Hollow district as a vibrant place to live and work.

#### GHFL Block 7 Planning Committee Response

- Proposal is a strategy for increasing MAC Parking: The driving force behind Block 7 -- really, the sole reason for its existence -- is the MAC's desire for more member parking. The one point of design that is completely non-negotiable in the Block 7 project is the MAC's absolute requirement for 225 new off-street parking spots. Since early on, we've seen many other aspects of the design evolve, but never that.
- High Cost of MAC Parking will drive size of the building: Building a parking structure of this size (especially underground) is very expensive, so MAC is partnering with Mill Creek. But Mill Creek itself will need, eventually, to recoup the high cost of building the MAC parking structure, so they're planning to construct a very large, 260-to-280 unit apartment building on top of it. As Mill Creek plans to own and operate the building, renting or leasing apartments in it, it makes sense to have the largest possible number of units to let. Therefore, Mill Creek plans to stretch the City's building code to the max, and having Block 7 rezoned to "CX" will help a great deal with that, by removing design issues such as "set-backs" and increasing the FAR ("floor-area ratio") allowance to its furthest limit.
- While the project may maximize use of the property, it is at the expense of the neighborhood and is achieved by bending the intent of the zoning rules and comp plan: The massive scale of the proposed development is excessive and should not be approved. If this development is allowed, the two corporate entities will each get what they want, but at the expense of the Goose Hollow neighborhood we live in. They're only pretending to be "good neighbors" here, while really concentrating on getting their way. Rezoning the property just to make possible the construction of parking spaces is a bending of the rules and intent of zoning laws and the comp plan.
- A much better option would be to find added parking for MAC elsewhere: The community would be vastly better off if the rezoning of Block 7 to "CX" is denied, forcing the MAC to look elsewhere for additional member parking (and there are such places, already owned by MAC, to the northwest of their clubhouse). Meanwhile, a better, smaller, but still high-density apartment building (or pair of buildings) could be designed for Block 7 in a manner more appropriate to the neighborhood, and perhaps one that leaves at least some of the ample greenery now on the site in place, for the future use and enjoyment of all area residents.

## Goal 3 Neighborhoods

*Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the city's residential quality and economic vitality.*

### Mill Creek Response

MAC parking...will improve the quality of the surrounding area for residential uses" and acknowledges zero negative effects of constructing the 225 additional MAC-only parking spaces beneath Block 7.

### GHFL Block 7 Planning Committee Response

The Mill Creek response asserts that the proposal will have no impact on the neighborhood and will improve both existing and expected conditions. These assertions are made without objective evidence or sound arguments.

In fact, the opposite is true. The proposed Mill Creek re-zoning of and commercial development of Block 7 harms the neighborhood for the following reasons:

1. **Increase Traffic Density and Congestion.** The proposed project will add 225 parking spaces, which will generate an estimated 675 vehicle entrances/exits daily, from 5:00 AM until 11:00 PM, in a neighborhood already dense with traffic, thus undermining the livability of the neighborhood.
2. **Increase Toxic Pollution from Vehicles.** The added vehicle use substantially increases exhaust pollution, harmful to everyone, but particularly toxic to elderly persons and those with lung and heart ailments. It further reduces the desirability of living in the neighborhood, negatively impacting residential stability.
3. **Increase Traffic Risk to Pedestrians, Students and Bicyclists.** The increased parking garage capacity will exacerbate the existing dangers from cars speeding and darting in and out of the two garage entrances.
4. **Displace Residentially-Zoned Space.** The proposed zoning change continues the encroachment of Commercial (Cx)/entertainment development in the neighborhood, reducing the total space zoned Residential (Rh) and decreasing the residential character of the neighborhood. Once the zoning has changed, any limiting "contractual covenant" language can be easily and quietly revised to permit greater commercial use of the property.
5. **Worsen Parking Problems for Neighborhood Residents.** Only MAC members and their guests can use the garage. Neighborhood surveys have shown that fewer than fifteen MAC member cars regularly park on the street. The garage will encourage additional vehicle usage related to MAC Special Events and a continuing lack of Demand Management of the MAC parking. Moreover, the construction of the residential building on the site will have an estimated 100 units without available off-street parking.
6. **Damage Local Businesses.** Small shops, restaurants and pubs in the neighborhood benefit from people walking by or using nearby public transportation. Shops lose business when cars go directly to and from a parking garage.
7. **Generate Chaos and Back-up at the Garage Entrances with the Development of the Proposed Underground Tunnel.** The added 225 parking spaces will be accessed only through the two existing Parking entrances/exits, adding crowding at the two sites and generating dangerous congestion and back-up out into the passing streets.
8. **Reduce Neighborhood Livability, Stability and Property Values, Beginning with Construction.** Excavation of the one-acre property and construction of the garage and large residential building will cause havoc in the surrounding streets and chaos within the existing MAC parking structure for close to two years. The excavation itself will risk landslides while the earth is being removed, particularly during Portland's rainy season. The resulting noise pollution and construction chaos, plus the resulting traffic congestion and worsening neighborhood parking problems will reduce livability and property values within the neighborhood.

## City of Portland Comprehensive Plan Goals and Policies

### Goal 4 Housing

*Enhance Portland's vitality as a community in the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodate the needs, preferences, and financial capabilities of current and future households.*

#### Mill Creek Response

By a straight plan designation/zone comparison, both the existing RH zoning and proposed CX zoning for the site promote residential development. While RH zoning is focused specifically on high density residential development, all types of residential development are also fully permitted within CX zone. See PCC Table 130-1. Moreover, residential development is strongly encouraged in the CX zone in the Central City Plan District (and the subject site) through FAR and height bonuses. See PCC 33.510.210(C); Map 510-3. The only significant differences between the CX zone and RH zone for residential purposes is that the CX zone allows a range of commercial uses other than residential development and the development standards (setbacks, building coverage, etc) are slightly different.

Mill Creek's proposal, however, fully addresses any potential risks of adverse impacts to the residential character of the area that could be caused by proposed plan/zone change. The Apartments component of Mill Creek's proposal will remain unchanged between the existing RH zoning and proposed CX zoning. The only change in use will be the addition of the MAC Uses. As discussed above, Mill Creek will execute a restrictive covenant in favor of the City to ensure that no other commercial uses open to the public are located on the site. Finally, as discussed below, Mill Creek's TIA demonstrates that the MAC Parking spaces will improve both the current and projected (if the project is built under RH zoning) circulation, parking, and level of service functions of the surrounding area, thereby improving conditions for the residential uses on the site.

#### GHFL Block 7 Planning Committee Response

- A. Parking & Traffic Impact on Neighborhood: The assumption above that both parking and traffic circulation will be improved is highly subject to further objective evaluation due to the impact of the development on nearby neighbors...not only upon traffic circulation and parking accommodation for MAC members and their visitors. A recent traffic survey by the neighborhood as well as MAC's contracted traffic and parking study deserves serious scrutiny before concluding that this requirement is, in fact, met by MAC and Mill Creek.
- B. Building Size and Design Characteristics: The setbacks and building "coverage" (e.g. footprint, scale, and FAR) deserve fair consideration for the neighborhood as regards how they affect its character, existing natural resources, continuity and compatibility in design with nearby houses on Madison street, and with the long and well recognized historical significance and special value of this close-in to downtown area.
- C. Geological and other Natural Resource Adverse Impacts to the Neighborhood: As adverse impacts are concerned, the known slide potential for this location should weigh in favor of preserving this environmentally vulnerable block for more natural, undisturbed purposes as currently existing in its open space value as might be suggested by previous geological mapping and possibly by testing done recently by MAC itself.
- D. A recently made available natural resources inventory of the space by resident Daniel Salomon also lays out the variety of natural resources in the form of irreplaceable plants and animals offering diversity, air protection, aesthetics, and contributing to the overall mental and physical health to neighbors collectively and individually.

#### Mill Creek Response with respect to 4.1, 4.2, and 4.3

Mill Creek's proposal fully supports Policies 4.1 and 4.2 by committing to develop the currently vacant Block 7 site with the Apartments and by executing the proposed restrictive covenant in favor of the City to ensure that, except for the additional MAC Parking spaces, the site will be used exclusively for residential development. Because the property is located within close proximity to the MAX line, the Applicant's commitment to developing new residential uses on the property supports Policy 4.3.

## City of Portland Comprehensive Plan Goals and Policies

### GHFL Block 7 Planning Committee Response with respect to 4.1

This development does not appear to seek to meet the *affordability* of people seeking to become inner city residents but rather a more financially well off community privileged with an auto-focused lifestyle and a higher income resident with less commitment to a permanently established connection with a neighborhood and its alternate transit options.

- E. The design features of this development as addressed in objections under other goals is not consistent with respect for the character, historical, *natural* resources, and aesthetic qualities of the neighborhood.
- F. The proposal does not "encourage housing design that supports the conservation, enhancement, and continued vitality of areas of the city with special scenic, historic, architectural or cultural value of the neighborhood.
- G. Though not violating the comprehensive plan goals as it applies to the existing Block 7 lot this does apply to efforts to seek alternate locations for the mixed use development on nearby existing surface lots within the neighborhood.

### GHFL Block 7 Planning Committee Response with respect to 4.2

The extra parking component alone for members and guests purposes appears to go against the original intent of this provision within the plan. Otherwise the apartment units alone would seem to qualify for inclusion with the development.

### GHFL Block 7 Planning Committee Response with respect to 4.3

This development, by no means, supports sustainable development so far as conserving pre-existing natural resources as it absolutely eliminates them in a previously established open space by virtue of having demolished many years before former housing neighborhood stock and allow land value to accrue on the market. Nor does it facilitate park use for either its future residents or nearby neighbors as it actually eliminates its availability and worsens easier access to both on a level terrain where such facilities are concentrated.

On the face of it, the development appears to support mass transit while in actuality with its liberal parking component added to it, essentially cancels out the benefit of such perceived accommodation for the neighborhood, members, guests, and residents.

- C. Location of such a development facilitating resident, club member or guest facility parking at a location adjacent to the club itself as well as being nearby mass transit would be better placed on a similarly convenient surface lot within the neighborhood as opposed to eliminating the benefits from already existing green or open space in favor of parking related residential purposes.
- D. Considering the presence of considerable plant and animal life, the geological consistency of the space on the block, and vulnerability to such a massive development which includes space provision for extra parking, the impact could be lessened by saving a portion and at a minimum dividing it for preservation of some of these currently existing natural resources on the land (as identified within Daniel Salomon's natural resources inventory of the plants, animals, and geology on the property).

### Mill Creek Response with respect 4.7

Because the proposed Comprehensive Plan and Zoning Map amendments are requested for the sole purposes of allowing the additional MAC Uses, and will not otherwise affect the apartment development component of the development, this application will not have any impact on Goal 4 housing opportunity and housing affordability policies and objectives.

### GHFL Block 7 Planning Committee Response with respect to 4.7

Though the MAC and Mill Creek has a general right to constructing such an auto-focused development, due to its increased cost by providing the additional parking element will likely be less affordable to prospective renters and absolutely will not be contributing toward a more balanced and economically diverse neighborhood.

### Mill Creek Response with respect to 4.11

Because the proposed Comprehensive Plan and Zoning Map amendments are requested for the sole purposes of allowing the additional MAC Uses, and will not otherwise affect the apartment development component of the development, this application will not have any impact on Goal 4 housing opportunity and housing affordability

## City of Portland Comprehensive Plan Goals and Policies

policies and objectives.

### **GHFL Block 7 Planning Committee Response with respect to 4.11**

MAC has not demonstrated a good faith commitment to full utilization of MAX light rail or local bus availability, car share, or shuttle service on an everyday basis through existing transit use policy for existing members or future residents. It can easily further explore expansion on use of additional alternate transit modes such as car share, carpooling, and potential shuttling of members and guests from an outlying area such as near the zoo to support existing event parking.

On the basis of design features for additional parking, setback, coverage, and which are not compatible with the character, aesthetics, scenic, historical, architectural, cultural, natural resources preservation for the surrounding neighborhood, the environmental quality of its air as a result of the increased traffic impacting the health and promotion of that for the general community... this specific Block 7 location would best be considered for an alternative nearby surface lot location if legitimate need for any additional parking can in fact be proven by the Multnomah Athletic Club in an already well served mass transit served community.

Merely from the standpoint of contributing to the neighborhood toward a greater diversity of income levels benefiting from the nearby efficient transit options and encouraging use of a wide variety of transit modes for a more diverse population including families and children, this particular project places auto-oriented provision for less long term committed individuals over the best interests and livability of the surrounding neighborhood. Opportunities for the existing community and possible future residents, at the expense as well of losing a prime green space of considerable value, and particularly when new nearby projects are relieving pressure already for housing and lower elevations hold promise for further appropriate location in the future, this project is not sustainable from an environmental viewpoint and by virtue of its additional parking goes against past neighborhood / MAC understandings for the block.

## Goal 5 Economic Development

*Foster a strong and diverse economy, which provides a full range of employment and economic choices for individuals and families in all parts of the city.*

### Mill Creek Response

As discussed above, a significant feature of this proposal is the Applicant's commitment to execute a restrictive covenant limiting the uses on the property to the proposed Apartments and MAC related uses. Even with this limitation, however, the Applicant's proposal is more supportive of Goal 5 than simply developing the Apartments under the existing RH zoning.

The proposed Apartments themselves support Goal 5 by increasing living opportunities within the Central City and Goose Hollow area, thereby providing an additional local customer and employee base to support economic development in these areas. However, the additional MAC Parking allowed through the proposed Central Commercial designation will provide two additional key economic benefits.

First, the additional parking will benefit the MAC itself, which employs over 500 employees, supports over 17,000 resident members, and serves many important social, athletic, and cultural functions for the City.

Second, by improving the present traffic conditions at the surrounding intersections, the MAC Parking will necessarily benefit customer access to surrounding local businesses.

Finally, although not a direct economic benefit, the improvement in traffic conditions will also improve the livability of the project vicinity for residents.

### GHFL Block 7 Planning Committee Response

This proposal does not meet the Comprehensive Plan for Goal #5 (see arguments below)

- Mass transit is working in Portland, encouraging more cars on the road reduces livability and could have a negative effect on the city's economic development
- Goose Hollow needs more family owned housing. 52% of residents living in the area earn less than \$25,000. Another 43% earn between \$25,00 and \$100,000. Approximately 90% live in rental units (most very small and not adequate for families). What is needed for this neighborhood to be more vibrant and diverse is family owned housing.
- The MAC has not demonstrated an effective command for demand management of their parking facility and options. The vast majority (over 70%) of MAC members do not report a problem finding adequate parking.
- MAC owns many other properties better suited for parking (closer to businesses) that could be used for mixed use with events at Providence Park and that are located outside the core residential area.
- This proposal goes against the city's objective to increase the use of mass transit and reduce the need for parking.

## Goal 5 Policies & Objectives

### 5.1 Urban Development and Revitalization.

*Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.*

### Mill Creek Response

The subject site is currently vacant and undeveloped. The Applicant's proposal will lead to the development of the site with both the proposed Apartments and the additional MAC Parking, thereby encouraging investment in development for both housing and employment opportunities.

### GHFL Block 7 Planning Committee Response

- The proposal encourages the use of cars
- The character and effective revitalization of the neighborhood is not well addressed in the current proposal by Mill Creek/MAC

## City of Portland Comprehensive Plan Goals and Policies

- As mentioned earlier more family owned homes are needed not additional rental units.
- This proposal does not improve or enhance livability of the neighborhood

### 5.3 Community-Based Economic Development

*Support community-based economic development initiatives consistent with this Comprehensive Plan and compatible with neighborhood livability.*

#### Mill Creek Response

The Applicant's proposal will support the development of a high quality residential apartment project that reflects the existing zoning and the land use pattern of the area, while also addressing the existing deficiencies in the MAC parking situation, and thereby improving the overall livability of the surrounding neighborhood.

#### GHFL Block 7 Planning Committee Response

As described in the Annex under Goal 3 Neighborhoods, Goal 6 Transportation, and Goal 8 Environment, the Mill Creek/MAC proposal's insertion of MAC parking and hotel suites undermines livability of the neighborhood. The asserted high quality of Mill Creek's proposed apartment building cannot off-set these negative livability impacts. Development of a structure(s) more compatible with the nature of the neighborhood - without MAC uses - would boost economic development without the negative livability impacts.

### 5.3 Transportation System

*Promote a multi-modal regional transportation system that stimulates and supports long term economic development and business investment.*

#### Mill Creek Response

The subject site is one block north of NW 18<sup>th</sup> Avenue, which is classified as Regional Transit Way & Major Transit Priority Street and provides blue and red line MAX light rail service. The proposed Apartments will benefit from the MAX service and increase the potential rider base. More importantly, the proposed MAC Parking will reduce the impacts of existing traffic conditions and vehicle demand, and will not increase vehicle usage and demand. By improving the current traffic system conditions, the Applicant's proposal supports long term economic development and business investment in the area.

#### GHFL Block 7 Planning Committee Response

- Encourages the use of cars by adding 225 additional parking spaces for MAC members & visitors
- Prioritizes auto oriented uses before transit oriented uses within the vicinity of a valuable transit station.
- Creates added conveniences for visitors, experienced on a temporary, intermittent basis (e.g., closer parking than the alternative), which will come at the expense of permanent residents, forced to deal with more significant impacts on a regular and permanent basis.
- The MAC has not shown a concerted effort to mitigate the problems introduced by the first garage, including traffic congestion, air pollution, noise, hazardous driving, and threats posed to pedestrian and bicyclists' safety. Evidence suggests their proposal will only enlarge their presence in the neighborhood, increasing problems. As such, the proposal de-emphasizes a pedestrian- and bicycle-oriented environment.
- Conservation of natural resources: The neighborhood is park deprived. This proposal intends to eliminate a plot of land (over 40 trees and shrubs) that provides clean air for the area and is home to a variety of wildlife and mature trees. Solutions that preserve a goodly portion of these mature trees would be much better received by the neighborhood.

## City of Portland Comprehensive Plan Goals and Policies

### Goal 6 Transportation

*Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.*

**Summary:** Mill Creek's application for zone change on Block 7 does not meet the City's Transportation Goal. Despite repeated assertions of "no new trips" in the Mill Creek application, non-local car traffic will increase markedly after Block 7, owing largely to the planned 42% increase in MAC reserved parking stalls. This will negatively impact the livability of our entire neighborhood. Air and noise pollution will increase, as will reliance on the automobile, even though mass transit facilities exist nearby as alternatives to travel by car. The MAC's current parking management policy is not sustainable, as it is based on always seeking more parking, instead of managing the demand by its members and guests for its existing parking facilities.

#### Mill Creek Response

Mill Creek asserts the number of car trips to the MAC **will not increase** owing to Block 7 project

#### GHFL Block 7 Planning Committee Response

- Application repeatedly uses catch-phrases "**no new trips**" and "**will not generate any new trips**"
- Phrase is used so often in the Mill Creek application, we call it the "**no new trips**" mantra
- Assertion of "**no new trips**" is **unsupported** by any traffic-study evidence in the Kittelson TIA
  - Does not arise from any actual traffic data or analysis in the Kittelson TIA report
  - Derives instead from statements about the size of MAC's membership and its facilities
  - Ignores the effect of adding a pool of 225 new reserved parking spaces for members
  - Used to falsely extrapolate from present traffic conditions to future conditions after Block 7
  - Needed by Mill Creek for positive spin, but is not a plausible, believable, or likely result
- Proposal for Block 7 will increase the number of MAC reserved off-street parking stalls by **42%**
- Adding a pool of 225 reserved parking spots will **in itself** attract more members and guests to MAC
  - "build it and they will come" or "nature abhors a vacuum" -- take your choice of metaphors
- New pool of reserved parking will enable MAC to host more "**special events**" for members & guests
- Number and frequency of car trips to the Club by members and guests will **increase sharply**
- Result will be **many more trips**, on **many more occasions**, with **much more demand** for parking

#### Mill Creek Response

Mill Creek says excessive **traffic circulation** and **on-street parking problems** in the MAC vicinity will be **rectified** or **eliminated** by Block 7 project

#### GHFL Block 7 Planning Committee Response

- Relies on unproven and unlikely "no new trips" hypothesis, unsupported by any actual evidence
- Increasing by 42% the number of cars entering the MAC Garage will cause traffic congestion issues
  - **Internal congestion** in MAC garage will rise as **search for an empty stall** is made more difficult
  - **External congestion** at entrances to MAC garage will rise as cars **queue longer** to enter and leave
- Proposal will not alleviate on-street parking issues in the neighborhood around MAC and Block 7
  - More MAC members will park on-street to avoid long queues and congestion in the garage
  - New MAC member parking on Block 7 will soon fill to capacity and spill out onto streets
- More reserved parking for MAC members on Block 7 will **worsen traffic congestion** in the area

## City of Portland Comprehensive Plan Goals and Policies

### 6.2 Public Involvement

#### Mill Creek Response

Mill Creek asserts it attended **numerous public meetings** in the neighborhood

#### GHFL Block 7 Planning Committee Response

- Submitted a "log" of neighborhood meeting places and dates as part of its application for Block 7
- Failed to record or note the **high degree of opposition** in the neighborhood to their Block 7 plans

### 6.11 Street Design Classification

#### Mill Creek Response

Proposal asserts Block 7 will not change local street classifications

#### GHFL Block 7 Planning Committee Response

- Most streets in the immediate vicinity of Block 7 are classified as "**Local Service Traffic Streets**"
  - SW 20th Avenue, SW Main St, SW 19th Avenue, SW Madison are local residential streets
  - Only Salmon St and SW 18th Ave are rated to handle heavier car traffic loads
- Local streets were not designed or intended by the City to bear high, sustained levels of traffic
  - "**Local Service Traffic Streets**" are meant to serve the local residents of a neighborhood
  - Not designed for through traffic or high levels of commercial or non-residential traffic
  - SW 20th Avenue is already heavily used as a **short-cut** from Burnside St to Jefferson St
  - Adding more parking for MAC members will worsen the situation on SW 20th Ave considerably

### 6.15 Traffic Calming

*Requires applicant to manage traffic on local streets in a manner consistent with their classification, in order to preserve and enhance neighborhood livability*

#### GHFL Block 7 Planning Committee Response

- Adding 42% more MAC member parking will flood local residential streets with **out-of-area cars**
- More traffic on local streets in the area will **sharply reduce** the "livability" of the neighborhood

### 6.19 Transit-Oriented Development

*Urges applicant to reinforce link between transit and land use*

#### GHFL Block 7 Planning Committee Response

- MAC is served by three MAX stations and numerous Tri-Met bus lines
- MAC has failed to adequately **incentivize its membership** to use Portland's mass transit system
- Limits itself instead to encouraging only its employees to use mass transit
- Much more could be done to reduce automobile use by MAC members and guests

### 6.22 Pedestrian Transportation

*Urges applicant to help create **pedestrian network** in neighborhood*

#### Mill Creek Response

Mill Creek proposal says they will construct sidewalks and do light landscaping around Block 7 (!)

## City of Portland Comprehensive Plan Goals and Policies

### GHFL Block 7 Planning Committee Response

- In fact, increased traffic congestion will make walking **unpleasant and hazardous** after Block 7
- The disabled and elderly will be put at **further risk** when crossing streets at many intersections

### 6.23 Bicycle Transportation

Urges applicant to help make the bicycle an integral part of daily life

### GHFL Block 7 Planning Committee Response

- Mill Creek uses "**no new trips**" mantra to suggest bicycling in area will become safer with Block 7
- Instead, more traffic congestion will make bicycling on local streets **more hazardous** after Block 7

### 6.25 Parking Management

*Urges businesses and residents to strive for certain important goals, including neighborhood vitality, auto trip reduction, and improved air quality, when managing parking*

### GHFL Block 7 Planning Committee Response

- Block 7 proposal will increase reliance on the **automobile** as the preferred means of transportation
- Many cars entering the MAC parking garage during the average day are **single-occupant vehicles**
- Meanwhile, MAC is served by **three MAX stations**, two MAX lines, and numerous Tri-Met bus lines
- MAC's parking policy **maximizes car trips** at the expense of air quality and neighborhood vitality

### 6.28 Travel Management

*Urges developers to mitigate the impact of development-generated car traffic by implementing a **Parking Demand Management** program*

### GHFL Block 7 Planning Committee Response

- MAC doesn't seem to have a meaningful or effective **Parking Demand Management** program
  - Club offers **virtually unlimited free parking** to members (and often, to guests as well)
  - Club will issue as many as **four (4) concurrent parking stickers** per member
- **Parking Demand Management** is a policy aimed at regulating the use of existing parking capacity
  - Demand management requires establishing a **reasonable cost** for the use of parking facilities
  - Demand management by the MAC should discourage excessive use of its parking facilities
    - Should prevent or penalize all-day or long-term parking in the MAC garage
    - Should limit number of parking stickers it issues to just **one or two per member**
- Free parking is a **strong disincentive** for MAC members and guests to use the mass transit system
  - Cost of parking should be **at least as high** as the cost of using mass transit
  - Adding **more free parking** for MAC members will just make matters worse in the long run
- The aim of a Parking Demand Management program is to achieve **sustainable and balanced use**
  - Cost structure of a parking facility is adjusted over time to prevent or minimize **saturation**
  - Effective demand management system can prevent costly and unpleasant parking overloads
- At present, the MAC is practicing **Parking Source Management** instead of Demand Management
  - MAC strives to endlessly **expand its pool** of reserved parking for members and guests
  - When it runs out, MAC seeks more parking to "save the day" and continue functioning
  - And so on, *ad infinitum* -- this is **not a sustainable plan** for the MAC or the neighborhood
- MAC needs to implement an effective and sustainable **Parking Demand Management** program

## City of Portland Comprehensive Plan Goals and Policies

### 6.42 Central City Transportation District

Block 7 is within the Central City Plan District, so the applicant must address the **Central City Transportation Management Plan (CCTMP) Goal:**

#### CCTMP GOAL

*Provide for and protect the public's interest and investment in the public right-of-way and in the transportation system, and support the Central City by:*

- *Increasing use of mass transit, biking, walking, and carpooling as alternatives to single-occupant vehicles*
- *Improving access and circulation within the capacity of the street system for all modes of transportation*
- *Minimizing demand for parking without negatively impacting development opportunities by managing long- and short-term parking and providing incentives to encourage the use of alternative modes*
- *Minimizing and mitigating the effects of high-density development on adjacent neighborhoods*
- Applicant uses the **"no new trips"** mantra yet again to assert that all the CCTM goals will be met
  - Says vehicle circulation in neighborhood will be reduced by adding new MAC member parking
  - Claims reduced circulation of member cars will enhance environment for pedestrians & cyclists
- Instead, the provision of **42% more** reserved parking stalls for MAC members and guests will:
  - Inevitably **worsen** the current traffic environment on local streets in the Block 7 area
  - Draw **many more cars** from **all across the city** to the Goose Hollow neighborhood
- Any supposed benefit of reduced circulation on our local streets will be **purely transitory**
  - Block 7 will lead to much worse traffic congestion than there is now, at many times of the day
  - New parking facility will **soon fill to capacity** as more members become aware of it
  - MAC will inevitably schedule more **"special events"** to fully utilize new reserved parking
  - Eventually, MAC member cars will once again spill out onto local streets looking for parking
  - The **status quo ante** will then be re-established, only at an **even higher level** of traffic congestion
- In the long run, it is unlikely **any** of the laudable goals of the Portland CCTMP cited above will be met
- And the Goose Hollow neighborhood will be forever the poorer for it

#### Conclusions

- The Mill Creek application for Block 7 does not satisfy Goal 6 of the Comprehensive Plan
- The GHFL Board should decide against approving this project for development

--- end ---

## Goal 7 Energy

*Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.*

### **Mill Creek Response**

The proposed apartments and parking contemplated by this application will incorporate energy efficient and sustainable designs and materials throughout in compliance with all applicable energy and building code standards.

### **GHFL Block 7 Planning Committee Response**

While Mill Creek plans to build an energy-efficient LEED certified building, this desirable attribute of the proposed apartment building is not relevant to the application for zone change from RH to CX. What *is* relevant is that the zone change is requested specifically to enable a proposed 225-space parking facility for the Multnomah Athletic Club under the apartments, and this parking facility will only make it easier for MAC members, guests, and special event attendees to drive more cars more often to the Multnomah Athletic Club.

The Kittelson & Associates traffic study commissioned in support of the application for zone change provides only anecdotal information obtained from the MAC regarding current parking usage and does not provide evidence to support the assertion that additional parking will address current overflow without also facilitating an increase in automobile use. Examples of expanded parking leading to increased use of automobiles are too numerous to list in this brief statement. If the proposed parking spaces eventually turn over roughly three to four times per day, as is the case for the spaces in the existing MAC parking garage, the additional 600–900 cars per day driving to and from the MAC will add significant burden of energy consumption and associated emissions and related impacts. It seems therefore rather self-evident that building additional parking for the MAC in the middle of Goose Hollow does not meet the criteria of Comprehensive Plan Goal 7.

## City of Portland Comprehensive Plan Goals and Policies

# Goal 8 Environment

*Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.*

### Mill Creek Response

The applicant observes that there are no mapped or designated natural resources that will be impacted by the project and that the proposed MAC parking will not deter the use of alternate modes of transportation. The applicant also highlights the planned water management plan and discussed noise abatement during construction.

### GHFL Block 7 Planning Committee Response

Environmental concerns are only partially explored by the applicant. The proposal asserts consistency with Goal 8's general policies towards air quality, water quality, and noise pollution. The submission does not explain how the proposed project will reinforce air quality or avoid detrimental noise pollution.

As detailed in neighborhood responses to Goal 6 Transportation, several factors will increase MAC trips to the Club for parking which will increase noise and air pollution in the vicinity of Block 7:

- The proposed project will eliminate 40 trees and all vegetation on Block 7 which will decrease the quality of water and land resources (more below).
- The applicant, during presentations to residents, has articulated that economics necessitate building larger structure to accommodate MAC parking.
- Proposed zone change request to CX escalates the mass of proposed structure. For economic viability, the number of rental units must be maximized to pay for the high costs of deep excavation, construction of the 225 parking spaces, and tunneling under SW Main Street.
- A smaller structure without 225 MAC parking spaces would avoid deep excavation and construction costs; preserve some of the mature trees, flora and fauna; and lessen traffic, air and noise pollution.

**Restrictive Covenant:** Residents are very concerned about the efficacy of the proposed restrictive covenant: for example, the restrictive covenant may fail to prohibit overnight trash pickup which is not allowed under RH but is allowed under CX. Also, the City and the Block 7 owner (current or future) could negotiate changes to the covenant, or even cancellation of the covenant, without neighborhood involvement.

## 8.3 Air Quality

### Mill Creek Response

The proposal does not address impacts of project on air quality.

### GHFL Block 7 Planning Committee Response

Neighborhood response to Goal 6 Transportation describes that new MAC parking will stimulate additional trips to the MAC which will increase air and noise pollution in the vicinity of Block 7 and the MAC. Additional MAC parking during busy periods will cause longer queues for cars at entrances which will also increase air and noise pollution while idling.

Note: Proposal incorrectly labels 8.4 "Air Quality" instead of "Ride Sharing, Bicycling, Walking and Transit".

The applicant should be required to complete an environment impact study that examines the public health and safety hazards of air and noise pollution due to additional MAC parking in the area before deliberating further about this zone change application.

## 8.4 Ride Sharing, Bicycling, Walking and Transit

### Mill Creek Response

Proposal asserts that alternate transportation modes will not be deterred because the proposed new MAC parking replaces existing [secondary] parking.

## City of Portland Comprehensive Plan Goals and Policies

### **GHFL Block 7 Planning Committee Response**

Proposal overlooks the possibility that more trips to the MAC will be generated by multiple factors including: more frequent trips by members; availability of 42% more parking, continued use of secondary parking facilities, and growth of special events (these are discussed in more detail under Goal 6. Additional free MAC parking stimulates more auto use and discourages other transportation modes including ride-sharing, mass transit, cycling, and walking. Free MAC parking reduces public transit usage, reduces Tri-Met revenues, and increases pressure on public funding, shifting mass transit subsidies to Portland taxpayers at large.

### **8.6 Wastewater Systems**

#### **Mill Creek Response**

Applicant proposes a green roof to off-set loss of vegetation.

#### **GHFL Block 7 Planning Committee Response**

Proposal calls for constructing two levels of MAC parking, underneath two levels of residential parking, said parking occupying the entire footprint of Block 7. The proposed green roof will only partially mitigate environmental losses caused by elimination of existing 40 mature trees, numerous shrubs, and other vegetation.

- Water quality will be degraded by loss of flora and fauna which in turn degrades storm water draining into sewage system
- Mature trees and vegetation play a critical role in sustaining public health and safety.

Dean Marriott, Director of the Portland Bureau of Environmental Services states: "Green infrastructure, such as trees, effectively manages storm water"; and "A single mature tree with a 30-foot crown can intercept more than 700 gallons of rainfall annually. So every tree counts". [Letter to the Editor, Oregonian, Treebates contribute to green infrastructure, Sept 26, 2013].

The applicant should be required to complete an environment impact study before deliberating further about this zone change application.

### **8.12 Natural Hazards**

#### **Mill Creek Response**

The applicant's submission did not present a comprehensive geologic study assessing the conditions and risks that could threaten Goose Hollow residents.

#### **GHFL Block 7 Planning Committee Response**

Block 7 is at the foot of a known ancient landslide area. Heavy rainfall, ground-water flows to Tanner Creek, and seismic conditions could combine, and contribute to, hazardous conditions threatening public safety, including liquefaction, during deep excavation and retaining-wall preparation. However, the Block 7 Planning Committee acknowledges further study is needed to validate possible risks and mitigating solutions. Therefore, using the precautionary principle, the applicant should be required to conduct a comprehensive geologic study that concretely explains such risks to residents, as well as city officials. It is in this vein, that we urge the GHFL Board to oppose commercial rezoning of Block 7. In doing so, the opportunity to exhibit due diligence to protect the health and public safety of area residents has been duly noted on record.

## City of Portland Comprehensive Plan Goals and Policies

### Goal 9 Citizen Involvement

*Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.*

#### Mill Creek Response

In the process leading up to this application, Mill Creek attended numerous meetings of the Goose Hollow Foothills League neighborhood association, and engaged many local Goose Hollow residents, leaders, and business owners for input and discussions regarding this proposal. A log of meeting dates is attached as Exhibit E. In addition, as required by the PCC Chapter 33.730, notice of this application was sent to neighboring property owners within 400 feet, the Goose Hollow Foothills League neighborhood association, Southwest Hills Residential League neighborhood association, the Neighbors West/Northwest district neighborhood coalition, the Goose Hollow Business Association, Metro, and DLCD.

#### GHFL Block 7 Planning Committee Response

- Mill Creek Meeting Attendance: Mill Creek has attended many meetings, has shared evolving drawings of the proposed building, and has been consistent in the explanation of what their intentions are.
- No records of meetings' content have been kept: There are no public records of the meetings referenced, and thus no record of concerns and issues raised by neighbors.
- Citizen involvement constrained by City process: Citizen Involvement seems constrained to the perspectives of planners and to the limitations of the comprehensive plan regardless of citizens' perspectives. Planners advocate for density with little apparent concern for quality of life in the urban neighborhoods. At the DAR hearing for the Mill Creek/MAC proposal, residents of the neighborhood were lectured to by a member of the DAR Committee, who stated (paraphrased), "if you don't like density, noise and traffic, move to the suburbs."
- Access to application delayed by City: The City process makes it difficult to participate by refusing to post applications for rezoning and comprehensive plan revisions on its website. It took significant effort and detective work to obtain electronic copies of the Mill Creek proposal. Once the proposal was accepted as complete, the proposal was still not posted on the City website.

### POLICIES & OBJECTIVES:

#### 9.1 Citizen Involvement Coordination

*Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations, through the reasonable availability of planning reports to city residents and businesses, and notice of official public hearings to neighborhood associations, business groups, affected individuals and the general public.*

#### GHFL Block 7 Planning Committee Response

City Process delays access to proposal: As noted above, the city did NOT provide reasonable access to the proposal submitted by Mill Creek by refusing to post the proposal on its website.

#### Comprehensive Plan Amendment

Allow for the review and amendment of the adopted Comprehensive Plan which insures citizen involvement opportunities for the city's residents, businesses and organizations.

#### GHFL Block 7 Planning Committee Response

DAR discouraged sharing perspectives: The DAR member's comments, paraphrased above, were rude and, if anything, discouraged participation of citizens.

## City of Portland Comprehensive Plan Goals and Policies

# Goal 10: Plan Review Administration

*Portland's comprehensive plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.*

### **Policy 10.4 (Comprehensive Plan Map)**

The Comprehensive Plan Map ... designations state the type of area each is intended for, general uses and development types desired, and the corresponding zone or zones which implement the designation...

### **Policy 10.7 (Amendments to the Comprehensive Plan)**

.... Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment is on the applicant. The applicant must show that the requested change is:

- (1) Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies,
- (2) Compatible with the land pattern established by the Comprehensive Plan Map,
- (3) Consistent with the Statewide Land Use Planning Goals, and
- (4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.

### **Policy 10.7 further states:**

When the requested amendment is from a residential designation to a commercial, employment, or industrial designation, or from the urban commercial designation to another commercial, employment, or industrial designation, the following additional criterion must be met:

The requested designation will not result in a net loss of potential housing units.

Replacement of potential housing units may be accomplished through any of the following means:

- d) Building residential units on the site ... if there is a long term guarantee that housing will remain on the site; or
- e) Any other method that results in no net loss of potential housing units.

The applicants have asked for the current "High Density Multi-Dwelling" designation (implemented by an "RHd" zone) consistent with the residential development of "Kings Hill" as it transitions from the single family homes and some older medium to high density structures toward SW 18th Ave, envisioned as a transit corridor and a commercial street, to a "Central Commercial" designation, (implemented by a "CXd" zone).

The designation requested is intended to be the city's most physically intense commercial designation allowing a full range of commercial uses. In this case, the developer will be allowed to support a condition of approval that purports to limit the intended development to that which would be allowed by the "old" High Density Multi-Dwelling" designation as implemented by the City's "RHd" zone.

The neighborhood contends that there is no mechanism in either PCC Title 33 or ORS Chapter 197 that enables enforcement of such a condition. We are reminded that it was only the threat of legal action that compelled the MAC to call for final inspections and an occupancy permit for the Salmon Street Garage. Fully enacting the proposed condition may entail passage of supporting legislation establishing penalties and time limits for compliance.

The neighborhood contends that the requirements of Policy 10.7, (1) through (4) are not met because the applicants' request specifically asks that commercial parking and hostelling activity be allowed on the site, (activities that are specifically not allowed under the present Comprehensive Plan designation and implementing zone). The applicant's intent well may be that no net loss of housing would result on site, but numerous policies of the Portland Comprehensive Plan cite potential threats to the sustainability of the residential character of the surrounding properties... and thus to the broad range of housing opportunities that exist now in this residential area.

## City of Portland Comprehensive Plan Goals and Policies

This plan amendment and zone change request would enable the Multnomah Athletic Club to expand its public parking supply into a nearly solidly residential portion of the Goose Hollow/Kings Hill neighborhood, albeit through an underground access.

The neighborhood further contends that while the applicants contend that access to the CX parking would be through the existing accesses on SW 20th Ave and "McAlpin Way", displacing the entrances and exits to those two streets does little to mitigate the impact of traffic on the existing neighborhood... and in fact on the proposed residential building itself. That displacement may in fact, by concentrating entering and exiting on just two entrances, exacerbate the already severe queuing that occurs presently, generally at evening rush hour, blocking both SW Salmon and SW 20th Ave when automobiles trying to both exit and enter at the same time find themselves in conflict with ordinary rush-hour commuter traffic.

The neighborhood is aware of no credible evidence that the Multnomah Athletic Club has made any attempt to control member or guest demand for parking in the 586 spaces it owns in its Salmon Street parking structure, the 100 spaces it owns in a parking structure on SW 21st, the 100+ surface parking spaces it owns on SW 20th, and/or the parking spaces it leases to the Timbers organization.

While it is conceivable that the applicant could seek to defend his proposal as economic development, it purports to support no new economic activity of any kind, rather its desirability is solely based on increased MAC member demand for access to existing private facilities and programs.

The Portland Comprehensive plan recognizes the importance of residential neighborhoods most sanguinely in Goals 2, 3, 6 and 12, which establish as policy that: neighborhoods are the fundamental building block of an urban place and that they are stitched together with infrastructure. Institutions, like the MAC, are important parts of community life... and are regionally important. They bear responsibility to the community to plan comprehensively to care for the commons on which they and the community depend.

The MAC and Mill Creek fail that responsibility.

## City of Portland Comprehensive Plan Goals and Policies

# Goal 12 Urban Design

*Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.*

### Mill Creek Response

The development contemplated by this application will ensure the most efficient use of the subject property by combining a high quality, high density, apartment project contemplated under the existing RH zoning with an additional MAC Parking spaces as allowed under the proposed CX zoning. This development will be reflective of the surrounding development and land use pattern both in its quality and its design, which will be subject to design review and the Goose Hollow design guidelines. Overall, the proposed development will therefore enhance the urban character of the Central City and the Goose Hollow neighborhood.

### GHFL Block 7 Planning Committee Response

Proposal inconsistent with historic neighborhood: Most of the neighborhood is of a residential nature. CX zoning on Block 7 will facilitate further commercialization of the neighborhood.

## Goal 12 Policies & Objectives

### 12.1 Portland's Character

*Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community.*

*Encourage innovative design solutions in private development projects that add diversity and depth to Portland's character. New development is an opportunity to add to Portland's character giving themes.*

### Mill Creek Response

The development contemplated by this application is exactly the type of innovative design solution contemplated by Policy 12.1(F) by striking a careful balance between ensuring a primary use (the Apartments) consistent with the existing zoning and allowing for an additional accessory use (the MAC Uses) through the requested map amendments. Through the design review process, the proposed development will be constructed and designed to be compatible and supportive of the surrounding area.

### GHFL Block 7 Planning Committee Response

Better options more compatible with surrounding development are available: The MAC owns several properties to the west of its clubhouse that are adjacent to developments that are not residential in nature. The impact on the neighborhood of using one of those properties (e.g. the surface lot on SW 20<sup>th</sup> across from the stadium) would be less expensive to build and would have little or no impact on the residential neighborhood.

### 12.1 Enhancing Variety

*Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial and industrial areas should have attractive identities that enhance the urbanity of the City.*

### MAC/Mill Creek Response

The overall project will be made compatible with the Goose Hollow District Design Guidelines through the design review process. In conjunction with this application, the applicant has submitted the project design to the Design Review Commission for a design consultation. Further, the MAC is an important part of Portland's and the Goose Hollow neighborhood's culture, with over 130 years of operations and service to the community. The proposed MAC parking will continue to ensure that the MAC can provide the highest quality facilities for its members and the

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community.

### **GHFL Block 7 Planning Committee Response**

Zone change aside, the proposed building is not compatible with the character of the neighborhood. The arguments should be limited to the zone change. However, since the MAC/Mill Creek argue that the design will be compatible with the nature of the neighborhood, it is important to point out that the draft design -- as well as the design of all of Mill Creek's projects in Portland -- are all very similar and not at all consistent with the "look" of the neighborhoods in which they were erected. Mill Creek has made every effort to maximize FAR without consideration being given to impact of the resulting massing in the neighborhood.

### **12.4 Provide for Pedestrians**

*Portland is experienced most intimately by pedestrians. Recognize that auto, transit and bicycle users are pedestrians at either end of every trip and that Portland's citizens and visitors experience the City as pedestrians. Provide for a pleasant, rich and diverse experience for pedestrians. Ensure that those traveling on foot have comfortable, safe and attractive pathways that connect Portland's neighborhoods, parks, water features, transit facilities, commercial districts, employment centers and attractions.*

#### **Mill Creek Response**

As shown on the attached proposed site plan (Exhibit A), ample pedestrian facilities—including sidewalks, curbs, cuts, landscaping, and signage—will be provided with the proposed development, with final details to be determined through the design review process. Moreover, the improvements in traffic flow from the proposed MAC parking will benefit pedestrian access and movement for the surrounding area.

### **GHFL Block 7 Planning Committee Response**

- Pages 6&7 of design drawings conflict on whether there are actual trees to shade sidewalks. In meetings with the Goose Hollow Foothills League, the developer has stated many times that all or nearly all of the mature trees and shrubs on the property will be removed. A small, poorly designed pocket park was originally included in Mill Creek's draft designs, but has been removed. These characteristics are not at all consistent with approaches to "provide for a pleasant, rich and diverse experience for pedestrian."
- Increased parking capacity with no change in the number of parking entrances/exits will increase traffic density and increase pedestrian and bicyclist risks: Traffic from the MAC parking garage is already a danger for pedestrians, with cars trying to enter across traffic on SW 20<sup>th</sup> while pedestrians are on the sidewalk, and with cars exiting rapidly at both entrances without exercising appropriate caution for pedestrians and bicyclists. By increasing the amount of traffic entering and exiting the same two locations as are currently provided, there is even greater likelihood of accidents involving pedestrians and bicyclists.

### **12.6 Preserve Neighborhoods.**

*Preserve and support the qualities of individual neighborhoods that help to make them attractive places. Encourage neighborhoods to express their design values in neighborhood and community planning projects. Seek ways to respect and strengthen neighborhood values in new development projects that implement this Comprehensive Plan.*

#### **Mill Creek Response**

Through the proposed restrictive covenant and the Design Review process, the Applicant will ensure that the subject property will be developed with a high quality residential apartment project as contemplated under the current zoning. The design and construction of the development will be supportive and compatible with the surrounding Goose Hollow neighborhood through the application of the Goose Hollow District Design Guidelines during the design review process.

### **GHFL Block 7 Planning Committee Response**

- The project removes the attractive trees and shrubs currently on Block 7: Fully replacing a block of mature trees and shrubs with a massive structure whose size alone doesn't match the character of the neighborhood is simply not compatible with the neighborhood.

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- **Restrictive Covenant a potential risk:** Even with the best of intentions, the restrictive covenant may fade into memory in future years, just as MAC promises to restrict development to RH on the block per their Master Plan have faded away. Who can assure the intention of the restrictive covenant will be assured into the future as the property is sold and resold?

### 12.6 Design Quality.

*Enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. Encourage the design of the built environment to meet standards of excellence while fostering the creativity of architects and designers. Establish design review in areas that are important to Portland's identity, setting, history and to the enhancement of its character.*

#### Mill Creek Response

The property is subject to the design overlay designation, which will be retained on the site. The applicant will design the project consistent with the Goose Hollow District Design Guidelines, subject to design review approval.

#### GHFL Block 7 Planning Committee Response

The Historic Nature of the neighborhood not respected by the proposed development: A 9-story massive building with little or no setbacks from the sidewalk, replacing a beautifully foliaged lot, simply will not contribute to Portland's identity or history and will certainly not enhance its character.

### 12.6 Community Planning

*When community and/or neighborhood plans are developed include consideration of urban design issues as a part of them. Use consideration of urban design issues to help establish, preserve and enhance the identity and character of each community plan's study area.*

#### Mill Creek Response

The Goose Hollow district does not have a formally adopted community or neighborhood plan. Therefore, this policy is not applicable to this application. Nevertheless, the project is consistent with the overall land use pattern of the surrounding area. Further, the design of the project will be made consistent with the Goose Hollow District Design Guidelines through the design review process.

#### GHFL Block 7 Planning Committee Response

Goose Hollow does indeed have a plan, and the proposal is inconsistent with it. The GHFL adopted the Vision Plan in 2013. It was circulated widely during its development, but has been ignored by Mill Creek and MAC. At least four provisions of the plan are clearly violated by the MAC/Mill Creek Proposal:

- Encourage new parking structures proposed by these institutions to be tucked into the hill between SW 21st and SW 20th west of the Stadium and/or underground below a newly redeveloped Lincoln site.
- Create park space within the district boundaries for the neighborhood that contains green space, children's play area and an off-leash dog area.
- Encourage mature landscaping / trees to be preserved or installed on properties slated for redevelopment and continue to work with the City of Portland's Urban Forestry Department to recognize historically significant trees and create a Neighborhood Tree Plan.
- Recognize the diversity of the district's population and improve upon it by adding more workforce / middle-income / family housing opportunities.

## Evaluation of the MAC-Mill Creek CPM-ZC Application

An Evaluation of the Mill Creek/Multnomah Athletic Club request to amend the Portland Comprehensive plan and Zoning Map to reflect a Central City Commercial (CXd) designation *with respect to Goal 10* of the Portland Comprehensive plan and section PCC 33.810.050.

I recognize that the City may consider plan and zone designations for this site either as if there were no proposals to develop the site, or with respect to this particular proposal, and that the applicant has offered to limit its development to multiple unit residential, with private Commercial Parking and 14 guest apartments for the Multnomah Athletic Club.

The applicant notes in his narrative that the housing element of this proposal under the requested CXd zone district is substantially that which would be permitted were there no Plan Amendment or Zone Change and the project built under the development standards currently in place. While that is true... as a practical matter, the below grade 225 car parking garage that would not be permitted under the current development standards determines much of the shape and footprint of the building above. Speculatively, were an RHd conforming project designed for that site (that is, a project that forgoes the Commercial Parking element), it could be set back from one or all its frontages, or even be developed in two or more building masses, so as to be much more in character with the properties to the East, South, and West. It's not the development standards that make the monolithic building proposed the way it is... but the building program that's required to meet the engineering requirements of a full block parking footprint that is in turn required by the applicant's desire to maximize the parking available from two below grade floors of parking.

The applicant justifies his need for that additional parking without any hard evidence that his need is any more than a perception based on anecdotes of MAC member complaint and an uncontrolled member survey. The applicant's narrative admits that there is no minimum parking requirement for the MAC, and pleads for relief from a perceived hardship. The applicant's "justification" for his application is more relevant to a Central City Parking Review than it is appropriate for an amendment to Portland's Comprehensive Plan.

"Parking for the MAC has long been inadequate both from a practical perspective and under the City's code. Because the MAC is located within the Goose Hollow Subdistrict of the Central City Plan District, there are no maximum or minimum parking requirements and instead parking exceeding 60 spaces is determined through a Central City Parking Review. PCC 33.510.265(B)(3). However, the base zone parking requirements in Table 266-1 and 266-2 can be used as a guide for how much parking is necessary to accommodate the MAC use. Based on the size of the MAC facilities, Table 266-2 indicates that the MAC would need between a minimum of 1,060 parking stalls up to a maximum of 1,891 parking stalls to meet the needs of the existing MAC facilities based on these City Code ratios. Consequently, the current MAC parking facilities—536 primary stalls and the Portland Tower's 116 stalls—are severely underparked by the standard of Table 266-2. This is also shown through the substantial number of peak hour times when the MAC garage is full and turns guests away and the lengthy waits commonly observed for accessing the MAC parking garage, both as shown in the Applicant's TIA discussed below."

If in fact, any MAC member had been turned away from an event at the MAC due to a lack of parking, it doesn't appear that the MAC is prepared to substantiate that event.

The applicant further glosses over the other resources available to the club to support its membership. Not mentioned is that the MAC currently leases a hundred and seventy five parking spaces from the Portland Tower Apartments, and has been offered another floor of that building. Furthermore, the MAC owns well over an acre of undeveloped / underdeveloped land to the West of the clubhouse (and North of the Portland Towers) that it has voluntarily encumbered to the Timbers organization that shares a perceived need for more parking.

Neither does the applicant mention that the MAC has on numerous occasions employed a valet parking strategy to park the vehicles of attendees at MAC catered events in its ballrooms and lounge facilities. Even if "hardship" were a defense of a request for a Comprehensive Plan Amendment (which it isn't), the MAC's perceived parking crisis wouldn't meet that standard either.

I stipulate that there may be no net loss of housing due to the anticipated development on the parcel for which this Plan Amendment and Zone Change is being requested because the proposed zone (CXd) can actually support more residential units (due to a higher attainable FAR) than does the current zone (RHd). However we disagree

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with much of the applicant's argument that his proposed development is no more intense or intrusive than would have been permitted under the present zone and its development standards. The introduction of commercial parking into a residential area, regardless of how it's access is arranged, brings more tailpipes, creates more traffic congestion, and more conflict with residents, pedestrians, and bicyclists.

PCC 33.810.050 establishes a fairly subjective standard with which to judge the merit of an application for a Comprehensive Plan Amendment. Such a proposal is to be evaluated (on balance) equally or more supportive of the Goals and Policies of Portland's Comprehensive Plan.

The following evaluation of this project with respect to Portland's Goals and Policies is both an original look at the approval criteria for this project and a rebuttal of the applicant's narrative:

### City of Portland Goal 1 (Metropolitan Coordination):

The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

### Metro Regional Framework Plan

Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with Metro's adopted Urban Growth Management Functional Plans and the Regional Framework Plan.

The Regional Framework plan in its first two chapters posits a clear preference for reducing motor vehicle use and the environmental, health and infrastructure challenges it exacerbates. Managing Parking and travel demand are called for by multiple policies, suggesting a range of management techniques including (but not limited to) incentives and pricing (Chapter 2 goal 4).

In Chapter 7 (7.3.3 and 7.3.4) Local government's Comprehensive plan amendments, Metro Functional Plans and policies, and those local government decisions that follow are required to comply with Regional Framework Plan

### Urban Growth Management Functional Plan

This functional plan indeed seeks the "efficient use of land within the Urban Growth Boundary". The relevant portions of the Urban Growth Management Functional Plan appear to be:

Title 1, also known as *the metro housing rule*, requires local government to preserve housing capacity by not permitting a reduction in the number of dwelling units for any particular geography. The applicant correctly maintains that his proposed project will cause no net reduction in housing capacity, and that the project meets (actually substantially exceeds) the RH zone standard for housing production. (previously stipulated)

However this application for a plan amendment isn't about housing... it's about manipulating the comprehensive plan to allow commercial parking in a place currently designated residential. The application does, however, satisfy this policy.

Title 6: targets our attention to the site of this proposal in the Central City Plan Area, and to the significant public investment in urban infrastructure there. The proposal ignores that public investment and misuses the Goose Hollow local service streets for access to an enlarged parking supply. I contend that this proposal enables the MAC to expand its extent and intensity into a campus-like grouping of buildings that misuses the substantial investment and expectations of Portland's Central City. The MAC's insistence on ample free SOV parking is inimical to the City's and the Region's goals.

Interestingly, the MAC, (contradicting it's own transportation consultant), says it has demand that exceeds its present parking supply and desperately needs relief for the convenience of it's members. Increasing the MAC's parking supply by around 200 parking spaces *must increase the number of vehicles accessing MAC parking*, and therefore using the neighborhood's local service streets. The policies of this title, along with the METRO Transportation Functional Plan, suggest that parking and transportation are a substantial central city issue, and that the issue of parking demand and parking supply ought to be considered seriously... rather than with unsubstantiated assumptions and anecdote. The applicant fails to show his project satisfies relevant METRO goals and policies.

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Title 6 of this Functional Plan is operationalized in the Portland Comprehensive plan (Goal 6) and in by Central City Parking Review. This project has not yet undergone that review, and thus has not yet satisfied this policy.

Title 7: This is a largely aspirational Metropolitan goal that does address affordable housing, but also calls for a diversity of housing choice. This project offers neither in any real sense. It offers housing not unlike all that is already available in the Goose Hollow neighborhood... and offers it at "market prices"... here meaning at rentals affordable to any household with a \$40,000 disposable income. While the proposed apartments could offer one and two bedroom apartments... we see no mention of family friendly amenities or any other effort to offer a differentiated residence.

Title 12: This title identifies a substantial Regional interest in maintaining the regions successful residential neighborhoods. Goose Hollow is an exemplar of the urban mixed use and mixed housing type neighborhood. The neighborhood has presently an abundance of parking... it's just not right next door to the MAC - nor should it be. The appropriate place for commercial parking, whether public or private is at the periphery of the neighborhood, adjacent, or at least easily accessible to major arterial streets. It's easy to identify the land uses that occasionally need a large parking supply to draw from. Two of them are the MAC and its neighbor adjacent, the stadium now known as Providence Park. A far better use of the public's infrastructure would be to co-locate MAC and stadium parking on land the MAC already owns (and leases to the Timbers). The applicant fails to show his project satisfies relevant METRO goals and policies.

Introduction of 50% more auto traffic to the neighborhood suggests increases in Air and Water pollution, along with increased traffic congestion attendant to either of the two possible alternative accesses to MAC parking. Parking access using the existing entrance/exit ports will geometrically increase the probability of "frictional" slowing and conflict between automobiles entering and those leaving. That "frictional" conflict now creates traffic queues that stretch more than 200 feet from the entrances at times now.

Reverting to the parking access proposal previously advocated by Mill Creek and the MAC, to access MAC parking from SW 19th street didn't have as extreme a queuing problem as does the current configuration due to the smaller number of vehicles likely to enter and leave during a high volume evening "rush". Under that scenario, the queues would have been on 19th and possibly Madison Street, and while likely shorter in both length and duration, they would have conflicted directly with the local residential access. The currently favored configuration, using existing entrances and exits on SW 20th and on SW McAlpin Way, create queues on SW 20th and on SW Salmon in conflict with commuter traffic on those two streets.

### Regional Transportation Functional Plan

The RTFP is largely a regional blueprint of building transportation facilities, but it recognizes the need to manage those facilities as well, and requires its constituent jurisdictions to establish policies that work to accomplish that management... including demand management. Title 1 of the RTFP deals with street design... and street purpose. This project essentially hijacks local streets for an incompatible commercial purpose, and in the case of SW Salmon, a traffic street, ignores its overloaded state and encourages further misuse of the street for traffic queuing during periods of high parking access demand. Title 4 of this plan deals specifically with parking management in a rather broad-brush way, but it requires an inventory of parking supply and usage. The clear message to the Region in this plan is to reduce reliance on SOVs, provide for alternative modes of travel, and plan with all modes in mind. This plan is essentially a direction to local government to follow suit... but the policies enunciated are to developers and users of regional transportation as well. The applicant has shown no inclination to manage MAC parking demand, even though by limiting his own parking to approximately 80% of his units, the apartment developer is recognizing those same policies.

### 2035 Metro Regional Transportation Plan

The 2035 plan largely spoke to the relationship between jobs, housing and the vehicle miles traveled between the two... but a significant finding was also the relationship between non-work travel in Single Occupancy Vehicles and traffic congestion during peak hours. (2035 plan, section 1.8, changing travel behavior) The studies cited an increase in non-work travel (including travel to recreation venues) contributing to congestion and environmental impacts of additional traffic. The 2035 plan recommends stronger constraints on SOV miles through demand management.

This proposal equally satisfies the "no net loss" housing policy of both the Metro and City Housing policies.

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However, it fails to meet any other policy area in the Metro Regional Framework Plan, the Urban Growth Functional Plan the Regional Transportation Functional Plan or the 2035 Regional Transportation Plan. The MACs failure to manage its parking demand is in fact a flagrant misuse of the public realm (where the SOVs the MAC seeks to attract operate as they go to the MAC and leave it.

### State of Oregon Goals and Policies, Goals 2, 5, and 7

According to a 1900 Sanborn Map of "block 7", several of the houses that no longer exist there were there before 1900, and one in particular likely dated to settlement times. While the buildings have been razed the sites remained largely undisturbed, and may bear a good deal of the history of Goose Hollow. The applicant appears to have no particular plan for insuring the careful excavation and possible salvage archaeology on this site.

While several other large buildings have been built in the general area... none have been built since the area has been identified as having had significant landslide activity. A significant known faultline lies not far to the East of the site... but seismic risks of major construction on the slump of the magnitude of this recently identified landslide don't appear to have been considered. Also, previous stratigraphy of the Kings Hill Area has been limited to historic records (well logs) of domestic water wells from the 19th century. A stratigraphy of this excavation may well fall within the purview of Goals 5 and 7 for site geology. This goal can be easily satisfied, but hasn't been considered in the applicant's submission.

### City of Portland Goal 2 (Urban Development)

"Block 7" is the outside edge of the King's Hill Historic District, and the center of an ensemble of mostly residential, partly mixed use and mixed building type urban neighborhood. The scale mostly remains the small to medium sized frame buildings that it was up to mid 20th century. The exceptions are the existing MAC parking garage to the North, the Four Seasons and Royal Manor Condominiums to the North-West, and the Legends Condominium to the South-East. "Block 7" itself was formerly a similar block of smaller frame multiple dwellings and single family homes, some of which had been replaced with surface parking lots for the MAC prior to 1970. The streets surrounding Block 7 are all local service streets, only a block away from two arterials streets, SW 18th and SW Jefferson... both of which have significant access issues due to the Light Rail tracks in 18th and in Jefferson. SW Salmon is compromised by traffic queues attempting to enter the MAC Salmon St garage, and the pedestrians crossing Salmon between the Parking Garage and the Clubhouse.

**It's worthwhile to note that within 200 feet of Block 7**, there are 271 dwelling units, 83 of which are rental units (188 are owner occupied), and in the same 9 blocks there are 19 businesses, one church, and the existing MAC parking structure. It's thus fair to say that this diverse and interesting neighborhood is predominately a residential neighborhood, with some elements of limited mixed use, in spite of some zoning that conflicts with it's present use.

**(Policy 2.1 (Population Growth)** The Goose Hollow neighborhood's population has grown since the 1960's when it had was drastically reduced from its highs of the mid-century boom years. As the number of individuals and households increased significantly through the last two decades, the population characteristics changed as well. The population that had once populated Shattuck School with children left with freeway expansions and the few large-scale development projects. The neighborhood's population profile filled out in the middle a bit, but still featured a significant elderly population... and few children.

This project will do nothing to change that profile, and will possibly exacerbate it.

**(Policy 2.2 Urban Diversity)** The clear message in Portland's Comprehensive plan (Station Community Plan) is a call for housing diversity (qv), and while the applicant's have stated that the project proposed would be substantially similar, with generally small units targeted to a middle income tenant, it's not housing for families as called for in the Station Community Plan. Disappointingly, it's the same kind of housing the neighborhood already has in abundance.

**(Policy 2.23** When residential zoned lands are changed to commercial, ... ensure that impacts from nonresidential uses on residential areas are mitigated through the use of buffering and access limitations.)

The project's purpose is to introduce additional parking supply that must require additional parking demand to the neighborhood. That parking demand itself is unsettling, bringing additional automobile traffic, and additional conflicts with pedestrian traffic.

**(Policy 2.9 Residential Neighborhoods)** It must allow for a range of housing ...while improving and protecting

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The plan document resulting from that process recommended a number of policies to be applied in the Goose Hollow portion of the Central City Plan Area:

### **Policy 15: Goose Hollow**

*Protect and enhance the character of Goose Hollow by encouraging new housing and, commercial and mixed-use development which is retains or enhances a sense of community improving the urban infrastructure to support a more pleasant and livable community.*

### **The Station Community Plan further aspired to:**

*Create opportunities for 1000 new households within the district in the next 20 years. Housing created should provide for those who enjoy a central city location with a neighborhood feel, as well as encourage diversity by attracting families.*

The action plan that resulted from this process included encouraging shared off street parking for commercial and residential tenants in those mixed use areas adjacent transit stations and "finding" additional public on-street parking through angle parking and controlling curb cuts.

The Station Area Community Plan was operationalized in the Action Plan charts... most of which have been executed. (*The thousand new households were realized within ten years*) The subject of commercial parking and auto-oriented activity was only addressed in very general terms, and generated no particular action items. The Station Community plan recommended extension of the Central City Plan which brought with it designation of a pedestrian district and a general prohibition of auto oriented uses and a limitation on new off street parking not associated with residential buildings or showing a clear public benefit

The additional parking subject of this application is neither public nor residential... it's a private commercial supply of parking that benefits the public not at all.

### **Goose Hollow District Design Guidelines**

The Goose Hollow Design Guidelines are in three sections

- A Portland Personality
- B Pedestrian Emphasis
- C Project Design

It's in the area of project design that this project becomes most problematic. Both the proposed access through the existing MAC Salmon Street garage and the less favored alternate access to SW 19th street pose inevitable increases in exposure of pedestrians to vehicular conflicts. Under present conditions, pedestrians are frequently ignored by drivers approaching or leaving the MAC garage. "Brush-backs" aren't uncommon, and the MAC has been reluctant to enforce the legal requirement for vehicles to stop before crossing a public sidewalk and to yield to pedestrians. Because of this, it seems that design concerns of the Goose Hollow Guidelines are relevant to this application for a Comprehensive Plan Amendment.

**Integrate Parking:** ... The siting and location of parking should minimize traffic movement and circulation throughout Goose Hollow to lessen pedestrian conflict.

*Although Design Review is a separate and distinct process under PCC 33.825, the Goose Hollow District Design Guidelines (Design Guidelines) are an implicit part of Goal 12, iterated in a separate document included by reference (ordinance # 169842).*

### **City of Portland Goal 4 (Housing)**

The proposed project, due to it's programmatic need to accommodate the MAC parking proposed, yields to design constraints on the potential residential building above, in order to achieve the full block parking level footprint proposed. Operationally, the project attract additional volumes of automobile traffic to the edge of a National Historic District, to a site predominately residential in character. The parking portion of this proposal (the only part of this proposal that requires a Comprehensive Plan Amendment and Zone Change) contributes nothing to the residential portion of the proposal, and in fact, may undermine it.

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This developer has recently build a large number of similar apartments, even though they are each designed by different architects and address individually their different sites and situations... they all apparently address the same market. It's unlikely that market will evaporate, and should by that measure be considered sustainable.

Sustainability is measured in other ways as well... and in this case, the building proposed, with it's programatic parking and limited opportunities for public interaction (there is no opportunity for public/private interface such as a pocket park, or plaza... even the courtyard proposed in the developers illustrations is a dead end.

As in Goal 3 above, the proposal in some respects equally meets the aspirations of the present Comp Plan and Zoning applied to this site, but fails to do that as well as the present residential designation can. The proposal does provide housing in a housing deficient market... and the Goose Hollow Neighborhood has long recognized that more housing would bring more neighborhood businesses and services. With more dwelling units available to rent, demand pressure to increase rents will be allayed, and housing in general may remain affordable. The neighborhood is less ready to trade off density and population for decreased livability, and this proposal does just that.

This goal is *on balance*, not satisfied.

### City of Portland Goal 5 (Economic Development)

The applicant's proposal is to develop housing that could have been developed (perhaps more appropriately developed) under it's existing zoning and to develop private commercial parking as a few apartment units to be used by MAC visitors or guests, uses that are more appropriate in a commercial zone. The MAC maintains elsewhere that increasing it's supply of member parking is in answer to *existing demand*. Satisfying existing demand is not economic development... it's co-dependently abetting MAC member's appetite for non-work rush-hour single occupancy vehicle trips to the club. Whether the MAC would seriously affect the local market for hotel rooms with 14 guest apartments is doubtful... as is the impact that any additional employment to service those rooms would have in the service sector.

### City of Portland Goal 6

Goal 6 asks that the City "develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility."

The proposed plan violates policies 6.5 and 6.5(d) and (f) by intruding traffic of a commercial nature (vehicles approaching commercial parking) into a neighborhood of local service streets. It significantly violates **policy 6.25** by "**failing to manage** the parking supply to achieve transportation policy objectives for neighborhood and business district vitality, auto trip reduction, and improved air quality", and by utterly failing to "**implement measures to achieve Portland's share of the mandated 10 percent reduction in parking spaces per capita within the metropolitan area over the next 20 years**" or to "**consider transportation capacity and parking demand for all motor vehicles in the regulation of the parking supply**".

The MAC has not undertaken to manage it's parking nor do there seem to be such programs in this project. Any strategy to improve air quality, reduce congestion, promote alternatives to the drive-alone commute, or educate and involve businesses and neighborhoods is absolutely missing from the proposal.

Commercial parking is addressed by policy 6.27, which asks that off-street parking be designed/regulated to promote good urban form and the vitality of commercial and employment areas, where in fact this project provides new parking spaces that actually frustrate appropriate land use, transportation, and environmental objectives.

The project will likely increase congestion, reduce air quality, and exacerbate the impact of development-generated traffic by supporting inappropriate transportation choices.

In fact, Goal 6 requires "...institutions and other large employers to participate in programs to reduce single-occupant automobile trips".

Transportation policy is problematic as a part of a Comprehensive Plan because it asks an altogether different scale of policy question than the more usual Comprehensive Plan questions. In this case, the City Transportation policy clearly suggests that developing off street parking in order to serve a population that could be encouraged to use less parking is to be avoided. It clearly states that using local service streets, residential streets, for access to

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auto-oriented land uses (parking is specifically auto-oriented) is discouraged. The MAC has little idea of how it's existing parking facilities are used, other than what it has gained through anecdote and some cursory parking studies. There has been no parking demand study, there is no idea of demand elasticity, nor of where parkers turned away go, or what they do. The periods and amount of parking scarcity are largely unknown, and there is little or no control over who parks in their existing facilities and for how long. The MAC is thus attempting to build its way out of a perceived parking scarcity fueled both by the increased of expanded club facilities, and by the increasing demand for the club's banquet and meeting facilities. Again, Goal 6 speaks exactly to these issues.

It's clear from the several policies and objective statements of Goal 6 that introducing commercial traffic to a primarily residential local street is to be avoided in any case where the City has any discretion or permitting power. It's clear that City policy encourages, and where it has authority, requires parking demand management in support of City goals.

This goal is not satisfied. The goal is in fact repudiated by the proposed project.

### City of Portland Goal 10: Plan Review and Administration

*Portland's comprehensive plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.*

#### Policy 10.4 (Comprehensive Plan Map)

*The Comprehensive Plan Map ... designations state the type of area each is intended for, general uses and development types desired, and the corresponding zone or zones which implement the designation...*

#### Policy 10.7 (Amendments to the Comprehensive Plan)

- 1) .... *Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment is on the applicant. The applicant must show that the requested change is:*
  - (1) Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies,*
  - (2) Compatible with the land pattern established by the Comprehensive Plan Map,*
  - (3) Consistent with the kStatewide Land Use Planning Goals, and*
  - (4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.*

#### Policy 10.7 further states:

When the requested amendment is from a residential designation to a commercial, employment, or industrial designation, or from the urban commercial designation to another commercial, employment, or industrial designation, the following additional criterion must be met:

*The requested designation will not result in a net loss of potential housing units.*

*Replacement of potential housing units may be accomplished through any of the following means:*

- d) Building residential units on the site ... if there is a long term guarantee that housing will remain on the site; or*
- e) Any other method that results in no net loss of potential housing units.*

The applicants have asked for the current "High Density Multi-Dwelling" designation (implemented by an "RHd" zone) consistent with the residential development of "Kings Hill" as it transitions from the single family homes and some older medium to high density structures toward SW 18<sup>th</sup> Ave, envisioned as a transit corridor and a commercial street, to a "Central Commercial" designation, (implemented by a "CXd" zone).

The designation requested is intended to be the city's most physically intense commercial designation allowing a full range of commercial uses. In this case, the developer will be allowed to support a condition of approval that purports to limit the intended development to that which would be allowed by the "old" High Density Multi-Dwelling" designation as implemented by the City's "RHd" zone.

The neighborhood contends that there is no mechanism in either PCC Title 33 or ORS Chapter 197 that enables

## City of Portland Comprehensive Plan Goals and Policies

enforcement of such a condition. We are reminded that it was only the threat of legal action that compelled the MAC to call for final inspections and an occupancy permit for the Salmon Street Garage. Fully enacting the proposed condition may entail passage of supporting legislation establishing penalties and time limits for compliance.

The neighborhood contends that the requirements of Policy 10.7, (1) through (4) are not met because the applicants' request specifically asks that commercial parking and hostelling activity be allowed on the site, (activities that are specifically not allowed under the present Comprehensive Plan designation and implementing zone). The applicant's intent well may be that no net loss of housing would result on site, but numerous policies of the Portland Comprehensive Plan cite potential threats to the sustainability of the residential character of the surrounding properties... and thus to the broad range of housing opportunities that exist now in this residential area.

This plan amendment and zone change request would enable the Multnomah Athletic Club to expand its public parking supply into a nearly solidly residential portion of the Goose Hollow/Kings Hill neighborhood, albeit through an underground access.

The neighborhood further contends that while the applicants contend that access to the CX parking would be through the existing accesses on SW 20<sup>th</sup> Ave and "McAlpin Way", displacing the entrances and exits to those two streets does little to mitigate the impact of traffic on the existing neighborhood... and in fact on the proposed residential building itself. That displacement may in fact, by concentrating entering and exiting on just two entrances, exacerbate the already severe queuing that occurs presently, generally at evening rush hour, blocking both SW Salmon and SW 20<sup>th</sup> Ave when automobiles trying to both exit and enter at the same time find themselves in conflict with ordinary rush-hour commuter traffic.

The neighborhood is aware of no credible evidence that the Multnomah Athletic Club has made any attempt to control member or guest demand for parking in the 586 spaces it owns in its Salmon Street parking structure, the 100 spaces it owns in a parking structure on SW 21<sup>st</sup>, the 100+ surface parking spaces it owns on SW 20<sup>th</sup>, and/or the parking spaces it leases to the Timbers organization.

While it is conceivable that the applicant could seek to defend his proposal as economic development, it purports to support no new economic activity of any kind, rather its desirability is solely based on increased MAC member demand for access to existing private facilities and programs.

The Portland Comprehensive plan recognizes the importance of residential neighborhoods most sanguinely in Goals 2, 3, 6 and 12, which establish as policy that: neighborhoods are the fundamental building block of an urban place and that they are stitched together with infrastructure. Institutions, like the MAC, are important parts of community life... and are regionally important. They bear responsibility to the community to plan comprehensively to care for the commons on which they and the community depend.

The MAC and Mill Creek Development Co, in this application, fail that responsibility.

### **City of Portland Goal 12: (Urban Design)**

This project challenges the notion of urban scale at its finest resolution. Goose Hollow, west of SW 18th, approaching the Kings Hill Historic District, is a mixing zone where very large institutions and smaller ones rub shoulders with homes, many of them in mid sized multiple dwellings, and some of them in smaller single family frame houses. Tipping the balance here to introduce commercial parking in order that the MAC may intensify it's already large footprint in the neighborhood seems a step in the wrong direction.

Allowing additional private commercial parking under block 7 will not likely, in and of itself, tip the neighborhood... but it will adversely affect its residential character. One must note that, in spite of razing the evidence of a small scale residential block, the remaining neighborhood has changed little in nearly twenty years. New construction, the first in decades, is of single family homes. In spite of a mistaken rezoning to CX of whole blocks fronting SW Jefferson and SW Columbia, there has been no new commercial development except for two storefronts required by the development standards of the Central City zone.

Goose Hollow... where large buildings have been developed since mid-twentieth century remains a neighborhood distinguished by quarter-block buildings rather than whole block monoliths (while some have undeniably been built) that sit uncomfortably in the neighborhood.

Block 7 is an anchor of the Kings Hill assembly of historic homes and multiple dwellings. Even from outside the

## City of Portland Comprehensive Plan Goals and Policies

boundaries of the Historic District its importance to the historic district is clear. The building proposed is a large monolithic presence, very much unlike the buildings that would surround it. The economic requirements of shouldering the MAC's parking constrain it to be larger than it otherwise needed to have been... and its footprint is determined by the engineering requirements of its foundation of a 225 car parking garage. Were the MAC parking not a part of the building program, a very different building could have been developed.

### Summary

Goal 12 spoke to preservation of neighborhoods as reservoirs of "antique capital", that is, both social and resource based capital sunk in existing structures and infrastructures. The balance of scale and history, design and function must balance for a sustainable whole. Building additional to satisfy created demand is an inappropriate response that only starts a new cycle of increasing demand. The Multnomah Athletic Club's additional parking demand cannot sustainably be satisfied by increasing the parking supplied.

The "on Balance" provision of PCC Title 33 is problematic. There is no such latitude for idiosyncratic discrimination in either the Comprehensive Plan itself or in Oregon's enabling legislation. Never-the-less, the policy statements in Goals 2 and 12 make abundantly clear that preserving neighborhoods and making Urban Growth and Development a tool to enhance the values of urban life are the bedrock of this comprehensive plan. This proposal expands a clearly disruptive activity (commercial off street parking) into an area that is not only residential in character now, but is becoming more solidly residential... *even by the actions of the MAC and its developer*. In the eight city blocks surrounding the proposed project and plan amendment, there have been a half dozen or so development permits in the past five or ten years. Those permits have been to remodel existing commercial space on SW Jefferson, to restore the bell tower and roof at Zion Lutheran Church, to re clad the exterior of a six story condominium building to rehabilitate and/or remodel several single family homes and to build two new single family homes. There are eight single family homes, three multiple dwellings three houses used as offices and the MAC parking Structure facing the proposed MAC parking site subject this application on those eight surrounding blocks.

There are ten historic buildings among the buildings facing the site. Three of them are protected landmarks, all of which are within the Kings Hill Historic District and four of them were "rank 1" buildings in the 1983 Historic Survey of Portland.

This is not the profile of a declining district, nor even of a district in transition. Without exception, the residential buildings here are in better condition and more beneficially used than they were thirty years ago when the current comprehensive plan designation was applied.

The residential building proposed largely conforms to the Design Guidelines, even if some details of building mass and scale may be arguable. The design of parking structures is to be treated carefully with respect to the way such structures affect the pedestrian environment and scale of the neighborhood. This project proposal unnecessarily introduces commercial and event-bound traffic to the residential neighborhood.

It's instructive to note that under a former code, "change in conditions" would have been a valid criterion for approval of a Comprehensive Map change, and it may in fact be a consideration with respect to a *legislative* request for such a change. However, "change in conditions" isn't a criterion for quasi-judicial Comprehensive Plan Map amendment... but even if that standard were applicable here, this application would again fail the test.

And what of the "*balance*" that Title 33 requires? Searching the Goals and Policies of the plan yields no policy that might remotely defend amending the Plan Map to designate "Block 7" an appropriate site for any commercial activity, save those activities specifically permitted by the existing RHd zone and its Comprehensive Plan designation. Following the Comprehensive Plan Goals and Policies, not only should any commercial activity more intensive than that permitted in the existing RHd zone be discouraged, but Commercial Parking, as an auto-oriented use, is specifically ruled out by the Goal 6 and the site values of this residential location.

The neighborhood suggests the Hearings officer find that "on balance" there is no support for amending the Comprehensive Plan Map. The stated intent of the MAC and the developer is to build a residential project on this site as permitted under the present Comprehensive Plan designation and its RHd zone equivalent, an outcome the Policies of the Comprehensive Plan *do* support, regardless of whether the site is redesignated Central City Commercial in order to provide Commercial parking for the Multnomah Athletic Club... an outcome the Comprehensive Plan Policies *do not* support.

The applicant's support for its request, (at least in so far as that request has been presented and supported by MAC staff in public to date) is supported only by the MAC's assertion that its membership wants more parking.

## City of Portland Comprehensive Plan Goals and Policies

That's just not enough.

The proposed Comprehensive Plan Amendment and Zone change, on the basis of its lack of support for *any* Comprehensive Plan policy ought to be rejected.

**JMP**

**To:** The Honorable Mayor Charlie Hales and Commissioners Nick Fish, Amanda Fritz, Steve Novick, and Dan Saltzman

c/o Karla Moore-Love, Council Clerk  
1221 SW 4th Avenue, Room 103  
Portland, OR 97204

**From:** Cliff Weber, 1234 SW 18th Avenue, Apt. 503, Portland 97205

**In re:** Opposition to the re-zoning of Block 7 (LU 14-105474 CP ZC)

**Date:** 1 October 2014

My name is Cliff Weber. I live at the Jefferson Condominiums on SW 18th Avenue, where I am chairman of the board of the homeowners' association.

It is *claimed* that Portland wants *diverse* neighborhoods. Indeed, Goal no. 4 states this aim explicitly. The present application, though, would lead to exactly the opposite result. Renters already constitute something like 90% of the population of Goose Hollow. The 270 new apartments proposed would raise this proportion even higher. So will the 134 other rental units that the same firm is already building only one block away. Further, the floor plan proposed for Block 7 shows 37 small apartments on every floor. Only some 13.5% of these would be large enough for a family. This is not diversity. What Goal 4 prescribes is a *balance* between owner-occupied homes and rental properties on the one hand and, on the other, between families and people living by themselves either as singles or as couples. Balance is exactly what is lacking here. In fact, the proposed apartment block would only make worse the *imbalance* that already exists. This isn't "housing of different types," in the words of Goal 4. It's just more of the same. And like the other small apartments that the same firm is *already* building only a stone's throw away from

Block 7, this project too will *exclude* families with children. The guiding principle here is not to enhance the diversity of the neighborhood; it's rather to promote the welfare of the bottom line.

The site in question is the only open green space still remaining in Goose Hollow. As such, the site is unique, and the question before the Council *ought* to be how to acquire this precious green space and transform it into the public park that Goose Hollow has never had, despite a large and highly concentrated population. Instead of *this*, however, a development firm has come to town from Texas and teamed up with a social club few of whose members actually live in Goose Hollow. Together, the club and the men from Dallas are now seriously proposing that this unique green space be re-zoned from residential to commercial--and then bulldozed into oblivion. And what will replace it? Yet another apartment block vastly out of scale with the immediate neighborhood and generating revenue bound for Dallas. Am I living in Portland, OR or in Dallas, TX? Is Portland's vaunted environmentalism real or mere pretense? There are times when a newcomer like me could be led to wonder. Now is one of those times.

Submitted on  
10/01/2014

## *Thinking Globally, Acting Locally*

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My name is Stephen Salomon and I currently live and rent at the Vista St. Clair Apartments, 1000 SW Vista Avenue. I am a retired health physicist and environmental policy analyst from the United States Nuclear Regulatory Commission.

There is much in the news about climate change, e.g. United Nations, and its impacts on localities. What can we in Goose Hollow and the larger community do about it? We residents and the city can oppose the re-zoning of Block 7 to high density commercial (CX) because it will undermine the livability of our neighborhood by

- Unnecessarily overloading our streets with cars spewing greenhouse gases that accelerate climate change; and
- Creating additional air pollution that may be worse than thought according to a new Portland State University study.

Denying the re-zoning of Block 7 will encourage MAC members to use public transit, given two MAX stops are in close proximity, rather than their cars thereby reducing greenhouse gases and noxious air pollutants. Leaving the majestic mature trees, the many shrubs and other vegetation in place, will help to maintain the air in a more stable environment, reduce climate change, and improve the livability of Goose Hollow.

In summary, I support the Final Report by the Goose Hollow Foothills League Block 7 Planning Committee submitted April 24, 2014, that voted overwhelmingly to oppose re-zoning. I question why alternatives were not analyzed by Mill Creek and Multnomah Athletic Club (MAC) as is regularly done in large projects since it is known that a few other properties are available that might serve their objectives. Also, to what worthwhile cause is all the money going? Finally, the MAC, being a progressive, non-profit organization according to its website, could better serve its members and the community without having Block 7 re-zoned high density commercial (CX).

### Notes:

"The climate of the Northwest is changing. Over the last century, the average annual temperature rose by 1.5°F, with increases in some areas up to 4°F. Changes in snowpack, streamflows, and forest cover are already occurring. Future climate change will likely continue to influence these changes. Average annual temperature in the region is projected to increase by 3-10°F by the end of the century. Winter precipitation is projected to increase while summer precipitation is projected to decrease, though precipitation projections are less certain than those related to temperature. Future climate change impacts would be compounded by pressures related to the region's rapidly growing population."

Source: <http://epa.gov/climatechange/impacts-adaptation/northwest.html>

"Study says air quality may be worse than thought. Enter trees." Casey O'Hara, The Oregonian, p. A4, August 26, 2014.

Stephen N. Salomon, S.B.MIT-Physics; Doctorate of the University, U. of Paris; Ph.D. Purdue U.-Physics; National Academy of Sciences Exchange Scientist-Science City, Siberia, USSR – semiconductor physics; Littaurer Fellow, Public Administration- Kennedy School of Government, Harvard; Visiting Assistant Professor of Physics-alternative energy systems and Researcher in Science and Public Policy-offshore oil and gas operations, U. of Oklahoma; environmental policy analyst, health physicist and liaison to State, Local and Tribal Governments, U.S. Nuclear Regulatory Commission (39 years). Address: Vista St. Clair Apartments, # 807, 1000 SW Vista Avenue, Portland, OR 97205-1138

## METRO | NORTHWEST

# Study says air quality may be worse than thought. Enter trees

By Casey O'Hara  
cohara@oregonian.com

A new Portland State University study that maps Portland's air pollution patterns highlights the air-cleansing benefit of urban trees. But an economic analysis of the detailed pollution map shows Portland's air quality may be more hazardous than previously thought.

PSU's interdisciplinary Trees and Health Research Team, working with community volunteers and students, placed sensors at 144 locations around Portland to monitor levels of nitrogen dioxide (NO<sub>2</sub>). The brown noxious gas is an EPA-regulated major air pollutant that can exacerbate respiratory health problems such as asthma.

Comparing air pollution measurements to maps of pollution sources and tree canopy cover, the team developed a model to predict NO<sub>2</sub> levels at a resolution of 200 meters, or approximately two to three city blocks.

Using a simple model that applies a uniform average

air pollution value across the Portland region, the trees and health team estimated that NO<sub>2</sub> imposes \$34 million of economic harm annually, through missed school days, hospital stays and emergency room visits due to respiratory health problems.

But a more detailed analysis based upon the team's landscape-level model actually places this economic harm closer to \$46 million.

"NO<sub>2</sub> is a good marker for combustion exhaust," said team member Linda George, professor of environmental science at PSU, "so we can predict similar spatial variability of other combustion-related pollutants," including microscopic particulate matter that can cause cardiovascular disease and lung cancer.

Portland's leafy canopy offers at least a partial solution. "Urban trees take up NO<sub>2</sub> an order of magnitude more than other models have shown," said George. The team's landscape-level model indicates that trees can reduce

NO<sub>2</sub> by about 15 percent on average. The researchers valued the NO<sub>2</sub>-reducing benefits of trees at \$6.6 million annually.

Team member Vivek Shandas, an associate professor of urban studies and planning at PSU, pointed to the large variations in air quality from neighborhood to neighborhood that the model predicts. "If you were able to know at the street level or neighborhood level what the air quality is," says Shandas, "you might choose to walk your kid to school on a different route."

The solution is not as simple as merely planting more trees, however. Certain tree species emit compounds that react with NO<sub>2</sub>, potentially increasing ozone and particulate matter pollution.

The research team is working to determine which species provide the most benefit, to help homeowners, neighborhood groups and city planners make decisions in augmenting Portland's urban forest.

My name is Helen Gundlach. I live at Arbor Vista Condominium on SW Howard's Way in Goose Hollow. I am also Board President of Arbor Vista Condominium and a proud member of Goose Hollow Foothills League and the Friends of Goose Hollow. I have lived at Arbor Vista for seven years. I previously lived at the Fordham Apartments on SW Vista for 10 years. I love Goose Hollow. It is my home and my community.

Standing in this room is de ja vu...and not in a good sense. Our condo association testified several times before the Portland Design Commission in 2012 and 2013 in opposition to the design of Jefferson Street Flats, a 134-unit apartment building now under construction at SW Jefferson & 20<sup>th</sup> at the Goose Hollow MAX stop. Those of us who were involved in the effort—and that includes a former Design Review Chair who advised us, along with owners and neighbors who testified—it was a frustrating experience, a disappointment that left a sour taste. We were stymied at every turn, our objections dismissed out of hand, despite strong evidence supporting our opposition in the Goose Hollow Design Guidelines. We felt invisible and that the process was a sham of community involvement.

That is why I have taken the time today to testify in support of the No on Block 7 request for a zoning change. I have higher hopes that this hearing process for Block 7 will be more receptive to Goose Hollow residents and won't be swayed by special interests. I avidly support the City of Portland's Comprehensive Plan and its 12 Goals, which I view as being farsighted and examples of good stewardship of community resources.

We understand the MAC's right to develop its own property but not at the expense of community rights, community livability, and in flagrant opposition to previously-agreed-to, binding conditional-use permits. That is wrong. It must be a level playing field for all. Otherwise, there is a double standard for those with power and influence, leaving the rest of us living with these permanent errors in judgment that cannot be overturned.

Portland has committed in writing to creating a green, sustainable, livable city for future generations. We are the envy of the country. Just don't forget this critical fact: People build community, not developers. Developers build buildings. So please support our opposition to Block 7's request for a zoning change from RH residential to CX commercial. Be good stewards. Standing together, we can build community in Goose Hollow.

Thank You.

***MACKENZIE ARCHITECTURE, INC.***

*2827 NE Martin Luther King Blvd. Portland, Oregon 97212*

*(503) 282-7674 Fax: (503) 282-1559 [www.mackenziearchitecture.com](http://www.mackenziearchitecture.com)*

October 1, 2014

City Council c/o

Council Clerk

1221 SW Fourth Avenue, Room 140

Portland, Oregon 97204

**RE: LU 14-105474 CP ZC MAC Club Block 7**

Dear Council Members:

I worked as a land use planner in the 1970's. This was during the roll out of Oregon's new land use laws. What set our land use planning apart from that of other states, was the emphasis on citizen involvement. Comprehensive plans were developed with thousands of hours of citizen input. The Central City Plan has created a successful blueprint for future development. Modifications of the Comprehensive Plan should only be considered if there is a change in circumstances that a revision would better serve the public interest. The applicant seeks a Comprehensive Plan Amendment in order to construct a 225 space commercial parking structure in an RH zone. This does not better serve the public interest than the current RH zoning. The current zoning, the Comprehensive Plan, and the Central City Parking Plan all seek to limit commercial parking within the Central City. Short-term commercial parking has negative impacts on transportation, livability, and air quality. It is important to limit vehicle trips during peak commute times to preserve air quality and lessen impact on transportation systems.

The MAC club has made no effort to reduce parking demand. Price is the most effective way to limit demand. Parking is free for all members during all times the Club is open. Members are allowed to get multiple parking stickers per membership at no extra charge. There is no discount for members that do not use the parking facilities. There is no discount for members to use the parking garages at off peak times. There is extremely limited bike parking on site. Lastly, most of the parking shortages occur when private events are scheduled during peak parking demand times.

In addition to operating as an athletic club, the MAC club has extensive banquet and event facilities. They offer these facilities in competition with other nearby event centers. They offer free parking for event attendees. This creates excess parking demand. All other nearby event centers that provide parking require payment for parking use.

The applicant is requesting additional short-term parking contrary to their own Master Plan and contrary to all relevant City of Portland Planning Policies, Zoning Ordinances, and Comprehensive Plan. This does not support Goal 6 Transportation, and Goal 5 Economic Development. Our Comprehensive Plan was developed with extensive citizen input. Sound planning has tremendous public benefit by fostering development that increases livability and economic growth. This proposal is for spot zoning that benefits the developer and applicant at the expense of the public.

I was a member of the MAC club for over 30 years. My extended family has been active at the Club since the 1930's. The MAC Club used to be an active and contributing member of the neighborhood and the community. They are now a burden on the neighborhood. The MAC Club with its preferred tax structure gives very little back to the community. This application should be denied.

Yours truly,

A handwritten signature in black ink, appearing to read 'Hilary Mackenzie', with a long horizontal flourish extending to the left.

Hilary Mackenzie

Connie Kirk  
1132 SW 19th Avenue, #304, Portland, OR 97205

October 1, 2014

The Honorable Mayor Charlie Hales, Members of the City Council  
Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman  
City Hall, c/o Karla Moore-Love, Council Clerk  
1221 SW 4th Avenue, Room 103, Portland, OR 97204

RE: LU-14-105474 CP ZC

Dear Mayor Hales and Members of the City Council:

My name is Connie Kirk. I live at 1132 SW 19th Avenue. I worked on my doctorate at NYU in the field of Media, Culture and Communication, and ran a publishing company with my late husband, a lifelong publisher and Episcopal clergy who served the homeless on South park blocks. I continue as an editor and actor. I'm not a MAC member.

Comprehensive Plan Goal 3 (Neighborhood Involvement) has not been fully met. The MAC asserts it has engaged in neighborhood dialogue. The relationship is vexed. The MAC's attitude was best exemplified when they pulled Dr. Tracy Prince's book, *Portland's Goose Hollow*, from its bookstore.<sup>(1)</sup> The Club that destroyed all the historic homes on Block 7, has removed yet another piece of our history by a MAC member opposed to rezoning.

A book is a voice. Her book is our voice. We haven't been heard.

- Over 300 petition signatures were obtained to oppose rezoning throughout Goose Hollow. We are the residents most affected by MAC traffic, noise and air pollution. Yet, 95% of members don't live in our area.
- The Block 7 Planning Committee met hundreds of hours, examined the Comprehensive Plan Goals, produced a 43 page report, and voted overwhelmingly to oppose rezoning.<sup>(2)</sup>
- Yet, the GHFL board did not take a position, despite the majority of Goose Hollow neighbors opposing rezoning. Neighbors forged ahead, exceeding the number of signatures required by GHFL bylaws and Oregon state law to hold a Special Meeting of the Membership to vote on rezoning. A list of the consistent scope of opposition to rezoning is attached. See item #10, noting petition signatures to hold a Special Meeting.<sup>(3)</sup>

*Note: With regard to GHFL President, Bob Arkes's, assertion in the September 2014 NW Examiner that Legends residents are "hardly representative of the GHFL membership as a whole", it should be noted that the petition also reflects signatures from Four Seasons, Vista St. Clair, Royal Manor, The Jefferson, Arbor Vista, Collins Circle, Rena Villa, The Fordham, 735 St. Clair, homes around Block 7 and reaching up into Vista Ridge and Gander Ridge.*

- Mr. Janik asserted at the May 21, 2014 BDS hearing that the GHFL board was more supportive of rezoning than not. The GHFL board didn't take a position. Kal Toth, a GHFL board member, provided BDS with numbers that corrected Mr. Janik's inaccurate assumption. See attached "Motion to Amend Motion #1" and final "Motion #3".(4)
  
- **20,000** MAC members ... roughly **6** showed up to support rezoning at neighborhood meetings over a year's time. Heck, 27 of 30 MAC members in my building oppose rezoning.
  
- **20,000** MAC members ... and **8** people testified in support of rezoning at the April 29, 2014 GHFL Block 7 meeting.
  
- **20,000** MAC members ... **5** people testified in support of rezoning at the BDS Hearing on May 21, 2014.
  
- **20,000** MAC members had a year to support rezoning. Where are they in this Chamber?(5)

Please, vote "no" to Block 7 rezoning. Thank you.

Respectfully submitted,

Connie Kirk  
Enc.

REFERENCES AND ATTACHMENTS:

- 1) *Portland's Goose Hollow* is an extensive chronicling of the history of Goose Hollow authored by Dr. Tracy Prince (Arcadia Publishing).
- 2) The Block 7 Planning Committee vote of 18-5 to oppose rezoning is noted on the first page of the committee's 43 page report that examined the Comprehensive Plan Goals & Policies and was submitted to the city on 4/24/14 by Kalman C. Toth and Dale Cardin.
- 3) Annex: Neighborhood Opposition to Proposed Block 7 Rezone compiled by Kalman C. Toth. (Attached)
- 4) GHFL Special Meeting of the April 29, 2014 Data Summary. (Attached)
- 5) Membership numbers are noted in the MAC magazine's online edition, *The Winged M*, at: <http://www.themac.com/web/pages/the-winged-m>.

## Annex: Neighborhood Opposition to Proposed Block 7 Rezone

Neighborhood opposition to the proposed zone change has been vocal and widespread having traversed the entire neighborhood within the boundaries of the Goose Hollow Foothill League (GHFL).

This coalition of neighbors ranges from Vista Ridge and Kings Hill in the western quadrant, through Goose Hollow proper in the center, through to Gander Ridge in the southeast.

The following list documents the various petitions, resolutions, written testimonies and oral testimonies, executed by members of this broad-based coalition in Goose Hollow.

- [1] Summer 2013 Legends Petition: 91 Legends residents opposed project
- [2] Summer 2013 Legends Board unanimously opposed zone change
- [3] Fall 2013 Neighborhood Petition: 234 neighbors opposed zone change
- [4] 9/2013 MAC Petition: 27/30 MAC members at Legends opposed the rezone
- [5] 2014 Friend of Goose Hollow online petition: 91 have opposed the rezone
- [6] 4/24/14 GHFL Block 7 Committee: 17 authors, 43 page report
  - RH zoning better supports Comprehensive Plan Goals and Policies than CX
  - Voted 18-5 to oppose rezoning Block 7 to CX
- [7] 4/29/14 GHFL Block 7 Meeting: ~150 attendees, lottery limited testimony
  - Written Testimonies: 37 emails/letters opposed; zero (0) in support
  - Oral Testimonies: 16 opposed; 8 in support; 1 neutral
  - GHFL Board took "no position" having not been unable to pass resolutions for or against the proposed zone change
  - GHFL Board did not vote to take a neutral position on the rezone proposal
- [8] 5/21/14 BDS Hearing:
  - Written Testimonies: 53 emails/letters: 52 opposed; 1 in support
  - Oral Testimonies: 13 opposed; 5 in support
- [9] 7/18/14 Hearings Officer's Recommendation:
  - Written Testimonies: 53 emails and letters: 52 opposed; 1 in support
  - Hearing officer failed to disclose the number of testimonies submitted after the hearing ... we estimate 16 opposing rezone were submitted
- [10] 2014/8 Petition of 111 GHFL members to hold a special meeting
  - Purpose: to adopt a position opposing the proposed zone change on Block 7
  - Meeting to be held 10/08/14

# GHFL Special Meeting of April 29<sup>th</sup>, 2014: Data Summary

(prepared by Kal Toth)

Total Number of Board Members = 13	<b>In Attendance:</b> R Arkes (RA), L Cameron (LC), N Clark (NC), A Ingram (AI), L Johnson (LJ), Stephan Lewis, C Milne (CM), T Moore (TM), S Schaffer (SS), K Toth (KT) G Wimmer (GW), R Wyszynski (RM) <b>Absent:</b> P Chapman
Quorum = 7	
12 Board Members in Attendance	

<b>Public Comments</b>	
Total who spoke in Favor of Rezoning Block 7 from CX to RH	<b>8</b>
Total who spoke in Opposition to Rezoning Block 7 from CX to RH	<b>16</b>
Number we spoke and took a neutral position of rezoning Block 7	<b>1</b>

<b>Petitions &amp; Resolution Deposited with the GHFL Board</b>	
Legends Condominium Board Resolution Opposing Rezoning of Block 7 from RH to CX	Unanimously passed by Legends Board
Legends Condominium Petition Opposing Rezoning of Block 7 from RH to CX	Signed by 91 Legends residents / owners
Neighborhood Petition Opposing Rezoning of Block 7 from RH to CX	234 signatures of neighbors after deducting Legends signatures
Friends of Goose Hollow Online Petition Opposing Rezoning of Block 7 from RH to CX	32 signatures as of April 29, 2014
Petition to MAC Trustees by MAC members residing at Legends asking to consider their concerns & suggestions per the Mill Creek/MAC proposal	Signed by 27 out of 30 MAC members at Legends
Total not including duplicate signatures	357

<b>GHFL Board Motions Moved, Seconded and Voted Upon</b>				
	Yes	No	Abstain	
Motion #1: To oppose the Mill Creek/MAC proposal to rezone Block 7 from RH to CX because it contravenes the MAC Master Plan and fails to comply with the Comprehensive Plan; moved by KT and seconded by CM	-	-	-	
Motion to Amend Motion #1: To also adopt the Block 7 Committee recommendation; moved KT; 2 <sup>nd</sup> CM	10	2		Passed
Motion #1 with above Amendment: To adopt the Block 7 committee recommendation and oppose the Mill Creek/MAC proposal to rezone Block 7 from RH to CX because it contravenes the MAC Master Plan and fails to comply with the Comprehensive Plan;	5	7	-	Failed
Motion #2: To adopt the Block 7 committee recommendation and oppose the zone change; moved by KT and seconded by CM	5	7	-	Failed
Motion #3: To support the Mill Creek/MAC proposal to rezone Block 7 from RH to CX; moved by LJ; 2 <sup>nd</sup> by GW	3	6	3	Failed

Roll-call votes were held; minutes document how Board members cast their votes.

SUBMISSION TO CITY COMMISSIONERS BY DR. NORMAN ZELLER CONCERNING  
BLOCK 7 ZONING  
OCTOBER 1, 2014

I speak to you today as a resident of the Goose Hollow neighborhood, and as a member of the MAC.

Today you, the Portland City Commissioners & Mayor, are being asked to approve a Zone Change for Block 7 in Goose Hollow. If the zoning change is approved, it will change the Historic character of this Neighborhood forever. The purpose of the change will be to provide 225 more parking spaces for use by the MAC.

It is alleged by management and the Board of the MAC that there are not enough parking spaces in the existing parking garage to accommodate the busy athletic club. This is not exactly true. Most of the time there is adequate parking for all the members seeking to use the facilities. The shortage of parking spaces and the congestion in the surrounding streets is self-inflicted, brought about by promoting the use of the MAC's facilities to outside organizations and groups for meetings and conferences. Hardly the activity you would expect or need at an athletic club. This type of activity was not mentioned in the Hearing Officer's report on traffic. Had the Officer bothered to comment on the large numbers of people descending on the MAC for meetings or programs, he certainly would have reported that this is a major cause of the traffic congestion and chaos that at times occurs in the Parking Garage.

Had the Hearing's Officer known of the MAC's meeting and conference/convention activity, he might have referred to the negative economic effect the MAC's commercial activity has on other venues in Portland, such as the city hotels, which offer similar services and facilities. These venues, including the city's own convention center are in constant competition with each other to fill their spaces and keep employees. For the MAC, with its Free Parking, it's an easy sell to the program managers of interested groups looking for a space to hold a meeting. Free parking, it's the trump card to close the deal and the MAC plays it. Free parking is the reason there is a shortage of parking for members and guests in the existing parking structure. Free Parking is what causes the street congestion.

Adding 225 new free parking spaces for MAC's use will not solve the parking or the traffic problem. It could very well make it worse.

Please save the neighborhood and reject the Zone change. The MAC has other options. They could even start charging for guest parking and by doing so, perhaps, miraculously make its parking and traffic problems disappear.

October 1, 2014

The Honorable Mayor Charlie Hales, Members of the City Council  
Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman  
City Hall, c/o Karla Moore-Love, Council Clerk  
1221 SW 4th Avenue, Room 103  
Portland, OR 97204

RE: LU-14-105474 CP ZC

Dear Mayor Hales and Members of the City Council,

I am writing today to oppose the rezone of Block 7 to Cx to accommodate 225 parking spaces for MAC members. I feel this change will have a negative effect for Goose Hollow and does not meet Goals 3 (Neighborhoods) and 6 (Transportation) of the Comprehensive Plan.

These 225 parking spaces will bring more car traffic, not less, to our neighborhood. If these spaces exist MAC members "at the margin" will now decide to drive their cars. Similarly, MAC itself will schedule more events knowing that this parking is now available. Further, these parking spaces will be for visitors who are not neighbors and who, for the most part, will not be shopping at local businesses.

A similar situation as is happening today played out in the early 1980s. The City Council then was very skeptical of MAC's parking intentions and heard representatives from the MAC promise not to request Cx designation in the future for the increasing number of lots they were buying in the neighborhood. Here we are 30 years later and guess what? MAC is saying it needs more parking and is requesting Cx rezone of Block 7.

Please say NO.

Respectfully,



Jeff Malmquist  
2020 SW Main Street #408  
Portland Oregon 97205

### Testimony of Elizabeth L. Perris

My name is Elizabeth L. Perris and I live at 1132 SW 19<sup>th</sup> Ave., Portland, Oregon, which is across the street from the Block 7 which the applicant seeks to have rezoned from residential to commercial. I speak in opposition to the rezoning.

We chose to move to the Legends because we wanted to live in a residential neighborhood. Changing the zoning to commercial eliminates the residential character of the neighborhood and opens the door to making the neighborhood a very different one. A number of years ago you rezoned another block so that the Multnomah Athletic Club (MAC) could build a multi-story parking lot. Now it seeks to rezone another block. Rezoning Block 7 will drive a commercial wedge in what is currently a residential area.

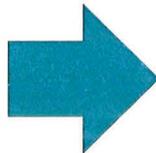
It is apparent from the city's Comprehensive Plan and its implementation that the city seeks to encourage alternatives to driving one's car. Goal 6 contains numerous detailed strategies that the city is using to "develop a balanced, equitable, and efficient transportation system." Our neighborhood is one where public transportation is especially strong. As is evident from the picture included with this testimony, the light rail runs along side the MAC and stops across the street from the MAC. There is no reason that residential property should be rezoned to allow the MAC 225 more parking spaces when there is ample public transit available. People hardly need to drive to the MAC to exercise. Let them walk, bicycle, or use public transit like the rest of us.

Goal 8 of the city's Comprehensive Plan is to maintain and improve the environment. Point 8.4 states that the city will "[p]romote the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area." Adding 225 parking places in a residential neighborhood with a light rail stop that is so close to the MAC is contrary to that objective.

The proposed rezoning purely benefits the MAC and not the rest of the neighborhood. The rezoning is being advocated so that the MAC can add 225 parking spaces and 16 guest suites. Only MAC members get to use those. MAC members may find more convenient parking after this project, but the cost to the neighborhood is extensive construction. After the construction, the rest of the neighborhood has more traffic and less parking because of the impact of the added 225 parking spaces and large structure built on Block 7. Commercial property is more valuable than residential property. The MAC chose to buy residential property. Now it wants a windfall at the expense of the livability of the neighborhood.

I urge you to deny the request to rezone Block 7.

Light rail stop with MAC in background (brick building)



To: Mayor Hales & Commissioners Fish, Fritz, Novick and Saltzman of City Council  
From: Kal Toth  
Date: October 1<sup>st</sup>, 2014  
Subject: My Oral testimony Opposing LU 14-1054474 CP ZC

Thank you for the opportunity to speak about the proposed Block 7 rezone application.

My name is Kal Toth. I live at Legends directly across the street from Block 7.

Please know that I am submitting supporting written testimony with attachments.

I am a 10-year member of the MAC, a retired PSU professor, and a Professional Engineer having experience with air traffic control, queuing analysis, and queuing simulations.

I am a member of the GHFL Board. I am not representing the GHFL today.

I am speaking as a Goose Hollow resident and ordinary MAC member.

I have serious concerns about the Applicant's zone change proposal.

I am opposed because it breaks with the MAC's promises to the Goose Hollow neighborhood to build within the RH zone and to not build MAC parking on Block 7.

The MAC could be building parking elsewhere, for example, on its large parcel immediately west of the club, and on the Butler Block immediately east of the Club.

I am not opposed to developing housing on the property provided it fits with the character of our Goose Hollow neighborhood and does not eliminate our protective tree canopy.

=====

I believe BDS Staff and the Hearings Officer were ham-strung by unsupported assertions and ambiguous reasoning of the Applicant, especially as it relates to the critical area of Goal 9 Transportation, namely, parking and traffic.

The Applicant raised many more questions than it answered ... consider these questions:

**Does the MAC actually need an additional 225 parking spaces?**

MAC member survey says 70% of members are satisfied with MAC parking

Why build more?

**Is the MAC actually entitled to 225 parking spaces?**

Title 33 says MAC is entitled to exactly zero parking spaces ("none")

**Will the proposal provide the MAC with just enough parking capacity?**

**Or will it provide abundant, sparsely utilized parking capacity?**

Consider that the MAC has not stated that it will abandon its present overflow lots

Proposal is thereby implicitly requesting  $225 + 200 = 425$  parking spaces

The proposed parking garage has been designed to meet peak busy period demand

This means new parking under Block 7 will be mostly empty 75-85% of the time

**Will the proposal actually generate "no new trips"?**

**Or will it generate many more trips?**

On 4/11/14 MAC President said member usage has increased 30% over last 10 years!

The # of member trips is therefore increasing

Applicant ignored growth due to special events, for example, MAC members drive from the suburbs to attend events near the MAC including Timbers, Lincoln HS, and PSU games, weddings, shopping and meetings downtown, etc.

**Does the asserted phenomenon of circulating cars actually exist? Or is this congestion self-inflicted by ineffective parking procedures instituted by the Club?**

Phenomenon of circling cars is anecdotal, unsupported by measurement data

If it exists most likely caused by ineffective parking attendant procedures

**How many MAC member cars actually occupy on-street parking spaces near the MAC garage - many or just a few?**

Neither the Applicant nor the GHFL parking study have collected on-street parking data

A Legends led neighborhood study counting cars confirms very few MAC members consume on-street parking around the garage

The Applicant's proposal will provide little if any relief to our on street parking problems

**During peak busy periods will drivers smoothly traverse the four (4) levels of parking and the tunnel as asserted?**

**Or will they experience significant conflicts with other cars and pedestrians within the garage causing delays and queues that spill onto streets and over the sidewalks?**

Applicant has not considered that simple queuing theory predicts that a 42% increase in parking spaces within the MAC garage will exponentially increase queues and delays interfering with street and sidewalk conditions at both entrances

**Summary:** The proposed abundant free MAC parking will motivate MAC General Management to schedule more special events at the Club, will stimulate more auto-oriented member visits to the Club, will further erode TriMet ridership and revenues, and will put more pressure on the taxpayer to subsidize mass transit and convention facilities.

**The Applicant bears the burden of proof, not the Opponents, to demonstrate that these issues have been addressed unambiguously and with supporting evidence**

**My written testimony goes into these questions more thoroughly also covering:**

The MAC's inability to manage parking demand

Concurrence with the Hearings Officer that the proposed Restrictive Covenant undermines public notice and the hearing process

That the "Conditionally supportive presumption approach" and unfairly biases his recommendation in favor of the Applicant

Summarizes the extent of neighborhood opposition to the Applicant's proposal

## Magnitude of Neighborhood Opposition to Block 7 Rezone Proposal

Neighborhood opposition to the proposed zone change has been vocal and widespread having traversed the entire neighborhood within the boundaries of the Goose Hollow Foothill League (GHFL).

Summer 2013 Legends Petition: 91 Legends residents opposed project

Summer 2013 Legends Board unanimously opposed zone change

Fall 2013 Neighborhood Petition: 234 neighbors opposed zone change

9/2013 MAC Petition: 27/30 MAC members at Legends opposed the rezone

2014 Friend of Goose Hollow online petition: 91 have opposed the rezone

4/24/14 GHFL Block 7 Committee Report: 17 authors, 43 page report:

RH zoning better supports Comprehensive Plan Goals and Policies than CX

Voted 18-5 to oppose rezoning Block 7 to CX

4/29/14 GHFL Block 7 Meeting: ~150 attendees, lottery limited testimony:

Written Testimonies: 37 emails/letters opposed; zero (0) in support

Oral Testimonies: 16 opposed; 8 in support; 1 neutral

Board took "no position": was unable to pass resolutions for or against

Having been unable to pass resolutions for or against the proposed zone change, the

GHFL Board took "no position"

GHFL Board did not vote to take a neutral position on the rezone proposal

5/21/14 BDS hearing:

Written Testimonies: 53 emails/letters: 52 opposed; 1 in support

Oral Testimonies: 13 opposed; 5 in support

7/18/14 Hearings Officer's Recommendation documented:

Written Testimonies: 53 emails and letters: 52 opposed; 1 in support

Hearing officer failed to disclose the number of testimonies submitted after the hearing ... we estimate 16 opposing rezone were submitted

2014/8 Petition of 111 GHFL members to hold a special meeting to adopt a position

opposing the proposed zone change on – this meeting being held 10/08/14

**To:** Mayor Hales & Commissioners Fish, Fritz, Novick and Saltzman of City Council

**From:** Kal Toth

**Date:** October 1<sup>st</sup>, 2014

**Subject:** LU 14-1054474 CP ZC, Mill Creek Realty Trust LLC to the City of Portland, OR

**Attachments:** MAC President's Report to Annual Meeting, Feb 11<sup>th</sup>, 2014  
MAC President's Report to Annual Meeting, Feb 8<sup>th</sup>, 2011  
Title 33, Ch. 33.266, Parking and Loading, pp. 266-1 to 266-8

Thank you for the opportunity to speak about the proposed rezone of Block 7 from RH to CX.

## 1. Who I am

I am Kal Toth of 1132 SW 19<sup>th</sup> Ave, Portland Oregon living at Legends directly across from Block 7. I am a 10-year member of the Multnomah Athletic Club, a retired PSU professor, and a Professional Engineer with experience that includes the development of air traffic control systems, queuing analysis, and queuing simulations.

I am a member of the GHFL Board. I am not representing the GHFL in any capacity today.

I am speaking today as a Goose Hollow resident, and as an ordinary MAC member, having serious concerns about the Applicant's zone change proposal and its negative impacts on both the neighborhood and MAC members.

I can report to you relevant publically available information that the GHFL Board neither passed resolutions to oppose the present Block 7 zone change proposal, nor did it pass a resolution to support this proposal. Nor did the GHFL Board vote to take a neutral position on this proposal. Also publically known, the GHFL Block 7 Planning Committee developed a 43-page report concluding that the proposal fails to support, on balance, the City of Portland's Comprehensive Plan goals. Furthermore, the report itself documents that the Block 7 Planning committee opposed the proposed zone change by a vote of 18-5 with 3 abstentions.

I am opposed to the proposal to rezone Block 7 from RH to CX because it breaks with the MAC's promises to the Goose Hollow neighborhood to build within the RH zone and not build MAC parking on Block 7. I am not opposed to developing housing on the property provided it fits with the character of our neighborhood of Victorian homes, and does not eliminate our attractive and environmentally friendly tree canopy.

I believe BDS Staff and the Hearings Officer were led astray by the numerous unsupported assertions and incomplete analyses provided by the Applicant, resulting in a considerably flawed assessment of Goal 6 Transportation, in turn tainting the assessments of other goals, particularly, Goal 3 Neighborhoods, Goal 5 Economic Development, and Goal 8 Environment.

## **2. GHFL Block 7 Planning Committee's Final Report, April 24<sup>th</sup>, 2014**

This report examined all 12 Comprehensive Plan goals and component policies, addressed the assertions made by Mill Creek and the MAC, and concluded that the proposed rezone of Block 7 fails to meet the Comprehensive Plan goals and policies as well under CX as under the present RH zone.

The GHFL Block 7 Planning Committee report reasons that CX zoning enables MAC parking and MAC hotel guest suites which stimulate additional traffic into the Goose Hollow neighborhood undermining Goal 6 and thereby also goals 3, 5, 8 and others:

- a) Worsening traffic congestion, parking, and safety on our local streets (Goal 6)
- b) Reducing mass transit ridership, eroding TriMet revenues (Goal 6)
- c) Degrading the environment (Goal 8) via escalating noise and air pollution
- d) Eroding neighborhood livability and stability (Goal 3)
- e) Enabling the MAC to compete unfairly with area convention centers (Goal 5), and
- f) Offering no economic benefits to area businesses (Goal 5)

## **3. Why I disagree with the Hearings Officer's Assessment of Goal 6**

The Applicant has submitted the following quantitatively unsupported assertions:

- a) That the MAC is entitled to 1060 parking spaces; having 540, the Applicant claims 500 more spaces are justified and asks for 225 parking spaces at this time;
- b) That the proposed parking configuration will simply relocate parking during the peak busy periods from the three nearby overflow lots to the new 225 MAC parking spaces;
- c) That "no new trips" to the Club will be generated because MAC membership is capped at 20,000 members;
- d) That the proposal improves traffic congestion during peak busy periods by eliminating the phenomenon of circling cars looking for parking;
- e) That the proposal improves on-street parking conditions by relocating MAC on-street parkers into the new 225 space Block 7 garage; and
- f) That during peak busy periods cars will be simply directed to the tunnel and thereby into the proposed 225 parking spaces under Block 7.

## **4. Applicant Provided Unsupported Assertions and Reasoning**

BDS Staff and the Hearings Officer were ham-strung by unsupported assertions and ambiguous reasoning of the Applicant, this obfuscation preventing meaningful assessments of the goals and policies of the City's Comprehensive Plan. The Applicant raised far more questions than answers:

- A. Does the MAC actually need an additional 225 parking spaces? Is the MAC actually entitled to 225 parking spaces?
- B. Will the proposal provide the MAC with just enough parking capacity? Or will it provide over-abundant parking capacity that is only partially utilized?
- C. Will the proposal actually generate “no new trips”? Or will it generate many more trips?
- D. Does the asserted phenomenon of circulating cars actually exist? Or is this congestion self-inflicted by ineffective parking procedures instituted by the Club?
- E. How many MAC member cars actually occupy on-street parking next to the MAC garage? Many? Or a relatively insignificant number?
- F. During peak busy periods will drivers smoothly traverse the four (4) levels of parking and the tunnel? Or will there be significant interference among cars and pedestrians within the garage causing delays and queues that spill onto streets and over the sidewalks?

The following responses illustrate the Applicant’s unsupported assertions and reasoning (the annex contains addition information responsive to these questions):

**A. Does the MAC need, and is it entitled to, an additional ~500 parking spaces?**

- a) MAC member survey (see attached) indicates ~70% are satisfied with MAC parking availability;
- b) Title 33.266.110 D and Tables 266-1/266-2 confirms MAC is entitled to “none” (zero) spaces.

**B. Will the proposal provide just enough parking, or overly abundant parking?**

- a) MAC has not declared overflow lots will be abandoned → in effect 225+200=425 requested;
- b) New MAC parking has been designed to handle peak loads, not some lower threshold;
- c) This implies that the proposed new Block 7 parking will be very sparsely utilized 75-85% of the time;
- d) And, of course, MAC parking will be empty overnight when residents would most benefit.

**C. Will the proposal actually generate “no new trips” or significantly more trips?**

- a) The Applicant states that MAC membership is capped and will not generate new trips;
- b) But MAC President said Feb 11/14 that member usage increased 30% over last 10 years;
- c) Many trip growth factors ignored: growth in special events, members and guests parking at the MAC to attend area games (Timbers, Lincoln HS, PSU), weddings, guest suites, etc;
- d) Ignores availability of abundant free-parking capacity → enables MAC management to schedule many more special events and MAC members to attend even more frequently (satisfy pent up demand).

**D. Does the phenomenon of circulating cars actually exist? If it can be demonstrated by observation and measurement to exist, is this congestion self-inflicted?**

- a) Phenomenon of circling cars is anecdotal and unsupported by measurement data;
- b) If this phenomenon exists it is most likely caused by ineffective parking attendant procedures.

**E. How many MAC cars are actually consuming on-street parking spaces?**

- a) Applicant has not provided any data assessing the number of MAC on-street parkers;
- b) Our informal study confirmed that very few MAC members occupy permitted on-street parking;

c) GHFL parking study did not measure or collect data regarding on-street parking conditions.

**F. Could conflicts among cars and pedestrians within the garage cause delays and queues that spill onto streets and interfere with street and sidewalk conditions?**

- a) Simple queuing theory predicts that during busy periods, increasing MAC parking by 42% will exponentially increase queues and delays within the garage and at the two (2) garage entrances;
- b) Such queues can be expected to worsen traffic on local service traffic streets already congested by Timbers games and short-cutting traffic through the neighborhood on SW 20<sup>th</sup> and on SW Salmon;

**5. Applicant Bears the Burden of Proof, not the Opponents**

Given the unsupported assertions and ambiguous reasoning of the Applicant, the City should place the burden of proof on the Applicant to demonstrate that:

- a) The MAC actually needs and is entitled to additional parking under Title 33 or otherwise;
- b) The # of trips to the MAC is not increasing due to the additional factors we have identified;
- c) The current overflow parking lots are not needed and must therefore be permanently abandoned;
- d) The alleged circulating phenomenon actually exists and has not been self-inflicted by the MAC;
- e) MAC members are actually consuming on-street parking that the MAC parking garage would relieve;
- f) During peak busy periods, queues at the two garage entrances will not interfere with street and sidewalk conditions, that is, the Applicant should be required to conduct a legitimate queuing analysis.

**6. MAC Should be Managing Parking Demand Much Better**

The MAC should discontinue offering virtually unlimited, uncontrolled free parking to MAC members, guests, and visitors attending the Club and nearby events because this:

- a) Damages neighborhood livability;
- b) Is economically wasteful;
- c) Damages MAC members who interested in keeping with the long-time recreation and social mission of the Club rather than management's aspirations to become a convention and hospitality center.

Whether this proposal is approved or rejected, the MAC should provide objective evidence that it is practicing sustainable parking demand management on an ongoing basis, proactively reducing reliance on the automobile and increasing mass transit use.

**In other words, MAC members and guests should pay for the parking they use, like everyone else!**

# Annex

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## **Parking Need and Management Discrepancies: MAC Parking Need Not Established**

The Hearings Officer's report stated that 70% of MAC members said inadequate parking was a problem. In contrast, MAC member surveys (see attached) indicate 70% of members are satisfied with parking in the current garage.

The Hearings Officer adopted Applicant's assertion that Title 33, Table 266-2, implies that the MAC requires 1,060 parking spaces and hence over 500 (approx) additional parking stalls:

- d) Table 266-2 for health clubs and gyms under column "Standard A" and "Standard B" respectively specifies minimum and maximum parking of 1 parking space per 330 , and 185 per sq. ft. of floor area;
- e) Table 266-2 header explicitly states Table 266-1 is to be used to determine which standard to apply;
- f) Table 266-1 states that for land zoned CX in Central City the minimum allowed parking is "none" (zero);
- g) Table 266-1 specifies that Standards A and B apply only to OS, RF - RH, IR, CN2, CO2, CG, EG, and I;
- h) 33.266.110 D. states that for sites located less than 1500 feet from a transit station or less than 500 feet from a transit street with 20-minute peak hour service, the minimum parking requirement standards of this subsection apply. MAC clubhouse is situated well within 1500 feet of the King's Hill MAX station and several bus lines implying minimum parking standard in Table 266-1 of "none" (zero) applies.

*Title 33 therefore entitles the MAC to "zero" additional parking spaces ("none").*

## **Parking Analysis Discrepancies: Assertion of "No More Trips" is Highly Suspect**

Applicant asserts relocating parking from overflow lots to the proposed 225 space garage yields "no more trips":

- a) No objective evidence, independent observations or data exist to substantiate this assertion;
- b) Applicant falsely concluded that # trips will not increase because MAC membership is capped;
- c) MAC President on Feb 11/14 confirmed that member usage has increased 30% over last 10 years;
  - see "Winged M" 3/14, President's Report at MAC Annual meeting 2/11/14 (excerpts attached)
- d) Applicant ignores potential growth due to special events facilitated by more parking;
- e) Applicant ignores new traffic due to proposed hotel-like guest suites on Block.

*The Applicant's burden is to prove that the # of trips to the MAC is not increasing – this does not appear to be the case.*

## **Parking Analysis Discrepancies: Applicant Over-Building Free-Parking Capacity**

Applicant is designing to satisfy peak demand thereby overbuilding parking capacity. Such a strategy is considered to be economically imprudent by most enterprises and engineers.

Consider the following:

- a) Overflow lots are currently used during peak periods: work case estimate is 4 hrs/day = 28hrs/week;
- b) Proposed 225 spaces will be available 18 hrs, 7 days = 112 hrs/week which is 4 times the peak period;
- c) This implies new parking will be filled close to capacity not more than 25% of the time;
- d) This also implies new parking will be mostly empty 75% of the time, not including overnight when it is entirely empty (Note: residents unable to benefit from all this spare overnight capacity);

Meanwhile, MAC has not declared that overflow parking will be discontinued. If overflow parking continues to be used, new MAC parking will be - mostly empty - most of the time.

If rezoning Block 7 is approved, and the 225 space parking garage is built, the MAC can be expected to exploit this abundant free parking:

- a) There is no reason to believe the MAC will not schedule many more special events;
- b) Members will also be drawn to fill the abundant spare capacity satisfying their pent up demand.

*The inescapable conclusion is that many more trips will be generated to soak up the proposed abundant parking, especially if the current overflow lots are not abandoned. The MAC should explain to City Council, and to Goose Hollow, why such abundant parking capacity is needed and provide carefully reasoned arguments why it believes this proposal will actually benefit the neighborhood.*

### **Traffic Analysis Discrepancies: Asserted Congestion Problem**

Applicant asserts that the current parking configuration during peak busy periods, which uses three (3) overflow parking lots, results in traffic congestion problems, namely, cars circulating the garage to locate parking spaces. The Applicant additionally asserts that this alleged problem of circulating cars will be solved by the proposed 225 parking garage:

- a) The phenomenon of cars circulating the garage looking for parking has only been described anecdotally by the MAC to the Applicant and the Applicant's traffic and parking consultant (Kittelson);
- b) The Applicant has not provided objective evidence, independent observations, or measurement data substantiating the occurrence of this phenomenon;
- c) If this phenomenon actually exists, it could very well be caused by ineffective procedures directing arriving parkers to the overflow parking lots;
- d) The Applicant has not described the procedures used by MAC personnel to direct drivers during peak busy periods – the availability of such procedural information could pin-point the problem.

*Burden of proof is on the Applicant to prove that the alleged congestion problem of circulating cars actually exists and that this phenomenon is not caused by the MAC procedures used to direct arriving cars.*

### **Parking Analysis Discrepancies: On-Street Parking Relief Assertion**

The Applicant's assertion that MAC parking will relieve the neighborhood's acknowledged on-street parking problem must be dismissed for the following reasons:

- a) The Applicant did not provide measurement data, or any other objective or independent evidence, that MAC members are actually competing for on-street parking with local residents;
- b) A Legends grass roots neighborhood study conducted last year gathered limited, but useful observations, that MAC members rarely occupy on-street Zone-A parking slots around the garage;
- c) The GHFL online parking survey, conducted by a single volunteer, did not measure or assess the availability and conditions related to on-street parking, was statistically invalid, and has not been adopted by the GHFL Board.

*There is no objective basis for the assertion that the addition of 225 MAC parking stalls will reduce the competition for on-street parking problems or benefit residents.*

### **Traffic Analysis Discrepancies: Interference among Cars and Pedestrians in MAC Garage**

The Applicant has asserted that when the existing parking garage is full during peak busy periods, cars will be directed to simply proceed through the tunnel directly to MAC parking in Block 7. Consider the following:

- d) No credible analysis has been conducted to prove that drivers will be able to park without interfering with the passage of other cars and pedestrians – both within the garage and at the entrances;
- e) Professional traffic engineers know such interference patterns among arrivals and departures as statistical queuing, acknowledged to stimulate exponentially growing queues and delays;
- f) The Applicant's consultant did not conduct such a queuing analysis;
- g) Simple queuing theory predicts that during busy periods, increasing MAC parking by 42% will exponentially increase queues and delays at the existing 2 entrances;
- h) Such queues spilling onto the local streets nearby the MAC garage will significantly worsen traffic conditions for both cars and pedestrians;
- i) This queuing and congestion effect will particularly exacerbate local congestion experienced by the neighborhood during peak busy periods along SW 20<sup>th</sup>, SW Salmon and SW 18<sup>th</sup>, especially during rush hours when traffic short-cuts through our neighborhood, and during Timbers games.

*The burden of proof should be on the Applicant to prove that during peak busy periods the proposed parking configuration will not create queues at the entrances interfering with street and sidewalk conditions.*

### **The MAC Appears to be Incapable of Managing Its Parking Demand**

Hearings Officer has not challenged MAC's poor management of parking demand or considered the negative impacts on the Goose Hollow neighborhood.

MAC's practices discourage car pooling and mass transit ridership while creating traffic and parking problems for Goose Hollow residents. Consider for example:

- a) MAC offers unlimited free parking to members;
- b) MAC allows members to obtain parking permits for as many as 4 cars/member.

Policies requiring members to be at the Club when using MAC parking are routinely violated:

- a) Lack of enforcement enables members to park in the garage when going downtown for entertainment and work, or attending Timbers, PSU, and Lincoln High School games;
- b) For example, the MAC GM was recently observed returning to the club with his spouse from a concert at the Moda Center, presumably to fetch his car and drive home to the suburbs.

MAC should practice proven parking demand management schemes such as:

- a) Establishing parking fees that are competitive with mass transit;
- b) Limiting the number of parking permits to, say, one or two per member;
- c) Monitoring parking policy violations and levying meaningful penalties;
- d) Introducing automated access control gates that track parking stays.

*MAC members and guests should pay for parking they use like everyone else!*

### **Restrictive Covenant Exposes the Neighborhood to Considerable Risk**

We agree with the Hearing Officer's conclusion, and that of BDS Staff, that a restrictive covenant attached to the CX zoning on Block 7 would undermine Goal 9 Citizen Involvement enabling the MAC and the City, and/or future owners of Block 7, to circumvent requirements for notice and public hearings.

We do not agree with Hearings Officer's argument that the recommended "conditions for approval" process better protects the neighborhood than the proposed Restrictive Covenant. The neighborhood would continue to be faced with the prospect of launching stiff opposition at public hearings whenever a use permitted under CX conflicts with the current uses permitted under RX.

A far better solution would be to avoid such future conflicts by keeping Block 7 zoned RH.

### **Conditionally Supportive Presumption Approach Proposed is Problematic**

The Hearings Officer requires the Applicant to complete a PMP, a TDMP and a CCPR, the Hearings Officer asserting that selected Comprehensive Plan goals and policies under these conditions will be equally or more supportive under CX than under RH.

We find this problematic for the following reasons:

- a) Asking for a zone change to CX for the purpose of allowing MAC parking before establishing whether the MAC proves that it needs more parking, and before determining the negative impacts to several Comprehensive Plan goals, is like putting the cart before the horse.
- b) It is also somewhat like conditionally certifying a physician to perform heart surgery before they have completed their internship.
- c) The Hearings Officer did not stipulate any criteria for completeness of the PMP, TDMP and CCPR. We believe the applicant should be required to achieve an unambiguous standard before a condition is considered to be met.
- d) Should the applicable standards not be met, the zoning on Block 7 should be reverted to RH.
- e) Finally, completeness assessments of these processes should be revealed to the public via appropriate public notice and hearings per Goal 9 Citizen Involvement.
- f) Of course, rejecting the zone change proposal would avoid these issues.

### **Neighborhood Opposition to CX Rezone**

Neighborhood opposition to the proposed zone change has been vocal and widespread having traversed the entire neighborhood within the boundaries of the Goose Hollow Foothill League (GHFL).

- a) Summer 2013 Legends Petition: 91 Legends residents opposed project;
- b) Summer 2013 Legends Board unanimously opposed zone change;
- c) Fall 2013 Neighborhood Petition: 234 neighbors opposed zone change;
- d) 9/2013 MAC Petition: 27/30 MAC members at Legends opposed the rezone;
- e) 2014 Friend of Goose Hollow online petition: 91 have opposed the rezone;
- f) 4/24/14 GHFL Block 7 Committee Report: 17 authors, 43 page report:
  - RH zoning better supports Comprehensive Plan Goals and Policies than CX;
  - Voted 18-5 to oppose rezoning Block 7 to CX.
- g) 4/29/14 GHFL Block 7 Meeting: ~150 attendees, lottery limited testimony:
  - Written Testimonies: 37 emails/letters opposed; zero (0) in support;
  - Oral Testimonies: 16 opposed; 8 in support; 1 neutral;
  - Board took "no position": was unable to pass resolutions for or against;
  - Having been unable to pass resolutions for or against the proposed zone change, the GHFL Board took "no position";
  - GHFL Board did not vote to take a neutral position on the rezone proposal;
- h) 5/21/14 BDS hearing:
  - Written Testimonies: 53 emails/letters: 52 opposed; 1 in support;
  - Oral Testimonies: 13 opposed; 5 in support.
- i) 7/18/14 Hearings Officer's Recommendation documented:
  - Written Testimonies: 53 emails and letters: 52 opposed; 1 in support.
  - Hearing officer failed to disclose the number of testimonies submitted after the hearing ... we estimate 16 opposing rezone were submitted.
- j) 2014/8 Petition of 111 GHFL members to hold a special meeting to adopt a position opposing the proposed zone change on Block 7 – this meeting to be held 10/08/14.

**CHAPTER 33.266  
PARKING AND LOADING**

(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14.)

Sections:

- 33.266.010 Introduction
- Motor Vehicle Parking
- 33.266.100 General Regulations
- 33.266.110 Minimum Required Parking Spaces
- 33.266.115 Maximum Allowed Parking Spaces
- 33.266.120 Development Standards for Houses and Duplexes
- 33.266.130 Development Standards for All Other Development
- 33.266.140 Stacked Parking Areas
- 33.266.150 Vehicles in Residential Zones
- Bicycle Parking
- 33.266.200 Purpose
- 33.266.210 Required Bicycle Parking
- 33.266.220 Bicycle Parking Standards
- Loading
- 33.266.300 Purpose
- 33.266.310 Loading Standards

**33.266.010 Introduction**

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas. Other titles of the City Code may regulate other aspects of parking and loading.

**Motor Vehicle Parking**

**33.266.100 General Regulations**

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Occupancy.** All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping

and Screening.

**C. Calculations of amounts of required and allowed parking.**

1. When computing parking spaces based on floor area, areas used for parking are not counted.
2. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.3., below. When there are two or more separate primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. For joint use parking, see Paragraph 33.266.110.B., below.
3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.
4. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
5. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.

**D. Use of required parking spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

**E. Proximity of parking to use.** Required parking spaces for residential uses must be located on the site of the use or within a shared court parking tract owned in common by all the owners of the properties that will use the tract. On-street parking within a private street-tract other than a shared court does not count towards this requirement. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.

**F. Stacked parking.** Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.

**G. Office of Transportation review.** The Office of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.

### 33.266.110 Minimum Required Parking Spaces

**A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Multi-dwelling development that includes a large number of units may require some parking to support existing and future uses in the area and serve residents and guests, especially those with disabilities. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

**B. Minimum number of parking spaces required.**

1. The minimum number of parking spaces for all zones is stated in Table 266-1. Table 266-2 states the required number of spaces for use categories. The standards of Tables 266-1 and 266-2 apply unless specifically superseded by other portions of the City Code.
2. Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:
  - a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
  - b. The location and number of parking spaces that are being shared;
  - c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
  - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

**C. Carpool parking.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:

1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
2. The spaces will be those closest to the building entrance or elevator, but not

closer than the spaces for disabled parking and those signed for exclusive customer use.

3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

**D. Minimum for sites well served by transit.** For sites located less than 1500 feet from a transit station or less than 500 feet from a transit street with 20-minute peak hour service, the minimum parking requirement standards of this subsection apply. Applicants meeting these standards must provide a map identifying the site and TriMet schedules for all transit routes within 500 feet of the site. The minimum number of parking spaces is:

1. Household Living uses. The minimum number of parking spaces required for sites with Household Living uses is:
  - a. Where there are up to 30 units on the site, no parking is required;
  - b. Where there are 31 to 40 units on the site, the minimum number of parking spaces required is 0.20 spaces per unit;
  - c. Where there are 41 to 50 units on the site, the minimum number of parking spaces required is 0.25 spaces per unit; and
  - d. Where there are 51 or more units on the site, the minimum number of parking spaces required is 0.33 spaces per unit.
2. All other uses. No parking is required for all other uses.

**E. Exceptions to the minimum number of parking spaces.**

1. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this subsection. The 50 percent limit applies cumulatively to all exceptions in this subsection.
2. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.
3. Bicycle parking may substitute for up to 25 percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.
4. Substitution of transit-supportive plazas for required parking. Sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street may substitute transit-supportive plazas for required parking, as follows. Existing parking areas may be converted to take advantage of these provisions. Adjustments to the regulations of this paragraph are prohibited.

- a. Transit-supportive plazas may be substituted for up to 10 percent of the required parking spaces on the site;
  - b. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;
  - c. The plaza must be at least 300 square feet in area and be shaped so that a 10'x10' square will fit entirely in the plaza; and
  - d. The plaza must include all of the following elements:
    - (1) A plaza open to the public. The owner must record a public access easement that allows public access to the plaza;
    - (2) A bench or other sitting area with at least 5 linear feet of seating;
    - (3) A shelter or other weather protection. The shelter must cover at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
    - (4) Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.
5. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.
6. Substitution of car sharing spaces for required parking. Substitution of car sharing spaces for required parking is allowed if all of the following are met:
- a. For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by two spaces, up to a maximum of 25 percent of the required parking spaces;
  - b. The car-sharing parking spaces must be shown on the building plans; and
  - c. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.
7. Substitution of bike sharing facility for required parking. Substitution of a bike sharing facility for required parking is allowed if all of the following are met:
- a. A bike sharing station providing 15 docks and eight shared bicycles reduces the motor vehicle parking requirement by three spaces. The provision of each addition of four docks and two shared bicycles reduces

the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;

- b. The bike sharing facility must be adjacent to, and visible from the street, and must be publicly accessible;
- c. The bike sharing facility must be shown on the building plans; and
- d. Bike sharing agreement.
  - (1) The property owner must have a bike sharing agreement with a bike-sharing company;
  - (2) The bike sharing agreement must be approved by the Portland Bureau of Transportation; and
  - (3) A copy of the signed agreement between the property owner and the bike-sharing company, accompanied by a letter of approval from the Bureau of Transportation, must be submitted before the building permit is approved.

Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone [1]	
Zone	Requirement
OS, RF - RH, IR, CN2, CO2, CG, EG, I	Minimum is Standard A in Table 266-2. Maximum is Standard B in Table 266-2.
EX	Minimum – None, except: Household Living: minimum of 0 for 1 to 3 units, 1 per 2 units for four+ units, and SROs exempt...  Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of floor area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of floor area. 3) General office – Maximum is 1 per 400 sq. ft. of floor area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of floor area.
CN1	Minimum – None. Maximum of 1 space per 2,500 sq. ft. of site area.
CM, CS, RX, CX, CO1	Minimum – None, except:: Household Living: minimum of 0 for 1 to 30 units, 0.2 per unit for 31-40 units, 0.25 per unit for 41-50 units, and 0.33 per unit for 51+ units. Maximum is Standard B in Table 266-2.

[1] Regulations in a plan district or overlay zone may supersede the standards of this table.

Table 266-2 Parking Spaces by Use (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
<b>Residential Categories</b>			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None
Group Living		1 per 4 residents	None
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of floor area	1 per 196 sq. ft. of floor area
	Restaurants and bars	1 per 250 sq. ft. of floor area	1 per 63 sq. ft. of floor area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of floor area	1 per 185 sq. ft. of floor area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of floor area	1 per 294 sq. ft. of floor area
	Medical/Dental office	1 per 500 sq. ft. of floor area	1 per 204 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 196 sq. ft. of floor area
Vehicle Repair		1 per 750 sq. ft. of floor area [1]	1 per 500 sq. ft. of floor area
Commercial Parking		Not applicable	None
Self-Service Storage		[2]	[2]
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
<b>Industrial Categories</b>			
Manufacturing And Production		1 per 750 sq. ft. of floor area [1]	1 per 500 sq. ft. of floor area
Warehouse And Freight Movement		1 per 750 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter [1]	1 per 500 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 2,500 sq. ft. of floor area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of floor area [1]	1 per 500 sq. ft. of floor area
Waste-Related		Per CU review	Per CU review

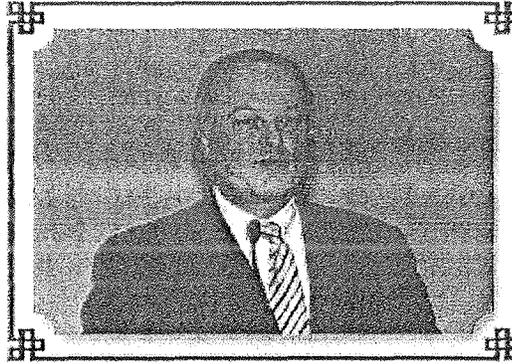
Use Categories	Specific Uses	Standard A	Standard B
<b>Institutional Categories</b>			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of floor area	1 per 196 sq. ft. of floor area
Parks And Open Areas		Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom, or per CU or Impact Mitigation Plan approval	1.5 per classroom, or per CU or Impact Mitigation Plan approval
	High school	7 per classroom, or per CU or Impact Mitigation Plan approval	10.5 per classroom, or per CU or Impact Mitigation Plan approval
Medical Centers		1 per 500 sq. ft. of floor area; or per CU review or Impact Mitigation Plan approval	1 per 204 sq. ft. of floor area; or per CU review or Impact Mitigation Plan approval
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms; or per CU review or Impact Mitigation Plan approval	1 per 400 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm rooms; or per CU review or Impact Mitigation Plan approval
Religious Institutions		1 per 100 sq. ft. of main assembly area; or per CU review	1 per 67 sq. ft. of main assembly area; or per CU review
Daycare		1 per 500 sq. ft. of floor area	1 per 330 sq. ft. of floor area
<b>Other Categories</b>			
Agriculture		None, or per CU review	None, or per CU review
Aviation		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Aggregate Extraction		Per CU review	Per CU review
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:

- [1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.
- [2] Minimum of 1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings. Maximum of 2 per resident manager's facility, 5 per leasing office, 1 per 67 leasable storage spaces in multi-story buildings.

Extracts Winged M Magazine March 2014 Issue  
Multnomah Athletic Club

## President's Report



Outgoing President Carl Burnham III.

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Presented by President Carl Burnham III  
at the 123rd Annual Meeting, Feb. 11, 2014

"If you don't know where you are going,

"I wish I had an answer to that because I'm tired of answering the question."

Members will always speculate why dues go up. I can tell you that our annual construction projects do not increase our dues. I also can tell you we have no debt. Dues increases are primarily caused by increased labor costs, rising insurance premiums, taxes and the costs of complying with local, state and federal regulations. MAC currently employs about 550 people, equating about 300 full-time employees. This is about the same number of full-time staff we have had for the past 10 years. In that same time period, usage

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## 2013 • Year in Review

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## President's Report

Continued from page 51

by members has increased approximately 30 percent. I think you would agree our staff should be commended for their increased productivity.





Multnomah Athletic Club



2011 Parking Satisfaction Survey (see next pg.)

# President's Report

Text presented by Phil Juckeland  
at the 120th Annual Meeting, Feb. 8, 2011



This report is best read while viewing the slide presentation available on the club's website, [www.themac.com](http://www.themac.com).

The title of each slide is in bold.



MAC President Phil Juckeland

I'd like to move away from the traditional review by the president of all the positive decisions and accomplishments that happened during the year, which I can assure you there were many. I will focus on two things that I believe will have a major impact on the future of the club. I would like to review the recent member survey. What did you tell the board, the committees, and management? Then, I would like to review the strategic plan. The board began implementation of the plan this past year. This plan will be the guiding document for the next five years. Hopefully this presentation will provide you with confidence that the club is listening to you and is moving in the right direction.

Before I get started on the survey, I'd like to show you a couple of interesting graphs. **Members' Average Age.** As you can see, like the rest of America, the average age of the club has been rising and is projected to continue rising in the next five years from 40 today to 42 years of age, and then continue significantly upwards for the next 10 years. The graph includes the intermediate member category aged 18 to 26. This information was developed for MAC by the Population Research Center at Portland State. In the next slide, **Average Daily Member Usage** you can see that the number of members using the club on any given day has risen considerably. Note that in 2002, the board established a policy to limit the growth in the resident headcount to 17,158. In the context of these two phenomenon, let's review some of the key takeaways from the survey.

## The Member Survey

**2010 Member Survey.** What did it tell us? Hopefully you all participated. Like an election, if you didn't vote you

can't complain. First, the overall evaluation of the club. **Am I Pleased With The Club?** As you can see, the overall evaluation is quite high. That is a tribute to the actions of previous boards, committees, and especially management and staff. Note the comparison to prior surveys and to other premier athletic clubs.

Next, let's review **Current Adult Athletic Program Usage.** This slide shows the relative importance of the facilities with the highest use. Looking at the top yellow line, which is the average of all responses, 84 percent of you say that you use the various fitness rooms. Moving down the chart, 30 percent participate in group exercise classes. As you move further down, you see 19 percent participate in Pilates and yoga, with tennis at 16 percent. If you drill down into the survey, there is a lot of data showing how various demographics answered the questions. As an example and focusing on group exercise, what this chart also shows is that 45 percent of the ladies say they participate in group exercise, while only

# MAC Parking Satisfaction Survey 2011

15 percent of the guys say they participate. And 34 percent of the members under 40 participate in group exercise versus 24 percent of those over 60. You can see the averages for the other most-popular activities, as well as the different usages by gender and age.

Next, let's review **Anticipated Adult Athletic Program Usage**. The red lines show future usage. Ninety percent of you expect to use the fitness areas in the future. Up from 84 percent now. Pardon me for being a bit skeptical of your good intentions, but what it tells us is that we need more E&C space and equipment than we currently have. The board, with input from the committees has already instructed management to begin planning to reallocate space to E&C. If a future board agrees, it could happen as soon as 2012. Also, the slide shows that 50 percent of you plan to get involved with group exercise versus 30 percent now and 43 percent of you say that you plan to get involved in Pilates and yoga versus 19 percent now. This is a clear message that our current studio space will be inadequate for your future usage. Again, the board and committees have heard you and have authorized a study to expand the studio spaces. Folks, if we want to maintain our premier athletic club status in Portland, given all the new competition coming online, we need to keep our members happy.

Moving to some other aspects of the survey. Let's look at the **Activities and Services**. This is a very busy slide because we have so many activities. The yellow line delineates where 50 percent of you think an activity is important. As you can see, 91 percent of you said recreational activities are important, and 87 percent of you said the Sports Pub is important. Future boards and committees will use this information to identify problem areas and focus on ways to improve these activities and services.

Now to **Parking Satisfaction**. Ninety-five percent of you are satisfied with the security in the parking garage. However, only 71 percent were satisfied with the amount of available parking and 50 percent were satisfied with the width of the parking stalls. Drilling down into the parking availability numbers, **Parking Availability** there are many demographics that are dissatisfied. I must say you are also quite a vocal group. **Parking Satisfaction**. As to the width of the parking stalls, the only one pleased with the width was the president. However, many have noted that the guy who parks next to me has a hard time staying between the lines. The board looked at the parking issue and said, "We have no answer to this, and besides, we need to leave something for next year's board to do." Actually, management is actively watching for opportunities to expand our parking.

## Strategic Plan

Now to the **Strategic Plan**. I believe it is important for the membership to be knowledgeable about the Strategic Plan. Every major decision made in the next five years should be held up to the plan to see if meets its objectives. The Strategic Planning Committee worked two years on this document. The reason it took so long is that we had a lot of past presidents



MAC Secretary Leslie Vanbellighen

on the committee. In any event, the committee proposed and the board accepted seven basic initiatives. **Key Initiatives**. Within each initiative, which I refer to as goals, the committee recommended strategies for achieving the goals. The board will decide how and when to implement the strategies. It is expected that full implementation could take up to five years. In the interest of time, I hear a few stomachs rumbling, I will show you just a few of the strategies. (In this article all the strategies are presented. The Strategic Plan also includes the rationale the committee used to decide on its recommendations).

## Membership Goal

Goal: Maintain current resident membership levels while executing targeted strategies to increase generational and ethnic diversity with a primary focus on adding/retaining younger members at MAC. The first goal is by far the most important. If we don't continue to keep 17,158 resident members, MAC won't long exist as it is today.

## Membership Strategies

- A. Conduct a comprehensive analysis of membership using demographics, dues categories and fee structure, and integrate with population forecasts. Note: Recall the aging of the club graph I showed you earlier.
- B. Offering programs and facilities at or above the level of other competing clubs needed to maintain the club's prestige and competitive advantages.
- C. Evaluate/develop alternate strategies for attracting/retaining younger adult members.
- D. Periodically, review membership categories and policies to ensure they support membership initiatives.

*continued on page 30*

October 1, 2014

Mayor Charles Hales and  
City Commissioner Amanda Fritz  
City Commissioner Nick Fish  
City Commissioner Steve Novick  
City Commissioner Dan Saltzman

Re: Proposed Re-zoning of Block 7

LU 14-105474 CP ZC

Mayor Hales and City Commissioners::

My name is Karl Reer. I live at 1132 SW 19<sup>th</sup> Avenue, in Portland – and am a member of the Goose Hollow Foothills League (GHFL), and, currently, Board Chair of the Legends, which unanimously passed a resolution more than a year ago, opposing the Re-Zoning. We – and many residents of Goose Hollow - urge you not to support the Mill Creek Zoning Application for Block 7 that is before you.

Just a few points:

**First:** Under the current RH zoning, the MAC can properly develop their land for additional housing with resident parking. We don't dispute that. That was the agreement that the neighborhood and the City reached with the MAC, years ago. However, the essential issue in this application is the added 225 MAC parking spaces in the underground garage. **These added parking spaces will not improve parking conditions for the neighborhood residents and will only exacerbate existing traffic and parking problems in the area.**

**Second:** These traffic problems, including several dangerous intersections, were recently documented by a small Parking and Traffic Survey conducted by a committee of the GHFL. But, the survey neither asked, nor answered, the question of how the proposed MAC parking would impact the problems. **No reading of the Survey questions and responses lends support to adding this MAC-only parking structure.**

**Third:** The 225 spaces of the garage will not add a single space of parking for neighborhood residents. They will only serve out-of-area MAC members and guests, who prefer not to use the available MAX and bus alternatives that are capable of bringing them virtually to the MAC doorstep.

Certainly, the added parking would present an option for MAC members currently parking on neighborhood streets but, our own walking surveys of the neighborhood have shown that few cars with MAC stickers park in the neighborhood, regardless of the day or time – or vacancies in the garage.

**Fourth:** The application contends that the MAC will not add members and that no new trips - no added traffic – will result from the 225 added parking spaces. **There is no MAC data related to this assertion. In fact, the added free parking will allow the MAC to continue to increase its revenue-enhancing “Special Events” – conferences and activities that non-members and guests can attend. And they will come. The 225 spaces –with multiple entrances and exits generated throughout the 18-hour MAC day – can add 600 or more additional vehicles to the already-congested streets, bringing a huge increase in toxic exhaust, further deteriorating the air quality in the neighborhood and around Lincoln High School. I urge that you request data from the MAC showing the continued growth in special events, non-member attendance and associated revenue in recent years.**

**Finally:** The MAC has at least two bus lines and three MAX stops within easy walking distance to the Club. But, the added garage will encourage just the sort of excessive, unnecessary driving that the City has been seeking to reduce. **The City approved a very specific “Climate Action Plan” in 2009, seeking to reduce precisely the casual vehicle usage that the proposed parking structure will encourage (Objective 6 of the 2030 Objectives).**

If you, the City Council are serious about the City’s Goal of Reduction in Vehicle Use, we should not be inviting more private vehicle use with this unnecessary parking garage.

**And, if you are serious about past commitments to the City and neighborhood organizations being honored, you will not support anything but residential housing being built on Block 7.**

Karl Reer

CITY OF PORTLAND AND MULTNOMAH COUNTY

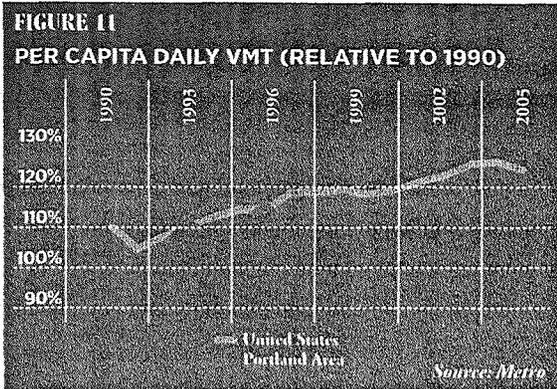
# CLIMATE ACTION PLAN 2009



City of Portland Bureau of  
**Planning and Sustainability**  
Sam Adams, Mayor-Elect and Executive Director



Sustainability Program  
Jeff Cogen, County Commissioner



- (v) Require evaluations of major planning scenarios, Comprehensive Plan and Transportation System Plan decisions to include estimates of carbon emissions. Partner with Metro and regional jurisdictions to develop modeling tools for evaluating emissions impacts of land-use and transportation decisions and monitoring carbon emissions.
- (vi) Develop a more balanced funding mechanism and adopt a schedule for public investments to make neighborhoods highly walkable and bikeable, including sidewalks and improved access to transit for reaching destinations beyond a reasonable walking or biking distance.
- (vii) Partner with federal agencies, including Housing and Urban Development, the Environmental Protection Agency, and the Department of Transportation, on efforts like the joint Interagency Partnership for Sustainable Communities to apply new federal priorities around sustainable development in Portland and Multnomah County.
- (viii) Seek funding to accelerate remediation of brownfields in the city and county to accommodate growth within the current Urban Growth Boundary.
- (ix) Work with Metro and other local governments to make reducing carbon emissions and

adapting to climate change impacts a funding criteria for the Metro Policy Advisory Committee and the Joint Policy Advisory Committee on Transportation.

- (x) Coordinate decisions about future streetcar investments with Portland Plan land use decisions.
- (xi) Facilitate the aggregation of smaller land parcels which, when aggregated, provide opportunities for industrial development.

## 2030 OBJECTIVE 6.

### Reduce per capita daily vehicle-miles traveled (VMT) by 30 percent from 2008 levels.

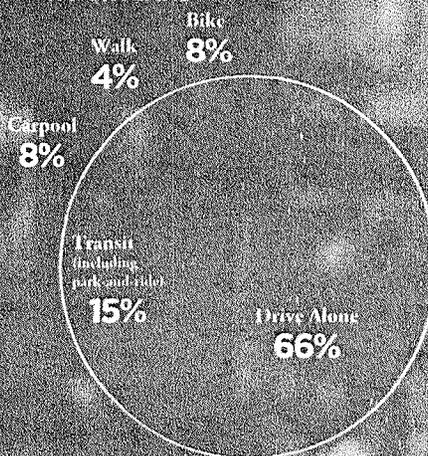
*As of 2005, the per capita daily passenger vehicle-miles traveled (VMT) in the Portland region are about eight percent above 1990 levels. (Figure 11). To be on target for the 2050 goals, per capita daily passenger VMT must decline by about 30 percent from today's by 2030. This reduction must occur in addition to vehicle fuel efficiency improvements and the development of cleaner fuels.*

*Reducing per capita VMT while maintaining the mobility of, and access to services for, Portland and Multnomah County residents will require significant growth in walking, bicycling and transit (Figures 12 and 13).*

*The current Transportation System Plan projects that drive-alone trips will decrease from 62 percent in 1994 to 57 percent in 2020 (Figure 14). To achieve the 2030 objective, VMT reductions will need to accelerate dramatically from the current trajectory. The benefits of this shift will do more than protect the climate because the average Portland household spends about 20 percent of household income on transportation, reductions in VMT can significantly increase disposable income.<sup>20</sup>*

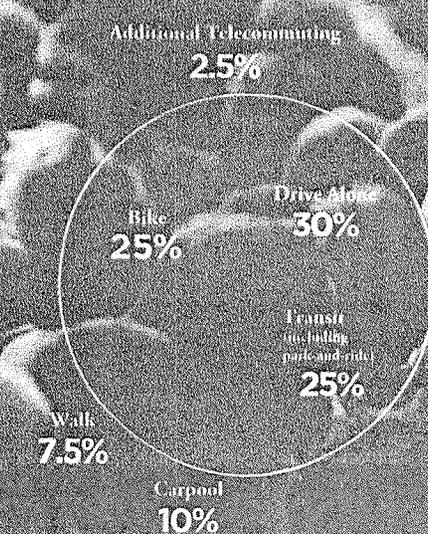
<sup>20</sup> See, for example, "The Affordability Index: A New Tool for Measuring the True Affordability of a Housing Choice." Center for Transit Oriented Development and Center for Neighborhood Technology, January 2006.

**FIGURE 12**  
**CURRENT COMMUTE MODE SHARE FOR PORTLAND**



Source: City of Portland, *Additional Goals, Objectives and Accomplishments 2007-2008*

**FIGURE 13**  
**2030 TARGET COMMUTE MODE SHARE FOR PORTLAND**



# THE LEGENDS CONDOMINIUM

C/O MULTI-SERVICES, INC.  
1500 NE IRVING STREET, SUITE 414  
PORTLAND, OREGON 97232  
503-222-7076

## RESOLUTION of OPPOSITION TO REZONING OF BLOCK 7 FOR COMMERCIAL PURPOSES

WHEREAS, The Multnomah Athletic Club (MAC) is proposing to develop its property in Portland, OR, bounded by SW Main and SW Madison Streets and SW 19<sup>th</sup> and SW 20<sup>th</sup> Avenues, hereby referred to a Block 7, under a contract with Mill Creek Residential Trust, a property developer, and

WHEREAS, the proposed Block 7 project envisions a new seven (7) story, 200-260 unit multi-dwelling residential building with 200 (mostly below-grade) accessory parking spaces, and 225 additional below-grade parking spaces for use by the Multnomah Athletic Club; and

WHEREAS, to accomplish this project, the Multnomah Athletic Club and Mill Creek Residential Trust are pursuing a zoning change from residential "RH" to commercial "CX".

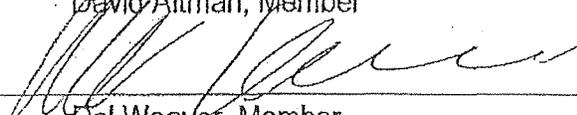
NOW, THEREFORE, BE IT RESOLVED that The Board of Directors of The Homeowners Association of Legends Condominiums opposes the re-zoning of "Block 7" to "CX" or any other zoning for commercial exploitation in order to preserve and enhance the current residential nature of the Goose Hollow neighborhood as called for in the Comprehensive Plan.

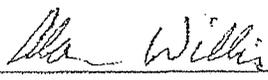
DATED: July 11, 2013

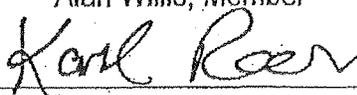
Board of Directors, Homeowners Association of Legends Condominiums

By   
Dennis W. Lee, Chair

By   
David Altman, Member

By   
Del Weaver, Member

By   
Alan Willis, Member

By   
Karl Reer, Member

Marjorie Sande  
1132 SW 19th Avenue, #706  
Portland, OR 97205

October 1, 2014

The Honorable Mayor Charlie Hales, Members of the City Council  
Commissioners Amanda Fritz, Nick Fish, Steve Novick, Dan Saltzman  
City Hall, c/o Karla Moore-Love, Council Clerk  
1221 SW 4th Avenue, Room 103  
Portland, OR 97204

Dear Mr. Mayor and Members of the City Council:

My name is Marjorie Sande. I live in Goose Hollow at 1132 SW 19<sup>th</sup> Avenue. My husband and I walk through our neighborhood every single day for our health, our enjoyment, and our transportation. I oppose Block 7 rezoning because of the detrimental effect it would have on our neighborhood, which means that the applicant does not meet the Comprehensive Plan's Goals 6 and 8 regarding Transportation and the Environment. Rezoning to allow a MAC garage would encourage more traffic in an area that is currently served by two MAX stops.

From my daily experience I can tell you that traffic congestion is already dangerous for Goose Hollow residents. Cars come zooming around and into the MAC club's parking garage without regard for those of us who are walking our neighborhood blocks. At rush hour the problem is heightened by peak demand for parking at the MAC club coinciding with the evening swell of traffic on Salmon and 20<sup>th</sup> Avenue.

Pedestrians like my husband and I are brushed back at the intersections and have to wait prolonged periods for rushing cars to clear. And we are not alone. While out walking every day we see that Goose Hollow has many pedestrians: people walking dogs, parents with strollers, students, couples with walkers, and residents aging in place who rely on scooters and motorized chairs.

My husband and I can tell you from our daily walks that we are sometimes forced to take risks by veering into traffic lanes due to rough sidewalks, and then find ourselves jostling with commuting cyclists mixed into the same lanes. We find ourselves breathing in noxious fumes due to the close proximity of vehicles. For us crossing the street is risky, even at the lights, because we cannot move as quickly as the cars whose drivers are often distracted or impatient.

Every MAC member can have 5 parking stickers for their various cars, and they park for free! Portland brags about its great urban planning. Well, it would be utterly ridiculous for you to approve a zone change to allow the MAC to build more parking when the MAC had done almost nothing to reduce its car usage. Please don't allow the MAC to further pollute my neighborhood.

We welcome new residential neighbors. Goose Hollow is a great place to live, as new residents will discover. We do NOT welcome additional traffic and parking intrusion that deteriorates our quality of life. We already have more than enough of that from the MAC club's parking garage.

Let the MAC club expand their parking empire in another direction, where it won't diminish the quality of life for Goose Hollow residents.

Rezoning Block 7 would be an unwise land use. Please vote "no" to Block 7 rezoning. Our health and public safety are at stake.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie Sande". The signature is written in black ink and is positioned above the printed name.

Marjorie Sande



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A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

*Please reply to* JENNIFER BRAGAR  
*jbragar@gsblaw.com*  
Telephone 503 553 3208

October 1, 2014

**VIA HAND DELIVERY**

Mayor Charlie Hales and Commissioners  
City of Portland  
1221 SW Fourth Avenue, Suite 340  
Portland, Oregon 97204

RE: Friends of Goose Hollow Argument Against  
Approval of LU 14-105474 CP ZC, HO 4140008

Dear Mayor Hales and Commissioners,

This office represents the Friends of Goose Hollow, LLC and Harvey Black (collectively, the FOGH).<sup>1</sup> The purpose of this letter is to provide the reasons that the City Council must deny the above-referenced application.<sup>2</sup> The applicants, Mill Creek Residential Trust, LLC, MAC Block 7 LLC, and the Multnomah Athletic Club (collectively, the MAC) have not met their burden to show that the criteria for approval have been met, and as a result, the Hearings Officer did not have enough information upon which to base his recommendation.<sup>3</sup> This letter focuses on three areas where the applicants did not meet their burden. First, both the applicants and the Hearings Officer ignored the applicable MAC 1993 Master Plan that prohibits the zone change from residential to commercial use on Block 7. Second, the applicants did not analyze the full impacts of the comprehensive plan map and zone map amendment, but instead improperly treat the contemplated residential use as a background condition. Third, the traffic and parking analysis does not go far enough to examine the impacts of the proposal.

<sup>1</sup> Harvey Black is a resident of the Legends Condominiums located at 1132 SW 19<sup>th</sup> Avenue, Portland, OR 97205, and is directly affected by the proposed comprehensive plan and zone change.

<sup>2</sup> FOGH hereby incorporates all previous comment letters submitted by this office in this matter.

<sup>3</sup> The City Attorney's office advised that this hearing before the City Council would be conducted under the legislative hearing procedures under Portland City Code Chapter 33.740. FOGH respectfully points out that the City Council members have a duty under quasi-judicial proceedings to disclose ex parte contacts and conflicts of interest, and members of the public are entitled to question the councilors about those disclosures on the record.



I. The still operative MAC Master Plan does not permit a zone change at Block 7 from RH to CX.

A Master Plan governs the way in which property owners will develop property within the plan's boundaries. Since 1981, under the MAC Master Plan requirement, any further development of Block 7 was limited to uses allowed under the RH zoning. This limitation, in effect, prohibits large-scale parking south of Main Street.<sup>4</sup> The City required the MAC to enter into a Master Plan because it was concerned with neighborhood compatibility of commercial uses in a residential zone. The City Council's findings for CU 80-80 that imposed the Master Plan requirement stated its purpose was, "[t]o protect the neighborhood and the general public from potential negative impacts" from the MAC development. See Attachment 1, page 5. The Master Plan requirement provided a guarantee by MAC to limit the adverse impacts of commercial uses in the neighborhood. However, MAC's continuous machinations between 1995 and the present call into question the legitimacy of that planning process and the public's expectations that the parties – both the City and MAC – would uphold their end of the bargain. The record contains numerous letters from the applicants' legal counsel and other MAC representatives that the MAC would abide by the Master Plan for development of Block 7. These letters are attached here for your convenience. See Attachment 2. Now, conveniently, the MAC claims the Master Plan no longer applies.

Instead of keeping their word, the applicants and the Hearings Officer rely on a 1995 land use decision, File No. 95-00743 ZC, to conclude that the MAC Master Plan, imposed by the previous condition of approval, no longer applies. In 1995, the MAC rezoned the clubhouse and Salmon Street parking garage from RH to CX. The Hearings Officer described at page 8 of his recommendation that, in reliance on Portland City Code (PCC) 33.700.110(B)(2)(b), the 1995 zone change extinguished the conditions imposed by the 1992 Master Plan. The only thing that PCC 33.700.110(B)(2)(b) provides is,

“B. Conditions of approval after 1981. The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.

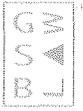
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(2) Conditional uses.

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<sup>4</sup> FOGH's May 20, 2014, letter to the Hearings Office sets forth the history of the MAC Master Plan, including its original adoption in 1981, and subsequent amendments that did not alter the prohibition of commercial zoning on Block 7.



(b) Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply.”

However, nothing in PCC 33.700.110(B)(2)(b) has any relevance to Master Plans. The applicants’ and Hearings Officer’s reliance on the code section ignores that the condition of approval to adopt a Master Plan was already fulfilled. The applicants would have you rely on an irrelevant code section to determine the operability of the adopted Master Plan.

Consider the following analogous fact pattern to illustrate the point:

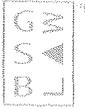
- A property owner obtains a conditional use approval.
- The City imposes a condition that the property owner must dedicate 15 feet of right-of-way to the City for the construction of an arterial.
- A year or two later, the development is complete, including construction of the arterial utilizing the 15 feet of dedicated right-of-way. Thus, the condition is satisfied.
- In year three, the property owner obtains a zone change and the conditional use is now a permitted use.
- The property owner asks the City to re-convey the right-of-way back because the reason for the condition imposed as part of the conditional use no longer applies.

Following the MAC’s logic, the property owner in the above example would be able to reclaim the 15 feet of right-of-way. But, that outcome is as absurd as the MAC’s claim that a zone change in 1995 has any impact on an adopted Master Plan that applies to an array of MAC properties.

Significantly, the 1995 decision did not address the other property that remained within the Master Plan’s boundaries, including Block 7 and the SW 21<sup>st</sup> Avenue garage and laundry facility. See Attachment 3, Figure 1 of the 1993 MAC Master Plan. Therefore, even if PCC 33.700.100(B)(2)(b) did affect the Master Plan, its affect would be limited to only those properties that were subject to the 1995 zone change. In other words, the Master Plan still applies to limit the use of Block 7 to those permissible uses allowed under the RH zone designation.

II. The Hearings Officer erred in his treatment of the housing as a background condition that did not require full analysis by the applicants.

A comprehensive plan map amendment and zone change is reviewed under the City’s criteria that requires the application be compared to the current zoning under PCC 33.810.050.A.1,



“1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;”

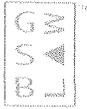
The Hearings Officer erred when he relied on acknowledgement of the City’s zoning code, Title 33, to justify his narrow review of the comprehensive plan amendment and zone change application. In reliance on acknowledgment, the Hearings Officer treats the RH zoning’s allowance of housing as a background condition. But, FOGH is unclear what the Hearings Officer meant by reliance on acknowledgment, as the criteria for comprehensive plan amendments and zone changes remains unchanged regardless of whether the zoning code is acknowledged.

As a result of this construction, consideration of the applicable comprehensive plan policies did not consider the full range of impacts resulting from development under the current RH zone designation, including the mix of conditional use commercial development set forth in the Master Plan as comparable to the requested zone change. By virtue of treating the allowed housing as a background condition, the Hearings Officer was predisposed to favor the proposed development when he reviewed the application against the “on balance” test under PCC 33.810.050(A)(1) in comparing the existing zoning designation against the proposed designation. This is impermissible.

The restrictions and protections of the residential zone designation, favoring housing that matches the existing neighborhood, were given a back seat to the applicants’ development proposal to mix commercial parking, and hotel uses onto the site. While balancing the current versus the proposed zoning designation is permissible, and required by the code, the balancing cannot be done until the playing field is leveled. The City Council should not fall into the same trap as the Hearings Officer and this application ought to be compared in its entirety to the uses available to the property owner under the current zoning designation. After that baseline is set, the impacts of the proposal should be examined to their full extent.

III. The applicants did not adequately analyze traffic because incomplete information was provided to the City staff and Hearings Officer.

In addition to the Comprehensive Plan goals and policy analysis, the applicants must show that the requested zone change is consistent with the Statewide Land Use Planning Goals, including Goal 12 governing transportation impacts. See PCC 33.810.050(B)(2). FOGH members have asked for information that would provide a complete picture of the traffic impacts of the proposal on the surrounding neighborhood. The MAC has silently stood by its March 2014 traffic impact analysis (TIA), claiming the information is adequate to support the proposal. Luckily for the surrounding neighbors, adequate traffic analysis is required before the City Council can make a decision.



The MAC never provided information about its assumptions in its TIA<sup>5</sup>:

- In connection with Section II above, the applicants treat the apartment and hotel units as background. But, again, the hotel units are commercial uses that are not part of the background condition. The TIA must be revised to account for the new uses even if those same uses are currently allowed without the zone change. Significantly, the applicants lump the proposed hotel units as background residential trips. However, the hotel units, along with the MAC parking, are the trigger for the zone change and cannot be included as background. There are intersections that currently fail, such as SW 20<sup>th</sup> Avenue and SW Jefferson Street that operates at a level of service F. The public has no way of knowing whether the new trips from the hotel units will cause greater impacts to SW 20<sup>th</sup> Avenue and SW Jefferson Street, and other intersections that may only be a few trips away from failure.
- The applicants' TIA failed to provide information related to its analysis of peak conditions at the main MAC parking garage, and failed to analyze operational analysis for peak conditions in relation to use of the MAC's secondary lots. This incomplete analysis and lack of information prevented FOGH's traffic consultants from completing their review and comment on the traffic study.
- The MAC repeatedly describes that it needs 1,060 parking stalls, but never provide the methodology they used to develop those numbers or to show how they made the calculations. This information is integral to allow the public a full review and opportunity to comment on the accuracy of the estimate and the adequacy of the applicants' TIA.
- In a letter submitted by the MAC's attorney on June 6, 2014, the applicants state, "[t]hat MAC member surveys identify limited parking as the number one member concern with MAC services." That report is strong acknowledgment that MAC is a service use of the land (e.g. people use the MAC for fitness, events, food, and entertainment, and etc.) and as such, its trip generation is directly tied to the quality of service it provides, not the square footage of its buildings or number of employees. If the MAC increases the number of parking stalls, it stands to reason that users will be happier and use more of the parking. Yet, the applicants are saying that MAC members will not use more of the parking service once the 225 commercial parking spaces are made available. The logic is flawed, and any reliance by the

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<sup>5</sup> The itemized list of concerns are all supported by FOGH's comment letters that included expert testimony by David Evans and Associates. These submittals can be found as Attachment 9 to my May 20, 2014 letter to the Hearings Officer, and Attachment 1 to my June 6, 2014 letter to the Hearings Officer.



Hearings Officer that MAC's membership will not increase, a statement not bound by any condition of approval, is misplaced.

- The Hearings Officer's recommendation relies on vague assertions that "[a]dditional off-street parking for MAC members is likely to reduce to some degree the number of circulating vehicles at peak usage periods." However, as a result of more parking availability, members that would otherwise choose not to drive will now opt to drive.<sup>6</sup> FOGH continues to contend that increases in off-street parking for MAC members will only increase the number of trips.
- The MAC never provided information about the extent of special events held at its facilities and the impact on traffic and parking demand. These uses exceed a sports club use and allow the MAC to behave like a convention center, where the City has never conditioned the number of events to alleviate traffic and parking impacts on the neighborhood.
- Friends previously raised concerns about the improper deferral of Central City Parking Review in connection to this application. The concern is belied by the applicants' treatment of criterion H in the Central City Transportation Management Plan (CCTMP) and the applicants' conclusory remark that the criterion does not apply. See TIA, Appendix G at pages 3-4. CCTMP criterion H governs the analysis of visitor parking.<sup>7</sup> All MAC Members, as well as the special events attendees should be construed as visitors under the

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<sup>6</sup> Latent demand refers to the desire of MAC users to visit the MAC but whose choices are affected by the current parking inconvenience. Some current users may be shifting to off peak use of MAC facilities because of current peak parking limitations and may shift back to peak period use with additional parking capacity. Other users who may now choose to use transit because of current parking inconveniences may shift back to auto usage. Another concern with more abundant parking is the possibility of MAC members using the garage as a park-and-ride to avoid downtown parking fees.

<sup>7</sup> CCTMP criteria H requires:  
"H. If the proposal is for Visitor Parking, the parking demand analysis shows a need for this parking at this location. The analysis must show the following criteria are met:  
1. At least 65 percent of the short term parking demand is from uses within 750 feet of the parking structure or lot; and  
2. At least one of the following is met:  
a. There is a cumulative increase in short-term parking demand due to an overall increase in activity associated with existing or new retail or other visitor-related uses; or  
b. The parking will serve major new attractions or retail development; or  
c. There has been significant loss of on-street parking due to recent public works projects; or  
d. There has been a significant loss of short-term parking spaces.  
3. If the site is in an I zone, all of the following are met ... [remainder not applicable]"



Central City Transportation Management Plan (CCTMP).<sup>8</sup> The applicants' TIA concludes that CCTMP approval criterion H, governing visitor parking is not applicable, but that conclusion is in error because all the people who use the MAC are visitors. The Central City Parking Review should be completed with this application and the TIA should be updated to reflect that analysis. A conditioned zone change, that the applicants' claim to limit to a particular use, should not be allowed if the CCTMP criterion H cannot be met.

Without the information described above, it is impossible for the City Council to make a decision that the applicants have met Goal 12 or the traffic-related goals and policies of the City's Comprehensive Plan.

#### CONCLUSION

The applicants' behavior of picking and choosing which rules to apply and when to apply them must stop. As shown above, the applicants are subject to a Master Plan that prohibits rezoning of the Block 7 property. The proper procedure for the MAC is to amend its Master Plan, provide adequate analysis of the full impacts of its proposal, and accept that commercial parking expansion has not been justified under the applicants' TIA. It is time for the City Council to send the applicants back to the drawing board because there is not enough information to support a comprehensive plan amendment and zone change. Thank you for your consideration.

Sincerely,

GARVEY SCHUBERT BARER

By

Jennifer Bragar

cc: clients

PDX\_DOCS:522713.3

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<sup>8</sup> Although the CCTMP does contain a glossary, the glossary does not include a definition of customer or visitor. Further, the City's zoning code contains no definition of the terms. But, as stated above, the MAC is a service use and all people who come to the facility are visitors.

ATTACHMENT 1  
EXCERPT OF FEBRUARY 4, 1981  
CITY COUNCIL HEARING TRANSCRIPT RE: CU 80-80  
TO APPROVE MAC CLUBHOUSE AND PARKING -  
DISCUSSION AND FINDINGS

LINDBERG

After consulting with people on both sides of this issue during the break, and reflecting for a while, I have arrived at a position that I think neither side will be totally happy with, but I think is very reasonable and I think satisfies the objectives of each side.

It gets the parking structure built and it gets the master plan developed. My idea is basically to separate the master plan from the parking structure. I will read the amendment: "The applicant shall within six-month develop and submit to the city a master plan after consultation with the Bureau of Planning and the neighborhood association. This plan is to address the remaining, undeveloped portion of the MAC Club property in the vicinity. The development of residential uses, consider historic structures, including the feasibility of moving existing houses within the area in a time frame for development. The master plan shall be subject to approval by the City Council and shall be binding on the applicant." Meaning if there were changes, they would have to come back.

The reason that I've come up with this approach is, that I really do think that the structure offers a lot of benefits, not only to the club, but the city and the neighborhood, if certain other things happen. I would not want the parking structure to be hung up for a year or two in court, because there was another matter that I had brought in, which is the master plan. I do believe that that plan needs to be developed, so this to me is a compromise where the neighborhood could achieve their objective of getting the plan, and the MAC Club could get the structure.

SCHWAB

That becomes Condition M, so it clearly takes it out of the end of A, which says that it has to be submitted; it's very clear that is not our intention, it is Condition M.

LINDBERG

Well, I would -- we can make a motion and then we can see --

SCHWAB

If it is Condition M I'll second it.

LINDBERG

We can make a motion and second it, and then we can see what response people have to it.

IVANCIE

It's seconded now as a condition of Condition M; is that right?

LINDBERG

Right.

IVANCIE

Is there discussion?

LINDBERG

I know that somebody said that they wanted to be heard on this.

IVANCIE

We will entertain some testimony on this, but I think that I've had enough of this discussion.

SMITH

If you're concluding that rapidly, I would like an opportunity to say a word or two. My name is Dean Smith. I live at 1930 S.W. 13th. I'm a past-president of the neighborhood association and I've been active in various

capacities, including my current one, as a member of the planning committee for the neighborhood.

I am not entirely sure how much I agree with your proposal right now, although I think I may be persuaded to agree with it. The thing that I find important in this process is that there needs to be some sort of assurance that the neighborhood comes out a winner and that the club comes out a winner, that's been my objective all along. In that regard, I might point out, that I was one of a few people on our board that really supported the idea of a parking structure for the club.

It was presented to us at various times in various preliminary stages, and we didn't see specific plans until this project was advanced.

IVANCIE Can you speak to this motion. We've regurgitated this thing --

SMITH Yes, I understand. I just wanted you to know that I did support the concept, but I don't like the conditions that the Hearings Officer applied.

IVANCIE Do you support this motion?

SMITH Yeah. I think I do support the motion as long it is understood that there needs to be assurance that it is connected with the project. I do not like the idea of having vague goals left in generalities. I think that I will trust the city to make a wise determination about the master plan as a personal matter and as a neighborhood representative. Thank you.

SCHWAB One thing that I think that gives you assurance is the only allowable use in that zone is housing, and anything else has to come before the Council for a conditional use. Unless it is housing, I can't see what else they can do without a conditional use, there is nothing else.

SMITH There are several types of housing that can occur.

SCHWAB Well, there could be high-rise, certainly, and that's what I heard the request was for in the neighborhood -- high-rise housing.

SMITH There are a variety of other policies that the city has besides the one articulated in the comprehensive plan. The comprehensive plan is not the lone determiner. You can develop up to the highest density permitted under the comprehensive plan, but there are other notions in the residential context that meet other policies.

SCHWAB I've heard it said here from some people in the last hearing what they wanted; it was one of the last high-rise housing areas and that's why they wanted those blocks released.

They wanted high-rise housing on those blocks, and I think if they came in for some high-rise housing or any type of housing from high-rise on down, it would be fairly automatic, wouldn't it?

IVANCIE

Thank you, sir.

SCHWAB

If it was something that was different. If they wanted any other use they would need a conditional use.

BLOUNT

Mr. Mayor and Members of the Council.  
Beth Blount representing the neighborhood.

Commissioner Lindberg, I appreciate your effort at compromise language, but unfortunately I have to put on the record, that unless I have the opportunity to poll the eleven people that I represent, I cannot agree at this hearing to that language, so I have to note that in the record. Thank you.

IVANCIE

That's fine. Mr. Miller? Speak on the motion.

MILLER

I think that the applicant would probably agree to that language subject to a clarification. The proposed amendment states that the applicant would develop and submit the plan subject to the approval of the City Council, and once approved it would be binding. It would be our understanding that the plan could not, therefore, include provisions that are not acceptable to the applicant. We would make the plan. If it is approved, it is approved and binding. If it is not approved, then we would have to submit something else and in the meantime we're building our structure. Until we submit something that is approved it is not a plan. In those circumstances, and I do understand the Mayor and Commissioner Lindberg indicating that my interpretation is correct, and on that basis we would find that language acceptable.

LINDBERG

Let me just clarify that with the City Attorney. I know the point that you're getting at and this is a little different situation; this is a master plan for your property. It's a little different than a neighborhood plan.

Chris, in the development of the master plan, what if they submit something and three City Council Members say "no, I think we ought to change that a little bit."

THOMAS

Well, I think what he's trying to do is clarify through the record what it means. I suppose it's up to you, but the way he has proposed it is, that if the Council rejected it they would then come back with an alternative until something was accepted. Ultimately, something would have to be accepted, but you would not be able to dictate to them what the development ought to be. I know that is what his concern is.

SCHWAB

On the other hand, he can't really develop anything except housing, can he?

THOMAS

That's correct.

SCHWAB The only thing that we won't have control over, basically, then is, if he comes in and says "I want to build 80 units to the block," and we say, "we think it should be 40 or 200," we don't really have the say. That, in effect, is what you're telling us, isn't it?

THOMAS Let me give you an example. If he did come in with that and the Council felt that they did not want that level of density, then the Council could refuse to approve that plan. At that point, they would not be able to develop the property according to that proposal because it would be a violation of the condition of this conditional use. They wouldn't have an approved plan, and that would be the level of your control, but you couldn't dictate what they did have to do.

LINDBERG Yeah, then I agree with your point.

IVANCIE Thank you. Any further discussion?  
~~This is a vote on the motion. All in favor signify by saying Aye.~~

The motion being put resulted in the following vote:  
 Yeas, Commissioners Lindberg, Schwab and Mayor Ivancie, 3;  
 whereupon the motion was declared carried, and "The applicant shall within six-months develop and submit to the city a master plan after consultation with the Bureau of Planning and the neighborhood association. This plan is to address the remaining undeveloped portion of the MAC Club property in the vicinity, the development of residential uses, consider historic structures, including the feasibility of moving existing houses within the area in a time frame for development. The master plan shall be subject to approval by the City Council and shall be binding on the applicant."

IVANCIE Is there any further discussion on the Calendar Item which is the appeal of the Goose Hollow Foothill League? I take it that in a vote here, Mr. City Attorney, if we vote to approve the -- wait a minute.

SCHWAB Well, I think what we ought to do is to have -- we ought to vote on the Hearing Officer's report.

THOMAS You have three appeals and I think the thing to do is to vote -- A aye vote would approve the conditional use as amended including adopting the findings of the Hearings Officer.

SCHWAB A yes vote would approve the Hearings Officer report and deny all the appeals insofar as they are in conflict.

IVANCIE That's correct.

THOMAS I think there is one other thing. I think because of the Hearing Officer's findings on the plan, and since you have added a requirement, I think someone needs to indicate -- Commissioner Lindberg, you ought to state as one of the findings that is adopted what the rationale is for requiring the plan. I think you've mentioned it a few times, but that ought to be one of the

findings that is added to the report.

IVANCIE Do you want to state a finding, Mr. Lindberg?

LINDBERG We need to do that now?

THOMAS Well, either that or bring it back in a week. I think that you need to add something for a finding for the last condition that you added. The Hearing Officer has indicated that he felt that that was necessary to have the plan, and you have found, based on your concern about what might happen to the neighborhood that it would be beneficial to have that additional protection.

IVANCIE I think that's his finding.

SCHWAB Then we can add Chris' finding to the Hearing Officer's finding.

IVANCIE All right. Then the City Attorney's finding as approved by Commissioner Lindberg is part of the report.

LINDBERG That's fine.

THOMAS The finding would be: "That in order to protect the neighborhood and the general public from potential negative impacts from the proposed parking structure, it is appropriate to require the applicant to provide a master plan for the four-block area surrounded by S.W. 18th, Madison, 20th and Salmon Streets."

SCHWAB And all of us -- we all agree.

IVANCIE All right. Call the roll. This is approval of the conditional use permit as amended by the City Council, including your findings.

The roll being called on the above appeal resulted in the following vote: Yeas, Commissioners Lindberg, Schwab and Mayor Ivancie, 3; whereupon the appeal was denied, the Hearing Officer's report adopted as amended by Council, and the Conditional Use granted.

IVANCIE We have an emergency ordinance on the permit for the construction of the pedestrian bridge. We cannot vote on that today because we are minus a Commissioner. We could take the emergency clause off -- how do you want to handle this?

SCHWAB Well, they're not going to be starting the bridge within 30 days anyhow, are they? Why don't we just remove the emergency clause today.

IVANCIE All right. Is there a motion to remove the emergency clause?

SCHWAB I so move.

LINDBERG Second.

IVANCIE Is there discussion? All in favor signify by saying Aye.

The motion being put resulted in the following vote: Yeas, Commissioners Lindberg, Schwab and Mayor Ivancie, 3; whereupon the motion was declared carried, and emergency clause deleted from the ordinance.

The Ordinance was then read as amended.

330 An Ordinance, entitled, "An Ordinance granting a revocable permit to the Multnomah Amateur Athletic Club to construct, use and maintain a pedestrian bridge over and across S.W. Salmon Street between S.W. 18th and S.W. 20th Avenues, at a fee of \$10.00," was read. (262)

IVANCIE Pass to Second Reading.

By unanimous consent, the ordinance was ordered passed to Second Reading.

Exhibit  
2

BALL, JANIK & NOVACK  
ATTORNEYS AT LAW  
SUITE 1100, ONE MAIN PLACE  
101 S.W. MAIN STREET  
PORTLAND, OREGON 97204

LUR 95-00873MS  
(The MAC)

TO: Susan Feldman  
Susan McKinney  
City of Portland Planning Department

FROM: Stephen T. Janik  
Linly A. Ferris

DATE: November 17, 1995

CLIENT: Multnomah Athletic Club

RE: Effect of the Multnomah Athletic Club Master Plan

A. Introduction

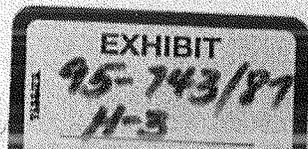
The purpose of this memorandum is to outline the legal effect of the existing Multnomah Athletic Club's (MAC) 1992 Master Plan, particularly in light of the pending zone change from RH to CXd on two of the MAC's parcels. The effect of the zone change will be to convert the status of the existing parking garage from a non-conforming use to a permitted use and to convert the status of the existing clubhouse from a non-conforming use to a permitted use. In light of these developed uses, you have suggested that we clarify the legal effect of the Master Plan on these developed uses as well as the other parcels subject to the Master Plan.

B. Effect of the Master Plan

In summary, the following principles set forth the legal effect of the Master Plan:

(1) The Master Plan is a separate land use decision that continues to apply to all properties discussed in the Master Plan, until the Master Plan terminates, which will be when all of the development allowed by the Master Plan is completed.

(2) The Master Plan's conditions (i.e. cap on membership and traffic mitigation measures) would continue for the duration of the Master Plan, even if the developed uses become permitted uses, as distinguished from conditional uses or non-conforming uses.



(3) The Master Plan's list of possible future uses prescribes the only types of development which will be allowed, absent an amendment to the Master Plan and a new traffic study. This is the case even if the underlying zone allows a broader range of uses.

(4) Where a proposed future development is shown in the Master Plan as a possible future use and that use is allowed as a permitted use in the underlying zone, then no land use approval is required (except for such overlay requirements as design review).

(5) Where a proposed future development is not shown as a possible future use in the Master Plan, but is allowed as a permitted use in the underlying zone, then an amendment to the Master Plan (subject to standards discussed below) would be required.

The following table summarizes the above, with respect to any new development:

	Allowed In Base Zone	Conditionally Allowed in Base Zone	Not Allowed In Base Zone
Shown as Possible Future Use in Master Plan	A		P
Not Shown as Possible Future Use in Master Plan	N	N,C	P

A = Allowed without land use review (except for design review)

N = Not allowed without amendment to Master Plan

C = Allowed only after base zone conditional use

P = Prohibited

The following elaborates on the above summary and applies these principles to the specific parcels owned by the MAC and the current and possible future development.

**C. Property Subject to the Master Plan**

MAC owns four properties subject to the Master Plan: the Clubhouse, the Salmon Street Parking Garage, the 21st Avenue

Parking Garage/Laundry, and Block 7. Another property discussed in the Master Plan, Block 2, was sold by MAC for residential development in compliance with the Master Plan. Most of the property within the Master Plan area is already developed. Block 7 is currently developed with older residences. The Clubhouse property is almost fully developed, with the exception of the west end along SW 21st Avenue, and the Salmon Street Garage property is almost completely developed. The 21st Avenue Garage/Laundry is fully developed with three levels of parking and a laundry facility.

**D. Possible Future Uses under the Master Plan**

The Master Plan identifies six possible future uses for properties subject to the Plan:

1. Expansion of the west end of the Clubhouse.
2. Remodel of baby sitting facilities in the Salmon Street Parking Garage.
3. Enclosure of open area for storage at the west end of the Salmon Street Parking Garage.
4. Event parking in the 21st Avenue Parking Garage.
5. Development of residential housing on Block 2.
6. Development of mixed use or residential housing on Block 7.

As before the zone change, only these possible future uses fall within the Master Plan. Public services for each of these uses has already been determined to be adequate, including a detailed analysis of traffic impacts after full development. Any other uses fall outside the Master Plan and require an amendment to the Plan. See Section F, below.

**E. Land Use Approvals for Possible Future Uses Identified in the Master Plan**

With the zone change from RH to CXd, the following possible future uses in the Master Plan become permitted uses:

1. Expansion of the west end of the Clubhouse.

An addition of 50,000 square feet to the west end of the Clubhouse for athletic and club-related activities will require no land use approvals other than design review because it is included in the Master Plan and is a permitted use in the CXd zone.

2. Remodel of baby sitting facilities in the Salmon Street Parking Garage.

The anticipated remodeling activity will not change the floor area or the number of parking spaces in the garage. As a use included in the Master Plan and permitted in the CXd zone, no land use approvals other than design review will be required.

3. Enclosure of open area for storage at the west end of the Salmon Street Parking Garage.

This possible future use will enclose a deck area at the west end of the Salmon Street Garage. This is a permitted use and no land use approvals other than design review will be required.

4. Event parking in the 21st Avenue Parking Garage.

The Master Plan contemplates using 40 parking spaces of the employee parking facility for 90th percentile events after 5 p.m. The current parking facility is a non-conforming use. Use of the structure for event parking would be subject to no additional land use reviews, unless design review is required.

5. Development of mixed use or residential housing on Block 7.

Development of residential housing with some commercial space on Block 7 is a permitted use under the RH zone and is a possible future use under the Master Plan. Thus, no land use approvals will be required for the use.

**F. Approvals for Uses Not Identified in the Master Plan**

Where a proposed future development is not included as a possible future use in the Master Plan, it will be treated as an amendment to the Master Plan. Amendments to the Master Plan will be approved only upon a demonstration that public services are adequate. The following public services must be analyzed:

1. Transportation System Structure and Capacity
2. Water Supply
3. Police and Fire Protection
4. Sanitary Waste and Stormwater Disposal

Where the proposed future use is allowed in the base zone, e.g., a retail use in the CXd zone, but is not in the

Master plan, it will have to demonstrate (1) adequacy of services and (2) consistency with base zone and overlay requirements.

Where a proposed future use is a conditional use in the base zone but is not in the Master Plan, it will have to demonstrate (1) adequacy of services, (2) compliance with conditional use criteria and (3) consistency with overlay requirements.

Finally, where a proposed future use is not allowed in the base zone, whether or not it is in the Master Plan, it is prohibited.

Multnomah



Athletic Club

Office of the  
President

June 30, 1995

Exhibit  
3

Jim Claypool  
City of Portland Bureau of Planning  
1120 SW Fifth Avenue, Room 1002  
Portland, OR 97204

Re: **Our Meeting of June 22, 1995**

Dear Jim:

Steve Tidrick, Tom Usher and I appreciated the opportunity to meet with you and discuss the proposed recommendation for Central City Plan amendments. The Land Use Committee has reviewed the "concepts" you outlined at the meeting and we believe that a mandatory retail or housing requirement for the clubhouse does not make sense. The only circumstance where such requirements could ever be applicable would be in the event of a demolition of the club and a change to a non-club use. We would vigorously oppose any other form of mandated retail or housing. We look forward to further discussion on these points. Please contact us at your earliest convenience.

In our discussions, you made a statement that our pending zone change, if approved, would result in the discontinuance of our Master Plan. We are aware of this result under the City Code.

However, it is not the club's intention to discontinue the Master Plan with a zone change. We have stated this to the Goose Hollow Foothills League in a letter of May 30, 1995 (copy enclosed), and at the meeting you also attended before the League's Planning subcommittee on June 5, 1995.

As we stated at the meeting, we intend to continue to be bound by and to observe the Master Plan and all of its conditions, apart from the zone change.

Sincerely,

Dennis R. Cusack  
President

DRC:sb

cc: Sharon Paget, GHFL President  
Jerry Powell, GHFL Planning Subcommittee Chair  
Tom Usher, MAC Trustee  
MAC Land Use Committee  
Steve Tidrick, MAC General Manager

1849 S.W. Salmon Street / Mail: P.O. Box 390 / Portland, Oregon 97207-0390  
Telephone (503) 223-6251 / Fax (503) 223-8497

Multnomah



Athletic Club

Office of the  
President

May 30, 1995

Exhibit  
4

Ms. Sharon Paget, President  
Goose Hollow Foothills League  
1819 NW Everett Street, Room 205  
Portland, OR 97209

Re: **Multnomah Athletic Club Zone Change Application**

Dear Sharon:

I am writing to you to initiate discussions about the Club's plans to apply for a zone change on the clubhouse parcel and the parking garage parcel. Both of these are designated as CX(d) on the comprehensive plan (the Central City Plan), but their zoning is inconsistent with that designation. As a result of this inconsistency, the clubhouse is a non-conforming use and the parking garage is a conditional use under an RH zone.

As you may know, since the adoption of the Central City Plan in the 1980s, the club has had the goal of using our athletic and social facilities as an allowed use under the CX(d) zone rather than as a nonconforming use or a conditional use under the RH zone. We have always agreed with the fundamental policy decision made by the Central City Plan that these properties are commercial uses under a CX(d) zone.

I want to assure you and the neighborhood that this zone change will not modify any of the Master Plan's conditions on the Club. For example, the zone change will not modify the current membership cap of 20,000 members, will not change the required traffic management program, will not alter our neighborhood coordination activities, and will not alter the conceptually approved "possible future uses" set forth in the Master Plan, which allow for limited expansion.

The zone change we are seeking will be subject to the Master Plan and thus will not allow uses that are not included in the Master Plan. As you know, since the Master Plan process, the west end addition is the only "possible future use" the club has been considering. If a decision is ever made by the Club to propose development of the addition, the zone change would allow this, subject to the conditions and review criteria of the Master Plan and the design review conditions under the city code.

The first step in the zone change process is to meet with GHFL before any application is filed with the City. I would hope that we could arrange such a meeting in the near future. The purpose of the meeting will be to explore the zone change with GHFL and to identify any concerns that

1849 S.W. Salmon Street / Mail: P.O. Box 390 / Portland, Oregon 97207-0390  
Telephone (503) 223-6251 / Fax (503) 223-8497

MEMORANDUM

Exhibit  
5

To: Mr. Jerry Powell, Chair  
Goose Hollow Foothills League Planning Subcommittee

From: Lew E. Delo, Member - MAC Land Use Committee

Date: July 7, 1995

Re: MAC Zone Change

Thank you for taking the time on June 30 and July 5, 1995 to discuss the proposed zone change with Steve Tidrick and me. Per our conversation, this memo summarizes the topics we discussed.

Scope of zone change. GHFL: CX(d) allows for a wide range of uses and use categories. What is the scope of the proposed zone change and its uses?

MAC: The club intends to limit the scope of the zone change to club uses and not any other commercial uses. The club is applying for the zone change based upon the specific uses described in the current Master Plan, dated March 1, 1993. The Master Plan describes "current uses" and "possible future uses". The club is not basing the application on a "development proposal" or on all "uses" allowed by the CX(d) zone.

Contract zoning. GHFL: An application based upon the Master Plan may be viewed as contract zoning.

MAC: The club does not intend for the application to be for contract zoning. The Master Plan is not part of the zone change, but separate from the zone change. The club is basing the application on the City Code, Section 33.855.050 B, which provides for an application based on specific "uses". The specific uses are those "current uses" and "possible future uses" described in the Master Plan. No contract is intended by the club, only an application based upon the City Code.

Relationship of the zone change to the Master Plan. GHFL: A zone change may affect the status of the Master Plan. What is the club's intention regarding the relationship of a zone change to the Master Plan?

MAC: As the club has stated from the beginning of this process (MAC letter dated May 30, 1995, testimony before your committee on June 5, 1995, etc.), the club intends to observe all of the conditions of the Master Plan, separate from any zone change.

We have been informed by our counsel that under the City Code, Section 33.700.110, the Master Plan may no longer apply upon a zone change to CX(d). As we discussed, Mr. Claypool also independently raised this issue in a meeting on June 22, 1995. He stated that it was his understanding that the Master Plan would not apply upon a zone change to CX(d).

So long as the club has "possible future uses" that could become "development proposals," the club believes there should be a Master Plan, separate from the zone change. The club, neighborhood and City worked very conscientiously over many years to develop the Master Plan to guide any future development of club properties. The club does not want to abandon the Master Plan, its framework, or its procedures.

We look forward to continuing the discussions of these issues and others that may develop. Again, thank you for taking the time to discuss these topics.

\*\*\*\*\*

cc: Land Use Committee  
Steve Tidrick  
Steve Janik

mac-zone\m-issues.jp1

Ms. Sharon Paget  
May 30, 1995  
Page 2

GHFL may have. After these discussions, we will then file an application for a pre-application conference with the City. We would like to file that application in July.

I feel that the neighborhood and the Club have developed a good working relationship through the development of the Master Plan, the resolution of light rail issues, and the approval and funding of the light rail station. I look forward to continuing that good working relationship as we discuss this zone change.

Sincerely,

A handwritten signature in black ink, appearing to read "DRC", with a long horizontal flourish extending to the right.

Dennis R. Cusack  
President

DRC:sb

cc: Goose Hollow Foothills League Board of Directors



**Block 7-Related Press Coverage** 1980 – Sept 1914

1980	Parking Structure Plan by MAC Makes Gains
1981-01-29	Council Delays Vote on Building
1981-02-05	City Puts Conditions on Club Expansion
1981-07	MAC Plan Needed
1985-06	Portland Takes Step to Revoke Club Permit
1985-08-13	MAC to Bite Bullet, Grass Over Its Parking Lots
1989	Goose Hollow Board Orders New Election of Officers
1989-11-24	Rift Leads to New Elections for League
1989-11-24	League Admits Election Faults
1989	Goose Hollow Group Sets Vote
1989-12-15	SW Area Flap Put to Rest in Rematch
1990-07-5	Goose Hollow League Grants MAC Extension on Housing
2013-05-13	Integrity: Missing Link in Mill Creek's ... Milton Mews [proposal] ...
2013-09-09	Goose Hollow residents ... have parking concern: Too Much
2013-10	A Costly War over Free Parking
2013-11	MAC Project Unpopular
2013-10	MAC Attack
2013-11	Neighborhood Rep Faults MAC General Manager
2013-11-16	What would John Gray do?
2013-12	Athletic Club President Charges Editorial Bias
2013-12	Tunnel Proposed to Lessen Impact of New Garage
2014-01	EX-MAC President Claims Robust Incentive Program
2014-01	Forming a More Perfect Quota System
2014-01	MAC Story Not Laughable
2014-01	Residents Show Muscle in Goose Hollow Elections
2014-02	Rental of MAC Facilities by Outside Groups an Issue
2014-03	Will 225 More Parking Stalls Encourage Driving to MAC?
2014-03	Application Incomplete [Mill Creek]
2014-04	Landslide Risk
2014-04-14	Mill Creek Project
2014-04-15	Goose Hollow Residents Prepare to Fight Multnomah Athletic Club
2014-04-16	Neighbors Fight Apartment Tower
2014-04-17	The Battle Brewing in Goose Hollow/Showdown @ Goose Hollow
2014-04-29	Goose Hollow Board Silent on Zone Change for MAC Parking
2014-05	Goose Hollow Car Friendly
2014-08	Serving the 99 Percent
2014-06	Block 7 Recommendation Expected from City Hearings Officer ...
2014-09	No Members Allowed
2014-09	We the People Insurance Companies
2014-09	Notice by GHFL Members to Hold a Special Meeting on Block 7

# Parking structure plan by MAC makes gains

The Multnomah Athletic Club — which has been plagued with parking problems for quite awhile — is considering building a 550-space parking structure across from its present building at 1849 S.W. Salmon St.

Club officials said the approximately \$8 million structure would contain a four-level parking area and possibly athletic facilities, including handball and raquetball courts, on a fifth floor.

For the construction, the club is asking that Southwest 19th Avenue be closed between Main and Salmon streets. The Portland Planning Commission approved a staff recommendation Tuesday to allow the vacation of the street. The City Council will act on the recommendation next week.

The project also requires a conditional-use permit to allow the parking structure in the apartment zone that underlies the land. The city hearings officer will consider that request later this month.

Lorraine Miller, secretary to the manager of the club, said the club only recently acquired the land for the parking structure. Club members now park in surface parking lots in the neighborhood.

The street change would create a buffer between the parking structure and Zion Lutheran Church, which is a historical building, Mrs. Miller said.

The club's board of directors still has to decide whether it will proceed

with the building plans, and if so, decide exactly what to build, Mrs. Miller said.

She said club officials feel the structure "would solve the club's most critical operational problem, because we currently have approximately 300 parking spots off the street, and at all the prime times there is no space available on the lots or on the street.

"We have competition from not only our 300 employees," she said, "but from students from Portland State and Lincoln High, and people who prefer to park (in the area) and walk downtown to their jobs."

Mrs. Miller said the 300 off-street spaces are in five parking lots, and are for use only of members while they are using club facilities.

If the new structure is erected, she said three lots containing 156 parking spaces would be sacrificed for construction, but the 144 other spaces would remain in use.

The athletic club has the option of building a structure to be used for parking only, or one which would also house three tennis courts, four handball-raquetball courts, and a small gymnasium for gymnastics, she said.

"Those are facilities which are most consistently crowded in the club right now," Mrs. Miller said.

# Council delays vote on building <sup>OR,</sup> <sub>1/29/81</sub>

By MICHAEL ALESKO  
of The Oregonian staff

Depending on whom the Portland City Council listened to Wednesday, the proposed expansion of Multnomah Athletic Club was either part of the problem or part of the solution to traffic congestion in the southwest Goose Hollow neighborhood.

After hearing nearly four hours of widely divergent testimony from club officials favoring the expansion and neighborhood residents questioning it, the council decided to dig a little deeper.

It delayed until Feb. 4 a decision on whether the club should be granted a conditional-use permit for a five-story, 566-space parking and athletic building across the street from the present club building at Southwest Salmon Street and 19th Avenue.

"I contend that although this structure may solve a parking problem for the Multnomah Athletic Club, it will not solve the parking problem that exists in the neighborhood because it will result in additional numbers of cars coming into the neighborhood in hopes of getting a space in the lot and, if not finding one, parking on the street," said Faith Ruffing, co-president of the Goose Hollow Foothills League.

Her neighborhood association and a separate group of area residents were before the council Wednesday appealing the city land-use hearings officer's approval of the club expansion.

"The board of trustees (of the club) has a genuine desire to solve the (parking) problem, at least insofar as the club causes it," said Phil Brown, athletic club president. He and other club spokesmen noted that existing surface parking lots provide only 298 spaces for club guests, while the new structure would provide 566. That should reduce neighborhood parking pressure, they indicated.

The project architect called the proposed four stories of parking with athletic facilities on a top, fifth, floor "an extremely romantic structure."

Not so, in Ms. Ruffing's opinion.

"The massiveness of this structure will have a tremendous impact on the residents of surrounding buildings, in both the single-family dwellings and the high-rise apartments and condominiums. The increase in the number of spaces from 298 to 566 will increase greatly the congestion in a neighborhood already overcrowded with automobiles coming into the neighborhood for a variety of reasons," she said.

Commissioner Mildred Schwab expressed concern that the club might expand its membership to pay for the \$6.5 million facility, thereby adding to the traffic problem with new members' cars.

"The board is firmly against opening up the membership. I can assure you we won't do that," Brown responded.

The club has sent an advisory questionnaire to its members asking their opinions on the expansion proposal. The ballots are in but not counted, Brown said Wednesday. They are to be counted Feb. 4, he said.

"If there are a substantial majority of members against the project, we would probably go along with that," Brown said. Club officials had indicated earlier that they didn't expect majority opposition from within their ranks. But they acknowledged opposition by some members, principally over the price of the project, which would be paid off through members' dues.

The council not only has to consider two neighborhood appeals against the project, but also an appeal by the club itself of the hearings officer's favorable decision. The club is protesting as too strict some of the hearings officer's conditions of approval.

G.H.F.L.

The Oregonian

3/5/71 GHEL

# City puts conditions on club expansion

By MICHAEL ALENKO  
of The Oregonian Staff

The Portland City Council — after imposing a condition aimed at satisfying both the Multnomah Athletic Club and its residential neighbors — approved a conditional use permit Wednesday for a five-story club expansion across the street from the present building.

However, the conditional use permit did not appear to satisfy a group of neighbors who had challenged the permit. The attorney for the group said an appeal may be filed with the Oregon Land Use Board of Appeals.

In another land-use matter Wednesday, the council voted unanimously to uphold a city hearing officer's decision denying a conditional use permit for the 70-foot carriage inn at 2315 N.W. Washington St.

Neighborhood residents have claimed that the inn has been operating illegally as a motel in an apartment zone since opening 15 months ago. The owners have maintained that they operate it as an apartment building and intend to sell it.

They said they applied for the motel permit to avoid legal difficulties with the city. After the council decision, one of the owners said the inn would not be operated as a motel, but the Northwest District Association, over the permit question.

The hearing permit was for an apartment use, but the city attorney's office has classified the conversion as a motel use, based on the transient nature of the tenants, the advertising, the parking, the use of the inn and the absence of month-to-month rental agreements.

The city has used the inn's owners, alleging fraud and misrepresentation.

was in the building permit, based on the alleged use as a motel.

The lawsuit, to be signed later this spring, asks that the court order the inn to stop operating as a motel or to obtain the proper permit. Wednesday's council action does not affect the hearing. "We plan to keep on operating," said James Flad, one of the owners.

The inn's attorney told the council Wednesday that "in all cases I am aware of, the use has predominantly been apartment." The owners have claimed the inn's average tenant stay is 45 days. They told the council that the inn provides an important housing source for patients in long-term care and their families who are involved at nearby Good Samaritan Hospital & Medical Center and various treatment and rehabilitation centers.

On the Multnomah Athletic Club question, the council upheld and amended a city hearing officer's decision to grant the club a conditional use permit for expansion. The club plans a five-story, 200-space parking and athletic building across the street from its headquarters at Southwest 23rd Avenue and Salmon Street.

In separate appeals of that action, the expansion was challenged by the Coos Bay Area Football League neighborhood association and by a group of 11 persons living near the club.

The club owns sections of two blocks near its building in addition to its expansion site. Opponents are concerned that the land might not be turned into housing when eventually, as they believe is best for the neighborhood.

In the appeal, the challenged urged the council to require that the club draw up a master plan for its remaining properties before it proceeds with the expansion. Club officials, while saying they were not against a master plan, balked at doing it in the expansion permit.

In an attempt at compromise Wednesday, Commissioner Mike Lombardi added a condition to the expansion permit that requires a master plan, but allows the club to develop it in six months — after doing the expansion project. The council adopted the compromise.

Both Lombardi, attorney for the 11 opponents, questioned whether the club would follow through with the master plan if it was not tied to the expansion project.

Paul Brown, club president, said that contrary to neighborhood claims, the club has met its obligation to participate in landscape its surface parking lots and showed facilities for the neighborhood and the city by selling City Stadium to the city in 1967 at a low price instead of selling it for more money to developers who would have used it as a hotel.

# *MAC plan needed*

The Multnomah Athletic Club's proposal to build an \$8 million, 550-car garage across Southwest Salmon Street from its main facility should help ease traffic congestion in the area, but before the city approves it, a plan that charts the future of the neighborhood should be hammered out.

One of the critical issues in such a planning process is how the club intends to expand its facilities over the next 20 years. The club's surface parking lots already have sprawled south to within one block of Southwest Jefferson Street. It is not in the interests of neighborhood preservation for it to continue.

The club should be required to explain what it intends to do with the surface parking lots which will remain if the parking structure and its built-in athletic facilities are constructed, as well as with the nearby homes that it owns.

That may be more difficult than it appears. City planners say the club repeatedly has been asked to produce a long-term plan and that historically its replies have been vague. One of the problems is that the club's board of directors turns over annually, making coherent planning difficult. Still, with 17,000 members representing virtually every profession, the club has sufficient resources to accurately forecast its future.

The Goose Hollow Foothills League is justifiably concerned that the construction of a 200-by-300-foot structure and the accompanying relocation of Southwest 19th Avenue could unalterably change the character and thereby the future of the entire neighborhood.

The club, the league and city planners, in cooperation, should formulate a realistic plan for the neighborhood before this proposed new construction starts.

# Portland takes step to revoke club permit

By JOHN PAINTER JR.  
of The Oregonian staff

The city of Portland has begun steps to revoke the conditional use permit issued for the Multnomah Athletic Club parking garage and athletic facility because of failure to comply with the conditions of the permit.

Revocation of the permit could conceivably result in the demolition of the 2-year-old structure, Michael Harrison, the city's acting planning director, said Thursday.

The controversial structure is located across from the club on the south side of Southwest Salmon Street. When first proposed in the late 1970s, the building aroused fierce opposition from residents of the area known as Goose Hollow and its neighborhood association, the Goose Hollow Foothills League.

The incident that prompted the city's step toward revocation was a May 21 letter from Steve R. Tidrick, general manager of the athletic club, to Margaret M. Mahoney, director of the city's Bureau of Buildings.

In the letter, Tidrick said that the club had been unable to reach any compromise with the neighborhood association about the use of two surface parking lots near the athletic club's clubhouse that were closed as part of the agreement that allowed the club to build its parking-athletic structure.

Mahoney said Thursday that the conditional use permit specified that the asphalt surfaces of the two parking lots "will be removed and returned to grass."

The lots, closed off by fences and

cables, have become a sore spot for neighborhood residents, who say the club promised to turn the lots into parks before building on them within five years, as specified in the conditional use permit.

Tidrick said in his letter that bids for fencing and replacing the asphalt with sod were about \$50,000.

"This design virtually excludes any meaningful use of the property," he said. "Because of the significant expense involved, we feel it beneficial to plan for the athletic use of the area during the interim five-year period."

Construction of tennis courts on the area, he said, would begin in a year.

In a June 21 response, Mahoney said she had no alternative but to issue a "final certificate of occupancy on the garage and to refer the conditional use permit to the Planning Bureau with a request that they begin proceedings to terminate your permit . . ."

She wrote that it appeared that the club had been attempting to secure approval from the Goose Hollow Foothills League and city officials to "retain use of these parking lots in defiance of the conditions of CU 80-80," the conditional use permit.

The club recently sent a letter to Charles Duffy of Mayor Bud Clark's staff suggesting that the lots be reopened for parking and that the revenue raised be used to help fund the Portland Police Bureau horse patrol, said Elise Anfield, an aide to Commissioner Margaret Strachan, the commissioner in charge of both the Bureau of Buildings and the Planning Bureau.

# MAC to bite the bullet, grass over its parking lots

By JOHN PAINTER JR.  
of The Oregonian staff

The Multnomah Athletic Club's two asphalt parking lots are closed off by rusting cables. With the lots unmaintained for two years, nature is beginning to reassert itself — flowering weeds and other green intruders are sprouting through cracks in the paving.

The lots have been a subject of controversy because they were to be demolished and replaced with grass after the club finished its \$3.88 million, 566-car parking structure two years ago.

The club long has resisted demolishing the lots. Jonathan Hart, a Portland advertising executive and president of the Goose Hollow Foothills League, said that the refusal of the club to tear up the lots is just the latest in a string "of at least 10 major and minor promises made to the neighborhood — landscaping, bike racks, a transportation plan and so on — that were broken."

A couple of weeks ago the matter appeared resolved when Steve R. Tidrick, the club general manager, announced that a contract had been let to tear up the asphalt.

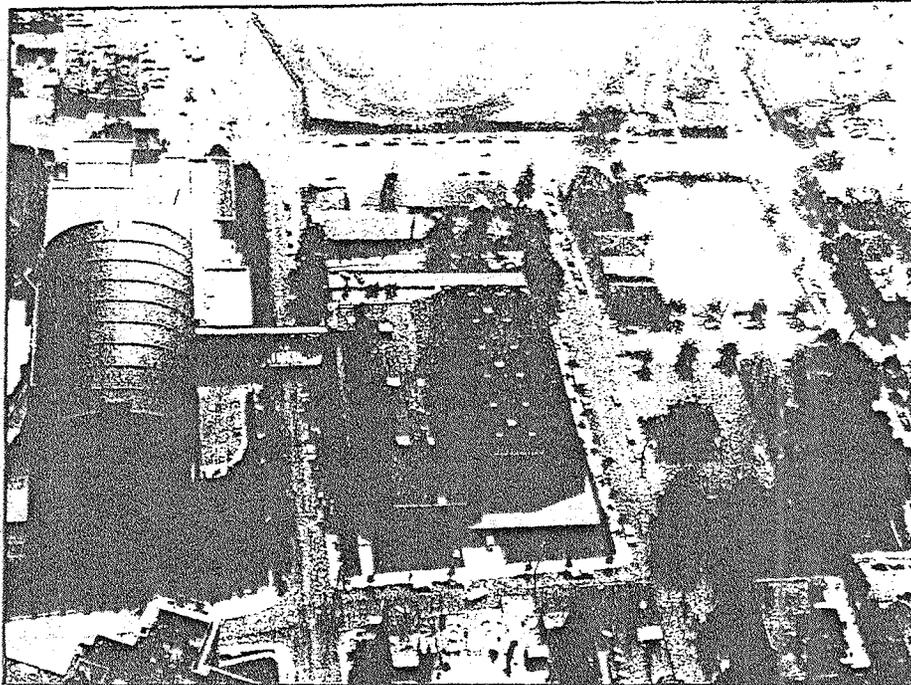
However, Bob Elliott of Lautenbach's Landscaping Inc., 1325 N.W. 97th Ave., said late last week that the firm did not have a contract with the club, but expects to agree to one soon. Once begun, the job should take four weeks to finish, he said, adding that both lots will be sodded and planted with grass.

Because the surface parking lots still have asphalt on them, the five-story, parking structure with outdoor tennis courts on its roof is under the city's gun.

In June, Margaret Mahoney, director of the city's Bureau of Buildings, issued the final papers that permit the club to legally use the parking structure. That was, for the most part, a formality to allow the Bureau of Planning to begin the process of revoking them, the first step toward denying the club use of the garage and, at the extreme, demolishing it.

Mahoney took the radical step after deciding that the club was stalling in meeting condition "M" of the permit in which the club agreed to tear up the asphalt and plant grass.

Mahoney's action delighted the Goose Hollow residents who have fought with the club over the lots for



The Oregonian/DALE SWANSON

**GRASS TARGETS** — Aerial photo shows two controversial asphalt parking lots (right), Multnomah Athletic Club (far left) and its parking garage (center).

Lot across from garage with house in center and lot at upper right center are supposed to be torn up and planted with grass as part of agreement with city.

at least five years.

The battle was joined in the late 1970s when the club proposed building a combination parking garage and athletic facility directly across Southwest Salmon Street from its clubhouse.

Club members themselves were divided over whether to build the structure. In an advisory poll then, the plan prevailed by only 172 votes — 2,850 to 2,678.

After innumerable skirmishes and ambushes that occurred during a long series of hearings, the club won a city conditional use permit and built its new structure.

As a price for the green light, the club agreed that the asphalt surface of the two lots "will be removed and returned to grass."

Tearing up the asphalt and planting grass was an 11th-hour suggestion made to city Hearings Officer George

Fleerlage by Faith Ruffing, then a board member of the Goose Hollow Foothills League.

"I'm the one who testified... that the club's policy of buying houses and tearing them down for parking had been so devastating to the area," she said.

"Until it (the club) builds housing, the lots should be turned to grass and he wrote it into the final conditional use," she said.

After the garage opened two years ago, some neighborhood residents said they assumed that the parcels would become "parks" — that is their word, not the club's, which has a different view.

For most of the two years, the club did nothing. But recently, it stirred to life.

In a June 19 letter, club President D. Edward Graves wrote Charles Duffy,

an aide to Mayor Bud Clark, that the lots could be turned into a "valuable community asset" and that "a decision to tear up the lots and plant grass is hardly viable since the area cannot be used as a public park."

Graves went on to state "that if the lots are left open to the public in any form, they will become an attractive nuisance. Thus any grassy area must be fenced if not put to an otherwise productive use."

Also in June, Duffy met with Lester V. Smith Jr., a Portland lawyer and MAC board member, who told Duffy it would be "senseless" to tear up the parking lots.

Duffy said that Smith proposed that the club use the lots for public parking and give \$40,000 to \$60,000-a-year revenues to the city, earmarked for the police horse patrol. Or perhaps put the horse patrol stable on one of the lots.

Duffy said he told Smith that the idea was "great. No problem." However, he added that the neighborhood had to sign off on it.

The neighborhood didn't.

Prior to those contacts with the mayor's office, Tidrick wrote Mahoney on May 21 to say that the club had been unable to reach any compromise with the Goose Hollow Foothills League over use of the lots.

Tidrick wrote that bids for removing the asphalt and replacing it with sod and fencing were \$50,000.

He didn't say that the price tag was too costly for the 17,500-member organization that charges an initiation fee ranging from \$900 to \$3,600 and monthly dues between \$23.25 and \$69.

Instead, he wrote that "this design (grass) virtually excludes any meaningful use of the property."

Tidrick wrote that the club would need another year to develop a plan for an athletic use for the lots — as tennis courts.

On June 27, the club notified city Hearings Officer George Fleerlage that it wanted to amend to Condition M of the permit to add one sentence: "The lots may also be converted to athletic uses such as a running track or tennis courts."

Another year's delay was unacceptable to the neighborhood, to Mahoney and to her boss, city Commissioner Margaret Strachan.

"I don't think that's acceptable," Strachan said. "The neighborhood and the city have acted in good faith. The club has until Aug. 10 to tear up the asphalt or start housing. Otherwise they are in violation of the conditional use permit. That is the exact letter of the law."

After Tidrick's letter, some Goose Hollow residents set June 21 for a "Big MAC Attack." They planned to "occupy" the largest of the lots for a day of picnicking and music, said Billy Huits, one of the organizers.

The "attack" fell through because virtually nobody showed up. However, the club posted private security police at the lot, who said that anyone going on the property would be arrested for trespassing, Huits said.

As matters now stand, Fleerlage will reopen the whole can of worms anew on Aug. 26 when he takes testimony on the city's attempt to revoke the club's conditional use permit for the parking garage.

# Goose Hollow board orders new election of officers

By DIANE DULKEN *11-20-89*  
Correspondent, The Oregonian

In a determination that could have implications for other neighborhood associations, a divided board of the Goose Hollow Foothills League has decided that an October board election was invalid and that a new round of voting should be held next month.

At issue was how much care neighborhood groups need to take in assuring that association rules are followed while also making sure that rules are not so stringent as to scare people away.

At the October election, neighborhood officials failed to check whether those who voted were eligible to do so, and allegations subsequently were filed charging that improper voting had occurred.

Five official grievances have been filed challenging various aspects of the election, an unprecedented number in the 13-year history of the Southwest Portland neighborhood association.

"We've been incredibly lax in our procedures over time . . . as have most neighborhood associations," said Vice President Lee Weinstein, a board member, re-elected in October, who officiated at Thursday night's meeting. "The message is 'Be a lot more careful, folks, and know the law.'"

In the October election, four representatives of area businesses were chosen and three incumbent board members who are residents of the neighborhood were unseated. That new board has not been recognized, and only members of the existing board were allowed to vote on the issue at a meeting last week. The vote for invalidating the October election was 6-4. New elections will be held Dec. 14.

Under the neighborhood association's rules, residents, property owners, business owners and employees all may participate in neighborhood proceedings. However, in elections, businesses are allowed only one voting representative on behalf of management and one to represent employees.

In the October proceedings, neighborhood residents believed that about a dozen employees of the Multnomah Athletic Club participated in the election.

# Rift leads to new elections for League

By JOHN HENRIKSON  
*The Neighbor*

As a result of complaints stemming from the Oct. 19 Goose Hollow Foothills League annual elections, the group has decided to re-hold the vote for its board of directors on Dec. 14.

"We've been incredibly lax in our procedures over the years, as have most neighborhood associations," said League Vice President Lee Weinstein at a Nov. 16 board meeting. "What we are learning here is what can happen when you follow regulation in a very lax, neighborly way."

At the November meeting, the pre-election board voted 6-4 to reschedule the election, taking care to follow proper election procedures. Immediately after the election, the board held a membership meeting to revamp its election and membership articles, the board decided.

Following the October annual meeting, several irregularities were brought up in five written grievances and a special meeting concerning the elections, as well as by an attorney consulted by the league.

• The election was reportedly attended by a contingent of 11 employees from the Multnomah Athletic Club. According to election procedures in the league's articles of incorporation, only one employee representative from each business is given a vote.

"An employee has no right on his own to vote," said Neighborhood Coordinator Joleen Classen, relaying the advice of the attorney consulted by the league. Residents, property owners and business licensees are those who are given voting rights by the articles.

• Photocopied "crib sheets" containing the names of a list of candidates were discovered after the election. The names were largely those of representatives of the business community.

Three longstanding board incumbents were unseated at the election, and the percentage of non-residents on the board increased from about a third of the board to about one-half.

• Proper verification procedures for those voting were not followed. Voters are supposed to be

(Continued on page 10)

# League admits election faults

(Continued from page 1)

pre-approved by the league or produce positive identification on the night of the election.

"This time there was no process during the entire evening," said board member Faith Ruffing. "We wanted to make it as easy as possible for people to be involved in the neighborhood association — it was our mistake."

• The league, according to its own articles, is supposed to have only 11 directors. The current number is 15.

Leonard DuBoff, an expert in non-profit law consulted by the board, suggested that as a remedy the board invalidate the old elections and hold a new vote, after finding a pool of eligible voters. According to Classen, he said that because of the election problems, the pre-election board was still in authority.

DuBoff advised that after the new election, the league hold a general meeting that included all interested parties and reconsider its membership and election rules.

"He's recommending an amendment to the bylaws that eliminates membership, so you can start over again," said Classen. "It's just wipe the slate clean and come back and fix it."

While the majority of board members voted to accept DuBoff's recommendations, several directors and individuals chosen in the discounted election dissented.

Board member Peter Hoffman said the league should revamp its procedures, but stand by the results of the October elections.

"I think we made a simple mistake. These articles were misrepresented," he said. "My feeling is, we've got to get down to business."

Weinstein pointed out that although the verification procedures at the December election will be tightened, all eligible candidates will be able to run again.

"My hope is that all of you will run again," he said.

Weinstein said that the league had been remiss in its responsibilities as a non-profit organization, and that other neighborhood association needed to improve their procedures. Still, he cautioned that the organization should not get too caught up in technicalities.

"We don't want to be stuck wasting our time on this legalistic hogwash," he said.

"We have to also remember that a lot of people came to the meeting because they wanted to be involved," said Ruffing, who was unseated in the invalid election.

"It's important that the business community get involved on the board," she continued. "I'm really disappointed that all this controversy came up over this election."

## Goose Hollow group sets vote

The Goose Hollow Foothills League, a neighborhood group operating in inner Southwest Portland, will hold a new round of board elections at 7 p.m. Thursday at the First United Methodist Church, 1838 S.W. Jefferson St.

In a 6-4 vote last month, the group's board declared an October election to be invalid after allegations were made that people who were ineligible to vote participated in the proceedings. Membership and voting rights in the neighborhood group are open to people who live or work in the neighborhood. Employees of a business or non-profit group are eligible to cast one collective vote through a chosen representative.

To prevent a repetition of the October controversy, neighborhood officials are asking those who intend to participate to demonstrate their eligibility. Residents must bring a lease, utility bill or other identification. Property owners must show a property tax statement or other documentation, business owners are asked to show a license, and a representative of a business's employees is asked to bring a letter of authorization from an employee group.

Also at Thursday's meeting, Tri-Met engineer John Lackey will demonstrate the transit agency's new computer/video system that shows how westside light rail might look operating in the Goose Hollow area.

# SW area election flap put to rest in rematch

By DIANE DULKEN

Correspondent, The Oregonian

In a carefully controlled rematch intended to resolve a disputed October election, members of a Southwest Portland neighborhood association Thursday night chose a substantially different slate of board members, deposing five people chosen in October and electing two who were defeated then.

Each of the more than 100 people participating in Thursday's Goose Hollow Foothills League election was required to show proof of being a resident or business owner. The carefully monitored procedure was in contrast to the October election where anyone who showed up was allowed to vote.

"Prior to this, we ran a real neighborly process and were real lax," said board vice president Lee Weinstein, "and I think that caught up with us."

Weinstein was chosen in both elections.

Neighborhood association members say a dozen employees of an area business participated in the October proceedings, in violation of an association rule that requires each business to be represented by no more than one employee.

Following the advice of an attorney, the Goose Hollow board, in a divided November vote, declared the October proceedings invalid. The board earlier had received five grievances by neighborhood residents who contested various aspects of that election.

In contrast, Thursday's proceedings were relatively smooth, marred only by an outburst by Sigrid Clark, the mayor's wife. Saying she was busy and wanted to get the voting over, Clark demanded that ballots be distributed before the candidates had a chance to introduce themselves. The board refused her request.

Elected Thursday night to two-year terms were Faith Ruffing, John Mangan, Judy Erdman, Claudia Eford, Weinstein, Susan Hall and Scot McLean. Elected to one-year terms were Gayle Davison, Boyd

*"Prior to this, we ran a real neighborly process and were real lax. I think that caught up with us."*

— Lee Weinstein

Davison, Peter Hoffman and Ron Rubin.

Ruffing and McLean, both incumbents, were deposed in the controversial October vote. Candidates elected in October but who failed to win seats Thursday were Joel Coffey, Kuhls, Jan Prince, Vance Taylor and Paul Tulacz.

Board members will elect officers in a subsequent meeting.

Some neighborhood association members said the area's stringent parking permit system and possible expansion of the Multnomah Athletic Club were the two most volatile issues in the area and could have fueled people's interests in the elections' outcomes.

Virgil Kuhls, an assistant manager for the Multnomah Club who was elected in October and deposed on Thursday, was not available after the meeting to comment.

The Goose Hollow Foothills League's parking permit program allows permits to cover 80 percent of a business's employees. Many area businesses have been pushing for all employees to be allowed permits.



# GOOSE HOLLOW FOOTHILLS LEAGUE

1819 N.W. EVERETT ST. #205 Portland, OR 97209/223-3331

Contact: Lee Weinstein

Phone: 1-378-3121

July 5, 1990

FOR IMMEDIATE RELEASE

## GOOSE HOLLOW LEAGUE GRANTS MAC EXTENSION ON HOUSING

The Goose Hollow Foothills League neighborhood association has agreed to extend by two years the time in which the Multnomah Athletic Club (MAC) must build at least 30 units of residential housing on its property on SW 18th and Madison. The MAC had asked for a five year extension.

"The League strongly believes that the time has come for the MAC to make good on its word to replace housing stock it destroyed when it built its parking garage on Salmon Street," said League president Lee Weinstein. "Goose Hollow has been left with an empty void unfilled for over 10 years. Ideally, we would like to see the MAC break ground tomorrow and replace the residential housing immediately. Realizing that, at this late date this is not realistic, we have granted a limited time extension in conjunction with the MAC completing a comprehensive institutional master plan."

In 1961, the League and the MAC entered into an agreement that, in exchange for the MAC building its parking garage on SW Salmon Street, it would agree to limit its growth into the neighborhood, grass over existing surface parking lots, and build 30 or more residential dwelling units on its land at SW 18th and Madison Streets. That agreement was made part of the Club's Conditional Use permit for the garage with the City of Portland.

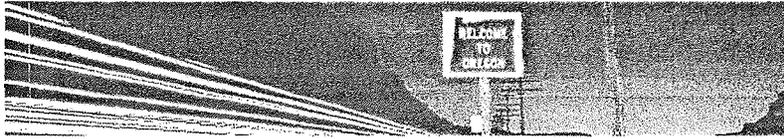
GOOSE HOLLOW/MAC

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In a May 1990 letter the Club asked the League for a five year extension, until 1996, in which to build the housing. In June the club informed the League that it had determined to go ahead with a master plan and had engaged the firm of SERA Architects, headed by Gerge "Bing" Sheldon, to assist in the endeavor.

In a June 29th resolution, the Goose Hollow League agreed to extend to June 21, 1992 the time in which the MAC will build the housing, contingent on its developing a comprehensive 20-year master plan, with input by the League, approved by the city of Portland on or before December 21, 1991.

"The League sees the development of a master plan as having the potential to positively impact the relations between the neighborhood and the MAC -- provided that neighborhood views are widely sought, sincerely considered and incorporated in the planning process," said Weinstein.

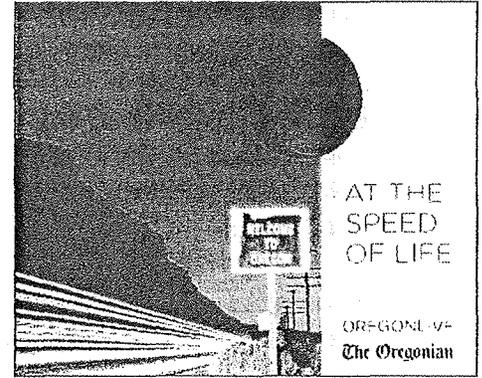


# Goose Hollow residents near proposed apartment building have parking concern: too much



An August 2013 rendering for a proposed Goose Hollow apartment development created by Ankrom Moisan Architects. (City of Portland)

(http://ads.oregonlive.com/RealMedia/ads/click\_lx.ads/www.oregonlive.com/front-porch/2013/09/goose\_hollow\_residents\_near\_ap.html/1465E



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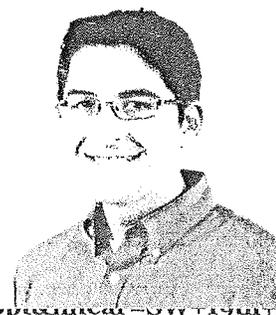
Print ([http://impact.oregonlive.com/front-porch/print.html?entry=/2013/09/goose\\_hollow\\_residents\\_near\\_ap.html](http://impact.oregonlive.com/front-porch/print.html?entry=/2013/09/goose_hollow_residents_near_ap.html))  
(<http://connect.oregonlive.com/staff/njus-e/index.html>) By Elliot Njus, The Oregonian  
(<http://connect.oregonlive.com/staff/njus-e/posts.html>)  
Email the author | Follow on Twitter (<http://twitter.com/ORFrontPorch>)  
on September 09, 2013 at 5:40 PM, updated September 11, 2013 at 3:59 PM

## Inside Front Porch

Here's a novel twist on Portland's parking debate: some residents of the Goose Hollow neighborhood say an apartment building proposed there will have too much of it.

The proposal from the Multnomah Athletic Club (<http://www.themac.com/>), which owns the land at the corner of Southwest Main Street and 19th Avenue (<https://www.google.com/maps?q=SW+19th+Ave+and+main,+portland,+or&sl=45.47960008426217,-122.69473500000002&sspn=0.1003879157904778,0.22988526115917599&t=m&dg=optimaical-SW+19th+Ave+%26+SW>) and developer Mill Creek Residential Trust (<http://mcctrust.com/>) would include 265 apartments with 165 parking spots for residents' cars. It would also include 16 guest rooms and 225 parking spots for the MAC.

The homeowners association at the nearby Legends condominiums would like to see more parking for residents and less for the MAC. The club parking, said Legends resident Tom Milne, will lead to as many as 1,500 more cars coming and going each



About Elliot Njus  
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Full article by Win Swenson, Partner, Compliance Systems Legal Group:

[http://images.indiegogo.com/medias/852140/files/20130605072833-Mill Creek and Integrity -  
\\_The Missing Link.pdf?1370442516](http://images.indiegogo.com/medias/852140/files/20130605072833-Mill_Creek_and_Integrity_-_The_Missing_Link.pdf?1370442516)

# Integrity: The Missing Link in Mill Creek's Proposed Milton Mews Development

Why MassHousing Must Disqualify Mill Creek From  
Building Milton Mews

Respectfully submitted,  
Win Swenson  
Partner, Compliance Systems Legal Group  
Hemenway Drive resident  
May 3, 2013

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## INTRODUCTION

Mill Creek Residential's proposed Milton Mews development has many downsides – the loss of critical environmental habitat and historical and archeological heritage, safety, traffic problems, etc.

But another fact, so far overlooked, conclusively shows that Mill Creek must be disqualified from establishing a permanent presence in the proposed neighborhood: Mill Creek itself – the company that proposes to build and manage Milton Mews – fails to meet objective, widely accepted business standards for operating with integrity.

As a result, no government authority should sanction Mill Creek to operate in any neighborhood – let alone one with sensitive environmental, historical and cultural treasures at stake.

For reasons explained below, if MassHousing were to permit Mill Creek to build Milton Mews and a serious legal compliance or ethics breach occurred (e.g., environmental, worker safety, fraud, unethical marketing or management of units, etc.), the Commonwealth of Massachusetts would be complicit in causing the harm.

Because the red flags are clear.

Three Mill Creek red flags are described below.

- *Its failure to follow established business practices for managing compliance and ethics;*
- *Its troubling track record; and*
- *Its attempt to evade its troubling track record by changing its name and morphing into a new corporate entity.*

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**1. Mill Creek falls demonstrably (and truly shockingly) short of widely accepted business standards for managing corporate compliance and ethics.**

Briefly, by way of background, for the last 25 years my career has focused exclusively on analyzing the ability of companies to avoid legal and ethical transgressions. Specifically, I am retained to answer this question about particular companies:

- Does the company have the management systems, controls and processes needed to ensure that its board, management and employees will operate lawfully and ethically?

“We needed liquidity to pursue new business,” Brindell said of Mill Creek’s formation. But potential investors in their projects “wanted to invest in a very clean balance sheet, with no existing assets or liabilities. The banks were requiring the same thing for us.”

These days, Westwood’s<sup>29</sup> Alpert noted, investors shy away from developers already juggling large amounts of inventory. “People who are sitting on problems are considered way less attractive,” he said.

So new entity-level ventures can mean a new start for real estate professionals....

## CONCLUSION

MassHousing must reject Mill Creek’s Milton Mews proposal because, lacking a compliance/ethics program and having a history of litigation and bad projects, Mill Creek is simply not a “presently responsible” company that should be allowed to operate in the proposed neighborhood.

Mill Creek has tried to focus MassHousing on its very recent, “so far, so good” project in Concord. This should not be allowed to whitewash the risks the company presents. As with Enron, BP and so many others, history repeatedly shows that when companies are not deliberately managed to ensure integrity, they are ticking time bombs.

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<sup>29</sup> Manhattan-based real estate investment bank Westwood Capital.



# Editor's Turn

By Allan Classen  
Editor & Publisher

## A costly war over free parking

The Multnomah Athletic Club parking predicament is a free-for-all. The club has had an unending parking shortage because parking is free for all members at all times.

The free-for-all policy has heightened demand in a way understood by city planners, traffic engineers and any sentient being not on the club's payroll. If a product or service is free, we use more of it. Even the people running the parking lot at the Oregon Zoo have at last gotten the message. But at 1849 SW Salmon St., they're still pretending that owning a car comes with the unwritten guarantee of a free parking stall.

The MAC's solution has always been to build more parking. In the 1980s, it cleared 30 houses on the block and a half south of the club's main entrance for a 530-stall parking structure. That was sufficient for a while, but the club has 22,000 members and hosts many private events. Chasing that kind of demand is a tall order.

In approving the parking structure in 1980, a city Hearings Officer required the club to develop a management plan to reduce auto use and to charge users of the lot. The club appealed that decision, loosened the terms and has gotten away with unmanaged, unpaid parking ever since.

The profligate policy has led inevitably to the overuse of the garage and the latest effort to build another parking facility on residential land directly to the south. The club promised City Council in 1981 to never seek a zone change or put anything but housing on this block, but promises made by parkaholics never last, it seems.

The current parking "crisis" has been at least 30 years in the making, and the MAC has no one else to blame.

The self-infliction goes beyond what many realize. In addition to serving its members, the club hosts private conferences, weddings, dinners and other social events. These events come with their own parking demand, and tend to happen at prime times, when the parking structure is already heavily used. These events draw

extra revenues that may restrain increases in membership rates. However they are not a core function of the club, were not accounted for when the club was granted a conditional-use permit and should be tolerated only if they impose no burden on the neighborhood.

The cost of setting up a management plan should be well within the club's resources. General Manager Norm Rich implied that the MAC is ready to contribute \$5 million-\$8 million to the Block 7 project, which is to include 229 parking stalls for MAC use. Instead of pouring out this kind of money on a structure, it would be wiser to charge MAC members and guests who use the garage. Members who don't bring their cars might get transit passes or a reduction in dues. It's not rocket science.

But Rich, who wants to build out of the parking shortage, claims doing so makes him a good neighbor. He says ample garages will reduce traffic by making it unnecessary for members to circle the block looking for vacant on-street spaces.

"The MAC is willing to invest millions of dollars to take that inconvenience from you," he told neighbors last month. "We are trying to preserve the residential part of the block."

Perhaps they could level the entire neighborhood, thereby "saving" it for all time.

The MAC and its neighbors could live in peace if the club would merely manage its parking addiction. For generations, its pursuit of parking has driven it to repeated encroachments and offenses.

Ironically, the club sits next door to Jeld-Wen Field, the finest example of parking management in city history. The Timbers and Thorns bring sell-out crowds to a stadium that has no parking structure, made possible by robust transit incentives, special parking meter rates, shuttle buses and the right attitude.

The future belongs to those who learn and adapt. The MAC should get no slack from the neighborhood and city because it refuses to.

The  
NW

# Examiner

SERVING PORTLAND'S NORTHWEST NEIGHBORHOODS SINCE 1986

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FREE

## MAC Attack

*Members asked to join neighborhood association as advocates for zone change*

By Allan Classen

Like the biggest kid on the block, the Multnomah Athletic Club dominates its neighborhood and the Goose Hollow Foothills League.

The 22,000-member social/athletic club owns 7 acres in the heart of the district, and its unrelenting drive for more land and additional parking has triggered historic conflicts with its neighbors. As the club grew in the second half of the 20<sup>th</sup> century, it acquired surrounding residential parcels, leveled the houses and made parking lots.

In 1976, the Foothills League was formed, partly to address this pattern of encroachment on the area's residential character. Backed by state and city planning mandates, the Foothills League has been a serious force, though still an underdog vis-à-vis the club's size and political power.

When the league challenged city approval of the four-level MAC parking structure across from the main entrance to the club at 1849 SW Salmon St. in 1980, the two sides hammered out a land-for-peace agreement: The club could build the garage, but Blocks 2 and 7 directly south of that structure would have to remain permanently and entirely residential.

In contending with, "the mouse that roared," the club has always held a card up its sleeve: the possibility of overcoming the opposition by joining it. Because league elections typically involve about two-dozen voters, a small percentage of MAC members living in the district who are in turn eligible to become members of the neighborhood association could theoretically take over the organization and turn a watchdog into their lap dog.

The strategy is unthinkable precisely because it is so doable. No bylaw provisions would prevent MAC members living in Goose Hollow applying for membership and voting at an annual meeting, installing board members committed to the club's interests.



Continued page 6

**MAC** *continued from page 1*

Unethical? Perhaps. Unseemly? For sure. Many would see it as an unsporting use of power. But what if the club really wanted to win on a particular issue and was willing to contemplate the blowback?

Those hypotheticals are no longer hypothetical.

MAC management is embroiled in a showdown it sees as vital to club interests. The club is partnering with a private developer on a seven-story apartment building that will include 229 parking spaces and 16 suites for the use of MAC members and guests. The project, on Block 7—land pledged forever to remain residential—would require a rewrite of the city's comprehensive plan and a zone change from residential to commercial. Not to mention breaking promises made to the Portland City Council and the Foothills League.

Does MAC want this deal bad enough to go mercenary?

It appears MAC General Manager Norm Rich is there.

In August, Rich warned attendees of the GHFL Block Seven Committee that more than 1,000 MAC members live in Goose Hollow.

"I'm not sure we want this to be a popularity contest," he said. "There are hundreds of MAC members who want more parking."

Furthermore, "We are the biggest taxpayers in the neighborhood by a long shot," a comment that might be taken to imply a sense of entitlement if not special leverage at City Hall.

Although wielding this overwhelming voting bloc, Rich insisted the club wanted to be a good neighbor and play fair.

"We're not trying to bully anyone," he said. "We at the MAC have never done that under my leadership and don't intend to."

A month later, he took off the gloves.

In direct emails and letters to members, as well as his column in the club's monthly magazine, *The Winged M*, he called on members to take action.

"We ask that you, as a MAC member and neighbor, please support this project. As a neighbor in the Goose Hollow Foothills League boundaries, we urge you to officially register with the Goose Hollow Foothills League and participate in your residential neighborhood association."

What pushed him to call out his ultimate weapon?

"What has changed is our neighbors are mobilizing their efforts (through inaccurate information being delivered)," he told the Examiner.

Neighbors of Block 7, having listened to Rich's explanations and promises for a year, are indeed mobilizing. They are circulating petitions, wearing protest buttons, networking and turning out in such numbers that the league has had to find a larger room. About 50 people attended a Block 7 meeting last month at which voices were raised and cynicism flowed.

At that meeting, Rich acknowledged that there is a "bad word on the street," but assured, "There's no conspiracy, there's no anything."

This is not the first time the MAC has

fought the neighborhood association by joining it.

In 1989, several MAC employees voted in the Goose Hollow Foothills League annual meeting, helping elect four previously uninvolved business candidates sympathetic to the club's proposal to convert a commercial building on Southwest 21<sup>st</sup> Avenue into MAC parking. After grievances were filed and attorneys hired, the election was overturned because league bylaws limited institutions to one design-

nated representative.

After a new election, at which residents regained a majority of the board seats, relative peace between the club and neighborhood association became the norm. League board meetings are now hosted by the club, and the parking topic has stayed mostly on the back burner.

The Block 7 project changed all of that. Suddenly neighbors are researching old papers and poring over ancient City Council transcripts. The 1981 agreement



*Block 7, bounded by Southwest 19<sup>th</sup>, 20<sup>th</sup>, Main and Madison streets, as seen from the Legends building immediately to the east. The block has a small parking lot but has been primarily used as a de facto park in recent years.*



*MAC General Manager Norm Rich claims additional parking facilities would benefit the neighborhood by reducing traffic.*

has become a foundational document. Its intent was made clear and solemnized by statements made to the City Council in approving the parking structure.

According to a Jan. 28, 1981, council transcript, the club's plans for Blocks 2 and 7 were unequivocal.

Robert Miller, MAC attorney:

"The club is fully aware that property is zoned for high-density residential, and the club at some time in the future intends that that will be its use, and the present city law says that it has to be used for that purpose or not at all."

Commissioner Mike Lindberg:

"It would be accurate to say that it is the policy of the club to try to see housing go up on that and not come in later and try to convert it to another use."

Miller:

"That's true, that's true. That's right."

Later in the hearing, MAC President Phil Brown reaffirmed the club's commitment "to free up the two south blocks for the eventual development within the use that is called for in the comprehensive plan, which is multiple housing."

In the years since those pledges were made, the club's performance has lagged. Block 2 eventually became Legends, an 80-unit high-rise originally targeted toward seniors. Thirty-two years after the agreement, Block 7 remains a mostly-grass-covered de facto park.

Asked to explain how the club can seek a zone change now after assuring City Council in 1981 that it would not, Brown said, "The only thing that would change is the zoning, but that should be a good thing for the neighbors as well as the club because many cars that otherwise would be circling blocks in search of parking spots would have a place to park out of sight.

"As the club has been consistent, and its intent has not wavered, I think it would be a huge stretch to say or even imply that there is a contradiction, and in fact it would not be true," he said.

A formal application for the proposed residential/commercial parking structure is expected to be filed this month.

## **MAC project unpopular**

Thank you for the October article ["MAC Attack"] and commentary regarding the Multnomah Athletic Club/Mill Creek proposed construction on Block 7 in Goose Hollow. I'm opposed to the project as designed, and believe the parking proposed (229 for MAC members and 165 for the 265 proposed units) will not resolve parking issues in our neighborhood. It would result in more than 1,000 cars entering and leaving the Block 7 MAC spaces daily, significantly increasing traffic and noise. Further, most of the 100 building residents without parking will own cars, have guests and be visited by family with no place but the street to park.

At present, three of the four streets bordering Block 7 (Southwest 18<sup>th</sup>, Madison and Main) do not experience heavy traffic except when the MAC is holding a special (usually non-member) event. Many of us have studied traffic and parking patterns on these streets. On all days except special event days, there are seldom cars "circling the streets looking for parking," as claimed by MAC.

We suggest the MAC take this approach: (1) Decrease the number and size of non-member special events. (2) Actively encourage members and non-member visitors to use public transportation. (3) Encourage MAC members to fully utilize the existing garage before parking on the street. (4) Give serious consideration to scrapping plans for parking on Block 7 and use one of their better-suited lots on 20<sup>th</sup>/21<sup>st</sup> avenues for a new parking structure. (5) Insist that Mill Creek (or subsequent developer) provide parking for at least 80 percent of residential units built on Block 7. That's how MAC can be a good neighbor.

Tom Milne  
SW 19<sup>th</sup> Ave.

We Goose Hollow residents are pushing back on the Multnomah Athletic Club/Mill Creek's assertion that their Block 7 proposal will benefit our neighborhood. The proposed 258,574-square-foot behemoth will insert 265 residential units, as well as 16 MAC guest suites, into a quiet historic area. Roughly 100 of these new residents, according to the initial proposal, will not have parking. Where will friends and relatives of the newly inserted residents park? The MAC will receive 229 private parking spots producing daily inflow/outflow traffic, hundreds of cars pouring onto our narrow streets. Traffic congestion, increased air and noise pollution are incompatible with the city's Comprehensive Plan, namely Goal 8.

Adding to our worries, the city is preparing to rebuild Washington Park's reservoirs in anticipation of a 9.0 earthquake. The Block 7 project will be built on a geologic slide zone, requiring deep excavation to accommodate four levels of mostly below grade parking. To enable the project to go forward, the city requires a zone change from RH (residential) to CX (commercial). Commercial zoning allows for 24-hour trash pickup. According to the city's own study ("Report and Recommendations of the Noise Review Board on Reducing Nighttime Noise from Garbage and Recycling Collection, Sept. 8, 2004"), middle of the night trash collection has adverse effects on health such as elevated blood pressure and

respiratory levels.

Many Goose Hollow neighbors would like to defeat rezoning, build a trust and bid for the property to create "Goose Hollow Park" for all to enjoy—perhaps with a band shell for music and theatre, a children's play area, a small dog run and a soothing water feature.

The environmental devastation foisted upon Goose Hollow neighbors is an audacious act emblematic of Lionel Barrymore's greedy "Mr. Potter" in Frank Capra's film "It's a Wonderful Life."

Connie Kirk  
SW 19<sup>th</sup> Ave.

# Neighborhood rep faults MAC general manager's attitude

By Allan Classen

At least one member of the Goose Hollow Foothills League board believes the general manager of the Multnomah Athletic Club was off base in his statements about the neighborhood and parking for club members.

"I am surprised that Norm Rich never backtracked on his comments, took them back and apologized to his MAC constituents and the public he was addressing," wrote Nicolas Clark in an email to the Northwest Examiner.

At an August GHFL meeting, Rich told residents, "We are the biggest taxpayers in the neighborhood by a long shot," "there are hundreds of MAC members who want more parking" and "I'm not sure you want this to be a popularity contest."

Rich later removed all doubt about his intentions by publicly asking MAC members living in Goose Hollow to join the neighborhood association and support the club's Block 7 proposal.

In partnership with a private developer, MAC plans to build a seven-story apartment building with 229 parking spaces and 16 suites devoted to club members on the block bounded by Southwest 19<sup>th</sup>, 20<sup>th</sup>, Main and Madison streets. A zone change is needed to create commercial parking on this residentially-zoned block.

Clark did not appreciate the attitude he detected in Rich's comments.



DALE CARDIN

*Geologic sub-soil samples were taken last month in preparation for development.*

"He basically stated that 'we' pay more and therefore should have the privilege and right to provide parking to whomever we deem privileged," said Clark. "I think that it is poor form and a mistake to believe that this is the attitude of MAC members."

Clark faulted what he termed an "attitude of rights and privileges."

Clark, whose family owns the Goose Hollow Inn and Fehrenbacher Hof, nevertheless invited MAC members living in the neighborhood to get involved in the association. His father Bud was mayor of Portland from 1985-92.

"Coming to the table allows people to gather pertinent resources and materials, gain greater insight into the project, gain insight into the perspectives of their neighbors, learn from one another, laugh and be a part of the community," he said. "I think that we can have a healthy conversation."

## Letter: What would John Gray do?

Letters to the editor By Letters to the editor

on November 16, 2013 at 9:00 AM

**John Gray** was an amazing, widely respected and highly successful man. Gray was a developer, business owner, outdoorsman, philanthropist, family man, a fellow resident of The Legends condominiums, longtime Multnomah Athletic Club member and friend. He died in 2012 and we miss him.



Portland developer John Gray

Beth  
Nakamura/The  
Oregonian/2011

In all of his developments, he took into consideration the needs and interests of people who would be affected and created places that nurtured and healed. The environment was respected in his decisions, communities were formed, and his values and vision to this day shine through. One such example, at Sunriver there are more bike and walking paths than parking lots, a minimum of trees were removed and the natural beauty was planned for throughout the development.

I don't believe Gray would be at all pleased to see **what Mill Creek and MAC are planning for Block 7**. Plans include removal of all the trees to be replaced by a **massive apartment building** with marginal setbacks, fewer parking spaces than units, and an additional 225 parking spaces for MAC members only. Traffic from this project will greatly increase noise, pollution and biking/pedestrian hazards. Mill Creek and MAC think this is a gift to the neighborhood. John Gray would know better.

Mill Creek and MAC would do better if they incorporated Gray's approach and vision. Instead of compromising the look and feel of our historic neighborhood that the current design guarantees, they should respect the history of our community and those of us who live here. If MAC needs more parking, work first to minimize the need. Consider options such as public transit incentives and alternative placement (MAC owns several other properties in the area that are better suited) to avoid compromising the beauty and safety that currently exist in our neighborhood.

Gray's legacy is something any of us would be proud of. MAC and Mill Creek, give the neighborhood a real gift. Do what John Gray would do.

**Casey Milne**

Southwest Portland

# Athletic club president charges editorial bias

By Allan Classen

The Multnomah Athletic Club responded to the Northwest Examiner's October cover story, "MAC Attack: A costly war over free parking."

MAC President Lew Delo wrote a two-page letter raising several issues. It began:

"In the interest of balance and fairness, I'd like to comment on some of the incorrect, misleading and biased statements in your recent article and editorial about the Multnomah Athletic Club's investigation of new parking facilities.

"Nowhere is your bias more apparent—and more surprising—than in your suggestion that residents of Goose Hollow are unwelcome members of the Goose Hollow Foothills League neighborhood association if they are also members of the MAC. Your position disenfranchises legal voters and discriminates based upon illegal criteria. As an editor, you should be promoting the fundamental rights of association and freedom of speech, not restricting rights that are at the core of our Constitutional liberties."

## Editor's response

The story faulted the MAC for encouraging its members who also live in Goose Hollow to join the neighborhood association and express their support for the MAC's proposed joint venture apartment building and parking facility for MAC members (which would require a comprehensive plan amendment and zone change). The story made clear that the MAC's maneuver is perfectly legal.

But the story also asserted that such a tactic is bad form and unethical. Joining a citizen organization for the primary purpose of bending that group's policies to serve the ends of a rival organization violates the integrity of the targeted organization. If carried out with full fervor, it could reverse the mission of the organization and turn it into a pawn or zombie for the rival entity.

The MAC has the power to accomplish this. With more than 20,000 members (perhaps 1,000 who live in Goose Hollow), it could conceivably take over control of the neighborhood association, in which typi-

cally fewer than 50 people vote at annual meetings. A board could be installed that would be totally in accord with MAC expansion plans.

Delo doesn't acknowledge the threat the club represents to a small neighborhood association, instead finding victimhood in the possibility that MAC members carrying out such a mission might be made to feel unwelcome. The Constitution and all laws of the land guarantee free speech and freedom of association, but not all activities so protected are fair, wise or honorable. Nor are they free from criticism. The right to feel welcome everywhere regardless of one's

conduct or intent somehow never motivated the Founding Fathers sufficiently to include it.

Delo's lack of empathy could perhaps be rectified if he could imagine an organization far more powerful than the MAC having a strategy to infiltrate or otherwise influence the club to change its direction and policies (say to devote itself to reducing economic inequality in the city). Would such a campaign be welcomed, and would Mr. Delo fight to the death for the right of such views to be freely expressed?

We'll deal with another part of Delo's letter next month.

# Tunnel proposed to lessen impact of new garage

By Allan Classen

The developer of the controversial Block 7 hybrid building on Block 7—part apartment building and part Multnomah Athletic Club garage—made a concession to neighbors last month.

In order to keep Multnomah Athletic Club members from driving on residential streets to and from the 225-stall garage, a tunnel has been proposed under Southwest Main Street to the main MAC parking structure. This will allow parkers to access the new facility from the existing garage and without creating any new entrances or exits on Block 7.

Sam Rodriguez, managing director for

Mill Creek Residential, presented the idea to the Goose Hollow Foothills League as "the right compromise."

Calling the tunnel "incredibly expensive," Rodriguez said the arrangement makes "so many improvements to the project" that the MAC will share in the extra costs of construction.

Rodriguez said that even without the tunnel, his traffic consultant found that traffic around the residentially zoned Block 7 (bordered by Southwest 19<sup>th</sup>, 20<sup>th</sup>, Main and Madison streets) would meet acceptable standards.

"This solution will improve the traffic situation," said Rodriguez, "and not by any means make it worse."

MAC parking will encompass the bottom two levels of the eight-story building, and will be almost entirely below grade. The remaining floors will be devoted to 270 apartment units and two additional levels of parking for residents.

As a result of intense opposition to the project by immediate residents, five neighbors of Block 7 are running for the GHFL board of directors, which will hold elections Thursday, Dec. 19, 7 p.m., at the MAC, 1849 SW Salmon St. The slate adopted by the board's election committee includes two of those five neighbors: Timothy Moore and Casey Milne.

# Ex-MAC president claims 'robust' transit incentive program

Last November, former Multnomah Athletic Club president Lew Delo sent a two-page letter claiming our October 2013 cover story, "MAC Attack: A costly war over free parking," was "incorrect, misleading and biased."

The letter raised so many issues, we divided it into three parts for publication and response.

**The second part of Delo's letter began:**

"Contrary to your implication that the MAC does not have a traffic management plan, it has a robust one, one that has been in place, improved upon and approved by the neighborhood and city for almost 30 years; a plan that has included parking, bicycle, bus and MAX components. Perhaps you have forgotten your coverage of the MAC's partnership with the neighborhood during the planning in the 1990s for the Westside Light Rail.

...

"You are also wrong that "The MAC's solution [to parking] has always been to build more parking." One of the most important light rail benefits for the MAC and the neighborhood was the Kings Hill station at Salmon Street and Southwest 18th Avenue. The MAC directly contributed almost \$200,000 for the cost of the station."

The December 2013 Examiner incorrectly identified Lew Delo as president of the Multnomah Athletic Club. He is a past president. We regret the error and note that Delo's letter does not necessarily reflect the club's current thinking.

## Editor's response:

The club has a traffic management plan, but its transit incentives are far from robust. Member who arrive at the club with a one-way transit receipt can get a free return trip ticket. That's it.

Does anyone take advantage of the offer? We asked the club for numbers of passes given out, as well as data on what percent of visits are by transit, but the club refused to share its data.

In 1994, the Examiner reported that the MAC agreed to pay \$150,000 toward construction of the Salmon Street MAX station in exchange for city approval to expand the west end of its clubhouse.

"In exchange, the city and GHFL [Goose Hollow Foothills League] agree that the club now meets the traffic mitigation promises it made in its 10-year master plan," the Examiner story read.

The agreement also settled city concerns about the club's insistence on free, unmetered access for members to its main parking structure. Whether stuffing an extra MAX stop so near the stadium and Jefferson Street stops to accommodate the club was a community benefit could be argued either way. ■



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## Editor's Turn

BY ALLAN CLASSEN  
EDITOR & PUBLISHER

### Forming a more perfect quota system

A strange idea persists at Portland's grass roots. Call it a quota system. It may have started with government citizen participation programs, and now neighborhood activists had adopted it as the essence of democracy.

Instead of a free exchange of ideas in which the best thoughts and the best thinkers come out on top, it's all about arbitrary categories and strategies to see that certain demographic subsectors are represented.

I was struck by this theory at a Goose Hollow Foothills League meeting in which a nominating committee explained how they developed a slate of candidates. There was no mention of picking the most capable candidates or those expressing the interests of members. If anyone were to have an original approach to solving some organizational problem, I'm quite sure that wouldn't have registered either. Those who believe an election should give an organization signals as to which paths constituents do or do not favor would also be sorely disappointed.

All of those factors take a distant back seat to the central virtue: balance. The nominating committee deemed that, since Goose Hollow contains residents, businesses and institutions, about half of the board should be residents and the other half from either business or institutions. (There was no explanation as to why it shouldn't be a three-way split.) Then geographic balance was considered: Candidates should come from different parts of the neighborhood.

In this way, it was possible to talk about candidates without weighing their personal qualities or ability to serve. God forbid that anyone be deemed more capable or valuable than another. It's about filling certain slots to ensure proper balance, all the while avoiding the appearance of picking favorites.

Walking this line grew dicey when two men from the same building were pitted against each other for one remaining seat. Both became active in the organization over the Block 7 issue and were from the same camp. How to decide? The nominating committee gave one the nod because his background was in history, while the other's was in engineering, a field of less worth to the neighborhood, supposedly. Not that the organization had any practice or policy favoring historians over engineers, but in a pinch I suppose picking

fields of expertise sounds less personal than comparing their insights or ability to lead.

The quota system seems intended to deflect criticism because its practitioners appear not to be making decisions at all, just mechanically applying immutable characteristics to reach unassailable conclusions.

Opinion and bias permeate every choice of category, of course, but that's not the hand put forward. To the eye, it appears "even Steven."

The plague behind this show of fairness is that by filtering out disagreements and competing views, there is no functioning democratic process to guide the organization one way or another. It suggests that all is well and there's no reason to consider other directions or programs.

I single out this board mainly because they discussed their philosophy so openly. I'm sure other associations follow at least some of these patterns.

If neighborhood boards fall for this sterile form of democracy, the city of Portland has perfected it. Every city project or body seems to have a citizen advisory committee. Lately they've taken to calling them stakeholder advisory groups, implying their members have a common interest in advancing the project. These



*Don't worry, Mr. Hancock. We're inviting the British to be stakeholders too.*

bodies inevitably grow large because many neighborhoods and special "communities" have to be represented. A room can be filled with obligatory assignees, leaving no space at the table for independent, civic-minded people of insight and expertise.

The quality of discussion coming from 35 people—half of whom may not even be interested in the topic—falls far short of what it should be. Committees of this type wind up overloaded with individuals who won't rock the boat. To do that, a person has to first care enough to have an opinion, much less have the character and frame of reference to speak against the orthodoxy.

Whether they advise city policy makers or spring from the grass roots, quota-based systems have a common trait: They create the appearance but not the function of speaking for the people while solidifying the status quo and playing along with those who benefit from it. ■

### **MAC story [not] laughable**

I would like to voice a counterpoint to Seth Harris's letter to the editor last month in which he said that he does not have any strong opinions or issues with the Multnomah Athletic Club's plans for Block 7 in Goose Hollow. Yet he strongly asserted that the comments of the Northwest Examiner have been one-sided and "laughable," and he challenges the suggestion that the MAC project is unpopular.

In contrast to Mr. Harris, who lives some 20 blocks to the north of Goose Hollow, I live immediately adjacent to Block 7, and I am also a member of the MAC. Being a joint stakeholder, I am obliged to carefully balance my alle-

giances to the MAC, which I attend regularly for athletics and socializing, with my loyalty to Goose Hollow residents and friends, with whom I also socialize in the immediate neighborhood.

Over the last six months or so, having attended most of the meetings of the Goose Hollow Foothills League board and the GHFL Block 7 subcommittee, I can confirm that Mr. Classen has attended all of these meetings. I can also confirm that a considerable majority of Goose Hollow neighbors present at subcommittee meetings have consistently challenged the MAC/Mill Creek plan for Block 7. Furthermore, at one meeting of the subcommittee last summer I was witness to a straw vote where the vast majority present expressed their opposition to the project.

In other words, the Northwest Examiner's reporting of the unpopularity of the MAC/Mill Creek project in Goose Hollow is accurate and is in no way laughable.

*Kal Toth  
SW 19th Ave.*

# Residents show muscle in Goose Hollow elections

The Goose Hollow Foot-hills League board, which retained control of the organization through five years of controversies and reversals, at last suffered a membership revolt.

BY ALLAN CLASSEN

Four critics of the proposed Block 7 development were elected to the board last month and two board mainstays were unseated by write-in candidates at an annual meeting attended by about 80 people last month.

The board has taken no official position on the Block 7 proposal, which entails a rezoning of residential property to accommodate an apartment building with two levels of underground parking for Multnomah Athletic Club members. But neighbors of Block 7 have been frustrated in their efforts to move the organization to their side.

Some saw parallels in the board's refusal last March to oppose another major apartment building by the same developer, Mill Creek Residential, on Southwest Jefferson Street. On that issue, only one board member took the side of adjacent neighbors.

This time, affected neighbors filled

GHFL meetings for months, then voted in force for four candidates who shared their perspective.

While the addition of four directors does not create a new majority on the 14-seat board, it jeopardizes the near unanimity behind several board mistakes in recent years.

- Failure to rein in former board president Alan Beard, an architect who had a contract with the city for the remodel of Jeld-Wen Field at the same time as he encouraged his board to support the project.

- Refusal to release public documents, forcing a grievance hearing that the board lost.

- Allowing former President Stuart Smith to take actions, including defamatory tirades about individuals in the neighborhood and the press, without prior knowledge or discussion and without later review by the board.

The incumbents were re-elected, and therein lies a message. Those incumbents, Scott Schaffer and Randy Wyszynski, live in Goose Hollow. The incumbent unseated, Bill Reilly, and the other unsuccessful candidate on the board-recommended slate, Ken Puckett, do not.

Among the new voting bloc, the word seems to be: Don't trust candidates who live outside the neighborhood.

"The numbers appear emblematic of a mandate to rebalance the residential

needs of our community," said Connie Kirk, resident of Legends, a condominium directly east of Block 7 that became the center of opposition to the project.

"Main Street has spoken," Kirk continued. "The new make-up represents a wide swath of voters' needs, from home owners to renters, condo owners to Section 8 housing."

Another Legends resident, Tom Milne, also saw the election as a turning point.

"It would appear that the neighborhood is sending a loud message to the board that MAC-Mill Creek intentions, at least as currently represented, are not in the interests of the neighborhood," said Milne. "We can all expect the apologists for and supporters of the MAC's efforts in the neighborhood to be opposed if not silenced."

GHFL President Leslie Johnson said, "I think it's great to have a good-sized crowd at the annual meeting, though I could have wished for broader representation from the neighborhood as whole. The several members coming from the same building will be challenged to project ... an interest in the whole range of issues the neighborhood faces.

"I am also sorry that we passed up on the opportunity to have a board-level representative from the largest, most impactful landmark in the neighborhood," Johnson added, referring to Jeld-Wen Field.

## GHFL ELECTION RESULTS

### Successful candidates Votes

Casey Milne	56
Timothy Moore	54
Scott Schaffer	38
Kal Toth	33
Jeff Schneider	31
Randy Wyszynski	30

### Not elected

Ken Puckett	23
Bill Reilly	22

Jerry Powell, who has held several positions with the neighborhood association since the 1970s, also bemoaned the single-issue nature of the new activism.

"But that's often what drives neighborhoods," said Powell. "I'd like to see a neighborhood jazzed about a new transportation planning rule or about the comprehensive plan or about local politics ... but I think that's unlikely to happen.

"But in general, I think the swing back toward a majority residential is a healthy one for purely experiential reasons: Residents are more likely to show up for a monthly meeting." ■

## Rental of MAC facilities by outside groups at issue

BY ALLAN CLASSEN

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Last November, former Multnomah Athletic Club president Lew Delo sent a two-page letter claiming our October 2013 cover story, "MAC Attack: A costly war over free parking," was "incorrect, misleading and biased."

The letter raised so many broad issues, we have divided it into three parts for publication and response.

Delo wrote: "You are also incorrect that 'they [club and private social events and functions] are not a core function of the club [and] were not accounted for when the club was granted a conditional-use permit. ...'"

The Examiner story referred to private events in which outside groups rent MAC space and services. These may be weddings, company banquets or conferences. The club does not organize, control or sponsor these events, and they are not for the club's general membership. A private entity pays for specified services just as someone might rent a church for a wedding or meeting.

Delo implies such events are part of the club's core function because they may involve athletic or social activity. He makes no distinction between club sponsored activities and events for hire. He thus sidesteps a growing complaint by MAC neighbors: Private events have expanded greatly in recent years, bringing with them a unique parking burden. Many are held at prime times when use of the club by members is also at a peak. When this happens, members may find no room to park in the main garage.

The point made in our coverage is that this is a self-inflicted parking crisis. The club could avoid it entirely by hosting fewer outside events or scheduling them to avoid busy times. ■

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# Will 225 more parking stalls encourage driving to MAC?

The addition of 225 more parking spaces for Multnomah Athletic Club members will not generate more auto trips.

BY ALLAN CLASSEN

That's the claim of the developer's traffic consultant, issued in a zone-change application to legalize commercial parking on residentially zoned Block 7, which is bounded by Southwest 19th, 20th, Main and Madison streets.

The underground garage is part of a seven-story apartment structure to be built by Mill Creek Residential Trust. It will be accessed solely via a tunnel from the club's main 536-space garage, eliminating the need for additional entrances or exits on Block 7.

The club is providing the land to the developer in exchange for the dedicated parking stalls and 16 residential suites for MAC use.

Changing the zoning from

residential to commercial also involves revising the city's comprehensive plan for this block. To do so, the developer must show the new use will not compromise the residential nature of the block. For that reason, demonstrating that no additional traffic will result from the garage expansion is pivotal.

The application claims "the additional MAC parking on Block 7 will not generate any new trips" and furthermore, it "will accommodate peak-hour demand that is not currently served by the existing MAC garage. This additional parking supply will result in fewer cars being turned away at the existing garage entrances and therefore fewer cars circling on neighborhood streets."

That conclusion was based on data compiled and interpreted by Kittelson & Associates, a Portland-based transportation, planning engineering and research firm.

Neighbors of Block 7 who oppose the project find the assertion dubious.

Dale Cardin, who lives in the Legends condominium building directly east of Block 7, said the case for "no additional trips" rests on assumptions that

the club will not increase its membership or the size of the facilities.

Even if both claims are true, it does not seal the deal in Cardin's mind.

"What is so terribly wrong here is the sheer falseness of their assertion that only two factors will determine the number of car trips made by MAC members to the club, when it's patently obvious to any rational or fair-minded person there are several other factors equally or more important in that regard," he said.

These other factors include the number of reserved parking spaces, the lack of pricing or other parking disincentives, and the hosting of special events involving large numbers of nonmembers.

"We cheerfully accept that the total membership of the MAC, which is frozen and capped, will not increase in the short run, at least (owing directly to Block 7)," he said, and that "the physical size of the MAC facilities will not increase in the short run, at least (owing to Block 7)."

But because the existing parking facility will be enlarged

by 42 percent, Cardin reasons that club members will more consistently and conveniently find room to park there. That convenience will cause members to use it more often.

"There will be many more trips to the club as the result of approving the zone change for Block 7," said Cardin. "To create a 'sustainable' traffic and parking environment in Goose Hollow, we believe the 'cost' and 'bother' factors have to be given very serious consideration, and that the MAC must eventually recognize physical limits to the number, size and frequency of special events they host at the club."

The developer raises another point. In addition to the main garage, the club leases 116 stalls at Portland Towers, an apartment building west of the clubhouse, and a few at Southwest 18th and Salmon. Drivers turned away at the main garage have to return to the streets to reach these overflow parking facilities, a pattern that will diminish with the addition to the main garage.

Jerry Powell, a 25-year MAC member who lives next to Block 7 and has been a pillar in the Goose Hollow Foothills League

since the 1970s, sees the matter from several perspectives.

Diminished bus service to the club leads to more driving, said Powell, noting that the only bus passing the club on Southwest Salmon Street does not run on weekends or evenings.

But he also sees an unstated desire to boost the number of times members visit the club. When club managers are asked to explain perpetual losses at "restaurants" inside the club, he said, they blame difficulty in parking for keeping members away.

"They need more parking to create more use," said Powell. "You see the problem." ■

## Application incomplete

Last month, the Portland Bureau of Development Services deemed the Mill Creek Residential Trust zone change application incomplete in four areas, including failure to submit evidence related to the Central City Parking Review. Mill Creek Managing Director Sam Rodriguez said he intends to submit the missing documentation by early March. ■

### **Landslide risk**

I live directly across from Block 7 in the Goose Hollow neighborhood. We have formed a group, Friends of Goose Hollow, opposing plans by Mill Creek Residential to build an eight-story box building designated for apartment rentals across the street from our condo.

It would encompass the entire block (between Southwest 19th, 20th, Main and Madison streets) on what is known as a geological slope. Mill Creek plans to excavate 50 feet deep into the earth in order to build a four-level parking garage underneath the building.

There are global climate changes occurring, and no guarantee what would happen in the event of a landslide. It would be devastating. Currently, Block 7 has beautiful greenery—mature trees, shrubbery, grass—that would be irreplaceable. If a large building, such as the one proposed, started a slide, it could be at our doorstep and potentially knock down our building.

In addition, we live in the Cascade Subduction Zone, which stretches from Vancouver, B.C., to northern California. Every 300 years, there has been a major earthquake, the last one occurring in 1700. You do the math.

*Marilyn Weber  
SW 19th Ave.*

# Mill Creek project



Wendy Culverwell

Staff Reporter- *Portland Business Journal*

[Email](#) | [Twitter](#) | [Google+](#)

Goose Hollow residents have united to fight Mill Creek Residential Trust's plan to construct apartments on a park-like site owned by the Multnomah Athletic Club.

Friends of Goose Hollow LLC is asking the city to reject the developer's request to rezone Block 7 from residential to commercial.

Mill Creek, led locally by Sam Rodriguez, wants to build 260 to 280 rental units above a below-grade parking garage that would serve both residents and visitors to the neighboring MAC Club, 1849 S.W. Salmon St.

It needs the rezone to accommodate the extra parking and six short-stay units being constructed for the MAC club. The apartment building itself could be constructed under the current zoning, which was approved in 1995.

Goose Hollow residents fear the massive excavation could put the neighborhood at risk of landslides and cite the recent Oso, Wash. landslide as reason for alarm.

"Portland's heavy rainfall combined with seismic conditions and deep excavation of 48,000 cubic yards of earth in the slide zone could threaten our densely populated neighborhood," says FOGH President and MAC member Harvey Black.

Rodriguez said the fear is unfounded. Mill Creek has studied the soils and hillside and will mitigate the issue with a retaining wall.

"It's an engineering issue and we have engineers," he said.

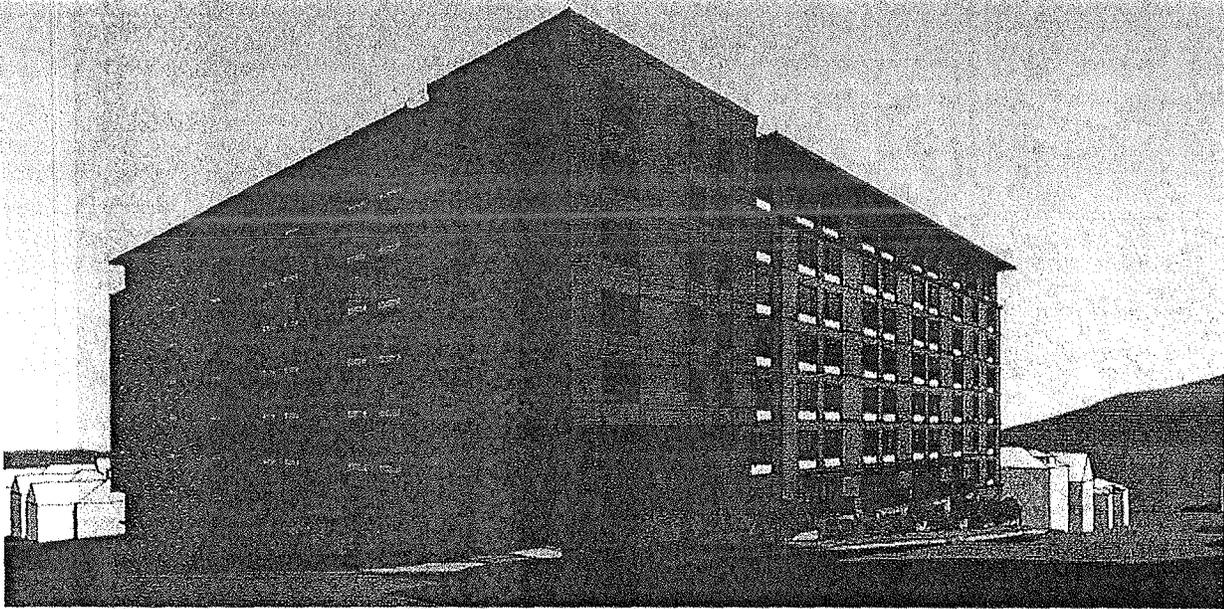
Mill Creek, formerly Trammel Crow Residential, is an active Portland-area apartment developer. It sold its most recent development project, the 179-unit Savier Flats project at 2244 N.W. Savier St., to TIAA-CREF for \$61.4 million in a deal that closed in December.

It currently is constructing a separate apartment project, The Jefferson, about two blocks away. The project includes a 50-foot retaining wall.

Mill Creek has enlisted equity partners for the Block 7 project, which will have an estimated budget of \$50 million to \$60 million. It will secure a loan closer to the start of construction, which is typical for development projects.

Other partners include Ankrom Moisan Architects, law firm Ball Janik and traffic engineers Kittelson & Associates.

# Goose Hollow residents prepare to fight Multnomah Athletic Club-affiliated apartment project



An August 2013 rendering for a proposed Goose Hollow apartment development created by Ankrom Moisan Architects. (City of Portland)



By [Elliot Njus | enjus@oregonian.com](mailto:enjus@oregonian.com)  
on April 14, 2014 at 11:40 AM, updated April 14, 2014 at 12:03 PM

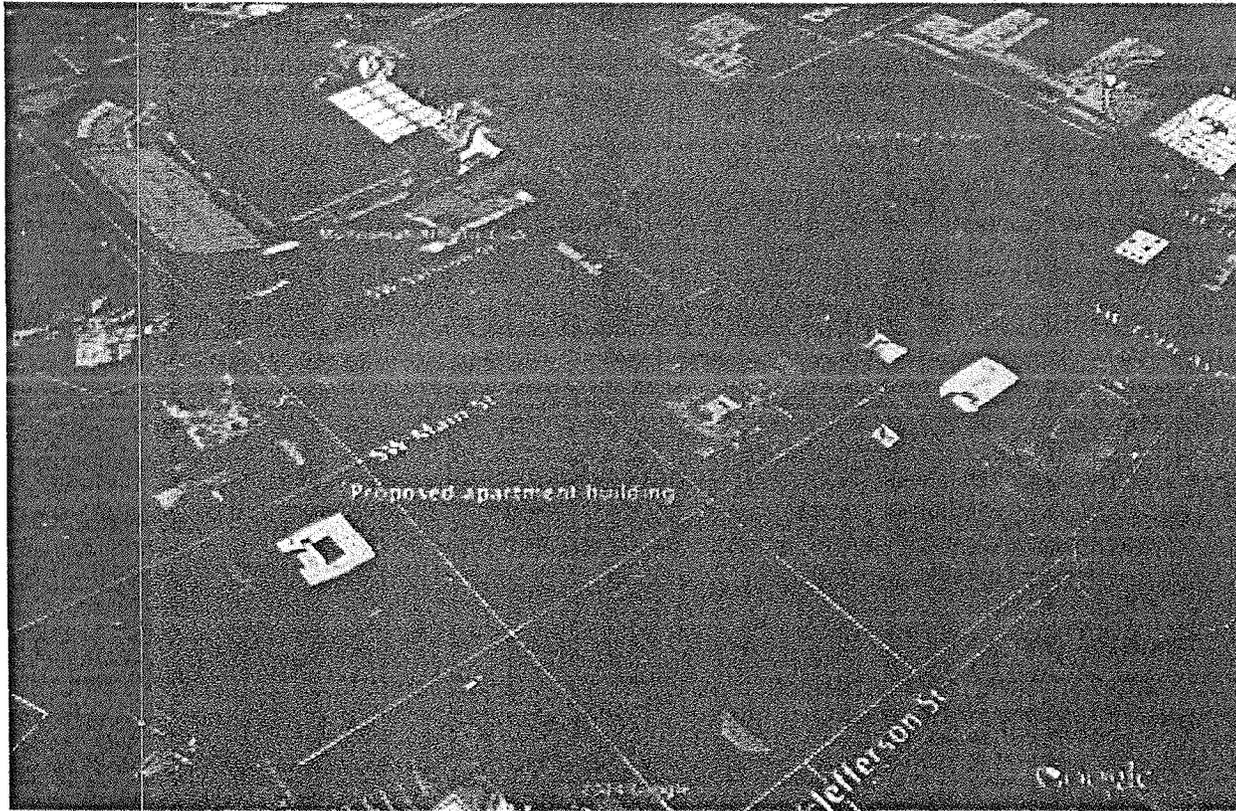
A group of Goose Hollow residents opposing a Multnomah Athletic Club-affiliated apartment project are steeling for a land-use fight.

The neighborhood group said Monday they had formed an LLC, called Friends of Goose Hollow, that would let the group collectively raise money, hire attorneys and file appeals. They want to block a zoning code change that would let the apartment project move forward.

The MAC, in partnership with developer Mill Creek Residential Trust, has proposed a seven story, 265-unit apartment building. The building would also include 16 short-term rentals for the MAC's use, as well as nearly 400 parking spaces, 225 of which would be for use by the MAC.

The neighborhood group opposed the extra parking, saying it would add to congestion in the neighborhood. Adding parking would allow the MAC to host more events, generating more non-member traffic, said Tom Milne, a Goose Hollow resident who opposes the project. (The neighborhood association hasn't yet taken a position on the project.)

“They’ve done nothing to manage parking demand,” Milne said. “They’ve held a number of special events and the number has been increasing. If there’s a parking problem, that’s one of the factors they need to look at.”



The MAC and Mill Creek came up with a design that would connect the new parking garage to the existing one by underground tunnel in an effort to cut down on street traffic.

But Sam Rodriguez, the managing director for Mill Creek in Portland, says the project will only alleviate existing traffic problems and that neighbors simply don’t want to see the lot developed.

“They don’t want anything,” he said. “They just want status quo, period.”

The building itself would be allowed under its existing zoning, but the proposed use for non-resident parking require a change.

The neighborhood group also said it was concerned about risk of landslide related to construction and the deep pit Mill Creek will have to dig for the underground parking.

“They say that can be engineered,” Milne said. “That’s nice to say if you don’t live here.”

But Rodriguez said it's an non-issue that's regularly addressed in the development process with oversight from city officials.

"That's just fear-mongering," Rodriguez said. "The reality is: it's done all the time."

MAC parking has long been a hot-button issue in the neighborhood. Block 7, where the apartment building is proposed, was once covered by homes that were bought and torn down by the MAC to build a surface parking lot.

In exchange for permission to build its current parking garage, the MAC agreed to remove the surface parking and landscape the sites. They've been grass-covered since the mid-1980s, but only after a delay while the MAC argued for alternatives to leaving the land vacant, which they said would become a nuisance.

"There's been a long history of the MAC not keeping its word," Milne said. "They gave to the city and the neighborhood association assurances they would develop no further (commercial zoning) south of the garage, and now they've gone back on that."

The question first goes before city hearings officer next month, then goes to the Portland City Council. The council's decision can also be appealed to the state Land Use Board of Appeals.

-- Elliot Njus

and blogs online at [oregonlive.com/business](http://oregonlive.com/business)

## Neighbors fight apartment tower

By Elliot Njus  
[enjus@oregonian.com](mailto:enjus@oregonian.com)

A group of Goose Hollow residents opposing a Multnomah Athletic Club-affiliated apartment project are steeling for a land-use fight.

The neighborhood group said Monday they formed an LLC called Friends of Goose Hollow that would let the group collectively raise money, hire attorneys and file appeals. They want to block a zoning code change that would let the apartment project move forward.

The MAC club, in partnership with developer Mill Creek Residential Trust, has proposed a seven story, 265-unit apartment building. The building would also include 16 short-term rentals for the club's use, as well as nearly 400 parking spaces, 225 of which would be for use by the MAC club.

The neighborhood group opposed the extra parking, saying it would add to congestion in the neighborhood. Adding parking would allow the MAC club to host more events, generating more nonmember traffic, said Tom Milne, a Goose Hollow resi-

dent who opposes the project. The neighborhood association hasn't taken a position on the project.

"They've done nothing to manage parking demand," Milne said. "They've held a number of special events, and the number has been increasing. If there's a parking problem, that's one of the factors they need to look at."

The MAC club and Mill Creek came up with a design that would connect the new parking garage to the existing one by underground tunnel in an effort to cut down on street traffic.

But Sam Rodriguez, the managing director for Mill Creek in Portland, says the project will only alleviate existing traffic problems and that neighbors simply don't want to see the lot developed.

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## REAL ESTATE INC.

### The battle brewing in Goose Hollow



A developer's plan for a Goose Hollow parking structure has neighborhood residents organized and ready to fight.

We hear from both developer Mill Creek and resident Connie Kirk. **WENDY CULVERWELL, 12**



The MAC-owned Block 7 property on SW Main Street includes a park.

CATHY CHENEY

## THE SHOWDOWN @ GOOSE HOLLOW

The Multnomah Athletic Club and Mill Creek Residential Trust want to develop an apartment-garage project in Goose Hollow. Area residents are leery of congestion and stress on their slide-prone hillside. Friends of Goose Hollow LLC formed this week to fight a necessary rezone. A hearing is set for May 21. Sam Rodriguez, who leads Mill Creek's Portland office, and Connie Kirk, an actor, editor and writer who lives in Goose Hollow, make their cases for the so-called Block 7 property.

### SAM RODRIGUEZ MILL CREEK RESIDENTIAL TRUST



**How did this project come about?** Mill Creek made a deal with the club, which has owned the property for about 50 years: Mill Creek develops a 260- to 280-unit apartment building. In exchange, the club gets 225 parking spots in an underground garage linked to the club's parking garage, along with 14 short-stay suites.

**Why do you need a rezone?** The apartment project itself is allowed under the current residential zoning. It's the added parking and short-stay component that demands a commercial zone. If the club sold us the block outright, we wouldn't need the rezone at all.

**How will the project impact parking and traffic in Goose Hollow?** Block 7 will connect to the existing MAC parking garage via a tunnel under Southwest Main. Studies show the added garage parking will

improve circulation in the neighborhood because the garage will handle more MAC-related traffic.

**What about neighbor concerns about landslides?** The lower part of Goose Hollow is part of an ancient landslide and we have to be aware of it. We are. We have a geotech report that shows what kind of soils we have and their bearing capacity. Our retaining wall will actually stabilize the hillside. It's an engineering issue and we have engineers.

**What is the timeline?** We'd like to be in the ground by mid-2015.

**Are lenders interested in such a politically challenging project?** Yes. We have an equity partner already. Goose Hollow has such incredible potential for housing, retail and transportation, it's a great environment to be in. The construction loan will come closer to when the project starts. Our other partners are law firm Ball Janik, Ankrom Moisan Architects and traffic engineers Kittelson & Associates Inc.

### CONNIE KIRK GOOSE HOLLOW RESIDENT



**Why did you get involved in the Block 7 fight?** I moved to Portland for its livability, transportation and its progressive politics. I find Portland and Oregon beautiful and bucolic after the intensity of New York City. I got engaged in Block 7 a year ago when I saw the scale of the project Mill Creek wants to build. I was stunned.

**What is your short-term goal?** We would like to see the city reject the rezone. We also would like a Central City Parking Review of parking and traffic impacts

in the area. This project could impact the livability of Goose Hollow. It has really galvanized us as a neighborhood.

**What is your longer-term goal for the property?** Ideally, the club will put it up for sale. A trust could be formed to buy it for a park. Failing that, residential is preferable to commercial development. We would like the club to keep its promise to the community not to develop beyond residential use. We're the David here in the David and Goliath story.

**Are you really worried about landslides?** We understand that the retaining wall will stabilize the hillside, but the construction time frame creates a window of opportunity for the right combination of rain and seismic activity to create problems.

# Goose Hollow board silent on zone change for MAC parking



Goose Hollow Foothills League board members Stephan Lewis and Casey Milne disagreed on an application to change the Portland Comprehensive Plan to accommodate a Multnomah Athletic Club parking facility. Photo by Vadim Makoyed

ALLAN CLASSEN

The Goose Hollow Foothills League board is not opposing a zone change and Portland Comprehensive Plan amendment sought by the Multnomah Athletic Club and a private developer as prerequisites to erecting an apartment building and MAC parking facility.

Near the end of an almost four-hour meeting attended by more than 100 people, the board voted 7-5 against a motion to oppose the zone change and plan amendment. Moments later, a motion to support the zone change was also defeated 6-3 with three abstentions.

That leaves the organization with no position on the eve of a May 21 hearing before the city hearings officer. The ruling of the hearings officer will then go to the City Council for a final decision.

The project is on Block 7, which is bounded by Southwest 19th, 20th, Main and Madison streets.

Mill Creek Residential Trust intends to construct a seven-story apartment building atop four levels of parking, the bottom two of which would be devoted to Multnomah Athletic Club members.

Opposition to the project coalesced through Friends of Goose Hollow, a nonprofit

formed primarily by neighbors of Block 7. Members of that group have dominated a neighborhood association committee created to review the proposal. The Block 7 Committee voted 18-5 to oppose the zone change last month.

Debate at the April 29 board meeting leaned heavily on whether the athletic club had been a good neighbor and lived up to past promises. There was conflicting testimony as to whether a MAC master plan prohibiting a zone change or parking facility on Block 7 had expired.

"I would like to see some solutions," said board member Linda Cameron. "We need to work together. ... By putting a

Developer's proposal for commercial parking in residential zone goes to hearings officer without a recommendation from neighborhood association.

negative statement out there, you're only going to get more negative."

Upcoming approval steps will likely address more formal criteria.

The block is zoned for high-density residential use. Commercial use, which is how the underground parking for MAC members and 16 hotel-type suites for guests of the club would be classified, is limited in this zone. Without the zone change, Sam Rodriguez of Mill Creek said only one level of MAC parking could be built.

To change the Portland Comprehensive Plan, an applicant must demonstrate that none of 12 public policy goals will be compromised.

One of the hardest goals to satisfy may be showing that the addition of 225 MAC parking stalls will not increase auto use.

The transportation goal of the comprehensive plan states:

"Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise and water pollution; and lessens reliance on the automobile while maintaining accessibility."

The Mill Creek application claims that the additional stalls will reduce traffic because MAC members will be able to go directly to the main parking structure (which will be connected to the 225 spaces under Block 7 via a tunnel) without having to search for satellite parking lots in the vicinity.

The application claims "the additional MAC parking on Block 7 will not generate any new trips" because club membership is capped and no new recreational facilities are being built.

Dale Cardin, who presented the main argument for the opposition, challenged that assumption.

"Build it and they will come," said Cardin. "Do you think they will not fill the addition?"



Linda Cameron. Photo by Vadim Makoyed

MAC's failure to manage its parking demand is at the heart of the problem, he said.

"If you can park there for free for as long as you want, why would you ever use transit?"

## Goose Hollow car friendly

In a city thought to be generally unfriendly to car traffic, it is remarkable how often Goose Hollow has been the exception. Years ago, the neighborhood was sliced and diced for highways that displaced scores of local residents. In the early 1980s, no fewer than 30 houses were demolished so the Multnomah Athletic Club could build a parking garage for its members, 95 percent of whom do not reside in Goose Hollow.

Within recent memory, the Timbers Army arrived with their cars. Now, if Block 7 were added to the other apartment complex under construction by Mill Creek Residential Trust one block away, Goose Hollow would receive about 525 new parking slots and their motorized contents while 100 additional vehicles would have to be parked on neighborhood streets for lack of dedicated slots in their owners' buildings.

Portland unfriendly to cars? In Goose Hollow, quite the opposite is true.

Aesthetes should also be worried about the unsightly monolith that a for-profit firm from Dallas, Texas, can be expected to erect. When will property developers learn from Apple Computer that good design is good for business? Portland's cityscape already has quite enough architectural mediocrity.

On balance, the Timbers have had a negative effect on the quality of life in Goose Hollow. At the same time, it has

to be said that their stadium has been built with materials of high quality and designed attractively in a manner showing some sensitivity to the surrounding neighborhood.

Alas, quite the opposite applies to Block 7 and its two sponsors. If the city approves this ruinous project, Goose Hollow east of Southwest 20th Avenue will effectively cease to exist as a neighborhood of local residents who own the property and so are invested over the long term in the quality of life in Goose Hollow.

*Cliff Wader  
SW 18th Ave.*



# Editor's Turn

BY ALLAN CLASSEN  
EDITOR & PUBLISHER

## Serving the 99 percent

A city hearings officer took the developers' side on the proposed Multnomah Athletic Club parking garage and apartment building. Hearings Officer Ken Helm recommended amending the comprehensive plan to legalize commercial parking in what is now a residential zone.

Helm's report is 106 pages long, and much of it is too legalistic for a layman's understanding. I was stunned that an administrative judge bought every argument the applicant offered and discounted every point raised in opposition, but maybe he knows things that I don't.

On one issue, however, Helm was flat-out wrong, and it doesn't take a law degree to see it. He ruled

that expanding the MAC parking garage will not trigger "latent demand." Latent demand is the transportation concept for inducing greater auto use by creating greater capacity and therefore convenience.

Most are familiar with the maxim that you can't build your way out of traffic congestion, a reality recognized by transportation science since the 1920s. The more roads and lanes are added, the more drivers fill them up as an ever increasing number of people find they can take their cars and expect tolerable delays.

That's why bypass routes inevitably become clogged, and even bypasses built around original bypasses don't work. That's why extra freeway lanes don't remain empty for long. And that's why ample free parking is soon filled up. These "solutions" invite increased auto use that stresses all other transportation infrastructure.

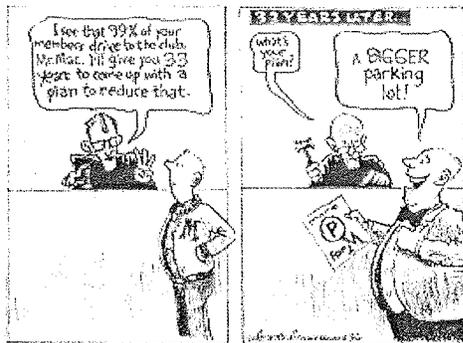
Most Portland policymakers have figured out that expanding streets, roads and parking capacity merely compounds the problem. That's evidenced by a pattern of addressing transportation demand by promoting transit, carpooling, bikes and other alternatives. The city's mostly-completed comprehensive plan update reinforces this direction.

Helm hasn't grasped the concept. I know this from his conclusion that the addition of 225 MAC parking spaces will not trigger more driving because the club is not adding members or enlarging its building.

This evidence is unrelated to the topic. Latent demand isn't about population growth or new attractions. It resides in the minds of individuals electing daily how to reach their desti-

nations, and it would be a central topic in this case regardless of MAC membership projections.

For example, a MAC member who lives about half a mile from the club told me she would readily walk on most occasions but instead often chooses to drive because it's so convenient and inexpensive. There are no doubt others applying the same factors to their transportation decisions, but MAC's "free for



all parking" policy makes this impossible to measure or influence.

MAC members receive parking stickers for up to four vehicles, which they can use at will without payment. That's not responding to demand; that's inducing it. Until the club rewards members who take transit, walk or bike to the club while asking members who drive to pay the true cost of accommodating them, we won't know if their parking structure needs to be enlarged.

By first managing what it has, the club would soon discover the true size of its parking needs. It may well find that changes in the comprehensive plan and zoning map are unnecessary.

Hearings Officer Helm's assignment wasn't to find the simplest solution to a serious problem. He had to address the impact of the requested changes against a list of policy goals. And perhaps misunderstanding the essence of latent demand was the only slipup he made in his exhaustive report.

But the City Council isn't bound by his recommendations or the narrow parameters of his assignment. If the council thinks it's a poor idea to compromise protection of central city residential neighborhoods to accommodate a private institution's 1950s approach to transportation, it can just say no.

Or, it can take the MAC at its word, when in 1981 its leaders promised an earlier council that it would never ask for a zone change here and it would create programs to reduce the share of trips by auto (then 99 percent) to a defined and lower number. They've had plenty of time to initiate such programs, but all they could think of was building a bigger garage. ■

## Block 7 recommendation from city hearings officer expected this month

ALLAN CLASSEN

Opponents of plans to redevelop a residential block immediately south of the Multnomah Athletic Club got traction on at least one key issue raised at a city hearing last month.

Portland Hearings Officer Kenneth Helm has extended the hearing on a requested zone change and comprehensive plan amendment to accommodate the project. The MAC is partnering with developer Mill Creek Residential Trust to build a seven-story apartment building atop four levels of parking, the bottom two of which would have 225 stalls dedicated to Multnomah Athletic Club members. The structure would also have 14-16 hotel-type suites for MAC guests.

The institutional parking and



Opponents of the Block 7 development proposal donned "MACzilla" T-shirts last month and marched downtown to the public hearing. Photo by Allan Classen

guest suites are not allowed in the current residential zoning of Block 7, which is bounded by Southwest 19th, 20th, Main and Madison streets. That's why the MAC and Mill Creek

are requesting a change to commercial zoning.

To allay fears of broader commercial activity in the future, MAC and Mill Creek have promised that any approv-

al will be conditioned by a city-approved covenant prohibiting all other commercial activity.

But Jennifer Bragar, an attorney representing Friends of Goose Hollow, a nonprofit

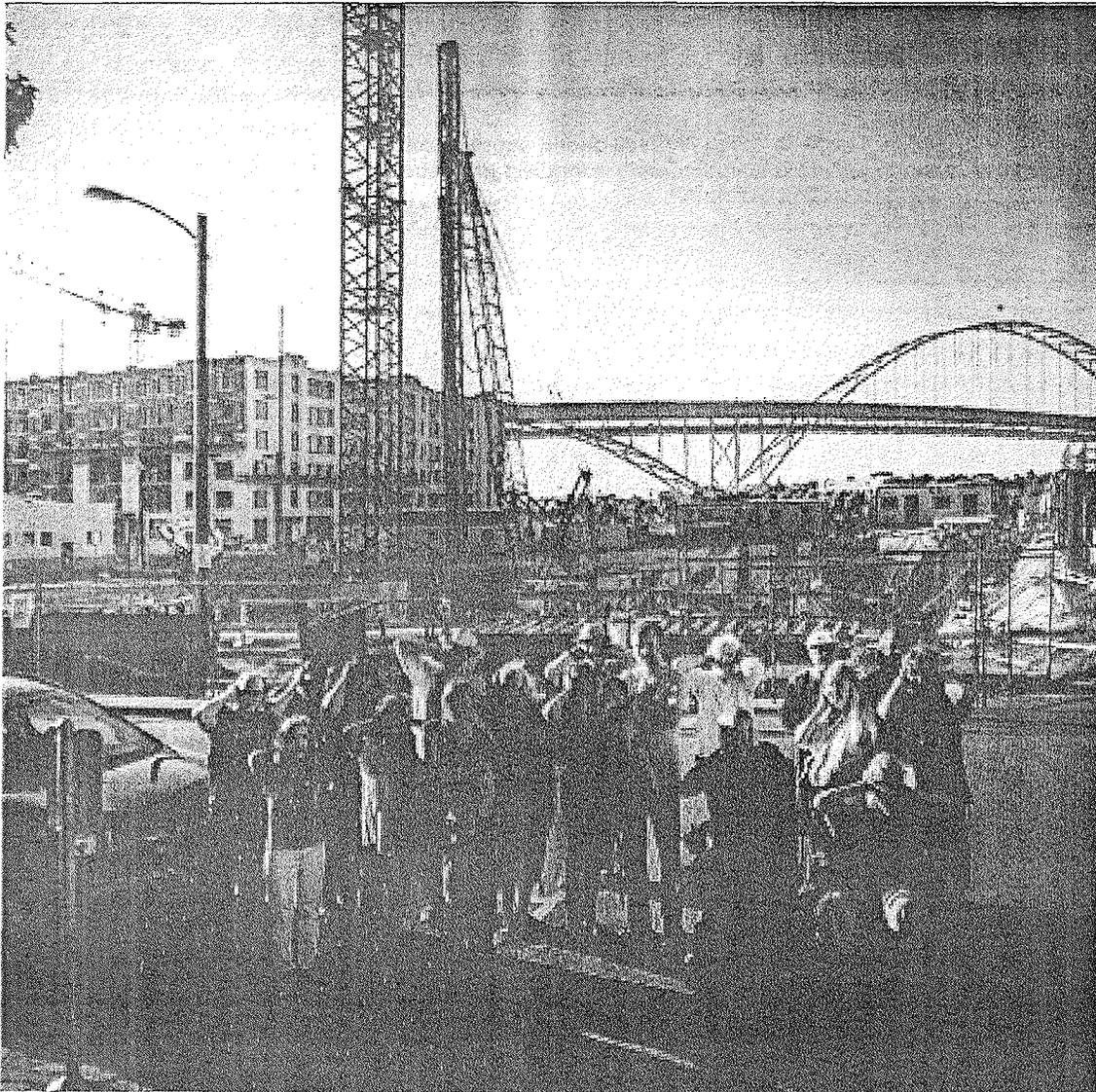
recently formed to challenge the project, said such a covenant has a "major loophole" in that the city could revoke it later.

Furthermore, "the MAC is free to lobby the city at any time to override the covenant," Bragar said.

Sheila Frugoli, a senior planner with the city Bureau of Development Services, concurs, though for a somewhat different reason.

"After further consideration, staff agrees with Ms. Bragar," said Frugoli. "Because [the code] is silent on the myriad of uses that are allowed in the CX zone, in future years this condition would be interpreted to only limit housing units and hotel suites but allow other uses such as retail, office and institutional uses."

After considering opposing positions and evidence on the reliability of a restrictive covenant, Helm is expected to make his recommendation on the entire case later this month. The matter would then go the City Council for a decision. ■



Neighbors hold their ears to demonstrate the effect of constant pile driving across the street.  
Photo by Vadim Makoyed

Continued from page 1  
of the ball in already thinking of going to City Council."

For the band of hearing-impaired citizens, the commendation from a city official was slim solace. Few have been involved in city politics or in their neighborhood association, and they see pile driving as an unconscionable assault

## Pile driving hits nerve

demanding prompt action. Dissatisfied with mere encouragement, they're already looking to the governor's office for real help.

"When they are driving, I cannot be in my home, even with ear plugs," said Jess. "My apartment is jolted with such force that it rattles the glasses in the hutch. I have on occasion been literally shaken out of bed in the morning."

"My cat cannot nap during it," said Jen Elliott, "and the dog next door howls all day long through it. And last Saturday, I reached the tipping point when I started to feel headachy, dizzy and nauseous. ... This was definitely from the constant pounding. I'm appalled that the city is allowing this much construction all at once without serious mitigation to noise, pollution, etc."

Another Sitka resident, Jamie Rich finds it hard to work.

"As a freelance writer, I spend most of my days at home," he said. "Many of my work hours are spent finding ways to drown out the noise and many times finding some-

where else to get my work done when the constant pounding and shaking become too much.

"Now that the weather is warm, I can't open my windows to get air lest the hammering fill the whole room. The construction has affected my sleep patterns, waking me up every morning in a most unpleasant manner, making it hard to transition out of sleep and into my day. These people have taken over life for blocks upon blocks.

"I go between feeling trapped in their bubble and being run out of my own apartment," said Rich.

"It is astounding that the city is allowing citizens to be treated like this and not be taking emergency action to remedy it," said Hanson. "With three more buildings imminent in my neighborhood—with each pile driving job taking six to eight weeks—we face six to eight months total of being exposed to this daily abuse. This is unacceptable! I've spoken with many neighbors about it, and everyone I've spoken with is suffering somehow from this nightmare." ▶

Goose Hollow directors say special members meeting Oct. 8 can happen, but the board makes all decisions.

ALLAN CLASSEN

Losing patience with leadership of the Goose Hollow Foothills League, members of the neighborhood association have called a special membership meeting in October to resolve an issue that has stalemated the board: whether to support or contest a proposed apartment building and Mult-

nomah Athletic Club underground parking annex.

The question is: Do members have the right to set GHFL policy by such a process? Is direct democracy possible in this or any other Portland neighborhood association? Or do elected boards govern without review, accountable to their membership only through annual elections?

The latter view has gained ascendancy in recent years, driven by a consensus among private insurance carriers, who see immeasurable risk in backing the actions of large, perhaps loosely counted rosters of members. Liability insurance coverage is required by the Portland Office of ▶

Continued on page 15

## No members allowed



Block 7 developer Sam Rodriguez (left) and Tom Milne, who helped organize opposition to the apartment/parking project, don't see eye to eye. Photo by Vadim Makoyed

# No members allowed

Continued from page 1

Neighborhood Involvement, which funds and governs the city's neighborhood associations.

With City Council scheduling an Oct. 1, 2 p.m., hearing on the comprehensive plan amendment and zone change to legalize "commercial" parking in a residential zone, opponents of the development want to demonstrate that the community shares their displeasure with the idea.

A special board meeting attended by more than 100 people in April culminated with a series of motions, none

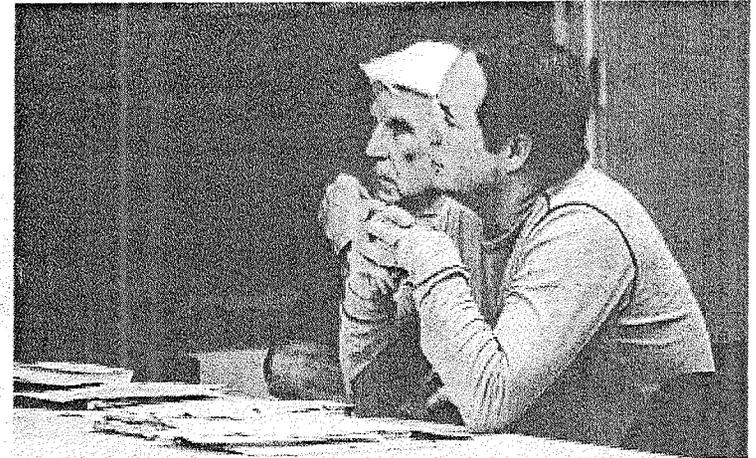
of which passed, leaving the organization with no position or recommendation to the city.

Opponents believe they reflect the overwhelming will of the community, and to prove it, they petitioned for a special membership meeting to be held Wednesday, Oct. 8, 7 p.m., at First Methodist Church, 1838 SW Jefferson St. GHFL bylaws provide for special meetings if requested by 10 percent of the membership. A petition signed by 112 members (17 percent of the approximately 650 members) was submitted to the GHFL secretary Aug. 25.

Nothing about the timing of

the process is tidy. The Oct. 8 special meeting falls a week after City Council is scheduled to consider the matter. (A request to postpone the council hearing has been made but not responded to.) The reason for waiting so long to bring members together is that league bylaws require a 30-day notice posted in the Northwest Examiner, which comes out on the first Saturday of each month, making the September edition too late for sufficient notice before Oct. 1.

Organizers of the meeting, who include GHFL board members Nic Clark and Kal Toth plus Harvey Black, Connie



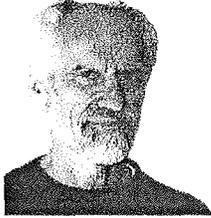
Goose Hollow Foothills League President Bob Arkes (left) and board member Nic Clark, who have divergent opinions on their neighborhood association's handling of the Block 7 development proposal. Photo by Vadim Makoyed

Kirk, Roger Leachman, Jerry Powell, Tracy Prince, Karl Reer, Mark Velky, Cliff Weber and Susan Younie, intend to present a motion for a vote by all

members present.

What the results of such a vote might mean is unclear.

"The requested  
Continued on page 26 ▶



## Editor's Turn

BY ALLAN CLASSEN  
EDITOR & PUBLISHER

### We the people ~~INSURANCE COMPANIES~~

The riches of the city may be its citizens, but for Portland neighborhood associations, the riches of insurance companies are what matter.

If that sounds like a strange leap, follow with me.

Portland neighborhood associations are funded through the Office of Neighborhood Involvement, which contracts with seven coalition offices, which in turn provide staffing and assistance to each of Portland's 95 neighborhood associations.

The city requires that each neighborhood office, which is an independent nonprofit, provide liability coverage for the associations in its section of the city. In recent years, the private insurance carriers have determined that their risks are lower when these neighborhood associations are controlled by a board of directors rather than the direct democracy of the entire membership.

In usual practice, elected boards have always governed Portland neighborhood associations. But it has also been common for major decisions to be brought before the entire membership for resolution. A proposed parking plan for the Northwest District, for instance, was rejected in 2003 by a vote of the membership.

Neighborhood association boards have at times chosen to put difficult and contentious issues to the membership out of an appropriate sense of humility: They believed in the people's right to decide or simply weren't certain that they knew the will of their constituents.

There's another circumstance under which direct democracy at the grass-roots level is vital. A board may be out of touch with the overwhelming sentiment of the community. Who should speak for the neighborhood in such cases? Elected leaders rebuffing popular opinion may be acting from laudable principles. There's also the possibility that a clique of insiders has grown jealous of power or become chummy with city hall.

If neighborhood boards are truly comprised of opinion leaders, they should be able to marshal support for their ideas and mobilize supporters to outvote the "unwashed churning at the gates." If they can't, and the best ideas are defeated by a stampede of "short-sighted nimbs," City Council can still read the situation and vote for the city's broader interest. Neighborhood association positions are merely non-binding recommendations, after all.

In the big picture, policymakers ben-

efit from knowing how much heat may be rising up from the grass roots and how careful they must be should they too ignore the will of the people. An obsequious neighborhood president assuring they're on the noble path may be doing them a disservice; better a "look out below" than numbing praise.

Another factor speaks for keeping the option of full membership voting: timing. Most association boards have staggered terms so it takes several years before every seat is up for reelection. Directors elected two or three years ago may have run or been chosen for priorities unrelated to the matter at hand. Such is the case in Goose Hollow, where opponents of the proposed Block 7 development dominated the last election but could be at least a year from gaining a majority on the board.

That's why Goose Hollow Foothills League members are calling for a mem-



That's a nice declaration, Thomas, but there are liability issues.

bership meeting to consider a resolution against the pending development while it still matters—before City Council votes.

They've been advised that such a meeting is inappropriate because it violates rules now standard among insurance companies requiring nonprofit boards to control all decisions (except elections and bylaw amendments). The league's bylaws allow members to call meetings but the prerogatives of insurance companies trump democracy and the city Office of Neighborhood Involvement is fine with that.

Some organizational decisions—such as firing employees or spending money—should properly be reserved for directors. These are final actions in which an aggrieved party could file a lawsuit for economic losses, naming every member in the association as a defendant. But policy recommendations to the city bind no one and give no cause of legal action.

If insurance companies choose to meddle to this extent, everyone from the mayor on down should read them the riot act. This may be an area where in the city could self-insure and send the insurance companies packing.

Why are we letting insurance companies define the nature of democracy? ■

# No members allowed

Continued from page 15  
membership meeting seems in order, and I see no reason not to help facilitate," said GHFL President Bob Arkes.

Does that mean a motion passed at the meeting would become GHFL policy?

"I wouldn't think so," he said. "I think the body constituting the special meeting would need to request the GHFL board to adopt their position as an 'official' GHFL meeting. Otherwise I would see it as just a recommendation."

In other words, it would have no bearing without later board action.

That's also the interpretation of Neighbors West/Northwest Executive Director Mark Sieber. NWNW contracts with the city to provide services to 10 inner West-side associations, including GHFL.

The possibility of a membership vote leading to board affirmation would appear remote, given the board's longstanding division on this issue and the already problematic matter of coming in time for council action.

Arkes, who voted for a motion to oppose the project in April, is nevertheless not making it easy for the current

opponents. While he will not block the meeting, he doesn't expect it to reflect neighborhood opinion.

"A further complication is that a large portion of GHFL members requesting the special meeting have a single street address, 1132 SW 19th Ave., as I would anticipate would most attendees—hardly representative of the GHFL membership as a whole."

While seven of the 10 individuals calling for the meeting do not live at 1132 SW 19th Ave., (The Legends Condominiums, which is immediately east of the proposed building on Block 7, bounded by Southwest 19th, 20th, Main and Madison streets), 62 of the 112 petition signers are Legends residents.

If a motion of some kind is passed in time to influence the council vote, its importance is only what council members deem it to be. Even a unanimous and procedurally pure recommendation from a neighborhood association is only advisory to the city and can be ignored by any council member who disagrees with its purpose.

On the other hand, an unofficial vote by Goose Hollow members could be taken as a better measure of neigh-

borhood opinion than the official position of its board.

"The council's job is to make policy, and what the neighbors and the neighborhood association think is definitely relevant," said Powell, a GHFL board member and frequent Planning Committee chair since the 1970s. "The GHFL 'no opinion' statement, I believe, misrepresents the opinion of the neighborhood."

"Neighborhood organizations should have leaders who listen and respond to the citizens who live there," said Clark. "On the topic of Block 7, many citizens living in Goose Hollow don't feel they are being represented by their board. Respecting the fact that the GHFL is governed by a board, the members calling this meet-

ing hope that the board will finally hear the voice of the league's citizens."

Prince said the GHFL board is dominated by business and institutional representatives who do not live in the neighborhood and bring a suburban perspective.

"Their suburban voting tendency was exhibited most clearly in the recent vote taken by the board not to object to the MAC's request for a zone change on Block 7," she said. "They took this vote despite eight months of meetings packed with angry Goose Hollow residents who objected to this zone change. In meeting after meeting, over 95 percent of attendees objected to a zone change on Block 7." ■

[Comment on nwexaminer.com](#)

**NOTICE BY GHFL MEMBERS TO HOLD A SPECIAL MEETING ON BLOCK 7**

Wednesday, Oct. 8, 2014, at 7 p.m. at the First United Methodist Church.

1838 SW Jefferson St, Portland, OR 97201

The Members of the Goose Hollow Foothills League (GHFL), hereby call a Special Membership Meeting of the GHFL for the purpose of adopting a Goose Hollow neighborhood position opposing the proposal submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club (MAC), to rezone Block 7 from RH (residential) to CX (commercial).

Signed by 112 individuals

Submitted on  
10/8/2014



## Tom Walsh & Co.

1100 NW Glisan Street, Suite 300  
Portland, Oregon 97209  
(503) 973-5001 / Fax (503) 973-5009  
partners@tomwalsh.com

September 30, 2014

To: The City Council  
Portland, Oregon

Portland is an unusual city for fairly simple reasons. Among them:

- 1) As Robert Frost put it, “Good fences make good neighbors.” Here, those fences are the boundaries we set as we plan for livability. Some would call them zoning boundaries.
- 2) And, when we make agreements, neighbor-to-neighbor, we live by them. It’s a fundamental part of our culture; good values and good discipline make for a good city.

In the 1990s, the Multnomah Athletic Club made an agreement with its Goose Hollow neighbors as part of the zoning change that permitted the construction of the parking garage and major athletic facilities south of Salmon Street. No further Club facilities would be built south of Main Street, the MAC agreed. That agreement should be honored.

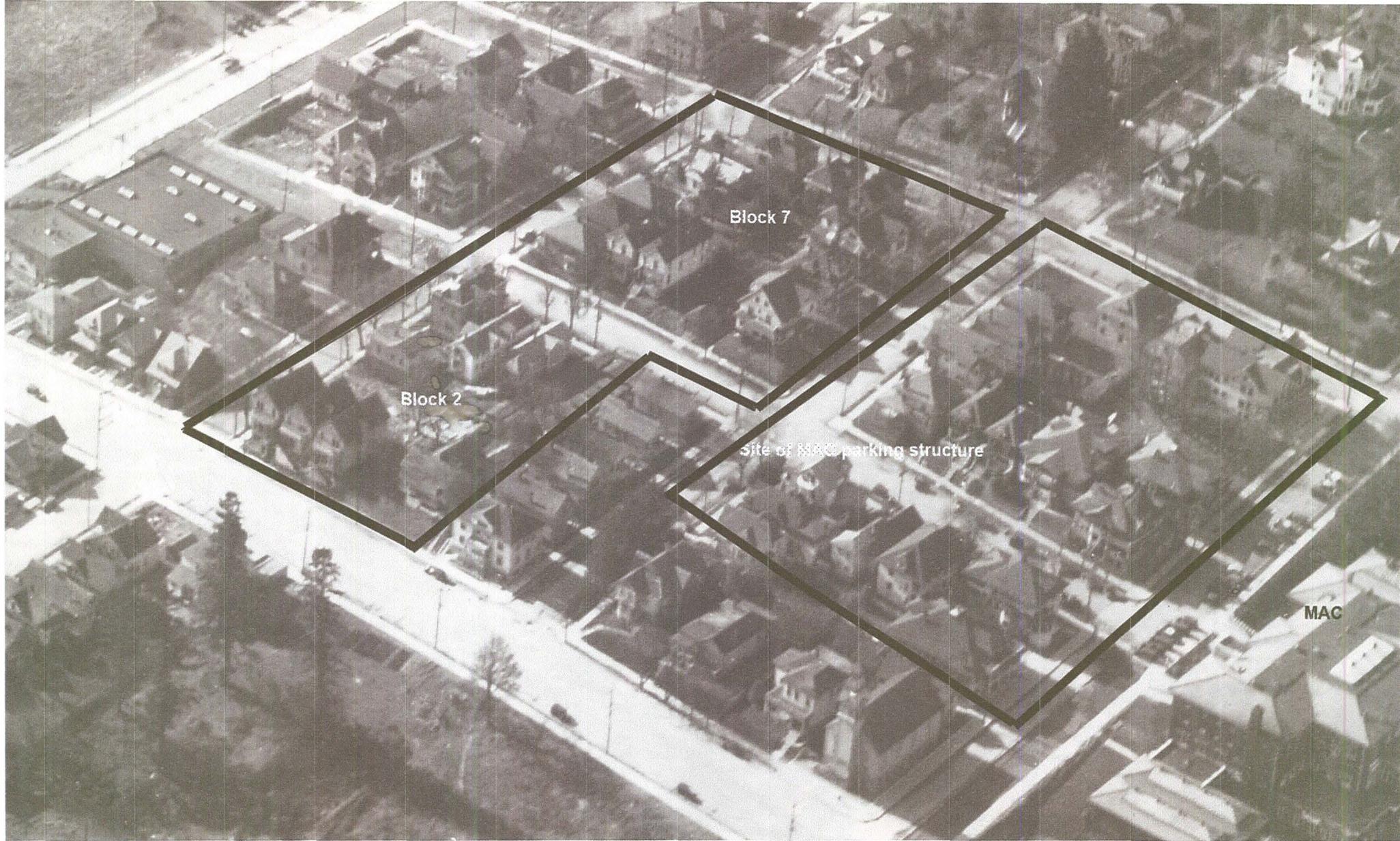
Surveys of the MAC membership indicate a decisive interest in additional parking capacity. It makes one recall Yogi Berra’s comment about his favorite restaurant in the Bronx: “Nobody goes there any more; it’s too crowded.” The MAC is crowded; use by members is up considerably, and so is the use of meeting space by outside groups. But the current supply of parking is adequate, and there are numerous other options (walking, biking, car-pooling and transit) available.

As one daily user of the MAC, with about 20,000 visits over the past 60 years, I have commented that there has not been a single instance in all that time that I turned away from the Club because I couldn't find a parking space. Sometimes, I had to look hard; sometimes I was late for a meeting or a workout; occasionally I've adjusted my schedule. But, there's always been a place to park.

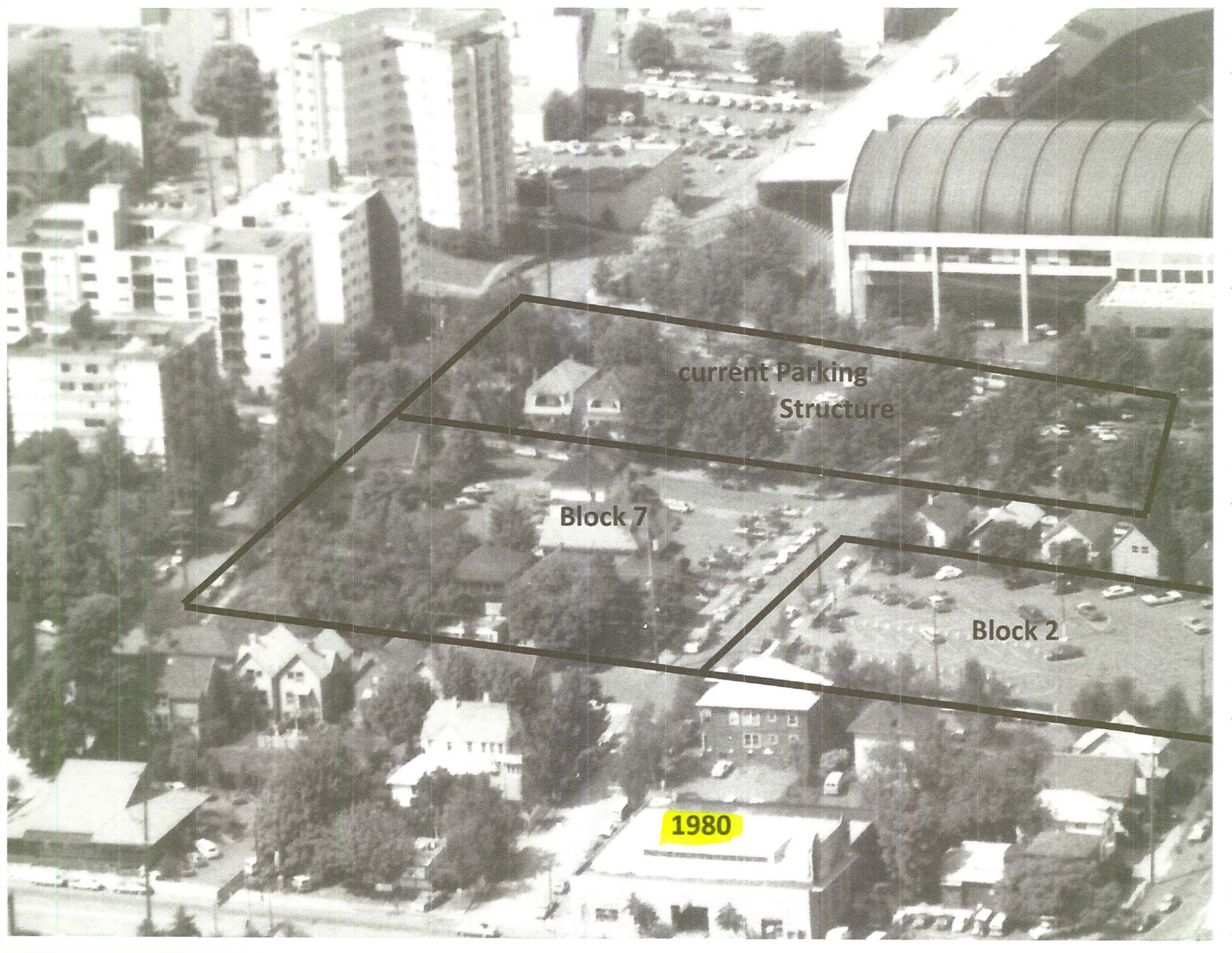
The Multnomah Athletic Club, responding to its members, is clearly within its rights to request a zone change. This City Council, however, should deny that request. Based on the facts, the history of prior agreements, and the ethic of the way in which this City's livability works best, changing a residential City block to commercial use in one of our strongest neighborhoods is clearly unwarranted, unwise and undisciplined.

Thank you.

SUBMITTED BY  
Tracy Prince  
10/01/2014



1932



current Parking  
Structure

Block 7

Block 2

1980



Multnomah Athletic Club

General Manager **Norman Rich**  
nrich@themac.com

Senior Executive Assistant **Melania Oppat**  
moppat@themac.com

Chief Financial Officer/AGM **Tim Arbogast**  
tarbogast@themac.com

Executive Assistant **Lisa Jones**  
ljones@themac.com

Security Manager **Dennis Wright**  
dwright@themac.com

Controller **John Foley**  
jfoley@themac.com

Purchasing Manager **Barry Kaufman**  
bkaufman@themac.com

Athletic Director **Edward Stoner**  
estoner@themac.com

Assistant Athletic Director **Pete Greer**  
pgreer@themac.com

Aquatics Manager **Lisa Virtue**  
lvirtue@themac.com

Fitness Manager **Darrell Duvauchelle**  
dduvauchelle@themac.com

Gymnastics Manager **Meg Duxtator**  
mduxtator@themac.com

Junior Sports Manager **Dan Baggett**  
dbaggett@themac.com

Outdoor Manager **Chad Failla**  
cfailla@themac.com

Squash Manager **Khalid Mir**  
kmir@themac.com

Tennis Manager **Wayne Pickard**  
wpickard@themac.com

Communications Director **Michole Jensen**  
mjensen@themac.com

Communications Manager **Tony Roberts**  
troberts@themac.com

Facilities Director **Elsa Lemoine**  
elemoine@themac.com

Capital Projects Manager **Diane Kelley**  
dkelley@themac.com

Physical Plant Manager **Dwayne Brantley**  
dbrantley@themac.com

Food & Beverage Director **Cameron McMurry**  
cmcmurry@themac.com

Executive Chef **Philippe Boulot**  
pboulot@themac.com

Catering Manager **Dorcas Popp**  
dpopp@themac.com

Human Resources Director **Alison Beppler**  
abeppler@themac.com

Member Services Director **Linda Ornelas**  
lornelas@themac.com

Child Care Manager **Dawna Yntema**  
dyntema@themac.com

Guest Services Manager **Christine Natonek**  
cnatonek@themac.com

The-M-porium Manager **Tonya Mitchell**  
tmitchell@themac.com

Member Events Manager **Abby DenUyl**  
adenuyl@themac.com

Membership Manager **Dave Hanna**  
dhanna@themac.com

www.theMAC.com

## MANAGER'S COLUMN

We have close friends who have a daughter who has served communities around the world with care and compassion. I met her father, Russ, when I first entered the hospitality industry so many years ago. We were similar in many ways, with passion for our work and in our efforts to ensure we did our best at everything. Our teacher was a classically trained hotelier who learned from the best. Understanding our customer mattered greatly, and overachieving by satisfying our customer mattered even more.

Russ later fell in love and married Wendy. Wendy was a seasoned sales manager who could sell anything she wanted because of her careful follow-through and great customer service. They had two beautiful daughters who grew up in Hawaii, Puerto Rico and Sonoma.

Hilary, their oldest, graduated from the University of California, Berkeley with a pre-med degree. She went on to serve 30 months in Managua, Nicaragua doing research on blood-borne diseases. Today, Hilary spends her time on a fellowship for a mobile health technology company in Mozambique, while applying to medical school and working toward a career in Public Health. Hilary is out to change the world. She is a byproduct of her parents, and has learned from her lifetime of experiences and applied them well into shaping her future. Four years after attending medical school she will take her acquired knowledge and hard work and apply it to her promising future.

As parents, we work hard and much of our lifetime is spent on developing and preparing our children for their future. We are hopeful we can provide these types of life experiences for our children and give them opportunities to learn from life's lessons.

Our club membership includes thousands of children, teenagers and young adults who someday might follow the footsteps of our friend Hilary, or take new steps in other directions. Let the club assist you in your child's education. We have many athletic disciplines, social interactions and educational pursuits



**Norm Rich**  
GENERAL MANAGER

that may be just right for your family. We are always venturing into new opportunities, offering experiences that can be meaningful and inspirational for developing youth. We are all about our members and providing lifetime experiences.

### Parking solutions

We have been working hard on creating more parking for our membership on Block 7, the block directly south of our member Parking Structure. If successful, we will have 225 additional parking spaces for the exclusive use of the membership; trading parking for land.

We are reaching out to club members in the Goose Hollow neighborhood to ask for their support as we begin the public process of obtaining rezoning for the property from RH (residential high-rise) to CX (central commercial). The same project could move forward without rezoning, but without the additional parking dedicated to MAC. In addition to relieving a significant amount of pressure on our existing Parking Structure, it also results in a reduction of vehicles circling the neighborhood looking for parking, competing with our Goose Hollow neighbors for on-street parking. The parking situation will continue to deteriorate as parking meters are installed in Washington Park and the Oregon Zoo, bringing more cars to our neighborhood. More and more events at JELD-WEN Stadium also puts more pressure on neighborhood parking and our garage. MAC is willing to help resolve this ever-increasing parking challenge by partnering with Mill Creek Residential Trust to bring real relief to the neighborhood.

We are therefore asking our MAC neighbors to please support this project. If you are a neighbor and in the Goose Hollow Foothill League boundaries, we ask that you officially register with the Goose Hollow Foothill League (GHFL) by signing up with the GHFL: <http://goosehollow.org/index.php/get-involved/become-a-member>. Once registered with the GHFL, we will notify you significantly ahead of the vote and ask that you attend the GHFL meeting to officially vote to support additional parking for MAC. If you want to send me an e-mail of support please do so at nrich@themac.com.

I hope that you join us in supporting this effort. WM

120th ANNIVERSARY  
1891 V 2011

# President's Report

Text presented by Phil Juckeland  
at the 120th Annual Meeting, Feb. 8, 2011

This report is best read while viewing the slide presentation available on the club's website, [www.themac.com](http://www.themac.com).

The title of each slide is in bold.



MAC President Phil Juckeland

Next, let's review **Anticipated Adult Athletic Program Usage**. The red lines show future usage. Ninety percent of you expect to use the fitness areas in the future. Up from 84 percent now. Pardon me for being a bit skeptical of your good intentions, but what it tells us is that we need more F&C space and equipment than we currently have. The board, with input from the committees has already instructed management to begin planning to reallocate space to F&C. If a future board agrees, it could happen as soon as 2012. Also, the slide shows that 50 percent of you plan to get involved with group exercise versus 30 percent now and 43 percent of you say that you plan to get involved in Pilates and yoga versus 19 percent now. This is a clear message that our current studio space will be inadequate for your future usage. Again, the board and committees have heard you and have authorized a study to expand the studio spaces. Folks, if we want to maintain our premier athletic club status in Portland, given all the new competition coming online, we need to keep our members happy.

Moving to some other aspects of the survey. Let's look at the **Activities and Services**. This is a very busy slide because we have so many activities. The yellow line delineates where 50 percent of you think an activity is important. As you can see, 91 percent of you said recreational activities are important, and 87 percent of you said the Sports Pub is important. Future boards and committees will use this information to identify problem areas and focus on ways to improve these activities and services.

Now to **Parking Satisfaction**. Ninety-five percent of you are satisfied with the security in the parking garage. However, only 71 percent were satisfied with the amount of available parking and 50 percent were satisfied with the width of the

## Moore-Love, Karla

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**From:** Rachel Clark <goosehollowinn@msn.com>  
**Sent:** Wednesday, October 01, 2014 1:10 PM  
**To:** Moore-Love, Karla  
**Cc:** Nick Clark; Kal Toth  
**Subject:** RE: Block 7  
**Attachments:** Block 7 opposition letter council14.doc

TO: Portland City Council 10/1/14

From: Rachel Clark, 1927 SW Jefferson St., 97201

To Portland City Council, in regards to the proposed Block 7 change of zoning from Residential to CX:

As a former resident and CURRENT business owner I would like to express my opposition to the change of zoning application for Block 7, submitted by the Multnomah Athletic Club (MAC).

It is clear that a new apartment building –with parking for residents- is on the table and a very likely scenario for Block 7 and the neighborhood. It is likely that this new building will bring a new liveliness to the core of Goose Hollow. I do not oppose this change, as we have known for years that it is encouraged in the current zoning. More frequent pedestrian activity is welcome.

However, I am opposing a change of the zoning, which would allow the applicant to add parking for commercial purposes on Block 7. There are better options for commercial parking structures for the applicant in the neighborhood; more importantly, the current proposal will add congestion to the already congested, problematic corner at SW 18th and Salmon, a busy, high-volume intersection which connects a MAX stop, the Zion Lutheran Church, Lincoln High School, and the Stadium. This point, the congested intersection at SW 18<sup>th</sup> Avenue has been glossed-over and virtually unaddressed.

At present, during normal day and night-time hours, there is often a back-up onto SW 18th Avenue, resulting from the convergence of activity from all of the users, listed above - as well as residents, passers-through, and businesses in the area. The current proposal would invite significant more traffic on that intersection, as the Block 7 users would have to enter through the parking garage. Many of them turn left (south) off of Salmon, entering from the west-bound lane on Salmon. This current problem area will turn into one of those serious problem areas in the core area.

The second reason that I am opposing the change is that the MAC's agreement with the neighborhood will be dissolved. This dissolution will erode neighbor's faith - across the city, as it will surely be headline news - in the process of making agreements among neighbors within neighborhoods. Basically, the agreements that the club made with neighbors years ago mean little, should this zoning change path. With the city's agreement of the change, then the distrust will further seep into neighbors' views of city government's role in facilitating those "neighborly" neighborhood agreements.

While agreeing with the apartment construction, as it is currently zoned and anticipated at some point, please oppose commercial parking (resulting from a zoning change) on Block 7. Goose Hollow will continue to grow into a more and more beautiful neighborhood as the residential and business aspects bloom on the surrounding blocks. What we don't need is a commercial parking structure right in the middle of that beautiful neighborhood. Please urge the MAC to consider other options for its business interests -- outside of the residential core.

Thank you for your time and careful consideration of this important neighborhood issue,

Rachel Clark

1225 SW 19<sup>th</sup> Avenue/1927 SW Jefferson St

**Rachel Clark**  
**Operations Manager**  
*Goose Hollow Inn*

**503-310-1756**

**1927 SW Jefferson St.**  
**Portland, OR 97201**  
**[www.goosehollowinn.com](http://www.goosehollowinn.com)**

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**From:** [jmbeil@msn.com](mailto:jmbeil@msn.com)

**To:** [karla.moore-love@portlandoregon.gov](mailto:karla.moore-love@portlandoregon.gov); [goosehollowinn@msn.com](mailto:goosehollowinn@msn.com); [jmbeil@msn.com](mailto:jmbeil@msn.com)

**Subject:** Block 7

**Date:** Wed, 1 Oct 2014 12:28:55 -0700

TO: Portland City Council 10/1/14

From: Rachel Clark, 1927 SW Jefferson St., 97201

To Portland City Council, in regards to the proposed Block 7 change of zoning from Residential to CX:

As a former resident and CURRENT business owner I would like to express my opposition to the change of zoning application for Block 7, submitted by the Multnomah Athletic Club (MAC).

It is clear that a new apartment building –with parking for residents- is on the table and a very likely scenario for Block 7 and the neighborhood. It is likely that this new building will bring a new liveliness to the core of Goose Hollow. I do not oppose this change, as we have known for years that it is encouraged in the current zoning. More frequent pedestrian activity is welcome.

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Thank you for your time and careful consideration of this important neighborhood issue,

Rachel Clark

1225 SW 19<sup>th</sup> Avenue/1927 SW Jefferson St

## Moore-Love, Karla

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**From:** jon beil <jmbeil@msn.com>  
**Sent:** Wednesday, October 01, 2014 12:29 PM  
**To:** Moore-Love, Karla; raerae; Jon beil  
**Subject:** Block 7  
**Attachments:** Block Seven.docx

10/1/14

To: The City of Portland, City Council and The Goose Hollow Foothills League  
From: Jon Beil

Regarding: Block Seven Proposed Development/ MAC Club and Mill Creek  
Development- SW 19<sup>th</sup> and Madison Street.

## **NO Quid Pro Quo Quo**

Whereas the MAC club was granted a development waiver by the city and the GHFL to build the existing parking structure on Salmon and Main between SW 18<sup>th</sup> and SW20<sup>th</sup> with the agreement that they would not build another parking structure on other Goose Hollow neighborhood land in the future.

The MAC club agreed with the GHFL, and were allowed to build the parking garage. Now years later they want another exception and another allowance to not abide by agreements they made as part of the development of what they built.

The agreement stated no parking structures would be built in the future if they could build the structure where housing once was.

They agreed to the terms and were allowed to build it to suit their needs.

Now as a not for profit entity with ever expanding membership rolls they want more parking and more access for members whom are not residents of Goose Hollow.

Their success is their problem. But now it is the neighborhoods issue also.

To allow them to build an over sized apartment with less parking for residents than necessary is criminal. The agreements and standards every developer must abide by makes our world manageable and livable. When the standards and codes everyone must use are constantly changed in favor of connected and moneyed corporations, everyone loses faith and opportunity to be part of the physical and social fabric of our community. Recent examples of poor planning include the apartments developed throughout the metro area without parking that residents alike have found do not fit the fabric of existing neighborhoods. This development is no different.

It is a shady camouflaged apartment being built to allow the MAC to have more parking.

There are over 9000 parking spaces in downtown Portland already. Less than  $\frac{3}{4}$  of mile away there is a Smart Park with available resources to park every MAC club member. As funny as it seems why can't people who are working out walk another

¾ of mile to get to the carpark? Can the MAC members handle the extra time it would take? Could the MAC run shuttles to parking lots?

The Timbers already have proven that the peak use principle works regarding parking in the neighborhood.

The MAC needs to understand they are one of many users in the neighborhood and just because they want to do something doesn't mean they get to.

If every developer was allowed exceptions and variances like this we would be akin to Houston or other poorly planned cities that have diverse development that is incongruent with uses and human needs.

**The fact is the MAC agreed to not build more parking.**

They need to live with that fact.

Building an apartment that is too big and doesn't account for real impacts to the neighborhood is wrong.

Allowing the MAC to do this is wrong.

On a side note, I wanted to purchase the last real house standing on Block 7, on 20<sup>th</sup> between Madison and Main streets, across from the Four Seasons.

When I went to make the full price offer while the for sale sign was up there was an interesting thing that happened.

The realtor I called to make the offer said, 'OK.'

Then a few hours later, called back and said the house was sold.

I found out the MAC had sent a straw buyer to purchase the house after hearing of my interest. The woman who sold it had a covenant in her sale that said, NO SALES TO THE MAC CLUB.

They soon tore it down citing unsafe conditions. There was nothing wrong with the house. It was all part of getting the land together for this type of development.

The reason why I am sharing this is because it matters. It shows intent to deceive and usurp the GHFL neighborhood codes.

The capacity issue for the MAC club is the issue. They have too many "customers."

What they need to do is have satellite clubs handle the increased volume of traffic(people and cars) that causes them to have issues. Building a parking garage won't solve the issue they say they have. Building new facilities to handle the membership will. It is that fundamental problem that drives them to create an ill-fitting development where they have no right to.

Their name says it all- Multnomah Athletic Club. It's not Southwest Portland Athletic Club.

I urge the council to look beyond the smooth veneer of false arguments and to deny the MAC the ability to make Block 7 into a poor excuse for a parking garage and a poor example of responsible development in a city that takes development seriously.

If we cannot abide by our words and agreements then we are not the riches of our city.

Vote No on Block 7.

Thank you, Jon Beil, former GHFL member

## Moore-Love, Karla

---

**From:** Tom Milne <tom.milne@comcast.net>  
**Sent:** Wednesday, October 01, 2014 11:08 AM  
**To:** Moore-Love, Karla  
**Subject:** Testimony and materials for Oct. 1 Hearing: LU 14-105474 CP ZC  
**Attachments:** Oral testimony to City Council.doc; Web Petition signers & content 10-1-14.xls; Web Petition signers & content 10-1-14.xls

Karla,

Attached are materials relevant to today's hearing on the MAC/Mill Creek proposed zone change on Block 7 from RH to CX:

1. My oral testimony for today
2. My written testimony, somewhat longer with documentation I won't cover in oral testimony
3. A list of signers on a Friends of Goose Hollow online petition, found at [www.foghpdx.com](http://www.foghpdx.com)

Thank you for sharing those with member of the City Council.

Tom Milne  
1132 SW 19th, Unit 708  
Portland, OR 97205

## Friends of Goose Hollow, LLC

*Building a Healthy Community \* Stop the Zone Change for Block 7*

# Friends of Goose Hollow

**Welcome to our webpage.  
Sign the Petition**

We encourage you to check out what we stand for,  
[Click here to sign a petition opposing the rezoning](#)

how you can become a member and/or donate,

and information of relevance to the proposed development of Block 7 by the Multnomah Athletic Club and Mill Creek Residential Trust.

**Sign a petition by clicking on the button above or going to the "Take Action" tab.**

**Write a letter and/or call City Commissioners, expressing your opposition to the proposed rezone. Contact information for letters and phone numbers can be found on the Take Action tab. The City Council's hearing is now scheduled for October 1, 2:00 pm, so send your letters soon! MAKE SURE YOUR VOICE IS HEARD!**

**Testimony to City Council  
October 1, 2014**

My name is Tom Milne. I reside at 1132 SW 19<sup>th</sup>, Unit 708, Portland, 97205. I am a member of the Board of Directors for Friends of Goose Hollow, LLC, a group that, with over 300 area residents, opposes the rezoning of Block 7 to Commercial.

Today you will hear from Friends of Goose Hollow supporters who oppose the rezone. People will address MAC's unkept promises, concerns with traffic and parking, poor consideration of resident input, and concerns about impact on the neighborhood environment.

We aren't opposed to development on the block. We would love to see a well-designed project that fits in the neighborhood and complies with the MAC's Master Plan that was first negotiated with the neighborhood in 1983. Unfortunately, our history with the MAC is rife with unkept promises. For example:

1. The MAC negotiated with the neighborhood and City in 1983, leading to approval of the MAC parking garage and the Master Plan. But the City had to threaten to tear the structure down after the MAC consistently refused to fulfill commitments it had made.
2. The Master Plan states the plan “will remain in effect until development allowed by the Plan has been completed, or the Plan no longer applies as a conditional use, or is amended or superseded.” The plan identifies that Block 7 would be developed within RH zoning.

In the mid-1990s, the MAC sought support of the neighborhood to rezone their clubhouse and parking structure from nonconforming uses in an RH zone to CX. At least 4 MAC officials stated that the MAC remained committed to develop Block 7 within RH zoning requirements. The then-president of MAC stated in a letter to the Planning Bureau, “it is not the club’s intention to discontinue the Master Plan with a zone change.” MAC counsel, Mr. Stephen Janik, assured in a letter to the Planning Bureau, “The Master Plan is a separate land use decision that

continues to apply to all properties discussed in the Master Plan, until the Master Plan terminates, which will be when all of the development allowed by the Master Plan is completed.”

Now the MAC says the plan no longer applies. It is obvious that the MAC’s request of support from the neighborhood for rezoning of the clubhouse and garage wasn’t a disingenuous strategy to, in their view, extricate the club from the provisions of the Master Plan.

The MAC may be a world-class athletic and social club. But it has a history of running roughshod over our neighborhood and not keeping its commitments. I urge you to deny the zone change.

**Friends of Goose Hollow Web Survey**  
**Opposing Rezoning of Block 7**  
[www.foghpx.com](http://www.foghpx.com)

The Multnomah Athletic Club (MAC) seeks more parking for its members and would build a new parking structure on their "Block 7" property, which comprises the entire city block bounded by 19th and 20th Avenues, Main and Madison Streets. To do so, they are partnering with Mill Creek Residential Trust, a property developer who will construct a very large building on Block 7 that would include 229 new parking spaces for the MAC in an otherwise residential development. Drawings show the finished structure would fill the Block 7 site completely, out to the sidewalk's edge, and vertically to a height of seven to nine stories, with only a few setbacks and no remaining public open space.

To obtain the permits necessary for this project, the MAC and Mill Creek have filed an application with the City that, if granted, would allow a re-zone of the "Block 7" property from high-density residential (RH) to high-density commercial (CX), and permit full commercial exploitation of the space. This would include the construction of the 229 new "commercial" parking spaces for the MAC, along with the 16 rental "guest suites" they are also requesting. The re-zoning to "CX" would clear away most or all legal obstacles for the MAC and Mill Creek in this development project.

We, the undersigned, oppose the re-zoning of Block 7 to "CX" as it will very likely undermine the livability of the residential neighborhood by:

- Overloading Neighborhood Street & Transportation Infrastructure in violation of Comprehensive Plan policies 2.13, 6.50, 6.12, 6.13D, and 6.25C
- Exacerbating Air & Noise Pollution Impacts, in violation of Comprehensive Plan Goal B and Policy 8.4
- Heightening Dangers for Pedestrians & Bicyclists in violation of Comprehensive Plan Objective 6.22D, Policy 12.4 and Objective 12.4A
- Encouraging MAC Members to use their cars rather than public transit, in violation of Comprehensive Plan Policy 2.17, Goal 6, Objective 5.4D,E, and H, Policy 6.19, Policy 6.20, and Objective 6.20B
- Destroying the Residential Quality of the Neighborhood, in violation of Comprehensive Plan Policy 2.9, 12.1, 12.6, and Objectives 12.6B and C

<b>First Name</b>	<b>Last Name</b>	<b>Email Addr</b>	<b>Street Address</b>	<b>Date Signed</b>
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Phyllis	Reynolds	reynoljo@igc.org		#####
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James	Hedman	jrhedman@nehalem.net		#####
Edward	Mann	ward.mann@gmail.com		#####

Jack	Rocheld	Jack@Rocheld.com	#####
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**Friends of Goose Hollow Web Survey**  
**Opposing Rezoning of Block 7**  
[www.foghpx.com](http://www.foghpx.com)

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Marilyn	Kingery	queenpoupee@hotmail.com	#####
Sharon	Little	sharon-little@comcast.net	#####
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Tracy	Prince	tracy.j.prince@gmail.com	#####
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Sandra and Joh	Bright	sandrajbr@live.com	#####
Luwayne	Sammons	buzzsamm@hevanet.com	#####
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Jeff	Malmquist	jmalquist6974@gmail.com	#####
Eva	Kutas	evakutas@gmail.com	#####
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Tom	Milne	tom.milne@comcast.net	#####

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## Moore-Love, Karla

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**From:** Fritz, Amanda  
**Sent:** Wednesday, October 01, 2014 11:04 AM  
**To:** City Elected Officials  
**Cc:** City Elected Officials Exec's; Moore-Love, Karla; Frugoli, Sheila  
**Subject:** Standard message sent to Goose Hollow neighbors requesting delay on Council action on MAC

Dear Colleagues,

This is the message I have been sending on behalf of the Council in response to the requests of Goose Hollow neighbors to delay the hearing today. I copied your public email addresses on the first few responses, then just copied Karla for the record. Most important part in bold (added).

Amanda

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. **If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.**

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

*The City of Portland is a fragrance free workplace. To help me and others be able to breathe, please avoid using added fragrances when visiting City offices.*

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.portlandoregon.gov/bibs/article/454403>

## Moore-Love, Karla

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**From:** Roger Leachman <rogerleachman@hotmail.com>  
**Sent:** Tuesday, September 30, 2014 5:41 PM  
**To:** Moore-Love, Karla; Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman  
**Subject:** A Resident's Response to the Janik-Hall Memorandum  
**Attachments:** Letter to NWExaminer.odt

The Honorable Mayor Charlie Hales, Members of the City Council  
Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman  
City Hall, c/o Karla Moore-Love, Council Clerk  
1221 SW 4th Avenue, Room 103  
Portland, OR 97204

RE: LU-14-105474 CP ZC

Dear Mayor Hales & City Commissioners:

I am a resident of Goose Hollow (SW Vista) & a member of the Goose Hollow Foothills League (GHFL).

I write in response to the 26 September 2014 Memorandum addressed to you by Mr. Stephen T. Janik & Mr. Damien R. Hall.

Unfortunately the misrepresentations advanced therein are legion. This will not surprise many neighborhood residents who heard Mr. Janik's testimony at the 21 May 2014 Hearing, where, e.g., Mr. Janik misstated the position of the GHFL board --& was corrected by Mr. Kal Toth, a GHFL board member. I will confine my own observations to the final paragraph of the memo, as I expect other residents will respond to the assertions in the earlier sections.

Messrs. Janik & Hall begin that section by writing: "As you may be aware, individual members of the GHFL have submitted a petition to hold a member meeting with the stated purpose of forcing the hand of the GHFL board to take a position on this application." Well, the "individual members" totaled 112, well over the 10% threshold required by GHFL bylaws for calling a Special Membership Meeting. This number of signatures was collected in less than two weeks & only ceased at that point in order to meet the notice requirements of the bylaws & ORS 65.214. I suggest to you that the number of signatures could have doubled or tripled in another week or two.

Messrs. Janik & Hall then misrepresent the entirely legitimate call for a Special Membership Meeting. The actual stated purpose, in compliance with the GHFL bylaws & ORS 65.204, is to: "...call a Special Membership Meeting of the GHFL for the purpose of adopting a Goose Hollow neighborhood position opposing the proposal submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club (MAC), to rezone Block 7 from RH (residential) to CX (commercial)."

However, Messrs. Janik & Hall say the purpose is one "...of forcing the hand of the GHFL board to take a position on this application." Somehow it has escaped their notice that the membership *itself* intends to act & adopt a resolution. The GHFL board is not even referenced in the call for a meeting. And "forcing the hand of the GHFL board" is a rather silly use of suggestive, misleading language. Not to mention that it seems nonsensical on its face.

They next write: "Both GHFL board and Neighbors West-Northwest representatives have noted that such decisions should only be made by the GHFL board and that a member meeting for this purpose is inconsistent with the adopted GHFL bylaws." I assume they may refer to the coverage in the September 2014 *Northwest Examiner* (accessible to you at: [nwexaminer.com](http://nwexaminer.com)), although no citation is given. Let me note that the GHFL board itself has taken no such position. I was present at the last (18 September) meeting & the only discussion concerning the Special Membership Meeting concerned the mailing of notices. Absent clarity, I assume they may refer to the opinions of Mr. Robert J. Arkes, President of GHFL, & Mr. Mark Sieber, Executive Director of NWNW, as given in the *Northwest Examiner*.

Mr. Arkes noted publicly on 26 September that he was not running for re-election to the board, owing to a grievance having been filed against him. The grievance alleges, among other matters, that Mr. Arkes failed to discharge his duties under ORS 65.377(1), which states: "An officer shall discharge the officer's duties: (a) in good faith (b) with the care an ordinarily prudent person in a like position would exercise under similar circumstances."

Additionally it was revealed at the last meeting of the GHFL board's nominating committee that only two of the board members whose terms are expiring plan to stand for re-election. Only one of these two (& he is *not* a resident) supports the requested zone change. It seems more than likely that the days of the historically developer-controlled GHFL board will end at the November election.

Prior to the resignation of the GHFL Treasurer last week, three out of the four GHFL officers were non-residents. Yet the non-resident GHFL members (whether business licensees, non-resident property owners, etc.) constitute less than 10% of the entire membership. Myself, I am of the opinion this has accounted for the well-documented dysfunctionality (one can investigate this by reading GHFL board minutes & the coverage in the *Northwest Examiner*) that has characterized the self-perpetuating ruling clique for so many years.

The assertions apparently attributed to Messrs. Arkes & Sieber that "...such decisions *should* [my emphasis] only be made by the GHFL board and that a member meeting for this purpose is inconsistent...with the bylaws" are simply their opinions & have no force of law. I have addressed this briefly in a letter-to-the-editor of the *Northwest Examiner*, which I have attached for you.

I suspect the fact that Messrs. Janik & Hall use the helping verb "should" in the above referenced passage rather than "can" indicates, for once, a commendable caution on their part.

Next, I am at a loss to know how Messrs. Arkes, Sieber, Janik & Hall (it is admittedly hard to know who is actually saying all this, so perhaps it's all four), can assert, without any proof, that the purpose of the Special Membership Meeting is inconsistent with the bylaws --because there is no language limiting the purposes for such a meeting in the GHFL bylaws (nor in ORS 65.204). I would also say, as I did in my letter, that the clauses in GHFL bylaws & ORS Chapter 65 providing for the calling of special meetings are to enable the members to rein in a board whose majority does not represent the interests of the membership.

In the final clause of their final sentence, Messrs. Janik & Hall say "...such meeting....appears to not be of any effect as to the position or policy of the GHFL with regards to this application." In this context, "appears" is of

course a weasel word. They know they cannot say that *it can have absolutely no effect* on GHFL's positions & policies, so they have to resort to what is basically subterfuge & hope you won't notice.

Messrs. Janik & Hall are not residents of Goose Hollow. They are high-priced lawyers with offices in two states & the District of Columbia & who represent wealthy, powerful clients. In the slang of my Oklahoma boyhood, they are hired guns. So it is passing strange they can't shoot straight.

Thank you for your attention to this.

Yours truly,

Roger Leachman

Roger Leachman  
742 SW Vista Ave., # 36  
Portland, OR 97205  
(704)962-6523  
rogerleachman@hotmail.com

Editor, *The Northwest Examiner*:

Concerning your coverage in the September *Northwest Examiner* of the Special Membership Meeting called by Goose Hollow Foothills League (GHFL) members, two erroneous assertions made by Mr. Robert Arkes (current President of GHFL) & Mr. Mark Sieber (Executive Director of NWNW) should be addressed.

The first is that an insurance policy may somehow restrict the actions & authority of a neighborhood association (GHFL in this instance). This is not only a patent absurdity, it is a repugnancy. Crucially, there is no authority whatsoever for it. The only way a contract of insurance could be a governing document of GHFL would be if it were incorporated *in haec verba* or by reference in GHFL's Articles of Incorporation or Bylaws –which is not the case.

The fact that the executive director of a “coalition” (NWNW) supposedly dedicated to serving neighborhood associations would apparently assert this position (& which position may or may not be supported by ONI –that is unclear) should set off alarm bells in every neighborhood association in Portland.

We then come to the matter of the power vested in the members of a neighborhood association. Mr. Arkes & Mr. Sieber imply that, for all intents & purposes, members have no power other than to elect a board. They cannot intervene or act to correct a board which is answerable & accountable to them. This also is an absurdity. The main purpose of the clauses in GHFL Bylaws & ORS Chapter 65 that provide for the calling of special meetings is to enable the members to rein in a board whose majority does not represent the interests of the membership. Neither the Bylaws language nor that of ORS Chapter 65 limits in any way the purposes for which a Special Membership Meeting may be called. The limitation upon such a meeting is only that it must act “...within the purpose or purposes described in the meeting notice...”

Roger Leachman  
742 SW Vista Ave., # 36  
Portland, OR 97205  
(704)962-6523  
rogerleachman@hotmail.com

## Moore-Love, Karla

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**From:** Marilyn Weber <schatzimlw@gmail.com>  
**Sent:** Tuesday, September 30, 2014 5:35 PM  
**To:** Moore-Love, Karla  
**Subject:** Re: 14-1054474

This is the testimony I will be reading at the hearing on Oct.1 at 2PM

October 1, 2014

TO: The Honorable Mayor Hales and Members of the City Council  
FROM: Marilyn Weber, 1132 SW 19th Avenue, #805, Portland, OR 97205

My name is Marilyn Weber. I live at 1132 SW 19th Avenue and am a homeowner at the Legends. I relocated from New York City ten years ago to enjoy a healthier balance of urban life at a slower pace.

The rapid growth in the Portland area is affecting not only Goose Hollow but the entire city. The proposal to rezone will add excessive traffic to our streets but little thought has been given as to how traffic will be managed once we get this great influx of people and cars. Is there a plan in place to build out our streets, roads and expressways? The more urbanized Portland becomes, the more people will seek to escape it.

Referring now to the U.S. Census Bureau and the Texas Transportation Institute, published in the 2014 Business Insider: Out of the ten most traffic-clogged cities, D.C. being #1, Portland ranks #10, 44 hours are spent annually by commuters stuck in traffic, costing each an average of \$937 a year and rush hour lasts 4 1/2 hours per day in this city.

Portland planners have focused heavily on the Urban Growth Boundary but it should preserve residential livability and the historic character of Goose Hollow.

With respect to Block 7 and Goals 6 and 8 (Transportation and Environment) of the Comprehensive Plan, the plain and simple fact is that more MAC traffic equals more dirty air, more noise pollution, more safety issues. The destruction of all 40 trees will provide us with less oxygen and a lower quality of life. By keeping Block 7 zoned RH, a more appropriate scale could be built and at least some trees preserved.

We should not sacrifice quality of life for the parking needs of an exclusive club, 95% of whose membership does not live in Goose Hollow. What we do will affect us and future generations - our grandchildren and great grandchildren

Thank you for your time and consideration. Please vote "no" to Block 7 rezoning.

Marilyn Weber

Attachment: U.S. Cities with Worst Traffic, Business Insider

## Moore-Love, Karla

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**From:** Ellen D Levine <edlevine2@gmail.com>  
**Sent:** Monday, September 29, 2014 3:20 PM  
**To:** Moore-Love, Karla  
**Subject:** Case File LU 14-105474 CP ZC  
**Attachments:** MAC testimony 10-01-14.docx

Below (and attached as a Word File) is my testimony for the Case File LU 14-105474 CP ZC.

Ellen D. Levine  
P.O. Box 3320  
Applegate, OR 97530

RE: Case File LU 14-105474 CP ZC

Dear Members of the City Council:

I am writing in opposition to the Multnomah Athletic Club and Mill Creek proposed zone change from RH to CX on the property called Block 7.

My husband and I are senior citizens who currently divide our time between Portland and the rural Applegate Valley in Southern Oregon, where we've lived for 40+ years. During that time, we were college administrators and active in the community. At one time, I served on the Jackson County Planning Commission.

After retirement, we bought our condo in the Royal Manor, at 2021 SW Main, and have the intention of relocating permanently in Portland. Quality of life is important to us and we thought the city offered us what we're looking for. In our view, the MAC proposal is not consistent with environmental quality and will exacerbate an already bad traffic situation. Statewide Goal 6 is specific about maintaining and even improving air, water and land resources by considering the carrying capacity of these resources and not exceeding them.

The zone change is requested because of the proposed short-stay apartments and additional parking. There is no real need for either. Parking spaces can be found if one is willing to walk a block or so, and there are two hotels within easy walking distance. This shouldn't be a hardship for members of an athletic club!

The real problem is the traffic. In addition to MAC members and local residents, a heavy load of traffic uses 20<sup>th</sup> Street as a thoroughfare to cross from Jefferson to Burnside, or Burnside to Jefferson. There is also considerable usage of Salmon St. As pedestrians, my husband and I have experienced some close calls. It's scary to think what it will be like with so much additional usage of the streets in our area. We're aging, and my husband is a cancer survivor with some physical challenges, so we can't easily scurry out of the way. Even worse, with additional cars, delivery trucks and so on, the air quality will diminish, even more so because the green, open space area with plants and trees will also disappear under the proposed development.

Based on the obvious conflict with State Planning Goal 6, I urge you to deny this proposal.

Ellen D. Levine  
P.O. Box 3320  
Applegate, OR 97530

RE: Case File LU 14-105474 CP ZC

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I am writing in opposition to the Multnomah Athletic Club and Mill Creek proposed zone change from RH to CX on the property called Block 7.

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After retirement, we bought our condo in the Royal Manor, at 2021 SW Main, and have the intention of relocating permanently in Portland. Quality of life is important to us and we thought the city offered us what we're looking for. In our view, the MAC proposal is not consistent with environmental quality and will exacerbate an already bad traffic situation. Statewide Goal 6 is specific about maintaining and even improving air, water and land resources by considering the carrying capacity of these resources and not exceeding them.

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Based on the obvious conflict with State Planning Goal 6, I urge you to deny this proposal.

## Moore-Love, Karla

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**From:** Frugoli, Sheila  
**Sent:** Monday, September 29, 2014 8:02 AM  
**To:** Moore-Love, Karla  
**Subject:** FW: Block 7 Hearing Memo to Council  
**Attachments:** Block 7- Memo to Council.pdf

Hi Karla,

Please transmit this memo to City Council. This memo updates/corrects the previous memo. The first memo erroneously identified the hearing as an appeal.

Thanks,

Sheila

---

**From:** Hall, Damien [mailto:dhall@balljanik.com]  
**Sent:** Monday, September 29, 2014 7:54 AM  
**To:** Frugoli, Sheila  
**Subject:** RE: Block 7 Hearing Memo to Council

Thanks Sheila, good catch. A corrected document is attached.

See you on Wed.

Damien



**Damien Hall**  
t 503.944.6138  
f 503.295.1058  
[dhall@balljanik.com](mailto:dhall@balljanik.com)

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

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**From:** Frugoli, Sheila [mailto:Sheila.Frugoli@portlandoregon.gov]  
**Sent:** Monday, September 29, 2014 7:37 AM  
**To:** Hall, Damien  
**Subject:** RE: Block 7 Hearing Memo to Council

Hi Damien,

I just read your memo. Please note that the hearing is not an appeal. The Hearings Officer prepared a recommendation that will be presented (by me) to the Council. The Council is the local decision-making body for the Comprehensive Plan Map Amendment/Zoning Map Amendment.

Sheila

---

**From:** Hall, Damien [<mailto:dhall@balljanik.com>]  
**Sent:** Saturday, September 27, 2014 12:22 PM  
**To:** Frugoli, Sheila  
**Subject:** Block 7 Hearing Memo to Council

Sheila,

Please include the attached memorandum in the record of decision for the Block 7 land use appeal. I am also providing the memorandum to the chiefs of staff for the city commissioners and with Jennifer Bragar, counsel for the appellants.

Damien



**Damien Hall**  
t 503.944.6138  
f 503.295.1058  
[dhall@balljanik.com](mailto:dhall@balljanik.com)

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



101 SW Main Street, Suite 1100  
Portland, Oregon 97204

balljanik.com

t 503.228.2525  
f 503.295.1058

## MEMORANDUM

**TO:** Mayor Hales and City Commissioners  
**FROM:** Stephen T. Janik and Damien R. Hall  
**DATE:** September 26, 2014  
**RE:** Block 7 Application - LU 14-105474  
Our File No. 12092-18

### Background

On October 1, 2014, the City Council will hear the above mentioned land use application that was recommended for approval by the Land Use Hearings Officer. This firm represents the project applicant, Mill Creek Residential Trust. The balance of this memorandum is a brief summary of the context and applicable criteria in this case.

### Project Overview

This project will provide a building comprised of between 194 and 296 residential dwelling units served by on-site parking. Up to 16 of the residential units may be used for short stays of Multnomah Athletic Club ("MAC") members and guests. There will also be up to 225 stalls of on-site parking for MAC use that will be accessed at the entrance to the existing MAC parking structure and connected to the project site by a tunnel under SW Main Street.

All proposed uses other than the MAC parking are allowed under the current RH zoning. As a result, the entirety of the project that is above grade and can be viewed by a passing pedestrian can be built without changing the comprehensive plan and zoning. For example, the proposed building has an FAR of 5.87:1 and height of 87 feet, well under the 7:1 maximum FAR and 100 foot maximum height allowed under in the current RH zone. The CX designation is requested solely to allow the subterranean construction of additional MAC parking in association with the otherwise allowed apartment building. The MAC parking will require a further approval, a Central City Parking Review.

The additional MAC parking will ease the existing parking demand for MAC members and guests and benefit the neighborhood because there will be less traffic congestion from MAC members and guests circling the neighborhood in search of available parking and less competition for on street parking between residents and MAC members and guests.

C:\shadow\PORTLAND-#972440-v5-Memo\_to\_Council.docx



Accordingly, the property would be developed with the same apartment building even if our request for a Comprehensive Plan and zone change to CX were not granted. However, granting the request allows for development of the apartment building and the additional MAC parking, thereby improving traffic circulation and availability of on-street parking in the surrounding neighborhood.

### **Approval Criteria**

As identified in the staff report and decision of the Hearings Officer, the primary approval criterion for this review is PMC 33.810.050(A)(1), under which the reviewer balances whether the proposed plan amendment equally or better supports the Comprehensive Plan as a whole, compared to the old designation.

The staff report identified 105 applicable Comprehensive Plan provisions, finding that the proposal equally or better meets 100 of the 105 provisions, and therefore equally or better supports the Comprehensive Plan as a whole, even if 5 provisions are not equally or better met.

Before the Hearings Officer, the applicant argued that the 5 provisions in question actually are equally or better met by the proposal, and the hearings officer agreed with the applicant on 4 of the 5 provisions in question. Thus, the decision of the Hearings Officer found that the proposal equally or better meets 104 of the 105 applicable Comprehensive Plan provisions and is more supportive of the Comprehensive Plan as a whole.

The hearings officer found that the requested Comprehensive Plan change will overwhelmingly better support the goals and policies of the Comprehensive Plan. The far greater number of Comprehensive Plan goals and policies, 104 of which are better served and fulfilled by the requested change, far outweigh the one applicable policy that the change will not equally or better meet.

The applicant requests that the City Council affirm the findings of the Hearings Officer that all but 1 of the 105 applicable Comprehensive Plans are better met by the requested change and the proposal on balance equally or better supports the Comprehensive Plan as a whole.

### **Community Outreach**

Certain project opponents have made various statements about the need for additional public outreach and input associated with the project. This claim is belied by the extensive outreach and series of meetings with the neighborhood that the applicant has undertaken over the past two years in association with this project. The applicant's outreach to neighborhood stakeholders has been fruitful as well, because the tunnel concept is based on input provided by neighborhood stakeholders which the applicant has taken to heart and incorporated into the project despite the additional cost of approximately \$1.0 million.

The public outreach efforts of the applicant have yielded substantial improvements to the project and support within the neighborhood for this application. Of course not all members of the neighborhood are supportive, since the residents of the neighboring Legends Condominium tower remain vocal opponents of the application despite the applicant's extensive outreach and attempts to find mutually acceptable compromise. However, the support from



the neighborhood has been evident in the testimony provided at hearings on the project, both before the Goose Hollow Foothills League ("GHFL") and the Hearings Officer.

Neighborhood support for the project was never more evident than in the hearing before the GHFL Board on April 29, 2014 during which the GHFL Board denied two consecutive motions to oppose the application. A third motion to support the application also failed for lack of a majority, resulting in a neutral position for the GHFL board.

The following table summarizes the applicant's community outreach efforts.

<b>Neighborhood Group</b>	<b>Meeting Date</b>
GHFL Block 7 Committee	October 3, 2012
GHFL Block 7 Committee	December 4, 2012
GHFL Board	February 21, 2013
GHFL Block 7 Committee	April 16, 2013
GHFL Block 7 Committee	June 5, 2013
GHFL Board	June 20, 2013
Design Advice Request – GHFL Participation	July 15, 2013
GHFL Block 7 Committee	September 11, 2013
GHFL Board	September 19, 2013
GHFL Block 7 Committee	November 6, 2013
GHFL Block 7 Committee	November 20, 2013
GHFL Block 7 Committee	January 27, 2014
GHFL Block 7 Committee	February 12, 2014
GHFL Block 7 Committee	March 12, 2014
GHFL Block 7 Committee	April 9, 2014
GHFL Block 7 Committee	April 23, 2014
GHFL Board Hearing	April 29, 2014

As you may be aware, individual members of the GHFL have submitted a petition to hold a member meeting with the stated purpose of forcing the hand of the GHFL board to take a position on this application. Both GHFL board and



Neighbors West-Northwest representatives have noted that such decisions should only be made by the GHFL board and that a member meeting for this purpose is inconsistent with the adopted GHFL bylaws. Thus, we ask that the City Council decline the requests (already forthcoming) to continue the hearing until the upcoming member meeting, as such meeting is not part of the approval process for this application and appears to not be of any effect as to the position or policy of the GHFL with regards to this application.

**Parsons, Susan**

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**From:** Commissioner Fritz  
**Sent:** Tuesday, September 23, 2014 10:40 AM  
**To:** Guido/Ofiara family  
**Cc:** Moore-Love, Karla  
**Subject:** RE: please postpone hearing of Oct 1

Dear Annette and Carolyn,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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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.portlandoregon.gov/bibs/article/454403>

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**From:** Guido/Ofiara family [mailto:cofiara@qwest.net]  
**Sent:** Sunday, September 21, 2014 11:17 AM  
**To:** Commissioner Fritz  
**Subject:** please postpone hearing of Oct 1

Please postpone City Council Hearing of Oct. 1st, 2014 to allow a democratic process to occur.

Reference: LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1st City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

GHFL Block 7 Committee voted overwhelming to oppose the zone change.

Neighborhood testimony was suppressed by a lottery process.

The GHFL Board was not able to achieve consensus or make a recommendation.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8th meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Annette Guido and Carolyn Ofiara

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Friday, September 19, 2014 1:48 PM  
**To:** 'knach4@gmail.com'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Postponement of City Council Hearing October 1st

Dear Karl,

Thank you for your reply. In this matter, the Council is governed by Oregon land use law. We have to make decisions based on whether a proposal complies with the Approval Criteria in the Code, rather than by whether the request is popular or not. Land Use decisions aren't like other legislative choices, where the Council can choose pretty much on whatever reasons we feel persuaded by. Bound by state law for land use reviews, we act more like judges, looking at the rules and determining whether the proposal meets them or not.

Under land use laws, one person can make a compelling argument that the Approval Criteria are not met, and the application can be denied even if 100 people say they like it but none of the 100 has a counter-argument as to how the Approval Criteria are indeed met. This process actually can favor neighbors, because it means that (in a hypothetical case - as I mentioned, I can't discuss this one) applicants can't just cozy up to the Council members and say, "do this because we provide a good service and you should like us", or "do this because we have xxx supporters". The applicant has to prove that the proposal complies with the Approval Criteria.

I suggest you read the Recommendation being presented to Council, and look how it's laid out into listing the Approval Criteria and then saying whether each is met or not. That way you can testify to Council on which elements of the report you find accurate or inaccurate, in making your case for or against. The number of people supporting your position doesn't matter - the content of your argument with respect to the Approval Criteria does.

The Recommendation is here: <https://www.portlandoregon.gov/bds/article/497694> Discussion of the Approval Criteria starts on page 20. It would be helpful to read the whole document, to get a broad understanding of how Council will make the decision.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** knach4@gmail.com [mailto:knach4@gmail.com]  
**Sent:** Friday, September 19, 2014 12:39 PM  
**To:** Commissioner Fritz  
**Subject:** Re: Postponement of City Council Hearing October 1st

Thank you for your response. What are the Approval Criteria? I would think neighbor support or opposition would be an integral part of a decision.

Best,

Karl

On Sep 19, 2014, at 11:52 AM, Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)> wrote:

Dear Karl,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

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**From:** Karl N [mailto:knach4@gmail.com]  
**Sent:** Friday, September 19, 2014 10:06 AM

**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** Postponement of City Council Hearing October 1st

Reference: LU 14-1054474 CP C, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with Multnomah Athletic Club, to City of Portland.

Greetings All,

Please postpone City Council Hearing of October 1st 2014 to all a democratic process to occur.

As a Goose Hollow resident, I ask you to postpone the October 1st City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the Goose Hollow Foothills League (GHFL) to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

GHFL Block 7 Planning Committee vote overwhelmingly to oppose zone change/

Neighborhood testimony was suppressed by a lottery process.

The GHFL Board could not reach a recommendation on the issue.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8th meeting. This exceeds the 10% required by GHFL bylaws and the 5% required by Oregon state law governing non-profit organizations.

Thank you for your commitment to the city.

Kindest regards,

Karl Nachmann  
2021 SW Main St. #47  
Portland, OR 97205

(541) 490- 0989

## Parsons, Susan

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**From:** danielsalomon@comcast.net  
**Sent:** Monday, September 22, 2014 3:05 PM  
**To:** Parsons, Susan; Jennings, Gayla; Moore-Love, Karla  
**Cc:** Constance Kirk; Kal Toth  
**Subject:** Fwd: Oregon Resident: Block 7 Testimony for City Council (Please Reply)  
**Attachments:** Block 7 Testimony by Daniel Salomon 09-16-2014 (1).doc

Dear Ms. Moore-Love,

My name is Daniel Salomon. I am a resident of Portland, Oregon and currently live in Collin Circle apartments in Goose Hollow.

As an attachment is my official Block 7 Testimony for the City Council.

Please give my testimony to the City Council, please add my testimony to the public record and please e-mail me that you have received my testimony and that it meets all the requirements for submission for consideration by the city council?

Thanks very much!

sincerely,

Daniel Salomon

## **Block 7 Testimony by Daniel Salomon, 1/17/2014**

My name is Daniel Salomon. I am an environmental writer, Goose Hollow resident, and GHFL member. I am a Neurodiverse human on the Autism Spectrum. I hold a Master of Arts in Theological Research from Andover Newton Theological School and a Graduate Certificate in Science and Religion.

I relocated cross country from the East Coast to Portland to be close to the environmental and animal movements and live in a city with accessible public transportation because I live in Section 8 Housing Voucher program. (Goal 8.1, Goal 8.4)

I am against the proposal to rezone Block 7 from residential to commercial which would allow Block 7 to be turned into a parking garage and apartment high rise. I respect Portland as an ecological success story but commercializing Block 7 would be environmentally devastating (Goal 8.9, Objective G).

As a Neurodiverse citizen, the stakes could not be higher. I need safety from violent crime to be able to live independently and a lower stress environment to manage my serious anxiety symptoms. This is not to mention the influx of additional air, water, noise, light, electromagnetic chaos and carbon pollution caused that would result from building a four story underground parking garage underneath and a nine story high rise apartment building. This project would negatively impact my already fragile nervous system if Block 7 were to be rezoned from residential to commercial.

I testified at the public hearing on Block 7 May 21, 2014 (LU 14-105474 CP ZC) specifically stating the challenges that a person with my disability would face should the Block 7 rezoning proposal be allowed.

Public speaking is a challenge for anyone. I overcame my fear to help others like me and my neighbors alike.

**Yet the “Recommendations of the Hearings Officer’s” report excluded any mention of my Neurodiverse Autism. The applicant and the report itself failed to uphold Goal 9. We, too, are citizens.**

### **Goal 9 Citizen Involvement (see below):**

Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Medical-scientific research on the human health benefits of preserving and restoring natural areas supports my concerns and those in the general population. Research conducted by Portlander forester Dr. Geoffrey Donovan and other specialists in connection with the United States Department of Agriculture Forest Service and the Pacific Northwest Research Station, shows a positive correlation between preserving older trees and shrubs in cities and human survival and the ability to flourish in cities. These findings were presented at academic conferences in peer reviewed scientific journals. (Goal 8.14, Objectives A, B, C, E, H)

Donovan demonstrated through three different controlled scientific experiments:

- Affluent neighborhoods that had older trees and shrubs experienced a reduction in crime. But affluent neighborhoods that had younger trees and shrubs experienced an increase in crime. This is because according to Donovan criminals can easily hide in small trees and shrubs. (Goal 8.1).
- Affluent neighborhoods east of the Mississippi who lost their native and/or non-native ash trees of any species because of the emerald ash borer also experienced an increase in mortality due to cardiovascular disease. Donovan contends that the ash stands for all mature trees. All mature trees in affluent neighborhoods only (there are other mediating factors at work in low income neighborhoods) reduce stress connected to the immune system and improves local air quality. (Goal 8.3, Goal 8.9 (Objective G), Goal.14 (Objectives A, B, C, E, H), Goal 8.20)
- In Portland neighborhoods (both affluent and economically diverse) that had more extensive tree canopy cover, women experienced greater reproductive success, while Portland neighborhoods that did not have as much of a tree canopy experienced higher reproductive failure. For the same reasons---mature trees reduce stress, strengthen the immune system and improve local air quality. (Goal 8.3, Goal 8.9 (Objective G) Goal.14 (Objectives A, B, C, E, H), Goal 8.20)

Block 7 is home to many native mature trees and shrubs: three elder Oregon ashes (all with circumferences between 7-11 feet), one elder Pacific Dogwood (with a circumference of over 4 feet), one mature Pacific Yew (with a circumference over 4 feet), three mature big leaf maples (with circumferences around 7 feet) and three mature Oregon white oaks (with circumferences between 6-8 feet), all native to Oregon.

Block 7 is also home to a stand of adult paper birches and bitter cherries, a younger black cottonwood, two younger Alaskan cypresses, a younger Lodgepole pine and a native, mature Pacific Rhododendron which is the state flower of Oregon, all native to Oregon.

Not to mention two native, declining, edible, fruit producing Black Huckleberries, a native, American Holly, a stand of Camellias and a hedgerow of Leland cypresses. (Goal 8.3, Goal 8.9 (Objective G), Goal 8.11, Goal 8.14 (Objectives A, B, C, E, H), Goal 8.16 (Objectives B, C), 8.17 (Objectives A, B, C), 8.20)

This means that the mature trees and shrubs of Block 7 are irreplaceable to the health, safety and well-being of the people of Goose Hollow, an affluent neighborhood which has the most to lose in terms of our health and safety from ecological destruction. The mature trees and shrubs of Block 7 cannot be mitigated through the MAC replanting seedlings. This is not to mention that some experts contend that even “big, old and isolated” Oregon white oaks, like the two in Block 7, are even ecologically important, providing a “stepping-stone” for wildlife displaced by habitat fragmentation and climate disruption. (Goal 8.1, Goal 8.2, Goal 8.23, Goal 8.24)

When I see Block 7, I see Block 7 interconnected to my historic Goose Hollow neighborhood and to the City of Portland, to the Columbia River watershed and to the Earth’s watershed. I also see Block 7 interconnected to my temperate rainforest

bioregion, to an underground stream and the ruined foundations of a floodplain and interconnected to Earth's atmosphere, the global climate justice struggle and the global sustainability strategy. When I see Block 7 remaining zoned as residential, I see less parking as an incentive for more people to utilize Portland's renowned public transportation system, to carpool, to bicycle and to walk, helping to reduce carbon emissions. When I see Block 7, I see Mill Creek possibility building around the mature native trees of Block 7. (Goal 8.13)

For these reasons, I need Block 7 to remain zoned as residential. (Goal 8.1, Goal 8.2, Goal 8.3, Goal 8.4, Goal 8.96 (Objective G), 8.11, 8.14 (Objectives A, B, C, E, H), 8.16 (Objectives B, C), 8.17 (Objectives A, B, C), 8.20, 8.23, 8.24)

Even if a nine story high rise or a small housing development were built on Block 7 under current residential zoning, residential zoning will lower the likelihood of a major increase in traffic in Goose Hollow. (Goal 8.1, Goal 8.2, Goal 8.3, Goal 8.4, Goal 8.96 (Objective G), 8.11, 8.14 (Objectives A, B, C, E, H), 8.16 (Objectives B, C), 8.17 (Objectives A, B, C), 8.20, 8.23, 8.24)

Block 7 is irreplaceable to the Goose Hollow neighborhood, the City of Portland and Planet Earth. (Goal 8.1, Goal 8.2, Goal 8.3, Goal 8.4, Goal 8.96 (Objective G), 8.11, 8.14 (Objectives A, B, C, E, H), 8.16 (Objectives B, C), 8.17 (Objectives A, B, C), 8.20, 8.23, 8.24)

I am open however to a nine story high rise apartment without the four story garage allowed under the current residential zoning with provisions to protect the mature native trees. (Goal 8.1, Goal 8.2, Goal 8.3, Goal 8.4, Goal 8.98 (Objectives G), Goal 8.11, Goal 8.13, Goal 8.14 (Objectives A, B, C, E, H), Goal 8.16 (Objectives B, C), Goal 8.1 (Objectives A, B, C), Goal 8.20, Goal 8.23, Goal 8.24)

Rezoning Block 7 from residential to commercial in a residential neighborhood which also includes cutting down mature native trees, betrays the spirit of Goal 8, where the goal of Goal 8 is to make the City of Portland more sustainable, just, communitarian and in harmony with the Earth, for everyone. (Goal 8.1, Goal 8.2, Goal 8.3, Goal 8.4, Goal 8.98 (Objectives G), Goal 8.11, Goal 8.13, Goal 8.14 (Objectives A, B, C, E, H), Goal 8.16 (Objectives B, C), Goal 8.1 (Objectives A, B, C), Goal 8.20, Goal 8.23, Goal 8.24)

Thanks very much!

### **Ecological Survey of Block 7**

#### **Mammals:**

- One bat sited (native) (declining)
- Western grey squirrels (native) (declining)

#### **Birds:**

- Townsend's Warbler (native) (seasonal) (migratory to open habitats like Block 7)

- Ruby Crowned Kinglet (native) (seasonal) (migratory to open habitats like Block 7)
- American Robin (native) (seasonal) (migratory to open habitats like Block 7)
- American Crow (native)
- Steller's Jays (native) (seasonal)
- Western Scrub Jays (native) (resident)
- Song Sparrows (native) (resident)
- Spotted Towhee (native) (migratory) (neotropical)
- Northern Flicker (red shafted) (native) (migratory)
- Red-breasted Sapsucker (native) (seasonal)
- Anna's Hummingbird (native) (expanding range) (resident)
- Black Capped Chickadees (native) (resident)
- Bushtits (native) (seasonal)
- Cedar Waxwings (native) (seasonal)
- American Goldfinches (native)
- House Finches (native)
- Oregon Juncos (native)

**Trees:** All native trees

- Lodgepole Pine (child)
- Alaska Cedars (child)
- Big Leaf Maples (youth)
- Black Cottonwood (baby)
- Paper Birches (adult)
- Bitter Cherries (adult)
- Oregon White Oaks (mature)
- Oregon Ashes (elder)
- Pacific Dogwoods (elder)

**Shrubs:** Native and non native shrubs

- Black Huckleberries (native) (declining) (fruit producing)
- Pacific Rhodendron (native) (state flower) (mature)
- Pacific Yew (native) (mature)
- Leland Cypresses (non-native) (mature)
- English Holly (non-native) (mature)
- American Hollies (non-native) (1 mature, 2 babies) (good food source for native birds)
- Camellias (non-native) (mature)

**Native Wildflowers:** Important for preserving biodiversity and food for wildlife

- Palmate Coltsfoots (native) (locally common)
- Queen's Cups (native) (abundant)

**Exotic Wildflowers:** Positive role of providing food for native wildlife and ornamental value

- Saint John's Wort (non-native) (good for wildlife) (ornamental and medicinal value)
- Snow Drops (non-native) (ornamental value)

**Primitive Plants:** All native, extraordinarily biodiversity and sign of good air quality and ecosystem health

- Flat-Leaved Liverworts (native) (locally common)
- Hard Scale Liverworts (native) (uncommon)
- Magnificent Mosses (native) (locally common)
- Oregon Beaked Mosses (native) (locally common)
- Slender Beaked Mosses (native) (locally common)
- Twisted Ulota(s) (native) (locally common)
- Curly Thatch Mosses (native) (abundant)
- Lover's Mosses (native) (locally common)
- Yellow-Green Peat Moss (native) (abundant)
- Licorice Ferns (native) (locally common)
- Sword Ferns (native) (locally common)

**Lichens:** All native, high biodiversity, sign of good air quality and ecosystem health

- Dust Lichens (native) (multiple species) (common)
- Bark Barnacles (native) (common)

- Cladonia Scales (native) (common)
- Peppered Moons (native) (abundant)
- Pimpled Kidneys (native) (abundant)
- Ragbags (native) (two different colors) (common)
- Sulphur Stubble (native) (abundant)

#### **Historical:**

- Traces, yards, staircases, gardens, plants and property lines of demolished Queen Anne's houses belonging to Chinese immigrants dating back to possibly the end of the nineteenth century.
- One possible original outdoor staircase still useable today.
- Definitely in the watershed of Goose Hollow.
- Seed bank from an earlier floodplain Douglas fir lowland temperate rainforest has survived, explains presence of both wetland and rainforest plants, as well as why many wetland trees like the paper birches grow well here and are present in extraordinary numbers, including planted ones on surrounding streets.

#### **Other:**

- Extraordinary mushroom and fungous diversity including the Turkey Tail.
- Can see the moon and some stars in Block 7 on clear nights.
- "Dark space"----little to no light pollution in this area after dark.
- Fairly quiet after dark too.
- Not much in the way of litter, compared to more urban places in Goose Hollow.
- Used primarily as a dog park, communal social space and for informal athletic events.
- Home to a native bee colony.
- Saw at least two orb spider webs.
- Saw one migrating dragonfly.

#### **Bibliography for Further Reading:**

- Roger Burrows and Jeff Gilligan, *Birds of Oregon* (Lone Pine Publishing International Inc., 2003).
- Marco Della Cava, "One man's trash is another man's displeasure: Litterati cleans up world one snap at a time" *USA Today* (October 17, 2013).
- Geoffrey Donovan and multiple authors, "The Relationship between Trees and Human Health: Evidence from the Spread of the Emerald Ash Borer" *American Journal of Preventive Medicine* (2013; 44 (2): 139-145).

- Paul Gerald, *Peaceful Places Portland: 103 Tranquil Sites in the Rose City and Beyond* (Menasha Ridge Press, 2012) read “Maquam Nature Park” 97-98.
- *Ex Situ Plant Conservation: Supporting Species Survival in the Wild* ed. by Edward Guerrant Jr., Kayri Havens and Mike Maunder (Washington DC: Island Press, 2004) 31-38, “Wild, Compromised, and Faked Nature.”
- *Wild in the City: Exploring the Intertwine---the Portland. Vancouver Region’s Network of Parks, Trails, and Natural Areas* ed. by Michael Houck and M.J. Cody (Oregon: Oregon State University Press, 2011) “Hard Drinkers: Freshwater Mussels” by Mathew Shepherd, 308-310, “Oak Woodlands and Savannahs” by Mark Griswold Wilson, 67.
- Marcy Cottrell Houle, *One City’s Wilderness: Portland’s Forest Park-Third Edition* (Corvallis: Oregon State University Press, 2010).
- Michael Mehaffy, “Do Portland Planners have tower envy?” *The Sunday Oregonian* (September 29, 2013).
- Multiple Authors, *Gathering in the City: An Annotated Bibliography and Review of the Literature About Human-Plant Interactions in Urban Ecosystems* (United States Department of Agriculture Forest Service and Pacific Northwest Research Station, February 2012).
- Harry Nehis, Tom Aversa and Hal Opperman, *Birds of the Willamette Valley Region* (Olympia, Washington: R.W. Morse Company, 2004).
- Jim Pojar and Andy MacKinnon, *Revised-Plants of the Pacific Northwest Coast: Washington, Oregon, British Columbia & Alaska* (British Columbia Ministry of Forests and Lone Pine Publishing, 1994 2004).
- Tracy Prince, *Portland’s Goose Hollow: Images of America* (Arcadia Publishing, 2011).
- Esther M. Sternberg, M.D., *Healing Spaces: The Science of Place and Well-Being* (USA: Harvard University Press, 2009 2010). Pay particular attention to “Chapter 11. Healing Cities, Healing World” 253 and “Chapter 12. Healing Gardens and My Place of Peace” 280.

## Moore-Love, Karla

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**From:** Marilyn Weber <schatzimlw@gmail.com>  
**Sent:** Thursday, September 18, 2014 12:36 PM  
**To:** Moore-Love, Karla  
**Subject:** Oppose Re-zoning Block 7

Dear Ms. Moore:

My husband and I made a cross country move from NYC ten years ago to buy a new home at The Legends condominium where we found peace and quiet, a neighborly atmosphere surrounded by historic homes, and a healthy environment to enjoy our retirement years. Block 7, across the street, has heritage trees, shrubs, birds and once this goes, it will never be recaptured for future generations to enjoy. Is this what the city planners want? We NEED grass and trees in order to breathe or we choke for lack of oxygen. The more dense the population becomes, the more people will use their cars to escape on weekends to the coast.

If MAC and Mill Creek Development Corp. have their way to build a big box building, all of this will be destroyed forever. There are many other scientific and ecological reasons for this not to happen.

Please help us to preserve this lovely quaint neighborhood and maintain the RX residential status.

Thank you for your consideration.

Marilyn Weber  
1132 SW 19th Ave. #805  
Portland, OR 97205

Sept. 15, 2015

Portland City Council  
c/o City Council Clerk  
1221 Fourth Avenue, Room 140  
Portland, OR 97204

AUDITOR 09/17/14 AM11:13

e-sent to Council  
9/19/2014 pm

**RE: Case # LU 14-105474 CP ZC**

To City Council:

I am a MAC member. My family of four has two cars. Rarely if ever do we take both cars to the MAC at the same time. I bike commute to and from work; often, my commute includes a stop at the MAC to exercise before work or to meet my family there after work. Many club members, employees and guests make use of the MAC's bike parking, and I appreciate the fact that the MAC provides ample, convenient and secure places for locking bikes. My understanding is that later this year the club will **further increase** the amount of space dedicated to bike parking.

Although I am a dedicated bike commuter, there are times that I need to drive my car to get to the club, either because of the time of day or because I am bringing my family or guests with me. I believe that the proposal for additional MAC parking is an indication of the MAC trying to find the best solution for a real problem. Additional underground parking for MAC will free up street parking for residents and businesses and reduce the amount of traffic in the nearby neighborhood by eliminating the need for MAC members to circle the neighborhood looking for parking when the lot is full.

I urge you to approve the request for a zone change to permit this excellent solution for MAC and the surrounding businesses and residences.

Sincerely,



Michael C. Urness  
1514 SW Spring St.  
Portland, OR 97201

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Wednesday, September 17, 2014 5:28 PM  
**To:** Aaron Johanson  
**Cc:** Moore-Love, Karla  
**Subject:** RE: [User Approved] Re: block 7 rezoning vote postponement request

Dear Aaron,

Thank you for your reply. In this matter, the Council is governed by Oregon land use law. We have to make decisions based on whether a proposal complies with the Approval Criteria in the Code, rather than by whether the request is popular or not. Land Use decisions aren't like other legislative choices, where the Council can choose pretty much on whatever reasons we feel persuaded by. Bound by state law, we act more like judges, looking at the rules and determining whether the proposal meets them or not.

Under land use laws, one person can make a compelling argument that the Approval Criteria are not met, and the application can be denied even if 100 people say they like it but none of the 100 has a counter-argument as to how the Approval Criteria are indeed met. This process actually can favor neighbors, because it means that (in a hypothetical case - as I mentioned, I can't discuss this one) applicants can't just cozy up to the Council members and say, "do this because we provide a good service and you should like us", or "do this because we have xxx supporters". The applicant has to prove that the proposal complies with the Approval Criteria.

I suggest you read the Recommendation being presented to Council, and look how it's laid out into listing the Approval Criteria and then saying whether each is met or not. That way you can testify to Council on which elements of the report you find accurate or inaccurate, in making your case for or against. The number of people supporting your position doesn't matter - the content of your argument with respect to the Approval Criteria does.

The Recommendation is here: <https://www.portlandoregon.gov/bds/article/497694> Discussion of the Approval Criteria starts on page 20. It would be helpful to read the whole document, to get a broad understanding of how Council will make the decision.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Aaron Johanson [mailto:[aaron@ajohanson.com](mailto:aaron@ajohanson.com)]  
**Sent:** Tuesday, September 16, 2014 7:55 PM  
**To:** Commissioner Fritz  
**Subject:** [User Approved] Re: block 7 rezoning vote postponement request

Dear Commissioner Fritz,

Thank you for your timely response.

I don't understand how a legal formality called Approval Criteria can dominate majority will. I will attend the October 1 meeting, but I fail to understand how restating that we need more time to canvas the community could effect your vote.

Sincerely,

Aaron Johanson

On Sep 16, 2014, at 4:27 PM, Commissioner Fritz wrote:

> Dear Aaron,

>

> Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

>

> As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

>

> Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

>

> Amanda

>

> Amanda Fritz

> Commissioner, City of Portland

>

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>

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>

> -----Original Message-----

> From: Aaron Johanson [mailto:[aaron@ajohanson.com](mailto:aaron@ajohanson.com)]

> Sent: Tuesday, September 16, 2014 1:02 PM

> To: Commissioner Fritz

> Subject: block 7 rezoning vote postponement request

>

> Dear City Commissioner Fritz,

> Please postpone the Oct 1st City Council meeting about Block 7 rezoning. As a long-term Goose Hollow resident I would like to better understand the will of the majority of the residents of Goose Hollow at a special meeting scheduled for October 8th at 7pm. It doesn't seem right for the city council to vote before having this valuable information.

> Thank you,

> Aaron Johanson

> 2303 SW Market St Drive

> Portland, OR 9720-1

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Tuesday, September 16, 2014 4:26 PM  
**To:** Vigeland, Julie  
**Cc:** Moore-Love, Karla  
**Subject:** RE: MAC Block 7 Re-Zoning Proposal

Dear Julie,

Thank you for your message. Since the Block 7 rezoning is a land use matter, I am not allowed to comment outside of the land use review public hearings process. The Council decision will be made on whether or not the application has met the Approval Criteria in the Code, rather than on whether it is supported by neighbor and/or MAC members.

I'm glad to know you are meeting with Art. Thank you for all your work promoting equity in Parks.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Julie Vigeland [mailto:julie@thevigelands.com]  
**Sent:** Tuesday, September 16, 2014 12:54 PM  
**To:** Fritz, Amanda  
**Subject:** MAC Block 7 Re-Zoning Proposal

Amanda -

I want to add my voice to those who are supporting the re-zoning of Block 7 which is owned by the Multnomah Athletic Club. I believe you have the basic information regarding the proposal so I won't go into those details here.

What I do want to share is my endorsement of this development by Mill Creek and the MAC. There is no question in my mind that it enhances the quality and character of the neighborhood. Given my knowledge of Portland's comprehensive plan through my service on the Portland Parks board, there is no question that the project and zoning changes fit the

plan. Important for the neighborhood is that the project would be scaled with the other existing buildings. Additionally, the project clearly helps to fulfill the goal of increasing available housing with access to public transportation. These are all positive aspects for the city.

As a MAC member I find that the addition of parking spaces and the tunnel (using the existing entrances) will ensure that a greater number of members will be able to park off the street. That is a plus for members but also for the neighborhood.

If I could I would be there to testify but my husband and I will be out of the country.

A huge thank you to you for your active leadership as the Commissioner of Parks. It has been a pleasure getting to know you better. There will always be more to do but we are making progress. Passage of the bond isn't assured, of course, but it is certainly looking good. Additionally, for your information, I am meeting with Art Hendricks tomorrow as we make plans for the Equity and Diversity committee going forward. What a long way we have come since I first shared the board draft of the Equity Affirmation Statement with you! All positive.

My best -  
Julie

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Tuesday, September 16, 2014 4:27 PM  
**To:** Aaron Johanson  
**Cc:** Moore-Love, Karla  
**Subject:** RE: block 7 rezoning vote postponement request

Dear Aaron,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Aaron Johanson [mailto:[aaron@ajohanson.com](mailto:aaron@ajohanson.com)]  
**Sent:** Tuesday, September 16, 2014 1:02 PM  
**To:** Commissioner Fritz  
**Subject:** block 7 rezoning vote postponement request

Dear City Commissioner Fritz,

Please postpone the Oct 1st City Council meeting about Block 7 rezoning. As a long-term Goose Hollow resident I would like to better understand the will of the majority of the residents of Goose Hollow at a special meeting scheduled for October 8th at 7pm. It doesn't seem right for the city council to vote before having this valuable information.

Thank you,

Aaron Johanson  
2303 SW Market St Drive  
Portland, OR 9720-1

**Moore-Love, Karla**

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**From:** Commissioner Fritz  
**Sent:** Monday, September 15, 2014 1:24 PM  
**To:** 'Katie Smoldt'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Block 7 Proposed Rezone

Dear Katie,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Katie Smoldt [mailto:Katie.Smoldt@kuniauto.com]  
**Sent:** Monday, September 15, 2014 1:24 PM  
**To:** Hales, Mayor  
**Cc:** Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** Block 7 Proposed Rezone

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council Hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8<sup>th</sup>, only a week after City Council meets. Consider the following:

- GHFL Block 7 Planning Committee voted and overwhelming to oppose zone change.
- Neighborhood testimonial was suppressed by a lottery process
- The GHFL Board could not reach a recommendation on the issue
- Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting. This exceeds 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Thank you,

Katie Smoldt  
503-820-8747

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Monday, September 15, 2014 12:43 PM  
**To:** katharinedoel@gmail.com  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Block 7 hearing

Dear Katharine,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** katharinedoel@gmail.com [mailto:katharinedoel@gmail.com]  
**Sent:** Sunday, September 14, 2014 1:23 PM  
**To:** Commissioner Fritz  
**Subject:** Block 7 hearing

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

GHFL Block 7 Committee voted overwhelming to oppose the zone change.

Neighborhood testimony was suppressed by a lottery process.

The GHFL Board was not able to achieve consensus or make a recommendation.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Sincerely,  
Katharine Doel

Sent from my iPad

**Moore-Love, Karla**

---

**From:** Commissioner Fritz  
**Sent:** Monday, September 15, 2014 12:28 PM  
**To:** Will Crawford  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Block 7 Proposed Rezone

Dear Will,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Will Crawford [mailto:wccrawford1218@gmail.com]  
**Sent:** Monday, September 15, 2014 11:49 AM  
**To:** Hales, Mayor  
**Cc:** Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman; Katie  
**Subject:** Block 7 Proposed Rezone

**I am a homeowner in the Goose Hollow neighborhood**

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council Hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8<sup>th</sup>, only a week after City Council meets. Consider the following:

- GHFL Block 7 Planning Committee voted and overwhelming to oppose zone change.
- Neighborhood testimonial was suppressed by a lottery process
- The GHFL Board could not reach a recommendation on the issue
- Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting. This exceeds 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Thank you,

Will Crawford

## Moore-Love, Karla

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**From:** Jennifer Bragar <JBragar@gsblaw.com>  
**Sent:** Friday, September 12, 2014 4:40 PM  
**To:** Commissioner Fritz; Tracy J. Prince, Ph.D.; karl reer  
**Cc:** Hales, Mayor; Commissioner Fish; Commissioner Novick; Commissioner Saltzman; Moore-Love, Karla; Esau, Rebecca; Scarlett, Paul; Frugoli, Sheila; Beaumont, Kathryn  
**Subject:** [User Approved] RE: [Approved Sender] Re: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Commissioner Fritz,

Thank you for your response.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

### JENNIFER M. BRAGAR

Associate | 503.228.3939 x 3208 Tel | 503.226.0259 Fax | [jbragar@gsblaw.com](mailto:jbragar@gsblaw.com)

GARVEY SCHUBERT BARER | 11th Floor | 121 SW Morrison Street | Portland, OR 97204 | ► [GSBLaw.com](http://GSBLaw.com)

► land use | condemnation | real estate e-forum: [www.northwestlandlawforum.com](http://www.northwestlandlawforum.com)

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**From:** Commissioner Fritz [<mailto:amanda@portlandoregon.gov>]

**Sent:** Thursday, September 11, 2014 10:05 AM

**To:** Tracy J. Prince, Ph.D.; karl reer; Jennifer Bragar

**Cc:** Hales, Mayor; Commissioner Fish; Commissioner Novick; Commissioner Saltzman; Moore-Love, Karla; Esau, Rebecca; Scarlett, Paul; Frugoli, Sheila; Beaumont, Kathryn

**Subject:** RE: [Approved Sender] Re: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Dear Tracy, Jennifer and Karl,

Thank you for your messages requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request.

As you know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Tracy J. Prince, Ph.D. [<mailto:tprince@pdx.edu>]

**Sent:** Friday, September 05, 2014 11:34 AM

**To:** Commissioner Fritz

**Cc:** Moore-Love, Karla

**Subject:** [Approved Sender] Re: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

Thank you for getting back to me so quickly and giving me your perspectives. Members of our group have looked into the question of City Council's requirement to respond in a timely manner.

As it turns out, applicant Mill Creek Residential Trust LLC, when submitting their January 15th, 2014 application, submitted a waiver of their right to a decision by the City within 120 days. Furthermore, in their February 4th, 2014 letter rejecting the original application, BDS stated that the 120-day review period does not apply to CP CZ (Comprehensive Plan) submissions and typically takes at least 6 months from the time the application is deemed complete. Notwithstanding the above, the Portland City Code 33.730.040 states that quasi-judicial land use reviews such as Comprehensive Plan Map amendments are not subject to the 120 day rule for decision making. We have found nothing to suggest that the City is obliged to respond before a given period, failing which the submission would be deemed to be approved.

Perhaps the City attorney could clarify these points for all interested parties.

We hope that you will advocate for a postponement beyond October 1st to allow the neighborhood to express their collective position on Block 7, including whether they believe the project better meets the Comprehensive Plan goals and policies under the existing RH zone than under the proposed CX zone.

Thanks,

Tracy Prince

with Kal Toth, Dale Cardin, Jerry Powell, Karl Reer, Mark Velky, Roger Leachman, and Constance Kirk

On Tue, Sep 2, 2014 at 2:25 PM, Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)> wrote:

Dear Tracy,

Thank you for your message. Since this is a quasi-judicial matter, I am not allowed to discuss it outside of the public hearing process. The applicant holds the key to the timing, since the review must be completed under the state-mandated timeframe. If the applicant does not grant an extension and the Council fails to act within the timeframe, the application is deemed approved.

Neither the number of signatures on a petition nor the position of the Neighborhood Association are factors that may be considered in Council's decision. We are required to make the choice based on whether or not the Approval Criteria are met. Arguments in favor or in opposition should reference the Approval Criteria, which are noted in the notice of the hearing.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Tracy J. Prince, Ph.D. [mailto:[tprince@pdx.edu](mailto:tprince@pdx.edu)]

**Sent:** Tuesday, September 02, 2014 1:31 PM

**To:** Commissioner Fritz

**Subject:** Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

We residents of Goose Hollow have collected signatures for a vote of the membership (rather than a vote of the board) on the MAC's proposed zone change on Block 7. We've collected 114 signatures (only 65 --10%--were required under our bylaws). This meeting will be held October 8. The vote at this meeting will show the outrage residents have felt over the MAC's proposed zone change and over the GHFL board ignoring the majority opinion. We petition City Council to delay a vote on Block

7 until after this GHFL membership vote is held.

For at least two decades in the Goose Hollow Foothills League (GHFL) the board has been largely occupied by business owners and managers of institutions (MAC, Lincoln High School, the Timbers, etc) who do not live in Goose Hollow, with most living in the suburbs. Their suburban voting tendency was exhibited most clearly in the recent vote taken by the board not to object to the MAC's request for a zone change on Block 7. They took this vote despite 8 months of meetings packed with angry residents who objected to this zone change. In meeting after meeting, over 95% of attendees objected to this zone change. The committee tasked with researching the history of MAC agreements, zoning, etc on Block 7 voted overwhelmingly to reject the requested zone change. Yet the GHFL board stuck to its usual suburban way of thinking and voted not to object to the zone change.

Their behavior has been so obviously pro-developer (regardless of residential opinion) that residents are furious. We've formed Friends of Goose Hollow to counter this behavior and have raised enough money to fight the MAC's efforts to request a zone change for many years. As I detailed in my op-ed on the topic,

[http://www.oregonlive.com/opinion/index.ssf/2014/05/portland should reject athleti.html](http://www.oregonlive.com/opinion/index.ssf/2014/05/portland_should_reject_athleti.html)

there are many years of history of the MAC committing (in front of City Council) to never change the zoning on Block 7. We will hold them to that promise even though they are hoping that the neighborhood has forgotten. We haven't.

We petition City Council to delay the vote on the MAC's requested rezoning until a vote of the GHFL membership has occurred.

Sincerely,

Tracy Prince  
[503-475-6080](tel:503-475-6080)

--

Tracy J. Prince, Ph.D.  
Scholar in Residence  
Portland State University  
Portland Center for Public Humanities

<http://www.pdx.edu/public-humanities/profile/tracy-j-prince>

--

Tracy J. Prince, Ph.D.  
Scholar in Residence  
Portland State University  
Portland Center for Public Humanities  
<http://www.pdx.edu/public-humanities/profile/tracy-j-prince>

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Thursday, September 11, 2014 1:57 PM  
**To:** 'Jacques Grant'; Hales, Mayor  
**Cc:** Hales, Mayor; Moore-Love, Karla  
**Subject:** RE: Council hearing re. Block 7! Oct 1 Hearing

Dear Jacques,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you likely know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Jacques Grant [mailto:[hollywoodlights@gmail.com](mailto:hollywoodlights@gmail.com)]  
**Sent:** Thursday, September 11, 2014 11:48 AM  
**To:** Hales, Mayor  
**Cc:** Commissioner Fritz  
**Subject:** Council hearing re. Block 7! Oct 1 Hearing

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

I ask you to postpone the Oct 1<sup>st</sup> City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

GHFL Block 7 Committee voted overwhelming to oppose the zone change.

Neighborhood testimony was suppressed by a lottery process.

The GHFL Board was not able to achieve consensus or make a recommendation.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Thursday, September 11, 2014 1:58 PM  
**To:** 'Lynn Connor'; Hales, Mayor; Commissioner Fish; Commissioner Saltzman; Novick, Steve  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Please postpone City Council Hearing of Oct. 1st, 2014 regarding LU 14-1054474

Dear Lynn,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you likely know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Lynn Connor [mailto:[lynnbconnor@yahoo.com](mailto:lynnbconnor@yahoo.com)]  
**Sent:** Thursday, September 11, 2014 11:19 AM  
**To:** Hales, Mayor; Commissioner Fish; Commissioner Saltzman; Commissioner Fritz; Novick, Steve  
**Subject:** Please postpone City Council Hearing of Oct. 1st, 2014 regarding LU 14-1054474

Please postpone City Council Hearing of Oct. 1st, 2014 to allow a democratic process to occur.

Reference: LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC,

partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1st City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

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Neighborhood testimony was suppressed by a lottery process.

The GHFL Board was not able to achieve consensus or make a recommendation.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8th meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Sincerely,

Lynn Connor

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Thursday, September 11, 2014 10:59 AM  
**To:** Shoshkes Ellen  
**Cc:** Moore-Love, Karla; Frugoli, Sheila  
**Subject:** RE: Please postpone City Council Hearing of Oct. 1st, 2014 to allow a democratic process to occur.

Dear Ellen,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you likely know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Shoshkes Ellen [mailto:[eshoshkes@icloud.com](mailto:eshoshkes@icloud.com)]  
**Sent:** Thursday, September 11, 2014 10:57 AM  
**To:** Commissioner Fritz  
**Subject:** Please postpone City Council Hearing of Oct. 1st, 2014 to allow a democratic process to occur.

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

GHFL Block 7 Committee voted overwhelming to oppose the zone change. Neighborhood testimony was suppressed by a lottery process. The GHFL Board was not able to achieve consensus or make a recommendation. Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Ellen Shoshkes

\*\*\*\*\*

Ellen Shoshkes Ph.D.  
Adjunct Associate Professor of Urban Studies and Planning  
Portland State University  
Author of — Jaqueline Tyrwhitt: A Transnational Life in Urban Planning and Design  
([www.ashgate.com/isbn/9781409417781](http://www.ashgate.com/isbn/9781409417781))

**Moore-Love, Karla**

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**From:** Commissioner Fritz  
**Sent:** Friday, September 12, 2014 9:59 AM  
**To:** 'Mark Velky'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Oct. 1st City Council Hearing On Block 7

Dear Mark,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Mark Velky [mailto:dmc.lotus@yahoo.com]  
**Sent:** Friday, September 12, 2014 9:46 AM  
**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** Oct. 1st City Council Hearing On Block 7

The Honorable Mayor Charlie Hales and Members of the City Council

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

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The GHFL Board was not able to achieve consensus or make a recommendation.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Thank You  
Mark Velky

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Friday, September 12, 2014 10:13 AM  
**To:** 'Marilyn Weber'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: City Council Hearing 10/1/14

Dear Marilyn,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

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Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Marilyn Weber [mailto:schatzimlw@gmail.com]  
**Sent:** Thursday, September 11, 2014 9:53 PM  
**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** City Council Hearing 10/1/14

re: LU 14-1054474 CP ZC. Pre-App #13-142602 submitted by Mill Creek Residential Trust LLC/ MAClub

Dear Representatives of the People:

I am a resident and homeowner of Goose Hollow and am asking you to postpone the City Council Hearing addressing Mill Creek's request for a zone change and comprehensive amendment of the King's Hill addition to the City. I am a member of the Goose Hollow Foothills League and wish to participate in this decision. A special membership meeting to vote on the zone change cannot be held until 10/8.

Please consider the GHFL Block 7 Planning Committee voted overwhelmingly to oppose zone change. The neighborhood testimony was suppressed by a lottery process. The Board could not reach a recommendation on this issue. Over 110 GHFL members, 17% of the membership, signed the petition asking for the 10/8 meeting.

PLEASE DELAY THE OCTOBER 1 HEARING TO ALLOW A DEMOCRATIC PROCESS TO OCCUR.

Thank you for your consideration.

Sincerely,

Marilyn Weber  
1132 SW 19th Avenue #805  
Portland, OR 97205

**Moore-Love, Karla**

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**From:** Commissioner Fritz  
**Sent:** Friday, September 12, 2014 10:17 AM  
**To:** 'neil cooper'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: ghfl

Dear Neil,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

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Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** neil cooper [mailto:cooperconnell@hevanet.com]  
**Sent:** Thursday, September 11, 2014 7:28 PM  
**To:** Commissioner Fritz  
**Subject:** ghfl

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

GHFL Block 7 Committee voted overwhelming to oppose the zone change.

Neighborhood testimony was suppressed by a lottery process.

The GHFL Board was not able to achieve consensus or make a recommendation.

Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

## Moore-Love, Karla

---

**From:** Commissioner Fritz  
**Sent:** Friday, September 12, 2014 10:17 AM  
**To:** 'Constance Kirk'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Public Hearing Delay of Block 7 rezoning. Please postpone the City Council Hearing of Oct. 1st, 2014

Dear Constance,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

Accordingly, please plan on participating in the hearing at 2 p.m. on October 1, and encourage neighbors to address the Approval Criteria in their comments.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Constance Kirk [mailto:conniekirk@me.com]  
**Sent:** Thursday, September 11, 2014 5:26 PM  
**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** RE: Public Hearing Delay of Block 7 rezoning. Please postpone the City Council Hearing of Oct. 1st, 2014

**Dear Mayor Hales and Members of the City Council:**

**Please postpone the City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

As a Goose Hollow resident, I ask you to postpone the Oct 1<sup>st</sup> City Council hearing considering Mill Creek's request for a zone change and amendment to the City's Comprehensive Plan. Because of notice requirements, it was not possible to schedule a special membership meeting of the GHFL to vote on the proposed zone earlier than October 8th, only a week after City Council meets. Consider the following:

- GHFL Block 7 Committee voted overwhelming to oppose the zone change.
- Neighborhood testimony was suppressed by a lottery process.
- The GHFL Board was not able to achieve consensus or make a recommendation.
- Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Respectfully submitted,

Constance Kirk

Constance E. Kirk  
1132 SW 19th Avenue, #304  
Portland, OR 97205  
Cell: (646) 245-1295

## Moore-Love, Karla

---

**From:** Commissioner Fritz  
**Sent:** Friday, September 12, 2014 10:34 AM  
**To:** 'karl reer'  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Request Delay of OOctober 1st Hearing re Zone Change of Block 7

Dear Karl,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you may know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

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Amanda Fritz  
Commissioner, City of Portland

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**From:** karl reer [mailto:karlreer@gmail.com]  
**Sent:** Wednesday, September 10, 2014 5:48 PM  
**To:** Hales, Mayor  
**Cc:** Commissioner Fritz; Commissioner Fish; Steve.Novick@portlandregon.gov; Commissioner Saltzman  
**Subject:** Request Delay of OOctober 1st Hearing re Zone Change of Block 7

Dear Mayor Hales and Members of the City Council,

As a resident of Goose Hollow and a member of the Goose Hollow Foothills League, I respectfully urge that you delay the October 1st scheduled hearing addressing the Mill Creek/Multnomah Athletic Club's request for a Zone Change of Block 7, in Goose Hollow, until after October 8th - when a Special Membership Meeting of the GHFL Members will permit the many neighbors opposed to this proposal to voice their opposition to the project.

We are well aware that this proposed Zone Change violates a promise previously made by the MAC to Goose Hollow and to the City Council. A brief delay in the scheduled hearing will permit neighborhood views to be registered - and will not cause an undue delay in the process. Please delay the October 1st Hearing.

Karl Reer  
1132 SW 19th Avenue  
Portland OR 97205  
503 333-7068

## Moore-Love, Karla

---

**From:** Commissioner Fritz  
**Sent:** Thursday, September 11, 2014 10:59 AM  
**To:** Shoshkes Ellen  
**Cc:** Moore-Love, Karla; Frugoli, Sheila  
**Subject:** RE: Please postpone City Council Hearing of Oct. 1st, 2014 to allow a democratic process to occur.

Dear Ellen,

Thank you for your message requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request and that of other neighbors.

As you likely know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

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Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Shoshkes Ellen [mailto:[eshoshkes@icloud.com](mailto:eshoshkes@icloud.com)]  
**Sent:** Thursday, September 11, 2014 10:57 AM  
**To:** Commissioner Fritz  
**Subject:** Please postpone City Council Hearing of Oct. 1st, 2014 to allow a democratic process to occur.

**Please postpone City Council Hearing of Oct. 1<sup>st</sup>, 2014 to allow a democratic process to occur.**

**Reference:** LU 14-1054474 CP ZC, Pre-App: #13-142602 submitted by Mill Creek Residential Trust LLC, partnered with the Multnomah Athletic Club, to City of Portland

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The GHFL Board was not able to achieve consensus or make a recommendation.  
Over 110 GHFL members, 17% of the GHFL membership, signed the petition asking for the October 8<sup>th</sup> meeting which exceeded the 10% required by GHFL bylaws and 5% required by Oregon state law governing non-profits.

Ellen Shoshkes

\*\*\*\*\*

Ellen Shoshkes Ph.D.  
Adjunct Associate Professor of Urban Studies and Planning  
Portland State University  
Author of — Jaqueline Tyrwhitt: A Transnational Life in Urban Planning and Design  
([www.ashgate.com/isbn/9781409417781](http://www.ashgate.com/isbn/9781409417781))

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Thursday, September 11, 2014 10:05 AM  
**To:** Tracy J. Prince, Ph.D.; karl reer; Jennifer Bragar  
**Cc:** Hales, Mayor; Commissioner Fish; Commissioner Novick; Commissioner Saltzman; Moore-Love, Karla; Esau, Rebecca; Scarlett, Paul; Frugoli, Sheila; Beaumont, Kathryn  
**Subject:** RE: [Approved Sender] Re: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Dear Tracy, Jennifer and Karl,

Thank you for your messages requesting postponement of the Council hearing on the proposed rezoning of Block 7 application of the Multnomah Athletic Club. I appreciate your commitment to broad public participation in land use reviews. As the Commissioner in Charge of the Bureau of Development Services, I am coordinating the City's response to your request.

As you know, the Council must make the decision on whether to approve or deny the request based on the Approval Criteria. The level of support or opposition by neighbors is not part of the Approval Criteria. I believe it would help the Council understand the application's pros and cons to hold the initial hearing as currently scheduled. If Council is convinced by testimony that allowing additional time would enable neighbors or the applicant to address the Approval Criteria more fully, we can decide after testimony to continue the hearing, or to hold the record open.

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Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Tracy J. Prince, Ph.D. [mailto:tprince@pdx.edu]  
**Sent:** Friday, September 05, 2014 11:34 AM  
**To:** Commissioner Fritz  
**Cc:** Moore-Love, Karla  
**Subject:** [Approved Sender] Re: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

Thank you for getting back to me so quickly and giving me your perspectives. Members of our group have looked into the question of City Council's requirement to respond in a timely manner.

As it turns out, applicant Mill Creek Residential Trust LLC, when submitting their January 15th, 2014 application, submitted a waiver of their right to a decision by the City within 120 days. Furthermore, in their February 4th, 2014 letter rejecting the original application, BDS stated that the 120-day review period does not apply to CP CZ (Comprehensive Plan) submissions and typically takes at least 6 months from the time the application is deemed complete. Notwithstanding the above, the Portland City Code 33.730.040 states that quasi-judicial land use reviews such as Comprehensive Plan Map amendments are not subject to the 120 day rule for decision making. We have found nothing to suggest that the City is obliged to respond before a given period, failing which the submission would be deemed to be approved.

Perhaps the City attorney could clarify these points for all interested parties.

We hope that you will advocate for a postponement beyond October 1st to allow the neighborhood to express their collective position on Block 7, including whether they believe the project better meets the Comprehensive Plan goals and policies under the existing RH zone than under the proposed CX zone.

Thanks,

Tracy Prince

with Kal Toth, Dale Cardin, Jerry Powell, Karl Reer, Mark Velky, Roger Leachman, and Constance Kirk

On Tue, Sep 2, 2014 at 2:25 PM, Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)> wrote:

Dear Tracy,

Thank you for your message. Since this is a quasi-judicial matter, I am not allowed to discuss it outside of the public hearing process. The applicant holds the key to the timing, since the review must be completed under the state-mandated timeframe. If the applicant does not grant an extension and the Council fails to act within the timeframe, the application is deemed approved.

Neither the number of signatures on a petition nor the position of the Neighborhood Association are factors that may be considered in Council's decision. We are required to make the choice based on whether or not the Approval Criteria are met. Arguments in favor or in opposition should reference the Approval Criteria, which are noted in the notice of the hearing.

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Commissioner, City of Portland

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**From:** Tracy J. Prince, Ph.D. [mailto:[tprince@pdx.edu](mailto:tprince@pdx.edu)]

**Sent:** Tuesday, September 02, 2014 1:31 PM

**To:** Commissioner Fritz

**Subject:** Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

We residents of Goose Hollow have collected signatures for a vote of the membership (rather than a vote of the board) on the MAC's proposed zone change on Block 7. We've collected 114 signatures (only 65 --10%--were required under our bylaws). This meeting will be held October 8. The vote at this meeting will show the outrage residents have felt over the MAC's proposed zone change and over the GHFL board ignoring the majority opinion. We petition City Council to delay a vote on Block 7 until after this GHFL membership vote is held.

For at least two decades in the Goose Hollow Foothills League (GHFL) the board has been largely occupied by business owners and managers of institutions (MAC, Lincoln High School, the Timbers, etc) who do not live in Goose Hollow, with most living in the suburbs. Their suburban voting tendency was exhibited most clearly in the recent vote taken by the board not to object to the MAC's request for a zone change on Block 7. They took this vote despite 8 months of meetings packed with angry residents who objected to this zone change. In meeting after meeting, over 95% of attendees objected to this zone change. The committee tasked with researching the history of MAC agreements, zoning, etc on Block 7 voted overwhelmingly to reject the requested zone change. Yet the GHFL board stuck to its usual suburban way of thinking and voted not to object to the zone change.

Their behavior has been so obviously pro-developer (regardless of residential opinion) that residents are furious. We've formed Friends of Goose Hollow to counter this behavior and have raised enough money to fight the MAC's efforts to request a zone change for many years. As I detailed in my op-ed on the topic,

[http://www.oregonlive.com/opinion/index.ssf/2014/05/portland\\_should\\_reject\\_athleti.html](http://www.oregonlive.com/opinion/index.ssf/2014/05/portland_should_reject_athleti.html)

there are many years of history of the MAC committing (in front of City Council) to never change the

zoning on Block 7. We will hold them to that promise even though they are hoping that the neighborhood has forgotten. We haven't.

We petition City Council to delay the vote on the MAC's requested rezoning until a vote of the GHFL membership has occurred.

Sincerely,

Tracy Prince  
503-475-6080

--

Tracy J. Prince, Ph.D.  
Scholar in Residence  
Portland State University  
Portland Center for Public Humanities

<http://www.pdx.edu/public-humanities/profile/tracy-j-prince>

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## Moore-Love, Karla

---

**From:** Tracy J. Prince, Ph.D. <tprince@pdx.edu>  
**Sent:** Friday, September 05, 2014 11:34 AM  
**To:** Commissioner Fritz  
**Cc:** Moore-Love, Karla  
**Subject:** [Approved Sender] Re: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

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Amanda

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Commissioner, City of Portland

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**From:** Tracy J. Prince, Ph.D. [mailto:[tprince@pdx.edu](mailto:tprince@pdx.edu)]

**Sent:** Tuesday, September 02, 2014 1:31 PM

**To:** Commissioner Fritz

**Subject:** Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

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agreements, zoning, etc on Block 7 voted overwhelmingly to reject the requested zone change. Yet the GHFL board stuck to its usual suburban way of thinking and voted not to object to the zone change.

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503-475-6080

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## Moore-Love, Karla

---

**From:** Commissioner Fritz  
**Sent:** Tuesday, September 02, 2014 2:25 PM  
**To:** Tracy J. Prince, Ph.D.  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Request to delay City Council vote on MAC's petition to change zoning on Block 7

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**From:** Tracy J. Prince, Ph.D. [mailto:tprince@pdx.edu]  
**Sent:** Tuesday, September 02, 2014 1:31 PM  
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Tracy Prince  
503-475-6080

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Scholar in Residence  
Portland State University  
Portland Center for Public Humanities  
<http://www.pdx.edu/public-humanities/profile/tracy-j-prince>

## Moore-Love, Karla

---

**From:** Commissioner Fritz  
**Sent:** Friday, August 29, 2014 9:59 AM  
**To:** Steve Witten  
**Cc:** Moore-Love, Karla; Bizeau, Tom  
**Subject:** RE: Mill Creek-MAC joint venture aka "Block 7"

Dear Steve,

Thank you for your comments. Since the matter will be before Council in a situation where we act as judges to make the decision, I am not allowed to discuss the points you raise, however I will keep them in mind during the public hearing. I appreciate you taking the time to send in your advice.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Steve Witten [mailto:stevewi@niteflyte.net]  
**Sent:** Wednesday, August 27, 2014 11:12 AM  
**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** Mill Creek-MAC joint venture aka "Block 7"

Mayor Hales and Commissioners —

I am writing to you today in SUPPORT of File No.:

LU 14-105474 CP ZC  
H04140008

I realize that I am in the distinct minority in Goose Hollow but most of my neighbors are overlooking some pertinent facts:

- Block 7 is privately-owned, undeveloped property and NOT any kind of designated "green space." The MAC club has the right to develop the property as they see fit within City-established ordinances. In my opinion, the current proposal for Block 7 meets those criteria (the caveat here being that I'm certainly no expert on City-established ordinances...this is why God created lawyers).

- The opposition groups state that the development proposed on Block 7 would destroy the historic nature of Goose Hollow. In this regard, I find it odd most of the members of these groups (certainly the most vocal ones) live in Kings Hill or on Vista Ridge — nowhere near Block 7. I live one block away and walk by the site every day.

- What the opposition groups don't realize is that the Block 7 site is nothing more than a somewhat nicely-landscaped homeless camp and doggy toilet. I'll bet none of the opposition have stepped in dog feces, picked up dirty needles or been startled by a person exiting the bushes fresh from communing with nature there! A recent conversation with a friendly PPB patrol officer at the neighborhood Starbucks confirms that my experiences that my experiences are not unique.

- The seismic and mudslide study claims are basically junk science. I'm not a scientist (I am an engineer, however) and even I can see that. If the opposition wants to use these claims to oppose Block 7, they should commission reputable, professional seismic and mudslide experts to study the problem and report their findings. To date, I've not seen any reputable or professional studies or reports in this regard.

In my opinion, anything that will get rid of the Block 7 homeless camp and the dirty needles will be an improvement. However, there are some things the City can do on behalf of Goose Hollow residents extract changes in MAC club behavior in exchange for approving their request for rezoning Block 7...especially in the management of it's existing parking facilities (most of the traffic in Goose Hollow during the evening commute is related to the MAC club or the SW Jefferson St. entrance to HWY 26 W):

- The MAC club should charge for parking...period.
- The pedestrian crossing on Salmon St just west of 18th needs to be decommissioned in favor of the existing sky bridge. Pedestrians in this crosswalk create large traffic back ups on Salmon St. there.
- There should be some kind of traffic control placed at the entrance to the MAC parking garage on SW 20th...perhaps right-turn only for entry and exit to the garage. Left-turners trying to enter and exit the garage create large backups on 20th in both directions (this entrance is between two 4-way stops — if the entrance/exit to the MAC club garage were right-turn only, the 4-way stop at Madison and 20th could probably be eliminated).
- The MAC should put real programs in place with quantifiable and measurable results to get their members and guests to relinquish their cars for visits there...especially during the evening commute hours. Failure to meet goals established by these programs should result in some kind of City-imposed sanction. To date all I've heard from them on this subject is vacuity and obfuscation.

The MAC club is not going anywhere despite all it's (bogus) protestations about the aging of it's patrons, etc. The truth is that they have not been very good neighbors recently and the whole Block 7 imbroglio has made matters worse. It's time for the City to broker and enforce a peace. Approving to the zoning change for Block 7 is just the bargaining chip the City needs to do that.

Thank you very much for your consideration of my views on this matter.

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=====  
Steve Witten      stevewi@niteflyte.net  
1234 SW 18th Ave. #309  
Portland, OR 97205

## Moore-Love, Karla

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**From:** Commissioner Fritz  
**Sent:** Tuesday, September 02, 2014 2:25 PM  
**To:** Tracy J. Prince, Ph.D.  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Request to delay City Council vote on MAC's petition to change zoning on Block 7

Dear Tracy,

Thank you for your message. Since this is a quasi-judicial matter, I am not allowed to discuss it outside of the public hearing process. The applicant holds the key to the timing, since the review must be completed under the state-mandated timeframe. If the applicant does not grant an extension and the Council fails to act within the timeframe, the application is deemed approved.

Neither the number of signatures on a petition nor the position of the Neighborhood Association are factors that may be considered in Council's decision. We are required to make the choice based on whether or not the Approval Criteria are met. Arguments in favor or in opposition should reference the Approval Criteria, which are noted in the notice of the hearing.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Tracy J. Prince, Ph.D. [mailto:tprince@pdx.edu]  
**Sent:** Tuesday, September 02, 2014 1:31 PM  
**To:** Commissioner Fritz  
**Subject:** Request to delay City Council vote on MAC's petition to change zoning on Block 7

Hi Amanda,

We residents of Goose Hollow have collected signatures for a vote of the membership (rather than a vote of the board) on the MAC's proposed zone change on Block 7. We've collected 114 signatures (only 65 --10%--were required under our bylaws). This meeting will be held October 8. The vote at this meeting will show the outrage residents have felt over the MAC's proposed zone change and over the GHFL board ignoring the majority opinion. We petition City Council to delay a vote on Block 7 until after this GHFL membership vote is held.

For at least two decades in the Goose Hollow Foothills League (GHFL) the board has been largely occupied by business owners and managers of institutions (MAC, Lincoln High School, the Timbers, etc) who do not live in Goose Hollow, with most living in the suburbs. Their suburban voting tendency was exhibited most clearly in the recent vote taken by the board not to object to the MAC's request for a zone change on Block 7. They took this vote despite 8 months of meetings packed with angry residents who objected to this zone change. In meeting after meeting, over 95% of attendees objected to this zone change. The committee tasked with researching the history of MAC agreements, zoning, etc on Block 7 voted overwhelmingly to reject the requested zone change. Yet the GHFL board stuck to its usual suburban way of thinking and voted not to object to the zone change.

Their behavior has been so obviously pro-developer (regardless of residential opinion) that residents are furious. We've formed Friends of Goose Hollow to counter this behavior and have raised enough money to fight the MAC's efforts to request a zone change for many years. As I detailed in my op-ed on the topic, [http://www.oregonlive.com/opinion/index.ssf/2014/05/portland\\_should\\_reject\\_athleti.html](http://www.oregonlive.com/opinion/index.ssf/2014/05/portland_should_reject_athleti.html) there are many years of history of the MAC committing (in front of City Council) to never change the zoning on Block 7. We will hold them to that promise even though they are hoping that the neighborhood has forgotten. We haven't.

We petition City Council to delay the vote on the MAC's requested rezoning until a vote of the GHFL membership has occurred.

Sincerely,

Tracy Prince  
503-475-6080

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Tracy J. Prince, Ph.D.  
Scholar in Residence  
Portland State University  
Portland Center for Public Humanities  
<http://www.pdx.edu/public-humanities/profile/tracy-j-prince>

## Moore-Love, Karla

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**From:** Hardy, Douglas  
**Sent:** Wednesday, August 13, 2014 11:33 AM  
**To:** Moore-Love, Karla  
**Cc:** Frugoli, Sheila  
**Subject:** FW: Oppose re-zoning of Block 7 (LU 14-105474 CP ZC)

Karla,

Here is one more e-mail that should be included as correspondence in the above-referenced land use review case file, which is scheduled to be heard by City Council on October 1 at 2 pm.

Thanks.

Douglas

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

**From:** Marilyn Weber [mailto:schatzimlw@gmail.com]  
**Sent:** Saturday, June 21, 2014 9:41 AM  
**To:** Hales, Mayor  
**Subject:** Oppose re-zoning of Block 7

Dear Mayor Hales:

My husband and I made a cross country move from NY ten years ago this month to buy a new home at The Legends condominium where we found the area to be quiet, friendly and conducive to retirement enjoyment. We are surrounded by flowering trees, blooming plants/flowers, historic homes and within walking distance to downtown shops, restaurants and culture. We see neighbors chatting on the streets; owners with happy dogs chasing the ball; elderly people who are still able to get out, some with walkers. Rarely do I see a police car cruising around because we are in a good, safe neighborhood.

All this is about to change IF the proposed re-zoning by MAC and Mill Creek were to go through. It would clear the way for a big box building extending to the sidewalks to be built which would totally destroy the charm, ambience and livability of the Goose Hollow neighborhood as we know it now ....more noise, increased traffic, more air pollution and blights which plague many cities.

Portland has had increased traffic congestion over the last year, 26.1 hours were wasted on average idle in traffic. Of the "50 Worst Traffic Cities in the U.S." Portland is cited as #13; LA is 1st; San Fran, 3rd and NYC 5th.

At the moment three new building projects are being constructed, all within a south view from my balcony.

Please help us save our precious neighborhood which we are so proud to be a part of. What we have now will be forever gone if the zoning is changed to CX.

Thank you for your consideration.

Hopefully yours,

Marilyn Weber  
1132 SW 19th Ave. #805  
Portland, OR 97205

## Moore-Love, Karla

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**From:** Hardy, Douglas  
**Sent:** Wednesday, August 13, 2014 10:22 AM  
**To:** Moore-Love, Karla  
**Subject:** FW: oppose block 7 zone change (LU 14-105474 CP ZC)

Karla,

The e-mail below should be included as correspondence in the above-referenced land use review case file which is scheduled to be heard by City Council on October 1 at 2 pm.

Thanks.

Douglas

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**From:** Guido/Ofiara family [<mailto:cofiara@qwest.net>]  
**Sent:** Sunday, June 22, 2014 10:52 AM  
**To:** Hales, Mayor  
**Subject:** oppose block 7 zone change

Dear Mayor Hales,

We own property in Goose Hollow and are opposed to the MAC/Millcreek zone change request for block 7 and request your support in refusing this request.

The MAC seeks to expand their parking onto block 7 for the private use of their members. Years ago they exchanged a promise to not do this if allowed to build their current huge parking structure. Now they are back with a request to change the rules in their favor in order to continue expansion of their use further into the residential portion of this mixed use neighborhood.

The MAC is an exclusive club and their current administration is deaf to the requests of the residents of Goose Hollow to develop their property in a manner that is in keeping with the master plan for development in the neighborhood.

Please maintain the balance of residential and commercial use in this critical inner city neighborhood and decline this request by a private and exclusive club that does not represent the best interests of the City of Portland or the neighborhood of Goose Hollow.

Sincerely,

Carolyn Ofiara and Annette Guido  
1132 SW 19th  
Portland, OR 97205

## Moore-Love, Karla

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Sunday, June 22, 2014 8:31 PM  
**To:** Pam Pittman  
**Cc:** Moore-Love, Karla  
**Subject:** RE: NO Block 7 Rezoning please

Dear Pamela,

Thank you for your message. Since this involves a quasi-judicial process in which the Council will act as final decision-makers except for any challenge to the Land Use Board of Appeals, I am not allowed to comment on the content of your request outside of the public hearings process. I am copying the Council Clerk so your comments are part of the official record for the case. The Council must vote based on whether the application meets the Approval Criteria specified in the Code, rather than on whether the proposal is popular or not. I appreciate your participation in the review of the application.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Pam Pittman [mailto:PPittman@forkliftsamerica.com]  
**Sent:** Tuesday, May 20, 2014 8:03 PM  
**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** NO Block 7 Rezoning please

**Please please please .....NO Block 7 Rezoning.**

I live in a small 625 Sq. ft. condo across from this block. It would be so awful to take a peacefulness of my little home away from me.

Regards,

Pamela Pittman  
503-422-3887  
1132 SW 19th Avenue, #609  
Portland, OR 97205  
The Legends Condominium

## Moore-Love, Karla

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Sunday, June 22, 2014 8:30 PM  
**To:** Elizabeth Cooksey  
**Cc:** Moore-Love, Karla  
**Subject:** RE: No Block 7 rezoning

Dear Liz,

Thank you for your message. Since this involves a quasi-judicial process in which the Council will act as final decision-makers except for any challenge to the Land Use Board of Appeals, I am not allowed to comment on the content of your request outside of the public hearings process. I am copying the Council Clerk so your comments are part of the official record for the case. The Council must vote based on whether the application meets the Approval Criteria specified in the Code, rather than on whether the proposal is popular or not. I appreciate your participation in the review of the application.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Elizabeth Cooksey [mailto:cookseyelizabeth@gmail.com]  
**Sent:** Monday, May 19, 2014 1:49 PM  
**To:** Commissioner Fritz  
**Subject:** No Block 7 rezoning

Dear Commissioner Fritz,

Please do not allow the rezoning of Block 7 from residential to commercial. Thank you --

Liz Cooksey  
1132 SW 19th #607

## Moore-Love, Karla

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Sunday, June 22, 2014 8:29 PM  
**To:** Marilyn Weber  
**Cc:** Moore-Love, Karla  
**Subject:** RE: No Block 7 Rezoning

Dear Marilyn,

Thank you for your message, and your past support. Since this involves a quasi-judicial process in which the Council will act as final decision-makers except for any challenge to the Land Use Board of Appeals, I am not allowed to comment on the content of your request outside of the public hearings process. I am copying the Council Clerk so your comments are part of the official record for the case. I appreciate your participation in the review of the application.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Marilyn Weber [mailto:schatzimlw@gmail.com]  
**Sent:** Monday, May 19, 2014 9:14 PM  
**To:** Commissioner Fritz  
**Subject:** No Block 7 Rezoning

TO: Amanda Fritz

I vigorously oppose the rezoning from RH to CX and hope you will oppose it too and support the Friends of Goose Hollow ([www.fogh.pdx.com](http://www.fogh.pdx.com)) thus preserving mature trees, bushes, flowers and birds in our beautiful neighborhood in the Historic District.

Thank you.

Marilyn Weber  
1132 SW 19th Ave. #805  
PD, OR 97205

P.S. I voted for you.

## Moore-Love, Karla

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Sunday, June 22, 2014 8:28 PM  
**To:** Alan Willis  
**Cc:** Moore-Love, Karla  
**Subject:** RE: No Block 7 rezoning

Dear Alan,

Thank you for your message. Since this involves a quasi-judicial process in which the Council will act as final decision-makers except for any challenge to the Land Use Board of Appeals, I am not allowed to comment on the content of your request outside of the public hearings process. I am copying the Council Clerk so your comments are part of the official record for the case. I appreciate your participation in the review of the application.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Alan Willis [mailto:brotheral73@comcast.net]  
**Sent:** Monday, June 09, 2014 2:52 PM  
**To:** Hales, Mayor; Commissioner Fritz; Commissioner Fish; Novick, Steve; Commissioner Saltzman  
**Subject:** No Block 7 rezoning

Mayor Hales and members of the Portland City Council:

Although I was out of town when the May 21<sup>st</sup> hearing on Block 7 occurred, I wish to add my voice to those of others opposing the MAAC's proposed zone change on that now-vacant block across from Legends Condominiums, where I have made my home for the past ten years. Block 7 may not stay vacant forever, but its development should be limited to the residential purposes for which the property is now zoned. Please vote "NO" on Block 7 rezoning.

Thank you.

Alan Willis  
1132 SW 19<sup>th</sup> Ave. Unit 801  
Portland, OR 97205

## Moore-Love, Karla

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Sunday, June 22, 2014 8:24 PM  
**To:** Guido/Ofiara family  
**Cc:** Moore-Love, Karla  
**Subject:** RE: oppose block 7 rezone

Thank you for your message. Since this involves a quasi-judicial process in which the Council will act as final decision-makers except for any challenge to the Land Use Board of Appeals, I am not allowed to comment on the content of your request outside of the public hearings process. I am copying the Council Clerk so your comments are part of the official record for the case. I appreciate your participation in the review of the application.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Guido/Ofiara family [mailto:cofiara@qwest.net]  
**Sent:** Sunday, June 22, 2014 10:45 AM  
**To:** Commissioner Fritz  
**Subject:** oppose block 7 rezone

Dear Commissioner Fritz,

We own property in Goose Hollow and are opposed to the MAC/Millcreek zone change request for block 7 and request your support in refusing this request.

The MAC seeks to expand their parking onto block 7 for the private use of their members. Years ago they exchanged a promise to not do this if allowed to build their current huge parking structure. Now they are back with a request to change the rules in their favor in order to continue expansion of their use further into the residential portion of this mixed use neighborhood.

The MAC is an exclusive club and their current administration is deaf to the requests of the residents of Goose Hollow to develop their property in a manner that is in keeping with the master plan for development in the neighborhood.

Please maintain the balance of residential and commercial use in this critical inner city neighborhood and decline this request by a private and exclusive club that does not represent the best interests of the City of Portland or the neighborhood of Goose Hollow.

Sincerely,

Carolyn Ofiara and Annette Guido  
1132 SW 19th  
Portland, OR 97205

## Parsons, Susan

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Tuesday, May 27, 2014 10:09 PM  
**To:** Leslie Cagle  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Block 7

Thank you for your message. Since consideration of the Multnomah Athletic Club's application is a quasi-judicial process, I am not allowed to comment outside of the public hearing process. I appreciate your input.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Leslie Cagle [mailto:[lacagle@comcast.net](mailto:lacagle@comcast.net)]  
**Sent:** Tuesday, May 20, 2014 6:40 PM  
**To:** Commissioner Fritz  
**Subject:** Block 7

Dear Commissioner:

I am a MAC member and a resident of Goose hollow. Please vote no on Block 7 re zoning. Parking is expensive and unsightly. MAC members get 4 parking stickers for each member. If the MAC offered a no parking membership they could decrease the need for parking and at the same time be more appealing to folks in the neighborhood. I'd appreciate your help with this important vote.

Leslie Cagle, MD  
Zip 97205

Sent from my iPhone

## Parsons, Susan

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Tuesday, May 27, 2014 10:10 PM  
**To:** Casey Milne  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Block 7

Dear Casey,

Thank you for your detailed message. Since consideration of the Multnomah Athletic Club's application is a quasi-judicial process, I am not allowed to comment outside of the public hearing process. I appreciate your thoughtful input.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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**From:** Casey Milne [mailto:casey.milne@comcast.net]  
**Sent:** Tuesday, May 20, 2014 1:28 PM  
**To:** Commissioner Fritz  
**Cc:** Casey Milne  
**Subject:** Block 7

Greetings Commissioner Fritz,

My name is Casey Milne

I'm a Goose Hollow resident, 4th generation Oregonian, MAC member and a Board member of GHFL. I am **not** however, representing either MAC or GHFL today.

I respect and appreciate the job you have, the commitment you've made and the challenges of leading Portland (and the central city) into the future. It's complex and requires courage, clarity, vision and heart. The purpose of this email is to share background information on Block 7 and to ask for your support in defeating the MAC/Mill Creek request for re-zoning.

It is clear the MAC Master Plan and historical commitments they made to you and to the neighborhood are still in effect. They have repeatedly committed to no additional parking south of the current parking structure. Also, I have thoroughly researched, assessed and reviewed all relevant materials (including the 12 Comprehensive Goals) and have identified 8 of the 12 comprehensive goals are "Clearly not met" (1, 2, 3, 6, 7, 8, 10, 12), 2 are "On the whole not met" (4 & 5) and 2 are "Not clear" (9 & 11). From an objective assessment this proposal should not be approved.

Even more importantly there are additional key factors about the Goose Hollow neighborhood that are essential in making this decision.

- 80-90% of housing in Goose Hollow is rental
- Goose Hollow has a very high % of low income residents
- We have a high % of seniors and few children
- We have very low % family owned housing
- Goose Hollow has been designated park deprived
- We have the added challenges of MAC special events & stadium events
- Goose Hollow has been dissected by freeways

- The neighborhood is impacted by PSU and MAX
- Over 40 of our historic homes have been demolished...and more are on the chopping block.
- This proposal does nothing to move Goose Hollow to more diverse housing as called for and needed to become more vibrant and sustainable.
- Given the high number of seniors and special need residents, safety must be factored in.
- We need more cross walks on 20<sup>th</sup>, Main and 19<sup>th</sup>...not more cars and traffic.

Consider these challenges in helping us create a healthy neighborhood. We want to attract families and increase home ownership. To do this we need your help and Goose Hollow needs to plan, review and support those policies and actions that contribute to the ideal these comprehensive goals call for.

The parking spaces MAC calls for will increase traffic and not help local businesses with MAC one-purpose visits. MAC visits to not help our local businesses. On the other hand visitors that use MAX do help the neighborhood economy.

I recently heard from fellow MAC members that they're having an easier time finding parking since the new stickers were implemented in April 2014. There are many approaches MAC can make to continue that trend and I've offered to help (as have others) identify acceptable options (both short and long term). Build it and they will come is a scientific fact. The majority of MAC members (70%) and neighbors (90+%) know additional parking is not needed. The zone change to CX is not needed.

As for the 12-14 short term guest suites, MAC would do well to work with our neighborhood hotel.....Hotel Deluxe, it's classy, convenient and much less costly than developing Block 7.

Finally, I'm fine with the development of Block 7 and understand the history of urban density. I also ask to factor in livability. Block 7 could contain a combination of housing options (townhouses and a smaller condo that could support families) and still have a significant green space, which the neighborhood desperately needs. It's time to be creative and collaborative....support this request. It's the right thing to do to assure we have a legacy that serves Portland in the long term.

Thank you,

Casey Milne

Goose Hollow resident

Principal, Milne & Associates

Milne & Associates

503 203-1025

fax 503 203-1026

503 830-4477 vox

[casey.milne@comcast.net](mailto:casey.milne@comcast.net)

[www.milneassociatesllc.com](http://www.milneassociatesllc.com)

## Parsons, Susan

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**From:** Commissioner Fritz <amanda@portlandoregon.gov>  
**Sent:** Tuesday, May 27, 2014 10:10 PM  
**To:** Home Gmail  
**Cc:** Moore-Love, Karla  
**Subject:** RE: Block 7

Dear Beverly,

Thank you for your message. Since consideration of the Multnomah Athletic Club's application is a quasi-judicial process, I am not allowed to comment outside of the public hearing process. I appreciate your input.

Amanda

Amanda Fritz  
Commissioner, City of Portland

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

**From:** Home Gmail [mailto:bevschnabel@gmail.com]  
**Sent:** Monday, May 19, 2014 9:43 PM  
**To:** Hales, Mayor  
**Cc:** Commissioner Fritz  
**Subject:** Block 7

Please do not rezone Block 7. I don't think the MAC Club should get ever more parking at the expense of the neighborhood.

Beverly Schnabel  
Portland 97205

Sent from my iPad