As a council, I respect everyone of you and am honored to testify today. My name is Nic Clark. My family owns and runs a tavern one block from Block 7. You can imagine that the increase in residents is thrilling. We have MAC regulars and customers. When they leave the club, they park on the street to visit our business. As a Resident, I live 4 blocks from the club on Green St. That is the one long block which meanders down the street behind ZUPANs. I have seen the same 3-4 cars with MAC current yellow stickers parking on this street off and on for some time. They also have zone A permits. Throughout the neighborhood you can see a hand full of them, in front of the same houses and with Zone A parking permits. This tells me that these MAC cars belong to residents. So if the argument is that MAC members are taking up parking on the street, I disagree.

- 1.) I am also on the Goose Hollow Foothills League, the neighborhood organization where Block 7 and the MAC are located.
- 2.) On October 8th, the GHFL conducted a membership meeting. The members voted 109 to 7 in Opposition to the zone change for Block 7. In terms of turn out? That is 116 members! Again, 109 to 7 to oppose the zone change.
- 3.) On November 20th, 2014, we had our annual membership meeting and election of 7 new directors.
- 4.) On November 25th, 2014, the GHFL board met, and unanimously voted against the rezoning of block 7 from RH to CX. We want to keep OUR NEIGHBORHOOD consistent with the central city plan and retain this chunk zoned RH. We do not want it changed.
- 5.) A big issue is with the change is zoning. If a change in the zoning is allowed, then what keeps zone changes from happening elsewhere? Does it help to have adjacent areas zoned CX? To the South, the block is zoned CX. East and West RH! However, to the North yes, CX. This is an interesting one, it is the MAC's blocks 3 and 6, previously zoned RH, then under conditional use they built the parking garage there. Later there were granted a zone change. Now, because of those two blocks that were developed by the MAC, it is more convincing that CX zoning fits into the puzzle. Insidious I believe is the word to describe such things.
- 6.) This block is to remain RH according to the 2035 plan submitted to the city by the GHFL. A change in zoning on this block is against the NEW 2035 plan.
- 7.) The increased parking for the MAC allows them to satisfy larger conventions and events, and have a cushion for peak member usage. However, they have absolutely no data to show what their parking demand is. The report from Kittleson doesn't cover parking demand. However, if this project makes it through council, they will have to go through CCPR(Central City Parking Review), and they will need to show this. Why haven't they done this now? Money? Come on.
- 8.) They spend less annually on security and parking than on the salary of their GENERAL MANAGER alone! Oh, They could do the study!

- 9.) MAC campus expansion: I would welcome a well thought out long term plan. What are they going to do with the Property on 20th next to the Portland Tower? Other properties on 21st. How does that part of their future campus work into the Club's campus expansion? Is it responsible? Does the city have their radar on this!
- 10.) Norm Rich has told members that one way to keep their members' fees low has been events.
- 11.) These events compete with others CC, etc... whose job it is to have conventions and events, basically these other operations have licenses for such things.
- 12.) Much of the Parking that the General Manager is looking for is for these events.
- 13.) 67% of MAC members are satisfied with parking.
- 14.) Trust you have looked at the documents.
- 15.) Commissioner Novick asked the question: What does it tell those who we have been we've been telling to build parking if we tell the MAC not to build parking? You are not telling the MAC to not build Parking. You are saying that you don't approve of a zone change on block 7 for the expansion of the Multnomah athletic club parking. Why have zones at all if you are going to justify doing something that the people living and working in the area clearly oppose?
- 16.) Look, the MAC club membership hasn't grown. If it hasn't changed, then what has changed. The club has expanded. It built a new 40,000 square foot Loprinzi Wing. Also, they are doing a lot of convention business. The emphasis on building parking in general-going back to Novick's question- is for new developments, correct? Well, the parking in QUESTION HERE does not serve the new development that is being built on Block 7. Infact, it would serve a club and conventions hall or event center two blocks away, the Multnomah Athletic Club.
- 17.) As a neighborhood, we are not only looking at the impact of the MAC on parking, but the expansion of what we consider, THE MAC CAMPUS. We don't want to see the piecemeal sprawl of the campus. Perhaps under a clearer MAC vision, we could as a neighborhood negotiate. but, we didn't want parking garage in the 80's, we didn't want it in the 90's, and we don't want it now. Are we gonna see a similar project on 20th? 21st.
- 18.) On to the Tunnel. The Developer changed his original plans early on to include the tunnel. This is an expensive solution but was an attempt to relieve some neighborhood concerns about the pressures on the streets around block 7.
- 19.) I would have BES take a second look at this issue and reconsider their report. There exists a combined main on Running from Vista down Main St. If this cannot be adequately siphoned around, under or over the tunnel, I personally do not want to smell the sewage. On 18th and Salmon an issue with sewer smell already exists.

- 20.) In a Memorandum dated Dec 1st 2014, Mr. Janik and Mr. Hall responded to the following question posed by Mayor Hales and the City Commissioners:
- 21.) What impact does the proposed MAC parking have on vehicle queuing at the entrance of the Salmon Street Garage?
- 22.) This memo simply asserts, anecdotally, that vehicle queuing will be reduced.
- 23.) The applicant failed to mention that traffic consultant kittelson <u>did not conduct a queuing analysis</u> of any kind.
- 24.) The Burden of proof is on the applicant to quantify the impact of queuing at both garage entrances.
- 25.) Please note that Kal Toth has addressed the queuing problem in his submitted written testimony.
- 26.) I am going to return to my greatest worry. The expansion of the campus and no clear plan at what the future of MAC properties will look like. This project is the beginning of a piecemeal project. Let me ask you, Do we have a right to be concerned? Does the City?
- 27.) How does our neighborhood feel about it?
- 28.) It should be enough that a neighborhood has been working its tail off for over 2 years to defeat this zone change. It should be enough that the neighborhood is working to sustain what we believe was an agreement made over 30 years ago to allow the MAC to build their garage on Lots 3 and 6 in exchange that they would not build parking on block 7, the one in question.
- 29.) So back to Novick's question or the question, If you tell the MAC that they can't build parking here, where do they build it?
- 30.) They listen to the neighborhood and build it closer to home! They wait for 7 years and build it on their property on 20th. Presently, they own and utilize a parking lot on 21st, lease one on 20th the Portland Towers, and lease one on the Butler Block at Salmon and 18th. In addition, they use Block 7 as a surface lot occasionally for big events. Ask them to manage their parking better.
- 31.) One significant issue which I will attest to, and if you need, we can get MAC members to attest to is that people leave their cars there longer and go off campus. Lincoln Students, etc...
- 32.) The say that they manage it but they don't. If they can't do it now, and haven't installed card readers, they will not do it if they build a new lot. Why not do it now and prevent people from leaving their cars there and going off campus?

Thunk fore. Respectfully nuclas clashe... December 2nd, 2014

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

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

Subject: Block Seven Proposed Development/ MAC Club and Mill Creek Development-SW 19th and Madison Street: NO Quid Pro Quo Quo

File: LU 14-105474 CP ZC

Dear Mayor Hales and Members of the City Council:

Please accept this updated testimony replacing the previous version that I submitted into the record on October 1st, 2014.

I am a former member of the Goose Hollow Foothills League and long-time area resident. I hereby submit my reasons for opposing the Mill Creek/MAC proposal to zone Block 7 and describe a relevant personal experience related to this unique property.

During the 1980s and 1990s, the MAC purchased houses, one by one, on the blocks south of the Club, including those on Block 7, tearing each one down in turn to make room for MAC parking. In 1981 the Multnomah Athletic Club was granted a waiver by the City and by the GHFL to build the existing parking structure on SW Salmon Street in exchange for agreeing to build within residential zoning on Block 7 and Block 2 (Legends), and to not build more parking on these south blocks. In 1995, the MAC asked the City to rezone the MAC garage and clubhouse, repeating these promises in letters and the MAC Master Plan. Now, years later, the MAC is demanding another waiver on Block 7, again ignoring its long time promises to the City and Goose Hollow, to not build MAC parking where housing once stood.

The MAC is a not-for-profit enjoying tax-exempt status as a social and recreation entity. Although the club has capped membership for years, it is evident to the casual observer that the Club is instead expanding its hospitality and parking facilities to enable a convention-like business, competing unfairly with for-profit convention centers who do pay taxes or who are supported by the City. Meanwhile, this unstated mission of the MAC is being accomplished at the expense of livability for Goose Hollow residents!

I've heard from MAC member friends that MAC management has said that generating such special event income will keep their membership dues from rising. Given MAC members are among the wealthiest of citizens, why do they need to ravage the livability

of our neighborhood when they can afford an increase in dues? This MAC strategy seems very wrong to me!

With respect to property development, the agreements and standards every developer must abide by helps make our world manageable and livable. When standards and codes are changed in favor of connected and moneyed corporations, citizens lose faith in the physical, social and political fabric of our society. Approving inadequate or no parking for residents while allowing plentiful parking for visitors to the central core is one sobering example. Exploiting residential features to camouflage the developer's true intent - to build exclusive parking and hotel suites – is another. If every developer is allowed building code exceptions and zone changes to suite their business goals, Portland would be akin to Houston or other poorly planned cities that are incongruent with the human needs of its citizens. If the MAC / Mill Creek rezone proposal is approved, this will undermine Goose Hollow's faith in how our system in the City of Portland works!

And I ask, why should the City agree to the MAC building more parking in the central city zone? After all, over 9000 parking spaces exist in downtown Portland. And less than ¾ of mile away from the Club there is a Smart Park with available parking for every MAC member. It is hard to imagine why MAC members can't walk the extra ¾ of mile prior to their work out — isn't the MAC an "athletic club"? And if travel time is an issue, couldn't the MAC run shuttles to satellite parking lots? The Portland Timbers have proven that the "peak use principle" for parking works, and that fans will use other transportations modes (e.g. TriMet). Why does the MAC not follow suit?

Building another parking garage on the edge of the downtown core will not solve the parking issue the Club claims to have. Instead of further expansion in Goose Hollow, the MAC should consider building satellite clubs outside of central city to mitigate parking needs and traffic volume. The Club's name says it all – it is not the "Southwest Portland Athletic Club" – it is the "Multnomah Athletic Club". I urge the council to look beyond the smooth veneer of false arguments and deny the Applicant's proposal to make Block 7 into a parking garage that Goose Hollow does not want. By rejecting this application, the City of Portland would demonstrate that long-time promises to the City and its neighborhoods do matter, and that Portland takes property standards, codes, and development plans seriously.

I want to share an experience that graphically demonstrates the MAC's true colors. Some years ago I planned to purchase the last house standing on Block 7. The woman who owned it had attached a covenant in the property that it was not to be sold to the MAC. When I was about to make a full price offer after her death a curious chain of events transpired. The realtor initially confirmed my offer was in. A few hours later he called back to say the house was sold to someone else. I soon discovered that once word about my interest got out, the MAC found a "straw buyer" to purchase the house, re-selling it to

the MAC. This perfectly sound house was soon torn down, the MAC citing unsafe conditions. I believe the MAC deceived the neighborhood and usurped our codes.

The MAC needs to understand it is sharing in beauty and infrastructure of our neighborhood – not owning it! Just because the MAC wants to have something, this does not mean they should get it. The MAC has not met the burden of proof to justify this zone change request. The Club has not demonstrated they need the parking and hotel suites to satisfy their mission as an athletic club. And the Club has not demonstrated that the zone change proposal will do no harm to Goose Hollow residents. Finally, City council should hold the MAC to its 30-year promise to the City and Goose Hollow not to build more MAC parking on Block 7.

I strongly urge City Council to not approve this zone change request on Block 7.

Respectfully yours,

Jon Beil

2914 NE 55th Ave Portland, OR 97213-3318 Portland, Oregon

CC. Goose Hollow Foothills League Board of Directors

Lead by Couvie Kirli In Jon Beil Lee attacked email authorization From: Constance Kirk <conniekirk@me.com>

Subject: Re: City Council Testimony LU-14-105474 CP ZC

Date: December 3, 2014 9:11:40 AM PST

To: "Moore-Love, Karla" < Karla. Moore-Love@portlandoregon.gov>

Cc: jon beil <jmbeil@msn.com>

Thank you. Will do.

Connie Kirk

On Dec 3, 2014, at 9:00 AM, Moore-Love, Karla wrote:

The Mayor's staff person stated he would allow Ms. Kirk to read your testimony.

Karla

From: Moore-Love, Karla

Sent: Wednesday, December 03, 2014 8:52 AM

To: 'jon beil'; conniekirk@me.com Cc: Wiggins, Rachael; Nebel, Erika

Subject: RE: City Council Testimony LU-14-105474 CP ZC

Hello Jon,

Your request was received and has been forwarded to the Mayor's Office who will decide if Ms. Kirk will be allowed to read your testimony.

Regards,

Karla

Karla Moore-Love | Council Clerk

City of Portland | Office of the City Auditor 1221 SW 4th Ave Rm 130

Portland OR 97204-1900

email: Karla.Moore-Love@portlandoregon.gov

phone:503.823.4086

Clerk's Webpage: www.portlandoregon.gov/auditor/councilclerk

From: jon beil [mailto:jmbeil@msn.com]
Sent: Tuesday, December 02, 2014 6:47 PM
To: Moore-Love, Karla; conniekirk@me.com

Subject: City Council Testimony LU-14-105474 CP ZC

Karla,

Please allow Connie Kirk to read my testimony concerning the Block 7 issue in Goose Hollow. I was one of the people who was not allowed to testify at the original hearing due to running out of time. I will not be able to attend on Thursday due to being out of town on business.

Thank you, Jon Beil



12/4/2014

My name is Casey Milne, I live across from Block 7. I serve on the GHFL Board of Directors, I'm a MAC and FOGH member.

Previous testimony has identified parking problems for the MAC, Providence Park, Lincoln High School, and the general neighborhood. Regardless of who claims a parking problem, the Goose Hollow neighborhood should be ground zero for alternative modes of transportation and transit-oriented development. A zone change to authorize additional parking at Block 7 is contrary to the City's hard work to discourage driving.

This kind of commercial expansion proposed by MAC – to cater to special event guests - into residentially zoned areas defies the comprehensive plan policies. You heard much testimony to this effect on October 1st and I will briefly highlight a few goals and policies that would be violated – specifically Policy 2.17, Goal 3 and Goal 4. These goals and policies are aimed at transit-oriented development and away from single occupancy vehicles. They are designed to protect residential quality, which would be destroyed by this zone change. Further, construction of small apartments will not contribute to diversity in housing called for by the goals by not providing family, workforce, or low-income housing.

Approval of this application would commit the Central City to parking for MAC and opens the door for the rest of the City to be covered with unlimited amounts of accessory parking.

FOGH does not believe that after all the testimony from the neighborhood related to inconsistency with the comprehensive plan that the Council can

find that the policies weigh in favor of this application. But if the City still finds the requested increase in commercial parking spaces for the MAC is justified, it doesn't need to rezone a property in the middle of a residential neighborhood to support a private club when there are suitable, if not better, alternatives.

The offer from Harsch Investments for additional parking at Portland Towers is available now. 18th & Salmon also known as the Butler Block is owned by TriMet and is already zoned CX. This site could also serve Lincoln High School and Providence Park in addition to MAC. Tom Walsh, former CEO of TriMet, sees this block as viable and knows how this site could be developed. The City is very well versed in the kind of negotiations that would be needed and could get this done. This property could support affordable housing along with the parking that MAC is seeking. This is a very viable option and worthy of action.

The City Council should continue this application to January 2015 and should direct its expert staff to craft a neighborhood solution to the parking problem, rather than approving a piecemeal zone change for the MAC at the wrong location.

This presentation summarized the points from both my and Jennifer Bragar's letters submitted today.

To: The Honorable Mayor Charlie Hales and Members of the City Council, Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman c/o Karla Moore-Love, Council Clerk 1221 SW 4th Avenue, Room 130 Portland, OR 97204

From: Casey Milne 1132 SW 19th Avenue, #708 Portland, OR 97205

Re: Testimony to City Council

Block 7 Case Number: LU-14-105474 CP ZC

Date: December 4th, 2014

My name is Casey Milne, I live in the Goose Hollow neighborhood and am a 4th generation Oregonian, a graduate of OHSU School of Nursing, MAC member, a Board member and Treasurer of GHFL and a founding member of Friends of Goose Hollow. For over 45 years I've worked to create healthy communities through my work and personal life. With that continued commitment, through this letter I'm sharing my key concerns with this proposed zone change.

1) Parking & Traffic

Portland has been a national leader for setting policies that serve neighborhoods, livability and sustainability. We've developed extraordinary mass transit systems. The city's Comprehensive Plan and Goose Hollow Plan don't support more parking structures, especially when they are for single use by a private club.

Since the 1980's, the MAC management has not demonstrated that it

is capable or interested in managing its parking demand. MAC management offers free parking for members and guests, offers 4 or more parking permits permits per member. Guests and members can park even if attending events outside the Club and creative engaging options for reducing parking demand are not promoted.

MAC should not be allowed to increase their member parking by 42%. As explained by BDS Staff (Sheila Frugoli) in Oct 24/14 letter to City Council, Title 33 does not imply the MAC has a need or a right to additional parking. Mill Creek/MAC states "this application is based solely on the plan to develop MAC uses" (MAC parking and guest suites). I ask that City Council" **not** approve rezoning Block 7 to CX for more MAC parking, MAC management has not demonstrated that it has a need or right to more parking.

The BDS Staff Report argued that a Central City Parking Review (CCPR) should be completed as a condition for approving the Applicant's rezone request. In other words, before finalizing a zone change to CX, the MAC should be required to demonstrate that the Club (a) has a need for more parking; and (b) is capable of managing it's parking demand.

What are the applicant's reasons for not requesting a concurrent CCPR? The MAC management makes a legal argument that defies sense. The simple truth is that strategically MAC management felt best served by seeking the zone change first, knowing its arguments to justify additional parking are languid at best, and hoping to

strengthen its bid by achieving the zone change first. But the sole reason for the zone change application is to allow MAC parking (and guest suites). Why should the City agree to a zone change for MAC parking without the MAC management demonstrating a genuine need for more and the ability to manage it parking demand? Trying to hide behind some sort of legal mumbo-jumbo should not be good enough. City staff's letter of October 24th refutes the argument made by MAC management that they somehow "deserve" parking through a misguided reference to a table in code that doesn't apply.

Steve Janik states this project is "good for the neighborhood", yet this project leaves 100-200 residents of the small apartments without a parking option other than the street. This is not a win.

Consider for a moment, that you approve the zone change and that MAC now has about 800 parking spaces via their parking structure and is having a special event that fills all the spaces. Now imagine upwards to 1600 or more people using the cross walk on Salmon. Traffic would be backed up on 20th, Salmon, and 18th.....now consider this at rush hour. If you are convinced MAC needs more parking, there are much better options available to MAC, including the offer from Harsch Investments for additional parking that is available now. The Butler block on 18th and Salmon would be another excellent option and could serve Lincoln High School as well as Providence Park. Block 7 is not the best option for MAC parking.

2) Missed opportunity for the city

One of the strategies MAC uses to keep food costs and membership dues for members down is hosting special events. MAC stated in its 1993 Master Plan that they had 120,000 guests and about 20,000 members, this is a 6:1 ratio. With free parking MAC competes unfairly with facilities in the downtown core. The city loses money with reduced use of mass transit and city parking, and fewer tax revenues from for-profit facilities. With more special events, MAC needs more parking, yet there is no parking demand management. Options that MAC management could use to reduce parking demand include charging for parking, reducing the number of parking passes per member (I was told I could have 4 of them and more if it was needed), increase the number of members that don't need parking. They could also reduce the number and size of their special events or develop and follow a true parking demand management plan. The neighborhood would be happy to assist MAC management in creating an effective Demand Management Plan for MAC Parking.

3) Proposed Parking Access

Hearings Officer (Ken Helm) states "Existing or future driveways on the subject site (Block 7) are prohibited from providing vehicle access to any parking that is accessory to the MAC" [item F on page 91] Mr. Helm's recommendations imply that access to MAC parking under Block 7 will only be allowed by way of the proposed tunnel If City Council approves the Applicant's zone change request, will Council ensure that this condition of the hearings officer, that a tunnel must be built, be enforced?

To construct the tunnel joining Block 7 and the MAC garage, the Applicant will be required to obtain an "Encroachment Permit" from PBOT. When Mayor Hales asked whether this might pose a technical problem, Mr. Janik provided him strong assurances that it would not be a problem. Our research (Seth Levens) confirms that an active sewer line below SW Main Street servicing Kings Hill (Vista St. Clare) obstructs the area where the tunnel would need to be constructed – the tunnel option may NOT be feasible or as straight forward as Mr. Janik described.

4) The neighborhood position

Steve Janik states that the majority of the neighborhood supports the Block 7 development. He is misguided on this point. GHFL had a large Block 7 Committee that undertook a robust yearlong study of all the issues. He counts these meetings as outreach, they weren't. Participation included neighbors from all areas of the neighborhood and reached record levels. Votes taken by the Block 7 Committee were overwhelmingly against this development. The few voting for the passage of the Block 7 project were from MAC and Mill Creek. The special meeting was further evidence of neighborhood opposition where the vote was 109 against rezoning of Block 7 and only seven for it. The GHFL Board was a conflicted Board, however, since November 2014 elections the Board consists of members that live in the neighborhood. The Board also has clarity on its position on Block 7, GHFL opposes a zone change on Block 7 and has sent a letter to this effect to City Council.

5) Alternative Sites

As shown on the area map (highlighting site options), a 26,500 square foot site at the corner of SW 18th and Salmon St. is publicly-owned, currently used for parking, and properly zoned to allow expansion of commercial parking. In a multi-level structure, it can accommodate the proposed 225 parking spaces. At a minimum, Friends' preliminary calculations reflect that 180 spaces could be constructed at the site and likely more with a careful design. Because of its premier location, other large neighborhood institutions could be attracted to share in its utilization. Tri-Met is the owner of this site, and has clearly indicated it has no future transit needs for the site that preclude a community/neighborhood use.

The City Council should continue this application to January 2015 and should direct its expert staff to craft a neighborhood solution to the parking problem caused by institutional uses in the neighborhood, rather than approving a piecemeal zone change for the MAC at the wrong location.

Former neighbor, resident, developer, friend and MAC member (now deceased) John Gray would not ask for or vote for this zone change request and Mildred Schwab, Mike Lindberg (and others) were promised the MAC would never come asking for more parking. I urge you to vote no to this zone change, allow Goose Hollow to have a legacy we can be proud of...help us thrive.

My name is Roger Leachman. I am a resident of SW Vista, in Goose Hollow. This past month I was elected to the GHFL Board.

I was a founding member of my neighborhood association in VA. We were formed to fight the hospital's plans to demolish a block of Victorian-era homes for –guess what-- parking. We were successful because they decided to be a good neighbor.

Fast forward. I found that while we were saving those homes in Charlottesville, the MAC's management was buying, one by one, the same irreplaceable housing stock on Block 7 & demolishing them for –guess what-- parking.

Let us consider the MAC management's pursuit of parking.

It starts with their premise —undemonstrated, unexamined & without data—that the MAC *needs* parking. At my university they would have failed the unit on logic. Does not faze them, though. If you're weak on the facts, you can always misrepresent & obfuscate.

Example: the mayor astutely asked regarding the proposed tunnel: what about the sewer? Mr Janik: "There is no sewer in that street." Bullfeathers. There is. It's terra cotta, & it was built in 1891.

Mr. Janik told a fib or was inexcusably ignorant.

Example: in their recent memo they re-assert vehicular queuing will be reduced. There is *no data*. Kittleson did no queuing analysis. So it is wishful thinking or flimflammery. The burden of proof was on them. It was not met.

The MAC management's pursuit of more parking is a WANT, not a NEED. Nor do they have a *right* to more parking as Mrs. Frugoli's October 24th memo established.

Mr. Novick asked on October 1, "if we deny rezone to Block 7 and thus prevent the MAC parking spaces, what do we tell the developers whom we

are forcing to provide parking?" This is apples & oranges. The 225 desired MAC parking spots would NOT be for residents.

The MAC management cannot even demonstrate a *want* on the part of their members. Their own surveys indicate a comfortable majority *satisfied* with their current parking. So the management misrepresents the desires of their own members just as they attempted in every venue to misrepresent the position of the neighborhood —until they could no longer.

We had more MAC members testifying here on our behalf than they did. Fact —not fiction.

What's the size of the minority of MAC membership who might want more parking? No one knows. No data. Just anecdotes.

Whatever this minority's size, though, I suggest they are not fixated like the MAC management on rezoning Block 7. They would be just as content with the MAC's parcel on 20th or 21st or the Harsch proposal.

It is a tiny, tiny group within the MAC –consisting of the management—that pushes for the breaking of their promise.

The MAC management seeks to betray the covenant it made to council before Mr. Lindberg & the rest. Council then saw the pattern, & said their purpose was to hold the MAC to it. The only question remaining for the neighborhood is whether or not we will experience the ultimate betrayal.

I hope not.

[Attached are written addenda to my verbal testimony]

Written Addenda to Verbal Testimony

1. At the 1 October 2014 Council hearing, Mayor Hales asked Mr. Janik: "Is there a sewer line under Main Stret that would conflict with the proposed tunnel?" Mr. Janik responded: "There is no sewer in that street."

However, there is a sewer line under Main Street, as the attached maps show (at the end of the written addenda). It is terra cotta ("vitrified clay sewer pipe"), & the "install date" was January 1891.

My personal suspicion is that they left this crucial fact out because they hope to get approval on the basis of proposing to build the tunnel (Mr. Helm, in his very flawed report, made the approval *contingent* upon the tunnel being built) but will then argue this heretofore overlooked factor makes the tunnel unfeasible.

2. On page 2 of Janik's & Hall's 1 December 2014 memo, they assert under I.B:("What impact does the proposed MAC parking have on vehicle queuing at the entrance of the Salmon Street garage?") that it will actually *reduce* [my emphasis] queuing. They then quote from their own (Kittleson) study to support their assertions. But they are solely & only assertions. There are no data to back them up. They repeat the same anecdotal arguments as used in the Kittelson report – nothing new offered. They repeat assertions of how signage will redirect cars; that cars will smoothly flow down through the tunnel; and this will alleviate the congestion on the streets. Additionally, since the City's question did not ask about the 20th Street entrance they completely ducked this aspect.

What they avoid saying is: (1) Kittelson did not perform any queuing analysis or modeling – so how could they possibly give a meaningful response?; (2) there is no measurement data substantiating their observations or assertions that congestion on the street actually exists and needs to be solved; (3) there is no recognition that the queuing problem is a direct result of the additional conflicts at the two entrances and within the garage traffic due to 42% more parking during peak busy periods. They simply say that the entrances are expected to operate with minimal delay (<15 secs) even though they have no measurement data, analyzes, or models that would prove this particular conjecture.

Next under I.C. ("What are the applicant's reasons for not requesting a concurrent CCPR?") the same arguments are used as they made previously, the main argument being that doing this could not be done under the current RH zoning because several coding sections make it "uncertain" if the applicant could legally file a concurrent CCPR. This nonsense defies logic. The sole reason for the zone change application is to allow MAC parking (and guest suites). Why should the City agree to a zone change for

MAC parking without the MAC demonstrating: 1) a genuine need for more; & 2) the ability to manage its parking demand? Sheila Frugoli's 24 October 2014 memo concerning Title 33 and CCPR addressed this cogently.

3. Mrs. Frugoli's memo stated: "Per Title 33, the Portland Zoning Code, this site should not be deemed 'under-parked' for the following reasons:

There is no minimum parking requirement applied to the MAC facility because it is within the CX, Central Commercial zone (Table 266-1) and because the site is within the Goose Hollow Subdistrict of the Central City Plan District (Section 33.510.265.F.1).

Outside of the Central City Plan area, minimum parking requirements do not apply to sites with non-residential uses that are within 500 feet of frequent transit line or within 1500 feet of a transit (LRT) station (Section 33.266.110.D) The MAC site is located within 600 feet of two light rail stations."

Therefore, in plain speaking, the MAC has no *right* to more parking, & they have never done a parking demand study to demonstrate a *need*, in any case. This is, as I said in verbal testimony, a WANT, not a NEED. And it is a want, not of the majority of MAC members, but of the MAC management.

The management of this so-called "Non Profit" wishes to make lots of profits by becoming a defacto convention center, in unfair competition with for-profit businesses in Portland. The people whom the management envisions as coming to this boondoggle will add *nothing* to the neighborhood except their cars & their carbon monoxide. They do not & will not eat & drink at Bellaggio's, the Laughing Planet, the Goose Hollow Inn, or patronize any other neighborhood business. Their activities will be confined to the MAC itself.

4. At the 1 October 2014 Council hearing, Mr. Novick said (paraphrasing): "There are many projects being presented in Portland that have no parking designed in at all. If we require these developments to include parking, what do we tell them if we deny this zone change for Block 7 and thus require the Block 7 developer not

his should be an easy distinction. When the City Council requires parking be included in developments, it is requiring parking for <u>residents</u>. Should the City Council deny the zone change for Block 7, it would be denying parking for <u>visitors</u> (not residents).

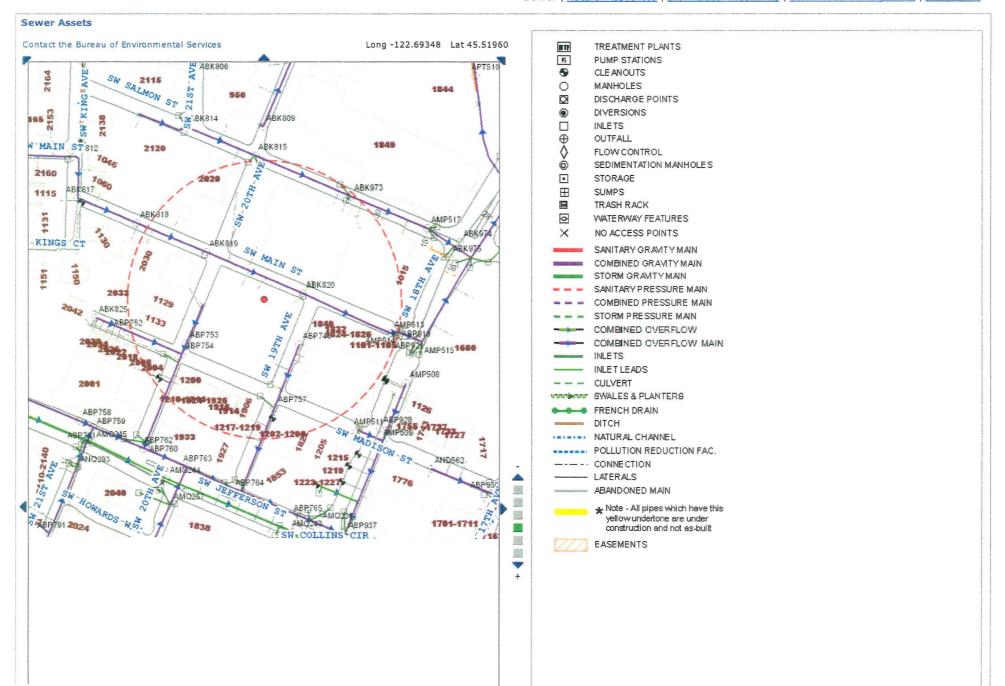
Respectfully submitted, Roger M. Leachman 742 SW Vista Avenue #36 Portland, OR 97205

Portland Maps

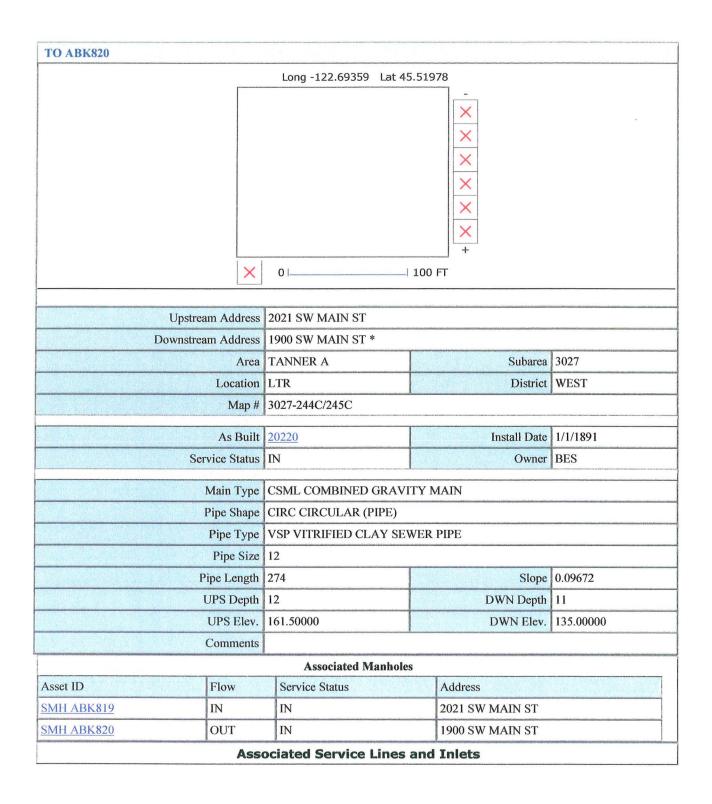
1918 SW MAIN ST - GOOSE HOLLOW - PORTLAND

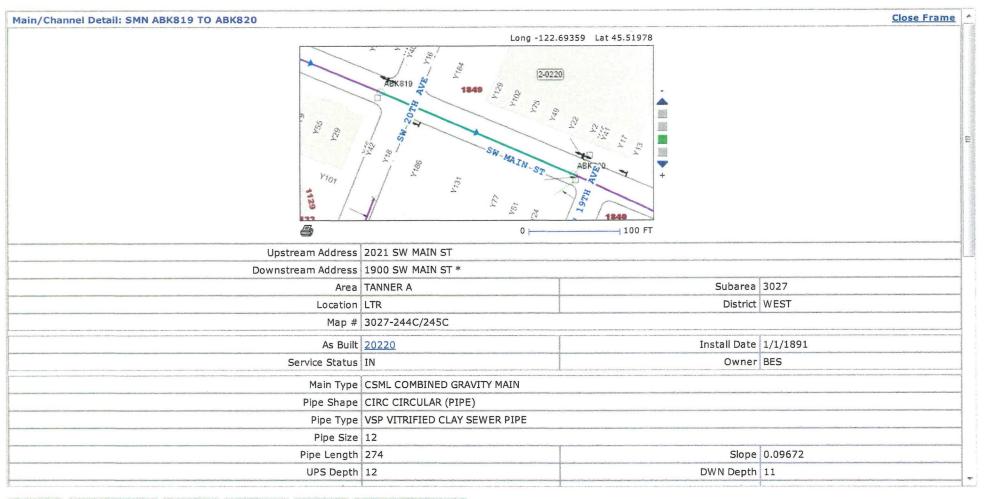
<u>Explorer | Property | Maps | Projects | Crime | Census | Environmental | Transportation</u>

Sewer | Natural Resources | Stormwater Incentives | Stormwater Management | Watershed









Assets (96)	Service Requests (9)	As-Builts (6)	Easements (0)	SEWPER (0)	Historic Sew er Boards (20)

Description			
Description	System	File(s)	Distance
INLETS	INLETS		291'
INLETS	INLETS		348'
INLETS	INLETS		190'
INLETS	INLETS		100'
INLETS	INLETS		124'
INLETS	INLETS		242'
INLETS	INLETS		214'
INLETS	INLETS		349'
INLETS	INLETS		326'
INLETS	INLETS	The second secon	348'
INLETS	INLETS		321'
	INLETS	INLETS	INLETS

Jerald M Powell 1926 SW Madison Street Portland, Oregon 97205

December 3rd, 2014

Mayor Charley Hales Cmsnr Fish Cmsnr Fritz Cmsnr Novick Cmsnr Saltzman City of Portland Oregon 1221 SW 4th Avenue, Portland, Oregon 97204

RE: LU 14-105474 CPZC (MAC parking Garage)

Mr. Mayor, Commissioners:

Generally, when a "Post Acknowledgement Plan Amendment" (PAPA) has been proposed, the "balancing" language has been simply applied. But the requests and the balancing required has itself been straightforward. Balancing agricultural use against a golf course, balancing an exclusive industrial use against a mixed industrial use, balancing a medium density residential use against a mixed residential use... Only once was there a residential to commercial PAPA proposed, 5 years ago, that asked for a change from medium density Residential use to Commercial/mixed use. It's now a collection of food carts, a surface parking lot and a video store.

This request is more complex than the golf course, or a change only in scale; and we hope it's not like the similar 2009 case on Belmont where accommodating a project that never happened has left behind an untouchable site.

The PAPA requested here is to allow a plan amendment that most certainly will allow new uses that will conflict with particular values in the comprehensive plan.

There are clear similarities here between the proposal and what's permitted under the existing plan and zoning. Those *similarities* are basically a wash. What's important are the *differences*.

Mr. Janik in his cover letter to the Planning staff said as much in pointing out that the issue was the MAC request for two floors of parking. His argument then was that the parking, being underground, was just an insignificant issue, albeit prohibited by the existing comprehensive plan and the zoning code.

Neither the MAC, nor its traffic consultant produced an original study of parking demand or a study of the impact of additional parking use in the immediate context

of this residential portion of Goose Hollow. Rather, the MAC has failed to manage its own parking demand and its traffic consultant has merely accepted MAC's assertion that it needs more parking.

Those claims, accepted by both staff and the Hearings Officer were baseless.

Staff followed a course of logic in preparing the Hearings officer that "balanced" a six story residential building proposed by the developer (that had a couple of extra levels of basement parking for the MAC, a couple of blocks away) with the same building that would have been permitted under the existing residential plan designation and commensurate RH zoning. And the staff's recommendation to the hearings officer's recommendation to you compares two essentially identical, but theoretical buildings... and concluded that "on balance" the proposed action resulted a project that equally fit the goals and objectives of the comprehensive plan.

What was lost in that analysis was what Mr. Janik framed in his opening remarks to the staff, and to you. The difference is the parking, not in the housing.

Comparing the proposed building to – not even the existing capability of the land to support housing – but to the same building, admittedly buildable under the present zoning, is a completely false comparison and yields an absolutely incorrect result.

There is no balance here. The hearings officer accepted a hasty analysis based on incorrect information and recommended a bad project dressed up with some lipstick to make it presentable.

And that's just in paragraph 33.810.050 (A1)

Now, I think there is more difference between the two sides of this equation than that. Under 33.810.050 (A2), the proposed change must not result in a net loss of housing units. This is known as the "Metropolitan Housing Rule".

I think the Metropolitan Housing Rule (in the next paragraph after the "balancing" language) may be violated as well, because the housing potential on Block seven under the existing RH zoning isn't limited to the proposed "260 to 280" dwelling units proposed by the developer.

Given the seven to one FAR available on this site, (4:1 plus 3:1 bonus FAR), and given a 43,557 square foot site, (subtracting 20% of the floor area for stairs and elevators and hallways), and given an average 600 Square foot Dwelling Unit, the site with RH zoning could host as many as 380-390 Dwelling units). That's thirty percent more units than the applicant proposes.

Mr. Mayor, Commissioners;

You have two possible ways to view this proposal:

One is as a quasi-judicial decision, and generally you'd either accept the Hearing's officer's recommendation and approve, or reject it and deny.

Or, you could view this as a legislative decision and then the criteria are a bit different. Rather than the balancing that the Hearings officer went through (erroneously), you must find the proposal *completely* consistent with your comprehensive plan policies, Metro's policies and the State of Oregon's policies. Even the Hearings officer's report in support of the project, based as it was on erroneous information couldn't meet that standard.

By agreeing to accept new testimony, you may have tipped this hearing into a legislative one, where the standard is a good deal higher. If so, than this project clearly doesn't meet it.

The testimony offered by the applicants themselves shows that the proposal is inconsistent with the comprehensive plan. The applicants erred by not analyzing the full impact of the PAPA on the residential neighborhood, and the staff erred by failing to recognize the difference between the project and the existing neighborhood environment.

Thank you,

Jerald M Powell
Planning Consultan

CC: GHFL Board of Directors FOGH Board of Directors Jennifer Bragar

Testimony given 12/4/2014

Anita Sande 710 NW Naito Parkway, #C-20 Portland, OR 97209

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 Anita Sande. I live downtown, and frequently visit my parents who live in Goose Hollow. I have plenty of experience accompanying them on foot through their neighborhood.

My parents are in their nineties, and my Dad walks with a walker. They can't cross the street quickly. They also can't jump out of the way of distracted or hurrying drivers. It is challenging and sometimes scary that cars fly by them so close, and so fast, when they are walking right around their home. This is particularly noticeable around the entrances to the MAC club's parking structure, where drivers are intent on where they are headed, and not particularly focused on the pedestrians who share the streets and sidewalks.

Every car entering and leaving the MAC club's parking structure has to cross the sidewalk. Bringing more MAC club parking into their residential neighborhood would bring more congestion, more pollution, and more risk to the pedestrians of Goose Hollow.

One of the things that makes Portland famous is its urban growth boundary. To get permission to build its existing parking structure, the MAC club agreed to and entered into a *parking growth boundary* — specifically that no parking would be built on Block 7.

The MAC club has other options for expanding their parking that would not have such a negative impact on the heart of the neighborhood. Let them put their parking near the soccer stadium, where it will be good for both the fans and the MAC club. But please don't tear up the heart of my parents' neighborhood with any more parking lots. It's a residential neighborhood. Let it be residential.

Our city is proud of our urban planning and the livability it fosters. In that spirit, please vote AGAINST rezoning Block 7. Voting NO for rezoning Block 7 equals voting in support of the livability of the heart of Goose Hollow and its residents, like my parents, who call it HOME.

Thank You for your thoughtful consideration.

sande

Anita Sande

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

c/o Karia Moore-Love, Council Clerk

From: Harvey Black Date: December 4, 2014

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

I am Harvey Black. I live at 1132 SW 19th Ave, Portland and am the named Real Party in Interest in this matter. I am a member of the Multnomah Club, the GHFL and am Chair of the Friends of Goose Hollow LLC.

The issue here is limited to whether MAC's application to rezone Block 7 to CX should be granted. The purpose of this rezoning is to allow it to build an additional 255 parking spaces and 16 rental units as part of the development of that property. The burden of proof is on the MAC

The Multnomah Club has not demonstrated a need for additional parking.

For years MAC has claimed that it needs more parking but has never supported that claim with facts.

The MAC has 525 parking spaces in their current parking structure and leases approximately 112 more spaces in an adjacent building owned by Harsch Investment Co..

The MAC's policy is to issue 4 free parking permits to each of the 20,000 members who apply, with more available if the member really needs it. In addition they afford free parking for guests and those who attend their catered events which in 1993 they estimated to number 120 per year.

In 1993 in their Master Plan they estimated that 120,000 guests would use the Club facilities per year; that is 6 times as many guests as members will use the Club each year. Each event may have as many as 300 guests. MAC, purportedly a non-profit entity, is the only large banquet facility in the City of Portland to offer free parking.

Even with this demand, in a recent polling of the MAC members, only 32% felt that parking was a problem. Though required to do so in their own Master Plan, approved and adopted by the City, no parking management plan has ever been implemented except as to the 350-400 MAC employees. This obligation was acknowledged in the letter of 5-30-95 from MAC's then President, attached hereto as Ex. A.

For MAC to ask for an 255 parking spaces in addition to the 525 they already have located one block from a MAX station flies in the face of a fundamental City planning policy; that is to discourage vehicular usage and to encourage the use of mass transit.

The Central City Parking Review, which is an essential part of this proceeding, but which MAC/Millcreek has chosen to defer, requires as one of the approval criteria that, "...demand for parking will be managed...." Ch. 33.808.010. As stated by Sheila Frugoli, Senior Planner, in her letter to City Council dated 10-24-14 in this matter (Ex. B), "It is that review [Central City Parking Review] that will determine if more parking is warranted to serve the existing MAC facility." We contend that it is not warranted and MAC has put forth no facts to prove us wrong.

We would ask that you require a Central City Parking Review before proceeding further in this matter.

The MAC Master Plan.

The MAC Master Plan, approved by the City, is still binding on the properties owned by the MAC. In several places in the 44 page Master Plan document, where the future development of Block 7 is discussed, it is always to be under the existing RH zoning.

The Master Plan is still in effect by its terms as follows:

B.

Duration of Master Plan.

This Master Plan includes possible future uses that might be developed over the next ten years. This Master 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 development allowed by the Plan has not been completed.

MAC cannot now claim that the MAC Master Plan is no longer in effect when they said just the opposite to the City to obtain their 1995 rezoning.

Steve Janik, counsel for the MAC now and at the time of the 1995 successful petition for rezoning of the parking garage and the clubhouse, confirmed this in his letter to the Planning Department dated 11-17-95. (Ex. C) This is reinforced by the letter of 6/30/95 from MAC's then President, Dennis R. Cusack, to the City of Portland in which he states, "However, it is not the club's intention to discontinue the Master Plan with a zone change." "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." (Exs A, D and E)

Mr. Janik has since written another opinion letter in support of the instant petition in which he says that the Master Plan is no longer in effect. This is an example of competent counsel attempting to serve his client whose interests have shifted 180 degrees from 1995 to now.

Unfortunately Mr. Janik and his client run afoul of the legal concept of Equitable Estoppel. In 1995 They both made a representation to the City that the Master Plan would not be affected by the rezoning then being sought. This representation was made to induce the City to grant a zone change on the parking garage and club house. The City relied on these representations in granting the zone change.

Because of this prior representation Mr. Janik cannot now claim on behalf of his client that the Master Plan is no longer in effect.

Encroachment on a Public Right-of-Way.

One of the conditions imposed on the MAC by the Hearing Officer's decision, below, was that access to the 255 additional parking spaces was to be by a tunnel under Main Street linking the existing parking structure with the new 255 underground parking spaces.

In 1982 the City adopted a City-Wide Policy [on] Encroachments in the Public Right-of Way. Sec. 33.44.020. That Policy provided that in all instances that any permitted encroachment must allow public use. This Policy has subsequently been incorporated in plans such as those covering the Central City but the public's right to access such encroachments has never been abrogated.

The MAC issues parking permits which give the holder the right to use MAC parking. This, almost by definition, is not public access. Therefore the MAC will not be able to satisfy this condition precedent for rezoning of Block 7.

For all of the forgoing reasons the MAC's application for rezoning should be denied.

Office of the President

May 30, 1995

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

ExAp.1

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,

Dennis R. Cusack

President

DRC:sb

cc: Goose Hollow Foothills League Board of Directors

Meddek

ExAp2



City of Portland, Oregon Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

October 24, 2014

Memorandum

TO:

Portland City Council

FROM:

Sheila Frugoli, Sr. Planner

RE:

LU 14-105474 CP ZC - Current Parking Regulations that Apply to MAC Club

The purpose of this memo is to clarify the Zoning Code requirements for on-site parking and how those requirements apply to the Block 7 proposal. At the October 1, 2014 City Council hearing, Attorney Stephen Janik, stated that Zoning Code Table 266-1 and 266-2 applies a minimum and maximum parking requirement. He stated the Zoning Code requires for the MAC, a 360,000 square foot health club, a minimum of 1,060 spaces and a maximum of 1,891 spaces. He noted that because the MAC has a total of 654 spaces available, it is 406 spaces short of meeting the minimum requirement.

Further, on pages, 45 and 46 of the Hearings Officer's report, Mr. Helm notes the applicant's argument and states that he finds the "point persuasive...Even with the addition of up to 225 new stalls as proposed, the MAC facility still would appear under-parked for the RH zone."

Unfortunately, staff must challenge this information and the conclusion of the Hearings Officer. Per Title 33, the Portland Zoning Code, this site should not be deemed "under-parked" for the following reasons:

- There is no minimum parking requirement applied to the MAC facility because it is within the CX, Central Commercial zone (Table 266-1) and because the site is within the Goose Hollow Subdistrict of the Central City Plan District (Section 33.510.265.F.1).
- Outside of the Central City Plan area, minimum parking requirements do not apply to sites with non-residential uses that are within 500 feet of frequent transit line or within 1500 feet of a transit (LRT) station (Section 33.266.110.D) The MAC site is located within 600 feet of two light rail stations.
- The Central City Plan District imposes a review—Central City Parking Review for non-residential projects that includes 60 or more spaces (Section 33.510.265.B.3.c). The purpose of that review, per Section 33.808.010, is to "ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District." It is that review that will determine if more parking is warranted to serve the existing MAC facility.
- cc. Steve Janik, Applicant's Attorney
 Jennifer Bragar, Lead Opponents' Attorney
 Bob Haley, PBOT



11-17-95; 3:54PM; BALL, JANIK, & NOVACK-

503 823 7800:# 2/ 6

LUR95-00873MS (The MAC)

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
SUITE 1100, ONE MAIN PLACE
101 S.W. MAIN STREET
PORTLAND, OREGON 97204

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.



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11-17-95 ; 3:54PM ; BALL, JANIK, & NOVACK-

503 823 7800;# 3/ 6

- (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

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

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11-17-95 : 3:55PM : BALL, JANIK, & NOVACK-

503 823 7800;# 4/ 6

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.
- 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

IXC p-3

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

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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.

Ex C DU



Office of the President

June 30, 1995

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



Office of the President

June 30, 1995

Jim Claypool City of Portland Bureau of Planning 1120 SW Fifth Avenue, Room 1002 Portland, OR 97204

Re:

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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



12/4/14

LU-14-105474

My name is Nick Brown, I live at 1525 SW 14th. Ave. Apt. 2 Portland, Or. 97201

I am a resident of Goose Hollow, and have worked in this neighborhood for the most all of the last forty years.

From this vantage point, I have long observed the Multnomah Athletic Club's relationship with the Goose Hollow neighborhood, and also with the Goose Hollow Foothills League.

That, and along with the Club's slow acquisition and use of Block 7, has lead us all to this hearing.

To me, the MAC's plan for Block 7 has always been about parking. No matter what was promised or not promised, said or not said back in the 70s when the MAC Club wanted to get approval for it's parking garage, the MAC has long been fixated on acquiring more parking for it's members, with Block 7 it's obvious destined location.

Proving that, many times over the years the block has been used by the MAC Club as an overflow parking lot, even resorting to double parking members' cars on surrounding streets when even that was full. A couple years ago, I even remember seeing a press release, with a proposed drawing by the MAC for a full block of surface parking on Block 7.

This is nothing more than an attempt by the MAC to build a new parking structure, (plus, now, a mini-hotel) using housing as camouflage and as overall financing. If this was basically a housing development with parking, dimensions of the project could possibly be mitigated to where some of the block could possibly remain green, and not the massive, totally block consuming building being proposed.

That hope was put to rest at a neighborhood meeting I attended. When Norm Rich, the General Manager of the MAC Club was asked by a neighborhood resident about building higher on a smaller footprint. He replied that the MAC's parking needs required the full block, making any green space left impossible.

When it became obvious that the GHFL was not going to be receptive, Mr. Rich, who started the meeting conceding that the MAC had not been the best of neighbors over the years, he informed everyone there of the power of MAC and it's determination on this project. This was after everyone in the room said they would be supportive for eventual MAC expansion west of the stadium, if only the MAC would save this project for that or some other space. Mr. Rich, said they needed the parking sooner, and dismissed the idea.

Whatever decision you arrive at on the zoning issues involved in this project, please pay attention to not only what the MAC Club says, but what is also not said. For instance, the MAC would say that this is project is "parking neutral " but while they would be consolidating their overflow parking into the new building, they will still hold onto their parking rights in the old lots, giving them hundreds of parking spaces to fill back up over time. As the MAC Club buys, and consolidates the properties to the west of the stadium, I'll bet, in the few years, we will be back to square one as they produce a new development plan with yet another "parking neutral" pitch.

Over the years of the MAC's relationship to the Goose Hollow Foothills League, there has been much neighborhood skepticism of the MAC, it's tactics and it's ultimate goals. I remember when, after the Scotts Mill earthquake of 1990, the MAC Club evicted the residents of all remaining buildings it owned on block 7, saying that they were not using the event to clear the block of renters, and were just going to do some repair work before re-renting the apartments. I remember the construction banner going up, and some painting was done, but then, nothing. The buildings were left empty. After a number a number of years, The MAC Club then announced that they were removing the buildings due to trash, safety, and transient issues. But we were not to be concerned: the MAC was not "demolishing" the buildings, they were being

"deconstructed."

To me, it is truly sad is that this de facto park will be totally lost to the neighborhood. This is probably the last chance for some sort of green space in this part of Goose Hollow for the next 30 years or more. If the city is hoping to get ahold of the Lincoln High School property for eventual development it's going to be a very long wait, as there is no place for Lincoln to move to.

A massive development like this, on inadequate streets, also impacts negatively all other fronts in this neighborhood, including traffic, pedestrian safety, and overall livability as the MAC extends it's commercial aspirations deeper into the residential part of the Goose Hollow neighborhood. This project will not improve anything but the MAC's expanding commercial ventures, and their ultimate desire to restart membership expansion.

Over the years, I have come to distrust MAC tactics, and motives, and hope you will be suitably skeptical too. Agreements made with the city and the GHFL seem to been treated as temporary roadblocks to their overall strategy of expansion into the more residential part of the neighborhood.

Please help the Goose Hollow Neighborhood retain and improve it's livability by rejecting the MAC's petition for a zone change for Block 7. Development is inevitable on Block 7, but it doesn't need to be this project, as proposed. Residents want smart plans that make Goose Hollow a thriving, attractive neighborhood, and this project isn't. This project is a slap in the neighborhood's face that only benefits the MAC's interests.

The City of Portland should be finding an alternate plan for Block 7 and the Multnomah Athletic Club's lust for limitless parking for their members, and commercial aspirations.

Thank You.

npbrown52@gmail.com

From: Sent:

To: Subject:

Nick Brown <npbrown52@gmail.com> Thursday, December 04, 2014 10:07 AM Moore-Love, Karla Block 7 (LU 14-105474) Block 7.docx; ATT00001.txt

Attachments:

My name is Nick Brown, I live at 1525 SW 14th. Ave. Apt. 2 Portland, Or. 97201

I am a resident of Goose Hollow, and have worked in this neighborhood for the most all of the last forty years.

From this vantage point, I have long observed the Multnomah Athletic Club's relationship with the Goose Hollow neighborhood, and also the Goose Hollow Foothills League. That, and along with the Club's slow acquisition and use of Block 7, has lead us all to this hearing.

To me, the MAC's plan for Block 7 has always been about parking. No matter what was promised or not promised, said or not said back in the 70s when the MAC Club wanted to get approval for it's parking garage, the MAC has long been fixated on acquiring more parking for it's members, with Block 7 it's obvious destined location.

Proving that, many times over the years the block has been used by the MAC Club as an overflow parking lot, even resorting to double parking members' cars on surrounding streets when even that was full. A couple years ago, I even remember seeing a press release, with a proposed drawing by the MAC for a full block of surface parking on Block 7.

This is nothing more than an attempt by the MAC to build a new parking structure, (plus, now, a mini-hotel) using housing as camouflage and as overall financing.

If this was basically a housing development with parking, dimensions of the project could possibly be mitigated to where some of the block could possibly remain green, and not the massive, totally block consuming building being proposed. That hope was put to rest at a neighborhood meeting I attended. When Norm Rich, the General Manager of the MAC Club was asked by a neighborhood resident about building higher, on a smaller footprint, he replied that the MAC's parking needs required the full block, making any green space left impossible.

When it became obvious that the GHFL was not going to be receptive, Mr. Rich, who started the meeting conceding that the MAC had not been the best of neighbors over the years, he informed everyone there of the power of MAC and it's determination on this project. This was after everyone in the room said they would support eventual MAC expansion west of the stadium, if only the MAC would save this project for that space. Mr. Rich, said they needed the parking sooner, and dismissed the idea.

Whatever decision you arrive at on the zoning issues involved in this project, please pay attention to not only what the MAC Club says, but what is also not said. For instance, the MAC would say that this is project is "parking neutral" but while they would be consolidating their overflow parking into the new building, they will still hold onto their parking rights in the old lots, giving them hundreds of parking spaces to fill back up over time. As the MAC Club buys, and consolidates the properties to the west of the stadium, I'll bet, in the few years, we will be back to square one as they produce a new development plan with yet another "parking neutral" pitch.

Over the years of the MAC's relationship to the Goose Hollow Foothills League, there has been much neighborhood skepticism of the MAC, it's tactics and it's ultimate goals.

From the MAC's attempt to take over the GHFL in the 1980s with it's own slate of candidates, to this aforementioned neighborhood meeting, when Norm Rich said that all the MAC members who live in the neighborhood could register as GHFL members and then vote the MAC's direction.

To me, it is truly sad is that this de facto park will be totally lost to the neighborhood. This is probably the last chance for some sort of green space in this part of Goose Hollow for the next 30 years or more. If the city is hoping to get ahold of the Lincoln High School property for eventual development it's going to be a very long wait, as there is no place for Lincoln to move to.

A massive development like this, on inadequate streets, also impacts negatively all other fronts, including traffic, pedestrian safety, and overall livability as the MAC extends it's commercial aspirations deeper into the residential part of the Goose Hollow neighborhood. This project will not improve anything but the MAC's expanding commercial ventures, and their desire to restart membership expansion.

Over the years, I have come to distrust MAC tactics, and motives, and hope you will be suitably skeptical too. Agreements made with the city and the GHFL seem to been treated as temporary roadblocks to their overall strategy of expansion into the more residential part of the neighborhood.

Please help the Goose Hollow Neighborhood retain and improve it's livability by rejecting the MAC's petition for a zone change for Block 7. Development is inevitable on Block 7, but it doesn't need to be this project, as proposed. Residents want smart plans that make Goose Hollow a thriving, attractive neighborhood, and this project isn't. This project is a slap in the neighborhood's face that only benefits the MAC's interests.

The City of Portland should be finding an alternate plan for Block 7 and the Multnomah Athletic Club's lust for limitless parking for their members, and commercial aspirations.

Thank You.

From:

katharinedoel@gmail.com

Sent:

Thursday, December 04, 2014 2:58 PM

To: Subject:

Moore-Love, Karla LU-14-105474

Dear Mayor Hales and members of the City Council: Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman,

I live on the corner of SW Main and 20th Avenue, directly across from Block 7. I am writing to express my strong opposition to the proposed Block 7 development and the petition by the MAC and Mill Creek for a zone change from residential to commercial. Granting this zone change would allow for the construction of a massive 9 story building with no setbacks from sidewalk, providing the MAC 225 parking spaces as well as 16 guest suites. This would be a disaster for the neighborhood on a number of levels. Traffic and parking congestion would escalate as would noise and air pollution. However my primary concern is safety.

Since the end of June, I have a dog. Thus I walk frequently in the neighborhood. The intersections in the vicinity of Block 7 are already failing. This is what I observe. I see cars driving fast and not stopping fully at stop signs. In one instance, a car passed me on the left, flew through the Main and 20th intersection, barely slowing down, much less stopping. I once saw and heard an elderly man from my building while crossing the street, yell at a car who had already moved into the intersection towards him, "Can't you let an old man cross the street?" I myself, often stand in the rain and dark with my puppy, and wait for cars to look in my direction so we can cross safely. Often drivers look quickly in one direction and take off. One night, I found myself stepping off the curb, waiving my arm, and asking the next cars to stop and remain stopped so that we might cross! Further, In the last month or so I've observed two accidents in the vicinity of the MAC. While walking east on Salmon approaching 20th, I heard a crash right next to me. Turned my head and saw that a car had rear ended another near the intersection. Nothing serious but an accident nevertheless. A few weeks later, while heading east again on Salmon, I saw police cars, people standing, and a damaged car on 18th, around the corner from the MAC.

An apartment building in Block 7 will in and of itself bring residents, their friends and family into this neighborhood, who do not currently live here. Thus more people driving into this area. If the zone change is allowed, approximately 130 of the units in the proposed building will have no parking space. Thus they will not only be driving in to the area but circling to find a parking place. The additional parking for MAC members will encourage more driving and possibly more special events, of which a plethora are already happening. A tunnel, which Mill Creek is proposing, is NOT going to mitigate the amount of traffic driving into this neighborhood. This neighborhood is already unsafe and noisy. The zone change will result in further degradation of quality of life in this historic neighborhood.

Thank you for your consideration of this important issue.

Sincerely,

Katharine Doel

From:

estebanko@gmail.com on behalf of Stephen Ko <stephen@stephenko.org>

Sent: To: Thursday, December 04, 2014 11:54 AM

TO:

Moore-Love, Karla

Subject:

RE: LU-14-105474 CP ZC

Stephen Ko 2020 SW Main Street, Unit 603 Portland, OR 97205

December 4th, 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 Stephen Ko. I work as a network software engineer at Intel, and I live directly kitty corner to the current Multnomah Athletic Club (MAC) parking garage, literally a stone's throw distance. As you may already be aware, the vast majority of folks who live closest to the proposed development site are vehemently opposed to the zoning change, including me.

I am writing to urge you to give ear to our many loud voices of opposition, coming through not merely in this pile of letters but in many other piles past. Please also heed the many testimonies that continually refer to MAC's broken promises, their flagrant disregard of our neighborhood's character, environment, and safety, as well as their indifference to the city's goal to make better use of readily available transportation.

One giant commercial parking garage smack dab in the middle of the neighborhood is enough. If you, our commissioners, fail to concede that our living space is not the MAC's garage, we will be left to believe something we don't want to: to put it bluntly, in the end, money always wins, especially among politicians.

Please give us fair representation and make an effort to fight for our rights.

Sincerely,

Stephen Ko 2020 SW Main Street, Unit 603 Network Engineer Intel Corporation

From: Sent: Tom Milne <tom.milne@comcast.net> Thursday, December 04, 2014 11:41 AM

To:

Moore-Love, Karla

Cc:

Tom Milne

Subject:

Testimony re Block 7

Attachments:

Tom Milne City Council Testimony 10-1-2014.doc; Tom Milne City Council written Testimony

12-4.doc; ATT00001.txt

Ms. Moore-Love,

Please find attached the written testimony that I present orally on October 1, and written testimony I would like included in the record for Block 7 Case Number: LU-14-105474 CP ZC. Thank you.

Tom Milne 1132 SW 19th Ave, #708 Portland, OR 97205

Testimony to City Council October 1, 2014

Re: Block 7 Case Number: LU-14-105474 CP ZC

My name is Tom Milne. I reside at 1132 SW 19th, Unit 708, Portland, 97205. I am a member of the Board of Directors for Friends of Goose Hollow, LLC, a group that, with close to 300 area residents, opposes the rezoning of Block 7 to Commercial.

Today you will hear from residents who oppose the rezone. The Friends of Goose Hollow supporters will address MAC's unkept promises, concerns with traffic and parking, poor consideration of resident input, and concerns about impact on the neighborhood environment.

Unfortunately, our history with the MAC is rife with unkept promises.

For example:

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 they say 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 was 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.

The City Attorney's office advised that this hearing before the City

Council would be conducted under the legislative hearing procedures.

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. In light of our above concerns about historical misrepresentations by MAC and its history of misconstruing the applicability of various plans, regulations and criteria, we would appreciate an opportunity to hear and consider these disclosures.

As will be described today, and in all previous testimony submitted by Friends and its supporters in this matter, the Council has ample support in the record to deviate from the Hearings Officer's recommendation and to uphold the neighborhood residential zoning in this portion of Goose Hollow. I urge you to deny the zone change.

To: Mayor Hales and members of Portland City Council

From: Tom Milne, 1132 SW 19th Ave, #708, Portland, OR 97205

Re: Block 7 Case Number: LU-14-105474 CP ZC December 3, 2014

Greetings. I am submitting written testimony to augment oral testimony I presented on October 1 in opposition to the request to rezone Block 7 by the MAC and Mill Creek. I am a member of the Board of Directors for Friends of Goose Hollow, LLC (FOGH), the Board of Directors for the Legends Homeowners Association, and a member of Goose Hollow Foothills League.

As you prepare to make a decision on this complex and contentious issue, I ask that you give serious consideration to the following question: "What message would approval of the zone change send to the neighborhood, to the MAC Board of Trustees, and to the Portland community at-large?" In considering that question, please also consider the following:

1. Should the MAC's bad behavior and broken promises be rewarded? As you are aware, the MAC agreed to a Master Plan in 1983 as one means proposed by the City to resolve the contentious relationships between the club and neighborhood. The Master Plan promised that all further developments on MAC property south of their garage would be done within current RH zoning. The plan also required MAC to engage in parking demand management. Finally, the plan stated that it would "... 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."

In the 1990s, the MAC wanted to have its clubhouse and garage rezoned from RH with conditional uses to CX, and asked the neighborhood to support the request. At that time, the club president as well as Steven Janik, MAC counsel, assured both the neighborhood and the City that the requested zone change would NOT impact the Master Plan.

So, where are we today? Now Mr. Janik states that the rezone of the clubhouse and garage in 1995 satisfied the Master Plan, and that it is no longer in effect. One is left with the conclusion that the MAC requested the support of the neighborhood to secure the zone change with no intention of honoring its commitments and promises to the neighborhood. Further, the MAC has done virtually nothing by way of meaningful parking demand management, as I will discuss below. In other words, the MAC has been untruthful with the City and with the Goose Hollow neighborhood. Approving their zoning application would send the message: large and politically influential organizations don't need to keep their promises to the City or neighborhoods. Please don't send that message.

This afternoon, we learned that the City Attorney has provided advice to one Commissioner that the Master Plan expired. While we disagree, we cannot formally respond to the City Attorney's interpretation without a copy of her memorandum and analysis. We request that the Council not make a decision on this matter

until a full analysis and response can be provided on behalf of FOGH. The City Attorney's conclusion contradicts the spirit of agreement that the neighborhood fought so hard for in 1985 – to keep Block 7 residential - and it is that spirit that this Council should honor.

2. Should the MAC be allowed to ignore the City's policies promoting the use of mass transit? Developers are currently allowed to construct apartment buildings with no parking as, one assumes, a strong incentive to use mass transit. Local government has invested millions to develop and support a transit system that serves the Greater Portland area. There are three MAX stops within 3 blocks of the MAC clubhouse, one of which was built specifically to support use of the MAC. There are multiple bus lines that stop within a short walk from the MAC. The system and attendant policies that encourage use of alternative modes of transit are in place for good reason – because Goose Hollow is a transit rich hub.

But, as already noted, MAC not only failed to engage in meaningful parking demand management, it actually engages in providing incentives for members and guests to arrive by automobile. For example, a neighborhood informal study of MAC parking demonstrated that the vast majority of those visiting the club arrive as single occupants of automobiles. The MAC provides at least four passes – and more if needed – to each member of the club. A family of four could have as many as 16 parking passes.

There are no time limits during the day for use of the garage and of course all parking is provided at no cost. Visitors for "special events" are allowed to use the parking garage and/or "overflow parking" in a nearby lot.

Approval of the zoning request would send the message to the entire community that the City's policies relating to use of mass transit don't apply to the wealthy and influential, and/or don't need to be taken seriously. That, I am confident, is not a message you want to send.

Please reject the application for zone change on Block 7, and instead of the potential messages that approval would send, send the message to the MAC: Live up to your promises to the City and neighborhood and respect the smart growth policies of the City as set forth in the comprehensive plan. Finally, please delay a final decision until we in the neighborhood have had an opportunity to read and analyze the opinion of City Counsel regarding the master plan.

Thank you.

From:

Kathleen Milne < kcm47@me.com>

Sent:

Thursday, December 04, 2014 11:26 AM

To:

Moore-Love, Karla

Cc:

Milne Casey; Bragar Jennifer

Subject:

written testimony for Block 7 Case Number: LU-14-105474 CP ZC

Attachments:

12-4-14 testimony.doc; ATT00001.htm

Greetings Karla,

Attached please find my written testimony for Block 7 Case Number: LU-14-105474 CP ZC

Thank you,

Casey Milne 1132 SW 19th Avenue Portland, OR 97205 503 203-1025 503 830-4477

Milne & Associates www.milneassociatesllc.com

To: The Honorable Mayor Charlie Hales and Members of the City Council, Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman c/o Karla Moore-Love, Council Clerk 1221 SW 4th Avenue, Room 130 Portland, OR 97204

From: Casey Milne 1132 SW 19th Avenue, #708 Portland, OR 97205

Re: Testimony to City Council

Block 7 Case Number: LU-14-105474 CP ZC

Date: December 4th, 2014

My name is Casey Milne, I live in the Goose Hollow neighborhood and am a 4th generation Oregonian, a graduate of OHSU School of Nursing, MAC member, a Board member and Treasurer of GHFL and a founding member of Friends of Goose Hollow. For over 45 years I've worked to create healthy communities through my work and personal life. With that continued commitment, through this letter I'm sharing my key concerns with this proposed zone change.

1) Parking & Traffic

Portland has been a national leader for setting policies that serve neighborhoods, livability and sustainability. We've developed extraordinary mass transit systems. The city's Comprehensive Plan and Goose Hollow Plan don't support more parking structures, especially when they are for single use by a private club.

Since the 1980's, the MAC management has not demonstrated that it

is capable or interested in managing its parking demand. MAC management offers free parking for members and guests, offers 4 or more parking permits permits per member. Guests and members can park even if attending events outside the Club and creative engaging options for reducing parking demand are not promoted.

MAC should not be allowed to increase their member parking by 42%. As explained by BDS Staff (Sheila Frugoli) in Oct 24/14 letter to City Council, Title 33 does not imply the MAC has a need or a right to additional parking. Mill Creek/MAC states "this application is based solely on the plan to develop MAC uses" (MAC parking and guest suites). I ask that City Council" **not** approve rezoning Block 7 to CX for more MAC parking, MAC management has not demonstrated that it has a need or right to more parking.

The BDS Staff Report argued that a Central City Parking Review (CCPR) should be completed as a condition for approving the Applicant's rezone request. In other words, before finalizing a zone change to CX, the MAC should be required to demonstrate that the Club (a) has a need for more parking; and (b) is capable of managing it's parking demand.

What are the applicant's reasons for not requesting a concurrent CCPR? The MAC management makes a legal argument that defies sense. The simple truth is that strategically MAC management felt best served by seeking the zone change first, knowing its arguments to justify additional parking are languid at best, and hoping to

strengthen its bid by achieving the zone change first. But the sole reason for the zone change application is to allow MAC parking (and guest suites). Why should the City agree to a zone change for MAC parking without the MAC management demonstrating a genuine need for more and the ability to manage it parking demand? Trying to hide behind some sort of legal mumbo-jumbo should not be good enough. City staff's letter of October 24th refutes the argument made by MAC management that they somehow "deserve" parking through a misguided reference to a table in code that doesn't apply.

Steve Janik states this project is "good for the neighborhood", yet this project leaves 100-200 residents of the small apartments without a parking option other than the street. This is not a win.

Consider for a moment, that you approve the zone change and that MAC now has about 800 parking spaces via their parking structure and is having a special event that fills all the spaces. Now imagine upwards to 1600 or more people using the cross walk on Salmon. Traffic would be backed up on 20th, Salmon, and 18th.....now consider this at rush hour. If you are convinced MAC needs more parking, there are much better options available to MAC, including the offer from Harsch Investments for additional parking that is available **now**. The Butler block on 18th and Salmon would be another <u>excellent</u> option and could serve Lincoln High School as well as Providence Park. Block 7 is not the best option for MAC parking.

2) Missed opportunity for the city

One of the strategies MAC uses to keep food costs and membership dues for members down is hosting special events. MAC stated in its 1993 Master Plan that they had 120,000 guests and about 20,000 members, this is a 6:1 ratio. With free parking MAC competes unfairly with facilities in the downtown core. The city loses money with reduced use of mass transit and city parking, and fewer tax revenues from for-profit facilities. With more special events, MAC needs more parking, yet there is no parking demand management. Options that MAC management could use to reduce parking demand include charging for parking, reducing the number of parking passes per member (I was told I could have 4 of them and more if it was needed), increase the number of members that don't need parking. They could also reduce the number and size of their special events or develop and follow a true parking demand management plan. The neighborhood would be happy to assist MAC management in creating an effective Demand Management Plan for MAC Parking.

3) Proposed Parking Access

Hearings Officer (Ken Helm) states "Existing or future driveways on the subject site (Block 7) are prohibited from providing vehicle access to any parking that is accessory to the MAC" [item F on page 91] Mr. Helm's recommendations imply that access to MAC parking under Block 7 will only be allowed by way of the proposed tunnel If City Council approves the Applicant's zone change request, will Council ensure that this condition of the hearings officer, that a tunnel must be built, be enforced?

To construct the tunnel joining Block 7 and the MAC garage, the Applicant will be required to obtain an "Encroachment Permit" from PBOT. When Mayor Hales asked whether this might pose a technical problem, Mr. Janik provided him strong assurances that it would not be a problem. Our research (Seth Levens) confirms that an active sewer line below SW Main Street servicing Kings Hill (Vista St. Clare) obstructs the area where the tunnel would need to be constructed – the tunnel option may NOT be feasible or as straight forward as Mr. Janik described.

4) The neighborhood position

Steve Janik states that the majority of the neighborhood supports the Block 7 development. He is misguided on this point. GHFL had a large Block 7 Committee that undertook a robust yearlong study of all the issues. He counts these meetings as outreach, they weren't. Participation included neighbors from all areas of the neighborhood and reached record levels. Votes taken by the Block 7 Committee were overwhelmingly against this development. The few voting for the passage of the Block 7 project were from MAC and Mill Creek. The special meeting was further evidence of neighborhood opposition where the vote was 109 against rezoning of Block 7 and only seven for it. The GHFL Board was a conflicted Board, however, since November 2014 elections the Board consists of members that live in the neighborhood. The Board also has clarity on its position on Block 7, GHFL opposes a zone change on Block 7 and has sent a letter to this effect to City Council.

5) Alternative Sites

As shown on the area map (highlighting site options), a 26,500 square foot site at the corner of SW 18th and Salmon St. is publicly-owned, currently used for parking, and properly zoned to allow expansion of commercial parking. In a multi-level structure, it can accommodate the proposed 225 parking spaces. At a minimum, Friends' preliminary calculations reflect that 180 spaces could be constructed at the site and likely more with a careful design. Because of its premier location, other large neighborhood institutions could be attracted to share in its utilization. Tri-Met is the owner of this site, and has clearly indicated it has no future transit needs for the site that preclude a community/neighborhood use.

The City Council should continue this application to January 2015 and should direct its expert staff to craft a neighborhood solution to the parking problem caused by institutional uses in the neighborhood, rather than approving a piecemeal zone change for the MAC at the wrong location.

Former neighbor, resident, developer, friend and MAC member (now deceased) John Gray would not ask for or vote for this zone change request and Mildred Schwab, Mike Lindberg (and others) were promised the MAC would never come asking for more parking. I urge you to vote no to this zone change, allow Goose Hollow to have a legacy we can be proud of...help us thrive.



Goose Hollow Neighborhood Perspectives

Nic Clark
Jon Beil
Casey Milne
Roger Leachman
Jerry Powell
Anita Sande
Harvey Black

Note: Written materials submitted into the hearing record include:

- ✓ List of Block 7 Related Referenced Materials
- ✓ List of Block 7 Related Media (news) items
- ✓ Written testimonies

Goose Hollow Neighborhood Perspectives



Nic Clark (#1)

Goose Hollow Update 2014:

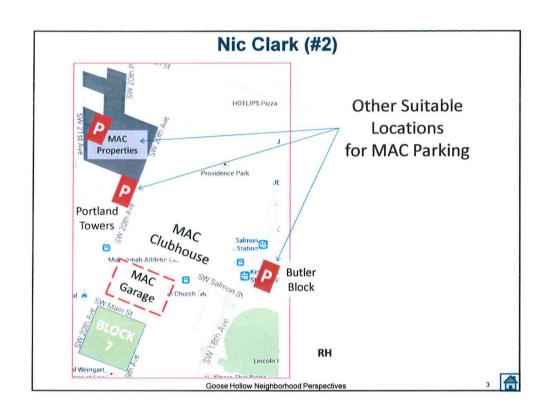
- GHFL Board Resolution Opposing Rezone*, November 25
- GHFL Board Election (7 residents elected), November 20
- GHFL Membership Resolution Opposing Rezone*, October 8
- GHFL Petition of Members to Hold Special Meeting, August 25

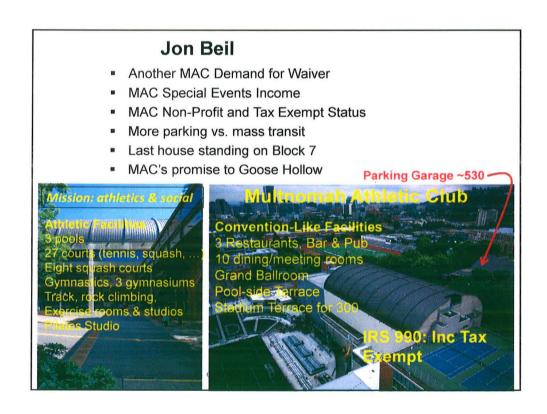
A Question Posed By City Council:

- "B. What impact does the proposed MAC parking have on vehicle queuing at the entrance of the Salmon Street garage?"
- * 2 letters regarding GHFL resolutions submitted into the hearing record

2







Roger Leachman (#1)

Zone change application based solely on MAC's parking "need":

- → BDS Staff agrees CCPR should be a pre-condition
- → How can zone change be approved without proving need?

Applicant claims Title 33 justifies more MAC parking

→ BDS Staff does not agree

MAC is incapable of parking demand management (required by CCPR)

→ MAC parking is free and uncontrolled

Hearings Officer says street access to Block 7 parking is prohibited

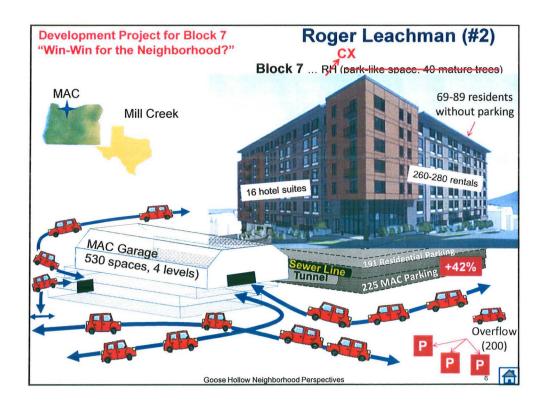
→ implies access must be through tunnel

PBOT requires "Encroachment Permit" to build tunnel

→ active sewer line under SW Main Street intersects tunnel

Goose Hollow Neighborhood Perspectives





Jerry Powell

Post Acknowledgement Plan Amendments (PAPA) No credible evidence more parking needed No credible evidence of no impact on neighborhood Applicant's balancing act framed housing not parking Metropolitan Housing Rule may also be violated

Goose Hollow Neighborhood Perspectives





Harvey Black

MAC is not controlling use of their existing parking

Most MAC members are satisfied with MAC parking

MAC has no parking management plan (only for employees)

A need for more parking is unsubstantiated

MAC Master Plan remains in effect notwithstanding other opinions



Finance & Real Estate

Goose Hollow residents seize opportunity to vote

Landslide vote may make board's position irrelevant as City Council decides Block 7 zone change.

ALLAN CLASSEN

inally given the opportunity to cast ballots, members of the Goose Hollow Foothills League came out in large numbers to register their disapproval with the proposed apartment building and MAC parking facility on Block 7. The count for the motion to oppose was 109 yes votes and seven nos.

The special Oct. 8 membership meeting was called by members eager to put their neighborhood association on record against the project. After two years of debate and contention, the GHFL board has been unable to pass a resolution either for or against the development.

"From my perspective, it was about demonstrating that the board's votes ignored the six months of work by the Block 7 Committee, and that the 'non-position' in no way reflected the views of people living in

the neighborhood," said Tom Milne, secretary-treasurer of Friends of Goose Hollow, a nonprofit formed to fight the project. "I also believe the vote demonstrated the very strongly held view that residents are tired of the MAC leadership's long pattern of not keeping its promises and bullying the neighborhood."

GHFL President Bob Arkes had contended that the league's board of directors controlled all decisions of the organization, and that votes taken at a membership meeting merely advise the board. By the end of the meeting, however, that was less clear. A motion directing Arkes to send a letter to City Council members informing them of the membership vote was approved. He later complied with the directive.

In the process, members had bypassed the board in attaching the GHFL letterhead to a public policy resolution.

Whether the organization's



Sherry Salomon proudly casts a yes ballot at the special Goose Hollow Foothills League called by members to register a position on the proposed Block 7 development. Photo by Nic Clark

board and membership can hold separate positions may become moot. First, any resolution coming from a neighborhood association has only as much weight as policy makers give it. If City Council believes a 109-7 vote of members is a better guide to neighborhood sentiment than a deadlocked board of 11 people, that's their call. They don't have to follow the recommendation of either bloc, after all.

Secondly, a new GHFL board will be elected Nov. 20. Five

seats are up for election (the board size was reduced from 14 to nine slots last month), and a new majority unsympathetic to the Block 7 project could be in place before City Council resolves the issue.

COMMENT ON NWEXAMINER.COM

City Council postpones decision on Block 7

Councilors must decide if 1995 zone change wiped out earlier agreement to not seek additional parking.



Tom Milne, secretary-treasurer of Friends of Goose Hollow, was one of about 30 citizens who testified against the Block 7 proposal. Photo by Vadim Makoyed

ALLAN CLASSEN

he path to approval of a Multnomah Athletic Club parking facility and apartment building grew longer and more complicated last month as City Council postponed further deliberation until Nov. 20 (2 p.m.).

Issues raised at an Oct. 1 public hearing had council members asking for more information as they consider a request to convert residentially zoned Block 7 into a commercial designation.

The Multnomah Athletic Club and development partner Mill Creek Residential Trust intend to build a sevenstory apartment building with four levels of underground parking, the bottom two of which will be for MAC members. The 225 MAC parking stalls would be accessed through a tunnel from the club's main parking garage immediately north. The structure will also have 14-16 motel units for MAC visitors.

The zone change is complicated by the fact that the city's long-range Comprehensive Plan calls for residential use on the block, which is bounded by Southwest 19th, 20th, Main and Madison streets. All amendments to the Comprehensive Plan map require City Council approval.

The council could have relied on a city Hearings Officer decision in July in support of the rezoning.

But Jennifer Bragar, attorney for Friends of Goose Hollow, a group formed by neighborhood residents to challenge the project, introduced evidence that had council members seeking more time to absorb legal interpretations.

"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," she said. "Now, conveniently, the MAC claims the master plan no longer applies."

Bragar said a 1993 MAC master plan prohibiting club parking facilities south of Main Street was not voided by a 1995 zoning decision, as Hearings Officer Kenneth Helm and city staff asserted.

The city code used to justify this interpretation refers to removing restrictions tied to earlier city approvals but does not apply to master plans, she said.

Bragar also attacked the MAC's transportation study for failing to consider the impact of adding vehicle trips associated with the proposed underground parking and motel units—added trips that may push already congested intersections into failure.

MAC's contention that more parking stalls will draw no more vehicle trips was challenged by Bragar and several neighbors.

"As a result of more parking availability, members that would otherwise choose not to drive will now opt to drive," she said.

Many opponents of the proposal described the increasing array of special events in which nonmember groups rent MAC facilities.

"The MAC never provided information about the extent of special events held at its facilities and the impact on traffic and parking demand," said Bragar. "These uses exceed a sports club use and allow the MAC to behave like a convention center, [while] the city has never conditioned the number of events to alleviate traffic and parking impacts on the neighborhood."



Thank you, thank you, thank you.

Vince "Pesky" Paveskovich Beaverton

MAC angers neighbors

Thank you for publishing the story about Multnomah Athletic Club General Manager Norm Rich pulling my "Portland's Goose Hollow" book from the MAC gift shop in retaliation against me for having a different opinion on a zone change ["City Council weighs MAC garage issue," October 2014]. Since then, many MAC members have expressed their shock and outrage to me. One elderly MAC member asked me: "Why would the MAC want to be seen as the mafia of Portland. where, if you oppose their general manager, you will be beat down?"

That's a good question.

It has been encouraging to hear from so many MAC members who are appalled at this censorship and bullying. Throughout the Block 7 process, we have seen such aggressive behavior repeatedly. MAC's attorney sent city commissioners a letter about alleged "community outreach." The reality is-after months of meetings where Rich heard rooms full of people objecting to a zone change, he pitched a fit and threatened attendees, telling them that he could outvote them by getting many of his 20,000 MAC members to register as Goose Hollow Foothills League members. He then spent months using the MAC magazine, emails and mailings to MAC members trying to convince them to join GHFL and vote to "help the neighborhood" with this zone change.

He was not successful in his

effort to stack the deck. But he was incredibly successful at infuriating Goose Hollow residents. We formed Friends of Goose Hollow and plan to fight the MAC on this for years if we have to.

As an upstanding citizen and MAC member who wrote a historically accurate op-ed against rezoning Block 7 in The Oregonian, I feel that the MAC should make right this retribution against me. However, as a member of Friends of Goose Hollow, I see that Rich's behavior has helped tremendously with our neighborhood resistance and our fundraising. Perhaps it's best letting him imagine that he is the mafia of Portland and can shut down people who disagree with him.

> Tracy J. Prince SW Market Street Dr.

City Council weighs MAC garage issue

Decision on proposed zone change to accommodate apartment building/garage waits for neighborhood vote.

ALLAN CLASSEN

he Multnomah Athletic Club's effort to tuck member parking spaces under a proposed apartment building is in limbo pending an Oct. 1 City Council hearing that has been continued to Thursday, Oct. 30, 3 p.m.

Whichever way the case goes, a casualty of the two-year campaign to rewrite the comprehensive plan to accommodate a 280-unit apartment building and



Bob Arkes (left) and Nic Clark have found the Block 7 issue divisive and perplexing. Photo by Vadim Makoyed

commercial garage may be the Goose Hollow Foothills League, whose board has resisted growing opposition to the Block 7 project among neighbors.

Those opponents have called a GHFL special membership meeting Oct. 8 to pass a ▶

Continued on page 10

City Council weighs MAC garage issue

Continued from page 1

resolution against the hybrid structure. It will be held at 7 p.m. in the First United Methodist Church, 1838 SW Jefferson St.

Even before the Oct. 1 hearing, the council decided to delay final action until after the membership vote.

In April, the GHFL board failed to pass a motion pro or con at the end of a major public meeting called for that purpose. Last month, the board was still arguing about that meeting and how the minutes should portray various events.

Some have had enough of the quarreling. Three members resigned from the board this summer, one in obvious disgust at the division and dysfunction. An effort to fill the first of those vacancies was nullified on procedural grounds, and the other seats were left empty rather than test a method of finding replacements that might again be challenged.

Opponents of the Block 7 development grew so convinced they were not being heard by the board that they formed a separate nonprofit, Friends of Goose Hollow, raised funds, hired an attorney and

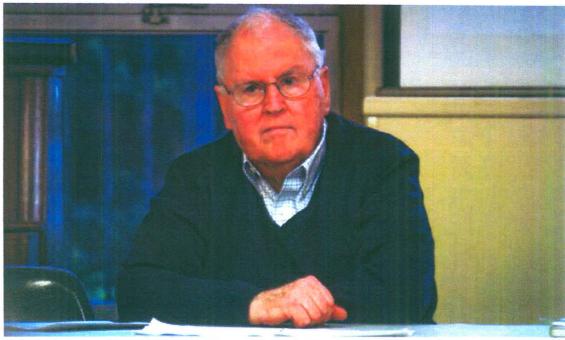
became a virtual neighborhood association in itself. Members of this bloc dominated the 2013 GHFL elections, taking four of the six available seats, and threaten to gain a majority next month when 10 of the 13 seats are up for election.

Most of the league's monthly meetings drag on, lasting as long as three hours and frequently heading off into personal disputes or tangents. The contesting of the right of the developer of Block 7 to be a GHFL member has consumed a considerable amount of board time and involved a records request. Board President Bob Arkes acted on an anonymous charge that a board member acted unethically, resulting in filing of a formal grievance by the person accused.

The writer of the poison pen letter, a former board member, was uncovered four months after the fact. The email accused a board member of mischaracterizing the organization's position on Block 7 at a city hearing.

Multnomah Athletic Club General Manager Norm Rich removed all copies of Tracy Prince's popular Goose Hollow history book from the club's gift shop, ostensibly because

> the author has been an outspoken critic



Harvey Black, president of Friends of Goose Hollow, leads an organization perched to soon dominate the area's city-sanctioned Goose Hollow Foothills League. Photo by Vadim Makoved

of the development proposal. Prince accused the club, of which she is a member, of "bullying" and attempting to silence her. Rich did not respond to a request from the Examiner to explain why the book was pulled.

Harvey Black, chair of Friends of Goose Hollow, is attempting to focus the opposition's energies on the issue at hand.

"There are many reasons to oppose the MAC project," he said. "But the bottom line is that the MAC worked with the neighborhood in the 1980s and 1990s to secure a parking garage and needed zone changes, promising the city and the neighborhood, in exchange for its support, that the club would build within RH zoning on the two blocks south of the parking garage and it would refrain from building further MAC parking south of the garage. The MAC has walked away from those commitments."

The Multnomah Athletic Club claims the 1981 master plan agreement and a later one in 1992 both expired in 1995 when zoning for the main MAC garage was changed, and they no longer limit expansion of club parking.

Block 7, surrounded by Southwest 19th, 20th, Main and Madison streets, has been used as a de facto park since the 1990s.

Comment on nwexaminer.com



Submitted by Kal Toth 12/04/2014

List of Block 7 Related References

- [0] Magnitude of Neighborhood Opposition to Block 7 Rezone Proposal, Dec 4/14
- [1] 1981City Council Hearing re. MAC Parking Garage, 14 of 75 pages extracted, Jan. 1981
- [2] Agreement & Master Plan, [bottom of p.1/top p.2 re. "south blocks"], Jul. 23/81
- [3] MAC Master Plan, [table of contents + page 7 re. duration of the plan], May 21/1992
- [4] Dennis Cusack Letter to GHFL, May 30/95
- [5] Dennis Cusack Letter to City, June 30/95
- [6] Steve Janik Letter to City Nov. 17/95
- [7] History of MAC Parking Land Use & Master Plans, D. Cardin, Feb 22/14
- [8] MAC President's report, [parking satisfaction], Feb. 8/11
- [9] MAC President's report, [frequency of member visits], Feb. 11/14
- [10] Steve Janik to BDS (S. Frugoli), Mar. 21/14
- [11] GHFL Block 7 Planning Committee [votes 18-5 (3 abs.) opposing Block 7 rezone], April 24/14
- [12] BDS Tentative Staff Recommendation, pp. 56-58, May 9/14
- [13] Hearings Officer's Recommend. [prohibits street access to MAC parking, pp.90-92, Jul. 18/14
- [14] Ball-Janik (S. Janik) to BDS (S. Frugoli), Sept. 26/14
- [15] Kal Toth Testimony to City Council (V2) [addresses queuing & other Block 7 issues], Oct. 1/14
- [16] BDS (S. Frugoli) to City Council [addresses MAC parking entitlement and CCPR], Oct. 24/14
- [17] GHFL (B. Arkes) to City Council Re. Members Resolution Opposing Block 7 Rezone, Oct. 8/14
- [18] GHFL (K. Toth) to City Council Re. Board Resolution Opposing Block 7 Rezone, Dec. 2/14
- [19] Harsch (S. Roselli) to City Council [expressing opposition to rezoning Block 7], Nov. 12/14

Magnitude of Neighborhood Opposition to Rezone Block 7

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
- [11] 10/8/14 GHFL Membership votes 109 to 7 to oppose rezoning Block 7
- [12] 11/25/14 GHFL Board votes 9 to 0 (1 abstention) to oppose rezoning Block 7

1981 City Council Hearings of an Appeal by Goose Hollow Foothills League and local Residents of a Land Use Decision in favor of allowing the Multnomah Athletic Club (MAC) to build a large Parking Garage structure near their clubhouse

Excerpts of microfilmed City Archive records created by Tracy Prince (9-17-2013), then photo-enhanced for improved readability by Dale Cardin (9-24-2013)

HEARINGS

Appeals of Goose Hollow Foothills League, Beth Blount representing neighbors, and Multnomah Atheltic Coub, applicant, against decision of approval with condition for a conditional use for parking and athletic facility addition to existing facility on Block 6 and W2 of Block 3, Amos N. King's Add., at SW 20th and Salmon in Zone AO. (CU 80-80)

CROELL

Your Honor, six remonstrances have been received and one remonstrance not an owner of record. We have received one letter favoring and one letter favoring outside of the area, and the Council has copies. And just prior to this hearing I have been handed a number of letters that are favoring the proposal of the Multnomah Athletic Club.

IVANCIE

Commissioner Schwab.

SCHWAB

Mr. Mayor, at the start of this hearing I would like to state for the record that I am, as I believe are all the Council members, an honorary member which is another name for a non-lues paying member of the Multnomah Club. That will in no way influence my vote. I use occasionally the dining facilities but not very often. But nonetheless, that does not influence or will not influence my decision.

LINDBERG

Mr. Mayor, I wanted to mertion to that I am, I think it is a courtesy member of the Multnomah Athletic Club. I have been for a year and have never used that membership in the facility, but I think we are supposed to declare that at the beginning of this yearing. I would also say that would not influence in any way my decision.

JORDAN

I think that would apply to all of the Commissioners.

IVANCIE

I think that applies to the whole Council. So be it noted. Mr. Frost?

FROST

Thank you, Mr. Mayor. The matter before you stems from a request for the approval of a Conditional Use by the Multnomah Athletic Club to allow the

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construction of a parking structure four stories high with athletic facilities on top of it, parking to accomodate some 566 cars, to be located across SW Salmon Street from the Multno-Atheltic Club. I think everyone is probably familiar with the location but the property in question lies between Salmon and Main from 20th to the midblock line between 19th and 18th. In other words, a block and a half. Also, the intervening street, 19th, has been petitioned for vacation.

The objective is to consolidate parking for the athletic club and to provide some additional athletic facilities on top. It will be connected with the main athletic club building across Salmon Street by a pedestrian bridge. There is also a proposal for an automobile tunnel under Salmon Street to provide an entrance to the parking facility so that if built one would drive into the entrance to the club and on around underneath Salmon into the parking lot.

Mr. Frost, is there a model of this facility? One available?

> I don't have a model. I think there are probably slides that the athletic club representatives will be showing.

The club doesn't have a model of this project?

Yes, the club does but I don't believe that they brought it here.

Well, there is no use having the model if you don't disclose it. I like to see models. Is it too bulky? Is it a big one.

I think we can have one here. Let me check.

Okay, go ahead, Frank. We can bring it.

The decision of the Hearings Officer was approval

UNIDENTIFIED Mayor Ivancie, the architect said they could have 1t here in twenty minutes and they are going to go get it. 00

of the request subject to a number of conditions.

37 16 30 1 Go ahead, Mr. Frost

> The Hearings Officer's decision was approval of the facility subject to a number of decisions. I will tick off the more important ones before getting to slides of the area. Number one -- oh, yes. There were also three variances requested. They are very minor in nature but they were also approved.

Number one of the conditions was that the applicant is to provide, to develop a comprehensive trans-portation and access plan in conjunction with the Bureau of Planning and Tri-Met, addressing carpooling, transit, traffic and pedestrian access, parking management and their interrelationship. And there are some nine points that this management plan is directed to adiress. Also, a condition -- oh yes. Then the management

IVANCIE

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plan is to be the subject of another public hearing by the Hearings Officer prior to the issuance of any building permits for the facility.

The second condition is that the use of the existing surface parking lots are to be terminated after the completion of the parking structure. And the time of that termination is also to be a subejct of the public hearing that the Hearings Officer is requiring for the management plan, for the circulation plan. So the two things would be the transportation, circulation plan and the termination date of the existing open parking areas.

IVANCIE

What happens to those lots then, if they are terminated?

FROST

They would then revert to their basic zoning designation which is AH, high rise apartments. One of the concerns of the neighborhood, of course, in their appeal is that the neighborhood is being gradually eliminated by Multnomah Athletic Club. The zoning recognizes this area as an intense high rise apartment area. The Athletic Club has indicated that they would be quite willing to consider eliminating those parking lots after the parking structure is built so that they could eventually be used for their basic zoning designation, which is apartments and/or commercial along 18th and Columbia, or Jefferson.

LINDBERG

They would consider selling them, did you say?

FROST

Pardon me?

LINDBERG

Did you say the MAC club said they would consider selling those parking lots?

FROST

No. What they said is that they will be pleased to eliminate parking on them at some future date yet to be determined and at that time they wou ld either be developed by the athetic club or perhaps sold for whatever the basic zoning designation is.

IVANCIE

Let's say increasing parking pressure, regardless of what the club may do, let's say they get this facility, it wouldn't make much sense to leave those lots empty. You might wait a year or two before H occupancy or housing occupancies on those. Could there be a plan where some parking would be allowed there that may not necessarily relate to the club?

FROST

That is of course an argument that can be raised. The counter argument raised by the neighborhood in their appeal is that by constructing the parking structure at all we are inducing additional traffic in the neighborhood just because there is additional parking available and is working at cross purposes with the residential surroundings.

IVANCIE

Well, there is a line of practicability in between both sides there.

FROST

The fact is that currently there are something like 260 parking spaces in a number of parking lots scattered throughout the area. The proposal is for 566 parking spaces in a structure.

IVANCIE

Because we do have a civic stadium up there that

does require parking so that it is not just the club factor there.

FROST

We have also been told, although the record doesn't seem to show it from my scan of it this morning, that the Athletic Club would be amenable to allowing use of their parking facilities for the stadium when their demands don't require their use. They will have to address that. We have been told that in conference but I didn't find that in the record this morning.

IVANCIE

I see. Continue on, Mr. Frost.

FROST

Another condition of some significance is a skybridge shall be constructed over SW Salmon Street to minimize pedestrian crossing at grade and if determined necessary by the transportation access plan, an auto tunnel shall be constructed beneath SE Salmon Street as per City Engineer's requirements. In other words, the skybridge which was proposed is being made mandatory by the Hearings Officer's decision and the tunnel which was being proposed as an alternative is being tied to the findings of the transportation and access plan that the club is required to develop.

Another significant condition is that after six months of operation the club is to review and evaluate traffic operations impacted by the garage. In other words, to find out what affect the garage had on traffic in the immediate area and such evaluation shall propose mitigating measures where necessary and shall be submitted to the Bureau of Planning, Transportation Section, and to Traffic Engineering. And, that the applicant shall participate in financial responsibility for traffic controls to the degree necessitated by its activities. This is another point that is being contested by the applicant in his appeal.

There are a number of other conditions but I think those are the significant ones that are of most importance.

There have been three appeals filed. One by the Goose Hollow Foothills League. Now, there is always some risk in capsulizing an appeal but I am going to do it in any case. The basic request, contention of the Goose Hollow Foothills League is that they feel there is a need for the Multnomah Athletic Club to develop a ten year or some such length of time improvement plan for the club so that the neighborhood has some assurance of where the club is going in the future. They feel that every now and then there is a conditional use request for additional parking or for some enlargement of the facility, but the neighborhood is uneasy that they don't know in advance down the pike what is coming down the pike in the future. They would like to see the athletic club directed to develop such a plan.

There is also an appeal filed by a number of immediate neighbors. Their concern, paraphrased, is again the desire for a long range development plan for the club facility and also an expressed concern that a structure such as this is in fact detrimental to the character of the neighborhood, to the surrounding vicinity, feeling that this is

a residential neighborhood and the concern that a major parking structure, a major addition to the athletic club is adversely impacting that neighborhood.

The third appeal was filed by the Multnomah Athletic Club. They are taking issue with three of the conditions imposed by the Hearings Officer. One of those conditions is, in my estimation, basically semantic. One of the requirements of the transportation access plan is to develop a parking management plan including pricing structure of parking costs. The athletic club complains that they might want their members to park free and they are concerned that that language would prohibit the free parking. I personally don't think that is the case but it is a semantic debate that they are proposing.

The second requirement of the parking transportation and access plan is to develop a policy designed to assure member and employee parking within an established boundary. In other words, to draw a line around the athletic club beyond which athletic club parking should not filter into the neighborhood, on street parking, that is. The Athletic Club complains that they can't assure that. What they should be required to do is encourage it. Another concern is the tunnel requirement. They don't want to be bound by a requirement to build the tunnel if it should not prove necessary or financially feasible, I would assume.

And response to that, really, is that the requirement for the tunnel is tied directly to their own transportation and access plan. If that determines the tunnel is needed to alleviate the problems generated by the club then the tunnel should be built. If the problems can be alleviated some other way the tunnel is not necessary. The club is a little bit concerned about the language for fear that it means they will have to build a tunnel regardless of whether it is needed.

And, finally, they are concerned about the requirement that they financially participate in additional off site traffic control that their development may require to be installed. In other words, if the six month review indicates that they are creating traffic problems in the neighborhood and that some sort of traffic control such as different channeling of traffic at 18th and Salmon or something of that sort is required to alleviate it, the Hearings Officer's decision requires that they participate in the cost of those additional installations since they would be the reason that they would be needed. The club maintains that is an inappropriate requirement. That they already will be doing more than their share to alleviate traffic in the neighborhood by building a major parking facility.

That is the general request and a very quick summary of the appeals that have been filed. Let me run through a group of slides so that you can get the site in your mind and I will conclude very quickly.

IVANCIE

Commissioner Schwab.

SCHWAB

Could I ask a question first? I think I want to

The applicant's position will be stated by three people in addition to myself. Phil Brown is the president of the club. He will speak about the need for this facility and the neighborhood problem and the history of the athletic club's efforts to contribute to the solution of that need. Dick Campbell, of Campbell, Yost and Grube is the project architect and he will speak about the building and its design characteristics. Jurgen Speer is a traffic engineer with P.R.C. Voorhees of Berkeley, California and he will speak about the effects of the structure on the neighborhood traffic patterns.

The applicant's position is that it urges you to affirm and adopt the Hearings Officer's decision with four small but significant modifications. The Hearings Officer found that there is overwhelming evidence of a neighborhood parking problem and that there is overwhelming evidence that the applicant's proposal is the proper response to that problem. There is strong neighborhood support for the structure. There are 80 signed statements from neighbors who support the construction.

The Hearings Officer found that a master plan is not necessary because one of the conditions that he imposed is that after the structure is completed the club must terminate its use of the surface parking lots and once that is accomplished that land, those two south blocks which have been surface lots, can only be used for high density residential purposes consistent with existing zoning and the city's comprehensive plan.

The Multnomah Athletic Club has asked in its appeal that you make four modifications. The first is that you modify Condition A5. Mr. Frost indicated to you that this may be a mere matter of semantics. As stated by the Hearings Officer, Condition A 5 requires that the applicant submit a parking management plan that includes, quote, pricing structure of parking costs. It is the applicant's intention that there will be no charge for member and employee parking. The applicant believes that free parking will provide the greatest incentive to encourage people to park inside the structure and not on the street and will achieve the maximum relief of the existing neighborhood problem. We are asking that you order a modification of Condition A5 thatwould simply state that the applicant will submit a parking management plan that states whether or not the applicant will charge for use of the structure.

Our second requested modification is to Condition A7. You have already discussed that to some extent, that condition as presently stated that the applicant will adopt a policy to assure member parking within a boundary to be determined. The applicant wishes to change the word assure to the word encourage, and as I indicated it is the intention of the applicant to have free parking and the applicant does believe that will give the maximum incentive to park in the structure for the relief of the neighborhood parking problem. The applicant

LINDBERG

In reading the Hearings Officer report, it sounded like there was some ambivalence on the part of the Hearings Officer but on balance the Hearings Officer supported this project because he thought it could mitigate the neighborhood traffic problem and two, it had actually opened up the potential for new housing on these lots that are freed up. Has there been any discussion within the club or in any of these proceedings about the possibility of the Multnomah Athletic Club actually committing to developing those blocks for housing or to putting them up for sale for the development of housing? I will give you the—my concern is that if the Hearings Officer used the logic that we wanted to solve this traffic problem, that the potential for new housing was a major factor in granting this, as a matter of fact there is nothing in his report which would assure that housing would be developed. I mean, you could hold on to that land for a long time. There will be pressures, I am sure, actually on you and the City Council to open that up for parking if it is sitting there. And you could come to the City Council and ask to convert it to a different type of use.

I guess, frankly, what I am trying to get at is whether the Multnomah Athletic Club is willing to make some commitments, some specific commitments, to see that we would get housing there. It is a long question, and I recognize that it is a ---

MILLER

The Hearings Officer does address that. He says that if we have to stop using it for parking the economics are not going to permit the club Just to keep it empty. He also suggests that if we apply to continue the parking use or some use other than high density residential, we will lose. The club has given a great deal of consideration to the question that you asked but they just don't think they are in a position to make a decision. The club does not own all of the property in the two blocks that would eventually be available for housing. The club thinks that there could be a much better residential development there is it were all developed as one tract. The club has in mind that when the remainder of that property is for sale it might buy it. The club might ground lease it, the club might sell it, the club might develop it for residential itself. But, 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.

LINDBERG

You would say then that 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.

IVANCIE

We stand recessed for ten minutes.

At this time, Council recessed for ten minutes.

At the termination of the recess, those present were: Mayor Ivancie, presiding; and Commissioners Jordan, Lindberg and Schwab, 4.

IVANCIE

I might say on behalf of the Council that we are going to try to terminate this hearing by 5:30. Hopefully we will have a decision by then. If not, we will have to continue it because we have some Council Members that have other obligations. I'm optimistic, though. Okay, does the applicant have another representative to speak?

BROWN

My name is Phil Brown, and my address is 2177 SW Main and I would like to take just a few minutes briefly, I hope, to give you some of the thinking of the Board of Trustees at the Multnomah Athletic Club.

Anyone familiar with the area of the club I think is cognizant of theparking problem there. It is one of long standing. It has been a concern of the trustees and club members for many years. We feel that it is a problem that is not going to go away by itself and very likely will become worse in the future. The Multnomah Club is, of course, a significant contributor to the problem but by no means is it the sole cause. The trustees of the club have a genuine desire to solve the problem, at least to the extent that the club causes it and they have gone through a long, involved planning process over several years and also have been in regular contact with the Goose Hollow Foothills League during this process.

The result of our planning process, we feel, is the best long term solution and that is to consolidate the parking on the one and a half blocks directly across from the club and 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. We can do this without increasing the membership above its present level and it is our firm intention to do so.

The trustees would like to proceed with this plan and are willing to spend six and a half million dollars for what we feel is a first rate structure. The alternative probably would be for us to do nothing because when we have been before the City Council in the past and I think the most recent time was in 1975 we came with a piece-meal request to take down one or two houses and turn it into blacktop and we were specifically asked not to come back again with a piece-meal plan. We were asked to come back with a complete parking plan and I believe it was suggested that that would include a parking structure.

We realize of course that there will be conditions imposed on us by the city and we're certainly agreeable to that as long as the conditions are reasonable and as has been stated and as you know, we agree with most of the conditions that have been set by the Hearings Officer. However, we feel that certain conditions should be modified and are perhaps unrasonable, as has been stated by Mr. Miller.

The Goose Hollow Foothills League has asked us to come up with a twenty-year master plan and I would merely like to state that we have presented our plan, which is very straight forward and simple. It is probably more than a twenty-year plan. It most likely would go many years beyond

that, and that is simply to consolidate the parking on the block and a half across from the club in a structure that will hold 566 cars and then free up the two south blocks for development within the code for multiple housing. Now, many people have asked us why we can't say right now exactly what we are going to do with those two south blocks. We feel that it should be obvious that it is too early for us to say anything about that. There are three parcels on the southwest block that we don't own and there is a whole strip of row houses on the north side of the southeast block that we don't own.

It is likely that we never will own those row houses. We don't know when we might be able to purchase the three parcels on the southwest block. Time will only tell.

With respect to the question about future expansion plans, then, of the club, the only additional expansion that would occur would be Phase II of the proposed parking structure which includes enclosing the athletic facilities on the top level. In view of the anticipated increasing pressure on parking spaces on and near the Multhomah Club property caused by various forces which could include Civic Stadium and increasing density in the area, it would seem that the city and the neighborhood would welcome the club's offer to put its cars in an attractive structure which we feel will enhance the area and eliminate unsightly service parking on four blocks.

We feel our offer is generous and straightforward and we really can't imagine why the City might not be eager to accept it. I would be glad to answer any questions that you might have for me.

IVANCIE

Any questions? Commissioner Schwab.

SCHWAB

The shuttle bus that you used to run, I understand has been discontinued. Can you tell me why? And if it was for lack of passengers, how many you had and what you did to try and increase it and whether you intend to try it again?

BROWN

It is definitely our plan to reinstitute the shuttle bus when we start construction, perhaps before that. The problem with it was that it just really wasn't used by the members. Bob Johannessen the manager of the club and he can probably remember some of the statistics as far as daily use is concerned.

SCHWAB

Did you try and do anything to encourage that use?

BROWN

Yes. we had at that time a weekly newsletter that went to members and we had a monthly magazine and we constantly promoted the bus in both of those.

JOHANNESSON

My name is Bob Johannesson. I am the General Manager of the Multnomah Athletic Club. I live at 12570 SE Salmon, Portland. We instituted the parking bus on two different occasions. First, when we had the gas shortage, the first gas shortage, and we had a total at that time, an average on a daily basis of 19 stead, customers and we made the trip downtown starting at 11:30

always easy to come by, even by the United States of America relative to their budget. So, I am not sure the Multnomah Club is exempt either from that. You know, what do you mean by a commitment?

BLOUNT

I guess what I am asking for is a plan by which we have some reason to know what is planned for that ultimate south two blocks beyond the zoning that is on there right now. Because we have the zoning protection right now for the two blocks they are proposing to build a four-story parking structure on.

IVANCIE

I think for them to say before us as a club that they support housing on those blocks, as a matter of record, to me that is a commitment by them officially before this City Council and we would hold them to it. And if they ever came back here again and said we changed our mind, we would say wait a minute. Here is one of the conditions that you were granted this, if this thing is permitted, and that is it. That's a commitment as far as I am concerned when they say that before the City Council. I don't think they have to hire a consultant or a master planner to come up with a \$14,000 plan to make that commitment.

BLOUNT

Mr. Mayor, I am sorry but I have to disagree with you.

TVANCIE

Well, that's not unknown.

BLOUNT

But both as a lawyer and as perhaps someone who isn't used to how the City of Portland operates, I mean I am from the suburb counties, my experience is in Clackamas County and my practice is in Washington County, there is no way that you can legally require them to do anything but whatever it is they want to do short of requiring a master plan and a permit process, their word notwithstanding. Now, I have to again point to the experience we have had with them in the past where they have said, of course we will agree to these conditions of approval for these parking lots that they have right now on the ground and have had for five years. They simply haven't lived up to those conditions.

Now, I am not sure what your attitude is about the fact that they haven't lived up to the conditions but the fact remains, they haven't. So, I am not particualrly impressed with their track record.

IVANCIE

Well, that is a Council responsibility and sometimes the Council has to exercise those judgements whether they have lived up to them or not, and the circumstances. That is why we have a City Council, I suppose.

BLOUNT

Thank you.

LINDBERG

Anyway, I would just make the comment that maybe when we talk about a definition of a master plan that it is something that might be two or three pages or something like that, that had a map and what their plan is for those blocks. So, we might not be talking about something that is very cumbersome to produce. I mean, I am still not convinced that we absolutely need it.

those four block areas so we can, in essence, develop the south blocks, for instance.

SCHWAB

I guess my concern, basically, is that you are going to be buying up more homes in there.

BINGHAM

That's right, that's right. As they become available. Those three pieces on the one lot, the owners have told us that as they move on the club would have option to buy, have first right.

SCHWAB

Why do you want them?

BINGHAM

To develop the total lots within the RH zoning.

SCHWAB

For a strict RH use?

BINGHAM

That is the long range plan at this point.

SCHWAB

But how do we know that a year from now you are not going to come in and say that was my intention to buy them but now the interest is high and you can't get building money so you think another garage is the most profitable thing for us to do.

BINGHAM

The last five years have been through intense planning and the primary goal was to take care of our parking problem and to condense the parking on one small area over the four blocks. The rest of the area was to be deveoped within the comprehensive plan, and that is the long range planning of the Multnomah Plan.

SCHWAB

You mean you do have a plan then to turn those two blocks into high rise apartments? Is that it?

BINGHAM

As they become available we will purchase the additional land and it is our intent to develop those two blocks within the comprehensive plan.

SCHWAB

Then you do have a comprehensive plan.

BINGHAM

You have a comprehensive plan and we are going to build within it.

SCHWAB

I guess where I get concerned there is and it is a kind of Catch 22, is that under the comprehensive plan you can get a conditional use to do something else. And when you say you want to keep them in with the comprehensive plan, how do I know it is not going to be something entirely different than housing?

BINGHAM

We have three alternatives, as we see it. We can either sell the property, lease the property or develop it ourselves. And we assume that all three will be within the RH. If we keep it or lease it, it will be developed that way. If we sell it, somebody else may come before you with their goals.

IVANCIE

But you are saying to us that your goal or plan is to develop housing on those blocks.

BINGHAM

That's right.

IVANCIE

Either sell it to someone who will do that or do it yourself or a combination thereof.

BINGHAM

That's right.

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 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 repord.

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 Christ 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.

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agreement and master plan

12 503 222 7173

M.474.--This agreement is made on July 23, 1981, by the Multnomah Athletic Club (MAC) and the Goose Hollow Foothills League (Goose Hollow).

It is agreed as follows:

- MAC will continue in effect substantially the same membership rules that became effective on or about July 1, 1980, with the objective that MAC membership will be approximately as forecast by Pacific Heritage, Inc., in its report dated October 23, 1980. MAC will not be required by this paragraph to exclude from membership any person who has a right to membership under the rules that became effective on about July 1, 1980. MAC will be privileged to change its membership rules if its membership, or club use or automobile use by members substantially declines. .MAC agrees that it will, as it has by adopting the membership rules that became effective on about July 1, 1980, use its best efforts to limit its membership in a way that will not require the construction of any additional parking structure or substantially increase the amount of onstreet parking by MAC employees, members and guests as a result of membership increases beyond those forecast in the Pacific Heritage Service report.
- MAC will limit development of its property south. of Salmon Street to that permitted by the existing RH zoning and it will not expand its athletic facilities in the future

in the Goose Hollow neighborhood south of Salmon Street beyond the expansion described in the Conditional Use Permit adopted The Parties of the Control of the co by the City of Portland on February 12, 1981, except as and the first of a secretary production of the first of the provided in paragraph 3 hereof. MAC may remodel the interior of the building permitted by the Conditional Use Permit dated February 12, 1981, so long as the outside dimensions of the building are not changed and so long as the number of cars and the second of the second o parked in the neighborhood is not substantially increased by A CONTRACTOR OF THE CONTRACTOR OF THE SECOND such remodeling.

- 3. Parking on the remaining parking lots on Blocks 5.76 - 637 7 8 2 and 7, Amos Kings Addition, will cease 15 days after a certificate of occupancy is issued. Within 45 days after such a certificate is issued the pavement on those lots will be removed and replaced with grass or foliage or an outdoor running track or outdoor tennis courts that will be maintained until such time as MAC develops or transfers those properties for development within the existing RH zone. The obligation undertaken by MAC in this paragraph shall be waived upon a Bureau of Planning conclusion that the then likelihood of commencement of construction of improvements is so imminent (within one year) that such action would be an unjustified expense.
- MAC will maintain a policy requiring employee parking: within the parking structure and, to the extent reasonably practical, encourage member parking within the structure.
- MAC will cause a plan to be developed for construction of 30 or more residential dwelling units to be built on the land that MAC now owns in Block 2, Amos Kings Addition, construction

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of which will commence within five years after a certificate of occupancy is issued for the parking structure. If MAC transfers any interest in that land the documents or agreements of conwevance will require the transferse to perform the obligation of MAC undertaken in this paragraph and paragraphs 3 and 10.

- ### 6. Goose Hollow will dismiss its appeal of the City's action granting a Conditional Use Permit
- 7. Goose Hollow will not oppose the vacation of 19th Avenue between Madison and Main Streets if MAC or any other developer of Blocks 2 and 7, Amos Kings Addition, determines that such vacation should occur as part of the residential development on those blocks.
 - 8. If it is financially practical to do so MAC will use its best efforts to build the athletic facilities in conjunction with the construction of the parking facilities and if the athletic facilities are constructed in a second phase MAC will use reasonable efforts to minimize any adverse effects on the neighborhood during both phases of construction.
 - Goose Hollow will not oppose MAC acquiring all property not now owned by MAC in Block 7 at the fair market value of such property at the time that the present owners are willing to sell.
 - 10. Goose Hollow and MAC agree that any development on Blocks 2 and 7 must be for the uses permitted by existing RH zoning. Prior to submitting any plans to the City or to prospective contractors for the development of the property now owned by MAC in Blocks 2 and 7, MAC or any other developer of that property will submit those plans to Goose Hollow for

its review and will give Goose Hollow an opportunity to comment thereon. Goose Hollow shall not have a veto power over such plans and will not have the right to determine the design or other characteristics of such development.

11. The parties agree that this document satisfies the requirements for a master plan stated in Condition M of the Conditional Use Permit approved by the City Council and dated February 12, 1981.

MULTNOMAH ATHLETIC CLUB

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May 21, 1992

MULTNOMAH ATHLETIC CLUB MASTER PLAN

Master Plan prepared by Multiomah Athlene Club 1849 S.W. Salmon St. Portland: Oregon 197205

Traffic:Impact And Parking Analysis prepared by:

Kritelson & Associates, Inc. 610 SW Alder St., Suite 700 Portland, Oregon 97205

Architectural advisors:

SERA Architecture/.Planning./Interiors 123 NW 2nd Avenue Portland, Oregon, 97209

IKSWA Architects 620/SW 5th Avenue Suite 1120 Portland Oregon 97/204

Legal advisors: Ball, Janik & Novack One Main Place 101 Main Street, Suite 1100 Portland: Oregon 97204

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E. Procedure

This Master Plan is processed through a Type III procedure under the review criteria of Section 33.820.100 B of the Code.

The Club has involved the City and the Goose Hollow neighborhood in all phases of the formulation of this Master Plan. A representative from the Goose Hollow Foothills League has been a member of the Ad Hoc Committee formed by the Club to prepare this Master Plan. This committee has met at least monthly since February 1991. The neighborhood has also formed a working group of its Board members to monitor the progress of this Master Plan. This group has met with the Ad Hoc Committee on a number of occasions to provide neighborhood review and input to the development of this plan. In addition, beginning in September of 1991, the Club has made a number of formal presentations to the full board of the neighborhood association regarding this Plan and the traffic and parking analysis and has met with representatives of the City to discuss and review various issues.

As a result of these discussions with the neighborhood, the Club has responded positively to the neighborhood's major concerns and agreed to the following:

- 1. The MAC and the neighborhood agreed to change all of the Club's "proposed developments" to "possible future uses" and to request only conceptual approval of the possible future uses discussed below.
- 2. The MAC and the neighborhood agreed to establish a review procedure with the neighborhood regarding the development of the possible future uses. The Club agreed that, when and if it decides to develop such possible future uses, it will review the detailed plans for them with the neighborhood on a case-by-case basis. This review would occur prior to filing any applications with the City. The applications will be subject to appropriate land use reviews and to public hearings.
- 3. The MAC agreed to the neighborhood request that the Club develop plans to mitigate the traffic and parking impacts of events that result in parking overflow of the Salmon St. Parking Garage onto neighborhood streets. Traffic and parking impacts from "90th percentile events" (i.e., an event period (lunch or dinner) with a cumulative attendance (generally attendance of more than 320 persons) which is higher than 90 percent of all other event periods) were identified in the Traffic Impact and Parking Analysis (Appendix A) prepared by Kittelson and Associates, Inc. The Club has proposed an event parking plan discussed below.

To allow for continued discussion with the neighborhood and the City, the Club filed its Master Plan by October 31, 1991, as required by CU 89-90 and waived the

Office of the President

May 30, 1995

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 even 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

Ms. Sharon Paget Mny 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,

Dennis R. Cusack

President

DRC:sb

cc: Goose Hollow Foothills League Board of Directors

Office of the President

June 30, 1995

Jim Claypool City of Portland Bureau of Planning 1120 SW Fifth Avenue, Room 1002 Portland, OR 97204

Re; 0

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

LUR95-00873MS (The MAC)

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
SUITE 1100, ONE MAIN PLACE
101 S.W. MAIN STREET
PORTLAND, OREGON 97204

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	И	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.

Possible Future Uses under the Master Plan

The Master Plan identifies six possible future uses for properties subject to the Plan:

- Expansion of the west end of the Clubhouse. 1.
- 2. Remodel of baby sitting facilities in the Salmon Street Parking Garage.
- Enclosure of open area for storage at the west end of the Salmon Street Parking Garage.
- Event parking in the 21st Avenue Parking Garage. 4.
- 5. Development of residential housing on Block 2.
- б. 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:

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. <u>Development of mixed use or residential</u> 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.

A History of MAC Parking, Land Use, and Master Plans

Based on recently-examined archival records with the City and the Goose Hollow Foothills League (GHFL), a history of the MAC's parking issues with its neighbors and with the GHFL can now be drawn out, along the following lines. The first notable instance of MAC member parking reaching a peak of controversy occurred in late 1980, when the MAC proposed to build a 4-story parking garage to augment or replace the collection of surface lots its members had been using up to that time. Until then, MAC members had been using a patchwork of lots on several blocks of land south of the MAC clubhouse, from Salmon St, past Main St, and on to Madison St, between 18th and 20th Avenues. At the time, the entire area of four blocks was zoned "RH" for "residential high-density" and consisted for the most part of older single-family wooden houses and small multi-unit residences. However, it had been the custom of the MAC to acquire residential properties in the area whenever they came on the market, and to demolish the houses to create yet more parking. This caused great concern in the neighborhood, and led the Goose Hollow Foothills League (GHFL) to take the lead in opposing more such acquisitions by the MAC. Eventually, the MAC leadership realized it had a problem on its hands and proposed to solve it by building their parking garage, a large 4-level structure that could hold as many as 566 cars, occupying nearly all of the two block site between SW Salmon and SW Main Streets opposite the clubhouse on land zoned "RH".

When the plans for the parking garage were first announced, neither the GHFL nor the City were happy with the proposal, and neither were local Goose Hollow residents. Their fear was that the new garage would behave like a "magnet" drawing more cars into the neighborhood, would enable the MAC to increase its membership, and would result in the building of additional parking lots and garages by the MAC in the years to come. Thus the GHFL began to press the MAC to create a Master Plan by which the MAC would spell out its plans for further expansion, especially for the properties to the south of the Club containing the other two large surface lots: Block 2 where the Legends Condominium now resides, and Block 7 where the MAC has recently partnered with Mill Creek Residential Trust to propose a development project requiring a zoning change from RH to CX in order to allow 225 underground parking stalls for the exclusive use of the MAC.

The City also had an interest in retaining, as much as possible, the residential properties in the neighborhood that were being steadily consumed by the MAC for additional parking. The aims of the GHFL and the City coincided with a demand that the MAC agree to respect the ultimately "residential" nature of Blocks 2 and 7.

The matter came to a head in Land Use Case CU 80-80 which began in late 1980 and concluded with a hearing provoked by an appeal by the GHFL, before the Mayor and City Council in early 1981. It was at this time that the idea of requiring the MAC to create a Master Plan originated. Ultimately, the City Council did vote to require the MAC to develop an acceptable Master Plan, making it a necessary condition for approval to construct the parking garage. The main purpose of the Master Plan was to set out how the MAC would respect the "residential" zoning of Blocks 2 and 7. Owing to the importance of this case, here are several quotes from the City Council hearings of 1981, beginning with one by Phil Brown, President of the MAC at the time:

BIOXN	My mame is Phil Brown, and my address is 2177 SW Main and I would like to take just a few minutes briefly, I hope, to give you some of the thinking of the Board of Trustees at the Multnossh Armletic Club.
	Anyone familiar with the area of the club I think is cognizant of theparking problem there. It is one of long standing. It has been a concern of the trustees and club members for many years. We feel that it is a problem that is not going to go away by itself and very likely will become sorse in the future. The Multhoman Club is, of course, a significant contributor to the problem but by no means it it the sale course. The trustees of the club have a commine desire to solve the problem, at least to the extent that the club causes it and they have gone through a long, involved planning process over several years and also have been in regular contact with the Goose

(cont'd)

The result of our planning process, we feel, is the best long term solution and that is to donsolidate the parking on the one and a half blocks directly across from the club and to free up the two south blocks for the eventual development within the use that is called for in the comprehensive clan, which is multiple housing. We can do this without increasing the membership above its present level and it is our firm intention to do so.

The Goose Hollow Foothills League has asked us to come un with a twenty-year mester plan and I would merely like to state that we have presented our plan, which is very straight Forward and state. It is probably more than a twenty-year plan. It most likely would go many years beyond that, and that is simply to consolidate the parking on the block and a half across from the club in a structure that will hold too cars and then free up the two south blocks for development within the code for multiple housing.

There was some doubt on the part the GHFL that the MAC would live up to its promises to respect the residential nature of Blocks 2 and 7 absent a Master Plan approved and ultimately enforced by the City. The Mayor seemed to be of the opinion that the MAC's verbal commitment was sufficient in this case, that is, a more formal written commitment or agreement was not necessary:

IVANCIE	I think for them to say before us as a club that
	they support housing on those blocks, as a matter
	of record, to me that is a commitment by them
	officially before this City Council and we would
	hold them to it. And if they ever dame back here
	again and wald we compan our mind, we would asp
	wait a minute. Here is one of the conditions that
	you were granted this, if this thing is permitted,
	and that is it. That's a constinent as far as I
	an concerned when they say that before the City
	Council.

However, several City Council members wanted more definitive assurance about any commitment by the MAC to respect the "RH" zoning of those two blocks south of the proposed location of their parking garage. Here Councilwoman Schwab questions Selwyn Bingham, a member of the MAC's Long Range Planning committee, about why the MAC was still continuing to buy parcels of land on Block 7, even though it was planning to build its big parking garage elsewhere:

SCIIVAD	I guess my concern, basically, is that you are going to be buying up more homes in there.
BINGNAM	That's right, that's right. As they become available. Those three pieces on the one lot, the owners have told us that as they move on the club would have option to buy, have first right.
SCHWAR	Why do you want them?
BINGHAM	To develop the total lots within the RH zoning.
SCHWAB	For a strict KN use?
DINGHAM	That is the long range plan at this point.

(cont'd)

SCHWAD	but how do we know that a year from now you are not going to come in and say that was my invention to buy then but now the interest in high and you can't get building money so you think another garage is the most profitable thing for us to do.
BINGHAM	The last five years have been through intense planning and the primary goal was to take care of our parking problem and to condense the parking on one small area over the four blocks. The rest of the irea was to be developed within the comprehensive plan, and that is the long rangeplanning of the Mulinomah Plan.
COWAD	You mean you do have a plan then to turn those two blocks into high rise apartments? Is that it?
BINGHAN	As they become available we will purchase the additional land and it is our intent to develop those two blocks within the nomprehensive plan.

SCHWAB	I guess where I set concerned there is and it is a kind of Catch 22, is that under the cospretensive plan you can get a conditional use to do something else. And when you say you want to keep them in with the comprohensive plan, how do I know it is not soing to be something entirely different than nousing?
THOHAM	We have three alternatives, as we see it. We can either well the property, lease the property or develop it cornelives. And we assume that all three will be within the BR. If we keep it or lease it, it will be developed that way. If we sell it, absolute else may come before you with their goals.
IVANOLE	but you are saying to us that your goal or plan is to develop housing on those blocks.
BINGHAN	Thothe right,
TVANCIE	Either sell it to someone who will do that or do it yourself or a combination thereof.
BINGHAM	That's right.

SCHWAB	Then let me ask you this: If your parking needs are solved on the block and a half, what do you need the other property for? Why aren't you maybe considering selling it?
PINGHAR	That's a possibility, but we would like to have the total block because it is more valuable and it can accompdate the city's comprehensive plan as a total block as opposed to the way it is broken now.
SCHWAR	I'll tell you, it makes me a little nervous.

Because feelings of uncertainty about the fate of Blocks 2 and 7 persisted in the minds of the Mayor and the City Council members, they continued down the road of requiring the MAC to develop a Master Plan detailing is intentions for those two residential blocks it mainly owned (note: there were still two or three parcels on Block 7 in private hands).

Ultimately, the Council approved the MAC's plans to build the parking garage but added a clause (called "Condition M") to their findings, as indicated below, with the Mayor calling for a vote on the motion to require a Master Plan:

These 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 Navor Lyancie, 3;
whereupon the motion was declared corried, and "The applicant
shall within mix-months develop and submit to the city a master
plan after consultation with the Euresu of Flanning and the
neignborhood association. This plan is to address the remaining
undeveloped portion of the MAC Club property in the vicinity, the
development of residential uses, consider historis atructures,
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."

The session came to a close with the final vote on the report, which included the requirement for the Master Plan:

THOWAR 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 Baison Streets."

SCHYAR And all of us -- we all agree.

IVANCIE all right. Call the roll. This is approval of the conditional Use parmit as amended by the City Council, including your findings.

The roll being called on the above appeal resulted in the following yote: Year, 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.

The MAC then did begin the development and refinement of a Master Plan, which underwent many drafts and revisions as a dialog between the MAC and the GHFL continued at length, in order to resolve their various different priorities. Here is the first draft of the MAC's plan, showing an excerpt where it declares its intentions with regard to the properties:

MOSTER PLAN

MARCH 10, 1981

MC submits this master plan for future use and

development of its property in the Goosehollow heighborhood.

RESIDENTIAL USE FOR UNDEVELOPED PROPERTY

date fixed by the City for termination of such parking. In addition to its clubbouse and the site for the parking structure; a MAC comes and may purchase other property in Gooseholico. MAC screes not to use or develop other Gooseholico property south of Salmon or west of 20th Avenue for athletic, clubbouses or parking uses; except parking associated with residential uses. MAC will transfer or develop the property that it cans or hereafter

MAC will use present surface parking only until the

with Portland's comprehensive plan and zoning ordinances. No conditional uses will be sought except for small commercial uses or parking within or associated with proposed residential

acquires only for use as residential housing in accordance

structures.

Eventually, the MAC and the GHFL were able to agree on the major issues regarding the MAC's use of, and future plans for, its undeveloped properties (i.e. Block 2 and Block 7):

AGREEMENT AND MASTER PLAN

This agreement is made on July 23, 1981, by the Multnoman Athletic Club (MAC) and the Goose Hollow Poothills League (Goose Hollow).

It is agreed as follows:

3. Eaching on the remaining parking lots on Blocks
2 and 7. Acos kings Addition, will cease 15 days after a
contificate of occupancy is saued. Within 45 days after some
a certificate is issued the pavement on those lots will be
removed and replaced with grass or follogs or an outdoor running
track or outdoor teams: courts that will be maintained until
such time as MAC develops or transfers those proparties for
development within the existing RM sope.

10. Coose Hollow and Mac agree that any development on Blocks 2 and 7 must be for the uses permitted by existing and scaling.

11. The parties agree that this document satisfies the requirements for a master plan stated in Condition P of the Conditional Use Permit approved by the City Council and dated Pebruary 12, 1981.

It's important to note here that, while the City and the GHFL both wanted to limit the MAC's continued expansion into the residential areas of Goose Hollow, they had slightly different priorities and interests in that regard. The City above all wanted to recover the property tax base it lost whenever the MAC purchased an old house and demolished it to make room for more parked cars. As such, the City wished to see "high density" residential construction take place on Blocks 2 and 7, as called for in the zoning of those properties as soon as possible. Meanwhile, the GHFL and the residential neighbors of the MAC wanted to see an end to the continual encroachment of MAC surface parking lots in their immediate midst, with the attendant visual blight and loss of quality of life in the neighborhood.

Both the City and the GHFL clearly felt that the agreement in 1981 allowing the MAC to build its parking garage was made with the understanding that a commitment had been made by the MAC to respect the residential nature of Blocks 2 and 7 "forever", as was the parking garage presumably built to last "forever". It was widely (and we believe, correctly) understood that a "quid-pro-quo" of a lasting nature had been given.

In subsequent years, the MAC leadership continued to stress they felt the Master Plan was a worthy effort and should be preserved. In 1992 and 1993, the MAC Master Plan was rewritten to conform to a new Zoning system introduced in 1991 by the City of Portland. The new Zoning Code (a.k.a. "Title 33") has a section detailing how master plans should be structured, so the old MAC Master Plan of 1981 was recast into this new and more expansive form, with the final version being approved by the City and issued on March 1, 1993:

March 1, 1993 Effective Date

MULTNOMAN ATHLETIC CLUB MASTER PLAN

Master Plan prepared by: Multinomah Athletic Club 1849 SW Salmon St Portland, Oregon 97205

Traffic Impact And Parking Analysis prepared by: Kittelson & Associates, Inc. 610 SW Alder St., Suite 700 Portland, Oregon 97205

Architectural advisers: KSWA Architects 620 SW 5th Avenue, Suite 1120 Portland, Oregon 97204

SERA Architecture / Planning / Interiors 123 NW 2nd Avenue Portland, Oregon 97209

Legal adviser: Ball, Janik & Novack One Main Place 101 SW Main Street, Suite 1100 Portland, Oregon 97204

The form of the document may have changed but its terms and conditions remained virtually the same, with the new master plan containing language that fully reiterates the MAC's commitment to develop Block 7 for "mixed use or residential housing" in the context of the existing "RH" zoning classification:

(f) Development of Mixed Use or Residential Housing on Block 7. (See Figure 11.) The Club owns most of Block 7. Two parcels, identified on Figure 1, are not owned by the Club, but are included in this Master Plan as part of the possible future development on this Block. The acquisition of these two parcels by the Club, however, is not required to develop the possible future uses for this Block on the property owned by the Club. Block 7 will be within 1,000 feet of a proposed Light Rail station on SW 18th Avenue or Jefferson Street. The following are conceptual descriptions of two development scenarios.

Scenario I: The first scenario is a phased development of or a combined development of a single mixed-use project of commercial and residential uses. It is possible that a day care would be developed on the north half of the block. A mixed-use development would occupy the remainder of Block 7. This development would be primarily residential, however, it may also include Club facilities and parking, and neighborhood retail uses. This type of development is allowed in the RH cane for properties such as Block 7, which are located within walking distance of a Light Rail station.

Scenario 2: The second scenario is construction of a residential only development consistent with the RH zoning. Kittelson's report did not evaluate the traffic and parking impacts of development of this scenario.

In 1995, the MAC moved to have the properties where their clubhouse and the parking garage reside be rezoned from "RH with Conditional Use permits" to "CX" without such permits. The idea was to bring the zoning classification of those properties into agreement with their actual use. It appears there were legal arguments at the time that the act of rezoning those properties might (as a side effect) allow the MAC to escape from or disavow the Master Plan, as the Plan could be deemed to have arisen (only) from previous Conditional Use permits (namely, the permit to allow the building of the parking garage on "residential" land). Despite this inviting possibility, the MAC leadership at the time continued to say to both the City and the GHFL that they had no intention of abandoning the Master Plan. Here are some excerpts from a letter by MAC attorney Steve Janik, dated Nov 17, 1995 on this issue:

B. Effect of the Master Plan

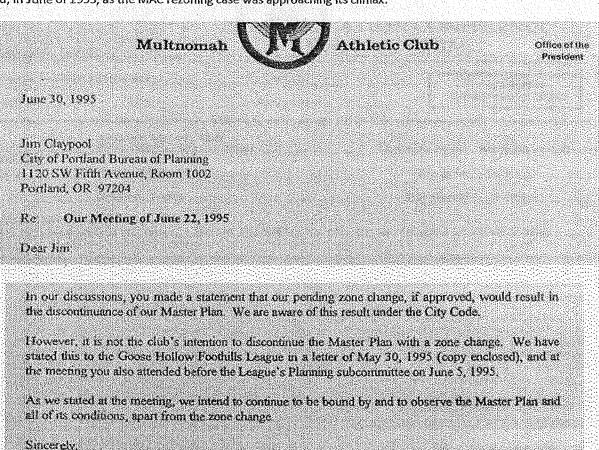
In summary, the following principles set forth the legal effect of the Master Plan:

(1) The Master Plan is a separate land use decision that continues to apply to all properties discussed in the Master Plan, until the Kaster Plan terminates, which will be when all of the development allowed by the Master Plan is completed.

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.

The point was made even more clearly in the following letter from MAC President Dennis Cusack to the City Planning Bureau, in June of 1995, as the MAC rezoning case was approaching its climax:



Dennis R. Cusack

President

These documents indicate the MAC leadership of the day did not feel the rezoning of their larger properties (the MAC clubhouse and the MAC parking garage) to "CX" had changed, rendered obsolete, or invalidated the commitments made in earlier Master Plans regarding future developments on the Block 2 and Block 7 properties.

Indeed, by the time of the rezoning of the MAC clubhouse and parking garage in 1995, construction would have been about to begin for the Legends Condominium on Block 2, which had been sold some time previously to a developer. There was every reason to believe the same would occur, in due course, on the Block 7 property. Probably everyone in the neighborhood familiar with this history at the time assumed that, at some point when it made economic sense, the MAC would divest itself of Block 7 by selling the block to a developer of residential housing. Doing so would have fulfilled the final condition of the MAC Master Plans of 1981 and 1993.

We're still hoping that will be the case.

--- end ---

Dale Cardin (2-22-2014)



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.

The title of each slide is in bold.

'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



MAC President Phil Juckeland

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 survey's 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

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.

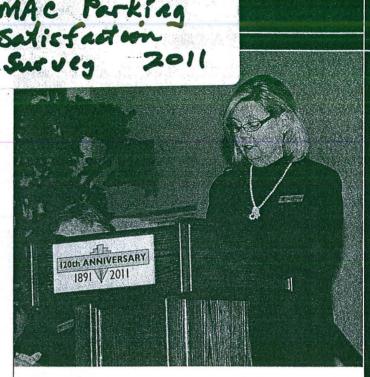
Next, let's review Anticipated Adult Athletic Program Usage. The red lines show future usage. Ninety percent of you expect to use the fitness areas in the future. Up from 84 percent now. Pardon me for being a bit skeptical of your good intentions, but what it tells us is that we need more E&C space and 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 Vanbellinghen

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

Extracts Winged M Magazine March 2014 Issue Multnomah Athletic Club

President's Report



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Outgoing President Carl Burnham III.

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

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

Members will always speculare 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, cases and the costs of complying with local, state and federal regulations. MAC currently employs about 550 people, squaling about 300 fall-time employees. This is about the same number of full-time scaff we have had for the past 10 years. In that same time period, usage

Continued on page 52

2013 • Year in Review

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President's Report

Combust from page 51

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

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



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March 21, 2014

sjanlk@balljanik.com

Ms. Sheila Frugoli, Senior Planner Bureau of Development Services
City of Portland
1900 SW 4th Avenue, Suite 5000 Portland OR 97201

Comprehensive Plan Map and Zoning Map Amendment (LU 14-105474 CP ZC) Block 7

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CCPR Issues
Dear Ms. Frugoli:

In your completeness review letter of February 4, 2014 for the above matters, you questioned why the applicant was not concurrently submitting an application for a CCPR for the 225 MAC stalls included in the proposed project. commented that such a concurrently-filed CCPR application would give the reviewers (the Hearings Officer and City Council) "a complete analysis." You asked the applicant to explain why the CCPR was not being concurrently submitted.

The reason why the applicant is not concurrently submitting the CCPR application is because we do not believe that Title 33 would allow such a concurrent submittal. If that analysis is correct, as we set forth below, an opponent of the project could argue before LUBA that the concurrent CCPR application was a material procedural error and, assuming the City Council's approval of the requested Comprehensive Plan change, a zoning map change, with a concurrent CCPR approval, LUBA could well remand the entire case if the consolidated decision improperly included an approval of the CCPR.

There are several reasons why we believe it would be imprudent to file a concurrent CCPR application.

First, the Code nowhere explicitly authorizes the filing of a CCPR (or any other non-zone change land use review) when the approval requested would not be allowed under the then-existing comprehensive plan designation and zoning. This would be the case if we file a concurrent CCPR because the parking requested is a Retail Sales and Service Use, which is not allowed under the existing Comprehensive Plan designation and zoning, given the amount of building space this parking would utilize.

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March 21, 2014 Page 3

related issues pertinent to the Comprehensive Plan map change, the zoning map change, and the CCPR be analyzed because it was efficient, once the data had been collected, to apply the data to the criteria in these three land use reviews because the criteria are similar and responses to those criteria will be, to a large extent, similar and be based on the same data.

In order to avoid any confusion, we have revised the TIA by deleting from the main body of the TIA any discussion of compliance with the CCPR approval criteria. We have placed that analysis in the TIA as Appendix G, if a reviewer would like to have that analysis. A copy of the revised TIA is attached.

I hope the above is a satisfactory response to the Issue you raised in your February 4, 2014 letter and our subsequent meeting. Please feel free to call me if you would like to discuss this letter.

Very truly yours,

Stephen T. Janik

cc:

Mr. Sam Rodriguez

Mr. Mike Silvey

Ms. Julia Kuhn

STJ:llr Enclosures

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 24st, 2014

GHFL Block 7 Planning Committee

Chaired by Linda Cameron

Committee Members:

Harvey Black Jerry Powell

Dale Cardin Karl Reer

Nic Clark Doug Richardson

Annette Guido Daniel Salomon

Connie Kirk Jesse Spillers

Casey Milne Ann Thomson

Tom Milne Kal Toth

Timothy Moore Tina Wyszynski

Resolution of the GHFL Block 7 Planning Committee passed April 23rd, 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 20th 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



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868

www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE:

LU 14-105474 CP ZC

PC # 13-142602

REVIEW BY: Hearings Officer

WHEN:

May 21, 2014 at 9:00 AM

WHERE:

1900 SW Fourth Ave., Suite 2500A

Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: SHEILA FRUGOLI / SHEILA.FRUGOLI@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant:

Sam Rodriguez / Mill Creek Residential Trust, LLC

220 NW 2nd Ave / Portland, OR 97209

Attorney:

Steve Janik, Attorney / Ball Janik, LLP

101 SW Main St, Suite 1100 / Portland, OR 97204

Owner:

Norman Rich, Manager / Mac Block 7 LLC/ Multnomah Athletic Club

1849 SW Salmon St / Portland, OR 97207

Site Address:

Vacant block (Block 7) bounded by SW 20th, 19th Avenues and SW Main and

Madison Streets

Legal Description:

BLOCK 7 TL 9300, AMOS N KINGS; BLOCK 7 TL 9400, AMOS N KINGS; BLOCK 7 TL 1800, AMOS N KINGS; N 1/2 OF N 1/2 OF SE 1/4 BLOCK 7, AMOS N KINGS; BLOCK 7 TL 1700, AMOS N KINGS; BLOCK 7 TL 1600, AMOS N KINGS; BLOCK 7 TL 1500, AMOS N KINGS; BLOCK 7 TL 2000, AMOS N KINGS; BLOCK 7 TL 2100, AMOS N KINGS; BLOCK 7 TL 9500,

AMOS N KINGS

Tax Account No.:

R024401010, R024401030, R024401070, R024401090, R024401110. R024401130, R024401150, R024401170, R024401190, R024401210,

R024401110

State ID No .:

1N1E33CD 09300, 1N1E33CD 09400, 1S1E04BA 01800, 1S1E04BA 01900, 1S1E04BA 01700, 1S1E04BA 01600, 1S1E04BA 01500, 1S1E04BA 02000, 1S1E04BA 02100, 1N1E33CD 09500, 1S1E04BA

01700

Quarter Section:

3027

Neighborhood:

Goose Hollow, contact Greg Wimmer at 503-222-7173.

Business District:

Goose Hollow Business Association, contact Angela Crawford at 503-223-

District Coalition:

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District:

Central City - Goose Hollow

request through a separate, future Central City Parking Review the addition of 225 on-site parking spaces to serve the MAC facility.

Staff has reviewed and considered the application and the detailed, voluminous testimony from nearby neighbors who oppose the proposal. In reviewing the requested Comprehensive Plan Map Amendment, staff sees an obvious "topical" or "geographical" link with this proposal and policies under Goal 2, 4, 6, the Central City Plan and the Central City Transportation Management Plan. Hence, they are most relevant. However, staff is not recommending additional "weight" when balancing all the relevant policies. In previous reviews, the Hearings Officer recommendation and/or the City Council decision has assigned different weight to the various policy areas. This may be a request that is deemed worthy of such analysis.

As the attached summary table (Exhibit G.4) illustrates, staff finds that the requested CX designation is not equally or more supportive of only 5 of the approximate 100 relevant policies. Staff has determined that there are approximately 12 policies that can be supported if the condition that requires a Parking Management Plan and Transportation Demand Management Plan, is applied and met. BDS staff recommends a condition that applies a minimum housing requirement to address criterion 33.810.A.2.

The relevant approval criteria for the requested Zoning Map Amendment from RHd to CXd are found in PCC 33.855.050. The primary focus of this review is to determine whether or not adequate public services are available or can be made available to serve the site. BES, Water, Police and Fire have all determined that the infrastructure has the capacity to support this proposal. To address the limitations of the transportation system facilities, PBOT recommends conditions that set parameters on the development of the site.

Based on the findings in this report, staff recommends, with conditions, the approval of both the Comprehensive Plan Map and Zoning Map Amendment.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Comprehensive Plan Map Amendment from High-Density Multi-Dwelling to Central Commercial; and

Approval of a Zoning Map Amendment from RH, High-Density Multi-Dwelling Residential zone with a Design overlay zone to CX, Central Commercial zone with a Design overlay zone;

For property legally described as: BLOCK 7 TL 9300, AMOS N KINGS; BLOCK 7 TL 9400, AMOS N KINGS; BLOCK 7 TL 1800, AMOS N KINGS; N 1/2 OF N 1/2 OF SE 1/4 BLOCK 7, AMOS N KINGS; BLOCK 7 TL 1700, AMOS N KINGS; BLOCK 7 TL 1600, AMOS N KINGS; BLOCK 7 TL 1500, AMOS N KINGS; BLOCK 7 TL 2000, AMOS N KINGS; BLOCK 7 TL 2100, AMOS N KINGS; BLOCK 7 TL 9500, AMOS N KINGS;

All subject to the following conditions:

A. As part of any future building permit application submittal, the following conditions (B through F) must be noted on the required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-105474 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Development on the site must include a minimum of 194 residential dwelling units. Occupancy permits for other approved uses—hotel or accessory MAC parking—is prohibited prior to the issuance of occupancy permits for the required residential units.
- C. The site is limited to a maximum of 296 dwelling units, up to 16 studios may be used as short-stay/hotel suites to serve MAC guests.
- D. If approved through a future Type III, Central City Parking Review (PCC 808.100), parking that is accessory to the MAC must be limited to a maximum of 225 parking spaces. The accessory parking must be constructed below street grade.
- E. Prior to approval of a future Central City Parking Review, the MAC must submit a Parking Management Plan and Transportation Demand Management Plan to the PBOT Active Transportation Section. The Parking Management Plan and Transportation Demand Management Plan must include:
 - 1. Documentation of then-current and projected post-development mode shares to the MAC facilities;
 - 2. Mode share targets for three, ten and twenty years, based on adopted City, regional and State policies;
 - 3. Facilities information, financial investments, and educational strategies that will likely achieve the mode share targets;
 - 4. Regular mode share reporting requirements;
 - 5. Contingency strategies and enforcement mechanisms to ensure that targets are met and
 - 6. The plans must be developed with PBOT Active Transportation staff and included in the CCPR application.
- F. Existing or future driveways on the subject site (Block 7) are prohibited from providing vehicle access to any parking that is accessory to the MAC. Driveways to parking and loading areas that are accessory to the residential use are allowed.

Procedural Information. The application for this land use review was submitted on January 15, 2014, and was determined to be complete on March 27, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 15, 2014.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the

recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may adopt, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council within 30 days of the close of the record. You will receive mailed notice of the Hearings Officer's recommendation and City Council hearing if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant.

You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment. Your comments to the Hearings Office should be mailed c/o Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100 Portland, OR 97201 or FAX your comments to (503) 823-4347.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's recommendation. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

Expiration of approval. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100 Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347 web: www.portlandoregon.gov/auditor/hearings



RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No .:

LU 14-105474 CP ZC

HO 4140008

Applicant:

Sam Rodriguez

Mill Creek Residential Trust, LLC

220 NW 2nd Avenue Portland, OR 97209

Attorney:

Steve Janik, Attorney

Ball Janik, LLP

101 SW Main Street, Suite 1100

Portland, OR 97204

Owner:

Norman Rich, Manager

Mac Block 7 LLC/ Multnomah Athletic Club

1849 SW Salmon Street Portland, OR 97207

Hearings Officer:

Kenneth D. Helm

Bureau of Development Services (BDS) Representative: Sheila Frugoli

Site Address:

Vacant block (Block 7) bounded by SW 20th, 19th Avenues and SW Main and

Madison Streets

Legal Description:

BLOCK 7 TL 9300, AMOS N KINGS; BLOCK 7 TL 9400, AMOS N

KINGS; BLOCK 7 TL 1800, AMOS N KINGS; N 1/2 OF N 1/2 OF SE 1/4 BLOCK 7, AMOS N KINGS; BLOCK 7 TL 1700, AMOS N KINGS; BLOCK 7 TL 1500, AMOS N KINGS; BLOCK 7 TL 1500, AMOS N KINGS; BLOCK 7 TL 2100,

AMOS N KINGS; BLOCK 7 TL 9500, AMOS N KINGS

Recommendation of the Hearings Officer LU 14-105474 CP ZC / HO 4140008 Page 90

The TDM and Parking Management Plan shall be developed with and approved by PBOT Active Transportation prior to approval of any CCPR.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: The request does not include the Institutional Residential zone. Therefore this criterion is not applicable.

D. Location. The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The site is within the City of Portland. This criterion is met.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. RECOMMENDATION

Approval of a Comprehensive Plan Map Amendment from High-Density Multi-Dwelling to Central Commercial; and

Approval of a Zoning Map Amendment from RH, High-Density Multi-Dwelling Residential zone with a Design overlay zone to CX, Central Commercial zone with a Design overlay zone;

For property legally described as: BLOCK 7 TL 9300, AMOS N KINGS; BLOCK 7 TL 9400, AMOS N KINGS; BLOCK 7 TL 1800, AMOS N KINGS; N 1/2 OF N 1/2 OF SE 1/4 BLOCK 7, AMOS N KINGS; BLOCK 7 TL 1700, AMOS N KINGS; BLOCK 7 TL 1600, AMOS N KINGS; BLOCK 7 TL 2000, AMOS N KINGS; BLOCK 7 TL 2100, AMOS N KINGS; BLOCK 7 TL 2500, AMOS N KINGS; BLOCK 7 TL 2500, AMOS N KINGS; BLOCK 7 TL 2500, AMOS N KINGS;

All subject to the following conditions:

- A. As part of any future building permit application submittal, the following conditions (B through F) must be noted on the required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 14-105474 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Development on the site must include a minimum of 194 residential dwelling units. Occupancy permits for other approved uses—hotel or accessory MAC parking—is prohibited prior to the issuance of occupancy permits for the required residential units.
- C. The site is limited to a maximum of 296 residential dwelling units. Up to 16 of the dwelling units may be used as short-stay/hotel suites (a Retail Use) to serve MAC guests. Uses, other than Household Living and hotel suites, that are allowed, limited or are Conditional Uses in the CX zone are prohibited on this site. Accessory parking to serve the residential units, MAC hotel suites and the MAC facility are allowed per the provisions of Title 33 and the other conditions of approval.
- D. If approved through a future Type III, Central City Parking Review (PCC 808.100), parking that is accessory to the MAC must be limited to a maximum of 225 parking spaces. The accessory parking must be constructed below street grade.
- E. Prior to approval of a future Central City Parking Review, the MAC must submit a Parking Management Plan and Transportation Demand Management Plan to the PBOT Active Transportation Section. The Parking Management Plan and Transportation Demand Management Plan must include:
 - Documentation of then-current and projected post-development mode shares to the MAC facilities;
 - 2. Mode share targets for three, ten and twenty years, based on adopted City, regional and State policies;
 - 3. Facilities information, financial investments, and educational strategies that will likely achieve the mode share targets;
 - 4. Regular mode share reporting requirements;
 - 5. Contingency strategies and enforcement mechanisms to ensure that targets are met and
 - 6. The plans must be developed with PBOT Active Transportation staff and included in the CCPR application.

F. Existing or future driveways on the subject site (Block 7) are prohibited from providing vehicle access to any parking that is accessory to the MAC. Driveways to parking and loading areas that are accessory to the residential use are allowed.

Kenneth D. Helm, Hearings Officer

Date /

Application Determined Complete:

Report to Hearings Officer:

Recommendation Mailed:

March 27, 2014

May 9, 2014

July 11, 2014

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (823-7700).

The decision of City Council, and any conditions of approval associated with it, is final. The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:



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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 appeal of a land use application approved 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.

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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

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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.

Neighborhood Group	Meeting Date
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

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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.

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

From: Kal Toth

Date: October 1st, 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 11th, 2014 MAC President's Report to Annual Meeting, Feb 8th, 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 19th 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 24th, 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 20th 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

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 <u>not</u> 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 <u>abundant free</u> parking:

- a) There is no reason to believe the MAC will not schedule many more special events;
- 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;
- 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 onstreet 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 20th, SW Salmon and SW 18th, 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.

Extracts Winged M Magazine March 2014 Issue Multnomah Athletic Club

President's Report



p. 50

Outgoing President Carl Burnham III.

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

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

Members will always speculate why does go up. I can rell you that our annual construction projects do not increase our thes. 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, equality 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

Continued on page 52

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

2013 • Year in Review

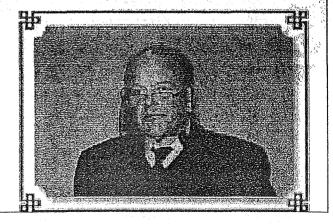
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President's Report

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.

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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

October 24, 2014

<u>Memorandum</u>

TO:

Portland City Council

FROM:

Sheila Frugoli, Sr. Planner

RE:

LU 14-105474 CP ZC - Current Parking Regulations that Apply to MAC Club

The purpose of this memo is to clarify the Zoning Code requirements for on-site parking and how those requirements apply to the Block 7 proposal. At the October 1, 2014 City Council hearing, Attorney Stephen Janik, stated that Zoning Code Table 266-1 and 266-2 applies a minimum and maximum parking requirement. He stated the Zoning Code requires for the MAC, a 360,000 square foot health club, a minimum of 1,060 spaces and a maximum of 1,891 spaces. He noted that because the MAC has a total of 654 spaces available, it is 406 spaces short of meeting the minimum requirement.

Further, on pages, 45 and 46 of the Hearings Officer's report, Mr. Helm notes the applicant's argument and states that he finds the "point persuasive...Even with the addition of up to 225 new stalls as proposed, the MAC facility still would appear under-parked for the RH zone."

Unfortunately, staff must challenge this information and the conclusion of the Hearings Officer. Per Title 33, the Portland Zoning Code, this site should not be deemed "under-parked" for the following reasons:

- There is no minimum parking requirement applied to the MAC facility because it is within the CX, Central Commercial zone (Table 266-1) and because the site is within the Goose Hollow Subdistrict of the Central City Plan District (Section 33.510.265.F.1).
- Outside of the Central City Plan area, minimum parking requirements do not apply to sites with non-residential uses that are within 500 feet of frequent transit line or within 1500 feet of a transit (LRT) station (Section 33.266.110.D) The MAC site is located within 600 feet of two light rail stations.
- The Central City Plan District imposes a review—Central City Parking Review for non-residential projects that includes 60 or more spaces (Section 33.510.265.B.3.c). The purpose of that review, per Section 33.808.010, is to "ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District." It is that review that will determine if more parking is warranted to serve the existing MAC facility.
- cc. Steve Janik, Applicant's Attorney Jennifer Bragar, Lead Opponents' Attorney Bob Haley, PBOT



GOOSE HOLLOW FOOTHILLS LEAGUE 2257 NW RALEIGH STREET PORTLAND, OR 97210 503-823-4288

ELECTRONIC MAILED:

October 17, 2014

Mayor Hales City of Portland Oregon 1221 SW 4th Avenue Portland, Oregon 97204

At the 8 October 2014 Special Membership Meeting of the Goose Hollow Foothills League, the membership present adopted the following resolution:

Resolved: That the membership of the Goose Hollow Foothills League (GHFL) opposes 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).

Bob Arkes Chair, GHFL

Copies:

Commissioner Fish, Commissioner Fritz, Commissioner Novick, Commissioner Saltzman

Additional Copies:

Darcy Henderson, President; Dwight Terry, Vice President; Ann Blume, Treasurer; David DeBlasio, Secretary; Multnomah Athletic Club

Doug Dawley, David Horstkotte, Robert Nunn, Scott Sakamoto, Linda Higgons, Janice Marquis, Scott Stevens, Mike Wells, Trustees, Multnomah Athletic Club

Norm Rich, General Manager, Multnomah Athletic Club

Sam Rodriguez, Managing Director, Mill Creek Residential Trust

GHFL Website and Archives

GOOSE HOLLOW FOOTHILLS LEAGUE

2257 NW RALEIGH STREET PORTLAND, OR 97210 503-823-4288

December 2nd, 2014

Mayor Hales and City Commissioners Fish, Fritz, Novick and Saltzman City of Portland Oregon 1221 SW 4th Avenue Portland, Oregon 97204

Subject: GHFL Resolution Opposes Mill Creek / MAC proposal to rezone Block 7

File: LU 14-105474 CP ZC

K.C. 7/1

Dear Mayor and Commissioners:

At the November 25th Special Board Meeting of the Goose Hollow Foothills League, the GHFL Board adopted the following resolution:

"Resolved that the Goose Hollow Foothills League (GHFL) opposes 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)."

Sincerely,

Kal Toth, Pro Tem President/Chair, Goose Hollow Foothills League

CC. GHFL Board: Nic Clark, Roger Leachman, Casey Milne, Timothy Moore, Jerry Powell, Tracy Prince, Andy Rome, Scott Schaffer, Kal Toth, Mark Velky, Susie Younie

CC. GHFL Website and GHFL Archives



40CC AUDITOR 11/14/14 AM11:53

November 12, 2014

Mayor Hales and Commissioners c/o Karla Moore-Love 1221 SW Fourth, Room 140 Portland, OR 97204

Case File: LU 14-105474 CP ZC

Dear Mayor Hales and Commissioners:

My name is Steve Roselli. I have been a member of the Multnomah Athletic Club for nineteen years. All three of my children are members and have actively participated in MAC activities since they were born. I am honored to be a member of the MAC. I also have worked for Harsch Investment Properties for nineteen years and as regional manager for the company with a local staff of 27, I know the MAC and its surrounding neighborhood very well.

Harsch Investment Properties is a Portland-based, family-owned real estate investment and management company. Founded in 1950, we have built a legacy of owning, managing and adding value to real estate properties which promote healthy work and living environments. We strive to improve each of the communities where we live and work. We own Portland Towers Apartments located at 950 SW 21st Ave in the Goose Hollow neighborhood, which we bought in 1991. At present, we lease 112 parking spaces in the Portland Towers garage to the Multnomah Athletic Club ("MAC") for its "overflow parking" and have done so for seven years.

As a member of the community and a property owner in the neighborhood, please accept this letter in opposition to the Block 7 rezoning request from the MAC and Mill Creek Residential Trust LLC ("Mill Creek"). This vibrant neighborhood is unfortunately already extremely congested with traffic from nearby venues and especially from the plethora of events held at the MAC. We fear if the rezoning request is approved, the traffic and congestion problems will get dramatically worse.

In addition, please note the statements made by representatives from the MAC and Mill Creek that the leased spaces in our building are "not a permanent solution" are simply not true. In fact, we have made it abundantly clear to the parties through repeated efforts that we are willing to sign a long term lease for these parking spaces; however, we have not received the courtesy of a response from them. Furthermore, approximately five (5) years ago, we presented a conceptual plan to Norm Rich and the MAC asking the MAC to consider a joint venture with Harsch to create guest suites for the MAC's sole use at the Portland Towers. The plan consisted of us remodeling a few floors of the building for the exclusive use of MAC members and their guests.



It was our belief that because our property is directly across the street from the MAC and it already was leasing parking from us, this seemed like a logical solution for the MAC. Again, however, we received no response from Mr. Rich or any other MAC representative.

The majority of the events that are hosted at the MAC which cause the excessive need for parking have nothing to do with athletics or MAC members. The MAC will continue to support outside events within the club and its appetite for more parking will never dwindle, but rather, it will only expand beyond what it is requesting today. We urge the City Council to deny the rezoning request to preserve the neighborhood and allow it to continue to grow in the manner envisioned by the City and the majority of stakeholders in the area.

Thank you very much for letting me address my personal and company opinion.

Respectfully,

Steve Roselli, SVP, Regional Manager, Portland

Submitted by mark velky 12/04/14

Block 7-Related Press Coverage 1980 - November 1914

Pagent Additions	
Recent Additions Nov. 2014	Casas Hallow Basidanta Saiza Opportunity to Vata
NOV. 2014	Goose Hollow Residents Seize Opportunity to Vote City Council Postpones Decision on Block 7
	MAC Angers Neighbors
Oct. 2014	City Council Weighs Garage Issue
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1981-01-29	Council Delays Vote on Building
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2014-09	Notice by GHFL Members to Hold a Special Meeting on Block 7



Goose Hollow residents seize opportunity to vote

Landslide vote may make board's position irrelevant as City Council decides Block 7 zone change.

ALLAN CLASSEN

inally given the opportunity
to cast ballots, members of
the Goose Hollow Foothills
League came out in large numbers to register their disapproval
with the proposed apartment
building and MAC parking facility on Block 7. The count for the
motion to oppose was 109 yes
votes and seven nos.

The special Oct. 8 membership meeting was called by members eager to put their neighborhood association on record against the project. After two years of debate and contention, the GHFL board has been unable to pass a resolution either for or against the development.

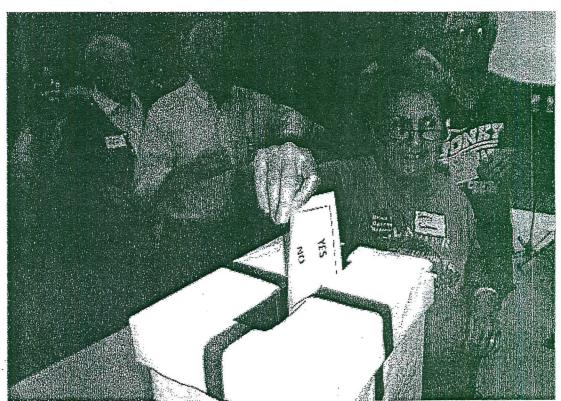
"From my perspective, it was about demonstrating that the board's votes ignored the six months of work by the Block 7 Committee, and that the 'non-position' in no way reflected the views of people living in

the neighborhood," said Tom Milne, secretary-treasurer of Friends of Goose Hollow, a nonprofit formed to fight the project. "I also believe the vote demonstrated the very strongly held view that residents are tired of the MAC leadership's long pattern of not keeping its promises and bullying the neighborhood."

GHFL President Bob Arkes had contended that the league's board of directors controlled all decisions of the organization, and that votes taken at a membership meeting merely advise the board. By the end of the meeting, however, that was less clear. A motion directing Arkes to send a letter to City Council members informing them of the membership vote was approved. He later complied with the directive.

In the process, members had bypassed the board in attaching the GHFL letterhead to a public policy resolution.

NATH athen the appearing tion to



Sherry Salomon proudly casts a yes ballot at the special Goose Hollow Foothills League called by members to register a position on the proposed Block 7 development. Photo by Nic Clark

board and membership can hold separate positions may become moot. First, any resolution coming from a neighborhood association has only as much weight as policy makers give it. If City Council believes a 109-7 vote of members is a better guide to neighborhood sentiment than a deadlocked board of 11 people, that's their call. They don't have to follow the recommendation of either bloc. after all.

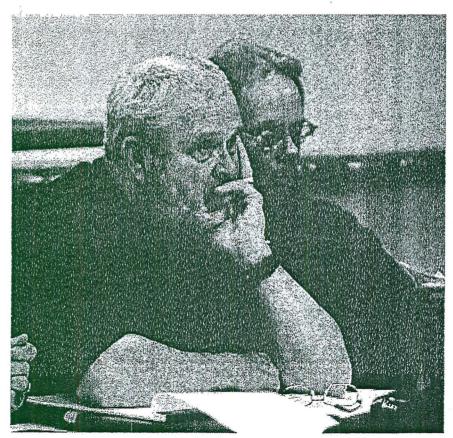
Secondly, a new GHFL board

seats are up for election (the board size was reduced from 14 to nine slots last month), and a new majority unsympathetic to the Block 7 project could be in place before City Council resolves the issue.

* ACRESCRIT ON MUNEY SERVICE CO.

City Council postpones decision on Block 7

Councilors must decide if 1995 zone change wiped out earlier agreement to not seek additional parking.



Tom Milne, secretary-treasurer of Friends of Goose Hollow, was one of about 30 citizens who testified against the Block 7 proposal. Photo by Vadim Makoyed

ALLAN CLASSEN

The path to approval of a Multnomah Athletic Club parking facility and apartment building grew longer and more complicated last month as City Council postponed further deliberation until Nov. 20 (2 p.m.).

Issues raised at an Oct. 1 public hearing had council members asking for more information as they consider a request to convert residentially zoned Block 7 into a commercial designation.

The Multnomah Athletic Club and development partner Mill Creek Residential Trust intend to build a sevenstory apartment levels of underground parking, the bottom two of which will be for MAC members. The 225 MAC parking stalls would be accessed through a tunnel from the club's main parking garage immediately north. The structure will also have 14-16 motel units for MAC visitors.

The zone change is complicated by the fact that the city's long-range Comprehensive Plan calls for residential use on the block, which is bounded by Southwest 19th, 20th, Main and Madison streets. All amendments to the Comprehensive Plan map require City Council approval.

The council could have relied on a city Hearings Officer decision in July in support of the rezoning.

But Jennifer Bragar, attorney for Friends of Goose Hollow, a group formed by neighborhood residents to challenge the project, introduced evidence that had council members seeking more time to absorb legal interpretations.

"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," she said. "Now, conveniently, the MAC claims the master plan no longer applies."

Bragar said a 1993 MAC master plan prohibiting club parking facilities south of Main Street was not voided by a 1995 Officer Kenneth Helm and city staff asserted.

The city code used to justify this interpretation refers to removing restrictions tied to earlier city approvals but does not apply to master plans, she said.

Bragar also attacked the MAC's transportation study for failing to consider the impact of adding vehicle trips associated with the proposed underground parking and motel units—added trips that may push already congested intersections into failure.

MAC's contention that more parking stalls will draw no more vehicle trips was challenged by Bragar and several neighbors.

"As a result of more parking availability, members that would otherwise choose not to drive will now opt to drive," she said.

Many opponents of the proposal described the increasing array of special events in which nonmember groups rent MAC facilities.

"The MAC never provided information about the extent of special events held at its facilities and the impact on traffic and parking demand," said Bragar. "These uses exceed a sports club use and allow the MAC to behave like a convention center, [while] the city has never conditioned the number of events to alleviate traffic and parking impacts on the neighborhood."

Readers F

Thank you, thank you, thank you.

Vince "Pesky" Paveskovich Beaverton

MAC angers neighbors

Thank you for publishing the story about Multnomah Athletic Club General Manager Norm Rich pulling my "Portland's Goose Hollow" book from the MAC gift shop in retaliation against me for having a different opinion on a zone change ["City Council weighs MAC garage issue," October 2014]. Since then, many MAC members have expressed their shock and outrage to me. One elderly MAC member asked me: "Why would the MAC want to be seen as the mafia of Portland, where, if you oppose their general manager, you will be beat down?"

That's a good question.

It has been encouraging to hear from so many MAC members who are appalled at this censorship and bullying. Throughout the Block 7 process, we have seen such aggressive behavior repeatedly. MAC's attorney sent city commissioners a letter about alleged "community outreach." The reality is—after months of meetings where Rich heard rooms full of people objecting to a zone change, he pitched a fit and threatened attendees, telling them that he could outvote them by getting many of his 20,000 MAC members to register as Goose Hollow Foothills League members. He then spent months using the MAC magazine, emails and mailings to MAC members trying to convince them to join GHFL and vote to "help the neighborhood" with this zone change.

He was not successful in his

effort to stack the deck. But he was incredibly successful at infuriating Goose Hollow residents. We formed Friends of Goose Hollow and plan to fight the MAC on this for years if we have to.

As an upstanding citizen and MAC member who wrote a historically accurate op-ed against rezoning Block 7 in The Oregonian, I feel that the MAC should make right this retribution against me. However, as a member of Friends of Goose Hollow, I see that Rich's behavior has helped tremendously with our neighborhood resistance and our fundraising. Perhaps it's best letting him imagine that he is the mafia of Portland and can shut down people who disagree with him.

> Tracy J. Prince SW Market Street Dr.

City Council weighs MAC garage issue

Decision on proposed zone change to accommodate apartment building/garage waits for neighborhood vote.

ALLAN CLASSEN

he Multnomah Athletic Club's effort to tuck member parking spaces under a proposed apartment building is in limbo pending an Oct. 1 City Council hearing that has been continued to Thursday, Oct. 30, 3 p.m.

Whichever way the case goes, a casualty of the two-year campaign to rewrite the comprehensive plan to accommodate a 280-unit apartment building and



Bob Arkes (left) and Nic Clark have found the Block 7 issue divisive and perplexing. Photo by Vadim Makoyed

commercial garage may be the Goose Hollow Foothills League, whose board has resisted growing opposition to the Block 7 project among neighbors.

Those opponents have called a GHFL special membership meeting Oct. 8 to pass a ▶

Continued on page 10

City Council weighs MAC garage issue

Continued from page 1

resolution against the hybrid structure. It will be held at 7 p.m. in the First United Methodist Church, 1838 SW Jefferson St.

Even before the Oct. 1 hearing, the council decided to delay final action until after the membership vote.

In April, the GHFL board failed to pass a motion pro or con at the end of a major public meeting called for that purpose. Last month, the board was still arguing about that meeting and how the minutes should portray various events.

Some have had enough of the quarreling. Three members resigned from the board this summer, one in obvious disgust at the division and dysfunction. An effort to fill the first of those vacancies was nullified on procedural grounds, and the other seats were left empty rather than test a method of finding replacements that might again be challenged.

Opponents of the Block 7 development grew so convinced they were not being heard by the board that they formed a separate nonprofit, Friends of Goose Hollow, raised funds, hired an attorney and

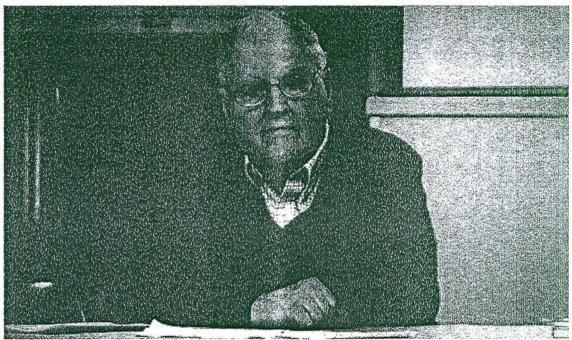
became a virtual neighborhood association in itself. Members of this bloc dominated the 2013 GHFL elections, taking four of the six available seats, and threaten to gain a majority next month when 10 of the 13 seats are up for election.

Most of the league's monthly meetings drag on, lasting as long as three hours and frequently heading off into personal disputes or tangents. The contesting of the right of the developer of Block 7 to be a GHFL member has consumed a considerable amount of board time and involved a records request. Board President Bob Arkes acted on an anonymous charge that a board member acted unethically, resulting in filing of a formal grievance by the person accused.

The writer of the poison pen letter, a former board member, was uncovered four months after the fact. The email accused a board member of mischaracterizing the organization's position on Block 7 at a city hearing.

Multnomah Athletic Club General Manager Norm Rich removed all copies of Tracy Prince's popular Goose Hollow history book from the club's gift shop, ostensibly because

the author
has been
an outspoken critic



Harvey Black, president of Friends of Goose Hollow, leads an organization perched to soon dominate the area's city-sanctioned Goose Hollow Foothills League, Photo by Vadim Makoyed

of the development proposal. Prince accused the club, of which she is a member, of "bullying" and attempting to silence her. Rich did not respond to a request from the Examiner to explain why the book was pulled.

Harvey Black, chair of Friends of Goose Hollow, is attempting to focus the opposition's energies on the issue at hand.

"There are many reasons to oppose the MAC project,"

he said. "But the bottom line is that the MAC worked with the neighborhood in the 1980s and 1990s to secure a parking garage and needed zone changes, promising the city and the neighborhood, in exchange for its support, that the club would build within RH zoning on the two blocks south of the parking garage and it would refrain from building further MAC parking south of the garage. The MAC has walked away from those commitments."

The Multnomah Athletic Club claims the 1981 master plan agreement and a later one in 1992 both expired in 1995 when zoning for the main MAC garage was changed, and they no longer limit expansion of club parking.

Block 7, surrounded by Southwest 19th, 20th, Main and Madison streets, has been used as a defacto park since the 1990s.

@ Comment on nwexaminer.com

Block 7-Related Press Coverage 1980 - Sept 1914

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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 clab right now," Mrs. Miller said.

Council delays vote on building

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.

GHFL

4/5/11

City puts conditions on club expansion

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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 pav-

The lots have been a subject of controversey because they were to be demolished and replaced with grass after the club finished its \$3.88 million, 566-car parking structure two years

The club long has resisted demolishing the lots. Jonathan Hart, a Portland advertising executive and president of the Goose Hollow Footbills League, said that the refusal of the club to tear no 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 pian and so on - that were broken."

A couple of weeks are the matter appeared resolved when Steve R. Tidrick, the club general manager, announced that a contract had been let to tear up the asphalt.

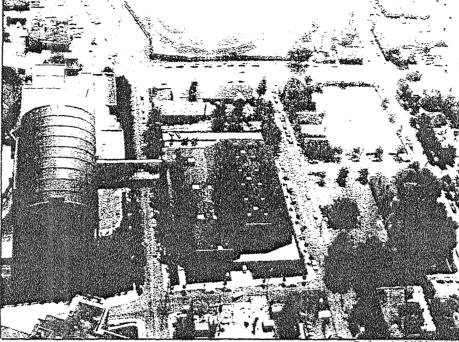
However, Bob Elliott of Lautenbach's Landscaping Inc., 1325 N.W. 97th Ave., said late last week that the firm did not have a contract with the club, but expects to agree to one soon. Once begun, the job should take four weeks to finish, he said, adding that both lots will be sodded and planted with grass.

Because the surface parking lots still have asphalt on them, the fivestory, parking structure with outdoor tennis courts on its roof is under the

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 denving 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



Lot across from garage with house in center and lot

GRASS TARGETS - Aerial photo shows two controversial asohalt parking lots (right). Multnomah Athletic Club (far left) and its parking garage (center).

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

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 lith-hour suggestion made to city Hearings Officer George

hoard member of the Goose Hollow Foothills League.

"I'm the one who testified. . that the club's policy of huving houses and tearing them down for parking had been so devastating to the area," she

"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

For most of the two years, the club did nothing. But recently, it stirred to

In a June 19 letter, club President D. Edward Graves wrote Charles Duffy.

planted with grass as part of agreement with city. Fleerlage by Faith Ruffing, then a 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

at upper right center are supposed to be torn up and

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.

parking lots.

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

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 Footbills League over use of the lots.

Tidrick wrote that hids 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 unaccentable 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 Tidric'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 Hults, 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, Hults 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 // 20 89
Correspondent, The Oregonian

In a determination that could have implications for other neighborhood associations, a divided board of the Goose Hollow Poothills League has decided that an October board election was invalid and that a new round of voting should be held next month.

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.

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, leighborhood residents believed hat about a dozen employees of the Multnomah Athletic Club participated in the election.

Rift leads tonew 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 reschedlue the election, taking care to follow proper election procedures. Immediately after the election, the league to the election and 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 aamits 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 elegible candidates will be able to run again.

"My hope is that all of you will run again," he

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 twoyear-terms were Faith Ruffing, John Mangan, Judy Erdman, Claudia Efurd, 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 allots permits to cover 80 percent of a business's employees. Many area businesses have been pushing for allemployees to be allowed permits.

GOOSE HOLLOW FOOTHILLS LEAGUE



1819 NW 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 Samon 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 mester plan."

In 1981, 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

Page 2

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.





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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)

Print (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)

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on September 09, 2013 at 5:40 PM, updated September 11, 2013 at 3:59 PM

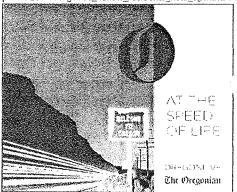
Here's a novel twist on Portland's parking debate: some residents of the Goose Hollow neighborhood say an apartment building proposed there will have too much of it.

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&sll=45.47960008426217,122.69473500000002&sspn=0.1003879157904778,0.22988526115917599&t=m&dg
and developer Mill Creek Residential Trust (http://mcrtrust.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

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Inside Front Porch



1330/SliveyAch

3-optomical -5vv+19dr-Ave+%26+SV About Elliot Njus (http://connect.oregonlive.com e/index.html)



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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 <u>Disqualify</u> 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 <u>itself</u> – 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.

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's²⁹ 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.

²⁹ 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.

SERVING PORTLAND'S NORTHWEST NEIGHBORHOODS SINCE 1986

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MAC Attack

Members asked to join neighborhood association as advocates for zone change

By Alian 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 20th 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.

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 hypo-

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 residentialwould 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.

said. "We at the MAC have never done that under my leadership and don't intend

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."

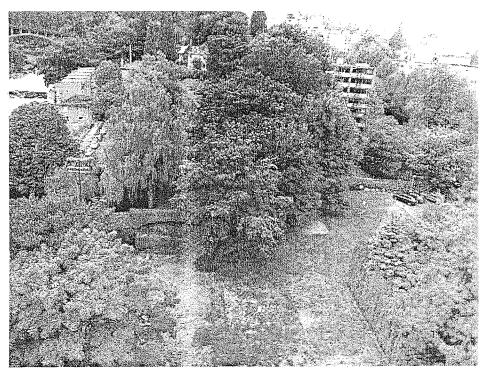
This is not the first time the MAC has

fought the neighborhood association by nated representative. joining it.

"We're not trying to bully anyone," he in the Goose Hollow Foothills League annual meeting, helping elect four previ- hood association became the norm. League ously uninvolved business candidates symboard meetings are now hosted by the club, pathetic to the club's proposal to convert and the parking topic has stayed mostly on a commercial building on Southwest 21st Avenue into MAC parking. After grievances were filed and attorneys hired, the that. Suddenly neighbors are researching election was overturned because league old papers and poring over ancient City bylaws limited institutions to one desig- Council transcripts. The 1981 agreement

After a new election, at which residents In 1989, several MAC employees voted regained a majority of the board seats, relative peace between the club and neighborthe back burner.

The Block 7 project changed all of



Block 7, bounded by Southwest 19th, 20th, 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 mostlygrass-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 18th, 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 $20^{th}/21^{st}$ 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 19th 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 19th 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.

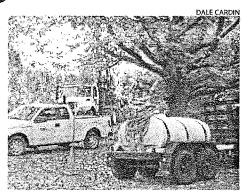
"I am surprised that Norm Rich never backtracked on his comments, took them back and apologized to his MAC constituents and the public he was addressing," wrote Nicolas Clark in an email to the Northwest Examiner.

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 19th, 20th, 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.



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 Betl

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 twopage 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 apparentand 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 ade clear that the MAC's rfectly legal. maneuver i

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 (perhaps 1,000 who live in Goose Hollow),

But the story also asserted that such cally fewer than 50 people vote at annual conduct or intent somehow never motimeetings. A board could be installed that vated the Founding Fathers sufficiently to would be totally in accord with MAC include it. expansion plans.

club represents to a small neighborhood association, instead finding victimhood in having a strategy to infiltrate or otherwise the possibility that MAC members carry- influence the club to change its direction ing out such a mission might be made to feel unwelcome. The Constitution and all laws of the land guarantee free speech and this. With more than 20,000 members freedom of association, but not all activities so protected are fair, wise or honorable. Nor such views to be freely expressed? it could conceivably take over control of the are they free from criticism. The right to neighborhood association, in which typi- feel welcome everywhere regardless of one's letter next month.

Delo's lack of empathy could perhaps be Delo doesn't acknowledge the threat the rectified if he could imagine an organization far more powerful than the MAC 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

We'll deal with another part of Delo's

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 parking for residents. the MAC will share in the extra costs of construction.

Rodriguez said that even without the tunnel, his traffic consultant found that 7 (bordered by Southwest 19th, 20th, Main standards.

"This solution will improve the traffic -ituation," said Rodriguez, "and not by any eans 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

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 traffic around the residentially zoned Block Thursday, Dec. 19, 7 p.m., at the MAC, 1849 SW Salmon St. The slate adopted by and Madison streets) would meet acceptable 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.

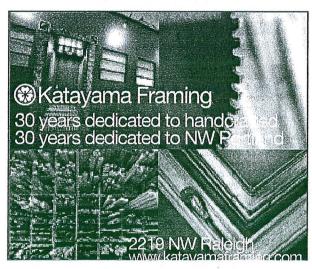
Does anyone take advantage of the offer? We asked the club for numbers of passes given out, as well as data on what percent of visits are by transit, but the club refused to share its data.

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.





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 neigh-

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

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

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



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

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 Foothills 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 missteps 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 Wyzynsky, 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	

Jerry Powell, who has held several positions with the neighborhood association since the 1970s, also bemoaned the single-issue nature of the new activism.

22

Bill Reilly

"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

ast 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.

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

hat'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 <u>Goose Hollow LLC</u> is asking the city to reject the developer's request to rezone Block 7 from residential to commercial.

Mill Creek, led locally by <u>Sam Rodriguez</u>, 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.

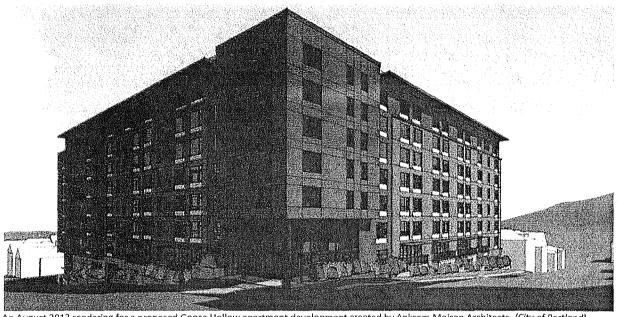
Mill Creek, formerly Trammel Crow Residential, is an active Portland-area apartment developer. It sold its most recent development project, the 179-unit Savier Flats project at 2244 N.W. Savier St., to TIAA-CREE for \$61.4 million in a deal that closed in December.

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 <u>Ankrom Moisan</u> Architects, law firm Ball Janik and traffic engineers <u>Kittelson</u> & 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
on April 14, 2014 at 11:40 AM, updated April 14, 2014 at 12:03 PM

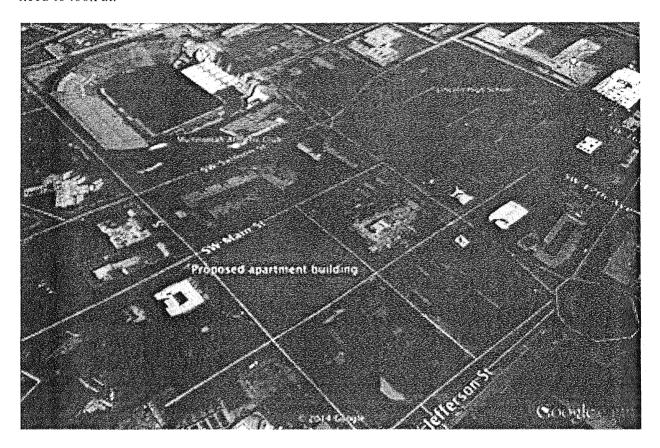
A group of Goose Hollow residents opposing a <u>Multnomah Athletic Club</u>-affiliated apartment project are steeling for a land-use fight.

The <u>neighborhood group</u> 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 <u>want to block a zoning code change</u> 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

Neighbors fight apartment tower

By Elliot Njus enjus@oregonian.com

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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.

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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.

THE SHOWDOWN

↑ he 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 necesrezone. A hearing is set for May 21. Sam Rodriguez, eads 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 PRUST



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 v have and their bearing capacity. Our retaining wall w 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 b

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 com closer to when the project starts. Our other partners are law firm Ball Janik, Ankrom Moisan Architects and traffic engineers Kittelson & Associates Inc.

CONNIEKIRK GOOSE HOLLOW



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 b 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

he 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

⊿bstentions.

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 sevenstory 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 Camer "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 highdensity 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 Wiber SN 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 con-

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

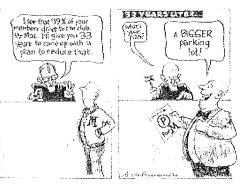
That's why bypass routes inevitably become clogged, and even bypasses built around original bypasses don't work. That's why extra freeway lanes don't remain empty for long. And that's why ample free parking is soon filled up. These "solutions" invite increased auto use that stresses all other transportation 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

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 destinations, 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

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.

ortland 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 sevenstory 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 approval will be conditioned by a cityapproved 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.

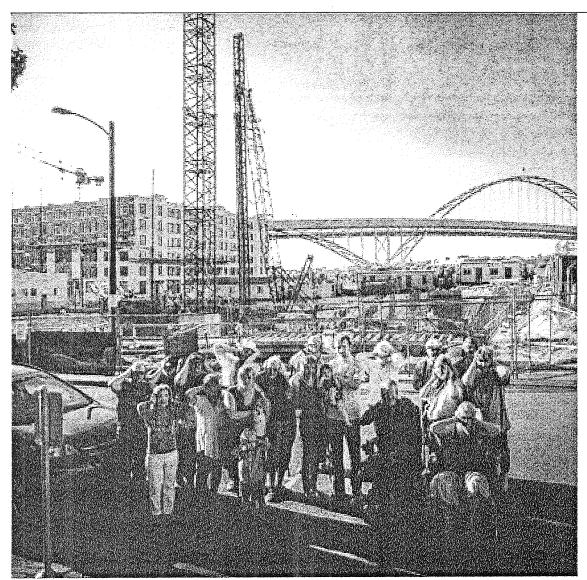
Furthermore, "the MAC is free to lobby the city at any time to override the covenant," Bragar said.

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.

. The Pearl



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 Council."

For the band of hearingimpacted 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 uncornable 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."▶



ditor'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 gov-erned 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 mem bership.

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 grassroots 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 princples. There's also the possibility that a clique of insiders has grown jealous of power or become chummy with

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 nimbys," 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 Coun-

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 decisionssuch 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 wherein 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 Westside 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 neighborhood 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- Comment on nwexaminer.com

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." ■

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 indivduals

Goose Hollow directors say special members meeting Oct. 8 can happen, but the board makes all decisions.

ALLAN CLASSEN

osing 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 Multnomah 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 ascendency 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 Makoved

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



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

December 4, 2014

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

Mayor Hales and Members of the City Council:

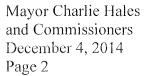
As you know this office represents the Friends of Goose Hollow, LLC and Harvey Black (collectively, the FOGH). This letter presents further information to show options are available to MAC and the City to resolve alleged parking problems in the neighborhood and a zone change at Block 7 from residential to commercial is inconsistent with the Comprehensive Plan policies and goals. One location in particular, the property at the intersection of SW 18th and Salmon will be shown as a superior site to Block 7 to house commercial uses.

The testimony at the October 1, 2014 hearing identified parking problems for the MAC, other major institutions like the stadium, and Lincoln High School, as well as general neighborhood parking concerns. Regardless of who claims a parking problem, the Goose Hollow neighborhood should be ground zero for a showcase of alternative modes of transportation and transit oriented development. A zone change to authorize additional parking at Block 7 is antithetical to the City's hard work to discourage driving in the Central City.

I. Demand for commercial parking is created by the unlimited special events hosted by the Multnomah Athletic Club.

A significant generator of demand for additional parking capacity to serve the Multnomah Athletic Club is not from its members, but from guests attending commercial events

¹ Since the October 1, 2014 hearing, FOGH, at the behest of City staff spent significant time and effort meeting with the applicants to discuss possible solutions. As a result, the completion of this submittal occurred at the last minute and FOGH, respectfully requests that the City Council delay decision making on this matter until January 2015 to ensure you have had adequate time to review and synthesize this submittal, as well as other new testimony submitted today.





hosted by the MAC as a revenue-generating mechanism to maximize use of its dining and meeting-room capacity. The MAC competes with significant downtown hotels in its efforts to provide this option.² The proposed 225 new parking spaces are not primarily planned to serve MAC members. They are to serve commercial guests.

This kind of commercial expansion into residentially zoned areas defies the comprehensive plan policies:

- Policy 2.17 aimed at transit oriented development Adding 225 more reserved parking stalls encourages MAC members to use cars and contradicts Portland's mass-transit oriented development plans.
- Goal 3 Neighborhoods Will increase traffic density and congestion around MAC; CX zoning will tilt the character of the neighborhood away from residential quality and vitality toward a commercial zone.
- Goal 4 Housing Construction of uniform small apartments does not provide different types of housing density and sizes serving market rate singles and couples does not provide family, workforce, or low income housing.³

The applicants should be sent back to the drawing board and the protections of the comprehensive plan should preserve the residential zoning at Block 7. The City's smart growth

² FOGH is comprised of hundreds of neighbors, some of whom are members of the MAC and also oppose this project. The overlap provides useful insights to the MAC's operations, including that in recent years, the MAC's commercial events have grown substantially, primarily in response to a historic financial deficit in its food and beverage operations.

³ The City Council heard ample testimony on October 1, 2014 directing the Council's attention to those comprehensive plan policies and goals that balance toward denial of this zone change and comprehensive plan map amendment. During the hearing, Commissioner Fritz requested that FOGH provide a packet of the most pertinent materials for the Council's consideration. Attached here are FOGH's submittals (cover letters only attachments can be found within the record) to the Hearings Officer that provide full discussion of outstanding legal concerns about the proposed zone change. Attachment 1 is June 6, 2014 FOGH letter to the Hearings Officer and provides a list of points and legal references. Attachment 2 is the May 30, 2014 FOGH letter to the Hearings Officer. Attachment 3 is the May 20, 2014, FOGH letter to the Hearings Officer. A question also arose regarding the 1991 decision that describes that the Master Plan requirement arose prior to creation of Portland City Code (PCC) 33.820 governing conditional use master plans, as well as the staff report for LUR 95-00743 reflecting the same understanding. See Attachment 4. In addition, Commissioner Fish and Mayor Hales expressed an interest in a broader understanding of the allowed uses in the RH zone. Under Portland City Code Chapter 33.120, Table 120-1 the City lists permitted and conditional uses. As relevant here, several conditional uses could be constructed at Block 7 under the current zoning, including a mix of residential, including group homes as well as some commercial uses such as retail sales and service and office use and institutional uses. See Attachment 5.



Mayor Charlie Hales and Commissioners December 4, 2014 Page 3

planning principles do not cater to one property owner's insatiable appetite for parking.⁴ If this domino falls at the MAC, then it opens the door for more parking to serve the Timbers, Pioneer Square and Old Town/Skidmore. This will commit the Central City to parking for MAC and the rest of the City will be covered with unlimited amounts of accessory parking.

II. Commercially zoned property in the proximity of the MAC provides a better alternative for MAC's claimed "need" for commercial parking.

FOGH does not believe that after all the testimony from the neighborhood related to inconsistency with the comprehensive plan that the Council could find that the policies weigh in favor of this application. But if the City still finds the requested increase in commercial parking spaces for the MAC is justified, a much more appropriate location exists that does not require a zone change or modification of the City's comprehensive plan.

A 26,500 square foot site at the corner of SW 18th and Salmon St. is publicly- owned, currently used for parking, and properly zoned to allow expansion of commercial parking. In a multi-level structure, it can accommodate the proposed 225 parking spaces. FOGH met with the applicants to discuss the three alternative locations for additional MAC parking.⁵ See the oversized map attached here. The map shows that the SW 18th and Salmon intersection is an appropriately zoned commercial site that could house the proposed MAC parking. As shown on the map, FOGH's back of the napkin calculations reflect that a minimum of 180 spaces could be constructed at the site and likely more with a careful design. Because of its premier location, other large neighborhood institutions such as Providence Park patrons or Lincoln High School students and teachers could be attracted to share in its utilization and maximize the site's full potential. Tri-Met is the owner of this site, and has clearly indicated it has no future transit needs for the site that preclude a community/neighborhood use. Opportunity for a solution exists at SW 18th and Salmon.

CONCLUSION

FOGH knows the City can take a leadership role to guide development in Goose Hollow. It has done so with the zoning designations at Block 7 to maintain the residential character of the

⁴ FOGH has argued since the first opportunity, that CCPR review should occur before the zone change. Without full information as to the proposal and a determination by the City that the MAC can have additional parking, the zone change is unnecessary. See Sheila Frugoli's October 24, 2014 Memorandum to Council attached as Attachment 5 describing that the MAC is not entitled to parking at Block 7. The applicants have put the cart before the horse. The proper time to analyze the MAC's ability to satisfy the CCPR criteria is through CCPR review on a full record before approval of a zone change at Block 7, not as a side debate to this application. Despite MAC's concerns, FOGH would champion the applicants undertaking the CCPR procedure before approval of this application.

⁵ The map identifies the SW 18th and Salmon property, the Portland Towers, and the MAC-owned parking and laundry facility on SW 21st.



Mayor Charlie Hales and Commissioners December 4, 2014 Page 4

neighborhood and at SW 18th and Salmon with a commercial designation to match the commercialized portion of the neighborhood. Now, City Council should direct its expert staff to craft a neighborhood solution to the parking problem caused by institutional uses in the neighborhood, rather than approving a piecemeal zone change for the MAC at the wrong location.

Sincerely,

GARVEY SCHUBERT BARER

Bv

Jennifer Bragar

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GARVEY SCHUBERT BARER

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June 6, 2014

BY HAND DELIVERY

Ken Helm Hearings Officer City of Portland Hearings Office 1900 SW 4th Avenue, Room 3100 Portland, OR 97201

Re: FOGH and Harvey Black's Final Argument

LU 14-105474 CP ZC, PC #13-14202

Dear Mr. Helm:

This letter serves as the final written argument presented on behalf of the Friends of Goose Hollow, LLC and Harvey Black¹ (collectively referred to herein as FOGH). In previous testimony, FOGH raised seven main issues, but the Applicants' May 30, 2014 response addresses only a single item – the adequacy of the transportation impact analysis (TIA). The remainder of the Applicants' May 30 submittal merely bolsters information already submitted by the Applicants and fails to respond to the evidentiary inadequacies within the findings that FOGH previously raised.

The Applicants' and City staff have not adequately addressed the following:

• The ongoing applicability of the Master Plan, where a Master Plan remains in effect, so long as a conditional use is contemplated and until all development under the Master Plan is completed. See PCC 33.820.060, 33.820.100 and the express terms of the MAC Master Plan. Here, the Applicants could develop the property under the RH-zone designation with a conditional use they simply no longer wish to pursue that course. Therefore, the Master Plan is still in effect until development contemplated under the Master Plan is complete or until a formal process releases the Applicants from its master plan obligations. *Carlsen v. City of Portland*, 39 Or LUBA 93, 107 (2000).

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

• The Applicants do not meet PCC 33.810.050.A.1,

"The requested designation for the site has been evaluated against the 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 Applicant and City staff jump straight to the "on balance" comparison portion of the standard without analyzing the first step of the criteria to evaluate the proposed application in its entirety. While the Applicant and City treat what is allowed under the RH-zone designation as *de facto* proof that the comprehensive plan and zone map amendment will not have particular impacts, such an approach results in a failure to analyze the impacts of this application. The application must be considered in its entirety and evaluated to determine whether it meets the comprehensive plan policies and approval criteria, notwithstanding the kind of development that would be allowed without the comprehensive plan and zone map amendment.

The analysis of the proposed uses cannot be bifurcated. While a hot dog on its own may not give a child a stomachache, a hot dog and hot fudge sundae may surprisingly result in an all night fiasco. The purpose of this land use review is to analyze the impacts of the application as a whole, not just make an assumption that, since RH zoning was something the City's infrastructure could swallow, it can swallow both the housing and commercial uses when taken together as proposed here.

- The Applicants and City are silent about FOGH's argument that the Statewide Planning Goal 6 findings are inadequate. Where there is evidence of an air quality problem at Block 7, and FOGH provided such evidence, the Applicants are required to adequately respond to why the project meets Goal 6 requirements. *Salem Golf Club v. City of Salem*, 28 Or LUBA 51 (1995). Children who attend nearby Lincoln High School are at risk because the school has some of the worst air quality problems in the country, and FOGH is hard pressed to understand why the Applicants failed to explain how parking 225 more cars will not impact air quality as required under Goal 6.
- The Applicants and City are silent about FOGH's argument that the Statewide Planning Goal 8 findings are inadequate because no analysis of the adequacy of recreational facilities in the area is provided. *Id.* While the MAC offers that portion of Goose Hollow residents who can afford MAC membership access to recreation, the Applicants provided no analysis of public recreation available to the rest of the public or the new residents to be housed in the proposed 296 dwelling units.
- The Applicants and City failed to address applicable Comprehensive Plan policies, including Goal 1, Goal 2, Policy 2.17, Goal 5.7, Goal 7, Policy 7.4, Policy 12.2.B, and Policy 12.8. Therefore, the City cannot make findings that these goals and policies are satisfied.

• The record lacks any evidence of an agreement between MAC and Mill Creek as to the ownership of the "MAC Uses"²; therefore, City staff's and the Applicants' reliance on the uses as proposed, uses justified by their connection with MAC's member service, is not based on substantial evidence in the record.

The Goal 12: Transportation Planning findings are inadequate and not based on substantial evidence in the record.

FOGH, through its expert memorandum prepared by David Evans and Associates (DEA), presented several arguments and extensive information about the deficiencies in the Applicants' Traffic Impact Analysis (TIA). In response, Kittleson provided additional information in the Applicants' May 30, 2014 submittal, mainly continuing to sing its chorus line of "take our word for it," without providing any underlying data for its conclusions. DEA provided FOGH with a responsive memorandum regarding the May 30, 2014 Kittleson response which is included here as Attachment 1.

DEA's analysis explains that the TIA's analysis of peak period trips does not make sense given testimony by Kittleson that up to 200 vehicles are turned away from the main MAC parking garage during peak periods.³ The TIA analysis assumed 50 a.m. and 38 p.m. peak hour vehicles in the secondary lots, far less than the peak of 200 that are turned away. On page 3 of Kittleson's May 30, 2014 memo they state, "These counts were used as a basis for the analysis and do not reflect the total number of vehicles parked in the secondary parking lots, nor do they represent peak conditions that can occur on particular days within a given month." The notably lower number of peak hour trips (50 a.m. and 38 p.m.) analyzed in the TIA results in an incorrect operational analysis that does not appear to account for the 200 vehicles turned away. The TIA should analyze peak period conditions including all vehicles turned away from the main MAC parking garage.

In addition, after analyzing Kittleson's assumptions, DEA determined that the Kittleson analysis does not include any on-street parking demand shifting, even while Kittleson asserts that the proposed parking will reduce demand for on-street parking. These trips resulting from shift in demand must be accounted for in the operational analysis.

Kittleson's memo continues to mischaracterize DEA's concerns regarding latent demand in a constrained parking environment and claims that there is no practice or standard that supports the notion of latent demand.⁵ But both Kittleson and Rick Williams Consulting have completed similar analyses of

The "MAC Uses" are comprised of the 16 hotel units and 225 commercial parking spaces.

See Attachment 1 that points Kittleson's inconsistencies about whether these are midday and/or evening peak periods and requests information to clarify when the peak periods occur for purposes of the TIA.

See footnote 4, it is unclear to FOGH and DEA what time period is referred to in the phrase "These counts..."

⁽Emphasis added.) FOGH described in it May 23, 2014 submittal that 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



constrained parking facilities with acknowledgement of latent demand. Both have used accepted methodology to account for latent demand as shown by DEA in its quote of other traffic reports prepared by Kittleson and Rick Williams Consulting. The need to account for latent demand reflects existing trips that are shifting to the peak period use of the parking structure due to the proposed expansion of parking, and not, as Kittleson claims, to count new trips. For some inexplicable reason, in this case, Kittleson and Rick Williams Consulting have conveniently not addressed latent demand.

Additionally, Kittleson has not provided the underlying data in support of its conclusions:

- DEA is unable to verify whether the Applicants' TIA complies with the TPR because Kittleson has not provided a comparison of the trip generation of the existing zoning and the proposed zone change.
- The 16 MAC hotel units are improperly counted in the background condition instead of as new trips.
- The data and calculations for the sensitivity analysis performed by Kittleson have not been provided.
- Kittleson and the Applicants have provided insufficient data to meaningfully analyze the impacts of the extensive events hosted at the MAC that drive parking demand and adversely impact traffic.

Therefore, DEA cannot verify the validity of the conclusions that Kittleson reaches in the traffic study with respect to TPR compliance and identification of necessary mitigation.

Further, the TIA relies on the Applicant's proposal to enter into a covenant with the City about the extent of the development. The City responded with a condition of approval to limit the allowed uses on the site; however, the Applicants continue to rely on the covenant to justify the TIA. As drafted, the covenant fails to limit the development onsite, and could not sufficiently do so without impermissibly binding the decision making capacity of future City Councils in land use decisions. *Shady Cove Water District v. Jackson County*, 219 OrApp 292, 296 (2008). Therefore, the covenant is inadequate to ensure compliance with the TPR. Likewise, the City's proposed Condition C fails for the same reason – it does not adequately limit trips, where a future City Council could contemplate an application by the property owner to amend or remove the condition of approval.

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.



Finally, the MAC failed to take its existing employee parking into account. MAC's current operation includes a wholly separate 103-space employee-only parking garage located at 826 SW 21st Avenue. Finding this garage inadequate, the MAC has purchased entire buildings to provide an additional 40 employee-only parking spaces.⁶ While MAC and its experts, Kittleson and Mr. Williams, claim that transportation demand strategies are underway, the Applicants fail to consider conversion of the employee parking garage – a more than 38,000-square foot structure – into additional MAC member parking. True leadership in parking management would be evidenced through an end to free parking for staff and provision of alternative transportation options for employees.⁷ Further, such modified transportation demand management would provide 143 parking spaces that could be transferred into service to MAC members. This would account for 64% of the MAC parking proposed in this application.

Improper Deferral of the CCPR and Geotechnical Review

FOGH previously criticized the application and staff report for improper deferral of the required CCPR review because such deferral will not satisfy the applicable Comprehensive Plan policies related to transit (Comprehensive Plan Goal 2 and Policy 2.17). Condition E related to parking management, transportation demand management planning and the CCPR requirement improperly defers analysis of information that is necessary to determine whether the criteria is met until sometime after a final decision on this application. This approach contravenes *Gould v. Deschutes* County, 216 OrApp 150, 161-162 (2007), where the Court determined that when information necessary to make a decision about whether the criteria can be satisfied is omitted, then the application should be denied. Therefore, the application cannot be approved until this necessary information is provided.

Similarly, the findings for Policy 8.13 describe that the Bureau of Development Services will require a soils report and slope stability analysis that demonstrate adequate factors of safety for seismic conditions. However, those reports are again improperly deferred until after the City's final decision is made for this comprehensive plan and zone map amendment. Although the Applicants provide information from a geotechnical expert that a landslide is not likely, no soils test shows that the soils can support stormwater and other infrastructure to support the level of development contemplated under the proposed CX-zone designation. Rather, the Applicants again ask the City to "take my word for it." Fortunately for FOGH, that empty promise is not good enough to justify a land use decision, especially when MAC has broken those promises before. Appropriate soils testing must be provided during this public review process before the City can determine whether the criteria are met.

See fine print on page 3 of the MAC Rideshare Report submitted by the Applicants on May 30, 2014.

From July 1, 2014 – December 31, 2013, 61% of MAC employees responded that they drive alone to work.



FOGH circulated a valuable petition to reflect the viewpoint of project neighbors and the public.

The Applicants submitted a May 30, 2014 memorandum through their counsel questioning the credibility of the FOGH petition circulated online and in the neighborhood. FOGH prepared a spreadsheet analyzing the data from its petitions, where names were gathered from three sources 1) the online petition, 2) a hand-circulated petition to Legends residents, and 3) a hand-circulated petition in the neighborhood. See <u>Attachment 2</u>. Out of a total of 349 signators, FOGH discovered 54 duplicates, comprised mostly of people who signed the online petition and a hard copy, leaving 285 opponents to the application as individual signators to the petition.⁸

Of the 285 opponents, only 22 signators⁹ of the petition were submitted through the online petition. FOGH board members reviewed the petition and identified 41 dues-paying MAC members who have signed in opposition to the application, three of whom signed on the website.¹⁰ The Applicants' memorandum criticizes the online petition, contemplating that individuals who signed online lied about their identity. However, all who signed the online petition are identified by the name they entered and confirmed by the e-mail address used to access the petition. Moreover, those 22 signatures constitute a mere 7.7% of the unduplicated signators to the petition. All other handwritten petitions have been submitted into the record, and the Applicants have not challenged the validity of individual signatures. FOGH has adequately proven that 285 people have signed in opposition to this application. This number is growing daily.

Significantly, FOGH has provided an online platform for members of the public interested in this application to obtain documents submitted into the record from the Applicants, City staff and FOGH's own information. As a result, and in addition to the signature gathering described above, 33 more signatures were gathered after members of the public had the opportunity to review the Applicants' submittals and hearings officer presentation and want to be heard as opponents on the record and specifically in response to the Applicants' May 30, 2014 criticism of the online petition. See Attachment 3. Therefore, as of today, 328 people are opposed to this application.

In addition, the Legends petition and the neighborhood/online petition differ somewhat in content, in that the signators to the Legends petition commented on the impact of the development on their home. The neighborhood/online petition is an expression of concern about the impact of the proposed development on the neighborhood. Therefore, it is reasonable that people who live in the Legends complex signed both forms of the petition.

This constitutes the count of signators to the online petition that were not signators to one of the hard copy petitions ("unduplicated signators").

Several more signators could be MAC members, and the Applicants could verify, as they have full access to membership rosters.

³⁰ signatures were provided through the online petition, and three signatures were included on the hard copy neighborhood petition.



Conclusion

Based on the foregoing and previous testimony by FOGH and concerned individuals, the Hearings Officer should recommend that the City Council not approve the application because the Applicants have failed to meet the criteria for this comprehensive plan and zone map amendment.

Sincerely,

GARVEY SCHUBERT BARER

By Jennifer Bragar

JB:tk

Attachments

cc:

Clients

Steve Janik (by e-mail)
Jill Long (by e-mail)
Ty Wyman (by e-mail)
Sheila Frugoli (by e-mail)

PDX_DOCS:518377.5



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May 30, 2014

BY HAND DELIVERY

Ken Helm Hearings Officer City of Portland Hearings Office 1900 SW 4th Avenue, Room 3100 Portland, OR 97201

Re:

FOGH and Harvey Black's Further Testimony

LU 14-105474 CP ZC, PC #13-14202

Dear Mr. Helm:

This office represents Friends of Goose Hollow, LLC and Harvey Black¹ (collectively referred to herein as FOGH). The following testimony supplements the letter our office submitted on behalf of FOGH on May 20, 2014.

I. The applicants' consultant, Rick Williams, did not address latent demand.

FOGH's May 20, 2014 testimony included as Attachment 9 David Evans and Associates' (DEA) review of the applicants' Traffic Impact Analysis (TIA). The applicants submitted a report from Rick Williams Consulting at the May 21, 2014 hearing regarding parking demand and generation of new trips. However, Mr. Williams' comments did not address latent demand, described in depth in DEA's submittal where FOGH challenges the applicants' TIA conclusion that no additional peak hour trips would result from the proposal.

II. The applicants' TIA inadequately analyzes impacts to the neighborhood.

In addition to the foregoing, FOGH's further response to Mr. Williams' conclusions and presentations by the applicants' representatives in regard to traffic is found in three studies described and attached here. These studies show that the applicants incorrectly conclude that parking impacts

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



from MAC will be alleviated by the proposed comprehensive plan and zone map amendments and that further provision of free MAC parking will only intensify the traffic problem.

The first attachment is a February 2005 National Bureau of Economic Research working paper entitled "An Integrated Model of Downtown Parking and Traffic Congestion" by Richard Arnott and Eren Inci. See <u>Attachment 1</u>. This paper describes how free parking, such as that provided by the MAC, incentivizes users to travel by personal vehicle instead of public transit or other alternative modes of travel.

The second attachment is a 2003 article published in the Journal of Transportation and Statistics, entitled "Truth in Transportation Planning" by Donald Shoup. See <u>Attachment 2</u>. The article criticizes the reliance on the Institute of Transportation Engineers (ITE) Parking Generation and Trip Generation manuals because the data are severely restricted to mostly suburban sites with few on-the-ground samples. This article is further support of FOGH's position that where, as here, the applicants provide no data on the extent of MAC events and activities, it is impossible to understand and analyze MAC parking demands.

The third attachment is a February 2011 Parking and Transportation Demand Management Master Plan prepared for the University of California, Berkeley (UCB). In a similar urban setting as Portland, the UCB study concludes that a cost-effective and environmentally sustainable approach to parking demand management is through a combination of parking pricing and improved commute alternatives to bring demand into accord with future parking supply.

The applicants' TIA does not provide enough information about the MAC users' travel and use patterns once more parking is provided to determine whether the applicants correctly analyzed the traffic impacts from the proposed commercial parking at Block 7. The expert review by Professional Transportation Operations Engineers at DEA indicates that current unmet parking demand during peak periods alters MAC users' preferred travel patterns and creates a latent peak period parking demand that is not accounted for in the applicants' analysis. The additional proposed parking will allow MAC users to return to their preferred travel patterns, resulting in MAC use patterns shifting to higher peak period parking use with a high potential for an increase in total MAC user travel by automobile during peak periods with the more reliable parking availability.

III. The MAC has been subject to a Master Plan agreement since 1981, and the City first adopted the Master Plan on April 6, 1983.

The last attachment to this letter is the April 6, 1983 adoption of the MAC Master Plan referred to in Attachment 3 of FOGH's May 20th submittal. See <u>Attachment 4</u>. Previously, only the handwritten notation on a City staff report that the City Council adopted the MAC Master Plan was provided. The MAC's Master Plan was expanded and adopted by the City again in 1993, and the applicants continue to be bound by the limitation of RH zoning on Block 7, as fully explained in FOGH's May 20th submittal.



Thank you for your consideration of these additional materials.

Sincerely,

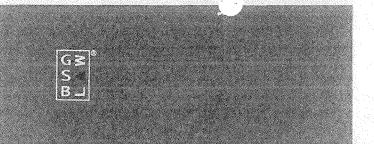
GARVEY SCHUBERT BARER

Ву

Jennifer Bragar

cc: clients

PDX_DOCS:517959.3 [39097.00100]



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May 20, 2014

BY HAND DELIVERY

Ken Helm Hearings Officer City of Portland Hearings Office 1900 SW 4th Avenue, Room 3100 Portland, OR 97201

Re: Friends of Goose Hollow and Harvey Black's Comments

LU 14-105474 CP ZC, PC #13-14202

Dear Mr. Helm:

This office represents Friends of Goose Hollow, LLC and Harvey Black¹ (collectively referred to herein as FOGH). FOGH is the voice for over 360 people who have signed petitions in support of the FOGH position set forth herein. Of those 360, at least 40% are also dues-paying members of the Multnomah Athletic Club (MAC). FOGH is opposed to the proposal by the MAC/Mill Creek Residential Trust (applicants) joint venture to rezone Block 7 from RH to CXd through a comprehensive plan map and zone map amendment (CP/ZC). The Hearings Officer must recommend that the City Council deny the application because it violates the 1993 MAC Master Plan and fails to meet the approval criteria.

I. MAC's 1993 Master Plan prohibits large-scale commercial parking south of Main Street.

In 1981, the City approved CU 80-80 for the MAC Salmon Street Parking Garage and required a parking boundary to be established at 20th, Main, 18th, and the MAC Clubhouse on the north. See Attachment 1.² Parking south of Main is prohibited and any parking aside from residential parking is prohibited on Block 7. In 1981 the MAC entered into an Agreement and Master Plan with the Goose Hollow Foothills League whereby the MAC agreed to limit development of its Block 7 property to those uses allowed under the RH zoning. See Attachment 2. On April 6, 1983, the City Council adopted the

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

See pages 73-74 of the CU-80-80 transcript in Attachment 1, as well as pages 10, 14, and 45 discussing the RH limitation on Block 7. The MAC Master Plan summarizes the conditions of approval from the City's 1980 decision, pages Appendix B-Section 1, Page 9 and a later decision related to CU 80-80 on October 9, 1985 at Appendix B-Section 2, page 2, see Attachment 5 pages 57 and 71, respectively.

acceptance of the 1981 Master Plan. See <u>Attachment 3</u>. In 1990, the parties amended the agreement but made no change to the RH zoning limitation on Block 7 development. See <u>Attachment 4</u>. The 1990 amendment also included a promise by MAC to prepare and submit a comprehensive Master Plan application to the City of Portland (City),

"MAC shall prepare and submit to the City of Portland on or before October 31, 1991 a comprehensive Master Plan. The Master Plan shall be prepared with full consultation with, and opportunity for comment, by Goose Hollow. MAC shall incorporate into the Master Plan its commitment to the development of 30 units of residential housing on Block 2, Amos Kings Addition, construction of which will, subject to paragraph 12, commence on or before June 30, 1992."

The City approved the MAC Master Plan on March 1, 1993, where development of Block 7 was limited to uses allowed under the RH zoning that in effect prohibits large-scale commercial parking south of Main Street.³ See Attachment 5. Now, MAC's representative claims the Master Plan is no longer in force. See Attachment 6.

In 1995, the City approved LU 95-00743 ZC to change the zoning on a portion of the property subject to the 1993 Master Plan – the MAC Clubhouse and Salmon Street parking. In multiple communications between the MAC, its representatives and attorneys, the MAC explained that it would continue to be bound by and would comply with the Master Plan. See Attachment 7. The City approved the zone change but expressly deferred making any judgment about the status of the Master Plan. Later in 1995, the City Hearings Officer took the same position when it denied a request to clarify the status of the Master Plan in LUR 95-00873 MS. See Attachment 8. The current application requires consideration of the Master Plan, because the applicants propose a use that is squarely in contravention of the fundamental agreement in the Master Plan that prohibits large scale commercial parking south of Main Street. See Attachment 5.

Pursuant to Portland City Code (PCC) 33.820.060, an approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded. See PCC 33.820.100.A and the express terms of the Master Plan.⁴ The Master Plan contains proposed development of Block 7 that has yet to occur and the plan has neither been amended nor superseded in a manner that nullifies the development proposed in the Master Plan for Block 7. Therefore, the Master Plan has not terminated.

Significantly, a master plan will remain in place so long as a conditional use is still contemplated. *Carlsen v. City of Portland*, 39 Or LUBA 93, 107 (2000). Under the development proposed in the Master Plan for Block 7, the MAC proposes two scenarios. Scenario 1 sets forth a

The Master Plan states that the scale and intensity of development on Block 7 will be consistent with other residential buildings in the immediate vicinity and would not have an adverse impact on livability features in the residential area of Goose Hollow. Attachment 5 page 24-26 of 73.

Attachment 5 at page 48 of 73.

single mixed-use project of commercial and residential uses. The limited commercial aspect of the project is a conditional use under the RH zoning. See PCC 33.120.100.B.2.a and Table 120-1. Therefore, the Master Plan remains in effect because conditional uses are still being contemplated.

Pursuant to PCC 33.820.080.B, uses that are not in conformance with the Master Plan require an amendment to the Plan. The applicants did not seek an amendment to the Master Plan, but instead seek a work around through this CP/ZC application. The application should be denied because it does not amend the Master Plan, which has not been previously superseded, and development contemplated under the plan has yet to occur.

II. The Application is framed incorrectly, and as a result the findings fail to analyze the comprehensive plan and zone map amendment's true impacts.

The applicants have applied for a CP/ZC. As such, the application stands on its own and must meet the comprehensive plan policies and approval criteria, regardless of hypothetical development proposed by the applicants. The applicants' claim that they will apply to construct hypothetical uses that include 260-280 multi-dwelling units, approximately 16 studios that will be used as short-term stay (hotel) rooms for the exclusive use of MAC, and up to 225 parking spaces (collectively, hypothetical uses) but the staff recommendation does not limit the potential uses. Because no development has been proposed, the Staff Report cannot limit its review of the criteria to the hypothetical uses.⁵

III. The Statewide Planning Goals are not met.

A. Goal 12: Transportation Planning

Goal 12 is implemented through the Transportation Planning Rule (TPR) set forth at OAR 660-012-0060. The applicants submitted a Traffic Impact Analysis (TIA) prepared by Kittleson & Associates. FOGH retained David Evans Associates (DEA) to review the applicants' TIA. See Attachment 9.

Based on DEA's review of the TIA, the applicants must undertake more rigorous analysis of the traffic impacts from the requested CP/ZC. DEA faults the applicants' approach for artificially limiting the analysis to only the hypothetical uses, instead of the full range of commercial uses that would be allowed under this CP/ZC. In contrast to *Willamette Oaks, LLC v. City of Eugene*, 62 Or LUBA 75, 84 (2011), aff'd 248 OrApp 212 (2012) where that applicant included a development application in conjunction with a zone change and validly limited its traffic analysis, MAC/Mill Creek have not proposed development in conjunction with this zone change. Further, the conditions do not sufficiently limit the uses, therefore, the worst-case scenario analysis may not be limited.

See Willamette Oaks, LLC v. City of Eugene, 62 Or LUBA 75 (2011), aff'd 248 OrApp 212 (2012) (when development is proposed in conjunction with a zone change, review may be limited).

Under OAR 660-012-0060(1)(c), the TPR requires that the applicants provide analysis of the 20-year impact from the CP/ZC application. The TIA contains no 20-year impact analysis for the CP/ZC.

Further, the TIA ignores the issue of latent demand. 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. DEA presents sufficient evidence and expertise to explain that latent demand will actually increase traffic if the development occurs as presented in the applicants' hypothetical uses.

In addition, much of the TIA and underlying application rely on an alleged parking demand of the MAC that is not supported by any evidence. For example, the MAC continuously describes that during events, MAC faces difficult parking logistics. However, no evidence exists in the record to accurately determine the actual parking demand for the various events and uses that occur at the MAC.⁶

Last, DEA's review points to a myriad of other inconsistencies and incomplete information. The available parking spaces described within the TIA do not match up between the pages, or between various submittals by Kittleson. Further, the data around average peak parking utilization is not provided. For all these reasons and the specific information provided in <u>Attachment 8</u>, the applicants fail to comply with Goal 12 and the TPR.

B. Goal 6: Air Quality

Goal 6 requires that the application will not result in air emissions that violate applicable state or federal environmental quality statutes, rules and standards. In this case, staff's statement that the applicants will apply for all necessary environmental permits is an inadequate finding because existing air quality problems in Goose Hollow require further analysis. In 2008, USA Today gathered information about 127,800 public and private schools and made a toxicity assessment based on air quality. Lincoln High School, two blocks from Block 7, is ranked in the 5th percentile for air quality, meaning that only 5,084 of the studied schools have worse air quality. See Attachment 10.⁷ In addition, in April 2012, DEQ prepared a "Portland Air Toxics Solutions Committee Report and Recommendations." Chapter 6 of that report describes Emission Reduction Targets and in Table 13 shows that tons of emission reductions are needed for on-road mobile sources like additional traffic in

While the MAC seems to have gotten away with an endless amount of commercial events that likely exceed the contemplated use of the facility, it cannot beg the City to take it on its word that these endless events necessarily justify adding 225 parking spaces in a residential neighborhood.

Attachment 10 is comprised of the USA Today Report entitled "The Smokestack Effect: Toxic Air and America's Schools." The attachment includes the methodology and a questions and answers sheet, as well as the ranking detail for Lincoln High School. In addition, a related article "EPA study: 2.2M live in areas where air poses cancer risk," shows that in 2002 Oregon ranked the third highest at risk of U.S. territories with neighborhoods where air pollution caused an excess cancer risk greater than 100 in 1 million, a level EPA considers unacceptable.

Goose Hollow that will be served by the new 225 space parking garage. See Attachment 11. With this evidence of an air quality problem at Block 7, the Staff Report is required to respond completely to Goal 6 and those related comprehensive plan policies that implement Goal 6. Salem Golf Club v. City of Salem, 28 Or LUBA 51 (1995).

C. Goal 8: Recreational Needs

The Staff Report and information provided by the applicants fall far short of analyzing recreational needs under Goal 8. Although the applicants' and city staff's position is that the subject site is not designated as an inventoried recreational area in the City, the Goal requires much more than that simple statement. The relevant concern is whether the amendment has either direct or secondary effects on recreation areas, facilities and opportunities inventoried by the acknowledged comprehensive plan to meet the local government's recreational needs. Salem Golf Club v. City of Salem, 28 Or LUBA 51 (1995). The findings make no mention of the impacts and increased demand from the CP/ZC on inventoried recreational areas. Members of the public have provided ample testimony that the residential neighborhood already lacks adequate public recreational area. The Staff Report's paucity of information in regards to Goal 8 is inadequate to support approval of this application.

IV. The City's findings are inadequate because the findings fail to comply with the applicable Comprehensive Plan policies.

The findings do not adequately address Comprehensive Plan Goal 1 because the Staff Report and applicants made no consideration of Metro's Regional Transportation Functional Plan found at Metro Code Chapter 3.08.

The staff's reliance on the CCPR and transportation management plan conditions is misplaced in its findings related to the neighborhood impact plan policies (City's Goal 2) where there is no explanation that the policies are or can be met. See Staff Report, pages 15-19. On page 19 of the Staff Report, the City responds to Comprehensive Plan Policy 2.1.7 requiring encouragement of transit and provides:

"The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District." (PCC 33.808.010) The subsequent CCPR will determine if the impacts to the surrounding uses and transportation system will not be significant. In order to address this and policies that speak to multi-modal transportation, PBOT staff recommends a condition that requires the MAC to prepare a Parking Management Plan and a Transportation Demand Management Plan prior to the CCPR. This review should not presuppose that the

The Portland Comprehensive Plan at Policy 8.9 seems to suggest that the Open Space designation on the City's Comprehensive Plan Map correlates to inventoried Statewide Planning Goal 8 recreational areas; however, FOGH is still searching to locate the City's Goal 8 inventory.

findings of that review will be inconsistent with this policy. With this condition, staff finds that the proposed designation will equally support this policy." (emphasis added)

The CCPR considers the impacts from parking, but the CCPR has nothing to do with transit, thus requiring CCPR is not responsive to the plan policy.

With regard to the applicants' and staff's general reliance and deferral to the CCPR, it is one thing to "presuppose" that the CCPR cannot be met, but it is the applicants' burden to establish that the applicable policies can be met. If the only way to accomplish this, as staff suggests, is through obtaining concurrent CCPR approval, then it must be done as part of this review.

The findings do not address Comprehensive Plan Goal 5.7 and its objectives to maintain commercial businesses in commercial areas, not residential areas.

The findings inappropriately conclude that Goal 7 is inapplicable because it directs City action. Specifically, Policy 7.4 requires the City to promote residential, commercial, industrial, and transportation energy efficiency. The condition to approve 225 parking spaces through the zone change, where such use is prohibited under the current RH zoning, is in direct contravention of the City's comprehensive plan provisions to plan for energy efficiency, which in turn help to meet the State's goal to reduce greenhouse gas emissions.

The findings do not address Comprehensive Plan Policy 12.2.B and the conflict of commercial development with the Historic Kings Hill residential neighborhood and the adjacent National Historic District.

The findings do not address Comprehensive Plan Policy 12.8 and the interplay between the community plan and the urban design, such as the City's change in course from the original zoning determination when it concluded commercial zoning was inappropriate for a residential portion of Goose Hollow and protected in the Master Plan, but is now moving commercial zoning into a residential part of the neighborhood.

V. The record lacks evidence of any agreement between MAC and Mill Creek as to the ownership of the "MAC Uses."

In regards to the applicants' hypothetical uses, the Staff Report repeatedly relies on the characterization that MAC Uses will be owned by the MAC. However, the record lacks any evidence of the ownership agreement contemplated between MAC and Mill Creek. Therefore, the Staff Report's findings based on this hypothetical development of "MAC Uses" is not based on substantial evidence in the record.

Conclusion

Based on the foregoing, the applicants failed to meet the criteria to allow the CP/ZC because the applicants' proposal violates the still operable Master Plan and the proposal fails to support findings of



compliance with the Statewide Planning Goals and the Portland Comprehensive Plan goals and policies. FOGH urges the Hearings Officer to recommend denial of this application to the City Council.

Sincerely,

Garvey Schubert Barer

sy ---

Jennifer Bragar

cc: clients

Attachments:

Attachment 1: Excerpts of microfilmed City Archives CU 80-80 City Commission Hearings

from January 28, 1981 and February 4, 1981

Attachment 2: Multnomah Athletic Club Master Plan dated July 23, 1981

Attachment 3: City of Portland Staff Report Recommending Approval of 1981 Master Plan

dated March 4, 1983, with notation that the recommendation was adopted on

April 6, 1983

Attachment 4: Amendment to Multnomah Athletic Club Master Plan dated August 2, 1990

Attachment 5: Multnomah Athletic Club Master Plan effective March 1, 1993

Attachment 6: Letter from Steve Janick to Sheila Frugoli Re Potential Applicability of Prior

Master Plan dated March 21, 2014

Attachment 7: Hearings Officer Decision for File No. 95-00743 ZC and selection of MAC's

letters in support of proposal

Attachment 8: Hearings Officer Decision for File No. 95-00873 MS

Attachment 9: DEA's Block 7 Transportation Impact Analysis Review Memorandum dated

May 16, 2014

Attachment 10: USA Today Materials re Air Quality in Proximity to Block 7

Attachment 11: Portland Air Toxics Solutions Committee Report and Recommendations,

Chapter 6 dated April 2012



CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017 Portland, Oregon 97204-1960

REPORT AND DECISION OF THE HEARINGS OFFICER

LUR95-00873 MS

File No.: 91-00740 CU

Applicant: Multnomah Athletic Club (Steve Tidrick, General Manager), 1840 S.W. Salmon Street, 97205, deedholder.

Represented by: Stephen T. Janik, Ball, Janik and Novack, 101 S.W. Main Street, #1100, 97204; and John Vranizan, President, Multnomah Athletic Club, 1750 S.W. Skyline Boulevard, #230, 97221.

Hearings Officer: Elizabeth A. Normand.

Bureau of Planning Representative: Mike Hayakawa.

Transportation Planning Representative: Steve Iwata.

<u>Land Use Review</u>: Review of a Master Plan for compliance with Condition A of CU 89-90, for the Multnomah Athletic Club, in an RHCS zone, located at 1849 S.W. Salmon Street.

Report to Hearings Officer: September 25, 1992

<u>Decision Mailed</u>: October 16, 1992 Last Date to Appeal: October 30, 1992

Effective Date (if no appeal): October 31, 1992

<u>Public Hearing</u>: The hearing was opened in Meeting Room A, 1120 S.W. 5th Avenue, Portland, Oregon, on October 5, 1992, at 10:06 a.m. and closed at 10:49 a.m.

Number of Letters Received: Three.

Bureau of Planning Recommendation to Hearings Officer: Approval with conditions.

<u>Hearings Officer Decision</u>: Approval with conditions.

Summary Sheet

I. GENERAL INFORMATION

Location: Multnomah Athletic Club, 1849 S.W. Salmon Street.

Legal Description: Tax Lot 2 of Block 2, Tax Lot 1 of Blocks 3 and 6, and Tax Lots 1, 2, 5, 6, 7, 10, 11, and 12, Block 7, Amos N. Kings Addition, Tax Lot 34, Section 22, and Tax Lot 40, Section 33, T1N, R1E.

Quarter Sections: 3027, 3028.

Neighborhood: Goose Hollow.

Zoning/Designations: RH, High-Density Residential.

CX, Central Commercial. Central City Plan District.

Land Use Review: Conditional Use review of Master Plan.

Proposal: The Multnomah Athletic Club (MAC) has submitted a master plan in compliance with Condition A of CU 89-90. The Hearings Officer granted CU 89-90, which approved an extension for deadlines of the master plan and construction of residential development and required that the garage on S.W. 21st be included as part of the master plan. Condition A specifically requires MAC to submit a master plan to the City for Conditional Use review.

The MAC master plan contains information on property owned by the club, the specific activities which take place in club facilities, a transportation element and discussion on possible future projects. There are no specific development projects included in this application. The application also requests that Condition D of CU 11-90 be amended. This condition requires that the club work to improve employee transit use to 25 percent and carpooling use to 14 percent. The club requests that the goal remain, while these minimum standards be deleted.

Description of Site and Vicinity: The MAC properties are improved with the main clubhouse, the Salmon Street Parking Garage, and the 21st Avenue Parking Garage. MAC also owns portions of Block 2, and Block 7, between S.W. 18th, S.W. 20th, S.W. Main and S.W. Madison. Other properties designated for future acquisition are also included in the master plan.

The club is located in the Goose Hollow neighborhood in an area which is improved with a variety of land uses, including commercial, institutional and residential uses. Prominent developments in the immediate area include Lincoln High School, Civic Stadium and Portland Towers. The Westside light rail will be developed along S.W. 18th Avenue to the east of the club.

Land Use History: MAC is located on a number of parcels in the Goose Hollow Neighborhood. The clubhouse, at the time of the Comprehensive Plan adoption in 1981, was zoned AO, Apartment Residential. With plan adoption, it was zoned RH, High-Density Residential. With the adoption of the Central City Plan in 1988, the Comprehensive Plan designation was changed to Central Commercial. With the adoption of the current Zoning Code and accompanying zoning maps, the RH zoning and Central Commercial Comprehensive Plan map designation were retained.

The Salmon Street Parking Garage site, at the time of the Comprehensive Plan adoption in 1981, was zoned AO, Apartment Residential. With plan adoption, it was zoned RH, High-Density Residential. With the adoption of the Central City Plan in 1988, the Comprehensive Plan designation was changed to Central Commercial. With the adoption of the current Zoning Code and accompanying zoning maps, the RH zoning and Central Commercial Comprehensive Plan map designation were retained. This parking structure was approved under CU 80-80.

The 21st Avenue Parking Structure was approved for club parking under CU 11-90. Prior to the adoption of the Comprehensive Plan in 1981, this site was zoned M3, Light Manufacturing. With the adoption of the Comprehensive Plan in 1981, the site was rezoned to RH, High-Density Residential. This zoning was retained with the adoption of the present zoning maps in 1991.

The other remaining parcels included in the plan boundary, both properties owned by the club and those owned by others, were also zoned AO prior to 1981 and were rezoned in 1981 to RH with Comprehensive Plan designations of High-Density Residential. These designations were not changed with the adoption of the Central City Plan, nor were they changed with the adoption of the current zoning maps.

The following summarizes the land use history of Multnomah Athletic Club.

Year	Project	File Number
1980	Salmon Street Parking Structure	CU 80-80
1990	21st Avenue Parking Garage, amend CU 80-80, amend	
	master plan and traffic plan	CU 11-90
1990	Amend master plan, amend CU 11-90	CU 89-90

A complete land use history of the club is contained in the Decision of the Hearings Officer in the case of CU 89-90. The original application for the Salmon Street Parking Structure also included a revocation hearing.

Compliance with previous conditions of approval: The master plan addresses each condition of approval imposed by previous land use reviews. The findings in Appendix B regarding compliance with these conditions are adopted and incorporated into this decision, with the following additions:

Condition B of CU 89-90. This condition requires that the club begin construction of at least 30 residential units on Block 2, Amos N King's Addition, by June 30, 1992. The condition indicates that a good faith application for a building permit by that date will constitute compliance. The Bureau of Planning has approved building and foundation permits. On September 18, 1992, the club submitted an application for adjustments to reduce building line requirements and setbacks along S.W. 18th Avenue and along S.W. Madison Street. So the status of those building permits is somewhat unclear. However, it appears the technical requirement of Condition B has been met.

Appendix B will be useful in monitoring compliance with remaining conditions of approval, because it describes which conditions have been met and which remain outstanding. However, that appendix needs to be modified to the extent it proposes deletion of conditions

of approval. Compliance with conditions does not result in their deletion, they still remain in force. Appendix B also needs to be changed to reflect the following:

- On Page 21, what is labelled as H3 should be labelled C3.
- Condition G of CU 11-90 has been met and can be removed from the restatement of conditions on page 23 of Appendix B.
- Condition J of CU 11-90 has been met and can be removed from the restatement of conditions on page 24 of Appendix B.

Services: Urban services have been installed in this area.

II. ANALYSIS

A. Zoning and Comprehensive Plan Designations. The purpose of the RH, high-density multi-dwelling, zone is to provide land use opportunities for medium- to high-rise residential developments with a high percentage of building coverage near transit facilities and supportive commercial services. The zoning on all club properties is RH.

The purpose of CX, Central Commercial, zone is to provide for commercial development within the City's most urban and intense areas. The Comprehensive Plan designation of the main structure and the Salmon Street parking structure is CX. A Zone Change in compliance with the Comprehensive Plan is not part of this request.

B. Land Use Classifications and Land Use Status.

- 1. Period between January 1, 1981 and January 1, 1991: The zoning of the clubhouse, 21st Avenue Parking Garage and the Salmon Street Parking Garage during this time was RH. Athletic clubs were specifically listed in 33,34,210(5). Such uses were permitted in the RH zone as Conditional Uses. For this reason, several Conditional Use reviews were conducted on a variety of club-related facilities on residentially-zoned land.
- 2. Period after January 1, 1991: On January 1, 1991, the present Zoning Code went into effect. Under this code, the Multnomah Athletic Club is classified in the Retail Sales and Service land use group (33.920.250(C)(3)). Health clubs, gyms, membership clubs and lodges are listed as examples of uses within this classification. Table 120-1 allows certain Retail Sales and Service uses as conditional uses in the RH zone. However, the intent of the code, articulated in 33.120.100 (B)(2)(a), is to allow mixed-use development on larger sites that are close to light rail transit facilities. The existing club activities do not qualify under the criteria contained in 33.120.100 (B)(2)(b). The club is now, and for the purpose of this analysis, considered a nonconforming use on all properties included in this application. 33.700.110 (C)(3).

C. Zoning Code Approval Criteria

The legal requirement for a master plan review originated with Condition A of CU 11-90. The deadline for the master plan requirement was extended under CU 89-90 to October 31, 1991 (Condition A). This requirement was imposed by the Hearings

Officer while the previous Title 33 governed. The current Title 33 contains Chapter 33.820, Conditional Use Master Plans.

The applicant contends there is no authority for requiring the applicant to submit materials required under Chapter 33.820, because those code provisions did not exist at the time that the master plan requirement was imposed. Whether or not those provisions are mandatory really does not matter in this case. The Hearings Officer has authority to determine whether the submitted master plan is adequate under CU 89-90 and the applicant has followed the framework provided by Chapter 33.820.

The new master plan was required as a condition of approval in a Conditional Use review. The approval criteria for that original Conditional Use review provide the approval criteria for the required master plan. The applicable Conditional Use approval criteria in CU 89-90 required that the use be "in the public interest, convenience and welfare." This certainly gives the Hearings Officer broad discretion in determining if the submitted master plan is adequate.

Chapter 33.820 provides a convenient approach to analyzing the submitted master plan to determine if it meets that criterion. It can be assumed that compliance with the provisions of that chapter will produce a complete and functional master plan that is "in the public interest, convenience and welfare." The submitted master plan includes the materials required by Section 33.820.050, so those materials have been reviewed under those code provisions.

33.820.050 Approval Criteria for Conditional Use Master Plans. Requests for Conditional Use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The master plan contains the components required by 33.820.070;

Findings: The master plan contains these components, as discussed below.

B. The proposed uses and possible future uses in the master plan comply with the applicable Conditional Use approval criteria; and

Findings: The present application does not contain specific future projects for approval. However, it does contain possible future projects and these are evaluated against the Conditional Use review criteria below.

C. The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

Findings: There are no requests for approval for future uses included in this master plan. The plan, however, identifies some possible future uses and projects. These include the following:

- Acquisition of two additional lots of Block 7, Amos N. King's Addition.
- Expansion of the west end of the clubhouse.
- Remodel of the day-care facilities in the Salmon Street Parking garage.

• Enclosure for storage of the open area at the west end of the Salmon Street Parking Garage.

Event parking in the 21st Avenue Parking Garage.

- Development of housing on Block 2, Amos N. King's Addition.
- Development of mixed use or housing only on Block 7, Amos N. King's Addition.

These projects are reviewed under the Conditional Use review criteria at this time in conceptual form only. At the time specific applications are made, the Conditional Use review criteria will need to be met.

33.820.060 Duration of the Master Plan. The master plan must include proposed uses and possible future uses that might be proposed for at least three years and up to 10 years. An approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded.

Findings: The applicant does not propose a specific duration for the master plan, but suggests, on Page 7 of the Master Plan, that 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.

This plan does not include specific projects for approval. It does include some possible future uses that will need to be reviewed as Conditional Uses in order be developed. The specific projects will constitute amendments to the master plan and will, under the language on page 7, justify review of the entire master plan at that time. That language provides that the master plan is in effect only until it is amended. And allows a requirement for a new master plan any time an amendment is proposed. This provision is adequate to ensure that the entire master plan will be reviewed within a reasonable period of time.

33.820.070 Components of a Master Plan. The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

A. Boundaries of the use. The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: Figure 1 in the master plan shows the traffic study boundaries for the club. As discussed, most of the property is owned by the club, and there are plans for some additional minor acquisitions on Block 7. There are no expansion plans beyond this boundary. The master plan boundary must be amended to include only the properties owned by or controlled by the club, as well as those future club acquisitions alluded to on page 8 of the master plan. It is understood that the future acquisitions described on that page include only the area represented by the two white rectangles on Block 7 (area #4) on Figure 1 of the master plan.

B. General statement. The master plan must include a narrative that addresses the following items:

- 1. A description in general terms of the use's expansion plans for the duration of the master plan;
- 2. An explanation of how the proposed uses and possible future uses comply with the Conditional Use approval criteria; and
- 3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

Findings:

- Expansion plans for the duration of the master plan: The master plan includes all properties which are owned by the club and those which the club is considering for future acquisition.
- How the identified uses comply with the Conditional Use approval criteria: This element is discussed in detail below.
- How the use will limit impacts on residentially zoned land, particularly the removal of housing: This plan will not result in the loss of potential or existing housing. Residential units which may be lost in the future by development on Block 7 will have to be replaced.
- C. Uses and functions. The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the Conditional Use must be shown.

Findings:

- Present uses: The primary properties which are part of the club are the Clubhouse, Salmon Street Parking Garage, the 21st Avenue Parking Garage, and portions of Block 7, Amos N. King's Addition. Specific facilities which exist at the club include, but are not limited to facilities for aerobics, aquatics, badminton, basketball, cycling, exercise and conditioning, football, gymnastics, handball, karate, golf, racquetball, running, soccer, ski, squash, tennis, volleyball, walking, ballroom, meeting, entertainment and restaurant facilities, retail facilities, personal grooming services, music programs and day care services. Other administrative, ancillary and support facilities include structured parking, administrative offices, and storage facilities.
- Affiliated uses: The club has no affiliated uses.
- Proposed uses: There are no proposed uses included in this application.
- Possible future uses: Possible future uses were discussed previously.

- Hours of Operation: On page 14 of the master plan, the hours of operation for the club are listed as Monday through Thursday, 5 a.m. to Midnight, and Saturday, 5 a.m. to 1 a.m. and for Sunday, 6 a.m. to 10 p.m.
- Number of employees: The master plan, on page 15, indicates that the club has 350 full-time and part-time staff, and approximately 50 on-call staff. The club anticipates only an increase of 10 percent in staffing over the next 10 years.
- Number of members: The master plan, on page 14, indicates that there are approximately 19,500 members. The plan states that there has been a cap of 20,000 members agreed to with the neighborhood.
- Number of special events: The club has a variety of facilities which can and have been accommodating a variety of events. These include meetings, social events, weddings, etc.
- D. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian and vehicle circulation system, parking areas, open areas, and other required items. This information must cover the following:
 - 1. All existing improvements that will remain after development of the proposed use;
 - 2. All improvements planned in conjunction with the proposed use; and
 - 3. Conceptual plans for possible future uses.

Findings: The master plan includes a site plan of the entire campus and floor plans for all structures. There are no proposed uses and possible future uses are not site- or design-specific.

E. Development standards. The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements. These may be such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

Findings: No development standards which are specific to this master plan are included as part of this application.

F. Phasing of development. The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

Findings: As discussed above, there are no proposed uses included in this application. The master plan does indicate that the possible future uses will likely occur during the next 10 years.

- G. Transportation and parking. The master plan must include information on the following items for each phase.
 - 1. Projected transportation impacts. These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles.
 - 2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply; potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

Findings: The Hearings Officer adopts the findings and recommended conditions in the memorandum dated September 28, 1992 from Stephen Iwata of Transportation Planning (Exhibit G6), except for the requirement that the traffic and planning analysis be updated every five years.

The Office of Transportation has reviewed the master plan and determined that the plan addresses traffic and parking concerns. The request to eliminate the minimum rideshare standards for carpool and transit is acceptable. The proposal to update the traffic and planning analysis every two years was a typographical error. The original proposal for five-year updates adequately accomplishes the goals of that analysis.

- H. Street vacations: There are no street vacations proposed as part of this application.
- I. Adjustments: There are no adjustments requested as part of this application.
- J. Other discretionary reviews: No discretionary reviews are being requested as part of this master plan.
- K. Review procedures. The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a Conditional Use review.

Findings: The present application requests approval of the master plan, as required under a previous land use review. Changes in the official zoning map and in Title 33 have occurred since this condition of approval was imposed. For this reason, it is important that this review clarify the land use status of the club and anticipated future reviews.

 Current and future land use status of the club. The current land use status of the club was discussed above. All existing club facilities on residentially-zoned parcels are legal nonconforming uses.

Properties which are owned by the club, are included in this master plan proposal, are residentially-zoned, and are not currently developed with approved club facilities will not have nonconforming status. Since the club is classified in the Retail Sales and Service category, the construction of club-related facilities on such residentially zoned sites would require a zone change in compliance with the Comprehensive Plan.

Future status of the master plan. The Bureau of Planning asserts that the conditions of approval and provisions of the approved master plan will continue to apply regardless of future zoning designations for MAC owned property. The MAC points out that Section 33.700.110 specifically describes the impact of new zoning regulations on previously imposed conditions of approval, and that the Hearings Officer has no authority to limit the impact of future zone changes. Mr. Janik is correct that Section 33.700.110 specifically address situations where a use or development was approved with conditions as part of a land use review under zoning regulations that no longer apply to the site. However, that Section also specifically provides that its provisions apply "unless the conditions of approval or the ordinance adopting the conditions specifically refer to the situations outlined below and provide for the continuance of the conditions. In that instance, the conditions of approval will continue to apply." Under that language, this decision could include a condition of approval that would maintain all previous and currently imposed conditions of approval even where the specific provisions of Section 33.700.110 would discontinue their applicability.

As Mr. Janik points out, BOP Staff did not recommend any conditions of approval implementing the finding that the master plan and conditions of approval will continue to apply regardless of any future zone changes. This may be because the Bureau assumed the conditions automatically continued and there was no need for a condition of approval. Whatever the intent of the BOP, there has been no evidence submitted or testimony on this issue beyond the Staff Report findings and Mr. Janik's Hearing Memorandum (Exhibit I2); so there is not substantial evidence to support a condition of approval modifying the impact of Section 33.700.110.

33.820.090 Amendments to Master Plans

Amendments to the master plan will be required in the future as the club makes application for specific projects. Though possible future projects will be generally evaluated in this report, each must be shown to be consistent with the master plan in the future. Amendments to master plans will be processed through the Conditional Use Master Plan procedures and under the substantive Conditional Use master plan requirements that exist at the time of review. The current Conditional Use master plan provisions provide for Type II or Type III procedures, as outlined in Section 33.820.090 (A) and (B). Requiring compliance with the Conditional Use master plan code provisions for future amendments will provide more specific review standards than was provided by the previous Conditional Use approvals.

33.815.105 Approval Criteria for Non-Household Living Uses in R Zones. The approval criteria are:

- A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 - 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 - 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings:

Master Plan. The master plan in general will comply with this criterion. The plan includes properties, with few exceptions, under club ownership within the campus boundaries. Approval of the plan will not result in a net loss in housing. The plan also includes discussion of the future construction of housing on Blocks 2 and 7.

Future projects are confined to properties within the club boundaries and it is in the interest of the neighborhood to intensify the uses within these boundaries. The possible future uses included in the plan are all club-related projects and therefore do not constitute an increase in the number of Non-Household Living uses within the area.

Expansion of west end of the clubhouse. This expansion will comply with this criterion because it will not expand beyond the existing lot lines, the exterior will be made of the same brick used on the exterior of the existing clubhouse, and the roof will be lower than the roof of the existing clubhouse.

Remodel of day-care facilities in Salmon Street garage. This project will comply with this criterion because this project will be an internal remodel only. The day-care center is accessory to the club because it is for the sole use of members that are using club facilities.

Enclosure for storage of the open area at the west end of the Salmon Street garage. This project will comply with this criterion because the conceptual plans call for an extension of the current one-level metal storage structure over an existing unused deck space. This project will be the same size and scale as the existing storage facilities.

Event parking in the 21st Avenue garage. This project will comply with this criterion because there will be no exterior alteration to the garage.

Development of housing on Block 2. This project will comply with this criterion because it is a housing project.

Development of mixed use or housing only on Block 7. This project will comply with this criterion because under either proposed scenario, the project will be primarily residential in use.

B. Physical compatibility.

- 1. The proposal will preserve any City-designated scenic resources; and
- 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
- 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings:

Master Plan. The master plan in general will comply with this criterion. The plan contains an urban design element which will ensure design excellence and architectural compatibility of future projects with existing club facilities and with the surrounding neighborhood. None of the future projects will block any City-designated Scenic Resources.

Expansion of west end of the Clubhouse. This expansion will comply with this criterion because it will not expand beyond the existing lot lines, the exterior will be made of the same brick used on the exterior of the existing clubhouse, and the roof will be lower than the roof of the existing clubhouse. This project will also provide setbacks which are wider than those required by the code.

Remodel of day-care facilities in Salmon Street garage. This project will comply with this criterion because this project will be an internal remodel only. This project will not increase the size or height of the parking structure. The parking structure is under the height restriction in the City's Resource Protection Plan.

Enclosure of storage of the open area at the west end of the Salmon Street Garage. This project will comply with this criterion because the conceptual plans call for an extension of the current one-level metal storage structure over an existing unused deck space. This project will be the same size and scale as the existing storage facilities. No scenic resources will be affected.

Event parking in the 21st Avenue garage. This project will comply with this criterion because there will be no exterior physical alterations to the garage.

Development of housing on Block 2. This project will comply with this criterion because residential projects which are constructed under code-required site development standards or approved adjustments, are permitted under the base zone and will not affect City-designated scenic resources and by definition, will be compatible with surrounding residential development.

Development of mixed use or housing only on Block 7. This project will comply with this criterion because under either scenario, residential use will be the primary land use activity and such projects which are constructed under code-required site development standards or approved adjustments, are permitted under the base zone and will not affect City-designated scenic resources and by definition, will be compatible with surrounding residential development.

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

Findings: The master plan in general will comply with this criterion. The master plan does not propose any new activities (with the possible exception of neighborhood commercial uses in the mixed use project) and the only uses which will expand in scale are the residential uses which will be developed on Blocks 2 and 7. The activities associated with the club generally will not generate nuisance impacts off-site. The club, however, must continue to be sensitive to surrounding residential uses and how late-night activities, regardless of the events, can cause nuisances. In particular, the change in use of the 21st Avenue Garage can create nuisance impacts. Specific information on that proposal must be provided at the time of the request. The applicant notes that there will be no changes in hours of operation and that the club will continue to provide security in and around club facilities.

D. Public services.

- 1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;
- The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;
- 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Bureau of Traffic Management (BTM) responds that it is in agreement with the Traffic Impact and Parking Analysis and recommends no conditions of approval. The BTM also comments that the analysis proposes an eastbound left turn lane on Salmon Street and a mid-block pedestrian crossing on S.W. 18th Avenue. The BTM states that the projects in this study which are recommended in the public right-of-way must be approved by the Bureau of Transportation Engineering.

The Bureau of Transportation Engineering (BTE) responds that no improvements are required at this time, but that future improvements may be required with requests for specific development. The BTE comments that right-of-way improvements required as a result of club activities will be the responsibility of the club.

The Bureau of Water Works responds that there are several existing services and that the applicant should consult with the Bureau if additional service is required. The Bureau of Environmental Services responds that a detailed response will be provided with the submittal of specific proposals.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council such as neighborhood or urban renewal plans.

Findings: The majority of the properties included in this master plan are located within the Central City Plan District. Properties in this plan district are subject to the provisions of Chapter 33.510.

III. CONCLUSIONS

This proposed master plan has been submitted to comply with Condition A of CU 89-90. Under that condition of approval, the MAC must develop a master plan that is in the public interest, convenience and welfare. The MAC has chosen to follow the framework provided by Chapter 33.820, Conditional Use Master Plans. It is convenient to review the submittal under those criteria, in light of the very broad, vague conditional use criteria that constitute the ultimate approval criteria.

A primary intent of the Hearings Officer in requiring a new master plan in CU 89-90 was to provide certainty to the club, the City and the Goose Hollow neighborhood regarding the club's present uses, and the development of the club's future uses over the next 10 years in order to avoid unplanned, incremental development and expansion. Although this plan leaves the details of all future development proposals to a case by case review at a later date, it does provide a basic outline that the City and neighborhood can rely on for the future.

Two of the possible future projects included in this plan will consist solely or primarily of housing. On page 10 of the master plan, the club commits to the replacement of housing which may be lost due to future projects on Block 7. For historical and policy reasons, this commitment on the part of the club if of great importance. This commitment is part of that plan and is considered a binding commitment.

The MAC submitted a letter dated September 21, 1992 (Exhibit H3), which set out a proposed amendment to the master plan that would add several nonbinding goals relating to neighborhood relations, transportation and urban design. The BOP recommends that these goals be considered binding. The MAC argues that the language proposed was not drafted with the intent that it be binding, and that the master plan and approval criteria for amendments are adequate to protect the interests of the City and the neighborhood without such binding goals. The MAC also asserts that the City has no authority to require such binding goals and policies, because Chapter 33.820 does not include such a requirement.

The MAC has already argued that compliance with Chapter 33.820 cannot be required in this review, under the provisions of Section 33.820.100(B). Under that code provision, the

master plan is subject to the review criteria that applied to the Conditional Use in which the master plan was required. CU 89-90 was subject to the general Conditional Use criteria of the then existing Section 33.106.010, which requires that the use be in the "public interest, convenience, and welfare." Under that broad language, the Hearings Officer certainly has authority to require that the master plan include binding goals and policies that will guide future development.

To a certain extent the neighborhood relations and transportation goals would be redundant. Section E.2. on page 4 of the master plan includes essentially the same provisions as goal (a)(2) in Exhibit H3. The transportation goals in that exhibit are largely covered by the Transportation Analysis and Sections B3 and G of Chapter III of the master plan. However, it is not clear if those portions of the master plan include provisions that are actually equivalent to the proposed goals. And the Office of Transportation Planning included those proposed goals in their analysis and conclusion that the transportation element of the master plan was adequate. Finally, there is nothing in the master plan that covers the urban design issues set out in goal (c) of Exhibit H3.

I am concerned that the proposed language was not intended to be binding and was therefore not drafted with that in mind. It would not be in anyone's interest to adopt that language for a purpose for which it was not intended. However, the master plan would go much further in assuring against unplanned, incremental expansion if there were more goals and policies that would guide future development. This is particularly important in this master plan because it deals only very conceptually with possible future uses, and does not specifically propose any future development. The future specific proposals will be subject to land use review at the time they are actually proposed, but there needs to be some guidelines for the form that development will take.

The review criteria that will apply to each of those reviews is not known for sure at this time. And it is not clear that the existing Conditional Use approval criteria will provide the needed certainty and vision for the MAC. The needed guidance can be better provided by goals such as proposed by the applicant. Although, if those goals are not binding, there is little reason for including them in the master plan. They provide no certainty if they can be ignored by the MAC.

The applicant has requested, and it is appropriate to allow, additional time for goals to be drafted with the intent that they be binding. Such goals should include, but need not be limited to, the three elements proposed in Exhibit H3. These goals should be drafted with input from the neighborhood association and the Bureau of Planning, and the Office of Transportation, and must be reviewed and approved by the BOP under a Type II process. This will ensure notice and opportunity for participation by all interested parties.

The master plan does contains a thorough inventory of existing facilities, including plans and figures. This component has been lacking in the past and it provides a basis for evaluating the floor area in question and the level of activities that occur at the Club.

The Office of Transportation Planning has reviewed the transportation elements of the master plan and concludes that the master plan is acceptable with some minor adjustments. Removal of the minimum rideshare standards for carpool and transit is acceptable because the plan assures continued implementation of the rideshare program. The Office of Transportation has also indicated that it is acceptable to retain the five-year review of the traffic and planning analysis. Conditions 1 and 3 of Exhibit G6 will be included as conditions of approval to ensure the master plan reflects the expectations of the Office of Transportation.

This report and the master plan have examined all previous conditions of approval for compliance. The remaining conditions which have not been met have been identified, and are listed in the applicant's Appendix B. That appendix needs to clarify that compliance with a condition does not mean the condition no longer exists. That appendix will be useful in keeping track of the status of compliance with conditions of approval but does not erase any previously imposed conditions.

With the conditions imposed, the master plan will meet the criteria under which is was required in CU 89-90. The plan will be in the public interest, convenience and welfare.

IV. DECISION

Approval of the Multnomah Athletic Club master plan, subject to the following conditions:

- A. The MAC must amend the master plan to comply with the conditions of approval of this decision. Ten copies of the amended master plan must be submitted to the Bureau of Planning by January 1, 1993.
- B. The club will amend Figure 1 of the master plan to show a boundary which includes only the following: (a) properties owned by the club; (b) properties under the direct control of the club; and (c) the two properties identified in Figure 1 of the master plan as the two white rectangles of land on Block 7 (Area #4), which the club is interested in purchasing.
- C. This master plan approval will apply only to properties within the boundary described under Figure 1 of the master plan upon compliance with Condition B above. Any changes in (a), (b) and (c) of Condition B shall require an amendment to the boundary required in Condition B. The boundary amendment will be reviewed with the next development project submitted by the club which is subject to land use review.
- D. The master plan will be reviewed as provided in Section B of Chapter II, on page 7, of the master plan. The master plan will be evaluated against the Conditional Use Master Plan procedures and criteria in effect at the time of review.
- E. The club will amend Appendix B of the master plan, as follows:
 - On Page 21, relabel H3 to C3.
 - Remove Condition G of CU 11-90 from the list of unmet conditions on p.23.
 - Remove Condition J of CU 11-90 from the list of unmet conditions on p.24.
- F. Condition D of CU 11-90 is amended to delete the minimum rideshare standards for carpool and transit, while retaining the general goal.
- G. Starting with the December 1993 Rideshare Report, the MAX will also report on an annual basis the results of their Event Parking Program.
- H. The master plan will be modified so that the last sentence of paragraph 10) on page 37 reads: "The club is committed to supporting light rail and will continue to work with the neighborhood, the City of Portland, and Tri-Met to take advantage of light rail."

Report and Decision of the Hearings Officer 91-00740 CU Page 17

I. The MAC will submit goals and policies to guide future development for review and approval by the Bureau of Planning through a Type II process.

Decision mailed this 16th day of October, 1992.

Elizabeth A. Normand

Hearings Officer

Decisions of the Hearings Officer may be appealed to City Council. Unless appealed, this Decision of the Hearings Officer is effective on OCTOBER 31, 1992, the day after the last day to appeal.

ANY APPEAL OF THIS ACTION BY THE HEARINGS OFFICER MUST BE FILED AT THE PERMIT CENTER ON THE FIRST FLOOR OF THE PORTLAND BUILDING, 1120 S.W. 5TH AVENUE, 97204 (823-7526) NO LATER THAN 4:30 P.M. ON OCTOBER 30, 1992. An appeal fee of \$942.50 will be charged (one-half of the application fee for this case). Information and assistance in filing an appeal can be obtained from the Bureau of Planning at the Permit Center.

Failure to raise an issue by the close of the record at or following the final hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Failure to provide sufficient specificity to allow the review body to respond to an issue raised precludes appeal to LUBA based on that issue.

Recording the final decision. Unless this decision is recorded within 14 days of the effective date, it will be void. The applicant, builder or a representative must submit this decision to the City Auditor's Office in City Hall, 1220 S.W. 5th Avenue, Room 202, Portland, Oregon. The Auditor will charge a fee, and will record this decision with the County Recorder. A building or development permit will be issued only after this decision is recorded.



CITY OF

PORTLAND, OREGON

BUREAU OF PLANNING

Charlie Hales, Commissioner
David C. Knowles, Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 823-7700

FAX (503) 823-7800

STAFF REPORT and

RECOMMENDATION TO THE HEARINGS OFFICER

FILE NUMBER: LUR 95-00743 ZC (THE MAC)
HEARING TO BE HELD NOVEMBER 28, 1995 AT 9:30 AM
IN HEARINGS ROOM A, 2ND FLOOR, 1120 SW 5TH AVENUE
BUREAU OF PLANNING REPRESENTATIVE: SUSAN MCKINNEY

I. GENERAL INFORMATION

Applicants:

Steve Tidrick

Multnomah Athletic Club, deedholder

1849 SW Salmon Street Portland, Oregon 97205

Representative:

Steve Janik and Linley Ferris, attorneys

101 SW Main Street, Suite 1100

Portland, Oregon 97204

Location:

Area bounded by SW 20th, SW 18th, the Civic Stadium and SW

Salmon. Area bounded by SW 20th, the Zion Lutheran Church,

SW Salmon and SW Main

Legal Description:

Tax Lot 46, Section 33, 1N1E (Book/Page 0497/1211)

Tax Lot 1 of Blocks 3 and 6, Amos N Kings (Book/Page

1465/2086)

Tax Account #(s)

R-94133-0460 and R-02440-0730

Quarter Section:

3027

Neighborhood:

Goose Hollow (Contact person: Jerry Powell at 222-7173)

Neighborhood within 1000' of site:

Northwest District Association

(Contact person: Marjorie Newhouse at 223-1580)

District Neighborhood Coalition: Neighbors West/Northwest (223-3331)

Zoning/Designations:

RH (CXd) - High Density multi-dwelling residential zone with a

Central Commercial designation and a Design Zone overlay

Land-Use Review:

Zone Change in Compliance with the Comprehensive Plan (RH to

CXd)

Proposal: The applicant proposes to change the zoning of the area listed above under location, and designated as "site" on the attached zoning map, from RH to CXd. The requested zone change will conform to the CX designation of the Comprehensive Plan Map. There is no specific project or development proposed as part of the zone change. The relevant approval criteria for this request are Section 33.855.050, Approval Criteria for Zoning Map Amendments and the Transportation Element of the Comprehensive Plan. This review will also address the State Transportation Rule, OAR 660-12-045, and its applicability to this proposal.

This zone change request raises the issue of what effect the existing MAC Master Plan will have on uses which are permitted by right in the CX zone. Through a separate and concurrent Type III Reconsideration (LUR 95-00873 MS), the status of the existing Master Plan is analyzed.

II. ANALYSIS

Description of Site and Vicinity: The MAC properties are improved with the main clubhouse, the Salmon Street Parking Garage, and the 21st Avenue Parking Garage. MAC also owns portions of Block 2 and Block 7, between SW 18th, SW 20th, SW Main and SW Madison.

The club is located in the Goose Hollow neighborhood in an area which is improved with a variety of land uses, including commercial, institutional and residential uses. Prominent developments in the immediate area include Lincoln High School, Civic Stadium and Portland Towers. The Westside light rail along SW 18th Avenue is under construction, as are the Legends condominiums for seniors on SW 18th and Madison. (By condition of approval of a previous master plan amendment, the MAC was required to build at least 30 residential units on Block 2 - the site of the Legends condominiums.) A light rail station will be located on 18th Avenue, directly east of the clubhouse. A temporary replacement parking lot, owned and operated by Tri-Met, has been established on the northeast corner of SW 20th and Salmon.

The Arterial Streets Classification and Policies designates SW Salmon as a Neighborhood Collector, a Minor Transit Street, a Bicycle Route and a Pedestrian Path. SW 18th Avenue is designated a Neighborhood Collector, a Regional Transitway and a Pedestrian Path.

Land Use History: The MAC is located on a number of parcels in the Goose Hollow Neighborhood. The Clubhouse, at the time of the Comprehensive Plan adoption in 1981, was zoned AO, Apartment Residential. With plan adoption, it was zoned RH, High Density Residential. With the adoption of the Central City Plan in 1988, the Comprehensive Plan designation was changed to Central Commercial. With the adoption of the current Zoning Code and accompanying zoning maps, the RH zoning and Central Commercial Comprehensive Plan map designation were retained.

The Salmon Street parking garage site, at the time of the Comprehensive Plan adoption in 1981, was zoned AO, Apartment Residential. With plan adoption, it was zoned RH, High-Density Residential. With the adoption of the Central City Plan in 1988, the Comprehensive Plan designation was changed to Central Commercial. With the adoption of the current Zoning Code and accompanying zoning maps, the RH zoning and Central Commercial Comprehensive Plan map designation were retained. This parking structure was approved under CU 80-80.

The 21st Avenue parking structure was approved for club parking, club laundry facilities and club storage under CU 11-90. Prior to the adoption of the Comprehensive Plan in 1981, this site was zoned M3, Light Manufacturing. With the adoption of the Plan, the site was rezoned to RH, High-Density Residential. This zoning was retained with the adoption of the present zoning maps in 1991.

The other remaining parcels included in the plan boundary, both properties owned by the club and those owned by others, were also zoned AO prior to 1981 and were rezoned in 1981 to RH with Comprehensive Plan designations of High-Density Residential. These designations were not changed with the adoption of the Central City Plan, nor were they changed with the adoption of the current zoning maps.

The following briefly summarizes the land use history of the Multnomah Athletic Club.

Year	Project		File Number
1980	Salmon Street parking garage		CU 80-80
		(11-25-80)	
		02-24-81)	
		07-01-81)	
	Decision on revocation of CU 80-80 ((10-09-85)	
1990	21st Avenue parking garage, amend CU 80-	80,	CU 11-90
	amend master plan and traffic plan		
1990	Amend master plan, amend CU 11-90		CU 89-90
	f ,		
1991	New master plan as required by CU 11-90		LUR 91-00740 CU
1992	Adoption of Binding Goals and Policies whi		LUR 92-00813 MS
	neighborhood relations, transportation and ur	rban design	

Zoning and Comprehensive Plan Designations. The purpose of the RH, high-density multi-dwelling, zone is to provide land use opportunities for medium- to high-density residential developments with a high percentage of building coverage near transit facilities and supportive commercial services. The zoning on all club properties is RH.

The purpose of CX, Central Commercial, zone is to provide for commercial development within the City's most urban and intense areas. The Comprehensive Plan designation of the clubhouse and the Salmon Street parking structure is CX.

The purpose of the Design Zone (d) overlay is to promote the conservation, enhancement, and continued vitality of areas of the City with special historical, architectural, or cultural value. New development and modifications to existing development in the Design zone are subject to design review. Because the site is within the boundaries of the Central City Plan, any new development or modifications to existing development must be consistent with the Central City Fundamental Design Guidelines (Fundamentals). The Goose Hollow Station Area Planning Project (Plan) recommends special design guidelines for the Goose Hollow area in addition to the Fundamentals. This Plan is proposed for adoption in December, 1995. Its provisions will apply to development within The MAC boundary which occurs after the effective date of the Plan.

Land Use Classifications and Land Use Status.

- 1. Period between January 1, 1981 and January 1, 1991: The zoning of the clubhouse, 21st Avenue parking garage and the Salmon Street parking garage during this time was RH. Athletic clubs were specifically listed in 33.34.210(5). Such uses were permitted in the RH zone as Conditional Uses. For this reason, several Conditional Use reviews were conducted on a variety of club-related facilities on residentially-zoned land.
- 2. Period after January 1, 1991: On January 1, 1991, the present Zoning Code went into effect. Under this code, the Multnomah Athletic Club is classified in the Retail Sales and Service land use group (33.920.250(C)(3)). Health clubs, gyms, membership clubs and lodges are listed as examples of uses within this classification. Retail Sales and Service uses are generally prohibited in residential zones, except where Table 120-1 allows certain Retail Sales and Service uses as conditional uses in the RH zone. However, the intent of the code, articulated in 33.120.100 (B)(2)(a), is to allow mixed-use development on larger sites that are close to light rail transit facilities. The existing club activities do not qualify under the criteria contained in 33.120.100 (B)(2)(b). The club and its accessory uses (the Salmon Street parking garage and the 21st Avenue parking garage/laundry), lost its conditional use status at this time and became a nonconforming situation.
- 3. Nonconforming situations. Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. In this case, The MAC became a nonconforming use with the adoption of the new Zoning Code in 1991, because retail sales and service uses are prohibited in the RH zone except as stated above.

Through this zone change, those portions of The MAC properties located in the CX portion of the site, would be allowed outright and would, therefore, no longer be considered nonconforming. The 21st Avenue parking garage/laundry would remain a nonconforming use. The housing on Block 7 would remain a permitted use.

Status of Master Plan. This application for a zone change included a statement that the existing MAC Master Plan and its conditions will remain in effect. A Master Plan is a plan for the future development of a use that is, in most cases, subject to the conditional use regulations. The existing Master Plan was processed in 1991/92 as a Conditional Use Master Plan because it was required through a condition of approval of a previous Conditional Use review on the site (CU 11-90). The question of the status of the Master Plan is raised since The MAC is no longer a conditional use. Currently The MAC is a nonconforming use and with the zone change to a commercial zone, The MAC becomes a permitted use in the zone.

In a separate and concurrent Staff Report and Recommendation (LUR 95-00873 MS), the status of the existing Master Plan is analyzed. The analysis includes an historical perspective as well as review of relevant code language and past land use decisions. In addition, recommendations are made as to future reviews for the development and use of MAC properties. Generally, the Bureau of Planning's position is that The MAC will become, through this zone change, a permitted use in a commercial zone, with an accessory use that is nonconforming in the RH zone. The Master Plan is a separate land use decision which will remain intact until that time when all of the development which was conceptually approved through the Master Plan is completed.

The Master Plan proposes six possible future uses; 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; and 6) Development of mixed use or residential housing on Block 7. During the Master Plan process in 1991, a traffic study, which analyzed each of the possible future uses and proposed mitigation measures, was submitted and subsequently reviewed by the City and the neighborhood. Approval of the Master Plan was granted based on the traffic study and mitigation measure. As a result, the Master Plan does not require additional traffic analysis when any of the above listed development occurs.

Correspondence. No letters were received in response to this zone change request. Jerry Powell, Land Use Chair of the Goose Hollow Neighborhood Association, indicated by telephone that the neighborhood association supports the proposal providing the existing master plan and associated conditions of approval remain intact.

A. ZONING CODE APPROVAL CRITERIA

33.855.050 Approval Criteria for Base Zone Changes
An amendment to the base zone designation on the Official Zoning Maps will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.
 - 1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Findings: The subject site does not have more than one corresponding zone. Only the CX, Central Commercial, zone, applies. Therefore, this criterion is not applicable.

2. When R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: The site is residentially zoned with a commercial designation. However, the designation does not include a Buffer overlay. Therefore, this criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050.A.2 must be met.

Findings: The proposal does not involve a zone change from a high-density residential zone to a lower-density residential zone, nor a change from CM to CS. Therefore, this criterion is not applicable.

- **B.** Adequate public services. Public services for water supply, transportation system structure and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.
 - 1. Adequacy of services applies only to the specific zone change site.
 - 2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area which are then applied to the size of the site. Adequacy of service is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.

Findings: In order to approve a Zoning Map Amendment, an applicant must prove adequacy of services for the site. For this zone change request, the applicant did not present any new data on services since there is no new development proposed as part of the request. The zone change application relies solely on the analysis of the adequacy of public services contained in the Master Plan. The approval criteria for a master plan requires an analysis of the relevant approval criteria for Conditional Uses. In this case, criterion B of 33.815.105, Institutional and Other Uses in Residential Zones, asks if public services are adequate and capable of safely supporting the proposed uses in addition to existing uses in the area. The Hearings Officer's 1992 decision indicates that services are adequate to support the existing and the six uses proposed in the Master Plan.

Responses from service bureaus generally indicate that this zone change request is approvable. The Bureau of Traffic Management, however, recommends approval only because the transportation system was proven to be capable of supporting the use and the six possible future uses as part of the Master Plan. Normally a traffic study would be required for a zone change, particularly one of this size. Since no new data was submitted, and since the Master Plan is a land use decision separate from this zone change, approval of this zone change must be conditioned to require a new traffic study if new development other than what was conceptually approved through the master plan is proposed.

- Water Supply: The Bureau of Water reports that water is available to the site.
- Sanitary Sewage and Stormwater Disposal: The Bureau of Environmental Services (BES) reports that the proposal should have no impact on BES facilities.
- Transportation Capabilities (Streets): The Bureau of Transportation Engineering and Development reports that the streets abutting the Club are all improved with curbs and sidewalks. Therefore, the applicant will not be required to make other

improvements in the public right-of-way at this time. However, BTE will review any development proposals under the new zoning, and may require public improvements to mitigate the effects of proposed development on the surrounding streets, if appropriate. (See Exhibit E.2).

The Transportation Planning Division indicates that the proposed zone change is consistent with the Transportation Element of the Comprehensive Plan (Goal 6, policies 6.4, 6.6, 6.7, and 6.9) and the relevant provisions of the Amended Transportation Planning Rule Interim Requirements. (See Exhibit E.4).

The Bureau of Traffic Management reports no concerns because: 1) The applicant is still following the approved Master Plan for the site; 2) It is unlikely the MAC would be removed and replaced with central commercial development; and 3) Any significant changes in the Master Plan or in other developments will trigger a traffic and parking impact analysis. (See Exhibit E.3).

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan for the institution.

Findings: The requested zone change is from residential to commercial, not to the IR Institutional Residential zone. Therefore, this criterion is not applicable.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: The requested zone is CX, not IR. This criterion is not applicable.

B. DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this process. The development standards will have to be met before a building permit is issued. These standards are discussed below.

There is no new development proposed as part of this zone change request. However, when new development does occur on those portions of MAC property zoned CX, it will be subject to the base zone standards of the CX zone, the provisions of 33.510, Central City Plan District, Design Review (using the Central City Fundamental Design Guidelines and the Goose Hollow Station Area Planning Project (Plan) special design guidelines) and the Urban Design element of the MAC Goals and Policies which were adopted in 1992. (See LUR 92-00813 MS).

Development at the 21st Avenue parking garage other than that contemplated in the Master Plan may be subject to a Nonconforming Situation Review, an amendment to the Master Plan (see LUR 95-00873 MS), and the development standards of the RH zone. The Goose Hollow Station Community Planning Project proposes to expand the boundaries of the Central City Plan District. The western boundary of the Plan District will be expanded to King Street which will then include the 21st Avenue parking garage. After adoption of the Plan and this expansion, the 21st Avenue garage will also be subject to the provisions of 33.510, Central City Plan District.

C. PLANS AND POLICIES

Transportation Planning Rule

Portions of the State Transportation Planning Rule became directly applicable to land use decisions and limited land use decisions May 6, 1994. Applicable provisions address pedestrian and bicycle facilities, transit improvements, and reduced dependence on the automobile. These provisions will apply directly to land use decisions until such time that the City amends its Planning and Zoning, and Subdivision regulations to comport with state standards.

Findings: The Transportation Planning Division reviewed this proposal against the relevant provisions of the Transportation Planning Rule (TPR) and found that a zone change to the Central Commercial zone would not change the site's compliance with the TPR. (See Exhibit E.4),

III. CONCLUSIONS

The intent of this zone change is to convert an existing nonconforming use to a permitted use in the CX zone. Staff recommends approval of the request because it can, with condition, meet the relevant approval criteria. The recommended condition is necessary because the City and the applicant relied solely on the analysis of the adequacy of public services contained in the Master Plan (LUR 91-00740 MS) and in the City's review and approval of the Master Plan. A new traffic study was not submitted with this application, as is usually required with a Zoning Map Amendment.

The application for zone change included a statement that the existing Master Plan and its conditions will remain intact after the zone change. This raised several questions concerning the status of the Master Plan and prompted an additional, concurrent Type III review. This additional review, LUR 95-00873 MS - Reconsideration, provides an historical perspective of The MAC Master Plan process and discusses its duration, its effect, and its status. Recommendations for future reviews and approval criteria are also included.

- IV. TENTATIVE STAFF RECOMMENDATION (may be revised upon receipt of new information at any time prior to the Hearings Officer's decision)
 - Approval of request for zone change from RH to CXd for Tax Lot 46, Section 33, T1N, R1E and Tax Lot 1 of Block 3 and 6, Amos N. Kings Addition, subject to the following condition:
 - A. A new traffic study must be submitted through a generic Type III process prior to any development other than that which was conceptually approved through the Master Plan (listed below and in LUR 91-00740 MS). The extent of the traffic

study will be based on the scope of the development. The approval criteria for the review will only be that the transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area and based on the following elements:

- street capacity and level of service
- access to arterials
- transit availability
- on-street parking impacts
- access requirements
- neighborhood impacts
- pedestrian safety.

This requirement will remain even if the Master Plan has terminated.

Development conceptually approved in Master Plan.

- 1. An addition of 50,000 square feet to the west end of the Clubhouse for athletic and club-related activities.
- 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. The use of 40 parking spaces in the 21st Avenue parking garage for 90th percentile events after 5:00 pm.
- 5. Development of residential housing on Block 2 (this has occurred).
- 6. Development of mixed use or residential housing on Block 7.

This report is not a decision. The Hearings Officer will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Planning. The Hearings Officer may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision within 17 days of the close of the record. You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case at our office on the 10th floor of

Appeal of the decision. The Hearings Officer's decision may be appealed to City Council, who will hold a public hearing. You may appeal the decision if you write a letter which is received before the hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. An appeal fee of \$1,218.00 will be charged (one-half of the application fee for this case).

the Portland Building, 1120 SW Fifth Avenue; Portland, Oregon.

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Planning in the Permit Center in the Portland Building at 1120 SW 5th, 1st floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow 3 working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision. If this proposal is approved, it must be recorded at the City Auditor's office. The applicant, builder, or their representative can record the decision by going to the City Auditor's office in City Hall, 1220 SW Fifth Avenue, Room 202; Portland, Oregon. The Auditor will charge a fee, and will record this decision with the County Recorder. All land use reviews, except for those for only a Subdivision, must be recorded. Building or development permits will be issued only after this decision is recorded. If the review is for a Subdivision, or includes a Subdivision, the subdivision plat must be submitted to the City within three years of the final approval from the City. The subdivision must be recorded with the County Recorder and Assessors Office after final plat approval by the City and County Surveyor.

Expiration of the approval. The recorded decision expires three years from the recording date unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

If you have a disability and need accommodations, please call 823-7700 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

S. McKinney:skm 11/16/95

(Disk HO.95) Form 6.8.94

EXHIBITS NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Letter from Steve Janik dated 8/14/95
 - 2. Application for Zoning Map Amendment
- B. Zoning Map (attached)

 - Existing Zoning
 Proposed Zoning
- C. Site Plan (attached)
- D. Notification information:
 - 1. Posting letter sent to applicant
 - 2. Notice to be posted
 - 3. Applicant's statement certifying posting
 - 4. Mailed notice
 - 5. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering
 - 3. Bureau of Traffic Management
 - 4. Transportation Planning Section of the Office of Transportation
 - 5. Water Bureau
 - 6. Fire Bureau
 - 7. Bureau of Buildings
- F. Letters None
- G. Other
 - 1. Hearings Officer's decision on LUR 91-00740 CU, dated 9/25/92

OH LANGE

CITY OF

PORTLAND, OREGON

BUREAU OF PLANNING

Charlie Hales, Commissioner

David C. Knowles, Director 1120 S.W. 5th, Room 1002 Portland, Oregon 97204-1966

Telephone: (503) 823-7700 FAX (503) 823-7800

October 17, 1995

REQUEST FOR RESPONSE

TO:

Government Agencies and Neighborhood Associations

FROM:

Susan McKinney, City Planner, Current Planning Section (Extension 7809)

RE:

CASE FILE NO. LUR 95-00743 ZC (MAC Club) (PRE-APP. NO: PC 95-181)

A hearing will be held to consider this request either November 27th or 28th, 1995.

Applicants:

Multnomah Athletic Club, deedholder

1849 SW Salmon Street, Portland, Oregon 97205

Representative:

Steve Janik and Linley Ferris, attorneys

101 SW Main Street, Suite 1100, Portland, Oregon 97204 (228-2525)

Location:

Area bounded by SW 20th, SW 18th, the Civic Stadium and SW Salmon.

Area bounded by SW 20th, the Zion Lutheran Church, SW Salmon and

SW Main

Legal Description:

Tax Lot 46, Section 33, 1N1E (Book/Page 0497/1211)

Tax Lot 1 of Blocks 3 and 6, Amos N Kings (Book/Page 1465/2086)

Tax Account #(s)

R-94133-0460 and R-02440-0730

Ouarter Section:

3027

Neighborhood:

Goose Hollow (Contact person: Jerry Powell at 222-7173)

Neighborhood within 1000' of the site: NWDA (Contact person: Marjorie Newhouse at 223-1580)

District Neighborhood Coalition: Neighbors West/Northwest (223-3331)

Zoning/Designations:

RH (CXd) - High Density multi-dwelling residential zone with a Central

Commercial designation and a Design Zone overlay

Land-Use Review:

Zone Change in Compliance with the Comprehensive Plan (RH to CXd)

Proposal: The applicant proposes to change the zoning of the parcels designated as "site" on the attached zoning map from RH to CXd. The requested zone change will conform to the CX designation of the Comprehensive Plan Map. There is no specific project or development proposed as part of the zone change. The relevant approval criteria for this request are Section 33.855.050, Approval Criteria for Zoning Map Amendments and the Transportation Element of the Comprehensive Plan. This review will also address the State Transportation Rule, OAR 660-12-045, and its applicability to this proposal. In addition, this review may determine the status of the 1991 Multnomah Athletic Club Master Plan.

We are interested in any comment you may have, and would appreciate agency review before November 7, 1995. Neighborhood associations may respond any time before the date of the hearing. If you need additional information, please call me.

Form: 4.21.92

CASE FILE:
REVIEWED BY:
DATE & TIME:
LOCATION:

LUR 95-00743 ZC (MAC Club)

The Land Use Hearings Officer November 28, 1995, at 9:30 am 1120 SW 5th, 2nd Floor, Room A

Land-Use Review:

Zone Change in Compliance with the Comprehensive Plan (RH to CXd)

Proposal:

The Multnomah Athletic Club proposes to change the zoning on a portion of the area within their Master Plan boundary from High Density Residential (RH) to Central Commercial, with a Design Zone overlay (CXd). The requested zone change will conform to the CX designation of the Comprehensive Plan. There is no specific project or development

proposed as part of the zone change.

Location:

Area bounded by SW 20th, SW 18th, the Civic Stadium and SW Salmon. Area bounded by SW 20th, the Zion Lutheran Church, SW Salmon and SW Main

Legal Description:

Tax Lot 46, Section 33, 1N1E (Book/Page: 0497/1211)

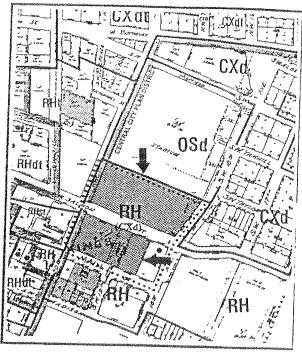
Tax Lot 1 of Blocks 3 and 6, Amos N Kings (Book/Page: 1465/2086)

Zoning/Designations:

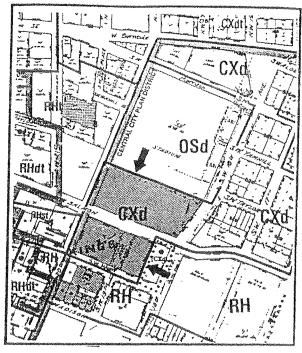
RH (CXd) - High Density multi-dwelling residential zone with a Central

Commercial designation and a Design Zone overlay

If you have a disability and need accommodations, please call 823-7700. Persons requiring a sign language interpreter must call at least 48 hours in advance.



Zoning existing



Zoning proposed



CITY OF

PORTLAND, OREGON

BUREAU OF PLANNING

October 23, 1995

Linley Ferris Ball, Janik & Novack 101 Sw Main Street, Suite 1100 Portland, Oregon 97204

Re: Case File 95-00743 ZC (MAC Club)

Dear Linley,

I have received your application for a Zoning Map Amendment at the MAC Club. The application was deemed complete on October 12, 1995, 14 days after the application was submitted to the Planning Bureau. Your case number is given above; the hearing is scheduled for November 28, 1995 at 9:30 am. I am the planner handling your case, and can answer any questions you might have during the process.

The Zoning Code requires you to post notice on the site of your proposal 30 days before the hearing. The information below will help you do this. If you did not pick up poster boards from the Permit Center when you filed your application, you can do so at any time.

- You must post one of these signs every 600 feet, or fraction thereof, on each street frontage of the property. The subject area has 7 street frontages, all less than 600 feet long. Therefore, you must post 7 signs, 1 on each street frontage. I am enclosing the notice that should be placed on the signs.
- These signs must be placed within 10 feet of the street frontage line, and must be visible to pedestrians and motorists. You may <u>not</u> post in the public right-of-way.
- Because the hearing for your case is scheduled for November 28, 1995, you must post the notice by October 29, 1995, 30 days before the hearing.
- A certification statement is enclosed, which you must sign and return. The statement affirms that you
 posted the site. It also confirms your understanding that if you do not post the notice by the date above,
 your hearing will be automatically postponed. In addition, time limits on our processing of your case
 will be waived. You must return this statement to us by November 14, 1995, 14 days before the hearing.
- You should not remove the notice before the hearing, but it must be taken down within two weeks after the final decision is made on your request.

If you have any questions, please call me at 823-7809.

Sincerely,

Susan McKinney, City Planner Current Planning Section

Encl:

Posting Notice
Statement Certifying Posting
cc: Application Case File

Excited D.

Charlie Hales, Commissioner

David C. Knowles, Director

1120 S.W. 5th, Room 1002 Portland, Oregon 97204-1966 Telephone: (503) 823-7700

FAX (503) 823-7800



719 126 1978 Seasons, Large 44, Professol, Corque C204 (87)

THE RESERVE TO BE REAL PROPERTY AND ADDRESS.

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Sagaret Markingary, Districts of Planting

France.

Due LaFave, Bureau of Environmental Services (BICS)

Na strawers

Case File Number: LUR 95-00743 ZC (MAC Club)

% sec 3027

Lewisthers

The proposal and land use review should have no impact on BES facilities. BES has no requirements to be included as conditions of approval. Development Assistance may review the project through building plan application process to ensure compliance with INES code and policy. Additional information may be requested at that time. Applicant may contact me at 823-7054, or any other Development Assistance Section staff, with questions and concerns.

Exhibit E.1

Susam mikinney

Response to Bureau of Planning from Development Services Bureau of Transportation Engineering & Development

785 774 - 7 P 3: 1:6

Date:

October 30, 1995

To:

S. McKinney, B106/R1002

From:

Ernie Yuzon, B106/R825

Subject:

Land Use Case No. 95-00743 ZC

Location:

Multnomah Athletic Club-SW 20th, 18th, Stadium, Salmon, Main

I have reviewed the above case for its potential impacts regarding the public right-of-way and have the following comments:

- X No objection to the current proposal
- R-O-W improvements required/recommended as noted below
- Other conditions required/recommended as noted below
- _ More information required
- _ Street waiver required

REMARKS: The streets abutting the Club are all improved with curbs and sidewalks. Therefore, the applicant will not be required to make other improvements in the public R-O-W at this time. However, we will review development proposals under the new zoning, and may require public improvements to mitigate the effects of proposed improvements on the surrounding streets if appropriate. 1

Exhibit E.2



CITY OF

PORTLAND, OREGON

BUREAU OF WATER WORKS

Mike Lindberg, Commissioner Michael F. Rosenberger, Administrator 1120 S.W. 5th Avenue Portland, Oregon 97204-1926 Information (503) 823-7404 Fax (503) 823-6133 TDD (503) 823-6868

PL 3.2

Date: October 25, 1995

To:

Susan McKinney

Planning Bureau, Bldg. 106/Rm. 1002

From:

Thomas W. Chambers
Bureau of Water, Bldg. 106/Rm. 601

Subj: Review of LUR 95-00743 ZC

The Water Bureau has reviewed the proposed action and has the following comments:

This site has existing water services.

If you have any questions or comments please feel free to call me at 823-7477.

TWC: two cc Records

Exhibit E.5

- C. Animals. Nuisance-type impacts related to animals are regulated by Title 13, Animals. Title 13 is enforced by the County Health Officer.
- **D.** Other nuisances. Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	R3	R2	R1	RH	RX	IR
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU[1]	L/CU[1]	L/CU[1]	L/CU[1]	L/CU[1]	Y [1]
Commercial Categories						
Retail Sales And Service	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	$\frac{1}{N}$	N	N	N	N	N
Wholesale Sales	N	N	l N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	T N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]
Community Service	CU [6]	CU [6]	CU [6]	L/CU [6]	L/CU [5, 6]	CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y Y	Y
Schools	CU	CU	CU	сu	L/CU [5]	L/CU[11]
Colleges	CU	Ċΰ	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	- CU	CU	CU	CU	CU	CU CU
Daycare Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
Other Categories						
Agriculture	L [14]	L [14]	L[14]	L[14]	L[14]	L [14]
Aviation And Surface Passenger	L [14]	N L [14]	N N	N N	N N	L [14]
Terminals	IN	in	14	14	14	14
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU
V = Ves Allowed		L	L	in a single contract of the same of the sa	But Specia	

Y = Yes, Allowed

CU = Conditional Use Review Required Notes:

L = Allowed, But Special Limitations

 $\dot{N} = No$, Prohibited

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.120.100.B.
 Specific uses and developments may also be subject to regulations in the 200s series of chapters.





City of Portland, Oregon

Bureau of Development Services Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868

www.portlandoregon.gov/bds

October 24, 2014

Memorandum

TO:

Portland City Council

FROM:

Sheila Frugoli, Sr. Planner

RE:

LU 14-105474 CP ZC - Current Parking Regulations that Apply to MAC Club

The purpose of this memo is to clarify the Zoning Code requirements for on-site parking and how those requirements apply to the Block 7 proposal. At the October 1, 2014 City Council hearing, Attorney Stephen Janik, stated that Zoning Code Table 266-1 and 266-2 applies a minimum and maximum parking requirement. He stated the Zoning Code requires for the MAC, a 360,000 square foot health club, a minimum of 1,060 spaces and a maximum of 1,891 spaces. He noted that because the MAC has a total of 654 spaces available, it is 406 spaces short of meeting the minimum requirement.

Further, on pages, 45 and 46 of the Hearings Officer's report, Mr. Helm notes the applicant's argument and states that he finds the "point persuasive...Even with the addition of up to 225 new stalls as proposed, the MAC facility still would appear under-parked for the RH zone."

Unfortunately, staff must challenge this information and the conclusion of the Hearings Officer. Per Title 33, the Portland Zoning Code, this site should not be deemed "under-parked" for the following reasons:

- There is no minimum parking requirement applied to the MAC facility because it is within the CX, Central Commercial zone (Table 266-1) and because the site is within the Goose Hollow Subdistrict of the Central City Plan District (Section 33.510.265.F.1).
- Outside of the Central City Plan area, minimum parking requirements do not apply to sites with non-residential uses that are within 500 feet of frequent transit line or within 1500 feet of a transit (LRT) station (Section 33.266.110.D) The MAC site is located within 600 feet of two light rail stations.
- The Central City Plan District imposes a review—Central City Parking Review for non-residential projects that includes 60 or more spaces (Section 33.510.265.B.3.c). The purpose of that review, per Section 33.808.010, is to "ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District." It is that review that will determine if more parking is warranted to serve the existing MAC facility.

cc. Steve Janik, Applicant's Attorney Jennifer Bragar, Lead Opponents' Attorney Bob Haley, PBOT

Goose Hollow Parking Options



1. Tri-Met U-Park Lot SW 18th Ave & Salmon St 26,500 sq. ft. site

60 spaces / level x 3 = 180 spaces

2. Portland Towers Garage SW 20th Ave 20,000 sq. ft. site

58 spaces / level x 2 = 116 spaces

3. U-Park & MAC Laundry SW 20th / 21st Aves 56,000 sq. ft. site

155 spaces / level x 3 = 465 spaces

TOTAL 761 spaces

From:

Constance Kirk <conniekirk@me.com>

Sent:

Wednesday, December 03, 2014 7:31 PM

To:

Hales, Mayor; Commissioner Fritz; Novick, Steve; Commissioner Fish; Commissioner

Saltzman

Cc:

Moore-Love, Karla

Subject:

Block 7 rezoning (additional notes from Connie Kirk)

Dear Mayor Hales and Members of the City Council

Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman:

I provided oral testimony on October 1 to oppose Block 7 rezoning (Case Number: LU-14-105474 CP ZC).

I include additional thoughts and an image for your consideration. Again, I do not oppose residential development on Block 7.

I oppose commercial rezoning that requires deeper excavation to accommodate the MAC's private and unnecessary commercial parking. (The MAC is located near three MAX stops).

The commercial aspect, in turn, drives the scale of the project, one which is not in scale nor character with Goose Hollow's historic neighborhood.

The Mill Creek/MAC proposed project is sidewalk to sidewalk and will block essential light for residents surrounding Block 7.

Many senior citizens reside at Legends Condominiums. Maintaining sunlight is critical to their health and well being and to those of all ages.

I do believe property values are also at stake. The attached image was taken from the Arbor Vista Condominiums in Goose Hollow.

It is a unit facing Mill Creek's new "Jefferson Flats" across the street. Two more floors have yet to be built, so the light that once streamed into Arbor Vista is notably diminished.

The emotional devastation among Arbor Vista neighbors is palpable. This disheartened posture is felt throughout Goose Hollow and is truly sweeping Portland neighborhoods.

No doubt it contributed to the formation of United Neighborhoods for Reform, which is a hopeful step.

The current Mill Creek/MAC proposal for Block 7 appears to replicate this wall of housing, not only in front of Legends, but all the homes surrounding Block 7.

People have worked their entire lives for their homes and moving for many is not an option. Denial of sunlight is detrimental to physical and emotional health.

Again, I urge you to vote "No" to Block 7 rezoning, allowing a better residential vision and perhaps partial park to emerge.

Thank you for your time and consideration.

Respectfully submitted, Constance Kirk 1132 SW 19th Avenue, #304 Portland, OR 97205



From:

danielsalomon@comcast.net

Sent:

Wednesday, December 03, 2014 12:27 PM

To:

Moore-Love, Karla

Cc: Subject: Constance Kirk; Kal Toth Block 7 Case Number: LU-14-105474 CP ZC (Please Reply)

Attachments:

Block 7 Testimony by Daniel Salomon-Revised.docx

Dear Mayor Hales and Members of the City Council Commissioners Amanda Fritz, Nick Fish, Steve Novick and Dan Saltzman,

I am a resident of the State of Oregon and the City of Portland. I am a member of the Goose Hollow Foothills League (GHFL) as a resident.

I am submitting my latest version of my Block 7 Testimony for tomorrow's Block 7 Hearing as an attachment.

Please add my testimony to file for tomorrow's Block 7 Hearing and to the public record and let me when you received this e-mail and if my testimony meets all the requirements for eligibility for submission?

Thanks very much.

sincerely,

Daniel Salomon

Block 7 Testimony by Daniel Salomon, December 3, 2014 (Portland City Council)

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, carbon and nitrogen dioxide 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 myself 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. A recent collaborative interdepartmental study conducted by the Department of Environmental Science and Management, the Department of Biology and the Nohad A. Toulan School of Urban Studies and Planning at Portland State University is contending that within 400m of 144 different test sites around the City of Portland with 20% tree canopy (total 10 ha radius) experienced in 2013 .57 ppb decrease in nitrogen dioxide (NO2) in the City of Portland. This study also contends using the BenMAP and a 200 m resolution NO2 model that NO2 reduction associated with trees in

Portland could result in significantly fewer incidences of respiratory problems, providing a \$7 million USD benefit annually. These in-situ urban measurements gathered right here within the city limits of Portland, predict a significantly higher reduction of NO2 by urban trees in improving air quality than do existing models.

Nitrogen dioxide (NO2) is a byproduct pollutant produced by a variety of sources including vehicles. Nitrogen dioxide (NO2) is linked to both global climate disruption and local air pollution problems which can cause respiratory illnesses like asthma. Hence, this study found the greatest concentration of nitrogen dioxide (NO2) closest to freeways, major arteries, secondary arteries and streets in the City of Portland. This study also found that rails produce the least amount of nitrogen dioxide (NO2) pollution of all the transportation systems in the City of Portland. This means that most nitrogen dioxide (NO2) pollution from vehicles comes from automobiles in the City of Portland.

This study also encompassed collecting data in Goose Hollow including around Block 7. The lowest levels of nitrogen dioxide (NO2) pollution from vehicles in Goose Hollow is found around Block 7 and in Kings Hill at 2.4-6.5/14.7-23.7 NO2 (ppb) while the highest levels of nitrogen dioxide (NO2) pollution from vehicles in Goose Hollow are found around the Vista Bridge at 11.8-12.8/14.7-23.7. This is because Block 7 and surrounding areas, as well as Kings Hill, currently have a decent urban tree canopy cover. The Vista Bridge is where two major arteries and a secondary artery overlap because of the Vista Bridge which is devoid of nitrogen dioxide fixing trees.

This means that rezoning Block 7 from high density residential to high density residential/commercial would mean more nitrogen dioxide (NO2) pollution from vehicles because of more automobile traffic in a currently residential neighborhood and excessive deforestation of the urban forest which would put additional environmental stress on Portland's urban forest as a whole and the local forest canopy system by creating a nitrogen dioxide (NO2) disposal problem.

The current zoning will still allow for a low-impact development on Block 7, while containing automobile traffic and deforestation.

These findings were presented at a recent academic colloquium and published recently in a peer reviewed scientific journal.

(Goal 8.14, Objectives A, B, C, E, H)

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 circumstance 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 circumstances 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 Rhodendron which is the state flower of Oregon, all native to Oregon.

Not to mention, two native, declining, edible, fruit producing Black Huckleberries, an 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. This is not to mention that some experts contend that even "big, old and isolated" Oregon white oaks, like the three 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 for MAC members as an economic incentive for more MAC members to take full advantage of Portland's renowned public transportation system, to carpool, to bicycle and to walk, helping to reduce the MAC's carbon and nitrogen dioxide automobile 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 low impact, middle density, nine story high rise or a low-impact, middle density 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 low impact, middle density, nine story, high rise apartment without the four story garage allowed under the current residential zoning with previsions 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. The current zoning of Block 7 is compatible with both the livability and

scalability for vulnerable populations in Goose Hollow and sustainably for the planet as a whole (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)

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 Pina contra (child)

- · Alaska Cedars *Chanaecyaris nootkatensis* (child)
- · Big Leaf Maples Acer macrophyllum (youth)
- · Black Cottonwood *Populus balsamifera* (baby)
- · Paper Birches Betula paprifera (adult)
- · Bitter Cherries *Prunus emarginata* (adult)
- · Oregon White Oaks *Quercus garryanna* (mature)
- · Oregon Ashes Flaxinus latifolia (elder)
- · Pacific Dogwoods Cornus nuttallii (elder)

Shrubs: Native and non native shrubs

- · Black Huckleberries Vaccinium membranaceum (native) (declining) (fruit producing)
- · Pacific Rhodendron R. macrophyllum (native) (state flower) (mature)
- · Pacific Yew *Taxus brevifolia* (native) (mature)
- · Leland Cypresses Cupressus leylandii (non-native) (mature)
- English Holly *Ibex aquifolium* (non-native) (mature)
- · American Hollies *Ilex opaca* (non-native) (1 mature, 2 babies) (good food source for native birds)
- · Camellias *Camellia* (non-native) (mature)

Native Wildflowers: Important for preserving biodiversity and food for wildlife

- · Palmate Coltsfoots *Petasites palmatus* (native) (locally common)
- · Queen's Cups *Clintonia uniflora* (native) (abundant)

Exotic Wildflowers: Positive role of providing food for native wildlife and ornamental value

- Saint John's Wort *Hypericum perforatum* (non-native) (good for wildlife) (ornamental and medicinal value)
- · Snow Drops *Galanthus nivalis* (non-native) (ornamental value)

Primitive Plants: All native, extraordinarily biodiversity and sign of good air quality and ecosystem health

- · Lung 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.
- · 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 which well here and are present in extraordinary numbers, including 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).
- · Meenakshi Rao, Linda George, Todd Rosenstiel, Vivek Shandas and Alexis Dinno, "Assessing the relationship among urban trees, nitrogen dioxide, and respiratory health," Environmental Pollution, 194 (2014) 96-104. Journal Homepage: www.elsevier.com/envpol.

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.

From:

Kal Toth <kalmanctoth@gmail.com>

Sent:

Wednesday, December 03, 2014 10:14 AM

To:

Moore-Love, Karla

Subject:

Request for more time at tomorrow's (12/4/14) City Council meeting

Karla: I am writing as the Pro Tem President of the GHFL. Please submit this request to Mayor Hales.

On November 20th the GHFL elected 7 new Board members – the Board now consists of 11 members. On November 25th the Board voted to oppose the proposal to rezone Block 7 (9 directors opposed the zone change, as chair I abstained, and one director was absent). I believe City Council would significantly benefit from hearing about this change of circumstances.

As it turns out, of the 7 persons remaining to speak at the hearing continuance, 3 of them are current GHFL Board members – Nic Clark, Casey Milne and Jerry Powell. Rather than asking for an additional speaker from the GHFL Board, I am requesting an additional 3 minutes to be made available to these 3 speakers (e.g. 3 minutes allocated to one of them, 1 minute distributed to each, or some other combination totaling 3 minutes).

Thank you for your time and consideration.

Kal Toth, PhD, P.Eng. 503-984-3531, kalmanctoth@gmail.com

From:

jon beil <jmbeil@msn.com>

Sent: To: Tuesday, December 02, 2014 6:47 PM

Subject:

Moore-Love, Karla; conniekirk@me.com City Council Testimony LU-14-105474 CP ZC

Karla,

Please allow Connie Kirk to read my testimony concerning the Block 7 issue in Goose Hollow. I was one of the people who was not allowed to testify at the original hearing due to running out of time. I will not be able to attend on Thursday due to being out of town on business.

Thank you, Jon Beil

From: Sent: Mary Jo Ball <mary_jo_ball@yahoo.com> Tuesday, December 02, 2014 4:09 PM

To:

Moore-Love, Karla

Subject:

Block 7 Case Number: LU-14-105474 CP ZC

Dear Mayor Hales and Members of the City Council, Commissioners Amanda Fritz, Nick Fish, Steve Novick, and Dan Saltzman,

I have been a condo owner in The Legends Condominiums in Goose Hollow since 2003. I remember distinctly when purchasing the unit that we were told about the "agreement" the MAC had with the neighborhood about keeping Block 7 as a community space. I have been extremely disappointed with the MAC's community spirit and tactics throughout this entire rezoning process.

Goose Hollow is a special place in Portland and the City of Portland should do everything possible to keep it that way. To provide more parking for MAC members is such a breach of everything Portland stands for. The MAC has its very own MAX stop right in front of the building. A member of an athletic club should be especially keen to walking and taking public transportation. An alternative, as done at the Riverplace Athletic club, is to charge after two hours for parking. It works beautifully and even creates some revenue. I think you might be surprised at how many MAC members park their cars there for much of the day, and then actually use MAX to go shopping downtown to avoid traffic and paying for parking.

Parking in the neighborhood is already a challenge and adding the Block 7 project will truly create both an unhealthy and noisy situation for all residents in the neighborhood.

Most important, however, is that I hope you will remember all the public transportation and "no more parking spaces" guidelines that have been what Portland is all about.

Please say NO to any rezoning and make the MAC live up to its promises.

Sincerely, Mary Jo Ball Owner of Unit 506, Legends Condominium mary_jo_ball@yahoo.com 858-822-9926

From:

jon beil <imbeil@msn.com>

Sent: To:

Tuesday, December 02, 2014 6:47 PM

Subject:

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To:

Moore-Love, Karla

Subject:

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Sincerely, Mary Jo Ball Owner of Unit 506, Legends Condominium mary_jo_ball@yahoo.com 858-822-9926 Dean Portland City Council Members -

I live in the Legends in a condominion unit that faces Block 7. I have enjoyed look.

unit that faces Block 7. I have enjoyed look.

ing down on the park and watching the trees

changing colors and the Jollos walking the

changing colors and the Jollos walking the

variety of dogs. It is an area much appreciated

by those of us who look upon and surround it.

O understand that the Multhamah Ortheetic dut needs more parting space. I have been to their restaurants with a member and I have circled and waited for spaces to park a car My problem is that this is an athletic elul. and they mad parking. Prety aim ple. I would not raisi big objections to another jarleing garage of reasonable size. Hey could even put a tennis court or noof garden or something associated with their own "mission" on top. However, adding more apartments or condos or living facilities of any kind soes against their own charter of what their original instent was. Plus, to add

more residences to this neighbor bood is so un air to those who are already total Boom living here, the parking spots are an issue already. For them to add quite a number of more residences - which is not what their original mission was - to just plain not night. they are not in the hotel or apartment business. a running track, tennis courts, volly ball or badminton courts are all parnething that could conscribute to their athletic elub. Hey could be on the roof of a short parking garage and I'm sure a number of their members would be delighted to be outside enjoying the pacifities. But I do not Hine we need more residences on Her block. that's my opinion - thanks for listening.

> Sincerely -Valerie Schumann 1132 sw 19th ave #709 Portland, On- 97205

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GOOSE HOLLOW FOOTHILLS LEAGUE

2257 NW RALEIGH STREET PORTLAND, OR 97210 503-823-4288

Ms. Karla Moore-Love

December 2nd, 2014

AUDITOR 12/02/14 PM 2:13

Mayor Hales and City Commissioners Fish, Fritz, Novick and Saltzman City of Portland Oregon 1221 SW 4th Avenue Portland, Oregon 97204

Subject: GHFL Resolution Opposes Mill Creek / MAC proposal to rezone Block 7

File: LU 14-105474 CP ZC

Dear Mayor and Commissioners:

At the November 25th Special Board Meeting of the Goose Hollow Foothills League, the GHFL Board adopted the following resolution:

"Resolved that the Goose Hollow Foothills League (GHFL) opposes 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)."

Sincerely,

Kal Toth, Pro Tem President/Chair, Goose Hollow Foothills League

CC. GHFL Board: Nic Clark, Roger Leachman, Casey Milne, Timothy Moore, Jerry Powell, Tracy Prince, Andy Rome, Scott Schaffer, Kal Toth, Mark Velky, Susie Younie

CC. GHFL Website and GHFL Archives

Kc.T.1.