

# City Council considers whether or not to allow detention facility in South Portland

By Lee Perlman  
The Southwest Portland Post

For three hours last month, the Portland City Council pondered the South Portland Neighborhood Association's appeal of a proposed building addition at 4310 S.W. Macadam Avenue to create what the federal government says would be an office building and neighbors say would be a jail.

Council members were polite to the 17 people who testified but, with one possible exception, showed no indication of accepting their stance on the issue.

The Lindquist Development Company is seeking a three-story addition to a four-story former bank storage building. The resulting 65,000 square foot structure would be rented to the General Services Administration and its Immigration and Customs Enforcement (ICE), which would use it to "process" suspected illegal immigrants. About 4,000 Square feet would be devoted to Holding Cells.

The staff of the Bureau of Develop-

ment Services determined that this was an office building, allowed by right, and subject only to design review. The Portland Design Commission, in three hearings, voted to approve the design.

Planner Kara Fioravanti told Council that they had two questions to answer. The first was whether the proposed design was acceptable. The second, which the Design Commission deliberately declined to consider, was whether the use was allowed by right or a was a new use requiring a Conditional Use permit that would delve into its suitability for this site.

Fioravanti conceded that the latter issue had been a "tough question" for staff. However, they had decided that the building was more like an office building than a detention facility as defined by the code. In part this was because the "detention" cells take up such a small part of the building, in part because those "processed" and held there are not necessarily charged with a crime, she said.

Builder Pat Prendergast later added that the building would have neither beds nor food facilities, and those de-



This building located at 4310 SW Macadam Ave in South Portland could be home to a new federal jail. (Post file photo by Don Snedecor)

tained there would under no circumstances spend the night there.

Another issue was the presence of the Southwest Charter School due to open across the street from the building, just 60 feet away. The appeal noted that processing facilities are not to be placed within 300 feet of schools.

Fioravanti said that this is not a City code requirement. Scott Mattson of the General Services Administration said the rule is a requirement of the federal "procurement" policy for selecting a site.

Since the charter school hadn't signed a lease at the time the site was selected, he said, it wasn't considered. "This is not a regulation, and we can't prevent a school from locating next to us," he said.

Those who testified expressed unhappiness with both the proposed facility and the process. Karmela Ungerleider Abrams, a charter school parent who testified along with her two daughters, said, "This makes me almost want to pull my daughters from the school I love and cherish."

Architect Fred Ganz said that even in developing countries, "I have never ever seen the lack of requirements we've seen with this project." When it was examined by the Design Commission, it was "already a fait accompli." There was no chance to judge "the practicality of placing this use on this site." The South Waterfront is "at a very fragile place in history," and "to introduce a jail at the gateway makes absolutely no sense."

South Portland land use chair Jim Davis argued that the proposed facility was "clearly" a jail and a change of use for the site, both of which would require a conditional use permit. The concept of "proportionality," the amount of square footage devoted to a given activity as an indicator of its "primary use," is not part of the code, he said.

Both the Cedarwood School and the College of Naturopathic Medicine

needed conditional uses, even though they were locating in former school buildings, he said. He also said that the GSA, in its procurement instructions for the site, had referred to the use as a detention facility.

"With a conditional use, neighbors will get a chance to have their legitimate concerns addressed," he said. "The developer may hear things he never thought of before, and would benefit from."

Mayor Sam Adams was polite to those who testified against the facility, but told two of them that their issues could not be considered under the hearing's rules.

He was more aggressive with Davis, several times asking, "How is that germane to the criteria we have before us?" At one point, when Davis suggested that those detained might in fact be held overnight, Adams asked, "Do you agree that if that happened it would be a violation of the code?" "I'll take your word for it," Davis replied.

Commissioner Amanda Fritz, herself an immigrant from England, brought out that the Main Post Office, on the edge of the fashionable Pearl neighborhood, contains both detention facilities and classrooms where people such as herself could attend required citizenship classes. She did ask whether Council could require a conditional use permit as a condition of approval.

The most critical Council member was Commissioner Nick Fish. After questioning Fioravanti for several minutes he said, "The code doesn't give us a lot of guidance. Reasonable people can differ over this because the definitions are subject to interpretation."

Council eventually agreed to allow both sides to submit additional written material through January 26 – this at Lindquist's request. They will then have until February 2 to rebut the new evidence. Council will hold a second hearing on the case at 2 p.m. February 16.

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De La Salle North Catholic High School  
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### Lake Oswego Street Car

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question as to whether the Willamette Shore Right of Way, re-assembled in 1988, would be available if rail wasn't built on it.

At the moment it is used in summer by the Willamette Shore Trolley, which provides recreational riding rather than service, as a sort of placeholder. "Some parts of the right of way were purchased specifically for rail use," Oblatz said, "and without rail on them it would disappear."

### OHSU Building

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move back and forth to their main campus quickly."

OHSU's next priority is to relocate their dental school. "The existing one is crying out for a wrecking ball," Williams said. "Everything in it wouldn't meet current accreditation standards."

They also have other plans for the space the old structure now occupies, he said. The project will be subject to design review, and construction will begin in "about a year," he said.