

**Gustavo J. Cruz, Jr.**  
Chair

**Marcelino Alvarez**  
Commissioner

**William Myers**  
Commissioner

**Michi Slick**  
Commissioner

**Serena Stoudamire  
Wesley**  
Commissioner

**Carmen Rubio**  
Commissioner,  
City of Portland

**Kimberly Branam**  
Executive Director

This document represents the official meeting record of the December 13, 2023, Prosper Portland Board of Commissioners (Board) meeting held in person and via Zoom. The full video recording of this meeting can be found at:

[https://www.youtube.com/watch?v=0Xy2\\_fENv0o](https://www.youtube.com/watch?v=0Xy2_fENv0o)

## 1. Call to Order and Roll Call

Chair Gustavo Cruz called the Prosper Portland Board meeting to order at approximately 3:07 p.m. Pam Feigenbutz, Prosper Portland Board recording secretary, called the roll:

Chair Gustavo Cruz	PRESENT
Commissioner Marcelino Alvarez	PRESENT (Via Zoom)
Commissioner William Myers	PRESENT
Commissioner Michi Slick	PRESENT
Commissioner Serena Stoudamire Wesley	ABSENT

Chair Cruz read the following statement: “As required by State law, Prosper Portland provides an opportunity for the public to access and attend its meetings either in person or virtually; as such, a YouTube live stream video of the meeting can be found here. The public can also provide written testimony to the Commission or arrange in advance to provide virtual testimony to the Commission during the meeting by emailing [ProsperCommissioners@ProsperPortland.us](mailto:ProsperCommissioners@ProsperPortland.us).”

## 2. Commissioner Reports

Commissioner Slick

- Attended the NAMC-Oregon Holiday Celebration on December 7
- Attended the Shortstack Mississippi Groundbreaking Ceremony on December 8
- Attended the Business Leadership Summit on December 11

Chair Alvarez

- Attended the NAMC-Oregon Holiday Celebration on December 7

Commissioner Myers

- Attended the Business Leadership Summit on December 11

Chair Cruz

- Nothing to report.

### 3. Executive Director Report

- Joined representatives from the State, Metro, and various non-profit organizations for the Shortstack housing development groundbreaking event on December 8
- Attended the Business Leadership Summit on December 11
- Acknowledged the three awardees for the Scale Up grant led by Prosper Portland and Travel Portland
- Mentioned Prosper Portland is seeking expressions of interest from property owners, real estate developers, and private firms or community-based operators interested in establishing one or more Cultural Business Hubs within the Interstate Corridor Tax Increment Finance District in support of the North/Northeast Community Development Initiative Action Plan
- Announced both the Portland Winter Ice Rink and Woodsy Winter Village open December 16 in downtown Portland
- Invited folks to visit The Shops on Morrison at the Stash Tea Building for holiday gifts

### 4. Meeting Minutes

Chair Cruz called for a motion to approve the November 8, 2023, Prosper Portland Board meeting minutes. Commissioner Myers moved and Commissioner Slick seconded the motion.

AYES: Cruz, Alvarez, Myers, Slick

NAYS: None

### 5. Public Comment for Items Not on Agenda

None offered.

### CONSENT AGENDA

6. Item #6 was pulled from the agenda by Chair Cruz

### 7. Action Item: Resolution 7508 and 7509 - Approving the Terms of Two Special Authority Grants to Micro Enterprise Services of Oregon in Fiscal Year 2023-24

Chair Cruz called for a motion to approve Resolution No. 7508 and 7509, Commissioner Slick moved, and Commissioner Myers seconded the motion.

AYES: Cruz, Alvarez, Myers, Slick

NAYS: None

At approximately, 3:16 p.m., Chair Cruz adjourned the Prosper Portland Board meeting and convened the Local Contract Review Board.

**8. Action Item: Resolution 7510 - Adopting Amendments to Local Contract Review Board Administrative Rules**

Chair Cruz called for a motion to approve Resolution No. 7510, Commissioner Slick moved, and Commissioner Myers seconded the motion.

AYES: Cruz, Alvarez, Myers, Slick

NAYS: None

At approximately, 3:17 p.m. Chair Cruz adjourned the Local Contract Review Board and convened the Prosper Portland Board meeting

**REGULAR AGENDA**

**9. Action Item: Resolution 7511 - Adopting Budget Amendment No. 2 for the Fiscal Year Beginning July 1, 2023, and Ending June 30, 2024; and Making Appropriations**

*Prosper Portland Staff presenting this item:*

*Tony Barnes, Chief Financial Officer*

With this action, the Prosper Portland Board amended the current fiscal year (FY) 2023-24 budget as follows:

1. Adjusted beginning fund balances to reflect actual FY 2022-23 year-end balances,
2. Adjusted funding from City Council's Fall Budget Monitoring Process to adjust funding for adjustments to City General Fund, Recreational Cannabis Tax and American Rescue Plan Act round 2 funding,
3. Updated project, program, and administrative expenditures underway for committed carryover of funds that did not spend in FY 2022-23; and
4. Updated personnel and administrative budgets to add prior year savings to support both (a) funding for one-time personnel costs in alignment with the Collective Bargaining Agreement extension and (b) recommended administrative changes for the fiscal year including updated cost of insurance premiums.

Chair Cruz called for a motion to approve Resolution No. 7511, Commissioner Alvarez moved, and Commissioner Slick seconded the motion.

AYES: Cruz, Alvarez, Myers, Slick

NAYS: None

**10. Action Item: Resolution 7512 - Authorizing a Use Permit with the City of Portland Office of Management and Finance for Operation of a Navigation Center at 1111 NW Naito Parkway**

*Prosper Portland and Guests presenting this item:*

*Kay Little, Asset & Investment Manager*

*Bobby Lee, Chief of Staff, Office of Mayor Ted Wheeler*

*Skyler Bocker-Knapp, Policy Advisor, Office of Mayor Ted Wheeler*

*Hank Smith, Policy Advisor, Office of Mayor Ted Wheeler*

With this action, the Prosper Portland Board authorized execution of a Use Permit with the City of Portland (City) Office of Management and Finance for the operation of a shelter and intensive case management facility (Navigation Center) located at 1111 NW Naito Parkway in the River District Tax Increment Finance District. This action allows the City to operate or contract operation of the Navigation Center, offering medical, dental, drug and alcohol treatment and veterinary services to individuals experiencing homelessness.

Mr. Little reviewed the location, history, and permit terms, noting the Office of Management and Finance would like to continue using the location through June 30, 2027.

Mr. Lee explained the mayor directed a City team take over the management of the Navigation Center. The directive is at the request of the current sponsor who can no longer support the program and requested assistance from the city.

Mr. Lee mentioned the mayor is also requesting approval for a use permit for a safe rest village site at 84 NE Weidler Street, emphasizing the need for additional sites to continue sheltering houseless people.

Ms. Brocker-Knapp noted a brief history of services provided thus far by the City at both the Navigation Center and BIPOC Safe Rest Village located at 84 NE Weidler Street. Ms. Brocker-Knapp outlined current and newly created services provided by the Street Service Coordination Center, specifically the Impact Reduction Program, the newly created City Outreach Team, recently hired director of Humanitarian Operations, and a request into Portland Metro Chamber to expand Clean and Safe services to the Navigation Center.

Mr. Smith detailed the community engagement and notification process regarding intent to continue operating the site. Mr. Smith noted a public Oregon Department of Environmental Quality meeting occurred on December 6, and a community information session is scheduled for December 19; for which 12,000 mailers were sent to Pearl District and Old Town residents. Mr. Smith noted they are proposing to reconvene the Community Advisory Council to add additional details to the Good Neighbor Agreement (GNA).

Chair Cruz called forth public testimony.

Dr. Joan Neice, N4Safe/Northwest Neighborhood Association read from written testimony opposing the Harbor of Hope lease renewal (See Attachment 1). Dr. Neice emailed an additional letter prior to the meeting (See Attachment 2).

Alberto Santaballa, read from written testimony opposing the Harbor of Hope lease renewal (See Attachment 3).

Kirk Vanderschel, N4Safe/Northwest Neighborhood Association, provided testimony opposing the Harbor of Hope lease renewal.

Glen Trager, Pearl District Neighborhood Association (PDNA), Planning & Transportation Committee, Livability Committee, Board of Directors of PDNA and Neighbors West-Northwest member. Mr. Trager made clear he was representing only himself, not the organizations and provided testimony opposing the Harbor of Hope lease renewal.

Ross Day, Attorney at Day Law provided both virtual (at times inaudible) and written testimony. (See Attachment 4).

Michael Galizio, n4Safe member, provided both virtual and written testimony (See Attachment 5).

Linda Witt, PDNA, N4Safe & Northwest Neighborhood Association member provided recorded and written testimony opposing the Harbor of Hope lease renewal (See Attachment 6 and Recording).



Commissioner Slick asked staff what will be different with this renewal.

Mr. Lee stated the Mayor's goal is to reduce crime in the neighborhood by having a shelter available and making the neighborhood more vibrant by putting more tools in place

Ms. Bocker-Knapp detailed the existing and newly created services which are both reactive and proactive allowing for quicker reporting and follow-up.

Mr. Smith explained his group meets every two weeks and is building data mechanisms to observe and address community impact.

Commissioner Myers asked what next steps Prosper Portland can take in writing the lease in the case things do not improve.

Director Branam stated the length of the permit is four years and eight months and key components include the GNA and permit compliance. Director Branam noted If the Board action is approved, next steps would include negotiating the terms of GNA, with the assumption the City is delivering. Like any contract, if non-responsiveness is observed, the contract can be brought back to the board to potentially renegotiate the terms or discontinue the permit.

Chair Cruz requested an update regarding status of the GNA in six months and again in a year. The Chair would also like to add the ability to terminate with a 30 days' notice to the terms.

Chair Cruz called for a motion to approve Resolution No. 7512, Commissioner Myers moved, and Commissioner Slick seconded the motion.

AYES: Cruz, Alvarez, Myers, Slick  
NAYS: None

#### **11. Action Item: Resolution 7513 - Authorizing Execution of a Use Permit with the City of Portland for Operation of an Outdoor Alternative Shelter Site at 84 NE Weidler Street**

Prosper Portland and Guest presenting this item:

*Kay Little, Asset & Investment Manager*

*Bobby Lee, Chief of Staff, Office of Mayor Ted Wheeler*

*Skyler Bocker-Knapp, Policy Advisor, Office of Mayor Ted Wheeler*

*Hank Smith, Policy Advisor, Office of Mayor Ted Wheeler*

With this action, the Prosper Portland Board authorized execution of a Use Permit with the City of Portland Office of Management and Finance for the use of a Prosper Portland-owned property located at 84 NE Weidler Street, commonly referred to as the B&K Lot, in the Oregon Convention Center Tax Increment Finance District. The lot is currently being used as part of the City's Streets to Stability, Safe Rest Villages Program as an Outdoor Alternative Shelter designed to be welcoming for Black, Indigenous, and People of Color (BIPOC) individuals, and has been used as such since approximately July 1, 2021. OMF has requested to continue use of the B&K Lot until June 30, 2027. Because of the aggregate length

of the term of such occupancy, Prosper Portland Board action is necessary for the Executive Director to enter into a Use Permit through June 30, 2027.

Chair Cruz called for a motion to approve Resolution No. 7513, Commissioner Slick moved, and Commissioner Myers seconded the motion.

AYES: Cruz, Alvarez, Myers, Slick

NAYS: None

At approximately 5:30 p.m., Chair Cruz called a ten-minute break.

## **12. Information Item: Update on the North/Northeast Community Development Initiative Action Plan**

Prosper Portland staff presenting this item:

*Amy Nagy, Development Manager*

*Charles Funches, Project Manager I*

*Sharon Smith, Project Manager I*

Ms. Nagy detailed the history and context of the Action Plan and described the reasons for its development. The Action Plan was created in 2016 in partnership with the community and funded through remaining Interstate Corridor TIF funds.

Ms. Smith and Mr. Funches reviewed the five key goals of the action plan along with accomplishments, upcoming actions, and spotlighted uses of fund per a few recipients.

Ms. Nagy highlighted the demographics of grant recipients and identified forthcoming budget and investment activities.

Chair Cruz called forth guest testimony.

Tejara Burt, FFA, Interior designer and member of N/NE Action Committee, shared her experience participating on as well as contributing her expertise to the committee.

Dr. Steven Holt, Try Excellence, Principal, N/NE Oversight Committee Chair, Portland Housing Oversight Committee chair, has been the strategic advisor, consultant, and facilitator since the inception of the group and in the transition group currently in place. Dr. Holt. explained the importance of creating economic opportunities and leverage the investments to help generate businesses.

Director Branam shared appreciations to Dr. Holt for his service, work, and contributions.

At approximately 5:55 p.m., Chair Cruz adjourned the Prosper Portland Board meeting and convened the Executive Session.

## **EXECUTIVE SESSION**

The Executive Session is held in accordance with Oregon Revised Statutes 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body regarding current litigation or litigation likely to be filed.

## **13. Adjourn**

There being no further business, Chair Cruz adjourned the Prosper Portland Board meeting at approximately 6:25 p.m.

Approved by the Prosper Portland Commission on January 24, 2024



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Pam Feigenbutz, Recording Secretary

## **Testimony of Dr. Joan Neice**

TO: Prosper Portland - Board of Commissioners  
Public Meeting  
Wednesday, December 13, 2023

***for submission***

RE: Oregon Harbor of Hope Facility - Prosper Portland Land NW Naito Parkway

Prosper Portland Board Commissioners,

My name is Joan Neice. My husband, Jim and I have lived at WFP on NW Naito for 8 years. Five of those years have been faced with the literal daily dangers associated with Harbor of Hope Navigation Center about 350 feet across from the WFP condo buildings. We know because we and thousands of others witness and experience them.

Today, I am here before you because I am the voice of 1000 members and growing - of a strong coalition called NeighborsForSafeSmartShelters - N4S. It comprises Pearl District residents - businesses, homeowners, and renters — representing a diverse and mature neighborhood. It was founded because of first hand experiences and major failings of HOH as a no/low barrier shelter that served to only warehouse the homeless while endangering the neighborhood. The complete opposite of the Bybee Lakes model which we have visited, toured, evaluated and supported as the model to be replicated.

We are here with legal standing — to unequivocally oppose the Harbor of Hope Navigation Center lease and any attempt to repackage it as a permit.

This past week, on Dec 6th, the N4S coalition presented oral testimonies at a DEQ public hearing. Attorney Ross Day added his legal testimony. The written testimonials have been formally and officially submitted to DEQ and to the city. There were members of the city present - Rick Dyer from OFM, Skyler Bocker-Knapp, from the Mayor's office, and Homer Williams from HOH, to name a few.

After 5 years of warehousing the homeless population at HOH, sidelining neighbors at every turn with unkept promises as outlined in the lease,



sublease and PP documentation, putting the entire neighborhood in harm's way while not providing - as required, 24/7 safety and security among other ongoing and serious GNA violations, it is high time, with no behind the scenes scullduggery for the city, PP and OFM to adhere to and hold themselves accountable to the laws that govern our city.

*It is unconscionable that there have been very recent and secret attempts to renew the temporary lease, to rename the Harbor of Hope Navigation Center, to replace Homer Williams with the city, all in an attempt to try to take over the HOH, propose that a permit replace the legal lease and sublease, and make veiled promises that a new and different management organization will make good on a GNA - in the face of the city refusing to hold themselves accountable for the entire five years — all the while not agreeing to a binding GNA. This in the face of another undeniable Truth:*

The HOH was contemplated, established and documented legally in signed leases and subleases, the ROD, and PP's own public documents as a **temporary** shelter with an expiration date of 12/31/23. These signed legal documents cannot be sidelined and sidestepped while neighbors continue to suffer personal assaults and crime. Even Homer Williams and PDNA acknowledged the failures of HOH citing the deadly drug dens of fentanyl, prostitution, gangs, guns, made worse by mental illness, and psychotic episodes playing out in our neighborhood.

Temporary has indeed been described and defined in legal documents created by PP and the city. No attempts to repackage and window dress the hard expiration date that states "no exceptions", into a permit, can or will change the legal fact that Harbor of Hope must be relocated to another city-owned property outside of a high density residential neighborhood.

Further, The Pearl District Urban Renewal Plan specifically calls for **No shelter of any kind.**

Almost from the beginning of the HOH shelter five years ago, there have been hundreds and hundreds of petitions, emails, certified letters, emergency phone calls, shared photos and incidents of personal assaults, feces, open drug dens, prostitution, illegal encampments, toxic explosions from spillover encampments, and worse - death.

The specific incidences have all been documented and submitted to the mayor, Commissioner Ryan, other commissioners, Homer Williams, Transition Projects and others — signatories on the HOH GNA. And, N4S presented the facts and testimonials to the mayor and council members at a public City council meeting. The bloodied and battered faces of two neighbors who were severely attacked do not disappear. Nor do the real and ongoing fears, dangers, and trauma visited by HOH on local, law-abiding, tax paying citizens. It is not an exaggeration that the presence of the shelter is the cause of the neighborhood ruination - to the extent that residents are moving away to other states and cities and businesses are shuttering.

My own husband has been pushed and threatened with a knife while walking our dog. Hundreds of neighbors from McCormick Pier, Albers Mill, OSU Food Innovation Center, WFP, and others have the same documented experiences.

Over the past five years, HOH neighbors have been repeatedly and constantly ignored, dismissed, and deceived resulting in ongoing and real dangers. Over the past five years, nearby residents have taken it upon themselves to clean up unspeakable and toxic messes on a daily basis. We have had to increase and pay for private security measures, add locks to front doors and gates, restrict access to frontage river district areas, put up more security cameras after hundreds of dangerous episodes, and walk along aluminum fentanyl wrappers associated with HOH residents and others attracted to the site.

The NW Naito high density neighborhood must not become an ongoing and growing repository for the chaos created and then summarily ignored — left to the neighbors to bear.

***N4S calls on the city, PP, and OFM to morally and legally do the right thing. You must not renew the lease in any way, shape or form. You MUST respect the legal documentation and the specifically defined and described temporary shelter of five years - ending 12/31/23 “with no exceptions.” You must relocate the HOH shelter to another city-owned, fully remediated property outside of a high residential neighborhood with better services.***

This is the least the city and you can do in support of the residents at HOH and the nearby taxpayers whom the shelter is putting in harm's way. The city has capably removed hundreds of homeless persons under the Steele Bridge with a 72 hour notice. Surely, the HOH tent which was intentionally built as a temporary structure specifically to be relocated at the end of the lease, can be accommodated and moved to another site.

***Only then, will we and thousands of residents be able to live in the Pearl District as outlined in the Pearl District Urban Renewal Plan that calls for NO shelter of any kind.***

Thank you.



Commissioners - Prosper Portland  
Kimberly Branam - EXECUTIVE DIRECTOR  
PROSPER PORTLAND  
220 NW Second Ave  
Portland OR 97210

December 13, 2023

Via email & Hand Delivered - PP Board MTG

**Property:** Union Station – Parcel A North (ECSI# 1962), owned by Prosper Portland

Commissioner & Ms. Branam:

On behalf of the almost 1000 neighbors, community members, business owners, homeowners and others who are supporters or members of neighbors4safesmartshelters, n4s volunteers are submitting, herewith, my testimony as one of n4safe's founders, opposing your actions **that allows, facilitates or permits 10 years of facility operations or an lease extension for the above-captioned facility.**

Today, on behalf of n4safe volunteers of over 1000 strong, **this testimony is being submitted opposing your action as outlined in your report and motion.**

OHOH facility was NEVER contemplated or approved as a facility that would last more than 5 years – clearly defined in all legal and public documentation as the outside termination date with NO exceptions.

**Therefore, N4S stands firmly opposed to another five years when there have been and are better alternatives.** It would not be putting any homeless out in the street. It would in fact, be transferring them to a better location under improved site conditions.

Respectfully Submitted by

**-The Volunteers at n4safe**

*Joan Neice*

Dr. Joan Neice - volunteer

**n4safe:** An all volunteer coalition opposed to the proposed SRV on NW Naito including people from McCormick Pier, The Yards, Alber's Mill, Encore, WFP, and other residents, homeowners and small and large businesses in NW Portland/Pearl/River District area

## Testimony of Alberto Santaballa

T0: Prosper Portland, City of Portland  
Board of Commissioners  
Public Hearing (Item #10 - NW Naito Property)  
Wednesday, December 13, 2023

My name is Alberto Santaballa.

I was one of the biggest fans of Portland, and specially the riverfront/Pearl area. So much so that I made my home there and was very happy.

That is until the Harbor of Hope navigation center came on the scene.

I attended the initial neighborhood information meetings at the Armory. While I did not like the idea of the location of the center, I was swayed by what I heard at the meetings. About the careful planning, the proposed GNA/Good Neighbor Agreement, the 1,000 foot GNA area, and the strong statement that the facility was by referral only and that there would be no outside camping. I was so impressed I even thought I might volunteer there once it was up.

Fast forward and the reality could not have been more different. As soon as the building broke ground even before the structure went up campers started coming. Not to the area, but specifically hugging the navigation center site in the lots directly north and south.

Once the structure came up the area was rarely clear. Campers would be constantly be under the Broadway Bridge and on the sidewalk near the center, often directly in front of the center. On multiple occasions there were tents using the center's fence for support.

During some of the worst times the area was filled with tents. For months last year one of the many tents was about as close to the north corner of the center as it could get and was commonly known

to be a bike chop shop. That ended when the propane tank inside the tent blew, took the tent, and took out a car next to the tent. That car was directly in front of the navigation center property. And less than three months after that another tent was less than 100 feet away abutting a fire hydrant. And then grew to cover the hydrant so the hydrant couldn't be seen at all.

I could go on and on with incidents such as this, but that's not what this meeting is about.

This meeting is about the navigation center and the proposed renewal.

So I will just point out that those individual incidents are not important.

What's important to discuss here is how the center totally ignored what it was causing in the neighborhood. With all the fancy wording of the GNA, not only did they not take an active role in keeping the area clear, they did not even consider it their responsibility to report what was happening.

In the five years the center has existed,  
**-there have been only four individual weeks and one single 2.5 week period when the area was actually clear.**

Even these hollow successes came because of hard work from the impacted neighborhood residents.

The center did not raise a finger to keep the area clear.

At one point when there were multiple tents around the center my partner called to ask if they were reporting the tents. The response was to ask my partner if he had been attacked...followed by a hangup. He called again, started talking again...and another hangup. The third time was to be told that it was not their job to report it. So the management of the organization that made promises in the GNA

didn't consider it their job to do anything about the camps that were violating the GNA they had promised to uphold.

To be honest, the situation was so bad and the poor responses made me so mad and hopeless that I finally said the hell with it and sold my unit for 50,000 less than I had initially paid for it.

Painful, but totally worthwhile to get away from seeing the ugly green quonset hut surrounded by tents every time I went out.

But the past three months have been eye opening.

The center is trying to break yet another promise, a major one.

The promise that the center was temporary, that the lease would not extend beyond December 31, 2023.

That the full DEQ requirement for dealing with the contamination of the land could be bypassed specifically because it was only until December 31, 2023.

**The center is trying to add that huge broken promise to its pile of broken promises.**

In an effort to push that through, the center has somehow managed to clear the area for several weeks.

After 5 years of inability and claims of "not our job" things suddenly happen because the center wants something. This hypocrisy should NOT be supported. ***The center has totally failed to deliver on promises for 5 years.***

And I have every expectation that if the center continues its effects on the area will be even worse than they have been in the past. I urge you, strongly, to turn down the renewal request. The center has shown itself to be anything but a good neighbor.

And remember that I now longer say that because the center is in my backyard.

***I have abandoned that area in frustration, but still strongly believe that our riverfront drive should be treated as a prize of the city. Not treated as the center has done so far, and will continue if renewed.***

Please, please, please allow the lease to expire even if that's the only promise the center fulfills.

It's long overdue that they be moved out and give the neighborhood an opportunity to heal itself.

Alberto Santaballa  
[al@technowati.com](mailto:al@technowati.com)



Ross A. Day

LICENSED IN OREGON  
AND WASHINGTON



MAILING ADDRESS:

7831 ST. CHARLES ST NE  
KEIZER, OREGON 97303

December 12, 2023

via electronic ([FeigenbutzP@ProsperPortland.us](mailto:FeigenbutzP@ProsperPortland.us)) mail only

Prosper Portland  
220 NW 2<sup>nd</sup> Avenue, Suite 200  
Portland, Oregon 97209

**RE:** Prosper Portland Resolution 7512 – *Authorizing a use permit with the city of Portland for operation of a navigation center at 1111 NW Naito Parkway* (herein “Resolution”)

Prosper Portland Board of Directors:

My name is Ross Day, I represent a group of citizens led by Mr. Michael Galizio and Jim and Joan Neice, who are concerned about the City of Portland’s (herein “City”) attempt to extend the lease on the following property:

Harbor of Hope Navigation Center  
Union Station, Parcel A North, Portland, Oregon (“Property”)

in order to continue operating a “navigation center” (herein “Center”) on the Property. Please include these comments in the public record for Resolution 7512.

The Property is zoned EXd – Central Employment with a design review overlay. The Property is located within the River District Urban Renewal Plan and the Central City Plan District. Board Report – Update on Oregon Harbor of Hope Portland Homeless Navigation Center, Branam, Kimberly, Attachment B, pgs. 1-2, July 18<sup>th</sup>, 2019 (“Board Report”). The City acquired the Property through its urban renewal agency in 1987. Board Report, Attachment B, pg. 2.

The Property is owned by Prosper Portland, the City’s urban renewal agency pursuant to ORS 455.010 *et. seq.* Prosper Portland leased the Property to the City of Portland, Office of Management and Finance (“OMF”). The OMF subleased the Property to Oregon Harbor of Hope. The lease between Prosper Portland and OMF, and the sublease between OMF and Oregon Harbor of Hope both expire on December 31<sup>st</sup>, 2023, and by its terms cannot be extended for any reason. Master Lease: Broadway Bridgehead Site, Recital D, pg. 1, February 4<sup>th</sup>, 2019 (“Master Lease”).

Despite the plain language of the Master Lease, the City is attempting to subvert basic principles of contract law, avoid the requirements of its own zoning ordinances, break laws

relating to urban renewal, and knowingly continue to put innocent citizens in harm's way by attempting to extend the Master Lease beyond its stated expiration date.

My clients intend to fight the City and Prosper Portland as long as they have to in order to ensure the City – and Prosper Portland - follows the same laws that apply to everyone else. For the reasons that follow, I urge the board to reject the Resolution.

**1. The Resolution is a Land Use Decision Subject to Statutory Procedures that Prosper Portland Has Not Followed**

The Resolution states in its very title that the Resolution is a “use permit”. Recital C states:

The sublease referred to in Paragraph B has terminated, and Permittee now desires Prosper Portland to allow Permittee to use the Property to operate or contract for operation of the Navigation Center directly.

Resolution, Recital C., Exhibit A, page 1.

The Resolution very clearly regulates the use of land owned by Prosper Portland. In *Marks v. Land Conservation & Dev. Comm'n*, 327 Or. App. 708, 710, \_\_\_ P.3d \_\_\_ (2023), the Oregon Court of Appeals held that an intergovernmental agreement can qualify as a land use decision if the government decision has a significant impact on present or future land use. The Resolution, by its very terms, affects both current and future uses of the Property. The Resolution is a land use decision.

Prosper Portland is the city of Portland's urban renewal agency, making Prosper Portland an agent or subdivision of the city of Portland. Cities and their agencies are subject to the requirements of ORS 197.797 when making a quasi-judicial land use decision<sup>1</sup> such as the adoption of the Resolution. Prosper Portland has followed none of the procedures required by Oregon law:

- No statutory notice to property owners within 100 feet of the property (ORS 197.797(2)(a)(A));
- No statutory notice provided to the neighborhood or community organizations recognized by the city of Portland and whose boundaries include the Property (ORS 197.797 (2)(b));

Prosper Portland must provide the notice described above no less than twenty (20) days before the evidentiary hearing and must contain the following information:

(3) The notice provided by the jurisdiction shall:

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<sup>1</sup> There should be no serious disagreement with the fact the adoption of the Resolution is a quasi-judicial land use decision.

- (a) Explain the nature of the application and the proposed use or uses which could be authorized;
- (b) List the applicable criteria from the ordinance and the plan that apply to the application at issue;
- (c) Set forth the street address or other easily understood geographical reference to the subject property;
- (d) State the date, time and location of the hearing;
- (e) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
- (g) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- (h) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- (i) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
- (j) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

ORS 197.797(3)(a)-(j).

Of course, because no notice was ever provided (as required by law), no approval criteria have been identified, a copy of the application has not been made available, and the staff report has not been provided. These are just some of the many procedural infirmities suffered by Prosper Portland's decision to make this land use decision in violation of state law.

## **2. Extending the Lease Will Cause the City to be in Violation of the River District Urban Renewal Plan**

Even assuming Prosper Portland followed all the requisite procedural requirements for making a land use decision, substantively Prosper Portland cannot approve the Resolution because the use of the Property as a homeless shelter is not allowed by the River District Urban Renewal Area Plan.

The Property was purchased by the city of Portland's urban renewal agency.<sup>2</sup> The Property is within the River District Urban Renewal Area Plan. The current lease between Prosper Portland (the city of Portland's urban renewal agency) and OMF/Oregon Harbor of Hope admits that use of the Property for a homeless shelter is not consistent with the River District Urban Renewal Plan:

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<sup>2</sup> At the time, the City's urban renewal agency was known as the Portland Development Commission. The Portland Development Commission has since been renamed "Prosper Portland".

## 15. SPECIAL ORS 457 LIMITATION

Lessee understands that Lessor has acquired the Property with Tax Increment Finance funds under the provisions of Oregon Revised Statutes Section 457. Consequently, the temporary nature of the Leased Purpose is critical. In accord with ORS 457.230 and other related sections of the code the Property is intended to be “developed, redeveloped, cleared, conserved or rehabilitated” for a purpose that furthers the River District Urban Renewal Area Plan. A homeless shelter is not currently consistent with the Plan. Lessor intends that the Property be available so as to be a contributing element of redevelopment plans scheduled to occur in concert with the Broadway Corridor development and/or the Rail Project, among other urban renewal uses consistent with the River District Urban Renewal Area Plan.

Master Lease: Broadway Bridgehead Site, Section 15, pg. 10, February 4<sup>th</sup>, 2019 (emphasis added).<sup>3</sup>

The original River District Urban Renewal Plan also acknowledges that shelters, such as the River District Navigation Center, is not compatible with the River District Urban Renewal Plan. It states in relevant part:

Except as provided for in the City's Shelter Reconfiguration Plan, no new shelter beds should be added to the District. This is consistent with the City's policy to transition people living in shelters into permanent housing and requires a no net loss of low income housing in the River District.

River District Urban Renewal District Area Plan, Portland Development Commission, pg. 9, September 25<sup>th</sup>, 1998 (“River District Plan”).

The addition of any shelter beds within the River District Urban Renewal Area is clearly not an allowable use under the River District Urban Renewal Plan. Because using the Property for a homeless/transition shelter is not allowed under the applicable urban renewal plan, the use of the Property for a homeless/transition shelter must, as a matter of law, be terminated no later than December 31<sup>st</sup>, 2023.

Prosper Portland acknowledges as much. In her “Board Report” to the Prosper Portland Board of Commissioners, executive director Kimberly Branam stated:

As currently contemplated, Prosper Portland and OMF will execute a master lease agreement, with an initial term of two years, with three one-year options to extend for a

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<sup>3</sup> In an attempt to “sneak one by” the public, Paragraph 13 of the Resolution entitled “SPECIAL ORS 457 LIMITATION” has been changed from the language used in the Master Lease to read, in pertinent part: A permanent homeless shelter is not currently consistent with the Plan. (emphasis added). In fact, no homeless shelter is consistent with the Plan. Prosper Portland should be ashamed of this brazen attempt to hornswoggle the public.

maximum five-year lease term. This maximum lease term is critical to not impacting the broader community and agency goals of redevelopment of the Broadway Corridor area.

Board Report, pg. 2.

The Property is located within the *Tanner Creek/Waterfront* sub-district of the River District Urban Renewal Area Plan. According to the plan:

This area will contain the highest density residential development in the River District, as well as supportive commercial services. There will be approximately 1,800 new housing units, and 92,000 square feet of neighborhood retail and commercial space.

Amended and Restated River District Urban Renewal Plan, pg. 13, June 18<sup>th</sup>, 2008.

Prosper Portland admits the use of the Property for a homeless shelter is not permitted by the River District Urban Renewal Plan. Approval of the Resolution by Prosper Portland would violate the Plan and state law. For these reasons, Prosper Portland must not adopt the Resolution.

3. **Adopting the Resolution Violate the Conditions of the Planning Decision and the City's Zoning Codes**

On February 25<sup>th</sup>, 2019, the City issued the Planning Decision, which was only a design review decision, and not a decision as to whether the proposed use of the Property for a homeless/transition shelter was an allowed use within the EXd zone. The Planning Decision was issued, noting:

Since the proposal is for temporary structures on the site, intended to be in place between two to five years, according to the applicant, the proposed materials and design of the structures on the site will express quality and permanence for the life of the proposal. This timeline can be assured through a condition of approval requiring removal of the structures on the site after five years.

Decision Notice for LU 18-198669 DZ – Oregon Harbor of Hope, City of Portland, pg. 16, February 25, 2019 (“Decision Notice”).

The City’s decision to gloss over the fact that a homeless/transition shelter is – according to the City – **not allowed** by the River District Urban Renewal Plan is unacceptable, given how militantly the City prohibits private landowners from using their property as they like, even sometimes when the use is allowed by the City’s zoning code.

As noted below, the Master Lease between Prosper Portland and OMF/Oregon Harbor of Hope admits that using the Property for a homeless/transition center would not be consistent with the River District Urban Renewal Plan.

Indeed, the use of the Property for what will become a permanent use as a homeless/transition shelter is entirely inconsistent with the City's zoning code:

- B. Central Employment.** This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

Portland Zoning Code, §33.140.030B.

A homeless/transition shelter is not a commercial or industrial use, and it is not a residential use, as the Planning Decision concluded the use of the Property for a homeless/transition shelter is a Community Services use. Decision Notice, pg. 7.

Further, the fact that the proposed use of the Property as a temporary homeless/transition shelter was critical to the City's analysis contained in its Zoning Code Standards Review Summary concluding that the development standards of the Central City Plan District did not apply because, according to the City at the time, the Central City Plan District did not have development standards for temporary uses.

Condition E. of the Decision Notice could not be clearer:

The proposed structures on the site shall be removed no later than five years after the permit is finalized.

Decision Notice, pg. 17.

But now that the City is proposing a permanent use of the Property, the development standards of the Central City Plan District apply. The City cannot satisfy those standards, which is why the City is trying to find the sneakiest way possible to extend the lease with Prosper Portland. As an example, according to the Central City Plan District, dwelling units are not allowed on the ground floor of a building within the District. Portland Zoning Code, §33.510.225C(1). Of course, the navigation center has all of its "dwelling units" on the ground floor, in violation of the development standards of the Central City Plan District. Before any lease is renewed, the City must be required to submit land use applications seeking both use permits and design permits.

Oregon's land use laws are designed to prevent instances where favored development gets favorable treatment by city leaders. All uses and development must be subject to the same processes and ordinances, otherwise there is no purpose for a coordinated land use system in the



first instance. I understand the City really wants to continue the navigation center, but that does not mean Prosper Portland can give preferential treatment to the City.

#### **4. The Property is Unsafe for Permanent Human Habitation**

The Property is contaminated. Board Report, pg. 2; Attachment B, pgs. 1-2. The soils on the Property contain high levels of known carcinogens such as arsenic and lead. Remedial Action Plan: Union Station, Parcel A North, AGRA Earth & Environmental, Inc., pg. 3, February 1999.

As the City itself has recognized:

The presence of contaminated soils is not only a health issue, it contributes significantly to the cost of the redevelopment of parcels, many times causing them to redevelop at a slower pace than parcels with no environmental issues.

Report Accompanying the Amended and Restated River District Urban Renewal Plan, Portland Development Commission, pg. 56, June 17<sup>th</sup>, 2009 (“2009 Report”).

The fact the City is considering allowing this contaminated property to be permanently used for helping the City’s most vulnerable reflects the true concern the City has for its homeless population.

#### **5. Prior Falsehoods and Disreputable Conduct by the City**

In 2018, when the City and Oregon Harbor of Hope was seeking permission to operate the River District Navigation Center on the Property, the City and Oregon Harbor of Hope represented to Oregon DEQ, neighboring property owners, and the general public the temporary nature of the navigation center.

Throughout the HOH Remedial Action Plan, the Oregon Harbor of Hope acknowledges the temporary nature of the proposed use of the HOH Property. See e.g. HOH Remedial Action Plan, pg. 1-2 (“The Navigation Center will include a temporary building...”); (“...the proposed temporary protective cap like would be protective of public health and the environment on a temporary basis if properly constructed and maintained.”); pg. 2-3 (“The project will include construction of the Navigation Center facilities, including any temporary buildings...”); pg. 5-1 (“Visual inspection of the temporary building...”).

On September 5<sup>th</sup>, 2018, the Oregon DEQ sent a letter to the Oregon Harbor of Hope and the City concerning the temporary use of the Property for the River District Navigation Center. In the September 5<sup>th</sup>, 2018, letter, the Oregon DEQ informed the Oregon Harbor of Hope that “If temporary capping extends beyond 5 years, consultation with DEQ will be necessary.”

The lease between the City of Portland and Prosper Portland – and the sublease between the city of Portland and Oregon Harbor of Hope – acknowledges DEQ’s approval of Oregon

Harbor of Hope's proposed remediation of the Property was contingent on the River District Navigation Center only existing for five (5) years:

- (i) As explained by the Oregon Department of Environmental Quality ("DEQ") in its letter dated June 25, 2018, attached as Exhibit C hereto, DEQ's approval of Sublessee's proposed environmental remediation of the Property is predicated on the assumption that the use of the Property for the Leased Purpose will not exist for more than 5 years. DEQ approved the anticipated environmental remediation activities pursuant to a procedure that applies only to temporary uses, and it indicated that the proposed remediation is not sufficient if the Navigation Center is to be permanently located on the Property.

Master Lease: Broadway Bridgehead Site, Recital D(i), pg. 1, February 4<sup>th</sup>, 2019.

The City represented to my clients, neighbors, the Oregon DEQ and the general public that the use of the Property for the River District Navigation Center would be temporary, not an open-ended permanent use. The City has known for five years the lease on the Property would expire and the approval of the TEMPORARY use of the Property for a homeless shelter would expire.

In the intervening five years the City did nothing to find an alternative location for the navigation center. Now, at the 11<sup>th</sup> hour, the City is trying to rush through approval of this "Resolution" with as little input from the public as possible, and without complying with the law, all because the City failed to find a new location for the navigation center. Prosper Portland's responsibility is to ensure that property within its portfolio is developed consistent with its urban renewal plan. The operation of a navigation center is not consistent with urban renewal or the Plan. Prosper Portland must reject this Resolution.

## **6. The Navigation Center Has Brought Crime and Violence to the Neighborhood**

Ultimately, my clients are concerned about their safety, the safety of their neighbors, family members and visitors. My clients have suffered physical assaults and property damage – all for doing nothing more than living in their homes. And, of course, the City, Multnomah County, and the Multnomah County District Attorney have done absolutely nothing to protect my clients. Instead, the "government" in Portland is more concerned about the unsheltered than those who are suffering the assaults and property damage caused by the homeless.

The opening of the Navigation Center brought with it a substantial increase in physical assaults and property damage to my clients. My clients have not asked for any of this.

My clients live within roughly 350 feet of the Real Property. A recent study in the city of Portland determined that crime is 2.9 times more likely to occur within roughly 350 feet of a homeless encampment, such as the navigation center.<sup>4</sup> In other words, by locating the navigation

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<sup>4</sup> Russell, Kortney Lynn, "Crime Risk near Reported Homeless Encampments: a Spatial Analysis" (2020).



center so close to my clients' homes, the City placed my clients at 2.9 times the risk of suffering property damage or physical injury.

As the Oregon Supreme Court said in *Thornburg v. Port of Portland*:

The proper test to determine whether there has been a compensable invasion of the individual's property rights in a case of this kind is whether the interference with the use and enjoyment is sufficiently direct, sufficiently peculiar, and of sufficient magnitude to support a conclusion that the interference has reduced the fair market value of the plaintiff's land by a sum certain in money. If so, justice as between the state and the citizen requires the burden imposed to be borne by the public and not by the individual alone.

*Thornburg v. Port of Portland*, 244 Or. 69, 73, 415 P.2d 750 (1966).

The City and Prosper Portland are well aware that with homeless encampments come criminal activity including but not limited to assaults, drug use, property crimes, public health violations, and public safety violations. My clients have borne their fair share of the “public burden” when the navigation center was *temporarily* located in their neighborhood. They will not accept any more of the burden of a problem that is citywide, emergent, and caused by “leaders” who refuse to hold people accountable for their actions.

For several years since the navigation center opened in my clients' neighborhood, my clients have seen an increase in drug use, trash, human waste, needles property damage, illegal camping outside the facility, and even violent crime. In December of 2022, my clients appeared before the City Commission and provided the Commission with evidence of property damage as well as evidence of the physical assaults my clients have endured. A copy of the presentation made to the Portland City Commission is attached as Exhibit A to this letter.

Not surprisingly, the City has done nothing but provide lip service, with each of the commissioners and the Mayor expressing their intent to protect my clients – but not really doing anything further.

My clients have raised their concerns with City staff but were dismissed as nothing more than NIMBYism, which is particularly disrespectful. The City's homeless problem needs to be addressed by the entire City, and Portlanders should equally share in the burden of resolving the crisis.

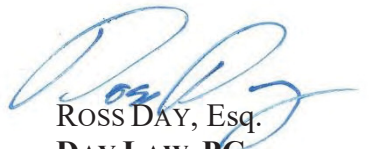
## **Conclusion**

In light of the recent communications from City representatives it appears the City and City staff are attempting to short circuit the entire process by asking Prosper Portland to approve this “Resolution”.<sup>5</sup>

The Master Lease makes it clear that no further extensions of the lease are allowed; hence, this Resolution now before Prosper Portland’s board. The City and Prosper Portland can call the proposed Resolution whatever it likes, but one thing I am confident a court will call it is illegal. The Resolution is nothing more than a transparent attempt to extend the lease in contravention to the very language of the lease prohibiting such an extension.

I want to be clear with the board of Prosper Portland with respect to the Resolution. My legal opinion is that the adoption of the Resolution is a land use decision, governed by chapters 197 and 227 of the Oregon Revised Statutes. Prosper Portland has not followed **any** of the procedures required by state law before making a land use decision. Further, in substance, the Resolution would authorize an unpermitted use of the Property. If Prosper Portland adopts the Resolution, my clients have authorized me to file an appeal with the Oregon Land Use Board of Appeals, seeking a stay of the decision adopting the Resolution pending the outcome of the appeal. Finally, my clients have authorized me to seek judicial intervention against both Prosper Portland and the City for both entities’ continued disregard for public participation, the rule of law, and common sense.

Please make the right choice. Please follow the law. Please reject the Resolution.



ROSS DAY, Esq.  
DAY LAW, PC  
[ross@daylawpc.com](mailto:ross@daylawpc.com)

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<sup>5</sup> My clients only discovered this fact through a public records request. Not because the City has been forthcoming in any manner with information.

# Neighbors for Safe Smart Shelters

Portland City Council 11/30/22

[www.n4safe.com](http://www.n4safe.com)



# Who We Are

Presenting today: Adam Bult, Frank Blackston, Alberto Santaballa, Kat Ulrich, Tom Ulrich

We are members of a coalition: “Neighbors for Safe Smart Shelters”.

We comprise 800+ and counting residents and businesses in the Pearl District/NW Naito Riverfront who have signed a petition to oppose the proposed Safe Rest Village (SRV) on NW Naito.

We support shelters, but we are the same residents who have been grappling with the ongoing failures of Oregon Harbor of Hope Homeless Shelter (HOH) soon after its first year in operation.

These shelter programs do not have realistic security and safety protocols for the neighborhood.

Unsurprisingly, we do not support placing another no/low barrier SRV in our neighborhood.

# DEQ Issues

This is a contaminated site—it is hardly humane to put the unseltered on contaminated land.

Regardless how the DEQ process finishes, there may be certain deed restrictions and remedial action requirements that cannot be overlooked.

The proposed NW Naito site sits on land that is the subject of a complex set of environmental restrictions for toxic land.

UNION STATION	8/11
West Mall	8/11
La. Motel	8/11
Alsea VLn	8/11

RECORD OF DECISION  
SELECTED REMEDIAL ACTION  
FOR SOIL  
AT THE  
UNION STATION-PARCEL A NORTH SITE  
PORTLAND, OREGON

# DEQ Issues

NS4's initial research suggests that the June, 1998 Record of Decision (ROD) appears to have been ignored.

The Oregon Harbor of Hope received approval for its Remedial Action Plan (RAP) in one day.

It was the subject of a lawsuit between the owner of the proposed NW Naito (Winkler Dev. Corp.) site in 2019.

This RAP did not meet the requirements of the 1998 ROD.

# DEQ Issues

It remains unknown what has happened behind the scenes to accomplish the City's objectives with this latest parcel.

Tragically, a key participant in this negotiation/transaction passed away last week and those conversations leading up to the execution of the lease must be made public.

This is but one snippet of the backroom deals leading up to this site that the City and DEQ are asking its residents to gulp down.

# No Transparency

As will be previewed by other speakers, the City has not been forthcoming with this process.

N4S has had to hire separate sets of lawyers to uncover information that should be readily available.

A Public Records Request is currently pending.

As with everything else regarding this SRV, NS4 expects more questions than answers will come from the information its requested of City Hall, the Portland Housing Bureau and the Joint Office of Homeless Services.



via electronic mail ([commissionerryanoffice@portlandoregon.gov](mailto:commissionerryanoffice@portlandoregon.gov)),  
([Molly\\_Rogers@portlandoregon.gov](mailto:Molly_Rogers@portlandoregon.gov)) and ([johns@multco.us](mailto:johns@multco.us)) and certified first-class mail, return-  
receipt requested

Commissioner Dan Ryan  
Portland City Hall  
1221 SW Fourth Avenue, Suite 240  
Portland, Oregon 97204

Portland Housing Bureau  
Molly Rogers, Interim Director  
1900 SW 4th Avenue, #7007  
Portland, Oregon 97201

Joint Office of Homeless Services  
721 SW Oak Street, Suite 100  
Portland, Oregon 97205

RE: Public Records Request  
Litigation Hold

Commissioner Ryan, Ms. Rogers, and JOHS

My name is Ross Day, I represent a group of citizens who are concerned about the location of one or more Safe Rest Villages (herein "SRVs") within the city of Portland. This letter contains (a) a public records request pursuant to ORS 192.311 *et seq.* and (b) a litigation hold demand regarding all evidence relating to the SRVs.

For purposes of this letter, "Safe Rest Villages" refers to alternative shelters that serve as improved points of entry for Portlanders on the continuum from living on the streets to finding stability in permanent housing. They range from a safe park program for people living in RVs or alternative, outdoor structures. All Safe Rest Villages include case management with wraparound

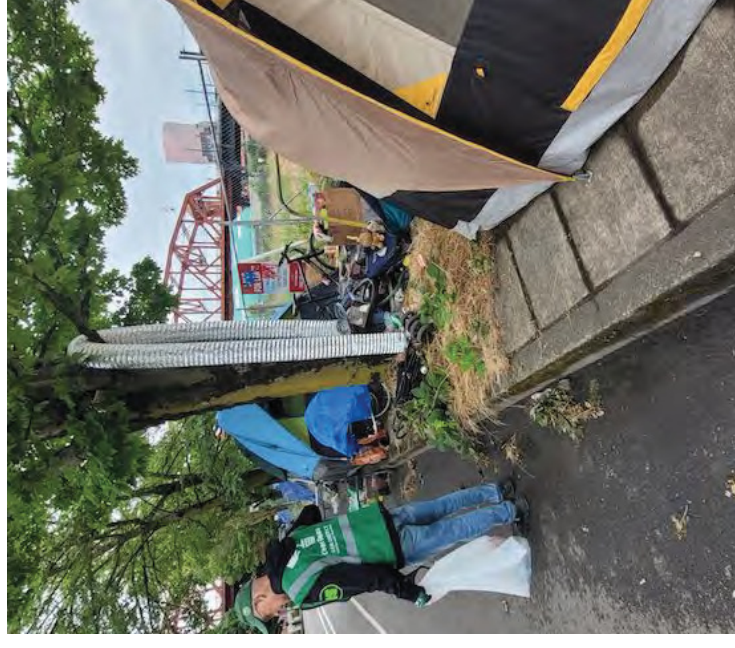


# Neighborhood Partnership

We are doing our part:

- The neighborhood got behind Harbor of Hope.
- We support, invest in, and engage with shelters as volunteers.
- We regularly clean up needles, human waste, and garbage.

Unfortunately we have found any partnership with the City to be non-existent.



# Failed Partnership from City/County

Once Harbor of Hope was established, none of the aspects of the signed Good Neighbor Agreement were enforced.

Our neighborhood was abandoned to deal with daily negative impacts of the existing shelter.

Now the City wants to place *another* no/low barrier shelter in our neighborhood under a similar program.

The City is *doubling down on a failed approach* that sacrifices neighborhood safety, security and livability.





# Failed Partnership from City/County

City services are not equipped to deal with the negative impacts of a shelter.

- They are overwhelmed and ineffective.
- They are reactive, not proactive.

Multiple city and county agencies handle different portions of the program, resulting in an ill-coordinated approach that does not resolve issues.

- The shared accountability model does not work.

Even Pearl District Neighborhood Association is keenly aware the SRV will have a negative impact on the neighborhood.

- They issued a resolution to oppose the SRV unless these concerns are addressed.



# The City Ignores our Requests on the SRV

No prior input or consultation from community before SRV public announcement.

Resident feedback based on our lived experience by a shelter has been ignored.

Despite numerous resident requests there has been no meeting with Commissioner Ryan.

Instead, the SRV team points to “Stakeholder” Meetings as neighborhood consultation. This is not true:

- The meetings are mostly with county and city agencies and with only a few hand-picked residents.
- Meetings are marked as “private” and minutes are not shared with us.
- Many meetings have been cancelled last minute due to “no new information”.

N4S has sent 600+ petitions to the Mayor and Dan Ryan’s office. We have yet to hear back.

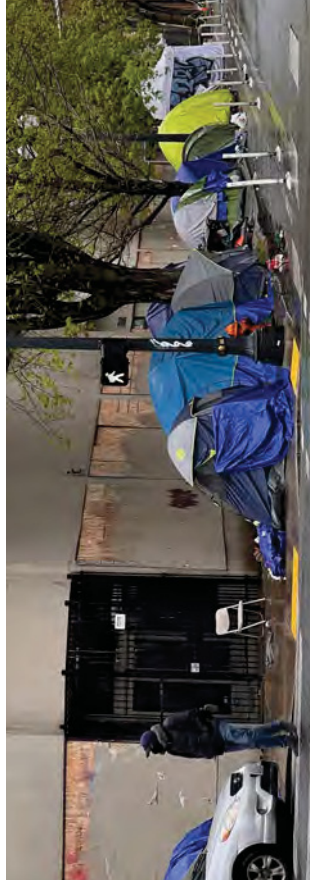
\* additional ~200 currently being prepared to be sent.

# This is a Pattern

It is not just Harbor of Hope that is having these issues with spillover encampments and increased crime.

North Portland has Arbor Lodge Shelter.

Old Town had a village adjacent to Bud Clark Commons that closed due to safety concerns.



# The Homeless Crisis Has Changed

To quote Homer Williams, founder and Board Chair of Harbor of Hope in a recent letter:

“But let’s be honest, this is not the same homeless problem we started with in 2015 or when we signed our agreement. **A new sub-culture of major drug use & addiction, theft & robbery, bodily harm & physical assault, sex trafficking & prostitution, shootings & even a death are the norm across our downtown. Tents are not only for the homeless, but storage for drugs, weapons, and act as brothels & drug dens.** Sweeps only aggravate the situation, we lose track of the campers, new campers replace them, and we start all over again...we call it “Whack-a-mole.”



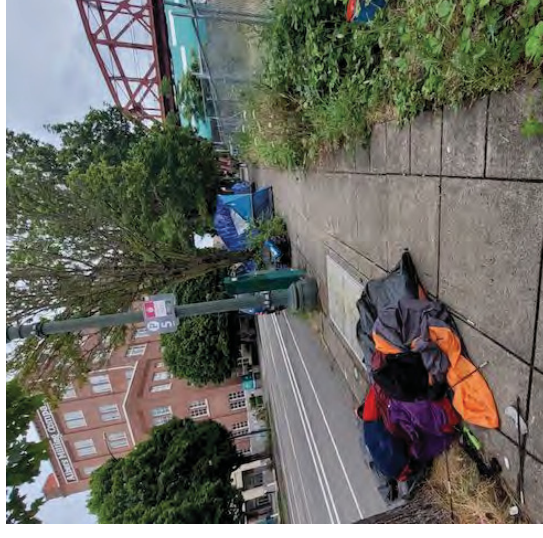
# Safety and Security Issues

Unsanctioned camps which are continually allowed to exist throughout Old Town, near the Steel Bridge, and near HOH result in an endless flow of transients onto our properties due to our geographical proximity to the camps.

There are numerous safety and security incidents reported by residents of two condo buildings on NW Naito (Footnotes):

- 26 incidents at the McCormick Pier Condos
- 22 at Waterfront Pearl Condos

These incidents range from harassment, attempted burglary, theft, trespass to assault.



# Assault





## **Footnotes Supplemental Information**

# Our Presentation is Based On

- Research of the literature and data gathered over this past year
- Lived and shared experiences living near a shelter (Harbor of Hope, “HOH”)
- News Media Articles and Interviews
- Conversations with homeless persons and interviews
- Tours of shelters
- Input from an expert in the field, Alan Evans, CEO of Helping Hands who operates Bybee Lakes
- Information from the City

# What We Support

High barrier shelters with enforceable rules, required treatments, and safety and security protocols such as Bybee Lakes placed outside of residential neighborhoods

Compassion with Accountability

Verifiable pre and post re-entry to housing data



# McCormick Pier Condo Incident Reports

## All reported to Portland Police Department

- ☐ATTEMPTED CARJACKING WHILE IN CAR- January 2022: A houseless man approached me (a single woman) in the car port after I entered my car and attempted to open my driver side door. He began to bang on my window, fortunately my dog was in the car and began barking loudly which scared him off and I drove away.
- ☐THEFT- February 2022: My propane tank was stolen from my barbecue on my porch.
- ☐ATTEMPTED HOME BREAK-IN- March 2022: Someone tried to break into my unit by guessing my electronic door code, then jumped onto my patio and tried to open the glass doors. I called the police and shouted that they were on their way and let my dog bark loudly. After a few minutes they finally stopped trying to get in and ran off.
- ☐TRESPASSING AND SLEEPING ON PRIVATE PROPERTY- July 2022: a man was found on private property next to the Greenway path sleeping next to a pile of personal effects and drugs.
- ☐TRESPASSER WITH WEAPON- July 2022: A man who was doing drugs in various locations on the property had a sharp object and would not leave the property.
- ☐PUBLIC URINATION AND DEFECACTION: An unidentified male was observed urinating and defecating in front of my vehicle parked on the property under the large carport.
- ☐NAKED MAN: I went to take my trash out and there was a completely naked man standing at the bottom of the stairs.
- ☐TRESPASSING IN PRIVATE POOL: Homeless person using the hot tub as a bath and washing their clothes in it.
- ☐THEFT: In March someone stole my propane canister from my small gas grill. I have a gate on my patio, so they broke into the gate to steal it.
- ☐TRESPASSING ON PRIVATE PROPERTY- August 2022: Two weeks ago, a woman wandering the communal patio at 6:30am let herself into a neighbor's gated patio and rummaged through their belongings.
- ☐THEFT AND THREATENING BEHAVIOR- December 2021: a woman carrying 3 Duraflame logs asked me for a cigarette in the parking garage. I told her I didn't smoke and told her to return the logs. She said they were hers and menacingly swung one at me in a threatening manner.
- ☐DAMAGE TO PROPERTY: I saw a male person picking up the light off the bollard on the Greenway and smashed it into the side; then he moved to the top of the Greenway and removed the trash bag from the container and threw it into the Willamette. Several lights along the Greenway were damaged that evening.
- ☐TRESPASS ON PRIVATE PROPERTY AND ATTEMPTED ASSAULT- April 2022: a man carrying a broom handle came around the corner between H and I buildings toward the communal patio. I told him this was private property. He had jeans hanging down past his butt, underwear showing, was very dirty and disheveled and naked from the waist up. He yelled that I was a "Karen" and "go fuck yourself". He started to swing the broom stick at me. Two young male residents heard the yelling and came down to assist me. They made sure he left the property and called security.

# McCormick Pier Condo Incident Reports

## All reported to Portland Police Department

- ☐ BREAK IN AND DAMAGE TO PROPERTY- August 2022: someone broke into my boat, stole the keys to wave runner and dock boxes, and tried to Hotwire the boat and then removed the ignition.
- ☐ TRESPASS AND PHYSICAL ASSAULT- August 2022: I was on the dock and a homeless drugged out woman comes walking towards me on the locked dock she had swam over. She was talking crazy stuff about zoo animals roaming around and a silverback gorilla. I tried talking to her and getting her off the locked dock. An altercation ensued and she attacked me. We were literally wrestling on dock she bit me and had me in a choke hold and my keys got caught in between the dock boards and fell in water. I was finally able to get her away from me and got her on the opposite side of gate and called 911. The woman then jumped of the dock into the water and took off before police came. I was locked on the dock, so the police had to go to my condo to get my extra key to get me off the dock.
- ☐ TRESPASS AND ATTEMPTED BREAK-IN- July 2022: While inside my unit on the 3<sup>rd</sup> floor in the middle of the day, I heard strange noises outside on the ground floor below me. I looked off my deck and there was a man who had left the Greenway and entered our property and was trying to gain access to ground floor units. He was shaking locked patio gates and trying to open them, attempting to open doors and windows. When I yelled at the man to leave, he became irate and started pounding on doors and windows of the ground floor units.
- ☐ TRESPASS AND DOING DRUGS ON PROPERTY- May 2022: Taking out my cardboard recycling to the bin in the middle of the day, there was a man standing in the corner of the parking structure facing the wall right next to the cardboard bin. He was smoking something from a pipe. I yelled at him that he was trespassing on private property and to leave. He yelled back at me, but his words were unintelligible. I repeated myself and said he needed to leave, and he screamed at me and started to charge at me. I stood my ground and told him to leave again, and he finally turned and left the property.
- ☐ TRESPASSING AND ATTEMPTED BREAK-IN- June 2022: Coming home in the middle of the day, I parked my car and started walking inside. I looked back at my car and a transient had wondered over from another part of the parking lot. He was looking in the window of my car and tried to open the door. I walked back to my car and asked him what he was doing. He responded by mumbling unintelligibly. I told him he is on public property and needs to leave.
- ☐ VEHICLE THEFT AND LACK OF RETRIEVAL BY PORTLAND POLICE- March 2022: my vehicle was stolen from the parking lot. A police report was immediately taken by a Portland officer. My vehicle has Lolack and once the police entered it into the stolen vehicle database the Lolack beacon was immediately activated. For 5 full days the Portland Police made no effort to recover my vehicle even with the Lolack beacon activated. On the 5<sup>th</sup> day a Tigard Police officer called me directly and said he saw the Lolack beacon, followed it into a neighborhood near his district, and found my vehicle in a Portland neighborhood just outside of Tigard. When he called Portland Police to recover my vehicle for me, they were uninterested in putting any effort into recovering my vehicle and didn't want to be bothered contacting me as the vehicle owner. The Tigard police officer explained that I was on my own since Portland Police didn't want to help me.
- ☐ PHYSICAL ASSAULT- September 2022: a homeless person who entered the property via the Greenway easement engaged in a physical assault of two residents, leaving one resident with a broken nose and the other bloodied and beat up.
- ☐ HARASSMENT AND ATTEMPTED TRESPASS- September 2022: a large man was standing outside of a locked pedestrian gate trying to gain access to the property. When a resident attempted to leave the property through that gate the man refused to move, blocking her from opening the door without letting him in. The resident repeatedly told the man to leave but he refused.
- ☐ TRESPASSING AND ATTEMPTED BREAK-IN- September 2022: a transient entered the property and went to the doorway of a private condo. The Ring doorbell showed the transient trying to open the door and when they couldn't open it the transient sat down in the doorway. The property owner used the speaker of their Ring doorbell to tell the transient to leave.
- ☐ TRESPASSING AND DEFECATING IN PRIVATE POOL- September 2022: an individual trespassed on private property, entering the private swimming pool and defecating in the pool.
- ☐ TRESPASSING AND THEFT- August 2022: two individuals were seen entering the property and rummaging through private patios of ground floor units, then running away from the building.
- ☐ TRESPASSING AND SLEEPING ON PRIVATE PROPERTY- August 2022: a man was seen sleeping under the deck of a private building and security removed him from the property.
- ☐ TRESPASSING AND ATTEMPTED THEFT- August 2022: a man was seen walking through the parking lot at 4:00am looking into car windows. A resident told the man to leave the property.

## Waterfront Pearl Condo Incident Reports

1. On several occasions, I have observed individuals starting fires and shooting up drugs just below the greenway trail next to the river [behind WFP]. Later I saw them enter Harbor of Hope building.
2. I observed an individual brandishing a gun just below the greenway.
3. Our condo building has an ongoing problem with drug addicted homeless people using the private property right below our observation deck to use drugs and leave trash and used needles on our property. They have refused to leave even after multiple requests.
4. I have personally been threatened by a homeless individual on our private property on the greenway.
5. I was walking my dog and a person came out of a tent with a knife harassing me as I walked back to WFP.
6. I was walking my dog and as I approached the dog bag station (south end of Azure building), a woman started cursing and screaming at me while aggressively walking toward me. The woman screamed vulgarities (you mother fkr) and was waving a closed umbrella swinging it as she was approaching me. I quickly walked away and I watched her cross the street and go into HOH.
7. When walking, I have witnessed a man on the back side of WFP rifling through a wallet and aggressively ranting. He got louder and more menacing. He was throwing the contents of the wallet into the river while keeping the money and what looked like credit cards.
8. I have seen numerous drugged out men trespassing on the WFP property, emptying bags of clothing on our property, leaving discarded clothing, carpeting, boxes and needles on our property, using benches on our property to crash while totally drug addled. At other times, I've seen drugged out homeless persons on the embankment behind WFP buildings. Police responded and the individual didn't want to move, so they did nothing. The police left while leaving WFP to deal with it.
9. We have stepped on spent needles by the dog bag station and on the back side of the building.
10. We have been repeatedly verbally assaulted by homeless people strung out on drugs on WFP property.
11. A trespasser got into the WFP water feature - there was no active security to keep this from happening.



# Waterfront Pearl Condo Incident Reports

12. A man on a bike was aggressively harassing a woman walking with her dog on the WFP property. She was headed to cross the street to get away from him. He pursued her. The train was passing so she was stuck waiting. He approached her on his bike again. I crossed the street to stand by her. At that point it was unclear what he was about to do. Fortunately, the train passed, we snuck into Cooperativa (food/restaurant) and he rode off.
13. June 2022: Homeless man staggered up to our [car] stopped on 9th and Naito. He yelled nonsensically then smashed his fist onto the driver side window. Fortunately, the window didn't break (his hand may have) and we exited ASAP.
14. September 2022: Homeless man followed [A] inside Chase bank on Lovejoy at the ready teller, demanding money. The guard had gone into the inner bank area and was not present at the time. [A] told the homeless man to get out, then called for the guard. The man then ran out.
15. We no longer walk down Naito Parkway, as it is seriously unsafe. The tents and garbage obstruct the sidewalks, the drug dealing, drug paraphernalia and aggressive homeless addicts threaten us. Portland has slid to an all time low. And no Police presence at all.
16. My daughters and I were walking down Lovejoy Street this summer when a man ran up behind us and tried to karate kick us from the back, side and front with both of his legs. We had to run away from him. A couple of weeks later he was outside my condo kicking the air and attempting to kick other street walkers. He lives near the Harbor of Hope where others are accumulating - not to mention on sidewalks all over the neighborhood.
17. I was walking along McCormick Pier Greenway last Sunday, when I encountered an agitated young man wielding a heavy stick. He approached me, identified me as "Satan" and began screaming. I quietly faced him down and then moved on. He did not follow me, but I must say it was a very disquieting event. Clearly he was suffering a delusional episode. I was thankful that P did not have to experience this.
18. My wife and I own and live in the condo directly across the street from this proposed project. We attended multiple outreach sessions where Homer Williams promised all that attended that his Harbor of Hope would follow strict guidelines to keep the area clean. That stopped almost immediately after it was erected. We can no longer walk safely around the area of Harbor of Hope. Tents, trash, homeless strung out lying on the sidewalk and drug needles spouted like mushrooms and continue to do so. So much for Homer's promise and the city's commitment. My understanding most of the city council current leaders want to perpetuate this ongoing disaster. Just reflect on what happened at the Old Town SRV. What any sane citizen would really want volunteer staff to be assaulted and possibly shot by the very people you are attempting to help?
20. This month returning driving through the Fremont bridge underpass a group of homeless threw garbage liquids that hit our car. They all were laughing as we tried to get away safely.
21. Last month while awaiting a Trimet streetcar downtown I was almost assaulted by a homeless character with a brick. My wife called 911 and was told unless he was using a gun/knife no response would arrive. The guy saw my wife calling and repeated "Call as much you want the cops are never coming!"
22. Just this week a strung out homeless young man following steps away from a senior woman to our [WFP] lobby door attempting to get in. We pulled the door closed as he shook it, eventually trying every ground floor until reaching the concierge office that denied access. Had he gained access who knows what the outcome could have been for the residents. For all those thinking it's getting better it's not. **Just wait until it affects you personally!**

## Testimony of Michael Galizio

TO: Prosper Portland, City of Portland  
Board of Commissioners  
Public Hearing (Item #10 - NW Naito Property)  
Wednesday, December 13, 2023

The 1000 n4safe volunteers, members and supporters appreciate the opportunity to present the views of many in the community & neighborhood further to the city's plan to extend the temporary operation of the big green tent for almost 10 years.

With regard to this important community issue, the continuation of the use of Prosper Portland taxpayer owned land as a site for the former Harbor of Hope homeless center at NW Naito carries several major concerns:

Generally concerns revolve around these three issues:

- No proper notice or public consultation,
- Constant and consistent broken promises by Prosper Portland, Harbor of Hope and, most egregiously, the City of Portland and the Mayor's office, and
- No authority or legal basis for Board of Commissioners to approve or extend the use of this public property for a homeless facility

### **Here are the facts:**

- Harbor of Hope requested a "5 year extension" for the facility operation and lease after a 5 year "no extension lease" was approved in 2018. The public was told in every possible way, by every public entity - the facility and land use was temporary - 5 years only;
- The extension request from Harbor of Hope and now from the city, is not for the "short term", as promised - It is a ten year "term" and maybe longer if the city asks again.
- Even after the Harbor of Hope renewal letter was uncovered by a citizen's Oregon Public Records request, and the City notified, it took over 4 months to have the Mayor's office and Proposer Portland to



acknowledge that a renewal was in process - and only a few months before the lease was to expire.

-And even after a virtual meeting with Prosper Portland Staff leadership and City OMF staff, no public information was forthcoming until about one week before this meeting and officially the “permit” and “staff memo” revealed only 3 days before this meeting.

### **What are you hiding?**

Prosper Portland releases to the public the “permit” resolution and staff memo **only 3 days before** it is being voted on by the Board? And our group had to contact Prosper Portland instead of the other way around.

That action violates the spirit of public notice laws, regulations and procedures. It violates the spirit of laws regarding public consultation on issues affecting neighborhoods, communities or home or business owners.

Even the city council has requirements for 1st, 2nd and third reading on matters of importance to allow for proper notification and public involvement.

**The Prosper Portland process is a violation of the public trust.**

### **The Promise: Temporary**

All Prosper Portland documents approving the temporary use of the property on which OHOH sits, “temporary use” was made clear, going all the way back to the Board Memo from Kimberly Branam July 18, 2018, including this:

“While the services provided by the Navigation Center do not directly meet Prosper Portland 2015-2020 Strategic Plan goals...”

“...for a maximum five-year lease term. This maximum lease term is critical to not impacting the broader community and agency goals of redevelopment of the Broadway Corridor area.”

“for up to five years, after which the Broadway Bridge Site will again be available for Prosper Portland to accommodate future, permanent

development that meets community and economic development priorities.”

“The Navigation Center is a temporary shelter...”

*The Branam memo continues:*

“Oregon Harbor of Hope is and will continue to engage the local neighborhood to ensure the facility becomes an asset to the community. Safety, security, and public acceptance are of paramount importance to ensure the Navigation Center is successful.”

***- never happened***

“Camping will not be allowed outside the facility, which is located within the downtown Clean and Safe District.”

***-never happened, the tents happened, but the prohibition of the campering never happened.***

“Security will be 24 hours a day both inside the facility and outside the fence in the immediate neighborhood.”

***-this is the funniest one - no security, ever.***

OHOH will sign a “Good Neighbor Agreement” with nearby residents, property owners and business owners before the Navigation Center opens.

***-Yes, signed and ignored from the start.***

In any standard - 5 years can be considered temporary - but beyond 5 years is in fact “**permanent.**”

**To review:**

Broken promises,  
no authority to act,  
and inadequate public notice and consultation in the face of overwhelming public opposition.

The city nor Harbor of Hope do not get special treatment under the law.

While everyone in Portland is very concerned about availability of  
-beds for the homeless,  
there are simple, safe, and  
smart alternatives that require  
little money,  
can use existing city-owned and environmentally safe sites in areas  
with little or no residential developments and population.

And, other sites are in fact closer to services, homeless assistance and  
health care for the homeless who may need the services of the  
facility in question.

Thank you.

Linda Witt  
1133 NW 11<sup>th</sup> Avenue Apt 707  
Portland OR 97209  
503.516.5914

Attachment 6  
Page 1 of 3

Federation of Alliances Françaises USA – Vice President  
Alliance Française de Seattle – Board Officer  
French-American Chamber of Commerce PNW – Vice President  
*Officier dans l'Ordre des Palmes Académiques*  
ENGinprogram.org / AFSeattle.org / AFusa.org / FACCpnw.org

Commissioners,

For the record my name is and my address is 1133 NW 11<sup>th</sup> Avenue. I have been a resident of Oregon for 24 years and a resident of the Pearl for 13 years. Locally I've served on the PDNA board and I've served on my condo association's board. As a volunteer I lead a team that picks up trash weekly in my neighborhood, including around the Navigation Center.

With regard to the proposed lease, I believe that it's incumbent on you as Prosper Portland commissioners to determine whether the proposed action is consistent with the organization's official charter, which is: *"to create vibrant neighborhoods and communities, and collaborate with partners to create an equitable city, with prosperity shared by Portlanders."*

The navigation center, in fact, does **the exact opposite** of what is stated in Prosper Portland's mission statement. Instead of creating a vibrant neighborhood and community, the center has a five-year long record of consistently causing immeasurable damage to the quality of life of the tens of thousands of residents in the neighborhood. Please note that the 6 points I'll summarize here are not hyperbole – they are fully documented in ample communications with multiple city and county authorities over the past five years:

1. Residents of adjacent properties, McCormick Pier and the Waterfront Pearl, have had their quality of life destroyed and have had to, at their own expense, ramp up additional private security. (Fully documented by individual residents, the HOAs, and by N4S.)
2. The quality of life of the residents of the low-income apartments just south of the Navigation Center has diminished through increased crime and the perpetual nearby camping that is drawn to the center. (See the documentation from their leadership.)
3. Longtime administrators of the OSU Food Innovation Center to the north of the center describe how their students and staff are now afraid to come to work, due to the spillover drug use and crime from the center (see the testimony at last week's DEQ hearing).
4. Owners of nearby properties, after the ever-present threat of assaults, have had no other choice than to sell their properties and move to other cities or states. (I am one of many taxpayers who has sold their property at Waterfront Pearl at a loss, due to the declined value caused by the navigation center.) Note that this negatively impacts the city and county's tax base as well.
5. The ever-present camping that is drawn to the immediate vicinity of the navigation center has brought more crime to neighboring communities, not to mention the health threats of the feces, used needles, other drug paraphernalia, and trash. As I said, I've been picking up trash there for years, and the campsites next to the center, under the Broadway Bridge, are among the worst that I have ever seen. The state of the camps on the center's doorstep is at times indescribable and abhorrent, and for me personally, very demoralizing.

6. As documented by N4S, nearby residents and workers have been assaulted and have had to make drastic changes to their lifestyles – avoiding walking at night, never parking their cars or visitors' cars on the street or in the two nearby surface lots.

All of the above is the direct result of locating the navigation center in the heart of a densely populated residential area.

You must be fully cognizant of the fact that the NW Naito site was never intended as a permanent location for a homeless shelter. Its five-year lease cap was uniformly documented not only in the Master Lease and the Sub-lease, but also in the city permit for a temporary facility. The five-year time limit was also documented in the Prosper Portland Public Documents for the approval of the lease.

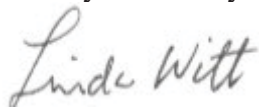
Note that the local residents went along with the original installation because: 1) All authorities promised in writing that it would be temporary, 2) there were provisions for quality of life stated in a GNA (a document that was subsequently never enforced despite multiple entreaties to do so), and 3) the residents were specifically assured that the shelter would have no negative impact on the neighborhood and that no camping would be allowed near the center. Note that when I toured the facility at its opening, the operators pointed out to me its deliberately modular structure, for the purpose of being easily transported to a permanent site after the end of the initial temporary lease period.

So my question for your commissioners is: Can an installation which has demonstrably proved itself over five years to cause catastrophic damage to the quality of life of tens of thousands of local residents truly be said to support Prosper Portland's charter of "creating vibrant neighborhoods and communities, and collaborating with partners to create an equitable city, with prosperity shared by Portlanders"?

Even report #23-40, the briefing that summarizes the proposed permit, points out that the Navigation Center does not meet Advance Portland objectives.

In conclusion: Please do the right thing for the resident citizens, and reject this proposal which violates your own charter, and which would only do further irrevocable damage to residents who are struggling to reclaim lives without fear. Select instead one of the many parcels at your disposal that better meets the environmental standards and that will not carry with it the calamitous results that we have experienced during the five-year temporary lease period. Finally, do not be swayed by promises that new operators will make all the longstanding problems go away – the problem is not in the operation itself, but in its location in a densely populated residential area.

I hereby submit my testimony in writing to the Commissioners.



12/1/2023

Linda Witt video testimony

[https://1drv.ms/\[v\]\[s!AqCzkdtonNI3h5AGg4BCVpeBQVp\\_xQ\]?e=v3A7SS](https://1drv.ms/[v][s!AqCzkdtonNI3h5AGg4BCVpeBQVp_xQ]?e=v3A7SS)