

14

187591

Agenda Item 161

TESTIMONY

2:00 PM TIME CERTAIN

VACATE A PORTION OF SE HARRISON ST EAST OF SE 3<sup>RD</sup> AVEIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
1 cancel	<del>M. Moo</del>	<del>2925 NE Weidler St. Portland 97232</del>	<del>meaforncongress@gmail.com</del>
✓ 2	ANDY JAMES	810 SE BERNMONT PORTLAND OR 97214	ajamese wyse reas. com
✓ 3	Debbie Kitchin	114 NE 7 <sup>th</sup> Portland 97232	dkitchin@interworksllc.com
✓ 4	Gary Rehberg <span style="color: blue;">Rehnberg</span>	2616 NE 3 <sup>rd</sup> Portland OR 97212	
✓ 5	SCOTT HENRIKSEN	7517 N SYRACUSE ST PORTLAND, OR 97203	
✓ 6	Mike Steeprow	14200 SW Tualatin. Sherwood Sherwood OR 97140	msteeprow@ Northstaracademics.com.
✓ 7	Jeremy Horn		
✓ 8	Tracy Finck		
✓ 9	Tim Lamb	19675 SE Chitwood Rd, Damascus OR 97089	
✓ 10	Linda Crossen	8421 SE 66 <sup>th</sup> Portland 97206	


VACATE A PORTION OF SE HARRISON ST EAST OF SE 3<sup>RD</sup> AVEIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
NO 11	Brad Malsin	75 SE Yamhill PRX	bradmalsin@gmail.com
✓ 12	Susan Keil	OMSI	.
✓ 13	TIM MERRILL	5500 SE BELMONT	
✓ 14	Robert Jackson		
✓ 15	DAVID KIE DAVIS		
16	I		
17			
18			
19			
20			

187591

February 18, 2016

Mayor Charlie Hales  
City Commissioners  
1221 SW Fourth Ave, Suite 340  
Portland, OR 97204

  
Oregon Museum of  
Science and Industry  
1945 SE Water Avenue  
Portland Oregon 97214  
503 797 4000

omsi.edu

RE: City Council Agenda Items 161, SE 3<sup>rd</sup> and Harrison Street Vacation

Dear Mayor Hales and Commissioners,

As a museum that attracts nearly 1 million people annually, it's our role to provide a vibrant and engaging space for our guests. As a business that employs over 300 people in the Central Eastside, it's our duty to defend our community from harmful actions by the city, however well intended they may be.

It's clear that the proposed street vacation will create a significant burden on local businesses, including limiting fire and life safety egress. We echo the CEIC's legitimate concerns about the utter lack of transparency throughout this entire process. And now the city has committed to stop enforcing laws around camping on city property. How does this solve the problem of camping that is already rampant in the Central Eastside? Clearly, these shifts are disconcerting and harmful to the very communities they're designed to protect.

According to the Planning Commission, this vacation should be rejected on multiple grounds. After hearing testimony one commissioner said, "If [this decision] hurts the [neighboring business], I have an issue with it." Another noted, "We have industrial land to protect, [a duty to] help local businesses grow and survive. On the other hand, we have a community that needs a place to live, but I have a concern about the safety in this area...and if we have to cap some of the toxic land, that is questionable to me" ....A third stated, "Housing is a community need, but to put an extra burden on a small business isn't fair." And finally, "We do have a responsibility to promote and preserve business. And we have to provide housing, but R2D2 here is not a permanent solution."

Why? Because this is an evolving industrial area the city has committed to protect.

For years we have worked alongside the city to help create the SE Quadrant plan, the stated goal of which, "is to increase the number of jobs per acre and new industrial types in the Central City, while preserving traditional industrial uses." Suddenly changing course on this plan not only grossly undermines the city's political process, it threatens the district's ability to thrive as a primary center for industry and employment.

Whether you're looking at this situation from its debilitating impact on local business, or in regards to the greater social justice issue of ending homelessness in Portland, this proposal will do far more harm than good. Local industry is dealt a severe blow. Human beings are forced to camp out on industrial land. And still, no long-term solutions are found. The Portland Business Alliance sums the situation up by stating, "We CAN do better than this." And now it's up to you to make sure we do.

Thank you for your consideration on this important issue.



Susan Keil  
Chair, Board of Directors  
Oregon Museum of Science and Industry (OMSI)



February 18, 2016

Mayor Charlie Hales  
City Commissioners  
1221 SW Fourth Ave, Suite 340  
Portland, OR 97204

Oregon Museum of  
Science and Industry

1945 SE Water Avenue  
Portland Oregon 97214  
503 797 4000

oms.edu

RE: City Council Agenda Items 162 and 163, SE 3<sup>rd</sup> and Harrison ZCL and Use Agreement

Dear Mayor Hales and Commissioners,

As someone who worked hard to help build Portland into a vibrant and successful city, I am dismayed that we've come to this—forcing people to camp on industrial land. I think we can all agree that vulnerable groups, such as those in the homeless community, deserve compassion and respect, not to be swept under a tarp next to freight rails and hazardous materials. But those of us who work day in and day out to run businesses in this area must also be heard and treated fairly when considering the fallout of this proposed relocation.

Our concerns can be boiled down into three main points:

- 1) This move will cause irreparable harm to the Central Eastside Community:
  - a. Local businesses will be severely burdened by a loss of access for deliveries and fire/life safety egress.
  - b. The perception that this camp poses a public safety threat will undoubtedly deter visitors to the area at a cost to businesses in the surrounding community
  - c. This proposed project would be moving forward on an interpretation of the ZCL that is illegal.
- 2) It will exacerbate the already overwhelming occurrence of camping in the Central Eastside:
  - a. Nothing has been done to address the current situation of tents sprawled throughout the area, nor have we been given ANY indication that we'll get any support if you add another 100 people camping out here, let alone those looking to use the facility for storage/bathroom access on a daily basis who will undoubtedly set up informal camps nearby.
  - b. Lack of enforcement of tent camping laws means you're choosing to ignore any and all complaints made by your own constituents, why should we believe this situation will be any different? Are we to be ignored as well?
  - c. We have absolutely no recourse once the tents go up. For years the camp on the Westside has been in violation of city code and ignored enforcement orders put forward by Commissioner Saltzman and the BDS.
- 3) It undermines the very policies and plans you pledged to uphold:
  - a. For years we worked alongside you to create a viable plan for the SE Quadrant; at no time was this kind of use mentioned.
  - b. The "temporary" nature of the residential use will essentially be creating a city-sanctioned Airbnb in an industrial sanctuary.
  - c. Finally, this project puts the General Fund at risk due to the liability at hand.



You have a choice here. You can decide to take a position of leadership and come up with viable options that are fair and compassionate to both communities, or you can railroad through this proposal that lacks support on nearly all sides. Everyone here wants real solutions with successful results, not stop-gap measures built on good intentions but are inherently flawed. I urge you to leave a legacy that will help strengthen Portland's unity—not divide us even more.

Thank you for your consideration on this important issue.



Susan Keil  
Chair, Board of Directors  
Oregon Museum of Science and Industry (OMSI)



187591

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Beam Development

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Peter T. Stark

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February 18, 2016

Mayor Charlie Hales  
1221 SW Fourth Ave, Suite 340  
Portland, Oregon 97204

RE: City Council agenda item 162 and 163 on February 18, 2016

Dear Mayor Hales,

On behalf of the Board of Directors of the Central Eastside Industrial Council (CEIC), we would like to express our opposition to: (1) vacating SE Harrison Street at SE 3<sup>rd</sup>; (2) categorizing this residential use as a non-residential community service use; and (3) considering a use agreement that cannot by its terms turn an illegal use into a legal use with conditions.

We are adamantly opposed to moving Right to Dream Too to the site at SE 3<sup>rd</sup> and Harrison. This property is zoned industrial and is part of an industrial sanctuary. It is also located in a part of the sanctuary that is proving to be a very successful area for businesses to locate and thrive. CEIC and many community stakeholders have been participating in a long process to develop a comprehensive plan for the Southeast Quadrant and this intended use is incompatible with the plan accepted by Council. The site is not zoned for housing, whether temporary or permanent. Since the agreement is for 10 years, these actions are a permanent change to the status of this property. It will cause irreparable harm to the surrounding businesses and to the district's ability to increase employment and to fulfill the vision of the Comprehensive Plan.

- The original intent of this right of way was limited to a transportation-related use. That transportation use is still badly needed in the District whether to accommodate truck access as you will hear from others or to partially alleviate a significant need for additional parking in the District. Parking is in extremely short supply in the district and may have a dampening effect on the ability of the district to bring more jobs into the community. And of course our collective homeless problem is more critical than a parking supply, but that is not the issue. Residential use of an industrial sanctuary property is the issue and is prohibited under the zoning code. The land therefore should remain in a permitted use for which it was originally intended; transportation uses.
- The existing right of way serves as a viable access to emergency vehicles needing direct access to adjacent sites. This is an important life-safety issue for the employees of the adjacent business as well as potential residents of a homeless camp.
- Users directly adjacent to the site are industrial, using industrial processes and providing employment in an industrial district. Plans to vacate the street and locate a homeless camp on the site threaten the conditions of the permit approved for the

## CENTRAL EASTSIDE INDUSTRIAL COUNCIL

PO Box 14251, Portland, OR 97293-0251

(503) 768-4299, Fax (888) 550-3703 – [ceic@ceic.cc](mailto:ceic@ceic.cc) – [www.ceic.cc](http://www.ceic.cc)

- adjacent industrial business. Future uses of the site that are not employment related and that do not recognize the existing permits and that violate the social contract of our zoning code should not be allowed.
- Emergency shelters and short-term housing of any type are plainly and expressly prohibited in industrial zones. These are the primary uses contemplated by the proposed actions, regardless of whether the use occurs in buildings or not. There will be people living, residing, staying on this site and using it for residential purposes 24 hours a day, 7 days a week. Many will stay longer than 30 days and at least 14 of them will be permanent "resident dreamers." That is a residential use; no other conclusion is plausible.
- The site is adjacent to industrial facilities and uses, a major roadway and heavy rail trains. Establishing a homeless camp under these or any conditions is not a humane approach to helping people experiencing the trauma of homelessness. People deserve a warm dry place to stay with appropriate services to they can recover their self-sustainability and dignity.
- We recommend that the City Council request the Fire/Life/Safety plan reviewers at the Bureau of Development Services review the potential future uses of the site in conjunction with existing uses prior to the City Council's approval of the street vacation, the zoning confirmation letter or the use agreement. The City should not waste more resources on developing plans for this site if they do not meet Fire/Life/Safety requirements for potential site uses and for adjacent sites.
- No one is saying that there should be no place to rest but what we are saying is there should be no place to rest, reside, camp on industrial sanctuary land where residential uses are strictly prohibited for all of the reasons listed above.

Thank you for your attention.

Sincerely,



Brad Malsin  
President, Board of Directors





187591

**CENTRAL EASTSIDE INDUSTRIAL COUNCIL**

P.O. Box 14251, Portland, OR 97293-0251

Ph: 503-768-4299 – Fax: 888-550-3703

Email: [ceic@ceic.cc](mailto:ceic@ceic.cc) – Web: [www.ceic.cc](http://www.ceic.cc)**2015 OFFICERS****President**Debbie Kitchin  
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Karen Siegle/  
Diana Montgomery**TPAC Executive Director**  
Peter T. Stark, AIA**Legal Advisor**  
Bob Barsocchini  
Goodwill

December 14, 2015

Planning and Sustainability Commission  
1900 SW 4<sup>th</sup> Avenue  
Portland, OR 97201

RE: RWA File No. 8030, SE Harrison Street

Dear Commissioners,

On behalf of the Board of Directors of the Central Eastside Industrial Council (CEIC), we would like to express our opposition to vacating SE Harrison Street at SE 3<sup>rd</sup>. We are adamantly opposed to moving Right to Dream Too to the site at SE 3<sup>rd</sup> and Harrison. This property is zoned industrial and is part of a district that is proving to be a very successful area for businesses to locate and thrive. CEIC and many community stakeholders have been participating in a long process to develop a comprehensive plan for the Southeast Quadrant and this intended use is incompatible with the draft plans. The site is not zoned for housing, even on a temporary basis. This action is a permanent change to the status of this property and cannot be allowed under a temporary state of emergency.

- The notification process for this street vacation was limited. The CEIC and property owners adjacent to the site were not provided notification of the intent to vacate this street. Without notification, the business district and affected parties cannot engage the City in any meaningful discussion as to the impacts of this vacation.
- The original intent of the land was as a transportation-related use. The end use of the land should result in a transportation-related use - either as parking to alleviate District-wide parking pressures or as a pathway/roadway providing access to the surrounding properties. Parking is in extremely short supply in the district and may have a dampening effect on the ability of the district to bring more jobs into the community.
- The existing right of way serves as a viable access to emergency vehicles needing direct access to adjacent sites. This is an important life-safety issue for the employees of the adjacent business as well as potential residents of a homeless camp.
- Users directly adjacent to the site are industrial, using industrial processes and providing employment in an industrial district. Plans to vacate the street and locate a homeless camp on the site threaten the conditions of the permit approved for the adjacent industrial business. Future uses of the site that are not employment related and that do not recognize the existing permits should not be allowed.
- We recommend that the Planning and Sustainability Commission request the Fire/Life/Safety plan reviewers at the Bureau of Development Services review the potential future uses of the site in conjunction with existing uses prior to the approval of the street vacation. The City should not waste more resources on developing plans for this site if they do not meet Fire/Life/Safety requirements for potential site uses and for adjacent sites.

Thank you for your attention.

Sincerely,

*Debbie*Debbie Kitchin, President  
Central Eastside Industrial Council

Oregon Museum of  
Science and Industry  
1945 SE Water Avenue  
Portland Oregon 97214  
503 797 4000

December 15, 2015

RE: R/W #8030, SE Harrison St, East of SE 3rd Ave.

Dear Planning and Sustainability Commissioners,

As an organization that attracts nearly 1 million visitors a year, our most important priorities are to provide a safe, vibrant, and engaging place for children, families and adults to gather, explore, and learn. Over the last few months, we have met with the Mayor, his staff, city commissioners, and other Central Eastside community members to carefully consider the city's transitional camp proposal and we join with our neighbors to oppose this proposed relocation, and now, street closure.

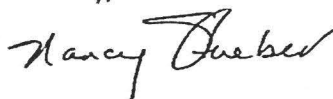
The city's intended actions are counterintuitive to the city's own planning process for the Central Eastside, of which we have been an active and supportive members. This utter disregard of city policy and lack of transparency throughout the entire process, and once again in this street closure proposal, is alarming and sets a dangerous precedent for the city and its representatives.

Additionally, we share our neighbors' concerns that this camp will negatively impact public safety and local businesses in the area. Of particular concern is the closure of SE Harrison next to Eastside Plating, an environmentally conscious business which operates under an industrial wastewater permit, required by the Clean Water Act. Harrison street is their emergency egress route, as well as an access for delivery of certain regulated materials. Closure of this street has major business implications for this long-term Central Eastside firm and other businesses needing access through this street.

OMSI has already seen an increase in damage and altercations on our property caused by those camping in the vicinity, which have cost us money as we make repairs and bring on additional security to handle these issues. The city has not shown any indication that they will help alleviate these problems, which will likely only be further exacerbated by bringing yet another camp to the area and closing Harrison street will only serve to impede life safety access to an industrial plating facility.

Finally, we feel that those in the homeless community would not benefit from this relocation, even with the street closure. The proposed property sorely lacks access to crucial social services, is located next to heavy freight traffic, and is centered in an industrial area neighboring a company that processes hazardous materials. We stand by the recommendations made by the CEIC and the Hosford-Abernethy Neighborhood association regarding other properties that would be a more appropriate fit to serve the homeless community; we strongly encourage the city to explore transitional shelters and permanent housing as viable alternatives. This site is not a long-term option.

Sincerely,



Nancy Stueber  
President and CEO

Oregon Tile & Marble

1845 S.E. 3<sup>rd</sup> Ave.

Portland, Or 97214

December 14, 2015

Portland Planning and Sustainability Commission

1900 S.W. 4<sup>th</sup> Avenue

Portland, Oregon 97201-5380

Dear Chairman and Members of the Planning and Sustainability Commission:

I am writing to you about my concern and opposition to the street vacation of SE Harrison Street (RWA File No. 8030) in SE Portland along SE 3<sup>rd</sup> Avenue. My name is Hector Marquez and I own a large Oregon Tile and Marble consisting of a warehouse, offices and showroom and corresponding business directly across the street from this proposed action. We have been in Portland for over 30 years and have built a thriving business with a stellar reputation based upon unsurpassed quality, selection and customer service. It is no secret that this request being made by the city is for the possible relocation camp Right 2 Dream Too to this totally unsuitable site from Northwest Portland. I have owned and invested in this neighborhood for over 20 years and built a successful and thriving business employing 52 employees at this location. Additionally, I have dozens of people a day and hundreds in a week that come to our beautiful showroom which will be less than a block from this homeless camp. Though Right to Dream Too (R2DToo) has shown to be an organized and peaceful group I sincerely believe in this less dense location with less police presence and fewer eyes on their operation than where they are in close Northwest, the ability for this to continue will be impossible. Also it is inevitable that this encampment will attract additional numerous other street people who will be interacting with those in the camp and because of the camps presence will feel comfortable setting up camp nearby. They will not be (nor do they want to be) under the auspices, supervision and rules of Right to Dream. This will only increase the potential of conflict with businesses and their employees and customers nearby, not to mention the accompanying issues regarding sanitation, junk, vagrant dogs, panhandling, drug/alcohol use. My employees and customers (many which are women) will undoubtedly feel, uncomfortable nervous and unsafe in this environment. The well-being, safety and welfare of both my employees and customers is tantamount to my business. The presence of R2DToo across the street will severely jeopardize the secure, welcoming and professional environment to work and patronize that I have spent years to create and cultivate. Additionally there are major problems with the process and technical aspects of this property being vacated for this use.

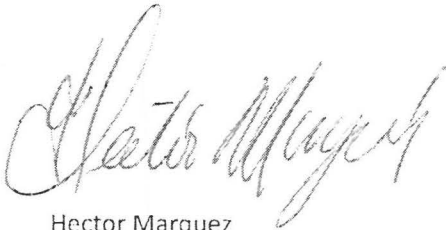
- There was a real lack of notification regarding this street vacation process thus not allowing the neighborhood or adjacent property owners to engage the city in any meaningful discussion of the impact of this action.



- The original intent of the land was for a transportation use to serve what is an employment and industrial district, not a residential area. That use should be continued to the benefit of the many businesses and employees in the area i.e parking, truck access and maneuverability.
- The use (R2DToo) that is being accommodated by this potential street vacation is totally incompatible with adjacent uses and by its very presence will diminish real estate values, deter customers and threaten employees.
- The potential use (R2DToo) directly adjacent to a heavy industrial use that includes processes (chemicals, volatile activities etc.) are totally incompatible and dangerous especially in light of any possible industrial accidents or calamity.

Given the facts above, I strongly state my disapproval of the street vacation your commission is considering.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hector Marquez".

Hector Marquez  
Founder & Owner  
Oregon Tile and Marble

**Moore-Love, Karla**

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**From:** Debbie Kitchin <dkitchin@interworksllc.com>  
**Sent:** Thursday, February 18, 2016 11:40 AM  
**To:** Council Clerk – Testimony; Moore-Love, Karla  
**Subject:** Testimony on Agenda item 161  
**Attachments:** IW testimony on Agenda item 161-02182016.pdf

Attached please find my testimony on Agenda item 161. Thanks.

Debbie Kitchin  
InterWorks, LLC  
Commercial Tenant Improvement and Renovation  
Earth Friendly Remodeler  
503-233-3500  
971-563-0208 cell  
[www.interworksllc.com](http://www.interworksllc.com)  
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[dkitchin@interworksllc.com](mailto:dkitchin@interworksllc.com)

February 18, 2016

187591

Mayor Charlie Hales  
City Commissioners  
1221 SW Fourth Ave, Suite 340  
Portland, Oregon 97204

► RE: City Council agenda items 161, Harrison Street Vacation, on February 18, 2016

Dear Mayor Hales and Commissioners,

Homelessness in Portland is in a crisis state. We can all agree that much needs to be done to assist people who are dealing with homelessness. Portland can do better and we should. We should provide more indoor emergency shelters and more long-term housing.

I am writing to oppose the proposed street vacation of Harrison at SE 3<sup>rd</sup>. As an industrial property owner and business owner in the Central Eastside, I am concerned about the proposed use of the site. The street vacation is being proposed in order to facilitate an illegal use, namely moving a homeless camp onto the site. The primary use proposed for the site is residential and is explicitly not allowed in the industrial zoning of the site.

- The original intent of the land was as a transportation-related use. The end use of the land should result in a transportation-related use - either as parking to alleviate District-wide parking pressures or as a roadway providing access to the surrounding properties. Parking is in extremely short supply in the district and may have a dampening effect on the ability of the district to bring more jobs into the community.
- The proposal to allow a 15-foot wide access for trucks delivering chemicals to adjacent businesses is not sufficient to assure safe delivery.
- The existing right of way serves as a viable access to emergency vehicles needing direct access to adjacent sites. This is an important life-safety issue for the employees of the adjacent business as well as potential residents of a homeless camp.
- The inability of adjacent businesses to use the right of way for safety, egress and safe delivery of chemicals creates a liability risk for the City's general fund. It is not prudent for the City to pursue siting a homeless camp that would be housing up to 100 people who have not been trained adequately in the event of an emergency.
- The modifications to the street vacation proposal since the PSC hearing are not adequate to protect existing industrial users in the district. Loss of the transportation use for adjacent property owners will create irreparable harm to the businesses. The industrial sanctuary was created to support the industrial businesses and their employees. The City's Comprehensive Plan calls for continued protection of industrial uses in the district. This proposal and the intended use of the property are not consistent with the Comprehensive Plan. These industrial businesses provide middle income jobs that are critical for supporting families and promoting equity in our community.

Thank you for the opportunity to comment.

Sincerely,



Debbie Kitchin  
Principal, InterWorks LLC

PO Box 14764  
Portland, Oregon  
97293

503.233.3500  
fax 503.233.1383  
CCB#98655



**Moore-Love, Karla**

---

**From:** Peter Stark <ptstark@ceic.cc>  
**Sent:** Thursday, February 18, 2016 10:25 AM  
**To:** Council Clerk – Testimony; Moore-Love, Karla  
**Cc:** Kitchin Debbie; Brad Malsin  
**Attachments:** TESTIMONY Feb 18, 2016.doc

Attached is testimony for today's city council agenda items 161,162 and 163. Thank you.  
Peter Stark

**Peter Stark, TPAC Executive Director**  
**Central Eastside Industrial Council**  
**2939 NW Cornell Road, Portland OR 97210**  
503/274-4111  
503/274-4409 fax  
503/805-4141 cell

161 **TIME CERTAIN: 2:00 PM** – Vacate a portion of SE Harrison St east of SE 3rd Ave subject to certain conditions and reservations (Previous Agenda 119; Hearing; Ordinance introduced by Commissioner Novick; VAC-10106) 4 hours requested for items 161-163

162 Approve and adopt zoning confirmation letter responding to request for zoning confirmation on SE 3rd and Harrison, submitted by Right 2 Dream Too (Previous Agenda 120; Resolution introduced by Mayor Hales and Commissioner Fritz)

163 Affirm the City of Portland's intent to relocate Right 2 Dream Too onto City property located on SE 3rd and Harrison (Previous Agenda 121; Resolution introduced by Mayor Hales and Commissioner Fritz)

## TESTIMONY REGARDING AGENDA ITEMS 161, 162 and 163

February 18, 2016

Peter Stark, 2939 NW Cornell Road, Portland 97210

I represent the Central Eastside Industrial Council (CEIC) and I am a member of the SE quadrant plan.

First let me say I appreciate the concern of Mayor Hales and Council members regarding the homeless issue. The CEIC takes this issue seriously and supports efforts to solve the problem. However what you are voting on today is not a solution. You are ignoring zoning code that is intended to protect the public. We believe the homeless have the same rights as any Portland citizen.

1. For the past few years the City of Portland Staff many volunteers, including myself participated in the SE quadrant plan as part of the Comprehensive Plan update. That discussion led to a well-vetted plan with support from the City, Businesses, Residents and other representatives of the central eastside.
2. Through this process we established the primary focus of the Industrial zoned lands as Employment opportunity. Considerable discussion was raised about the concern where residential uses are adjacent to industrial activities.

3. Our group went as far as to request planning create language to protect industrial activities where adjacent residential uses could create conflict.
4. The intent was not only to protect the viability of the industrial use but also to protect the public living in proximate location to industrial activities.
5. The suggestion to locate a homeless camp at this site was never discussed during our planning efforts and had it been would have been dismissed immediately by our committee and I believe the planning staff.
6. Zoning was created primarily to restrict uses that create conflict and preserve areas for similar uses. In the case of Industrial zones, zoning prohibits residential use, given its conflict with industrial uses.
7. Industrial activities by nature rely heavily on movement of freight, the ability to produce product – even if doing so is noisy, smelly or in some cases dangerous.
8. So zoning is also a way to protect the public from industrial activities, which could be by the nature of their activity harmful to adjacent non-similar uses.
9. This is why residential use is strictly forbidden within an industrial zoning.
10. The ZCL hides behind the definition of residential use – but ignores the intent of the code, which was to protect the public by avoiding conflict of uses. People that live and sleep primarily in one location



are a resident at that location regardless of word play. You can ignore the definition if you wish but you can't ignore the safety concern.

11. Specific to the site at SE 3rd and Harrison, the parcel is an island surrounded by industrial uses including uses with volatile or poisonous materials. It is assumed many of the residents at this site will need to walk through these industrial activities to get to their tent.
12. Ironically the tenting activity is already prevalent in the industrial sanctuary. A quick drive through the district uncovers dozens of camps and campsites. Yet the Police are hesitant to address the issue.
13. It is anticipated, as has been seen at Overlook and other areas, once R2D2 is at capacity residents will find other shelter proximate to this site compounding the problem in our district.
14. I have weekly complaints from employees who don't feel safe walking to their car or can't park because that location has been permanently taken up by a tent.
15. This will only increase conflict until heaven forbid; someone is exposed to toxic chemicals or killed by a freight driver unaware there is a tent in the right-of-way.
16. The city would assume liability for placing its citizens in harms way if there were a tragic event.
17. The proposed R2D2 site is counter to the efforts of the Central Eastside Quadrant Plan, counter to sound planning in general and places private citizens in harms way.

18. I urge council to consider a delaying this vote so the CEIC, working with council and R2D2 can find a more suitable site away from industrial uses.

187591

TESTIMONY REGARDING AGENDA ITEMS 161, 162 and 163

February 18, 2016

Peter Stark, 2939 NW Cornell Road, Portland 97210

I represent the Central Eastside Industrial Council (CEIC) and I am a member of the SE quadrant plan.

First let me say I appreciate the concern of Mayor Hales and Council members regarding the homeless issue. The CEIC takes this issue seriously and supports efforts to solve the problem. However what you are voting on today is not a solution. You are ignoring zoning code that is intended to protect the public. We believe the homeless have the same rights as any Portland citizen.

1. For the past few years the City of Portland Staff many volunteers, including myself participated in the SE quadrant plan as part of the Comprehensive Plan update. That discussion led to a well-vetted plan with support from the City, Businesses, Residents and other representatives of the central eastside.
2. Through this process we established the primary focus of the Industrial zoned lands as Employment opportunity. Considerable discussion was raised about the concern where residential uses are adjacent to industrial activities.

3. Our group went as far as to request planning create language to protect industrial activities where adjacent residential uses could create conflict.
4. The intent was not only to protect the viability of the industrial use but also to protect the public living in proximate location to industrial activities.
5. The suggestion to locate a homeless camp at this site was never discussed during our planning efforts and had it been would have been dismissed immediately by our committee and I believe the planning staff.
6. Zoning was created primarily to restrict uses that create conflict and preserve areas for similar uses. In the case of Industrial zones, zoning prohibits residential use, given its conflict with industrial uses.
7. Industrial activities by nature rely heavily on movement of freight, the ability to produce product – even if doing so is noisy, smelly or in some cases dangerous.
8. So zoning is also a way to protect the public from industrial activities, which could be by the nature of their activity harmful to adjacent non-similar uses.
9. This is why residential use is strictly forbidden within an industrial zoning.
10. The ZCL hides behind the definition of residential use – but ignores the intent of the code, which was to protect the public by avoiding conflict of uses. People that live and sleep primarily in one location

are a resident at that location regardless of word play. You can ignore the definition if you wish but you can't ignore the safety concern.

11. Specific to the site at SE 3rd and Harrison, the parcel is an island surrounded by industrial uses including uses with volatile or poisonous materials. It is assumed many of the residents at this site will need to walk through these industrial activities to get to their tent.
12. Ironically the tenting activity is already prevalent in the industrial sanctuary. A quick drive through the district uncovers dozens of camps and campsites. Yet the Police are hesitant to address the issue.
13. It is anticipated, as has been seen at Overlook and other areas, once R2D2 is at capacity residents will find other shelter proximate to this site compounding the problem in our district.
14. I have weekly complaints from employees who don't feel safe walking to their car or can't park because that location has been permanently taken up by a tent.
15. This will only increase conflict until heaven forbid; someone is exposed to toxic chemicals or killed by a freight driver unaware there is a tent in the right-of-way.
16. The city would assume liability for placing its citizens in harms way if there were a tragic event.
17. The proposed R2D2 site is counter to the efforts of the Central Eastside Quadrant Plan, counter to sound planning in general and places private citizens in harms way.



18. I urge council to consider a delaying this vote so the CEIC, working with council and R2D2 can find a more suitable site away from industrial uses.

**Moore-Love, Karla**

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**From:** King, Seth J. (Perkins Coie) <sking@perkinscoie.com>  
**Sent:** Wednesday, February 17, 2016 9:32 AM  
**To:** Moore-Love, Karla  
**Cc:** Dayna McErlean (itisnesspdx@gmail.com)  
**Subject:** City Council Item 150 (N Lombard St Vacation) - Comments from Dayna McErlean

Mayor and Commissioners:

Dayna McErlean of the Colony event space, 7525 N Richmond Avenue, is out of town on a preplanned commitment and is not able to attend the continued hearing for the North Lombard Street vacation ordinance today (Item 150 on the City Council agenda). Dayna asked that I pass along this message to you for inclusion in the record for this matter:

"As I stated at the public hearing for this matter, my strong preference is for the City to move forward with a vacation of the entire right-of-way, with the northern approximately 1000 square feet to revert to my interest. In the event the City Council supports a vacation of only the southern 5005-square foot area, I request that:

- (1) The landscaping in Plaza 2 allow for the best visibility from North Lombard Street for the Colony space and potential redevelopment of the Colony property, including potential pedestrian circulation and signage; and
- (2) If there are other modifications to the use or status of the northern approximately 2000-square foot portion of this right-of-way, that these modifications be continued to a time certain no sooner than next week when I return to town so I am able to review and comment on same before City Council action.

Thank you for your consideration and your support of the property rights of all involved, not simply those of the developer.

Dayna McErlean"

**Seth King | Perkins Coie LLP**

**SENIOR COUNSEL**

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128

D. +1.503.727.2024

F. +1.503.346.2024

E. [sking@perkinscoie.com](mailto:sking@perkinscoie.com)

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

**Moore-Love, Karla**

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**From:** Lorraine Doyle <lorraine@killianpacific.com>  
**Sent:** Tuesday, February 16, 2016 8:36 AM  
**To:** Moore-Love, Karla  
**Cc:** Council Clerk – Testimony; Lance Killian  
**Subject:** 161 - 163, SE 3rd & Harrison, VAC-10106/PR 16-108969 ZCL/Resolution  
**Attachments:** SE 3rd & Harrison Letter.pdf

Hello,

Please find attached a letter of written testimony regarding agenda items 161, 162 & 163, (previously 119 – 121), SE 3rd & Harrison, VAC-10106/PR 16-108969 ZCL/Resolution.

Thank you,  
Lorraine

**Lorraine Doyle**

**KILLIAN PACIFIC**

500 East Broadway, Suite 110

Vancouver, WA 98660

T: 360.567.0626

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

# KILLIAN PACIFIC

187591

February 16, 2016

Portland City Council  
1221 SW Fourth Avenue  
Portland, OR 97204

RE: Agenda Items 161 – 163, SE 3<sup>rd</sup> & Harrison  
VAC-10106/PR 16-108969 ZCL/Resolution

Dear City Council:

Thank you for this opportunity to offer testimony on the above referenced matters. Killian Pacific associated entities have developed and own four city blocks very close to the SE 3<sup>rd</sup>/SE Harrison property. We will have invested well in excess of \$80 million in the immediate neighborhood in an effort to develop and provide compelling work environments for family wage jobs and supporting services. Our City's top job-creating firms (like Viewpoint, or Simple) have responded and will number in excess of 1,000 people at full completion. Our purpose as a company is to enhance community.

We believe the decision to locate a homeless camp in this immediate area is counter-productive to the City's goals and objectives related to sustainable economic development, publicly supported planning/zoning, and long term return on public infrastructure/investment via the myriad mass-transit options recently built in this area. If homeless camps are a good idea and compatible with these other City objectives why would you be moving R2DToo from its current location?

But most importantly we are concerned this proposal is not humane, nor is it a viable long-term solution.

We encourage you to address one of the most pressing human topics in our City with inspired and empathic leadership. We urge you to set a higher goal on this topic and utilize the incredible resources we have in this community that are ready, willing and able to assist to study what has already worked in other communities (like Salt Lake City). Draft off of best practices, infused with our own Portland way of doing things differently. Don't hide a tent camp under a highway, next to railroad tracks and a factory using dangerous materials. With a commitment to something better, we are ready willing and able to dedicate time and money to this as an organization, and we know there are many others like us, but without a lofty goal that will make a difference there is nothing to get behind that will create meaning for people living on the street and our community as a whole. Please be the leaders we can look up to and desire to follow and we will rally behind you. Absent proffering a better solution on this topic, the location of a tent camp on the SE 3<sup>rd</sup> and SE Harrison Street property is not good leadership for the following reasons:

- **No Services.** There are no services near the property to support the people who would be living there. We agree with R2DToo's board when they publicly said to you this is an issue.

# KILLIAN PACIFIC

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- **Incompatible Uses.** This is not a residential area, and for good reason.
- **Safety.** The adjacent heavy industry utilizes highly flammable materials and hazardous products. The Portland Police department has said that they do not have additional resources to support the policing of a tent camp in this location (both for its residents and for the surrounding businesses and property owners).
- **Public Process.** The City of Portland is known internationally for its integrity and quality of its urban planning. Locating this use on this property contravenes the standard of care and integrity of our zoning system. The City's Planning and Sustainability Commission voted to recommend denial of the street vacation. Why would you disregard this - this is not a permitted use and the property was not zoned or intended to be used for residential living.
- **Economic Development.** You just recently approved a broad upzoning in this part of the City, including OMSI's significant holdings, and hundreds of millions of dollars have been invested recently to provide public transit infrastructure to this area to encourage additional density and investment. Along with established stable companies, this immediate area is becoming one of the densest employment areas in the Central Eastside with a high technology cluster of companies such as Viewpoint and Simple.
- **Transportation.** The property would better serve the community as a transportation related function, providing parking to an under-parked neighborhood and access (emergency and otherwise) to adjacent properties in support of the dramatic, ongoing Economic Development -which incidentally is supported by the public's huge investment in transit.

We implore you to not waste the opportunity this crisis represents to set a bold vision that will create a lasting positive community result for which we can all be proud.



**Moore-Love, Karla**

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**From:** Gary Rehnberg <gary@eastsideplating.com>  
**Sent:** Tuesday, February 16, 2016 11:29 AM  
**To:** Council Clerk – Testimony  
**Subject:** EAST SIDE PLATING TESTIMONY SUBMISSION FOR 2/18/16 COUNCIL MEETING  
**Attachments:** 160218citycouncilissue161.pdf; 160218citycouncilissues162163.pdf;  
160218northstarissue161.pdf

Karla,

As discussed on the phone this morning, here are three letters to support our testimony this Thursday. If you could verify receipt, I would be so grateful.

Gary

**Gary Rehnberg | President**

[gary@eastsideplating.com](mailto:gary@eastsideplating.com) | Ph (503) 654-3774 x 121 | Fax (503) 654-6464

**ESP** ISO 9001:2008 Registered

East Side Plating, Inc. | 8400 SE 26<sup>th</sup> Place | Portland, Oregon 97202

<http://www.eastsideplating.com/>



**EAST SIDE PLATING, INC.**

8400 SE 26<sup>TH</sup> PLACE  
PORTLAND, OR 97202  
PHONE 503-654-3774  
FAX 503-654-6464

187591

Portland City Council Commissioners

Portland City Hall

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

Portland, OR 972004

February 18, 2016

RE: HARRISON STREET VACATION – ISSUE 161

Dear Commissioners,

As the property and business owners of East Side Plating, Inc. operating a facility adjacent to the property in question we are writing to express our opposition to vacating SE Harrison, revising zoning to allow tent camping on the site, and the relocation of R2D2 to the site. Some of our prior concerns were described in a November 20, 2015 letter we submitted to PBOT as well as the recorded content of the December 15, 2015 Portland Planning and Sustainability Commission meeting where the commission voted 6-3 to deny the street vacation request. It is our understanding that this information is included in the December 23, 2015 PBOT City Engineer's report and already part of today's body of information, so we will not duplicate documentation we have already submitted and receipt has been validated.

We oppose these agenda items for the following reasons: 1) it exposes our business to additional risk/potential liability for a long time to come, 2) it reduces the value of our adjacent operations, 3) the intended use is inconsistent with IG1 industrial zoning, 4) the intended use is in conflict with egress and public safety requirements of a recently permitted facility improvement, 5) is inconsistent with ODOT/PBOT prior representations for the intended use of the property, 6) fails to recognize Harrison as serving a transportation use required by our firm, and 7) limits the ability of our operations to grow to serve more customers and employ more people.

1. Additional Risk

The first concern is that this intended use exposes our firm to additional risk. We use corrosive chemistries in our industrial facility and have significant industrial traffic adjacent to our facility with lift trucks and other vehicles. Allowing up to 100 houseless campers to temporarily reside immediately adjacent to our firm is dangerous. Our security will require significant enhancement to protect visitors from unapproved access to our facility. In addition to

protecting visitors from harm, non-disclosure agreements with customers do not allow unauthorized access. Overhead shipping doors will require being closed during the work day. Employees have voiced concerns feeling threatened by houseless campers in the recent past and I care about them not needing to be afraid coming to work. How do you evacuate campers when the mix changes every day? Have you thought about additional risk the City of Portland may assume as landlord of this use? Why place this burden unfairly on adjacent business? Has the City asked this homeless population to indemnify the City as its landlord from any harm that could come from this dangerous location? And if that is the case, who does the City assume will absorb the liability of putting this population in the active and operating industrial sanctuary?

2. Reduced values

The value to our property will be reduced both from the conflict of conducting heavy industrial uses around a residential camp and from camp the use itself and the unregulated campers who will want to camp near the site to use the facilities that you are illegally permitting in the zone. This reduction in value triggers a claim for damages according to rules of ORS 271.130 governing street vacations and the losses that result to adjacent properties. Have those damages been factored into the budget for this proposed action? According to the "affected area" as noted in the City Auditors Notice of Proposed Street Vacation we object to the street vacation in writing of SE Harrison at 3<sup>rd</sup>.

3. Inconsistent Zoning Application

When businesses choose to commit resources to an area to serve employees and customers, they expect that their business purposes can continue over time. For the past 70 years we have had industrial processes that require preserving industrial zoning. Tent camping allowance in an IGI zone is a breach of that trust. How can the council consider twisting the zoning code in an attempt to allow tent camping when the use has never been permitted nor has a residential use with a roof on it? Many hours have been invested in Comprehensive Planning in the Central Eastside. Not respecting the work that has been done is a slam to the spirit of community this process has required.

4. Egress requirements/Prior permitting

ESP committed significant resources in the past five years to build an anodizing line in the south side of our facility. The process of permitting the facility for this capability required significant investment in life safety protections for employees and fire protection and overall building upgrades. In addition to the primary egress out the south side of the building onto the ODOT right of way, the city required a secondary egress out of the west side of the facility. The occupancy level of the permit stated a revision from F1 – "Factory" to H-4 – "Hazardous". Our permit manager required 200 foot perimeter summary from a professional engineer of adjacent uses in all directions from the anodizing line. Streets on three sides of our building and the ODOT right of way/Harrison Street to the south allowed the concerns of the permit writer to be satisfied and the permit issued. With this tent camping use and residential occupancy, our permit most likely would not have been issued. This tent camping use is clearly inconsistent

with the high regard for human health voiced by various public safety bureau representatives we interacted with in the permit approval process. We would not have been allowed to add capacity or add the six new jobs.

5. Inconsistent Representations of the Property Use

ESP employees have been parking cars in this area for the 50 years since it was condemned and acquired to be reserved for a future transportation use by ODOT in 1963 for an east/west freeway. Over the years various ODOT staff has indicated to ESP leadership that even if highway access structures would be constructed, their elevated placement would allow cars to be parked on the property. When the adjacent Hwy 99 viaduct was being rebuilt ODOT project leaders met with us and showed us construction drawings that indicated the property would remain available for parking or potentially be used for stormwater runoff, yet still available to park on. In 2011, when the streetcar ramp was being constructed and we inquired of PBOT of what the use of the property would be, they indicated they had nothing planned for it. In appreciation for our support to accommodate the disruptions caused by the sustained construction project, the contractor graded the property adjacent to our facility to improve parking for our employees. There are 15-20 employees in the area that park on Harrison and the right of way property.

6. Fails to Recognize Harrison as Serving a Transportation Purpose

One of the adverse impacts to the vacation request is that ESP would lose access for bulk caustic deliveries. Our waste water treatment equipment is located in the southern portion of the facility due to being the lowest point in the facility. Part of our waste water treatment process involves adjusting PH so that metal ions can be precipitated out of solution prior to clean water being discharged to the city's sewer system under our industrial discharge permit. We use 50% sodium hydroxide to raise the PH of waste water. Since this material freezes at 58 degrees, we have a specialized insulated heated 500 gallon tank in the waste treatment area. This tank is regularly filled by our chemical supplier from a large tank semi-truck accessing the facility via the south exit door adjacent to Harrison. The vendor does not have long enough supply hoses to access the tank from other exterior access points off of 3<sup>rd</sup> or Stephens. We need this southern access point to be retained. City staff members have hinted at the potential of some right of way allowance along the south border of our building that would require requiring trucks to back out onto a busy street instead of being able to loop around using the existing street. When I proposed this idea to our vendor, he indicated the driver would likely perceive the delivery as unsafe and deny delivering critical materials. It is our understanding that the council does not often grant street vacations in order to preserve the transportation purposes of our city. Why pursue this street vacation when a critical transportation use exists?

7. Limits Our Ability To Conduct Business

We serve customers whose needs change and we must provide the finishes they need to continue to be viable. Over the past 10 years we have repurposed 50% of the space of our facility and went through permit processes with the city to get those changes approved. What

limitations will be placed on our firm to make changes now that a residential community exists immediately to the south of us? What about our ability to extend our hours of operation to serve customers? Will we need to be quiet so adjacent campers can sleep?

It feels like many of you have made up your mind that the R2D2 camp must move to this site. It feels like you have made up your mind a long time ago and would prefer we would just be quiet and submit to what you are proposing. These proposed actions disregard safety of the R2D2 members/guests and places significant hardship on our company and our ability to server customers and employee staff. Please do not take such destructive action.



Tim Lamb

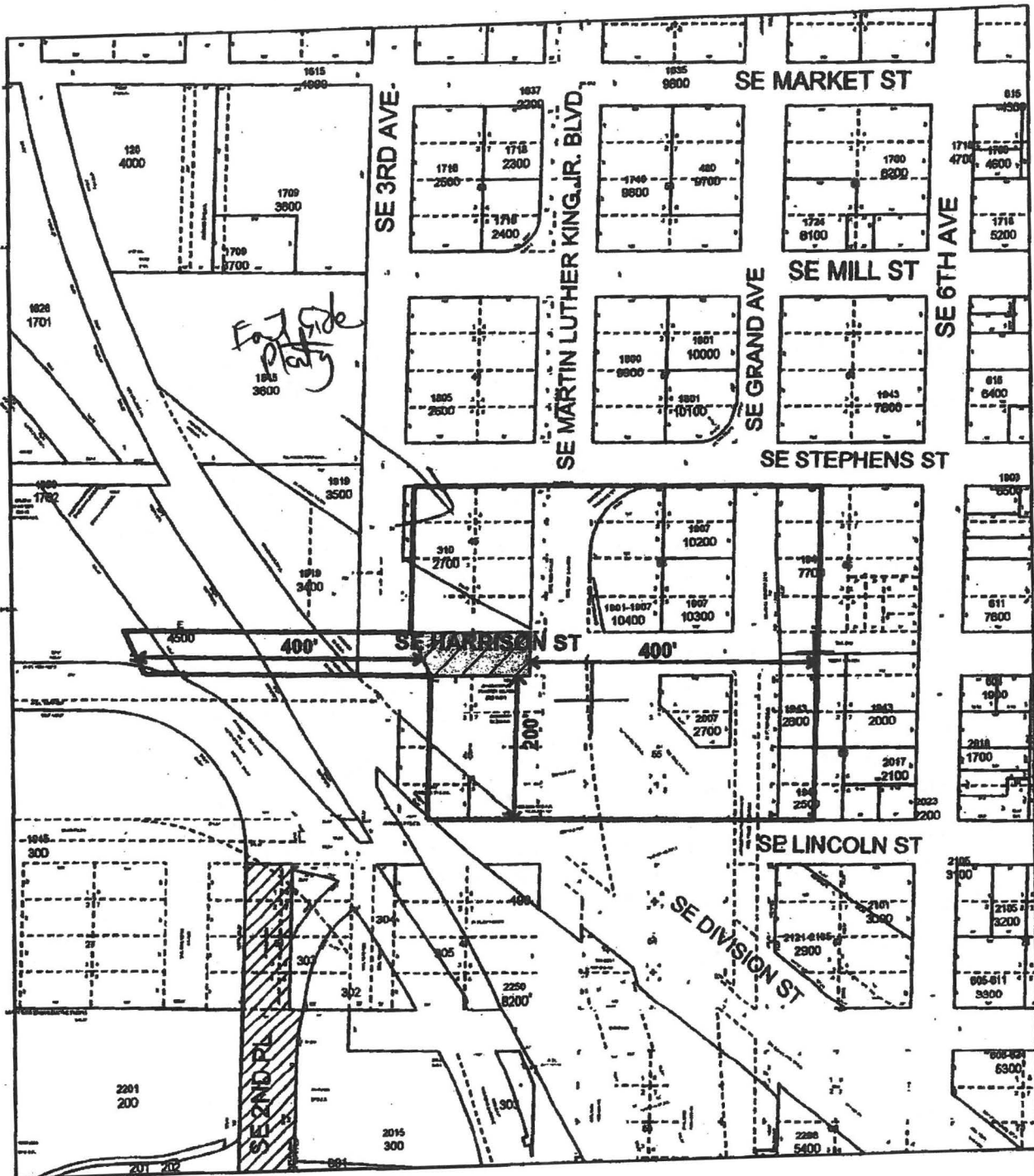
Vice-President/Owner



Gary Rehnberg

President/Owner





### SE Harrison St east of SE 3rd Ave

Legal: A portion of SE Harrison St "Stephens Addition to East Portland"

Petitioner: Pauline Goble, COP OMF

RWA # 8030 Section: 1S1E03DA 1/4 Section:3230



Area Proposed for Vacation



Affected Area



1 in = 200 ft



Northstar Chemical, Inc.  
14200 SW Tulefin Shenwood Rd  
Shenwood, OR 97140  
(503) 625-3770

February 2, 2016

*My name is Mike Steeprow, I have been employed with Northstar Chemical since 1999 and have served as the Operations Manager from 2003 to present. Northstar Chemical is a distributor specializing in inorganic corrosives delivered in bulk and Minibulk quantities.*

*Northstar Chemical has been providing process and waste treatment chemistry via a tanker truck in Minibulk quantities to East Side Plating, Inc. since July 2002, including shipments at their facility at 3<sup>rd</sup> and Stephens. It is my understanding that this property is being considered to be used for a homeless tent camp. In all the customers we serve, I am not aware of any situation where an approval would be allowed around any hazardous chemistry and would be concerned about the safety of others in this consideration.*

*For safe delivery to this location, Northstar delivery specialist must enter and deliver chemicals via doorway located on the south facing side of the facility and must have access to drive onto the south parking lot and onto Harrison Street in order to align the tanker portion to get close enough to the doorway. The tankers trailers used for delivery will typically have 2-3 separate compartments with typical capacity of 2,000 gallons each. Depending on equipment configuration, products loaded and delivery schedule, it can be challenge to line up the trailer to get close enough to fill the bulk storage tank at this location. The trucks must exit off Harrison Street for safest egress from the site since access is directly on a curve. Backing trucks in or out is not a safe option as Division/3<sup>rd</sup> usually has lots of traffic speeding by and visibility is inadequate. If safe access is not available and perceived as unsafe, our delivery specialists make a judgment call to not deliver.*

*I understand the council will have access to a video of this process.*

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Steeprow", with a large, loopy flourish at the end.

Mike Steeprow  
Operations Manager  
Northstar Chemical, Inc



**EAST SIDE PLATING, INC.**

8400 SE 26<sup>TH</sup> PLACE  
PORTLAND, OR 97202  
PHONE 503-654-3774  
FAX 503-654-6464

187591

Portland City Council Commissioners

Portland City Hall

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

Portland, OR 972004

February 18, 2016

RE: ZONING LETTER REVISION – ISSUE 162

RE: R2D2 OCCUPANCY USE-ISSUE 163

Dear Commissioners,

As the property and business owners of East Side Plating, Inc. operating a facility adjacent to the property in question we are writing to express our opposition to vacating SE Harrison, revising zoning to allow tent camping on the site, and the relocation of R2D2 to the site. Some of our prior concerns were described in a November 20, 2015 letter we submitted to PBOT as well as the recorded content of the December 15, 2015 Portland Planning and Sustainability Commission meeting where the commission voted 6-3 to deny the street vacation request. It is our understanding that this information is included in the December 23, 2015 PBOT City Engineer's report and already part of today's body of information, so we will not duplicate documentation we have already submitted and receipt has been validated.

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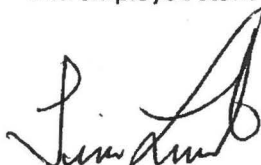
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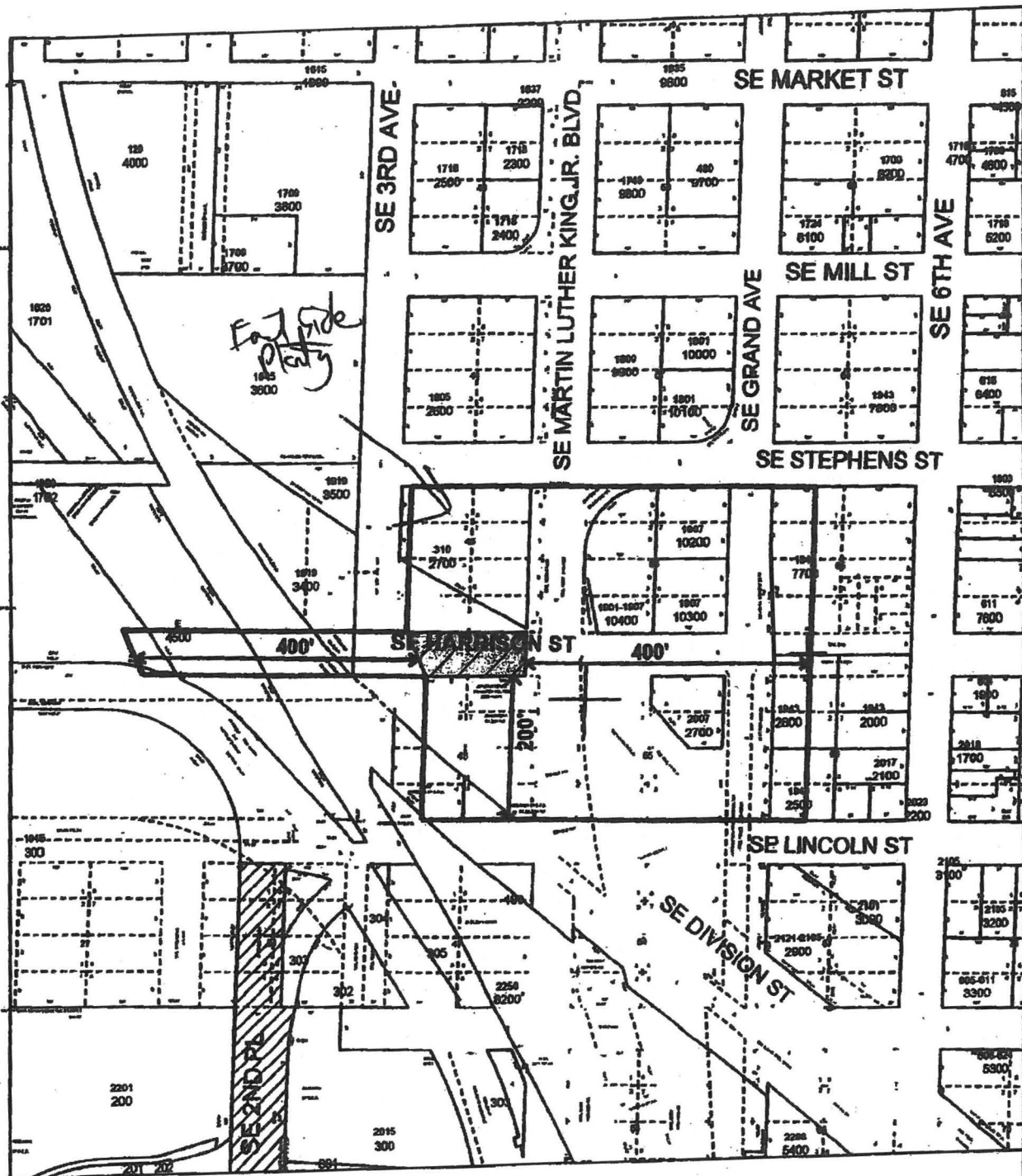
Tim Lamb

Vice-President/Owner



Gary Rehberg

President/Owner



**SE Harrison St east of SE 3rd Ave**

Legal: A portion of SE Harrison St "Stephens Addition to East Portland"

Petitioner: Pauline Goble, COP OMF

RWA # 8030 Section: 1S1E03DA 1/4 Section: 3230



Area Proposed for Vacation



Affected Area



1 in = 200 ft



Northstar Chemical, Inc.  
14200 SW Tustin Sherwood Rd  
Sherwood, OR 97140  
(503) 625-3770

February 2, 2016

*My name is Mike Steeprow, I have been employed with Northstar Chemical since 1999 and have served as the Operations Manager from 2003 to present. Northstar Chemical is a distributor specializing in inorganic corrosives delivered in bulk and Minibulk quantities.*

*Northstar Chemical has been providing process and waste treatment chemistry via a tanker truck in Minibulk quantities to East Side Plating, Inc. since July 2002, including shipments at their facility at 3<sup>rd</sup> and Stephens. It is my understanding that this property is being considered to be used for a homeless tent camp. In all the customers we serve, I am not aware of any situation where an approval would be allowed around any hazardous chemistry and would be concerned about the safety of others in this consideration.*

*For safe delivery to this location, Northstar delivery specialist must enter and deliver chemicals via doorway located on the south facing side of the facility and must have access to drive onto the south parking lot and onto Harrison Street in order to align the tanker portion to get close enough to the doorway. The tankers trailers used for delivery will typically have 2-3 separate compartments with typical capacity of 2,000 gallons each. Depending on equipment configuration, products loaded and delivery schedule, it can be challenge to line up the trailer to get close enough to fill the bulk storage tank at this location. The trucks must exit off Harrison Street for safest egress from the site since access is directly on a curve. Backing trucks in or out is not a safe option as Division/3<sup>rd</sup> usually has lots of traffic speeding by and visibility is inadequate. If safe access is not available and perceived as unsafe, our delivery specialists make a judgment call to not deliver.*

*I understand the council will have access to a video of this process.*

Sincerely,

Mike Steeprow  
Operations Manager  
Northstar Chemical, Inc

February 2, 2016

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*I understand the council will have access to a video of this process.*

Sincerely,



Mike Steeprow  
Operations Manager  
Northstar Chemical, Inc

Issue: #161  
Harrison Variation

**From:** Kat Schon <kat@portlandstorefixtures.com>  
**Sent:** Monday, February 15, 2016 2:39 PM  
**To:** Council Clerk – Testimony  
**Subject:** SE Industrial

City Council Hearing for Street Vacation, February 18th at 2:00. As noted in the last several CEIC newsletters, the Portland Department of Transportation is requesting a vacation of right of way at SE 3rd and SE Harrison.

This is written testimony stating that I am NOT in favor of the closure of Harrison. This road is being used side street parking and access for the business adjacent to it on the North side.

I am not in support of it being closed to make room for RTD2. This is an industrial area and is not zoned for such use. It is also a very unhealthy option for these people. The ground is not clean, high traffic exhaust from MLK, the business next door processes chemicals and in general it is not a solution.

We do not normally allow polluting, harassing, loitering and urban camping. To enable the homeless population is asking that population to grow in our city. Come up with stricter laws to actually protect the people who have paid their taxes, provide jobs and have paid for all the zoning and permits that you are waving for this project. This is not a solution, it is a pathetic bandaid.

We don't allow or expect our animals to live on the street. We take them to the humane society so that they can be taken care of and found a home. Why are we not able to do this for our humans?!

Kat Schon



Portland Store Fixtures & Northwest Retail Recyclers  
110 SE Main St  
Portland, OR 97214  
503-484-7690 cell

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“Leadership is not about making yourself more powerful. It's about making people around you more powerful.”  
**Betty Linton**

Parsons, Susan

187591  
119

**From:** Vaught, Rhonda <rvaught@hubbell.com>  
**Sent:** Thursday, February 04, 2016 1:00 PM  
**To:** Moore-Love, Karla; Council Clerk – Testimony  
**Subject:** Hearing; Ordinance introduced by Commission Novick; VAC-10106

I submit this testimony regarding the above referenced hearing, VAC10106.

I am a resident of the Overlook neighborhood, in close approximation to Hazelnut Grove and other campsites along the Greeley corridor. I appreciate the need and attempt to address our housing emergency and would like to be part of a reasonable and sustainable solution. I am concerned about the ultimate effectiveness of the methodology that has been adopted by city officials by sanctioning homeless camps throughout the city. I submit that a solution isn't truly a solution unless it is sustainable!

- Offering land for tent camps and allowing structures to be built with none of the code or safety standards that all other citizens are obligated to, is not sustainable.
- Encouraging unidentified people with societal issues to gather in precarious plots of land with no real ability to police, is not sustainable.
- It is disingenuous to refer to the camps as a temporary solution because it is well understood by everyone that once a camp is sanctioned it will be nearly impossible to disband. The temporary solution is especially not considered "temporary" by camp residents. They consider it a triumph that has allowed them to expect even grander development, as publicly and repeatedly stated by Hazelnut Grove camp leaders. Encouraging sovereign nations is not a sustainable or practical betterment to our society.
- Sanctioning campsites on properties with inherent dangers and health hazards is plainly irresponsible and unsustainable. There is a long list of hazards for the proposed site in the CEIC and certainly at Hazelnut Grove, where crews are currently stabilizing a nearby landslide.
- Conversations with people that have camped illegally in Overlook Park have confirmed that many people committed to living a "houseless lifestyle" are attracted to Portland for the ease of doing so. Drawing people to Portland to facilitate their homeless desires expounds our problem and is not a sustainable solution.

I could go on, suffice it to say that we owe it to the homeless, to each Portland neighborhood and to our entire population to devise a better plan! In the meantime, I implore city officials to refrain from becoming so invested in this unsustainable camp approach that it prevents a more conscientious and effective approach.

Very sincerely,



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**Parsons, Susan**

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**From:** Eric Cress <eric@udplp.com>  
**Sent:** Thursday, February 04, 2016 11:06 AM  
**To:** Planning and Sustainability Commission  
**Cc:** Council Clerk – Testimony; Malsin Malsin; Robin Scholetzky  
**Subject:** [User Approved] Re: Letter concerning street vacation at SE Harrison St east of SE 3rd Ave

Julie -

Thanks for replying. Sorry, I had the wrong email address. Thank you for redirecting the email.

Regards,  
Eric

On Thu, Feb 4, 2016 at 11:04 AM, Planning and Sustainability Commission <[psc@portlandoregon.gov](mailto:psc@portlandoregon.gov)> wrote:

Hi Eric,

Thanks for your comments about the street vacation that Council will hear this afternoon. The Planning and Sustainability Commission had their hearing on this request a couple months ago, so comments now should be directed to Council as opposed to the PSC.

I've copied the Council Clerk on this message so that your comments make it into the record for today's meeting.

Thanks,

julie

Julie Ocken

City of Portland

Bureau of Planning and Sustainability

1900 SW 4<sup>th</sup> Ave, Suite 7100

Portland, OR 97201

[503-823-6041](tel:503-823-6041)

[www.portlandoregon.gov/bps](http://www.portlandoregon.gov/bps)

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To help ensure equal access to City programs, services and activities, the City of Portland will provide transportation, reasonably modify policies/procedures and provide auxiliary aids/services/alternative formats to persons with disabilities. For accommodations, translations, complaints and additional information, contact me, City TTY [503-823-6868](tel:503-823-6868), or use Oregon Relay Service: 711.

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**From:** Eric Cress [mailto:[eric@udplp.com](mailto:eric@udplp.com)]

**Sent:** Thursday, February 04, 2016 10:51 AM

**To:** Planning and Sustainability Commission <[psc@portlandoregon.gov](mailto:psc@portlandoregon.gov)>

**Cc:** Malsin Malsin <[brad@beamdevelopment.com](mailto:brad@beamdevelopment.com)>; Robin Scholetzy <[robin@urbanlensplanning.net](mailto:robin@urbanlensplanning.net)>

**Subject:** Letter concerning street vacation at SE Harrison St east of SE 3rd Ave

Dear Councilors –

I am sending this letter to convey my sentiments with regard to the planned relocation of Right2DreamToo to central east Portland. I am a property owner and central eastside resident, a principal at Urban Development Partners, and Vice President of the Central Eastside Industrial Council.

A positive outcome of the debate over whether and where to relocate R2DToo, is that it has brought a renewed awareness to the general public of the plight of some of our most vulnerable and disenfranchised citizens. This awareness is our first step toward gathering our resources, addressing the problem head on, and utilizing our compassion and ingenuity to find a solution. I feel the current proposal to relocate R2DToo to a less visible corner of the city, effectively sweeping the issue under the rug, is a compromise that will feel good in the short-term, but will undermine the long-term goal by hiding the problem. We have a responsibility to these fellow Portlanders, and to the broader community, to find a sustainable way to house our population.

The proposed ‘solution’ that is currently on the table will disenfranchise business owners and citizens who are potential allies and it will reduce the confidence of the public in our leaders’ ability to find a long-term solution. Since moving to Portland, I have appreciated and admired this city’s ability to bring a broad constituency of stakeholders together and engage them in solving problems. This is an important process that informs us of a broad spectrum of perspectives, and often leads to better solutions. This current relocation plan was initiated without adequate notification, did not engage a broad spectrum of stakeholders, and is far from an optimal solution. I know we can do better.

I humbly request that City Council deny this action and utilize stakeholders' concerns in a positive way to find a solution for our homeless population that is sustainable, humane, and represents Portland's ability to address issues with compassion, intelligence and integrity.

Eric Cress

Principal, Urban Development + Partners

Vice President, Central Eastside Industrial Council

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eric cress | urban development partners

116 ne 6th avenue, Ste 400, portland, or

o: [503.946.3265](tel:503.946.3265) | f: [503.961.1698](tel:503.961.1698)

[eric@udplp.com](mailto:eric@udplp.com) | [www.udplp.com](http://www.udplp.com)

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eric cress | urban development partners

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**Parsons, Susan**

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**From:** Andrew James <ajames@wyserea.com>  
**Sent:** Thursday, February 04, 2016 11:19 AM  
**To:** Council Clerk – Testimony  
**Cc:** Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Commissioner Novick; Hales, Mayor; Andrew James  
**Subject:** FW: Right to Dream Too - City Council Agenda Item 119 for February 4, 2016  
**Attachments:** Letter responding to SE Harrison Street vacation east of SE 3rd Ave - City of Portland Council Agenda Item 119.pdf

The attached PDF file contains a letter to the Mayor and the City Commissioners regarding the proposed street vacation of SE Harrison St east of SE 3<sup>rd</sup> Avenue.

Thank you for considering my testimony on this issue.

Andy James  
Vice President of Construction  
Direct: (503) 595-9687  
Cell: (503) 313-9973

**Wyse Real Estate Advisors**

810 SE Belmont St, Suite 100, Portland, OR 97214  
(503) 294-0400 / WyseREA.com



WyseREA.com  
(503) 294-0400

810 SE Belmont St, Suite 100  
Portland, OR 97214

February 3, 2016

The Honorable Charlie Hales  
1221 SW Fourth Ave, Suite 340  
Portland, OR 97204

Re: City Council Agenda Item 119 for February 4, 2016

Dear Mayor Hales:

The proposal to vacate a portion of SE Harrison Street, east of 3<sup>rd</sup> Avenue is a terrible idea and should not be approved based on the following reasons.

First, the underlying reason for the vacation of the street is an illegal use of the property based on the current zoning. Tent camping is a residential use and therefore prohibited by code. Just because the "structure" is a tent and does have a roof structure does not mean that it can slip around the Code nor will adequately protect a camper from adjacent industrial uses.

Second, the current adjacent permitted use, East Side Plating, is in an industrial zone for a reason. The chemicals and processes that are used on a daily basis at the site pose a huge risk to the campers and first responders if an accident occurs. Why should some of City's most vulnerable people be placed in harm's way due to a politically easy decision by the Council? If an accident or natural disaster occurs the residents and the first responders are placed in grave danger. The Council is risking enormous liability exposure for the general fund if an accident occurs and campers are hurt because this site is selected when other options exist.

Third, vacating the street for the purpose of allowing a change of use goes against the recently adopted SE Quadrant plan which only begrudgingly allowed a longtime member of the community, OMSI, to keep residential use on a portion of their property as a conditional not a permitted use. The code does not allow for tent camping as a way to usurp the building code and most specifically the fire life safety portion of the code which is there to protect people and the people who are called upon to rescue them.

For these and numerous other reasons the street vacation should not be approved by Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy James', with a long horizontal line extending to the right.

Andy James  
Vice President of Construction



February 4, 2016

Mayor Charlie Hales  
City Commissioners  
1221 SW Fourth Ave, Suite 340  
Portland, Oregon 97204

► RE: City Council agenda items 119, Harrison Street Vacation, on February 4, 2016

Dear Mayor Hales and Commissioners,

Homelessness in Portland is in a crisis state. We can all agree that much needs to be done to assist people who are dealing with homelessness. Portland can do better and we should. We should provide more indoor emergency shelters and more long-term housing.

I am writing to oppose the proposed street vacation of Harrison at SE 3<sup>rd</sup>. As an industrial property owner and business owner in the Central Eastside, I am concerned about the proposed use of the site. The street vacation is being proposed in order to facilitate an illegal use, namely moving a homeless camp onto the site. The primary use proposed for the site is residential and is explicitly not allowed in the industrial zoning of the site.

- The original intent of the land was as a transportation-related use. The end use of the land should result in a transportation-related use - either as parking to alleviate District-wide parking pressures or as a roadway providing access to the surrounding properties. Parking is in extremely short supply in the district and may have a dampening effect on the ability of the district to bring more jobs into the community.
- The proposal to allow a 15-foot wide access for trucks delivering chemicals to adjacent businesses is not sufficient to assure safe delivery.
- The existing right of way serves as a viable access to emergency vehicles needing direct access to adjacent sites. This is an important life-safety issue for the employees of the adjacent business as well as potential residents of a homeless camp.
- The inability of adjacent businesses to use the right of way for safety, egress and safe delivery of chemicals creates a liability risk for the City's general fund. It is not prudent for the City to pursue siting a homeless camp that would be housing up to 100 people who have not been trained adequately in the event of an emergency.
- The modifications to the street vacation proposal since the PSC hearing are not adequate to protect existing industrial users in the district. Loss of the transportation use for adjacent property owners will create irreparable harm to the businesses. The industrial sanctuary was created to support the industrial businesses and their employees. The City's Comprehensive Plan calls for continued protection of industrial uses in the district. This proposal and the intended use of the property are not consistent with the Comprehensive Plan. These industrial businesses provide middle income jobs that are critical for supporting families and promoting equity in our community.

Thank you for the opportunity to comment.

Sincerely,



Debbie Kitchin  
Principal, InterWorks LLC

PO Box 14764  
Portland, Oregon  
97293

503.233.3500  
fax 503.233.1383  
CCB#98655

**Parsons, Susan**

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**From:** Lorraine Doyle <lorraine@killianpacific.com>  
**Sent:** Monday, February 01, 2016 4:55 PM  
**To:** Moore-Love, Karla  
**Cc:** Council Clerk – Testimony  
**Subject:** Agenda Items 119 - 121, SE 3rd & Harrison, VAC-10106/PR 16-108969 ZCL/Resolution  
**Attachments:** SE 3rd & Harrison Letter.pdf

Hello,

Please find attached a letter of written testimony regarding agenda items 119, 120 & 121, SE 3rd & Harrison, VAC-10106/PR 16-108969 ZCL/Resolution.

Thank you,  
Lorraine

**Lorraine Doyle**

**KILLIAN PACIFIC**

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Vancouver, WA 98660

T: 360.567.0626

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

# KILLIAN PACIFIC

187591

February 1, 2016

Portland City Council  
1221 SW Fourth Avenue  
Portland, OR 97201

RE: Agenda Items 119 – 121, SE 3<sup>rd</sup> & Harrison  
VAC-10106/PR 16-108969 ZCL/Resolution

Dear City Council:

Thank you for this opportunity to offer testimony on the above referenced matters. Killian Pacific associated entities have developed and own four city blocks very close to the SE 3<sup>rd</sup>/SE Harrison property. We will have invested well in excess of \$80 million in the immediate neighborhood in an effort to develop and provide compelling work environments for family wage jobs and supporting services. Our City's top job-creating firms (like Viewpoint, or Simple) have responded and will number in excess of 1,000 people at full completion. Our purpose as a company is to enhance community.

We believe the decision to locate a homeless camp in this immediate area is counter-productive to the City's goals and objectives related to sustainable economic development, publicly supported planning/zoning, and long term return on public infrastructure/investment via the myriad mass-transit options recently built in this area. If homeless camps are a good idea and compatible with these other City objectives why would you be moving R2DToo from its current location.

But most importantly we are concerned this proposal is not humane, nor is it a viable long-term solution.

We encourage you to address one of the most pressing human topics in our City with inspired and empathic leadership. We urge you to set a higher goal on this topic and utilize the incredible resources we have in this community that are ready, willing and able to assist to study what has already worked in other communities (like Salt Lake City). Draft off of best practices, infused with our own Portland way of doing things differently. Don't hide a tent camp under a highway, next to railroad tracks and a factory using dangerous materials. With a commitment to something better, we are ready willing and able to dedicate time and money to this as an organization, and we know there are many others like us, but without a lofty goal that will make a difference there is nothing to get behind that will create meaning for people living on the street and our community as a whole. Please be the leaders we can look up to and desire to follow and we will rally behind you. Absent proffering a better solution on this topic, the location of a tent camp on the SE 3<sup>rd</sup> and SE Harrison Street property is not good leadership for the following reasons:

- **No Services.** There are no services near the property to support the people who would be living there. We agree with R2DToo's board when they publicly said to you this is an issue.

# KILLIAN PACIFIC

- **Incompatible Uses.** This is not a residential area, and for good reason.
- **Safety.** The adjacent heavy industry utilizes highly flammable materials and hazardous products. The Portland Police department has said that they do not have additional resources to support the policing of a tent camp in this location (both for its residents and for the surrounding businesses and property owners).
- **Public Process.** The City of Portland is known internationally for its integrity and quality of its urban planning. Locating this use on this property contravenes the standard of care and integrity of our zoning system. The City's Planning and Sustainability Commission voted to recommend denial of the street vacation. Why would you disregard this - this is not a permitted use and the property was not zoned or intended to be used for residential living.
- **Economic Development.** You just recently approved a broad upzoning in this part of the City, including OMSI's significant holdings, and hundreds of millions of dollars have been invested recently to provide public transit infrastructure to this area to encourage additional density and investment. Along with established stable companies, this immediate area is becoming one of the densest employment areas in the Central Eastside with a high technology cluster of companies such as Viewpoint and Simple.
- **Transportation.** The property would better serve the community as a transportation related function, providing parking to an under-parked neighborhood and access (emergency and otherwise) to adjacent properties in support of the dramatic, ongoing Economic Development -which incidentally is supported by the public's huge investment in transit.

We implore you to not waste the opportunity this crisis represents to set a bold vision that will create a lasting positive community result for which we can all be proud.