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1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3 RESTORE OREGON, BOSCO-MILLIGAN
4 FOUNDATION/ ARCHITECTURAL
5 HERITAGE CENTER, NIKKEI LEGACY
6 ENDOWMENT, PORTLAND
7 CHINATOWN MUSEUM and PEGGY G.
8 MORETTI,

LUBA No. 2018-072/073
(Consolidated)

9 Petitioners,

10 v.

11 CITY OF PORTLAND,

12 Respondent,

13 and

14 GUARDIAN REAL ESTATE SERVICES,
15 LLC,

16 Intervenor-Respondent.

17 OSB2LAN IVON, LLC and HAITHEM
18 TOULAN,

19 Petitioners,

20 v.

21 CITY OF PORTLAND,

22 Respondent.

23 RESPONDENT CITY OF PORTLAND'S SUPPLEMENTAL RECORD

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26 Office of the City Attorney
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10 Endowment, Portland Chinatown
11 Museum and Peggy G. Moretti*

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Estate Services*

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 Haithem Toulan v. City of Portland*
 LUBA No. 2018-072/073

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CHINATOWN JAPANTOWN ANKENY PLAZA SKIDMORE WATERFRONT

May 23, 2018

Mayor Ted Wheeler
Commissioner Amanda Fritz
Commissioner Chloe Eudaly
Commissioner Dan Saltzman
Commissioner Nick Fish
City of Portland
1221 SW 4th Avenue
Portland, OR 97204

RE: Central City 2035 Plan / Proposed Amendment - Height and FAR increases in New Chinatown/Japan town Historic District

Dear Mayor Wheeler and Commissioners:

We are writing to reiterate our support for the height and density increase on Block 33, located between NW 4th and NW 5th Avenues and NW Couch and NW Davis Streets, from 160 feet to 200 feet on the west half of the block and from 6:1 to 9:1 FAR across the entire block. Our support also continues to be contingent upon the development of housing and consideration of public parking. As mentioned in the letter that we submitted on March 19, 2018 (attached), development on Block 33 represents a potentially catalytic development site for our neighborhood. The community has been discussing the significance of this block for decades with several potential starts and stops with previous property owners and developers.

We were clear in our letter of support for the additional height and FAR for Block 33 is conditioned on the addition of much needed housing and assurance that the development supports the cultural intent of the New Chinatown/Japantown Historic District. We support the proposed amendment because it represents a creative approach that not only improves the odds we will see housing development occur in the near term, but it also addresses prior massing concerns previously expressed by the neighborhood and Landmarks Commission.

However, at this time we cannot support the blanket amendment for the four northern blocks in New Chinatown/Japantown Historic District that is being proposed this Thursday as we have had no opportunity to discuss the merits or concerns of these amendments.

We have not learned of any planned developments for the other blocks being considered and have not had the opportunity to examine the impacts of the additional height on those blocks for the neighborhood. We have a very unique neighborhood with respect to cultural and historical aspects. Therefore, we do not subscribe to the "fairness" premise discussed by council and the Bureau of Planning & Sustainability. In this district each block should be evaluated uniquely with careful consideration of these matters. Of most interest is any impact on the Lan Su Garden, the protection of which may or may not be adequately addressed in the current or proposed zoning code. Therefore, our support for the height and density increase is only for Block 33 at this time.

We would appreciate City Council's consideration of our concerns and approve the proposed height and FAR amendment for Block 33 only.

Thank you.

Sincerely,

Helen Ying, Chair
Cal Skate Skateboards

Jessie Burke, Vice Chair
The Society Hotel, Partner

Peter Englander, Treasurer
Deadstock Coffee

Phil Lundberg, Secretary
Oregon College of
Oriental Medicine

Evan Ross, Board Member
Cycle Portland, Owner

Will Naito, Board Member
Fortune

Dan Lenzen, Board Member
Venture Hospitality

Candee Wilson, Board Member
Resident

Jane Gordon, Board Member
University of Oregon

David Leiken, Board Member
Roseland Theater

Sharon Fitzgerald, Board Member
Central City Concern

Lisa James, Board Member
Lan Su Chinese Garden

April 10, 2018

Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman
City of Portland
1221 SW Fourth Avenue
Portland, Oregon 97204

Re. Block 33 – We’ve already conceded enough! Don’t further destroy the character of our historic district

Restore Oregon is aware of the unrelenting pressure that the development team for Block 33 are applying to further raise the height on and spot-zone Block 33. At a time when Portland’s historic character has never been under greater threat, we sincerely hope you will rise above the nonsense and scare tactics being employed here.

Asserting that its 200’ or nothing will ever be built on the block is ridiculous – especially when there are so many examples to the contrary. Taking a broader, longer view, we urge Council to consider both the immediate consequences to this fragile historic district and the terrible precedent being set.

I am attaching again our previous letter of testimony and reiterate three points that bare repeating:

1. **No guarantee has been made as to what will be built in exchange for setting aside our standards.** Why on earth would we do that??
2. **It is not possible to design a historically compatible building at 200 feet.** Period. That architectural super-power does not exist. Especially with a firm that has ZERO experience designing within a historic district. Don’t throw your Landmarks Commission “under the bus.” The development team simply plans to go through the motions with Landmarks and then appeal their inevitable rejection to City Council, assuming you’ll have no alternative but to reverse the decision.
3. **When other developers can make their projects pencil out at lower heights, why can’t this one?** Just down the street at 3rd and Ash a perfectly compatible project is breaking ground. Something is fishy here. **To give them a pass is unfair to all the other developers who have done the right thing and followed the rules.**

Creating housing matters, absolutely. A development within the height limit will still serve that goal well without destroying the character of this unique historic place.



Peggy Moretti
Executive Director

Daniel Kearns

From: Lynn Fuchigami <lynn@oregonnikkei.org>
Sent: Friday, February 15, 2019 6:03 PM
To: Peggy Moretti; Daniel Kearns; stephaniew@visitahc.org
Subject: FW: Urgent letter regarding proposed amendment for Block 33
Attachments: Dear Mayor Wheeler and Portland City Commissioners.docx; Letter to Mayor and Commissioners.pdf

Importance: High

Forwarding email and sending their responses.....

From: Lynn Fuchigami
Sent: Wednesday, April 04, 2018 8:52 AM
To: mayorwheeler@portlandoregon.gov; amanda@portlandoregon.gov; nick@portlandoregon.gov; chloe@portlandoregon.gov; dan@portlandoregon.gov
Subject: Urgent letter regarding proposed amendment for Block 33
Importance: High

Please read the attached letter regarding the amendment to increase building heights for Block 33.

Thank you,

Lynn Fuchigami Parks

Executive Director

Oregon Nikkei Endowment

121 NW 2nd Avenue

Portland, OR 97209



OREGON NIKKEI ENDOWMENT

Dear Mayor Wheeler and Portland City Commissioners:

My name is Lynn Fuchigami Parks and I'm the Executive Director of Oregon Nikkei Endowment whose major projects include a Japanese American history museum (Oregon Nikkei Legacy Center) and the Japanese American Historical Plaza (aka Bill of Rights Memorial), both located in Old Town which at one time was a large and vibrant Japantown. I also serve on the Board of Directors for the Portland JACL, the Japanese Ancestral Society of Portland and previously served on the Board for the Old Town Chinatown Community Association.

I strongly urge you to vote against the amendment to increase building heights from 125' to 200' on Block 33. Giving additional height and raising it to 200 feet is not compatible with the character and integrity of the neighborhood, and could possibly threaten its historic designation. In addition, proposed heights abutting the Skidmore Landmark District challenge the integrity of the Landmark District, and they purposefully denigrate the architectural and historical significance of the New Chinatown/Japantown National Historic District. During the development of the West Quadrant Plan, it was the only one of five national historic districts on the west side for height limitations to be lifted. This inequitable set of height recommendations sent a powerful and negative message to Portland's communities of color and members of the Japanese and Chinese communities that testified in past years to that effect.

Despite the recent support from the OTCTCA Board for this (which does not represent the consensus of the community), many of us as stakeholders, spent countless hours speaking out against raising the heights for the district at meetings, community hearings, and testifying in front of the Portland Bureau of Planning and Sustainability and their West Quadrant's Strategic Advisory Committee to have our voices heard as they worked mindfully and thoughtfully to complete the West Quadrant Plan for the 2035 Central City Plan.

The result of those efforts were incorporated in the language, strategies, and recommendations that reflect the majority of what the greater community expressed and what the Planning Bureau still stands behind today with regards to restricting heights. And yet here we are again, fighting the same fight with little regard to the public process that previously took place.

The 2035 Central City Plan says, "It is the City's responsibility to promote deep and inclusive community involvement in planning and investment decisions." Additional verbiage about the value of community wisdom and participation as well as equity include:

Goal 2.C: Value community wisdom and participation

Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

121 NW 2nd Avenue Portland OR 97209 Tele 503.224.1458

The Oregon Nikkei Endowment (O.N.E.), a non-profit corporation, supports projects of Japanese American concern.

Goal 2.E: Meaningful participation

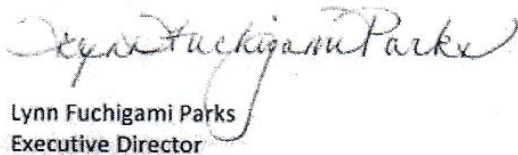
Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Again, many of us showed up in the past years to give input and be heard, but the fact that we are once again having to address this issue shows that public process and voice have been ignored and undermined.

As someone who has been a part of this neighborhood for over 45 years, I am excited to see the positive changes and efforts to revitalize the district. There are many models throughout the country showing how cities have been able to successfully and respectfully preserve and invest in their historical districts to turn them into vibrant neighborhoods that attract residents, tourists and businesses *while maintaining its existing character and integrity*. Why can't Portland follow their example?

There is no other neighborhood that uniquely reflects the history of those communities whose backs the city was built on. It is the place where the city established its roots and where many important immigrant communities—Japanese, Chinese, Greek, Jewish and African American communities got their start. This rich cultural and multi-ethnic history is reflected in the identifying physical characteristics and human scale of the district. One cannot separate history, culture and the character of place—they are all integral parts of each other and it would be a shame if the leadership of our city does not respect nor recognize the value of protecting and preserving this neighborhood and its history that is truly unique to any other part of town. It's a part of Portland's past that once lost, can never be recreated. Are you willing to have a role in that loss?

Respectfully submitted,



Lynn Fuchigami Parks
Executive Director

The Board of Directors
Oregon Nikkei Endowment

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Respectfully submitted,

Lynn Fuchigami Parks
Executive Director

The Board of Directors
Oregon Nikkei Endowment

City Council – West Quadrant Plan Testimony – 2/4/15

Peggy Moretti, Executive Director

Restore Oregon is a non-profit whose statewide mission is to save Oregon's historic places and promote livable communities. We were pleased to engage the West Quadrant Planning process and appreciate the thoughtful process and generous contributions of time and talent. I have some comments specific to maintaining the integrity and vitality of the Historic Districts in the West Quadrant, and some comments more broadly applicable to other non-historic neighborhoods such as the West End.

Skidmore Old Town - We applaud and heartily support the retention of a 75-foot height limit for this National Landmark district and the pending design guidelines for compatible infill development. We need now to adopt the right policies and incentives to stimulate that infill development and shift parking from surface lots to structured parking that will support the historic buildings as well as new.

In **Japan Town-China Town** we have one of Oregon's Most Endangered Places (the Wong Laundry Building – presenting an opportunity for reuse as a cultural history center), and other examples of demolition-by-neglect. This historic district includes an incredibly rich cultural history whose story is not currently well-told. The Plan calls for preservation while proposed zoning increases the allowable height for new development. We fear this will INCENTIVIZE FURTHER DEMOLITION BY NEGLECT as a means to circumvent demolition denial within the historic district. **We urge that the city create an ordinance that penalizes demolition-by-neglect.** Restore Oregon supports the idea of Transfer Development Rights as a mechanism to finance preservation. And we heartily agree that adoption of design guidelines that tell the story of Japan Town-China Town MUST be in place before implementation of zoning changes so the new development does not swallow up the historic, but builds upon and complements the story of the district.

We appreciate that preservation is represented in the West Quadrant Plan. But generally, the Plan gets specific on heights, but is pretty vague on the implementation of its other aspirational goals. And it does not assess how livability will be impacted by significantly increased heights. As those are fleshed out, please consider these points:

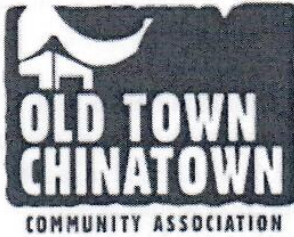
When zoning increases the allowable height, you doom the more modest, human-scaled historic buildings – the financial gain from replacing them is just too great. We're especially concerned with the **West End** in this regard. While we struggle to balance density with preservation, we need to ensure there are sufficient **economic incentives** in place for preservation.

In that regard, we thank the City for its endorsement of the **Revitalize Main Street Act** (Senate Bill 565) that creates a state Historic Rehabilitation Fund which would provide a 25% rebate on the cost of rehabilitation for historic buildings. Please advocate strongly for it – we need this incentive to offer some counter-balance to the financial lure of replacing historic structures.

And we need significantly **more incentives for seismic upgrades**, which can represent 20-25% of total rehab costs and are often the stumbling block keeping buildings from being restored and reused.

And I have one final, personal comment: as we densify our city – as we go taller and pack in more people per square foot – its time to **raise our game on design**. Can we set some higher standards for design than just being “green” and non-offensive? Let’s aspire to truly great architecture in Portland!

Thank you.



February 3, 2015

To: Mayor Charlie Hales

Commissioner Amanda Fritz
Commissioner Dan Saltzman
Commissioner Nick Fish
Commissioner Steve Novick

Re: Recommended Draft – West Quadrant Plan

Mayor Hales and Commissioners:

The Old Town Chinatown Community Association is submitting this letter in support of the Central City 2035 West Quadrant Recommended Final Draft Plan, specifically with respect to Old Town Chinatown. With the recent adoption and support of the 5-Year Action Plan for the neighborhood, Old Town Chinatown is finally a neighborhood on the brink of great progress and success. The long range planning, goals and actions in the recommended final draft of the West Quadrant Plan will be instrumental in creating sustainable, economic momentum and continued success for the revitalization of the entire district.

We strongly advocate that City Council and the Planning Bureau consider the following key planning objectives:

1. There has been much discussion about height adjustments in the district as a tool or incentive for new development. In 2008, this discussion focused on opportunity sites in the National Register Landmark District, the Skidmore Old Town historic district. Today there is agreement that height should remain at the current 75' in the Skidmore Old Town historic district. However, the final draft plan discusses studying additional height up to 150' in the New Chinatown Japantown historic district on the 3 blocks between West Burnside and NW Everett and between NW 4th and NW 5th Avenues. We feel that this is too much height and covers too many blocks. Within these 3 blocks, there are only two surface parking lots available for infill development. We feel that this study of additional height should be **focused only on a single block, Block 33**, the full block surface parking lot between NW Couch and

NW Davis/NW 4rd and NW 5th Avenues and that the height that is studied for this site should be no more than 150' as recommended in the final draft plan.

Bock 33 is a catalytic opportunity site and has had several opportunities at real development. Despite \$12 million dollars of reserved TIF funding, the owner could not make this happen under the current 100' height limit. We were challenged to look at using height as a development tool and the neighborhood would like to explore additional height up to 150' for this site in bonuses that would meet our district goals of housing and preservation. **This block is too big to fail** and we must look at this opportunity and its impact to the district and the city.

2. We want to be very clear that there **cannot be a discussion of additional height without strong design guidelines** for the district. This is the only way the City can ensure compatible infill development in these historic districts while minimizing the uncertainty of developers undertaking the land use process to seek additional height. We strongly recommend that the sequencing of the recommended implementation actions, Actions RC4, UD3, UD4 and UD5, **be done concurrent with one another** and that these be done as part of the CC 2035 planning process. With some minor modifications to the work completed in 2008, we must move forward and adopt the already drafted Skidmore Old Town historic design guidelines and begin the work and development of **new and specific design guidelines for New Chinatown Japantown** as soon as possible. We would support the use of PDC TIF resources to ensure that this could be done in the expedited timing that we are recommending.

The Old Town Chinatown Community Association is in the process of learning more about a possible update to the National Register nomination for the New Chinatown Japantown historic district, but we have yet to achieve consensus on whether we support such a rewrite. Without additional information and time to hear from various stakeholder groups, particularly the Chinese and Japanese communities, we cannot support the rewrite at this time. That is not to say we would oppose it in the future, but we need more information about its purpose, goals, and the process for undertaking such an important task.

3. We are a neighborhood that is rooted in an incredibly rich historical past. The architectural and cultural history of this district is an asset to the entire City and helps shape and inform our neighborhood identity. It also can and should be an economic driver for the district. This, however, requires a stronger emphasis on the economic tools to support the rehabilitation of these significant historic resources. Unfortunately, the longer range 2035 planning and possible changes in the regulatory framework, including the Historic Resource Code Amendments (HRCA), may be too late for some of these properties. Restore Oregon is working hard on a long overdue State Historic Tax Credit and rebate program and we look for this City Council's support as this moves forward through the legislative process.

PDC's participation will be equally critical in mixed-use, market rate developments in targeted areas of the district where a combination of commercial and residential uses are needed to revitalize this neighborhood. With its many two-story, mixed-use historic properties, Old Town Chinatown is a perfect example of a district that desperately needs PDC to bring its resources to bear on both commercial and residential uses. This need was highlighted and prioritized by residents, stakeholders, and the Old Town/Chinatown Community Association during the development of PDC's 5-Year Action Plan for the neighborhood. PDC resources need to continue to support key, mixed-use projects in Old Town. We will continue to work with the Portland Development Commission on short term resources to help with the preservation of these buildings, but we need a long term plan that can ensure that these buildings are financially viable and continue to contribute to the history of the district for generations to come.

4. **Housing balance in the district continues to be challenging.** While we have done an extraordinary job preserving the affordable housing in the district with partners like Central City Concern, Innovative Housing, Blanchet House, Transition Projects and many other non-profit partners, we continue to have an imbalance of housing in the district. Over 66% of the housing in the district is at 60% MFI or below. **There is no better place in this city to target more diverse housing and incomes than in Old Town Chinatown.** Ensuring that new units constructed in the district serve households that earn between 50% - 120% MFI for workforce, student and market rate housing is critical to bringing this key Central City neighborhood into balance. This is the reason that we supported the SDC waiver incentive on up to 500 units of new housing as part of the 5-Year Action Plan. But SDC waivers are not enough.

We urge this City Counsel and the PDC to consider using **non-set aside TIF resources** to support the development of housing affordable to households earning between 60% and 120% of area median income (AMI). There has been discussion at City Hall and beyond over the last year about a gap in Portland for workforce, or middle-income, housing. Not everyone agrees that there is a shortage and, if there is one, it may exist only in certain neighborhoods. But it is a fact that the City of Portland currently lacks a toolkit to incentivize the creation of housing affordable above 60% AMI. The Portland Housing Bureau's funding sources, including TIF set-aside funds, are limited to serving 60% and below. The open market is booming, but the vast majority of new units coming online are not affordable to households that earn below 100-120% of AMI. Efforts are being made to increase the City's ability to support workforce housing, but there remains a space that PDC could fill. In 2015-16 it would be worthwhile for PDC to examine how middle-income, or workforce housing, could support PDC's goals around job creation, economic development, and place making and consider ways that PDC might participate in the creation of such housing.

We will continue to look at tools the help us meet the goals of changing this balance of housing for Old Town Chinatown.

5. **We do not support the closure or taxing of the surface parking lots in the district.** Closing surface parking lots will not stimulate development. In fact, it will create further challenges for the district as we try to attract more companies to move into the neighborhood. We support the Portland Development Commission's effort to create dedicated, shared parking opportunities that will satisfy requirements for preservation parking stalls for our many historic buildings and attract much-needed new construction and infill development on the surface lots in the district. We encourage the City and PDC to focus on identifying these types of tools, along with other subsidies, to incentivize new development on surface parking lots, rather than penalizing owners who are providing critical parking in the neighborhood.

We look forward to working with the BPS staff to ensure that this long term planning helps move Old Town Chinatown into the future as a vibrant, economically healthy and viable neighborhood. This is the time for Portland to realize that a healthy Old Town Chinatown is critical to the health and vibrancy of the entire Central City.

Thank you for your consideration of these comments.




Howard Weiner, Chair
Cal Skate Skateboards



Helen Ying, Vice Chair
Golden Horse Restaurant



David Hooff, Treasurer
Northwest Health Foundation




Jacqueline Peterson-Loomis, Secretary
Old Town History Project, Principal



Patrick Gortmaker, Board Member
Kalberer Company



Jane DeMarco, Board Member
Lan Su Chinese Garden




Paul Verhoeven, Board Member
Portland Saturday Market

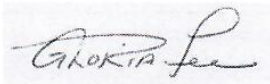


Zachary Fruchtgarten, Board Member
Gevurtz Menashe

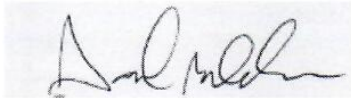
Fleischner Mayer Building Owner



Jessie Burke, Board Member
The Society Hotel, Partner



Gloria Lee, Board Member
The Giving Tree & CCBA



Dan Lenzen, Board Member
Concept Entertainment



Sarah Stevenson, Board Member
Innovative Housing, Inc.

1
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that I served the foregoing SUPPLEMENTAL RECORD
4 and REVISED INDEX PAGES 41 and 183 on:

5 DANIEL KEARNS
6 REEVE KEARNS PC
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10 TIMOTHY V. RAMIS
11 JORDAN RAMIS PC
12 TWO CENTERPOINTE DRIVE, 6TH
13 FLOOR
14 LAKE OSWEGO, OR 97035
15 *Attorney for Intervenor-*
16 *Respondent Guardian Real Estate*
17 *Services, LLC*

14 on April 4, 2019, by mailing to said person(s) an electronic copy thereof, contained
15 on a CD in a sealed envelope, with postage paid, and deposited in the post office at
16 Portland, Oregon on said day.

17 I further certify that on April 4, 2019, 2019, I filed two electronic copies of
18 the SUPPLEMENTAL RECORD and REVISED INDEX PAGES 41 and 183 with
19 the:

20 LAND USE BOARD OF APPEALS
21 DSL BUILDING
22 775 SUMMER STREET NE, SUITE 330
23 SALEM, OR 97301-1283

22 by mailing said document, contained in a sealed envelope, with first class postage
23 paid, and deposited with the post office at Portland, Oregon on said day.

24
25 
26 LINLY F. REES, OSB NO. 945098
Chief Deputy City Attorney