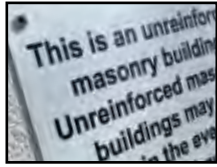


"Digging deep,  
Shining a light"

INSIDE



p. 3  
The homeless  
pendulum



p. 10  
URM list  
compiled  
amateurishly

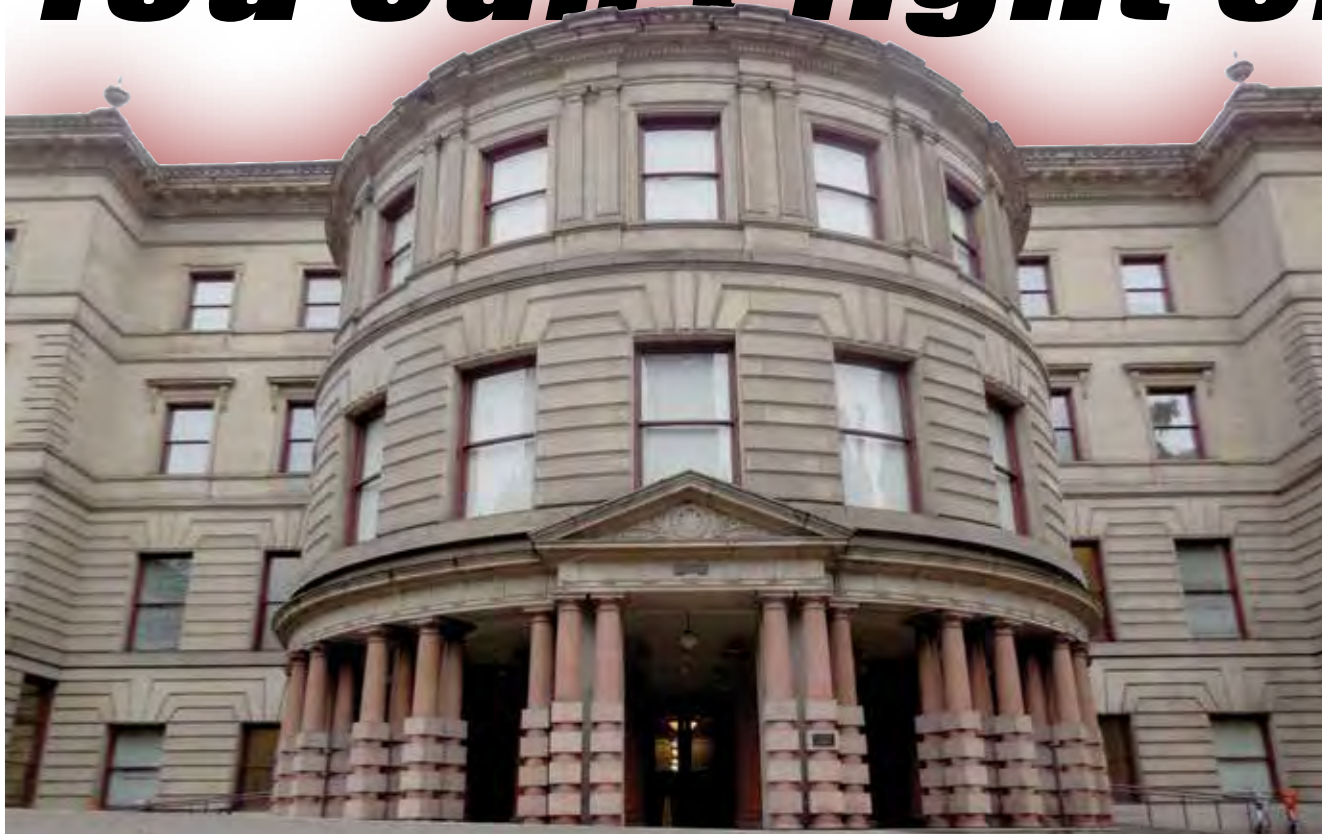


p. 18  
Zoo train line  
has a backer

MARCH 2019/VOLUME 32, NO. 7 **FREE** SERVING PORTLAND'S NORTHWEST NEIGHBORHOODS SINCE 1986

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## You can't fight city hall



But some neighborhood associations keep trying, with little success

BY ALLAN CLASSEN

Portland neighborhood leaders know the City Council is tired of hearing development challenges and will probably vote against their appeals.

But three inner Westside associations keep trying. The Northwest District Association (twice), Goose Hollow Foothills League and Pearl District Neighborhood Association (once each) have appealed projects to the council in the last two years.

Council sided with the developers all four times. In two of those instances, the losses were appealed to the state Land Use Board of Appeals and once taken the next step to the Oregon Court of Appeals. Decisions are expected soon on the two cases.

With this track record, why do these neighborhood associations think they can fight city hall?

Their detractors say it's because the special fee waiver they are granted for council appeals means they have nothing to lose.

The fee waiver is real, although legal counsel, which is almost necessary for success, is not cheap. And appeals to the state

Cont'd on page 6

## Soccer fans won't park in Good Sam garages after all

*Proposal violates policies protecting Northwest District from transportation impacts*

BY ALLAN CLASSEN

The key to fitting 4,000 more soccer fans into Providence Park without worsening parking and traffic congestion in Northwest Portland was to be using Legacy Good Samaritan parking facilities on game days.

That option has been taken off the table, at least for the 2019 season, which begins June 1.

"No one's parking at Good Sam this year," said Ron Walters, a Northwest District Association board member who represents the association on two advisory bodies addressing stadium transportation issues.

Legacy Good Samaritan Medical Center has withdrawn its application for game-day stadium parking.

Walters, who has been involved with the community impacts of stadium expansion for two years, favored opening 756 stalls in two garages and two surface lots in the heart of the district. He saw it as giving fans a guaranteed parking destination so they would not

Cont'd on page 9



Lee Mendelsohn speaks at the recent annual meeting of the Northwest Business Association, formerly known as the Nob Hill Business Association.

## Business association leaves parking history behind

BY ALLAN CLASSEN

The former Nob Hill Business Association has changed its name to identify with the Northwest District and the neighborhood association it has tangled with for most of its 35-year history.

At an annual meeting attended by 120 people, branding consultant Amy Spreadborough emphasized the business community's indebtedness to the Northwest District Association for reviving and preserving the history-rich section of the city.

Spreadborough said the association wants

to build connections to district residents "instead of being focused on tourism," as she characterized the neighboring Pearl District Business Association.

"We want to create something useful to people who live and work in the neighborhood," said Spreadborough, who works for LAM Agency Group, a firm founded and led by Lee Mendelsohn, president of the renamed Northwest Business Association.

That useful something includes an improved website providing information and "insider comments" about local shops

Cont'd on page 20



Northwest District Association representatives JoZell Johnson (left) and Jessica Richman step down after testifying before the City Council on the appeal of the Buck-Prager project on Northwest 18<sup>th</sup> Avenue. The council voted unanimously to deny their appeal.

"City Hall" cont'd from page 1

administrative and court system are expensive, typically starting around \$25,000 in fees and legal expenses. Associations rarely have such reserves, so fundraising campaigns and big donor solicitations are required.

Costs aside, endless appeals irritate the very policy makers they want to win over. Are neighborhood associations shooting themselves in the foot with their litigious ways?

It's a dilemma activists have taken to heart. The truth is they do not always go to the mat, but cases when they hold their powder never make the news so it may seem as if they never walk away from a good fight.

Jessica Richman, who helped her Northwest District Association neighbors appeal the Buck-Prager housing project at Northwest 18th and Hoyt streets, has seen the picture from both sides. For many years, she was a planner with the Portland Bureau of Planning & Sustainability, writing some of the code language she now clarifies to current staff and policy makers.

Richman has found that following the city's rules and policies is no longer enough.

"Given the way council has been treating us lately," Richman said,

"I don't think we have anything to lose."

"I think we're being seen that way [as NIMBYs and obstructionists] and we're already being ignored."

Karen Karlsson is a retired Portland Bureau of Transportation planner who recently completed a two-year term as president of NWDA.

Karlsson voted against the association's Buck-Prager appeal, although she has gotten behind other council challenges, such as the Block 290 project that awaits a decision from the Court of Appeals.

"The chances of winning at LUBA are really, really low," Karlsson said, "and not because we don't have a good legal case."

In her experience, LUBA grants cities wide discretion to interpret local policies and will deny appeals if there is any plausible justification for a decision.

NWDA President Ciaran Connelly tried to steer the association away from the Buck-Prager appeal.

"Are we just a neighborhood association that gets in the way and drives up the cost of affordable housing in a housing crisis?" he asked board members in January. "Is this wise?"

His critique gained little traction. Only Karlsson took Connelly's side as nine board members voted to appeal.

The more effective argument was made by Chuck Duffy, an aide to former Mayor Bud Clark who rejoined the NWDA board last year after resigning the presidency in the early 1980s rather than compromise on an earlier matter of principle.

"If we don't continue the appeals, they don't have the incentive to come to the table," Duffy said. "We have to make them as sick of it as we are. If we don't continue, why would they ever stop?"

Board member Ron Walters said principles, not chances of winning, should guide the organization.

"We need to stand on our principles," board member JoZell Johnson affirmed.

By a 9-1 count, they did.

### Block 290

The Northwest District Association has delayed development approval on Block 290, surrounded by Northwest 20th, 21st, Pettygrove and Quimby streets, for four years with a series of appeals. The core issue is the size of the proposed structure to surround a public square, a feature stipulated in a master plan agreement

between NWDA and the previous property owner, Con-way Inc.

The master plan, approved by the City Council in 2012, created standards limiting development density and defining public spaces, most particularly the public square, which was modeled after European squares and was to have at least 16,000 square feet.

In negotiating the master plan, NWDA representatives were adamant about establishing standards and not mere guidelines to limit structures, but city staff, City Council and LUBA all granted the developer, Guardian Real Estate Services, the latitude to qualify under other city code sections.

Guardian officials met with NWDA but brushed off their main concerns, correctly calculating that the city would take their side.

Although neighborhood representatives had spent years hammering out the master plan and then applying it to this project, they were baffled by a different set of criteria considered central by the LUBA judges.

They appealed the LUBA decision largely because to let stand a precedent that says city-sanctioned planning agreements between neighborhood associations and private parties have no power would be the worst imaginable outcome.

### Fremont Apartments

In 2017, the Pearl District Neighborhood Association took on the developer of a highly visible project, the 17-story Fremont Apartments partially blocking the view of the Fremont Bridge. PDNA voted 10-5 in favor of an appeal to City Council as unprecedented numbers of residents mobilized and reversed the association's pattern of supporting every project coming forward.

City Council initially sided with the appellants, but three members switched their votes on final reading and the project was approved. PDNA weighed an appeal to LUBA but accepted minor design modifications and a \$35,000 payment from the developer to settle.



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