

The Portland Tribune

Multnomah Development: Neighbors take action

Kelsey O'Halloran
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The Multnomah Neighborhood Association isn't after a fight, chairwoman Carol McCarthy says — but the group may have found itself in the middle of one, nonetheless.

"We're a friendly neighborhood," she says. "We just want to preserve what we love."

For McCarthy and many Multnomah residents, that means opposing Urban Asset Advisors' planned four-story apartment and retail complex at the corner of Southwest 33rd Avenue and Southwest Capitol Highway in the Village.

Preliminary sketches of the building show plans for an estimated 70 market-rate residential units — 35 studio, 17 one-bedroom and 18 two-bedroom apartments; two ground-floor retail spaces — one an estimated 2,500 square feet, the other an estimated 1,600 square feet; and roughly 43 parking spaces, with the option to add up to 17 tuck-under spaces through a potential easement with the adjacent property owner on the west side of the building.

While the area's zoning allows developers to build up to four stories high, neighbors at the forefront of a campaign to "save Multnomah Village" believe it doesn't fit with the Village's small-town character.

In recent months, the neighborhood association has voted to oppose buildings higher than three stories in the eight-block Village core along Southwest Capitol Highway, to advocate for at least one parking space per housing unit, to appeal for review if the City approves the developers' plans, and to establish a legal fund to support activism for this and other land use issues.

They've gathered nearly 2,000 petition signatures to limit development height and mandate more parking spaces in Multnomah Village, and have written two letters to the Mayor and City Commissioners, urging them to intervene on the building's design.

And while response letters McCarthy received from both Mayor Charlie Hales and Commissioner Dan Saltzman's offices have said state law would prohibit such an intervention, the chairwoman says she's still hopeful that the City Council will offer protection from what she and her fellow activists see as "out-of-scale development."

"I think that the city code allows them to intervene, and I think they do value this charming, quaint, small section of Multnomah," she says.

When neighbors rally

The Multnomah neighborhood has long been active on issues of development.

Neighbors protested in 2002 when another developer revealed plans for a four-story building. In 2013, they pursued legal action after the city sold the Freeman Water Tank property to Renaissance Homes without notifying the neighborhood. (See "A History of Activism" on Page 6.) They're currently working to delay demolition of homes that some residents believe are affordable and valuable to the community.

These neighborhood campaigns involve hours of research and coordination — all unpaid work — usually from just a few advocates and neighborhood leaders who provide a voice for the votes tallied at neighborhood association meetings. And despite neighbors' best efforts, often this advocacy work runs up against City regulations, or simply comes too late to affect development decisions.

The process could be discouraging, as former neighborhood association chairwoman Martie Sucec knows well after seeing neighborhood advocacy work fall flat.

"I think that when the neighborhoods all across the city try to exert some influence, sometimes the effect of that influence isn't seen or people feel defeated," Sucec says.

But she's also seen instances where neighborhood advocacy may have indirectly affected an outcome. The Umpqua Bank building was ultimately reduced to three stories, for example, and the neighborhoods'

loss of the Freeman Water Tank lot led to legislation that ensured a more transparent process for the sale of surplus water bureau properties.

“It may not have the effect you want immediately, but it may have an effect,” Sucec says. “That’s why I think it’s good for neighborhoods to get out there and express themselves and write the Council and do things like this (building height and parking) petition.”

Often, topics like the planned development can cause neighbors to realize what they value about their neighborhood — and spur them to get involved. According to Sylvia Bogert, the executive director of Southwest Neighborhoods Inc., the incoming development may have made some neighbors more aware of the area’s zoning code.

“All of a sudden, a code language became visible,” she said. “They understood what it meant and the impact that it was going to have. ... I think that’s when people really started to pay attention.”

Breaking down the code

An apartment and retail complex planned for the corner of Southwest 31st Avenue and Southwest Capitol Highway has spurred activism from some neighborhood residents.

When a proposed development is in line with city code, sometimes no amount of activism can keep it from being built, City representatives say.

The site of the planned complex is zoned “CSd,” or storefront commercial with a design overlay, which allows developers to build up to 45 feet high and all the way out to the sidewalk. The zone applies to most properties in the eight-block corridor along Southwest Capitol Highway, from the viaduct to Southwest Miles Street.

The zone’s design overlay designation requires developers to either meet specified Community Design Standards or undergo a design review process through the Bureau of Development Services, which takes a more critical and holistic look at the building’s design and how it matches its surroundings. During the June meeting of the Multnomah Neighborhood Association, Urban Asset Advisors founder Tim O’Brien indicated that he and his team plan to follow Community Design Standards.

According to the Bureau of Planning and Sustainability’s website, the storefront commercial zone is “intended to preserve and enhance older commercial areas that have a storefront character,” with the idea that “new development in these areas will be compatible with this desired character.”

While the wording is seemingly in line with the Multnomah Neighborhood Association’s desires to maintain the area’s charm, McCarthy and many of her fellow neighbors believe the zone’s 45-foot height allowance puts the Village’s character at risk.

In her letters to City Council, McCarthy explained that the Community Design Standards “simply do not ensure the enhancement and continued vitality of the area, as is evident throughout the City on properties developed under these standards without design review.” She formally requested that the City Council intervene and require design review of the project.

McCarthy also cited design overlay code title 33.420.041, section G, which deals with instances when design review is required. The code reads: “Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure.”

But according to Kimberly Tallant, a supervising planner for the Bureau of Development Services, this was an incorrect reading of the code.

“This is to accommodate the situations where in a land use review, City Council requires a condition of approval requiring future development to go through design review,” Tallant said by email.

And because Urban Asset Advisors’ planned development falls within the zone’s requirements, the City will likely be unable to take any regulatory action to limit the building’s height, says Matt Grumm, a policy manager for Saltzman’s office.

“The current rules are what they are,” he says.

Neighborhood associations would likely have better luck if they advocated for zoning changes in the next Comprehensive Plan. The Bureau of Planning and Sustainability is scheduled to release the full recommended plan for review in August, and the City Council plans to hold public hearings on the recommendation this fall.

“That’s where any changes that people might want to see would probably happen,” Grumm says.

Even so, high-density development is occurring citywide, and Multnomah may be no exception, says Jean Hester, a senior planner for the Bureau of Development Services.

“I understand that there are special things about Multnomah Village,” she says. “But what would be the special thing that would override every other situation like this?”

Not only do city codes allow for the development, but state law could actually prohibit the city from stepping in to require design review, as Hales and Saltzman pointed out in letters to McCarthy in July.

“State Law requires that the City provide a two-track system for properties with a ‘d’ overlay zone,” such as the planned development, said Dan Saltzman in his letter. “This two-track system must offer a ‘standards track’ (in this case, ‘Community Design Standards’) with clear and objective standards as an alternative to requiring projects to go through a discretionary design review process. State law also dictates that if needed housing is being proposed, developers must be allowed the option of using the standards track.”

Saltzman, who was recently appointed to oversee the Bureau of Development Services, encouraged McCarthy and the Multnomah neighbors to weigh in on the Community Design Standards in the zoning code, which the bureau is in the process of rewriting.

He also suggested that McCarthy and her fellow residents contact state representatives to push for changes to the “two-track system.”

“For example, you could advocate to have it changed so that projects over a certain size threshold (even if they are providing needed housing) would no longer be eligible for the ‘standards track’ and must go through a discretionary design review process,” Saltzman said in his letter.

Both Saltzman and Hales urged McCarthy and her fellow residents to continue to be active on issues that affect their neighborhood.

“Your involvement in the Comprehensive Plan Update and Mixed Use Zones Project work underway is important,” Hales said in his July 29 letter. “I continue to be concerned with how we balance growth and the preservation of Portland neighborhoods. Your input helps me calibrate that balance going forward.”

A different route to change

If neighbors were to work with the City to change zoning codes for Multnomah Village, any updates would likely come too late to make a difference on this particular development. Urban Asset Advisors plans to close on the property in October and start construction in May 2016.

That’s why former Multnomah Neighborhood Association chair Moses Ross says neighbors should instead try to negotiate directly with the developers, though he’s concerned about “the lack of neutrality” he’s seen at recent neighborhood meetings.

“The neighborhood association was created specifically to act as a mediator,” he says. “In this instance, we have squandered this opportunity.”

He pointed to the motions passed at recent meetings to oppose the building, which he called “unrealistic” for the developers.

“If we’re looking at (the developers) as adversaries, why would they want to negotiate with us?” Ross says. “They’re not going to; they’re going to follow the letter of the law.”

O’Brien, who attended several neighborhood association meetings and presented his plans at the June meeting, has encouraged neighbors to contribute their ideas for the building throughout the design process. While he still regularly meets with neighbors who seek him out individually to share their ideas, he says he has no plans to attend future meetings.

"I'm not really open to meeting with the neighborhood association anymore," he says. "We're of the mindset (that) they're just going to continue to be unsupportive."

He says his architect is drawing up a more in-depth round of sketches, and O'Brien and his team are focusing on closing on the property. He says he's taken neighbors' input on the building's materials, such as its brick exterior and pedestrian-friendly courtyard.

O'Brien says he's still considering stepping back the building's fourth story by six to eight feet to break up the building's upward mass and make it appear shorter along the street's skyline. He's weighing the option and how it could affect the building's architectural aesthetic, waterproofing and financial potential, as it would cut down on apartment space.

"We're definitely looking at it pretty seriously," he says.

If all goes as planned, the building could be completed by May 2017.

In the meantime, McCarthy says she and her fellow neighborhood activists will continue pushing back on the development. At press time, the neighborhood association had applied for a Southwest Neighborhoods Inc. sponsorship account to raise funds for work on land use issues such as the development.

The SWNI finance committee and board were scheduled to review the application at the end of August. If both groups approved the application, the neighborhood would be able to start fundraising.

McCarthy admits that she's an optimist, but she's also confident that the City and community will help the neighborhood preserve the eight blocks along Southwest Capitol Highway that she sees as significant and unique.

"We value what's here and we love living here; that's what motivates us," she says. "If we don't do anything, then we know what will happen."

Contact Kelsey O'Halloran at 503-636-1281 ext. 101 or kelsey@pamplinmedia.com.

Body cams are coming, Portland policing won't be the same

Peter Korn

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It's midnight, and you hear a knock at the front door.

A police officer explains that a dangerous fugitive is believed to be hiding in your neighborhood. He's going to search your home — and doesn't need a warrant. He points to a body camera on his chest and asks if he can turn it on while he searches.

How you answer that question, and the more complicated followup questions, prepares you for the upcoming debate over how Portland is going to use police body cams.

Dana Haynes, spokesman for Mayor Charlie Hales, says that Portland police will be outfitted "soon." Money already has been set aside for the cameras, but the cost of retaining video records is going to require a request for additional funds.

Lane Borg knows what he'd say to the officer at his door. The executive director of Metropolitan Public Defenders would rather the camera stayed off.

"As an upper-middle-class white guy, I'm not worried that the cops are going to come in and beat me up," Borg says.

But the video police shoot could show something that would interest, say, a burglar, smart enough to make a public records request that could provide him with the video.

"The body camera isn't really going to do anything for me," Borg says.

Portland and Oregon still have to work out their rules on who gets access to police video. But if you live in Seattle, there's a fair chance it will show up on YouTube. Seattle police decided to post a blurred version of all their police body-cam videos online in an attempt to expand the boundaries of police transparency.

Charles McGee most decidedly wants that officer's camera turned on.

"As a black man, I have extreme anxiety as pertains to police officers, and as pertains to people with guns. And truthfully, as it pertains to white folks with guns," says the founder of

Portland's Black Parent Initiative. "Because of that fear, I'm willing to give up my privacy."

According to Multnomah County Deputy District Attorney Ryan Lufkin, the more interesting question, and the one he and other public officials are beginning to wrestle with, is whether Portland is going to authorize that police officer to record regardless of what the homeowner says. Beyond that, if the city adopts a policy where the officer can't record in your home, the district attorney's office must decide what special circumstances would be considered exceptions.

Philosophical questions

Let's say the officer at your door suspects domestic violence is occurring inside. Which might mean one partner wants the officer recording and the other doesn't. If the officer suspects child abuse, and the parents are the suspects, should he turn on his video as he comes inside or not?

Lufkin, the DA's lead on body cam policy, has spent a lot of time trying to anticipate the unintended consequences this new technology might produce. He says the on/off issue poses all sorts of philosophical questions. Public protests are one example.

Lufkin says when he first thought about whether cop cams should be turned on at protests, the answer was obvious. Protests are precisely the type of event for which police body cams are intended — "tension between police and citizens who are trying to express their rights," he says.

Now he's not so sure. If Portlanders know every time they attend a controversial protest they will be recorded on video that anybody, including their employer, can request as a public record, it might have a "chilling effect" on their willingness to participate in protests, he says.

Oregon law on red-light cameras provides a hint as to where we stand on the privacy issue, according to Lufkin. Until 2013, if an intersection camera took a photo of a car that had run a red light and from which gunfire had erupted, prosecutors were unable to introduce the photo as evidence in a shooting trial. But in 2013, the law was changed so that red-light camera photos could be used in criminal cases. Privacy concerns are giving way to some practical realities, in Lufkin's view.

However, as technology evolves, those practical realities will be tested. Current legislation, for instance, prohibits use of facial recognition software in police body cams. Lufkin imagines an Amber Alert a few years from now, with police in the Portland metro area looking for a missing child. Every officer in the state could be walking the streets and riding MAX with a body cam that would signal if the missing child's face came into view.

At what price liberty?

Kimberly McCullough, legislative director for the American Civil Liberties Union Oregon, says police should resist facial recognition technology in their body cams, even in the case of a missing child.

"There are all sorts of things law enforcement could do that make their jobs easier," McCullough says. "If they could walk into everybody's house without a warrant I'm sure they could solve more crimes. But there are privacy rights there. There have to be limits on what law enforcement can do."

Still, the cameras themselves are only going to get better, Lufkin says. Police officers, like anybody else, tend to tunnel their vision in stressful situations. But Lufkin wonders what happens when cameras are able to record a much wider field of view than the human eye, and with more clarity. Consider the video evidence in a case of police misconduct. The officer thought he saw a gun. The body cam video makes it clear the suspect was holding a cigarette lighter.

"Do you want those superhuman cameras?" Lufkin asks.

For Lufkin, anticipating a future with body cams includes figuring out the financial impact. He says that every time the criminal justice system has increased the accuracy of evidence the result has been the same — prosecutors become quicker to dismiss bad cases and more quickly leverage guilty defendants into plea bargains. Fewer cases should end up in costly trials when it's more obvious whether the suspect committed the crime or not.

So, cop cams could yield a cost savings for the DA's office, but might not. That's because prosecutors are going to spend more time on the front end — reviewing hours and hours of body cam video.

After a busy weekend, Multnomah County prosecutors currently will get up to 50 police reports on drunken-driving arrests, Lufkin says. After reading the reports, prosecutors decide which cases to pursue.

In a world with body cam footage, prosecutors will be looking at hours of video for each case — the 15-minute pull over, the field sobriety test, the suspect interview at the station house — knowing defense attorneys will be looking at the video as well.

On the other hand, Lufkin anticipates police budgets will realize a savings because fewer citizens will file lawsuits against police. There should be fewer cases of alleged police misconduct as officers get used to the idea that everything they do is going to be reviewed, and when misconduct occurs, video evidence should ensure the case get settled quicker.

Courts could save money, too, Lufkin says, because overall there should be fewer cases going to trial.

Capt. John Scruggs, spearheading body cam policy for the Portland Police Bureau, is more concerned about how the cams will affect officers' behavior. Police departments that have used the cameras almost universally report that officers find they and citizens behave more civilly knowing they are all being taped. Use of force by police drops.

Scruggs recognizes the body cams are intended as “a watch over the police,” but, he says, officers need to be able to use their own discretion in deciding when to turn off the cameras. For instance, snitches will become reluctant to talk to police if they see a body cam taping them.

Officers in neighborhoods such as Old Town make use of informal walk and talk conversations they don't consider formal police stops. A defense attorney with the video might argue the officers did indeed make a formal stop without following guidelines, and ask a judge to dismiss the case.

When an officer interviews a woman who has been sexually assaulted, the body cam should be turned off, Scruggs says. But that presents officers with the start of a slippery slope. Should it be turned off when officers interview the families of murder victims? Distraught drivers who have just T-boned other cars in which people were seriously injured? The victims?

Body cams on police are intended to increase public trust in police by taking away from officers the ability to misrepresent the narrative of controversial incidents. But the way things are looking now, Scruggs says, body cams are going to increase police officers' discretion much of the time.

Still, Scruggs says officers will benefit. “It's going to make police officers better,” he says.

Katie McCarthy is not so sure. A recent Harvard Law School graduate who published an extensive look at police body cams for the Harvard Law Review, McCarthy is convinced that what body cams are more likely to do is make police officers more efficient, and that the very people they are intended to protect — the poor and minorities — will suffer.

A significant number of people walking around in poor neighborhoods have warrants for low-level violations, McCarthy says. Many of those people will come to think — rightly or wrongly — that police cameras make it more likely they will be identified and stopped. If police adopt facial recognition software in their body cams, those fears will be justified.

“If they come to know that just walking by a police officer means they could be identified and arrested and injured or killed by police, it's going to mean this whole group of people will have to be worried every time they go outside,” McCarthy says. “Do we want these people to feel like they can't walk out on the streets?”

Officers will face more pressure to write citations by the book and make arrests on low-level violations that get captured on video, McCarthy says. More poor, black and brown people are likely to go to jail once the slam-dunk technology of police cams is widely used, she adds.

Also, McCarthy points out that some cities are increasing fees and fines for criminal defendants as a means to pay for expensive body cam programs. That, she says, is a regressive tax.

"We're trying to protect citizens, but, ultimately, what we're doing is empowering police," McCarthy says.

The Portland Mercury

The Multnomah County Commission Approved Funding for Affordable Housing

Shelby King

September 3, 2015

The Multnomah County Commission today gave the go ahead to a city program that should increase the number of affordable housing units developed in Portland by about 200 per year.

The program, called the Multiple-Unit Limited Tax Exemption (MULTE), is an existing program that is meant to encourage developers to include affordable units in new construction—which they are not required to do under current law—by allowing them a 10-year property tax exemption in exchange for reserving 20 percent of the units at 80 percent or below of area median family income.

Though the MULTE program mostly affects the city of Portland, the county commission has the final say because the lost tax revenue affects special districts, which are under county jurisdiction. City Council on Aug. 5 approved the changes.

In 2010, amid a recession, the city decided to cap the amount of foregone revenue lost via those tax exemptions at \$1 million. This year, with tax revenue up, the city decided to increase the amount of foregone revenue to \$3 million, allowing more developers to participate in the program.

In addition to the cap increase, the new rules around the MUTLE program increase tenant protections and provides more opportunities for minority participation.

The MULTE program was a competitive process for developers, meaning there were only a couple times a year they could apply. The new guidelines remove this process, hopefully encouraging more developers to participate.

Commissioner Judy Shiprack agreed encouraging developers to include affordable units is a good thing, but says it's too bad the state has so few tools available to produce more affordable housing.

"We are paying a high price to these developers," she says. "They're not required to participate and yet they are extorting a tremendous benefit for a relatively meager advantage that the public gets from this \$3 million."

The City Says Pacific Power's New Energy Proposal Would "Slow The Transition From Fossil Fuels"

Dirk Vanderhart

September 3, 2015

Pacific Power says its customers—that'd be you, Northeast Portland—are in pecuniary trouble if the state won't modify rules about how it has to purchase renewable energy. We reported this week that the company's asking the Oregon Public Utility Commission (PUC) for changes to those rules—changes clean power advocates say could imperil the future of solar and wind power in Oregon.

The power company has suggested it's folly to lump in climate action with the changes it wants to make. City of Portland officials disagree.

Following a vote by Portland City Council yesterday, the city's offering its own thoughts on the matter. The City Attorney's Office has filed a petition with the PUC, asking to have a say in the pending case. That makes sense. The city's got a Climate Action Plan that calls for more solar, and designs on converting a vacant parcel owned by the Portland Water Bureau into a two megawatt solar farm.

As we've reported, Portland's submitting weaker language than initially planned, after Pacific's parent company, PacifiCorp, requested a meeting with officials. But the general argument is still the same: Pacific says it's acting in the interest of its customers (who currently pay an average of \$12.50 more a year than they otherwise would because of the type of power that's being fought over). The city, like a lot of people who are speaking in this case, says that doesn't add up.

Here's the argument Portland attorneys plan to make:

PacifiCorp's proposal presents significant policy implications which are not necessarily balanced by benefits to ratepayers. The requested changes are contrary to the goals of the City's Climate Action Plan. The proposal would hamper the City's ability to support rural economic development, and its ability to continue to foster and support the Oregon solar industry. The proposal would slow the transition from fossil fuels as a source of electricity for the residents and businesses of Portland, and throughout Oregon. PacifiCorp's application may impact other Portland businesses and institutions that have an interest in developing larger scale solar projects, and other qualifying renewable generating facilities, thereby impacting the citizens of Portland. The City of Portland intends to raise issues that are related to this proceeding regarding the appropriate treatment of QF contract terms and pricing.

The Skanner

'Wake of Vanport' Draws More Survivor Stories

The Skanner News
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Last week marked the 10th anniversary of the Hurricane Katrina disaster. One of the deadliest storms in American history, Katrina caused deaths, flooding and destruction -- and decimated a vibrant Black community.

It was a fitting time to remember another flood, which occurred over 67 years ago, the Vanport flood.

Last Friday The Skanner News hosted a showing of its oral history project, "The Wake of Vanport," to over 200 people at the downtown Embassy Suites hotel ballroom. The media piece showed a series of short films capturing the experiences of those who lived in Vanport before the flood.

"The Wake of Vanport" was a partnership between The Skanner Foundation and the North Portland Media Training Center which paired survivors from the 1948 disaster with media producers. There were a number of survivors in the audience who shared their experiences and might participate in the next volume of Vanport stories.

Portland City Commissioner Nick Fish spoke briefly before the showing of the film. He talked about the importance of storytelling and how stories define communities.

"Some would say our story is told through Portlandia. That's not our story, that's not the story of people and struggle and challenge," Fish said.

For him, Vanport was the story of a thriving town that was once the second largest city in Oregon, which was wiped off the map in a matter of days. The initial optimism and harsh aftermath both define and decry the Portland spirit.

The city of Vanport was a quickly constructed public housing project built to house Kaiser Shipyards workers during the Second World War. Located on swampy lowlands between Portland and the Columbia River, Vanport was home to over 40,000 people at its peak.

The wartime work brought workers from all over the country searching for opportunity. Vanport offered furnished houses, schools, recreation centers and a movie theatre. Over 40 percent of the population of Vanport was African American.

The hot summer and major rainstorms swelled many of the tributaries leading to the Columbia. Water levels rose, and on Memorial Day, May 30, 1948, the dam protecting the low-lying city burst. A 10 ft wall of water surged into the city, overturned cars and knocked buildings off their foundations.

Only 15 people lost their lives to the flood, but the city was completely destroyed.

“The Wake of Vanport,” captures what is left of the city, photographs from albums that were rescued from the houses and memories of those who lived there.

The stories in the films are told through the eyes of the children of Vanport. The narrators share an idyllic memory of the city which was racially integrated during a time of heavy segregation. In this quickly assembled town that was built out of necessity, Black and White kids went to school together, played together and watched movies together.

Some survivors say they could see racial strife with their parents, but for their childhood, Vanport stood out as a place of hope that was too soon lost to the flood.

The narratives shared by the story tellers spoke of the aftermath; the pleasant childhood was soon replaced by a refugee story. Some families sought help from the Red Cross in the Kenton neighborhood where many businesses nearby served White people only.

Community historian O.B. Hill spoke about his family’s search for housing after the flood. He described housing projects, such as Columbia Villa, which were built on the outskirts of North Portland that became the ghettos of later years.

Many children of Vanport remembered the fear of having to leave the house while Sunday dinner was still cooking on the stove or baking in the oven.

In the short film “Scattered,” survivor Gloria Lavender recalls having to hurry out of the house, leaving everything behind:

“I remember my Dad telling my mom, ‘we have to leave, we have to leave!’ She was trying to get some ugly colored flower curtains -- she was trying to save the curtains off the wall. We just had to leave everything and take off,” Lavender said.

She described walking out and even leaving their family car because there was no time to wait for traffic to clear as the flood waters rose.

Some left with barely more than the clothes on their back. When they turned to see their city, they saw nothing left but the rooftops of flooded buildings.

Josh Alpert, the chief of staff for Mayor Charlie Hales told the audience that there were many lessons to be taken from the lost city. He spoke of a city that offered good jobs, opportunities, progressive values and said Portland should emulate the best parts of Vanport.

“The Portland of tomorrow must be the fully realized Vanport of yesterday,” Alpert said.