

The Portland Tribune

Celebrating an expanded shelter for St. Johns

By Jim Redden

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Sometimes you can fight City Hall and win — especially if you're doing good at the right time.

Community of Hope, a nonprofit homeless shelter for women and children in St. Johns, celebrated the completion of an expansion project on Thursday. It was expanded from five to eight bedrooms and now has four indoor showers, a laundry room, a renovated kitchen, two community rooms and a fire suppression sprinkler system. The capacity has been increased from 15 to 34 people.

"It's more than a shelter now. It's a home where women and children in crisis can get settled and receive the help they need to get back on their feet," shelter director Linda Jo Devlaeminck said at the ceremony.

A former client who stayed at the shelter for two months last year was impressed with the improvements.

"I'm jealous, it's so nice," said Lindsey, who credits her stay there with being able to find her own home. "I received so much help here."

But the fate of the project was uncertain for months after the small Christian-based organization slowly discovered it would pay more than \$80,000 in permit fees, system development charges (SDC) and city required improvements — all on top of a project that is estimated to cost only around \$135,000 for labor and materials, plus an additional \$65,000 in donated labor and materials.

In other words, the city costs would have increased the out-of-pocket cost of the project by 60 percent, making it virtually impossible for the small organization to complete it.

"There were a lot of obstacles to overcome," Devlaeminck said.

But, with the support of a charitable foundation of home builders assisting with the project, the Community of Hope prevailed. It eventually won almost \$45,000 in fee reductions and requirement waivers, reducing its city mandated costs to a more manageable \$32,000 or so, with \$3,000 still pending.

"We were shocked by how many fees and additional costs Portland imposes on such projects. But more than that, no single person was in charge of all of them, and we had to go to many different bureaus to secure the waivers we got," says Ken Cowdery, director of the Home Builders Foundation, a charitable arm of the Home Builders Association of Metropolitan Portland that helped with the project. It was created specifically to support such projects, usually in smaller cities in the region.

Along the way, the organization and foundation also helped persuade Housing Commissioner Dan Saltzman to ask the City Council to expand an existing SDC waiver program for affordable housing projects to include shelters owned and operated by nonprofit organizations. The council unanimously approved the proposal on Sept. 7, a little more than three weeks before the Community of Hope celebrated its expanded shelter.

"Now all future shelters will have their charges waived," Devlaeminck said.

Gentrification in St. Johns

The Community of Hope is a program of AllOne Community Services, a North Portland nonprofit organization. It supports the Church of North Portland, a loose-knit coalition of dozens of churches in the area. The idea of opening the shelter came about a few years ago after a survey conducted by the organization revealed there were no transitional shelters in the St. Johns area, despite a growing number of people being displaced from their homes because of increasing housing costs.

“Some Portlanders may think of St. Johns as a low-income area, but it is rapidly gentrifying,” Devlaeminck says.

The shelter originally opened as an overnight refuge in the Red Sea Church, which owns the building, across the street. But it quickly became apparent that only offering a place to sleep was not meeting the area’s needs, Devlaeminck says. That’s when it moved across the street as a 24-hour shelter with separate bedrooms, a kitchen and pantry, an indoor recreation area and an office for Devlaeminck, the sole employee.

According to city records, the two-story building originally was built as a church in 1953. It was subsequently used as a Sunday school and small business cooperative. Two years ago, the Community of Hope requested and received a temporary permit from the city to house up to 15 people. When the organization thought about expanding the shelter last year, it connected with the Home Builders Foundation. Started in 1997, the foundation has a shelter development program that helps nonprofit organizations maintain and upgrade their facilities. It already has contributed well over \$1 million in donated supplies and services to numerous projects in the region.

Cowdery says that the Community of Hope is typical of many nonprofit shelter providers in the region. They usually operate on small budgets with limited staff out of converted buildings, including houses. The populations they serve include homeless singles, families with children, unaccompanied youth, and women and children experiencing domestic violence.

Devlaeminck says the organization quickly saw the need to enlarge the shelter’s capacity. The Home Builders Foundation helped prepare an expansion that included the indoor showers. Since it first opened, showers were only available in a mobile facility in the parking lot.

Daunting costs

With plans in hand, Devlaeminck began going through the Portland approval project and was taken aback by the costs. They included \$4,289 for a mandatory pre-application conference with the Bureau of Development Services in 2015, \$2,587 for a Type 2 land use adjustment review in 2015, and \$9,610 for a Type 3 conditional use review, also in 2015.

She also learned about costly building requirements imposed by various bureaus, only one of which seemed essential. That was \$9,785 for a new water line for an indoor fire sprinkler system. Others seemed unnecessary, such as an estimated \$10,000 to move a fire hydrant, \$6,000 for a commercial stove hood, \$3,593 to install a storm drain under the Dumpster, and \$5,000 to widen the sidewalk behind the building that dead ends at an adjoining neighbor’s property line.

By the beginning of this year, Devlaeminck and Cowdery began seeking partial or full waivers for the fees, charges and requirements. To support their requests, they pointed to the Housing

State of Emergency that the council declared last October. It was done in part to suspend zoning restrictions to hurry the construction of additional shelters and affordable housing projects. They won the support of Mayor Charlie Hales and Commissioner Dan Saltzman, who is in charge of the Portland Housing Bureau.

The Portland Tribune first reported on the project's struggles in March. Two months later, at Saltzman's request, the council approved a resolution directing the housing bureau, the Bureau of Development Services, and the Bureau of Planning and Sustainability to develop a proposal to "simplify regulations, remove regulatory obstacles, and expedite processes for land-use reviews and permits for affordable housing projects, mass shelters, and short-term housing."

But even then, some waiver requests were granted and some weren't. For example, the Bureau of Environmental Services slashed its SDC from \$12,718.04 to just \$280. But the Bureau of Development Service collected most of its fees. And the Portland Water Bureau refused to cut its \$145 fee to review the building plans.

The organization had better luck with the code requirements. Although it paid the full \$9,785 for the new water line, an estimated \$24,593 worth of non-essential projects were dropped, including widening the sidewalk.

Because of the unexpected city costs and the time spent trying to reduce them instead of fundraising for the project, the organization scaled it back by dropping such non-essential work as replacing the exterior siding. But in the end, the project was completed a month after the council extended its housing emergency for another year, further proof that the expansion was worth city support.

At the opening ceremony, Devlaeminck thanked some of the 32 vendors and 20 donors to the project. They included: the Home Builders Foundation, which donated \$35,000 and helped round up the volunteer contractors; Viking Fire Protection, which donated the materials and labor for the indoor sprinkler system past the new water line; and California Closets, a high-end closet company that donated closets for all the new and renovated bedrooms.

"The reason we did this is for the families that will be moving in after the final inspections. All of the bedrooms are already accounted for," Devlaeminck said.

Portland officials blast mayor's proposed police contract

*By Nick Budnick
October 4, 2016*

Mayor Charlie Hales' crusade to get the city's police a new contract before leaving office just ran into its most serious obstacle yet – blistering criticism from the city's elected Auditor, Mary Hull Caballero, and Independent Police Review Director Constantin Severe.

Hales wants to give the police hefty raises to combat a worsening staffing shortage in return for eliminating a rule giving officers involved in an incident 48 hours before they have to give a statement.

Police critics and activists, however, want the council to wait until mayor-elect Ted Wheeler takes office in January — and they appear to have an influential new ally in that goal.

On Tuesday, the day before the City Council is scheduled to meet concerning the tentative police contract agreement, Hull Caballero and Severe issued a stinging public rebuke in the form of an open letter to Hales and the city's other four elected commissioners.

The tentative contract "fails to address a number of issues related to police accountability that may undermine the public's trust in the City's ability to hold officers accountable," they wrote.

The letter notes that the city is still exploring making changes to how complaints against police officers are investigated, such as allowing civilian investigators to compel testimony — a change that would require further contract negotiations.

"This interim solution does not address the City's obligation under the Department of Justice settlement agreement, which requires that IPR be provided with the means to conduct independent investigations of police officer misconduct.

The letter also addresses a draft policy for officer body-worn cameras, which was also the result of secret negotiations with the Portland Police Association, saying it includes "several provisions ... that may limit accountability" and undermine independent oversight.

"While Hull Caballero and Severe hail the elimination of the 48-hour rule, their letter blasts the process that led to the proposal.

A? significant overarching concern is that the proposed collective bargaining agreement was negotiated with no notice to community stakeholders, in a break with previous contract negotiations. IPR was not notified that the City was engaged in collective bargaining with the PPA, and the City did not request IPR input. We are concerned that the veil of secrecy that has enveloped the proposed contract and its creation stands to do long-term harm to the City's efforts to build a stronger police accountability system.

"We recommend that Council delay action on the proposed PPA contract until the issues discussed above can be addressed. The current collective bargaining agreement is not scheduled to expire until June 30, 2017. Given the window of opportunity, enough time remains to craft a proposed contract that is informed by a more public process."

The letter reflects another bout of tension between Hull Caballero and Hales, who have clashed in the past.

Hales' office and the Portland Police Association did not immediately respond to a request for comment.

Housing growth? Not in my backyard

By Nick Budnick

October 4, 2016

Housing advocates are concerned that as Portland prepares for more condominiums and apartments to accommodate more than 200,000 new residents during the next two decades, city officials plan to cut back the size of new buildings in parts of the affluent Northwest, pushing the new growth elsewhere.

However, the proposal to lower the allowed density in much of the Northwest's Historic Alphabet District could open up the city to \$30 million or more in legal claims from landowners, one lawyer says.

Property owners in much of the district — mainly between 17th and 24th avenues north of Northwest Couch Street — recently received notice that any new projects would have to be smaller. That’s because the city plans to cut the maximum floor-to-area ratio — the area’s density, in other words — in half.

Martha McLennan, executive director of Northwest Housing Alternatives, says the recommendation, which was issued by the Portland Planning and Sustainability commission on Aug. 23, would kill the group’s plans to build a 160-unit project at 1727 N.W. Hoyt St. It would provide 60 years of affordability for seniors making \$15,000 or less.

Moreover, the recent move to effectively downzone the affluent Northwest ensures that new housing will be forced into a smaller chunk of the city — raising rents and costs while pushing density to the city’s less affluent areas.

“Reducing the potential for housing in Northwest Portland puts more pressure on the rest of the market,” McLennan says, “And that increases prices.”

The property eyed by McLennan’s Milwaukie-based group has been vacant since 2007. The property’s owners, lawyers, Mark O’Donnell and Tim Ramis, have floated a number of ideas to redevelop the property, sparking opposition from neighbors and members of the Northwest District Association.

Now a member of Ramis’s firm, Jordan Ramis, is warning on the firm’s website that the city could face legal claims, citing Measure 49, which calls for landowners to be compensated when government actions reduce property values.

The city’s changes call for “removing over 2 million square feet of potential housing from the Alphabet Historic District in Northwest Portland,” wrote lawyer Ed Trompke. “The proposal ... affects the equivalent of 27 blocks currently zoned for high-density housing. The square footage allowed on these properties would be cut in half, and thousands of apartments may not be built. If the City Council approves the recommendation, the city’s Measure 49 exposure could easily exceed \$30 million.”

Trompke declined to comment. But O’Donnell, the co-owner of the property, said he and Ramis will “without question” file a legal claim should the City Council cut back their development rights. The plan is scheduled for hearings on Oct. 6 and Oct. 13.

Eric Engstrom, a city planner who is familiar with the proposal, says Trompke’s portrayal sounds like “a little bit of a stretch.” He thinks hundreds of units, not thousands, are likely to be affected. That’s because most of the Northwest isn’t being eyed for new building projects. “There are hundreds of buildings there that the owners have no intent of redeveloping,” he said.

But Susan Emmons, executive director of Northwest Pilot Project, is concerned. Her nonprofit advocates for senior low-income housing, such as the property at 1727 N.W. Hoyt.

“To take 27 city blocks and remove them from the potential of housing when we say we have a housing crisis or a housing emergency is pretty alarming,” she says. “We get 100 calls a week from seniors that are homeless or are at risk of being homeless. I mean people are desperate.”

The Historic Alphabet District was named to the National Register of Historic Places in the year 2000. While the 1727 N.W. Hoyt building is itself not on the register, it is considered a supporting building for the district’s designation.

The Northwest District Association formally requested lowering the development potential of the area in a letter July 26, arguing that large developments are incompatible with the area's character.

The proposed downzoning of the Alphabet District is one of several city proposals that have sparked concerns from Metro regional government, which wants to increase population density in the city. "I am writing today to raise a flag of concern that a series of decisions under development or pending before the city have the potential, when viewed collectively, to reduce the amount of housing that we can expect to be produced in Portland," wrote Martha Bennett, chief operating officer of Metro.

McLennan says the Northwest is ideal for affordable housing, calling it a "high opportunity neighborhood, with good access to transit and services and things people need."

Because small affordable housing developments don't pencil out, the city's proposed changes "kind of eliminate that (Alphabet District) neighborhood from potential affordable housing development," she adds.

Citizens call for more oversight in police contract

*By Nick Budnick
October 4, 2016*

Members of the Portland City Council last week vowed to review criticisms of a tentative police contract after a slew of activists urged changes, including to a draft policy for officer body-worn cameras.

But the commissioners may not have much choice. The state's rules giving labor unions substantial influence over workplace rules mean there's not a lot the elected officials can do.

For instance, any changes to the proposed body-cam policy that the city has negotiated behind closed doors with the police union will still need to be negotiated with the union, Commissioner Amanda Fritz told the audience last Wednesday afternoon.

"It's not that we're saying that's the right thing, but it's the law," she said.

The council will take up the changes again tomorrow, Oct. 5, but major changes are unlikely, thanks to the state's bargaining rules and the schedule of a proposed final vote on the contract slated for Oct. 13.

The contract awards police a 3 percent raise each year for three years, not including cost-of-living adjustments, which officials say will help address a worsening staffing shortage that is increasing response times around the city. In return, city officials secured elimination of the rule requiring 48-hour notice before an officer is interviewed after an incident such as a shooting.

"This has been a key objective for the (U.S.) Department of Justice ... as well as others," said Anna Kanwit, the city's human resources director, referring to federal oversight of police obtained under a 2014 settlement.

The tentative contract was overwhelmingly approved by the membership of the Portland Police Association, President Daryl Turner told the City Council at the Sept. 28 hearing. He said the elimination of the 48-hour rule reflected the union adapting to community expectations.

However, officers privately say the 48-hour rule represents a minor concession that will have only a negligible real-life impact on policing, considering other legal protections for officers that have been put into place in the last few decades.

A series of activists at the hearing testified that the city should have extracted stronger police oversight concessions while approving the hefty raises. Police critics such as Jo Ann Hardesty, president of the Portland NAACP, called the elimination of the 48-hour rule a “Trojan horse” and said the city is wrong to portray officer body-worn cameras “as an accountability measure” considering that officers will be allowed to review footage before writing their reports.

“That’s ludicrous,” she said. “Please give the next mayor the opportunity to share his vision for policing and let us hold him accountable for the contract that we will be living under.”

Others echoed this theme, some chanting “Where’s Ted?”

Mayor-elect Ted Wheeler, who takes office in January, on the campaign trail called for beefed-up police oversight.

On Twitter the next day, however, Wheeler appeared supportive of the contract, noting his plans for the police. “The proposed contract gets us part of the way there ... I am committed to enacting my entire reform agenda.”

Activists’ biggest concern with the proposed body cam policy negotiated with the union is a provision allowing officers to review footage before writing reports. Their criticism: that a tool they envision as helping catch instances of officer misconduct would be more of a tool to convict criminals.

Most police departments similarly allow officers to review footage before making a statement, just as they are allowed to review their notebooks and talk to other officers as they write reports, according to publications on the subject.

A survey of top police officials by the Police Executive Research Forum conducted with the U.S. Department of Justice found that the majority support the approach. “They believe that this approach provides the best evidence of what actually took place,” according to the report.

Similar workplace issues have been deemed worthy of mandatory bargaining.

In 2014, the Oregon Employee Relations Board ruled that the use of cameras on TriMet buses to discipline drivers had to be bargained. And in 2015, the ERB also found that the city needed to bargain over the installation of GPS devices in city trucks, after the devices were used to discipline employees who seemingly were engaged in personal errands while on work duty.

But Ashlee Albies, an attorney for the Portland chapter of the National Lawyers Guild, says the city didn’t need to grant this concession in bargaining. She cites other rulings to support her position, saying that the city might have to bargain over whether the footage could be used for discipline, though it didn’t necessarily have to bargain over when officers can review the footage.

“It’s a nuanced argument,” she said.

The Portland Mercury

The City Auditor Is Knocking a New Police Contract, But Mayor Charlie Hales Is Pushing Forward

By Dirk VanderHart

October 4, 2016

Activists and local civil rights organizations aren't the only ones asking Mayor Charlie Hales and the rest of Portland City Council to put off a new contract with police.

Following a highly charged hearing last week—in which representatives from Don't Shoot Portland, the ACLU of Oregon, Portland Copwatch, the Sierra Club, and more urged a delay of the contract—City Auditor Mary Hull Caballero issued a memo to council, requesting a hold on the ratification vote.

As with many memos Hull Caballero sends to council, it's strongly worded. It reflects an ongoing concern that her office, which includes the city's Independent Police Review (IPR), hasn't been kept in the loop on these important topics.

"A significant overarching concern is that the proposed collective bargaining agreement was negotiated with no notice to community stakeholders, in a break with previous contract negotiations," Hull Caballero writes. "IPR was not notified that the City was engaged in collective bargaining with the [Portland Police Association], and the City did not request IPR input. We are concerned that the veil of secrecy that has enveloped the proposed contract and its creation stands to do long-term harm to the City's efforts to build a stronger police accountability system."

As of Monday afternoon, there was no indication council would further slow approval of the contract. It appears council will vote next week on a "tentative agreement" [[PDF](#)] that includes ratifying the deal. As we've reported, that contract would give union members a 9 percent pay increase over three years, among other perks, in exchange for the union dropping outstanding grievances and agreeing to do away with a rule that gives cops two days after shooting someone to speak with internal investigators.

Officials estimate the pay bumps will eventually cost at least \$6.6 million a year, money that hasn't been budgeted for. There'd be millions more in increased pension and disability costs.

Since the city's tentative agreement with the union also contemplates a forthcoming policy on body-worn cameras, Portland officials were forced to unveil a draft agreement [[PDF](#)] between the city and the union for what that policy could look like. That, too, has drawn concerns from police accountability advocates and the auditor's office, though it'll be subject to changes in the future.

"From my perspective, this current version of the policy would set back oversight," IPR Director Constantin Severe said last week of the draft body camera policy.

Hales has sort of reacted to these concerns. Following last week's hearing—which had to be hurriedly recessed at one point because of profanities being hurled at council members by one man—the mayor said he'd push back a final vote on the contract by a week, while council reflected on the testimony it heard and mulled any necessary amendments.

But Hales told the Mercury on Monday that he still had at least three votes to pass the new contract, a point others in City Hall confirmed. And Hales said he didn't envision submitting any changes to the ordinance. He'd already suggested inserting a sentence into the agreement with the union stressing that the public would get input on the body camera policy.

"That's the only amendment I'm going to offer," Hales told the Mercury. "I don't believe there are going to be others."

That won't be welcome news to activists and advocates who want stronger police oversight provisions in the new contract deal—for instance, provisions that make it easier to fire bad cops, and permission for IPR investigators to compel testimony from police officers during investigations of citizen complaints (they currently rely on the police bureau's Internal Affairs Division to help with investigations).

Those activists have called on Hales to push off action so that Mayor-elect Ted Wheeler can usher in a new contract—a move that would both delay the agreement and ensure Wheeler is held responsible for its contents. But Wheeler, in a vague tweet storm last week, seemed to indicate he was cool with the contract being passed before January.

That's what Hales plans to do.

"It's taken nine months to get a vote on a police contract that just addresses wages, getting rid of 11 grievances, and throwing out the 48 hour rule," Hales said Monday. "How long would it take to get a contract where everyone's wish list is addressed?"

Here's Hull Caballero's [full memo](#) to city council [PDF].