

"Digging deep,
Shining a light"

INSIDE



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Civic Life



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take you back



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Campsites
ablaze

A variance . . .

for Vanessa



Vanessa Preston

City Council members assumed Café Nell owner would be neighborly

BY ALLAN CLASSEN

One need not be Machiavelli to see the advantage of negotiating from a position of power. And with enough power, one need not negotiate at all.

Café Nell owner Vanessa Preston might have felt that way (she has not responded to offers to comment) after the Portland City Council voted unanimously April 28 to uphold her noise variance to allow amplified music and an industrial-scale space heater on the parking lot now used as her dining area.

Although several council members trusted that she would mediate differences with the adjacent neighbors complaining about the noise, Preston took a different tack. Two days after the council decision, she sued one of those neighbors for an

alleged property line incursion that had gone unchallenged in the 12 years since Café Nell opened in a residential zone at Northwest 20th and Kearney streets.

"After winning the noise hearing yesterday, Vanessa filed a lawsuit against Scarlet [Wise] for 35 inches of land between the restaurant and Scarlet's home," said Renee Mercado, an adjacent neighbor who appealed the noise variance to the council. "This land is under Scarlet's eave."

Among the unfounded assumptions made by City Council members at the April hearing, the first to collapse was that Preston wanted an amicable resolution.

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Hardesty sees conspiracy to fund cops



Jo Ann Hardesty at Town Hall meeting.

BY ALLAN CLASSEN

City Commissioner Jo Ann Hardesty unloaded a volatile police conspiracy theory on a small audience of local residents May 24.

Hardesty claimed that Portland police officers are not attempting to arrest the vandals regularly ram-paging through the city because the rioting spurs public demand for increased police funding.

"I just find it fascinating that 30 kids have been able to wreak havoc over a six- to eight-month period and [the police] just can't seem to be able to identify them," Hardesty said at a town hall meeting sponsored by Oregon House District 33 Rep. Maxine Dexter.

"I don't believe they want to identify them because, honestly, when the community is scared, the community demands more police, and when they demand more police, they get more resources."

Hardesty had to apologize last July for a similar accusation that the police were lighting fires during peaceful protests to justify inhumane treatment, but not before making national news.

Her recent allegations go deeper, suggesting that the anarchist marches ending in broken store win-

Cont'd on page 6



Northwest 18th and Johnson diverter.

Communication stalls on diverters

BY ALLAN CLASSEN

The Portland Bureau of Transportation, previously immovable on matters involving a traffic diversion and calming program known as NW in Motion, has paused installation of one of 17 planned diverters due to objections from the Northwest District Association.

The semi-diverter planned at Northwest 24th and Pettygrove streets is on hold until traffic counts are conducted.

"If we measure volumes this fall and they are low enough, we might not need to put in the Phase I diverters on Pettygrove and 24th that you

are most concerned about," Project Manager Zef Wagner wrote in an email to NWDA. "I hope this shows that we are being responsive to your concerns."

This was one of three diverters opposed by NWDA for potentially impeding traffic in the interior section of the district. The association relies on guidelines in the Northwest District Plan, adopted by the City Council in 2003, "discouraging street closures and closed-end streets" while reducing commuter and truck traffic cutting through residential areas.

Cont'd on page 5

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Library photo courtesy of 1735 NW Irving Street

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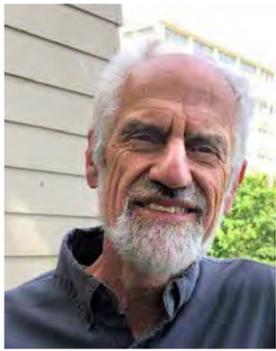


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The civil war at Civic Life

I have written more stories and editorials about the sorry saga at the Office of Community and Civic Life and its former director, Suk Rhee, than all other news media combined. But after reading the damning investigation by an independent consulting firm, I was struck by what I had missed.

We have witnessed the transformation of a once pioneering and venerated neighborhood association program into a platform for a utopian vision, all of it legitimized by the imprimatur of a city agency. There is broad public support for racial equality, social justice and economic opportunity for all, but Civic Life management was not content to build on this foundation. Instead, the program baited public strife with labels such as white privilege, European colonialism and systemic exclusion, then took resistance as proof that greater power and condemnation should be brought to bear.

The desire to disparage the well-intended cooperation of most Portlanders and tear down democratic systems employed for generations to find common ground went unchecked. Rhetoric about an ideal world took its place. While many utopians over the years have escaped society to fashion their dream world, this endeavor had the funding, staffing and license to dice up an existing institution and constituency for its purposes.

The ASCETA report on Civic Life shows the crusade not only failed to reach the holy land, it trampled the humanity and basic manners

practiced by even unenlightened members of society. Belying all the anti-racism rhetoric, people of color were a majority of those fired and about half of those who came forward with vivid testimonials of racist treatment.

"The agency devolved into an authoritarian cult of personality, in which loyalty to Suk was more important than having the experience and skills to do a good job," wrote one insider surveyed.

"Some people are incredibly devoted to her in a cult-of-personality way," wrote another. "Vision is fantastic, but execution hasn't brought anyone along. People are alienated. Anyone who raises questions is considered resistant to change."

Autocratic leadership is not an anomaly in a utopia system; it is the norm. And harsh treatment of dissenters is predictable because anyone standing in the way of the leader's righteous vision is considered expendable to the higher cause.

Utopian cults are not that hard to understand. Jim Jones and David Koresh acted them out on television. What is difficult to grasp is how city government, headed by five elected council members, could let a bureau run so far off the rails without intervening. The dysfunction was obvious to all, including times when citizens thwarted at all other junctures spoke at "open mic" time before council sessions. No one in or near City Hall could have been surprised at the arrogance, ignorance and cruelty documented in the ASCETA report.

Mayor Ted Wheeler had the power to demand change or reassign the bureau at any time. When

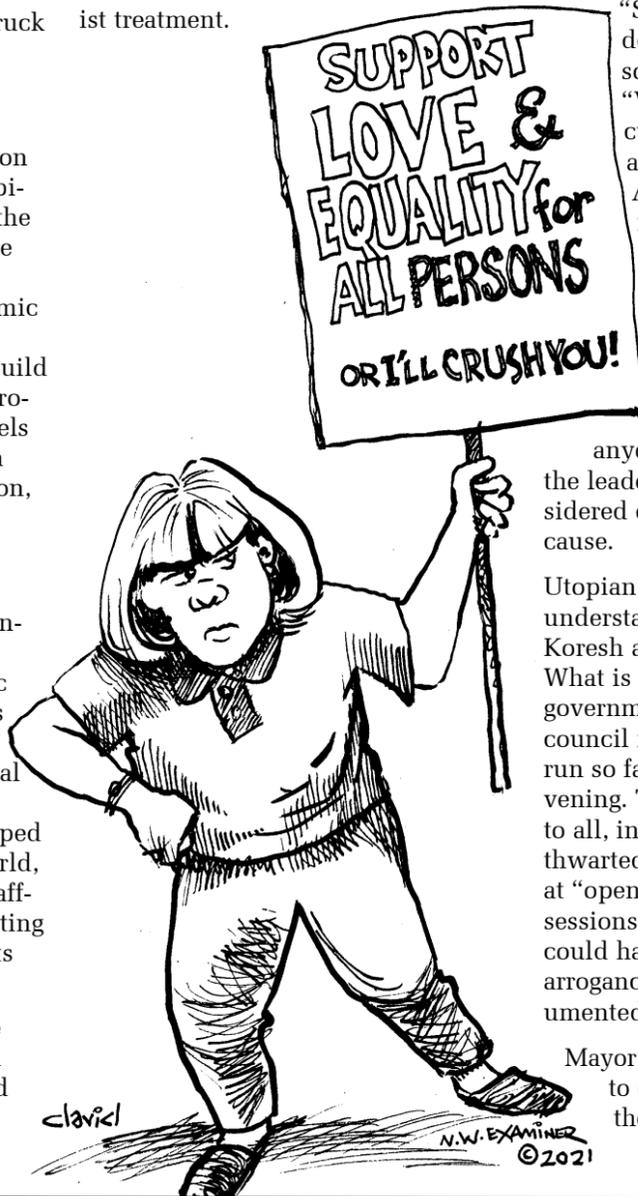
Commissioner Chloe Eudaly, who radically repurposed the bureau in contradiction of its historic and legal mission, was defeated for reelection last fall, Wheeler could have allowed – and insisted, if necessary – that the new commissioner clean house, but that didn't happen. Instead, Civic Life was assigned to Commissioner Jo Ann Hardesty, who tried to bury the report.

The fact that the ASCETA report was conducted at all owed to the advocacy of the independent City Ombudsman. And its public release would not have happened without a robust legal appeal by Oregon Public Broadcasting.

In other words, we know of the misconduct of Civic Life not because normal channels of accountability worked, but because the news media and the ombudsman took the extraordinary action demanded by an extraordinary problem.

The jalopy known as the city of Portland has no mirrors, spare tires or warning lights. It avoided the worst because bystanders jumped up and down and pointed at a wheel about to fall off. It's a miracle it has gotten this far.

Five sacrosanct mini-mayors running the city – the functional reality of our commission form of government—is not working. One commissioner's bureau mismanagement is overlooked so other commissioners need not worry about their colleagues looking into their own mismanagement. As we consider charter reform, one wonders what we have to lose by abandoning this smoking wreckage. ■



Readers Reply

Letters can be sent to: allan@nwexaminer.com or 2825 NW Upshur St, Ste. C, Portland, OR 97210. Letters should be 300 words or fewer; include a name and a street of residence. Deadline: third Saturday of the month.

Accountability lacking

Dear Commissioner Hardesty:

You were recently the victim of false accusations regarding a hit and run crash. I was mortified, but not surprised that this type of thing would happen. Too often, bad behavior by the people who are supposed to protect and serve our communities goes without consequence and therefore becomes a part of the culture.

This happens in City Hall. People have lied to my face, telling the truth only when put under oath and facing indisputable evidence of perjury. Yet, these individuals faced no consequence and continue to work for the city.

I was deeply disappointed to see that the entire glitter bomb fiasco ["Glittergate," April 2021] was dealt with in a way that ignored Civic Life Director Suk Rhee not telling the truth. She faced no consequences and received \$175,000 on her way out the door. It feels like she was rewarded for lying, by being both protected and paid. Would you endorse the way this was handled in your case regarding the hit and run?

I believe that both of these instances were egregious and had hoped that we had the same priorities. It appears that I was wrong.

Lyndsay Levy
NW Westover Road

Café Nell awesome

I wanted to comment on your cover story about Café Nell ["Café Nell crushes COVID," February 2021]. It is awesome that they have somehow managed to navigate this incredibly difficult pandemic. While most restaurants are suffering, they have adjusted their business so they can serve their customers. With regard to Renee Mercado's comments, if she doesn't like it, she should move to the country. She lives in a city. There are noises in the city.

So often we hear people talk about unity, but it's only unity as long as it doesn't affect us. I have no sympathy for these residents. If you choose to live in an urban area. There's going

Cont'd on page 5

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Beverly Braaten



Beverly June Braaten, who grew up in the Guilds Lake area, died April 13 at age 86. Beverly Meskel was born June 11, 1934, in Lebanon, S.D., and moved to Portland in 1942. She attended Chapman Elementary and St. Patrick's schools and graduated from Lincoln High School in 1952. She married Robert Braaten in 1953. In 1971, she began her long career at the Shriners Hospital for Children, rising to the position of director of housekeeping. She was a longtime member of St. Rita's Catholic Church. Beverly is survived by her children, Carol, James, Leslie, Susan and Jill; seven grandchildren and nine great-grandchildren, and former husband, Robert Braaten. She was preceded in death by brothers Milo, Durwood and Robert; and sisters Ardice Larson and Norma Jean Weaver.

Mary Gambee



Mary Elizabeth Gambee, the former business manager of the French American School, died May 9 at age 66 of complications from a stroke. She graduated from St. Mary's College in Indiana and did graduate studies at the University of Chicago and Portland State University. She worked for Coopers & Lybrand as a CPA and in investor relations at U.S. Bancorp. She served as secretary of the Board of Trustees at the Multnomah Athletic Club and was on the finance committees of The Racquet Club and The Town Club. She is survived by her husband of nearly 30 years, Michael Mulholland; their daughter, Annie Patrick; siblings Joan Mahalic, Matthew Gambee, Martha Sensenbrenner, Louis Gambee, Valerie DeVoe and Edwin Gambee.

Richard H. Jester

Richard Holt Jester, a former resident of Portland Heights and Goose Hollow, died May 19 at age 71. He was born Sept. 6, 1949, in Astoria, and graduated from McLean High School in Virginia in 1968. He attended Barton College in North Carolina and taught graphic arts. He founded Harvest Graphics in Lenexa, Kan., was art director for Ringling Bros. and Barnum & Bailey Circus, New West magazine, Oregon magazine and Oregon Business magazine. He also worked as a graphic designer for The Oregonian. He was a member of the Episcopal Church and a peace movement activist beginning with the Vietnam War. He is survived by his spouse, Romeo Camacho-Perez; and brother, Robert.

Fred 'Ike' Bay III



Fred Norman "Ike" Bay III, the CEO of Fred Bay News Co., for many years, died May 9 at age 79. Bay was born March 8, 1942. Bay took over the family business, a regional distributor of books and magazines that was located on Northwest 35th Avenue for many years. Bay ran the company until 1996, when it merged with another distribution company. He was a leader in the Northwest Industrial Neighborhood Association and chaired Neighbors West/Northwest in the 1990s. More recently, he served on the board of the Northwest Neighborhood Cultural Center. He is survived by his wife, Kathy; and son, Ben.

Death Notices

MARILYN (MANSER) AVOLIO, 86, graduated from Lincoln High School in 1952.

JANET (REPANICH) BARTA, 90, member of the Multnomah Athletic Club.

JOHN R. COOPER, 88, member of the Multnomah Athletic Club.

MARILYN (FEVES) FEIST, 85, a member of Shaarie Torah.

JOHN K. GRAHAM, 91, member of the Multnomah Athletic Club.

HELEN LINDE, 97, a 1942 graduate of Lincoln High School.

MARY MCCOURT, 94, attended Lincoln High School.

JAMES. G. ROBBINS JR., longtime Kings Hill resident and Multnomah Athletic Club member.

BEVERLY J. SHAFFER, 86, employed by Good Samaritan Hospital for 29 years.

SHARON TARLOW, 87, member of Temple Beth Israel.

The Northwest Examiner publishes obituaries of people who lived, worked or had other substantial connections to our readership area, which includes Northwest Portland, Goose Hollow, Sauvie Island and areas north of Highway 26. If you have information about a death in our area, please contact us at allan@nwexaminer.com. Photographs are also welcomed. There is no charge for obituaries in the Examiner.

Correction:

Brazil Motors was not the source of the PCB contamination on the site of the proposed Forest Park entrance along Highway 30, as reported last month ["Puzzle lurks behind Forest Park entry," May 2021]. Our story relied on incorrect information contained in a 2020 report by Winterbrook Planning, a consulting firm hired by Portland Parks & Recreation.

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Readers Reply

to be additional noise. I found your article very slanted and unfair. I hope Café Nell continues its practices.

David Klein
SW Ravensview

Police culture

I thought your editorial ["Blue culture matters," May 2021] on police culture in the May issue was spot on.

It certainly mirrors my own observations from the 1970s when I worked for the city of Eugene and had considerable day-to-day contact with police officers. Watching more than a few new officers evolve from recent University of Oregon liberal arts graduates to hardened warriors was quite striking. It will indeed take sustained political leadership, robust focused civilian oversight and a fair amount of personnel turnover to make these cultural changes. This will not be a fast process.

Dan Anderson
NW Irving St.

Gravel plagues cyclists

I was baffled by something I keep seeing—bikers riding in the auto lane on Front Street/Naito Parkway. At first I thought it was some anti-government show of resistance, but as I saw more of them I looked closer at the bike lane. It was covered with small stones. I assume they were the stones the city spreads when snow and ice are present, but it might just be the typical stones that end up on roadways. Whatever their source, they end up in the bike path. They make the bike path dangerous, especially for road bikes. The bike lanes are a great idea, but the city needs to maintain them if they want them used.

Douglas Campbell
NW Johnson St.



"Diverter program" cont'd from page 1

NWDA supports diverters only at the edges of the district.

How much accommodation is reflected in Wagner's latest position is open to conjecture. An earlier schedule of projects indicated that diverters would be erected at the north and south ends (Vaughn and Westover streets) of 24th Avenue this year before deciding whether additional diverters are needed in between. That timetable implies the midway diverters were never on the docket for 2021.

Whatever the precise meaning of the latest email exchanges, NWDA is looking for better communication with PBOT, including regular meetings with Wagner, to work out the details

Both westbound lanes of Northwest Johnson Street are blocked at 15th Avenue.

of NWIM implementation and outreach to the general community.

Wagner tried to cut off dialogue with a February message:

"Sorry, Steve [Pinger of NWDA], we will not be attending any NWDA meetings this month. Liz Rickles already presented to NWDA very recently about the Johnson/Marshall project, which is being implemented over the next couple months, and we do not have anything else to share related to NW in Motion at this time.

"I remind you that the NW in Motion Plan was adopted 'as is' by City Council and we were not directed by City Council to defer any of the Phase I diverters in response to the NWDA letter."

This month, the NWDA will consider how to approach PBOT's commissioner in charge, Jo Ann Hardesty, about establishing a more cooperative approach during the rest of the project. The association is considering polling local residents on their feelings about NW in Motion.

"PBOT is becoming increasingly unresponsive to their constituency," Pinger said. "They've seen themselves as working for themselves for a long time."

More specifically, he believes city-adopted plans and agreements with the neighborhood must be respected.

"PBOT is dismissing the Northwest District Plan, and we don't want that to be a precedent for any of the district plans," he said. ■

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Fires and broken shop windows have characterized street disorder since 2020.

"Hardesty sees" cont'd from page 1

dows and graffiti are tolerated, if not encouraged, by police to hold city leaders hostage to their bureau's budget battles.

Hardesty's comments were part of a 350-word monologue as a guest on Dexter's forum.

"As far as the continuous vandalism all over the city of Portland," Hardesty began, "I continue to ask this question: If there was a group of 20 to 30 Black kids running around town, busting out windows and doing graffiti all over the place, do you really think they would have identified them and prosecuted?"

"The fact that we know these are 20 to 30 white suburban kids that think it's fun to come down and destroy property, then blame it on a movement that they aren't a part of and have nothing to do with is ludicrous.

"The police only have one job and that's to stop crime and so I just find it fascinating that 30 kids have been able to wreak havoc over a six- to eight-month period of time, and they just can't seem to be able to identify them. I don't believe that. I don't believe they want to identify them because honestly when the community is scared, the community demands more police, and when they demand more police, they get more resources.

"I continue to hear 'We just don't have enough officers,' and I'm like, 'Well, you have 600 officers and yet you tell me you only have 200 that are available for patrol at any given time. Do the math. Why would that be? What are the other guys doing?'"

"So I don't buy the premise that they don't have enough officers. What I do believe is that the way they

deploy them actually doesn't serve a public service purpose, which is why doing away with specialty units, doing away with the school resource officers, the transit police and the gun violence reduction team provided 44 officers that then could be on patrol. But you've never heard that from the police, because they're just like, 'They cut our budget. Now we can't do anything.'

"And that's not the reality. But if we go through the process I laid out earlier, I'm just not willing to invest money in a broken system. We have to know what we want to buy before we invest more dollars."

"I appreciate your perspective on this," Dexter responded.

There were no comments from other participants.

Policing was not the only topic

Hardesty addressed. She talked about gun violence, homelessness and the failure to direct available funds to get people off the streets. But her comments began and ended with criticisms of law enforcement.

"There are hundreds of years of overpolicing of our communities that have to be acknowledged if we are ever to move forward."

Hardesty called police handling of last year's protests "outrageous" and bemoaned the failure to change police culture.

After the Town Hall, one attendee, Val Aitchisson, told the NW Examiner that she was shocked by Hardesty's statements reflecting a "long-standing hostility to law enforcement" rather than "rational" leadership. ■

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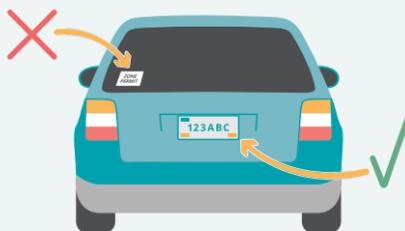


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Hardesty seeks no change in agency's recent diversity direction



Jo Ann Hardesty was still resisting opening of the Civic Life audit when she spoke to Neighbors West/Northwest last month.

BY ALLAN CLASSEN

City Commissioner Jo Ann Hardesty inherited an unraveling bureau in the Office of Community and Civic Life, a situation tied to her predecessor's attempt to transform the agency from one serving neighborhood associations to a broader social agenda centered on anti-racism and inclusion.

Before assuming control of Civic Life, Hardesty said she agreed with the direction initiated by former Commissioner Chloe Eudaly, just not the way it was conducted.

After five months in charge of the bureau, a clearer view of Hardesty's way is forming. That picture includes contradictions, notably her repeated insistence that she has no interest in revising City Code 3.96 that spells out the bureau's purpose.

Without amending the code, the rebranding of the former Office of Neighborhood Involvement could be called a change in name only.

That would miss the point. The agency's focus, budget, staffing and leadership had turned sharply even before the name change was approved by the City Council in 2018. Meanwhile, neighborhood associations and their coalitions across the city are split between the new vision and their traditional role.

The uneasy divide is reflected on the website of Neighbors West/Northwest, the city-funded coalition of 11 Westside neighborhood associations. The site's home page mourns for the Black Americans killed annually by the police while asserting that "our country's foundational institutions are deeply rooted in white supremacy—we recognize that systemic change is the only way forward."

It would be a fitting manifesto

for anti-racism organizations in any part of the country. The page lists a program of workshops and discussions to "make our communities more diverse, equitable and inclusive." Readers have to scroll down to discover any reference to neighborhood associations.

If the bipolar state of the city's neighborhood system was entrenched before Hardesty arrived, she has done nothing to bring unity.

"We're leading with race in Portland," Hardesty said at a citywide Zoom forum on neighborhoods in March. "That's what we learned this summer – don't push race under the carpet."

Hardesty supports Civic Life's dismantling of the Neighborhood Watch program due to its emphasis on looking for crime, which she said has led to suspicion of Blacks.

"People who look like me are the ones who get watched," she said, noting that citizens are coming together around safety issues without the Neighborhood Watch model.

Refusal to condemn Neighborhood Watch as inherently racist led to the firing of former Civic Life employee Mingus Mapps, who was elected to the City Council a year later in 2020. Portland thus has two Black commissioners for the first time, though they disagree on defunding the police and the form of citizen crime prevention.

Change resisted

Hardesty's efforts to keep Civic Life Director Suk Rhee in charge were limitless. For two months, she held a confidential report by an independent consultant calling for Rhee's termination.

"Most interviewees and survey participants felt the bureau cannot move forward with Suk as direc-

Cont'd on page 8

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"Hardesty seeks" cont'd from page 7

tor, citing her lack of concern for employee experience, bullying behavior, and hierarchical and condescending style of leadership," concluded the report by ASCETA LLC.

Only after Hardesty's insistence on keeping the report private was thwarted by the Multnomah District Attorney's upholding of appeals by Oregon Public Broadcasting and three newspapers (including the NW Examiner) did Rhee leave Civic Life, and then on friendliest terms. She received a full year of severance pay and unalloyed praise from Hardesty for her accomplishments.

Hardesty's first major move after taking over Civic Life was to halt funding to the nonprofit organization serving and governed by the coalition of Southwest Portland neighborhood associations. An independent audit charging ongoing financial mismanagement was her stated reason for that decision.

But cutting funds to Southwest Neighborhoods Inc. was coupled with another policy matter Hardesty would not discuss at City Council—replacing a locally controlled organization as the provider of services with two Civic Life employees.

The city's coalition system originally had independent coalition offices. In the 1990s, two coalitions switched to offices directly administered by the Office of Neighborhood Involvement. Hardesty has now turned Southwest Portland into the third.

"We tried to identify a nonprofit organization to take on the work that SWNI had been doing," Hardesty said at a March 3 council meeting. "There was no nonprofit that wanted to touch this with a 10-foot pole. They did not want to inherit what is now SWNI."

Mapps wanted to put the issue of local versus central control on the

table.

"We are being asked to grow the office of Civic Life," he said. "Before we decide to grow this office of Civic Life in a [budget] cut year, it would be prudent of us to wait to see the ASCETA audit."

"One has nothing to do with the other," Hardesty replied. "I am not asking you today anything to do with the entire bureau."

The commissioner was not asking for council approval, in other words. She had already taken action administratively to convert funds budgeted for an independent office to the Civic Life's central office.

**"Don't push
race under the
carpet.... That's
what we learned
this summer."
—Jo Ann Hardesty**

Eudaly had called the independent coalition offices inefficient due to their higher ratio of supervisors to employees than the central office. Hardesty has not revealed whether she shares this view, though her handling of Southwest neighborhoods may be a clue.

Speaking to Neighbors West/Northwest in May, Hardesty was asked what assistance neighborhood associations should be given to improve their diversity. It was a question Eudaly had fielded repeatedly, often saying they were on their own to discover a path forward but later conceding that Civic Life had a role in the process.

Hardesty's answer contained elements of both positions while not committing the city to fill the gap.

"Neighborhood associations and coalitions need help in recruiting people who are renters, people of color, people who speak different languages, people who are houseless," she said. "And if your neighborhood association does not reflect all of those constituents, then that means that you have some work to do to actually recruit, mentor and support their development within your neighborhood association group." ■

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NW PORTLAND / PEARL DISTRICT DEVELOPMENT MAP

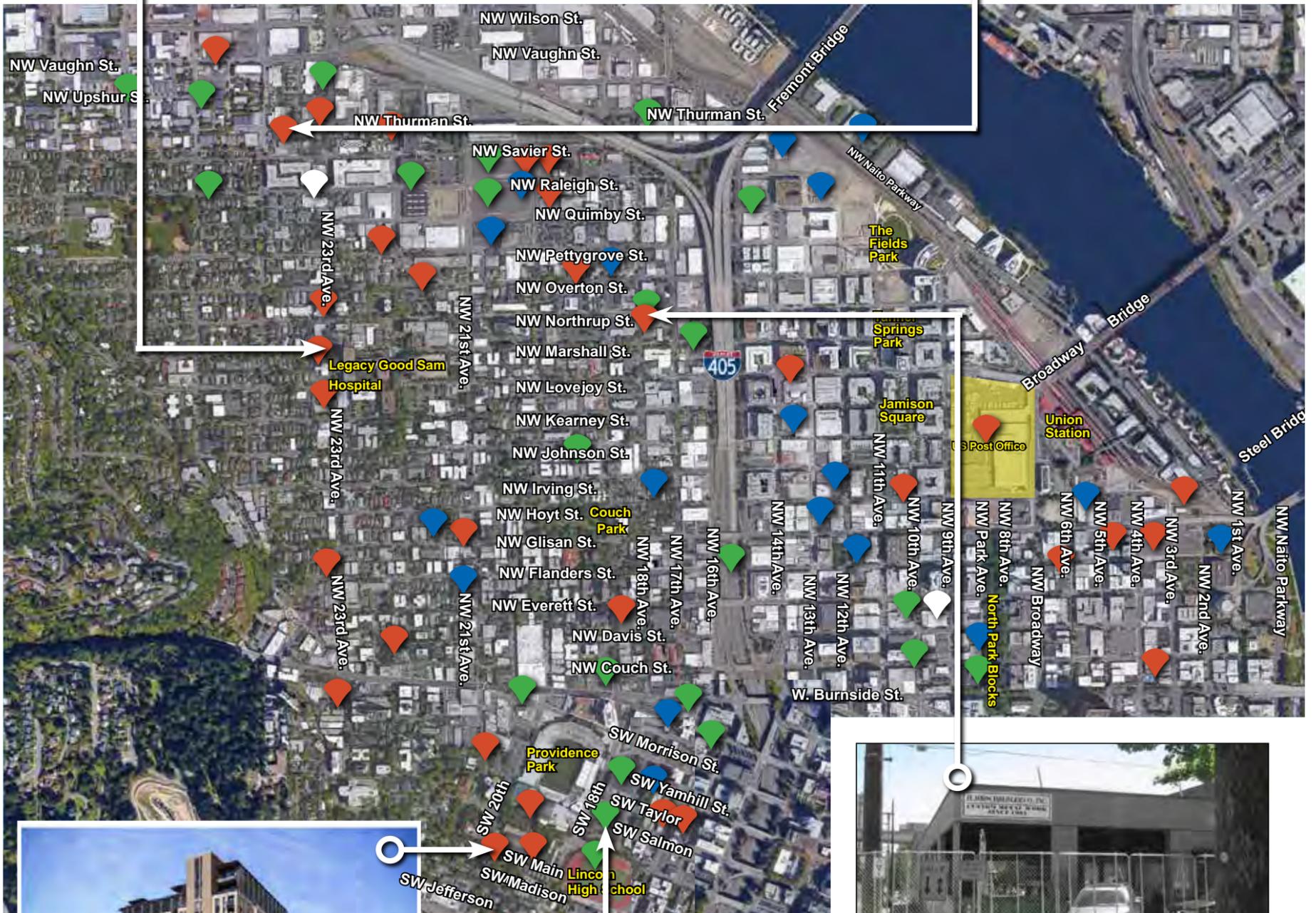
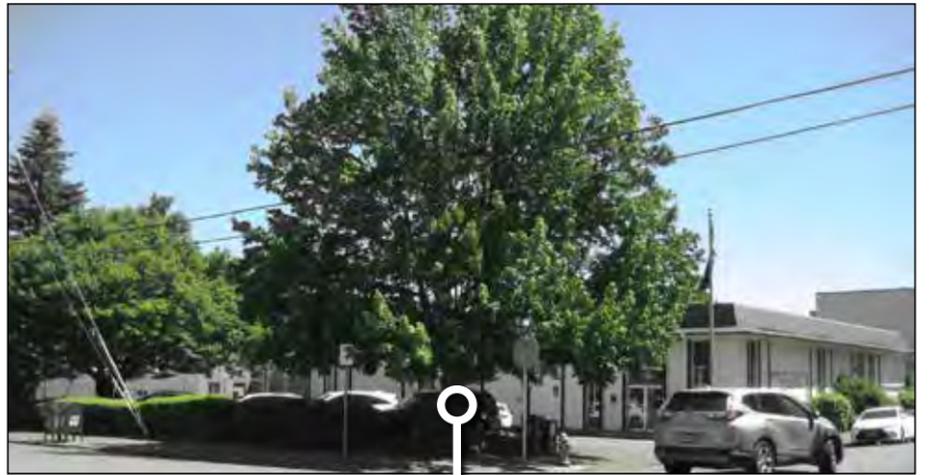
NORTHWEST 23RD AND MARSHALL

The Portland Design Commission approved plans for a mixed-used building on Northwest 23rd Avenue between Marshall and Northrup streets despite its failure to step back the top floor in accord with Community Design Guidelines. The policy states that new buildings taller than the predominant pattern should step top levels back "to contribute to more consistent streetscape and to maintain neighborhood scale."



POST OFFICE SITE

Urban Development Partners, owner of the irregular half-block at Northwest 24th and Savier streets long leased for the Forest Park U.S. Post Office, is exploring plans for a four-story, 40,000-square-foot office building. UDP originally intended to construct a 135-unit apartment building. Neighbors have expressed concerns that two large trees may be cut down.



MODERA MAIN STREET

The recently named apartment building on the Multnomah Athletic Club's Block 7 (between Southwest 19th, 20th, Main and Madison streets) is moving toward design review. The 17-story building will have 405 underground parking stalls, 225 of them reserved for MAC members. The developer, Mill Creek Residential Trust, expects the project to be completed within three years. Goose Hollow Foothills League President Scott Schaffer is concerned about its size—more than twice the interior square footage per acre as the nearby Vista St. Clair.



SAWBUCK

An eight-story mixed-use building by Greystar Real Estate Partners at Southwest 18th and Salmon streets has topped out. It will have 182 residential units, 12,000 square feet of retail space and mechanized parking.



NORTH 18

Demolition of the former home of H. Hirschberger Co. manufacturing, Northwest 18th and Northrup, will prepare the site for a six-story mixed-used apartment building. It will have 107 units and mechanized parking for 51 vehicles.



For an interactive and continually updated version of this map, visit: NextPortland.com
Also see the development map maintained by the Goose Hollow Foothills League: goosehollow.org/images/GooseHollowDevelopmentMap.pdf



"A variance" cont'd from page 1

It was a side of the restaurateur they did not see.

As Preston came to the witness table, Commissioner Dan Ryan greeted her with "nice to see you" while explaining his vote. "It sounds like the owner, Vanessa Preston, is in good faith in wanting to have communication with her neighbors," Ryan said. "I hope we can help our businesses and neighbors thrive and work together."

Commissioner Jo Ann Hardesty shared that hope.

"I would encourage us to look for common ground," Hardesty said. "I believe that Café Nell is willing to work with neighbors to mitigate [loud activities]."

Mayor Ted Wheeler, noting that he had been a patron of Café Nell, encouraged Preston to "work with your neighbors [so] compromises can be struck in good faith and alleviate some of this conflict."

(Council members are not required to declare their ex parte contact with parties involved in noise code appeals as they are for land-use matters.)

"I believe they [Café Nell owners] would be very open to those conversations," he said.

The three members of council had inferred something that wasn't said, at least not at the council hearing. Preston had never offered to talk things out or compromise with her neighbors.

Although asserting that "we have always bent over backward to be neigh-

borly," her five-minute statement was filled with descriptions of hardships and risks undertaken to stay open during the pandemic.

"Given the fact that I had gotten multiple permits, I was blindsided when the neighbors were upset about this heater, which frankly, if it had been loud, my patrons would not have been able to stand it."

The variance she was granted allows Café Nell to exceed the 55-decibel limit to operate a space heater and two speakers until 10 p.m. on the 50-by-100-foot parking lot, which has been enclosed by tents and awnings. Noise Control Officer Paul van Orden assigned a maximum of 59 decibels from these sources.

Although van Orden has described the difference between 55 and 59 decibels as insignificant, sound readings are algorithmic, doubling for each increase of 10 decibels.

The overriding public benefit in granting Café Nell latitude to be loud was explained by council members as being critical to the restaurant staying open during a unique crisis.

"Thank you Vanessa for being resilient and figuring out how to stay open during this time," Ryan said.

The variance terms have little or nothing to do with the restaurant's ability to continue operating.

"The fan/ heater unit at the facility is understood to be used only in the coldest weather to heat the tent up to a



Above: Café Nell's entire 50-by-100-foot parking lot has been enclosed for dining since the last summer.



Right: Renee Mercado, second from left, with her children, Angelo, Sofia and Gabriella, live next door to Café Nell's outdoor dining area.

point where a series of quiet propane space heaters ... can maintain the temperature at comfortable levels for sitting patrons in the tent," the variance states. "It is not anticipated to be necessary on days where the average daytime temperature is 55 degrees or greater."

Other restaurants in the city endured the winter without high-capacity heaters of this type, most using propane or electric heaters near each table. And amplified music in dining areas is far from the norm at local restaurants.

As Mercado told the council, "We don't need speakers to eat."

In practice, background music causes patrons to speak louder to be heard, adding a variable noise factor that cannot be quantified for enforcement purposes.

Ironically, the variance expired two days after the council upheld it. But new variances can be requested, and the council's views establish policy guidance for possible future variance

requests.

"The discussion today will set the tone should they reapply," van Orden said.

The noise officer defended the variance by noting that 59 decibels would be permissible under different zoning.

Zoning disregarded

Café Nell's noncompliance with its residential zone was acknowledged by council members, but not as a factor that made a difference.

"This is not about zoning," said Wheeler, explaining that the noise variance appeal was a separate topic. But granting variances from code requirements inherently involves a public good test, and allowing commercial noise to intrude in residential areas is a statement about which category of people/activities have priority.

For the Mercados and Wises, it was about their teenage children, whose bedrooms face Café Nell and who have had to move to other rooms to sleep.

NOBBY NEWS
 Vol. 27, No. 6 "News You Can't Always Believe" June 2021

Abduction seduction

With the media flush with news that the Defense Department admits to filming UFOs for years, Jimbo decided to come clean.

"I was abducted!" he screamed one morning over his scrambled eggs and shot of Fireball liquor.

He described in vivid detail the pinching, poking and probing he endured.

"It was horrible, although some of the probing wasn't that bad," he said. "They plied me with Fireball the whole time."

Jimbo remains apprehensive and has taken to wearing a tinfoil helmet. He often sits in the Nob Hill Bar & Grill worriedly looking skyward.

"I never want to leave Oregon, but they are quite liberal with the



Fireball," he admits.

Nobbys serves an out-of-this-world breakfast, lunch and dinner menu and offers a full service bar. Tinfoil helmets optional.

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Scarlett Wise, with daughters, Beatrix and Pamela, was sued by Vanessa Preston two days after Preston got the Portland City's Council's blessing to continue her noise code-exceeding activities.

Sophia Mercado, 19, said her younger brother sometimes has to sleep in her room "when it's so loud."

"Home is an escape from the world," she told the council.

"Home should be a sanctuary," Wheeler affirmed before expressing faith that Preston would make accommodations.

So how does a restaurant continue to operate in the wrong zone?

The building was used as a restaurant before the zoning was instituted and thus is allowed to continue if the activity does not expand or intensify. Both of those things happened when Café Nell expanded its dining area to the parking lot and increased its seating capacity beyond the 49 approved by the city to its current 100-plus.

Ryan's office and the Bureau of Development Services worked on a temporary provision to legalize dining on parking lots adjacent to restaurants in residential zones but dropped the effort after failing to answer the question posed by the NW Examiner: What restaurant beside Café Nell will benefit from this code amendment?

While City Council members praised Preston for herculean efforts to prevail during the pandemic, they said nothing about the financial source of Café Nell's resilience.

The restaurant received \$183,280 last year from the federal Payroll Protection Program to cover the wages of 20 employees. This year, it received

\$246,344 for 35 employees. The money does not have to be returned if the employees remain on the job for a given period.

The program provides a strong incentive to not only remain open but to expand. Since any restaurant's largest expense is labor, eliminating that category boosts profitability the more extensively free (to the employer) labor is utilized. The stimulus program thus made it economically prudent to hire 35 workers for what by Portland code should have been a 49-seat café. At a time when the city of Portland waived fees for dining in the street in an all-out campaign to keep eateries afloat, no one worried about a restaurant that might grow too large.

The Bureau of Development Services has given Café Nell 60 days to go through a Nonconforming Situation Review process.

"The zoning case remains open and a violation has been cited," Mike Liefeld, supervising planner for the Bureau of Development Services, told the Examiner on May 11. "If the property owner intends to continue the outdoor dining on the nonconforming commercial parking lot, a nonconforming situation land use review will need to be submitted within the next 60 days to begin that review process."

If such a request is denied by BDS, it could be appealed to the City Council. ■

In other news . . .



Restaurant workers are in such demand, McMenemy's Ram's Head offered a \$1,000 bonus for a cook.

ATAULA, the highly regarded Spanish restaurant at 1818 NW 23rd Place, closed permanently in April due to COVID factors and other health issues. Jose Chesa and Cristina Baez opened the restaurant in 2013 and later opened two other restaurants that also closed.

Owner/chefs Johnny Huff Jr. and Marcelle Goss, who launched **EVERYBODY EATS PDX** as a catering business and expanded into the Oriental Value Food market on Southeast 172nd and Powell streets, have moved to 138 NW 10th Ave. They offer takeout and fast-casual dining on-site. Philly cheesesteaks and po'boys are their top menu items.

ANDINA, which closed after the COVID pandemic hit, introduced a takeout service called Chicha, based on the street foods of Lima,

Peru. Andina also has a new chef, Alexander Diestra, who has worked at several Portland restaurants in the past 15 years.

SMITH TEAMAKER is opening at Northwest 23rd and Glisan streets soon.

IRVING STREET TAPAS, featuring the food of Europe, the Middle East, India and Japan, is taking over the former location of Irving Street Kitchen. Plans are to open sometime this year. Co-owners Ajay Narayan and Paresh Warke have also acquired Lovejoy Bakers and Piattino.

Multnomah County announced late last month that restaurants can waive limits on dining capacity for special sections in which diners can show proof of vaccination.

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Going Back



A footbridge in Washington Park, then known as City Park, in about 1907. City of Portland Archives, A2004-002.575.



Towering Douglas firs created a cathedral-like aura in the Forestry Building in 1948. Built for the 1905 Lewis & Clark Exposition, it was destroyed by fire in 1964. City of Portland Archives, A2001-045.1193.



The South Park Blocks between Southwest Madison and Main streets in 1959. City of Portland Archives, A2001-045.967.



The spot where this photo was taken at Northwest Thurman and 20th streets is now underneath Interstate 405. Portland Archives



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Few of the buildings shown here in 1921 looking south on Northwest 16th from Overton remain. City of Portland Archives



The Powers Portable Delicatessen, owned by Dorothy (left) and Charles Powers, at the corner of Northwest 24th and Thurman streets sometime before 1933. Photo courtesy Mel Monsen.



Aerial view from the east of Montgomery Ward (now Montgomery Park) in 1950.



The John Brown House was temporarily saved from the wrecking ball and stored in Couch Park in 1972. A fund-raising drive to restore it failed and the house was demolished the following year. City of Portland Archives John Brown House in Couch Park, A2012-005, 1972.

Neighborhood Activist

June 2021



Neighborhood Association Board Meetings

| | |
|-------------------|--|
| NWNW Coalition | 2nd Wed., 5:30 pm |
| Arlington Heights | 2nd Mon., 6:00 pm |
| Downtown | 4th Tues., 6:00 pm |
| Forest Park | 3rd Tues., 7:00 pm |
| Goose Hollow | 3rd Thurs., 7:00 pm |
| Hillside | 2nd Tues., 7:30 pm Jan., April, Oct. only |
| Linnton | 1st Wed., 7:00 pm odd months only |
| NWDA | 3rd Mon., 6:00 pm |
| Old Town | 1st Wed., 11:30 am |
| Pearl District | 2nd Thurs., 6:00 pm |
| Sylvan-Highlands | 3rd Tues., 6:30 pm |

See NWNW.org/calendar for details.

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- Support efforts to expand leadership capacity and partnerships, and reach internal equity goals
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Get more information and application details on our website nwnw.org/grants.

Deadline to apply for this round of funding: July 15.

A second round will open in December





Longtime park activist and architect Hilary Mackenzie is disturbed by proposed designs for two entrances to Washington Park. "They are proposing Brutalist freeway-style vocabulary throughout the park," said Mackenzie, who believes simple signs could be built at a fraction of the cost. She also said there has been no public input on design options.



The David Campbell Fireboat douses a dock fire on Northwest Naito Parkway on May 13. Portland Fire & Rescue said the fire began under a platform frequently occupied by homeless encampments. Damage was limited to vegetation. Photo by Guy Bodin

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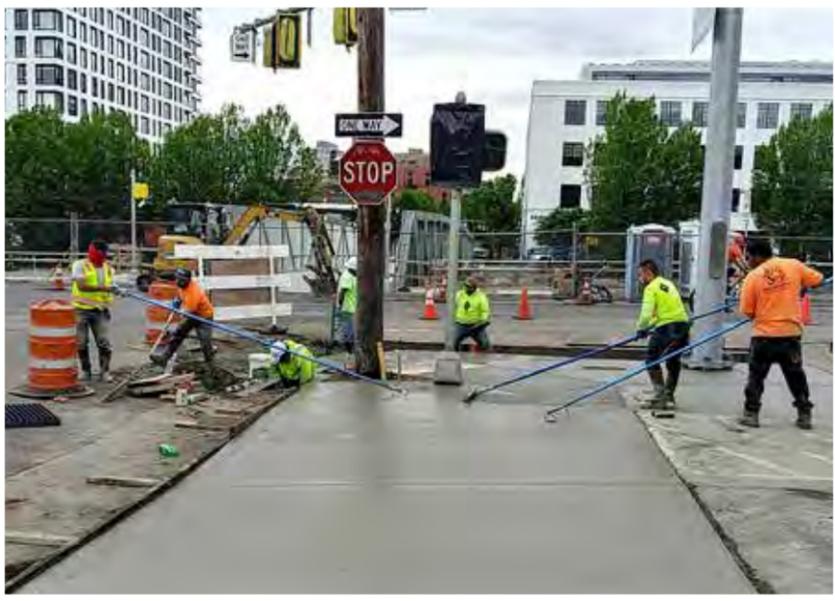
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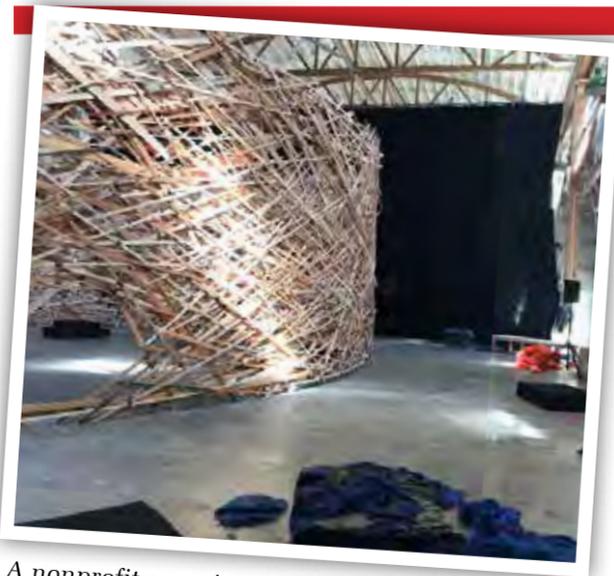




Snapshots



A ribbon-cutting ceremony to open Flanders Crossing Bicycle and Pedestrian Bridge is scheduled Friday, June 4, 11 a.m. The bridge will connect the Northwest and the Pearl districts with a safer and more comfortable route over Interstate 405.



A nonprofit organization of artists, AUXART, is holding its inaugural exhibit at NW Marine Art Works, 2516 NW 29th Ave., through June 13, 3-7 p.m. This sculpture is by Philip Krohn.



The one-way signs introduced on several Forest Park looped trails for social distancing during COVID last summer are coming down this month.



Swastikas and other graffiti were spray painted on the Oregon Holocaust Memorial in Washington Park May 2. "With anti-semitism on the rise in our country, are we surprised?" reflected Marc N. Blattner, president of the Jewish Federation of Greater Portland.



Word is Bond, a nonprofit formed in 2017 to develop dialogue between young Black men and the police, has leased office space at Northwest 23rd and Glisan streets. The founder and executive director is Lakayana Drury (seventh from left).



An apparent propane tank explosion under Interstate 405 near Northwest 20th and Thurman streets May 15 was heard throughout much of the Northwest District. Fires at homeless encampments are increasing in frequency, according to Portland Fire & Rescue.

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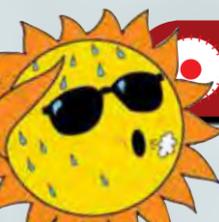
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Bauer Woods \$819,000

2,926 SF • 4 BD • 2.5 BA • Beautifully Updated on 1/3 Acre Lot
Dirk Hmura 503.740.0070 | Cathi Render 971.806.2408



Cedar Mill \$729,900

2,504 SF • 3 BD + Den • 2.5 BA • Light Filled Home
Dirk Hmura 503.740.0070 | Cathi Render 971.806.2408



Burton Road \$695,000

19,186 SF Lot • Rare Opportunity to Build Your Dream Home!
Lee Davies 503.468.3660



South Cooper Mountain \$600,000

2,078 SF • 3 BD • 2.5 BA • Open Floor Plan
Sam Vu 503.701.4773 | Apa-Clarke Team 503.809.4663



Forest Heights \$549,999

2,192 SF • 3 BD • 2 1/2 BA • Townhome Style Condo
Chris Kuehl 503.407.2414 | Kristen Bier 503.734.7560



West Haven \$498,000

1,791 SF • 4 BD • 2.5 BA • Newer Kitchen
Dirk Hmura 503.740.0070 | Cathi Render 971.806.2408



NW Portland \$485,000

1,608 SF • 2 BD • 1 1/2 BA • NW Condo with Views
Bob Harrington 503.913.1296 | Jason Cassell 503.953.5444



Tigard \$449,900

1,808 SF • 3 BD • 2.5 BA • Charming Craftsman, Ideal Starter Home
Brody Cannon 503.901.3658 | Josh Gainer 503.805.3600



Stonewater \$409,888

1,580 • 2 BD + Office + Loft • 2.5 BA • Updated Townhome
Renee Harper 503.317.7691 | Michelle Scott 503.737.4940



Riverhouse \$399,900

1,816 SF • 3 BD + Den • 1.5 BA • River Views & Pool
Megan Westphal 971.998.3071 | Wednesday Wild-Wilson 503.287.3869



Hillsboro Ranch \$335,000

1,432 SF • 30 BD • 1 BA • Large, Level Lot
Ryan Garrick 971.506.6942 | Kevin Sutherland 971.371.0833



The Pearl \$335,000

707 SF • 1 BD • 1 BA • Deeded Parking
Stacy Butchart 503.407.7525 | Josh Gainer 503.805.3600



Pearl District \$339,900

Urban Loft • 702 SF • Deeded Parking Space
Kristen Bier 503.734.756 | Kim Williams 503.502.3573



The Quintet \$329,900

1,097 SF • 2 BD • 2 BA • 2 Deeded Parking Spaces
Bob Harrington 503.913.1296 | Jason Cassell 503.953.5444



The Pearl \$299,900

732 SF • 1 BD • 1 BA • Pearl District Loft
Bob Harrington 503.913.1296 | Jason Cassell 503.953.5444

CONTACT US

503.292.1500
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