



Stan Penkin, President
Members of the Board
Pearl District Neighborhood Association
Portland OR 97209

September 4, 2023

sent via email

Property: OHOH Navigation Center – Parcel A North (ECSI# 1962), owned by Prosper Portland (NW Naito Parkway)

Dear Stan and PDNA Board:

As a follow-up to emails to you and Stan’s response (8/17/23) regarding OHOH, also known as Harbor of Hope River District Navigation Center (big green tent), this email will serve to provide PDNA with some pertinent information from recent DEQ confirmations and Oregon Public Records requests.

In Stan’s email, it was stated that PDNA had not heard anything about the renewal of the OHOH lease, at least “anything official.” Also, mentioned was the OHOH lease expiration date as “2024”.

On behalf of the almost 1000 neighbors, community members, business owners, homeowners and others who are supporters and members of neighbors4safesmartshelters (n4safe), here are the facts:

Homer Williams, Chair of the Harbor Of Hope (OHOH) Board sent a letter to Oregon Department of Environmental Quality in MAY of 2023 (over 3 months ago), asking for automatic renewal of the lease — with complete disregard for master lease and sublease requirements, provisions, and explicit language stating no renewals without exception beyond the “outside termination date of 12/31/23.”

It appears Homer Williams and OHOH have been in contact with Prosper Portland and Rick Dyer from Portland City Office of Finance and Management (OFM). ***Behind closed doors, without public input or consultation, Prosper Portland Leadership, in conjunction with Portland City OFM, moved secretly to secure approvals to renew the lease.***

Despite contrary and specific evidence from DEQ, Rick Dyer (Portland OFM) indicated to n4safe volunteers that:

1. OFM's efforts were already underway to renew the OHOH lease.
2. DEQ had already approved the current capping on the OHOH site as proper environmental mitigation for another 5 year lease.

Further, despite the fact that city approvals were ALL contingent on the "temporary" existence of OHOH, Mr. Dyer indicated that he did not "believe design reviews or other city permits and approvals are necessary."

Contrary to signed approval documents and leases that specifically define 'temporary' as a maximum of 5 years, Mr. Dyer indicated that the definition of 'temporary' is in question.

These acts of complete disregard for specific content in legal, signed and approved documents along with a complete disregard for process requirements are of grave concern to N4S.

The only governmental organization that has been transparent is DEQ. They have been fair, available, and forthcoming with facts, communications, and critical information. **DEQ has confirmed there must be public input as part of the process.** That's one of the key reasons why n4safe volunteers were surprised with the statement from OFM that DEQ had already approved the lease for another 5 years.

Also very troubling — it was clear to N4S volunteers that once the untruths were called out (based on documented evidence from DEQ), PP and OFM tried to claw back and refute what they said. N4S volunteers were each taking copious and extemporaneous notes that were in sync with what was clearly said and subsequently clawed back - only under duress of being in

direct contradiction to what was known to be the truth based on evidentiary communications from DEQ.

Stan, as President and Board Members of our official Pearl District Neighborhood Association and signatory of the OHOH Good Neighbor Agreement, there is a clear expectation that you/PDNA would advise N4S of any contact or communications with anyone, along with specifics, related to such a critically important effort as the future of, what you are well aware, has been nothing short of a troublesome no/low barrier shelter in our neighborhood.

Even Homer Williams recognized and admitted in writing to PDNA, the outright failures of OHOH in the face of a continually worsening crisis. He described and identified the dangers and referred to it as “whack-mole.” **Yet, he somehow saw fit to continually put our neighborhood in harms way while OHOH remains a failed operation in accordance with lease, sublease and GNA requirements and responsibilities, by seeking another 5 year lease renewal.**

Equally disturbing is that RJ DeMello, a supposed member of PDNA as the Senior Communications Official at Transitions Project, Inc the operator of the Harbor of Hope Navigation Center has not initiated any communications or sought input from the community about their interest in or efforts to renew the lease. ***In fact, volunteers can't find anyone in the area, in the community or in the neighborhood who knows anything about the secret renewal effort.***

All this activity, ***behind closed doors, apparently without your knowledge, and without community, neighborhood and/or public knowledge, input or involvement greatly concerns the volunteers at n4safe.*** It cuts deeply into the lack of adherence to the lease and DEQ requirements. And, it demonstrates in word and deed, ongoing failures of good faith and trust.

That's why, today, n4safe volunteers are formally and respectfully requesting you/PDNA support the following:

ANY application, request or consideration for renewal of the OHOH lease, or continuation of the DEQ approvals, or permitting for OHOH/

Transitions Project River District Navigation Center be dismissed for the following reasons:

It appears to n4safe volunteers that Mr. Homer Williams along with OHOH and facility operator, Transitions Project are playing at “bait and switch”.

Additional Facts and Specific Supporting Evidence

As evidenced in the original signed application and background documents, OHOH convinced DEQ, the City, and the community that the OHOH facility was to be temporary, and therefore, requested minimum remediation which was ultimately only approved by DEQ based on the stated formal description of ***OHOH as a temporary facility***. In fact, all documents on file refer to the OHOH facility as a ***“temporary facility with no outside expiration date beyond December 31, 2023.”***

Recently, in a letter (April 2023) by OHOH Chair Homer Williams to DEQ, Mr. Williams directly and formally requested the lease be extended as a temporary facility, without any proper consideration of the exacting language of the master lease and other documents related to (among other provisions), the outside termination date of 12/31/23.

In effect, Mr. Williams’ letter was sent without any proper public notice, public input, or public consideration. Effectively, the request to DEQ was an attempt to ignore and bypass clear provisions of the lease, memos from the city, DEQ, GNA and lease commitments to the neighborhood that ***require OHOH and the operator to “...promote direct, respectful, and civil communication through the communications protocol set out in the document.”***

The OHOH facility was NEVER contemplated or approved as a facility that would last more than 5 years – defined as the “outside termination date with NO exceptions.” The applicant was officially notified in writing that the DEQ minimum remediation approvals were given based on a facility specifically defined as temporary with a specific termination date at which time the temporary facility is to be removed to a permanent site and continue as a shelter to serve the homeless.

n4safe volunteers have been told by the City that DEQ had already decided that the existing capping is “OK for another 5 years.” Contrary to this statement and DEQ confirmations, n4s volunteers learned first-hand that for over the past 30 days, there has been NO such statement or position from DEQ. Furthermore, as DEQ confirmed, no public input has been solicited, no hearings have been held, nor has there been any public notification of the requested lease extension – all legal requirements.

n4safe volunteers and members of the surrounding community remain gravely concerned with any attempts to pre-empt or back-channel appropriate public, legal and sound DEQ practices/processes. In addition, there must be careful review of the 1998 ROD and 1999 Remedial Action Plan approved by DEQ.

Requirements for a permanent structure were set aside ONLY because OHOH was officially categorized as a temporary facility. As such, OHOH adhered to DEQ approved limited remediation requirements. Public health, the health of OHOH Navigation Center residents and the safety of all parties are at stake. There are many city- owned properties outside of high-density residential and business neighborhoods where the temporary shelter could be relocated to best serve the homeless population, and one that is not under the Broadway Bridge that has structural deficiencies and has been officially identified as in a state of “collapse” should there be an earthquake – placing any homeless shelter and its residents in harm’s way.

Further, the master lease memorializes the approval by DEQ for the facility as “temporary” as additional and extensive environmental remediation is necessary and required for continued use:

(i) “As explained by DEQ in its letter dated June 25, 2018...DEQ’s approval of Sublessee’s *proposed environmental remediation of the property is predicated on the assumption that the property for the Leased Purpose will not exist for more than 5 years.* **DEQ approved the anticipated environmental remediation activities pursuant to a procedure that applies only to temporary uses.**”

And the lease continues to make clear the facility can ONLY BE TEMPORARY:

“Consequently the temporary nature of the Lease Purpose is critical. In accord with OR 457.230 and other related sections of the code the Property is intended to be “developed, redeveloped, cleared, conserved, or rehabilitated” for a purpose that furthers the River District Urban Renewal Area Plan. A homeless shelter is not currently consistent with the Plan.”

Despite the stated requirement of the removal/relocation of the temporary OHOH facility, the evidence points to one conclusion -- Mr. Williams, OHOH and the facility operator, Transitions Project are not abiding the letter or intent of the master lease, sublease, other documents, nor commitments to the public. These “bait and switch” tactics must not be allowed to stand.

In addition, as the lease states, DEQ has REQUIRED OHOH to follow specific procedures should there be any alternative considerations:

“If operation of the Navigation Center extends beyond the contemplated “temporary” period of use, for example exceeding a period of five years, it will be necessary to engage DEQ and assess whether capping features need to be enhanced to fulfill permanent cap requirements outlined in the 1998 ROD and 1999 Remedial Action Plan approved by DEQ.”

“We understand that the development is not intended as a permanent site feature, and that capping does not constitute the final site remedy.” (DEQ Comfort Letter - 6/25/2018).

In any event, DEQ is committed to consultation if the capping extends beyond 5 years as stated in the DEQ approval:

"Section 2.5. If temporary capping extends beyond 5 years, consultation with DEQ will be necessary."

Regarding the above-mentioned section 2.5, n4safe volunteers respectfully agree that DEQ must hold public hearings and solicit public input on any proposed extension of any approvals associated with the above-captioned temporary project. However, **superseding this section is the statement, “due to lease provisions and DEQ requirements, there would be no lease renewal allowed and no application or permit extensions permitted.”**

With reference to the City of Portland’s Planning Decision Notice for LU 18-198669 DZ – Oregon Harbor of Hope lease clearly states:

“E. The proposed structures on the site shall be removed no later than five years after the permit is finalized.”

"Procedural Information. The application for this land use review was submitted on July 6, 2018, and was determined to be complete on December 13, 2018." Therefore, the clear and unequivocal removal date is December 13, 2023.

Equally important, the Master Lease for the property cannot be renewed:

"8.2. Outside Termination Date. Notwithstanding anything to the contrary in this Lease, in no event may the Term extend beyond December 31, 2023 (the "Outside Termination Date"). No cause whatsoever, including delay in construction, delay or non-issuance of permits, delay or non-occurrence of the Commencement Date, delay resulting from litigation or force majeure, or any other cause of any nature, shall operate to extend the Outside Termination Date."

And, without cataloging the hundreds of Good Neighbor Agreement violations occurring almost since inception of OHOH, **the statistics are clear - since the HOH inception over 4 years ago the longest period only 2.5 weeks have been documented as encampment free.** Violations of the GNA and lease requirements continue daily.

And, the lease further sites the critical nature of OHOH/Transitions Project adhering to the safety and security requirements:

“Compliance with the Security Plans is a material obligation under the Lease.”

There has been no action by Transitions Project (the operator) or OHOH to provide or enforce minimal public health and safety standards. Nuisance laws have been regularly flouted. As you know, this is what your neighbors and the community live with every-day - since the OHOH facility was placed on the public property.

The opposition cannot be overstated.

There must be no exceptions and the property must be returned in keeping with the exacting language in the lease and Urban Renewal Plan for development - which does not include any shelter of any kind.

N4safe volunteers look forward to submitting further evidence of OHOH and its operator's non-compliance.

*-The Volunteers at n4safe**

Michael Galizio

Michael Galizio - *volunteer*

Joan Neice

Dr. Joan Neice - *volunteer*

Copies to:

City and County Government officials

Oregon Media

Ross Day, Attorney

***neighbors4safesmartshelters** (n4safe) Neighbors 4 Safe Smart Shelters is a coalition of neighbors and business owners of Northwest Portland, River area and the Pearl District working together to find safe, smart solutions to the homeless crisis in Portland that support the needs of homeless individuals, while respecting the safety and security of our shared communities. N4safe opposes the PROPOSED SRV on NW Naito Pkwy.