



## **CULLY ASSOCIATION OF NEIGHBORS**

Central Northeast Neighbors  
4415 NE 87th Avenue  
Portland, Oregon 97220

June 11, 2024

Dear Mayor Wheeler and Commissioners,

The board of the Cully Association of Neighbors is writing on behalf of our neighbors living near 6850 NE Emerson St. This site hosts an auto body shop operating in a residential neighborhood through a nonconforming use granted when Portland annexed the Cully neighborhood. Our neighbors in the area have experienced prolonged and repeated noise code violations, air pollution, and other livability concerns for years with no satisfying resolution from the property owner or the city. The CAN board urges the city to take immediate action to either effectively enforce city code at this site or to find a permanent resolution to this issue by replacing the auto body shop with a compatible use. Individual and neighborhood advocacy is not sufficient to solve the livability issues caused by 6850 NE Emerson St, and the neighborhood needs your help to make meaningful progress.

6850 NE Emerson St's permit history shows repeated noise and code violations dating back to 2001. Some of our neighbors near this site spoke directly to the commissioners about near constant noise caused by HVAC systems. Several tenants at the site have run HVAC throughout the night and at excessive levels during the day, in clear violation of city code. Some tenants have released paint fumes and other chemicals into the air and many store cars on the street, both in clear violation of code. While city inspectors eventually respond to the code violations, and the landlord occasionally removes the violating tenants, the situation at this site never improves. The new tenant always commits the same violations, and the city provides no permanent resolution for the neighbors suffering through years of nuisances.

We ask the city to improve its regulations to provide penalties for commercial landlords who tolerate repeated code violations. It's clear that landlords suffer no meaningful consequences for their tenants' code violations and have no incentive to find better behaved tenants for a site like 6850 NE Emerson St. Please find a way to directly incentivize landlords to encourage tenant adherence to city code.

We also ask the city to consider directly investing in this site to provide a permanent resolution to ongoing livability issues. As the nonconforming use implies, an auto shop doesn't belong in a residential neighborhood, and the city would never permit a new auto shop at a similar site. We understand that the current council did not grant the nonconforming use, but we ask for your help in correcting the original mistake of granting a property right for an incompatible use like this. The CAN board explored the idea of a nonprofit housing developer purchasing the site and converting it to

multifamily housing. Unfortunately, the commercial use of the property makes it too expensive for a standard nonprofit development. A permanent resolution to the problem at this site would require direct subsidy or action from our city government, and we ask you to step up and invest city dollars in permanently improving living conditions in Cully by helping to convert this site to a better use.

If the city can't enforce code in a way that guarantees long-term compliance or invest in the site to convert to a better use, we ask that you look at creative legislative solutions for sunseting the nonconforming use. We know that phasing out a property right may not be legally feasible, which is why we'd prefer for the city to invest in the site. But we hope you consider all options for establishing a permanently compatible use for 6850 NE Emerson St. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Zach Powers". The signature is written in a cursive style with a long horizontal stroke at the end.

Zach Powers

Board Member at Large and Transportation and Land Use Committee Chair, Cully  
Association of Neighbors