

SMILE SPECIAL BOARD MEETING
SUNDAY, NOVEMBER 18, 2012
SMILE Station

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OFFICERS PRESENT: Mat Millenbach, President; Eric Norberg, Secretary; Pat Hainley, Treasurer

BOARD MEMBERS PRESENT: Nate Maki, Ellen Burr, Bradley Heintz, Gerri Sue Lent, Nancy Walsh, Stan Hoffman, Michael Hayes

This special emergency SMILE Board meeting was called for 1 pm on this date, with proper advance notice to the public online and otherwise according to the SMILE Bylaws, for the purpose of deciding whether SMILE would appeal a specific land use decision by the city, as recommended by the SMILE Land Use Committee. The appeal deadline was set by the city as November 19, making this special Board meeting necessary.

President Mat Millenbach called the special Board meeting to order at 1:06 pm, noting the presence of a quorum and the presence of 14 residents. He announced that the only agenda item would be an appeal decision by the Board concerning the city's approval of a large apartment complex on S.E. 23rd between Tenino and Tacoma Streets; the deadline for any appeal was the following day. The question to be determined: Would SMILE appeal this decision, as recommended by our Land Use Committee.

Ellen Burr, SMILE Board member and Land Use Committee Chair, summarized the background of the proposed project and the issue posed.

This is to be a four-story apartment building -- 68 units -- with some on-site parking. It would have seven elevators. The developer has arranged a "transfer of density" from the Tenino Terrace apartments nearby, which did not use all its allowed density; 34-unit density would be purchased from Tenino Terrace by the developer for \$10,000 per unit. Parking on-site would be provided for 45 cars, about 60% of the number of apartments; provisions provide for some motorcycle and bicycle parking too.

There are no land-use issues applicable, so our appeal would be on the issue of design, before the city Design Review Committee. Burr pointed out that design criteria are nebulous -- the city is to consider the character of the neighborhood.

Neighbor testimony before the Planning Commission centered on the height of the building, the use of four lots, the increase of traffic on narrow Tenino Street, and insufficient parking on-site. The developer proposed a pocket park on a corner he cannot develop, but its placement would not encourage its usage.

Unlike other proposed apartment houses in the neighborhood, the bedrooms really would be bedrooms, with windows. The 34-unit size that was proposed before the density exchange arrangement represented a doubling of the original 17-unit size due to a zoning change from R-2ad to R-1d a few years ago, so with the density exchange the development would now be four times the original size contemplated. The developer has owned the property since 2005. The same developer, a local ownership, has built houses here, and owns Lay's Construction on Milwaukie Avenue.

"The latest decision [by the Planning Commission] did ignore a number of things that were previously stipulated," observed Ellen Burr. She added the paranthetical comment that most of the currently-controversial developers [who propose no on-site parking for their apartment houses] are carefully "doing nothing that would trigger a review".

This presentation was followed by questions and general comments from Board members and members of the public present. Michael Hayes said we would need to present a very professional appeal if we do vote to appeal, because the Portland Planning Commission seems to view neighborhood association appeals as being parochial and annoying.

There were more questions and comments concerning the appeal possibility. There was general Board agreement that we must be specific on any point appealed, citing chapter and verse. SMILE cannot get anywhere by simply contradicting the staff planner's conclusions; we must provide concrete evidence of noncomformance with city design guidelines.

There was concern from members of the Land Use Committee that the previous approval of the project by city agencies had been addressing the previous plan for 34 units -- not the new high density plan. Should these departments and bureaus be reviewing the NEW plans and responding again?

A resident expressed the view that the sort of density transfer contemplated, being near Crystal Springs Creek, may be subject to a "special transportation study" that did not occur. Could that be the basis for an appeal...?

Eileen Fitzsimons suggested that the citizen-driven, city-accepted SMILE 1995 Neighborhood Plan took 2-1/2 years, and deserves more consideration from the Planning Commission than it has received. [Eileen was on the committee that developed that plan, which was later adopted by the City Council.]

At 2:14 pm, President Millenbach invited Ellen Burr to read any comments submitted by anyone who could not attend by wanted to comment. The only one turned out to be one in favor of the project, by a resident on S.E. Spokane Street, who sees many positives in the plan.

Mat asked Ellen upon what basis an appeal to the Design Review Committee would be made. She responded with specifics.

Ellen then made a motion that the SMILE Board approve the Land Use Committee request to appeal. Pat Hainley seconded the motion. Discussion on the motion followed.

Gerri Sue Lent said she had trouble with appealing, because the project does follow land use guidelines and includes on-site parking; her main concern was the previous zoning change which allowed the project to change from 17 to 34 units, but that cannot be appealed at this late date.

Michael Hayes said he dislikes four-story apartment houses along transit corridors rather than near transit terminals; this one fits better than most, since it would be very near the MAX terminal at Tacoma Street. The proposed two-part building construction, trees, and facades, should help reduce the perceived scale -- it could be the best quality rental property in the area, and the developer could be the most responsible one operating this sort of project at the moment.

Nate Maki said he was still uncertain what we would be appealing; Ellen replied that the impact of living in the watershed is not really being addressed. Nate suggested that the Design Review Commission could respond, "that is not within our jurisdiction".

President Millenbach commented that this is the best developer we have dealt with by far of all the developers in recent years. But, B.E.S. is on record as not approving this project because the plans affecting their jurisdiction were not complete, and that is a concern. He said he was also concerned that the zoning change had not restarted the previous agency approval process. So, he said he planned to vote for the appeal.

The question was called, and the vote was 8 in favor of appealing, and 2 abstentions. There were no "no" votes.

With that, Mat announced that due to a lack of an available quorum (too many Board members unavailable or out of town) and a lack of agenda items, the next regularly-scheduled Board meeting -- on the following Wednesday (the day before Thanksgiving) -- would be cancelled. It would be so announced online and via our other avenues of notification.

President Millenbach declared the Special Board Meeting adjourned at 2:43 pm.