

SMILE SPECIAL BOARD MEETING

FRIDAY, JUNE 28, 2013

SMILE Station

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OFFICERS PRESENT: Gail Hoffnagle, President; Pat Hainley, Treasurer; Eric Norberg, Secretary
BOARD MEMBERS PRESENT: Michael Hayes, Nancy Walsh, Ellen Burr; Brian Posewitz

SMILE President Gail Hoffnagle called the meeting to order at 7:30 pm. The Special Board Meeting, called in accordance with the SMILE Bylaws, was the result of a request by developer Joe Bradford and his attorney, Greg Dolinajet, to make a presentation to the Board concerning SMILE's appeal to the Land Use Board of Appeals (LUBA) about the density exchange which changed Bradford's Moreland Station Apartments project from 34 units to 68. The meeting was well-publicised in advance, and was restricted to that one subject, announced in advance.

President Hoffnagle asked Land Use Chair Ellen Burr to briefly give the background and timeline for the Moreland Station development. She read from a prepared summary, which she distributed to all those present. Her summary is incorporated into these minutes by reference.

President Hoffnagle pointed out that a quorum of the Board was present, but that no action was contemplated for the Board tonight; the Board was present simply to listen to Bradford's and Dolinajet's presentation, in this one-hour special Board meeting, as they had requested. No new issues were to be brought up by the Board or the spectators present outside those covered in Mr. Bradford's presentation -- but the Board could ask clarifying questions about the presentation afterward, and after that clarifying questions about it might be received from the dozen community attendees present.

Bradford's attorney, Greg Dolinajet, was present, and thanked SMILE for the opportunity to present, and he said he hoped that clarifications would alleviate concerns. Bradford introduced himself as an Eastmoreland resident; he observed that this area is a great place to live, and he would like to think his project will benefit the neighborhood.

Bradford added that he would like to avoid the cost of the appeal for both sides. He said he understands that there may be some concern that "density transfers" -- such as the one that resulted in 68 units for his project -- could thereafter happen "all over the neighborhood"; but he wants the neighborhood to realize that the "Johnson Creek Plan District", in which his density transfer is taking place, is small, and any precedent concerning density transfers would only pertain to this zone,

and there are not any other practical, eligible properties there. Elsewhere in the neighborhood, he added, density transfers are a "matter by right", and are already allowed.

He added that if he were to lose SMILE's LUBA appeal concerning his density transfer, he would nonetheless still have the right under the site's current zoning (plus the amenities bonus) to build 51 units, and his intention under those circumstances would be to build the same-size building as currently proposed, with somewhat less parking -- but to create a number of two-bedroom units by rearranging the internal walls of his currently-planned design, and thus to have the same number of bedrooms (and thus residents) as originally planned under the density transfer. It appeared that his implication in this statement was that even a SMILE LUBA win would result in no practical change in the project, except somewhat less parking.

Bradford concluded by saying that his project as proposed would be the best project for the neighborhood; he would still be permitted to build the planned structure in alternate ways, none of which would be as beneficial for the neighborhood as the project as proposed. He then asked the Board for questions.

Pat Hainley and Brian Posewitz asked preliminary clarifying questions and received answers. Bradford added that he would be willing to contribute to neighborhood projects if an arrangement could be made to permit his project to go forward as proposed.

Posewitz asked Bradford, "When you obtained the zone change [for the property] in 2008, were you then planning to apply for the density transfer [to double the number of units permitted by the zone change]?" Bradford responded "no" -- he was then intending to build condominiums; "ownership properties" -- and, with the "amenities bonus", that would have allowed 51 units.

Michael Hayes also asked about Bradford's 2008 plans -- requesting a brief description of his building plans then. Bradford said he did not then know what his final plan would be until he later bought the second property involved in this parcel. Coming out of the recent recession, he said, apartments are now more "financible" than ownership properties, so he now plans to build apartments.

Brian Posewitz asked a question about why had Bradford thought the density transfer would be allowable? He replied, "Because the Johnson Creek Plan would have had to prohibit it, and it didn't, so the underlying zoning code allows it." The City Attorney has so interpreted it, he added. Attorney Dolinajet contributed an observation that the person at City Hall in charge of permitting had reviewed the density transfer and also found it applicable. At this point, with no more immediate questions from Board members, President Hoffnagle opened the floor to clarifying questions from the spectators.

Marychris Mass said the main problem, to the neighbors, from Bradford's project, "is that the whole thing is undesirable", aesthetically. Hoffnagle pointed out that this was not a clarifying question concerning the presentation, and thus was not allowable.

Lisa Brown asked a clarifying question about the maps that had been distributed to the room during his presentation [incorporated into these minutes by reference], and Bradford responded. SMILE Attorney Andrew Stamp asked another, and also received a response.

A woman in the rear of the room asked a clarifying question about the density transfer, concerning the statement that no other significant property in the Johnson Creek Plan zone would be eligible for such a transfer: Bradford said that no other property in this zone which could qualify for such a transfer except one tiny property in the intersection with a parents under it on the map. So, he said, if the map is right, no other density transfer is possible in this zone. Ellen Burr and Brian Posewitz spoke to each other in further clarification.

Brian Posewitz asked for clarification on Bradford's community offer. "Aside from taking one story off this building, is there anything you can do to mitigate the neighbors' concerns?" Pat Hainley joined in, "23rd is a one-way street; you can come in from Tacoma, but you must leave via Tenino, driving into the neighborhood." Bradford responded to both, "The neighborhood can choose the color of the building -- but can I think of anything that would make the neighbors feel better about this? Probably not." He added that, in the project, he is trying to save as many trees as possible.

Marychris Mass asked a clarifying question: "Do you have any concept of how many people -- not units, people -- would live there? Probably not?" Bradford responded, "88, either way. Even if the project is cut to 51 units, there will still be the same number of bedrooms."

Bradford's attorney, Greg Dolinajet, ended the presentation by saying that he and Bradford remain open to further suggestions from the neighbors, and other questions. Bradford added, "Thanks for this opportunity."

There being no other clarifying questions, President Hoffnagle announced the Special Board Meeting adjourned, at 8:15 pm.