

Nancy Seton's Notes from Strohecker's Pre-Application Conference - 22 August 2017

Attending:

City:

Jean Hester, BDS Conference Facilitator jean.hester@portlandoregon.gov

Mark Moffett, BDS Land Use Planner (assigned to this case) mark.moffett@portlandoregon.gov

Ericka Koss, BDS Site Development Ericka.koss@portlandoregon.gov

Patricia Neighbor, PBOT

Ben Kersens, BES

Marty Stockton, BPS (filling in for our Westside BPS Liaison Joan Frederiksen)

marty.stockton@portlandoregon.gov

Applicant/Owner/Brokers et al:

Tim Sotoodeh, Managing Member of SW Hills LLC

Michael Kapnick & Michael Shall of Marcus & Millichap

Christe White, Land Use attorney w/Radler, White, Parks & Alexander, listed as applicant for the proposal. cwhite@radlerwhite.com 971-634-0204

Renee France, Land Use Legal Counsel w/ Radler, White, Parks & Alexander, 971-634-0217
rfrance@radlerwhite.com

SWHRL/Neighbors:

Nancy Seton, SWHRL Co-President, Co-Land Use Chair

Bill Failing, SWHRL Board

Blythe Olson, Stroh's neighbor & her son Remy

Pre-Application Conference, # EA 17-207761, Strohecker property at 2855 SW Patton Rd:

"A Pre-Application Conference to discuss an amendment to conditions of approval from a Comprehensive Plan and Zoning Map Amendment approved in 1984. This land use review approved a change from residential to commercial zoning to allow an expansion of the Strohecker's grocery store. One of the conditions of approval restricted the site to a grocery store use only [in its current size]. Amending conditions of approval must be through the same land use review type which in this case is a Type III Comprehensive Plan and Zone Map review. The site would remain commercial but allow a broader range of uses than a grocery store. There are no specific development plans at this time."

Jean: Conference is for the applicant to get input from City Bureaus. Neighborhood attendees may listen, and if there's time at the end, make comments and ask questions. (There was time.)

This Type III land use process will automatically have two public hearings – one before the City Hearings Officer, and the second before City Council, which will approve the zoning change or not. The Comp Plan / zoning in effect at the time the application is complete is the one that will apply in the case. On those occasions the public can submit testimony. The Type III doesn't have a required BDS decision time within 120 days, but Jean thought the decision could come out within 3-4 months.* (3-4 months from when? Details to be confirmed.)

Christe White spoke for the property owner, summarizing the project, saying at this time there are no specific plans for the site. They just want to remove the conditions imposed by the Ordinance so the property would revert to the underlying neighborhood commercial zoning (CN2 at present, or CM1 under the new Comp Plan, expected to take effect in the first quarter of 2018). Their intention is to fully comply with this Commercial zoning. The current “grocery-only” designation is not commercially viable. She couldn’t say whether they intended to take down the existing building or not. No plans yet. They want to study the impacts of development of the property and appropriate mitigation.

PBOT to Christe: so your goal is to remove all the current [land use] conditions? Yes.

Mark/BDS: The process which led to the 1984 Ordinance was one of the first quasi-judicial zone changes for the City, and City planners accepted a crazy number of nit-picky conditions demanded by neighbors. The City would no longer add any conditions to a zone change: what you see is what you get under the new zone. In this case it’s a “zone change that doesn’t change the zone.” (Since they would be “cleaning up old conditions” to allow the underlying Neighborhood Commercial zone to prevail.)

Mark: [As a peace offering to the neighborhood], the developer could offer to do a Design Overlay for the site, and undergo the Design Review process, which would deal with design details like screening the site from the neighbors, but not issues such as traffic and noise.

[NBS: Thought for later: how about a Good Neighbor agreement if we don’t get other protections?]

Ericka/BDS Site Development: There’s a landslide zone on part of the property –a covenant will probably be needed.

Ben/BES: It could be challenging to put a new building over the existing sewer. He sees no red flags as to sewer/stormwater capacity at this early stage.

Nancy Seton/SWHRL:

It is really important to the neighborhood to preserve the commercial use of the Stroh’s property, ideally with a food orientation. The SW Hills is a bedroom community with hardly any commercial amenities. Strohecker’s was our only grocery and informal neighborhood gathering place. Other vital services we valued: post office, pharmacy, liquor store, espresso bar, deli, bakery, even laundry pick up.

Next closest grocery – Zupans nearly 2 miles from Stroh’s, down the steep Vista Hill. Instead of a 20-minute neighborhood which the City recommends, we have the 1-hour-neighborhood, but only for the most fit. We have commuter-hours only transit, but even that doesn’t go all the way down to Zupans.

If the Ordinance is amended and the zoning reverts to CN2/CM1, the SW Hills community wants to have a voice in what development will go there. Neighbors want a project that is in character

with and provides a benefit to the neighborhood, and would oppose a condos-only development with no services. The trouble with the CN2/CM1 zoning is that it would allow a multi-dwelling/condos-only option. I think the Comp Plan should have language to protect an existing commercial property in a bedroom community such as ours from converting to residential use only. As the Neighborhood Commercial zoning (CM1) states: **“The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact.”**

Bill Failing: Emphasized again the importance of the grocery and attendant services to the community, and its function as a community gathering place over generations. But the rent needs to be reasonable to make the retail viable. We want a development that will benefit the neighborhood and fit with its character. The neighborhood wants input on what goes in there.

Post meeting:

Christe White said she wants to keep SWHRL in the loop and wants to get together with us before they submit their application. We exchanged email addresses.

Jean Hester recommended consulting our BPS liaison Joan Frederiksen with detailed questions, for example, about how we could protect the commercial / retail use in the CN2 or CM1 zoning.

Note: Anything we forgot or didn't have time to say at the conference, we can always put in our testimony, and even prior to that, we can send it to Christe and the BDS planner if we want.