

Olivia Dias, Planner III,
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June 14, 2020

Re: Request for Comments - Case No. CPC-NPC-ZC20-03 for 905/925 Cottage St NE
Re: Case No. 20-108811-ZO

Dear Ms. Dias and the Salem Planning Commission,

I am a homeowner in the Grant neighborhood, an active member of the Grant Neighborhood Association, and a member of the subcommittee convened to examine and address the Zoning Change Request by DevNW, referenced above. Having reviewed matter carefully, I am writing to express my personal concerns.

Standing

The Applicant cites the applicable clause of the Salem Revised Code on p. 31:

Title V, Chapter 64, Part I, Sec. 64.025 (b) Standing to initiate plan map amendments (2):

Notwithstanding SRC 300.1110, a minor plan map amendment may only be initiated by the Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner's agent.

Under that clause, the Applicant does not have standing to initiate this Application for a minor plan map amendment/zoning change. The Applicant is neither the owner nor the owner's agent. Therefore, I respectfully ask the Planner to deny the Change as currently framed.

In the alternative, if the Planner permits the application to proceed:

Economic Viability

Applicant has asked the City to rezone the land currently identified as 905 and 925 Cottage St., NW as Commercial Office (CO) to enable Applicant to build and operate a 14-unit apartment house and office within the existing structures.

In a May 28 meeting with the Subcommittee, the Applicant's representative Erin Dey said that office was economically essential to the project, and therefore the zone change to CO was essential to the purchase. Without the office feature and zoning change, the project would not be viable.

Ms. Dey also said that the current plans and costs for modifications to the structures would cost between \$2 million and \$5 million.

Those two statements raise a concern: If the plans are yet so vague that the Applicant cannot compute the costs within a 250% margin of error, the Applicant *could*

not determine that inclusion of an office was necessary for the project to be financially viable.

Structural Viability

Applicant has described the intended project and discussed some of the difficulties involved. The Applicant intends to renovate the existing church building as an apartment house with 14 units ranging from micro-studios to small suites. Applicant represents that the external shell of the building will remain unchanged to preserve the look of the neighborhood.

The existing church was constructed in 1910 with high ceilings and a sloping floor in the style of an amphitheater. The problems to be encountered in renovating that building cannot be known at this time. The existing foundation is not likely sufficient to support the current building under the current building code, and probably would not support the weight of the additional walls, doors, furniture, staircases—many thousands of pounds of additional material. Current code will in any case require retrofitting the foundation; retrofitting the foundation of a building that size can be prohibitively expensive, if not impossible when multi-residential seismic provisions are included.

Other problems and structural idiosyncrasies of the building cannot be known until the legal hurdles are crossed and the work is actually begun. If the shell cannot support the new flooring, the project will require a fully compliant external wall to be constructed inside the existing shell, reducing the intended floor space and making the project less viable. Fire escapes and ADAAA compliance will further reduce the space available for apartments.

But if the project failed to be structurally or financially viable, the zoning change would not revert to residential; it would continue be commercial/office, inviting the wide variety of uses that category permits.

Project Modification

If the City granted the Zone Change requested by the Applicant, I am concerned that the project could not proceed as represented for the viability concerns listed above. In such case, the land would be used to build different structures, or put to another use, or sold another owner for a different purpose.

When the project as described proved to be non-viable, the CO zone would still be a fact, open to invasion of the neighborhood by other projects, not nearly so appropriate. The CO zone code permits considerable latitude of activity, possibly not including a gravel pit, but destructive nevertheless. Would the neighborhood become host to a Bar&Grill, a convenience store, a sex shop, or a welding shop with all the liabilities of those operations?

I do not allege that the Application was submitted with the intention that the announced project would fail and the property be flipped to a profitable commercial sale. But if that were the intention, it might be pursued just as this Application is presented: with a benign statement of intended use, coupled to a somewhat improbably plan and an implacable insistence that the Applicant needed zoning permission to do what the Applicant would never dream of doing.

Thus, if the Council decided to grant the Application, I would urge the Council to impose additional restrictions on the zone modification such that the land could be used for no other purpose than the one given by the Applicant.

Neighborhood Integrity

As Ms. Erin Dey acknowledged, this is a beautiful neighborhood with a lovely atmosphere. The neighborhood is this way because generations of residents have held the line against land use modifications in the area. The subtle irony in Ms. Dey's praise is that her efforts to modify the zone would be destructive to the atmosphere that she praises.

As I understand the zoning process and the criteria for zoning, Planning considers the locality and the "patterns of the nearby vicinity" (Criteria (2)(A)(i), quoted by Applicant on p. 32). If the Council grants this Change, future zoning applications in the area would be considered on the criterion that one CO application has already been granted, so why should another be refused? The first Change then results in a domino line of changes.

Thus, when considering this Change, the Council should consider the destruction of the residential character of the entire neighborhood, one application at a time. Each application has greater likelihood of success because of those that came before, and the precedents compound. Such progressions are seen in many communities, a process sometimes called "zone busting."

This procedural and historic fact brings particular irony to Ms. Dey's praise of the neighborhood.

Neighborhood Appropriateness of the Project

City zoning has the purpose of corralling similar activities together. Commercial retail is in one area and residential is in another, avoiding mixed use wherever possible.

Since the current zoning of this area is not appropriate for the Applicant's intended use, the question naturally arises, why does the Applicant not seek property an area that is more appropriately zoned?

The answer may be that an appropriately zoned property would be more expensive than residential property. Land for the intended purpose may be more cheaply acquired by buying in a residential neighborhood and converting the zone.

Historic Value

On p. 34, Applicant argues that the proposed project will satisfy the "historic preservation goals found in the Salem Comprehensive Plan."

However, the Applicant has announced plans to gut the church to make matchbook apartments. In the process, the Applicant will block out the windows because the new floor will be at a different height. The renovation will destroy the historicity of the structure.

Market Trends of Religious Assembly

On P. 34, Applicant argues that "Proposed permanent affordable residences on site better align with the intended Single Family zone than the existing religious assembly

use. ... There is an increasing concern the religious assembly use is not viable based on market trends and on-site physical limitations."

The Applicant is mistaken. Religious assembly is integral to this community as it has been occupied for more than a century. The many churches in the area are graphic evidence of the actual trend. The swelling membership of the Evergreen Presbyterian Church shows that churches are welcome and needed in Grant. Demonstrably, eliminating a church does not serve the community's goals.


Parking

Because of our proximity to the downtown core and to the State government offices, our neighborhood curb parking is competitive. The pressure on existing residents can be measured by the number of blocks that have sought and won "permit parking only" status to combat the flocks of commuter vehicles.

Because of the proximity to bus lines, the Applicant plans to create this new dense housing with little or no parking for the new residents. Though the proximity to bus routes would make the ownership of private cars less necessary, it would not prevent the individuals from owning cars. An additional 14 cars consuming the curb space in the immediate neighborhood would prove a considerable challenge to the existing residents. The competition for parking would not be just Sunday mornings, as it is now with the church congregation, and not just the day shift of Monday to Friday for the State workers, but 24x7, all day, every day.

The benefit of the parking waiver enjoyed by the Applicant would be paid by the existing residents in the hidden tax of daily inconvenience.

Sincerely,



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