

GRANT NEIGHBORHOOD ASSOCIATION

SALEM

OREGON

September 2, 2020

Olivia Dias
Planner III
City of Salem
Community Development Department
555 Liberty Street SE, Suite 305
Salem, Oregon 97301

Re: CPC-NPC-ZC-SPR-ADJ-DR20-03
905 & 925 Cottage Street NE
Applicant - DevNW

City Staff:

Thank you for the opportunity to comment on consolidated application CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905/925 Cottage Street NE. The Grant Neighborhood Association has been actively monitoring this potential development for a number of months. **The Grant Neighborhood Association strongly opposes this request to rezone the subject properties as High-Rise Residential** and redevelop them at a density of 64 units per acre.

We appreciate City Staff taking the time and opportunity to review our response, as we believe that applicant has clearly and objectively failed to meet the high burden of justifying this Comprehensive Plan, Neighborhood Plan, and Zone Change. **We request that the city staff recommend that the Planning Commission deny this application in its entirety.**

As we did with the applicant's previous attempt to rezone these properties as Commercial Office, the Grant Neighborhood Association provides with this letter the following:

- Responses to the findings required by the Salem Revised Code when requesting Comprehensive Plan, Neighborhood Plan, and Zone changes as proposed by the applicant, DevNW. (Attachment A)
- Comments and considerations for the applicant's site plan, which further demonstrate the incompatibility of this zone with the immediate vicinity of the subject properties. (Attachment B)
- Background information on the use of the High-Rise Residential zone in the city generally. (Attachment C)

- Detailed photographs and descriptions of the immediate vicinity of the subject properties. (Attachment D)

There are a handful of points in our attachments that we would like to highlight here:

The applicant has a very high burden when requesting such a remarkable change to the comprehensive plan, neighborhood plan, and zone.

SRC 320.2000 states “the more impactful the change, the higher the burden.”

This is a lens through which their entire application must be viewed. There is no more disruptive change possible in the residential zone than rezoning a fully encumbered single-family property to Residential High Rise. There can be no higher burden than to show that such a change is justified - it has to be a slam dunk! Unfortunately, the applicant is focused on putting the system on trial rather than providing cogent arguments why the *designation* is appropriate.

The applicant consistently confuses their proposed use of a property with the zoning designation of the property.

The code requires an application, such as this, to justify, with a high burden, that the desired designation is appropriate for the *immediate vicinity*. The code makes clear that such a remarkable rezoning must be warranted by changes to the demographic, economic, or social patterns of the *immediate vicinity*. They must also show that the proposed *designation* is equally or better suited to the property. They must also demonstrate that the property has the *physical characteristics* suited for that designation. However, the applicant misstates the burden, focusing on their *proposed use* and how *national, state, and regional* trends justify the high-density, high-rise use of these existing buildings. Accepting that as a valid argument would undermine the zoning system and set a precedent that every property in the city is open for rezoning to high-density housing uses.

The applicant’s response to the State of Oregon’s Goal #10 and other affordable housing statutes misstates the discretion of the Planning Commission and City Council.

Since the release of the 2015 Housing Needs Analysis, the City of Salem has been on a commendable policy implementation trek to alleviate the imbalance of available lands to develop as housing within the Urban Growth Boundary. However, the rezoning and redevelopment of fully encumbered single-family zoned properties as Residential High-Rise was at the *very outer reaches* of what even the ECONorthwest consultants believed was possible or necessary to address this imbalance. This kind of proposal can (and has) led to a predicable result that undermines larger efforts such as *Our Salem* to incrementally increase density in a well-planned manner. The applicant uses Goal #10 and related statutes, however, to imply that the city and commission have little to no discretion; that every rezoning application for housing, no matter where it is in the city, must be accepted for housing’s sake. The law does not require that, and the Commission

and Council should not cede their discretion to establish a logical zoning system or revise our Comprehensive Plan to address Goal #10 in a well-planned manner.

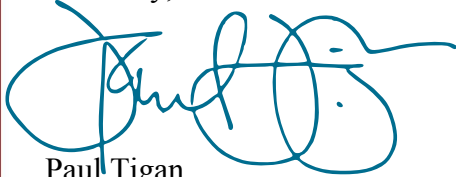
This project is clearly and objectively out of character with the surrounding area, introducing a density of use that is not supported by the immediate vicinity

The applicant's argument that their project is suited to this property is based, at least partially, on the idea that not changing the "envelope" of the building will somehow reduce the predictable impacts of increasing the density of use by a factor of ten. The site plan itself demonstrates how incompatible the site is for the proposed density of use.

- The applicant is currently only providing 7 parking spots for 19 units, and only has three parking spaces worth of frontage on Cottage Street NE. As it stands today, there is not enough parking in the immediate vicinity for the current residents of the neighborhood. 19 units could easily mean 38 more residents, 38 more vehicles.
- The applicant requests an open space adjustment, even though they are not within 1/4 mile of the nearest City Park.
- The incentives for multifamily development in this case *over-incentivize* development, in large part because there is insufficient infrastructure in the immediate vicinity. The North-to-South streets do not line up at D Street NE, so there are no marked crosswalks. D Street, though labeled a collector route, is only 56 feet wide and has no parking.

Again, thank you for reviewing our comments about this project and considering them for inclusion in part or in whole to the Planning Commission for their hearing on this project. We request that the Planning Commission deny this project.

Sincerely,



Paul Tigan
Land Use Chair
Grant Neighborhood Association

SRC TITLE V – CHAPTER 64 COMPREHENSIVE PLANNING

Sec. 64.025. - Plan map amendments.

(a) Applicability.

(2) A minor plan map amendment is an amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.

(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.

(c) Procedure type.

(2) Minor plan map amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC chapter 300.

Grant Neighborhood Association Response:

While the applicant is the contracted purchaser of 905/925 Cottage Street NE, the Grant Neighborhood Association (GNA) has not been able to locate in the application where the current owner has provided consent to the proposed zone and map change from Single-Family Residential to High-Rise Residential.

The Grant Neighborhood Association is concerned that the significant nature of this proposed land use change will set a precedent for surrounding property in the Grant Neighborhood and RS zoned property within ¼ mile of the Salem Area Mass Transit Cherriots Core Network. Recent changes to the multifamily code have made all properties within ¼ mile of the core network more attractive for multifamily redevelopment and the GNA is concerned that approving this rezoning - which takes advantage of this new code - would be precedential for future rezoning decisions in Grant Neighborhood.

We request that this rezoning application be deemed a major map amendment.

(d) *Submittal requirements.*

(2) In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an applicant-initiated minor plan map amendment shall include the following:

- (A) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:**
- (i) The total site area, dimensions, and orientation relative to north;**
 - (ii) The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory structures, fences, walls, parking areas, and driveways, noting their distance from property lines;**
 - (iii) The location of drainage patterns and drainage courses, if applicable;**
- (B) A traffic impact analysis, if required by the Director.**

Grant Neighborhood Association Response:

The fact that the proposed zone change on these two lots does not increase traffic on D Street and Cottage Street by 800 trips per day, does not seem like a positive argument for approving a zone change.

The 400 trips per day per property is a benchmark set by the Oregon Dept. of Transportation (ODOT) in its Oregon Highway Plan (OHP) and, as stated in the DKS traffic analysis document, “. . . the OHP is not applicable to city streets . . .” The analysis also states that “The definition of a significant effect varies by jurisdiction and no such definition is provided by the City of Salem code.”

The main issue with the provided traffic impact analysis is that it greatly understates the “worst-case” traffic scenario allowable under the proposed zone. The proposed zone - RH - could provide many, many more units than what the applicant is proposing, but by analyzing a low-rise multifamily building and a daycare center, they obscure what could be a real impact.

The Grant Neighborhood Association offers a more detailed critique of the traffic considerations in Part II of this document.

(e) Criteria.

(2) Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A minor plan map amendment may be made if it complies with the following:

- (A) The minor plan map amendment is justified based on the existence of one of the following:**
- (i) *Alteration in circumstances.* Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.**

Grant Neighborhood Association Response:

The applicant fails to properly address these criteria and provides no proof or evidence for their assertions that there has been an alteration in circumstances justifying the introduction of the High-Rise Residential zone into the single-family core of Grant Neighborhood. Nothing about the social, economic, or demographic patterns of the nearby vicinity have so altered that the RS zone designation is no longer appropriate for this location.

The applicant asserts that a Residential High-Rise Zone would somehow function as a “Missing Middle” component between the single-family homes on one side of the subject property and the single-family homes (with an RM2 zone) on the other side of the property. This is clearly, and objectively, absurd. The concept of a “missing middle” is to provide a transition from higher density uses to lower density uses. Rezoning this property as High-Rise would put the highest density use possible between two much less dense uses.

Grant Neighborhood already has “missing middle” zoning available as an example of what is possible when zoning is done in a thoughtful and proper manner: look 6 blocks north to the aptly named “Broadway-High Street Transition Overlay Zone” which provides a buffer between the commercial retail activity on Broadway and single family residences on Church St NE.

Also, a proper “missing middle” already exists between the Commercial zone south of the subject property (along Union St NE) and D Street. There is a half-block of RM2-zoned properties that provide the logical transition between the Downtown core and the residential core within Grant.

Here it is important to point out that the applicant says the proposed use aligns with the current social, economic, and demographic pattern of the vicinity. That is not the standard by which zoning changes are approved. The applicant has the burden to show that the proposed designation aligns with some altered circumstance of social, economic, and demographic pattern. No such change has occurred within the nearby vicinity of the property.

Accepting the applicant’s argument that the national, statewide, and regional housing shortage justifies this zone change would set the precedent that every single-family zoned parcel in the city is equally eligible for rezoning for multifamily housing purposes – a result that cannot possibly be true.

The applicant quotes the need for 207 more acres of multifamily housing that was identified in the 2015 housing study. The applicant glosses over the fact that that number was supposed to come from the “buildable” (vacant and undeveloped) land in the city. And while the 2015 Housing report states that conversion of existing RS zoned properties could meet some of this burden, this application flies in the face of the manner in which that was proposed to happen.

Specifically:

“We recommend the City form an advisory group to work with City staff to identify opportunities to redesignate land from the Single-Family Residential Designation (SF) to the Multi-Family Residential Designation (MF). The process should result in city-initiated plan

amendment(s) and zone change(s) to address the multifamily land deficit. (2015 Housing Analysis, p. 47)

If this process happened, it did not identify this property as eligible for conversion; such a process would likely be focused on the thousands of acres of “buildable” land the report was primarily concerned with. The analysis rejected the concept of looking to well-established single-family neighborhoods as the cure for Salem’s 207 acre housing shortage:

Residential redevelopment typically occurs in areas with single-family, where zoning allows denser development. Salem has a number of well-established single-family neighborhoods where the zoning allows denser development. Within this 20-year planning period, these areas may not offer the best opportunities for redevelopment to higher-density housing. (2015 Housing Analysis, p. 47)

The report acknowledged that some neighborhoods – including Grant – have existing single family homes with zones that would permit more dense uses. This block of Grant is not one of those places. Further northeast and northwest of the subject property are other zones that would allow denser development. The GNA has not opposed and actively supported the conversion of homes in those zones to more dense development.

One approach to addressing a portion of the deficit of Multi-Family land is to increase opportunities for development of townhouses, duplexes, tri-plexes, and quad-plexes in the Single-Family and (possibly) Developing Residential designations. These types of multifamily housing are generally compatible with single-family detached housing. (2015 Housing Analysis, p. 48)

Where the report contemplated converting single family uses to more dense uses, it proposed townhomes, duplexes, tri-plexes, and quad-plexes. Not High-Rise Residential rezoning and 19 units where there used to be one single family home. [Please see our response on Goal 10 for more information on how to interpret this application in light of the State of Oregon’s Goal 10.](#)

The applicant also argues that the use of the church itself somehow meets the criteria for altered circumstances requiring a zone change. Again, we disagree.

A church and associated parsonage has occupied the location of 905/925 Cottage Street since the neighborhood began, first as the wooden 1st German Baptist Church building constructed in the late 19th century, and then later as the current Gothic Revival-style brick Bethel Baptist Church constructed in 1928 (see “The Houses of Grant Neighborhood,” City of Salem Planning Division, 2015 found at <https://www.cityofsalem.net/CityDocuments/houses-of-grant-neighborhood.pdf>).

These properties are currently being used in the RS zone for their original intended purposes. The surrounding vicinity of RS and RM zoned property have not been redeveloped for different purposes. In fact, the RS zoned properties have undergone significant investment, including a new single-family home which was constructed next door to 925 Cottage in 2011.

The application relies on the proposed use to justify the rezoning of this property, which is a misapplication of the criteria. “Alteration in Circumstances” is about the surrounding neighborhood

and whether it has changed to the point where the current zone is no longer appropriate. The properties in the nearby vicinity have not changed, nor have the social, economic, or demographic patterns. In addition, the physical features, built environment, and current use of the 905/925 Cottage St NE property itself have not changed since the church building was constructed in 1928.

This section of the code requires that “**the greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied.**” There is no greater impact in the residential code possible than converting a Single-Family zoned property to a residential high-rise. The applicant has absolutely failed to meet the higher burden of demonstrating the criteria are satisfied. They have misunderstood the difference between the zone and the use, and have put forth arguments about the national housing shortage instead of addressing the immediate vicinity of the property. The code clearly demands reasons based on the immediate vicinity of the property.

The applicant has not met their burden under this standard to justify rezoning this property.

(ii) *Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.*

Grant Neighborhood Association Response:

This rezoning application is based on the premise that the applicant’s desired use for the property should determine the zone of the property. This premise is backwards. Zoning controls potential uses - and the applicant has to meet the burden of showing that their proposed designation is equal or better than the current designation. This will be an exceedingly difficult burden to establish. The current designation is perfectly suited to the property as it matches the zone on the entire block. The applicant is factually incorrect in claiming the site is bordered by multi-family housing when it is in fact bordered by single-family housing on all sides (RM2 zoning to the south, which includes single-family residences, RS zoning to the west, north, and east, all of which are single-family residences). The block is part of a logical transition in the zoning from the intense uses of the Downtown Core, to a long half-block of RM2 zoned properties, to the RS area in Grant. Adding a high-rise zone between that transition is illogical and threatens to upset the social, economic, and demographic pattern of the existing zoning.

Still - as was the case with the previous criteria above - the applicant confuses the use of the property with the zone designation. The applicant would like to argue that the building being a church is somehow outdated and outmoded. This is a difficult argument to make:

- People still go to church. In fact, the current owner has become so successful as a church in their current location that they need to find a larger building for their congregation! This indicates that the social pattern of church-going is strong for this property. Additionally, it’s so successful as a church that Evergreen Church rents the building out to at least one other religious congregation.

- 925 Cottage Street is a single-family home. The use of single-family zoned homes as actual single-family homes is identified in the neighborhood plan as important because there are many places in the neighborhood that have been identified for conversion to multi-family - but this address is not one of them.
- There has not been a significant change in church-going demographic or single-family home occupancy at this or nearby sites. The property immediately to the North, at 941 Cottage St NE, was built in 2011 after the lot was vacant for around 50 years.

(iii) *Conflict between comprehensive plan map designation and zone designation.* A minor plan map amendment may be granted where there is a conflict between the comprehensive plan map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the comprehensive plan map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

- (aa) Whether there was a mistake in the application of a land use designation to the property;**
- (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the comprehensive plan map designation;**
- (cc) Whether the property has been developed for uses that are incompatible with the comprehensive plan map designation; and**
- (dd) Whether the comprehensive plan map designation is compatible with the surrounding comprehensive plan map designations;**

Grant Neighborhood Association Response:

There is **no current conflict** between the comprehensive plan map designation and the zone designation. This rezoning effort, however, **would create** future conflict as it would be the only High-Rise Residential zoned property within the vicinity, encouraging additional zoning changes. The applicant is silent on this matter because it clearly does not support their rezoning argument and, in fact, argues strongly against it.

(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Grant Neighborhood Association Response:

This is one of the criteria in which City Staff and the Planning Commission need to consider the maximum build out of this property considering this zone change. The applicant's proposal should be viewed as the floor of potential development rather than the ceiling. We are concerned that even the development proposed by the applicant would significantly strain public facilities and services, including parking availability (they offer 7 spaces for 19 units), trash collection, and facilities associated with pedestrian traffic. We delve into these issues in detail later in our response, but adding 19 units, with a potential for limitless density, is going to run into serious issues on a cross street that does not have a marked crosswalk for hundreds of feet. Previous attempts by the neighborhood to get crosswalks, stop signs, anything to address traffic on D street has been rejected by the city because the street intersections do not line up along this section of D Street. Cottage, Church, and 5th streets are never going to match up on D Street. It is a serious consideration when deciding whether to greatly increase density of uses along those streets.

(C) The proposed plan map designation provides for the logical urbanization of land;

(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Grant Neighborhood Association Response:

The Neighborhood Association will respond more fully in sections II and III, but notes that this one property of High-Rise Residential in the middle of almost 100 contiguous acres of RS and RM is not a logical design (even if the area is already fully urbanized).

(E) The amendment is in the public interest and would be of general benefit.

Grant Neighborhood Association Response:

Rezoning this property as High-Rise Residential is not in the public interest as it will degrade the residential character of the neighborhood and vicinity. It will also set a precedent - signaling to developers that every RS-zoned property - and especially those within a ¼ mile of the Cherriots Core Network - are now available for maximum redevelopment. The recent changes to the multifamily code mean that these intense uses will put more pressure on parking and other basic city services (trash removal, etc.).

The applicant's argument that the rezoning preserves the historic character of the neighborhood is without merit. The historic character of the neighborhood is best met by the church operating as a church and the parsonage operating as a single-family home, as they have for over 100 years. Nothing in the zone change application, or in the City's development standards, guarantees that either of the existing historic structures will remain and be maintained. Every historic structure that is removed or modernized beyond recognition tears at the fabric and legacy of this Heritage Neighborhood, the first so designated by the Salem Landmarks Commission in 2014. The

statement that the church has outlived its usefulness as a church is without merit - the church operates in this capacity on a daily basis, just as it has for over 100 years.

To say that rezoning the single-family house on the property would address the housing shortage discussed in the 2015 Housing Needs survey is not accurate. The entire analysis was based on the premise that both 905 and 925 Cottage were fully developed and therefore not taken into account for the need to develop 200+ acres of housing units between 2015 and 2035. The report also specifically recommended that any effort to increase housing density in Single Family zones should be a coordinated effort, initiated by the City, and should look to include duplexes, triplexes, quad-plexes, and the like. The housing study recommended multi-family densities of 8 units per acre; this proposal has a density of 64 units per acre. The housing study's recommendations for increasing density is not a good support for this project.

RC TITLE X – CHAPTER 265 ZONE CHANGES

Sec. 265.005. - Quasi-judicial zone changes.

(e) *Criteria.*

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following:

(i) A mistake in the application of a land use designation to the property;

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

Grant Neighborhood Association Response:

The applicant's statements on this question were insufficient justification for a comprehensive plan map amendment (SRC64.025) and should be denied for a zone change as well. Nothing in the application demonstrates that there has been a change in the economic, demographic, or physical character of the vicinity near 905/925 Cottage Street. In fact, the redevelopment of 941 Cottage St NE demonstrates that the highest and best use of land in the vicinity of the property is single-family homes. This is reinforced by the multiple properties within the vicinity that have been rehabilitated to best meet their original purpose: single-family housing. There is also no record supporting the idea that there was a mistake in the application of a land use designation.

(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics

**of the property are appropriate for the proposed zone and the uses
allowed by the proposed zone are logical with the surrounding land uses.**

Grant Neighborhood Association Response:

The high-density uses allowed by this proposed zone are not a logical fit with the surrounding land uses, and the applicant fails to provide any evidence that the proposed use is equally or better suited for the property than the existing zone.

The Grant Neighborhood Association would request the City and Planning Commission to take a hard look at the *physical characteristics of this property* and whether they are appropriate for a High-Rise residential zone. The width of the streets surrounding the property? The 0.3 acre size? The narrow alley and misaligned streets north and south of D Street?

While the applicant wants the decision-makers to focus on the use and their promise to keep the historic structures as they are, we ask the City Staff and Planning Commission to view this application through the lens of the most impactful development possible. This land will never be down-zoned back to single family, and when this development reaches the end of its useful life, a much more dense structure could be approved.

The applicant does not provide with their application *any consideration* of the engineering challenges associated with retrofitting an unreinforced masonry structure such as this church. On Page G100 of the site plan, the architects state: "Information is approximate and based on aerial surveys, tax maps, and minimal site observation." The only detail about the condition of the existing walls is a cut-and-pasted "typical" on Sheet G200 of their site plan review. They do provide this statement: "*The exterior walls are multi-wythe brick above the ceiling of the sanctuary and presumably are a single wythe of brick over hollow clay tile below this level for the sanctuary.*" Allow us to translate: "we have no idea what the walls are made of and no idea what it will take to retrofit them to code."

The Grant Neighborhood Association remains skeptical and concerned that the costs of doing the work correctly could easily cost more than just replacing the existing structures. The neighborhood association's subcommittee for this proposal asked the applicant how dedicated they were to the buildings on site at our July 22, 2020 video conference. Would they knock down the buildings? Their response? "Well, we would do something tasteful." When asked about a budget for the project at our June Neighborhood Association meeting, they said "2 to 5 million dollars." Again - they have no idea but are more than open to the possibility that they will need to scrape and start over.

The applicant says that the property's use for religious function is obsolete due to limitations in meeting ADA requirements, yet the applicant's finding for Salem Comprehensive Policies Chapter IV. Salem Urban Area Goals and Policies Section B.11, "Handicapped Access" specifically explains that ADA access **can** be met. This finding is in direct opposition of the applicant's finding for SRC Sec.64.025(e)(2)(A)(ii) which states that "religious assembly use is not viable based on

market trends and on-site physical limitations.” This statement is unsupported, not based in fact, and does not reference any evidence other than anecdotes that Evergreen Church does not want to invest in ADA improvements to the property. The disinterest by Evergreen Church in adding ADA improvements to the property does not mean that the property can no longer be used for religious purposes.

The existing buildings were not constructed for the proposed uses and the applicant will need numerous variances to the High-Rise Residential zone in order to achieve their stated goal for unit development. Even if the High-Rise Residential zone was approved for these properties, the applicant would need to request adjustments for increased multi-family density because the property square footage is significantly less than what is required for the number of units the applicant is proposing.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Grant Neighborhood Association Response:

The proposed rezoning does not comply with the applicable provisions of the Salem Area Comprehensive Plan. [Please see our reply to that portion of the application in detail.](#)

(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Grant Neighborhood Association Response:

The zone does not comply with the applicable statewide planning goals. [Please see our reply to that portion of the application in detail.](#)

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Grant Neighborhood Association Response:

The traffic plan analysis is based on the premise that only an additional 400 trips per day can have an impact on the transportation facility. We would ask the Planning Commission to consider that the proposed high-density zone (and subsequent proposed use) is so out of character with the neighborhood that the additional traffic contemplated by the applicant themselves would have a major impact on the parking and safety of the immediate vicinity of the property. These include:

- Increases in trips during “rush hours” - this is also the time when kids are walking to school (Grant Community School, Parrish Middle School, North Salem High School).
- The incongruent nature of the streets north and south of D Street between 5th Street and Winter Street, where streets and sidewalks do not line up, is incredibly impactful to traffic and driving behavior. There are no marked crosswalks and the lack of traffic calming and wide intersections is highly problematic.
- The proposed development would only provide 7 parking spots for 19 units. Though this kind of arrangement is currently acceptable under the city’s multifamily code, considering the possible intensity of the development (even at the proposed density!) and the immediate parking facility near the property would demonstrate that this is not an appropriate zone for this area. Adding 0.3 acres of limitless high-rise development with no off-street parking requirement would be highly problematic.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Grant Neighborhood Association Response:

The Public Works department’s response is that the **site** is not currently served with the facilities necessary to support the proposed use. The Neighborhood Association remains concerned that the cost of retrofitting the property to the proposed use will be so prohibitive that it cannot be completed as currently intended. At that time, holding a property not appropriate for the project described here, the applicant could seek a new project or resell the property. The new choice of projects (by DevNW or the new owner) may then be anything within the full latitude of the High-Rise Residential zoning, and that new choice may be far different from the purposes that have been contemplated in this application so far.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Grant Neighborhood Association Response:

Should we be surprised that the applicant failed to even respond to Sec. 265.005(e)(2) within their application? This greater short, medium, and long-range impact of the proposed change to the area is the primary concern of the Grant Neighborhood Association, but the applicant denies it is even their responsibility to address it.

This application is based on the presumption that the zone change will impact only the interior of these buildings while having little, if any, impact on the immediate vicinity. The application fails to recognize that the act of rezoning a property is not justified solely by the applicant’s desire for use of the property but from changes that would be occasioned in the surrounding community as well. There are many external factors that may make the envelope of this building attractive to

redevelop (changes to the development code, availability of funding, etc.), but those are not factors that compel a revision to the comprehensive plan and a rezoning of the property.

The Neighborhood Association has brought up this point with the Applicant again and again. Even if we are in agreement about the need for housing (affordable or otherwise) in the Greater Salem area, the impact of the rezoning will be a burden to the neighborhood. The applicant is required by the code to justify such a monumental change. They refuse to even consider that the zone change might have an impact on the area.

The applicant told us at a videoconference in July 2020 in no uncertain terms that the impact of the rezone on the neighborhood **is not their concern** and that as long as they are able to build units, **any cost external to the project is justified**. They may hold that opinion, but this provision of the land use code places the burden on them to show - with a higher burden - that their requested change is justified. Again and again in the application the applicant tries to assert that no such burden exists, that they should be exempted from this requirement, that no impact will occur.

The applicant, however, is not exempt, the impact is great, and they **fail** to meet this higher standard.

Sec. 265.020. - Conditions of approval.

(a) Conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.

Grant Neighborhood Association Response:

The applicant states conditions of approval to “match many of the RM-II characteristics and use types,” and specifically states three conditions concerned with density, permitted uses, and lot coverage and building height. In essence, the applicant is proposing conditioning the property to function as an RM2 zone, but is pursuing the High-Rise Residential zone solely to increase residential density on the property. The neighborhood association has to ask, if the applicant is intent on conditioning the property to function as RM2, then why doesn’t the applicant pursue an RM2 designation?

The answer is that the applicant desires more units on the property than what the RM2 designation permits. But, the mere fact that the applicant desires more units and substantially more residential density than what an RM2 designation permits does not give merit to this property being designated as High-Rise Residential. If, as the applicant suggests, the way that “allows the existing neighborhood fabric to remain intact” is by conditioning the High-Rise Residential zone to functionally act like an RM2 designation, then the neighborhood association asserts that the High-Rise Residential designation is inappropriate for this property. A key functional difference between RM2 and High-Rise Residential is the density that is allowed, and density of units, in and of itself, makes a remarkable difference on the long-lasting impacts of a development.

Though we address this in other sections of the document, it is important to note here that the applicant cannot develop their property within the existing zone, or the proposed zone, or the proposed zone (with conditions), without significant adjustments to the open space, setbacks, and other basic requirements for developing a property.

SRC TITLE X – CHAPTER 300 - PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS

Sec. 300.210. - Application submittal.

(a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

(5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

Grant Neighborhood Association Response:

The record shows that Grant Neighborhood Association has engaged early and often with the applicant, attempting to have productive conversations about the impact of rezoning this property, first as a Commercial Office property, and now as High-Rise Residential. We have shared the neighborhood plan, told the underlying history of northward expansion of downtown and state office buildings, and why D Street exists as a significant boundary. The applicant has not significantly altered their plans or addressed the concerns of the neighborhood, despite our communications and public meetings with them. Since revising their plan to a High-Rise Residential neighborhood, they refused to meet with the entire Neighborhood Association in our August monthly meeting format when their proposal was under development.

Sec. 300.320. - Open house

(a) Purpose. The purpose of an open house is to provide an opportunity for applicants to share plans for certain types of proposed land use applications with the public in advance of the applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.

(b) Applicability.

(1) An open house, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring an open house.

(2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house.

(c) Process. Prior to submitting a land use application requiring an open house, the applicant shall arrange and attend one open house for the purpose of providing the applicant with the opportunity to share their proposal with the neighborhood and surrounding property owners and residents prior to application submittal. The open house shall be open to the public and shall be arranged, publicized, and conducted as follows:

(1) Date and time. The public open house shall be held:

(A) Not more than 90 days prior to land use application submittal and at least seven days after providing notice as required under SRC 300.320(c)(3) and (c)(4);

Grant Neighborhood Association Response:

The applicant has failed to hold the open house required under the code. Section 300.320(b)(1) requires an open house for a Comprehensive Plan change (minor), which this project includes. Section 300.320(b)(2) requires that when multiple land use applications involve a combination of open house and Neighborhood Association contact, **the entire consolidated application SHALL** require an open house.

The Applicant asserts that their May 4th, 2020 “virtual” open house, in which they did not allow community members to ask them questions directly, satisfies this requirement. It does not. This open house was held on a prior application to change the Comprehensive Plan Map from Single Family Residential to Commercial Office. When in the course of human events they decided to change their plans, the applicant incurred a new responsibility under the code to have an open house. Specifically, they need to hold an open house detailing their entire consolidated application, including the Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Site Plan Review, Adjustment, and Design Review.

The application should be deemed incomplete until the applicant holds the open house as required by the code. This is even more important because the applicant refused to attend the Grant Neighborhood Association meeting on August 6, 2020, ostensibly when they were still in a planning phase and could have benefitted from public engagement with the community.

Sec. 300.321. - Application submittal.

(a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

(9) A written statement addressing each applicable approval criterion and standard;

Grant Neighborhood Association Response:

The applicant failed to address each applicable approval criteria within their application. Specifically, the applicant provided no response in their application to criteria specified in Sec. 265.005(e)(2). This element, which requires the applicant to explain how they have met a higher burden based on the greater impact of their proposal, is not clerical in nature but goes to the very heart of their application.

PART II Salem Area Comprehensive Plan

SALEM COMPREHENSIVE POLICIES PLAN – II. DEFINITIONS AND INTENT STATEMENTS

LAND USE PLAN MAP (Comprehensive Plan Map):

1. Intent:

This pattern, as represented on the Comprehensive Plan Map, indicates areas appropriate for different types of land use. The pattern takes into consideration the transportation network, the location of public facilities and utility systems, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. There are two approaches to achieving this commitment. One approach is the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period. However, it presumes that sufficient knowledge is available to identify market conditions twenty years hence. It runs the risk of artificially inflating land prices, diminishing the economic life of the present use, and designating property for more intensive use before public facilities and services are available.

Grant Neighborhood Association Response:

Grant Neighborhood believes that this proposed zone change fails the most basic reading of this intent statement because the applicant ***utterly fails*** to recognize the existing zoning of the property and the immediate vicinity *do not support* a change to High-Rise Residential zoning.

The applicant's response to the intent statement is a restatement of why rezoning would benefit the applicant's property development goals. This is not the basis for justifying any rezoning. The applicant fails to provide any justification or evidence that the rezoning would meet "the needs of the community." The community does not need a High-Rise Residential property in the middle of its lower density residential core. Those are the needs of the applicant.

The applicant fails to recognize that rezoning this property as High-Rise Residential would be a transformative first step in changing the existing fabric of the Grant Neighborhood and possibly other lower density core residential areas of the community. The Grant Neighborhood Association believes that this kind of rezoning would only encourage further interest in these kinds of projects within the residential zone. And once the first rezoning occurs, other applicants will be able to point to this rezoning as justification that the social, demographic, and economic uses of the vicinity have changed.

We question why the applicant is so intent on these properties when there are large swaths of properly zoned properties in the Grant Neighborhood - Capitol Street, north of Market Street, Broadway Street, Fairgrounds Road, Liberty Street, Commercial Street and Front Street. The multi-family housing they seek does not require that these properties are rezoned as a high-density high-rise residential zoned property.

The area in the Grant neighborhood that is within the City's North Downtown Plan runs along Broadway Street and stretches to the Willamette River. It has multiple properties zoned appropriately for the proposed project and includes overlay zones that encourage facilities that provide residential or retail establishments on the ground floor with high density housing provided on upper floors. These properties are not significantly farther from those services that the applicant states are important to their development and, in some cases, may be closer. If appropriately zoned properties exist that would allow the exact development proposed and which are within a reasonable vicinity of the subject property, the zone change should be denied in favor of directing development to those properties.

The applicant asserts as findings for SRC Sec. 64.025(e)(2)(A)(i), SRC Sec. 64.025(e)(2)(A)(ii), SRC Sec. 64.025(e)(2)(E), Grant Neighborhood Plan Policy 7, among others, that because the intended use will include affordable multi-family housing that this rezoning and comprehensive plan change to High-Rise Residential will "better align" with the intended use of the surrounding neighborhood. However, this justification is in direct contrast to the purpose of having a comprehensive plan map and zoning generally. The applicant's desire to use property for a specific use should not dictate the zoning for that property; rather the zoning of the property should dictate the permitted uses.

This rezoning and comprehensive plan change will promote further intense use growth within this part of the neighborhood. This increased use will put further stresses on public facilities that were originally designed for less intense single-family residential uses. It also has the very real potential of driving up home prices, in a diverse and already affordable neighborhood, as other developers seek to press their search for any available property that, based on precedent, they believe can be rezoned for higher density residential uses with ease.

An earlier iteration of this application sought a Commercial Office rezone. In the end, the effect of either Commercial Office or High-Rise Residential is the same: the first step in the fundamental change to the characteristic of the neighborhood where the first rezoning approval begets and justifies more and more rezoning.

3. Plan Map Designations:

The Comprehensive Plan Map is a representation of the Plan's goals and policies. The Plan map designations indicate various types of land use. Descriptions of the Plan Map designations follows.

a. Residential...

...Changes in use designation to permit higher residential densities is governed by the goals and policies of this Plan and the local rezoning process.

Grant Neighborhood Association Response:

The most germane section of this portion of the comprehensive plan is quoted above, and is specific to the changes in use designation to permit higher residential densities. We address these goals in detail below, but suffice it to say, nothing about this project fits these criteria out of the box, which is why the applicant has to ask for every change possible in the book to make the square peg try to fit in the round hole. Point in case number one is that Residential Goal 10 states that *"[r]equests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided..the site is so designated on the comprehensive plan map."*

Well this is just the kind of clear and objective standard the applicant has been hoping for. They would have a better argument for such a zone change if they wanted to convert an RM1 or RM2 property to a high-rise, as they are both in the same comprehensive plan map zone. But Single Family is, by default, in a comprehensive plan zone all its own.

B. SPECIAL RESOURCE INFORMATION

Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner. The following outlines sources of information on these special conditions and resources.

7. Historic Resources

Grant Neighborhood Association Response:

The applicant provides no evidence that they have assessed the site for historic resources. However, the existing church building and associated parsonage are both older than 50 years and retain historic integrity which makes both properties at the very least “Eligible/Contributing” properties for the National Register of Historic Places (NRHP). Grant Neighborhood Association’s research shows that there are grounds for a trained cultural resource specialist who meets the Secretary of the Interior’s Standards to make an official determination of eligibility for both 905 and 925 Cottage Street for inclusion in the NRHP under Criteria A for their locally significant association with the development of early 20th-century residential development in Salem, and for 905 Cottage Street specifically under Criteria C for its association with architect Lyle Bartholomew, who designed many buildings in Salem including the old Leslie Middle School (now demolished), the former Temple Beth Shalom, the Salvation Army building downtown, and the old West Salem City Hall.

If any Federal funds are used to undertake the proposed development on this site, the applicant will need to comply with Section 106 of the National Historic Preservation Act (implemented through 36 CFR Part 800 - Protection of Historic Properties). This Federal law applies to all properties regardless of their designation in the National Register of Historic Places.

E. ACTIVITY NODES AND CORRIDORS

The intent of Activity Nodes and Corridors is to encourage development to orient to the pedestrian, and provide accessibility to transit services, major roads, and connectivity with the surrounding neighborhood, while accommodating the use of the automobile.

Activity Nodes and Corridors are typically located on or near transit routes and arterial streets, providing for a variety of land uses. Activity Nodes and Corridors may be composed of continuous, narrow bands of denser development or concentrated development, typically located near major intersections, as shown on Map #1 (Page 51).

Grant Neighborhood Association Response:

Even the most cursory look at Map #1 on Page 51 would show that 905/925 Cottage Street are not along an Activity Node or Corridor and not within the Core Area identified as a Mixed-Use Growth Opportunity. The applicant asserts they are improving parking on site, though they are actually *reducing* parking on the site and are under no obligation to provide any parking for tenants under the new multifamily code provisions. The applicant has not ruled out the possibility that they would just lease these parking spaces as an income generator, further increasing traffic along this route.

Note that every High-Rise Residential Zoned property in Salem’s Central Core Area is identified as an activity node or corridor on the page 51 map. This begs the question of why the subject property is appropriate for this zone, but then also supports the Neighborhood Association’s argument that this kind of rezoning would only beget future, adjacent rezonings and being identified in plans like this for additional, more dense, development. The City clearly took pains to exclude Grant’s residential core from the Central Core Area activity node designations, and this project would directly upset that balancing act.

SALEM COMPREHENSIVE POLICIES PLAN – IV. SALEM URBAN AREA GOALS AND POLICIES

B. GENERAL DEVELOPMENT

GOAL: To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Economic Growth

3. Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

Grant Neighborhood Association Response:

The proposed use as described to the neighborhood association is not family residences, but micro-studios and apartments for single persons entering adulthood after a childhood in foster care. The applicant's statement, "permanent residence ... families ... stimulating the economic growth," fails on at least three points. The applicant has continually asserted that they cannot guarantee what types of "clients" they will serve at this property. Additionally, we strongly object to the applicant's characterization of the value of religious assembly in terms of its economic productivity. Such a statement is highly demeaning and not supported by fact, citation, or study.

Optimal Use of the Land

7. Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Grant Neighborhood Association Response:

It's telling that as soon as a provision in the comprehensive plan identifies a clear and objective standard, the applicant can't even assert how their project will meet it. The issue here is that not only do they meet the standard - they grossly exceed it. The applicant's proposed development of 65 units per acre is **10 times greater than the standard**. It may be tempting to say (and the applicant does) that packing density into Grant benefits the whole city, because it will allow for less-dense development elsewhere. But it would also be clear who would bear the cost. In this case, density for density's sake is a disservice to the Grant Neighborhood and highlights how much of a sore thumb this project is for single-family zoned properties.

To put a finer point on density in Grant: 6.5 units per acre allows for lots to be 0.15 acres in size. 925 Cottage meets that threshold with its single-family home. A cursory check of the single-family residential lots in the Grant Neighborhood reveals that the density is already greater than 6.5 units per acre with lots averaging between 0.12 and 0.13 acres in size. The applicant contends that the density in Grant should be even higher than the goal in the Comprehensive Plan. We counter that Grant Neighborhood has been meeting that desired density level, and optimizing the use of land, for over 100 years. Further concentrating density in inner-city neighborhoods, and not just Grant, only relieves the more suburban areas of Salem from having to strive to improve their density, and achieve a more equitable disbursement of density across the city as a whole.

Additionally, Grant Neighborhood has already worked collectively with the City to plan a higher-density overlay zone along, and west of, Broadway Street that is located within the area covered by the North Downtown Plan. This plan was produced in 1997 with considerable input and support from the neighborhood, which had six residents representing various neighborhood interests. Properties within this plan area are allowed and encouraged to develop in a mixed-use fashion or high-density residences identical to the applicant's proposal. With land approved for this type of development in such close proximity, the need to rezone the subject properties is completely unnecessary. And, it also flies in the face of the work of the city and neighborhoods to come together and positively identify changes to the zoning of the city that work for everyone.

Street Improvements

10. Improvements of streets in addition to those in or abutting a development may be required as a condition of approval of subdivisions and other intensifications of land use.

Grant Neighborhood Association Response:

The north-south aligned streets do not match as they intersect D Street between 5th Street and Winter Street. This creates an unwelcome "fast lane" character for D Street and makes it more difficult to cross D Street as there are no clearly defined crosswalks for hundreds of feet and no apparent "Oregon crosswalks" at unmarked intersections where pedestrians would have the right-of-way. This matters because the site is within ½ mile of three schools (Grant Community School, Parrish Middle School, North Salem High School) and sees a considerable amount of pedestrian traffic. A significant portion of this pedestrian population are minor children who do not always possess the best attention and decision-making skills when it comes to crossing through traffic corridors. Further developing the site and introducing more cars - specifically at rush hours - would require upgrading pedestrian safety on D Street to include marked crosswalks or controlled intersections. The proposed project does not have enough parking to accommodate all of the units and will only increase visual problems for drivers associated with on-street parking near these difficult intersections.

Development Compatibility

12. Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

Grant Neighborhood Association Response:

The applicant's answer to this question is based on the existing buildings being used in perpetuity. The neighborhood association has major concerns about the viability of the building for its stated use and that the cost of redevelopment (\$2-\$5 million, according to the developer) would force them to demolish the existing buildings. If the applicant were forced to demolish the current buildings to accomplish the proposed project, devise a new project, or sell the property to a new owner, most of the argument in the current application for zone change would be voided.

Importantly, under the City Code, there is no identified maximum height for high-rise residential, and no density limitation for the number of units on a space. With no off-street parking requirement based on the number of units - well, we'd say "the sky's the limit" but not even that is true! Even if the proposal currently asks for a height restriction, we would not be confident in the long-term persistence of such a condition if the current structures do not end up being viable for the type of development proposed.

Designated Open Space

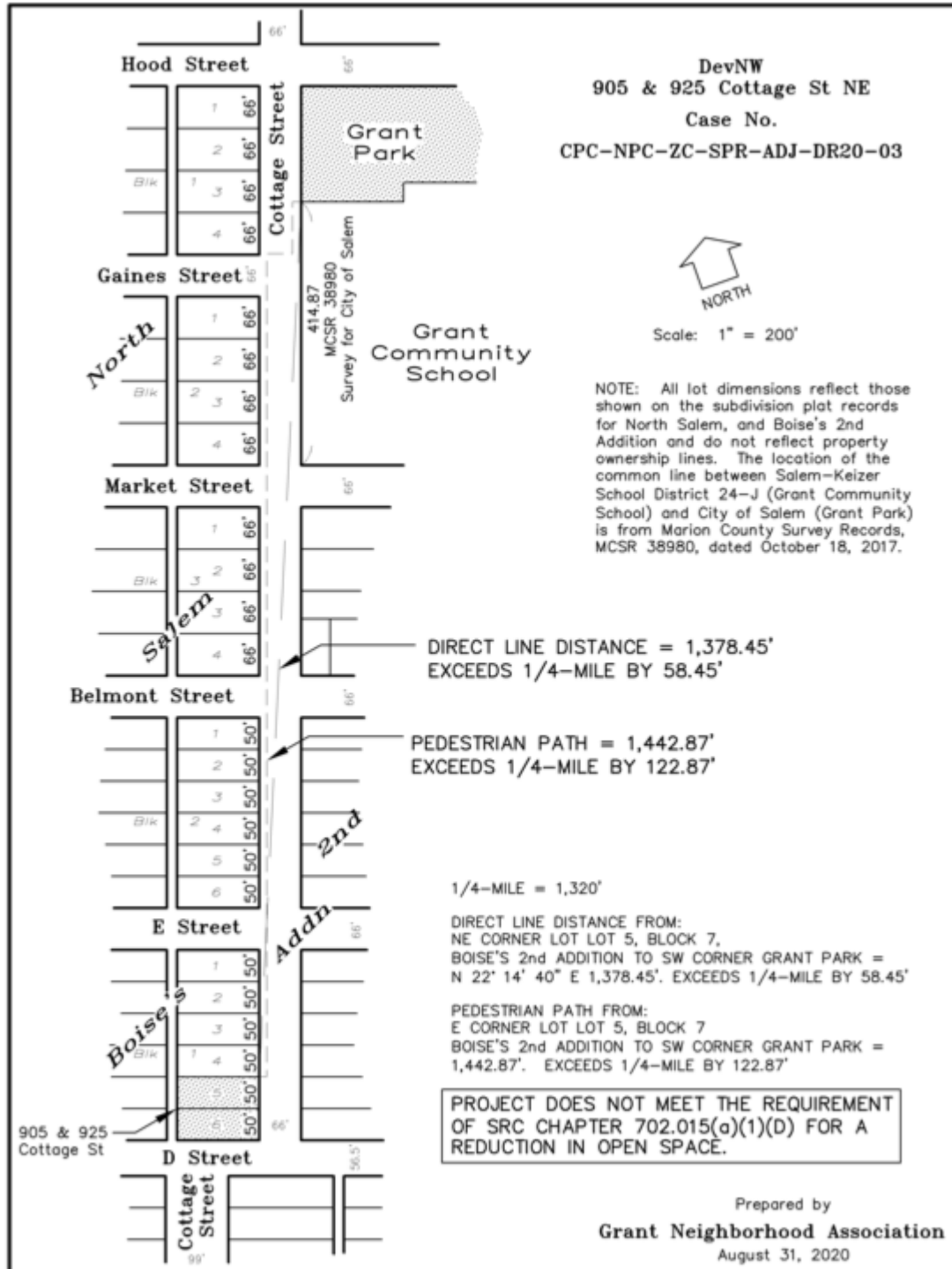
13. Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.

Grant Neighborhood Association Response:

The applicant's answer to this question is an affront to the very concept of open space. There is no way that the applicant could come anywhere close to providing the required amount of public or private green spaces required under the development code for a 19-unit property. This is born out in their site plan review, which requests reduction in required common space, open space standard dimension, and setbacks so they can *barely* meet the requirement for green space at their site.

Development of this project within the previously referenced North Downtown Plan area would allow the development to meet the requirements for public open space that these properties cannot provide.

The subject properties are over 0.25 miles from Grant Park as demonstrated below (and provided in the attachments to this comment).



E. RESIDENTIAL DEVELOPMENT

Grant Neighborhood Association Response:

The Neighborhood Association notes that the Code places a very high burden on the applicant to justify that their proposed change equally or better suits the immediate vicinity of the area. Before reviewing their response (or ours), we suggest reviewing Attachment C of our submission, a comparison of this site to the High-Rise residential zoned properties within Central Salem. One will either find properties that are obviously out of character for 905/925 Cottage Street, or totally undeveloped. We believe that, here again, the applicant's responses to this entire section of Goals is inadequate to justify the changes they propose.

Many of our previous arguments apply in this section, and we will refrain from re-stating them in their entirety.

GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:

- a. Encourage the efficient use of developable residential land;***
- b. Provide housing opportunities for Salem's diverse population; and***
- c. Encourage residential development that maximizes investment in public services.***

Grant Neighborhood Association Response:

- This application is not an "infill" project as the applicant asserts. The site is already encumbered with existing structures. These are not vacant lots just waiting for development.
- These lots are not considered "developable" -- they are already encumbered
- As we have argued elsewhere, this development would contribute to an overburdening of public services, namely public transportation facilities -- no crosswalks, increased vehicular traffic, increase in on-street parking, etc.
- Grant agrees that providing low-income housing on this site is a good thing; what we don't agree with is the density of units the applicant is seeking and the means (RH zone) by which they want to achieve this. The applicant fails to demonstrate that the RH zone is appropriate for this location.

1. The location and density of residential uses shall be determined after consideration of the following factors;

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.***
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.***
- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.***
- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.***
- e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.***
- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.***
- g. The density goal of General Development Policy 7.***

Grant Neighborhood Association Response:

The most germane argument here is that we believe that the density of zoning and the impacts of a zone change are an existential threat to the existing neighborhood and would set the course for a very different character of development over the next comprehensive planning cycle. This concern would not be alleviated by temporary or site plan conditions to the property.

Further, we see little evidence or guarantee from the applicant that the existing buildings can actually be rehabilitated into housing. Further, their responses to all of these questions demonstrates an inherent disregard and contempt for the city's approach to zoning, the role of the neighborhood associations, or the impacts of development on the immediate vicinity of a project.

2. Residential uses and neighborhood facilities and services shall be located to: a. Accommodate pedestrian, bicycle and vehicle access;

- b. Accommodate population growth;***
- c. Avoid unnecessary duplication of utilities, facilities and services; and***

d. Avoid existing nuisances and hazards to residents.

Grant Neighborhood Association Response:

As noted earlier, this project faces serious uphill constraints on accommodating growth, addressing nuisances and hazards, and stress on existing facilities and services. The applicant proposes a remarkable increase in the density of use while *reducing* the availability of parking, causing serious issues in a parking-stressed neighborhood. The project will increase pedestrian usage in the immediate vicinity while offering no improvement in traffic facilities that would address the inherent constraints of D Street's misaligned character.

3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

Grant Neighborhood Association Response:

Nothing about this project addresses this (it refers to city codes and ordinances, after all) - but it is clear that something is *not working* about the city's codes and ordinances if a developer wants to rezone perfectly functional single-family zoning as a high-rise. The applicant's office in Salem is directly adjacent to a passed-over, underutilized high-rise residentially zoned piece of land (adjacent to Lee/Frances Apartments). The code and ordinances should incentivize the proper development of that property rather than the improper use of this property.

Further, 19 units could provide housing for 38 (or more) residents, if 2 residents will be in each unit. The addition of nearly 40 people -- all residents who will be transitioning in and out of programs run by DevNW -- to this small corner of the neighborhood will certainly destabilize this block. The number of people moving in and out of these units will be constant, especially since DevNW has said this will be transitional housing for former foster children.

4. Rehabilitation and maintenance of housing in existing neighborhoods shall be encouraged to preserve the housing stock and increase the availability of safe and sanitary living units.

Grant Neighborhood Association Response:

Grant agrees that re-use of these buildings is preferred and encouraged, but the applicant has made no guarantees that they will actually do this. They have consistently deflected Grant NA's questions about if the church and house will be saved, the cost of the project, etc. It remains to be seen if this project is even viable or just a pipe-dream.

5. Subsidized housing shall be provided at a variety of locations within the urban area.

Grant Neighborhood Association Response:

The applicant's statement that there is no subsidized housing in Grant is wholly unsupported by fact. 56% of Grant's families are low-to-moderate income, [by the City's own accounting](#). We welcome and embrace all of our neighbors, but note here that there are only 4 neighborhoods in the city that have higher rates of low-to-moderate incomes. The applicant infers otherwise.

7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;

b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;

c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.

Grant Neighborhood Association Response:

We reiterate our concerns that the density of this proposal without significant changes in the infrastructure of the immediate vicinity will greatly test the physical constraints of the immediate area. Whether it is proper marking and control of pedestrian and vehicle traffic on and across D Street, parking, and the like - the immediate area of the neighborhood is already at a breaking point.

10. Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

a. The site is so designated on the comprehensive plan map;

b. Adequate public services are planned to serve the site;

c. The site's physical characteristics support higher density development; and

d. Residential Development Policy 7 is met.

Grant Neighborhood Association Response:

We reassert here that this site is NOT designated for this use on the comprehensive plan map, and that the applicant has failed to meet their burden to justify changing the comprehensive plan map, the neighborhood plan, and the zone. The site's physical characteristics, including the surrounding street system, do not support high density development.

NEIGHBORHOOD PLAN – GRANT NEIGHBORHOOD PLAN

RESIDENTIAL

1. Single Family: The intent is to preserve, maintain, and protect the character of the established single-family residential area.

2. Multifamily: The intent is to maintain existing quality single family houses to the maximum extent practical while allowing conversion of houses and lots to multifamily densities where permitted by zoning.

Grant Neighborhood Association Response:

The Grant Neighborhood consists of about 90 city blocks. 37 of these blocks in the neighborhood plan have at least some property zoned “Multifamily” or “Apartment” and these are the blocks where this goal is applicable. There are only 18 blocks in the Grant Neighborhood zoned entirely Single Family and this project is on one of those blocks.

The applicant is misreading the limiting phrase, **"allowing conversion of houses and lots to multifamily densities where permitted by zoning."** The applicant is apparently reading this to mean, **"allowing conversion of houses and lots to multifamily densities where permitted by rezoning."** But if that were the actual meaning of the phrase, it would not be a limitation. Anything is permitted within open-ended rezoning.

We disagree with applying this standard to the subject property because it is not the appropriate zone. It also misstates the application, as they are describing their intended use rather than their intended zone. There are many single-family homes in the Grant Neighborhood that are in a multi-family zone. The neighborhood plan allows, though does not encourage, the redevelopment of those properties so long as the existing housing stock is not in irreparable condition.

NEIGHBORHOOD WIDE GOALS AND POLICIES

1. GOAL: To conserve this close in location for single family living and to prevent encroachment on the single-family core area from more intensive uses.

2. GOAL: To maintain and enhance the predominantly single-family residential character of this area to assure continued operation of Grant School as a neighborhood school and community facility.

Grant Neighborhood Association Response:

The Grant Neighborhood consists of about 90 city blocks, of which only 18 are zoned completely as single-family housing. The Neighborhood Plan is explicit in its goals to preserve these blocks of RS zoning because it and surrounding neighborhoods had been the subject of constant

encroachment from more intense development from the downtown and state office core. **This rezoning application follows a decades-long trend of trying to expand more intense, higher-density uses from the Downtown area at the expense of what remains of Grant’s residential character. This is bad public policy for both downtown and close-in neighborhoods and should not be encouraged.**

“D Street” stands for the dividing line between the more intense uses associated with Downtown and the State Capitol and these 18 blocks of residences.

Also - High-Density redevelopment of these properties is not consistent with the applicant’s high-minded reference to a “missing middle housing buffer,” which generally refers to duplexes, triplexes, and quadplexes between commercial areas, or other high intensity uses, and single-family houses. That “missing middle” already exists in the plan in this neighborhood. The multifamily zoning, in the CAN-DO neighborhood to the south, already logically bridges the commercial property south of Mill Creek and the Grant Neighborhood. Rezoning properties between the two as a High-Rise Residential upsets the logic of the current zoning, which already achieves what the applicant says is needed.

The logic in the applicant’s statement in this answer is difficult to follow. They seem to be saying that by changing the character of those two lots, the character of the rest is preserved. But the applicant has cited no other threats to the character of the neighborhood apart from its own. Not to hit this too heavily, but it would seem the applicant is suggesting that the neighborhood should buy protection from the threat to the neighborhood by accepting their application.

3. POLICY: Developers of multifamily or commercial uses should comply with the site design criteria listed below during the design review process specified in the North Salem Urban Renewal Plan. In addition, all property owners within 250 feet of the proposed project and a designated member of the Grant Executive Board should be notified in order to provide input to the Design Review Team.

a. Parking - Off-street parking shall be provided to Code.

b. Noise Generation - Structures should be designed to protect occupants from noise levels exceeding HUD criteria.

c. Landscaping - All development shall be landscaped in accordance with renewal plan requirements.

d. Visual Impact - Parking lots, signs, and bright lights should be screened from residential areas.

Grant Neighborhood Association Response:

This is a good place to note that the Grant Neighborhood bears a disproportionate brunt of the decision not to require off street parking for multifamily properties within a quarter mile of the

Cherriots core network. The applicant is only providing 7 parking spaces for 19 units, and at our July 2020 Neighborhood Association meeting suggested that they would be open to capitalizing those parking spaces by leasing them rather than providing them to their residents. This is both allowed under code and a terrible idea.

5. POLICY: Housing stock should be rehabilitated on a continuing basis. Low interest loans should be made available for this purpose.

Grant Neighborhood Association Response:

The applicant cannot make a firm statement about the fate of the existing buildings because, as the application shows, no engineering analysis or final design has been done on the buildings. Without the engineering, no cost projections of the project could be offered. And without a cost projection, the applicant cannot show financial capacity for the project.

The fate of the existing buildings is no more than a suggestion at present. The applicant makes no commitment to any use of the buildings, and this hearing does not bind the applicant to any particular use. The one question before the Planning Commission is whether the rezoning is appropriate for the neighborhood and the City, regardless of the structures on the property or the proposed uses offered by the applicant.

We ask the Planning Commission to think about the appropriateness of this zone change with no consideration for the existing structures or the applicant's promise to "rehabilitate" these buildings. Would you approve building a high-rise apartment building in this space?

6. POLICY: Architecturally and historically significant structures should be preserved

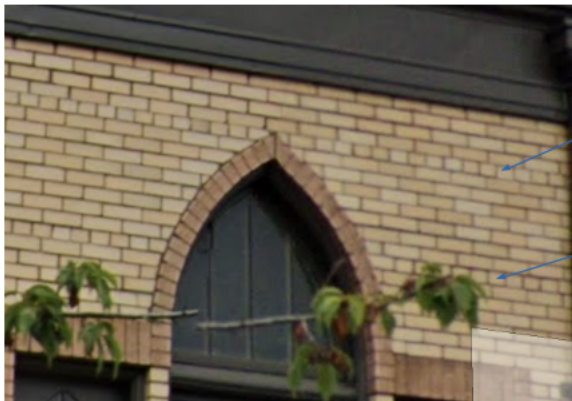
Grant Neighborhood Association Response:

Similar to the answer above, there is no limitation in the application for rezoning that would preserve the architecturally and historically significant structures on the property.

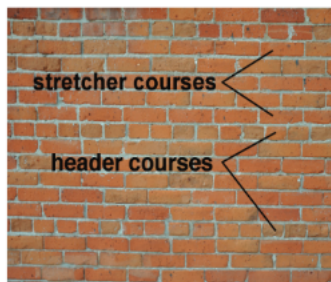
The applicant has not established that the conversion of the church building to a multi-family residence is possible within a reasonable budget. Being almost a century old, the building does not satisfy modern building codes. With the extent of the major renovation proposed, full satisfaction of the Oregon State Building Code (OSBC) in every particular will be required.

The building foundation was not designed for the more intense use of a multi-family residence and may have degraded over time. Modern foundations are usually more robust, beginning with land preparation, depth of footings, and sturdiness. The foundations on the buildings of that age were not built with the modern understanding of the periodic earthquakes in the Pacific Northwest. Without an engineering report, no one can know whether the foundation needs to be retrofitted, nor the extent of that work.

The masonry shell of unreinforced brick does not satisfy modern code requirements for seismic hazard mitigation. Seismic retrofitting will be required by the OSBC at an unknown cost.



Left: masonry of the 905 Cottage Street building showing stretcher and header courses.



Left: excerpt from “Unreinforced Masonry Buildings and Earthquakes” FEMA 2009

■ Figure 8. “Header” versus “stretcher” courses. The presence of header courses is usually the easiest way to tell if a brick wall is unreinforced.

Figure 8. “Header” versus “stretcher” courses. The presence of header courses is usually the easiest way to tell if a brick wall is unreinforced.

The applicant does not provide with their application *any consideration* of the engineering challenges associated with retrofitting an unreinforced masonry structure such as this church. On Page G100 of the site plan, the architects state: “Information is approximate and based on aerial surveys, tax maps, and minimal site observation.” The only detail about the condition of the existing walls is a cut-and-pasted “typical” on Sheet G200 of their site plan review. They do provide this statement: “*The exterior walls are multi-wythe brick above the ceiling of the sanctuary and presumably are a single wythe of brick over hollow clay tile below this level for the sanctuary.*” Allow us to translate: “we have no idea what the walls are made of and no idea what it will take to retrofit them to code.”

Without knowing those costs, the applicant cannot offer the Planning Commission any assurance that the building can be reused as represented in the proposed project. In previous communications regarding the first iteration of this project, the applicant represented to GNA that the commercial office part of the original project was required to make the operating finances balance, hinting that financial viability was a critical factor. But without knowing the extent and expense of the project, the applicant cannot know the size of construction loan required to do the renovation.

After the engineering studies and costing is complete, if the project proves to be non-viable, the Applicant will seek a new project or resell the property. As mentioned above, the new choice of projects (by the applicant or the new owner) may then be anything within the full latitude of the Residential High-Rise zoning. That new choice of project may be far different from the purposes currently proposed.

Since the applicant has not provided evidence that any of the engineering design and estimates have been done, the "proposed project" has no more reality than a suggestion, and that suggestion may or may not be in the realm of possibility. The applicant is not bound to anything.

But as a quasi-judicial body, the Planning Commission must work on well-founded facts, not suggestions. The applicant supports very little of its application with facts and documentation. Without foundation, the commission cannot come to a well-founded judgment, regardless of the appeal of the proposed project.

7. POLICY: Zone changes that would allow more intensive residential uses in areas designated Single Family should be denied.

Grant Neighborhood Association Response:

The proposed rezoning and redevelopment of these single-family zoned properties and structures **is the exact kind of proposal contemplated by the Neighborhood and City when this policy was drafted and enacted by the City Council as Ordinance 83-33 on June 13, 1983.**

The policy requires that any application of this type be denied.

The applicant's own statements show how difficult it is to justify this kind of redevelopment in the face of such a definitive city adopted policy. For example, the idea that a church, whose use as a church has been consistent for nearly 100 years, is not appropriate for the zone or the neighborhood is laughable as farce. Churches are identified as one of the core uses of the residential zone in the Comprehensive Plan.

The applicant implies that the church is a misfit in the zone. It should be kept in mind that the Church existed on this site long before there was any such thing as a zoning code. The Church was placed here to serve the surrounding residential community at a time when short distance transportation was largely done by foot. To say that converting it to housing is a requirement to make it compliant with the zoning that was placed over it is, again, quite farcical.

8. POLICY: Zone changes that would allow new commercial uses in areas designated Multifamily or Apartment will be opposed by the Neighborhood and should not be permitted. However, existing nonconforming uses should be allowed a zone change when requested, if those uses are found compatible with the surrounding area. The Neighborhood shall consider these on a case by case basis.

Grant Neighborhood Association Response:

This policy statement does not apply to this application. This is a rezoning application to High-Rise Residential from the Single Family (RS) zone. Even so - if this application applied here, the Neighborhood Plan states that such an application should be denied. Which is why it's any wonder they quoted it in their application. The use that they contemplate is not "existing." And the use that is currently in place is not "nonconforming."

The applicant continues to assert that the existing church is somehow inappropriate for the single-family zone, or that multi-housing in the single-family zone is a higher and better use of the single-family zone. That's just not how it works. The special use of religious assembly is 100% compatible with Single-Family zoning and, in fact, exactly the kind of place religious assembly should take place. Under the City's code, Religious assembly is encouraged in the single-family zone and discouraged in commercial zones.

10. POLICY: Conversion of single-family residences to multifamily use should be prohibited in areas designated Single Family.

Grant Neighborhood Association Response:

The applicant is proposing to change a single-family residence and appropriately located church into multifamily use. This change is the exact conversion anticipated and prohibited under this plan.

If one considers the church as a "single-family residence" for the purpose of this policy statement - the neighborhood plan requires that any application to convert that property to multifamily use should be denied.

Some may argue that changes in state law allowing for the redevelopment of this single-family property to up to four units means that the Neighborhood Plan is obsolete or no longer applies. This is not the case. Were the applicant seeking to redevelop this property into four units, the argument could easily be made that state law supersedes both the neighborhood and city policy. **But no state law preempts this plan in a way that allows for a High-Rise Redevelopment of single-family zoned properties.**

11. POLICY: Density per building site in areas designated Multifamily should be no more than permitted by the zone code.

Grant Neighborhood Association Response:

First - the application is not in a Multifamily Zone and this policy does not apply to the subject property. The applicant is crafting their responses *as if* the rezoning had already been approved.

There is no density limitation to units for High-Rise Residential properties in the code and that is probably the strongest reason why it makes absolute zero sense to allow that zone to be utilized on a block that has only single family housing zoned properties on it.

Based on our conversations with the applicant, we do not accept any assertions about what they intend to do as a condition of approval for this project. They have said that they will do whatever is required to build the units, including removing the existing structures and starting from scratch.

16. POLICY: Single family housing should only be replaced with single family housing in areas zoned RS.

Grant Neighborhood Association Response:

This application does not comply with this policy. The single-family home (925 Cottage St NE) will be rezoned as High-Rise Residential and replaced with a multifamily apartment unit. The church - zoned single family (RS) - will be redeveloped as an income-generating property with a proposed use of high-density, high-rise, multifamily housing.

SUB-AREA "C": GRANT RESIDENTIAL CORE

34. GOAL: To conserve close-in locations for single family living, to prevent the encroachment on the single-family residential core from more intensive uses and to maintain and enhance the predominately single family residential character of this area.

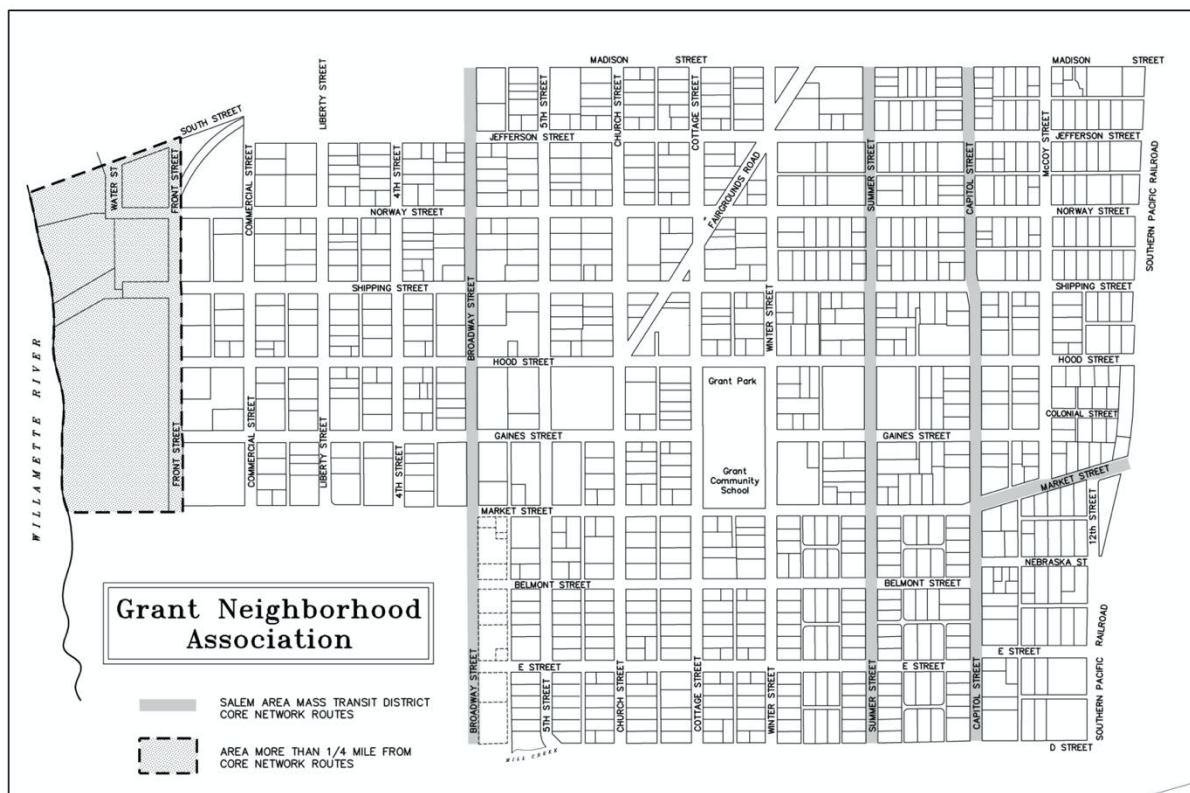
Grant Neighborhood Association Response:

The applicant does not address the specifics of this goal which is to conserve the close-in single family housing stock and prevent encroachments of more intensive uses into the core of the neighborhood, identified as being between 5th Street and the alley west of Capitol Street and ranging from D Street to Madison Street.

The proposed high-density, high-rise multifamily housing is more intense than single family residential use. The single-family structure may remain but it will be a multi-unit apartment, not a single-family residence, under the applicant's proposal. Grant Neighborhood has been, and continues to be, an affordable neighborhood with a vast range of housing sizes and configurations and a diversity of residents.

The City of Salem has designated a nearby area as appropriate for this kind of development - the Broadway High Street Overlay Zone, and the Grant Neighborhood Association provided input, and did not oppose, the development of 990 Broadway under this overlay zone. The development goals of that area are a useful counterpoint to this proposal - does the city want to extend that kind of high-density development to every RS-zoned property within a ¼ mile of the Cherriots Core Network? This would affect every single property in the Grant Neighborhood except for the blocks between Front Street and the Willamette River.

Attachment A – Grant Neighborhood Association
Response to Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03



TRANSPORTATION SYSTEM PLAN

Comprehensive Transportation Policies

TRANSPORTATION

GOAL: To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

The Salem Transportation System Plan should contain the following plan elements:

Street System, Intercity Passenger Travel, Local Street Connectivity, Transportation Demand Management, Transportation System Management, Parking Management, Neighborhood Traffic Management, Freight Movement, Bicycle System, Transportation System Maintenance, Pedestrian System, Transportation Finance, Transit System

Grant Neighborhood Association Response:

Based on the following information, GNA strongly disagrees that the threshold of impact from a single property is 400 trips per day (1/4 of the allotted trips), per the OHP plan.

Under the Salem Transportation System Plan Amended January 13, 2020, Cottage Street is a local street and D Street, in this area, is a collector. Under the Ultimate Design ADT column of Table 3-1, therein, average daily trips for a Collector are 1,600-10,000. **Local streets are not specifically stated to have a trip design limit, though “Residential livability concerns arise at approximately 1,600.”**

D Street, between the 5th Street-High Street intersection and Summer Street includes twenty-two abutting properties. Eighteen of the properties are single family residential homes. One contains a duplex, built in 1945, and one contains a fourplex, built in 1976. One is a rehabilitation health care facility, built in 1974, whose building is set back to the south along Cottage Street. The State of Oregon’s North Mall Heritage Park is the other property included in this stretch. The GNA worked extensively with the Oregon Department of Administrative Services to preserve the historic homes within the Park and provide a significant buffer between the balance of the Capitol Mall activity and the residential neighborhood to the north. Given the residential dominance along this portion of D Street, GNA believes that the ADT for this section is more appropriately in the 1600 trip range, rather than the 10,000 limit for a collector street.

Perhaps, a more rational measure would be to consider the increase in potential trips that would be generated by the proposed zone change.

The DKS traffic study evaluates the trip generation rates for the worst-case scenarios, making comparisons between the uses allowed in the RS zone versus those allowed in the RH zone. The trip generation estimates are calculated using average rates from the ITE Trip Generation Manual, 10th Edition.

In the analysis, however, DKS mixes its comparisons.

- It states, in Table 1, what the church and single-family trip generation rates are, and then proceeds, in Table 2, to calculate for the church building being used as a church, but the home being used as a daycare, which it is not.
- Table 3 provides trip generation rates for selected allowed uses under the RH zone; those being: multi-family residential use and daycare center [sic].
- Table 4 couches it's figures as "Reasonable Worst-Case Land Use and Trip Generation for Proposed RH Zoning", showing a 17-unit multi-family housing in the church and a day care in the home.
- Finally, in Table 5, the report settles on the current proposed use made by the applicant.

If the goal is to address the worst-case land use in the RH zone, as was at least part of the exercise for the RS zone figures, a multi-storied building with 10 living units per floor and no height limitation is the scenario that needs to be addressed. Based on the applicant's floor plans for the church, this is what could fit easily into the 68' by 105' building envelope that would be allowed under the RH development standards. Unfortunately, with no maximum building height limit, there is no way to calculate the potential trip generation for this site.

GNA has no confidence that the proposed redevelopment of the two existing structures on these lots will occur. If the property is zoned RH, the development parameters are very much unlimited, and there will be no controls to stop it.

PART III | Oregon's Statewide Planning Goals

A Summary of Oregon's Statewide Planning Goals

PART III – USE OF GUIDELINES:

5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Goal: To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

3. Historic Resources;

Grant Neighborhood Association Response:

The applicant provides no evidence that a historic resource survey was completed by a qualified cultural resource specialist. However, both buildings on the property are well over 50 years old and retain historic integrity. At the very least, both buildings are "Eligible/Contributing" properties for the National Register of Historic Places (NRHP), and both buildings are possibly individually eligible as well. The church building specifically was designed by architect Lyle Bartholomew, a well-known Oregon architect, and is likely individually eligible for the National Register under Criterion C.

The application contains no assurances that the historic character of these buildings will be surveyed, analyzed, or protected if the rezoning occurs and the property transfers hands.

The applicant states in the application that they intend to use Federal HUD funds to undertake this proposed development. If any Federal funds are in fact used to undertake the proposed development on this site, the applicant will need to comply with Section 106 of the National Historic Preservation Act (implemented through 36 CFR Part 800 - Protection of Historic Properties) and in consultation with the Oregon State Historic Preservation Office (SHPO). This Federal law applies to all properties regardless of their designation in the National Register of Historic Places.

6. AIR, WATER AND LAND RESOURCES QUALITY

Goal: To maintain and improve the quality of the air, water and land resources of the state.

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing

developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

Grant Neighborhood Association Response:

The more intense use of the site will have little impact on land resources, however, it will have a substantial impact on water and sewer. The current use, as a church, is used at most a few hours a day with a kitchen and two bathrooms. However, DevNW is proposing to add 19 units to the properties, which will increase the number of kitchens and bathrooms to as much as 19 bathrooms and kitchens. Kitchens in each unit will be used considerably more frequently than the one kitchen in the church, which is used about once or twice a week.

While the city's analysis of the site states that the city's existing infrastructure can handle the increase in use of these properties, the amount of investment necessary to retrofit both properties for this kind of use, including remediating existing hazardous materials and connections to the city-provided infrastructure, put major question marks on the redevelopment costs of the site. The estimated costs of these retrofits (and others, such as seismic) have not been provided by the developer and strain the possibility that the project will be carried out as "proposed" in this application.

10. HOUSING

Goal: To provide for the housing needs of citizens of the state.

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Guidelines

A. Planning

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

B. Implementation

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities; (2) the economic, environmental, social and energy consequences of the proposed densities; and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

Grant Neighborhood Association Response:

The applicant's response to Goal 10 paints an incomplete picture of the City's efforts to respond to Goal 10 and bring the amount of **buildable** land into alignment with the projected need for housing over the next 15 years. Simply quoting the Draft plan from 2014 is not sufficient to understand the progress Salem has made in the last 6 years to address this perceived deficit, and what role rezoning properties can and should play in this process.

We commend the work of the city over the last 5 years to address issues such as Accessory Dwelling Units, Short-term rentals, and multifamily design standards as a way of encouraging development and infill on underutilized properties throughout the city. These issues were identified as part of the HNA implementation plan and the City's progress is significant.

Here in the Grant Neighborhood, we have seen a measurable response to these changes, with a number of property owners in the last few years making significant changes to fully utilize **existing multi-family zoned properties**, particularly on properties that were vacant, underutilized, or contained hazardous or severely dilapidated structures. Such a response demonstrates that the step-by-step implementation of the HNA strategy is working. (Though we reserve the right to be concerned that some changes - such as removing off-street parking requirements - may overwhelm the central neighborhoods if the pace of infrastructure investment does not match the pace of multi-family infill).

However, this phased approach to alleviating the 207-acre deficit of multifamily housing shouldn't be upset with radical departures in zoning, as warned in the implementation strategy itself, and that this project exemplifies.

First - to be clear - **every time the HNA recommends rezoning Single-Family properties as Multi-Family, they say it should be a *city-initiated* process, and that it is likely to take years of complex work.** The application before the Planning Commission flies in the face of that recommendation. Even so - the HNA implementation plan gives guidance to the city on the delicate nature of these kinds of rezonings:

"Redesignations and rezonings should be sensitive to neighborhood character and concerns. As a general principal, redesignations should either be to RM1, for lower-to-moderate density multifamily, or RM2 for moderate-to-higher density multifamily.

Does the implementation plan rule out the possibility that Single Family could be rezoned as high-rise? No, it does not. But it does place great caveats and burdens on any such decision:

There may be specific (but limited) instances where redesignating land to RH is appropriate because of opportunities to achieve higher density multifamily housing without disrupting an established neighborhood. (Draft Housing Needs Implementation Strategy, page 14)

The Grant Neighborhood Association believes that this development is wholly out of character with the neighborhood and we are concerned about it. The implementation strategy places a very high burden to show such a rezoning will not disrupt an established neighborhood.

Our response to the application shows - clearly and objectively - that it will.

Even if you take the developer at their word that they won't knock down these buildings (which we do not), the density of units that they propose is a radical departure from the logic of the existing zoning structure. As suggested in the implementation plan, the Neighborhood Association might have a harder time arguing that an RM1 or RM2 rezoning would be as impactful, but the RH zone is, by its definition, limitless in density and such density has an outsized impact on an existing neighborhood, regardless of whether or not the "building envelope" is changed.

The Housing Needs Implementation strategy also highlights the underlying concern with putting the cart before the horse when it comes to rezoning. We have stated, again and again, that a zone change such as this is likely to beget further, more intense, zone changes and developments within Grant's residential core. The city has committed, as part of the housing needs analysis implementation plan, to revise property zoning through the *Our Salem* comprehensive plan revision. Our concern - absolutely borne out by what is clearly coming down the pike, is that rezoning these properties today will clear the deck for rezoning other properties along D Street and other portions of the residential core for more intense uses.

The Grant Neighborhood Association remains highly engaged with the *Our Salem* process, which ultimately will address any remaining rezoning of acres to accommodate more multifamily housing in Salem. It is likely that properties in the Grant Neighborhood will be up-zoned in this process. This is an eventuality that the Grant Neighborhood Association wants to be a part of deciding. However, we believe that there is little justification to upzone properties along D Street for the myriad reasons demonstrated in our comment to this proposal. What's true about 905/925 Cottage (poor street alignment, parking problems, etc. etc.) is true of all the properties in the immediate vicinity and can't be solved by redeveloping the individual properties alone.

Our concerns about Goal 10 are very important. The applicant would like to believe that the perceived deficit of 207 acres of multi-family zoning somehow obligates the Planning Commission to approve every rezoning application for a multi-family zone. It does not.

The applicant would like to believe that under state law, the City of Salem's entire zoning system and Comprehensive Plan is illegal because it does not rely solely on objective terms that favor the applicant. This is not true.

The Planning Commission retains the authority to decide whether the applicant has met the very high burden for such a disruptive zone change. They have not.

Grant Neighborhood Site Plan Review Comments

Open House

Grant NA objects to the site plan submission as incomplete. The applicant did not hold the required Open House *on the entire consolidated* application, as SRC 320.300 requires. This site plan was not presented at the May 4, 2020 virtual open house and therefore does not satisfy their public engagement responsibility under the code.

The Neighborhood Association reaffirms our request to reject this application as incomplete and to require the applicant to hold an open house on the entire application per SRC 320.300.

Open Space

The applicant requests a reduction in the amount of required open space, as well as the minimum dimensions of the open space, in order to satisfy requirements for open space under the multifamily code.

- An overall reduction in open space should not be granted, as the applicant requests, because the property is not within ¼ mile of a city park. We have provided a detailed map that supports this assertion, based on both survey data and the City's GIS database.
- The applicant misstates that the properties are within a ¼ mile of the Oregon Capitol State Park. That park does not extend past Center Street between Winter and Summer Streets. The State of Archive grounds are not a park, either by city zoning or by the State of Oregon.
- The fact that the applicant cannot meet the multifamily open space requirement supports an overall denial of this consolidated application. Not only does the current zone not support the use, the *proposed use itself* does not even fit the zone requested. How many ways can the applicant prove their project is not right for this location?
- The use of concrete boulevards, etc. as shared open space may be allowable but it is not advisable. The sparse design of these apartments should lead to more useful open space and not incomplete box-checking by the applicant.

The Neighborhood Association recommends denying the applicant any allowances for open space based on proximity to Grant Park, as it does not meet the ¼ mile distance requirement. We also recommend denying any reductions in open space, as it would have an impact on the immediate neighbors by requiring residents to congregate on the front stairs and boulevards. In the alternate: Require more use-based landscaping (benches, etc.) around the property in order to encourage full use of limited open space, such as between the buildings and the backyard.

Engineering

The Neighborhood Association remains highly skeptical that the applicant has done the proper work to understand the engineering challenges of retrofitting this building for its new use. As we state in Attachment A of our comment, the unreinforced masonry will need to be fully retrofitted for seismic stability. The statements provided on sheets G100 and G200 regarding wall integrity do not alleviate concerns that this is not a viable project as presented.

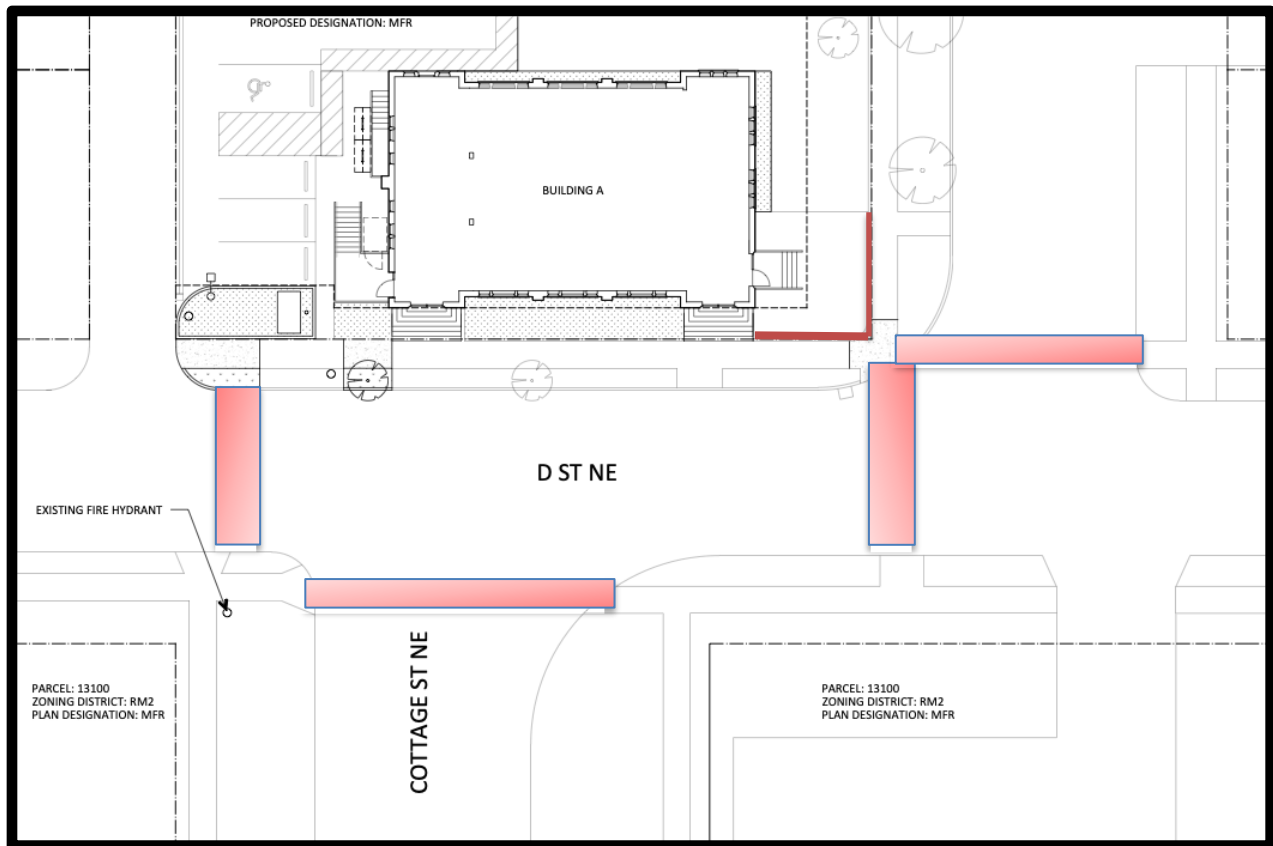
The Neighborhood Association requests that the applicant provide a full seismic upgrade plan from a licensed engineer in order to demonstrate capacity to complete the project as put forth in the Site Plan.

Sidewalks and Traffic Considerations

The Neighborhood Association is concerned that the existing sidewalks and traffic infrastructure is insufficient to handle the increase in use associated with the density of this development (or maximum levels of development under the proposed zone). We have detailed in Attachment A the incongruent nature of the city streets, both by their varying widths and the fact that no North-South streets align at D Street within the immediate vicinity of the properties.

The Neighborhood Association requests that the City require the developer to improve the following crosswalks (by striping, bring into ADA Compliance, or other means):

- ***Crossing Cottage St. at D St. (South Side)***
- ***Crossing Cottage St. at D St. (North Side)***
- ***Crossing D St. near Cottage St. (East Side)***
- ***Crossing D St. near Cottage St. (West Side)***



The Neighborhood Association also requests that the applicant be required to remove the second curb (painted white) that curves around the front entrance of the Church building at the corner of Cottage and D streets. The top edge of the curb has been painted white because it is already recognized as a major tripping hazard for both sidewalk pedestrians and church attendees due to its unexpected location.

Fencing

The application states that an 8-foot-high wooden fence would extend along the boundary with the RS-zoned property to the north, all of the way to the sidewalk between 925 and 940 Cottage St NE.

The Neighborhood Association requests that this fence only extend to the eastern end of the 925 Cottage St NE building, as a fence extending into the front yard would be out of character for the neighborhood, especially an 8-foot-high fence.

Landscaping

SRC 702.020(b)(7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area

The landscaping plan does not appear to meet the requirement for trees adjacent to the parking area at a rate of one canopy tree per every 50 feet of perimeter of the parking edge. It appears that the parking lot perimeter is approximately 206 feet in length which would require up to 5 trees to meet the SRC, while only two trees along the north property line are shown.

SRC 702.020(4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

The landscaping plan does not show any additional trees being planted along either the north or south side of the 70-foot long Church building. The Neighborhood Association requests that the applicant correct this deficiency.

ADA Accessibility

The Site Plan shows that there would be an ADA accessible entrance to 925 Cottage St. NE, but there would be no ADA accessibility to 905 Cottage St. NE, the building with the predominant number of proposed units.

It is difficult to overstate the Neighborhood Association's displeasure over the fact that this building will not be ADA accessible upon the completion of this project. This has been a focal point of the reason that this building is not viable as a church and why it had to be redeveloped. Now - incredibly - it will not be ADA accessible. This is an affront to the concept of equity and the city should not accept a redevelopment plan for this site that does not include ADA accessibility to both of the buildings being redeveloped.

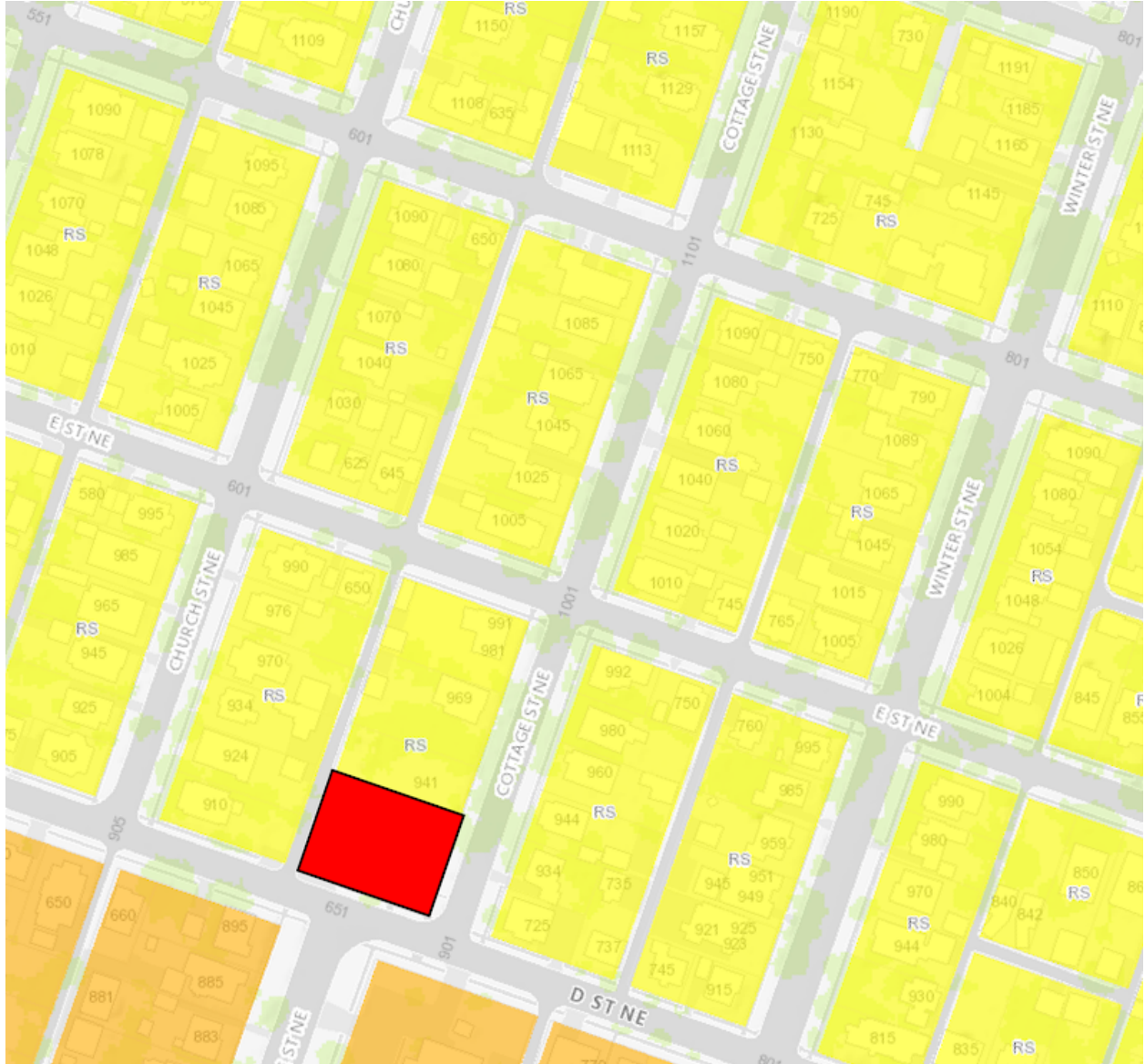
The Neighborhood Association requests that the City require that ADA accessibility be added to the site plan for 905 Cottage Street NE.

Historic Character & Exceptions to Site Design Criteria

The Neighborhood Association believes that the totality of the changes required to make this project viable do not demonstrate the applicant's responsiveness to our concerns about the historic nature of the properties. On the contrary, the amount of exceptions to basic criteria regarding windows, open space, setbacks, and the like only demonstrate that this property is not a proper location for the kind of project proposed by the applicant.

Finally, as we have stated elsewhere in this application - the Planning Commission is under no legal obligation to accept the project as rezoned and designed in this consolidated application. The requirements to grant any site-specific allowances at the site plan review stage do not control the discretion of the Commission to make reasoned choices about the larger issue at hand - whether the applicant has met their burden to demonstrate that the zone change is justified. They have not.

Evergreen & Parsonage as RH Zone



The red box represents proposed DevNW development using the two lots that are proposed for Residential High-Rise. As you can see these two lots, which are a total of 0.30 acres, would be completely surrounded by RS (Single Family Residence) to the west, north, and east and RM2 (Multifamily 2) to the south. The proposal will place the most dense zoning in the middle of the least dense residential zone, which is counter to the tradition of tiering zones from higher to lower density.

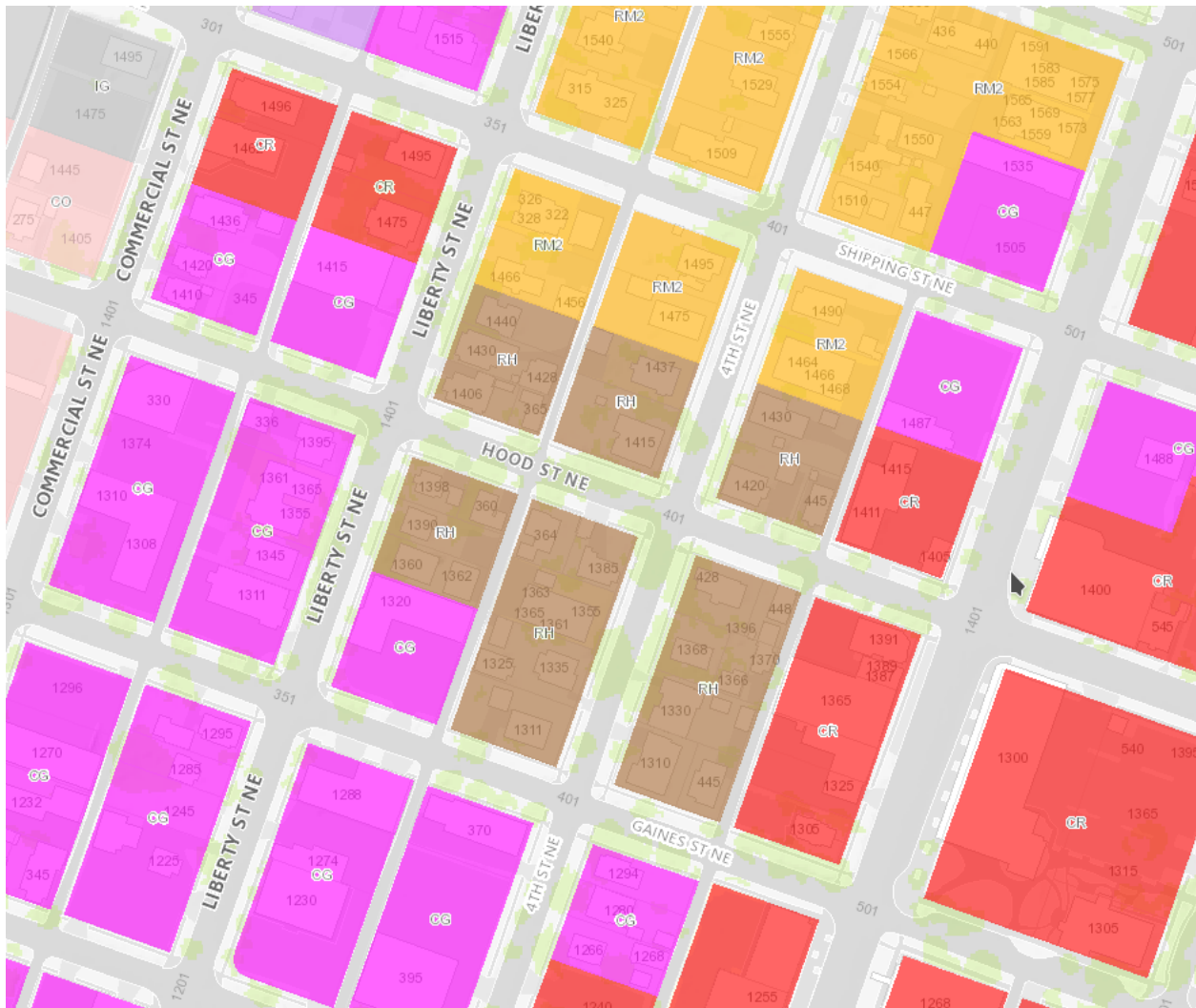
Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

The proposed development of 19 units on 0.30 acres, which will have a density of 64 units per acre. When comparing this proposal to others in Grant and CAN-DO, you can see this will be one of the more dense projects. The highest density projects are the Lee (555 Winter St NE), Frances (585 Winter Street NE), and Elaine Apartments (879 Liberty Street NE) are surrounded by Commercial Business or Commercial Residence and not Single-Family Residence.

Also, the proposed site is 1,300' from the nearest Residential High-Rise, which is the Lee Apartments (northern most RH property on the map titled "RH Zones - Central CAN-DO") to the South and the Larmer properties (eastern most RH property on the map titled "RH Zones - NW Corner of CAN-DO") to the East.

When reviewing the other zones, you will see that many of them cover more area and can easily accommodate a larger development. Even comparing existing developments to this one, this site is missing parking and easy access to greenspace. Developments like the Lee and Frances Apartments have access to adequate parking and the Oregon State Capitol State Park, where kids and families can run and play.

RH Zones in Grant NA



Description:

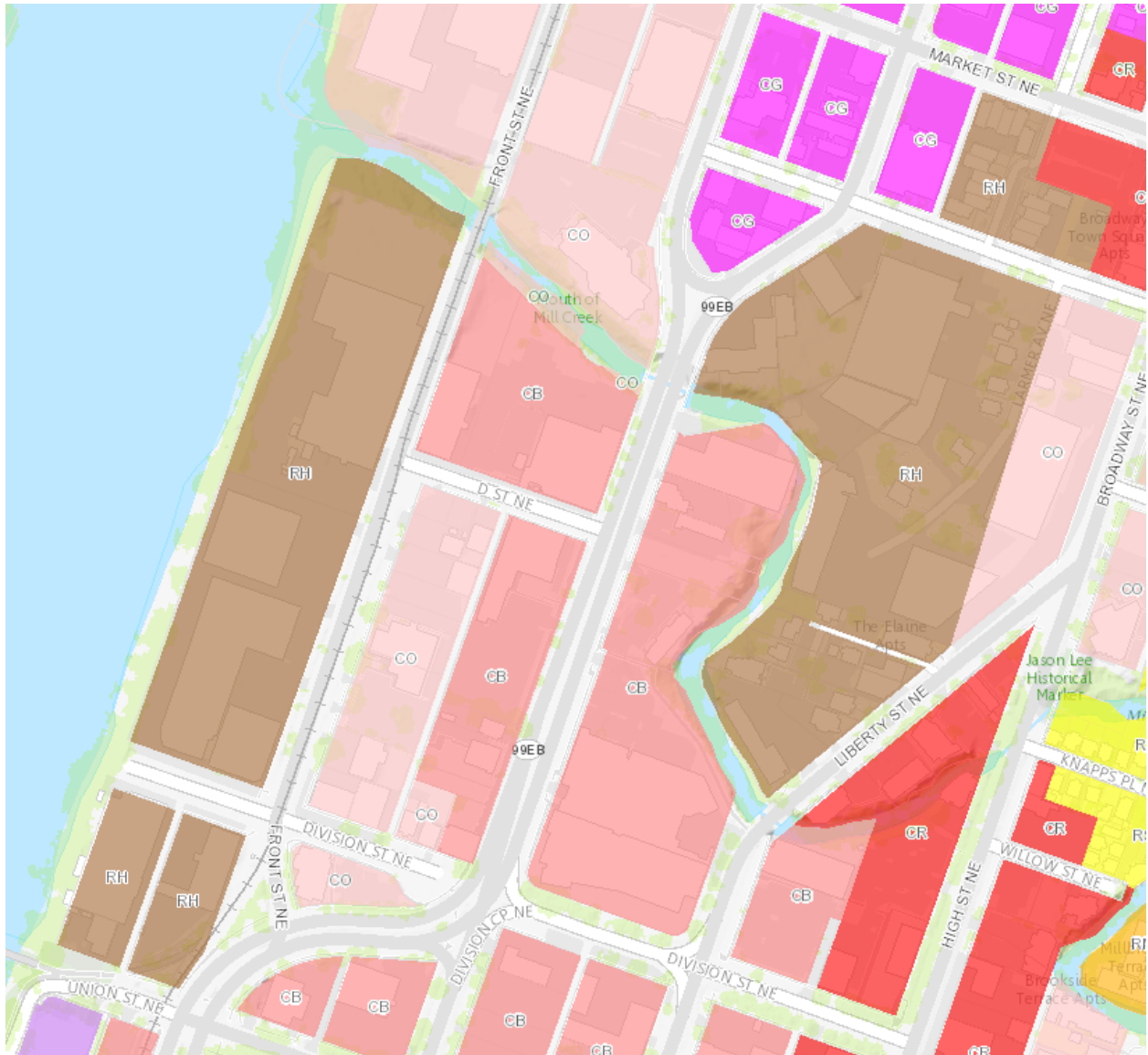
The contiguous RH zone and surrounded by CB (Commercial Business) and RM2 (Multi-Family 2) zones. It occupies about 2.98 acres of land that is still primarily single-family homes with a few apartments. Conceivably, a larger development could occur on $\frac{1}{4}$ or $\frac{1}{2}$ block areas within this contiguous zone. This zone does not contain a full block for a larger development - only a half block to the alley.

Address	Lot Size	Use	Units	Units / Acre
1360-1362 Liberty St NE	0.12	Apartments	?	
1390 Liberty St NE	0.11	Home		

Attachment C – Grant Neighborhood Association
 Uses of High-Rise Residential Zoning in Central Salem
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

1398 Liberty St NE	0.07	Home		
1406 Liberty St NE	0.09	Home		
1430 Liberty St NE	0.12	Home		
1440 Liberty St NE	0.12	Home		
360 Hood St NE	0.05	Home		
365 Hood St NE	0.03	Home		
364 Hood St NE	0.09	Home		
445 Hood St NE	0.03	Home		
448 Hood St NE	0.06	Home		
1310 4th St NE	0.12	Home		
1311 4th St NE	0.19	Home		
1325 4th St NE	0.18	Home		
1330 4th St NE	0.16	Home		
1355 4th St NE	0.19	Apartments	8	42.1
1415 4th St NE	0.15	Home		
1420 4th St NE	0.13	Home		
1430 4th St NE	0.19	Home		
1437 4th St NE	0.15	Apartments	8	53.3
445 Gain St NE	0.08	Home		

RH Zones - NW Corner of CAN-DO



Description:

There are 3 RH zones in the Northwest corner of CAN-DO that occupies about 22 acres of land. The Western contiguous zone is 11.3 acres, while the Northern zone is about 9.34 acres. Both of these zones are surrounded by CB, CR (Commercial Residential) with a little CO (Commercial Office) between the two zones and RM2 abutting the northern part of the northern RH zone.

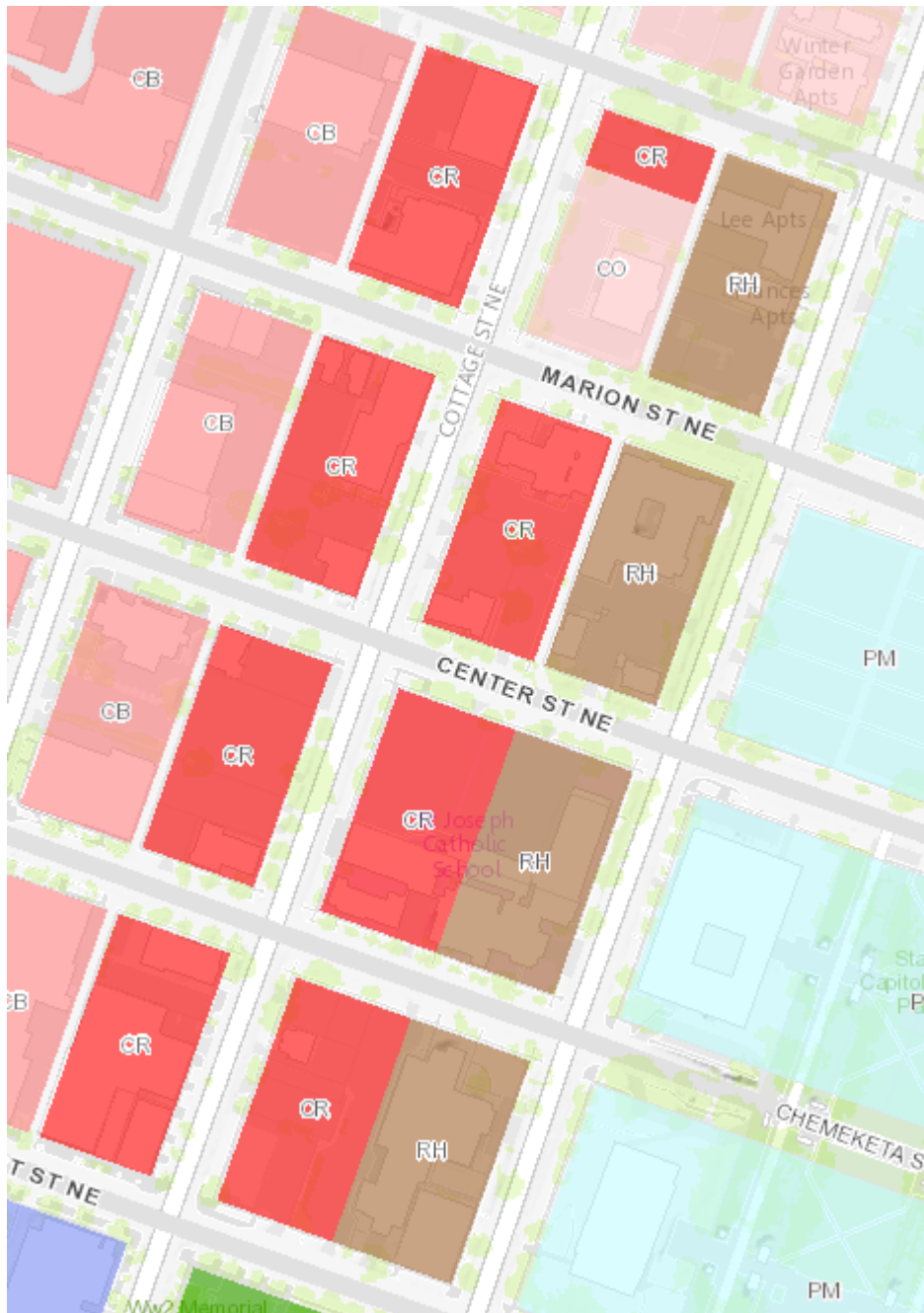
Attachment C – Grant Neighborhood Association
 Uses of High-Rise Residential Zoning in Central Salem
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

Address	Lot Size	Use	Units	Units / Acre
380 Market St NE	0.05	Townhouse		
384 Market St NE	0.04	Townhouse		
388 Market St NE	0.04	Townhouse		
392 Market St NE	0.04	Townhouse		
396 Market St NE	0.06	Townhouse		
399 Belmont St NE	0.05	Townhouse		
395 Belmont St NE	0.06	Townhouse		
391 Belmont St NE	0.04	Townhouse		
387 Belmont St NE	0.04	Townhouse		
363 Belmont St NE	0.04	Townhouse		
379 Belmont St NE	0.07	Townhouse		
1012 Commercial St NE	0.60	Commercial		
1018 Liberty St NE	1.00	Commercial		
370 Belmont St NE	2.07	Commercial		
855 Liberty St NE	5.42	Commercial		
875 Liberty St NE	0.20	Apartments		
873 Liberty St NE	0.19	Home		
859 Liberty St NE	0.16	Home		
845 Liberty St NE	0.33	Commercial		
885 Liberty St NE	5.42	Commercial		
879 Liberty St NE	0.20	Apartments	16	80

Attachment C – Grant Neighborhood Association
 Uses of High-Rise Residential Zoning in Central Salem
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871 Liberty St NE	0.08	Home		
867 Liberty St NE	0.11	Commercial		
863 Liberty St NE	0.19	Commercial		
805 Liberty St NE	0.86	Commercial		
901 Front St NE	3.88	Commercial		
775 Front St NE	3.68	Religious		
633 Front St NE	0.06	City Owned		
609 Front St NE	0.11	City Owned		
101 Union St NE	0.19	Commercial		
110 Division St NE	0.78	Commercial		
170 Division St NE	0.81	Commercial		

RH Zones - Central CAN-DO



Description:

This section of RH is four blocks long, a half block wide, and occupies 5.16 acres of land. It also abuts three different zones - PM (Capitol Mall), CR, and a little CO. The eastern side of the RH

Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
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zone is against two large State of Oregon buildings and then two full blocks of open parking lots for State of Oregon employees. The apartment complexes occupy about a quarter block and then the rest of the space is parking lots and religious organizations.

Address	Lot Size	Use	Units	Units / Acre
775 Court St NE	0.23	Office		
721 Chemeketa St NE	1.06	Religious		
770 Chemeketa St NE	1.54	Religious		
757 Center St NE	0.09	Apartments	6	66.7
753 Marion St NE	0.09	Parking lot		
790 Marion St NE	1.08	Religious		
373 Winter St NE	0.25	Religious		
405 Winter St NE	0.08	Religious		
555 Winter St NE	0.21	Apartments	16	76.2
585 Winter St NE	0.55	Apartments	101	183.6

Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

Lee Apartments

Parking	11790 sq ft	*1st floor parking under building
Housing	10808 sq ft	
Floors	7	



Front of the Lee Apartments from Winter Street NE. This building has several mature trees to protect it from the morning sun.

Frances Apartments

Parking	2000 sq ft
Housing	3800 sq ft
Floors	3



Front of the Frances Apartments. This is a 3 story building and is south of the Lee Apartments.

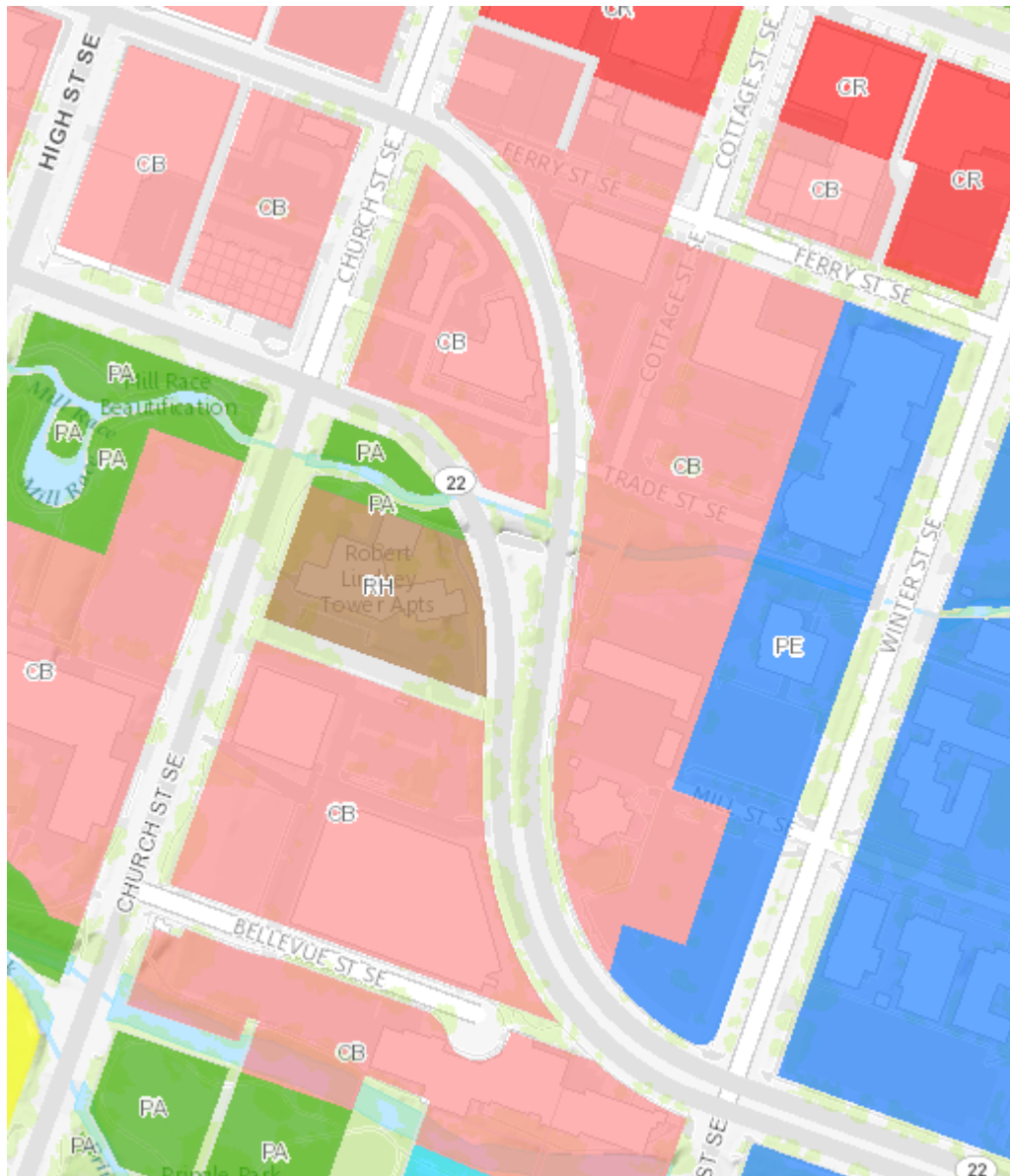
Lee & Frances Shared Parking Lot

Parking 18645 sq ft



This photo shows the large parking lot that both the Lee and Frances Apartments use. Both apartment buildings have parking behind them, with the Lee Apartments having parking under the west part of the building, where the first floor should be.

RH Zones - Southern CAN-DO



Description:

This RH zone is a single lot that is 1.31 acres and contains a single building, the Robert Lindsey Tower, which is also home to the City of Salem Housing Authority. This property is surrounded by a CB zone with a little PA (Public Amusement) zone. This is a compatible use for the area, since the Saife Corporation is one block over along with a few other 3 and 4 story buildings. For this being one of the tallest buildings in the area, it is not nearly as dense as either the Lee Apartments, Frances Apartments, or even the proposed DevNW property.

Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

Address	Lot Size	Use	Units	Units / Acre
360 Church St SE	1.31	Apartments	62	47.3

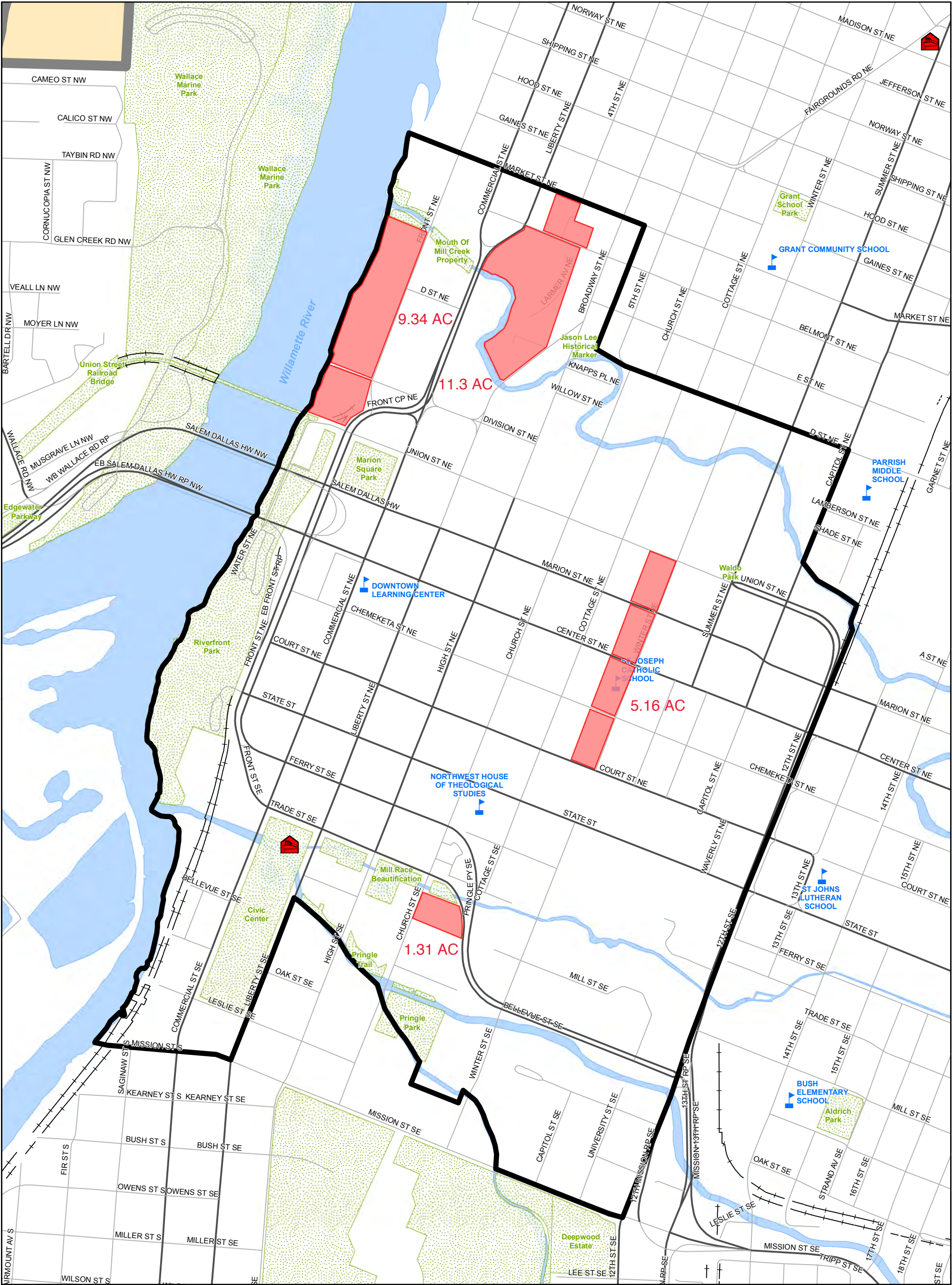
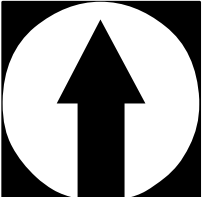


Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

This is the Robert Linsey Tower, which has about 10 floors, 62 units, and also contains the Salem Housing Authority office.

Resources

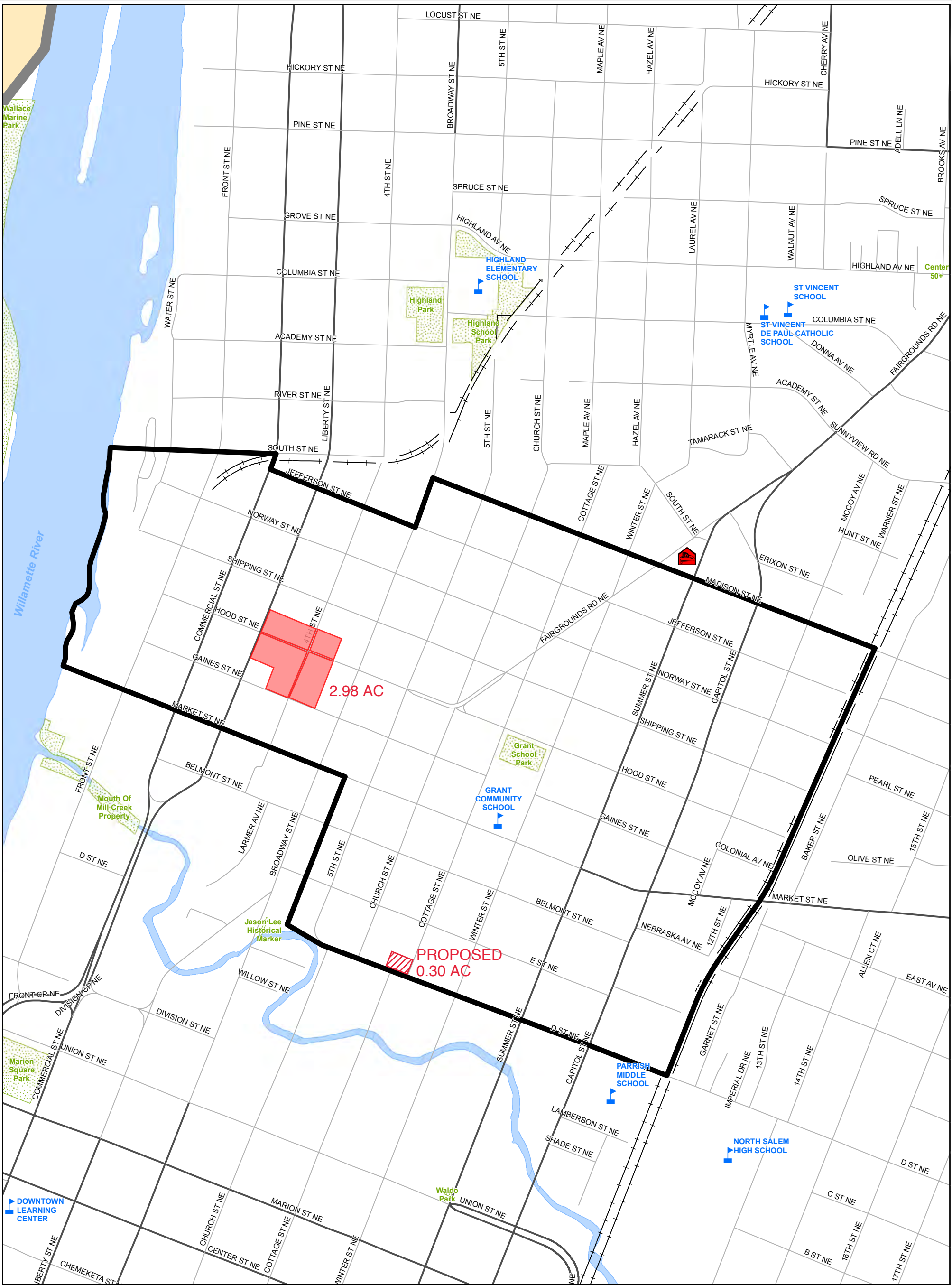
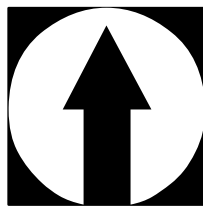
1. <https://mcasr.co.marion.or.us/PropertySearch.aspx>



Legend

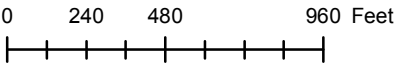
- | | | | | | | | |
|--|-----------------------|--|---------------------------|--|---------------|--|---------|
| | Neighborhood Boundary | | Outside Salem City Limits | | Fire Stations | | RH Zone |
| | Urban Growth Boundary | | Parks | | Schools | | |

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Legend

- Neighborhood Boundary
 Outside Salem City Limits
 Fire Stations
 RH Zone
- Urban Growth Boundary
 Parks
 Schools



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Evergreen Church and Parsonage



This is a view of **Evergreen Presbyterian Church** from the northwest corner of Cottage Street NE and D Street NE. You can see that much of the external features of the church are preserved including the arched windows and decorative brickwork, along with the facade crown.



This is a view of the **Parsonage** from the northeast corner of the property on Cottage Street NE. The house has a few decorative features that highlight that it was from the Victorian era, such as the adorned gable and porch. The house still has its original lamb tongue window sashes.

Views from Evergreen Presbyterian Church



This is a view from the center of Cottage Street NE looking north from in front of the church. Evergreen Church will be to the left (west side.) The street is tree lined with residential homes on both the west and east sides of the street.



This is a view from the center of D Street NE looking east from the south side of the church. Evergreen Church can be seen at the left side of the photo. This section of D Street NE has fewer trees because of the narrower right-of-way and small parking strip. Homes are closer to the street. Between Cottage Street NE and Winter Street NE, there are 4 single family homes on the North (left) side. To the right, is the northern edge of Windsor Rehabilitation Center. In the distance on the right is a 1945 duplex with a 1976 fourplex farther east at the intersection of D Street NE with Winter Street NE. The has driveway and garage parking and the four-plex has parking in the rear off of an alley.



This is a view from the center of D Street NE looking south from the south side of the church. Evergreen Church is immediately behind the photographer. This street has a wide planting strip on each side. To the left, is the Windsor Rehabilitation Center, built in 1974, and to the right are four older single family homes, all located between D Street NE and Mill Creek..



This is a view from the center of D Street NE looking west from the south side of the church. Evergreen Church is just to the right. This street has four single family homes on each side of the street and is also mostly tree lined.

Views Looking Towards Evergreen Presbyterian Church from One Block Away



This is a view from the southeast corner of Cottage Street NE and E Street NE looking southwest towards the church. The 900 block of Cottage Street NE has a wide planting strip and is heavily tree lined with homes near the sidewalks. The church is barely visible through the tree canopy. There are nine homes that front Cottage Street NE in this block.



This is a view from the southwest corner of D Street NE and Winter Street NE looking west. Evergreen Church can be seen on the right side of the photo in the distant background. This street has fewer trees and homes are closer to the street. To the right, are four single family homes and to the left are two older multi-family units; a 1976 fourplex at this street intersection and a 1945 duplex on the lot to the west of the duplex.

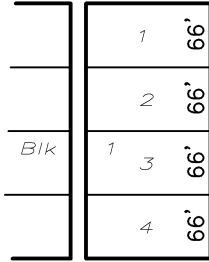


This is a view from the center of Cottage Street NE looking north towards the south side of the church. Evergreen Church can be seen in the center of the photo through the tree canopy. This street is heavily tree lined with wide parking strips. To the left is an older apartment complex along with several homes farther north. To the right is the Windsor Rehabilitation Center.



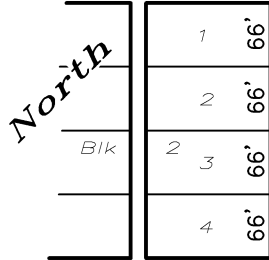
This is a view from the south side of D Street NE and Church Street NE intersection looking east. Evergreen Church can be seen in this photo along with the house on the northeast corner of the D Street NE and Church Street NE intersection.

Hood Street

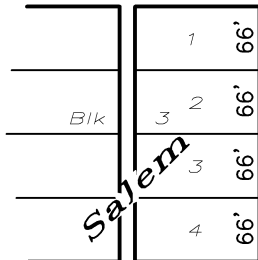


Cottage Street

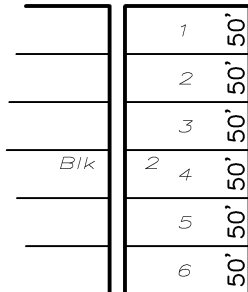
Gaines Street



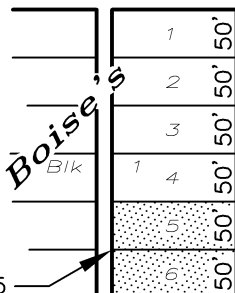
Market Street



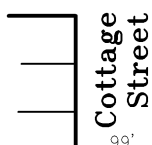
Belmont Street



E Street



D Street



905 & 925
Cottage St

Cottage Street

2nd
Addn

414.87
MCSR 38980
Survey for City of Salem

Grant
Community
School

Grant
Park

DevNW
905 & 925 Cottage St NE

Case No.

CPC-NPC-ZC-SPR-ADJ-DR20-03



Scale: 1" = 200'

NOTE: All lot dimensions reflect those shown on the subdivision plat records for North Salem, and Boise's 2nd Addition and do not reflect property ownership lines. The location of the common line between Salem-Keizer School District 24-J (Grant Community School) and City of Salem (Grant Park) is from Marion County Survey Records, MCSR 38980, dated October 18, 2017.

DIRECT LINE DISTANCE = 1,378.45'
EXCEEDS 1/4-MILE BY 58.45'

PEDESTRIAN PATH = 1,442.87'
EXCEEDS 1/4-MILE BY 122.87'

1/4-MILE = 1,320'

DIRECT LINE DISTANCE FROM:
NE CORNER LOT LOT 5, BLOCK 7,
BOISE'S 2nd ADDITION TO SW CORNER GRANT PARK =
N 22° 14' 40" E 1,378.45'. EXCEEDS 1/4-MILE BY 58.45'

PEDESTRIAN PATH FROM:
E CORNER LOT LOT 5, BLOCK 7
BOISE'S 2nd ADDITION TO SW CORNER GRANT PARK =
1,442.87'. EXCEEDS 1/4-MILE BY 122.87'

PROJECT DOES NOT MEET THE REQUIREMENT
OF SRC CHAPTER 702.015(a)(1)(D) FOR A
REDUCTION IN OPEN SPACE.

Prepared by
Grant Neighborhood Association
August 31, 2020