

Olivia Dias

From: Paul Tigan <paultigan@hey.com>
Sent: Tuesday, October 6, 2020 12:54 PM
To: Shelby Guizar; Zachery Cardoso; Olivia Dias
Cc: Sam Skillern; Jeanne and Corbey Boatwright; Eric Bradfield
Subject: GNA's testimony for Planning Commission this evening
Attachments: GNA testimony 905 925 Cottage.pdf

Thanks again, Shelby - please provide this written testimony to the members of the Commission. It'll probably be trimmed a little for time, but this is the gist. Thanks!

Paul Tigan
Grant Neighborhood Association
Land Use Chair

Members of the Planning Commission - My name is Paul Tigan, 836 Church St NE, Land Use Chair for the Grant Neighborhood Association.

The Grant Neighborhood Association strongly opposes this request to rezone the subject properties as High-Rise Residential and redevelop them at a density of 61 units per acre. We are here this evening to request that the Planning Commission deny this application in its entirety. 240-plus pages of material can hardly be addressed in 10 minutes, but we'll give it our best by sticking to the basics.

The Grant Neighborhood Association is not a collection of nay-sayers. We are not monkey-wrenchers, or no-at-all-costs-NIMBYists. We look forward to the progressive improvement of our neighborhood that has been characterized over the last 20 years in both our commercial/mixed-use corridors, like Broadway, and our single family residential core, which actually makes up a relatively small amount of our 96-block land base.

Grant is thriving and improving, and we'd like to think that our neighborhood association's productive engagement with developers and property owners has something to do with helping strike the right balance in our neighborhood between more intense uses and our residential core.

So we do, however, take notice and participate fully when a developer seeks a series of changes that have the potential to radiate beyond their efforts and alter the nearby vicinity of a property. These types of changes are hard-wired in the code to help justify further rezonings and so we pay attention when we see one coming.

Tonight you have before you a proposal to amend every single level of the planning hierarchy in the city (that is, the comprehensive plan, neighborhood plan, and the property's zone) based on arguments that fail to address the basic requirements in the code to justify a rezoning. This is a textbook case of an applicant searching for a zone to justify a use that is not supported by property or its vicinity.

City code places a very high burden **on the applicant** when requesting such wide-ranging changes. The code states "the more impactful the change, the higher the burden." This is the lens through which their entire application must be viewed.

There is no more disruptive change possible in a residential area than to rezone a fully encumbered single-family property as a Residential High Rise. Therefore 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 has not met their very high burden. We don't think it's close. In order to argue this rezoning successfully, the applicant would have to demonstrate that the property is equally or better suited as a high-density residential property than it is currently being used in the single-family zone. That is a high bar.

For a property and proposal that contains little parking (either on street or off street), disjointed streets with no marked crosswalks, and minimal open space, the specter of cramming units into a small church requires more than just an open mind and creative engineering. The physical location is not conducive to high-density development, and cannot be considered equal or better than the current designation and use.

Don't let the proposed use of affordable multifamily housing let you lose sight of the **changes to the underlying zone the city would be approving in perpetuity**: the highest density zone in the code with few, if any, limitations on height, density, or space occupation. What headache are you handing your successors 5, 10, 20 years from now?

We believe the applicant can't justify these amendments under any of the three criteria, and that their proposal, if accepted, would usher in more unwanted zoning changes in the nearby vicinity that the commission would have less discretion than now to reject. Lets consider these justifications in turn:

The first possible justification is an alteration in circumstances.

That is, a change in the social, economic, or demographic patterns of the nearby vicinity that have so altered that the current designations are no longer appropriate.

Nothing about the circumstances of the nearby vicinity has changed. The city staff agree. Page 12 of the report the staff says: "Staff does not concur that the [Housing Needs Analysis] findings demonstrate an alteration in this vicinity, nor has any evidence about an alteration in the vicinity been submitted".

To be clear - the applicant tried to provide evidence, but failed, because they cannot come up with evidence of change directly tied to the property itself.

The second possible justification is a demonstration that the proposed designation is equally or better suited for the property than the existing designation.

Why is multi-family, and more to the point - high-rise, equally or better suited for this location? A comparison is necessary to determine if high-rise is equal or better and why single family is, therefore, equal or lesser.

The applicant wants you to believe this church, because it occupies a housing space in the city, is by definition lesser. Why? Because the building is so old? The current congregation is so successful in the location that they have to move to a bigger church. So that can't be right.

The applicant also says that churches are lesser occupants of the single family housing zone than actual housing: Goal 10 justifies turning churches into housing because the need for housing is so great. Is the need for places of worship less? Is it just equal? Well, people have to go to church somewhere, and churches in the single family zone are perfectly acceptable and not less, nor "Conditional" uses.

Some might say that a church in a residential neighborhood is better! Should churches be in industrial zones? Commercial zones? So let's be generous and say that the current designation isn't lesser than high-rise. Is it equal?

*Is it reasonable to think that this development and zoning is equal? What is the standard to determine that? It won't have any more or less impact than the current use? The difference between Single Family and High Rise is **density**. Is it really a coin toss on impact to an intersection and neighborhood whether there are 2 housing units or 19? Whether a building is 35 feet or 50 feet tall? That can't be right either. But to say it's equal is essentially saying that.*

*The city staff tries to do some homework for the applicant by saying the Housing Needs Analysis, had it been brought up here, would help argue that High Rise is somehow equal or better than single family. But this is misguided for some of the same reasons. Also - doesn't the standard in the code say the very high burden is on **the applicant**? The City Staff assert arguments to address this criteria that the applicant did not. That doesn't seem right...*

Unfortunately, every argument that the applicant and the staff come up with to justify these changes have nothing to do with this particular property. They are just things that are true about the whole city. And that simply doesn't meet the standard that this proposed zone is better or even equal to what is there now.

Does the city need more housing? It does!

Are there collector streets throughout the city? There are!

Do neighborhoods have boundaries? Sure...?

*Is every property on a collector street...
Or on the edge of a neighborhood...
that improves the number of houses available...
regardless of the impact it will have on the neighborhood...
Available for redevelopment at unlimited density?*

Well that can't be true - and we know it's not.

We have an understanding of what both the City and the public want for our growth - it's called Our Salem. The recently released draft gives us a unique opportunity to peer into the future of the city's growth to see if this kind of development is contemplated by the city or its residents. It's not!

*This property, nor none of the 56-foot wide, parking limited, street-misaligned D Street is identified for changes to its zone. Why not? **Because it is not equally or better suited for a higher density or more intense zone.** The whole city provided its input in that plan, the city took a hard look at it, and they do not propose changing anything about these properties.*

The neighborhood association has provided a significant amount of input into the details of this project, and we hope that you have reviewed it. But we focus tonight on where your discretion as a Planning Commission lies: you can decide that these amendments are not justified by the conditions on the ground and that the applicant has not met their high burden.

The neighborhood association has been intimately involved with this project since it was announced in May. We have discussed it with the proponents as much as they would be willing to listen, asking them for a less-dense version of their proposal, even matching the potential for density that is across the street - RM2. But the applicant has stressed again and again that in order to make the project pencil, they have to have a density that we believe the property does not support.

Even our attempts to alter the project to better fit the neighborhood, changing the fence, striping the misaligned crosswalks, moving the parking into the adjoining residential parking zones, have fallen on deaf ears with the city staff and the applicant.

In closing - for a neighborhood association that's always tried to find a common solution, a better way - and has a pretty good track record! - this has been a frustrating process of "our way or the highway." We'd much rather be supporting a project that redeveloped properly zoned properties in our neighborhood, or that was sensitive to our concerns and experience. We are left with asking you to deny this project in its entirety as it has failed to meet the city's high standard for a comprehensive plan amendment, neighborhood plan amendment, and zone change.

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