

Olivia Dias

From: Marissa Theve <marissatheve@gmail.com>
Sent: Friday, August 28, 2020 11:11 AM
To: Olivia Dias
Cc: Elliott Lapinel
Subject: Request for Comments - Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

Follow Up Flag: Follow up
Flag Status: Flagged

Hi again Olivia,
Please find my partner and my comments concerning Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 below.
Thanks very much and have a great weekend!
Marissa

Hello!

My partner Elliott Lapinel and I (Marissa Theve) are writing in support of case number CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE. As homeowners in Grant neighborhood who frequent the area on dog walks and trips to the farmers market, we enjoy the sights and sounds of the proposed area more than weekly. We fully support a project that would help extend access to this area to folks who could otherwise not afford it. We accept that living in a city means sharing our neighborhood resources with people who might have different needs, including residential on-street parking. The city's population is not going to decrease in the foreseeable future. So ignoring the lack of [affordable] housing in defense of places for cars to park will only further exacerbate the problem.

The Right Thing To Do

Elliott and I see the project proposal as a ladder out of transitional or hidden homelessness in a time of nationwide mass evictions as well as a way to help work towards racial equity. It is the right thing to do for today and for the city's future. Salem and the state of Oregon as a whole has a horrific record with racial injustice, and we see this project as a step toward helping to remedy otherwise racist institutions. NIMBYism, local parking concerns, and undefined historical values are not acceptable reasons to disallow this necessary and desperately needed development. It is ironic for us to see many Black Lives Matter chalking and signs along Cottage street and yet hear all the opposition to this project. This is an opportunity to show that we want people with less resources and opportunity to feel welcome in our city.

There Is Room

Elliott and I strive to walk the talk and feel it is time for our neighbors follow suit. We are back yard neighbors with a suit of 9 cottage court homes. We embody YIMBY (yes, in my back yard) for dense housing. We support these institutions, whether or not they match our aesthetic ideals. There is room.

An A-Historical Building

Multi-family housing has a long-standing, architecturally distinguished history in Grant Neighborhood, see page 31 of *The Houses of Grant Neighborhood* document here: <https://www.cityofsalem.net/CityDocuments/houses-of-grant-neighborhood.pdf>

The document also acknowledges that the Evergreen Church (built 1928, so around 90 years old) is the only example of gothic architecture in the neighborhood, making it an a-historic example.

Now Is The Time To Act

The divide between the 'haves and have-nots', which was already growing is increasing even more rapidly due to the financial side-effects of the pandemic. Now is the time to act. Please help make this neighborhood a place where we truly welcome everyone and do not put up protective walls around what happens to exist today. This project is the right thing to and is exactly what the community needs right now.

Marissa Theve, Elliott Lapinel
845 Gaines Street NE Salem, OR 97301
marissa.theve@gmail.com; elapinel@msn.com

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Marissa Theve
Pronouns: she/her/hers

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

CASE NO.: CPC-NPC-ZC-SPR-ADJ-DR20-03

AMANDA NO.: 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

ADDRESS: 905 & 925 Cottage Street NE

HEARD BY: Salem Planning Commission

REQUEST: A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change of an approximately 0.30-acre land area from Single Family Residential with RS (Single Family Residential) zoning to Multiple Family with RH (Residential High-Rise) zoning. The application includes a Class 3 Site Plan Review, Class 1 Design Review to develop a 19-unit multi-family complex and five Class 2 Adjustments to:

- 1) Setback adjustment from 12-feet abutting a street (including special setback) to 4.25-feet for ADA landing (SRC 515.010(b)).
- 2) Reduce overall common space 3,870 square feet to 3,331 square feet. (SRC 702.020(a)(1))
- 3) Reduce the common open space dimension standard reduced from 25-feet on all sides to 20-feet. (SRC 702.020(a)(1)(A))
- 4) Reduce windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk to only provide windows on one wall. (SRC 702.020(c)(1))
- 5) To allow the building to not provide an architectural detail which is intended to visually break up the buildings vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors. (SRC 702.020(e)(10))

The subject site is an approximately 0.30 acres in size, zoned RS (Single Family Residential), and located at 905 and 925 Cottage Street NE (Marion County Assessor map and tax lot number: 073W23CB / 14301 and 073W23CB/ 14300).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a report for the Review Authority that includes comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments from affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 P.M., Wednesday, September 2, 2020, will be considered in the staff report. Comments received after this date will be provided to the review body. ****PLEASE NOTE: City offices have very limited staffing due to COVID-19. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.****

CASE MANAGER: Olivia Dias, Planner III, Phone: 503-540-2343; E-Mail: odias@cityofsalem.net

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

1. We have reviewed the proposal and have no comments.
2. We have reviewed the proposal and have the following comments:

See attached

Name/Agency:

Salem-Keizer Public Schools, Planning and Property Services

Address:

3630 State Street, Salem OR 97301

Email:

David Fridenmaker, Manager
503-399-3335

Phone No.:

Date:

8/31/20

IMPORTANT: IF YOU MAIL YOUR COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

August 31, 2020

Olivia Dias, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03, 905 & 925 Cottage St. NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Grant	Elementary	K thru 5
Parrish	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District’s adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Grant	Elementary	379	448	85%
Parrish	Middle	738	880	84%
North Salem	High	1,889	1,879	101%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	19	MF	0.201	4
Middle	19	MF	0.077	1
High	19	MF	0.084	2

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Grant	Elem.	379	7	4	11	448	87%
Parrish	Mid.	738	11	1	12	880	85%
North Salem	High	1,889	100	2	102	1,8879	106%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Grant	Elementary	Walk Zone
Parrish	Middle	Walk Zone
North Salem	High	Walk Zone

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	4	\$54,925	\$219,700
Middle	1	\$64,045	\$64,045
High	2	\$73,164	\$146,328
TOTAL			\$430,073

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 Fourth Quarter.

Sincerely,

David Fridenmaker

David Fridenmaker, Manager
 Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation

Olivia Dias

From: Paul Tigan <paultigan@hey.com>
Sent: Monday, August 31, 2020 6:47 AM
To: Olivia Dias; Lisa Anderson-Ogilvie
Cc: Eric Bradfield; Sam Skillern; Jeanne and Corbey Boatwright
Subject: 905/925 Cottage St: Open House Requirement

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Olivia and Lisa -

Grant NA is in the process of responding to the consolidated application for 905/925 Cottage. We do not think that the May 4th, 2020 Open House for the rezoning of these properties to Commercial Office satisfies their public engagement obligations under the SRC for their new consolidated application. We are raising this issue now rather than having it buried in our letter.

We think the applicant should be required to hold an open house that includes all of the information they know about the project now, rather than relying on an open house whose information is no longer relevant to their project. The code also requires a new open house.

Specifically, SRC 320.300(b)(2):

“[w]hen 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. (emphasis added)”

In this case, the original Open House only presented to the public the actions related to the original Commercial Office rezoning. The project is now a consolidated application that includes a Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, Zone Change, Site Plan Review, Adjustment, and Design Review Case. When a group of actions like this are consolidated, the code requires that an open house be held for the entire consolidated application.

Additionally, it's not clear to us that the May 4, 2020 open house meets the 90-day requirement in 320.300(c)(1)(A), as any application would have to have been accepted by August 2, 2020 for that open house to be valid. We did not receive official notice about the project until August 17, 2020.

The applicant was given a month's notice to attend our August 6th meeting and refused to show up and explain the changes to the project. We get questions - daily - about what is going on with this project from our neighbors. The obligation of the applicant to inform the public about their plans is not a mere clerical box to be checked - it is captured at every level of the planning process and should not be waived in this or any other case where it is clearly required.

Thanks,
Paul Tigan
Land Use Chair

Grant NA

Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Monday, August 31, 2020 6:01 AM
To: Olivia Dias
Cc: MICHAEL LIVINGSTON; Neal Kern
Subject: Request for Comments - Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE
Attachments: CPC-NPC-ZC-SPR-ADJ-DR20-03 RFC.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Comment from CANDO:

CANDO supports approval of the proposed affordable housing project, per the vote at the July 2020 meeting.

From the July minutes:

The board heard a presentation by DevNW CEO Erin Dey and Emily Reiman, Director of Real Estate Development, on the revised plan to develop the Evergreen Presbyterian Church property at the corner of D and Cottage Streets, border of CANDO and Grant, inside Grant. The property is on the market because of the prohibitive cost of making the church building ADA-accessible and other needed upgrades. The basic plan is to provide ~20 smallish (studio/1BR) units of affordable housing while maintaining the building exteriors as conditions of approval of any rezone, except as needed to comply with ADA/safety standards (a rezone of the property is needed). Funding sources require affordable rents be maintained for a minimum of 20 years. DevNW currently rents an office in CANDO at 437 Union Street NE. DevNW is recognized by the City of Salem as a Community Housing Development Organization. A 3d-party traffic study concluded the development will not increase traffic. The original plan was to convert the manse/parsonage into an office for DevNW. The plan was revised in response to objections from the Grant neighborhood association board (GNA) and the City Council. GNA indicated at its July 9 meeting that it will oppose the revised plan as well.

All board members present reside within a few blocks of the proposed development. Comments included concerns that GNA still opposes the project, and that the GNA isn't representative of the neighborhood feeling on the project. Rebekah Engle stated that all the people she knows in the area directly around her apartment building are very supportive of the project. The board recognized the acute need in the neighborhood for smaller (studio/1BR) residential units.

Sarah Owens
CANDO Secretary/Treasurer

From: Shelby Guizar <SGuizar@cityofsalem.net>
Sent: Wednesday, August 19, 2020 10:26 AM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Cc: Olivia Dias <ODias@cityofsalem.net>
Subject: Request for Comments - Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

Hello,

The Request for Comments for Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Site Plan Review, Adjustment, and Design Review Case NoCPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE is attached for your information. Comments are due **Wednesday, September 2, 2020 by 5:00 p.m.**

Application Summary: A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone Change of an approximately 0.30-acre land area from Single Family Residential with RS (Single Family Residential) zoning to Multiple Family with RH (Residential High-Rise) zoning, including a Class 3 Site Plan Review, Class 1 Design Review, and five Class 2 Adjustments for the development of 19 multi-family units.

Please direct questions or comments to the **CASE MANAGER:**

Olivia Dias

[oDias@cityofsalem.net](mailto:ODias@cityofsalem.net)

503-540-2343

Thank you,

Shelby Guizar

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

sguizar@cityofsalem.net | 503-540-2315

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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 predictable 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.

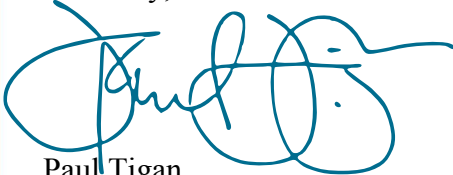
This project is clearly and objectively out of character with the surrounding area, introducing a density of use that is not supported by the immediate vicinity

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 Cherrits 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 Sholom, 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 is 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

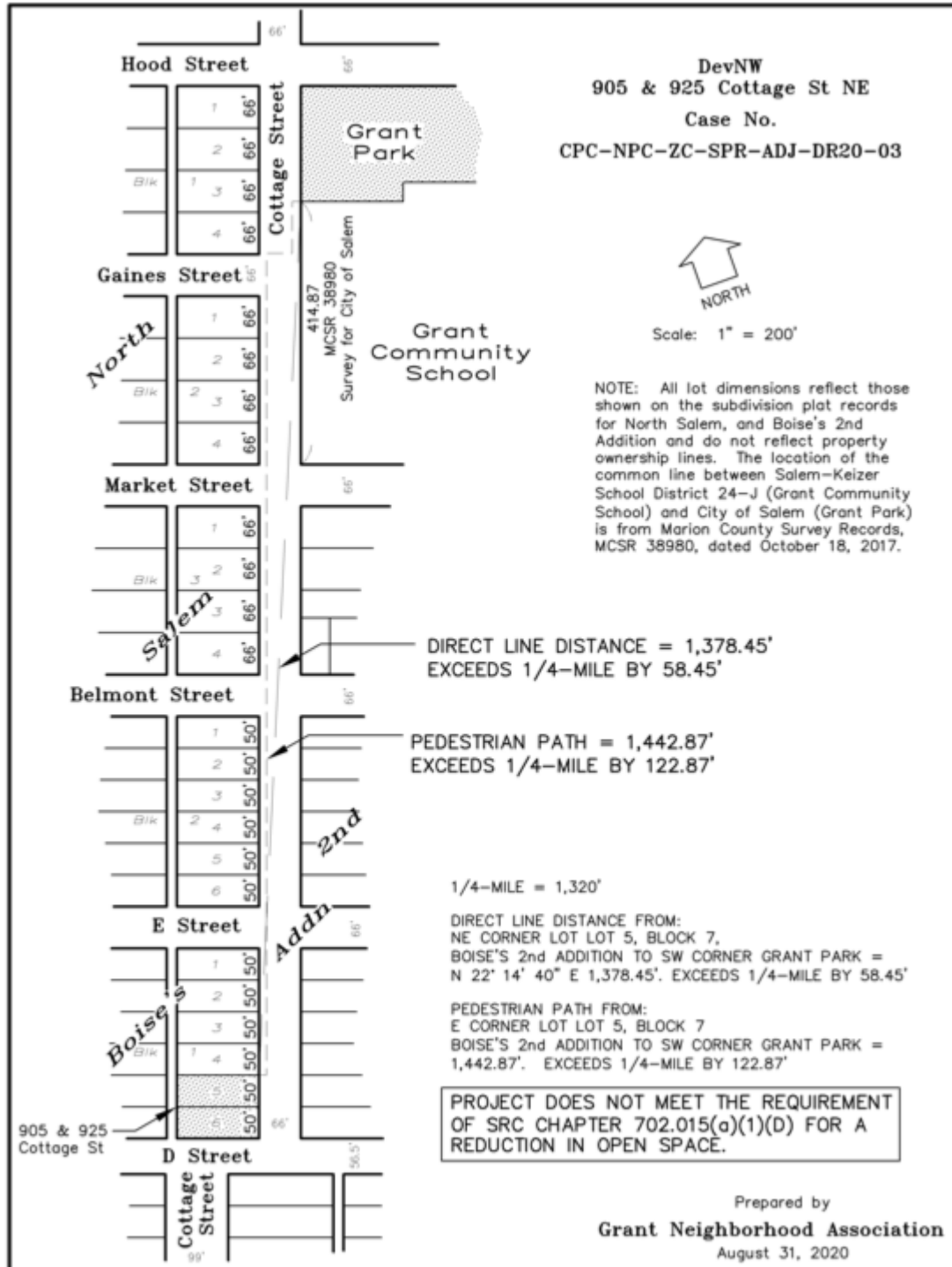
13. Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.

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

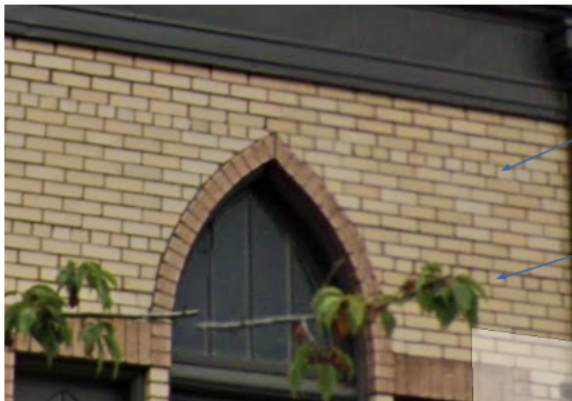
Grant Neighborhood Association Response:

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.

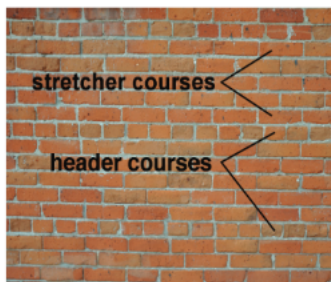
The applicant has not established that the conversion of the church building to a multi-family residence is possible within a reasonable budget. Being almost a century old, the building does not satisfy modern building codes. With the extent of the major renovation proposed, full satisfaction of the 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.

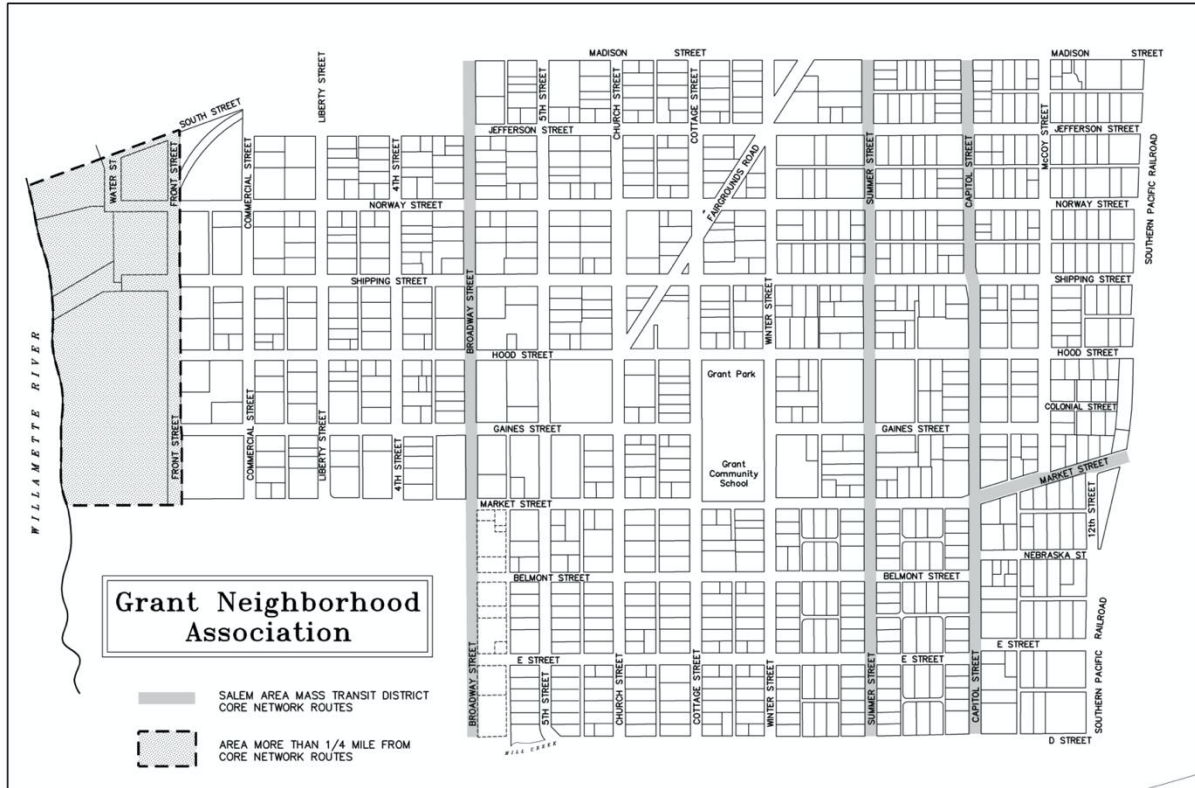
Grant Neighborhood Association Response:

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.

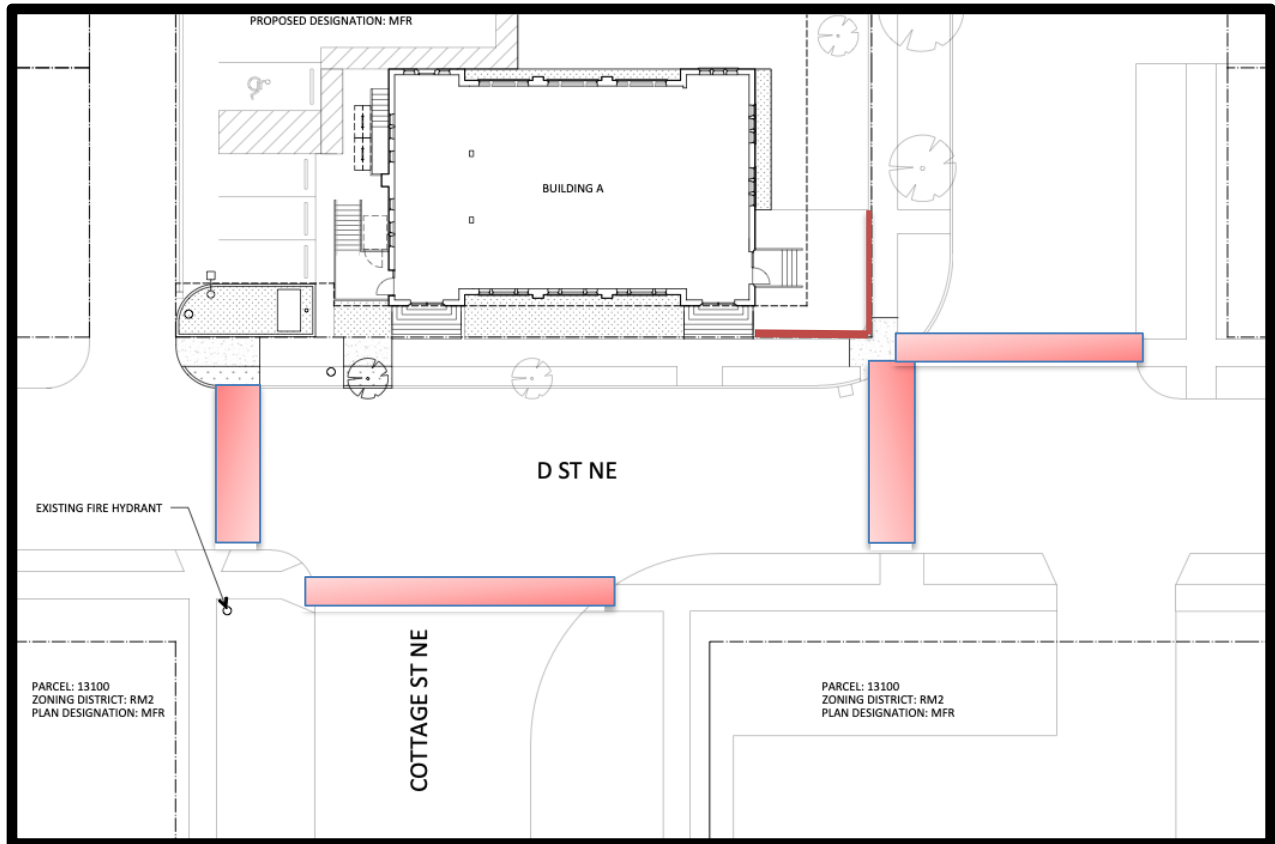
The Neighborhood Association requests that the applicant provide a full seismic upgrade plan from a licensed engineer in order to demonstrate capacity to complete the project as put forth in the Site Plan.

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.

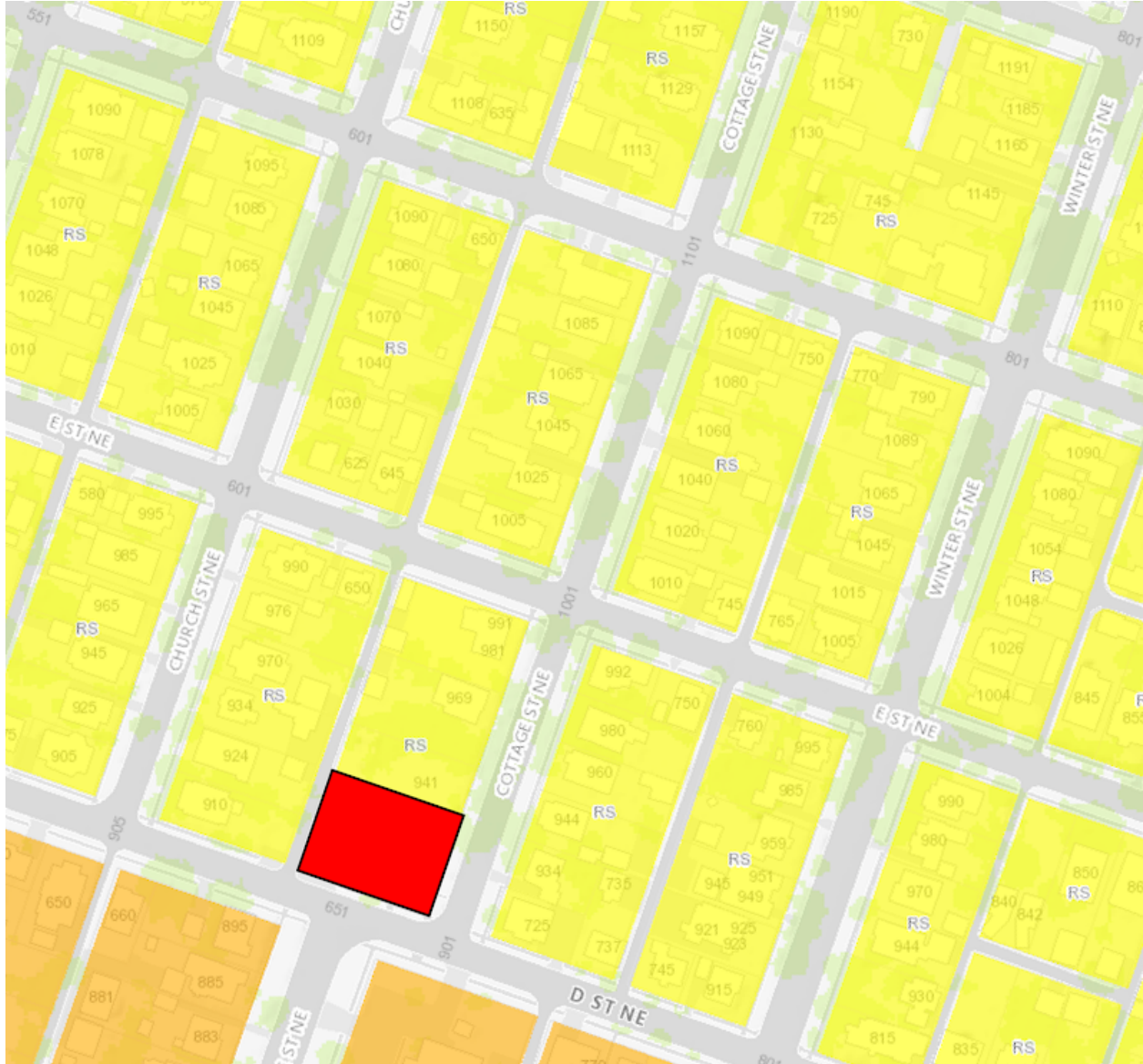
The Neighborhood Association requests that the City require that ADA accessibility be added to the site plan for 905 Cottage Street NE.

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.

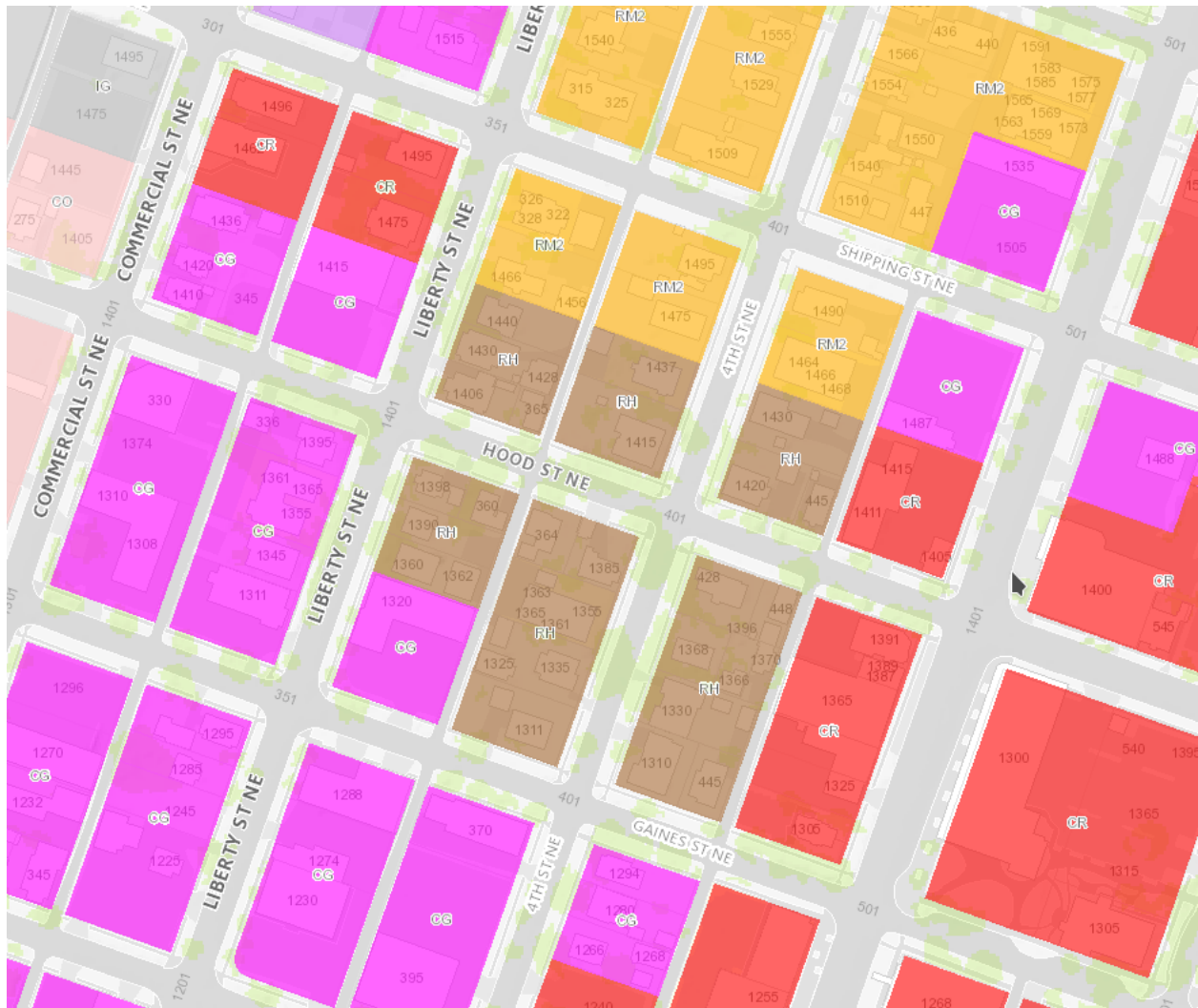
Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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:

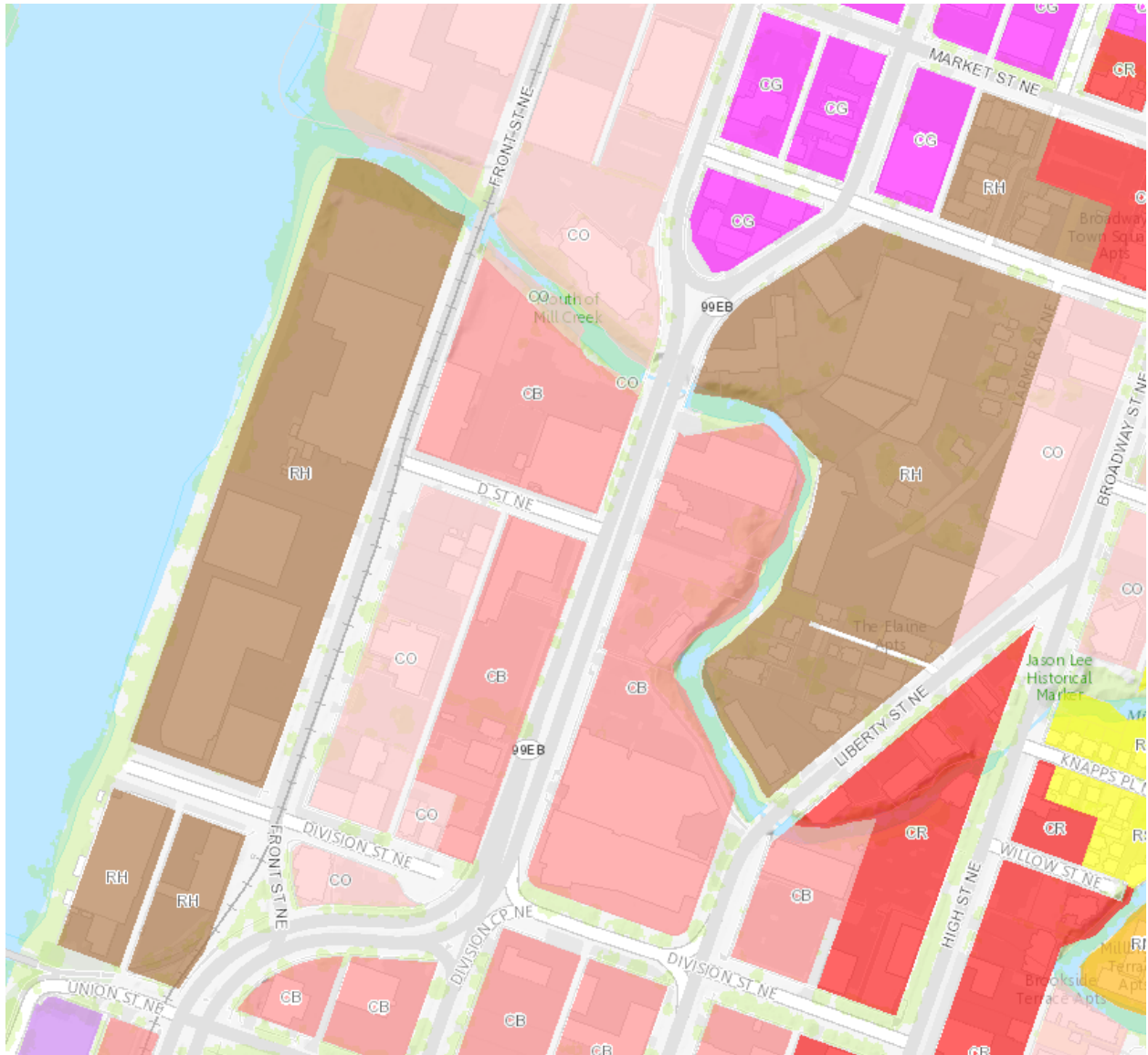
The contiguous RH zone and surrounded by CB (Commercial Business) and RM2 (Multi-Family 2) zones. It occupies about 2.98 acres of land that is still primarily single-family homes with a few apartments. Conceivably, a larger development could occur on $\frac{1}{4}$ or $\frac{1}{2}$ block areas within 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.

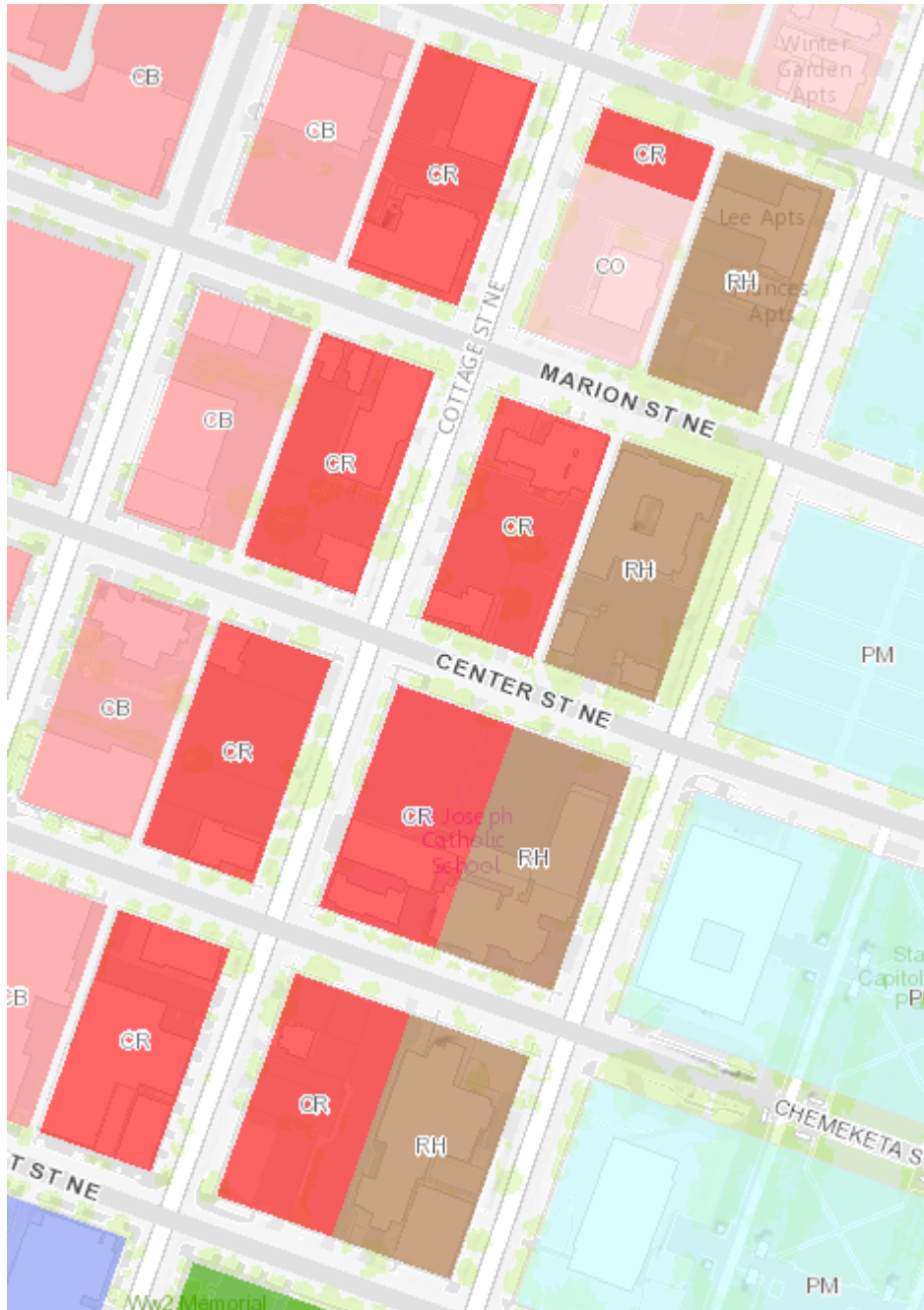
Attachment C – Grant Neighborhood Association
 Uses of High-Rise Residential Zoning in Central Salem
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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

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.

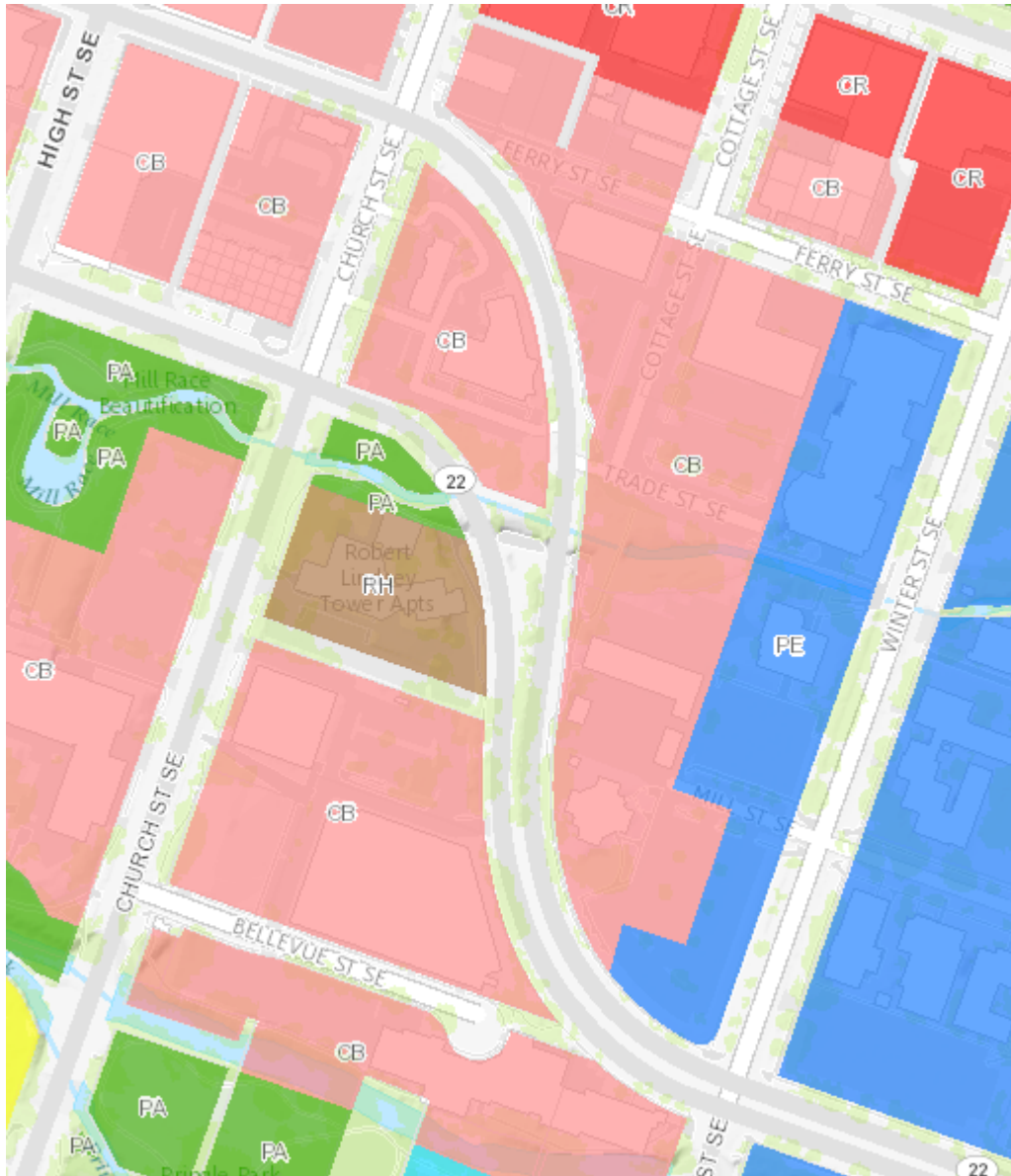
Lee & Frances Shared Parking Lot

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

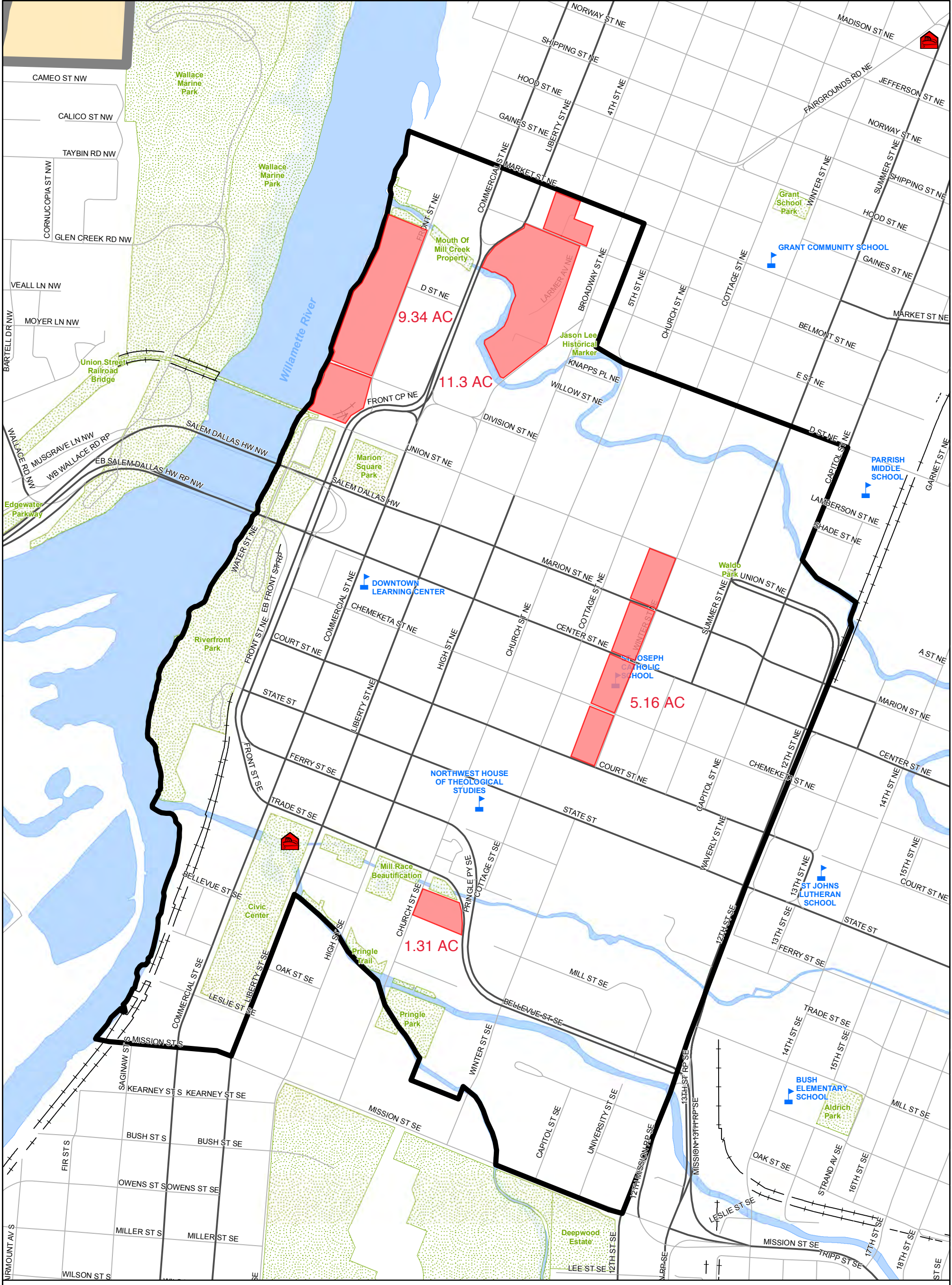
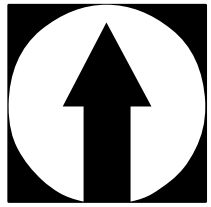


Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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

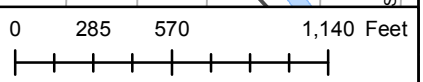
Resources

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

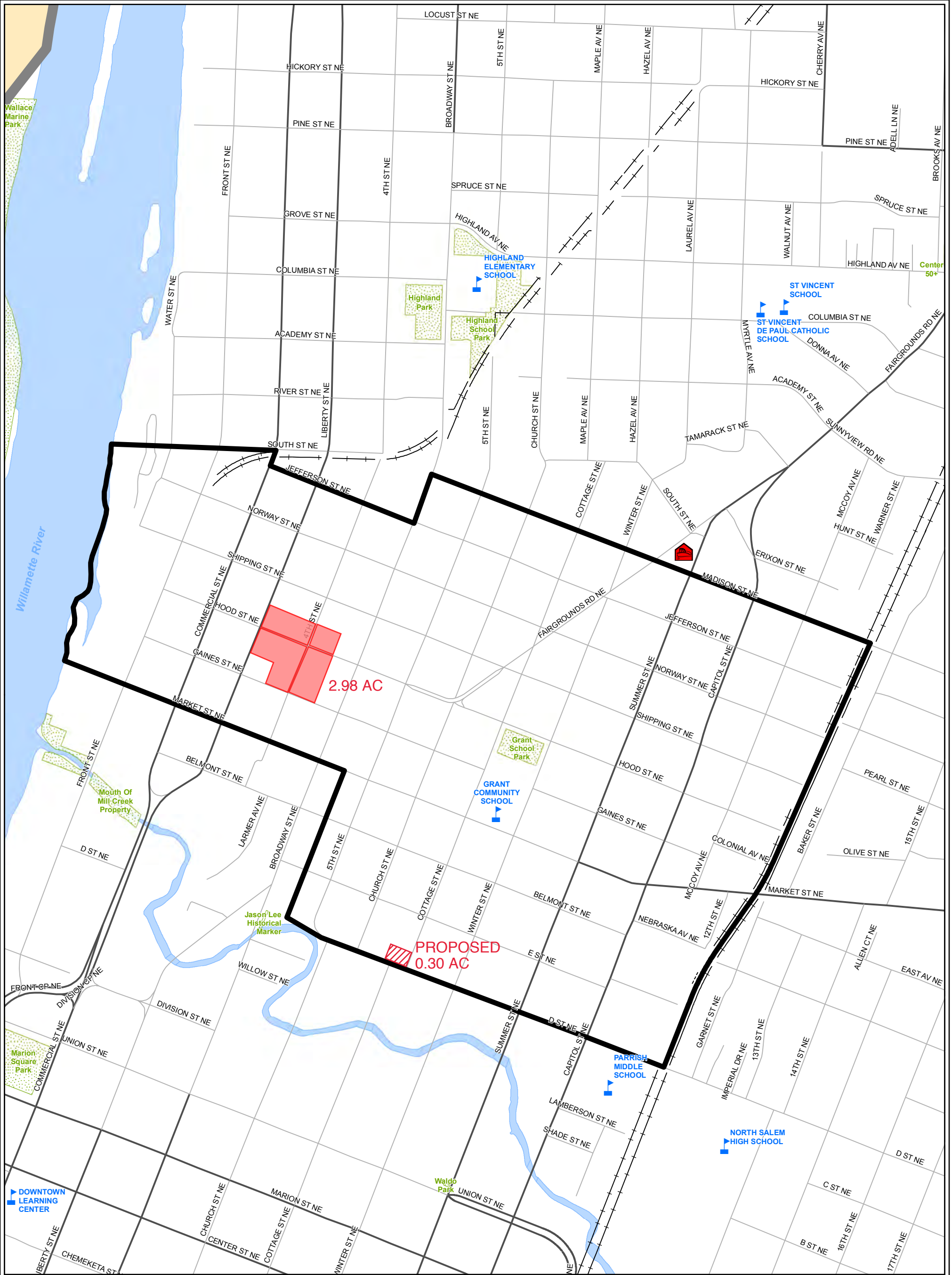
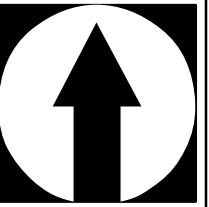


Legend

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

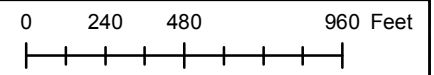


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Legend

- 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.



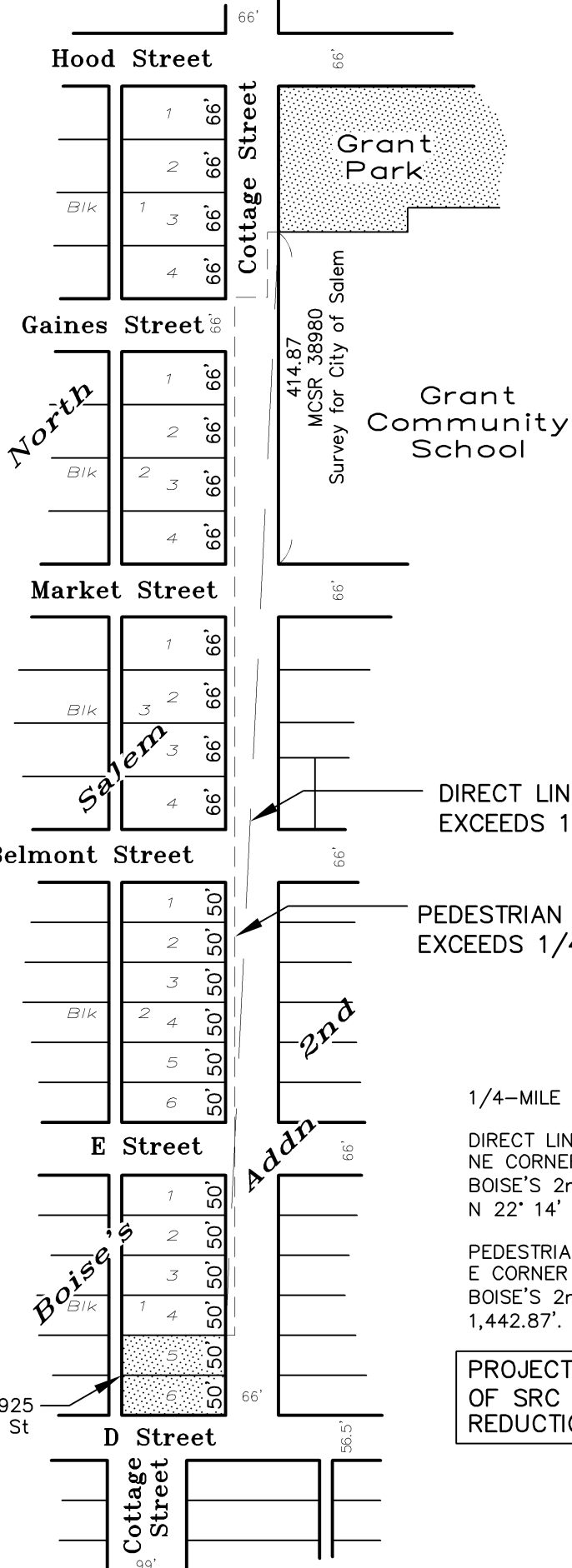
This is a view from the south side of D Street NE and Church Street NE intersection looking east. Evergreen Church can be seen in this photo along with the house on the northeast corner of the D Street NE and Church Street NE intersection.

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.

Olivia Dias

From: Nicholas Maselli <nmaselli_pcs@comcast.net>
Sent: Tuesday, October 6, 2020 1:42 PM
To: Olivia Dias
Subject: CASE NO.: CPC-NPC-ZC-SPR-ADJ-DR20-03 ADDRESS: 905 & 925 Cottage Street NE

Olivia,

CASE NO.: CPC-NPC-ZC-SPR-ADJ-DR20-03
ADDRESS: 905 & 925 Cottage Street NE
Members of the Planning Commission,

My name is Nicholas Maselli and I live at 690 Gaines St. NE and have for 24 years. I attended the DevNW proposal meetings at the Grant NA meeting. On the surface it all sounds kind of neat. Converting an old church in multiple affordable housing units would appear to be very forward thinking. I understand that we need a higher density structure focus as more people move to Salem. I listened to their proposal and I just don't see how they are going to put in like 8 or so affordable units inside the confines of the existing church. I found it to be curious that they left the door open to be able to take down the church if they found the church to be inadequate to meet their needs and that they reserved the right to build up to 50 feet when the top of the church is now only 30 feet. It kinda felt like if we gave em an inch they were gonna take a mile. Retro fitting the existing church with plumbing infrastructure, conforming to ADA laws and earth quake proofing would be untenable and DevNW would immediately resort to plan B and tear that beautiful old building down...it may not be their plan but someone didn't put that option down just for kicks. I'm opposed to this plan and the proposed multi-housing law that would effect all of Grant. Thank you for reading this.

Sincerely,

Nicholas Maselli
690 Gaines St. NE
Salem, OR
97301



COMMUNITY ACTION

2475 Center St. NE
Salem, Oregon 97301

Ph. 503-585-6232
Fax 503-375-7580
www.mycommunityaction.org

**HELPING PEOPLE
EXIT POVERTY**

6 October 2020

Planning Commission
City of Salem
555 Liberty St. SE
Salem, OR 97301

Dear Commissioners,

On behalf of the Mid-Willamette Valley Community Action Agency, I am writing this letter in support of the rezoning, site plan review, design review, and adjustments of 905 and 925 Cottage St. NE Salem, OR 97301. This project will provide much needed affordable housing in Salem for veterans and individuals with incomes at or below 60% of the Area Median Income (AMI). Our Agency serves and represents people in poverty in Salem. Homelessness and housing instability in our city are at crisis levels, and promise to grow worse given the pace of this unrelenting year, with COVID, wildfires, and social and political unrest around the nation.

The Mid-Willamette Valley Community Action Agency is supportive of this project, not only because it aligns with our mission, but because it aligns with the goals of the City of Salem. This project will meet and exceed 5 of the 6 goals listed in the 2020-2024 Consolidated Plan by: Supporting the Effort to End Homelessness, Expanding Affordable Housing, Providing Support for Public Service Programs, Promoting Economic Development, and it aligns with CHODO set-aside.

By converting what would otherwise be an underutilized parcel (we understand the Evergreen Church has already secured a new location and is relocating it's growing congregation) into 19 high-quality, new affordable housing units, DevNW is increasing the affordable housing supply in a wonderful neighborhood, surrounded by a strong community, near resources, and in close proximity to transit, good schools, and job opportunities. Salem is in the midst of an historic homelessness and housing crisis, and this project will create healthy, affordable homes for 19 members of our community.

It is with great pleasure that we submit this letter of support for DevNW's project to rezone the property and develop housing, and we ask that you swiftly approve case number CPC-NPC-ZC-SPR-ADJ-DR20-03. The need in our community is great, and this project will help 19 families that would otherwise go unserved.

Respectfully,

Jimmy Jones
Executive Director



Main Office • 133 SW 2nd Ave, Ste 201 • Portland, OR 97204
Willamette Valley Office • 454 Willamette St, Ste 213 • Eugene, OR 97401
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528

October 5, 2020

City of Salem
Planning Commission
Planning Division
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Sent by email to: Olivia Dias, odias@cityofsalem.net

Re: Comprehensive Plan Change, Neighborhood Plan Change, Zone Change, Site Plan Review, Adjustment, Design Review Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage Street NE

Dear Salem Planning Commission:

1000 Friends of Oregon is a nonprofit, membership organization that has worked with Oregonians, including in Salem and Marion County, for more than 40 years to support livable urban and rural communities; protect farms, forests and natural areas; and provide transportation and housing choices. Our work includes ensuring that the promise of Oregon's Goal 10, Housing, is implemented inside our cities and towns with policies that both encourage and require needed, diverse, and affordable housing choices for all.

1000 Friends supports this application. The applicant, DevNW, requests a change to the Comprehensive Plan Map Designation, Neighborhood Plan, and Zone of an approximately 0.30-acre land area, from Single Family Residential with RS (Single Family Residential) zoning to Multiple Family with RH (Residential High-Rise) zoning. The properties are in the Grant neighborhood, well-located north of downtown, and within 1/4 mile of Salem's transportation core network.

This is an application to repurpose an existing building, formerly used as a church, and continue its life by providing affordable homes to those of lower income. There will be no increase in building footprint or height, instead this repurposing will maintain the building's character. This residential use is compatible with the residential use in the Grant neighborhood, providing a transition from the neighborhood to more intensive activities towards downtown. It is also well-located within walking distance of Salem's transit network.

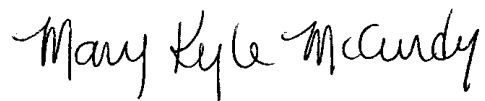
Finally, and most importantly, the proposed zone change is for needed housing under state law and fills a demonstrated housing need in Salem. See, Goal 10, Housing, and ORS 197.303(1)(a). As noted in the staff recommendation of approval.

“The City’s Housing Needs Analysis (HNA), which identifies a surplus of approximately 1,975 acres for single family residential development and a deficit of 207 acres available for multifamily residential development, has been accepted by the City Council with a work plan listing the conversion of single family to multi-family as needed to meet the projected multi- family land deficit.”

The city must show that it is taking action to meet its Goal 10 obligations, including zoning land to ensure capacity for “adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households.” To the extent that any existing neighborhood plan is inconsistent with state law, state law would prevail. This application meets many of Salem’s needs: it provides needed affordable housing, reuses a former church building, and locates more residents near good transit.

We urge the Planning Commission to recommend approval of this application from DevNW for needed housing for Salem residents. Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive, flowing style.

Mary Kyle McCurdy
Deputy Director

Olivia Dias

From: mhdecoursey <mhdecoursey@gmail.com>
Sent: Tuesday, October 6, 2020 1:17 PM
To: Olivia Dias
Subject: Fwd: 905 & 925 Cottage Street, NE. Testimony sent to ODias@cityofsalem.net.

I am forwarding this submission of written testimony on behalf of Carol DeCoursey.

Sent from my iPhone

Begin forwarded message:

From: Carol DeCoursey <cdecoursey@gmail.com>
Date: October 6, 2020 at 13:11:28 PDT
To: Mark Decoursey <MHDECOURSEY@GMAIL.COM>
Subject: 905 & 925 Cottage Street, NE. Testimony sent to ODias@cityofsalem.net.

I have been watching the development of conversation concerning plans to develop the above addresses. It is easy to get the impression that the Planning Commission is trying to effect an unannounced agenda.

To ensure such an impression is unfounded, I suggest that members of the Planning Commission make available their resumes publicly available, as well as records of their conversations (both written, email, and oral) with privately and publicly funded housing organizations, and that those conversations be easily subpoenaable. The same policy should be effective on the Planning Commission's support staff -- and those persons who appoint those who serve on the Planning Commission.

Let's have a transparent Planning Commission, to ensure members of the community have full confidence in the body.

I would like to offer these suggestions in personal testimony.

Carol Decoursey

--

"Justice Is Everyone's Business" ©
www.everyones-business.org

Carol & Mark DeCoursey
740 Shipping St
Salem, Oregon 97301
Carol: 425-269-9630
Mark: 425-891-0440

October 1st, 2020

Salem Planning Commission
% Olivia Dias, Case Planner
City of Salem
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Re: CPC-NPC-ZC 20-03
905 and 925 Cottage Street NE
Tax Lots 073W 23Cb 14300 and 1431
DevNW, Applicant

Dear Planning Commission Members,

I moved into the Grant neighborhood about a year ago. I work in the neighborhood, and my kids go to school here. This has been the best move our family has ever made and we love it here. We are also strong advocates for affordable housing (and within the neighborhood) but are strongly opposed to a zone change in this case. The pending sale and rezoning application of DevNW has raised several concerns that I'd like to share.

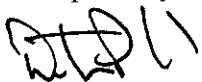
I attended three early meetings with DevNW and their message was consistent. They continually state that for this project to "pencil" for them, the zoning MUST be commercially zoned. It was only after their funding source was put on hold that they quickly changed their request to Residential High Rise. While it is admirable to add affordable housing to our neighborhood, there are multiple ways to accomplish it without such a significant zone change. There is obvious appeal to DevNW to purchase a Residential High Rise zoned property for a single family price, but allowing for this to happen would undoubtedly start a chain reaction in our neighborhood of developers and investors buying up single family houses to convert the zoning, as precedence would be set.

I am also disappointed in DevNW's unwillingness to discuss RM2 zoning. I appreciated Mayor Bennett and the city council's conversation and decision not to provide grant funding to this project at their June 22nd meeting. While the council had hopes for DevNW to come back and work with the neighborhood, this was not the case. Instead, they adjusted their proposal to Residential High Rise and increased the density on the proposal to 19 units! I suggest driving by the property and considering that number of units on such a small property. It would make more sense for DevNW to find a property that is already zoned properly and use the city's grant funding to build affordable housing in an area that does not require changes to the city's comprehensive plan or zoning.

Lastly, DevNW has attempted to make the case that the property is no longer functionable to accommodate a church. This premise cannot be accepted. To the contrary, churches have, and continue to flourish on this property. The property has been operating as a church and parsonage for close to 100 years. Evergreen Presbyterian Church is selling the property because they have grown significantly since being there and they need a bigger building to accommodate their congregation. Before this pending transaction, Evergreen Church had only had their property listed for about three months. Given time, I am confident they would find a buyer who could use the property with its intended use and zoning.

I would urge the commission to not allow for Residential High Rise zoning at this property. If we are considering a zone change, RM2 makes more sense, creates affordable housing, and does not set precedent of High Rise zoning in the middle of a neighborhood.

Respectfully,



Dustin Purnell
941 Cottage St NE
Salem, OR 97301

Olivia Dias

From: Sam Skillern <sam@salem1f.org>
Sent: Tuesday, October 6, 2020 10:18 AM
To: Olivia Dias
Cc: Sam 'Snead' Skillern; Eric Bradfield; Jeanne Corbey; Lisa Anderson-Ogilvie; Paul Tigan
Subject: Written Testimony on Evergreen Church/DevNW proposal

Hi Olivia,

First, let me confirm that sending this testimony to you is the right course of action. If not, please let me know and I'll submit. Others may be sending you testimony, as well. Thanks--

CASE NO.: CPC-NPC-ZC-SPR-ADJ-DR20-03
ADDRESS: 905 & 925 Cottage Street NE

Members of the Planning Commission,

Grant Neighborhood is a "yes" neighborhood, not a "no" neighborhood. Our track record shows are very welcoming to projects and developments that diversify and enhance our neighborhood.

For years Grant was overlooked and even shunned ("North Salem stigma.") But we neighbors believed in our neighborhood and worked for it's improvement. Now it is one of the most desirable areas of town. And we are still very open to projects and developments--they are popping up all over.

Every once in awhile--in fact it's quite rare--a project is proposed that we are against after much discernment. The DevNW proposal at 905/925 Cottage NE is one of them.

Actually, it's not so much that Grant neighbors are against the proposal. The *City's own code* is against the proposal. The *City's Grant Neighborhood Plan* is against the proposal. We are merely supporting the good planning that is in place.

Plopping a small patch of Residential High Rise zoning onto this property not only creates stress on Grant Neighborhood, it opens the "precedent can of worms" to all neighborhoods in the City.

There is already ample RH Zoning available downtown ... and even a few blocks away near the new police station. There is no need to create a 'donut hole' of RH on Cottage and D just to satisfy the demands of one developer.

You may hear from some parties that Grant is against affordable housing. That is unfair and inaccurate. Our entire neighborhood has been affordable housing for decades (with pros and cons). Moreover, we have Mulfi-family complexes everywhere: duplexes, apartment complexes, historic clusters of cottages, four- and eight-plexes, etc. We work closely with developers to create properties that match the historic and residential flavor of the neighborhood. Please do not buy the argument that we are against affordable and multi-family housing.

Critics need look no farther than North Broadway to see the fruits of our pro-neighborhood philosophy that welcomes new and vibrant construction.

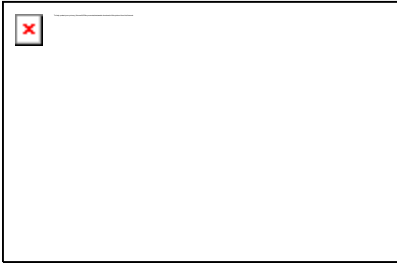
D Street and Cottage is not North Broadway. There is no need to:

1. Approve Residential High Rise designation. We'd accept RM-2.
2. Create, as the City is allowing, a 50-foot height limit. The church is 35-feet high. Allowing 50 feet opens the door to demolishing the church and building a taller building.

Thank you for this opportunity to submit testimony.

Sam Skillern
1255 Cottage ST NE, 97301
503-884-8194
sam@salemLF.org

--



Sam Skillern
PO Box 7384, 97303-0083
www.SalemLF.org

Testimony for the Public Hearing, October 6, 2020
Re: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03
920/925 Summer St.

Members of the Planning Commission, people of Salem: **(Typos fixed)**

I have three points for your attention, backed by documentary evidence submitted with my written testimony. I am not asking you to take my word on any of this, but the word of established authorities.

Point 1: The application is incomplete and should not be approved.

You may have noticed that none of the drawings in the application have the stamp of an engineer or an architect. Under Oregon State law:

(1) **Any person applying for a license or permit** required under the laws of this state or the ordinances of any jurisdiction in which the person proposes to erect, construct, enlarge, **alter, repair, move, improve, remove, or convert a building** shall submit an original or reproduction of the drawings and specifications for the work proposed. The drawings and specifications must:

(a) **Bear the stamp of a registered architect or registered professional engineer** if the services of a registered architect or registered professional engineer are required ...

(3) Each jurisdiction that requires the issuance of a permit as a condition precedent to the construction, alteration, improvement or repair of any building or structure **shall require the signature and registration stamp on the drawings** and specifications from a person authorized to prepare the drawings and specifications.
(ORS 671.025, emphases added)

The document for this agenda item tonight states on page 3 that the Commission has performed a Site Plan Review and a Class 1 Review on the project. But without stamped drawings, this Application is incomplete. None of those drawings have any technical validity without a professional stamp.

A Danger to Public Health

How does that howling deficiency happen? Those stamps are particularly important because that church is a 1928 masonry building with no seismic reinforcement. In a major earthquake, it would be a pile of old bricks and dead bodies. In the 2009 publication, "Unreinforced Masonry Buildings and Earthquakes," the Federal Emergency Management Agency (FEMA) stated:

Figure 1 provides a general view of those areas of the U.S. where **unreinforced masonry is not permitted for current construction**. ("Unreinforced Masonry Buildings and Earthquakes," Exhibit A, pp. 8-9, emphasis added)

That FEMA map shows every square mile west of the Rocky Mountains stained in red.

This is not new construction, it is a renovation. But substantial renovations require the building to meet current building code as though it were being built anew. Nothing is grandfathered in.

IEBC 506.4.3 Seismic loads ... Where a **change of occupancy** results in a building being assigned to a higher risk category ... alterations to any building or structure shall comply with the requirements of the Building Code for new construction. (Chapter 34, 3405.3, emphasis added)

This project would be a change of occupancy for that building and a major change in the entire structure, load, and use of the building. But the Site Plan approved by this Committee does not include seismic reinforcement. The July 24, 2020 application contains this note under the title, "Project Site Context":

Work includes foundation, framing, doors, windows, ... (Application Drawings, Exhibit B, Detail from p. 4)

And no mention of the big ticket item, seismic reinforcement. By its absence, that note indicates that seismic reinforcement was not considered by the designers, GMA Architects of Eugene. Why would a prestigious architectural firm omit seismic reinforcement for the substantial renovation of an old masonry building?

The question brings us back to the missing professional stamps: GMA Architects does not stand behind the work you see in this application. Another note explains why:

Note: Information is approximate and compiled from aerial views, tax maps, and minimal site observation - dimensions and locations of existing items are approximate. (Application Drawings, Exhibit B, Detail from p. 4)

The architects and engineers of GMA did not visit the site, did not examine the foundation, and did not test the walls. With that disclaimer and the missing stamps, GMA backs away and disavows all technical representation in the application. Those drawings should be stricken from the document and the application should be deemed incomplete. They may look good, but they are worthless.

The applicant, DevNW, has given you a bogus site plan application. A careful observer must conclude that GMA and DevNW have no intention to renovate that old church into a block of residential apartments. Once the property is rezoned, the church will be destroyed to make room for the building they really plan to build—or sold to someone else who is not restricted by this site plan.

Point 2: This is not an attempt to create affordable housing

DevNW's stated purpose for this work is to provide "affordable housing." DevNW has convinced the Commission of the following:

Proposed use increases access to fair housing opportunities by creating 19 new **affordable units within the existing Church and residence**. (Planning Commission Letter for Meeting of September 15, 2020, p. 12, emphasis added)

DevNW has estimated the work will cost about \$5 million for 19 units, a manufacturing cost of more than \$250,000 per unit. And even that cost is without the mandatory seismic reinforcement of the building, at what cost nobody knows. What would each unit cost by the time it got to the consumer?

Those apartments would be much more expensive than the single family houses in the neighborhood. And those apartments would not have private gardens, separate entrances, or parking. At that price, they cannot compete with the current housing.

Point 3: The unspoken agenda for the project

Since the project is neither possible nor practical, what is the real goal here? In a policy statement on the corporate web page, the CEO of DevNW states:

As CEO of a white-led organization whose core work ... is inseparably linked to racial discrimination, oppression, and inequality, I acknowledge that if we are not using our resources to actively unwind that inequality, then we are part of the problem. ... we must also call out and take concrete actions to dismantle the deeper systemic racism that pervades our civic, social, and economic systems ... **Every neighborhood restricted to single family zoning perpetuates a history of housing discrimination and segregation...** (DevNW agenda, Exhibit C, p. 5-6; emphasis added)

With this information, we can see why this project makes no sense. DevNW is operating on a hidden agenda. It is not building affordable housing; it is just busting up zones for single family residences, zones to which DevNW is politically opposed.

The statistics for Grant Community School show that Grant Neighborhood is already well integrated with a good mix of nationalities and cultures. According to GreatSchools.org, Grant Community Elementary School student population is

- 40% European,
- 52% Hispanic,
- 3% mixed race, and
- 2% African American. (Exhibit D)

None of the students at Grant Community School are bused in from other neighborhoods. All those students live in Grant. We are fully and happily integrated, thank you, and we do not need DevNW's wrecking ball to bring us into the 21st Century.


DevNW is trying to fix something that isn't broken.

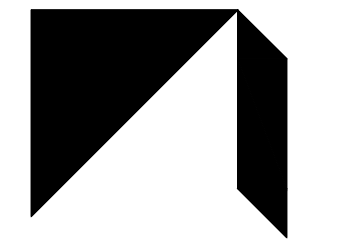


Mark H. DeCoursey

740 Shipping St. NE
Salem, Oregon 97301
Cell: 425 891 0440

Detail from p. 4 of 20 July 2020 drawing by GMA Architects submitted with a previous version of DevNW application.

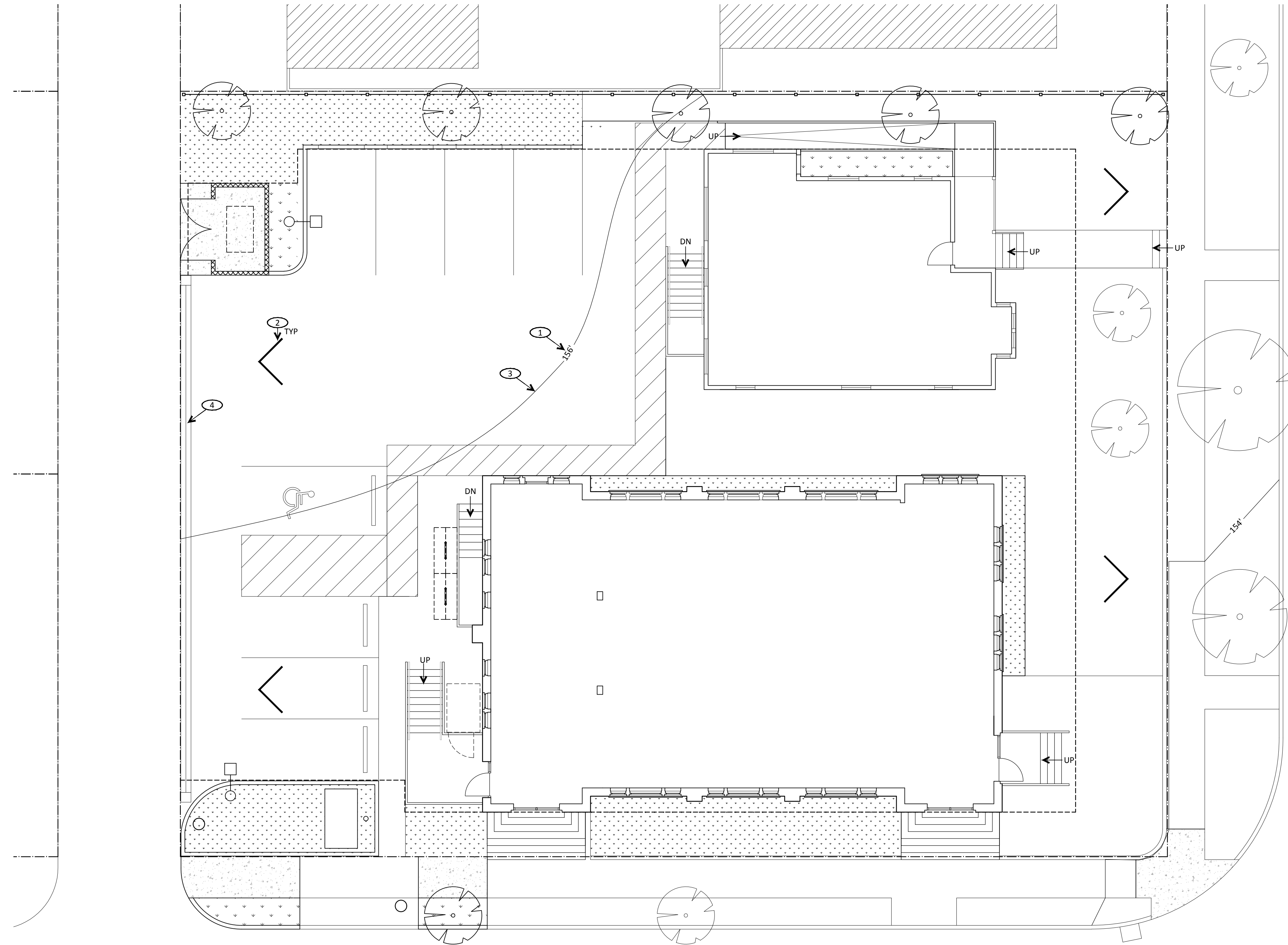
<p style="text-align: center;">E/ O/ S/ W/ S/ O/</p> <h2>VICINITY MAP</h2> <p>NTS</p> <p style="text-align: right;">905 & 925 COTTAGE ST NE </p>	
<h3>PROJECT INFORMATION</h3>	
<p>SITE ADDRESS 905 AND 925 COTTAGE ST NE SALEM, OR 97301</p> <p>MAP + PARCEL MAP: 07 3W 23CB PARCEL: 14300 - AREA 6,450 SF PARCEL: 14301 - AREA 6,450 SF TOTAL SITE AREA: 12,900 SF</p>	<p>OWNER DevNW 212 MAIN ST, SPRINGFIELD, OR 97477 (541) 345-7106 POC: EMILY REIMAN</p> <p>ARCHITECT GMA ARCHITECTS 860 W PARK ST #300, EUGENE, OR 97401 (541) 344-9157 POC: JOSEPH E. MOORE, AIA</p>
<h3>DESCRIPTION OF PROPOSAL</h3>	
<p>PROPOSED USE INCLUDES MULTIPLE FAMILY RESIDENTIAL DWELLING UNITS IN EXISTING BUILDINGS.</p> <p>SUBJECT PROPERTIES TOTAL COMBINED AREA EQUALS 12,900 SF. NO PROPOSED CHANGES TO EXISTING BUILDING FOOTPRINTS OR HEIGHTS. SELECTIVE INTERIOR RENOVATION AND SITE ALTERATION.</p> <p>EXISTING BUILDING "A" EQUALS APPROXIMATELY 6,269 SF FLOOR AREA AND IS CURRENTLY USED FOR RELIGIOUS ASSEMBLY. PROPOSED USE IN EXISTING BUILDING "A" INCLUDES APPROXIMATELY (14) DWELLING UNITS.</p> <p>EXISTING BUILDING "B" EQUALS APPROXIMATELY 1,978 SF FLOOR AREA AND IS CURRENTLY IN RESIDENTIAL USE. PROPOSED USE IN BUILDING "B" INCLUDES APPROXIMATELY (5) DWELLING UNITS.</p>	
<p>WORK INCLUDES (N) FOUNDATION, FRAMING, DOORS, WINDOWS, HARDWARE, PLUMBING, HVAC, ELECTRICAL, FINISHES, AND SITE IMPROVEMENTS TO RECONFIGURE PARKING AND LANDSCAPE AREAS, ACCESSIBILITY UPGRADES FOR VEHICLE AND PEDESTRIAN ACCESS, UPGRADES TO THE BUILDING EXTERIOR FOR ACCESS AND SAFETY, AND INTERIOR REMODEL. DESIGN FOR PROPOSED USES PRIORITIZES MAINTAINING THE HISTORIC CHARACTER OF THE EXISTING BUILDINGS.</p> <p>NOTE: INFORMATION IS APPROXIMATE AND COMPILED FROM AERIAL VIEWS, TAX MAPS, AND MINIMAL SITE OBSERVATION - DIMENSIONS AND LOCATIONS OF EXISTING ITEMS ARE APPROXIMATE</p>	
<h3>SUMMARY TABLE</h3>	
<p>SITE ZONING DESIGNATION : PROPOSED CHANGE FROM (RS) SINGLE FAMILY RESIDENTIAL TO (RH) MULTIPLE FAMILY HIGH-RISE RESIDENTIAL</p> <p>TOTAL SITE AREA : 12,900 SF</p>	



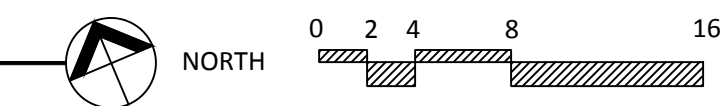
GMA ARCHITECTS
 860 West Park Street / Ste 300
 Eugene / Oregon / 97401
 p 541.344.9157
 gma-arch.com

PROPOSED SITE PLAN KEYNOTES

- ① INDICATES APPROX. GRADE ELEVATION
- ② INDICATES APPROX. GRADE SLOPE
- ③ INDICATES APPROX. TOPOGRAPHY CONTOURS AT 2' INTERVALS
- ④ (N) VALLEY GUTTER, SEE ALSO UTILITY PLAN



1 PROPOSED GRADING PLAN
 1/8" = 1'-0"



REVISIONS

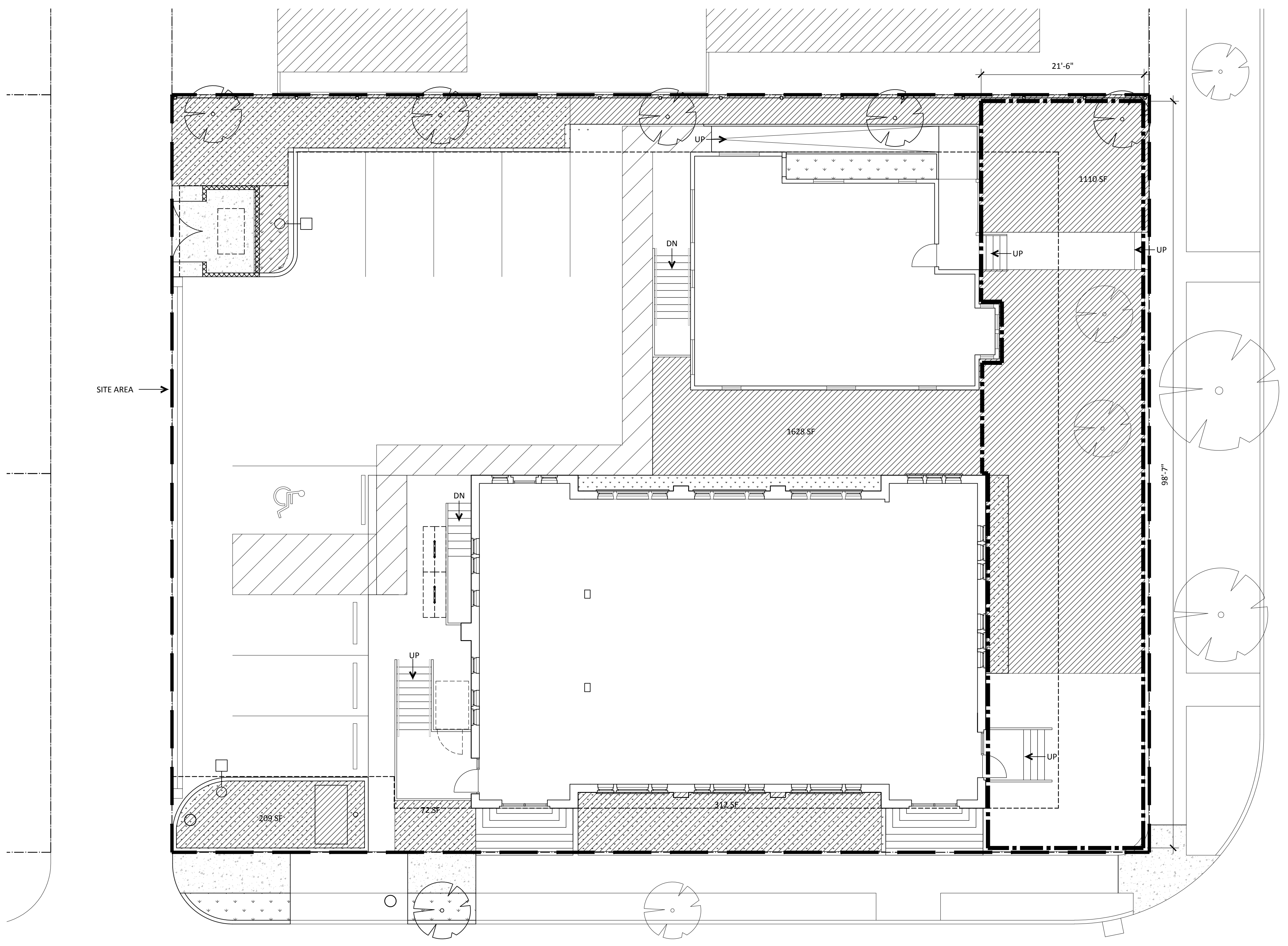
LAND USE REVIEW

DEVNW
 905 AND 925 COTTAGE ST NE SALEM, OR 97301
 BUILDING RENOVATION


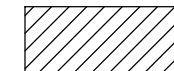

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PROPOSED
 GRADING PLAN

A330



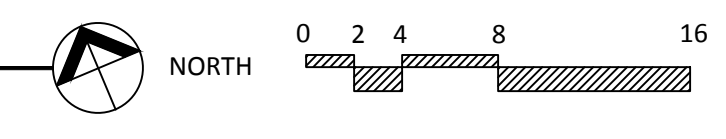
1 PROPOSED OPEN SPACE PLAN
 1/8" = 1'-0"

-  TOTAL SITE AREA : 12,900 SF
-  VEGETATED OPEN SPACE : 3,331 SF
-  COMMON OPEN SPACE (> 750 SF) : 2,040 SF

GRANT SCHOOL PARK LOCATED WITHIN 0.25 MILE FROM DEVELOPMENT SITE
 PER CITY OF SALEM STANDARDS SEC 702.020 (a)(1)(F) OPEN SPACE
 REQUIREMENT OF 30% MAY BE REDUCED TO 15% OF SITE AREA

% SITE DEDICATED TO OPEN SPACE (>15%) : 25.8%

NOTE: ENTIRE SITE IS W/IN THE 500 YEAR FLOODPLAIN
 MODERATE FLOOD RISK AREA



REVISIONS

LAND USE REVIEW

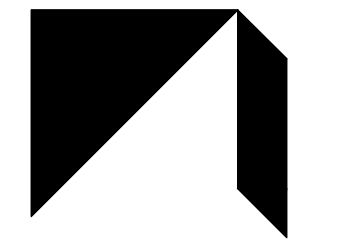
DEVNW

905 AND 925 COTTAGE ST NE SALEM, OR 97301
 BUILDING RENOVATION

JOB NO: 20222
 ISSUE DATE: 24 JULY 2020

PROPOSED OPEN
 SPACE PLAN

A340



PROPOSED LANDSCAPE PLAN KEYNOTES

- ① LAWN W/ AUTOMATIC IRRIGATION SYSTEM
- ② (E) TREE TO REMAIN
- ③ GROUND COVER & LOW SHRUB PLANTING AREA W/ AUTOMATIC IRRIGATION SYSTEM, MIN DENSITY OF 1 SHRUB PER 15 LINEAR FT OF EXTERIOR BUILDING WALL
- ④ (N) TREE, NATIVE SPECIES, MIN 2" IN CALIPER
- ⑤ (N) FENCE, SEE PROPOSED SITE PLAN
- ⑥ PAVED PARKING AREA
- ⑦ PAVED WALKWAY
- ⑧ DECORATIVE SHRUB AT DWELLING UNIT ENTRY

REVISIONS

- △ 12 AUG 2020
- △ 03 AUG 2020

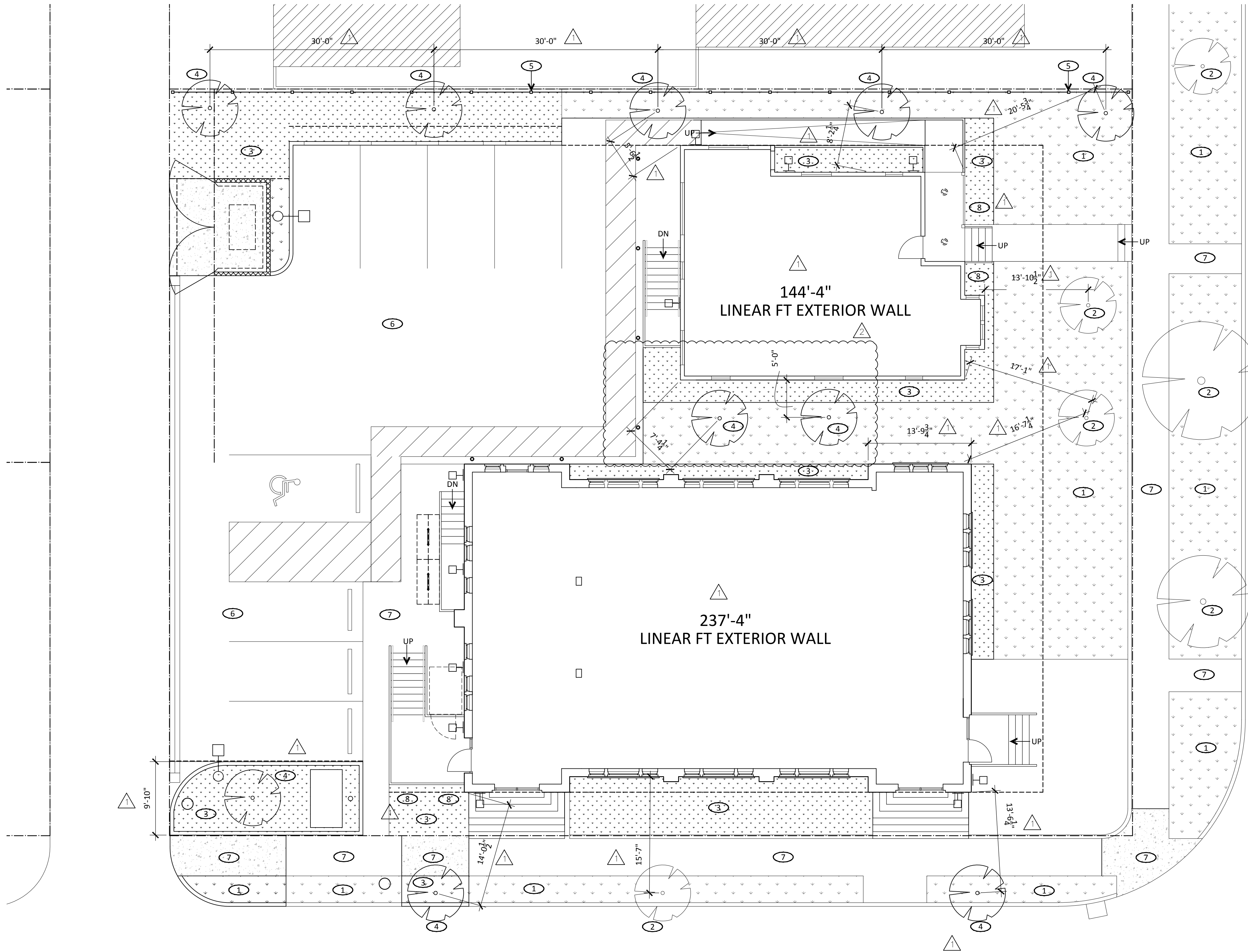
LAND USE REVIEW

DEVNW
905 AND 925 COTTAGE ST NE SALEM, OR 97301
BUILDING RENOVATION

JOB NO: 20222
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PROPOSED
LANDSCAPE PLAN

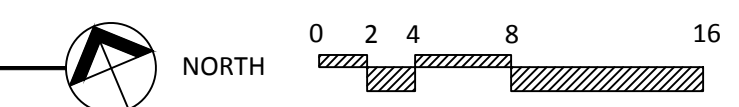
A320

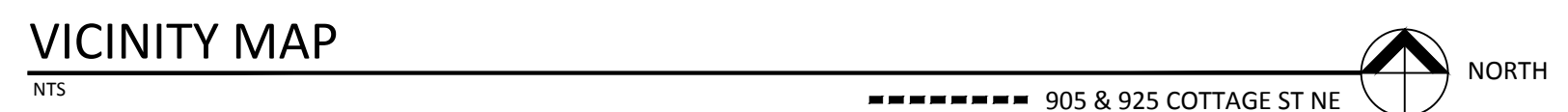


1 PROPOSED LANDSCAPE PLAN
1/8" = 1'-0"

△ 702.020(b) LANDSCAPING STANDARDS
TOTAL SITE AREA : 12,900 SF

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) REQUIRED: 12,900 / 2,000 = 6.45 TREES ON SITE.
PROVIDED ON SITE: 2 PRESERVED, 5 NEW | (5) SHRUBS PROVIDED AROUND BUILDING PERIMETER IN DESIGNATED
LANDSCAPE AREAS, 1 PLANT UNIT PER 15 LF OF EXTERIOR
BUILDING WALL |
| (2) (A) REQUIRED: ONE TREE FOR EVERY 30'-0" LINEAR FEET OF
ABUTTING PROPERTY (RS) ZONE, (E) 129' WIDTH
PROVIDED: 5 TREES
(B) REQUIRED: DECORATIVE FENCE ABUTTING (RS) ZONE
PROVIDED: 8'-0" HIGH WOOD FENCE, SEE ALSO SITE PLAN | (6) NO GROUND LEVEL PRIVATE OPEN SPACE PROVIDED |
| (3) DECORATIVE PLANTINGS PROVIDED AT COMMON DWELLING UNIT
ENTRIES | (7) (A) CANOPY TREES PROVIDED ALONG EVERY 50 FEET OF PERIMETER
OF PARKING AREAS AND AT PLANTER BAYS
(B) LANDSCAPE PLANTER BAY PROVIDED, MIN. 9 FEET IN WIDTH |
| (4) REQUIRED: 237'-4" / 60 = 4 X 10 = 40 PLANT UNITS
144'-4" / 60 = 2.5 X 10 = 25 PLANT UNITS
PROVIDED: 4 TREES 40 PLANT UNITS & 5 TREES 50 PLANT UNITS,
RESPECTIVELY, W/IN 25'-0" OF BUILDING PERIMETER | (8) MULTIPLE FAMILY DEVELOPMENT EXEMPT FROM LANDSCAPING
REQUIREMENTS IN SRC CHAPTER 806 |





PROJECT INFORMATION

SITE ADDRESS
 905 AND 925 COTTAGE ST NE
 SALEM, OR 97301

OWNER
 DevNW
 212 MAIN ST, SPRINGFIELD, OR 97477
 (541) 345-7106
 POC: EMILY REIMAN

ARCHITECT
 GMA ARCHITECTS
 860 W PARK ST #300, EUGENE, OR 97401
 (541) 344-9157
 POC: JOSEPH E. MOORE, AIA

MAP - PARCEL
 MAP: 07 3W 23CB
 PARCEL: 14300 - AREA 6,450 SF
 PARCEL: 14301 - AREA 6,450 SF
 TOTAL SITE AREA: 12,900 SF

DESCRIPTION OF PROPOSAL

PROPOSED USE INCLUDES MULTIPLE FAMILY RESIDENTIAL DWELLING UNITS IN EXISTING BUILDINGS.

SUBJECT PROPERTIES TOTAL COMBINED AREA EQUALS 12,900 SF. NO PROPOSED CHANGES TO EXISTING BUILDING FOOTPRINTS OR HEIGHTS. SELECTIVE INTERIOR RENOVATION AND SITE ALTERATION.

EXISTING BUILDING "A" EQUALS APPROXIMATELY 6,269 SF FLOOR AREA AND IS CURRENTLY USED FOR RELIGIOUS ASSEMBLY. PROPOSED USE IN EXISTING BUILDING "A" INCLUDES APPROXIMATELY (14) DWELLING UNITS.

EXISTING BUILDING "B" EQUALS APPROXIMATELY 1,978 SF FLOOR AREA AND IS CURRENTLY IN RESIDENTIAL USE. PROPOSED USE IN BUILDING "B" INCLUDES APPROXIMATELY (5) DWELLING UNITS.

WORK INCLUDES (N) FOUNDATION, FRAMING, DOORS, WINDOWS, HARDWARE, PLUMBING, HVAC, ELECTRICAL, FINISHES, AND SITE IMPROVEMENTS TO RECONFIGURE PARKING AND LANDSCAPE AREAS, ACCESSIBILITY UPGRADES FOR VEHICLE AND PEDESTRIAN ACCESS, UPGRADES TO THE BUILDING EXTERIOR FOR ACCESS AND SAFETY, AND INTERIOR REMODEL. DESIGN FOR PROPOSED USES PRIORITIZES MAINTAINING THE HISTORIC CHARACTER OF THE EXISTING BUILDINGS.

NOTE: INFORMATION IS APPROXIMATE AND COMPILED FROM AERIAL VIEWS, TAX MAPS, AND MINIMAL SITE OBSERVATION - DIMENSIONS AND LOCATIONS OF EXISTING ITEMS ARE APPROXIMATE

SUMMARY TABLE

SITE ZONING DESIGNATION : PROPOSED CHANGE FROM (RS) SINGLE FAMILY RESIDENTIAL TO (RH) MULTIPLE FAMILY HIGH-RISE RESIDENTIAL

TOTAL SITE AREA : 12,900 SF

GROSS FLOOR AREA BY USE :

- PARCEL 14300 - PROPOSED MULTIPLE FAMILY RESIDENTIAL USE - 6,269 SF
- PARCEL 14301 - PROPOSED MULTIPLE FAMILY RESIDENTIAL USE - 1,978 SF

BUILDING HEIGHT : PARCEL 14300 = 29'-6" FT, PARCEL 14301 = 24'-3" FT

ITEMIZED NUMBER OF PARKING STALL : TOTAL 8

- FULL SIZED : 5
- COMPACT : 3
- HANDICAPPED : 1

TOTAL LOT COVERAGE PROPOSED : TOTAL 9,446 SF

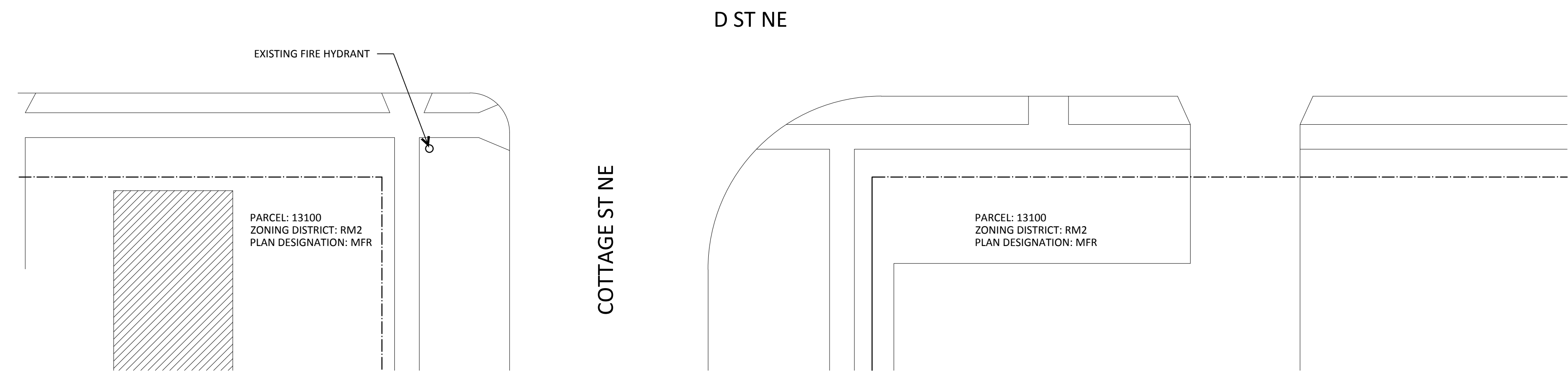
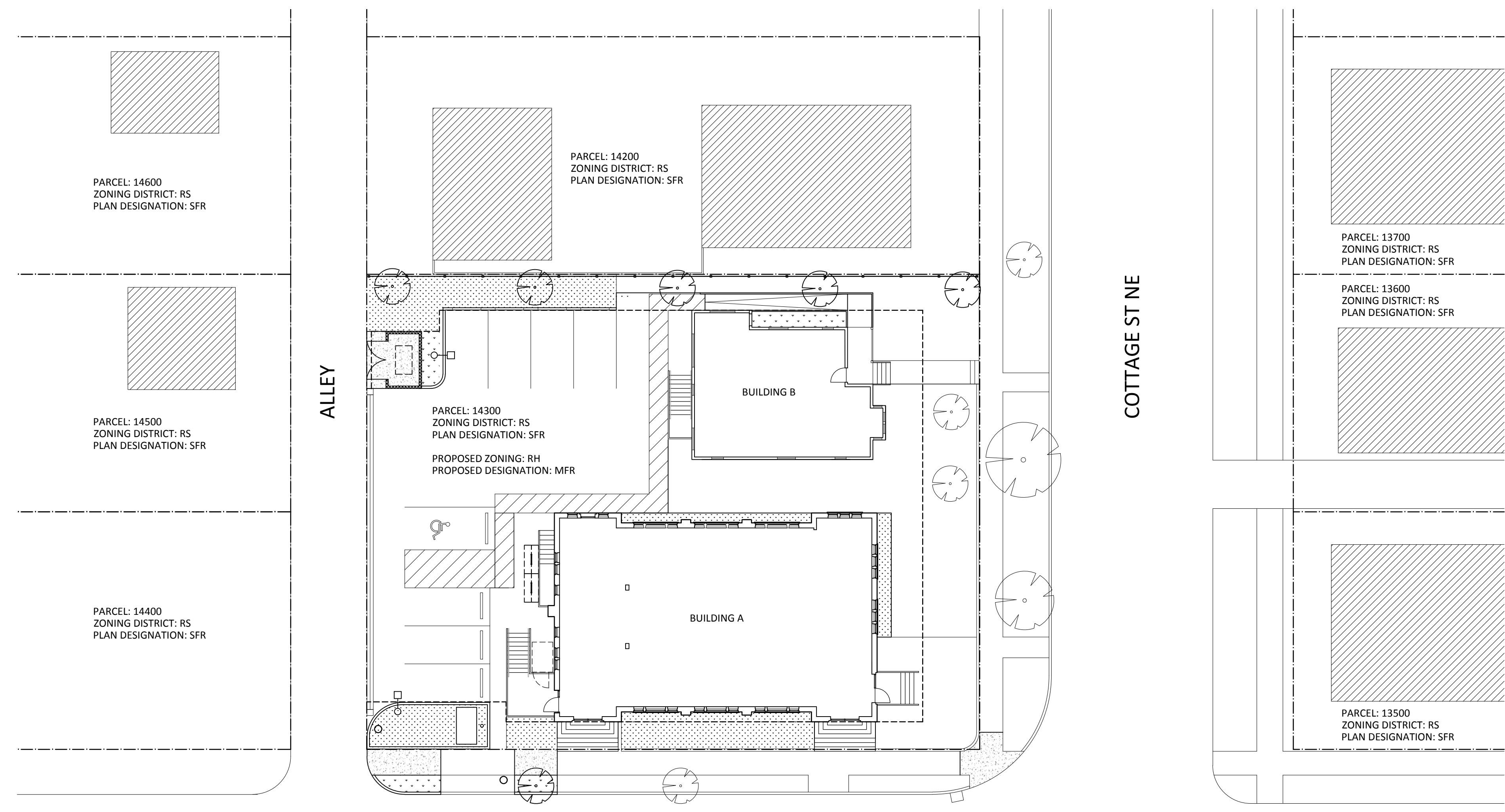
- PAVED : 5,567 SF
- BUILDING FOOTPRINT : 3,879 SF

NOTE: NO CHANGE TO EXISTING BUILDING FOOTPRINT

TRANSPORTATION IMPACT & TRIP GENERATION

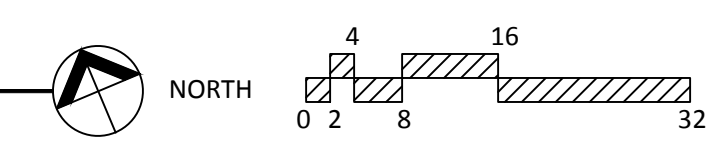
TRANSPORTATION IMPACT ANALYSIS
 NOT APPLICABLE

TRIP GENERATION ESTIMATE
 SEE ATTACHED "SALEM COTTAGE STREET TRANSPORTATION PLANNING RULE ANALYSIS" FOR FULL REPORT
 PROPOSED ZONING AND DEVELOPMENT TRIP ESTIMATE INDICATES A TRIP INCREASE LESS THAN 400



1 PROJECT SITE CONTEXT
 1/16" = 1'-0"

RM2/ MFR - MULTI FAMILY RESIDENTIAL
 RS/ SFR - SINGLE FAMILY RESIDENTIAL



SHEET LIST

G100	COVER SHEET	A330	PROPOSED GRADING PLAN
G200	ASSEMBLIES	A340	PROPOSED OPEN SPACE PLAN
A110	EXISTING CONDITIONS PLAN	A410	SCHEMATIC UNIT PLANS
A210	PROPOSED SITE PLAN	A510	LOT 14300 EXTERIOR ELEVATIONS
A310	PRELIMINARY UTILITY PLAN	A520	LOT 14300 EXTERIOR ELEVATIONS
A320	PROPOSED LANDSCAPE PLAN	A530	LOT 14301 EXTERIOR ELEVATIONS

REVISIONS

LAND USE REVIEW

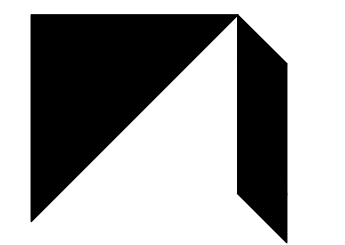
DEVNW
 905 AND 925 COTTAGE ST NE SALEM, OR 97301
 BUILDING RENOVATION

JOB NO: 20222
 ISSUE DATE: 24 JULY 2020

COVER

G100

C:\Users\138029\GMA_ARCHITECTS\front Desk - ProjectCloud\2022\DevNW 905 Cottage St NE\2022\DevNW 905 Cottage St NE Application.dwg, Copyright GMA ARCHITECTS



GMA ARCHITECTS
860 West Park Street / Ste 300
Eugene / Oregon / 97401
p 541.344.9157
gma-arch.com

DESCRIPTION OF EXISTING ASSEMBLIES

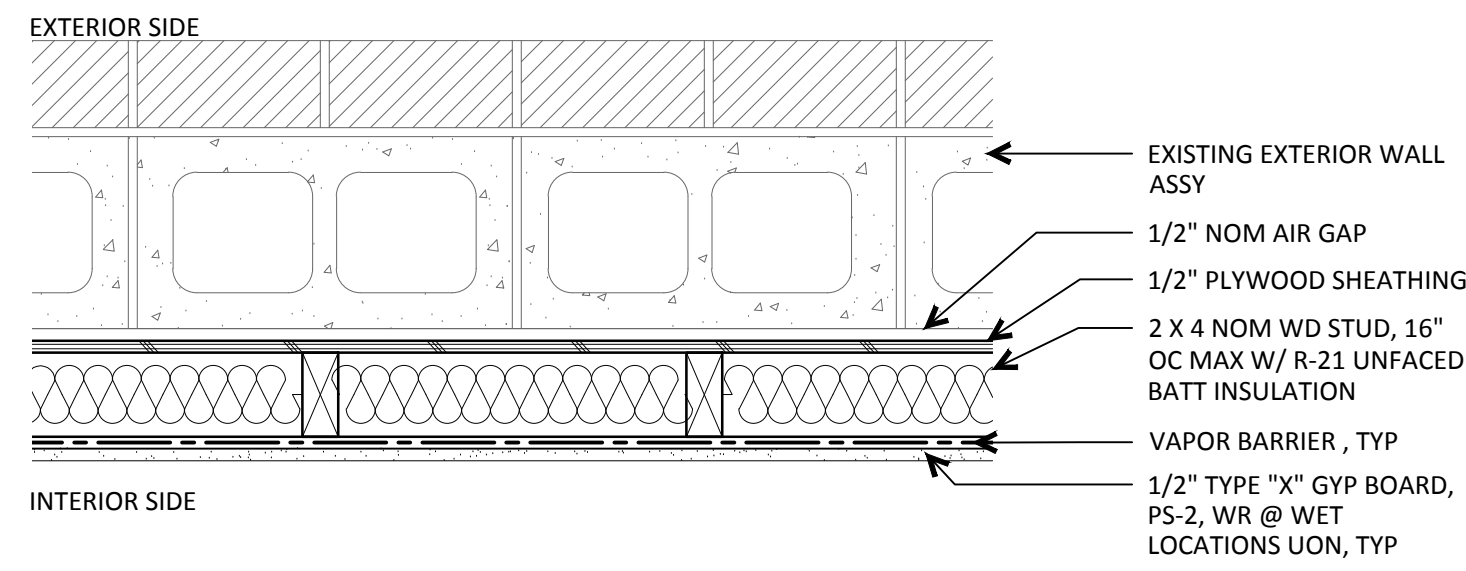
THE BUILDING IS AN EARLY 1900'S VINTAGE CHURCH WITH A SLOPED WOOD FRAMED FLOOR SYSTEM IN THE MAIN SANCTUARY WITH A CHOIR LOFT AT THE EAST AND A SMALL OFFICE/MECH MEZZ ABOVE THE PROSCENIUM.

ALL IS ABOVE A FULL HEIGHT BASEMENT. THE BASEMENT IS CONCRETE FULL HEIGHT RETAINING WALLS.

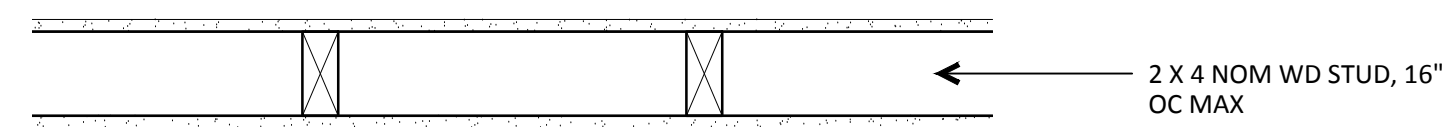
THE EXTERIOR WALLS ARE MULTI-WYTHE BRICK ABOVE THE CEILING OF THE SANCTUARY AND PRESUMABLY ARE A SINGLE WYTHE OF BRICK OVER HOLLOW CLAY TILE BELOW THIS LEVEL FOR THE SANCTUARY.

THE ROOF IS HEAVY TIMBER WOOD TRUSSES.

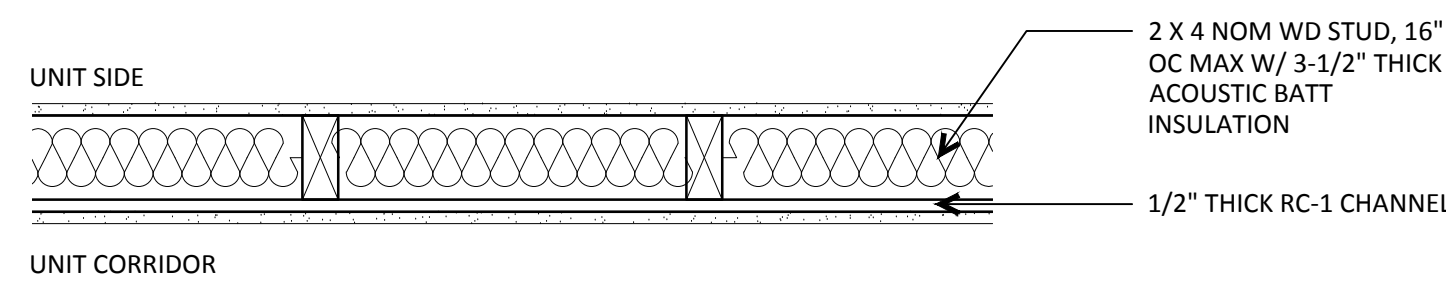
PROPOSED ASSEMBLIES



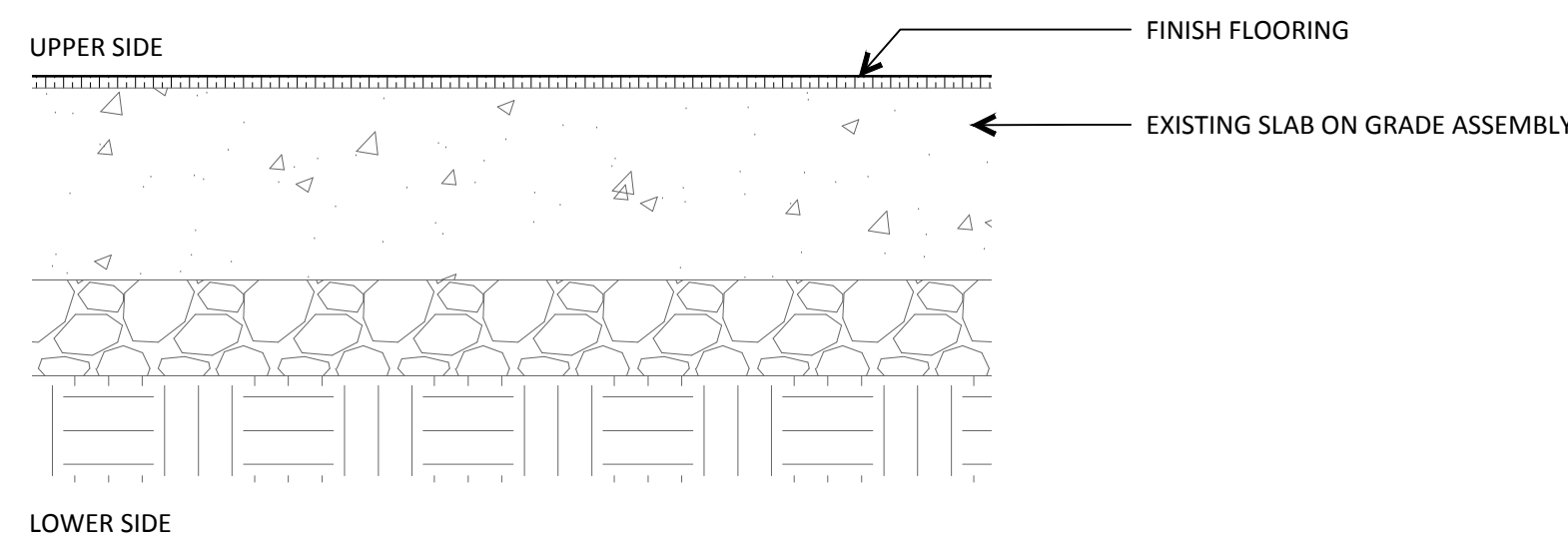
A WALL TYPE A - TYPICAL FURING WALL @ EXTERIOR A
1 1/2" = 1'-0" 1/2" HOUR FIRE RATED



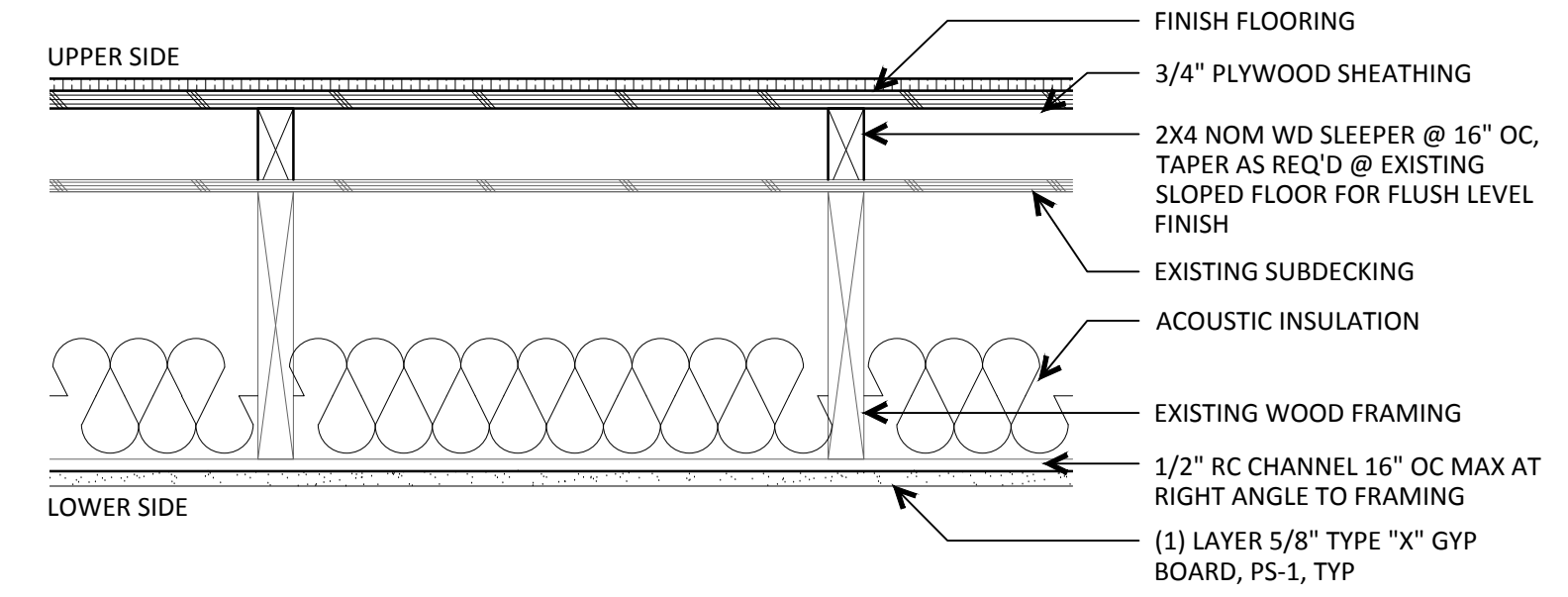
B WALL TYPE B - TYPICAL INTERIOR WALL B
1 1/2" = 1'-0"



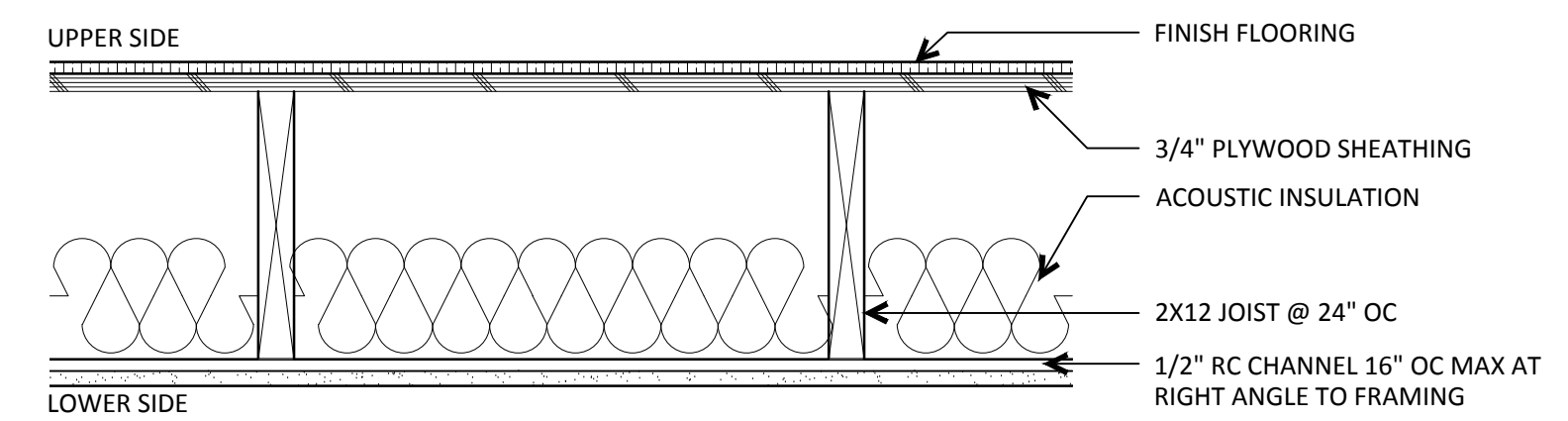
C WALL TYPE C - TYPICAL UNIT DEMISING & CORRIDOR WALL C
1 1/2" = 1'-0" 1/2" HOUR FIRE RATED



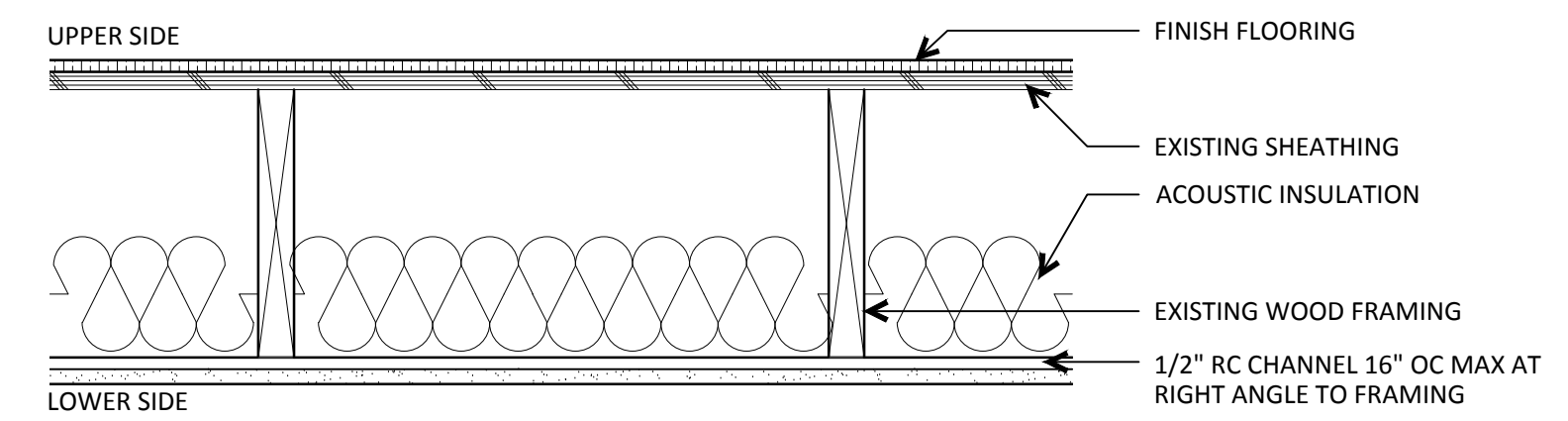
1 FLOOR ASSEMBLY 1 - BASEMENTS F1
1 1/2" = 1'-0"



2 PARCEL 14300 FLOOR ASSEMBLY 2 - GROUND FLOOR F2
1 1/2" = 1'-0" 1/2" HOUR FIRE RATED



3 PARCEL 14300 FLOOR ASSEMBLY 3 - SECOND FLOOR F3
1 1/2" = 1'-0" 1/2" HOUR FIRE RATED



4 PARCEL 14301 FLOOR ASSEMBLY 4 - GROUND & SECOND FLOOR F4
1 1/2" = 1'-0" 1/2" HOUR FIRE RATED

REVISIONS

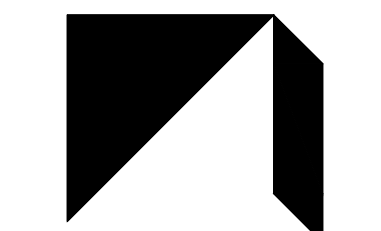
LAND USE REVIEW

DEVNW
905 AND 925 COTTAGE ST NE SALEM, OR 97301
BUILDING RENOVATION

JOB NO: 20222
ISSUE DATE: 24 JULY 2020

ASSEMBLIES

G200



PROPOSED SITE PLAN KEYNOTES

- 1 SETBACK
- 2 (N) 8'-0" HIGH WOOD FENCE
- 3 (N) PARKING BUMPER
- 4 (N) CONCRETE CURB TO MATCH CITY OF SALEM STANDARD
- 5 PATCH LAWN AS REQ'D FOR CONTINUOUS LAWN MOW STRIP
- 6 (N) BIKE PARKING
- 7 (N) SIDEWALK AND ADA RAMP TO MEET CITY OF SALEM STANDARD
- 8 PROPERTY LINE
- 9 LANDSCAPE AREA, SEE LANDSCAPE PLAN
- 10 (N) PAVEMENT MARKING
- 11 (N) AC PAVING OVER COMPACT ROCK FILL SUBGRADE
- 12 (N) STAIR, SEE FLOOR PLAN
- 13 (N) RAMP W/ HANDRAIL
- 14 (N) CONCRETE WALKWAY
- 15 (N) LANDING, STAIRS W/ RAILING, LIFT
- 16 (N) TWO WAY ADA CURB RAMP AT SIDEWALK TO MEET CITY OF SALEM STANDARDS
- 17 (N) TREE PLANTING TO MATCH THE CITY OF SALEM STANDARDS
- 18 (N) SIDEWALK AND RAMP TO MEET CITY OF SALEM STANDARD
- 19 (E) TREE
- 20 ACCESSIBLE PARKING SPACE W/ SIGNAGE, ACCESS AISLE
- 21 (N) 4" CONCRETE PAD
- 22 (N) MASONRY TRASH ENCLOSURE W/ ROOF, SWINGING GATES (MIN 120 DEGREE SWING), & FIXED INTERIOR BUMPER RAIL, SEE ELEVATIONS
- 23 EXISTING LAWN AREA, PATCH AS REQ'D BY (N) WORK
- 24 (N) WINDOW WELL W/ CONC RETAINING WALL, SEE ELEVATIONS
- 25 (N) LANDING 30" MAX ABOVE SURROUNDING GRADE
- 26 (E) POWER POLE
- 27 APPROX LOCATION/ (N) 16'-0" TALL LIGHT POLE ON CONCRETE BASE W/ SINGLE HEAD FIXTURE, FULL CUT-OFF FIXTURE DESIGN
- 28 (N) 36" TALL BOLLARD W/ DOWN-FACING PATHWAY LIGHTING
- 29 (N) WALL-MOUNT LIGHT FIXTURE, SEE ALSO EXTERIOR ELEVATIONS
- 30 (E) CEILING MOUNT LIGHT FIXTURE TO REMAIN
- 31 (N) WALL-MOUNT LIGHT FIXTURE @ (E) LOCATION, SEE ALSO EXTERIOR ELEVATIONS
- 32 (N) 6"x3.5" TRASH RECEPTACLE W/ 1.5" MIN CLR BTWN WALL & RECEPTACLE
- 33 (N) FIXED BUMPER RAIL ABOVE

REVISIONS

03 AUG 2020

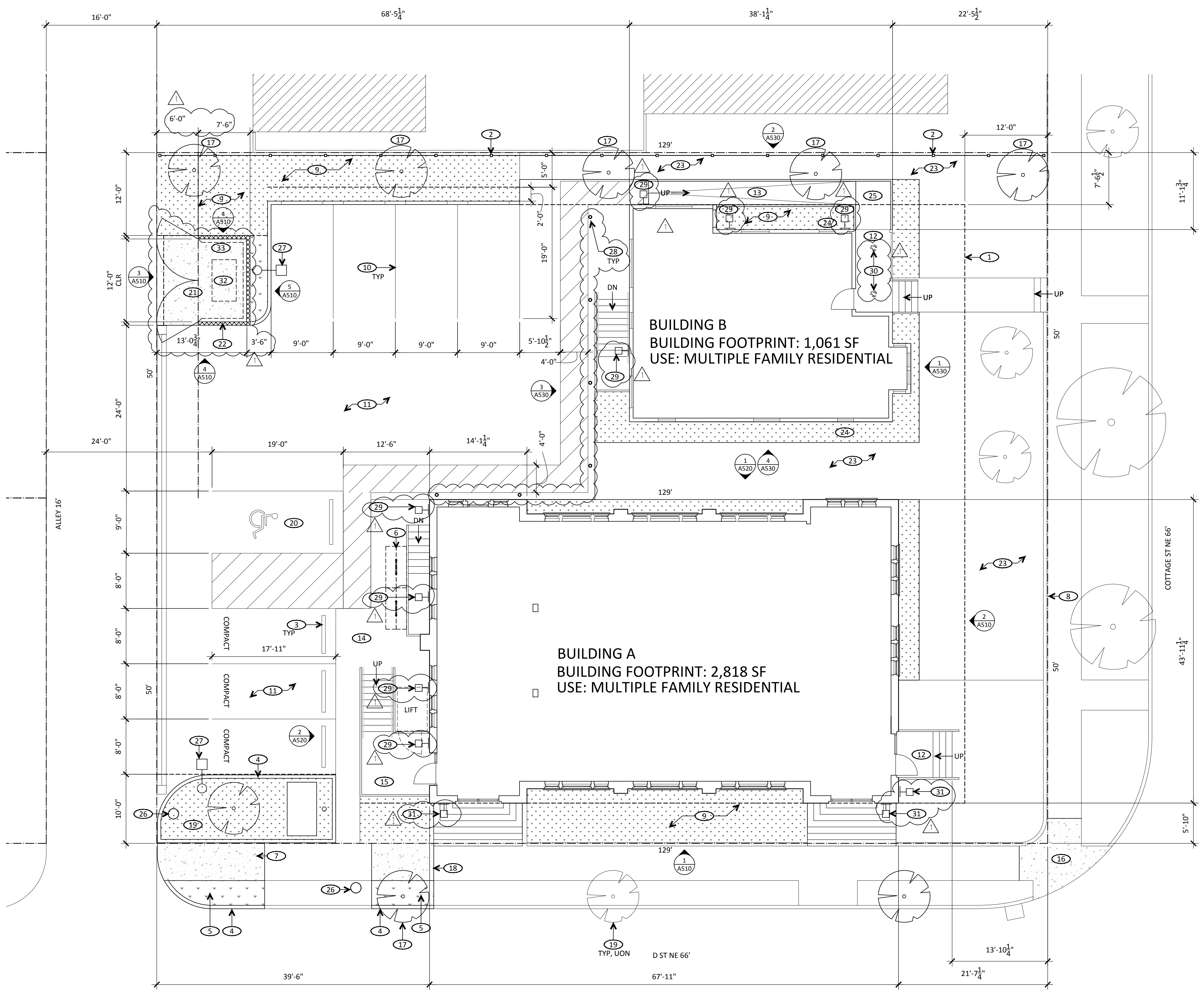
LAND USE REVIEW

DEVNW
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BUILDING RENOVATION

JOB NO: 20222
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SITE PLAN

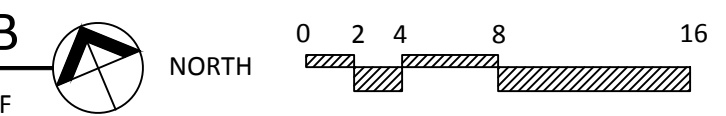
A210



1 PROPOSED SITE PLAN
1/8" = 1'-0"

MAP NUMBER: 07 3W 23CB

LOT 14300 & LOT 14301 TOTAL COMBINED SITE AREA: 12,900 SF



PROPOSED LANDSCAPE PLAN KEYNOTES

- ① LAWN W/ AUTOMATIC IRRIGATION SYSTEM
- ② (E) TREE TO REMAIN
- ③ GROUND COVER & LOW SHRUB PLANTING AREA W/ AUTOMATIC IRRIGATION SYSTEM, MIN DENSITY OF 1 SHRUB PER 15 LINEAR FT OF EXTERIOR BUILDING WALL
- ④ (N) TREE, NATIVE SPECIES, MIN 2" IN CALIPER
- ⑤ (N) FENCE, SEE PROPOSED SITE PLAN
- ⑥ PAVED PARKING AREA
- ⑦ PAVED WALKWAY
- ⑧ DECORATIVE SHRUB AT DWELLING UNIT ENTRY

REVISIONS

△ 03 AUG 2020

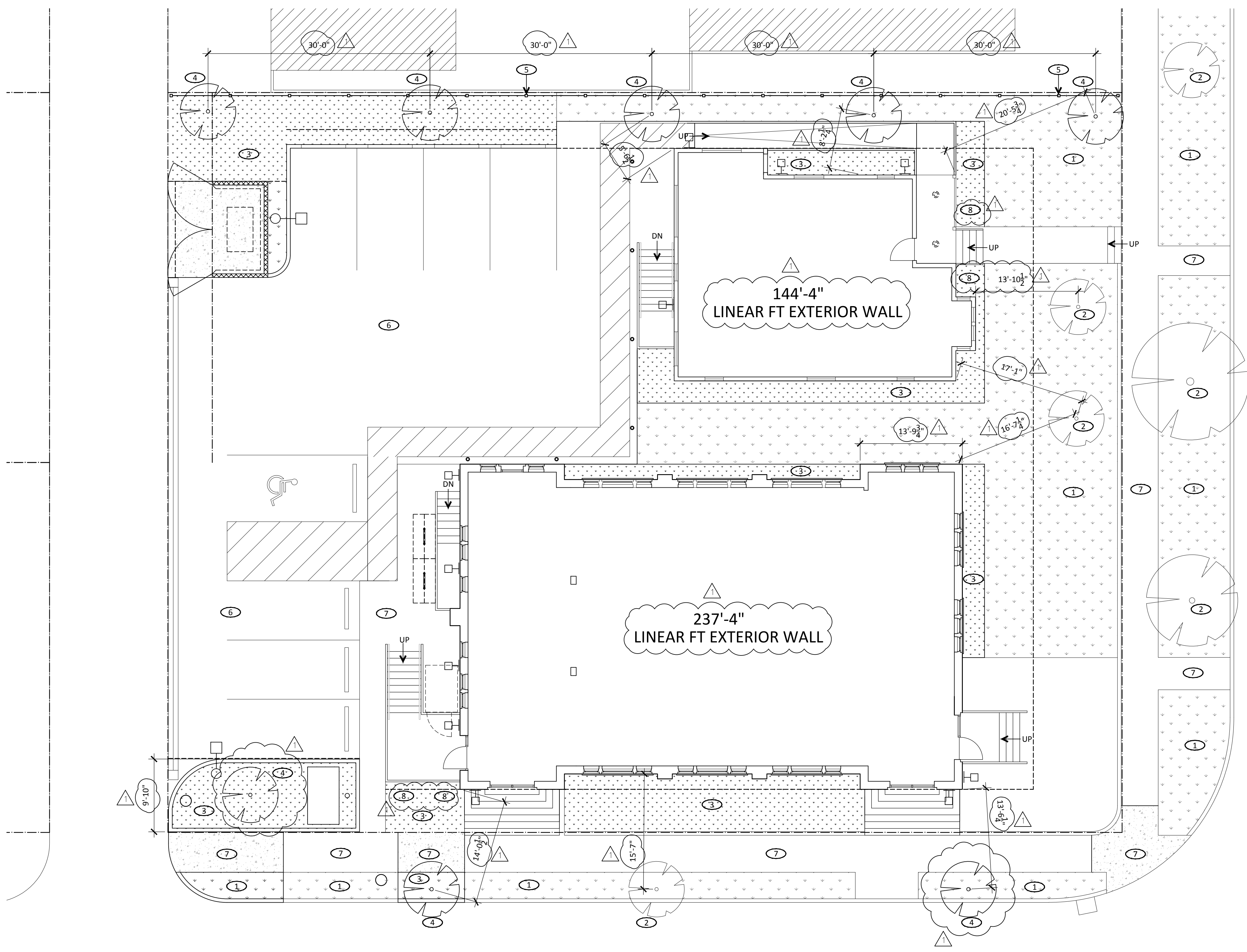
LAND USE REVIEW

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 BUILDING RENOVATION

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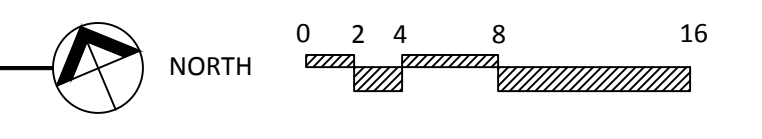
PROPOSED
 LANDSCAPE PLAN

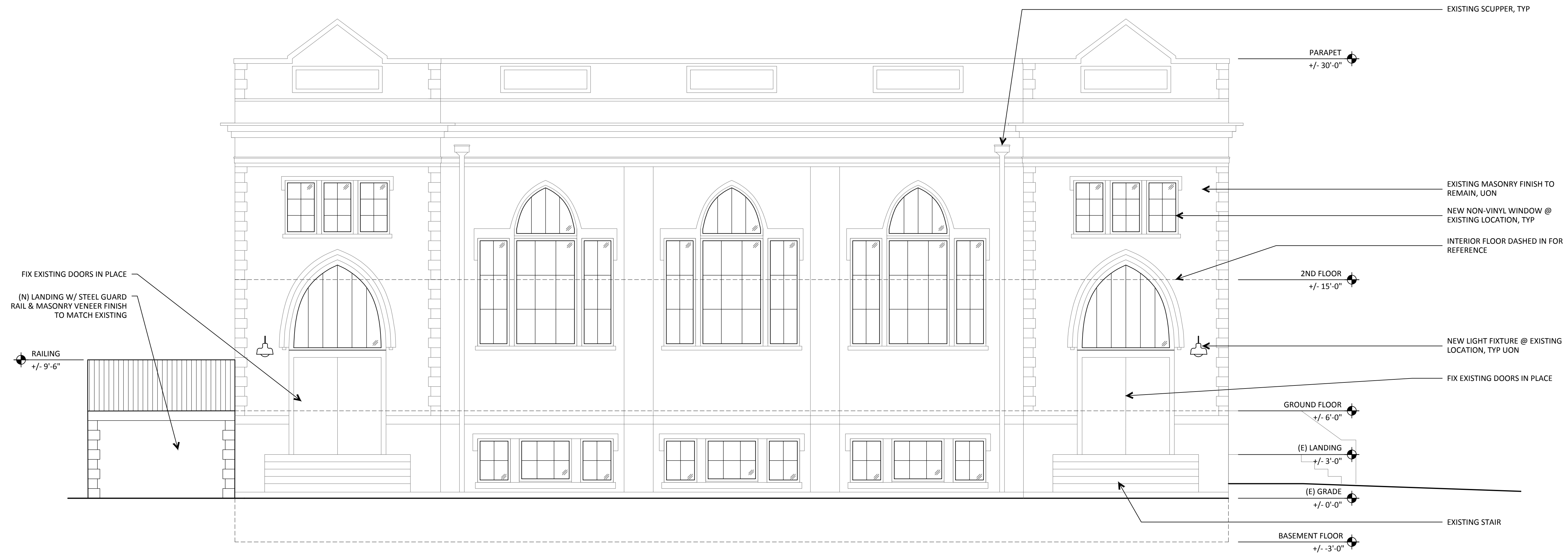
A320



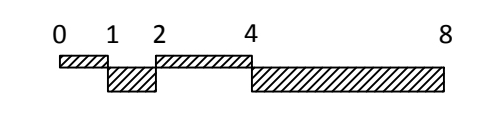
1 PROPOSED LANDSCAPE PLAN
 1/8" = 1'-0"

- 702.020(b) LANDSCAPING STANDARDS
 TOTAL SITE AREA : 12,900 SF
- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) REQUIRED: 12,900 / 2,000 = 6.45 TREES ON SITE.
PROVIDED ON SITE: 2 PRESERVED, 5 NEW | (5) SHRUBS PROVIDED AROUND BUILDING PERIMETER IN DESIGNATED LANDSCAPE AREAS, 1 PLANT UNIT PER 15 LF OF EXTERIOR BUILDING WALL |
| (2) (A) REQUIRED: ONE TREE FOR EVERY 30'-0" LINEAR FEET OF ABUTTING PROPERTY (RS) ZONE, (E) 129' WIDTH
PROVIDED: 5 TREES
(B) REQUIRED: DECORATIVE FENCE ABUTTING (RS) ZONE
PROVIDED: 8'-0" HIGH WOOD FENCE, SEE ALSO SITE PLAN | (6) NO GROUND LEVEL PRIVATE OPEN SPACE PROVIDED |
| (3) DECORATIVE PLANTINGS PROVIDED AT COMMON DWELLING UNIT ENTRIES | (7) (A) CANOPY TREES PROVIDED ALONG EVERY 50 FEET OF PERIMETER OF PARKING AREAS AND AT PLANTER BAYS
(B) LANDSCAPE PLANTER BAY PROVIDED, MIN. 9 FEET IN WIDTH |
| (4) REQUIRED: 237'-4" / 60 = 4 X 10 = 40 PLANT UNITS
144'-4" / 60 = 2.5 X 10 = 25 PLANT UNITS
PROVIDED: 4 TREES 40 PLANT UNITS & 5 TREES 50 PLANT UNITS, RESPECTIVELY, W/IN 25'-0" OF BUILDING PERIMETER | (8) MULTIPLE FAMILY DEVELOPMENT EXEMPT FROM LANDSCAPING REQUIREMENTS IN SRC CHAPTER 806 |

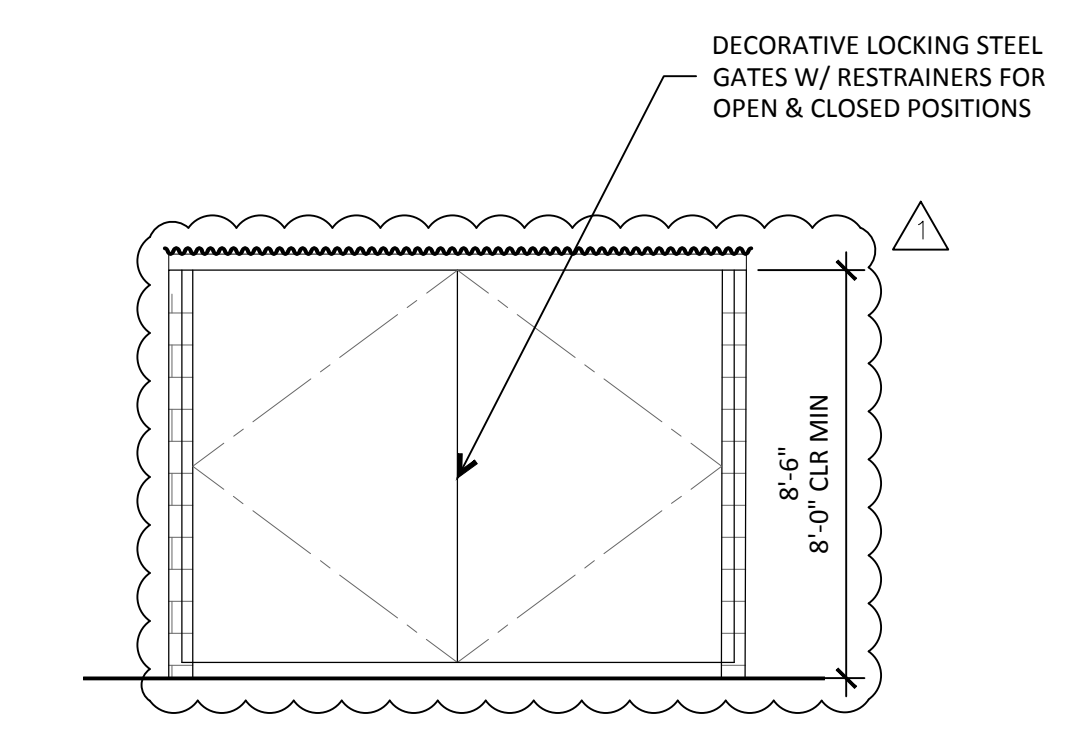




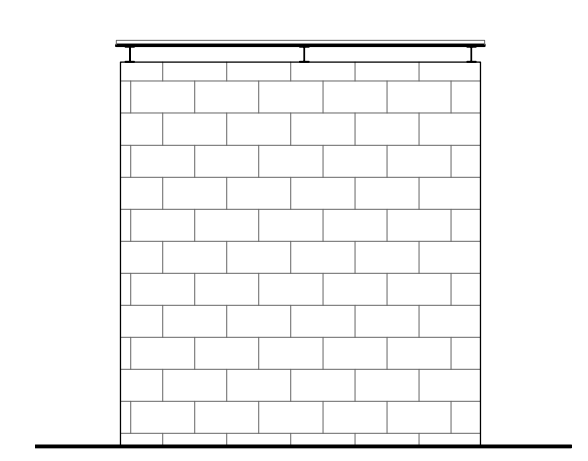
1 BUILDING "A" ELEVATION - SOUTH
 1/4" = 1'-0"



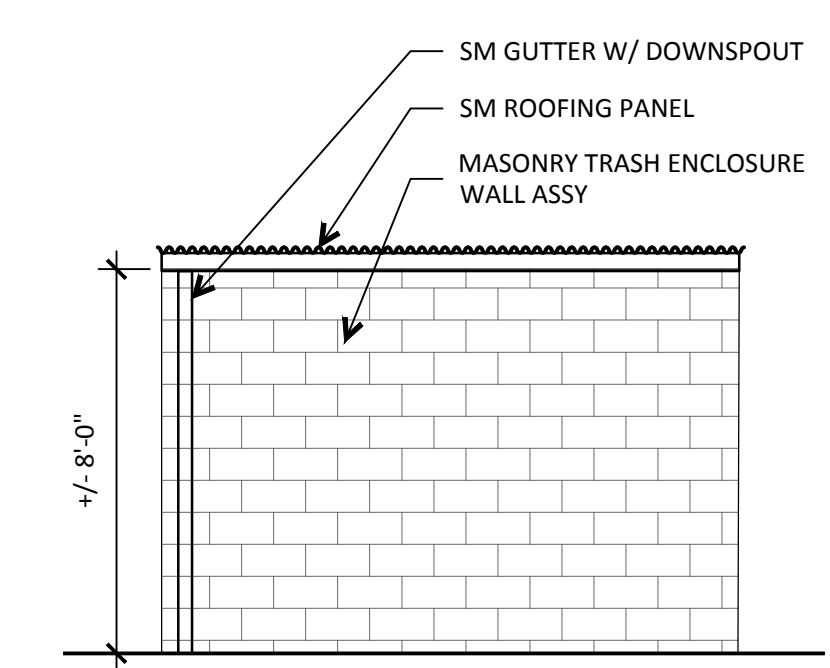
2 BUILDING "A" ELEVATION - EAST
 1/16" = 1'-0"



3 TRASH ENCLOSURE - WEST
 1/16" = 1'-0"



4 TRASH ENCLOSURE - NORTH
 1/16" = 1'-0"



5 TRASH ENCLOSURE - EAST
 1/16" = 1'-0"

REVISIONS

03 AUG 2020

LAND USE REVIEW

DEVNW

905 AND 925 COTTAGE ST NE SALEM, OR 97301
 BUILDING RENOVATION

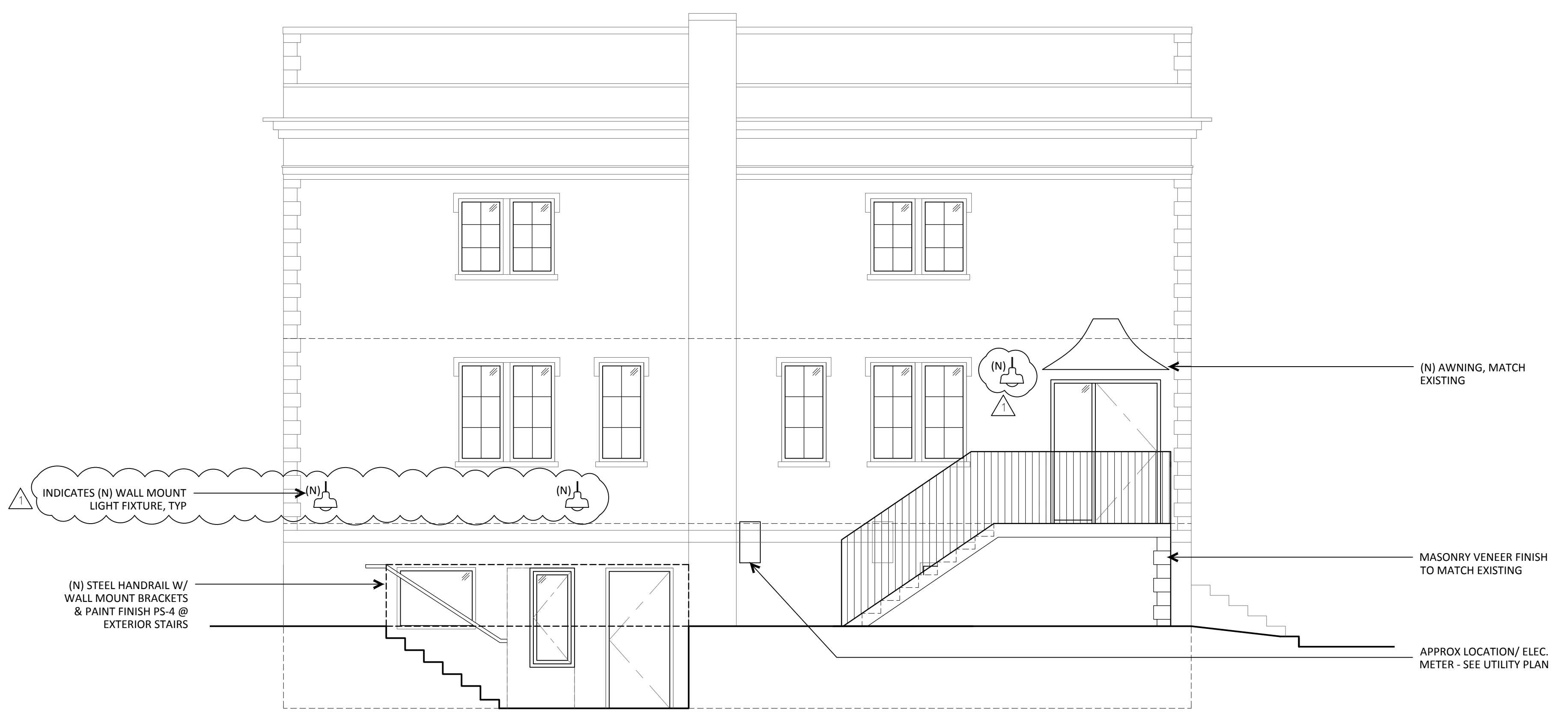
JOB NO: 20222
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BUILDING "A"
 EXTERIOR
 ELEVATIONS

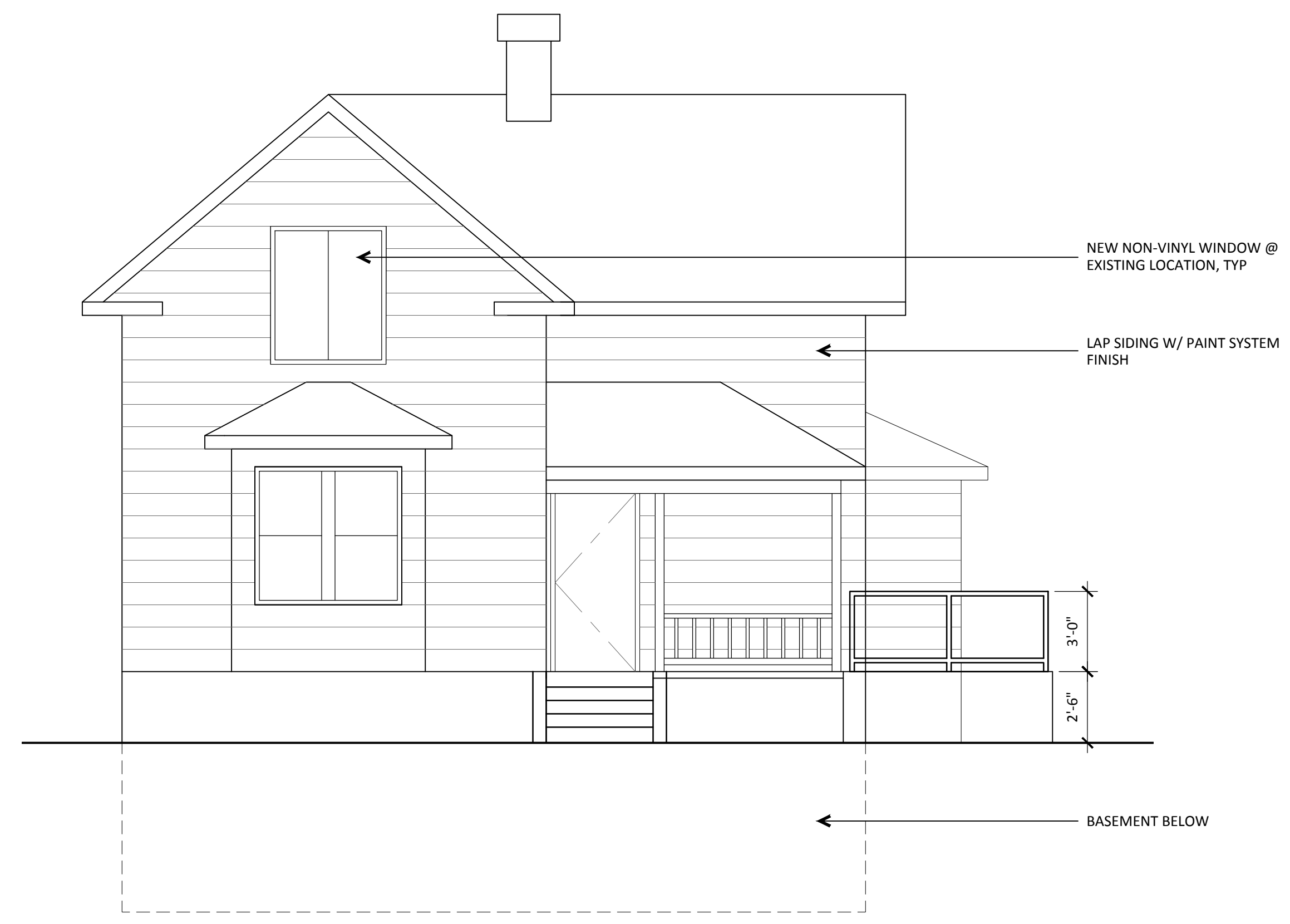
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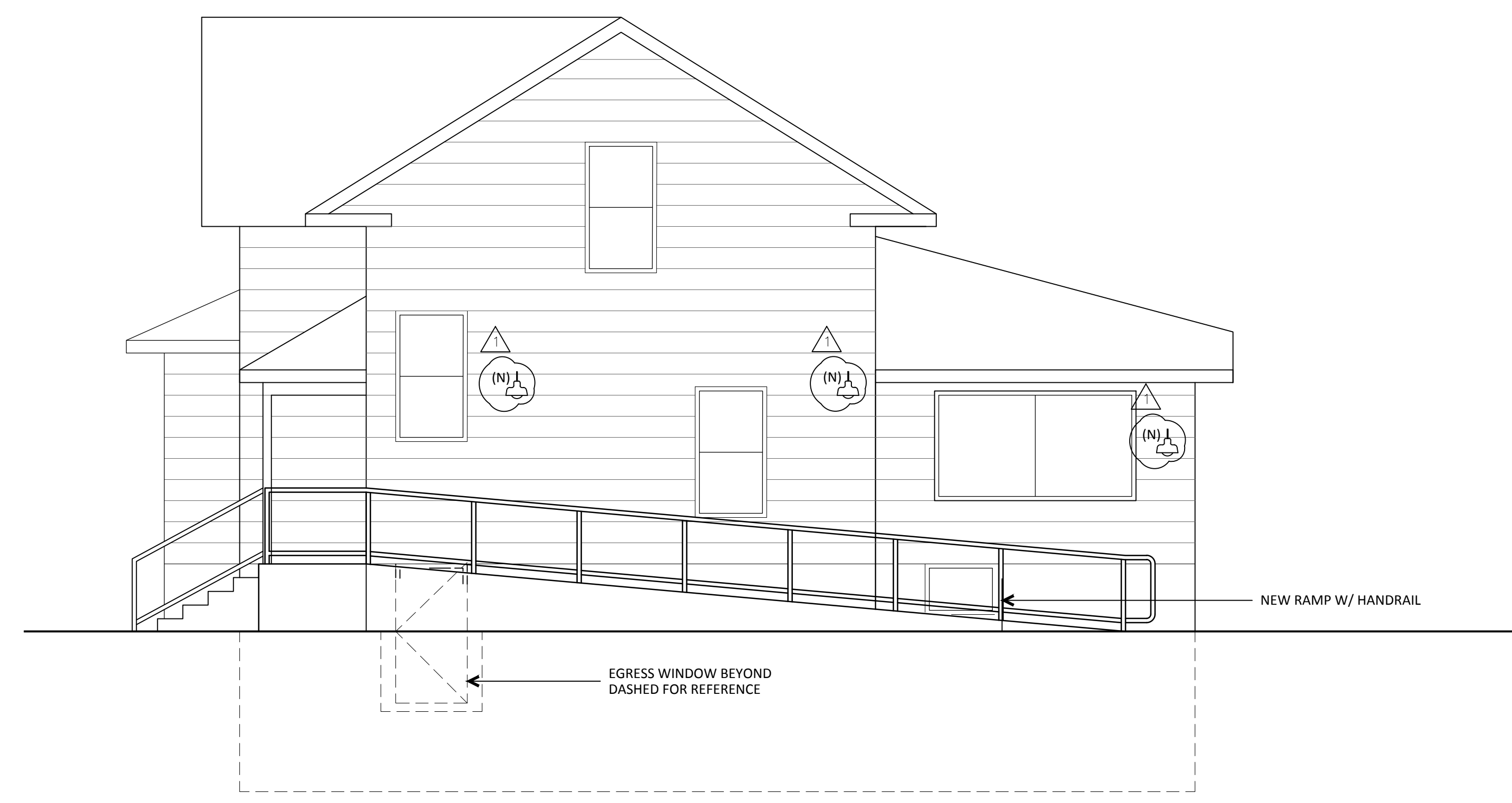
1 BUILDING "A" ELEVATION - NORTH
 1/4" = 1'-0"



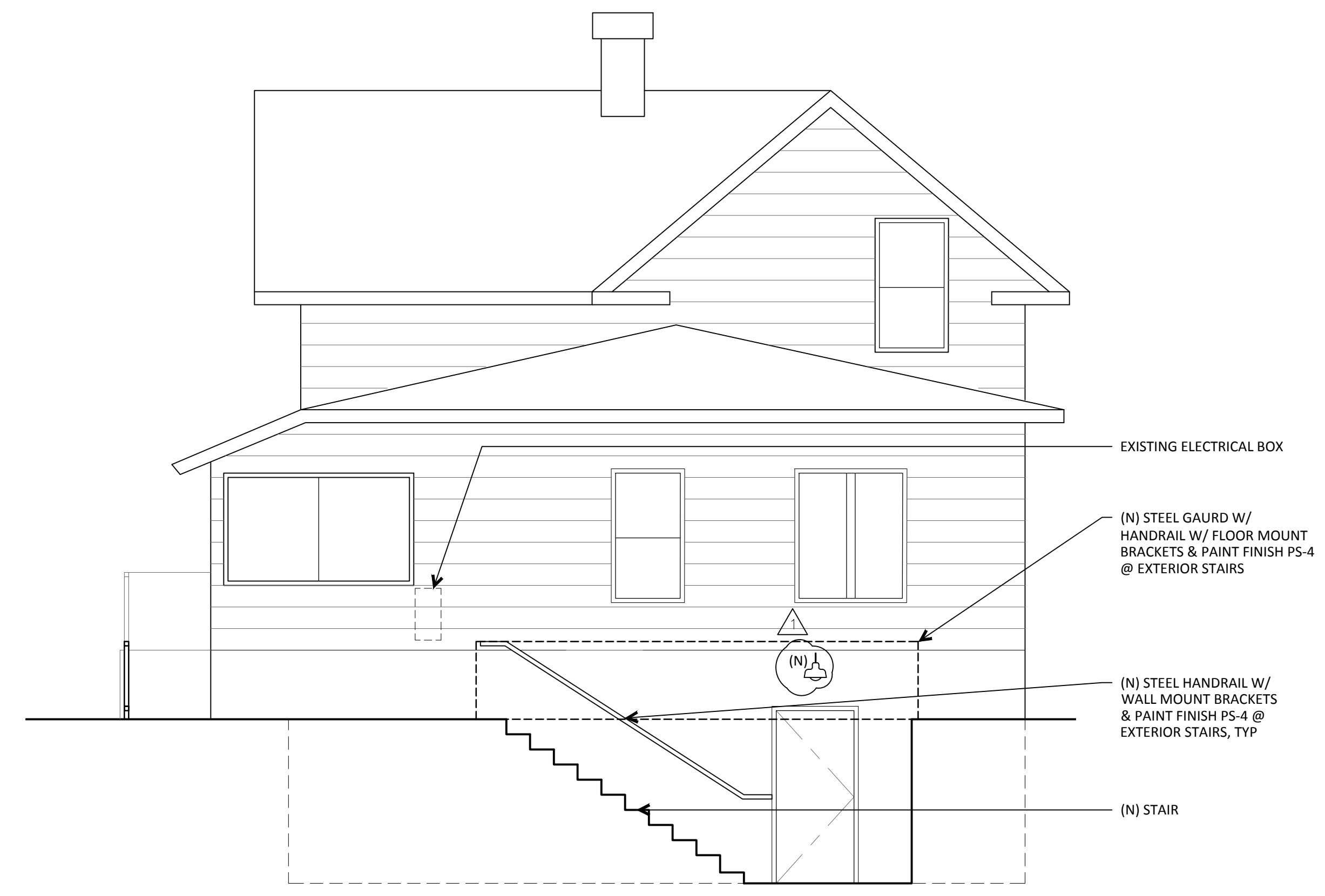
2 BUILDING "A" ELEVATION - WEST
 1/4" = 1'-0"



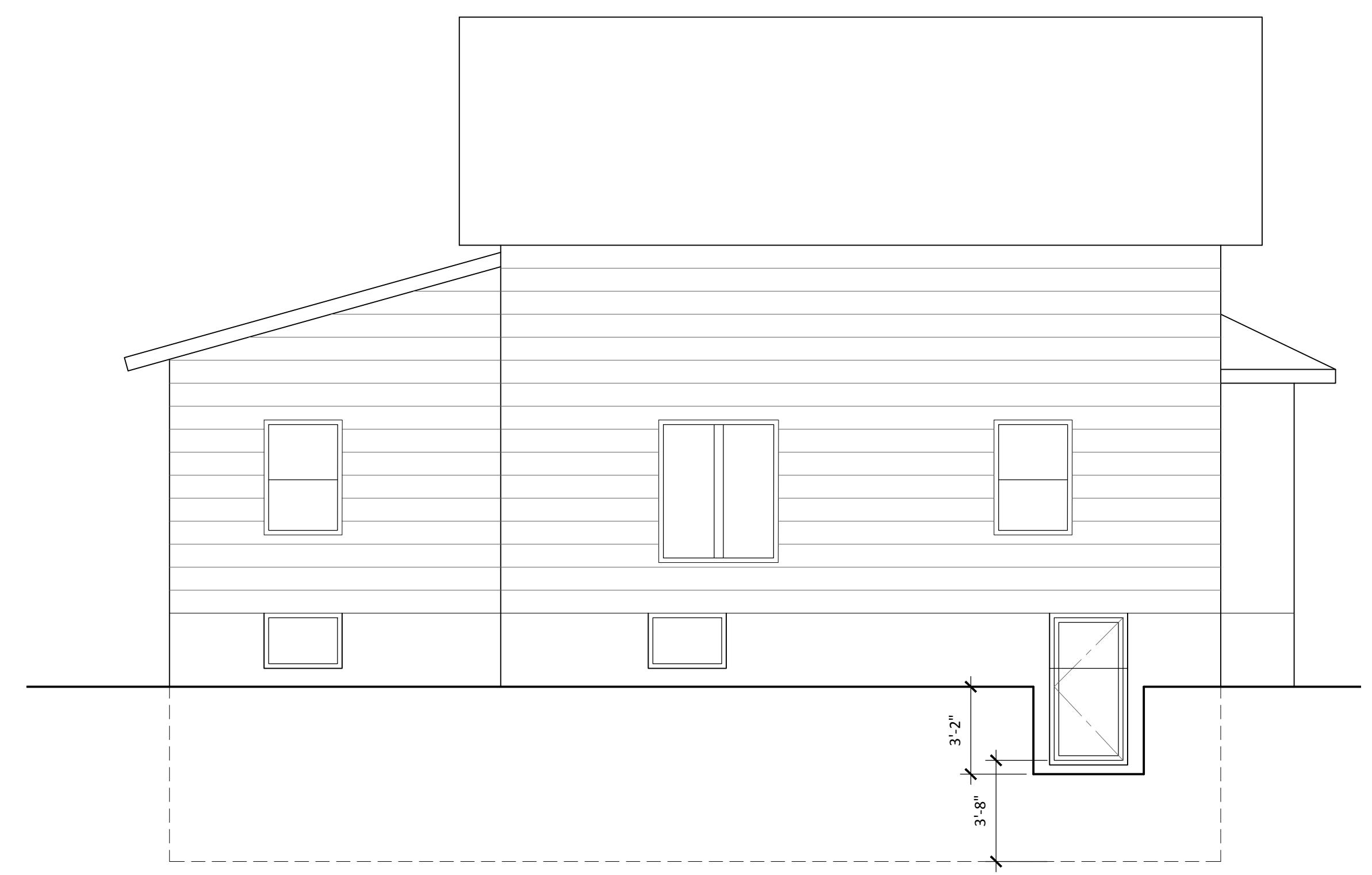
1 BUILDING "B" ELEVATION - EAST
 1/4" = 1'-0"



2 BUILDING "B" ELEVATION - NORTH
 1/4" = 1'-0"



3 BUILDING "B" ELEVATION - WEST
 1/16" = 1'-0"



4 BUILDING "B" ELEVATION - SOUTH
 1/16" = 1'-0"

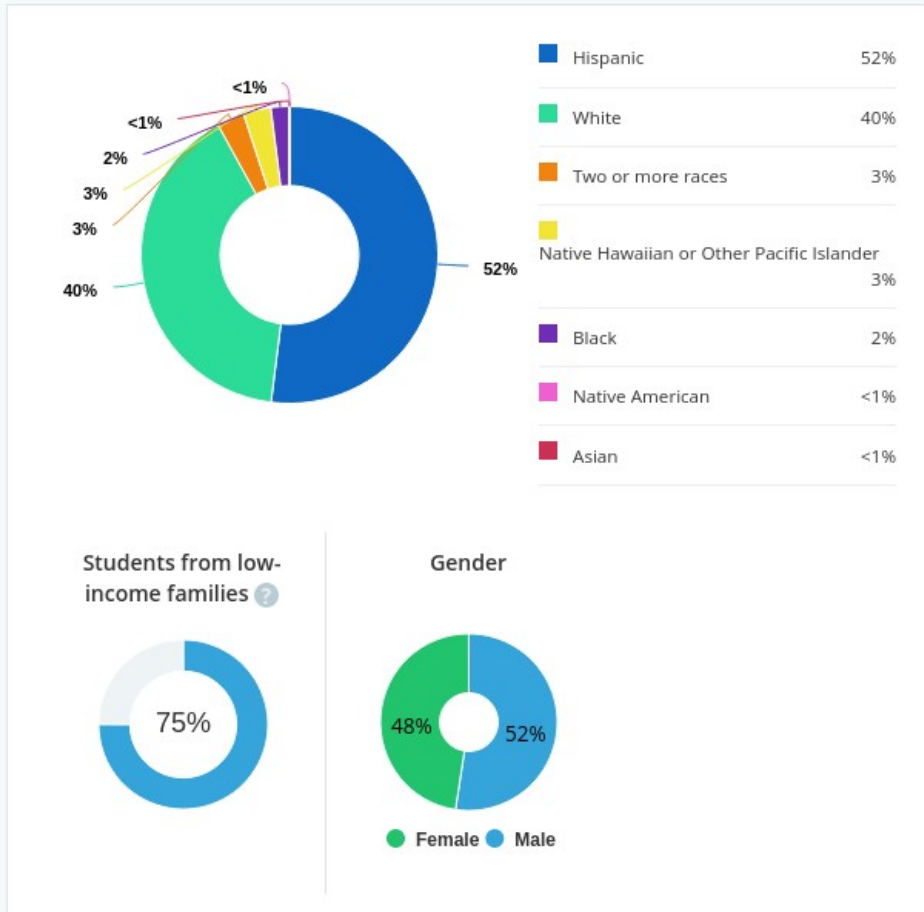
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To grow vibrant Northwest communities by empowering the region's individuals, families, small businesses, and neighborhoods. To open doors to progress and equity and opportunity — and keep them open. To stand beside our neighbors — beside you — and walk through whichever door you choose, together.

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DevNW Statement on Black Lives Matter

Tagged with: *BLM* *DevNW* *Black Lives Matter*

DevNW and Community LendingWorks add our voices to the growing chorus of grief and outrage over the violence against Black people in America that has long-since past a crisis point. Manuel Ellis was killed by police in Tacoma. Breonna Taylor was killed in her bed by police in Kentucky. Ahmaud Arbery was killed by vigilantes in Georgia. George Floyd was killed by police in Minneapolis. Black Americans, all of them. Killed in just the last three months. Because words matter, DevNW/CLW will use our voice to say unequivocally that Black Lives Matter. White supremacy must end. Police brutality must end. And until that day comes, the protesters flooding our streets should be supported, joined, celebrated, encouraged, and protected.

Words matter, but they are not sufficient. Personal and organizational accountability also matter. As a white woman in this predominantly white state, I have spent years trying to understand my white privilege and unlearn my racism. But it's not enough to just unlearn my racism, I must put in

the work to be anti-racist, and I challenge my fellow white Oregonians to do the same. As the CEO of a white-led organization whose core work (in housing, asset building, and neighborhood development) is inseparably linked to racial discrimination, oppression, and inequality, I acknowledge that if we are not using our resources to actively unwind that inequality, then we are part of the problem. Here is just some of the work that DevNW and CLW commit to do:

- To engage with the Black Lives Matter movement by listening, learning and amplifying the voices of Black activists and leaders;
- To actively engage our white staff in learning about white privilege and white fragility, in examining our beliefs and actions that contribute to racism as a whole and anti-Blackness in particular. The burden of this work will not fall on Black people and people of color;
- To actively engage our staff of color in examining how anti-Blackness often exists in other communities of color;
- To incorporate anti-racist practices at every level of our organization, from hiring and staff development, to service programs, to housing, including specific training in recognizing and dismantling anti-Blackness.

And beyond DevNW/CLW, we must also call out and take concrete actions to dismantle the deeper systemic racism that pervades our civic, social, and economic systems and has contributed to the oppression of Black, Indigenous, and People of Color (BIPOC) for centuries. All of us must do this

work. Especially those of us who hold positions of influence and power, who have control of resources. **If we don't actively dismantle these systems, then we are part of the problem.** Here are just a few examples of systemic, entrenched racial injustice close to the DevNW and CLW worlds:

- Every business loan that requires 100% collateral or a personal guarantor reinforces the privilege of those who already have wealth (or wealthy networks), further contributes to the oppression of BIPOC communities (who have been systematically excluded from accumulating the very assets we now require to start a business), and perpetuates a cycle of discrimination and disinvestment in BIPOC businesses, jobs, and communities. To my fellow economic developers, bankers, investors, and public officials: we need anti-racist small business capital.

- **Every neighborhood restricted to single family zoning perpetuates a history of housing discrimination and segregation,** limiting housing types and affordability, and creating a de facto entry tax into the vast majority of neighborhoods in our state. The yard signs may read “All Are Welcome Here” but only if you can afford the entry price of a traditional single family home (\$350,000 in Eugene, \$415,000 in Corvallis, over \$1M in some Portland neighborhoods), which, given the reality of income and wealth inequality in our country, too often excludes BIPOC families – reinforcing the racial wealth gap and intensifying racial segregation in our neighborhoods and schools. To my fellow residents of single family neighborhoods, housing developers, and public officials: we need anti-racist zoning.

● Every stimulus check that was denied to a Brown or Mixed-Race family (simply because of the immigration status of any *one* person in the household), perpetuates the systemic and financial oppression of millions of Americans – of our friends, neighbors, coworkers, and their children. To public officials at every level of government: we need anti-racist public assistance.

DevNW and CLW will use our voices, our influence, and our resources to work toward these deeper systemic changes, while we continue to put in the work to be anti-racist. We will not shy away from positions that are unpopular with white-dominated power structures, and we will seek to include, amplify, and be led by the Black and Brown voices that are too often excluded from these policy conversations.

We cannot go back to the way things were. DevNW and CLW commit (as we all must commit) to ongoing, difficult work, to ensure that this protest movement translates into systemic and lasting change centered on the core of racial equity.



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Unreinforced Masonry Buildings and Earthquakes

Developing Successful Risk Reduction Programs

FEMA P-774 / October 2009



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The cover photos show significant damage to unreinforced masonry buildings that resulted from earthquakes occurring over the last century, across the country.

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Unreinforced Masonry Buildings and Earthquakes

Developing Successful Risk Reduction Programs

FEMA P-774/October 2009

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1

Introduction

This document provides guidance on how to develop programs to reduce the earthquake risks of existing unreinforced masonry buildings. As the following chapters will show, this building type is typically the most seismically vulnerable category of construction in a community, and it is by far the most common type of building to be singled out for voluntary or mandatory seismic risk reduction programs in the United States.

While the information presented here is based on extensive earthquake engineering knowledge, this guide has been written for use by a non-technical audience, including government officials, building owners, and the general public. It also contains relevant information for building officials, consulting structural engineers and building contractors.

Unreinforced masonry walls do not have a grid of steel reinforcing bars embedded within them. See Chapters 2 and 5 for further description.

The typical *unreinforced masonry* building in the United States has brick walls with no steel reinforcing bars embedded within them. A more precise definition of unreinforced masonry buildings or “URMs,” as they are known in many places, is contained in Chapter 2, “Earthquake Performance of

Unreinforced Masonry Buildings.” Additional details about their construction are included in Chapter 5. The reader does not need to study all of this terminology, but he or she should clearly understand the basic differences between unreinforced and reinforced masonry.

Chapter 3, “Developing a Strategy for Implementing a URM Risk Reduction Program,” describes how a number of factors unrelated to construction are involved in any efforts to reduce unreinforced masonry seismic risks. Those factors include retrofit costs and the economic viability of older existing buildings, the number of occupants and type of use of the buildings, and the historic or architectural character of the buildings. Each of these considerations involves an important segment of the community that should be included in active consideration of any risk reduction program.

This guide does not presume to prescribe a rigidly uniform sequence of steps that must be taken in order to reduce risk. As Chapter 4, “Examples of Successful Risk Reduction Programs,” clearly documents, a wide variety of approaches has been developed across the country.

Chapter 5, “Additional Technical Background on Unreinforced Masonry Buildings,” provides simple explanations of some key earthquake engineering terminology and concepts for the non-engineer audience. This information is intended to help facilitate conversations between the non-technical audience, such as city officials and the general public, and the technical community that includes building inspectors, engineers, and architects.

Chapter 6, “Sources of Information,” provides a number of annotated references for both technical (engineering-oriented) and non-technical audiences.

Chapter 7, “End Notes and Cited References,” provides notes and cites references to document all of the information presented in this guide. Almost all of the Sources of Information and the Cited References are accessible on the internet free of charge.

Unreinforced Masonry Buildings and Earthquakes: Where in the United States are the Risks?

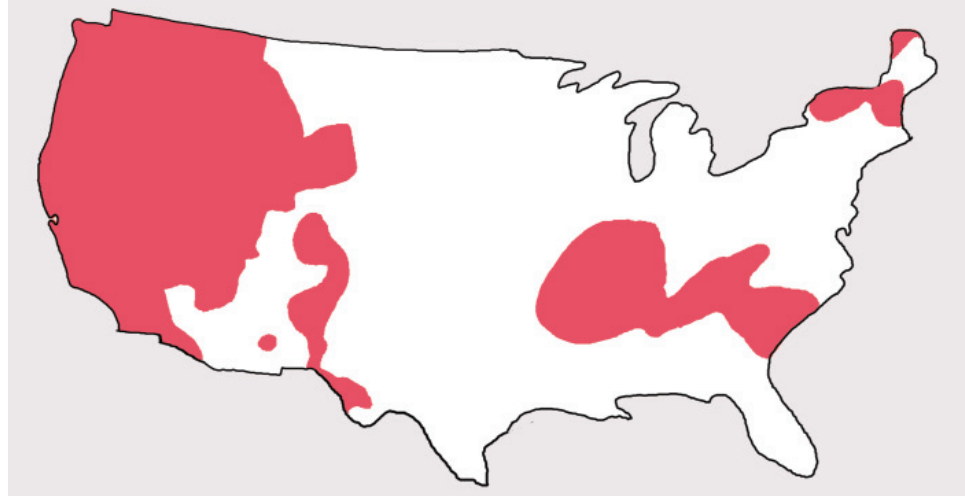
If the current building code in a locale does not allow unreinforced masonry construction, then existing buildings of that type can be considered a significant earthquake risk that should be investigated further.

Current U.S. building codes (described further in Chapter 2) allow unreinforced masonry walls in new building construction only in those areas where the probability or chance of strong earthquake shaking is very low. In past decades, however, many thousands of unreinforced masonry buildings were constructed in all areas of the country, even in regions subject to the most frequent strong earthquakes. In the light of today’s knowledge, we recognize

that this existing URM building stock presents a problem with respect to earthquake risk.

The URM problem in jurisdictions that are now effectively enforcing the current building code (essentially the latest edition of the *International Building Code*, the IBC) is due to those buildings that were built before recent model code seismic provisions were adopted and enforced. The jurisdiction’s building department can provide the benchmark date, when the locally enforced building code began to include seismic provisions that cover unreinforced masonry. Unreinforced masonry buildings can be found in every state. Because of its durability, fire resistance, and architectural character, unreinforced masonry has often been the construction material of choice for schools, city halls, central business district buildings, factories, and apartment buildings. However, the probability of strong earthquake shaking is not equally distributed across the states, which raises the question: Where in the United States are unreinforced masonry buildings of concern?

Figure 1 provides a general view of those areas of the U.S. where unreinforced masonry is not permitted for current construction.¹ This Figure serves as an initial guide to where some level of concern is warranted regarding the earthquake risks posed by these buildings. A local building department or a consulting structural engineer can provide more detailed guidance as to whether current seismic code provisions allow unreinforced masonry for a precise location, type of soil, and occupancy or use of a building. Even in regions where unreinforced masonry is currently allowed, older unreinforced masonry buildings may exist in a deteriorated



■ **Figure 1. Approximate mapping of the areas of the United States where current building code regulations do not allow new construction with unreinforced masonry.**

state much weaker than that required by code today. Assessing the earthquake vulnerabilities of older unreinforced masonry buildings appropriately in areas that still allow URM construction might take the form of requiring inspection of exterior materials, especially masonry materials like bricks or terra cotta, in order to ensure they are still attached firmly enough to prevent falling. Chicago, for example, has passed a local building condition assessment ordinance that requires periodic inspection of building facades, although the city is located in an area where the current *International Building Code* allows unreinforced masonry.

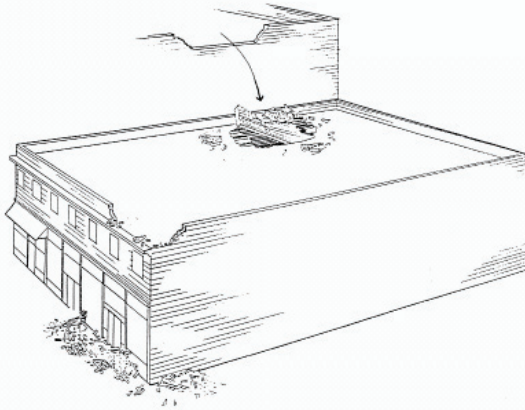
Types of Earthquake Risks

Poor building performance poses three basic types of risk in an earthquake: the risk of injury, property damage, and loss of use. Spending the time and effort, and imposing the new regulations and costs on building owners, to implement a risk reduction program for unreinforced masonry buildings makes sense when it is clearly based on reducing one or more of these types of risk.



INJURY: Promoting safety is the prime rationale for building code regulations in general, whether applied to earthquakes, fires, or other hazards. Damage to unreinforced masonry buildings is dangerous.

When masonry debris falls, it is potentially lethal. A single brick weighs from 6 to 12 pounds (2½ to 5 kg), and just one square foot of a typical wall weighs 120 pounds or more (over 50 kg). Unreinforced masonry buildings are dangerous not only to their occupants but also to those in adjacent buildings and to pedestrians. Figure 2 illustrates the danger of falling masonry debris, even if the entire building does not collapse. Parapets, which are the short walls that often extend around the perimeter of a roof (as in the two buildings pictured in Figure 2), are particularly vulnerable, as are chimneys and cornices (the decorative ledges that run around the top of the building). Figure 3 illustrates the level of danger posed by complete collapse of a URM building.



■ **Figure 2. Diagram illustrating the dangers of unreinforced masonry.**

When unreinforced masonry buildings begin to come apart in earthquakes, heavy debris can fall on adjacent buildings or onto the exterior where pedestrians are located. This diagram illustrates the failure of parapets, one of the most common types of unreinforced masonry building damage. This level of damage can occur even in relatively light earthquake shaking. —*Rutherford & Chekene*

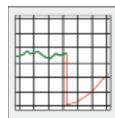


■ **Figure 3. Complete collapse of an unreinforced brick building.**

The most severe level of damage, with the greatest likelihood of fatalities, is complete collapse. After a few seconds of ground shaking in the 1933 Long Beach earthquake, the brick walls holding up the second floor and roof of this building broke apart. That not only caused the fall of hazardous brick debris—it also immediately led to complete collapse. —*Los Angeles Public Library*



PROPERTY DAMAGE: Experience from past earthquakes has shown that expensive repairs will be needed to an unreinforced masonry building, after an earthquake. More than for any other kind of damaged building, there is often no way to “put Humpty Dumpty back together again” for a URM building. This results in the demolition of the building. Some of the most architecturally prominent and historically valued buildings in the United States are made of unreinforced masonry. See Figure 4. Protecting these architectural and historic assets may be an important goal of risk reduction programs, in addition to preventing costly damage. The damage to the Pacific Avenue Historic District in the city of Santa Cruz that resulted from the 1989 Loma Prieta earthquake was so extensive that the downtown area was removed from the National Register of Historic Places (see Figure 5). In that Historic District, 52% of the old brick buildings were so badly damaged that they were quickly demolished, and another 16% were “red-tagged” (closed because they were unsafe to enter²).



LOSS OF USE: Even minor earthquake damage can require the closure of an unreinforced masonry building, until repairs are made. More often than for other kinds of construction, a damaged unreinforced masonry building may need to be upgraded to a higher level of safety than it possessed in its pre-earthquake state, before it can reopen. Closure of a building, while permits are obtained and a major re-construction project is carried out, often lasts for several years. The kind of damage shown in Figure 6, which causes the building to be “red tagged” as unsafe to enter, can present so many problems in bringing the building back into use that long-term vacancy or demolition of the building may result.



■ **Figure 4. The Salt Lake City and County Building, an architectural and historic community asset that could be lost, if damaged.**

The Salt Lake City and County Building was extensively seismically retrofitted, not only to make it safer but also to provide long-term protection for a valued historic building. —*U.S. Geological Survey*



■ **Figure 5. Destruction of a historic building.**

Complete collapse of one of the historic buildings in the former Pacific Avenue Historic District of the City of Santa Cruz, California. —*James R. Blacklock, NISEE, U.C. Berkeley*



■ **Figure 6. Damaged URM wall in a red-tagged building, fated to be torn down or to undergo a multi-year closure for repairs and upgrading.**

Pre-earthquake retrofitting usually looks quite modest, compared to the comprehensive upgrading that building codes will require to repair a damaged, non-code-conforming building after an earthquake. —*Robert Reitherman*

All three kinds of risk—injury, property damage, and loss of use—are usually greater for unreinforced masonry buildings than for the other buildings in a city or region. While some communities, university systems, owners, and others have chosen to deal with the risks of other kinds of existing buildings or to upgrade utility and transportation systems,³ addressing unreinforced masonry building problems is usually the top priority in any serious effort to provide seismic protection.

Dealing with the earthquake risks of unreinforced masonry buildings is a challenging and difficult undertaking. However, many communities have developed successful risk reduction strategies. A number of examples are presented in Chapter 4.

2

Earthquake Performance of Unreinforced Masonry Buildings

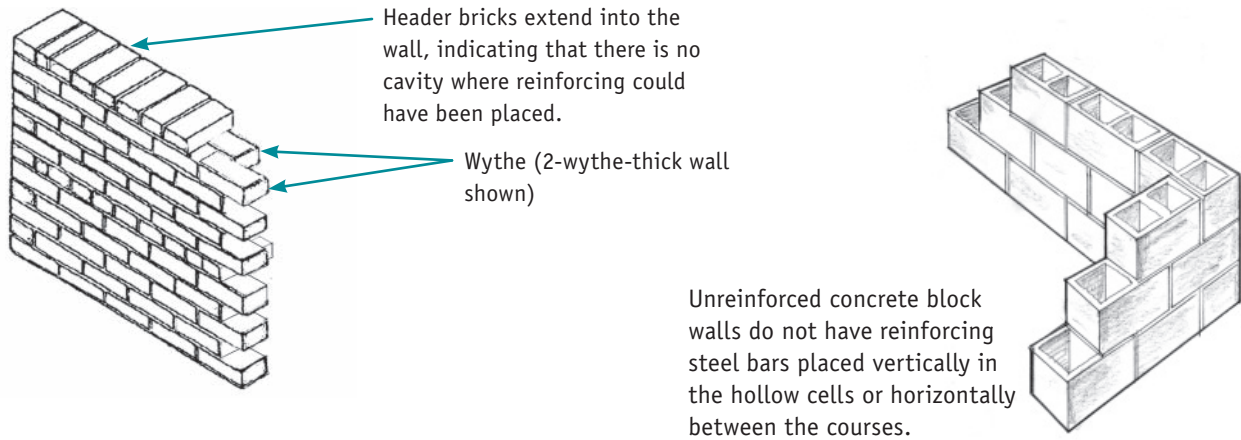
This chapter provides brief descriptions and illustrations of unreinforced masonry, along with explanations of why unreinforced masonry buildings are so susceptible to earthquake damage. When subjected to strong earthquake shaking in past U.S. earthquakes, five out of six URM buildings have been damaged to the extent that potentially lethal amounts of brickwork fell. One-fifth of those buildings either partially or completely collapsed.⁴

What is Unreinforced Masonry?

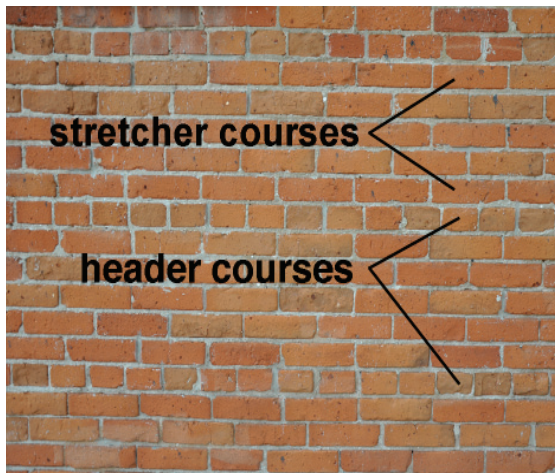
Unreinforced masonry can be defined generally as masonry that contains no reinforcing in it. The terms “unreinforced” and “masonry” are both more precisely described in this chapter. A shared understanding of these facts and definitions will be helpful to conversations between engineers and non-engineers, when discussing a risk reduction program.

Masonry is made of earthen materials and includes the sub-types listed below. The most common unreinforced masonry materials used for the walls of buildings are the first two listed, brick and hollow concrete block, which are illustrated in Figure 7, Figure 8, and Figure 9.

- Brick: clay that is fired to a hard consistency.
- Hollow concrete block: “concrete masonry unit” in the terminology of building codes, commonly known as “cinder block.”
- Hollow clay tile: similar to concrete block in shape, having hollow cells, but brick-colored.
- Stone: can be “dressed” or cut into rectangular blocks, or used in its natural shape.
- Adobe: mud poured into the form of walls or made into sun-dried bricks.



■ Figure 7. Components of unreinforced brick (left) and unreinforced concrete block (right) walls.



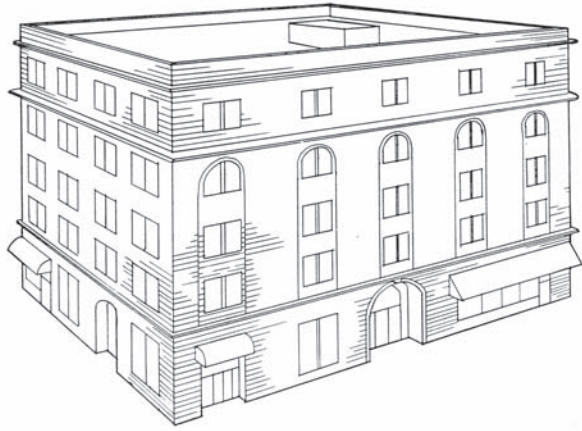
■ Figure 8. "Header" versus "stretcher" courses. The presence of header courses is usually the easiest way to tell if a brick wall is unreinforced.



■ Figure 9. Complete collapse of an unreinforced concrete block building, 1971 San Fernando earthquake. —Karl Steinbrugge, NISEE, U.C. Berkeley

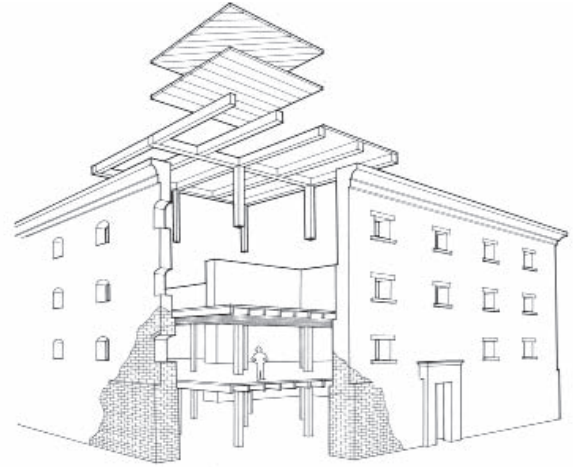
Bearing walls perform the essential job of resisting gravity and holding a building up. Destruction of bearing walls leads to collapse.

The most common type of unreinforced masonry building in the United States is constructed of brick walls, with wood-frame floors and roof, as shown in Figure 10 and Figure 11. From the outside, one can observe that the spans over windows are short, and the walls are thick. The masonry walls around the exterior, and sometimes similar walls in the interior, bear up under the weight that is delivered to them by floor or roof beams. For this reason, they are called *bearing walls*. When the masonry is built into the rectangular openings or bays of a concrete or steel frame, with the frame holding up the masonry, then they are called *infill walls*. That kind of building requires its own special analysis and is not in the subject of this booklet.



■ **Figure 10. Typical appearance of a multistory unreinforced brick building.**

When buildings are much taller than this, there is often also a steel or concrete frame, making an infill structure. —*Rutherford and Chekene*



■ **Figure 11. Components of a URM building.**

Many larger unreinforced brick buildings have heavy timber columns and beams in the interior. The wooden posts and beams do not provide significant horizontal (earthquake) force resistance. —*FEMA 154, Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook*

Masonry veneer is usually composed of one layer of ordinary brick or of thinner brick that is applied to a supporting wall behind it, as shown in Figure 12. Veneer is typically about four inches (100 mm) or less in thickness. It may also consist of stone facing. The veneer is adhered to and literally hangs onto a wall behind it for vertical and horizontal support. Terra cotta, a ceramic material similar to brick



■ **Figure 12. Workers installing brick veneer.**

The individual pieces of veneer are being adhered to the reinforced concrete wall behind them. The result looks like a brick wall. —*Robert Reitherman*

that has a smooth finish and is made in various forms and colors, was often used in older buildings for both decorations and veneer. Current code provisions in areas of seismic activity include requirements to prevent veneer from falling off in an earthquake. Older buildings with thick (one-brick thick) veneer that does not meet current seismic safety requirements can experience the veneer peeling off, when the building is shaken. Masonry veneer on houses is typically more of a property damage risk than a significant safety risk. However, veneer on taller walls in public settings adjacent to areas where pedestrians may be presents a significant risk that an unreinforced masonry risk reduction program should consider.

Further information on unreinforced masonry construction is provided in Chapter 5.

Examples and Statistics from Past U.S. Earthquakes

A number of earthquakes in the United States would have resulted in some property loss but no real disaster, if damage to unreinforced masonry buildings had not occurred. The following brief survey provides evidence in support of this conclusion. Magnitude (M) numbers are included for each earthquake below. While one may often hear references to the “Richter scale,” in many cases today, seismologists measure the overall size of an earthquake using one of the other magnitude scales that were developed after Charles Richter developed his in 1935. The differences in magnitude scales are not particularly relevant here. The symbol M below stands for generic earthquake magnitude.

1886 Charleston Earthquake, South Carolina, M 7.7: Eighty-two percent of the brick buildings suffered more than minor damage, and 7% collapsed or were demolished.⁵ See Figure 13, illustrating the debris from collapsing second story masonry walls, which extends beyond the middle of the street.



■ Figure 13. Debris resulting from the 1886 Charleston, South Carolina earthquake.
—NISEE, U.C. Berkeley

1925 Santa Barbara Earthquake, Southern California, M 6.2: The most severe damage from this earthquake occurred among unreinforced brick commercial and residential construction and was a primary motivation for engineers in California to adapt seismic design ideas from Japan into the *Uniform Building Code*. Forty percent of the unreinforced masonry buildings were severely damaged or collapsed.⁶ See Figure 14, the Hotel Californian, in which extensive wood-frame and plaster partitions barely managed to hold the building up, after exterior brick walls failed.



■ Figure 14. Heavily damaged Hotel Californian, 1925 Santa Barbara, California earthquake. —NISEE, U.C. Berkeley

1933 Long Beach Earthquake, Southern California, M 6.3: In the City of Long Beach (adjacent to the City of Los Angeles), 54% of the unreinforced masonry buildings ended up with damage that ranged from significant wall destruction to complete collapse. In 20% of the cases, damage fell in the categories of either damage to more than half the wall area, partial collapse, or complete collapse.⁷ See Figure 15, showing parapet (the short walls that often extend around the perimeter of a roof) and top story failure and the effect of the falling masonry debris.



■ Figure 15. URM building damage, 1933 Long Beach, California earthquake. —Los Angeles County Public Library

1983 Coalinga Earthquake, Central California, M 6.2: Out of 37 unreinforced masonry buildings—the core of the Coalinga business district—only one escaped damage. Sixty percent were damaged to the extent of having more than half of their walls ruined, up to complete collapse.⁸ The entire downtown area was cordoned off, until badly damaged buildings could be demolished and the debris removed. See Figure 16, which illustrates a common form of damage, in which the gable (peaked roof) end wall falls.



■ **Figure 16. URM building with end-wall failure, 1983 Coalinga, California earthquake.** *Robert Reitherman*
—NISEE, U.C. Berkeley

1983 Borah Peak Earthquake, Idaho, M 7.3: In the town of Challis, Idaho, the only earthquake-related fatalities occurred when an unreinforced masonry wall fell on two children on their way to school. In Mackay, the town's main street buildings, built of unreinforced brick, concrete block, or stone, were all damaged, Eight required demolition. In relative terms, when compared to the size of the town (see Figure 17), this amount of damage constituted a large disaster.



■ **Figure 17. Aerial view of heavily damaged Mackay, Idaho.** The unreinforced masonry buildings on the main commercial street of the small town were badly damaged in the 1983 Borah Peak, Idaho earthquake.
—NISEE, U.C. Berkeley

1989 Loma Prieta Earthquake, Northern California, M 7.1: In this earthquake, 374 (16%) of the 2,400 unreinforced masonry buildings in the region experienced damage severe enough to require that they be vacated.⁹ The earthquake was centered 60 miles south of the San Francisco Bay Area, and the majority of these buildings were subjected to only light to moderate shaking. Figure 18 illustrates an upper-story failure of brickwork, which fell onto the sidewalk and cars below, killing five people.



■ **Figure 18. Upper story wall collapse, with resulting fatalities.**

Five people were killed when the brick wall in the fourth story fell on top of cars and the sidewalk in the 1989 Loma Prieta earthquake. —James Blacklock, NISEE, U.C. Berkeley

2001 Nisqually Earthquake, Puget Sound Region, Washington, M 6.8:

“URM buildings built before 1950 exhibited the poorest behavior. The most common damage included shedding of brick from parapets and chimneys. Other URM buildings exhibited diagonal ‘stair-step’ cracking in walls and piers, damage to walls in the upper stories, vertical cracking in walls, damage to masonry arches, and damage to walls as a result of pounding. In many cases, fallen brick resulted in damage to objects, such as cars and canopies, outside the building.”¹⁰ See Figure 19.



■ **Figure 19. URM building damage, 2001 Nisqually, Washington earthquake.**

At left, hollow clay tile debris from a collapsed wall; at right, diagonal “stair-step” cracking of a brick wall (the crack following mortar horizontal bed joint and vertical head joint lines), a sign of the wall’s inability to resist shear stress from in-plane forces. —André Filiatraut

2003 San Simeon Earthquake, Central California, M 6.5: Of 53 unreinforced masonry buildings in Paso Robles, the nearest affected city, none of the nine that had been retrofitted experienced major damage. Many of the others were damaged so extensively that they were subsequently demolished. “During earthquakes unreinforced masonry buildings that have not been retrofitted continue to be the most dangerous buildings in California.” One building owner commented afterward: “I’m confident the building would have come down in the quake if we hadn’t done the retrofitting. There were times when we were bleeding so badly in paying for it, we wondered what in the heck we were doing. Now we know.”¹¹ See Figure 20. The two fatalities in the town were due to the collapse of an unretrofitted, unreinforced brick building.



■ **Figure 20. Retrofitted URM building, 2003 San Simeon, California earthquake.**

Retrofitted prior to the earthquake, this unreinforced brick building experienced no damage. —Janise E. Rodgers, NISEE, U.C. Berkeley.

Putting together the statistics on 4,457 unreinforced masonry buildings from several U.S. earthquakes⁴, we see the following profile of how unreinforced masonry buildings perform, when strong earthquake shaking occurs:

- Five out of six are damaged enough for brickwork to fall;
- One-fifth are damaged to the point of partial or complete collapse.

3

Developing a Strategy for Implementing a URM Building Risk Reduction Program

A number of considerations should be taken into account when developing a strategy for implementing an unreinforced masonry building risk reduction program. Each consideration involves key individuals and groups who will formulate, carry out, and be affected by the program. For that reason, it is important to involve them as early in the process as possible.

Many considerations must be taken into account when developing a program to reduce the earthquake risks of unreinforced masonry buildings. Each consideration involves key individuals and groups, who should become involved at an early stage in the development process. For example, a planning department maintains information on the inhabitants and people who use the buildings in a community. The local building department is the agency that maintains data on the construction characteristics of buildings. This department is centrally involved in enforcing building code ordinances or voluntary construction standards and in issuing permits for any retrofit construction projects. Economic factors in a risk reduction program obviously affect building owners (and retrofit costs often “flow down” to tenants); in addition, financial and real estate institutions may have relevant insights and interests regarding the program. Agencies or non-profit organizations with architectural or historical preservation interests have a stake in how buildings of that character may be changed by any seismic retrofits. Finally, when unreinforced masonry buildings are clustered together, as they often are in older central business districts, then risk reduction programs raise city planning issues with regard to zoning, parking, redevelopment efforts, and other city concerns.

Retrofitting is the process of adding earthquake resistance to an existing building. It is generally synonymous with the terms ‘seismic strengthening’ or ‘seismic rehabilitation.’

The principal means of reducing the seismic risks of unreinforced masonry buildings is *retrofitting*, although changing a building’s use in order to reduce its occupant load (number of occupants) also reduces risk.

Retrofitting an unreinforced masonry building can take several different forms (see Chapter 5), but it must be kept in mind that a retrofit is a significant construction project, which may affect owners, occupants, and the community at large.

Occupancy and Ownership Factors: The People Who Own and Use the Buildings

The usage or occupancy of a building is an important consideration, when planning a risk reduction program. Occupancies are defined by building codes in terms of the number of people who occupy a building and what the building's functions are. More intensive uses, which bring more people to a building, increase risk exposure to earthquake-caused injuries. Current building code regulations require that essential facilities such as fire stations be designed to higher earthquake safety standards than ordinary buildings. This suggests that existing buildings with many occupants or essential facilities should have a higher priority for retrofits. Ownership patterns are also important. Twenty buildings on a school or college campus have one owner and ultimately, one decision-making process (for example, the setting of policies by a school board). Twenty buildings along a commercial street may be owned by twenty different owners, with twenty distinct sets of decision-making variables involved, leading to greater variety of outcomes.

A retrofit project in an apartment building that displaces residents for weeks or months presents the problem of where those residents will find temporary housing. Are apartment buildings providing low-rent housing, so that passing along retrofit costs to tenants in the form of higher rents will be a major economic burden? Are unreinforced masonry buildings located where few residents speak English? Such demographic factors must be taken into account, when planning how to craft a risk reduction program and how to involve the public. In San Francisco, a study was conducted to lay the groundwork for San Francisco's unreinforced masonry building retrofit program that specifically estimated what kinds of retrofits would be needed for residential buildings.

Historic and Architectural Character

Protecting people from the earthquake dangers of unreinforced masonry buildings must be a community's highest priority. However, protecting the property value of buildings by preventing damage is also important. In addition, some buildings have historic or architectural significance, which is itself a value to be preserved. Because masonry is a durable material and was often the first choice for important buildings constructed in the past, many communities' most historic and architecturally valued buildings are of this structural type, as in the case illustrated in Figure 21.

Retrofitting these buildings to increase their earthquake resistance is necessary in order to prevent irreparable damage from occurring to the buildings in an earthquake. Yet the retrofit itself can alter the building's appearance and change its historic materials in an undesirable way, if not carried out sensitively. Fortunately, today's earthquake engineering methods provide options for dealing with the earthquake vulnerabilities of a building, while leaving its appearance largely unchanged. As Chapter 5 discusses, the technique of seismic isolation has been used for some monumental public buildings with extensive unreinforced masonry components. These isolators can reduce the seismic forces on the building to only one third of what they would otherwise be, and the isolators are usually installed unobtrusively at the foundation or basement level.



■ **Figure 21. Pioneer Square Historic District, Seattle, Washington.**

The historic buildings in this city district are unreinforced masonry buildings. This is often the case.

Cost Issues Related to Seismic Retrofits

Groups like a downtown business owners association or chamber of commerce, an apartment owners or renters association, or a historic preservation league, may have concerns about retrofit costs. Structurally strengthening an unreinforced masonry building is not an inexpensive remodeling project, and the cost implications must be considered. As part of developing a risk reduction plan, it is important to collect information on the economic viability of the unreinforced masonry buildings at issue. Are the buildings high in value, generating strong income streams, because they form the heart of the “old town” tourist district that is common in many cities? Or are they in a declining area that used to be the central business district but which has been supplanted by shopping centers and office parks located elsewhere? Do the properties provide enough collateral for their owners to obtain construction loans to finance the upgrading work?

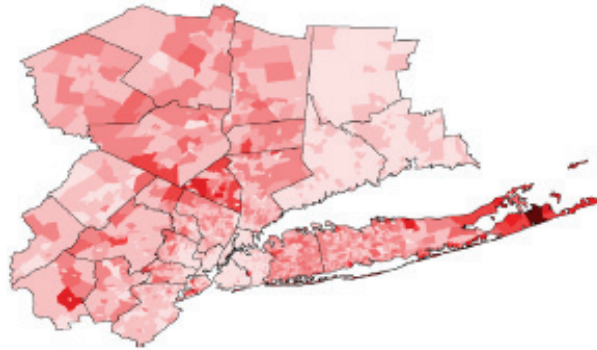
FEMA provides an on-line retrofit cost estimating feature on its website,¹² and FEMA documents provide further information.¹³ Costs can vary greatly, however, so locally-based estimates should be carried out prior to instituting a risk reduction program.

City Planning Factors

An inventory of unreinforced masonry buildings can be presented in table format, to display the buildings’ square footage and number of stories, construction dates, and occupancy. Building location is also significant. Are buildings dispersed throughout an area, or are they clustered? How are they located with respect to current zoning districts? The community may have a long-range plan for streets, parking, plazas and pedestrian areas. Any economic redevelopment plans should include a list of the locations of unreinforced masonry buildings. Aside from an individual building’s architectural or historic merits, it is important to consider the collective effect for a town or city of having a number of well-preserved, economically vital, older buildings that define the overall community character. There may also be environmental

impact reporting requirements that a retrofit program would trigger; city planning departments should be familiar with any such requirements. Figure 22 illustrates how an inventory of unreinforced masonry buildings can be overlaid with political and economic (building value) data.

As the examples in Chapter 4 make clear, a variety of risk reduction approaches that address these factors have been successfully adopted. Developing these successful approaches has almost always required involving the key individuals and groups associated with each consideration in the planning and decision-making process.



■ **Figure 22. The distribution of unreinforced masonry buildings in the greater New York City region.**

Maps such as this one, published by the New York City Area Consortium for Earthquake Loss Mitigation, relate seismic information to geographic and land use planning data.

4

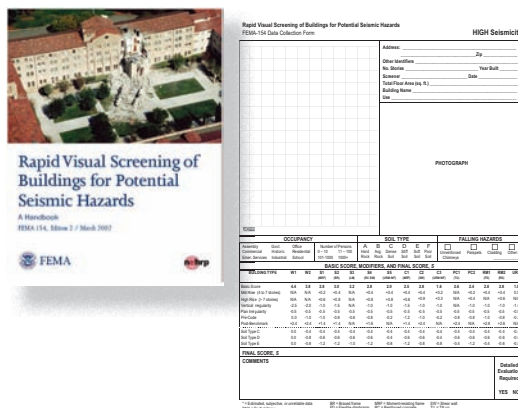
Examples of Successful Risk Reduction Programs

A large number of unreinforced masonry building risk reduction programs have been implemented across the United States. A sample of representative programs is included here, to illustrate the variety of possible approaches.

“If the shoe doesn’t fit, then don’t wear it” is a good caveat to add, when giving advice. While one of the following programs may provide an ideal model for a given community, it is likely that a new risk reduction program will require some unique features based on the particular situation in that community. The examples presented in this chapter illustrate key components of risk reduction programs, which communities can then synthesize in a variety of ways, in order to suit their particular circumstances.

Compiling an Inventory of Unreinforced Masonry Buildings

Most programs to reduce unreinforced masonry seismic risks share certain characteristics. First, they all need to include an inventory of buildings, which should be carried out early in the planning process. Conducting an inventory is not difficult, because unreinforced masonry buildings are among the easiest of construction types to identify. Building department, insurance industry, and tax assessor files can sometimes provide useful information. “Sidewalk surveys” that observe buildings from the outside are often sufficient. The FEMA 154 Handbook provides a “rapid visual screening” method that is applicable to a wide variety of buildings¹⁴ (see Figure 23). Section E.13 of Appendix E of the FEMA 154 Handbook provides



■ Figure 23. FEMA 154, a technical resource containing forms and standardized guidance on compiling an inventory. —FEMA 154, *Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook*

relevant information for a screening program restricted to unreinforced masonry buildings. Any inventory needs to include not only the overall quantity of unreinforced masonry buildings, but also their locations, ownership and physical characteristics, as well as social or city planning factors. Typically, a building department and planning department of the jurisdiction are key actors in carrying out that inventory. Local structural engineers and architects can also be a valuable source of expertise and knowledge.

Successful Programs Require Sustained Support and Leadership

More broadly, successful programs share another trait: they benefit from the sustained support and efforts of individuals and organizations that recognize the value of earthquake protection and are willing to work for it. The following conclusion, from a review of successful seismic safety programs in the United States,¹⁵ outlines concisely some of the challenges that arise when addressing the unreinforced masonry building problem (Note: interested readers can find more information on social aspects of seismic safety efforts in the references cited in the passage below):

Promoting seismic safety is difficult. Earthquakes are not high on the political agenda because they occur infrequently and are overshadowed by more immediate, visible issues. Even where citizens are aware of seismic risks, taking action to improve seismic safety is difficult because costs are immediate and benefits uncertain, public safety is not visible, benefits may not occur during the tenure of current elected officials, and seismic safety lacks a significant public constituency (Olshansky and Kartez, 1998; Lambright, 1984; May, 1991; Drabek et al., 1983; Rossi et al., 1982; Wyner and Mann, 1986; Alesch and Petak, 1986; Berke and Beatley, 1992). Many factors are critical to the successful advancement of seismic safety at local and state levels. These include public advancement of the problem; persistent, skillful, and credible advocates; repeated interaction and communication among participants; availability of staff resources; linkage to other issues; occurrence of a disaster that leads to a “window of opportunity” for change; community wealth and resources; assistance from higher levels of government; and previous experience with hazards (Berke and Beatley, 1992; Olshansky and Kartez, 1998). Of these, advocacy stands out because it represents a way that individuals can make a difference.¹⁵

Utah: Engineering Inspections Triggered by Re-roofing Projects

This program, implemented in a variety of ways by local governments across Utah, has the virtue of setting a deadline almost automatically.

The Utah Uniform Building Standard Act Rules have been amended to add a way to upgrade the earthquake resistance and general structural safety of buildings, especially unreinforced masonry ones, incrementally. When embarking on a re-roofing project, the building owner must retain an engineer to inspect the

adequacy of the building's roof-to-wall connections and the ability of its parapet walls and cornices to withstand horizontal earthquake forces. The logic behind this incremental approach is that the removal of old roofing presents an opportune time for an engineer to inspect these conditions, and that any strengthening measures would be carried out prior to re-roofing, as part of that construction project. Section R156-56-801, Statewide Amendments to the IBC (*International Building Code*), Section 58, requires that these appendages be able to withstand 75% of the force levels that are stipulated for new buildings. Portions of the building that don't perform up to that standard must be either reinforced or removed. Buildings built after 1975, when codes for new buildings began to address this seismic vulnerability in Utah, are exempt.¹⁶

Roofing materials will typically need to be replaced within a time period of twenty to forty years, and that replacement work will then trigger this retroactive seismic requirement. It is common for building codes to require retroactive upgrading of safety features, if a building is to be significantly remodeled. The reasoning is that the remodel will extend the life of the building and that in the context of a major renovation project, the safety improvements will represent only a minor cost.

Utah: Statewide Inventory of Unreinforced Masonry Buildings

The evolving Utah program demonstrates the need to conduct an inventory of buildings as a first step in evaluating their seismic risks and the costs and methods that could best be used to retrofit them.

In 2008, the Utah legislature passed a resolution urging “the Utah Seismic Safety Commission to compile an inventory of unreinforced masonry buildings so that the quantity and extent of the problem in Utah can be determined. Be it further resolved that the Legislature urges the Utah Seismic Safety Commission to recommend priorities to address the problem in a manner that will most effectively protect the lives, property,

and economy of the state.”¹⁷ Similar in some respects to the California case described below, the strategy here is first, to identify the location and size of the problem and then, to devise appropriate solutions. Utah is unique among the most highly seismic states of the United States, in that it has many single-family dwellings of unreinforced masonry construction. These smaller buildings present different (usually lesser) risks of collapse or injury, but they also could have a very high impact on the population after an earthquake, if many such housing units were unsafe to occupy, and if homeowners' investments in their homes were wiped out. In the Salt Lake Valley alone, there are over 185,000 unreinforced masonry buildings, many of them single-family residences, typically built with hollow walls that do not comply with model codes and retrofit provisions such as the *Uniform Code for Building Conservation*.¹⁸

State of California Unreinforced Masonry Building Law: Measuring the Problem and the Progress Toward Addressing It

The California program provides one example of a state government imposing a basic requirement on local governments to identify their unreinforced masonry buildings, while leaving open a range of ways in which they can deal with that risk.

In 1986, California passed a state law requiring all local governments situated in the highest seismicity zone of the currently enforced building code to inventory their unreinforced masonry buildings, to establish a risk reduction program, and to report results to the state. At that time, that highest zone of seismicity was Zone 4 of the *Uniform Building Code*, which was used in the West and Midwest, until the nationwide *International Building Code* took effect in 2000. The geo-

graphic scope of Zone 4 in California encompasses a population of approximately 28 million people. The state sought to balance its compelling interest in seismic safety against the cost of retrofitting buildings by leaving its criteria for these new risk reduction programs loosely defined: a program could consist of as little as publishing a list of the unreinforced masonry buildings in a local jurisdiction and encouraging owners to renovate them, while posting warning signs at unretrofitted buildings. Thus, a recent review of the law concluded, “On the surface, the level of compliance with this law has been quite high with over 98 percent of the 25,900 URM buildings now in loss reduction programs. But so far, only about 70 percent of the owners have reduced earthquake risk by retrofitting in accordance with a recognized building code or by other means. Significant progress has occurred, yet many URM programs are ineffective in reducing future earthquake losses.”¹⁹ Relatively few of the 25,945 URM buildings addressed by the loss reduction programs were demolished. While demolition is sometimes desirable in order to renew the building stock, it is generally wise to minimize it to avoid abruptly changing the architectural and socio-economic fabric of a city.

The local programs with the strictest requirements require actual retrofitting or demolition of the hazardous buildings. Next strictest are those programs that require owners to retain an engineer to produce an evaluation report, with actual retrofitting remaining voluntary, perhaps encouraged by incentives. The California Seismic Safety Commission has found that voluntary strengthening programs have not been effective. One can conclude either that the incentives in voluntary programs have not been great enough, or that the absence of the “stick” to go along with the “carrot” is the weakness. The lowest level of compliance with the state law, and the least effective at reducing risks, is when local governments send a letter to the building owners informing them that the local building inventory conducted under state law found their building to be of unreinforced masonry construction. These simple notices do not impose any requirement to have the building either evaluated by an engineer or upgraded. The Commission’s 2006 survey of local governments found that 52% had mandatory programs, 15% voluntary, 18% notification of owner only, with another 15% in a miscellaneous category. The Commission provides a suggested model ordinance. Once a local government makes that decision and sets time tables, the actual engineering measures required are already set in model code provisions for existing buildings.²⁰

Seattle, Washington: Saving Historic Buildings

This case illustrates the valuable support that an organization knowledgeable about grants and loans can provide to retrofit programs, by making funds available to bridge any funding gaps.

In the 2001 Nisqually earthquake, two-thirds of the 31 buildings that were posted as unsafe for occupancy (“red tagged”) were built of unreinforced masonry, and many were a century old. “Historic” and “unreinforced masonry” are often synonymous. After that earthquake, Historic Seattle, a non-profit advocacy organization, quickly launched a program of grants of approximately \$10,000 each to historic building owners:

the grants provided financial support for initial engineering studies, with the goal being to have owners investigate repair and upgrading alternatives in lieu of demolition. While this initiative was a reaction to an earthquake rather than a preventive program in place prior to the earthquake, it still had the effect of promoting retrofit measures to reduce earthquake risks from future earthquakes. In this case, those risks include both the risk of injury to occupants or pedestrians and the risk of irreparable damage to the buildings. Any Seattle resident who appreciates historic architecture will recognize many of the buildings that Historic Seattle helped through that program: Steil Building, McCoy’s Firehouse, Slugger Sports, Compass Center, Bread of Life Mission, Milwaukee Hotel and Alps Hotel, Hong Kong Building, Hip Sing Building, Panama Hotel, Bush Hotel, Bing Kung Building, Seattle Hebrew Academy, Trinity Parish Episcopal Church, Assay Office, Mount Baker Park Presbyterian Church, and the Cadillac Hotel.²¹

Seattle, Washington: Combining Modernization with Seismic Retrofitting

The voters who were asked to fund seismic retrofits were supportive partly because the money was to be applied to essential facilities.

Thirty-two fire stations in Seattle were identified as needing modernization work that included energy conservation measures, general remodeling and in some cases, seismic upgrading. A ballot measure to approve a tax for that purpose was passed by a 69% majority of voters in 2003. The measure was introduced only two years after the Nisqually earthquake, when memories of damage

from that earthquake were fresh in the voters’ minds. Known as the Fire Facilities and Emergency Response Levy, the program integrates seismic retrofits with historic preservation requirements and with upgrading the stations to modern fire safety and other standards. The \$197 million in taxes average out to about \$73 a year in additional property tax for the owner of a median-value house.²²

This program provides more than one possible lesson for other local programs. Selecting an obviously high priority public safety category of facilities likely increased voter support, as did the recency of an earthquake (although a non-earthquake disaster might also be an impetus for multi-hazard upgrades). Rather than first imposing requirements on private property owners, the local government also provided leadership by example, by dealing with vulnerabilities in its own buildings. And in packaging a variety of renovation measures along with seismic retrofitting, more cost-effective construction projects resulted.

Oregon: A Statewide Inventory and Funding Approach for Schools and Essential Facilities

This example illustrates the value of assembling a committee or task force comprised of a variety of important community organizations.

In 2002, Oregon voters approved two seismic safety measures. One allowed the use of general obligation bonds to finance seismic upgrades of educational facilities owned by the State government (including State universities and community colleges) and local governments (local public school districts). A companion measure applied to fire, police, and hospital buildings. The educational measure followed up on a state law passed by the legislature in 2001 that required seismic evaluations of schools, using a standardized method published by FEMA.²³ While these laws launched Oregon on the path toward reducing seismic risks from existing buildings—URM buildings being prominent among them—no funding was provided to implement the initiatives. The Oregon Seismic Safety Policy Advisory Committee and the Division of Geology and Mineral Industries subsequently worked to obtain funding to conduct a statewide seismic evaluation of educational and emergency services buildings, and to put bonds on the ballot as needed to correct the seismic deficiencies found.²⁴

Berkeley and Other California Cities: Financial Incentives for Retrofitting

A “carrot and stick” approach can be more effective than using an incentive or penalty alone.

Because the City of Berkeley levies a tax of 1.5% of the selling price of real estate, it has the leverage to refund a portion of that tax, if the new owner carries out seismic retrofit work. The City will refund retrofit expenses up to one-third of that tax amount (up to 1/2% of the property value transferred) for qualifying residential properties, when the new owner completes seismic retrofit work within one year of purchase, up to a maximum refund of \$2,000. While most of the properties included in the program have been wood-frame dwellings, unreinforced masonry buildings also qualify.²⁵ In its first decade of implementation, 12,000 properties were retrofitted and rebates were issued totaling \$6 million.

A number of other California cities offer incentives, and their programs are summarized by the Association of Bay Area Governments.²⁶ These programs include tax breaks, as in the Berkeley case; waiving of building permit fees for seismic upgrades; conferring zoning benefits such as an increase in density or exemption from non-conforming parking or other conditions; low-interest or no-interest financing from publicly issued bonds or redevelopment district revenue, and; acquiring federal grant money for subsidizing retrofits. The Association of Bay Area Governments report includes information specific to unreinforced masonry buildings. A number of cities are included in that survey: Arroyo Grande, Berkeley, Fullerton, Inglewood, La Verne, Long Beach, Palo Alto, San Diego, San Jose, San Mateo, Sonoma, Torrance, Upland, Vacaville, and West Hollywood. The report also includes sample ordinances, state legislation, and other reference material.

One possible lesson to be drawn from the examples of these cities is the value of offering both a carrot and a stick, both incentives and requirements. As the California Seismic Safety Commission report¹⁹ noted, incentives by themselves have not led to significant retrofitting.

Public Schools in California: A Statewide Approach to a Special Kind of Facility

California legislation singled out schools as a high-priority type of facility. The legislation set long-term but definitive deadlines for retrofitting buildings or taking them out of service.

The Long Beach earthquake in Southern California occurred at 5:54 p.m. on Friday, March 10, 1933. The fact that it barely missed occurring while children were in school and that the public saw numerous scenes of unreinforced masonry rubble on school campuses supplied graphic proof that new earthquake regulations in the

building code were needed. Prior to this time, there were no statewide earthquake regulations in the United States, and only a handful of California cities, such as Santa Barbara, which had gone through its own earthquake disaster in 1925, had any such provisions. Precisely one month after the Long Beach earthquake, the California legislature passed the Field Act, which effectively made the State into the building department for every school constructed by local governments (local school districts). The act prevented construction of new unreinforced masonry buildings and in 1939, the Garrison Act required school districts to inventory and to design a program for reducing the hazards of all pre-Field Act buildings. These were essentially the unreinforced masonry buildings remaining on their campuses. However, this legislation did not lead to immediate retrofit efforts, and the law gave school board members immunity from liability, if they made an effort to secure funds for retrofit efforts via bond elections. One key reason for the lack of action was that there was no deadline in the Garrison Act. In 1967 and 1968, the legislature passed the Greene Acts. This action “put teeth” in the retroactive seismic safety requirements for schools by setting a 1970 deadline for producing structural evaluations of pre-1933 buildings and by prohibiting their use by students, as of 1975.²⁷

Possible lessons for unreinforced masonry seismic safety programs include the singling out of a key public concern, such as safe schools, and the need to consider the possibility that deadlines and compliance may slip over time.

Long Beach, California: A Pioneering Accomplishment

The persistent and skillful efforts of just one person can have a lasting effect.

Long Beach, California, where the 1933 earthquake had been centered, was the first city to enforce retroactive requirements to seismically upgrade unreinforced masonry buildings. In 1959, Edward O’Connor was the chief building official of the city, and he took upon himself the duty to identify the most hazardous of these buildings, including high-occupancy buildings like theaters, and to deliver the notice personally to the owners that they must either structurally

strengthen them or tear them down. This case-by-case approach withstood resistance, based on a California Supreme Court case that justified retroactive fire safety requirements when high risk to public safety was present (retroactive “hazard abatement”). It later developed into a long-term, systematic law and program enacted and updated by the Long Beach City Council.²⁸ Over time, as engineering developments occurred, technical details of the program evolved, but the essence of what one person began endured. By 1989, the unreinforced masonry buildings that had been rated as being in the most dangerous and intermediate dangerous categories had all been retrofitted or demolished, although there remained 560 buildings in the third category of hazard.

In addition to the mandatory regulation, the city introduced an incentive by establishing an assessment district composed of the affected properties. The establishment of the assessment district enabled the city to issue bonds, the proceeds of which would provide loans to the property owners and cover the city’s cost of implementing the financial program and the building department’s monitoring of the retrofit work. The repayment of the bonds came from assessments on the owners in the district. While owners paid the going rate for the loans, they would otherwise have been largely unavailable. Owners who defaulted on their loans could have their property foreclosed, with the city verifying in advance that there was enough value in the property to cover the loan value.²⁹

Edward O’Connor had to go it alone, without other models of mandatory programs to refer to and without adopted engineering standards for the evaluation and retrofit of unreinforced masonry buildings. Today, those resources are available. Still applicable as a lesson of this story, however, is the need for a dedicated lead individual to push steadily for the goal of seismic safety. It is also true that the local building department will usually be the key agency implementing such efforts.

Los Angeles, California: Evidence of the Effectiveness of Retrofits

Successful local programs vary in their sources of support, but three kinds are usually essential: a state or local structural engineering association or supportive individual engineers, the local building department, and key local government officials and legislators.

The City of Los Angeles, adjacent to the City of Long Beach and with a population over three million, launched the largest mandatory local government retroactive seismic safety program in the United States, when the City Council passed an ordinance in 1981. The law required structural upgrading, or demolition, of 14,000 unreinforced masonry buildings, excepting residential buildings that had four or fewer dwelling units.³⁰ The 1985 Mexico City earthquake that caused over 10,000 deaths motivated

the Los Angeles City Council to accelerate the time table for compliance, and by the time of the 1994 Northridge earthquake in Los Angeles, most URM buildings subject to the ordinance had been retrofitted.

The 1994 earthquake caused strong ground motion over Los Angeles and other cities of the region and “provided one of the first major tests of the performance of retrofitted unreinforced masonry (URM) buildings, and once again pointed out the vulnerability of URMs that have not been strengthened.... As would be expected,

unretrofitted URM buildings performed worse, in general, than both reinforced masonry buildings and retrofitted URM buildings. As observed in previous earthquakes, many of these buildings suffered significant structural damage and posed serious risks to life safety.”³¹ These statements pertain to unreinforced brick buildings. The region also had some very old and historic adobe buildings, and the same engineering report just cited noted: “Historic adobe buildings in the Los Angeles area suffered a tragic loss.” These buildings, which are present in other Western and Southwestern states, have unique structural features, including the different material properties of the adobe walls and their usually larger thickness, and they require their own engineering retrofit approaches, different from those used on the more common brick building.

The large-scale program enacted by the Los Angeles ordinance catalyzed the involvement of a wide spectrum of the community, many of whom initially opposed the idea because of cost. The key to its eventual success may lie with three sets of proponents. These include its earliest advocates, the structural engineers of the region, who knew how great the risks were. With funding from the National Science Foundation, tests and analyses were conducted to develop a hazard reduction package of retrofit measures. The goal was not to bring these old buildings up to current code standards—which would be virtually an impossible task and prohibitively expensive—but to bring them up to a reasonable level of safety. The performance of buildings retrofitted to that standard in the 1994 Northridge earthquake was generally in line with that criterion, although building owners often did not understand that “hazard reduction” could be compatible with a level of damage that required expensive repairs.

The Los Angeles Department of Building and Safety also played an essential role in this program. This agency reviewed a large volume of building evaluation reports submitted by consulting engineers and approved retrofit design documents, once the program was underway. It was also responsible for reporting to the City Council on costs and progress and for initiating any legal actions against non-compliant owners.

The third source of crucial support was the Los Angeles City Council, which remained determined in passing an unpopular law. One legislator in particular, Howard Berman, maintained progress on the effort over a span of decades.

San Luis Obispo, California: Making the Effort to Communicate with Building Owners

The goal of working toward seismic safety was combined with efforts by local agencies to support the economic development of the affected businesses.

This central California city passed its unreinforced masonry law in 1992, taking the approach of setting deadlines for mandatory retrofitting. Buildings were put into two categories, with the higher occupancy buildings having closer deadlines. Partial upgrades could be implemented, in order to extend the time permitted to come into full compliance. After

the nearby 2003 San Simeon earthquake, the city decided to accelerate retrofits of the remaining 40 unreinforced masonry buildings, which were clustered in the central business district. In the meantime, the state’s unreinforced masonry law required posting a standard hazard warning on unretrofitted unreinforced

masonry buildings. As the deadlines approached, the downtown business association and individual owners became more opposed to and concerned about mandatory retrofits. Rather than wait until conflicts flared, the city retained an Economic Development Manager, who met individually with building owners to explain requirements and to inform them of technical assistance and financial incentives available.³² The original deadline for all of the buildings to be in full compliance was 2018; it has since been moved to 2012. Twenty years would seem like a reasonable timetable for compliance but in fact, many business owners ignored the program in its first decade and only seriously considered the law's requirements when the time remaining had grown short.

The City's effort to incorporate an economic development perspective into its program, rather than a building safety enforcement approach alone, is a lesson that may well be applicable elsewhere. Another lesson is that allowing a long lead time before the first deadline for compliance comes due can result in a program getting off to a slow start.

5

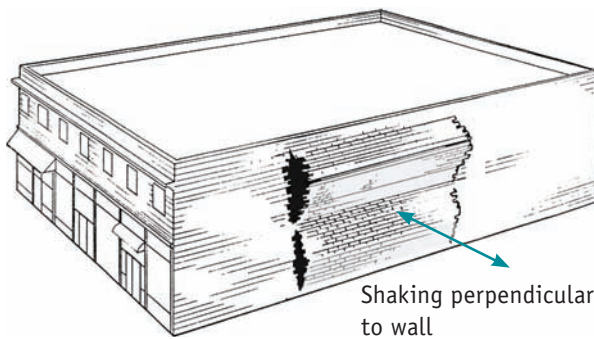
Additional Technical Background on Unreinforced Masonry Construction

Unreinforced masonry buildings have design and construction characteristics that make them perform poorly in earthquakes. Various retrofit techniques are available to reduce their risk, ranging from low-cost solutions like anchoring masonry parapets to highly engineered solutions involving seismic isolation. This chapter details typical construction characteristics, conceptual information about the earthquake response of URM buildings, and possible retrofit solutions.

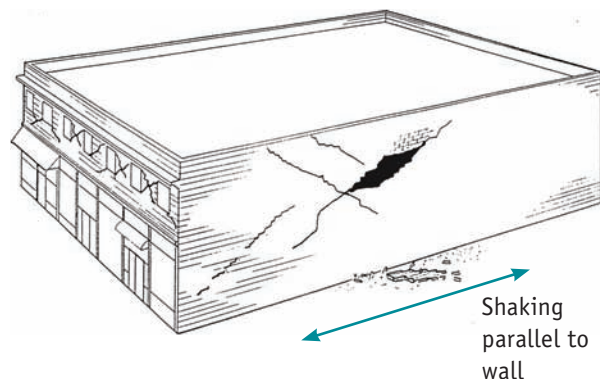
Out-of-plane forces act on a wall both inwardly and outwardly, primarily causing bending (flexural) stresses. In-plane forces, oriented parallel with the wall, cause sliding or shear stresses.

Masonry materials are intrinsically strong when compressed under the usual gravity loads but are weak in resisting earthquake forces, which make materials flex and also shear; ‘shear’ describes the tendency for a portion of the wall to slide vis-à-vis the rest. When an earthquake shakes an unreinforced masonry building, it causes the building’s walls to flex *out-of-plane* (see Figure 24) and to shear *in-plane* (see Figure 25). Unreinforced masonry is weak in resisting both of those types

of forces. Mortar is the “glue” that holds the masonry units together; however, when it eventually cracks, it does so in a brittle manner, similar to the way that the bricks crack. Generally speaking, older masonry construction was built using much weaker mortar than current building codes require. Mortar also tends to deteriorate in strength over time more than the masonry units themselves do. Thus, earthquake engineers sometimes say that in old masonry buildings, “the mortar holds the bricks apart, not together.”



■ Figure 24. Out-of-plane failure of unreinforced masonry walls. —Rutherford and Chekene



■ Figure 25. In-plane failure of unreinforced masonry walls. —Rutherford and Chekene

A common type of unreinforced masonry wall in one- or two-story buildings is approximately a foot thick and uses a pattern of brickwork called “American bond.” In this pattern, most of the bricks are laid running parallel with the wall (these are known as stretchers). Approximately every sixth horizontal row, there will be a row of bricks with their ends rather than their sides visible (these are known as headers), as illustrated in Figure 7 and Figure 8. The header courses extend into the cross-section or thickness of the wall, and they provide a strong clue that the wall is unreinforced (because there is no empty space in the middle of the wall, where reinforcing and grout could have been placed). A form of hollow cavity unreinforced brick wall also exists, which has no bricks connecting outer and inner layers. This type of masonry work is done to provide some insulation and to keep rainwater from seeping through from the outside to inside of a building. There are many patterns of brickwork, although American bond is the most common one. While engineers and building departments evaluate the strengths of unreinforced masonry walls on their individual merits, all unreinforced masonry walls are essentially “guilty until proven innocent,” when it comes to earthquake resistance. Simple field testing methods can be used to measure existing masonry strength without damaging the wall.

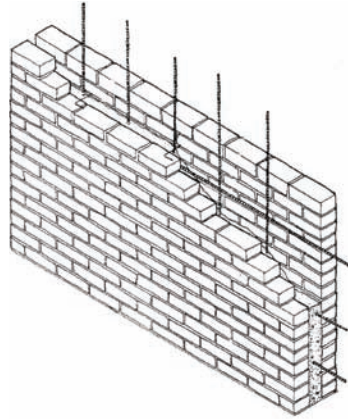
Unreinforced masonry, as the name implies, is masonry without reinforcing. “Reinforcing” (see Figure 26) has a very specific meaning in this context. It refers to steel reinforcing bars (rebar), which vary in diameter from approximately 3/8 inch in diameter (9.5 mm, called a #3 bar) to an inch (25 mm) or more in diameter. A bar 4/8 inch in diameter is called a #4 bar, and so on. The bars have knobs or ridges along their length to increase their adhesion or bond with concrete or grout. Grout is essentially a very fluid form of concrete, with small pea-sized gravel instead of the larger aggregate in concrete.



■ **Figure 26. A piece of #4 bar (a steel reinforcing bar that is 4/8 inch in diameter).**

A nickname for reinforcing bar is rebar.

A reinforced masonry wall has a grid of horizontal and vertical steel reinforcing bars within the wall cross-section (see Figure 27). In reinforced brick construction, a hollow cavity is formed between an outer stack or wythe of bricks and an inner wythe, and the reinforcing is placed in this space. Grout is poured into the cavity, and when it sets, a monolithic structural sandwich forms, which is strong in resisting horizontal earthquake forces, both those forces perpendicular to and those parallel to the wall.



■ **Figure 27. Reinforced brick wall.** —FEMA 154, *Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook*

Ductility is the toughness of a material—its ability to crack or permanently bend out of shape, while still maintaining its structural integrity.

Reinforced masonry walls are not only much stronger than unreinforced ones: they also remain intact and stable, even if they are shaken to the point at which cracking occurs. That desirable property of *ductility* is one of the most important seismic requirements for all kinds of construction. Unreinforced

masonry, which lacks ductility, often comes apart in a brittle manner and collapses, when it is shaken severely and begins to crack.

How Do Unreinforced Masonry Buildings Behave in Earthquakes?

The short answer to this question is that unreinforced masonry buildings, on average, perform very poorly in earthquakes. More than any other kind of construction, they can be singled out as being seismically vulnerable. The following points clarify why this is so.

Inertial forces are caused by rapid movements—the quick speeding up, slowing down, or turning of a car, for example—or the rapid and erratic shaking of the ground to which the building is connected.

When shaken in an earthquake, the heavy mass of masonry walls contributes to high earthquake forces. If you hold an empty cardboard box and shake it, then you don't feel much effect. Fill it with groceries, though, and shake it, and you experience large *inertial* forces, because the mass is now greater. Inertial forces are the product of the mass of an object and the acceleration of its

motions; thus, heavier (more massive) buildings generate higher forces when they are shaken. *Acceleration* indicates how much an object speeds up, slows down, or changes direction. Drop an object here on Earth, and it falls with an acceleration of 1 unit of gravity, 1 g. Shake the ground horizontally with an acceleration of 1 g, and an object that is rigidly mounted to it experiences a sideways force that is equal to its own weight. Accelerations of $\frac{1}{2}$ g up to 1 g or more have been measured in earthquakes. It is easy to understand why people can't stand up during strong earthquake shaking, when you imagine yourself subjected to horizontal, erratic pulls equal to half or more of your body weight.

Acceleration is a common measure of the severity of earthquake shaking.

As a rough guide, when strong-motion seismographic instruments measure accelerations of ground shaking to be about one to two tenths of that of gravity (0.1 g to 0.2 g), then earthquake-resistant construction may suffer cracking but no serious damage. However, unreinforced masonry buildings can experience significant damage and may drop debris, such as parapets. As shaking severities approach $\frac{1}{2}$ g or even exceed 1 g, then damage to all kinds of construction is common, but it is especially severe for unreinforced masonry buildings. The building code allows the structure to deform so much in a severe earthquake that it no longer elastically returns to its pre-earthquake position and condition. Keeping it “earthquake-proof”—that is, able to undergo strong shaking without experiencing even minor damage—would require prohibitively expensive protection for the structure and for nonstructural components such as ceilings, partitions, piping, etc. Modern buildings designed to recent building codes have successfully resisted the most severe earthquake ground motions with only repairable damage. For most kinds of modern, code-conforming construction, less than 5% is severely damaged or performs in a hazardous manner in a strong earthquake, whereas more than half of unreinforced masonry buildings typically receive that level of damage (see Chapter 2).

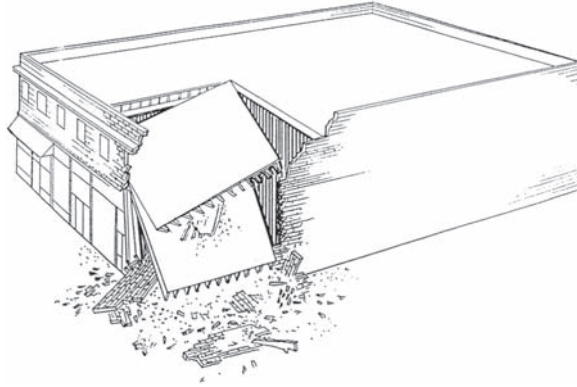
A cardboard box with a lid can resist much higher sideways or lateral forces than the same box without the top can resist. Building walls also need that “lid on the box,” in order to stabilize them. That role is provided by the roof and any floors above ground level. Floor and roof diaphragms hold the walls of a building together.

Diaphragm is the term structural engineers use to refer to floors or roofs in their roles of resisting horizontal, rather than the usual vertical, forces.

The most common kind of floor and roof in an unreinforced masonry building is wood frame, typically “two-by” lumber such as 2×10 small beams (joists), which are usually sheathed with “one-by” boards (the use of plywood not being common until after World War II in building

construction). The wood floor or roof diaphragm of a building is, unfortunately, very flexible when compared to the stiffer masonry walls. This flexible wooden diaphragm can allow building walls to lean or bow excessively either inwardly or outwardly (out-of-plane). As the diaphragm bends sideways and vibrates back and forth, it dynamically pushes and pulls on the brick walls, increasing their motions and damage.

Individual structural elements, such as a wall and the roof, only perform adequately in earthquakes when these elements are strongly connected. The typical connection of the wood beams or joists to the unreinforced masonry walls, however, is very weak. A common construction detail used over the decades was to rest the end of a beam in a pocket or niche in the brick wall, with little or no steel hardware providing a strong, positive connection. When an unreinforced masonry building is shaken, the roof or floor framing can pull away from the walls. The walls need the roof to keep them from leaning too far and collapsing, while the roof needs the walls to support it, in order to keep from falling. Typical unreinforced masonry damage includes both the collapse of heavy masonry wall areas and the collapse of part or all of the roof or upper floors (see Figure 28).



■ **Figure 28. Failure of roof-to-wall connection, with resulting collapse.** —*Rutherford and Chekene*

Chapter 2 previously mentioned the common presence of parapets, chimneys, and cornices or other decorative features on unreinforced masonry buildings. These elements do not play a structural role, but their failure can be very hazardous.

The fact that unreinforced masonry buildings often have multiple seismic weaknesses is not surprising—they were not designed to be seismically safe in the first place. By the time when American building codes started to include seismic requirements, first in California in the 1930s and slowly spreading nationwide, reinforced masonry construction techniques became increasingly standard. Strong steel connections, analysis of the overall load path that the structural elements needed to provide, and an emphasis on ductility also became increasingly standard.

Thus, unreinforced masonry buildings not only have three strikes against them from an earthquake engineering point of view—they are vulnerable for at least twice as many reasons:

1. The walls are weak in resisting horizontal forces (and they lack ductility or toughness);
2. The walls are heavy (they have high mass, leading to high inertial forces);
3. Diaphragms are excessively flexible (insufficient lateral support for the walls);
4. Diaphragm-to-wall connections are either absent or weak;
5. Parapets and ornamentation are common (and made of masonry), and;
6. The buildings were not seismically designed by an engineer (because they were built prior to the time when seismic regulations pertaining to masonry began to be enforced in that particular region).

How Are Unreinforced Masonry Buildings Seismically Retrofitted?

Retrofitting or seismically upgrading a building, which means reconstructing portions of it, in order to improve its earthquake resistance, is not the only way to reduce risks. A building that is demolished obviously poses no further risk. One that has its occupancy changed to a lower level—for example, from a theater to a warehouse—also reduces the risk of injury. The risk of economic loss might be reduced by purchasing earthquake insurance (although it is often unavailable or very expensive for this kind of construction). In this document, however, risk reduction through structural seismic retrofit (also referred to as rehabilitation) is the focus.

A variety of retrofit measures have been included in unreinforced masonry building risk reduction programs, and one or more of those measures may be appropriate in a given case. The FEMA book, *Techniques for Seismic Rehabilitation of Existing Buildings* (FEMA 547), provides examples that relate to several kinds of construction, including unreinforced masonry bearing wall buildings.³³ The general standard for such retrofit measures in the United States is the *International Existing Building Code*.³⁴ The International Code Council (ICC) was formed in 2000 through the merger of the three previous model building code organizations: the Building Officials and Code Administrators (BOCA), which promulgated the *National Building Code*; the International Conference of Building Officials (ICBO), which promulgated the *Uniform Building Code* (UBC), and; the Southern Building Code Congress International (SBCCI), which promulgated the *Standard Building Code*. Prior to the establishment of the ICC code for existing buildings, the model code available with specific application to seismic retrofit projects was “Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings,” the *Uniform Code for Building Conservation* (UCBC) Appendix Chapter 1, 1997 edition, which was cross-referenced with the 1997 *Uniform Building Code*. In some cases, a local program may still use the *Uniform Code for Building Conservation* rather than the newer ICC document. Over time, it is expected that adopted versions of building codes will standardize around the ICC codes and the standards that it incorporates by reference.

Usually retrofit that offers the biggest benefit relative to its costs is the anchorage of masonry parapets, those short walls that extend a few feet above a building’s roofline. Bracing or removing these parts of the building, along with other exterior masonry appendages such as cornices, effectively addresses the type of damage that can happen even in very light shaking. The most common type of bracing used is to bolt diagonal steel struts to the top of the parapet, with the bottom end of the struts anchored with bolts into the roof structure. Usually this does not change the building’s appearance from the street (see Figure 29).

Parapet safety programs do not provide protection, however, against the collapse of the building itself. The first additional increment of seismic protection, beyond parapet and appendage bracing, is provided by bolting the walls to the roof and to any floors above the ground floor level. Long steel bolts are typically inserted into holes drilled in the wall and attached to a steel angle, which in turn is bolted to the side of a wooden joist. The end of the bolt on the outside of the wall requires a large washer (the size of a teacup saucer) to prevent it from pulling through in an earthquake (see Figure 30). In many communities that have enacted seismic ret-

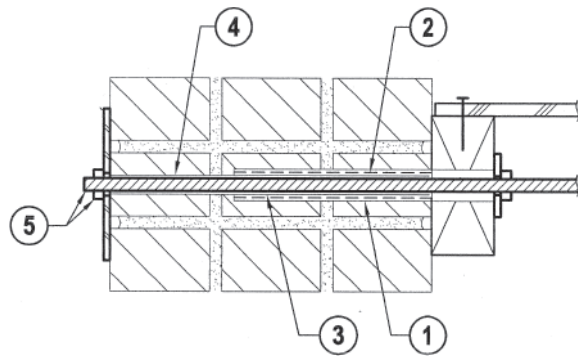


■ **Figure 29. Retrofit bracing of an unreinforced masonry parapet.**

Typically, diagonal bracing struts are installed behind the wall and anchored to the roof, as shown here, which makes them unobtrusive.

—Federal Emergency Management Agency

■ **Figure 30. Generic wall-diaphragm connection retrofit detail.** —FEMA 547, *Techniques for the Seismic Rehabilitation of Existing Buildings*



rofit ordinances, the row of these washers running along the roofline indicates the presence of this kind of retrofit. Similar-looking steel washers may be part of an older building’s construction. In general, old, pre-seismic-code wall-joist anchors are not found to be adequate.

The next additional increment of earthquake protection is provided by conducting a more thorough engineering examination of the entire building structure. This examination might reveal the need to increase the horizontal stiffness of floors and the roof, which is typically accomplished by adding a layer of sheathing (sheets of plywood or oriented-strand board). New columns (posts) may be added that can hold up the floors and roof, even if portions of the bearing wall fail. The brick or concrete block walls themselves cannot be transformed into modern reinforced masonry construction. However, walls can be strengthened by several techniques, making them stronger, even if not as strong as new, reinforced masonry walls. One available technique is to add a layer of reinforced concrete to the inside or outside of the wall, as shown in Figure 31.

Strongbacks are vertical “splints” that retrofit a wall to increase its out-of-plane resistance to horizontal forces.

Another approach is to install columns attached to the walls, which act like splints or *strongbacks* that brace the wall against excessively bowing outward or inward (see Figure 32). Yet another wall strengthening method is to drill holes down through the wall from top to bottom, using machinery adapted from the oil well industry to insert a steel bar and grout. Interior partitions can also help to stiffen the overall box structure and can damp out or absorb its vibrations. Each retrofit brings its

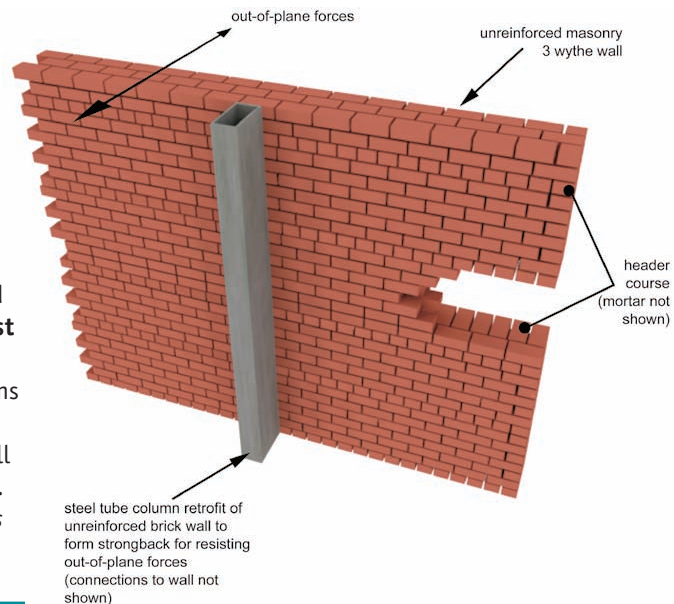


■ **Figure 31. California Capitol Retrofit.**

An exhibit shows a cut-away view of the reinforced concrete that is anchored into the brickwork with epoxied reinforcing bars. —*Robert Reitherman*

■ **Figure 32. A retrofitted lateral-force-resisting post (strongback).**

The strongback column spans from foundation to roof, serving to brace a brick wall against out-of-plane forces. —*Consortium of Universities for Research in Earthquake Engineering*



own challenges. For example, a church with an unreinforced masonry spire may need to insert steel trusswork inside the tower to brace it adequately.

Seismic isolation devices can be employed in combination with any of the above techniques. These devices are “shock absorbers” manufactured for the specific purpose of being installed between a building’s superstructure and foundation; they soften and reduce the motion of the ground, as it comes up into the building structure. Prominent examples of this kind of retrofit being applied to prominent historic buildings that contain unreinforced masonry include the Salt Lake City and County Building and San Francisco City Hall (see Figure 33).

One can’t simply take the building code regulations for new buildings and extract particular features to guide the retrofitting of existing buildings. In fact, these kinds of retrofits require design criteria developed specifically for existing buildings. The *Uniform Code for Building Conservation* and the *ICC International Existing Building Code* evolved to meet that need. Local communities have also adopted a number of different code rules for unreinforced masonry retrofits; some of these are described in Chapter 4. Codes also typically have “triggers” that require much more significant overall building upgrading if a building remodel exceeds a particular threshold. For example, code requirements might be triggered if the cost of the new work exceeds some percentage of the value of the existing building.



■ **Figure 33. The San Francisco City Hall seismic retrofit, which includes seismic isolators.** —*Robert Reitherman*

These requirements may address concerns beyond the seismic safety concern that motivated an earthquake retrofit. Issues such as handicapped access, exits, energy conservation, removal of hazardous materials such as asbestos, and so on can come into play. Deciding on the level of required seismic retrofitting that is appropriate relative to its associated costs is a big part of developing any risk reduction program.

Retrofits require an engineer’s expertise to design the changes to the construction. There are many kinds of engineer; in this instance, we are referring to civil engineers with structural engineering expertise. In some states, “structural engineer” is a license or professional registration category, while in other states, the term is used more generically. Seismic retrofits are significant remodels that require building permits, and thus building departments must review plans and issue permits. The technical community—the consulting structural engineers, building departments, architects, and contractors—are essential to any successful unreinforced masonry building risk reduction program, but they can’t implement such measures by themselves. The guidance in Chapter 3, “Developing a Strategy for Implementing a URM Risk Reduction Program,” and in Chapter 4, “Examples of Successful Risk Reduction Programs,” makes it clear that key non-technical sectors of the community must be involved and exert leadership.



6

Sources of Information

In addition to the cited references, the following sources of information may be useful to consult for further information.

Note that all of the documents published by FEMA listed here are available as downloads and can often be mailed in printed form, upon request. A much larger number of earthquake publications than are listed here are available from FEMA. See: <http://www.fema.gov/plan/prevent/earthquake/>.

Publications for the General Public

California Seismic Safety Commission, "Status of the Unreinforced Masonry Building Law: 2006 Progress Report to the Legislature," California Seismic Safety Commission, Sacramento, California; <http://www.seismic.ca.gov/pub.html>.

In concise form, this report indicates the types of programs being used in California and their success rates.

Oregon Department of Land Conservation and Development, *Natural Hazard Technical Resource Guide*, Salem, Oregon, July 2000; http://oregon.gov/LCD/HAZ/docs/earthquakes/08_seismic.pdf.

This booklet explains to the public the nature of the various natural hazards in Oregon and what is being done about them. Examples of programs to reduce the earthquake hazards of existing buildings are included, along with a review of legislative bills that were drafted to require seismic inventories of buildings. It points the reader toward further sources of information.

Utah Seismic Safety Commission, "The Utah Guide for the Seismic Improvement of Unreinforced Masonry Dwellings" (n.d.); <http://ussc.utah.gov/utahseismic>.

This booklet exists as a web-based document for the general public. It promotes the idea of producing web-accessible public information products as part of a seismic risk reduction program, with the twin advantages of lowering costs (eliminating printing and distribution costs once the document is produced) and appealing to the increasing number of people who turn to the web as their first source of information. It may also be advisable to have printed versions of such documents available, for example, to hand out at meetings, to reach those who do not usually use the web, and to reach additional audiences such as those who pick up a copy when waiting at the counter of a building or planning department.

Utah Seismic Safety Commission, “Putting Down Roots in Earthquake Country: Your Handbook for Earthquakes in Utah,” 2008; <http://ussc.utah.gov>.

This booklet is a customized version of a publication developed for California residents by the Southern California Earthquake Center, the U.S. Geological Survey, and the Federal Emergency Management Agency. It includes an explanation of the hazard of earthquake shaking and fault rupture in Utah and information on unreinforced masonry.

Historic Buildings and Seismic Retrofits

California Historical Building Code (Part 8, Title 24 of California law), California Building Standards Commission, 2007; <http://www.dsa.dgs.ca.gov/SHBSB/default.htm>.

This is the generally prevailing code used for historical buildings in California, though not required statewide, and is now correlated with the provisions of the 2006 *International Building Code*. It allows more latitude in seismic retrofitting of historic buildings than apply to non-historic building projects.

Rachel Cox, *Controlling Disaster: Earthquake-Hazard Reduction for Historic Buildings*, National Trust for Historic Buildings, Washington, DC 2001; <http://www.preservationbooks.org>.

An introduction to the topic and guide to further resources.

Building Inventories and Evaluation of Existing Buildings

American Society of Civil Engineers, *Seismic Evaluation of Existing Buildings—ASCE 31-03*, Reston, Virginia, 2002; ordering information: <http://pubs.asce.org/books/standards/>.

This standard was developed for the use of structural engineers and building departments in applying consistent criteria and calculation methods to the seismic evaluation of existing buildings, that is, the process of deciding whether an existing building is deficient in particular ways and requires strengthening. It covers all kinds of buildings.

Applied Technology Council, *Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook—FEMA 154*, second edition, Federal Emergency Management Agency, Washington, DC, 2002; <http://www.fema.gov/plan/prevent/earthquake/>.

A guide to the subject concerning all types of buildings, but with a chapter specific to unreinforced masonry bearing wall buildings. Includes sample data collection forms and guidance on field methods to identify unreinforced masonry buildings.

Building Codes, Standards, Guidelines, and Laws Applicable to Existing Buildings

American Society of Civil Engineers, *Seismic Rehabilitation of Existing Buildings*—ASCE/SEI 41/06, Reston, Virginia, 2007; ordering information: <http://pubs.asce.org/books/standards/>.

This standard was developed for use by structural engineers and building departments after the decision is made to strengthen (rehabilitate) a building, and it is not limited to unreinforced masonry. It includes guidance to the engineer on how to give appropriate earthquake engineering “credit” to older kinds of structural components that are not included in modern building codes and how to analyze them. Forerunner publications to this standard include documents known as FEMA 273, and FEMA 356.

Association of Bay Area Governments, *Seismic Retrofit Incentive Programs, Oakland, California*; <http://www.abag.ca.gov/bayarea/eqmaps/incentives>

This report focuses on incentives, but it also includes summaries of several local government ordinances.

California Seismic Safety Commission, “Status of the Unreinforced Masonry Building Law: 2006 Progress Report to the Legislature,” California Seismic Safety Commission, Sacramento, California; <http://www.seismic.ca.gov/pub.html>.

Includes a summary of this state law, passed in 1986. Also mentioned above, under Publications for the General Public.

International Code Council, *International Existing Building Code, 2006 edition, Washington, DC; ordering information: <http://www.iccsafe.org/>*

This is derived from the earlier *Uniform Code for Building Conservation*, which may still be the locally applicable standard, depending upon the jurisdiction.

Rutherford & Chekene, *Techniques for the Seismic Rehabilitation of Existing Buildings*—FEMA 547, Federal Emergency Management Agency, October 2006; <http://www.fema.gov/plan/prevent/earthquake/>.

Written for engineers and building department personnel, this manual deals in Chapter 21 with specific retrofit measures for unreinforced masonry buildings, ranging from bracing parapets and veneer to reinforced concrete and fiber-reinforced polymer methods of strengthening walls. Includes generic engineering details of the various retrofit alternatives.

Uniform Code for Building Conservation, Appendix Chapter 1, International Code Conference, Washington, DC, 1997; ordering information: <http://www.iccsafe.org/>

Originally published by the International Conference of Building Officials, the organization promulgating the *Uniform Building Code*, prior to the merger of model code organizations into the International Code Council. The *Uniform Code for Building Conservation* is formatted to be compatible with the 1997 *Uniform Building Code*.

Costs of Seismic Retrofits

Federal Emergency Management Agency, “FEMA Seismic Rehabilitation Cost Estimator,” FEMA Seismic Rehabilitation Cost Estimator; <http://www.fema.gov/srce/index.jsp>

The user of this web-based calculator can either use a simplified method requiring little input information or a more advanced method that requires selections among more variables.

Hart Consultant Group, Inc., *Typical Costs for Seismic Rehabilitation of Buildings, Volume 1, Summary—FEMA 156, and Volume 2, Supporting Documentation—FEMA 157, Federal Emergency Management Agency, Washington DC, 1994-1995, second edition; <http://www.fema.gov/plan/prevent/earthquake/>.*

A study of completed seismic upgrade projects to derive cost statistics.

Rutherford & Chekene, *Seismic Retrofitting Alternatives for San Francisco’s Unreinforced Masonry Buildings: Estimates of Construction Cost and Seismic Damage, San Francisco Department of City Planning, 1990.*

A study which grouped the city’s 2,000 unreinforced masonry buildings into categories based on occupancy, size, and configuration, in order to estimate what kinds of retrofits would be needed to meet alternative proposed strengthening criteria, listed with associated costs.

7

End Notes and Cited References

1. The *International Building Code*, promulgated by the International Code Council, obtains its seismic criteria for where particular types of structural systems can be used from ASCE 7-05, *Minimum Design Loads for Buildings and Other Structures* (ASCE/SEI 7-05 including Supplement No. 1), American Society of Civil Engineers, Reston, Virginia, 2006. The map in Figure 1 of this document is based on several assumptions, including: (1) Occupancies up through III in Table 1-1 of ASCE 7-05, which does not include fire stations, hospitals, or other essential facilities; (2) a short-period site coefficient, F_a , of 1.75 (Table 11.4-1), based on the mapped short-period Maximum Considered Earthquake (S_S); and (3) the design spectral short-period accelerations (S_{DS}) must be less than 0.33 for Seismic Design Category B to apply (Table 11.6-1), and with the above assumptions, the maximum S_S of 0.33 is rounded here to 0.3 for mapping purposes. For essential occupancies or for very soft soil, the red areas on the map would expand.
2. Architectural Resources Group, *An Assessment of Damage Caused to Historic Resources by the Loma Prieta Earthquake*, National Trust for Historic Preservation, Washington, DC, August 1990, p. 40.
3. The Federal Emergency Management Agency has published a number of publications that deal with a variety of kinds of buildings, and also for utility and transportation systems. See <http://www.fema.gov/plan/prevent/earthquake/>. FEMA publication number 736, "Catalog of FEMA Earthquake Resources," available at that website, provides the complete list.
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8

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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...
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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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October 6, 2020

BY EMAIL

Salem Planning Commission
c/o Olivia Dias
City of Salem
Planning Division
555 Liberty Street SE Room 305
Salem, OR 97301

Re: DevNW Planning Commission Submittal for Consolidated Land Use Application
File No. CPC-NPC-ZC-SPR-ADJ-DR20-03

Dear Commission President Griggs and Commissioners:

This office represents the applicant, DevNW ("Applicant" or "DevNW"), in the above-referenced file. DevNW requests approval of the consolidated land use applications inclusive of a change to the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone Change from Single Family Residential with RS (Single-Family Residential) to Multiple Family with RH (Residential High-Rise) zoning, including a Class 3 Site Plan Review, Class 1 Design Review, and five Class 2 Adjustments for the development of 19 affordable, multi-family units located at 905 & 925 Cottage St NE ("subject property" or "site"). Please accept the below information in support of approval of this application and include this letter in the record.

Preliminarily, DevNW is proposing consolidated applications to house low income residents who qualify for government assisted housing opportunities to provide stable shelter, so that these future residents can stabilize other aspects of their lives. The City can and should make special considerations for government funded housing in a close-in neighborhoods because the need is great. As identified throughout the record, Salem has a shortfall of 207 acres of multi-family zoned property. With the site measuring 0.30 acres, this zone change represents 0.14% of this need. The neighborhood has no government subsidized housing in its borders, and this location provides an opportunity for adaptive reuse of existing buildings. Many letters submitted from community groups and nearby neighbors support these applications for these very reasons.

While the general theme of the GNA comments is that all of the plans here should slow down and wait for a planning process to rezone other areas of the neighborhood so that a particular character of the single family zone can remain intact, this is exactly the kind of rhetoric that has historically excluded government subsidized housing from single-family

neighborhoods. For too long, neighbors have hidden behind land use planning as a tool to exclude and the GNA comments, taken together, propose to lean on that outdated crutch. In contrast, the City's policies to make affordable housing a top priority, to undertake a Housing Needs Analysis that evidences the need for more multi-family zoned land and affordable housing, and in adopting an incentivized multi-family code that places housing people over cars, the Applicant brings this proposal forward to carry out that vision. DevNW asks the Planning Commission to embrace the new policies of inclusion and approve this proposal.

I. The Applicant met the Open House requirement.

On May 4, 2020, the Applicant held an Open House. SRC 300.320(1)(A) requires that the Open House take place no more than 90 days prior to the land use application submittal. The Applicant submitted the consolidated land use application on May 22, 2020 – 18 days after the Open House. The purpose of the Open House is for the Applicant to engage with the local neighborhood association and surrounding residents and inform them about the proposed land use application. Members of the Grant Neighborhood Association ("GNA") attended the meeting.

DevNW held a virtual open house for all community members to hear about the project and ask questions. DevNW introduced the proposed development and described the possibility of building 19 bedrooms across 14 units and use of the parsonage as DevNW's office space and/or more residential units. DevNW has only made minor changes to the overall plan since that day. Instead of 19 bedrooms and an office space, DevNW's application includes 19 bedrooms across 19 units and no office space.

During the meeting, members of the public had the opportunity to express concerns and the Applicant addressed those concerns and adjusted its application accordingly. GNA claims that the Applicant "did not allow community members to ask them questions directly" which is not accurate as evidenced by the recording of the Open House and chat transcript that the Applicant submitted into the record with the application materials.¹ From minutes 45:39 – 1:28:31, DevNW answered all the questions posed in the chat.

During the Open House, the Applicant recognized the discomfort of some members of the public, including GNA members, to the proposal for a zone change that would allow office use in the parsonage. This objection grew more pronounced after the Applicant submitted its application and during the June 22, 2020 City Council meeting when the City Council considered funding a portion of the acquisition costs for DevNW's CHDO set aside. See City Council meeting agenda excerpt and excerpt from the 2020-2021 Annual Action Plan, attached here as Attachment 1. The Applicant requested that the City include the recording of the June 22, 2020 City Council meeting in the record and City staff confirmed it has been included. See

¹ Members of the public were informed that the Open House was being recorded.

Attachment 2. This recording shows that members of the public and GNA spoke in opposition to a zone change that would allow an office use in the parsonage, and many Council members expressed the same concern.

In addition to these meeting, the Applicant also had the following meetings with GNA and its committees:

- On June 4, 2020 – Representatives of DevNW's development team attended the GNA open house where GNA members asked the Applicant questions about the project. DevNW reiterated everything that was stated in the Applicant's Open House presentation at the May 4, 2020 Open House. The GNA unanimously voted to strongly oppose the project.
- On July 15, 2020 – Representatives of DevNW's development team met with a few members of the GNA via Zoom to discuss DevNW's amendments to its application. DevNW described that it was working on alternative solutions and other ways to fill the office use that was so strongly opposed by GNA, but the Applicant had not finalized its plan.

Based on the comments made at the Open House, the City Council meeting on June 22, 2020, and the Applicant's continued conversations with GNA's land use committee, the Applicant revised its application to address concerns as represented in these consolidated applications. This process shows that the Open House served its purpose to inform DevNW about how best to proceed with its development review.

After the application was modified in response to neighborhood comments, DevNW continued to keep a line of communication open with the GNA:

- On July 29, 2020 – Eric Bradfield, a GNA member, reached out and requested that DevNW attend the August GNA meeting (the next week) and DevNW responded on August 4, 2020, explaining that DevNW was not available to attend the meeting, but that GNA was invited to send over questions, comments, and concerns as they arise. Attachment 3.
- On August 29, 2020 – Mr. Bradfield reached out again to see if DevNW could attend the September 3, 2020 GNA meeting. DevNW unfortunately cancelled its attendance on September 3, 2020 due to a family medical emergency of its staff.²

² GNA complains that DevNW did not attend its August and September neighborhood meetings and demonizes the Applicant. This accusatory tone ignores the complexity of the time we are all living in. At this designated meeting date, only DevNW's project manager, Erin Dey, could attend. Unfortunately as the date approached, Ms. Dey was required to attend to family members who had contracted COVID-19. This, of course, is a personal health matter

Despite scheduling conflicts with GNA's meetings in August and September, DevNW maintained an open line of communication through email that its staff was always willing to respond to questions and inquiries related to this application.

Therefore, the Applicant met the Open House requirement, exceeded it in follow-up meetings with members of the GNA land use committee, and adjusted its application accordingly, evidencing that the spirit of the provision was adhered to in this case.

II. SRC 64.025 Plan Map Amendments.

GNA contends that the application for the rezoning of the subject property should be deemed a major plan map amendment. However, SRC 64.025(a) sets forth when a plan map amendment is a major or minor,

"Amendments to a plan map shall be adopted as provided in this section. The two types of plan map amendments are major and minor. As used in this section, the term "plan map" means the urban growth boundary, the comprehensive plan map, or a general land use map in a neighborhood plan.

(1) A major plan map amendment is:

(A) Any amendment to the urban growth boundary; or

(B) An amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.

(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."

There is no justification for a major plan map amendment. First, the Applicant is not proposing an amendment to the urban growth boundary. Second, this plan and map amendment does not involve the "creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties." The application

that Ms. Dey is not required to disclose, but does so here to counter the narrative that the GNA was in any way being ignored.

would only affect two properties that will be consolidated into a single property of 0.30 acres, and a closely circumscribed set of factual circumstances.

GNA may view the application as having impacts on some surrounding properties. However, its sky is falling argument that approval here will somehow open the floodgates to other RH zoning in the Grant neighborhood has no basis in fact, especially upon your close review of the consolidated applications. The applications request approval of a development plan for an extremely small parcel of land, specifically conditioned to allow for the proposed affordable housing development that will re-use the existing buildings on the property. This application in no way binds the City to any policy change about where RH zones will be allowed in the future, and any other property owner's application will be judged based on its own merits. The City's decision is not precedent setting, as it cannot bind future Councils to act in a certain way.

Last, even if there were disagreement about whether to treat this application as major or minor, it is another instance of the City's code failing to apply clear and objective standards and procedures to needed housing applications and the Applicant objects to application of this standard here. Notwithstanding this objection, the Applicant agrees with City staff's approach to treat this plan map amendment to the minor plan amendment standards.

III. Traffic Impact Analysis

GNA raised several traffic related concerns, particularly about the Applicant's traffic impact analysis in the record. Applicant's traffic consultant, DKS has responded to these concerns. Attachment 4. The Oregon Highway Plan (OHP) threshold of 400 trips per day is commonly referenced in local jurisdictions where no alternate definition is provided. In particular the City of Salem has successfully applied this definition in many zone change applications, and its use here is a reasonable benchmark for analyzing traffic impacts. DKS reiterates that the expected traffic increase from the proposed zone change is 75 trips per day, well below this threshold.

Further, DKS explains that in calculating the potential trip generation for the site to analyze the reasonable worst-case development scenario as required by the Transportation Planning Rule was based on a reasonable range of uses given the site size constraints on development. The reasonable worst-case development scenario did not result in significant impacts to the City's transportation system. Further, GNA's reference to the possibility of the building being capable of "limitless" height is unreasonable within the context of the Transportation Planning Rule, particularly here where the Applicant has included a self-imposed condition limiting the use to 19 units in the existing buildings. Therefore, it was reasonable for the Applicant's traffic engineers to omit a limitless height building in its analysis of the worst-case development scenario.

DKS notes that the proposed zone change is expected to increase peak hour traffic by a maximum of seven (7) vehicle trips and, contrary to GNA's assertion, there is no evidence that such increase would negatively impact safety or mobility of the neighborhood. Additionally, the traffic data does not support GNA's opinion regarding the existing roadway as "incredibly impactful" and "highly problematic." DKS found that no vehicle crashes were reported on the segment of D Street between 5th Street and Winter Street from 2014 to 2018. Further, DKS describes that off-set T-intersections, like the intersection of Cottage Street and D Street, are common in the City and create a traffic-calming effect, making the street safer. Finally, GNA is misinterpreting Table 1 and Table 2 from DKS' memorandum. Table 1 shows trip generation rates for all allowable uses in the RS zone. Whereas, Table 2 shows trip generation estimates for reasonable worst-case for all uses that could be developed in the RS zone, not the current use.

Further, the GNA claims that in its opinion the neighborhood streets are not designed to serve this property.³ GNA also points out that the church has been operating at significant levels over the 100 year history of the site. Further, GNA includes photographs in Exhibit D of the surrounding streets. Taken together, the information GNA submitted into the record supports that a 19 unit affordable housing development can be supported by the existing street network. The photographs show a street system that has available on street parking, is designed to limit speeds in a residential area, and has adequate stop signage at the corner of the subject property to assure safe transit in the area for vehicles, pedestrians, and bicyclists. At no time does DevNW anticipate the kind of traffic impact as the current Sunday church services that have been adequately served by the existing street pattern.

IV. The Applicant has satisfied the quasi-judicial zone change requirements under SRC 265.005.

The GNA once again relies on a subjective standard to try to argue for denial of this conditioned zone change. Under SRC 265.005(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." This again is a subjective term that cannot be applied to this needed housing application. This provision also makes no sense because the Applicant has the burden to establish the property qualifies for the zone change, and it is unclear how a greater burden could be applied in this context. Notwithstanding this objection, the Applicant provides the following response.

Once more, from the Applicant's perspective there are few land use impacts from the proposed reuse of existing buildings on the subject property such as existing services, and road capacities that were designed for residential use, and with a pre-existing church use at this location. Nonetheless, the Applicant has provided extensive information about how its proposal meets the zone change criteria, and is responding in additional detail to assertions by GNA,

³ GNA Attachment A, p. 21.

satisfying whatever the City could reasonably construe as a "greater burden" in this case.

V. Salem Area Comprehensive Plan Policies

The GNA comments that the Applicant may have inadvertently not included responses to applicable comprehensive plan policies. The Applicant supplements its response to the plan policies with the following information.

A. The Application meets the intent of the Land Use Plan Map.

GNA contends that the Applicant has not provided any justification or evidence as to why rezoning the subject property would be a benefit and meet the need of the local community. However, the Applicant has consistently provided justification and evidence as to how the rezoning of the subject property would meet the needs of the local community. The City's Housing Needs Analysis ("HNA") has identified the need for multi-family housing. Specifically, there is a need for 207 acres of multi-family. The proposed plan and map amendment would help the City achieve the goal of providing more multi-family housing. The change to Residential High Rise allows for the greatest diversity of housing options as compared to the current Single Family Residential zone, and also uses a zone that does not permit office use, as a response to neighborhood concerns. Moreover, the Intent portion of the Land Use Plan Map "recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change." Therefore, this zone change meets the intent of the Land Use Plan Map and takes advantage of the zone change process to meet the changing needs of the community.

B. The Applicant has followed the process envisioned in the Plan Map Designation section of the Comprehensive Plan.

GNA cherry picks provisions of the Comprehensive Plan to further push its agenda for exclusion. The SRC governs the zone change process and implements the Plan Map Designation section of the Comprehensive Plan that allows for zone changes such as the one proposed here. Further, this section of the Comprehensive Plan follows the intent section that also considers updates to the plan during the planning horizon.

Moreover, the plan discusses that residential land use patterns are allowed to change as desirability for redevelopment occurs and infill opportunities present themselves within existing neighborhoods. Further, proximity to the urbanized core is key for multi-family development – close to existing services, and public transit opportunities. DevNW's affordable housing mission means that this transparent proposal to construct affordable housing in existing buildings on the site will provide for a nonexistent housing type – government supported housing – in the Grant neighborhood. Further, the site is located close to a school, park, and shopping facilities. This proposal continues the residential land use pattern in the neighborhood.

C. Historic resource associated with the Evergreen Church and Parsonage

DevNW has reviewed the supplemental staff report that identifies that the Applicant should mitigate impacts to the buildings that would be eligible for listing on the National Register of Historic Places. However, the Applicant clarifies that no historic designation listing has been applied to the subject property. The Applicant accepts the recommended condition of approval in the supplemental staff report.

D. The proposed development encourages economic growth in the urban area.

When addressing the economic impacts of the proposed use the GNA fails to view how the proposed use will improve and strengthen the City's economic base. The proposed use will create jobs for the Salem community. All aspects of the construction and retrofitting of the properties, including contractors, engineers, and others will be sourced from the local contractors. The exact population to be served by the proposed housing has not been identified. Nonetheless, the housing will provide affordable workforce housing options for residents who work in jobs that pay below 60% median income who contribute to the local economy – whether as home health care workers, childcare workers, serving the tourism industry, or providing restaurant services, to name just a few. In meetings that DevNW holds with local business, lack of affordable workforce housing is one of the most-cited challenges for those businesses looking to expand or retain employees. This response also bolsters the Staff Report's Goal 9 findings.

E. Several GNA-focused comments are to aspirational goals, or misread the policy.

The Activity Nodes and Corridors section of the comprehensive plan does not include any mandatory language. As set forth in the Staff Report, the site is with ¼ mile of the public transit system, and in close proximity to the downtown core. Therefore, this application is appropriately sited near transit and job opportunities.

One comprehensive plan policy speaks to the cumulative effect of all new residential development in the Salem urban area to average 6.5 dwelling units per acre. The City uses cumulative effect purposefully here, to prevent the GNA from succeeding in an argument that this individualized rezone density should be compared the urban area-wide average. As stated in the application, this rezoning on only 0.30 acres of land helps to increase the cumulative average across the urban area.

GNA points to a plan provision regarding accommodation of vehicle access and avoiding existing nuisances. The GNA has not identified any existing nuisances. The GNA complains about on-street parking impacts, but public parking areas are available to all members of the public, not just the residence abutting a street parking space. In any event, this letter has addressed parking requirements for multi-family housing elsewhere. Other general plan policies that speak to encouraging particular behavior are not directly applicable to this project and

require no further response as they are aspirational City objectives. See generally, GNA Attachment A, p. 26, items 3 and 4.

F. The application meets the screening, landscaping, setback, height, and mass regulations, and encourages open space, with approval of the modifications, or with optional conditions of approval.

The subject property is large enough to allow development of affordable housing and implement measures to reduce impacts on adjacent properties. In contrast to the GNA's claim, the cost of doing so is not a measure to determine the Applicant's ability to achieve these goals.

The subject property is 12,900 square feet in size with a planned 19-units of housing. According to SRC 702.020(a)(1)(A) the subject property needs 3,870 square feet of open space. The Applicant currently has 3,331 square feet set aside for open space (with 1,628 square feet designated as common open space). The Applicant is currently requesting an adjustment to the standard to allow for 3,331 square feet to meet the criterion. GNA contends that the subject property is outside of the 0.25 mile from a public park standard to allow for a 50% reduction of common open space on site. The Applicant disputes the GNA's measurement, but instead of spending money to survey the shortest line to the park, the Applicant's pursued an adjustment. This adjustment request was made to preserve parking onsite, another concern raised by the GNA.

However, as well-stated by GNA, onsite parking is not required to build multi-family housing. Therefore, instead of requesting an adjustment to the open space requirement, the Applicant is willing to reduce the number of on-site parking spacing by one parking space in order to provide the required amount of common open space under SRC 702.020. See Attachment 5. The amount of parking spaces reduced would be the equivalent of at least 539 square feet in order for the subject property to reach at least the 30% or 3,870 square feet of open space required by SRC 702.020. The proposed condition of approval is provided at the end of this letter as an optional condition.

Thus, the proposed use will satisfy the open space requirements, either through the modification process or by reduction of onsite parking.

G. GNA's engineering feasibility challenges do not withstand scrutiny.

At various points of its submission, GNA questions the engineering feasibility of the proposed applications. However, these concerns are unfounded and the Applicant's experts have provided additional information that establishes the development can be constructed to meet safety and habitability requirements, as well as be served by adequate public facilities.

DevNW's architect, GMA Architects, responded to GNA's concerns about the ability of the Applicant to modify the interior of the church building to design safe and habitable residences. Attachment 6. As the architects describe, the building's existing construction was reviewed to the extent possible in key areas that allow the wall, floor, and roof assemblies to be visually observed. Even though the proposed use does not trigger an increased risk category under the Oregon Structural Specialty code, the current design includes new construction of a framed shell within the existing building that will help protect residents in a seismic event. On July 9, 2020, the proposed design, which included preliminary structural design, was reviewed with a Salem Building Official. These plans were deemed to be generally acceptable to the Salem Building Official. These drawings and other detailed architectural plans have enabled the applicant to confirm constructability for the proposed design.

Further, DevNW's structural engineers, MSC Engineers, responds to GNA noting that it was under the mistaken belief that the building code requires the current subject property infrastructure to be upgraded to be fully compliant in the same way as brand new construction. Attachment 7. In addition, MSC Engineers explains that the proposed use is a less intensive use than the existing church, as defined by the building code, because of the high occupant load of the church use. As a result, this impacts the required retrofits to make the existing infrastructure complaint with the building code. The proposed development and retrofit, which has been agreed to and endorsed by a Salem Building Official, is reasonable, feasible, and likely that the Applicant can construct the development in a manner to meet the safety requirements for future residents.

The Applicant is unclear why the GNA believes the church building will not be ADA accessible. The site plan proposes six ADA-accessible units and the installation of a platform lift to allow people with mobility issues to access the building.

Moreover, the staff report and letter from AKS in Attachment 8 confirm that adequate public facilities are available to serve the proposed used.

Therefore, it is reasonable, feasible, and likely that the renovation of the existing buildings will meet safety and habitability requirements, and that the site will be served by adequate public facilities.

VI. The application meets Oregon Statewide Planning Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

The GNA raised concerns regarding the cost of potential remediation of hazardous material and retrofitting cost as is pertains to the overall redevelopment cost to the subject property. The GNA provide nothing support to the contention that there are hazardous materials on the site. Notwithstanding this shortcoming, given the age of the buildings on the subject

property the Applicant is aware that asbestos and lead based paint could be found. Attachment 8. Updates to the interior of the buildings will be done in accordance with all laws related to safe removal of any such materials, and it is reasonable, feasible, and likely that DevNW could hire contractors who specialize in the lawful removal of such substances, if any are discovered. In all other respects, the cost of potential remediation or rehabilitation of the building are not approval criteria under Goal 6 or the City Code.

VII. Applicant's Request for Modification of Conditions of Approval and Potential Conditions of Approval

The Applicant requests that one condition of approval be removed, and that the Planning Commission consider two optional conditions of approval be considered to alleviate concerns raised by the public in this proceeding. Existing conditions of approval are referred to based on the numbering in the Supplemental Staff Report, and optional conditions add numbers to the end of that list.

A. Removal of Condition of Approval 8

SRC 86.015(e) is not a clear and objective standard that can be applied to needed housing because the standard does not provide an objective measure of how many street trees are required to meet this criterion. Further, the number of street trees depends on the spacing available between existing trees to ensure that both new and existing trees will survive. DevNW will endeavor to plant one additional tree on each street frontage (Cottage Street and D Street) if a landscape architect determines the existing trees can survive. However, DevNW requests that Condition of Approval 8 be removed because it is not clear and objective.

B. Optional Conditions of Approval

As set forth above, the modification of the open space requirement could be alleviated by the reduction of the onsite parking proposed in the application. If the Planning Commission determines that reduction in parking in favor of open space better meets the design standards and goals of the City, then the Applicant proposes the following condition:

Optional Condition 10: The amount of parking spaces shall be reduced by one space, from 8 to 7, to provide an additional 539 square feet of open space to reach at least the 30% or 3,870 square feet of open space required by SRC 702.020.

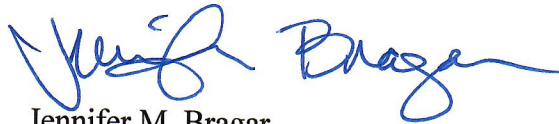
In addition, the Applicant is more than willing to accommodate GNA's request to only extend the 8-foot-high wooden fence to the eastern end of the 925 Cottage St NE building and not having the fence extend into the front yard.

Optional Condition 11: The eight (8) foot high wooden fence proposed along the north property line at 925 Cottage St NE shall not extend past the northeast corner of the existing structure into the front yard of that lot.

CONCLUSION

Based on the foregoing information, all of the application materials, and the established need for affordable housing in Salem, the Applicant respectfully requests that the Planning Commission approve these applications. Thank you for your consideration of these materials.

Sincerely,



Jennifer M. Bragar

Enclosures

cc: client

- Attachments:** [Charles Weathers Application Redacted](#)
[Felipe Gonzales Application Redacted](#)
[Keith Norris Application Redacted](#)
[Dan Augustyn Application Redacted](#)
[Jordan Truitt Application Redacted](#)
[Spencer Emerick Application Redacted](#)

4. PUBLIC HEARINGS

4.a. 20-203 Public Hearing for 2020-2024 Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and 2020-2021 Annual Action Plan

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

Recommendation: Adopt the 2020-2024 Consolidated Plan (Attachment 1), Analysis of Impediments to Fair Housing Choice (Attachment 2), the 2020-2021 Annual Action Plan (Attachment 3), Amend the 2019 Annual Action Plan (Attachment 4), and direct staff to submit the documents and required forms to the U.S. Department of Housing and Urban Development (HUD).

- Attachments:** [2020-2024 Consolidated Plan](#)
[Analysis of Impediments to Fair Housing Choice](#)
[2020-2021 Annual action Plan](#)
[Amendment of 2019 Annual Action Plan](#)
[Public Hearing PowerPoint Presentation](#)
[Public Comments and Responses](#)
[Grant Neighborhood Response](#)
[Written Testimony 2](#)
Add - Written Testimony

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

5.a. 20-248 Motion from Councilor Tom Andersen regarding a work session to consider the City’s agreement with the Salem Keizer School District for School Resource Officers

HOME		
Organization	Program Name	Proposed Award
DevNW	CHDO Set-aside – Acquisition of 925 and 905 Cottage Street, Salem, OR and Predevelopment Expenses	\$393,539
DevNW	CHDO Admin – Operation Expenses	\$30,000
MWVCAA	ARCHES TBRA	\$300,000
St. Francis Shelter	SFS TBRA	\$100,000

CDBG & HOME		
City of Salem	HOME	\$126,573
City of Salem	CDBG	\$307,427

Table 3 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs –

The priority needs for the 2020-2024 Consolidated Plan were determined through analysis of information gathered from a variety of sources. The final priorities were included in the Notice of Funding Availability issued November 20, 2019. Interested nonprofit and for-profit entities were asked to identify which priority their program most closely related. During the evaluation phase, all applications were screened to ensure the proposed project or activity met one of the priority needs. The ConPlan was updated to include the impact of COVID-19 on the local community.

The cities also listened to the public during the Consolidated Plan consultations and citizen participation process. The availability of resources to address these needs was the basis for the projects listed in this and the recently amended 2018 and 2019 AAPs.

Project selection and funding award considers the applicants’ proposal and demonstrated financial need, the sub-recipient’s experience and capacity, performance goals, and ability to leverage other resources. The defined need includes:

AP-35 Projects – 91.220(d)

Introduction

A panel of citizens residing in the regional area reviewed eligible applications to determine which programs or projects are recommended to City Government for funding. Historically funded projects must meet the objectives, and outcomes of suitable living environment, decent housing, and the creation of economic opportunities. The City's distribution of HOME and CDBG funds are based on the type of project and how they meet the goals of addressing the needs of low to moderate income citizens.

Projects

CDBG		
Organization	Program Name	Proposed Award
Center for Hope and Safety	HOPE Plaza – New Construction Housing Units (limited to infrastructure and eligible predevelopment expenses, per the CDBG regulations)	\$300,000
Garten Services	Recycle Center Baler Replacement Equipment	\$170,000
Integrated Supports for Living	Rehab of existing housing	\$144,734
Center for Hope and Safety	Victims of Dom. Violence – Case Mgmt.	\$90,000
Congregations Helping People	Emergency Rent, Utilities, Security Deposits	\$100,000
MWVCAA	HOME Youth	\$55,000
Marion Polk Food Share	Increased Meals on Wheels	\$83,227
MWVCAA	Salem Warming Network	\$100,000
NWHS	HOST Emergency - (Homeless Youth)	\$32,445
SIHN	Case Management	\$70,000
St Francis Shelter	Case Management	\$40,000
Women at the Well	Case Management	\$44,300

AP-38 Project Summary

Project Summary Information

Project Name	DevNW
Target Area	Grant Neighborhood
Goals Supported	Expand Affordable Housing
Needs Addressed	Affordable Housing
Funding	HOME: \$393,539
Description	The project, in conjunction with previous funding and tax credits, will provide acquisition and rehabilitation of up to 14 units of affordable housing.
Target Date	6/30/2021
Estimate the number and type of families that will benefit from the proposed activities	This project consists of the acquisition and conversion of a religious facility for the purpose of adding up to 14 affordable housing units. The units will include a combination of SRO, 1-bedroom, and 2-bedroom units. The addition of a single-family home to be used as offices for DevNW and partners.
Location Description	905 and 925 Cottage Street NE, Salem, Oregon 97301
Planned Activities	The project consists of acquiring the two properties, extensive rehabilitation, including, but not limited to window replacement, replacement of utilities, accessibility modifications, heating and electrical upgrades as needed, etc.
Project Name	Integrated Supports for Living
Target Area	Citywide
Goals Supported	Expand Affordable Housing
Needs Addressed	Affordable Housing
Funding	CDBG: \$144,734
Description	This project consists of rehabilitation of an existing housing complex. Roofs, decking, windows, etc. are to be replaced. 12 units (two buildings with 6 units in each building)
Target Date	6/30/2021
Estimate the number and type of families that will benefit from the proposed activities	This project will serve 12, 2-bedroom households.
Location Description	This project is located at 1870 Fisher Road NE, Salem, OR 97305
Planned Activities	This project consists of rehabilitation of an existing housing complex. Roofs, decking, windows, siding, flooring, etc. are to be replaced.

From: Natasha Zimmerman <NZimmerman@cityofsalem.net>
Sent: Monday, September 21, 2020 1:44 PM
To: Jennifer Bragar
Subject: 00536594.000.MSG - RE: June 22, 2020 Council Tape

Categories: Profiled

Jennifer,

I will verify that it has been put in the record, but that was my discussion with our staff last week. I just haven't received confirmation that they have it in the record yet. It will be before the continued hearing.

Thank you for checking on it.
Natasha

Natasha A. Zimmerman
Deputy City Attorney, 503-588-6056

Due to the COVID-19 Pandemic, City of Salem offices are closed to walk-in visitors and most of our employees are working remotely. I am working remotely on most Mondays, Wednesdays, and Fridays, and do have access to my email and voicemail.

From: Jennifer Bragar <jbragar@tomasilegal.com>
Sent: Monday, September 21, 2020 1:17 PM
To: Natasha Zimmerman <NZimmerman@cityofsalem.net>
Subject: June 22, 2020 Council Tape

Hi Natasha,

I am following up on our conversation last week. Were you able to get a hard copy disk/drive of the June 22, 2020 City Council meeting in the record for the DevNW zone change and related applications? Thank you.

Jennifer Bragar | jbragar@tomasilegal.com
Tomasi Salyer Martin | 121 SW Morrison Street, Suite 1850 | Portland, Oregon 97204
Tel: 503-894-9900 | Fax: 971-544-7236 | <http://www.tomasilegal.com>



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From: Adam Dallimore <adam.dallimore@devnw.org>
Sent: Tuesday, August 04, 2020 6:24 PM
To: Eric Bradfield; Erin Dey; Emily Reiman
Cc: Samuel Skillern; Paul Tigan; Jeanne Boatwright; Christopher Bechtel
Subject: RE: 905/925 Cottage Street NE Presentation at Grant NA

Good afternoon Eric,

All is well over here! I hope that the same is true for you/GNA community. Erin and I had a chance to circle up RE: this week's agenda.

We have reached out to planners to confirm that our application was passed along to the GNA. It's good to hear that you have it and are reviewing it. Unfortunately, we are not available to attend the GNA neighborhood meeting this Thursday, but please feel free to send along any specific questions/concerns/comments that arise and we will do our best to answer them as promptly as possible. Also, please pass along the invite for next month's meeting date/time so we can get it on the calendar.

As always, we will continue to make sure that every update to our application is passed along to the GNA and greater community.

Kind Regards,

—

Adam Dallimore
DevNW // Development Associate

»Where to find us

O 541.345.7106 x2071

—

NEDCO and Willamette Neighborhood Housing Services have merged to form DevNW! Together, we're committed to developing thriving communities.

In light of recent events and the state's recommendations to contain the spread of COVID-19, DevNW offices will be closed to the public until further notice. We continue to operate and are available to our clients and partners remotely via email, and tele/video conferencing.

A la luz de eventos recientes y recomendaciones del estado para contener la proliferacion de COVID-19, oficinas de DevNW permaneceran cerradas al publico hasta nuevo aviso. Continuamos ser disponible a nuestros clientes y socios remotamente por correo electronico y conferencia de video.

-----Original Message-----

From: Eric Bradfield [<mailto:ebradfield@gmail.com>]

Sent: Wednesday, July 29, 2020 2:35 PM

To: Erin Dey <erin.dey@devnw.org>; Adam Dallimore <adam.dallimore@devnw.org>; Emily Reiman <emily.reiman@devnw.org>

Cc: Samuel Skillern <sam@salemlf.org>; Paul Tigan <paultigan@gmail.com>; Jeanne Boatwright <cjboat835@yahoo.com>; Christopher Bechtel <bechtelcr@gmail.com>

Subject: 905/925 Cottage Street NE Presentation at Grant NA

Please be cautious

This email was sent outside of your organization _____

DevNW Team,

Olivia Davis from the City's Planning department sent a preliminary packet to our Neighborhood Association Executive team Monday morning. I spoke with Adam earlier today about possibly presenting at the Grant Neighborhood Association your new plans for 905/925 Cottage St NE. He told me that he couldn't commit to anything, since Erin was out on leave. I, sincerely, hope all is well and it's nothing too serious. He could commit to someone attending the meeting and, possibly answering questions. Is it possible that someone could attend our August to formally see the new proposal and allow for neighbors to comment or as questions?

Our meeting is next Thursday, August 6th at 6:15PM and will be held via Zoom. If you're interested, we'd like to keep the presentation to no more than 7 minutes and focused on the changes between the old proposal and the new. Then, we'd allow another 7-10 minutes for questions. The goal being that we'd only need about 15 minutes of your time.

Thank you,
Eric



MEMORANDUM

DATE: September 14, 2020
TO: Joseph Moore | GMA Architects
FROM: Lacy Brown, Ph.D., P.E. | DKS Associates

SUBJECT: Salem Cottage Street TPR Analysis Response to Neighborhood Comments Project #P20082-000

DKS Associates previously prepared a memorandum (dated July 23, 2020) documenting the expected traffic impacts and transportation planning rule (TPR) findings associated with a proposed zone change for two parcels (905 and 925 Cottage Street, each 0.15 acres) in Salem, Oregon. The lots are currently both zoned as Single Family Residential (RS) and the applicant desires to change the zoning to Multiple Family High-Rise Residential (RH) to allow for the development of multifamily units. The two lots will be combined into one parcel for a total of 0.30 acres.

On September 2, 2020, the Grant Neighborhood Association (GNA) submitted testimony challenging aspects of the methodology and findings contained in the DKS TPR memo. The concerns raised by the GNA are addressed below.

1. **GNA statement (Page 2):** *"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.""*
 - **DKS Response:** As one of the only available definitions of a TPR "significant effect" in the state, the OHP threshold of 400 trips per day is commonly referenced in local jurisdictions where no alternate definition is provided. Numerous zone change applications in the City of Salem have successfully applied this definition. As shown in Table 4 of our memo, the expected increase in traffic resulting from the proposed zone change is 75 trips per day, nowhere near the threshold being applied.

2. **GNA statement (Page 2):** *"The main issue with the provided traffic impact analysis is that it greatly understates the "worstcase" 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."*

- **DKS Response:** The TPR clearly requires the analysis of the reasonable worst-case development scenario under existing and proposed zoning. The reasonable worst-case land uses outlined in our memorandum were coordinated with, and approved by City of Salem staff. While a higher density of residential units is allowed within RH zones, the size of the parcel limits what could reasonably be developed on the property given other development review requirements (e.g., setbacks, parking, open space), as well as the proposed conditions of approval limiting development to 19 residential units.

3. **GNA statement (Page 11):** *"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."*

- **DKS Response:** As indicated in Table 4 of our memo, the proposed zone change is expected to increase peak hour traffic by a maximum of seven (7) vehicle trips. There is no evidence that an increase of seven vehicle trips per hour would have a negative impact on safety or mobility.

Additionally, GNA only expresses its opinion that the existing roadway system is "incredibly impactful" and "highly problematic". A review of the Oregon statewide crash database indicates that no vehicle crashes were reported on the segment of D Street between 5th Street and Winter Street from 2014 to 2018 (the most recent five years of available crash data). Off-set T-intersections, like those where Cottage Street meets D Street, are common throughout the City and actually create a traffic-calming effect (they create an inconvenient route for through-traffic and encourage slower travel speeds).

4. **GNA statement (Page 37):** *"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."*

- **DKS Response:** Table 1 presents the trip generation rates for all allowed land uses in the RS zone. Table 2 presents the trip generation estimates for the reasonable

worst-case land uses that could be developed in the RS zone, not what currently exists on the property. TPR analysis requires a comparison of the reasonable worst-case development scenarios for both existing and proposed zoning.

5. **GNA statement (Page 37):** *"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."*

- **DKS Response:** Again, TPR analysis must be based on a reasonable worst-case development scenario. A building of "limitless" height is not reasonable, which is why it was not evaluated. As stated in our memo, the requirements for open space for multi-family units increase significantly when more than 20 units are developed, and there is not a feasible way to accommodate the amount of greenspace needed and more than 20 residential units on a parcel that is 0.30 acres.

A cursory review of apartment buildings in downtown Salem did not reveal any buildings with more than four (4) floors of residential units. Even if a total of 50 units were assumed for this site under RH zoning (which is much larger than what is reasonable or feasible), the net increase in daily trips would be only 132 trips, still well-within the established acceptable threshold of 400 daily trips.

Please feel free to contact me with any questions.

September 11, 2020

TO: PLANNING COMMISSION

**FROM: JOSEPH E. MOORE, AIA
PRESIDENT, PRINCIPAL ARCHITECT
GMA ARCHITECTS**

**SUBJECT: COMPREHENSIVE PLAN CHANGE, NEIGHBORHOOD PLAN CHANGE, ZONE
CHANGE, CLASS 3 SITE PLAN REVIEW, CLASS 2 ADJUSTMENT & CLASS 1 DESIGN
REVIEW CASE NO. CPC-NPC-ZC-SPR-ADJ-DR20-03; FOR PROPERTY LOCATED AT
905 AND 925 COTTAGE STREET NE**

**(AMANDA APPLICATION NO. 20-108811-ZO; 20-113783-ZO; 20-108812-ZO; 20-
112373-RP / 20-112375-ZO / 20-112374-DR)**

STAFF REPORT RESPONSE

GMA Architects previously prepared Drawings and Findings documenting the proposed design for the above-mentioned Land Use Applications. On September 2, 2020, the Grant Neighborhood Association (GNA) submitted testimony challenging aspects of the design proposed. Certain concerns raised by GNA are addressed below.

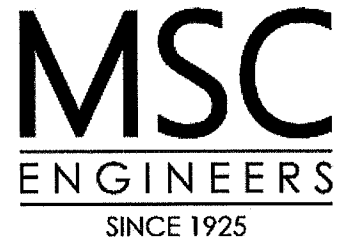
GNA Statement (Attachment A, Page 31): *“The applicant does not provide with their application any consideration of the engineering challenges associated with retrofitting an unreinforced masonry structure such as this church. On Page G100 of the site plan, the architects state: “Information is approximate 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.””*

- **GMA Response:** Existing construction was reviewed to the extent possible given that the building is currently occupied and for sale, and selective demolition was not an option for the Applicant. Still, existing construction is visible in key areas that allow the wall, floor, and roof assemblies to be visually observed. On July 9th, in collaboration with MSC Engineers, GMA reviewed the proposed design with the Salem Building Official. The meeting included review of preliminary structural design drawings that addressed adaptive reuse of the existing masonry structure in the context of the residential use. Since the proposed use does not trigger an increased risk category according to the

Oregon Structural Specialty Code, seismic upgrades are, to a large degree, optional. However, the current design includes accommodations for construction of a new plywood and wood stud framed shell within the existing building that will add lateral force resisting elements and help protect residents from the masonry construction in a seismic event. The Building Official found the design to be generally acceptable as proposed. These drawings, along with more detailed architectural plans, elevations, and sections, have been utilized by the applicant to work with multiple contractors to determine a probable cost of construction and confirm constructability for the proposed design.

GNA Statement (Attachment B, Page 4): *“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.”*

- **GMA Response:** The Site Plan shows ramp access to 925 Cottage St. NE and a vertical platform lift at 905 Cottage St. NE, which is an allowable accessible means of access to the building. The lift was selected in lieu of a ramp to minimize any impact on the historical significance of the building – an exterior ramp accessing an interior floor approximately 5-6 feet above grade would require over 75 feet of elevated walkway around the building. We acknowledge this lift could have been more clearly labeled, but the entire ground floor of 905 Cottage St. NE will have access without need for stairs. Further, the existing sloped floor will be built over to establish one consistent accessible floor level and ground floor units in both buildings will be designed to include accessible features such as ADA compliant plumbing fixtures, appliances, controls, and doors.



September 15, 2020

Joseph Moore
GMA Architects
860 W. Park Street, Suite 300
Eugene, OR 97401

Re: Dev NW
905 Cottage Street

Joe;

You asked MSC Engineers to respond to the Grant Neighborhood Association's September 2, 2020 submittal of Attachment A, pages 9, 30-31.

During the Pre-Application meeting, the extent of required seismic retrofit requirements was discussed and resolved with the City of Salem Building Official (B.O.). We concur that the existing building is constructed of URM (Unreinforced Masonry) and that the shell of the building is "pre-existing non-compliant". However, the G.N.A is mistaken in its belief that the currently adopted building code mandates existing infrastructure must be upgraded to full compliance as applicable for new construction. The applicable section of the code is Chapter 34 as adopted by BCD (Oregon Building Code Divisions) which is being complied with as it relates to this development.

The depiction and description of the existing construction is expressed accurately and the seismic vulnerability of this existing construction is understood and is being considered in the proposed development and retrofit as agreed and endorsed by the B.O. Based on these discussions and the applicable building code provisions, it is feasible to renovate the existing building in a structurally safe manner.

As defined by the building code, the existing church is a more intensive use due to the higher occupant load of the building. Therefore, the proposed development is a less intensive use of the facility despite being a Change of Use. This influences the applicable mandatory upgrades to all

CONSULTING STRUCTURAL ENGINEERS

3470 Pipebend Place NE, Suite 120 • Salem, OR 97301 • Phone: 503.399.1399 • mscengineersinc.com

Attachment 7
Page 1 of 2

aspects of the infrastructure and its proposed, as well as, any future potential development prospects in the event the building was to be sold and/or converted to an alternate use. The fundamental approach is "betterment" with the baseline consideration given to safe egress pathways. Overall, this proposal will include retrofit measures to improve the safety for future residents, as proposed here.

Sincerely,



Douglas S. Meltzer, PE, SE
MSC Engineers, Inc.



September 29, 2020

Joseph Moore, AIA
GMA Architects
860 W. Park St Suite 300 | Eugene, OR 97401

RE: CITY OF SALEM APPLICATION NOS. 20-108811-ZO; 20-113783-ZO; 20-108812-ZO; 20-112373-RP / 20-112375-ZO / 20-112374-DR

Mr. Moore:

As requested, we have prepared the following responses to comments submitted on the land use applications listed above by Grant Neighborhood Association and dated September 2, 2020.

Page 11 of Grant Neighborhood Association Response. SRC 265.005 (G):

(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.

AKS Response: Findings provided by the Public Works Department for this application confirm that the property is capable of being served with public facilities and services necessary to support the uses allowed by the proposed zone. This criterion has been met.

Pages 38 & 39 of Grant Neighborhood Association Response. Oregon Statewide Planning Goal 6:

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.

AKS Response: Findings provided by the Public Works Department for this application confirm existing infrastructure is capable of serving the uses allowed by the proposed zone. The proposed zoning and development do not violate, or threaten to violate, applicable state or federal environmental quality statutes, rules and standards. Construction/demolition/site work and any abatement/removal of hazardous materials will be completed in accordance with applicable laws and regulations. As such, Statewide Goal #6 is met.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Richard Walker, PE, Associate
3700 River Road North, Suite 1
Keizer, OR 97303
503-400-6028 | RichardW@aks-eng.com



Olivia Dias

From: Lisa Anderson-Ogilvie
Sent: Monday, November 23, 2020 6:56 AM
To: Olivia Dias
Cc: Kimberli Fitzgerald
Subject: Fwd: Written Comment - 905 and 925 Cottage Street Appeal

Follow Up Flag: Follow up
Flag Status: Flagged

- Lisa | 503-540-2381

From: Tracy Schwartz <schwartzpreservation@gmail.com>
Sent: Monday, November 23, 2020 6:43:57 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Written Comment - 905 and 925 Cottage Street Appeal

To the Salem City Council:

Thank you for taking my written testimony regarding the rezoning of 905 and 925 Cottage Street NE in the Grant Neighborhood. I have lived in the Grant Neighborhood for two years and selected my home because of the neighborhood - its historic preservation potential and the close proximity to state agency office buildings and downtown. After attending neighborhood association meetings and watching projects unfold, I recognized that Grant has many unique challenges because of the traits that made Grant desirable for me. The future of the Evergreen Church at 905 and 925 Cottage Street is one of those challenges and I urge the City Council to vote no on high-rise residential zoning.

I know that my fellow neighbors will make far more eloquent and thoughtful points regarding density, parking, and consultation. Instead, I want to focus on the building. High-rise residential zoning does not make sense for this historic building. It is my understanding that the Evergreen Church has been determined eligible for listing in the National Register of Historic Places through the Section 106 process (National Historic Preservation Act of 1966 and implementing regulations 36 CFR 800) and I assume its significance lies in the architecture and design. The historic Bethel Baptist Church has palladian windows, gothic entry ways, and brick quoins, and, even with some modifications, a high level of exterior historic integrity. Yet, the design is somewhat unique for a church (flat roof and no bell tower) and it was one of the many churches that used to occupy this area of Salem. It tells an important story about church design for the time, but also about churches in a City with deep and complicated missionary roots.

As a historic preservationist I understand the need for adaptive reuse and by no means am I calling for the building to remain a church. There are examples all over Oregon, including in Salem, of former churches being rehabilitated and starting new chapters. This often requires zoning changes. However, instead of letting the economic equations and pencilled out formulas dictate that zone, we should let the building have a say. Housing units make sense for the Evergreen Church. But nineteen units do not and this many units based on the current proposed layout appears unreasonably high given the design, size, and nature of the existing buildings (both the church and adjacent house). Therefore, high-rise residential zoning seems unreasonable as well. Evergreen Church, a historic property within Salem, should be zoned so that adaptive reuse can happen. But that zoning should also make sense given the significance and integrity of the property.

Historic buildings offer remarkable and untapped opportunities for affordable housing. And I would love to see Salem be on the forefront of appropriately rehabilitating and reusing historic properties for this use. It would show the City's commitment to both housing and historic preservation, and, yes, it would require rezoning. But in order to do this in a way that protects these properties for the long term, the zoning will have to be appropriate not solely for the economics, but for the building and the significance. High-rise residential zoning is not the answer for this property. But there is an answer. There are zoning options that will work for the goals of the project and developer - housing for some of the most vulnerable in our community - and the building. These are the options that should be explored.

Thank you for taking my testimony and for your service to the City of Salem.

-Tracy Schwartz
965 Shipping Street NE
Salem, OR 97301

Olivia Dias

From: Rebekah Engle <rebekahengle@gmail.com>
Sent: Saturday, November 14, 2020 1:27 PM
To: CityRecorder; citycouncil; Olivia Dias
Subject: DevNW Case-11/23 Agenda

re: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

Dear City of Salem Officials,

I am writing as a long term resident and board member of CANDO and as a concerned citizen of our city in general.

DevNW has made plans to create a wonderful affordable housing project in the old Evergreen Church building on the border of CANDO and Grant neighborhoods. Months ago representatives of the program reached out and came to our neighborhood meeting to share their plans. I had known of DevNW before, but was inspired by their compassionate, knowledgeable and professional presentation to look more into the programs they run. I am extremely impressed with the programs and feel like they have the potential to greatly impact housing and poverty issues in our city. Instead of putting roadblocks in their way, we should be supporting their work. If we claim to want to work on issues of homelessness and poverty in Salem, then we simply must support policies and programs that work towards that goal. DevNW is one of the programs we should be supporting.

I know that both Grant and CANDO neighborhoods feel a lot of the effects of homelessness. I live across from Arches and feel both compassion and frustration about things that happen with our unhoused neighbors. To oppose DevNW and this housing project is to shut off a viable source of help for the very issues that we are frustrated with. We need housing in Salem. We need all levels of housing, but particularly small, affordable housing. As a city, we need to support DevNW and this housing project to help with housing capacity particularly for our lower income residents.

The fact that there is any opposition to this development tells me that people are not thinking from a big picture perspective. In order to create a neighborhood that is pleasant for residential living, we must have city wide policies and plans that support all of our residents or eventually problems, such as homelessness, spill over into all of our neighborhoods. One thing we absolutely must have is housing that is plentiful enough that market prices are not driven up astronomically. Another thing we must have is a range of styles and types of housing to fit different needs. This DevNW project fits both of those needs while also maintaining a beautiful historical building that adds to the character of the neighborhood.

This project is a win for everyone in my book. If people are worried about small affordable apartments as housing they need to really look around the surrounding areas and notice that these types of small housing complexes almost always add character and vitality to a neighborhood rather than bringing problems. I live in such a building myself and love it's historic character, charm, and the wonderful neighbors who live here with me.

The attitude of wanting homelessness to go away, but not being willing to invest in changes that are proven to help, needs to be done away with. If we are going to work together to solve these problems we all need to be willing to adjust to a few changes. Living with the status quo of residential suburban type neighborhoods with little variety is part of what has gotten us into this problem. We are going to need some changes to our thinking to solve our current issues and I believe this project with DevNW is a great place to start that process.

Please do the right thing and support this project and any necessary changes of zoning, etc.

Sincerely and with great hope for the future of Salem,

Rebekah Engle
Ward 1, CANDO
610 Commercial St NE

Olivia Dias

From: Marissa Theve <marissatheve@gmail.com>
Sent: Friday, November 13, 2020 9:57 AM
To: Shelby Guizar
Cc: Olivia Dias
Subject: Re: City Council Hearing Notice - Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Hi there,
Please accept my comments for the record:

The appeal you are reviewing is based on unsubstantiated fears that the Grant neighborhood, my home, would be trashed by a project which has not yet happened based on site plan revisions that have not been requested. These fears are based on paranoia that the neighborhood would be opened up to high-rise development forever based on this single zone change. I disagree with the assumption that the city council would give in to development pressure based on a single low-income specific project. That is precisely why there are contingencies on this project's site plan. The Grant Neighborhood Association's assumptions and lack of trust in the city is stagnating a very good project which we desperately need.

If you divide up the 3,000 low-income unit deficit Salem has by the 18 neighborhoods in Salem, each neighborhood needs 167 units, or 148 left for Grant after this project is complete. Grant's proximity to services, schools, and public transit makes it ideal to *at least* carry its share of the solution. This would mean just one very large low-income development per neighborhood could close the gap, but if we are stuck fighting over small 19-unit projects, we will never get there. Kill the Not-In-My-Backyard attitude. Make Salem a place where everyone is welcome, not just NIMBY homeowners.

Thanks very much for hearing my voice,
Marissa Theve, homeowner
845 Gaines Street NE Salem, OR 97301-7321

On Thu, Oct 29, 2020 at 9:51 AM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

The City Council Hearing Notice of a Minor Comprehensive Plan Map Amendment / Neighborhood Plan Change / Zone Change / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE, is attached for your information. Hard copies go out in the mail today to those of you who are to receive one. This case will be heard digitally before the Salem City Council on Monday, November 23, 2020 at 6:00 P.M.

Application Summary: **Appeal of the Salem Planning Commissioner's Decision** on a consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone Change including a Class 3 Site Plan Review, Class 1 Design Review, and five Class 2 Adjustments for the development of 19 multi-family units.

Please direct questions or comments to the **CASE MANAGER:**

Olivia Dias

[oDias@cityofsalem.net](mailto:ODias@cityofsalem.net)

503-540-2343

Thank you,

Shelby Guizar

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

sguizar@cityofsalem.net | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)

--

Marissa Theve

Pronouns: she/her/hers

Olivia Dias

From: SARAH OWENS <HLOWENS2@msn.com>
Sent: Friday, November 13, 2020 8:27 AM
To: Olivia Dias
Cc: CanDo Board
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE
Attachments: OGEC-Kaser Stip Agrmt 10-23-20.pdf

Please accept as public comment in the referenced matter the attached agreement between former Councilor Cara Kaser and the Oregon Government Ethics Commission, dated October 23, 2020, in which she agreed she'd violated ORS 244.120(2) by failing to disclose that she lived across the street from the subject property when the proposed development was before Council on an application for the City's HOME funds. She also failed to disclose that she was married to the neighborhood association officer who testified against the development. She was instrumental in persuading the Council not to approve the funding award, even though the project was eligible.

Kaser's conduct with regard to the proposed development has, I believe, tainted the approval process and unfairly prejudiced the City Council against it. To be explicit, I believe Council has already shown bias against the project, and I am concerned that they cannot be objective in determining whether the applicant has met its burden of proof in showing that the project meets all approval criteria. Nevertheless, I hope Council will overcome its bias and approve this much needed housing development for the good of the City.

Sarah Owens
CANDO

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
)
 Cara Kaser)
)
)
 _____)

STIPULATED FINAL ORDER
CASE NO. 20-168ELC

1. **PURPOSE:** The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Cara Kaser.
2. **JURISDICTION:** At all material times, Cara Kaser was a City Council member with the City of Salem City Council (City Council). As a City Council member, Cara Kaser was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
3. **STIPULATED FACTS:**
 - A. Ms. Kaser is a city councilor in Salem, Oregon. She is serving in her fourth year as a city councilor and was elected to the position in 2016.
 - B. In June, 2020, Ms. Kaser participated in a City Council meeting in which the decision to approve the 2020-2024 Consolidated Plan to award and deny federal US Department of Housing and Urban Development "HOME" funds to multiple organizations. This decision specified the awarding of funds to multiple organizations and the denial of funds to one organization, DevNW.
 - C. Specifically, the funds denied to DevNW were for "acquisition and conversion of an existing church and parsonage for up to 14 affordable

housing units and office space for” DevNW for a potential project that would be located on real property at 905/925 Cottage Street NE in Salem, Oregon.

- D. Ms. Kaser owns and resides at real property located at 934 Cottage Street NE in Salem, Oregon, which is located across the street from the property DevNW wished to develop. The property is currently owned by Evergreen Presbyterian Church.
- E. Ms. Kaser, upon learning of the upcoming decision regarding the 2020-24 Consolidated Plan to award and deny federal HOME funds consulted with the city attorney about potential conflicts of interest prior to the June City Council meeting. The city attorney advised Ms. Kaser that a decision which might involve a conflict of interest would be many months removed from any potential land-use decision affecting the Evergreen Presbyterian Church property and that the legislative decision at issue would not result in any direct action being taken on that property.
- F. Ms. Kaser, acting in good faith and on the opinion of the city attorney and her own understanding, did not disclose that she owned and resided at property located across the street from the proposed DevNW property, currently owned by Evergreen Presbyterian Church, during the June 22, 2020 City Council meeting. Ms. Kaser voted on the Consolidated Plan which, in part, denied funds to DevNW for the property located at 905/925 Cottage St NE in Salem, Oregon at that meeting.
- G. Actual and potential conflicts of interest are defined in ORS 244.020(1) and (13), respectively, as arising when a public official, acting in his or her official capacity, participates in any action, decision, or recommendation, the effect of which would be (actual) or could be (potential) to the private pecuniary benefit or detriment of the public official, a relative, or any business with which the public official or a relative is associated.

- H. Cara Kaser was met with a potential conflict of interest while serving in her official capacity as a City Councilor at the June 22, 2020 City Council meeting when the Consolidated Plan was discussed and acted upon, as described in paragraphs (B) through (E), above.
- I. ORS 244.120(2)(a) requires an elected official, when met with a potential conflict of interest, to announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Ms. Kaser did not announce the conflict at the June 22, 2020 City Council meeting.
- J. The actions described in paragraph 3(B), (E) and (F) constitute one violation of ORS 244.120(2).
- K. ORS 244.350 authorizes the Commission to assess civil penalties for violations of ORS 244.120 set forth in paragraph 3(I).
- L. The Commission contends that results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find one violation of ORS 244.120(2)(a).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On September 18, 2020, the Commission considered information in the preliminary review phase of Case No. 20-168ELC and acted to find cause to initiate an investigation of this matter. Cara Kaser has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.

- B. Cara Kaser will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cara Kaser within the scope of the above-referenced proceedings.
- D. Cara Kaser will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Cara Kaser agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Cara Kaser agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.



Cara Kaser

10/23/2020

Date

Nathan Sosa, Chairperson
Oregon Government Ethics Commission

Date



Administration
681 Center St NE
Salem, Oregon 97301
503-588-5828

November 11, 2020

Ms. Olivia Dias, City of Salem Planning Commission
Sent via email to: Odias@cityofsalem.net

Programs

West Salem
Clinic
Medical,
Dental &
Mental Health
503.378.7526

Total Health
Community
Clinic
503.378.7526

Crisis &
Information
Hotline
503.581.5535
1-800.560.5535

HOAP
503.588.5827

HOST
Program
503.588.5825

Connection
503-588-
5843

Working in
partnership
with:



RE: DevNW Request for Rezoning and Site Plan/Design Review, Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

Dear Ms. Dias:

This letter is written in support DevNW’s efforts to provide affordable housing at the former site of the Evergreen Church (905 and 925 Cottage Street NE). As you are aware, Salem is facing an affordable housing crisis; we need hundreds more units, and this project is an important step forward.

We believe that our community is stronger when everyone has safe and affordable housing. Northwest Human Services (NWHS), a Community Health Center, provides medical, dental, mental health and social service supports for low income and homeless individuals and families in the Salem community. Permanent housing is a key component in creating stability and better health outcomes for our patients and clients. Affordable permanent housing accessible to services and public transportation in this location will strengthen the Grant Neighborhood by helping by helping to ensure a mix of housing types and affordability for years to come.

The opportunity to provide 19 units of affordable housing is an excellent use of the property and, we believe, is an equally or better suited use of this site than the current facility and underlying single family zoning. Studio and 1-bedroom units are critically important for a range of people, including seniors, veterans, young adults, low income individuals/couples without children, etc.

NWHS lends our support for this project. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Paul Logan
Chief Executive Officer

Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Friday, October 30, 2020 9:09 AM
To: Olivia Dias
Cc: Michael Livingston
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Thank you for the notice that Grant has chosen to appeal the Planning Commission's decision and will have a hearing before the City Council on November 23. Please accept this as public comment for that hearing.

The applicant made significant plan amendments in response to Grant's initial objections to the project, yet Grant remains opposed to this quality affordable housing project. Why? In its notice of appeal, Grant argues that,

1. the map/zone change is NOT "equally or better suited" for the property/zone,
2. public engagement was INSUFFICIENT,
3. the multifamily use will somehow INTERFERE with neighbors' ability get on the National Register of Historic Places,
4. multifamily housing in Grant will HARM Grant more than it will benefit the community,
5. Grant's neighborhood plan says zone changes like the one at issue should be DENIED.

We walk in SCAN, CANDO and Grant every day. The property at issue sits on the boundary between CANDO and Grant. We live on Winter, a couple of blocks from the property, and walk by it several times a week. To get there, we walk one block north on Cottage to D Street, past offices, single and multifamily dwellings, and a nursing home. At the end of the block, we have a single-family home to our left, the nursing home to our right, and Evergreen Baptist Church in front of us. From a neighborhood perspective, converting this mostly empty church property to multifamily housing makes total sense.

Grant argues that the project would create a zoning "donut hole" in the middle of RS, but, in fact, it would not, as we have described above. Grant's fixation on preventing a zoning change keeps them from seeing what a beautiful project DevNW is offering the community. All they can do is argue, basically, that once an area is designated RS, it should never be changed. Grant is just anti-zone change from RS.

DevNW had an open house on its first proposal, which was substantially similar to the second, presented to at least one Grant and one CANDO meeting, and at the June Council hearing on the federal grant approval for the project. Grant hasn't alleged and cannot show they were in any way prejudiced by there not being additional public process. This is a ridiculous claim.

Grant's claim that multifamily use would have an adverse impact on property eligible for historic register designation fails for the same reasons the argument failed in the *Gaeity Hill vs Airbnb* case — namely, it's the *physical structure*, not the use that's relevant to historic register designations.

Grant offers zero authority for its claim that regional and local needs and "public interest" *outside of Grant neighborhood* — the need for affordable housing, for example — can't be considered in a zone change proceeding. This is another ridiculous claim.

Obviously, Grant just doesn't want any more multifamily housing in the neighborhood. Salem has more than a thousand unsheltered individuals living in places unfit for human habitation, and Grant is saying, in essence, too bad. It's disgraceful. It's even more disgraceful that some on the City Council encouraged Grant to appeal by exhibiting clear bias against the project during the June hearing on the federal grant approval. See ["'Progressive' Council Snuffs Affordable Housing Project"](#) (29 June 2020, *CANDO Archive*). The Oregon Government Ethics Commission even found [probable cause to investigate Councilor Kaser's conduct](#) in that business as a possible violation of ORS 244.120(2). Salem simply cannot afford to lose this project, which is a distinct possibility if Council fails to get it right on November 23. If Council kills this project again, it will send a strong message to affordable housing developers everywhere, as well as the community, that Salem doesn't care about quality affordable housing.

The Planning Commission *unanimously* found that the applicant had met its burden of showing the project meets all the necessary criteria for the map/zone change. City Council should also.

Michael Livingston
Sarah Owens
CANDO

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The weblog of the Central Area Neighborhood Organization in Salem,
Oregon

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Monday, June 29, 2020

'Progressive' Council Snuffs Affordable Hsg Project

By Sarah Owens and Michael Livingston



So much for Salem's commitment to affordable housing.

The plan was to purchase Evergreen Presbyterian Church and turn it into 14 units of low-income housing with on-site management and support. Project description in the [2020-2021 Action Plan](#) at 15. *Salem Breakfast on Bikes* wrote about the plan back in [May](#).

The property sits on D Street, right at CANDO's edge, just inside the Grant

neighborhood.

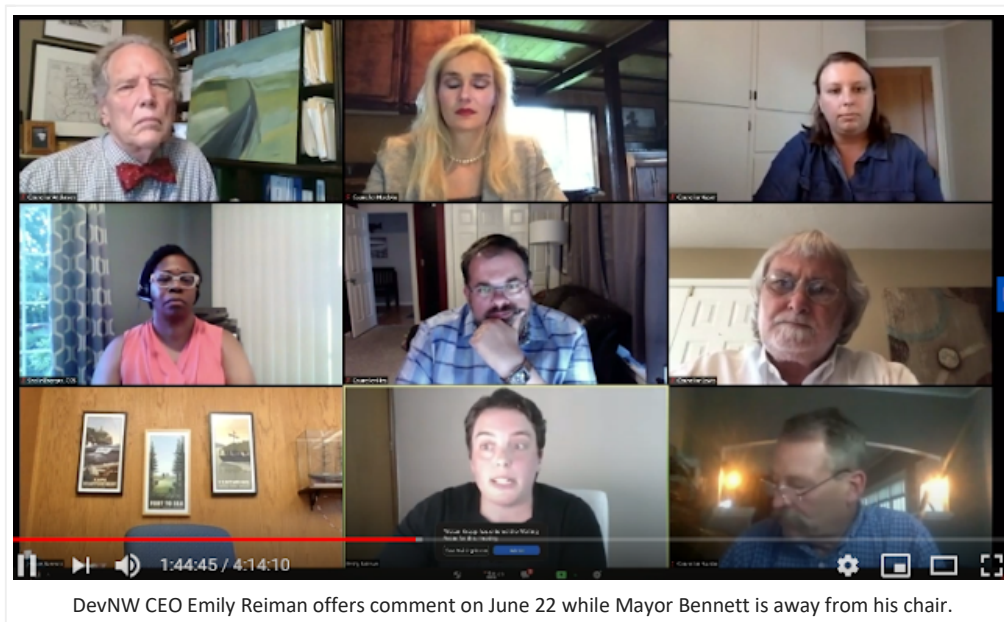
The Church has outgrown the space and is looking to move. It's not the first time Grant has felt one of its church's growing pains. See, e.g., Loew, T. "[A mega church is buying up a Salem neighborhood. Here's why.](#)" (19 August 2019, *Statesman Journal*.) ("Salem Alliance Church owns 31 properties, worth \$22.7 million, comprising part or all of eight blocks in the Grant neighborhood, north of downtown.")

Staff recommendation to Council was for the City to underwrite the purchase of the property using about \$400K in federal HOME Investment Partnership Program (HOME) funds. The developer, [DevNW](#), is Salem's only Community Housing Development Organization ([CHDO](#)) (pronounced "choh-doh"). Federal regulations require that at least 15% of the City's HOME funds be set aside for eligible CHDO activities. DevNW and the City spent many months looking for an appropriate project before deciding on the Evergreen Church location, and the project has been deemed eligible in all aspects.

With advice from City staff, DevNW is seeking to rezone the church property from RS (Single Family) to CO (Commercial Office), to allow it to use the manse as office space. DevNW currently rents an office in CANDO at 437 Union Street NE. The rezoning application is currently scheduled to go before the Planning Commission on July 21, 2020, but Council recent actions may change that.

Notwithstanding all the above, in a [June 17, 2020 letter](#) to Council, and in public comments on June 22, the Grant Land Use Committee chair asked Council to withhold funding for the project in order to prevent DevNW from attempting to rezone the property, which the Grant neighborhood believes would constitute a further "chipping away at [the neighborhood's] character", according to the letter.

During the public hearing on the Consolidated Plan/2020-2021 Annual Action Plan, DevNW CEO Emily Reiman gave a brief overview of the project and offered to answer questions.



Council Deliberates Rezoning

As Councilor Nanke would later comment, the Grant neighborhood's request that Council withhold funding for the DevNW project because of the rezoning issue was "kind of weird, in that it's throwing a land-use decision before it's been done into a Consolidated Plan."

Councilor Hoy asked Reiman about the need to convert the manse into an office, saying "seems like a real waste" given Salem's need for housing. Reiman responded that the exterior of the manse and grounds would be preserved, and that communities generally see on-site services and management "as a positive" because "we have eyes on the project, and the people living there have ready access to services", adding "that's our preference because that's what we think will provide the best experience for low-income families."

Mayor Bennett asked Reiman if she had been "informed of Council's long-term neighborhood and Council policy relative to bringing commercial office into that sort of historic older neighborhood." Reiman responded that her director of development could speak to that, but she was on vacation, however, the decision to seek the CO rezone "was made in partnership with City staff." Bennett shot back, saying, "I'm talking about the neighborhood. City staff is City staff. They do their own thing. I'm talking about the neighborhood...Did you understand how profoundly concerned they are about the changing character of that neighborhood?"

Reiman said, basically, yes, that's why DevNW was committed to preserving the manse exterior, but Bennett was dismissive, saying "The interior is an office and lobby center or something like that?" Reiman told him that DevNW offered a range of financial literacy classes and counseling, home-ownership classes and counseling, and credit-building services. Bennett asked, "Would you be entertaining legislators there, as part of a lobby effort?" Reiman replied that DevNW does engage in housing advocacy, is occasionally called to offer expert testimony at the legislature, and participates in meetings at the Oregon Department of Housing and Community Services, but those activities amount to <1% of what they do.

Bennett wanted to know if she had "researched alternative office locations nearby, in a commercial office area already." Reiman replied that their office was about four blocks away, and reiterated that "most people feel more comfortable about an affordable housing development when the property management and the owner are on site."

Councilor Kaser also asked why DevNW wanted its office on site, "and not someplace else." Reiman reiterated the importance of onsite management and services, and DevNW's commitment to encouraging property ownership, saying they'd been looking for several years for a housing project that would allow DevNW to own its own office, "and have deeper roots in the Salem community."

Kaser asked Reiman if DevNW had "pursued other zoning" like RM1 or RM2, and what the "long-term impacts" of a CO rezone "would be to the neighborhood, in terms of changing its character." Kaser said she thought DevNW wasn't willing to compromise "because you need the office." She said, "that's very concerning. It's very concerning to be using this [HOME Investment Partnership] money to build a permanent office space for you." (As noted above, the project was eligible in all aspects.)

Council also heard from Eric Bradfield, who, along with Sam Skillern, co-chairs the Grant neighborhood association. Bradfield said he lives at 934 Cottage Street NE, "just across the street from Evergreen Church and parsonage", and was "here to represent my household this evening." "The most contentious part of the project is the need for a zone and Comprehensive Plan change", he said, before arguing that Council should withhold funding for the project in order to prevent the rezone.

After a few more questions, Bennett moved to approve the Con Plan/2020-2021 Action Plan without the award to DevNW. "This one needs to go back to the drawing board, clearly" because DevNW was "unwilling to walk away from having commercial office space and plans to proceed" with the rezoning. "And I just don't want to start down that road, so I'm making the motion to just pull them out of this package. Maybe they'll rethink it." Kaser said she "completely agree[d]"

with Bennett, and that DevNW needed to look for "an area that would be compatible."

Councilor Ausec said he would not support removing the DevNW award because he thought the project was compatible with the neighborhood, comparable to the activities of the church, and noted that the Comprehensive plan had been amended numerous times. See [Comprehensive Plan](#) (adopted 1992, amended 1997, 2000, 2002, 2003, 2004, 2005, 2009, 2x in 2009, 2x in 2013, 2015) and [Grant Neighborhood Plan](#) (adopted by Grant 1979, revised 1983, adopted by City Council with exceptions 1983).

Bennett's motion passed 7-1, with Ausec voting no. Councilor Leung did not vote or participate in the discussion, having declared a conflict because she participates in a DevNW savings program.

Why Council Got it Wrong

There's a great deal not to like about this decision, but let's start with the result. This is what Jimmy Jones, Executive Director of the Mid-Willamette Valley Community Action Agency, had to say about Council's decision to eliminate the DevNW project from the 2020-2021 Action Plan:

It was unfortunate that DevNW's project wasn't approved. The community is in desperate need of affordable housing. Our limited rental stock and low vacancy rates, and high rental prices, are in large part the result of a lack of development in Salem and the surrounding communities going back to the recession of 2009. We've struggled as a community to attract affordable housing development to this area, and we are close to \$1 billion short in new development from meeting the affordable housing need. So every single unit matters. I hope that DevNW isn't discouraged, and continues to pursue the project. There's a way to do this that makes sure the community gets the project, that the neighborhood wishes are respected, and the best practice model of having onsite property management in these low-income housing models is in place.

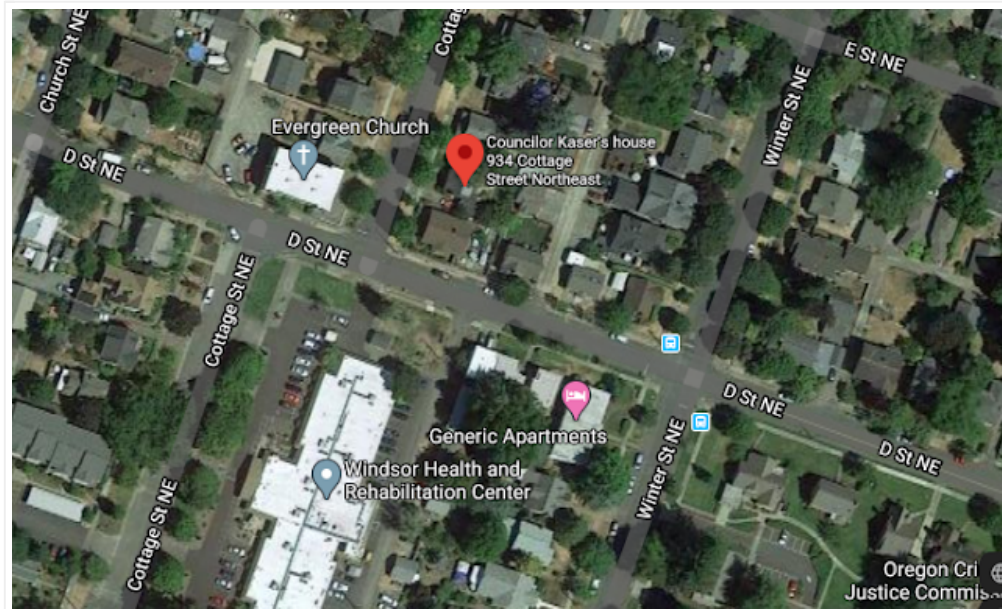
More concerning was the apparent lack of understanding of the Urban Renewal federal housing programs. It appeared that the Council came to the conclusion that there was very little post-award public process and oversight by the City of Salem with any development project financed by federal dollars, which is simply not the case. The City retains oversight over those dollars after they are awarded and has to sign off on project plans at critical junctures in the development process. I have worked with the City very closely on these projects for several years, and they do a good job of making sure everyone is held to account.

Now let's turn to the process. It wasn't just "kind of weird" for Council to decide a pending zoning (land-use) matter before it even went to the Planning Commission, it was wrong.

The issue before Council was whether or not to approve staff recommendation and adopt the Consolidated and 2020-2021 Action Plan. Any decisions to withhold a federal grant for an eligible project for which there is adequate funding *must be* demonstrably unbiased and non-arbitrary.

This is especially true when the applicant is the area's only recognized CHDO and the award is within the federally mandated set-aside. Council's decision fails this test.

First, at no point before, during, or after the public hearing did Councilor Kaser state for the record that she is married to Bradfield, and, with him, owns and occupies the house directly across from the property in question (see map below).



We asked her why she didn't disclose the information or declare a conflict. This was her response:

Per City and State ethics rules, even though I own property across the street from this site, I don't have an actual or potential conflict of interest for this specific legislative decision because a single pecuniary, or material, tangible "benefit" or "detriment" to myself or any family member is not known and speculative at best.

But it's not at all clear that Council's decision was "legislative." Decisions whether to grant or withhold HOME funds are governed by § 92.356 of the Code of Federal Regulations (among others). Even if Kaser was correct that she wasn't bound to reveal her interests by [Salem Revised Code, Title 1, Chapter 12](#) (City ethics rules), [Oregon Revised Statutes, Chapter 244](#) (State ethics rules), she should have considered her obligations under the applicable Federal rules. When she was asked whether she had, she declined to comment. Bradfield, Kaser's husband, argued Council should not fund the DevNW project on behalf of "my household." He did not declare Kaser to be a member of that household, and neither did Kaser. At a minimum, there is the appearance of a conflict of interest.

Second, Council's decision was in the nature of a land-use decision, rather than a legislative decision, as Councilor Kaser would have it. Land-use decisions must be on the record *in the land use proceeding*, and untainted by *ex parte* contacts and **conflicts of interest**. They also require that interested parties be afforded notice and an opportunity to be heard. Council's decision fails all aspects of this test.

City Councilors knew DevNW's rezone request would be at the Planning Commission July 21, because City Attorney Dan Atchison told them so during the public hearing. Council deliberately withheld funding for an eligible project in order to prevent the developer from pursuing the rezone -- a process it was legally entitled to pursue -- *because they disapproved of the zoning change and wanted to circumvent the land use proceeding*. In essence, Council's decision was a land-use decision, even though it was not properly before them, was not free from the taint of *ex parte* contacts and **conflicts of interest**, and violated DevNW's right to due process before an impartial tribunal.

Given the obvious impropriety of Council's actions and the prejudice to DevNW, one has to ask where was the City Attorney? Was he taking advantage of the virtual meeting format to play Minecraft, or catch up on other work? It is a mystery the answer to which may never be known, but one thing we do know. He should have stopped Council at the very outset and informed them they could not withhold HOME funds for an eligible project except for a *legitimate* reason, which they didn't have. He also should have told them that DevNW had every right to seek the rezone, and, as it was a land-use matter, Council should keep their views to themselves and not discuss it unless and until the matter came before Council in due course.

Fortunately for Salem, DevNW plans to appeal Council's daft decision. This is not the first time the City's been in hot water over conflicts of interest in how it makes federal funding decisions. See Brynelson, T. "**City commission derailed over potential conflicts of interest**." *Salem Reporter*, 16 November 2018; Bach, J. "**Salem development commission may disband after feds raise ethics concerns**", *Statesman Journal*, 20 December 2018. And it probably won't be the last, given the astounding ignorance displayed during the public hearing.

And then there's the hypocrisy. None of those Black Lives Matter speeches (Andersen, Nordyke, Hoy, Kaser) decrying the "**crushing weight that 400 years of institutional, systemic, and personal racism has [had] on people of color**" mean a damn thing when the same so-called "progressive voices" aren't willing to do more than advocate for change. The first opportunity they had to *actually vote* against their privileged class interests in favor of housing and services for low-income families, what did they do? They voted with the NIMBYs to maintain the *status quo*. So predictable. And so Salem.

6/29/20 update: the July 21 hearing has been postponed at DevNW's request. They will now be seeking a zone change to RH (multifamily high rise residential) with proposed conditions and submit Site Plan Review and Design Review applications, to be consolidated with the zone change request. The new design eliminates the onsite management/services, adds 7 units (for a total of 21), and will require additional HOME funds. DevNW will present details of the new plan at CANDO's virtual meeting on July 21st. There will also be a presentation on the YMCA's veteran housing project.

7/8/20 update: see Harrell, S. "**Why Salem City Council nixed an affordable housing development over an office space**." (8 July 2020, Salem Reporter.) In other developments, the City has agreed to reserve the funds set aside for the Evergreen Project pending approval of the new design plan or new project plan, obviating the need for an appeal.

8/6/20 update: the minutes of the May meeting of the Grant neighborhood association -- just published -- state with reference to the Evergreen Church project, "Cara [Kaser] stated that she will recuse herself from any involvement by City Council in this process and will assist the neighborhood in its response to the land use process."

9/15/20 update: [Staff Report](#) recommended approval of zoning change and new plans. The September 21 hearing was postponed at DevNW's request. "[Grant NA Still Opposes Affordable Housing in Church Project](#)" (14 September 2020, *Salem Breakfast on Bikes*) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") See also "[Incumbency Privilege in the Historic Preservation Plan at Council Monday](#)" (10 July 2020, *Salem Breakfast on Bikes*).

9/21/21 update: Oregon Government Ethics Commission found probable cause to investigate Councilor Kaser's conduct in this matter as possible violation of ORS 244.120(2).

10/6/20 update: Planning Commission unanimously approved staff recommendation as modified, except for condition 8 (trees). See "[Affordable Housing Project in 1928 German Baptist Church to Try Again at Postponed Hearing](#)." (4 October 2020, *Salem Breakfast on Bikes*.)

10/26/20 update: Grant neighborhood association [appealed the Planning Commission's approval of the DevNW project](#). City Council to hear the appeal rather than the hearings officer. See "[City Council, October 26th - German Baptist Church Decision](#)." (25 October 2020, *Salem Breakfast on Bikes*.)

Labels: [DevNW](#), [follow the money](#)

3 comments:



Unknown July 5, 2020 at 7:43 AM

Thank you, Sarah and Michael, for burrowing down into the details of this most complex council action. While I am a strong supporter of preserving housing stock in Salem, I am also an "i" dotter and "t" crosser when it comes to following rules. Confabulating future land use rules with a federal grant funding decision may be a wise preemptive effort on the part of the Grant NA, but the implications for future city-wide Salem housing stock is serious. Again, thank you for the information. Thank you for describing the potential long term unintended consequences of the June 17th Council decision.

[Reply](#)



Mark DeCoursey September 30, 2020 at 6:14 PM

Look at this analysis of student demographics at the Grant School (<https://www.greatschools.org/oregon/salem/1042-Grant-Community-School/>).

Grant Neighborhood already has a nice mix of races and cultures. According to GreatSchools.org, Grant Community Elementary School student population is

40% European,

52% Hispanic,

3% mixed race, and

2% African American. (Exhibit D)

Also note on that page, 75% of the students come from Low Income households.

As eager as you seem to be to find racism and classism, you will have to look somewhere else. This is not the neighborhood problem you are looking for. And next time, please look before slinging your invective.

[Reply](#)

Replies



Sarah Owens **October 1, 2020 at 5:31 AM**

Hey there Mark DeCoursey,

Normally, I would start by thanking you for reading the post, but it doesn't look like you did that. Maybe you meant to post on this blog? "Grant NA Still Opposes Affordable Housing in Church Project" (14 September 2020, Salem Breakfast on Bikes) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") I will thank you for prompting us to update the post with the latest on the project, however.

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January 2019 Revision

The CANDO Archive was revised substantially in December 2018 and January 2019 to update links, add labels to facilitate searching, correct formatting, and remove outdated information. Sarah Owens and Michael Livingston

Old City Records

The CANDO Archive contains links that broke when the City "turned off" its old website on February 6, 2019. The linked documents can still be obtained through a public records request. It will help to submit a copy of the link with the request.

City Recorder: cityrecorder@cityofsalem.net

City Recorder: 503-588-6097

Make a public records request [here](#)

Disclaimer

The views expressed in individual blog posts are those of the author(s) and do not reflect the official position of the CANDO Board of Directors, unless that is specifically indicated in the blog post.

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OREGON GOVERNMENT ETHICS COMMISSION
EXECUTIVE SESSION AGENDA

September 18, 2020

[To consider Preliminary Reviews pursuant to ORS 244.260(4)(d)].

Item Page

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(all items removed from consent calendar for discussion)

End of Executive Session Consent Calendar

OTHER ITEMS

Reports of Preliminary Review *(removed from consent calendar)*

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39.	<u>20-170ESM</u> , David McCall City Councilor and Interim Mayor, City of Bay City Recommended Action: Move to dismiss complaint [2]	239
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- 43. **20-179ESM**, Jo Barker
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- 44. **20-182ELC**, Court Boice
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Own Motion Preliminary Reviews

None.

Other Items (*non-action informational only items*)

None.

RECONVENE REGULAR OPEN SESSION

Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Tuesday, November 3, 2020 7:20 AM
To: Olivia Dias
Cc: CanDo Board
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

In light of Grant's decision to appeal the Planning Commission's decision and the fact that there will now be a hearing before the City Council on November 23, CANDO would like to re-submit its comment on the project as public comment for that hearing:

Comment from CANDO:

CANDO supports approval of the proposed affordable housing project, per the vote at the July 2020 meeting.

From the July minutes:

The board heard a presentation by DevNW CEO Erin Dey and Emily Reiman, Director of Real Estate Development, on the revised plan to develop the Evergreen Presbyterian Church property at the corner of D and Cottage Streets, border of CANDO and Grant, inside Grant. The property is on the market because of the prohibitive cost of making the church building ADA-accessible and other needed upgrades. The basic plan is to provide ~20 smallish (studio/1BR) units of affordable housing while maintaining the building exteriors as conditions of approval of any rezone, except as needed to comply with ADA/safety standards (a rezone of the property is needed). Funding sources require affordable rents be maintained for a minimum of 20 years. DevNW currently rents an office in CANDO at 437 Union Street NE. DevNW is recognized by the City of Salem as a Community Housing Development Organization. A 3d-party traffic study concluded the development will not increase traffic. The original plan was to convert the manse/parsonage into an office for DevNW. The plan was revised in response to objections from the Grant neighborhood association board (GNA) and the City Council. GNA indicated at its July 9 meeting that it will oppose the revised plan as well.

All board members present reside within a few blocks of the proposed development. Comments included concerns that GNA still opposes the project, and that the GNA isn't representative of the neighborhood feeling on the project. Rebekah Engle stated that all the people she knows in the area directly around her apartment building are very supportive of the project. The board recognized the acute need in the neighborhood for smaller (studio/1BR) residential units.

Sarah Owens
CANDO Secretary/Treasurer

Olivia Dias

From: Brittany Truehitt <brittanytruehitt@gmail.com>
Sent: Monday, November 2, 2020 11:17 AM
To: Olivia Dias
Subject: Affordable housing

I just wanted to send in my support for the push for affordable housing that is currently on the table. I know there has been some vocal pushback but I'm confident that's due to wannabe elites who want to complain about our homeless neighbors while simultaneously throwing up roadblocks to granting easier access to housing. I know it has been an ongoing issue and I hope it will soon be resolved in the favor of constructing more units. Thank you for your time.

Brittany Truehitt
(469)-237-9848

Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Tuesday, November 3, 2020 7:20 AM
To: Olivia Dias
Cc: CanDo Board
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

In light of Grant's decision to appeal the Planning Commission's decision and the fact that there will now be a hearing before the City Council on November 23, CANDO would like to re-submit its comment on the project as public comment for that hearing:

Comment from CANDO:

CANDO supports approval of the proposed affordable housing project, per the vote at the July 2020 meeting.

From the July minutes:

The board heard a presentation by DevNW CEO Erin Dey and Emily Reiman, Director of Real Estate Development, on the revised plan to develop the Evergreen Presbyterian Church property at the corner of D and Cottage Streets, border of CANDO and Grant, inside Grant. The property is on the market because of the prohibitive cost of making the church building ADA-accessible and other needed upgrades. The basic plan is to provide ~20 smallish (studio/1BR) units of affordable housing while maintaining the building exteriors as conditions of approval of any rezone, except as needed to comply with ADA/safety standards (a rezone of the property is needed). Funding sources require affordable rents be maintained for a minimum of 20 years. DevNW currently rents an office in CANDO at 437 Union Street NE. DevNW is recognized by the City of Salem as a Community Housing Development Organization. A 3d-party traffic study concluded the development will not increase traffic. The original plan was to convert the manse/parsonage into an office for DevNW. The plan was revised in response to objections from the Grant neighborhood association board (GNA) and the City Council. GNA indicated at its July 9 meeting that it will oppose the revised plan as well.

All board members present reside within a few blocks of the proposed development. Comments included concerns that GNA still opposes the project, and that the GNA isn't representative of the neighborhood feeling on the project. Rebekah Engle stated that all the people she knows in the area directly around her apartment building are very supportive of the project. The board recognized the acute need in the neighborhood for smaller (studio/1BR) residential units.

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Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Friday, October 30, 2020 9:09 AM
To: Olivia Dias
Cc: Michael Livingston
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Thank you for the notice that Grant has chosen to appeal the Planning Commission's decision and will have a hearing before the City Council on November 23. Please accept this as public comment for that hearing.

The applicant made significant plan amendments in response to Grant's initial objections to the project, yet Grant remains opposed to this quality affordable housing project. Why? In its notice of appeal, Grant argues that,

1. the map/zone change is NOT "equally or better suited" for the property/zone,
2. public engagement was INSUFFICIENT,
3. the multifamily use will somehow INTERFERE with neighbors' ability get on the National Register of Historic Places,
4. multifamily housing in Grant will HARM Grant more than it will benefit the community,
5. Grant's neighborhood plan says zone changes like the one at issue should be DENIED.

We walk in SCAN, CANDO and Grant every day. The property at issue sits on the boundary between CANDO and Grant. We live on Winter, a couple of blocks from the property, and walk by it several times a week. To get there, we walk one block north on Cottage to D Street, past offices, single and multifamily dwellings, and a nursing home. At the end of the block, we have a single-family home to our left, the nursing home to our right, and Evergreen Baptist Church in front of us. From a neighborhood perspective, converting this mostly empty church property to multifamily housing makes total sense.

Grant argues that the project would create a zoning "donut hole" in the middle of RS, but, in fact, it would not, as we have described above. Grant's fixation on preventing a zoning change keeps them from seeing what a beautiful project DevNW is offering the community. All they can do is argue, basically, that once an area is designated RS, it should never be changed. Grant is just anti-zone change from RS.

DevNW had an open house on its first proposal, which was substantially similar to the second, presented to at least one Grant and one CANDO meeting, and at the June Council hearing on the federal grant approval for the project. Grant hasn't alleged and cannot show they were in any way prejudiced by there not being additional public process. This is a ridiculous claim.

Grant's claim that multifamily use would have an adverse impact on property eligible for historic register designation fails for the same reasons the argument failed in the *Gaeity Hill vs Airbnb* case — namely, it's the *physical structure*, not the use that's relevant to historic register designations.

Grant offers zero authority for its claim that regional and local needs and "public interest" *outside of Grant neighborhood* — the need for affordable housing, for example — can't be considered in a zone change proceeding. This is another ridiculous claim.

Obviously, Grant just doesn't want any more multifamily housing in the neighborhood. Salem has more than a thousand unsheltered individuals living in places unfit for human habitation, and Grant is saying, in essence, too bad. It's disgraceful. It's even more disgraceful that some on the City Council encouraged Grant to appeal by exhibiting clear bias against the project during the June hearing on the federal grant approval. See ["'Progressive' Council Snuffs Affordable Housing Project"](#) (29 June 2020, *CANDO Archive*). The Oregon Government Ethics Commission even found [probable cause to investigate Councilor Kaser's conduct](#) in that business as a possible violation of ORS 244.120(2). Salem simply cannot afford to lose this project, which is a distinct possibility if Council fails to get it right on November 23. If Council kills this project again, it will send a strong message to affordable housing developers everywhere, as well as the community, that Salem doesn't care about quality affordable housing.

The Planning Commission *unanimously* found that the applicant had met its burden of showing the project meets all the necessary criteria for the map/zone change. City Council should also.

Michael Livingston
Sarah Owens
CANDO

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Monday, June 29, 2020

'Progressive' Council Snuffs Affordable Hsg Project

By Sarah Owens and Michael Livingston



So much for Salem's commitment to affordable housing.

The plan was to purchase Evergreen Presbyterian Church and turn it into 14 units of low-income housing with on-site management and support. Project description in the [2020-2021 Action Plan](#) at 15. *Salem Breakfast on Bikes* wrote about the plan back in [May](#).

The property sits on D Street, right at CANDO's edge, just inside the Grant

neighborhood.

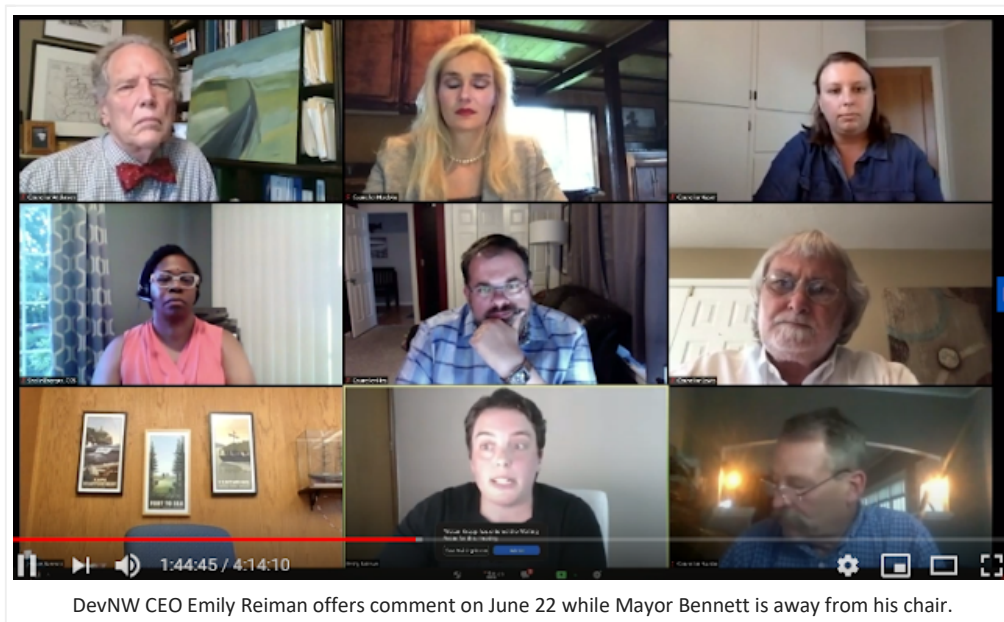
The Church has outgrown the space and is looking to move. It's not the first time Grant has felt one of its church's growing pains. See, e.g., Loew, T. "[A mega church is buying up a Salem neighborhood. Here's why.](#)" (19 August 2019, *Statesman Journal*.) ("Salem Alliance Church owns 31 properties, worth \$22.7 million, comprising part or all of eight blocks in the Grant neighborhood, north of downtown.")

Staff recommendation to Council was for the City to underwrite the purchase of the property using about \$400K in federal HOME Investment Partnership Program (HOME) funds. The developer, [DevNW](#), is Salem's only Community Housing Development Organization ([CHDO](#)) (pronounced "choh-doh"). Federal regulations require that at least 15% of the City's HOME funds be set aside for eligible CHDO activities. DevNW and the City spent many months looking for an appropriate project before deciding on the Evergreen Church location, and the project has been deemed eligible in all aspects.

With advice from City staff, DevNW is seeking to rezone the church property from RS (Single Family) to CO (Commercial Office), to allow it to use the manse as office space. DevNW currently rents an office in CANDO at 437 Union Street NE. The rezoning application is currently scheduled to go before the Planning Commission on July 21, 2020, but Council recent actions may change that.

Notwithstanding all the above, in a [June 17, 2020 letter](#) to Council, and in public comments on June 22, the Grant Land Use Committee chair asked Council to withhold funding for the project in order to prevent DevNW from attempting to rezone the property, which the Grant neighborhood believes would constitute a further "chipping away at [the neighborhood's] character", according to the letter.

During the public hearing on the Consolidated Plan/2020-2021 Annual Action Plan, DevNW CEO Emily Reiman gave a brief overview of the project and offered to answer questions.



Council Deliberates Rezoning

As Councilor Nanke would later comment, the Grant neighborhood's request that Council withhold funding for the DevNW project because of the rezoning issue was "kind of weird, in that it's throwing a land-use decision before it's been done into a Consolidated Plan."

Councilor Hoy asked Reiman about the need to convert the manse into an office, saying "seems like a real waste" given Salem's need for housing. Reiman responded that the exterior of the manse and grounds would be preserved, and that communities generally see on-site services and management "as a positive" because "we have eyes on the project, and the people living there have ready access to services", adding "that's our preference because that's what we think will provide the best experience for low-income families."

Mayor Bennett asked Reiman if she had been "informed of Council's long-term neighborhood and Council policy relative to bringing commercial office into that sort of historic older neighborhood." Reiman responded that her director of development could speak to that, but she was on vacation, however, the decision to seek the CO rezone "was made in partnership with City staff." Bennett shot back, saying, "I'm talking about the neighborhood. City staff is City staff. They do their own thing. I'm talking about the neighborhood...Did you understand how profoundly concerned they are about the changing character of that neighborhood?"

Reiman said, basically, yes, that's why DevNW was committed to preserving the manse exterior, but Bennett was dismissive, saying "The interior is an office and lobby center or something like that?" Reiman told him that DevNW offered a range of financial literacy classes and counseling, home-ownership classes and counseling, and credit-building services. Bennett asked, "Would you be entertaining legislators there, as part of a lobby effort?" Reiman replied that DevNW does engage in housing advocacy, is occasionally called to offer expert testimony at the legislature, and participates in meetings at the Oregon Department of Housing and Community Services, but those activities amount to <1% of what they do.

Bennett wanted to know if she had "researched alternative office locations nearby, in a commercial office area already." Reiman replied that their office was about four blocks away, and reiterated that "most people feel more comfortable about an affordable housing development when the property management and the owner are on site."

Councilor Kaser also asked why DevNW wanted its office on site, "and not someplace else." Reiman reiterated the importance of onsite management and services, and DevNW's commitment to encouraging property ownership, saying they'd been looking for several years for a housing project that would allow DevNW to own its own office, "and have deeper roots in the Salem community."

Kaser asked Reiman if DevNW had "pursued other zoning" like RM1 or RM2, and what the "long-term impacts" of a CO rezone "would be to the neighborhood, in terms of changing its character." Kaser said she thought DevNW wasn't willing to compromise "because you need the office." She said, "that's very concerning. It's very concerning to be using this [HOME Investment Partnership] money to build a permanent office space for you." (As noted above, the project was eligible in all aspects.)

Council also heard from Eric Bradfield, who, along with Sam Skillern, co-chairs the Grant neighborhood association. Bradfield said he lives at 934 Cottage Street NE, "just across the street from Evergreen Church and parsonage", and was "here to represent my household this evening." "The most contentious part of the project is the need for a zone and Comprehensive Plan change", he said, before arguing that Council should withhold funding for the project in order to prevent the rezone.

After a few more questions, Bennett moved to approve the Con Plan/2020-2021 Action Plan without the award to DevNW. "This one needs to go back to the drawing board, clearly" because DevNW was "unwilling to walk away from having commercial office space and plans to proceed" with the rezoning. "And I just don't want to start down that road, so I'm making the motion to just pull them out of this package. Maybe they'll rethink it." Kaser said she "completely agree[d]"

with Bennett, and that DevNW needed to look for "an area that would be compatible."

Councilor Ausec said he would not support removing the DevNW award because he thought the project was compatible with the neighborhood, comparable to the activities of the church, and noted that the Comprehensive plan had been amended numerous times. See [Comprehensive Plan](#) (adopted 1992, amended 1997, 2000, 2002, 2003, 2004, 2005, 2009, 2x in 2009, 2x in 2013, 2015) and [Grant Neighborhood Plan](#) (adopted by Grant 1979, revised 1983, adopted by City Council with exceptions 1983).

Bennett's motion passed 7-1, with Ausec voting no. Councilor Leung did not vote or participate in the discussion, having declared a conflict because she participates in a DevNW savings program.

Why Council Got it Wrong

There's a great deal not to like about this decision, but let's start with the result. This is what Jimmy Jones, Executive Director of the Mid-Willamette Valley Community Action Agency, had to say about Council's decision to eliminate the DevNW project from the 2020-2021 Action Plan:

It was unfortunate that DevNW's project wasn't approved. The community is in desperate need of affordable housing. Our limited rental stock and low vacancy rates, and high rental prices, are in large part the result of a lack of development in Salem and the surrounding communities going back to the recession of 2009. We've struggled as a community to attract affordable housing development to this area, and we are close to \$1 billion short in new development from meeting the affordable housing need. So every single unit matters. I hope that DevNW isn't discouraged, and continues to pursue the project. There's a way to do this that makes sure the community gets the project, that the neighborhood wishes are respected, and the best practice model of having onsite property management in these low-income housing models is in place.

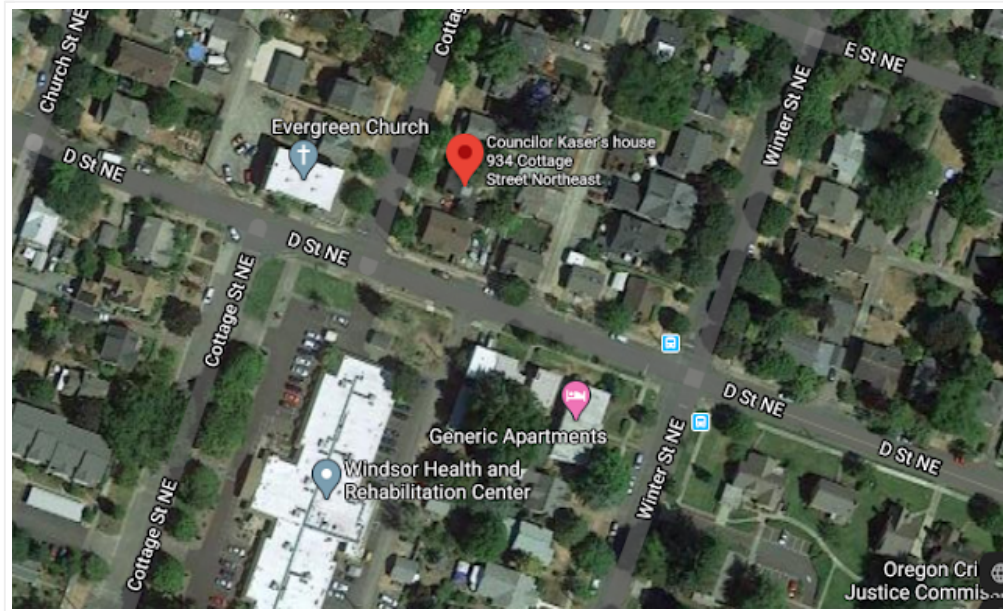
More concerning was the apparent lack of understanding of the Urban Renewal federal housing programs. It appeared that the Council came to the conclusion that there was very little post-award public process and oversight by the City of Salem with any development project financed by federal dollars, which is simply not the case. The City retains oversight over those dollars after they are awarded and has to sign off on project plans at critical junctures in the development process. I have worked with the City very closely on these projects for several years, and they do a good job of making sure everyone is held to account.

Now let's turn to the process. It wasn't just "kind of weird" for Council to decide a pending zoning (land-use) matter before it even went to the Planning Commission, it was wrong.

The issue before Council was whether or not to approve staff recommendation and adopt the Consolidated and 2020-2021 Action Plan. Any decisions to withhold a federal grant for an eligible project for which there is adequate funding *must be* demonstrably unbiased and non-arbitrary.

This is especially true when the applicant is the area's only recognized CHDO and the award is within the federally mandated set-aside. Council's decision fails this test.

First, at no point before, during, or after the public hearing did Councilor Kaser state for the record that she is married to Bradfield, and, with him, owns and occupies the house directly across from the property in question (see map below).



We asked her why she didn't disclose the information or declare a conflict. This was her response:

Per City and State ethics rules, even though I own property across the street from this site, I don't have an actual or potential conflict of interest for this specific legislative decision because a single pecuniary, or material, tangible "benefit" or "detriment" to myself or any family member is not known and speculative at best.

But it's not at all clear that Council's decision was "legislative." Decisions whether to grant or withhold HOME funds are governed by § 92.356 of the Code of Federal Regulations (among others). Even if Kaser was correct that she wasn't bound to reveal her interests by Salem Revised Code, Title 1, Chapter 12 (City ethics rules), Oregon Revised Statutes, Chapter 244 (State ethics rules), she should have considered her obligations under the applicable Federal rules. When she was asked whether she had, she declined to comment. Bradfield, Kaser's husband, argued Council should not fund the DevNW project on behalf of "my household." He did not declare Kaser to be a member of that household, and neither did Kaser. At a minimum, there is the appearance of a conflict of interest.

Second, Council's decision was in the nature of a land-use decision, rather than a legislative decision, as Councilor Kaser would have it. Land-use decisions must be on the record *in the land use proceeding*, and untainted by *ex parte* contacts and conflicts of interest. They also require that interested parties be afforded notice and an opportunity to be heard. Council's decision fails all aspects of this test.

City Councilors knew DevNW's rezone request would be at the Planning Commission July 21, because City Attorney Dan Atchison told them so during the public hearing. Council deliberately withheld funding for an eligible project in order to prevent the developer from pursuing the rezone -- a process it was legally entitled to pursue -- *because they disapproved of the zoning change and wanted to circumvent the land use proceeding*. In essence, Council's decision was a land-use decision, even though it was not properly before them, was not free from the taint of *ex parte* contacts and **conflicts of interest**, and violated DevNW's right to due process before an impartial tribunal.

Given the obvious impropriety of Council's actions and the prejudice to DevNW, one has to ask where was the City Attorney? Was he taking advantage of the virtual meeting format to play Minecraft, or catch up on other work? It is a mystery the answer to which may never be known, but one thing we do know. He should have stopped Council at the very outset and informed them they could not withhold HOME funds for an eligible project except for a *legitimate* reason, which they didn't have. He also should have told them that DevNW had every right to seek the rezone, and, as it was a land-use matter, Council should keep their views to themselves and not discuss it unless and until the matter came before Council in due course.

Fortunately for Salem, DevNW plans to appeal Council's daft decision. This is not the first time the City's been in hot water over conflicts of interest in how it makes federal funding decisions. See Brynelson, T. "**City commission derailed over potential conflicts of interest**." *Salem Reporter*, 16 November 2018; Bach, J. "**Salem development commission may disband after feds raise ethics concerns**", *Statesman Journal*, 20 December 2018. And it probably won't be the last, given the astounding ignorance displayed during the public hearing.

And then there's the hypocrisy. None of those Black Lives Matter speeches (Andersen, Nordyke, Hoy, Kaser) decrying the "**crushing weight that 400 years of institutional, systemic, and personal racism has [had] on people of color**" mean a damn thing when the same so-called "progressive voices" aren't willing to do more than advocate for change. The first opportunity they had to *actually vote* against their privileged class interests in favor of housing and services for low-income families, what did they do? They voted with the NIMBYs to maintain the *status quo*. So predictable. And so Salem.

6/29/20 update: the July 21 hearing has been postponed at DevNW's request. They will now be seeking a zone change to RH (multifamily high rise residential) with proposed conditions and submit Site Plan Review and Design Review applications, to be consolidated with the zone change request. The new design eliminates the onsite management/services, adds 7 units (for a total of 21), and will require additional HOME funds. DevNW will present details of the new plan at CANDO's virtual meeting on July 21st. There will also be a presentation on the YMCA's veteran housing project.

7/8/20 update: see Harrell, S. "**Why Salem City Council nixed an affordable housing development over an office space**." (8 July 2020, Salem Reporter.) In other developments, the City has agreed to reserve the funds set aside for the Evergreen Project pending approval of the new design plan or new project plan, obviating the need for an appeal.

8/6/20 update: the minutes of the May meeting of the Grant neighborhood association -- just published -- state with reference to the Evergreen Church project, "Cara [Kaser] stated that she will recuse herself from any involvement by City Council in this process and will assist the neighborhood in its response to the land use process."

9/15/20 update: [Staff Report](#) recommended approval of zoning change and new plans. The September 21 hearing was postponed at DevNW's request. "[Grant NA Still Opposes Affordable Housing in Church Project](#)" (14 September 2020, *Salem Breakfast on Bikes*) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") See also "[Incumbency Privilege in the Historic Preservation Plan at Council Monday](#)" (10 July 2020, *Salem Breakfast on Bikes*).

9/21/21 update: Oregon Government Ethics Commission found probable cause to investigate Councilor Kaser's conduct in this matter as possible violation of ORS 244.120(2).

10/6/20 update: Planning Commission unanimously approved staff recommendation as modified, except for condition 8 (trees). See "[Affordable Housing Project in 1928 German Baptist Church to Try Again at Postponed Hearing](#)." (4 October 2020, *Salem Breakfast on Bikes*.)

10/26/20 update: Grant neighborhood association [appealed the Planning Commission's approval of the DevNW project](#). City Council to hear the appeal rather than the hearings officer. See "[City Council, October 26th - German Baptist Church Decision](#)." (25 October 2020, *Salem Breakfast on Bikes*.)

Labels: [DevNW](#), [follow the money](#)

3 comments:



Unknown July 5, 2020 at 7:43 AM

Thank you, Sarah and Michael, for burrowing down into the details of this most complex council action. While I am a strong supporter of preserving housing stock in Salem, I am also an "i" dotter and "t" crosser when it comes to following rules. Confabulating future land use rules with a federal grant funding decision may be a wise preemptive effort on the part of the Grant NA, but the implications for future city-wide Salem housing stock is serious. Again, thank you for the information. Thank you for describing the potential long term unintended consequences of the June 17th Council decision.

[Reply](#)



Mark DeCoursey September 30, 2020 at 6:14 PM

Look at this analysis of student demographics at the Grant School (<https://www.greatschools.org/oregon/salem/1042-Grant-Community-School/>).

Grant Neighborhood already has a nice mix of races and cultures. According to GreatSchools.org, Grant Community Elementary School student population is

40% European,
 52% Hispanic,
 3% mixed race, and
 2% African American. (Exhibit D)

Also note on that page, 75% of the students come from Low Income households.

As eager as you seem to be to find racism and classism, you will have to look somewhere else. This is not the neighborhood problem you are looking for. And next time, please look before slinging your invective.

[Reply](#)

Replies



Sarah Owens **October 1, 2020 at 5:31 AM**

Hey there Mark DeCoursey,

Normally, I would start by thanking you for reading the post, but it doesn't look like you did that. Maybe you meant to post on this blog? "Grant NA Still Opposes Affordable Housing in Church Project" (14 September 2020, Salem Breakfast on Bikes) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") I will thank you for prompting us to update the post with the latest on the project, however.

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January 2019 Revision

The CANDO Archive was revised substantially in December 2018 and January 2019 to update links, add labels to facilitate searching, correct formatting, and remove outdated information. Sarah Owens and Michael Livingston

Old City Records

The CANDO Archive contains links that broke when the City "turned off" its old website on February 6, 2019. The linked documents can still be obtained through a public records request. It will help to submit a copy of the link with the request.

City Recorder: cityrecorder@cityofsalem.net

City Recorder: 503-588-6097

Make a public records request [here](#)

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OREGON GOVERNMENT ETHICS COMMISSION
EXECUTIVE SESSION AGENDA

September 18, 2020

[To consider Preliminary Reviews pursuant to ORS 244.260(4)(d)].

Item Page

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(all items removed from consent calendar for discussion)

End of Executive Session Consent Calendar

OTHER ITEMS

Reports of Preliminary Review *(removed from consent calendar)*

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 38. | <u>20-168ELC</u> , Cara Kaser
City Councilor, City of Salem
Recommended Action: Move to Investigate Possible Violation of
ORS 244.120(2) [4] | 221 |
| 39. | <u>20-170ESM</u> , David McCall
City Councilor and Interim Mayor, City of Bay City
Recommended Action: Move to dismiss complaint [2] | 239 |
| 40. | <u>20-175ESM</u> , Justin Gates
City Councilor, City of Estacada
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| 41. | <u>20-176ELC</u> , Russel Heath
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| 42. | <u>20-178ESM</u> , Jackie Lawson
City Councilor, City of Dallas
Recommended Action: Move to Investigate Possible Violation of
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- 43. **20-179ESM**, Jo Barker
City Councilor, City of Drain
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- 44. **20-182ELC**, Court Boice
Commissioner, Curry County Board of Commissioners
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Own Motion Preliminary Reviews

None.

Other Items (non-action informational only items)

None.

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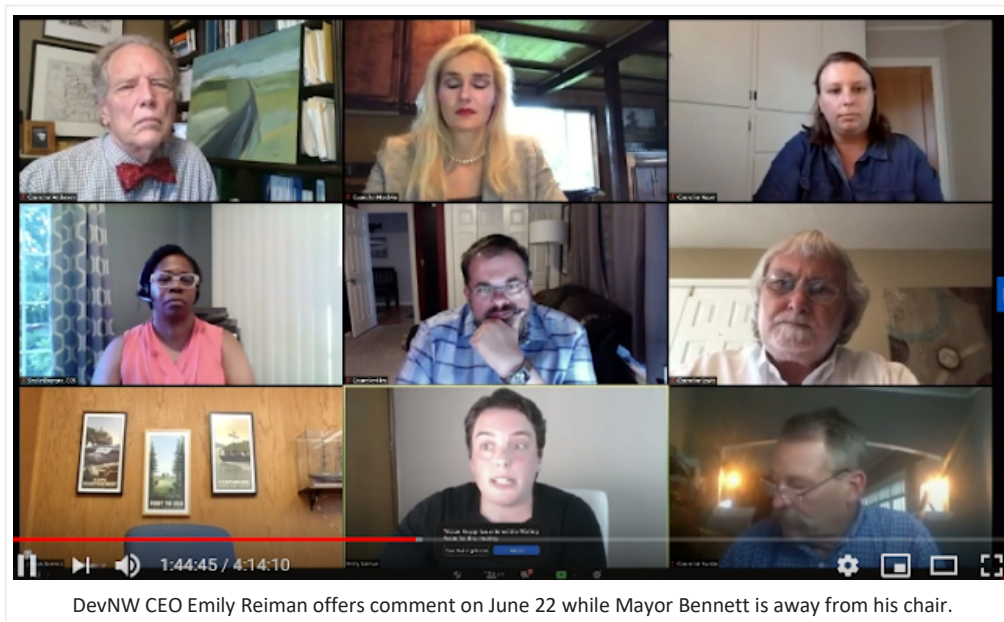
The Church has outgrown the space and is looking to move. It's not the first time Grant has felt one of its church's growing pains. See, e.g., Loew, T. "[A mega church is buying up a Salem neighborhood. Here's why.](#)" (19 August 2019, *Statesman Journal*.) ("Salem Alliance Church owns 31 properties, worth \$22.7 million, comprising part or all of eight blocks in the Grant neighborhood, north of downtown.")

Staff recommendation to Council was for the City to underwrite the purchase of the property using about \$400K in federal HOME Investment Partnership Program (HOME) funds. The developer, [DevNW](#), is Salem's only Community Housing Development Organization ([CHDO](#)) (pronounced "choh-doh"). Federal regulations require that at least 15% of the City's HOME funds be set aside for eligible CHDO activities. DevNW and the City spent many months looking for an appropriate project before deciding on the Evergreen Church location, and the project has been deemed eligible in all aspects.

With advice from City staff, DevNW is seeking to rezone the church property from RS (Single Family) to CO (Commercial Office), to allow it to use the manse as office space. DevNW currently rents an office in CANDO at 437 Union Street NE. The rezoning application is currently scheduled to go before the Planning Commission on July 21, 2020, but Council recent actions may change that.

Notwithstanding all the above, in a [June 17, 2020 letter](#) to Council, and in public comments on June 22, the Grant Land Use Committee chair asked Council to withhold funding for the project in order to prevent DevNW from attempting to rezone the property, which the Grant neighborhood believes would constitute a further "chipping away at [the neighborhood's] character", according to the letter.

During the public hearing on the Consolidated Plan/2020-2021 Annual Action Plan, DevNW CEO Emily Reiman gave a brief overview of the project and offered to answer questions.



Council Deliberates Rezoning

As Councilor Nanke would later comment, the Grant neighborhood's request that Council withhold funding for the DevNW project because of the rezoning issue was "kind of weird, in that it's throwing a land-use decision before it's been done into a Consolidated Plan."

Councilor Hoy asked Reiman about the need to convert the manse into an office, saying "seems like a real waste" given Salem's need for housing. Reiman responded that the exterior of the manse and grounds would be preserved, and that communities generally see on-site services and management "as a positive" because "we have eyes on the project, and the people living there have ready access to services", adding "that's our preference because that's what we think will provide the best experience for low-income families."

Mayor Bennett asked Reiman if she had been "informed of Council's long-term neighborhood and Council policy relative to bringing commercial office into that sort of historic older neighborhood." Reiman responded that her director of development could speak to that, but she was on vacation, however, the decision to seek the CO rezone "was made in partnership with City staff." Bennett shot back, saying, "I'm talking about the neighborhood. City staff is City staff. They do their own thing. I'm talking about the neighborhood...Did you understand how profoundly concerned they are about the changing character of that neighborhood?"

Reiman said, basically, yes, that's why DevNW was committed to preserving the manse exterior, but Bennett was dismissive, saying "The interior is an office and lobby center or something like that?" Reiman told him that DevNW offered a range of financial literacy classes and counseling, home-ownership classes and counseling, and credit-building services. Bennett asked, "Would you be entertaining legislators there, as part of a lobby effort?" Reiman replied that DevNW does engage in housing advocacy, is occasionally called to offer expert testimony at the legislature, and participates in meetings at the Oregon Department of Housing and Community Services, but those activities amount to <1% of what they do.

Bennett wanted to know if she had "researched alternative office locations nearby, in a commercial office area already." Reiman replied that their office was about four blocks away, and reiterated that "most people feel more comfortable about an affordable housing development when the property management and the owner are on site."

Councilor Kaser also asked why DevNW wanted its office on site, "and not someplace else." Reiman reiterated the importance of onsite management and services, and DevNW's commitment to encouraging property ownership, saying they'd been looking for several years for a housing project that would allow DevNW to own its own office, "and have deeper roots in the Salem community."

Kaser asked Reiman if DevNW had "pursued other zoning" like RM1 or RM2, and what the "long-term impacts" of a CO rezone "would be to the neighborhood, in terms of changing its character." Kaser said she thought DevNW wasn't willing to compromise "because you need the office." She said, "that's very concerning. It's very concerning to be using this [HOME Investment Partnership] money to build a permanent office space for you." (As noted above, the project was eligible in all aspects.)

Council also heard from Eric Bradfield, who, along with Sam Skillern, co-chairs the Grant neighborhood association. Bradfield said he lives at 934 Cottage Street NE, "just across the street from Evergreen Church and parsonage", and was "here to represent my household this evening." "The most contentious part of the project is the need for a zone and Comprehensive Plan change", he said, before arguing that Council should withhold funding for the project in order to prevent the rezone.

After a few more questions, Bennett moved to approve the Con Plan/2020-2021 Action Plan without the award to DevNW. "This one needs to go back to the drawing board, clearly" because DevNW was "unwilling to walk away from having commercial office space and plans to proceed" with the rezoning. "And I just don't want to start down that road, so I'm making the motion to just pull them out of this package. Maybe they'll rethink it." Kaser said she "completely agree[d]"

with Bennett, and that DevNW needed to look for "an area that would be compatible."

Councilor Ausec said he would not support removing the DevNW award because he thought the project was compatible with the neighborhood, comparable to the activities of the church, and noted that the Comprehensive plan had been amended numerous times. See [Comprehensive Plan](#) (adopted 1992, amended 1997, 2000, 2002, 2003, 2004, 2005, 2009, 2x in 2009, 2x in 2013, 2015) and [Grant Neighborhood Plan](#) (adopted by Grant 1979, revised 1983, adopted by City Council with exceptions 1983).

Bennett's motion passed 7-1, with Ausec voting no. Councilor Leung did not vote or participate in the discussion, having declared a conflict because she participates in a DevNW savings program.

Why Council Got it Wrong

There's a great deal not to like about this decision, but let's start with the result. This is what Jimmy Jones, Executive Director of the Mid-Willamette Valley Community Action Agency, had to say about Council's decision to eliminate the DevNW project from the 2020-2021 Action Plan:

It was unfortunate that DevNW's project wasn't approved. The community is in desperate need of affordable housing. Our limited rental stock and low vacancy rates, and high rental prices, are in large part the result of a lack of development in Salem and the surrounding communities going back to the recession of 2009. We've struggled as a community to attract affordable housing development to this area, and we are close to \$1 billion short in new development from meeting the affordable housing need. So every single unit matters. I hope that DevNW isn't discouraged, and continues to pursue the project. There's a way to do this that makes sure the community gets the project, that the neighborhood wishes are respected, and the best practice model of having onsite property management in these low-income housing models is in place.

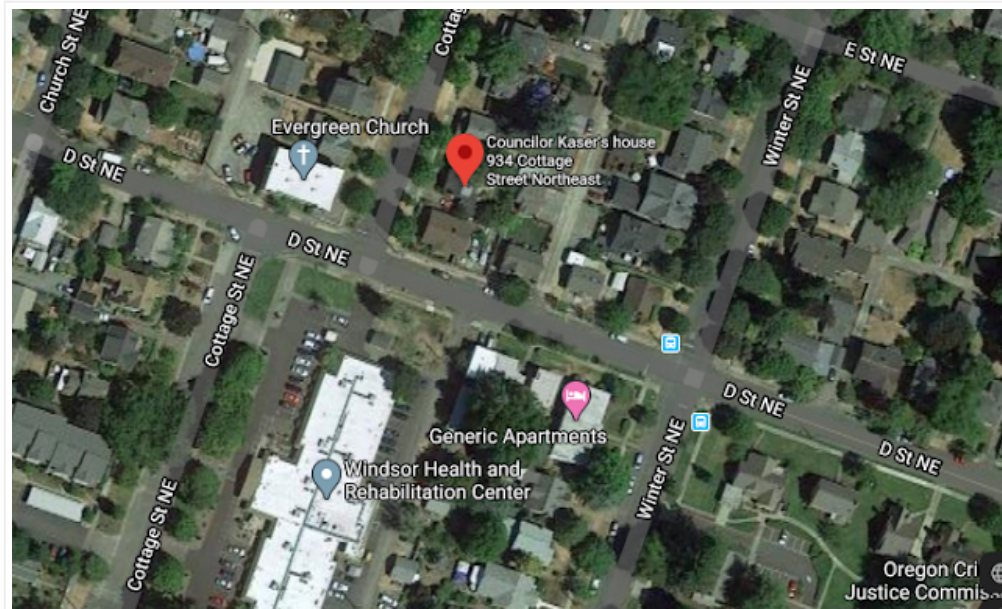
More concerning was the apparent lack of understanding of the Urban Renewal federal housing programs. It appeared that the Council came to the conclusion that there was very little post-award public process and oversight by the City of Salem with any development project financed by federal dollars, which is simply not the case. The City retains oversight over those dollars after they are awarded and has to sign off on project plans at critical junctures in the development process. I have worked with the City very closely on these projects for several years, and they do a good job of making sure everyone is held to account.

Now let's turn to the process. It wasn't just "kind of weird" for Council to decide a pending zoning (land-use) matter before it even went to the Planning Commission, it was wrong.

The issue before Council was whether or not to approve staff recommendation and adopt the Consolidated and 2020-2021 Action Plan. Any decisions to withhold a federal grant for an eligible project for which there is adequate funding *must be* demonstrably unbiased and non-arbitrary.

This is especially true when the applicant is the area's only recognized CHDO and the award is within the federally mandated set-aside. Council's decision fails this test.

First, at no point before, during, or after the public hearing did Councilor Kaser state for the record that she is married to Bradfield, and, with him, owns and occupies the house directly across from the property in question (see map below).



We asked her why she didn't disclose the information or declare a conflict. This was her response:

Per City and State ethics rules, even though I own property across the street from this site, I don't have an actual or potential conflict of interest for this specific legislative decision because a single pecuniary, or material, tangible "benefit" or "detriment" to myself or any family member is not known and speculative at best.

But it's not at all clear that Council's decision was "legislative." Decisions whether to grant or withhold HOME funds are governed by § 92.356 of the Code of Federal Regulations (among others). Even if Kaser was correct that she wasn't bound to reveal her interests by Salem Revised Code, Title 1, Chapter 12 (City ethics rules), Oregon Revised Statutes, Chapter 244 (State ethics rules), she should have considered her obligations under the applicable Federal rules. When she was asked whether she had, she declined to comment. Bradfield, Kaser's husband, argued Council should not fund the DevNW project on behalf of "my household." He did not declare Kaser to be a member of that household, and neither did Kaser. At a minimum, there is the appearance of a conflict of interest.

Second, Council's decision was in the nature of a land-use decision, rather than a legislative decision, as Councilor Kaser would have it. Land-use decisions must be on the record *in the land use proceeding*, and untainted by *ex parte* contacts and conflicts of interest. They also require that interested parties be afforded notice and an opportunity to be heard. Council's decision fails all aspects of this test.

City Councilors knew DevNW's rezone request would be at the Planning Commission July 21, because City Attorney Dan Atchison told them so during the public hearing. Council deliberately withheld funding for an eligible project in order to prevent the developer from pursuing the rezone -- a process it was legally entitled to pursue -- *because they disapproved of the zoning change and wanted to circumvent the land use proceeding*. In essence, Council's decision was a land-use decision, even though it was not properly before them, was not free from the taint of *ex parte* contacts and **conflicts of interest**, and violated DevNW's right to due process before an impartial tribunal.

Given the obvious impropriety of Council's actions and the prejudice to DevNW, one has to ask where was the City Attorney? Was he taking advantage of the virtual meeting format to play Minecraft, or catch up on other work? It is a mystery the answer to which may never be known, but one thing we do know. He should have stopped Council at the very outset and informed them they could not withhold HOME funds for an eligible project except for a *legitimate* reason, which they didn't have. He also should have told them that DevNW had every right to seek the rezone, and, as it was a land-use matter, Council should keep their views to themselves and not discuss it unless and until the matter came before Council in due course.

Fortunately for Salem, DevNW plans to appeal Council's daft decision. This is not the first time the City's been in hot water over conflicts of interest in how it makes federal funding decisions. See Brynelson, T. "**City commission derailed over potential conflicts of interest**." *Salem Reporter*, 16 November 2018; Bach, J. "**Salem development commission may disband after feds raise ethics concerns**", *Statesman Journal*, 20 December 2018. And it probably won't be the last, given the astounding ignorance displayed during the public hearing.

And then there's the hypocrisy. None of those Black Lives Matter speeches (Andersen, Nordyke, Hoy, Kaser) decrying the "**crushing weight that 400 years of institutional, systemic, and personal racism has [had] on people of color**" mean a damn thing when the same so-called "progressive voices" aren't willing to do more than advocate for change. The first opportunity they had to *actually vote* against their privileged class interests in favor of housing and services for low-income families, what did they do? They voted with the NIMBYs to maintain the *status quo*. So predictable. And so Salem.

6/29/20 update: the July 21 hearing has been postponed at DevNW's request. They will now be seeking a zone change to RH (multifamily high rise residential) with proposed conditions and submit Site Plan Review and Design Review applications, to be consolidated with the zone change request. The new design eliminates the onsite management/services, adds 7 units (for a total of 21), and will require additional HOME funds. DevNW will present details of the new plan at CANDO's virtual meeting on July 21st. There will also be a presentation on the YMCA's veteran housing project.

7/8/20 update: see Harrell, S. "**Why Salem City Council nixed an affordable housing development over an office space**." (8 July 2020, Salem Reporter.) In other developments, the City has agreed to reserve the funds set aside for the Evergreen Project pending approval of the new design plan or new project plan, obviating the need for an appeal.

8/6/20 update: the minutes of the May meeting of the Grant neighborhood association -- just published -- state with reference to the Evergreen Church project, "Cara [Kaser] stated that she will recuse herself from any involvement by City Council in this process and will assist the neighborhood in its response to the land use process."

9/15/20 update: [Staff Report](#) recommended approval of zoning change and new plans. The September 21 hearing was postponed at DevNW's request. "[Grant NA Still Opposes Affordable Housing in Church Project](#)" (14 September 2020, *Salem Breakfast on Bikes*) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") See also "[Incumbency Privilege in the Historic Preservation Plan at Council Monday](#)" (10 July 2020, *Salem Breakfast on Bikes*).

9/21/21 update: Oregon Government Ethics Commission found probable cause to investigate Councilor Kaser's conduct in this matter as possible violation of ORS 244.120(2).

10/6/20 update: Planning Commission unanimously approved staff recommendation as modified, except for condition 8 (trees). See "[Affordable Housing Project in 1928 German Baptist Church to Try Again at Postponed Hearing](#)." (4 October 2020, *Salem Breakfast on Bikes*.)

10/26/20 update: Grant neighborhood association [appealed the Planning Commission's approval of the DevNW project](#). City Council to hear the appeal rather than the hearings officer. See "[City Council, October 26th - German Baptist Church Decision](#)." (25 October 2020, *Salem Breakfast on Bikes*.)

Labels: [DevNW](#), [follow the money](#)

3 comments:



Unknown July 5, 2020 at 7:43 AM

Thank you, Sarah and Michael, for burrowing down into the details of this most complex council action. While I am a strong supporter of preserving housing stock in Salem, I am also an "i" dotter and "t" crosser when it comes to following rules. Confabulating future land use rules with a federal grant funding decision may be a wise preemptive effort on the part of the Grant NA, but the implications for future city-wide Salem housing stock is serious. Again, thank you for the information. Thank you for describing the potential long term unintended consequences of the June 17th Council decision.

[Reply](#)



Mark DeCoursey September 30, 2020 at 6:14 PM

Look at this analysis of student demographics at the Grant School (<https://www.greatschools.org/oregon/salem/1042-Grant-Community-School/>).

Grant Neighborhood already has a nice mix of races and cultures. According to GreatSchools.org, Grant Community Elementary School student population is

40% European,
 52% Hispanic,
 3% mixed race, and
 2% African American. (Exhibit D)

Also note on that page, 75% of the students come from Low Income households.

As eager as you seem to be to find racism and classism, you will have to look somewhere else. This is not the neighborhood problem you are looking for. And next time, please look before slinging your invective.

[Reply](#)

Replies



Sarah Owens **October 1, 2020 at 5:31 AM**

Hey there Mark DeCoursey,

Normally, I would start by thanking you for reading the post, but it doesn't look like you did that. Maybe you meant to post on this blog? "Grant NA Still Opposes Affordable Housing in Church Project" (14 September 2020, Salem Breakfast on Bikes) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") I will thank you for prompting us to update the post with the latest on the project, however.

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January 2019 Revision

The CANDO Archive was revised substantially in December 2018 and January 2019 to update links, add labels to facilitate searching, correct formatting, and remove outdated information. Sarah Owens and Michael Livingston

Old City Records

The CANDO Archive contains links that broke when the City "turned off" its old website on February 6, 2019. The linked documents can still be obtained through a public records request. It will help to submit a copy of the link with the request.

City Recorder: cityrecorder@cityofsalem.net

City Recorder: 503-588-6097

Make a public records request [here](#)

Disclaimer

The views expressed in individual blog posts are those of the author(s) and do not reflect the official position of the CANDO Board of Directors, unless that is specifically indicated in the blog post.

Simple theme. Powered by [Blogger](#).



LAND USE APPEAL APPLICATION

1. GENERAL DATA REQUIRED *[to be completed by the appellant]*

Case # Being Appealed _____

Decision Date _____

Address of Subject Property _____

Appellants Mailing Address with zip code _____

Appellant's E-mail Address _____

Day-time Phone / Cell Phone _____

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Name _____

Mailing Address with ZIP Code _____

E-Mail Address _____

Day-time Phone / Cell Phone _____

2. SIGNATURES OF ALL APPELLANTS

Signature: _____

Date: _____

Printed Name: _____

Signature: _____

Date: _____

Printed Name: _____

3. REASON FOR APPEAL Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

FOR STAFF USE ONLY

Received By: _____

Date: _____

Receipt No: _____

Appeal Deadline: _____

Case Manager: _____

Dear City of Salem Planning Staff and City Councilors -

This email is an appeal of the October 12, 2020 Decision of the City of Salem Planning Commission to approve the Minor Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review for case CPC-NPC-ZC-SPR-ADJ-DR20-03, 905 and 925 Cottage Street NE.

We are sending this email to both Staff and Council as this consolidated application appears as Item 6.b. on your Council Agenda this evening.

This appeal is on behalf of the Grant Neighborhood Association, which presented evidence and testimony at the October 6, 2020 City of Salem Planning Commission hearing, requesting that the application be denied in its entirety. Because this Appeal comes directly from the Grant Neighborhood Association, we request a waiver of the \$250 appeal fee.

Pursuant to SRC 300.1020, the Grant Neighborhood asserts that the decision regarding this Minor Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review was made in error and should be overturned by the Salem City Council.

In addition to the appeal of the Planning Commission's decision outlined in brief below, the Grant Neighborhood Association incorporates by reference, and has attached here, our original response to the application.

Point #1 - Equally or better suited designation

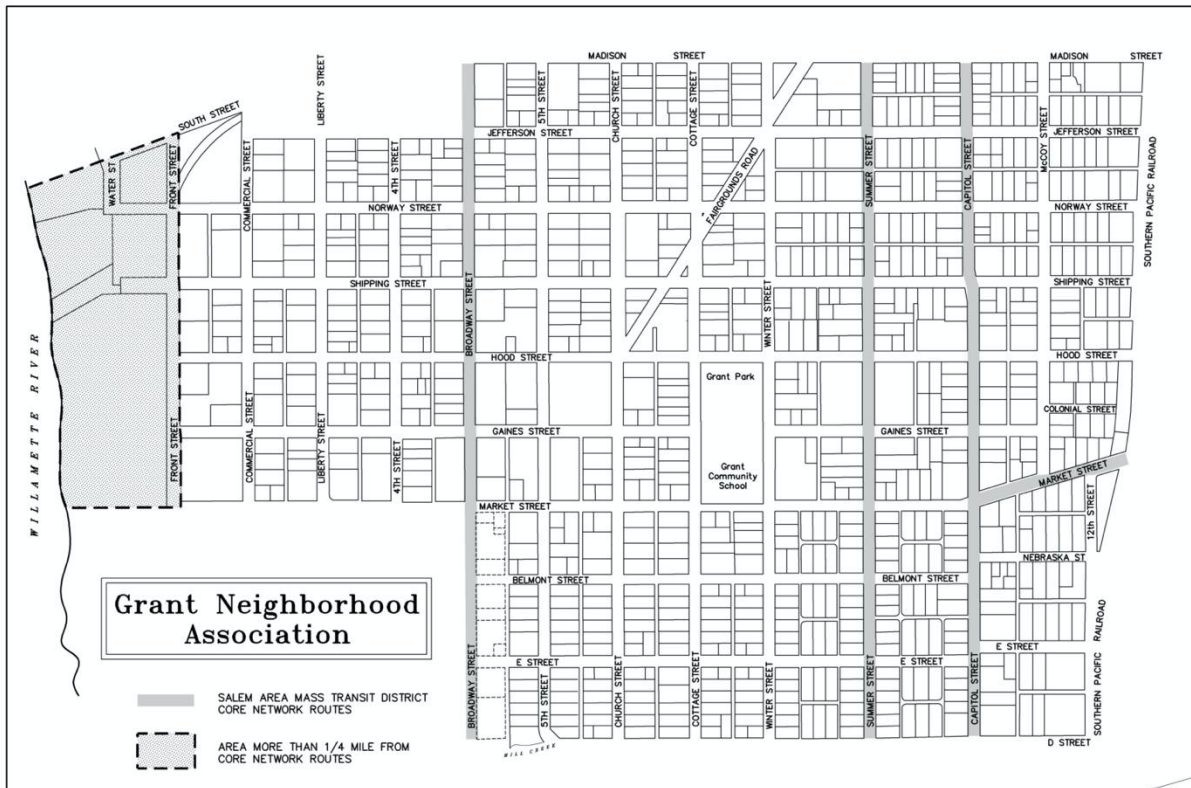
*Salem Revised Code, 64.025(e)(2)(A)(ii) - The Minor Plan Map Amendment is justified based on the existence of one of the following ... **Equally or Better Suited Designation.** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.*

*Salem Revised Code, 265.005(e)(1)(A)(iii): The zone change is justified based on one or more of the following ... A demonstration that the proposed zone change **is equally or better suited for the property than the existing zone.** A proposed zone is equally or better suited 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.*

The Planning Commission's decision has failed to conform to the above sections of the Salem Revised Code. Specifically, the Planning Commission has not adequately demonstrated how the specific properties 905 and 925 Cottage Street NE are *equally or better* suited as Multifamily and High-Rise Residential as required for amendments to the City of Salem's Comprehensive Plan (SRC 64) and Zoning (SRC 225).

The rationale provided for the decision is inadequate because it relies on characteristics that are not unique to the properties themselves (e.g., the need for additional housing units throughout the entire city, being within 1/4 mile of Cherriots bus route), while failing to consider the actual particularities of property and its relationship to the surrounding land uses, as the code requires. In this case, the Planning Commission states that the proposed changes “provides an ability to buffer higher intensity uses from single family uses” (Decision, page 11) - a factual error in the decision based on the Planning Commission’s own description that the properties are bounded on all four sides by single-family homes (Decision, page 3). In this case, there are no “higher intensity uses” which require “buffering.” The creation of a high-rise residential “Donut Hole” would, in fact, create the problem the Planning Commission believes this project would solve.

Further, justifying the most disruptive zoning change possible in the residential code, from single-family to Residential High Rise, should be based on something more compelling than proximity to a bus route or adjacency to a collector route, especially one that is only 55 feet wide (D Street NE). As show in the map below, over 90% of the Grant Neighborhood lies within 1/4 mile of the core Cherriots network. We categorically reject this characteristic as a rationale for rezoning properties in our neighborhood as over-broad and non-deterministic.



Point #2 - Inadequacy of the Open House to Satisfy Statewide Planning Goal #1 and SRC 300.320(b)(2)

This decision is in error because the Applicant failed to hold the required open house. The applicant's May 4, 2020 open house does not apply to this *consolidated* application because that open house was for only a minor comprehensive plan amendment and zone change. Only when it became clear how unpopular their project was with the neighbors, the applicant revised their application to consolidate all of the city's review of the project into one process. However, in such a case of consolidated approvals, the City requires that the applicant disclose the entirety of the plan to the neighbors in an open house. Specifically, SRC 300.320(b)(2) requires:

“[w]hen 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.** (emphasis added)

This provision applies here because the Comprehensive Plan Amendment from Single-Family to Multifamily requires an open house, and the other portions of the consolidated application (e.g., Site Plan Review with adjustments) require a combination of neighborhood association contact or none at all.

However, the open house that was held in May literally pre-dated the existence of any Site Plan or any of the proposed (and now approved) adjustments and design review. The Planning Commission's decision is in error because it is based on the May Open House being *close enough*. The Grant Neighborhood has also raised this point with the planning staff from the City. Close enough is not the standard. Page 6 of the Decision states: “the Open House presented by the applicant did include the site plans...”. This is a factually incorrect statement. The applicant did not present a site plan that meets the standard of this requirement, and further, the applicant offered assurances that they would be going through site plan review after the change to Commercial Office (as envisioned in May) was finalized and they closed on the property.

But now they have substantially changed their project, consolidated every approval needed by the City to move forward with it, and failed to properly engage the public as required. They have not held a subsequent open house or appeared at our regular scheduled and noticed meetings, despite our invitations. That the Grant Neighborhood Association is highly engaged in a proposal to remarkably change our neighborhood does not satisfy their public engagement requirements under the Code or State of the Oregon Planning Goals.

Point #3 - Statewide Planning Goal 5

The decision is in error because the project, as approved, represents an **adverse effect** to properties that are eligible for listing on the National Register of Historic Places and are therefore significant historic resources under this planning goal. The condition of approval from the Planning

Commission, however, is insufficient to protect this property because the developer is only obligated to engage with the SHPO and consult under the NHPA if they receive federal funds for this phase of the project. The proponent could finance this portion of the project with private funds and continue their work unabated, arguing they have no legal responsibility to protect these eligible historic resources.

Point #4 - SRC 64.025(e)(2)(E): The amendment is in the public interest and would be of general benefit.

The Planning Commission's decision is in error when justifying the comprehensive plan change based on public interest and general benefit. While no one denies the need for more housing within the City of Salem, a proper finding of "public interest" and "general benefit" would balance the impacts of such an amendment against its possible benefits. There is no indication that the Planning Commission has seriously weighed the costs of such a decision, instead relying upon a citywide need to justify the outcome without adequately describing the impact.

This **kind of rationale is very much not in the public interest** because it breeds distrust in our decision making, growing cynicism that any agreement between two willing parties takes precedence over the plan of how we want our city to grow or what impacts that agreement might have on the local community.

The Neighborhood Association and neighbors have brought forth legitimate and serious concerns about vastly increasing the density of use of these properties based on parking, traffic, and the substantial likelihood that this zone change will open the door for future zone changes in the immediate area, altering the character of this close in residential neighborhood until it is lost entirely. These are legitimate concerns that do not reflect the public interest and that the Planning Commission has failed to even acknowledge.

Further, while the Grant Neighborhood recognizes that zoning is not static, there must be some room for the logic of the plan and the vicinity of a property to influence whether or not a change to the plan and zone is appropriate. The city recently released its draft vision for **Our Salem** and after years of the kind of engagement suggested by the same HNA that supposedly justifies this project, the city suggests **absolutely no changes to these properties at all.**

Rather than addressing the need in the 2015 HNA, ad hoc decisions to create "Donut Holes" of this kind undermine the long-term vision of the City to welcome 60,000 more residents by 2035. 0.30 acres and 19 front doors is not worth the erosion of the public interest. Therefore, the Planning Commission is in error when they approve this project with such rationale.

Point #5 - Grant Neighborhood Plan (SRC Chapter 64)

The Planning Commission's decision is in error because it somehow justifies this project under the Grant Neighborhood Plan, which specifically calls for the denial of zone changes that would allow

more intensive residential uses in the Single Family zone. The Planning Commission wants it both ways, saying that the Neighborhood Plan both justifies the project, but where it does not support the project, is invalid under State law and City code.

The Grant Neighborhood Association would respond to the Planning Commission's erroneous decision that we recognize the fluid nature of zoning and have participated fully and vigorously in the rezoning of properties throughout our neighborhood with the specific intent to increase the density of housing and other developments.

No one, however, says that every zone change that is requested has to be approved, and the treatment of our plan as solely useful as justifying zone changes, but wholly irrelevant when not, is a misreading of the usefulness of the Neighborhood Planning concept within the City.

The Planning Commission's decision is erroneous because it asserts that the project is within intent of the Grant Neighborhood Plan, which is a factually incorrect statement. If the Planning Commission believes that the Grant Neighborhood Plan serves no purpose, then it should recommend that the City Council rescind it as binding policy under SRC 64.

The Grant Neighborhood Association has provided its original comments to the Planning Commission and City Staff as attachments to this appeal. We would request that the City Council review our work and input as part of their *de novo* review of this consolidated application.

Thank you for your time and consideration,

The Grant Neighborhood Association

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 predictable 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.

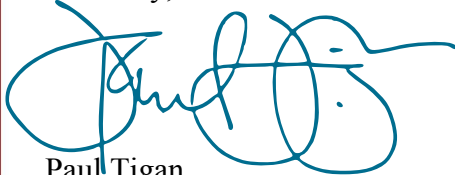
This project is clearly and objectively out of character with the surrounding area, introducing a density of use that is not supported by the immediate vicinity

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 Cherrits 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 Sholom, 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

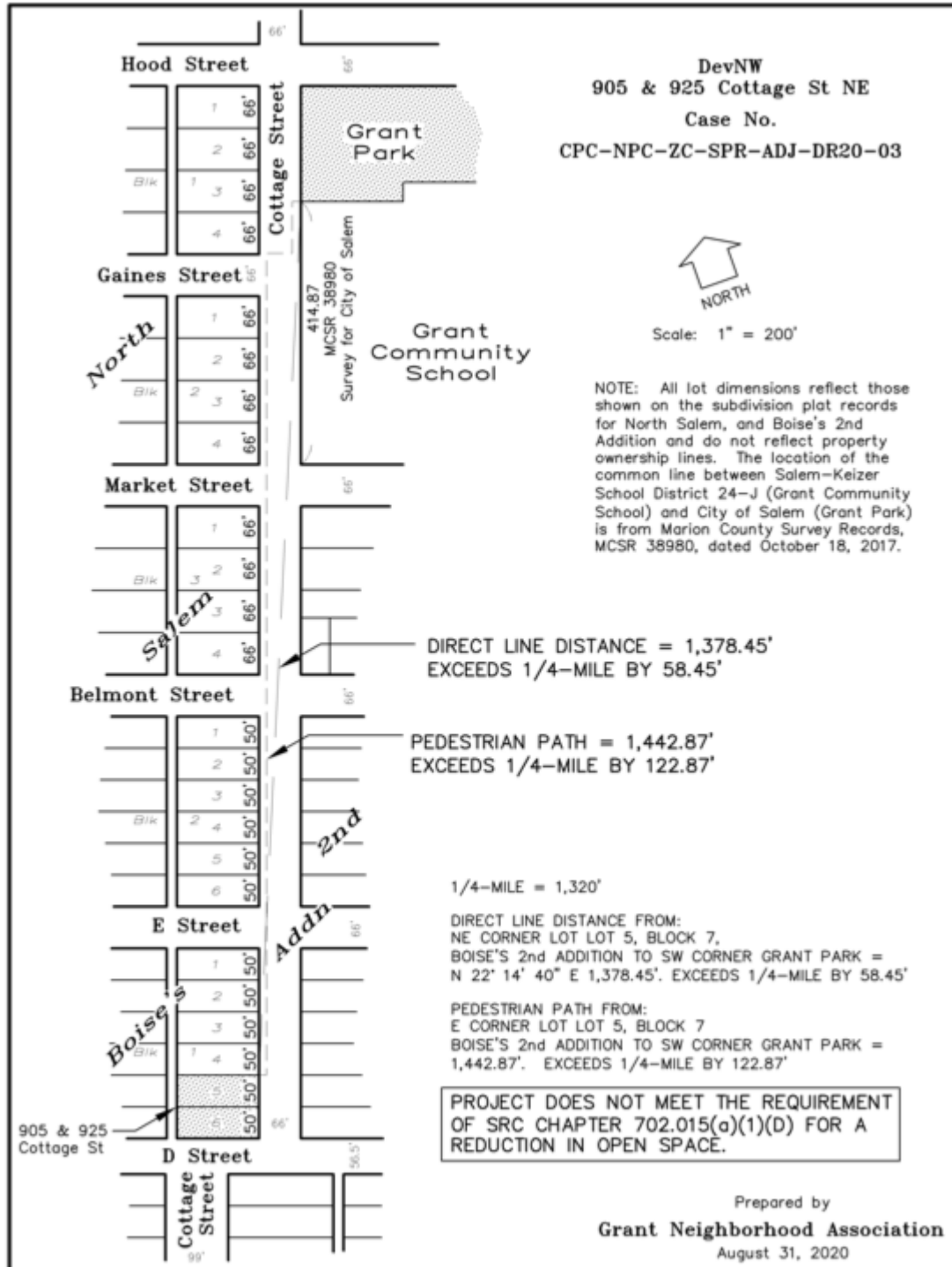
13. Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.

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

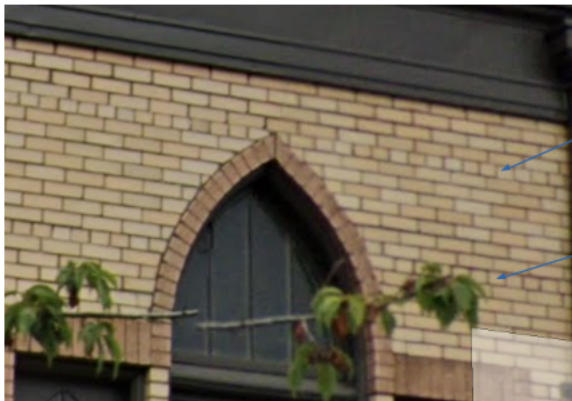
Grant Neighborhood Association Response:

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.

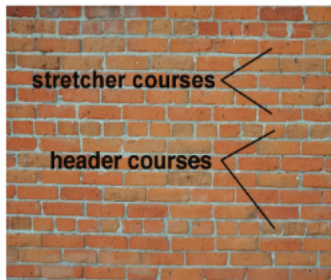
The applicant has not established that the conversion of the church building to a multi-family residence is possible within a reasonable budget. Being almost a century old, the building does not satisfy modern building codes. With the extent of the major renovation proposed, full satisfaction of the 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.

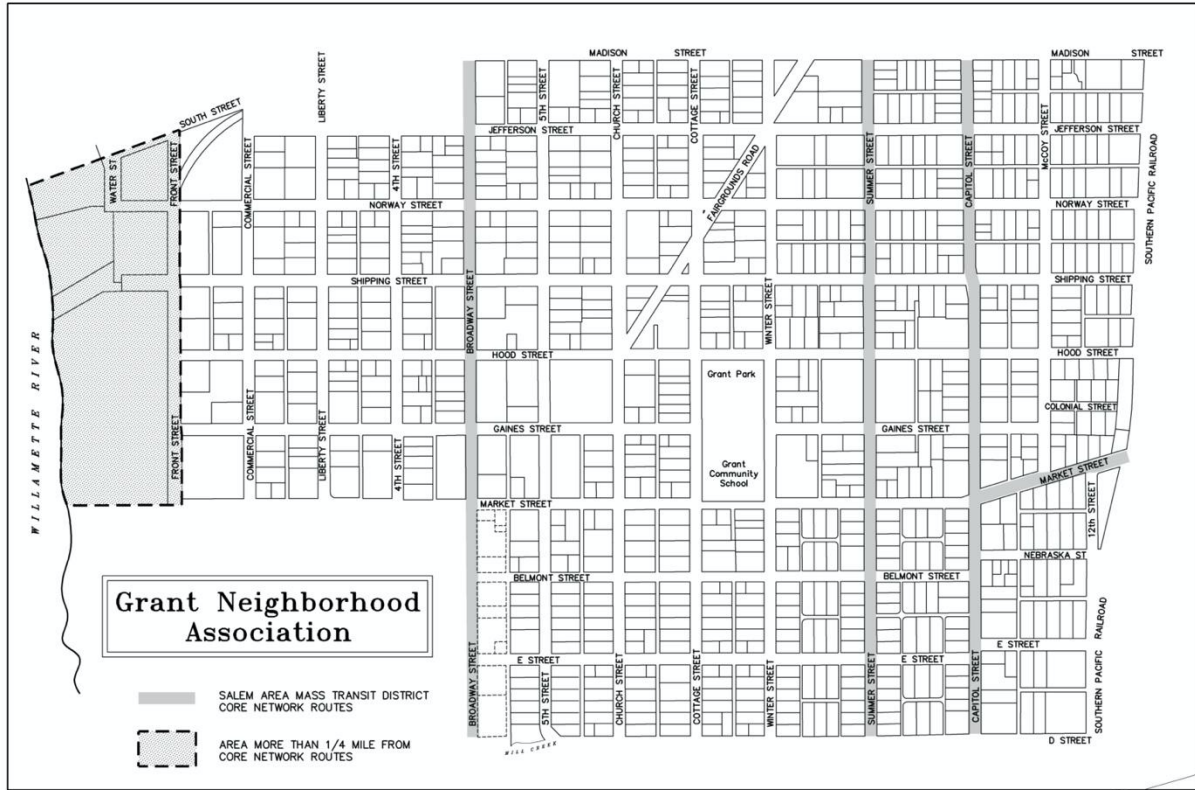
Grant Neighborhood Association Response:

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.

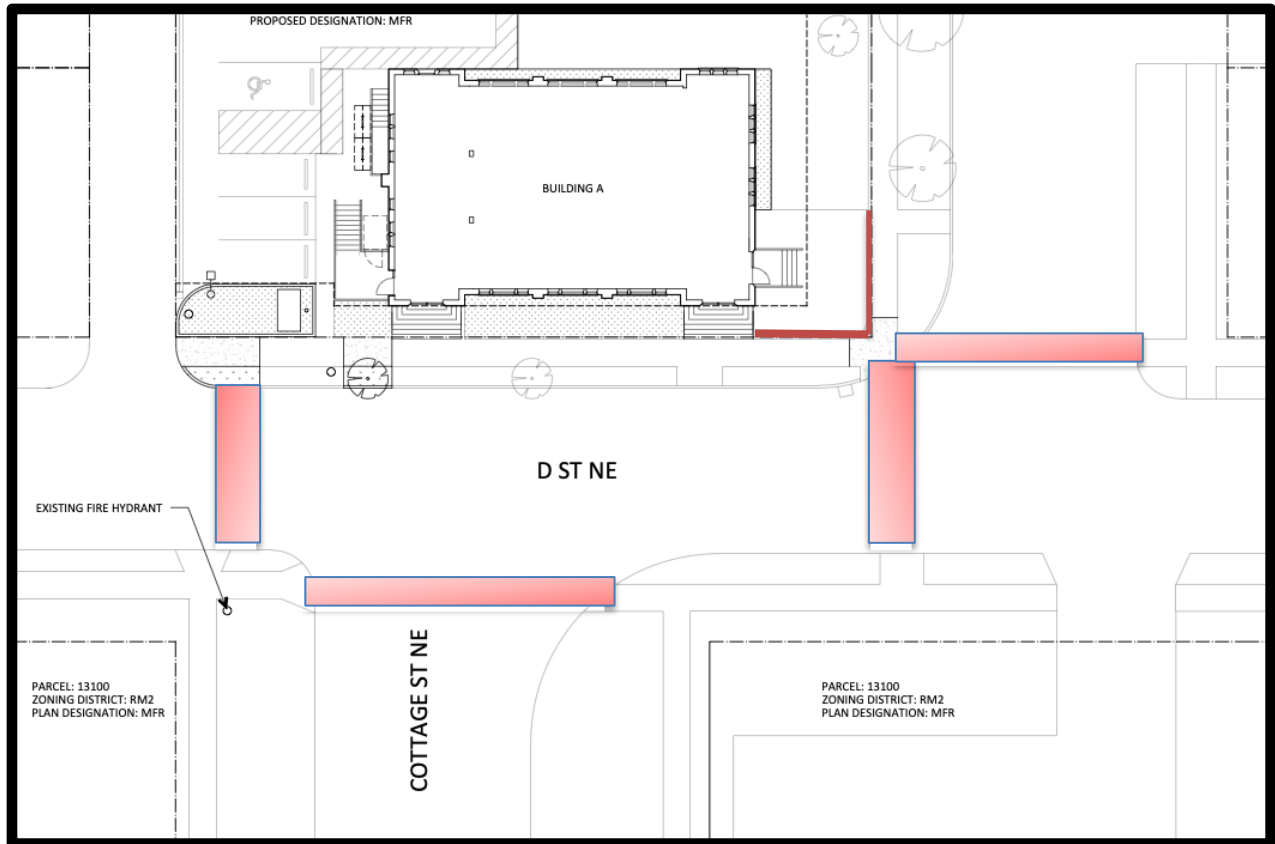
The Neighborhood Association requests that the applicant provide a full seismic upgrade plan from a licensed engineer in order to demonstrate capacity to complete the project as put forth in the Site Plan.

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.

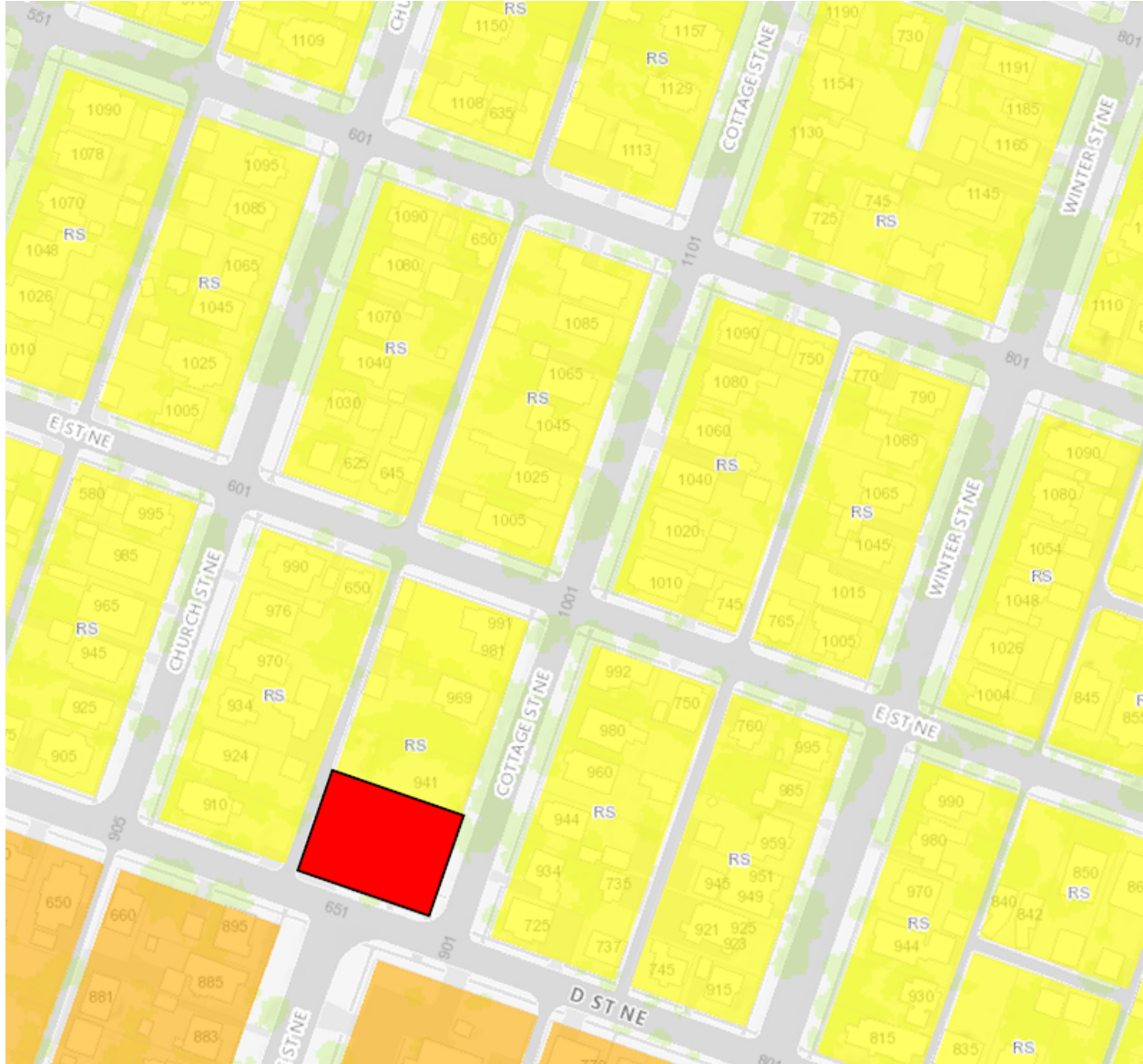
The Neighborhood Association requests that the City require that ADA accessibility be added to the site plan for 905 Cottage Street NE.

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.

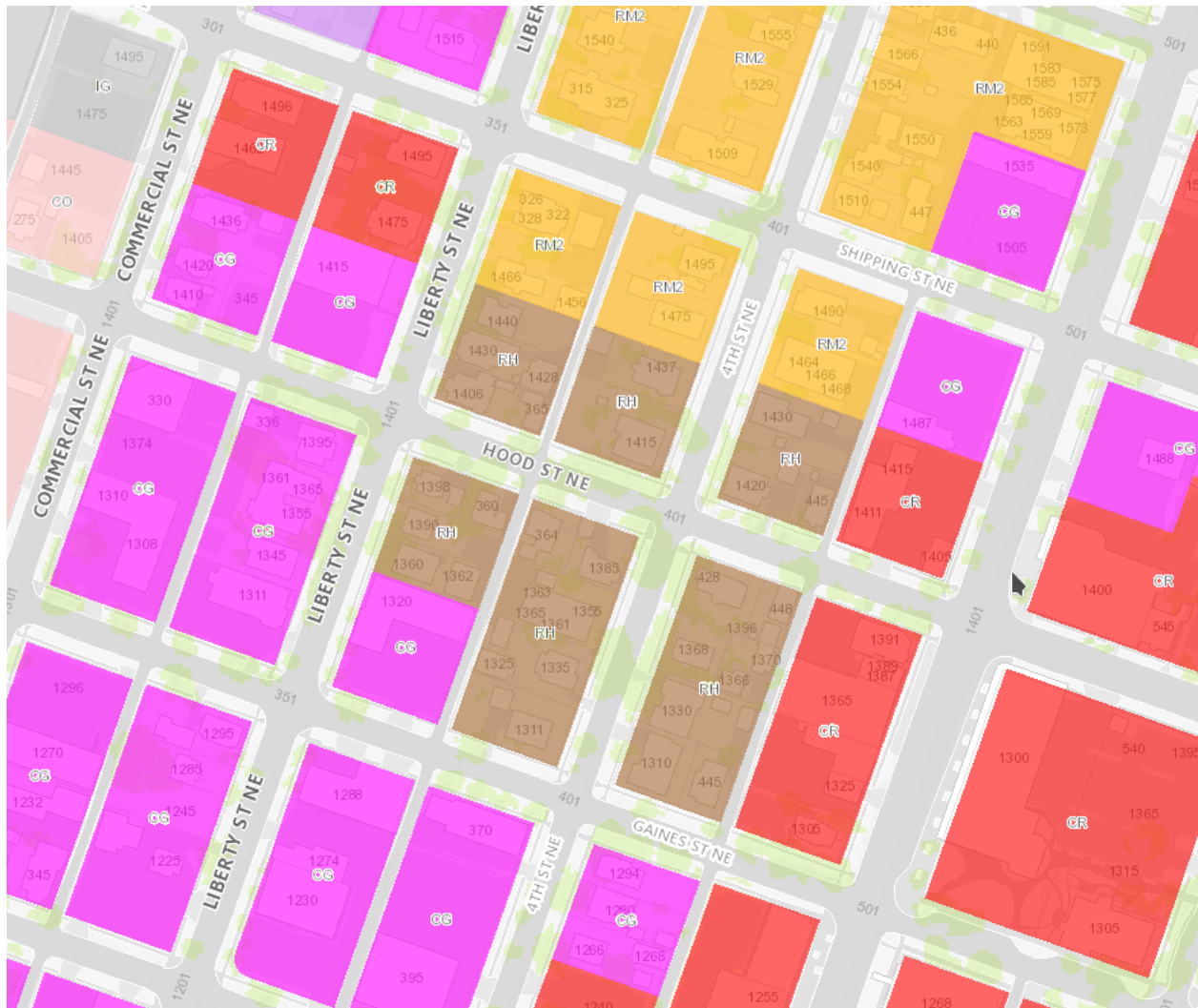
Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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:

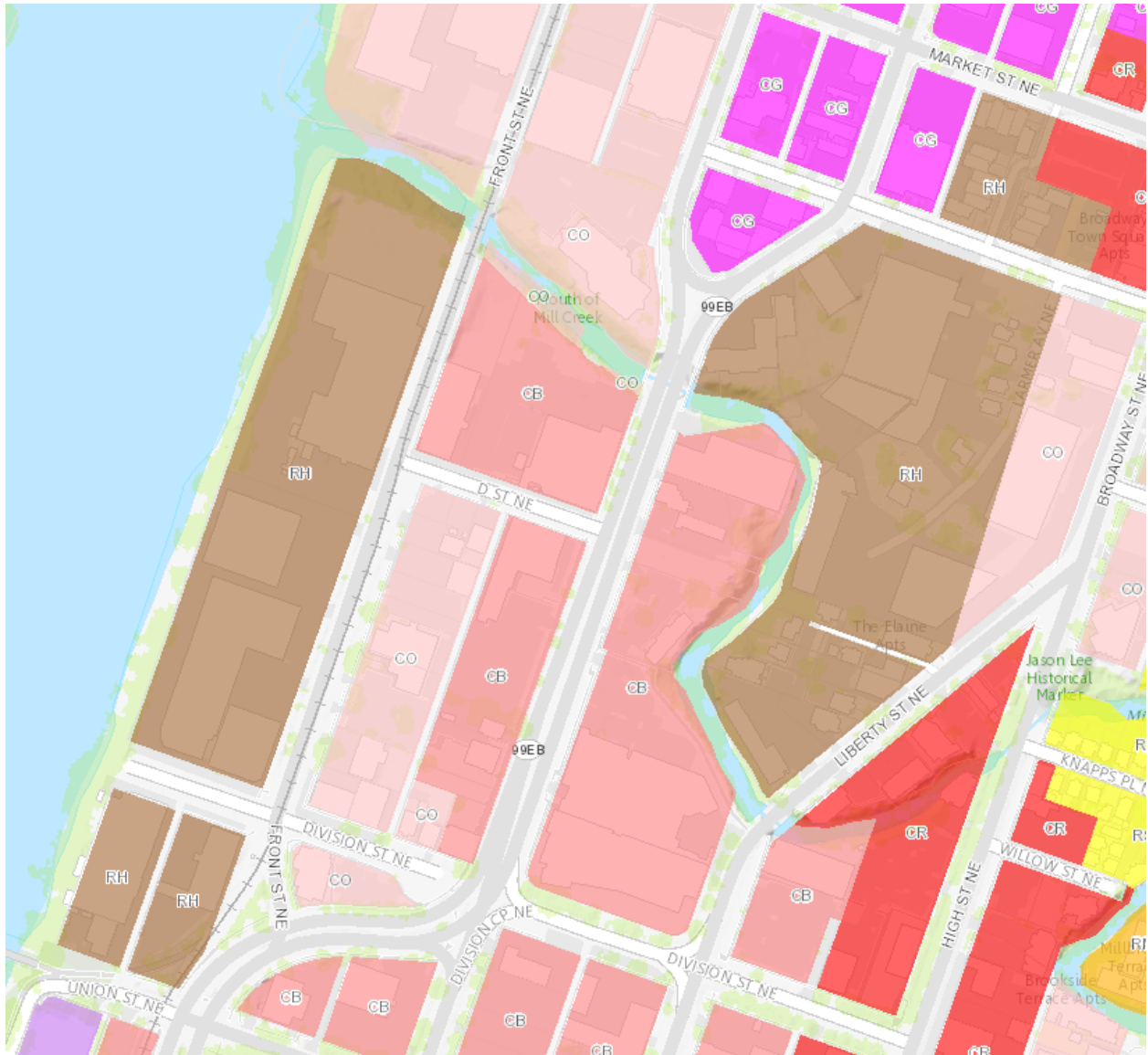
The contiguous RH zone and surrounded by CB (Commercial Business) and RM2 (Multi-Family 2) zones. It occupies about 2.98 acres of land that is still primarily single-family homes with a few apartments. Conceivably, a larger development could occur on $\frac{1}{4}$ or $\frac{1}{2}$ block areas within 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.

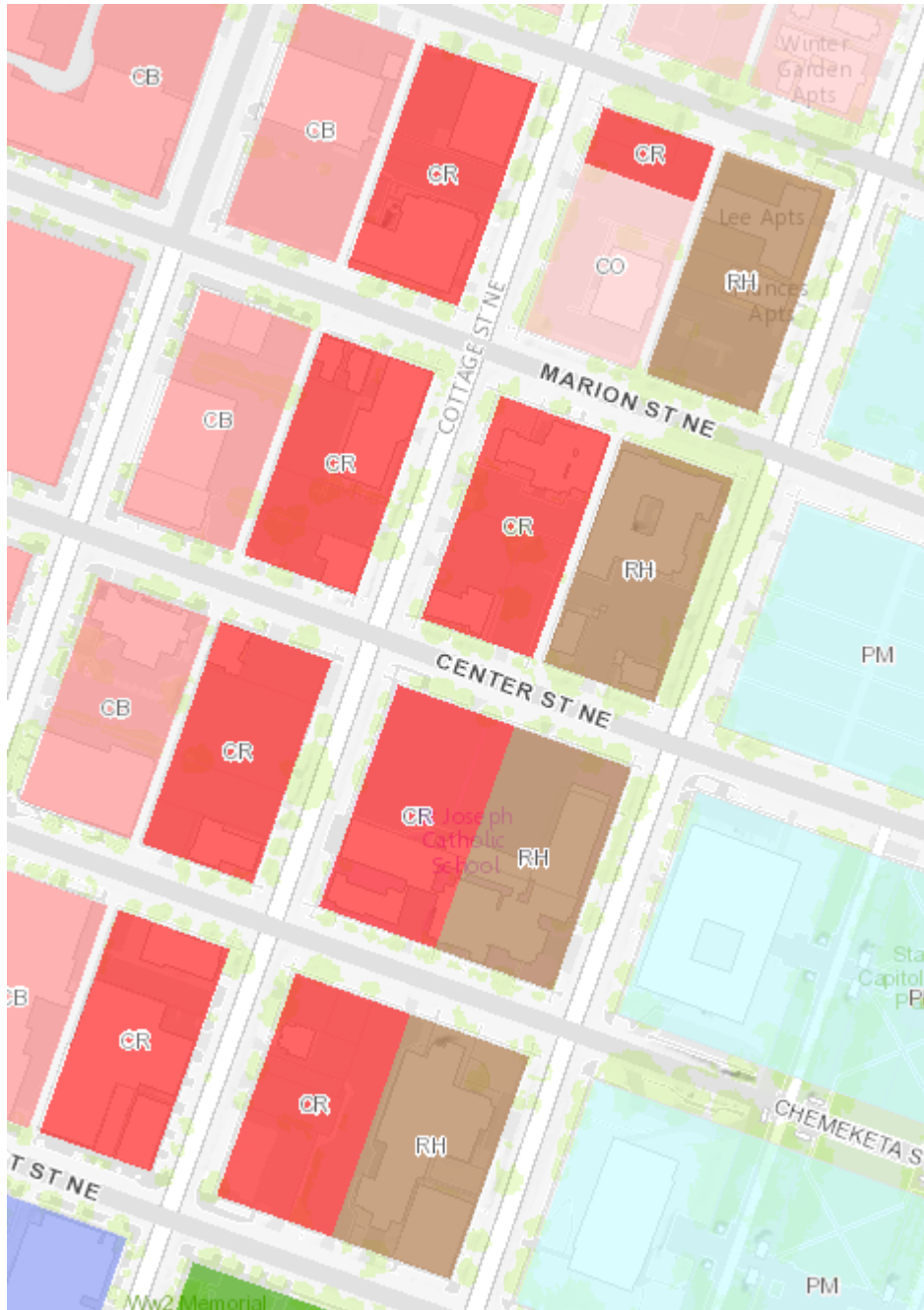
Attachment C – Grant Neighborhood Association
 Uses of High-Rise Residential Zoning in Central Salem
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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

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.

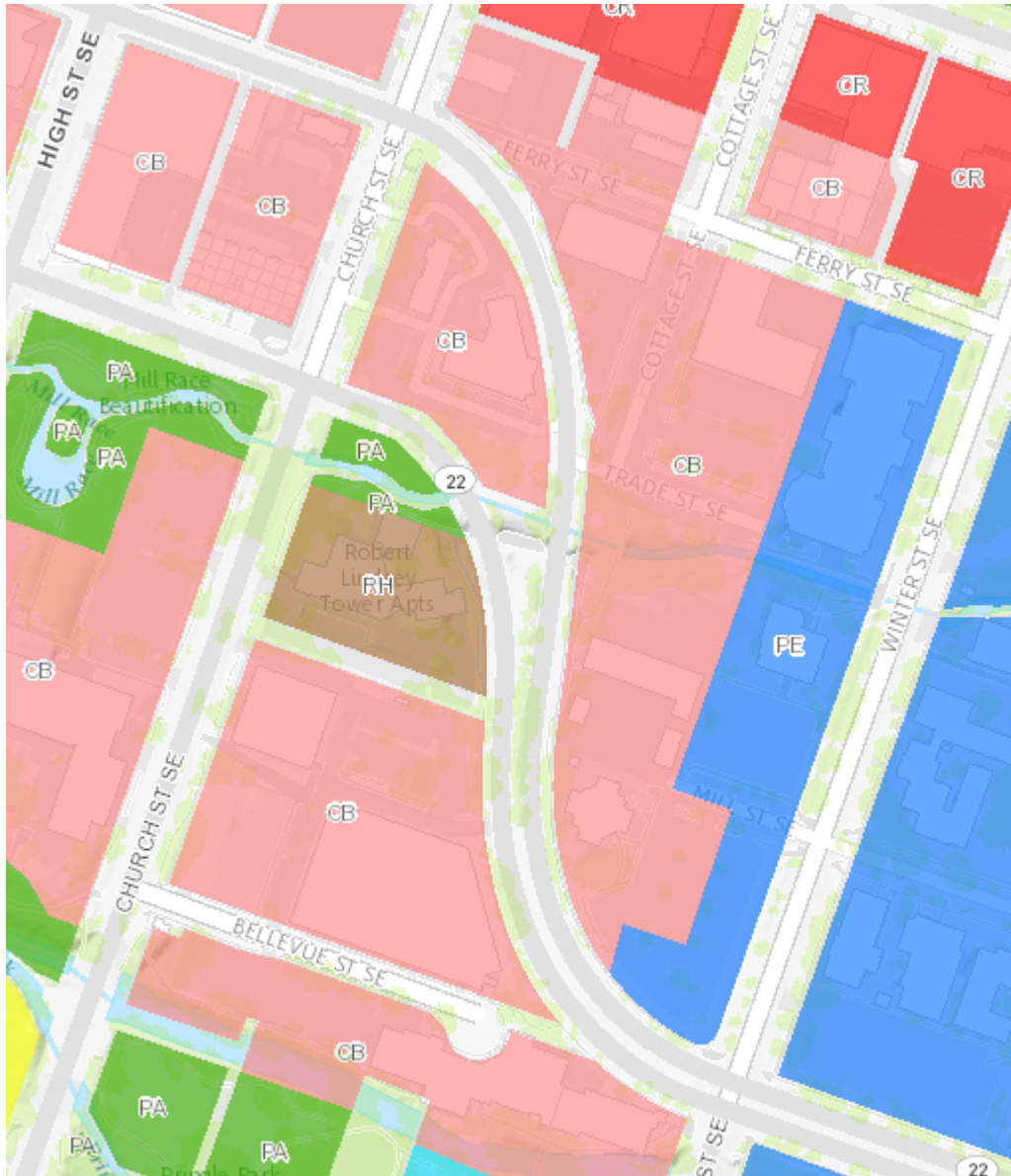
Lee & Frances Shared Parking Lot

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

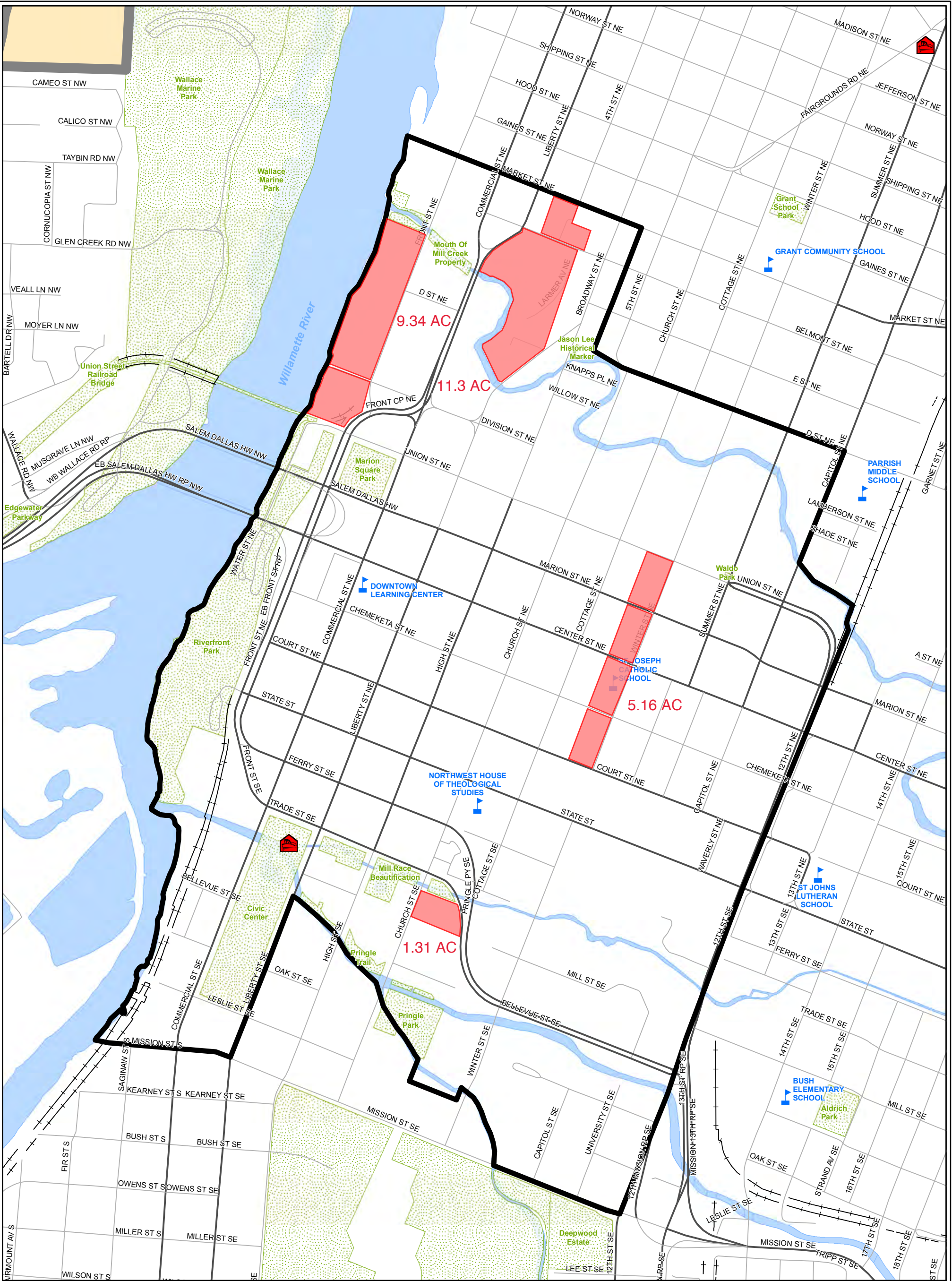
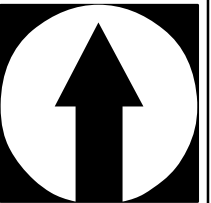


Attachment C – Grant Neighborhood Association
Uses of High-Rise Residential Zoning in Central Salem
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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

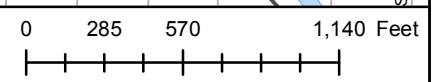
Resources

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

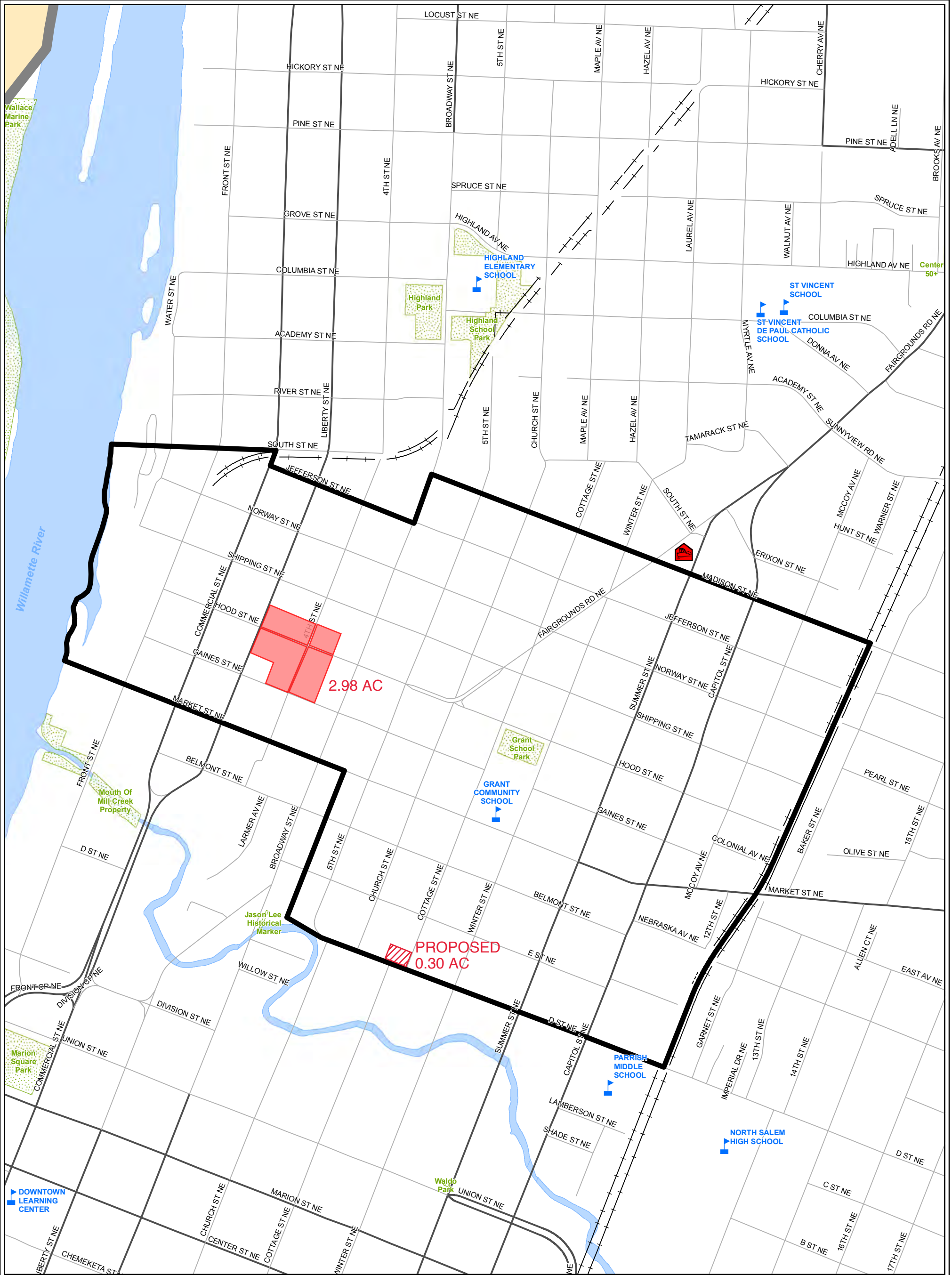
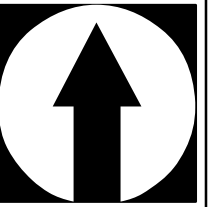


Legend

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

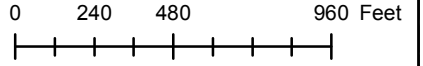


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Legend

- 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.



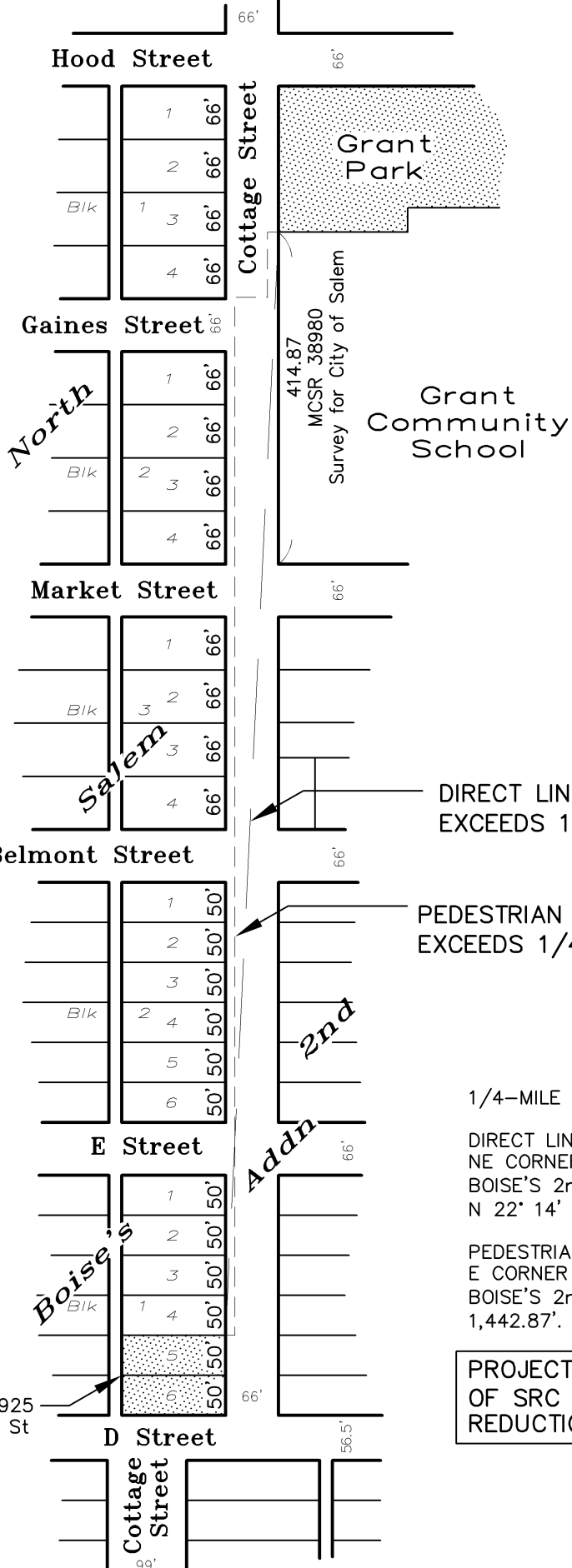
This is a view from the south side of D Street NE and Church Street NE intersection looking east. Evergreen Church can be seen in this photo along with the house on the northeast corner of the D Street NE and Church Street NE intersection.

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.

Olivia Dias

From: Jerry Ambris <jerry@salemhabitat.org>
Sent: Monday, November 23, 2020 9:58 AM
To: Olivia Dias
Subject: DevNW: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

Hello Olivia!

I hope this email finds you doing well. I am submitting this letter of support for DevNW (see subject line), on behalf of Habitat for Humanity's board of directors; for tonight's City Council Meeting. I also plan on testifying. Thank you!

Jerry

Jerry Ambris (he / him / his)

Executive Director

Habitat for Humanity of the Mid-Willamette Valley

1220 12th St. SE, Salem, OR 97302

Office 503-364-6642 ext. 102 | Cell 503-951-1320

jerry@salemhabitat.org | www.salemhabitat.org

20 November 2020
Ms. Olivia Dias
City of Salem Planning Commission
Community Development Department
555 Liberty Street SE, Suite 305
Salem, OR 97301

Sent by EMAIL to:
Odias@cityofsalem.net

INRE: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO; 20-108812-ZO; 20-112373-RP; 20-112375-ZO; 20-112374-DR; for Dev NW Request for Rezoning and Site Plan/Design Review for 905 and 925 Cottage St NE.

Dear Ms. Dias:

Community Action writes in support of DevNW's effort to create affordable housing at the former location of the Evergreen Church at 905 and 925 Cottage Street NE. Salem is facing an enormous homeless crisis, which has grown much worse in this year of social unrest, a global pandemic, and colossal economic disruption. Our Agency has spent much of the past six months providing more than \$7 million in emergency rental and energy assistance to low income families in Marion and Polk Counties, many of whom live in Salem. And while we may have prevented an unprecedented wave of new homelessness here in Salem, the truth is we already had a large and growing homeless population when this crisis began, and there is a real chance that many more will still be added to that homeless number in 2021, as any economic recovery will be slow to impact those in poverty. Many of our working poor, in particular, were already heavily rent-burdened. The most crushing reality, for many in poverty in our community the past decade, has been the skyrocketing costs of housing, and in particular the lack of affordable housing options. That already inequitable condition has been compounded by COVID, which has hit those in poverty and members of communities of color disproportionately hard.

Community Action began more than 50 years ago as an experiment, giving voice to the needs of those in poverty. A core part of our mission is to provide the vital services that lead people to self-sufficiency. We provide energy assistance, weatherization, affordable child care, training and technical assistance to child care providers, nutrition programs, re-entry services for those exiting incarceration, services for endangered youth, and we are the region's largest homeless services provider and (along with Salem Housing Authority) the backbone of the City of Salem's homeless response system. Across all that work we do in the community is a central unifying principle: We want individuals and families to lead healthy, safe, and productive lives that contribute to the commonwealth of the community. We want to encourage them to participate in our democracy, to feel a sense of ownership, belonging, and responsibility to their community. None of those things are possible, however, without housing security.

Our city is more than a decade behind in meeting the affordable housing demand in Salem. When families are heavily rent-burdened, critical domestic needs often go unmet. Rent is usually paid first. But other essentials, like food, transportation, clothing, medical care, and adequate child care often go unmet when the rent burden pushes above 40 percent of a family's income. Salem is in *desperate* need of hundreds of more units of affordable housing, and we believe that the DevNW project is of vital interest to the general welfare of those in poverty in our community. Part of our charter, a critical part of our place as a service provider in Salem, is to engage the community in a conversation that changes the way the community *as a whole* see those in poverty. We're not here just to change the lives of the people *in poverty*, but also to change the lives of those *not in poverty* by encouraging them to see those *in poverty* differently, as valuable and constructive members of our society. As people with unique dreams and perspectives, whose experiences can contribute to a public conversation that makes us all a better people. This is another opportunity for those *not in poverty* to welcome those *burdened by it*, and say to them that their needs are just as important as our own.



COMMUNITY ACTION

2475 Center St. NE
Salem, Oregon 97301

Ph. 503-585-6232
Fax 503-375-7580
www.mycommunityaction.org

**HELPING PEOPLE
EXIT POVERTY**

These 19 units may seem to be a small matter, but that affordable housing will have a generational impact on Salem. Every single unit has value, because the people in them have value. Each unit has utility, measured not just in the cold mathematical reduction of homelessness in Salem. But measured also in the grace and dignity that comes in helping those struggling to survive in the face of economic challenges. In the end, each one of those 19 units is a life, one with meaning and infinite worth, and worthy of our support.

Community Action supports DevNW's project. These one-bedroom units in Salem are especially difficult to find at an affordable cost, and are ideally suited to seniors, veterans, young adults and couples, those with disabilities, and people on very low, limited and fixed incomes. They will promote human dignity and an opportunity for the residents to live fuller lives.

If you have additional questions, please feel free to contact me at the address and phone numbers to your left.

Respectfully,

A handwritten signature in black ink, appearing to read "Jimmy Jones", written in a cursive style.

Jimmy Jones
Executive Director

Olivia Dias

From: Whitney Hines <pnwhines@gmail.com>
Sent: Friday, November 20, 2020 1:07 PM
To: Olivia Dias
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms. Dias,

I'm writing to you in support of the low-income housing proposal that is being appealed by the Grant Neighborhood Association. I believe adding low-income housing is a must for our community and will increase access to housing for everybody. Local businesses will benefit from added foot-traffic and patronage as well. We already suffer from a housing shortage here in Salem. As a home-owner in this neighborhood, I support the low-income housing proposal.

Best,
Whitney Hines

Olivia Dias

From: Lisa Anderson-Ogilvie
Sent: Monday, November 23, 2020 8:58 AM
To: Olivia Dias
Subject: FW: Public Testimony: Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation.

- Lisa | 503-540-2381

From: Doug K <DKuzmanoff@gmail.com>
Sent: Sunday, November 22, 2020 10:32 PM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: Public Testimony: Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation.

Good Evening Salem City Council,

My Name is Douglas Kuzmanoff and I have lived in the Grant neighborhood for 7 years. I own a house within close proximity to Evergreen Church. When I first moved to Salem an important criteria for housing was finding a place with historic qualities. What ensued was an arduous search for houses or apartment buildings that maintained their charm, charisma, and beauty. This proved challenging. Through countless craigslist pages of gutted and gaudily carpeted rehabbed buildings with unkempt vinyl sidings, what I was looking for appeared to be greatly lacking in Salem.

Through my search I was able to discover the Grant neighborhood: A beautiful oasis of historic craftsmans and personable neighbors who have a genuine love of community and preservation. I enjoyed Grant so much that after 4 years of living in the neighborhood I purchased a property not far from my rental.

When I was made aware of the basics of the Evergreen Project I was ecstatic. Salem needs more affordable housing and a rehabbed church would be a fantastic candidate. After doing more research on the proposal as well as the go-ahead from the planning commission I became dismayed.

The number of units they are proposing does not seem appropriate for the current building size, coupled with an inability to provide realistic accommodations to the tenants who will live there. My main concern is that the building will be demolished and replaced with an oversized gaudy structure that will more than likely, not be offered to the population it was intended to serve - low income individuals.

Approving this project would open the door to inappropriate rezoning and unnecessary increased developments in our historic neighborhood. It is agreed that affordable housing is needed in Salem, which is already available in Grant. Increasing this number - through the demolition of historic buildings is not the correct way to improve a city and our neighborhood.

While the developers may claim they will act in good faith. They have proven the contrary thus far. Lets see it in writing.

Thank you for your time.

Douglas Kuzmanoff



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Written Testimony #1

City Council

Monday, November 23, 2020

6:00 PM

Virtual Meeting

4.b. [20-444](#)

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex for properties located at 905 and 925 Cottage Street NE.

Ward(s): Ward 1

Councilor(s): Vacant

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Staff recommends that the City Council affirm the Planning Commission's decision for Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03.

Attachments:

[Vicinity Map, Site Plans and Building Elevations](#)

[Grant Neighborhood Association Appeal](#)

[Planning Commission Decision for Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03](#)

[Public Comments Submitted after October 29, 2020](#)

[Additional Public Comment received by 5:00 p.m. 11-18-20.pdf](#)

[Public Comments received by 3:00 p.m. 11-23-20.pdf](#)

Add- Written Testimony.

Amy Hamilton

1868 Olympia Ave. NW
Salem, OR 97304
Phone: 503-806-1989

► **Salem City Council**

555 Liberty Street SE, Room 220
Salem, OR 97301

Honorable Mayor Chuck Bennett and Members of the Salem City Council

I am a resident of Salem and also work in the downtown Salem area. I'm writing today to request your support of DevNW's plan to convert the Evergreen Church and parsonage on Cottage Street into 19 desperately needed rental units in Salem. (Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR)

Our Community is stronger when everyone has a safe and affordable place to call home. This means it's time to say yes to affordable housing projects such as this, and stop allowing the "not in my backyard" mentality to get in the way of providing this crucial resource. This project is in an excellent location that is walkable to downtown, services, and public transportations. Not only that, but the neighborhood will be strengthened by helping to ensure a mix of housing types and affordability for years to come.

I urge you to support this project, and utilize this beautiful building to continue to meet the needs of our community.



Amy Hamilton
November 19, 2020

20 November 2020
Ms. Olivia Dias
City of Salem Planning Commission
Community Development Department
555 Liberty Street SE, Suite 305
Salem, OR 97301

Sent by EMAIL to:
Odias@cityofsalem.net

INRE: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO; 20-108812-ZO; 20-112373-RP; 20-112375-ZO; 20-112374-DR; for Dev NW Request for Rezoning and Site Plan/Design Review for 905 and 925 Cottage St NE.

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Community Action writes in support of DevNW's effort to create affordable housing at the former location of the Evergreen Church at 905 and 925 Cottage Street NE. Salem is facing an enormous homeless crisis, which has grown much worse in this year of social unrest, a global pandemic, and colossal economic disruption. Our Agency has spent much of the past six months providing more than \$7 million in emergency rental and energy assistance to low income families in Marion and Polk Counties, many of whom live in Salem. And while we may have prevented an unprecedented wave of new homelessness here in Salem, the truth is we already had a large and growing homeless population when this crisis began, and there is a real chance that many more will still be added to that homeless number in 2021, as any economic recovery will be slow to impact those in poverty. Many of our working poor, in particular, were already heavily rent-burdened. The most crushing reality, for many in poverty in our community the past decade, has been the skyrocketing costs of housing, and in particular the lack of affordable housing options. That already inequitable condition has been compounded by COVID, which has hit those in poverty and members of communities of color disproportionately hard.

Community Action began more than 50 years ago as an experiment, giving voice to the needs of those in poverty. A core part of our mission is to provide the vital services that lead people to self-sufficiency. We provide energy assistance, weatherization, affordable child care, training and technical assistance to child care providers, nutrition programs, re-entry services for those exiting incarceration, services for endangered youth, and we are the region's largest homeless services provider and (along with Salem Housing Authority) the backbone of the City of Salem's homeless response system. Across all that work we do in the community is a central unifying principle: We want individuals and families to lead healthy, safe, and productive lives that contribute to the commonwealth of the community. We want to encourage them to participate in our democracy, to feel a sense of ownership, belonging, and responsibility to their community. None of those things are possible, however, without housing security.

Our city is more than a decade behind in meeting the affordable housing demand in Salem. When families are heavily rent-burdened, critical domestic needs often go unmet. Rent is usually paid first. But other essentials, like food, transportation, clothing, medical care, and adequate child care often go unmet when the rent burden pushes above 40 percent of a family's income. Salem is in *desperate* need of hundreds of more units of affordable housing, and we believe that the DevNW project is of vital interest to the general welfare of those in poverty in our community. Part of our charter, a critical part of our place as a service provider in Salem, is to engage the community in a conversation that changes the way the community *as a whole* see those in poverty. We're not here just to change the lives of the people *in poverty*, but also to change the lives of those *not in poverty* by encouraging them to see those *in poverty* differently, as valuable and constructive members of our society. As people with unique dreams and perspectives, whose experiences can contribute to a public conversation that makes us all a better people. This is another opportunity for those *not in poverty* to welcome those *burdened by it*, and say to them that their needs are just as important as our own.



COMMUNITY ACTION

2475 Center St. NE
Salem, Oregon 97301

Ph. 503-585-6232
Fax 503-375-7580
www.mycommunityaction.org

**HELPING PEOPLE
EXIT POVERTY**

These 19 units may seem to be a small matter, but that affordable housing will have a generational impact on Salem. Every single unit has value, because the people in them have value. Each unit has utility, measured not just in the cold mathematical reduction of homelessness in Salem. But measured also in the grace and dignity that comes in helping those struggling to survive in the face of economic challenges. In the end, each one of those 19 units is a life, one with meaning and infinite worth, and worthy of our support.

Community Action supports DevNW's project. These one-bedroom units in Salem are especially difficult to find at an affordable cost, and are ideally suited to seniors, veterans, young adults and couples, those with disabilities, and people on very low, limited and fixed incomes. They will promote human dignity and an opportunity for the residents to live fuller lives.

If you have additional questions, please feel free to contact me at the address and phone numbers to your left.

Respectfully,

A handwritten signature in black ink, appearing to read "Jimmy Jones", written in a cursive style.

Jimmy Jones
Executive Director

Amy Johnson

From: Doug K <DKuzmanoff@gmail.com>
Sent: Sunday, November 22, 2020 10:32 PM
To: citycouncil
Subject: Public Testimony: Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation.

Good Evening Salem City Council,

My Name is Douglas Kuzmanoff and I have lived in the Grant neighborhood for 7 years. I own a house within close proximity to Evergreen Church. When I first moved to Salem an important criteria for housing was finding a place with historic qualities. What ensued was an arduous search for houses or apartment buildings that maintained their charm, charisma, and beauty. This proved challenging. Through countless craigslist pages of gutted and gaudily carpeted rehabbed buildings with unkempt vinyl sidings, what I was looking for appeared to be greatly lacking in Salem.

Through my search I was able to discover the Grant neighborhood: A beautiful oasis of historic craftsmans and personable neighbors who have a genuine love of community and preservation. I enjoyed Grant so much that after 4 years of living in the neighborhood I purchased a property not far from my rental.

When I was made aware of the basics of the Evergreen Project I was ecstatic. Salem needs more affordable housing and a rehabbed church would be a fantastic candidate. After doing more research on the proposal as well as the go-ahead from the planning commission I became dismayed.

The number of units they are proposing does not seem appropriate for the current building size, coupled with an inability to provide realistic accommodations to the tenants who will live there. My main concern is that the building will be demolished and replaced with an oversized gaudy structure that will more than likely, not be offered to the population it was intended to serve - low income individuals.

Approving this project would open the door to inappropriate rezoning and unnecessary increased developments in our historic neighborhood. It is agreed that affordable housing is needed in Salem, which is already available in Grant. Increasing this number - through the demolition of historic buildings is not the correct way to improve a city and our neighborhood.

While the developers may claim they will act in good faith. They have proven the contrary thus far. Lets see it in writing.

Thank you for your time.

Douglas Kuzmanoff

Amy Johnson

From: Dustin Purnell <dustinpurnell@gmail.com>
Sent: Monday, November 23, 2020 1:45 PM
To: citycouncil; CityRecorder
Subject: Next Door Neighbor - Cottage St testimony
Attachments: Purnell Testimony - Cottage St Rezoning Appeal.pdf

Greetings Council members,

I will be presenting a slightly condensed version of this testimony (attached and below) this evening. Thank you for your service to our community and listening to our testimony this evening.

My name is Dustin Purnell and I live at 941 Cottage St NE, the closest neighbor to the north of the church and parsonage. I have had the opportunity to serve in our neighborhood as the principal at Parrish Middle School for six years, but the community has had much more of an impact on me that I have had on it. The more our family has been involved in the community, the more we have fallen in love with it. We moved into the Grant neighborhood a year and a half ago. This has been the best move our family has ever made and we love it here. Before moving, we were aware of the zoning in our neighborhood and the surrounding neighborhoods. I have also been following the development of the "Our Salem" plan for the city, and made the decision to move into our house with that in mind. The pending sale and rezoning application of DevNW has raised several concerns that I'd like to share.

First, our concern has NOTHING to do with the proposed use of the building and everything to do with the zone change to Residential High-Rise. We are advocates of affordable housing. We are not advocates for Residential High-Rise zoning that contradicts the City's comprehensive plan AND the Grand Neighborhood Association's comprehensive plan. I appreciated Mayor Bennett and the city council's conversation and decision not to provide grant funding to this project at the June 22nd meeting. Mayor Bennett, at that meeting, you asked the developer to go back and work with the neighborhood. Instead of complying with your request, the developers quickly changed their request to Residential High-Rise (with a density of 19 units on .3 acres) and did not engage with the neighborhood. I served on Grant's subcommittee for this project, and even after the developer declined to attend Grant's Neighborhood Association meeting, the association (and myself) approved the support of a zone change to RM 2. Would I personally prefer the church and parsonage to stay a church and parsonage? Of course. The church has operated successfully as a church for 100 years and we have appreciated our neighbors who live in the parsonage as well as the multiple congregations that meet at the church. AND, we think it could also be appropriate for RM 2 zoning (and density of 9 units), as that would flow much better with the current zoning to the south of D Street.

Second, approving a Residential High-Rise zone in the middle of a neighborhood that does not comply with the neighborhood plan OR the City's plan would be detrimental to the city. Neighborhood plans would become moot. Why invest in an "Our Salem" plan if we are going to arbitrarily decide to make exceptions? It would undoubtedly set precedence for developers and homeowners all over the city to apply for zone changes. For instance, if this zone change is approved, what stops me from either applying for Residential High-Rise zoning for my property or engaging in negotiations with the developer to buy my property in addition to the church and parsonage? A Residential High-Rise zoning would be congruent with my neighbors and would drastically increase the value of my property. Is this the direction the city wants to go? I hope not. I am impressed with the City's "Our Salem" plan and have confidence in its ability to meet the needs of the citizens of our city. The argument that the developer is only asking for .3 acres of the 200 acres needed for additional housing does not hold water. The city has an effective plan to address the 200 acres and there are many properties that are already zoned appropriately that the developer can choose to pursue for this project.

Lastly, I recognize there might be pressure to not vote against this project a second time. I encourage you not to let any kind of pressure dictate your decision this evening. Being a leader is difficult. As the leader of a middle school with over

700 students, there are times when I have to make difficult decisions. I try to make every decision based on what is best for my students. As a school, we collectively create comprehensive achievement plans and goals every year to dictate the direction of our school. There are so many logistical factors that are involved with the creation of our plans, but we create these plans and goals with the best interest of kids. As the leader, my responsibility is to make sure I align the decisions I make with the plans and goals the school has created. Throughout any year, there are always proposals made that appear to be good, but do not align with our comprehensive achievement plan. Sometimes, there is political pressure to deviate. Sometimes, there is parental pressure to deviate. And sometimes, there is internal pressure to deviate. In all cases, I believe it is my responsibility and duty to align my decision with the plan that is in place for the best interest of our students. I encourage you to make the decision this evening that aligns with plans adopted by the neighborhood and the city.

I urge the council to not allow for Residential High-Rise zoning at this property. If the city is considering a zone change, RM 2 makes more sense, creates affordable housing, and does not set precedent of High-Rise zoning in the middle of a neighborhood.

Respectfully,

Dustin Purnell
941 Cottage St NE
Salem, OR 97301

November 23rd, 2020

Salem City Council
% Olivia Dias, Case Planner
City of Salem
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Re: CPC-NPC-ZC 20-03
905 and 925 Cottage Street NE
Tax Lots 073W 23Cb 14300 and 1431
DevNW, Applicant

Good Evening Mr. Mayor and Council members. Thank you for your service to our community and listening to the testimony tonight.

My name is Dustin Purnell and I live at 941 Cottage St NE, the closest neighbor to the north of the church and parsonage. I have had the opportunity to serve in our neighborhood as the principal at Parrish Middle School for six years, but the community has had much more of an impact on me that I have had on it. The more our family has been involved in the community, the more we have fallen in love with it. We moved into the Grant neighborhood a year and a half ago. This has been the best move our family has ever made and we love it here. Before moving, we were aware of the zoning in our neighborhood and the surrounding neighborhoods. I have also been following the development of the "Our Salem" plan for the city, and made the decision to move into our house with that in mind. The pending sale and rezoning application of DevNW has raised several concerns that I'd like to share.

First, our concern has NOTHING to do with the proposed use of the building and everything to do with the zone change to Residential High-Rise. We are advocates of affordable housing. We are not advocates for Residential High-Rise zoning that contradicts the City's comprehensive plan AND the Grand Neighborhood Association's comprehensive plan. I appreciated Mayor Bennett and the city council's conversation and decision not to provide grant funding to this project at the June 22nd meeting. Mayor Bennett, at that meeting, you asked the developer to go back and work with the neighborhood. Instead of complying with your request, the developers quickly changed their request to Residential High-Rise (with a density of 19 units on .3 acres) and did not engage with the neighborhood. I served on Grant's subcommittee for this project, and even after the developer declined to attend Grant's Neighborhood Association meeting, the association (and myself) approved the support of a zone change to RM 2. Would I personally prefer the church and parsonage to stay a church and parsonage? Of course. The church has operated successfully as a church for 100 years and we have appreciated our neighbors who live in the parsonage as well as the multiple congregations that meet at the church. AND, we think it could also be appropriate for RM 2 zoning (and density of 9 units), as that would flow much better with the current zoning to the south of D Street.

Second, approving a Residential High-Rise zone in the middle of a neighborhood that does not comply with the neighborhood plan OR the City's plan would be detrimental to the city. Neighborhood plans would become moot. Why invest in an "Our Salem" plan if we are going to arbitrarily decide to make exceptions? It would undoubtedly set precedence for developers and homeowners all over the city to apply for zone changes. For instance, if this zone change is approved, what stops me from either applying for Residential High-Rise zoning for my property or engaging in negotiations with the developer to buy my property in addition to the church and parsonage? A Residential High-Rise zoning would be congruent with my neighbors and would drastically increase the value of my property. Is this the direction the city wants to go? I hope not. I am impressed with the City's "Our Salem" plan and have confidence in its ability to meet the needs of the citizens of our city. The argument that the developer is only asking for *.3 acres of the 200 acres needed for additional housing* does not hold water. The city has an effective plan to address the 200 acres and there are many properties that are already zoned appropriately that the developer can choose to pursue for this project.

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I urge the council to not allow for Residential High-Rise zoning at this property. If the city is considering a zone change, RM 2 makes more sense, creates affordable housing, and does not set precedent of High-Rise zoning in the middle of a neighborhood.

Respectfully,

Dustin Purnell

Dustin Purnell
941 Cottage St NE
Salem, OR 97301

Amy Johnson

From: Elliott Lapinel <elapinel@msn.com>
Sent: Monday, November 23, 2020 12:00 PM
To: CityRecorder
Subject: Item 4.b on 11/23 CC Agenda/Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St
NE
Attachments: Public Comment -Lapinel.pdf

Please accept the attached public comment on item 4b of tonight's City Council agenda.

Sincerely,

Elliott Lapinel

11/23/2020

Salem City Council,

I live in Grant neighborhood and strongly support the proposed development. My partner and I frequently circle around the church on our dog walks where another church's food bank is on the other end.

I know many others in Grant neighborhood feel the same way, because we have talked with our neighbors about this project. In fact, I know that even many of those in apparent opposition to this project are in support of its essentials.

Many of our neighbors who are in opposition to the development are NOT opposed to what DevNW is requesting but rather two possible results from this development. Both these fears can be easily allayed by the City Council.

The first fear is that DevNW will take advantage of the zoning change for high rise by selling to a luxury high rise developer. Some are claiming that structural issues with the church provide some kind of evidence that DevNW will never be able to proceed with development and that this is therefore a kind of evidence that they will eventually sell to high rise developers.

The second fear is that if the city council approves this development, that this will somehow set a precedent and the city council will be forced to continue making zoning changes.

I believe these fears are based on a misunderstanding of how zoning works, however, if I am incorrect it seems to me that it is the City Council, that has the power to make the necessary assurances.

Rejecting the development is unlikely to make anyone happy. Salem has an affordable housing problem and there are plans for increasing density in many areas of Salem. Rejecting such a small development because of fears of speculative results would only increase hostility to further development.

One of the general purposes of the City Council is to be an intermediary between 'expertise' and the public trust. The Grant Neighborhood Association's appeal letter shows the effects of a breakdown of trust by seeking to appeal based on strained technicalities and not on the privately expressed concerns. Sometimes it is rational for a group of people to not trust 'the experts', and it is a good thing that we are not ruled by seemingly benevolent technocrats, but it would be an abdication of the City Council's duty to simply say, 'we are defending the wishes of the GNA', without explaining how the Planning Commission had failed in some manner.

Trust in government does not come merely from personal interaction. It comes from clarity in rules and in interests (as in, no conflicts of interest). How can we trust DevNW? the GNA board seem to ask. One can only make so many reassurances on one's own behalf. When government works well, it is often as a broker of trust. DevNW may not be able to make a convincing promise not to build a skyscraper on the lot of a small church – but the City Council can assure the DevNW board that such a building would not be approved.

True Donut aficionados (I am referencing the donut hole section of the appeal letter) know that reigning champions of Salem donuts are the, relatively new to Salem, Big Wig donut holes. Such excellent goods are partly the result of Salem's increasing density and population. Making housing

affordable, improving our transportation system, reducing homelessness - all of these issues are tied to denser zoning. Add to that list keeping Salem an enjoyable place to live, with quality pastry. Let us not become a sprawling city of stale donuts with the odd 'historical district' sign as mocking recompense.

Sincerely,

Elliott Lapinel

845 Gaines St NE

Salem OR 97301

Amy Johnson

From: Howard Collins <hc@howardcollinslaw.com>
Sent: Monday, November 23, 2020 10:23 AM
To: citycouncil
Subject: Submission of written testimony - re:
Attachments: Ltr City Council re DevNW app.pdf

Dear City Counsel,

Please find attached my letter in opposition to the zone change application of DevNW for the Evergreen church property.

Thank you.

Howard Collins

Howard Collins, JD MBA
PO Box 8022
Salem, OR 97303

Ph: 503 399 9778
Fax: 503 399 0063
Email: hc@howardcollinslaw.com

Salem City Council

Testimony in opposition regarding Evergreen church and parsonage on D & Cottage St.
NE – Applicant – DevNW request to rezone

Dear Council and Mayor,

I speak as one individual of Grant neighborhood, but also in consultation with the Grant Neighborhood Association. Over the years, this Association has worked with the City and with applicants on various projects and has generally endorsed changes to the neighborhood that fit within the zoning of the neighborhood.

The Grant Neighborhood Association does not endorse the “not in my backyard” philosophy or practice. We acknowledge there is a clear need for affordable housing throughout Salem. Given this history of cooperation and the current acknowledgment of the problem of housing, it is my hope the Council will carefully consider the objections of the GNA to this particular application.

GNA does not oppose a use of this proposed property at the RM2 level, which would limit development to 9 units. DevNW has indicated they need to have 19 to make this pencil out, but they have declined to illustrate any evidence or analysis to support this position. 19 units violate RM2 standards and poses substantial denigration of the immediate neighborhood if allowed.

It is my understanding that capital to buy and reinforce the existing church on the site is being supplied by public money, so the claim of needing 19 units to be viable does not make sense. There are many multifamily units in the city consisting of 9 units or less that are economically viable. There is no magic number of 19 units to be economically viable. Simply put, if the applicant has to have 19 units, then they need to find another location in an area already zoned for this level of density.

The methodology of the applicant appears to be the opposite of what is the norm and sets a dangerous precedent for the City if approved. The applicant did not locate property in an area zoned properly; instead, they located property in an area not zoned for their development intent, and now seek to alter the zoning to meet their needs.

Zoning plans adopted by the City, although they may have been done years ago, does not make them invalid; or subject to change at the whim of developers. City staff must uphold those zoning designations until the proper process of the changes to the Comprehensive Plan takes place. The zoning of areas for different uses is not a standard to be altered simply because there is a particularly sensitive issue, in this case that of affordable housing.

A dangerous precedent:

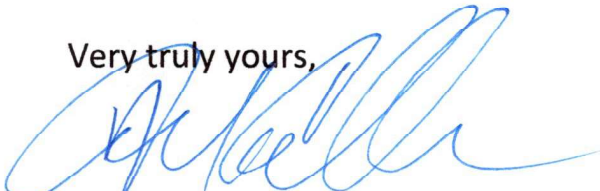
If the City council approves this applicant's proposed change to the zoning designation, other developers will take note. It will be an incentive for developers, including DevNW to locate and buy cheaper property in single family residential zones and then simply apply for a zone change. They will use this approval, if given, as a precedent upon which to rely. The city, the council in particular, will have a difficult, if not impossible task of denying these applications.

There are many sites throughout the city similar to this site application, and I would caution the City Council against setting such a precedent. Slippery slopes are very difficult from which to recover; and it is within your control not to begin down this path.

I want to encourage the Council to approve the applicant limited to RM2 and a limit of 9 units maximum. I want to see affordable housing in Grant Neighborhood. I support proper development so housing can be secured for many for whom stable housing has been difficult. A development of this property to 9 units fulfills in part that mission; but seeking the zoning change sought by DevNW at this particular site is simply the wrong solution to this particular set of facts.

Thank you for your considered contemplation of this objection.

Very truly yours,



Howard Collins, MBA, JD



We build strength, stability, self-reliance *and* shelter.

November 18, 2020

Mayor Chuck Bennett and members of the Salem City Council
Salem City Hall
555 Liberty St SE # 240
Salem, OR 97301

Dear Mayor Bennett and Members of the Salem City Council,

As Chair of the Board of Directors for Habitat for Humanity of the Mid-Willamette Valley, I respectfully present this Letter of Support for the DevNW proposed affordable housing renovation to the former Evergreen church and parsonage in the Grant Neighborhood. Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR.

According to the Salem Housing Authority, there are an estimated 4,873 families on the waitlist to receive housing assistance and 4,425 currently earn less than 60% of the area median income (AMI) for Marion County. The approximate time a family spends on the waitlist for housing is four years. Salem is facing an affordable housing crisis; we need hundreds of more units, and this project is an important step to addressing this need.

Habitat for Humanity was founded on the belief that everyone deserves a decent place to live. We have experienced time and again that communities are strengthened when families have access to safe, decent, and affordable housing. It enhances our community to say yes to affordable housing whenever possible for rental and homeownership opportunities.

Given the current economic environment with the startling rising rate of unemployment and sky-high cost of rent, more and more families are faced with the difficult decisions; do I put food on the table or a roof over my head? Do I pay for the medicine my loved ones need or this month's rent? We need to continue taking long overdue action to address the lack of all types of affordable housing.

We support the construction of affordable housing and it's full spectrum in our community. We ask you to affirm the Planning Commission's approval of this project.

In Partnership,

A handwritten signature in cursive script, reading "Kim Parker-Llerenas".

Kim Parker-Llerenas
Chair, Board of Directors
Habitat for Humanity of the Mid-Willamette Valley

Amy Johnson

From: Lynelle Wilcox <lynelle@comcast.net>
Sent: Monday, November 23, 2020 2:27 PM
To: Olivia Dias; CityRecorder; citycouncil
Subject: public testimony - 11/23/2020 City Council agenda item 4.b. 20-444

November 22, 2020

To: Olivia Dias and Salem City Council
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

I am writing to convey strong support of developing the Evergreen Presbyterian Church property at the corner of D and Cottage Streets to create 20 studio/1 bedroom affordable housing units.

The Planning Commission unanimously approved this project, and the developer still opted to make revisions based on Grant neighborhood objections, reflecting their desire and willingness to develop the project in ways that are sensitive to neighbor concerns. Neighbors now have the opportunity to support a project that will enable 20 unsheltered individuals to shift from survival mode, inhumane living conditions, and possible death, to finally having housing stability.

Housing stability is the first step in enabling people to heal, recover, and move forward in their lives - the very thing we all say we want and wish for our unsheltered neighbors and our community. Studies show that housing first models work and they save money - housing costs far less than paying for the ongoing situations that come up when people are living on the streets and need emergency and institutional care, such as emergency rooms, hospitals, and correctional facilities.

It's likely that there will be some "Not in my backyard" reactions wherever affordable housing might happen. Yet the reality is that unsheltered individuals cannot vanish into nowhere or become invisible, so they will be in our "backyards" no matter what, because we don't have enough affordable housing to prevent that. This affordable housing project enables more people to have a somewhere that isn't in someone's actual backyard.

Our city has been struggling for years with how to manage and reduce homelessness. Housing is the path for solving homelessness. More people have become homeless this year due to fires, and due to job losses resulting from Covid. The need for affordable housing is more critical than ever. We desperately need more affordable housing. This project offers that. I

hope that the Salem City Council acts to support this valuable and necessary project.

Thank you for your consideration.

Lynelle Wilcox



the highest art is the art of living an ordinary life in an extraordinary manner.

and...

with our thoughts, we make the world.



Amy Johnson

From: Olivia Dias
Sent: Monday, November 23, 2020 9:44 AM
To: Ruth Stellmacher; Amy Johnson
Subject: FW: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

For the record.

Thank you,

Olivia Dias

Current Planning Manager

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

odias@cityofsalem.net | 503-540-2343

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)

From: Mayela Solano <mayelasolano7717@gmail.com>

Sent: Monday, November 23, 2020 9:42 AM

To: Olivia Dias <ODias@cityofsalem.net>

Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

Mayela Solano

4481 Oregon Trail Ct NE

Salem, OR 97305

10/23/2020

I am writing to share my perspective on Evergreen Church Project which being brought to a Public Hearing on November 23, 2020.

Salem is facing an affordable housing crisis; we need hundreds more units, and this project is an important step forward. When I started my higher education at Chemeketa Community College I needed a place to live in, since the commute was too long. I needed to wake up at 3 am in order for me to get to my classes on time and then I would get back home after 11 pm. It was torture! I went through many places looking to rent. However, all the places were over my budget and could not afford it.

I do not want other students or other people to go through the same situation as I did. I want our community to be able to access a safe and affordable place to call home! Affordable housing is better suited for this site than the church that is not even being used! This project will not only give our community the opportunity to save money and be first time homeowners in a future. But also help them stress less about a high rent. Three main reasons this project is great for our community are:

First, DevNW is committed to maintaining the exterior of the building, preserving it for the neighborhood and minimizing any visual changes, which is a great way to add affordable housing to an existing neighborhood!

Second, low income people need housing that is walkable to downtown, services, and public transportation, and they have as much right to live in a great neighborhood as do single family homeowners. This project is in an excellent location, and will strengthen the Grant Neighborhood by helping ensure a mix of housing types and affordability for years to come.

Third, studio and 1-bedroom units are critically important for a range of people, including seniors, veterans, young adults, low income people /couples without children. Who are often left behind or not given the opportunity to rent as easily as other groups of individuals because of their age, lack of income or rent history. This project will be beneficial and will give them this opportunity.

We all know low income people. We know that people who rely on affordable housing are our relatives, our neighbors, our grocery clerks, our care providers, and other hardworking people. We are committed to supporting housing for them therefore I support the Evergreen Church Project. Say, YES! to affordable housing!

Amy Johnson

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Sent: Monday, November 23, 2020 12:52 PM
To: citycouncil
Subject: Fw: Case number CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage Street NE, Salem OR 97301

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Sent: Monday, November 23, 2020 11:10 AM
To: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Subject: Case number CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage Street NE, Salem OR 97301

I am Mary Anne Spradlin. I own the house at 850 Church Street NE which is 1 block SW of the subject property. For clarity, I also own property in the SCAN neighborhood. I am opposed to the proposed zone change from Single Family Residential to Multiple Family High Rise Residential.

The proposed zone change is in sub-area "C" of the Grant single family residential core. The primary goal of the Grant neighborhood plan for this area is to "conserve this close in location for single family living and to prevent encroachment on the single-family core area from more intensive uses." If the zone change is allowed there's no going back to single family residential, the doors are opened for a multitude of uses that are not compatible with conservation of single-family zoning. This is a prime example of zone creep and how single-family neighborhoods are lost forever. This is not just a zone change request, it's a quality of life for the neighborhood request and I ask that it be reversed. Changing the zone to multiple-family high rise would set a bad precedent and signal to other developers that remaining single family properties in the area are also potentially open to zone changes which invites even more development and neighborhood disintegration. This relatively small enclave of single-family houses is already surrounded by Commercial Office and multi-family zones. D Street has historically been the boundary in this area and the most intensive uses are to be kept South of D. This property is just North of D Street.

The applicant, Dev NW, has requested this zone change so that their proposed development on the site will be financially sound. The applicant has not met the criteria for a zone change. It's obvious that the zone change only benefits the applicant or whoever they sell the property to in the future, it does not benefit the neighborhood. The property is being fully utilized as it is zoned and intended now, there's no pressing need for a zone change. There is a very real concern that the existing brick church building at 905 Cottage Street NE will not be sound enough for the extensive remodel that the developer plans. In that case the church will be demolished and there will be a high-rise apartment building put on this property. This outcome would be a real blow to the livability of the neighborhood. There are plenty of other parts of town that already have the appropriate zoning for this project and I would hope that the applicant will decide to go where the zoning is already appropriate for what they have in mind.

I respectfully ask that the council reverses the decision that would allow this zone change to move forward.

Mary Anne Spradlin
850 Church Street NE Salem Oregon 97301
208-305-6561
spradlinmacn@hotmail.com

Amy Johnson

From: Paul Tigan <paultigan@hey.com>
Sent: Monday, November 23, 2020 12:24 PM
To: citycouncil; CityRecorder
Cc: aterp1@gmail.com; Sam Skillern; Jeanne and Corbey Boatwright
Subject: *Grant Neighborhood Association* Testimony: 905&925 Cottage Appeal
Attachments: Grant NA Testimony Outline .pdf; Grant NA Testimony for 905925 Cottage.pdf; 905-925 cottage presentation to city council.pdf

Mr. Mayor and City Councilors:

Please find attached (and pasted below) our testimony for tonight's hearing on 905 & 925 Cottage St NE.

Sincerely,
Paul Tigan
Land Use Chair
Grant Neighborhood Association

Mr. Mayor and City Councilors, Paul Tigan, 836 Church Street NE, appearing tonight as the Land Use Chair for the Grant Neighborhood Association.

Thank you for taking the time to hear our Appeal of the Planning Commission's decision regarding these two historic properties within the Grant Neighborhood.

It is the position of the Grant Neighborhood Association that this consolidated application should be denied for three reasons.

First - the applicant does not meet the basic, objective standard for a comp plan amendment and zone change.

Second - such a change, were it to be approved under the justification offered in the application, would have profound impacts on the Grant Neighborhood (in particular) but also radiate out to other fully functional single family properties in the city.

And finally - and rather sadly - the applicant for this project has failed to engage in productive dialogue with the neighborhood association on how to best move forward with the project.

Before you tonight is 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).

City code places a very high burden **on the applicant** when requesting such a remarkable change. The code states "the more impactful the change, the higher the burden."

And let's be clear about what is being proposed. There is no more substantial change that can take place under the City code for residences than rezoning a fully built out property from a single family to residential high rise. The justification for this scale of a one-off zone change has to be practically unassailable.

This is one of the oldest neighborhoods in the city. It is not derelict, it is not underutilized, not undergoing an economic change. It is functioning exactly as intended under the current comp plan, the next comprehensive plan, and the code.

The current success of the neighborhood makes it even harder to meet the standard for a change: that the new zone is somehow equally or better suited to the location than the current zone.

The record provides many aspects of how the proposed change does not meet this standard, but I'll focus on just one for time's sake.

Parking. With 19 units, it's not inconceivable that this project would introduce 30 additional cars to the on-street parking adjacent to the properties.

A year ago this project would have been required to provide 27 off-street parking spots for 19 units. Today, there is no obligation to provide off-street parking, and it's not even clear that the 7 spots on-site would be reserved for the residents.

The current parking situation for the residents in the immediate vicinity of this property is not great. Adding this many units, and the cars they bring with them, will not result in a zone or use that is equal or better than the current situation. The opposite is true: the zone change will make it worse.

The incentive to develop multi-family by decreasing parking requirements has revealed an unwieldy consequence. This project shows that even single-family properties are being incentivized to be rezoned and benefit from the change.

This impact on nearby parking is absolutely material to the decision of whether the rezoning is justified (equal or better) because the impact is so closely tied to the zone. Last year? They might have argued there was no impact to parking from a zone change. This year? No way around it. The situation will be much much worse because of the zone change. So much worse that it is grounds to deny the zone change entirely.

I've talked to dozens of neighbors about this project. And inevitably, almost every conversation gets to the same point. "Can I rezone my house too?" Or - more to the point - "can some developer?"

Honestly, when we look at the justification offered for this project, the answer has to be a shrug.

Maybe?

We've entered into the record a map that shows almost every property in Grant being eligible for the waiver of off-street parking because of proximity to the cherriots network. This seems to be the most compelling reason offered why this proposed zone is equal or better than single family housing. What if developers start buying up other land in our neighborhood and proposed similar changes? Two or three properties at Winter Street and Belmont? Wouldn't take much to get half an acre.

Would a proposal to replace those houses with a 30 unit apartment building receive the same treatment under a precedent established here? Is 60-units-per-acre the future of the Grant Neighborhood?

This isn't fear-mongering! It's hard-wired right into the code! The next applicant only has to show that there's been a change in the immediate vicinity to justify their rezoning application. When it comes time to rezone the triplex at the corner of Cottage and E street as high-rise, or the RM2 across the street as high-rise, this project is justification number one. The effect is a snowball.

Even away from this project, this low bar for rezoning could easily seep into other neighborhoods. What about High and Howard? Fir and Washington? Windsor and Evergreen? Based on the justifications in this application - proximity to a bus line, collector street - each of those corners is a mere willing seller and buyer away from a similar project.

The Grant Neighborhood, as the council knows, is not a collection of monkey-wrenchers or NIMBYists. The same night we first considered this project, we voted to write a letter of support to a multi-family development on Fairgrounds with zero off-street parking. So too 990 Broadway and the entire rezoning and redevelopment of Broadway over the last 20 years. Thoughtful, planned density. Just as intended.

The Grant Neighborhood Association tried. We did! We attended the applicant's online open house in May. It was a one-way affair in which members of the community had to submit their comments and questions for approval by the applicant, though they chose to ignore our most pressing concerns.

We formed a small group to further describe our our concerns and we had one meeting with the applicant. They came to our June Association meeting to present the commercial office rezoning concept.

It's known that the city council politely declined to invest in that effort - and encouraged the applicant to work with our neighborhood association on a mutually agreeable solution.

But here's what the record shows: our subcommittee met with the applicant once more in mid-July. Prior to that meeting, Grant had taken a close 5-4 vote, agreeing to compromise and accept a less-dense RM2 rezone. We told them this, asked to participate in a revision of the project, and asked them to update us regularly on this project and future projects.

We never heard from the applicant again. They drafted a new consolidated application without ever coming back to the Association. We invited them in August - they didn't come and finalized their application two days later. We invited them in September, they didn't come. They never held an open house as required under the city's code for a consolidated application, and never used our association meetings to fulfill that requirement, despite our invitation to do so.

Instead of talking to us, they depend a panel of experts to write off our concerns from afar. A traffic engineer to tell us that D street is perfectly safe and, despite our daily experiences, D Street's imperfections actually have a calming effect on traffic.

A structural engineer tells us that they actually don't have to and won't make the building seismically safe for the residents (how equitable!); and certainly legal counsel to guide their application through the process and respond to our volunteer neighborhood association.

They never proactively reached out the association. They are the applicant of the project and the burden of justifying this significant change is wholly on them.

What's more, they expect you, the council, not just to approve but *invest* in their project, while simultaneously demonstrating the belief that the best way to operate in Salem is by railroading the neighborhoods. It's offensive.

Internally, in July, we felt like we were a handful of meetings away from turning the boat on this project. The Grant NA we took a hard 5-4 vote (very uncharacteristic) and agreed to support RM2 as a compromise position. The response - "Never going to pencil" - without detailing why, and they never talked to us again. What would have happened if they had heeded council's advice and continued to work with us?

Could they sell the parsonage and redevelop the church at their suggested density? We never able to discuss it. Would they agree to improve crosswalks near the property in order *actually* calm traffic and alleviate our concerns? What about working with the city to issue parking permits in the R1 zone instead of the R2? We were ignored by both the applicant and the city on these points.

In closing, I hope I've delivered this testimony in a way that conveys something like regret. We're determined to get to yes and we've been shut out. As it sits tonight, this proposal fails to meet the high bar set by the code for a zone change; awarding a rezone in this case would have an outsized impact beyond these two properties, and certainly massive changes like this should done in the spirit of cooperation with our neighborhoods, and not by shutting them out. Thanks for your time, happy to answer any questions you may have.

I. Introduction

A. Self

B. Three Arguments

1. This application does not meet the criteria.
2. This change is bad for the neighborhood and the goal of increasing housing in the city.
3. The applicant has flaunted process requested by the city council.

II. The Applicant Has not Met the Criteria

A. The City is under no obligation to approve the project

1. Everyone agrees that the city needs more housing, but that is not one of the criteria for determining if a property should be rezoned.
2. The Neighborhood Association politely requests that the intended use of this project (more housing, affordable or otherwise) be put aside while the council determines whether the request zone is an equal or better use of the properties. (Hint: They're not)

B. *The Applicant* must demonstrate that the zone change is equal or better than the current zone

1. The current property is being fully utilized as it is zoned and intended
2. The neighboring vicinity is being fully utilized as it is zoned and intended
3. The application would need to demonstrate that HRR is equal or better, but the impact would clearly be worse.
 - a) Example: Parking
 - b) Example: Walking
 - c) Example: Seismic

C. Conclusion: the applicant has not met the criteria

III. The Rezoning Needed for this project would have an outsized impact on the neighborhood

A. A change in the nearby vicinity of a project (which hasn't happened here!) is another reason for a zone change.

1. If the city approves this project, it would justify other properties in the immediate vicinity being up zoned.

B. The reasons for justifying this change are not all that particular to the property

1. Location to a collector street
2. Proximity to a bus line
3. Edge of a neighborhood?

C. If these criteria justify such a massive change in zoning (SF to RH), we would be concerned about not just similar properties in Grant (like all of them) but the rest of the city as well. This is more than the residents have bargained for

D. This change is not compatible with what we know about *Our Salem*, either.

- IV. The applicant has flown in the face of Council's request to work with Grant on the Project
- A. When a version of this project came before the city earlier this year, it was made clear that the applicant should engage directly with Grant on the project.
 - B. Grant and the Applicant had one 45 minute meeting, at Grant's request, in Mid July.
 - C. The Applicant submitted their final application August 6th without discussing any details of the project with Grant.
 - D. The Applicant was invited but did not come to our meeting in August.
 - E. The Applicant was invited but did not come to our meeting in September.
 - F. Rather than engage Grant on the project, the applicant hired engineers, lawyers, and architects to refute our concerns.
 - G. This entire process is a massive lost opportunity for Grant, the Applicant, and the City. We need more housing and we have to do better than this, because achieving 200 acres of MF development, if this is what it takes to get .30 acres, is going to absolutely crush the city and its neighborhoods.
- V. Conclusion: Deny the project for objectively meeting the criteria for a rezoning, for creating a terribly unwieldy precedent, and for bad public policy on neighbor engagement.

This application fails to meet the clear standard set out to justify a change: will the new zone be an equal or better use of the property.

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905/925 Cottage St NE

Grant Neighborhood Association

November 23, 2020

Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

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.



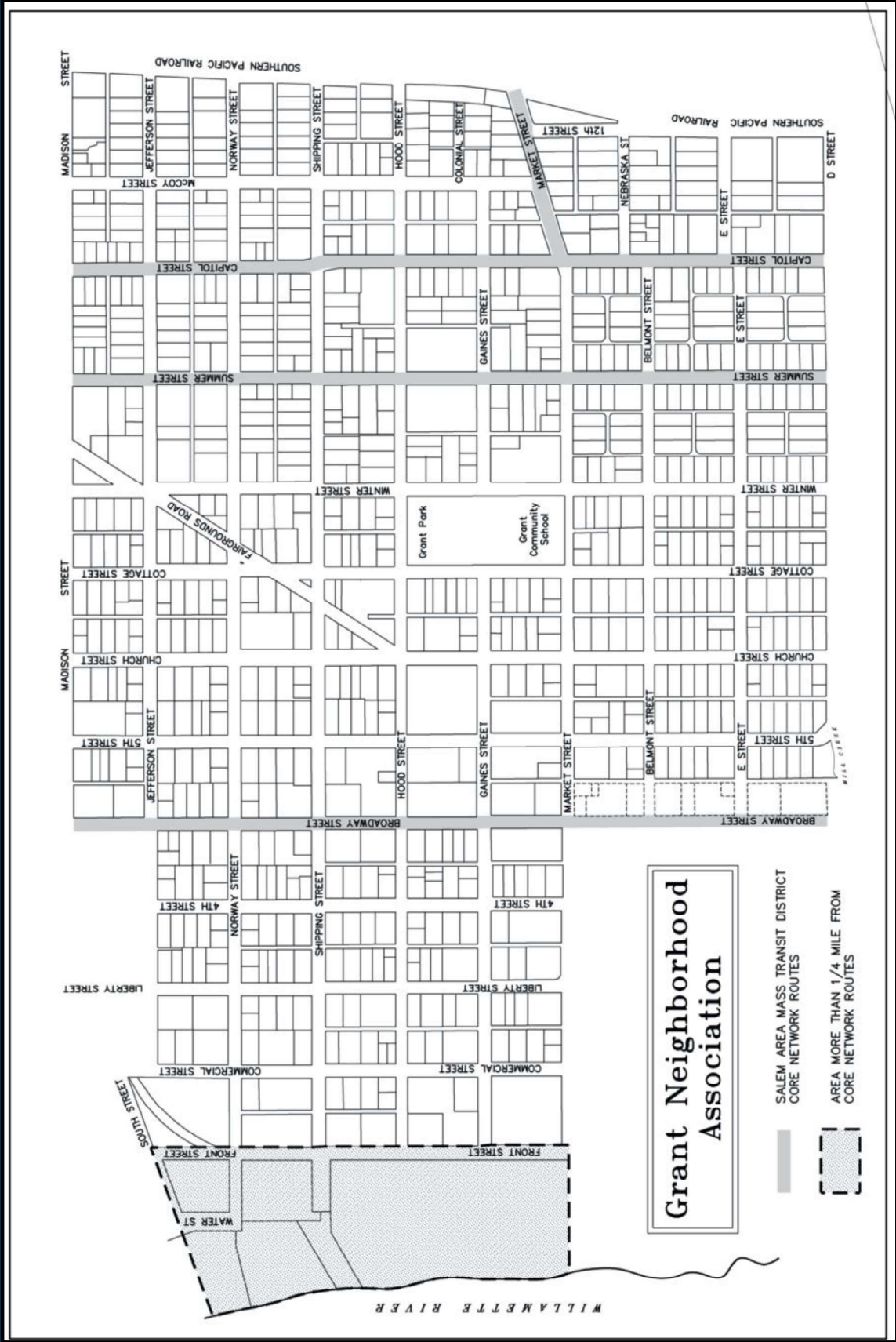
This is a view from the southwest corner of D Street NE and Winter Street NE looking west. Evergreen Church can be seen on the right side of the photo in the distant background. This street has fewer trees and homes are closer to the street. To the right, are four single family homes and to the left 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.



Grant Neighborhood Association

- SALEM AREA MASS TRANSIT DISTRICT CORE NETWORK ROUTES
- AREA MORE THAN 1/4 MILE FROM CORE NETWORK ROUTES

Amy Johnson

From: Sam Skillern <sam@salem1f.org>
Sent: Monday, November 23, 2020 12:59 PM
To: citycouncil
Cc: Paul Tigan; Jeanne Corbey; Aaron Terpening; Sam 'Snead' Skillern
Subject: Nov. 23 Agenda item 4B - Testimony on DevNW proposal

Good evening Mayor and Councilors,
My name Sam Skillern, 22 years at 1255 Cottage ST NE, co-chair Grant NA

Tonight it might sound like Grant NA is 'against' this proposal. Actually, it's the City's own code that is against this proposal. We are simply standing up for the city's zoning code and the Grant Neighborhood Plan, both of which are well-thought-out, effective, and beneficial.

For years ... in fact decades ... no one cared much for Grant Neighborhood. Except us. It was considered a bad, blighted neighborhood. As neighbors, we banded together with our schools, churches, nonprofits and businesses to build a diverse, healthy neighborhood. And we did it by playing by the rules. By sticking with the city's land-use code.

We have a long track record as a "yes" neighborhood when it comes to development. Look at North Broadway. We've also been exceedingly welcoming of higher-density and affordable housing in every corner of Grant. All we ask is that project proponents work together with us for a mutually-beneficial outcome.

That has not happened in this case. At all. Paul Tigan's testimony already covered the details, so I won't belabor. However, it needs to be noted that developers and project proponents who have honored the land-use code - and us as neighbors -- have been highly successful. Both sides, being flexible, working the process, and forging a positive outcome.

Cramming a High-rise Residential designation at D Street and Cottage creates a zoning 'donut hole' in our neighborhood. It also creates a precedent that will be exploited in other neighborhoods. We're having a hard time understanding why the City Staff is so ardently forcing this rezone issue? Because it's affordable housing?

We have to ask: if it were high-end or market-rate housing would the City be so insistent for this change? Hard to imagine. A major rezone cannot be conditional on whether the project is low-, moderate or luxury housing. Again, this donut hole will become a Pandora's Box for the City staff and Council alike.

We tried to persuade DevNW to accept RM-2 zoning for the property, which would still pose challenges, but something that would work. They haven't budged an inch. That's not good will ... that's not good land use ... that's not in line with City recommendations for how developers and neighborhoods work together.

I want to end by saying we are big fans of Evergreen Church and we want to see them be able to buy their new building on 17th Street. However, DevNW's Highrise designation on the property just isn't the answer. Perhaps the City or others listening tonight will have ideas for an outcome that will benefit Grant Neighborhood and help Evergreen make the move to Englewood.

Thank You.

--

Sam Skillern
SLF Executive Director

PO Box 7384, 97303-0083

www.SalemLF.org

What's Your Neighborhood?

Amy Johnson

From: Tracy Schwartz <schwartzpreservation@gmail.com>
Sent: Monday, November 23, 2020 6:44 AM
To: citycouncil
Subject: Written Comment - 905 and 925 Cottage Street Appeal

To the Salem City Council:

Thank you for taking my written testimony regarding the rezoning of 905 and 925 Cottage Street NE in the Grant Neighborhood. I have lived in the Grant Neighborhood for two years and selected my home because of the neighborhood - its historic preservation potential and the close proximity to state agency office buildings and downtown. After attending neighborhood association meetings and watching projects unfold, I recognized that Grant has many unique challenges because of the traits that made Grant desirable for me. The future of the Evergreen Church at 905 and 925 Cottage Street is one of those challenges and I urge the City Council to vote no on high-rise residential zoning.

I know that my fellow neighbors will make far more eloquent and thoughtful points regarding density, parking, and consultation. Instead, I want to focus on the building. High-rise residential zoning does not make sense for this historic building. It is my understanding that the Evergreen Church has been determined eligible for listing in the National Register of Historic Places through the Section 106 process (National Historic Preservation Act of 1966 and implementing regulations 36 CFR 800) and I assume its significance lies in the architecture and design. The historic Bethel Baptist Church has palladian windows, gothic entry ways, and brick quoins, and, even with some modifications, a high level of exterior historic integrity. Yet, the design is somewhat unique for a church (flat roof and no bell tower) and it was one of the many churches that used to occupy this area of Salem. It tells an important story about church design for the time, but also about churches in a City with deep and complicated missionary roots.

As a historic preservationist I understand the need for adaptive reuse and by no means am I calling for the building to remain a church. There are examples all over Oregon, including in Salem, of former churches being rehabilitated and starting new chapters. This often requires zoning changes. However, instead of letting the economic equations and pencilled out formulas dictate that zone, we should let the building have a say. Housing units make sense for the Evergreen Church. But nineteen units do not and this many units based on the current proposed layout appears unreasonably high given the design, size, and nature of the existing buildings (both the church and adjacent house). Therefore, high-rise residential zoning seems unreasonable as well. Evergreen Church, a historic property within Salem, should be zoned so that adaptive reuse can happen. But that zoning should also make sense given the significance and integrity of the property.

Historic buildings offer remarkable and untapped opportunities for affordable housing. And I would love to see Salem be on the forefront of appropriately rehabilitating and reusing historic properties for this use. It would show the City's commitment to both housing and historic preservation, and, yes, it would require rezoning. But in order to do this in a way that protects these properties for the long term, the zoning will have to be appropriate not solely for the economics, but for the building and the significance. High-rise residential zoning is not the answer for this property. But there is an answer. There are zoning options that will work for the goals of the project and developer - housing for some of the most vulnerable in our community - and the building. These are the options that should be explored.

Thank you for taking my testimony and for your service to the City of Salem.

-Tracy Schwartz
965 Shipping Street NE
Salem, OR 97301

Amy Johnson

From: Olivia Dias
Sent: Friday, November 20, 2020 1:08 PM
To: Amy Johnson; Ruth Stellmacher
Subject: Fwd: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Olivia's or the record Dias
Current Planning Manager
City of Salem | Community Development Department
555 Liberty St SE, Suite 305, Salem, OR 97301
odias@cityofsalem.net | 503-540-2343
Facebook | Twitter | LinkedIn | YouTube | CityofSalem.net

From: Whitney Hines <pnwhines@gmail.com>
Sent: Friday, November 20, 2020 1:07:26 PM
To: Olivia Dias <ODias@cityofsalem.net>
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Hello Ms. Dias,

I'm writing to you in support of the low-income housing proposal that is being appealed by the Grant Neighborhood Association. I believe adding low-income housing is a must for our community and will increase access to housing for everybody. Local businesses will benefit from added foot-traffic and patronage as well. We already suffer from a housing shortage here in Salem. As a home-owner in this neighborhood, I support the low-income housing proposal.

Best,
Whitney Hines



CITY OF SALEM

Written Testimony #2

City Council

555 Liberty St SE
Salem, OR 97301

Monday, November 23, 2020

6:00 PM

Virtual Meeting

4.b. [20-444](#)

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex for properties located at 905 and 925 Cottage Street NE.

Ward(s): Ward 1

Councilor(s): Vacant

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Staff recommends that the City Council affirm the Planning Commission's decision for Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03.

Attachments:

[Vicinity Map, Site Plans and Building Elevations](#)

[Grant Neighborhood Association Appeal](#)

[Planning Commission Decision for Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03](#)

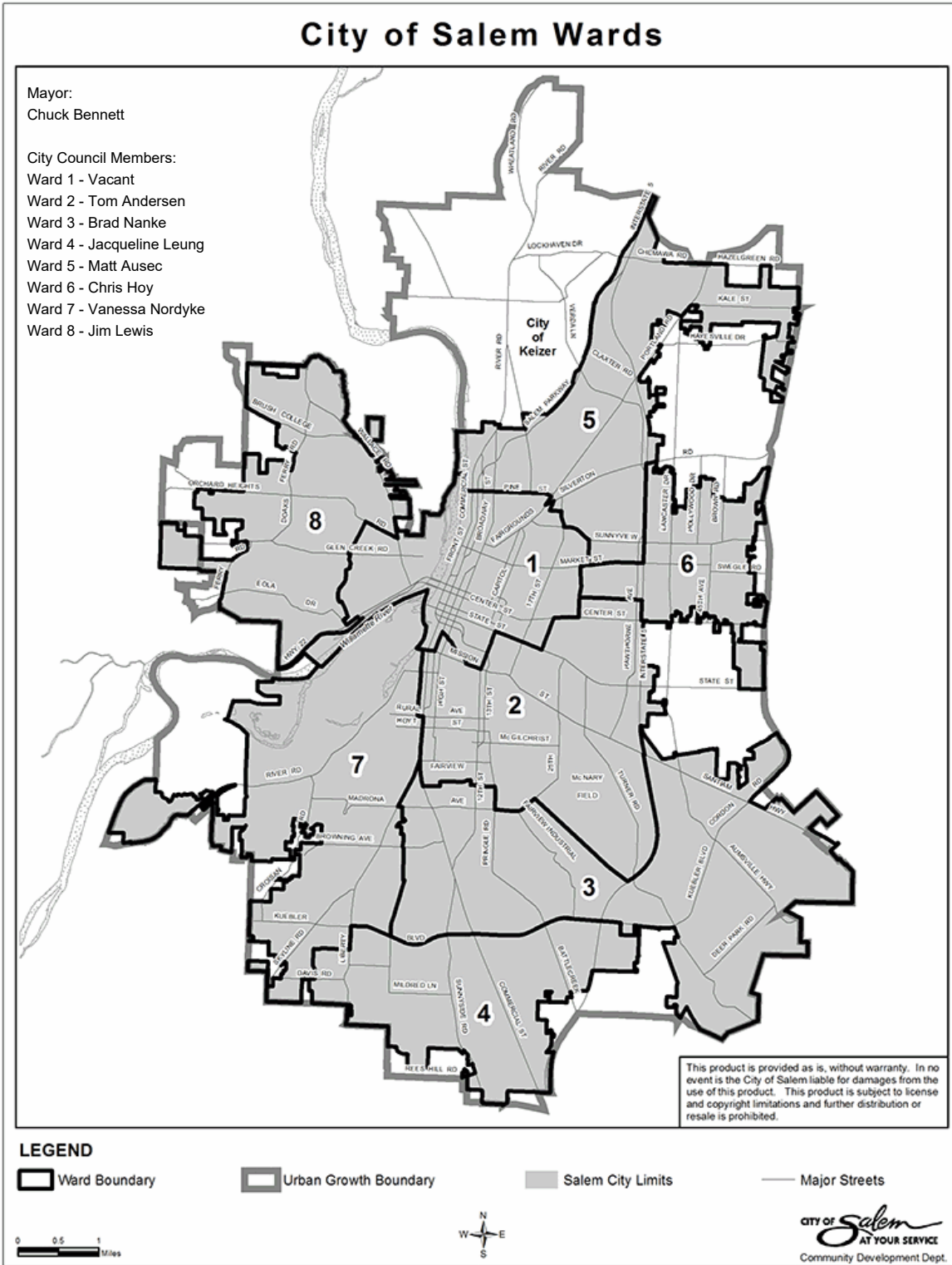
[Public Comments Submitted after October 29,2020](#)

[Additional Public Comment received by 5:00 p.m. 11-18-20.pdf](#)

[Public Comments received by 3:00 p.m. 11-23-20.pdf](#)

[Public Comments received by 5:00 p.m. 11-23-20pdf](#)

Add- Written Testimony.



Amy Johnson

From: Carla Loecke <carlaloecke@gmail.com>
Sent: Monday, November 23, 2020 3:11 PM
To: citycouncil; recorder@cityofsalem.net
Subject: Evergreen Church neighbor concern

I support affordable housing options in Salem and particularly in Grant and Cando. However, I do not support the rezoning of the Evergreen Church property to high rise residential. I do not believe that the intersection at D and Cottage Streets can sustainably support the increase in traffic and parking that would come with the high level of density proposed.

I live south of D Street on Church Street, and have crossed the street at the Evergreen Church literally **thousands of times** over the past 5 years. It's not a great intersection, but it's all we have between our cluster of homes south of D and the Grant Community School, Park and the neighborhood that forms our community.

I believe a high rise zone at this location would decrease livability and walkability in this part of Salem.

D Street is already a heavily traveled street, particularly during the morning and evening commutes when drivers use D Street as a cut off to avoid the traffic of the main east/west arteries in downtown.

Complicating things further, a couple blocks west of the Evergreen Church, 5th, Church, and D streets converge at an awkward angle, and vehicles often roll through the stop signs to get a head start as they head east on D.

Since the asymmetrical cross streets that start at Church don't get squared up until you get to Winter Street, the crosswalks around the Evergreen Church are not easily understood by drivers to be crosswalks.

They are not marked, and there are no stop signs to slow the traffic that's turning off Church and 5th Streets. To make things more challenging, when cars park on D Street, drivers can't see people standing at the crosswalks, and pedestrians have to walk into the street to see past the parked cars in order to check for oncoming traffic.

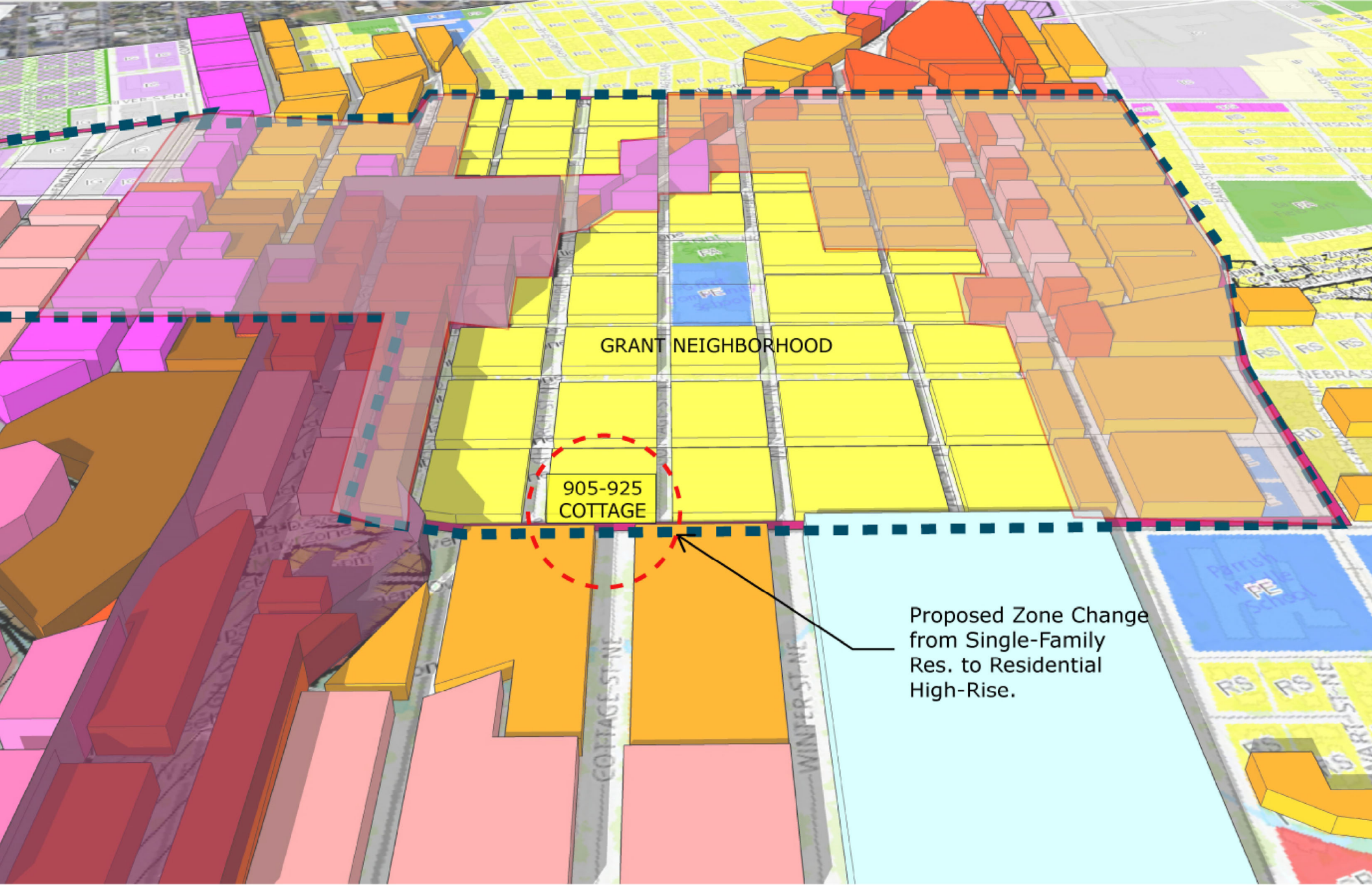
It's safe to assume that the density with residential high rise at that corner would significantly increase the number of cars parking on the street, create congestion in an area where visibility and crosswalk infrastructure are already insufficient, and place too much stress on a traffic grid that was imagined during a much different era.

Should high rise residential be approved at this location, I worry that it will create a significant burden on the neighborhood and streets, and decrease walkability in this part of the city.

There is opportunity for developing the proposed project in nearby locations that are already zoned for this purpose, and I encourage the city and the developer to look for other properties in Grant and CanDo that are zoned appropriately, and can more sustainably handle a high density usage that includes ample on and off street parking and a pedestrian-friendly plan.

Thank you,

Carla Loecke
836 Church Street
Ward 1



GRANT NEIGHBORHOOD







905-925
COTTAGE

Proposed Zone Change
from Single-Family
Res. to Residential
High-Rise.

EXISTING ZONES WHICH ALLOW MULTI-FAMILY RESIDENTIAL

SINGLE-FAMILY RESIDENTIAL

GRANT NEIGHBORHOOD BORDER

	CO		COMMERCIAL HIGH DENSITY RESIDENTIAL OVERLAY ZONE, BROADWAY/HIGH STREET TRANSITION OVERLAY ZONE, BROADWAY/HIGH STREET RETAIL OVERLAY ZONE.
	CR		RM2
	CG		HIGH RISE RESIDENTIAL

November 23, 2020

City of Salem
City Council

Agenda Item 4.b

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex for properties located at 905 and 925 Cottage Street NE

Aaron Terpening, Ward 1, Grant Neighborhood Association Co-Chair

Grant Neighborhood Association is in favor of rezoning this property to multi-family residential. As an RM2 zoned property, there could be up to 12 units or 36 units/acre. This would help achieve the Statewide Planning Goal 10 and help Salem meet its deficit in multi-family housing. We agree with the objective of providing more affordable housing and multi-family housing. In fact, Grant already has nearly double the population density when compared to the rest of Salem. We also have a much lower median income than the rest of Salem. And we love our community. We have no problem with low-income and affordable housing in this location. But let's decouple that from this decision to change the zone unnecessarily to High-Rise Residential netting 19 units or (60 units/acre). The proposed zone change does not follow good planning practice, ignores its context, and sets a bad precedent.

Planning - Despite some awkward assertions in the staff report, the Housing Needs Analysis (HNA) and Statewide Planning Goal 10 (Multi-Family Housing) do not supersede City Planning. Statewide Planning Goals 1 and 2 are very clear, public input and established land use planning processes are just as important as meeting our state's housing needs. We have a comprehensive plan and we should not ignore it. The HNA shows that Salem has a surplus of single-family residential zoned property and a 207-acre deficit in multi-family housing. But going through a zone change process for every .3-acre property is not going to get the job done. Our Salem is currently under way. Staff has been working very hard to garner public input and put together a plan to guide decisions like this one. Affirming the Planning Commission's decision undermines that process. Why would we update our plan if we have no intention of following it?

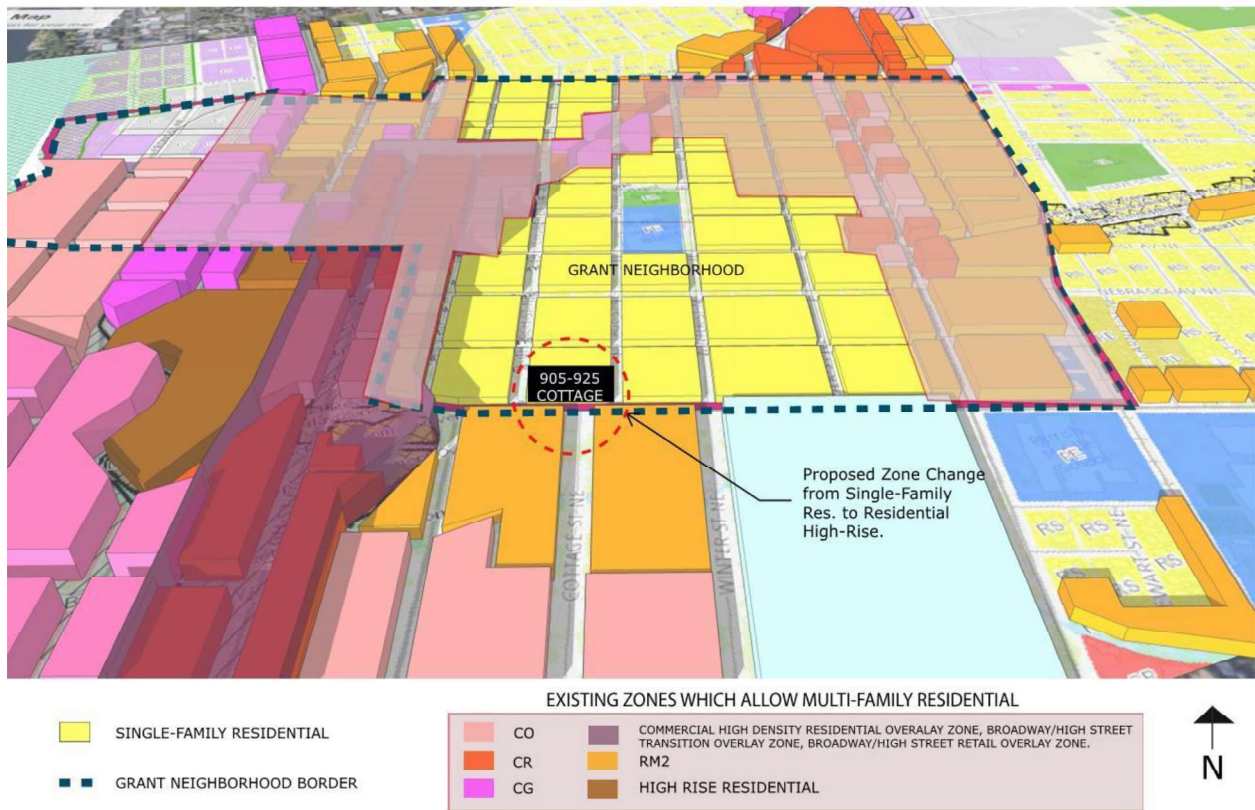
Context - Additionally, SRC 64.025e(2)(E) states that the amendment to the plan must be in the public interest and would be of general benefit. Changing this zone from single-family residential to High-Rise Residential is not in the public interest and has no general benefit. High-Rise residential in this location is totally out of character with its surroundings, puts an undue burden on its neighbors, and is inconsistent with standard planning and zoning. As you can see in the attached image (figure 1) Grant Neighborhood Association has an abundance of multi-family zoned properties. There is only a small 5-block by 6-block area that is preserved for single family residential. This is the context in which this High-Rise Residential plan change amendment is proposed. The context is not the entire City of Salem and its deficit of multi-family housing. And the context is not the entire State of Oregon. Land use

decisions like this are not made against the backdrop of an entire state. Especially when we are discussing .3-acres.

Setting a Precedent – Affirming this decision will set the precedent that planning and zoning have no bearing when it comes to multi-family housing. This would be irresponsible and have bad consequences. Any parcel within Salem City limits that is currently zoned single-family residential would be subject to this interpretation that it can be changed to high-rise residential. As an architect, I work with developers, non-profits, and other housing providers. They will absolutely cite this decision in future land-use cases. If any zone change decision is solely based on providing multi-family housing and ignores the voice of the neighborhood, ignores its context and planning, then there is no need for “Our Salem” or any planning whatsoever.

We are talking about the difference between 12 and 19 units. The precedent this sets is not worth it. I know enough about proformas to understand why 7 units of income makes a difference. But again, the consequences far out-way the positive of 7 studio units. I would ask if there is a mechanism to allow for 19 units in an RM2 zone and avoid this change to a completely inappropriate zoning designation. Please reverse the Planning Commission’s decision to change this to High-Rise Residential and let’s start working on a much more compatible solution that is still multi-family, affordable housing as RM2.

Figure 1



Amy Johnson

From: mhdecoursey <mhdecoursey@gmail.com>
Sent: Monday, November 23, 2020 4:47 PM
To: CityRecorder; citycouncil
Cc: Jeanne Corbey; Tina Hansen; Eric Bradfield; Paul Tigan; Sam Skillern; Dustin Purnell; Aaron Terpening; Tim France; Cara Kaser
Subject: Transcript and Exhibits of Testimony to the Council, Nov. 23, 2020
Attachments: Testimony-Evergreen-Church-2020-11-23.pdf; 20201006-Exhibit-C_GreatSchools-Grant.pdf; 20201006-Exhibit-D_DevNW-racist-editorial.pdf; 20201006-Exhibit-B_SPR-ADJ-DR-Application-Submitted.pdf; 20201006-Exhibit-A_FEMA-Seismic-Reinforcement.pdf

Please see attached.

Mark H. DeCoursey
740 Shipping St. NE
Salem, Oregon 97301
Cell: 425 891 0440
Ham: KJ7BLS

Personal testimony concerning City Council Review of CPC-NPC-ZC-SPR-ADJ-D

November 23, 2020

Mayor and City Council members:

My name Mark DeCoursey, and I live at 740 Shipping St. NE, in the Grant neighborhood. I am testifying as an individual. The exhibits are submitted with the written text of this testimony.

1. FEMA requires that all masonry construction west of the Rocky Mountains must be steel reinforced against earthquakes. (**Exhibit A, pp. 8-9.**) This project would a major renovation and must satisfy all standards for new construction.
2. This rezoning application is based in part on the site plan produced with the application.
3. The site plan, which includes the renovation of a 1928 masonry church for reuse as an apartment house, is based in part on engineering and architectural drawings in the application.
4. Those drawings are not stamped by the professionals who drew them, in violation of Oregon law. (**ORS 671.025.**)
5. The engineers and architects who produced those drawings did not stamp them for a very good reason: The masonry and foundation is not reinforced for earthquakes and DevNW has no plans or budget to reinforce it, as shown by the note listing the major work to be done. (**Exhibit B, p. 5, detailed on p. 1.**)
6. Another note on the drawings states the work is speculative and is based on aerial photographs. (**Exhibit B, p. 5.**) Quote: "NOTE: INFORMATION IS APPROXIMATE AND COMPILED FROM AERIAL VIEWS, TAX MAPS, AND MINIMAL SITE OBSERVATION - DIMENSIONS AND LOCATIONS OF EXISTING ITEMS ARE APPROXIMATE." In short, those drawings are worthless for the purpose intended.
7. DevNW represents that the purpose of this project is to provide affordable housing. But the cost is far from affordable, costing as much as a quarter million per unit. Even without the reinforcement, each unit will cost more to build than many of the single family residences already in the neighborhood. With reinforcement, they will be in the luxury apartment price range.
8. DevNW included in the application comments from local residents, some of whom approved the project. (**Zoom notes from 5/1 Open House.**) But those comments were addressed to a different project and a different zoning, which all changed in the revised application in July.
9. DevNW indicates on its web page that its corporate goal is to fight racism. (**Exhibit D.**) The demographics for Grant Community School show that Grant is already a heavily integrated neighborhood, with 40% White students and 52%

Hispanic, and other races making up the rest. Grant is already the ideal integrated neighborhood that DevNW claims it is trying to create. Grant does not need to be destroyed or fixed.

With all those anomalies in the proposal, I urge the Council to deny this application. It was not honestly composed nor honestly represented. It does not align with the goals of city plans or the community design. And it is not helpful to the efforts of this community to build a healthy and productive civilization.

Thank you.

Mark DeCoursey

740 Shipping St. NE
Salem, Oregon 97301
Cell: 425 891 0440

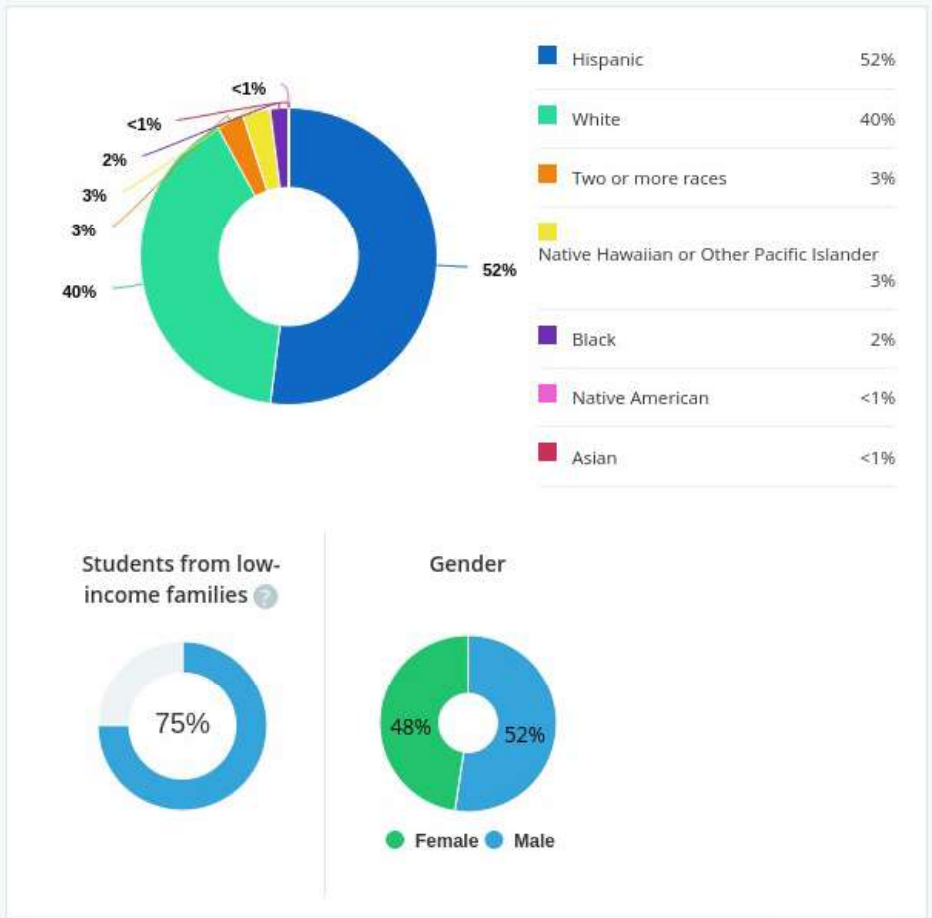
ENVIRONMENT



Student demographics

How do you know if a school's community is right for your child?

Share



Sources

Was this useful? Yes No

<https://www.greatschools.org/oregon/salem/1042-Grant-Community-School/>



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Financial Wellbeing

DevNW Membership

Homeownership

Personal Finance

Foreclosure Avoidance Counseling

Reverse Mortgage Counseling

One-on-one Student Debt Counseling

Financial Foundations at Work

DevNW Partnership Class & Counseling

Affordable Homes

Affordable Rentals

Homeownership

Commercial Real Estate Development

Access to Funds

Individual Development Accounts

Linn-Benton-Lincoln County Home Repair Program

Downpayment Assistance

Community LendingWorks

Thriving Communities

Community Building and Neighborhood Revitalization

Health Navigation & Resident Services

Linn Benton Health Equity Alliance

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About DevNW

To grow vibrant Northwest communities by empowering the region's individuals, families, small businesses, and neighborhoods. To open doors to progress and equity and opportunity — and keep them open. To stand beside our neighbors — beside you — and walk through whichever door you choose, together.

Blog

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DevNW Downpayment Assistance Program (2020)

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DevNW Statement on Black Lives Matter

Tagged with: *BLM* *DevNW* *Black Lives Matter*

DevNW and Community LendingWorks add our voices to the growing chorus of grief and outrage over the violence against Black people in America that has long-since past a crisis point. Manuel Ellis was killed by police in Tacoma. Breonna Taylor was killed in her bed by police in Kentucky. Ahmaud Arbery was killed by vigilantes in Georgia. George Floyd was killed by police in Minneapolis. Black Americans, all of them. Killed in just the last three months. Because words matter, DevNW/CLW will use our voice to say unequivocally that Black Lives Matter. White supremacy must end. Police brutality must end. And until that day comes, the protesters flooding our streets should be supported, joined, celebrated, encouraged, and protected.

Words matter, but they are not sufficient. Personal and organizational accountability also matter. As a white woman in this predominantly white state, I have spent years trying to understand my white privilege and unlearn my racism. But it's not enough to just unlearn my racism, I must put in

the work to be anti-racist, and I challenge my fellow white Oregonians to do the same. As the CEO of a white-led organization whose core work (in housing, asset building, and neighborhood development) is inseparably linked to racial discrimination, oppression, and inequality, I acknowledge that if we are not using our resources to actively unwind that inequality, then we are part of the problem. Here is just some of the work that DevNW and CLW commit to do:

- To engage with the Black Lives Matter movement by listening, learning and amplifying the voices of Black activists and leaders;
- To actively engage our white staff in learning about white privilege and white fragility, in examining our beliefs and actions that contribute to racism as a whole and anti-Blackness in particular. The burden of this work will not fall on Black people and people of color;
- To actively engage our staff of color in examining how anti-Blackness often exists in other communities of color;
- To incorporate anti-racist practices at every level of our organization, from hiring and staff development, to service programs, to housing, including specific training in recognizing and dismantling anti-Blackness.

And beyond DevNW/CLW, we must also call out and take concrete actions to dismantle the deeper systemic racism that pervades our civic, social, and economic systems and has contributed to the oppression of Black, Indigenous, and People of Color (BIPOC) for centuries. All of us must do this

work. Especially those of us who hold positions of influence and power, who have control of resources. **If we don't actively dismantle these systems, then we are part of the problem.** Here are just a few examples of systemic, entrenched racial injustice close to the DevNW and CLW worlds:


- Every business loan that requires 100% collateral or a personal guarantor reinforces the privilege of those who already have wealth (or wealthy networks), further contributes to the oppression of BIPOC communities (who have been systematically excluded from accumulating the very assets we now require to start a business), and perpetuates a cycle of discrimination and disinvestment in BIPOC businesses, jobs, and communities. To my fellow economic developers, bankers, investors, and public officials: we need anti-racist small business capital.

- **Every neighborhood restricted to single family zoning perpetuates a history of housing discrimination and segregation**, limiting housing types and affordability, and creating a de facto entry tax into the vast majority of neighborhoods in our state. The yard signs may read “All Are Welcome Here” but only if you can afford the entry price of a traditional single family home (\$350,000 in Eugene, \$415,000 in Corvallis, over \$1M in some Portland neighborhoods), which, given the reality of income and wealth inequality in our country, too often excludes BIPOC families – reinforcing the racial wealth gap and intensifying racial segregation in our neighborhoods and schools. To my fellow residents of single family neighborhoods, housing developers, and public officials: we need anti-racist zoning.

● Every stimulus check that was denied to a Brown or Mixed-Race family (simply because of the immigration status of any *one* person in the household), perpetuates the systemic and financial oppression of millions of Americans – of our friends, neighbors, coworkers, and their children. To public officials at every level of government: we need anti-racist public assistance.

DevNW and CLW will use our voices, our influence, and our resources to work toward these deeper systemic changes, while we continue to put in the work to be anti-racist. We will not shy away from positions that are unpopular with white-dominated power structures, and we will seek to include, amplify, and be led by the Black and Brown voices that are too often excluded from these policy conversations.

We cannot go back to the way things were. DevNW and CLW commit (as we all must commit) to ongoing, difficult work, to ensure that this protest movement translates into systemic and lasting change centered on the core of racial equity.

	Sign-up / Sign-in	Blog	Calendar	Community LendingWorks
Financial Wellbeing <hr/>	Affordable Homes <hr/>	Access To Funds <hr/>	Thriving Communities <hr/>	About <hr/>
	Affordable	Individual		Staff

DevNW	Rentals	Development	Community	Board
Membership	Homeownership	Accounts	Building	Careers /
Homeownership	Commercial	Linn-	and	Volunteer
Personal	Real Estate	Benton-	Neighborhood	Financial
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		Program	Services	
Reverse		Downpayment	Linn	
Mortgage		Assistance	Benton	
Counseling		Community	Health	
One-on-		Lending	Equity	
one		Works	Alliance	
Student			Advocacy	
Debt				
Counseling				
Financial				
Foundations				
at Work				
DevNW				
Partnership				
Class &				
Counseling				

Support DevNW

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541-752-5037

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Fax:
503-779-2682

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Oregon City

421 High St,
Suite 110
Oregon City,
OR 97045

Phone:
503-655-8974

Fax:
503-303-4763

Springfield

212 Main
Street
Springfield,
OR 97477

Phone:
541-345-7106

Fax:
541-345-9584

NeighborWorks® Chartered Member,
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Detail from p. 4 of 20 July 2020 drawing by GMA Architects submitted with a previous version of DevNW application.

N
S
E
W

VICINITY MAP

NTS

905 & 925 COTTAGE ST NE 

PROJECT INFORMATION

SITE ADDRESS 905 AND 925 COTTAGE ST NE SALEM, OR 97301	OWNER DevNW 212 MAIN ST, SPRINGFIELD, OR 97477 (541) 345-7106 POC: EMILY REIMAN
MAP + PARCEL MAP: 07 3W 23CB PARCEL: 14300 - AREA 6,450 SF PARCEL: 14301 - AREA 6,450 SF TOTAL SITE AREA: 12,900 SF	ARCHITECT GMA ARCHITECTS 860 W PARK ST #300, EUGENE, OR 97401 (541) 344-9157 POC: JOSEPH E. MOORE, AIA

DESCRIPTION OF PROPOSAL

PROPOSED USE INCLUDES MULTIPLE FAMILY RESIDENTIAL DWELLING UNITS IN EXISTING BUILDINGS.

SUBJECT PROPERTIES TOTAL COMBINED AREA EQUALS 12,900 SF. NO PROPOSED CHANGES TO EXISTING BUILDING FOOTPRINTS OR HEIGHTS. SELECTIVE INTERIOR RENOVATION AND SITE ALTERATION.

EXISTING BUILDING "A" EQUALS APPROXIMATELY 6,269 SF FLOOR AREA AND IS CURRENTLY USED FOR RELIGIOUS ASSEMBLY. PROPOSED USE IN EXISTING BUILDING "A" INCLUDES APPROXIMATELY (14) DWELLING UNITS.

EXISTING BUILDING "B" EQUALS APPROXIMATELY 1,978 SF FLOOR AREA AND IS CURRENTLY IN RESIDENTIAL USE. PROPOSED USE IN BUILDING "B" INCLUDES APPROXIMATELY (5) DWELLING UNITS.

WORK INCLUDES (N) FOUNDATION, FRAMING, DOORS, WINDOWS, HARDWARE, PLUMBING, HVAC, ELECTRICAL, FINISHES, AND SITE IMPROVEMENTS TO RECONFIGURE PARKING AND LANDSCAPE AREAS, ACCESSIBILITY UPGRADES FOR VEHICLE AND PEDESTRIAN ACCESS, UPGRADES TO THE BUILDING EXTERIOR FOR ACCESS AND SAFETY, AND INTERIOR REMODEL. DESIGN FOR PROPOSED USES PRIORITIZES MAINTAINING THE HISTORIC CHARACTER OF THE EXISTING BUILDINGS.

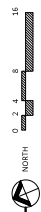
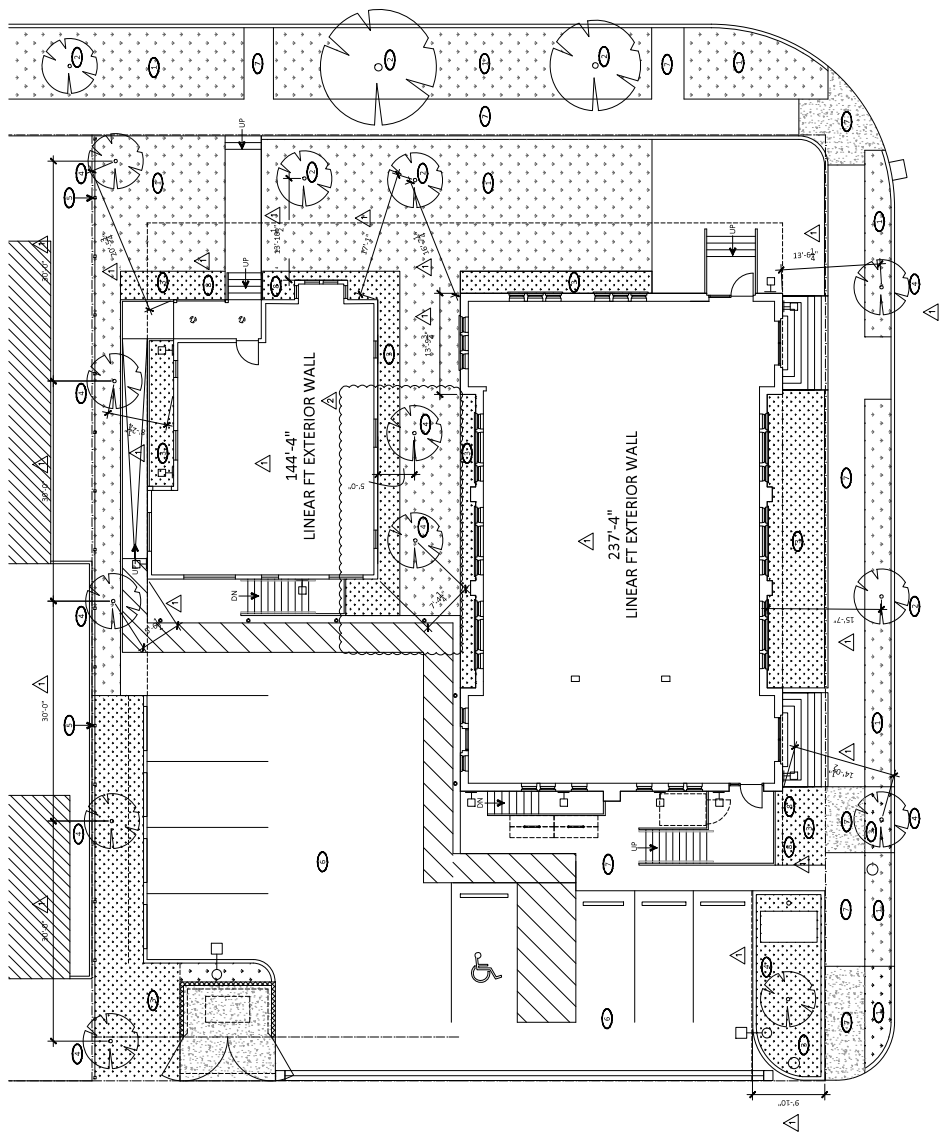
NOTE: INFORMATION IS APPROXIMATE AND COMPILED FROM AERIAL VIEWS, TAX MAPS, AND MINIMAL SITE OBSERVATION - DIMENSIONS AND LOCATIONS OF EXISTING ITEMS ARE APPROXIMATE

SUMMARY TABLE

SITE ZONING DESIGNATION : PROPOSED CHANGE FROM (RS) SINGLE FAMILY RESIDENTIAL TO (RH) MULTIPLE FAMILY HIGH-RISE RESIDENTIAL
TOTAL SITE AREA : 12,900 SF

PROPOSED LANDSCAPE PLAN KEYNOTES

- (1) LAWN W/ AUTOMATIC IRRIGATION SYSTEM
- (2) (R) TREE TO REMAIN
- (3) GROUND COVER & LOW SHRUB PLANTING AREA W/ AUTOMATIC IRRIGATION SYSTEM, MIN DENSITY OF 1 SHRUB PER 15 LINEAR FT OF EXTERIOR BUILDING WALL
- (4) (N) TREE, NATIVE SPECIES, MIN 2" IN CALIPER
- (5) (N) FENCE, SEE PROPOSED SITE PLAN
- (6) PAVED PARKING AREA
- (7) PAVED WALKWAY
- (8) DECORATIVE SHRUB AT DWELLING UNIT ENTRY



1 PROPOSED LANDSCAPE PLAN
 1/8" = 1'-0"

702 (2021) LANDSCAPING STANDARDS
 TOTAL SITE AREA: 11,280 SF

- (1) REQUIRED: 12,000 ± 6,405 TREES ON SITE, PROVIDED ON SITE: 7,198 (60%) 5" MIN. CALIPER
- (2) (A) (N) 10' MIN. LINEAR SET OF ADJUTING PROPERTY (RS ZONE, 10' 12" W/TH) PROVIDED: 3 TREES
- (3) PROVIDED: 8" HIGH WOOD FENCE, SEE ALSO SITE PLAN
- (4) DECORATIVE PLANTINGS PROVIDED AT COMMON DWELLING UNIT ENTRIES
- (5) REQUIRED: 237'-4" / 60 ± 44.01' 40' PLANT UNITS PROVIDED: 4 TREES 40' PLANT UNITS & 3 TREES 40' PLANT UNITS, RESPECTIVELY, W/IN 25'-0" OF BUILDING PERIMETER
- (6) SHRUBS PROVIDED AROUND BUILDING PERIMETER IN DESIGNATED BUILDING WALL
- (7) NO GROUND LEVEL PRIVATE OPEN SPACE PROVIDED
- (8) (A) CANOPY TREES PROVIDED ALONG EDGE: 50 FEET OF PERIMETER OF PARKING AREAS AND AT PLANTER BAYS
- (9) LANDSCAPE PLANTERS PROVIDED, MIN. 5 FEET IN WIDTH
- (10) MULTIPLE PLANTERS PROVIDED FROM LANDSCAPING
- (11) (N) 10' MIN. LINEAR SET OF ADJUTING PROPERTY (RS ZONE, 10' 12" W/TH) PROVIDED: 3 TREES
- (12) (A) (N) 10' MIN. LINEAR SET OF ADJUTING PROPERTY (RS ZONE, 10' 12" W/TH) PROVIDED: 3 TREES
- (13) PROVIDED: 8" HIGH WOOD FENCE, SEE ALSO SITE PLAN
- (14) DECORATIVE PLANTINGS PROVIDED AT COMMON DWELLING UNIT ENTRIES
- (15) REQUIRED: 237'-4" / 60 ± 44.01' 40' PLANT UNITS PROVIDED: 4 TREES 40' PLANT UNITS & 3 TREES 40' PLANT UNITS, RESPECTIVELY, W/IN 25'-0" OF BUILDING PERIMETER

LAND USE REVIEW

12 AUG 2020
 03 AUG 2020

REVISIONS

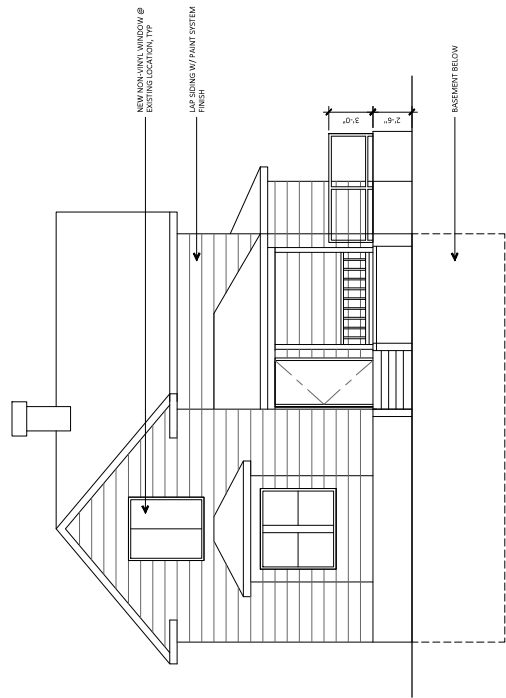
DEVNW
 BUILDING RENOVATION
 905 AND 925 COTTAGE ST NE SALEM, OR 97301

ISSUE DATE: 24 JULY 2020
 2022

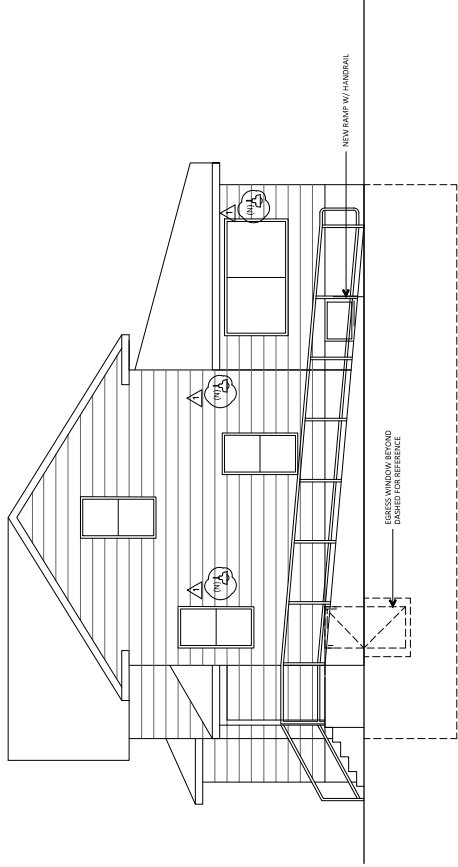
PROPOSED LANDSCAPE PLAN

A320

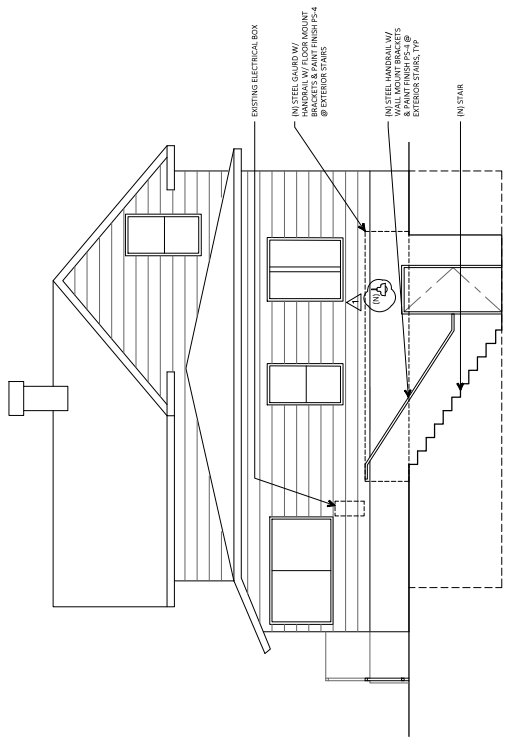
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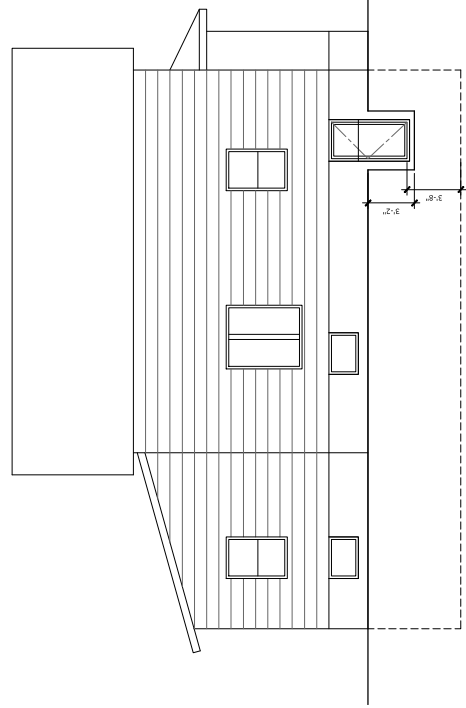
1 BUILDING "B" ELEVATION - EAST
TYPICAL



2 BUILDING "B" ELEVATION - NORTH
TYPICAL



3 BUILDING "B" ELEVATION - WEST
TYPICAL



4 BUILDING "B" ELEVATION - SOUTH
TYPICAL



Unreinforced Masonry Buildings and Earthquakes

Developing Successful Risk Reduction Programs

FEMA P-774 / October 2009



FEMA



The cover photos show significant damage to unreinforced masonry buildings that resulted from earthquakes occurring over the last century, across the country.

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1

Introduction

This document provides guidance on how to develop programs to reduce the earthquake risks of existing unreinforced masonry buildings. As the following chapters will show, this building type is typically the most seismically vulnerable category of construction in a community, and it is by far the most common type of building to be singled out for voluntary or mandatory seismic risk reduction programs in the United States.

While the information presented here is based on extensive earthquake engineering knowledge, this guide has been written for use by a non-technical audience, including government officials, building owners, and the general public. It also contains relevant information for building officials, consulting structural engineers and building contractors.

Unreinforced masonry walls do not have a grid of steel reinforcing bars embedded within them. See Chapters 2 and 5 for further description.

The typical *unreinforced masonry* building in the United States has brick walls with no steel reinforcing bars embedded within them. A more precise definition of unreinforced masonry buildings or “URMs,” as they are known in many places, is contained in Chapter 2, “Earthquake Performance of

Unreinforced Masonry Buildings.” Additional details about their construction are included in Chapter 5. The reader does not need to study all of this terminology, but he or she should clearly understand the basic differences between unreinforced and reinforced masonry.

Chapter 3, “Developing a Strategy for Implementing a URM Risk Reduction Program,” describes how a number of factors unrelated to construction are involved in any efforts to reduce unreinforced masonry seismic risks. Those factors include retrofit costs and the economic viability of older existing buildings, the number of occupants and type of use of the buildings, and the historic or architectural character of the buildings. Each of these considerations involves an important segment of the community that should be included in active consideration of any risk reduction program.

This guide does not presume to prescribe a rigidly uniform sequence of steps that must be taken in order to reduce risk. As Chapter 4, “Examples of Successful Risk Reduction Programs,” clearly documents, a wide variety of approaches has been developed across the country.

Chapter 5, “Additional Technical Background on Unreinforced Masonry Buildings,” provides simple explanations of some key earthquake engineering terminology and concepts for the non-engineer audience. This information is intended to help facilitate conversations between the non-technical audience, such as city officials and the general public, and the technical community that includes building inspectors, engineers, and architects.

Chapter 6, “Sources of Information,” provides a number of annotated references for both technical (engineering-oriented) and non-technical audiences.

Chapter 7, “End Notes and Cited References,” provides notes and cites references to document all of the information presented in this guide. Almost all of the Sources of Information and the Cited References are accessible on the internet free of charge.

Unreinforced Masonry Buildings and Earthquakes: Where in the United States are the Risks?

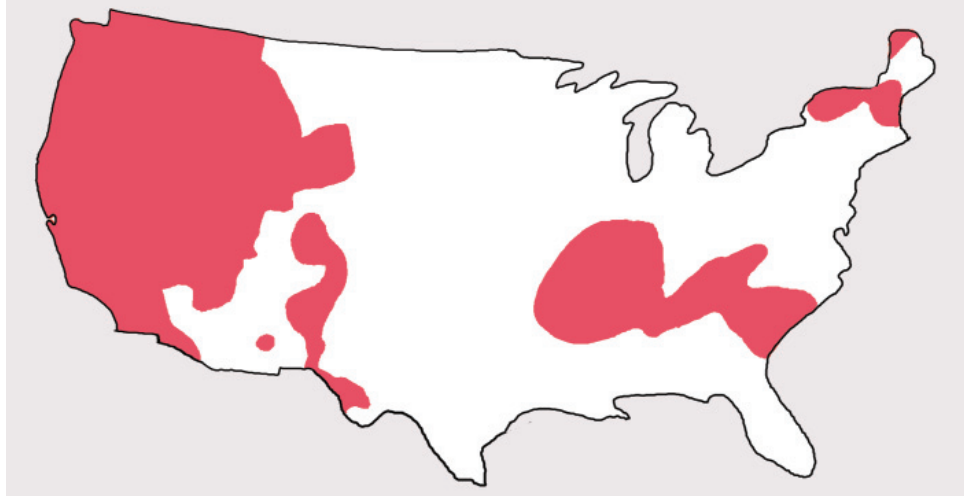
If the current building code in a locale does not allow unreinforced masonry construction, then existing buildings of that type can be considered a significant earthquake risk that should be investigated further.

Current U.S. building codes (described further in Chapter 2) allow unreinforced masonry walls in new building construction only in those areas where the probability or chance of strong earthquake shaking is very low. In past decades, however, many thousands of unreinforced masonry buildings were constructed in all areas of the country, even in regions subject to the most frequent strong earthquakes. In the light of today’s knowledge, we recognize

that this existing URM building stock presents a problem with respect to earthquake risk.

The URM problem in jurisdictions that are now effectively enforcing the current building code (essentially the latest edition of the *International Building Code*, the IBC) is due to those buildings that were built before recent model code seismic provisions were adopted and enforced. The jurisdiction’s building department can provide the benchmark date, when the locally enforced building code began to include seismic provisions that cover unreinforced masonry. Unreinforced masonry buildings can be found in every state. Because of its durability, fire resistance, and architectural character, unreinforced masonry has often been the construction material of choice for schools, city halls, central business district buildings, factories, and apartment buildings. However, the probability of strong earthquake shaking is not equally distributed across the states, which raises the question: Where in the United States are unreinforced masonry buildings of concern?

Figure 1 provides a general view of those areas of the U.S. where unreinforced masonry is not permitted for current construction.¹ This Figure serves as an initial guide to where some level of concern is warranted regarding the earthquake risks posed by these buildings. A local building department or a consulting structural engineer can provide more detailed guidance as to whether current seismic code provisions allow unreinforced masonry for a precise location, type of soil, and occupancy or use of a building. Even in regions where unreinforced masonry is currently allowed, older unreinforced masonry buildings may exist in a deteriorated



■ **Figure 1. Approximate mapping of the areas of the United States where current building code regulations do not allow new construction with unreinforced masonry.**

state much weaker than that required by code today. Assessing the earthquake vulnerabilities of older unreinforced masonry buildings appropriately in areas that still allow URM construction might take the form of requiring inspection of exterior materials, especially masonry materials like bricks or terra cotta, in order to ensure they are still attached firmly enough to prevent falling. Chicago, for example, has passed a local building condition assessment ordinance that requires periodic inspection of building facades, although the city is located in an area where the current *International Building Code* allows unreinforced masonry.

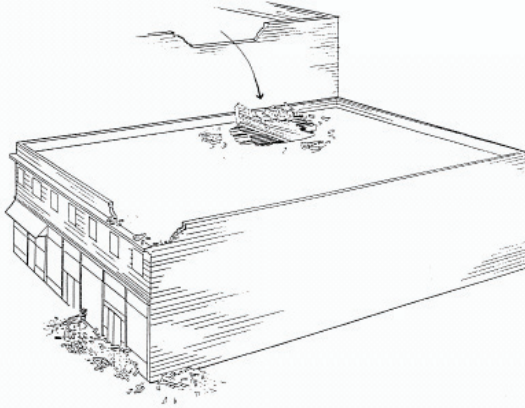
Types of Earthquake Risks

Poor building performance poses three basic types of risk in an earthquake: the risk of injury, property damage, and loss of use. Spending the time and effort, and imposing the new regulations and costs on building owners, to implement a risk reduction program for unreinforced masonry buildings makes sense when it is clearly based on reducing one or more of these types of risk.



INJURY: Promoting safety is the prime rationale for building code regulations in general, whether applied to earthquakes, fires, or other hazards. Damage to unreinforced masonry buildings is dangerous.

When masonry debris falls, it is potentially lethal. A single brick weighs from 6 to 12 pounds (2½ to 5 kg), and just one square foot of a typical wall weighs 120 pounds or more (over 50 kg). Unreinforced masonry buildings are dangerous not only to their occupants but also to those in adjacent buildings and to pedestrians. Figure 2 illustrates the danger of falling masonry debris, even if the entire building does not collapse. Parapets, which are the short walls that often extend around the perimeter of a roof (as in the two buildings pictured in Figure 2), are particularly vulnerable, as are chimneys and cornices (the decorative ledges that run around the top of the building). Figure 3 illustrates the level of danger posed by complete collapse of a URM building.



■ **Figure 2. Diagram illustrating the dangers of unreinforced masonry.**

When unreinforced masonry buildings begin to come apart in earthquakes, heavy debris can fall on adjacent buildings or onto the exterior where pedestrians are located. This diagram illustrates the failure of parapets, one of the most common types of unreinforced masonry building damage. This level of damage can occur even in relatively light earthquake shaking. —*Rutherford & Chekene*

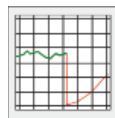


■ **Figure 3. Complete collapse of an unreinforced brick building.**

The most severe level of damage, with the greatest likelihood of fatalities, is complete collapse. After a few seconds of ground shaking in the 1933 Long Beach earthquake, the brick walls holding up the second floor and roof of this building broke apart. That not only caused the fall of hazardous brick debris—it also immediately led to complete collapse. —*Los Angeles Public Library*



PROPERTY DAMAGE: Experience from past earthquakes has shown that expensive repairs will be needed to an unreinforced masonry building, after an earthquake. More than for any other kind of damaged building, there is often no way to “put Humpty Dumpty back together again” for a URM building. This results in the demolition of the building. Some of the most architecturally prominent and historically valued buildings in the United States are made of unreinforced masonry. See Figure 4. Protecting these architectural and historic assets may be an important goal of risk reduction programs, in addition to preventing costly damage. The damage to the Pacific Avenue Historic District in the city of Santa Cruz that resulted from the 1989 Loma Prieta earthquake was so extensive that the downtown area was removed from the National Register of Historic Places (see Figure 5). In that Historic District, 52% of the old brick buildings were so badly damaged that they were quickly demolished, and another 16% were “red-tagged” (closed because they were unsafe to enter²).



LOSS OF USE: Even minor earthquake damage can require the closure of an unreinforced masonry building, until repairs are made. More often than for other kinds of construction, a damaged unreinforced masonry building may need to be upgraded to a higher level of safety than it possessed in its pre-earthquake state, before it can reopen. Closure of a building, while permits are obtained and a major re-construction project is carried out, often lasts for several years. The kind of damage shown in Figure 6, which causes the building to be “red tagged” as unsafe to enter, can present so many problems in bringing the building back into use that long-term vacancy or demolition of the building may result.



■ **Figure 4. The Salt Lake City and County Building, an architectural and historic community asset that could be lost, if damaged.**

The Salt Lake City and County Building was extensively seismically retrofitted, not only to make it safer but also to provide long-term protection for a valued historic building. —*U.S. Geological Survey*



■ **Figure 5. Destruction of a historic building.**

Complete collapse of one of the historic buildings in the former Pacific Avenue Historic District of the City of Santa Cruz, California. —*James R. Blacklock, NISEE, U.C. Berkeley*



■ **Figure 6. Damaged URM wall in a red-tagged building, fated to be torn down or to undergo a multi-year closure for repairs and upgrading.**

Pre-earthquake retrofitting usually looks quite modest, compared to the comprehensive upgrading that building codes will require to repair a damaged, non-code-conforming building after an earthquake. —*Robert Reitherman*

All three kinds of risk—injury, property damage, and loss of use—are usually greater for unreinforced masonry buildings than for the other buildings in a city or region. While some communities, university systems, owners, and others have chosen to deal with the risks of other kinds of existing buildings or to upgrade utility and transportation systems,³ addressing unreinforced masonry building problems is usually the top priority in any serious effort to provide seismic protection.

Dealing with the earthquake risks of unreinforced masonry buildings is a challenging and difficult undertaking. However, many communities have developed successful risk reduction strategies. A number of examples are presented in Chapter 4.

2

Earthquake Performance of Unreinforced Masonry Buildings

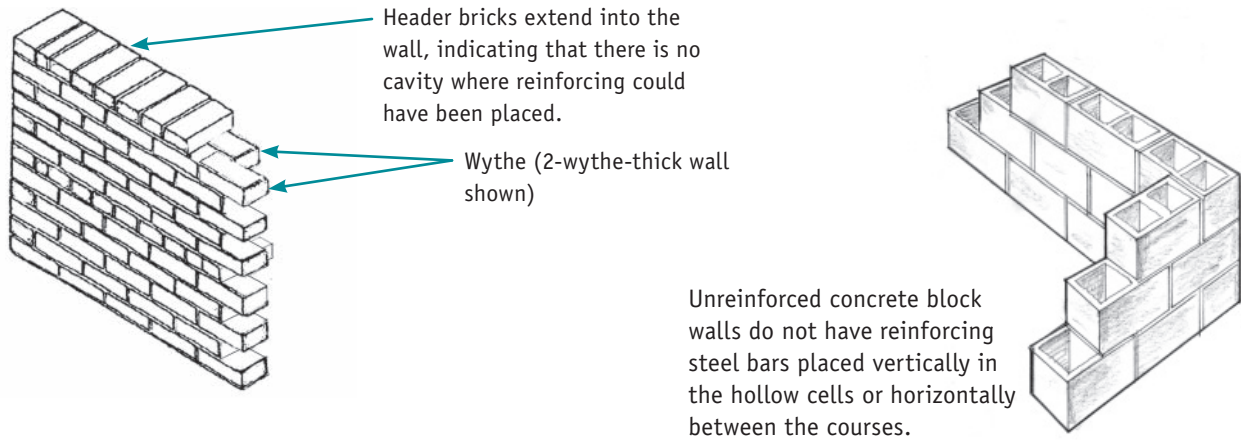
This chapter provides brief descriptions and illustrations of unreinforced masonry, along with explanations of why unreinforced masonry buildings are so susceptible to earthquake damage. When subjected to strong earthquake shaking in past U.S. earthquakes, five out of six URM buildings have been damaged to the extent that potentially lethal amounts of brickwork fell. One-fifth of those buildings either partially or completely collapsed.⁴

What is Unreinforced Masonry?

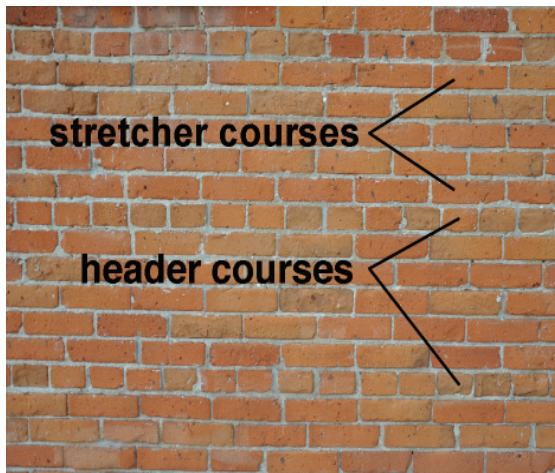
Unreinforced masonry can be defined generally as masonry that contains no reinforcing in it. The terms “unreinforced” and “masonry” are both more precisely described in this chapter. A shared understanding of these facts and definitions will be helpful to conversations between engineers and non-engineers, when discussing a risk reduction program.

Masonry is made of earthen materials and includes the sub-types listed below. The most common unreinforced masonry materials used for the walls of buildings are the first two listed, brick and hollow concrete block, which are illustrated in Figure 7, Figure 8, and Figure 9.

- Brick: clay that is fired to a hard consistency.
- Hollow concrete block: “concrete masonry unit” in the terminology of building codes, commonly known as “cinder block.”
- Hollow clay tile: similar to concrete block in shape, having hollow cells, but brick-colored.
- Stone: can be “dressed” or cut into rectangular blocks, or used in its natural shape.
- Adobe: mud poured into the form of walls or made into sun-dried bricks.



■ Figure 7. Components of unreinforced brick (left) and unreinforced concrete block (right) walls.



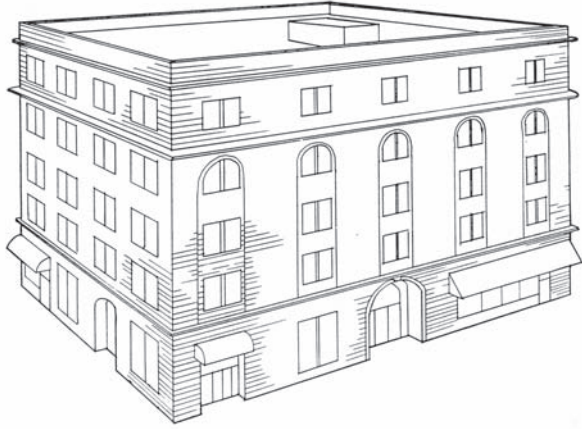
■ Figure 8. "Header" versus "stretcher" courses. The presence of header courses is usually the easiest way to tell if a brick wall is unreinforced.



■ Figure 9. Complete collapse of an unreinforced concrete block building, 1971 San Fernando earthquake. —Karl Steinbrugge, NISEE, U.C. Berkeley

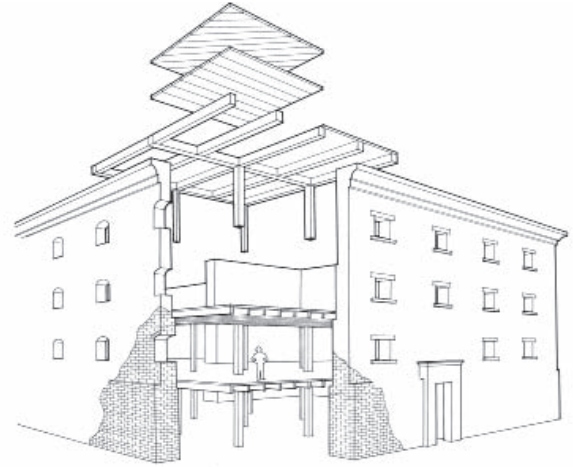
Bearing walls perform the essential job of resisting gravity and holding a building up. Destruction of bearing walls leads to collapse.

The most common type of unreinforced masonry building in the United States is constructed of brick walls, with wood-frame floors and roof, as shown in Figure 10 and Figure 11. From the outside, one can observe that the spans over windows are short, and the walls are thick. The masonry walls around the exterior, and sometimes similar walls in the interior, bear up under the weight that is delivered to them by floor or roof beams. For this reason, they are called *bearing walls*. When the masonry is built into the rectangular openings or bays of a concrete or steel frame, with the frame holding up the masonry, then they are called *infill walls*. That kind of building requires its own special analysis and is not in the subject of this booklet.



■ **Figure 10. Typical appearance of a multistory unreinforced brick building.**

When buildings are much taller than this, there is often also a steel or concrete frame, making an infill structure. —*Rutherford and Chekene*



■ **Figure 11. Components of a URM building.**

Many larger unreinforced brick buildings have heavy timber columns and beams in the interior. The wooden posts and beams do not provide significant horizontal (earthquake) force resistance. —*FEMA 154, Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook*

Masonry veneer is usually composed of one layer of ordinary brick or of thinner brick that is applied to a supporting wall behind it, as shown in Figure 12. Veneer is typically about four inches (100 mm) or less in thickness. It may also consist of stone facing. The veneer is adhered to and literally hangs onto a wall behind it for vertical and horizontal support. Terra cotta, a ceramic material similar to brick



■ **Figure 12. Workers installing brick veneer.**

The individual pieces of veneer are being adhered to the reinforced concrete wall behind them. The result looks like a brick wall. —*Robert Reitherman*

that has a smooth finish and is made in various forms and colors, was often used in older buildings for both decorations and veneer. Current code provisions in areas of seismic activity include requirements to prevent veneer from falling off in an earthquake. Older buildings with thick (one-brick thick) veneer that does not meet current seismic safety requirements can experience the veneer peeling off, when the building is shaken. Masonry veneer on houses is typically more of a property damage risk than a significant safety risk. However, veneer on taller walls in public settings adjacent to areas where pedestrians may be presents a significant risk that an unreinforced masonry risk reduction program should consider.

Further information on unreinforced masonry construction is provided in Chapter 5.

Examples and Statistics from Past U.S. Earthquakes

A number of earthquakes in the United States would have resulted in some property loss but no real disaster, if damage to unreinforced masonry buildings had not occurred. The following brief survey provides evidence in support of this conclusion. Magnitude (M) numbers are included for each earthquake below. While one may often hear references to the “Richter scale,” in many cases today, seismologists measure the overall size of an earthquake using one of the other magnitude scales that were developed after Charles Richter developed his in 1935. The differences in magnitude scales are not particularly relevant here. The symbol M below stands for generic earthquake magnitude.

1886 Charleston Earthquake, South Carolina, M 7.7: Eighty-two percent of the brick buildings suffered more than minor damage, and 7% collapsed or were demolished.⁵ See Figure 13, illustrating the debris from collapsing second story masonry walls, which extends beyond the middle of the street.



■ Figure 13. Debris resulting from the 1886 Charleston, South Carolina earthquake.
—NISEE, U.C. Berkeley

1925 Santa Barbara Earthquake, Southern California, M 6.2: The most severe damage from this earthquake occurred among unreinforced brick commercial and residential construction and was a primary motivation for engineers in California to adapt seismic design ideas from Japan into the *Uniform Building Code*. Forty percent of the unreinforced masonry buildings were severely damaged or collapsed.⁶ See Figure 14, the Hotel Californian, in which extensive wood-frame and plaster partitions barely managed to hold the building up, after exterior brick walls failed.



■ Figure 14. Heavily damaged Hotel Californian, 1925 Santa Barbara, California earthquake. —NISEE, U.C. Berkeley

1933 Long Beach Earthquake, Southern California, M 6.3: In the City of Long Beach (adjacent to the City of Los Angeles), 54% of the unreinforced masonry buildings ended up with damage that ranged from significant wall destruction to complete collapse. In 20% of the cases, damage fell in the categories of either damage to more than half the wall area, partial collapse, or complete collapse.⁷ See Figure 15, showing parapet (the short walls that often extend around the perimeter of a roof) and top story failure and the effect of the falling masonry debris.



■ Figure 15. URM building damage, 1933 Long Beach, California earthquake. —Los Angeles County Public Library

1983 Coalinga Earthquake, Central California, M 6.2: Out of 37 unreinforced masonry buildings—the core of the Coalinga business district—only one escaped damage. Sixty percent were damaged to the extent of having more than half of their walls ruined, up to complete collapse.⁸ The entire downtown area was cordoned off, until badly damaged buildings could be demolished and the debris removed. See Figure 16, which illustrates a common form of damage, in which the gable (peaked roof) end wall falls.



■ **Figure 16. URM building with end-wall failure, 1983 Coalinga, California earthquake.** Robert Reitherman
—NISEE, U.C. Berkeley

1983 Borah Peak Earthquake, Idaho, M 7.3: In the town of Challis, Idaho, the only earthquake-related fatalities occurred when an unreinforced masonry wall fell on two children on their way to school. In Mackay, the town's main street buildings, built of unreinforced brick, concrete block, or stone, were all damaged, Eight required demolition. In relative terms, when compared to the size of the town (see Figure 17), this amount of damage constituted a large disaster.



■ **Figure 17. Aerial view of heavily damaged Mackay, Idaho.** The unreinforced masonry buildings on the main commercial street of the small town were badly damaged in the 1983 Borah Peak, Idaho earthquake.
—NISEE, U.C. Berkeley

1989 Loma Prieta Earthquake, Northern California, M 7.1: In this earthquake, 374 (16%) of the 2,400 unreinforced masonry buildings in the region experienced damage severe enough to require that they be vacated.⁹ The earthquake was centered 60 miles south of the San Francisco Bay Area, and the majority of these buildings were subjected to only light to moderate shaking. Figure 18 illustrates an upper-story failure of brickwork, which fell onto the sidewalk and cars below, killing five people.



■ **Figure 18. Upper story wall collapse, with resulting fatalities.**

Five people were killed when the brick wall in the fourth story fell on top of cars and the sidewalk in the 1989 Loma Prieta earthquake. —James Blacklock, NISEE, U.C. Berkeley

2001 Nisqually Earthquake, Puget Sound Region, Washington, M 6.8: “URM buildings built before 1950 exhibited the poorest behavior. The most common damage included shedding of brick from parapets and chimneys. Other URM buildings exhibited diagonal ‘stair-step’ cracking in walls and piers, damage to walls in the upper stories, vertical cracking in walls, damage to masonry arches, and damage to walls as a result of pounding. In many cases, fallen brick resulted in damage to objects, such as cars and canopies, outside the building.”¹⁰ See Figure 19.



■ **Figure 19. URM building damage, 2001 Nisqually, Washington earthquake.**

At left, hollow clay tile debris from a collapsed wall; at right, diagonal “stair-step” cracking of a brick wall (the crack following mortar horizontal bed joint and vertical head joint lines), a sign of the wall’s inability to resist shear stress from in-plane forces. —André Filiatraut

2003 San Simeon Earthquake, Central California, M 6.5: Of 53 unreinforced masonry buildings in Paso Robles, the nearest affected city, none of the nine that had been retrofitted experienced major damage. Many of the others were damaged so extensively that they were subsequently demolished. “During earthquakes unreinforced masonry buildings that have not been retrofitted continue to be the most dangerous buildings in California.” One building owner commented afterward: “I’m confident the building would have come down in the quake if we hadn’t done the retrofiting. There were times when we were bleeding so badly in paying for it, we wondered what in the heck we were doing. Now we know.”¹¹ See Figure 20. The two fatalities in the town were due to the collapse of an unretrofitted, unreinforced brick building.



■ **Figure 20. Retrofitted URM building, 2003 San Simeon, California earthquake.**

Retrofitted prior to the earthquake, this unreinforced brick building experienced no damage. —Janise E. Rodgers, NISEE, U.C. Berkeley.

Putting together the statistics on 4,457 unreinforced masonry buildings from several U.S. earthquakes⁴, we see the following profile of how unreinforced masonry buildings perform, when strong earthquake shaking occurs:

- Five out of six are damaged enough for brickwork to fall;
- One-fifth are damaged to the point of partial or complete collapse.

3

Developing a Strategy for Implementing a URM Building Risk Reduction Program

A number of considerations should be taken into account when developing a strategy for implementing an unreinforced masonry building risk reduction program. Each consideration involves key individuals and groups who will formulate, carry out, and be affected by the program. For that reason, it is important to involve them as early in the process as possible.

Many considerations must be taken into account when developing a program to reduce the earthquake risks of unreinforced masonry buildings. Each consideration involves key individuals and groups, who should become involved at an early stage in the development process. For example, a planning department maintains information on the inhabitants and people who use the buildings in a community. The local building department is the agency that maintains data on the construction characteristics of buildings. This department is centrally involved in enforcing building code ordinances or voluntary construction standards and in issuing permits for any retrofit construction projects. Economic factors in a risk reduction program obviously affect building owners (and retrofit costs often “flow down” to tenants); in addition, financial and real estate institutions may have relevant insights and interests regarding the program. Agencies or non-profit organizations with architectural or historical preservation interests have a stake in how buildings of that character may be changed by any seismic retrofits. Finally, when unreinforced masonry buildings are clustered together, as they often are in older central business districts, then risk reduction programs raise city planning issues with regard to zoning, parking, redevelopment efforts, and other city concerns.

Retrofitting is the process of adding earthquake resistance to an existing building. It is generally synonymous with the terms ‘seismic strengthening’ or ‘seismic rehabilitation.’

The principal means of reducing the seismic risks of unreinforced masonry buildings is *retrofitting*, although changing a building’s use in order to reduce its occupant load (number of occupants) also reduces risk.

Retrofitting an unreinforced masonry building can take several different forms (see Chapter 5), but it must be kept in mind that a retrofit is a significant construction project, which may affect owners, occupants, and the community at large.

Occupancy and Ownership Factors: The People Who Own and Use the Buildings

The usage or occupancy of a building is an important consideration, when planning a risk reduction program. Occupancies are defined by building codes in terms of the number of people who occupy a building and what the building's functions are. More intensive uses, which bring more people to a building, increase risk exposure to earthquake-caused injuries. Current building code regulations require that essential facilities such as fire stations be designed to higher earthquake safety standards than ordinary buildings. This suggests that existing buildings with many occupants or essential facilities should have a higher priority for retrofits. Ownership patterns are also important. Twenty buildings on a school or college campus have one owner and ultimately, one decision-making process (for example, the setting of policies by a school board). Twenty buildings along a commercial street may be owned by twenty different owners, with twenty distinct sets of decision-making variables involved, leading to greater variety of outcomes.

A retrofit project in an apartment building that displaces residents for weeks or months presents the problem of where those residents will find temporary housing. Are apartment buildings providing low-rent housing, so that passing along retrofit costs to tenants in the form of higher rents will be a major economic burden? Are unreinforced masonry buildings located where few residents speak English? Such demographic factors must be taken into account, when planning how to craft a risk reduction program and how to involve the public. In San Francisco, a study was conducted to lay the groundwork for San Francisco's unreinforced masonry building retrofit program that specifically estimated what kinds of retrofits would be needed for residential buildings.

Historic and Architectural Character

Protecting people from the earthquake dangers of unreinforced masonry buildings must be a community's highest priority. However, protecting the property value of buildings by preventing damage is also important. In addition, some buildings have historic or architectural significance, which is itself a value to be preserved. Because masonry is a durable material and was often the first choice for important buildings constructed in the past, many communities' most historic and architecturally valued buildings are of this structural type, as in the case illustrated in Figure 21.

Retrofitting these buildings to increase their earthquake resistance is necessary in order to prevent irreparable damage from occurring to the buildings in an earthquake. Yet the retrofit itself can alter the building's appearance and change its historic materials in an undesirable way, if not carried out sensitively. Fortunately, today's earthquake engineering methods provide options for dealing with the earthquake vulnerabilities of a building, while leaving its appearance largely unchanged. As Chapter 5 discusses, the technique of seismic isolation has been used for some monumental public buildings with extensive unreinforced masonry components. These isolators can reduce the seismic forces on the building to only one third of what they would otherwise be, and the isolators are usually installed unobtrusively at the foundation or basement level.



■ **Figure 21. Pioneer Square Historic District, Seattle, Washington.**

The historic buildings in this city district are unreinforced masonry buildings. This is often the case.

Cost Issues Related to Seismic Retrofits

Groups like a downtown business owners association or chamber of commerce, an apartment owners or renters association, or a historic preservation league, may have concerns about retrofit costs. Structurally strengthening an unreinforced masonry building is not an inexpensive remodeling project, and the cost implications must be considered. As part of developing a risk reduction plan, it is important to collect information on the economic viability of the unreinforced masonry buildings at issue. Are the buildings high in value, generating strong income streams, because they form the heart of the “old town” tourist district that is common in many cities? Or are they in a declining area that used to be the central business district but which has been supplanted by shopping centers and office parks located elsewhere? Do the properties provide enough collateral for their owners to obtain construction loans to finance the upgrading work?

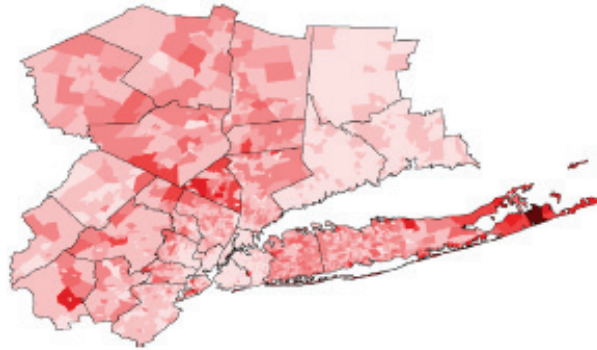
FEMA provides an on-line retrofit cost estimating feature on its website,¹² and FEMA documents provide further information.¹³ Costs can vary greatly, however, so locally-based estimates should be carried out prior to instituting a risk reduction program.

City Planning Factors

An inventory of unreinforced masonry buildings can be presented in table format, to display the buildings’ square footage and number of stories, construction dates, and occupancy. Building location is also significant. Are buildings dispersed throughout an area, or are they clustered? How are they located with respect to current zoning districts? The community may have a long-range plan for streets, parking, plazas and pedestrian areas. Any economic redevelopment plans should include a list of the locations of unreinforced masonry buildings. Aside from an individual building’s architectural or historic merits, it is important to consider the collective effect for a town or city of having a number of well-preserved, economically vital, older buildings that define the overall community character. There may also be environmental

impact reporting requirements that a retrofit program would trigger; city planning departments should be familiar with any such requirements. Figure 22 illustrates how an inventory of unreinforced masonry buildings can be overlaid with political and economic (building value) data.

As the examples in Chapter 4 make clear, a variety of risk reduction approaches that address these factors have been successfully adopted. Developing these successful approaches has almost always required involving the key individuals and groups associated with each consideration in the planning and decision-making process.



■ **Figure 22. The distribution of unreinforced masonry buildings in the greater New York City region.**

Maps such as this one, published by the New York City Area Consortium for Earthquake Loss Mitigation, relate seismic information to geographic and land use planning data.

relevant information for a screening program restricted to unreinforced masonry buildings. Any inventory needs to include not only the overall quantity of unreinforced masonry buildings, but also their locations, ownership and physical characteristics, as well as social or city planning factors. Typically, a building department and planning department of the jurisdiction are key actors in carrying out that inventory. Local structural engineers and architects can also be a valuable source of expertise and knowledge.

Successful Programs Require Sustained Support and Leadership

More broadly, successful programs share another trait: they benefit from the sustained support and efforts of individuals and organizations that recognize the value of earthquake protection and are willing to work for it. The following conclusion, from a review of successful seismic safety programs in the United States,¹⁵ outlines concisely some of the challenges that arise when addressing the unreinforced masonry building problem (Note: interested readers can find more information on social aspects of seismic safety efforts in the references cited in the passage below):

Promoting seismic safety is difficult. Earthquakes are not high on the political agenda because they occur infrequently and are overshadowed by more immediate, visible issues. Even where citizens are aware of seismic risks, taking action to improve seismic safety is difficult because costs are immediate and benefits uncertain, public safety is not visible, benefits may not occur during the tenure of current elected officials, and seismic safety lacks a significant public constituency (Olshansky and Kartez, 1998; Lambright, 1984; May, 1991; Drabek et al., 1983; Rossi et al., 1982; Wyner and Mann, 1986; Alesch and Petak, 1986; Berke and Beatley, 1992). Many factors are critical to the successful advancement of seismic safety at local and state levels. These include public advancement of the problem; persistent, skillful, and credible advocates; repeated interaction and communication among participants; availability of staff resources; linkage to other issues; occurrence of a disaster that leads to a “window of opportunity” for change; community wealth and resources; assistance from higher levels of government; and previous experience with hazards (Berke and Beatley, 1992; Olshansky and Kartez, 1998). Of these, advocacy stands out because it represents a way that individuals can make a difference.¹⁵

Utah: Engineering Inspections Triggered by Re-roofing Projects

This program, implemented in a variety of ways by local governments across Utah, has the virtue of setting a deadline almost automatically.

The Utah Uniform Building Standard Act Rules have been amended to add a way to upgrade the earthquake resistance and general structural safety of buildings, especially unreinforced masonry ones, incrementally. When embarking on a re-roofing project, the building owner must retain an engineer to inspect the

adequacy of the building's roof-to-wall connections and the ability of its parapet walls and cornices to withstand horizontal earthquake forces. The logic behind this incremental approach is that the removal of old roofing presents an opportune time for an engineer to inspect these conditions, and that any strengthening measures would be carried out prior to re-roofing, as part of that construction project. Section R156-56-801, Statewide Amendments to the IBC (*International Building Code*), Section 58, requires that these appendages be able to withstand 75% of the force levels that are stipulated for new buildings. Portions of the building that don't perform up to that standard must be either reinforced or removed. Buildings built after 1975, when codes for new buildings began to address this seismic vulnerability in Utah, are exempt.¹⁶

Roofing materials will typically need to be replaced within a time period of twenty to forty years, and that replacement work will then trigger this retroactive seismic requirement. It is common for building codes to require retroactive upgrading of safety features, if a building is to be significantly remodeled. The reasoning is that the remodel will extend the life of the building and that in the context of a major renovation project, the safety improvements will represent only a minor cost.

Utah: Statewide Inventory of Unreinforced Masonry Buildings

The evolving Utah program demonstrates the need to conduct an inventory of buildings as a first step in evaluating their seismic risks and the costs and methods that could best be used to retrofit them.

In 2008, the Utah legislature passed a resolution urging “the Utah Seismic Safety Commission to compile an inventory of unreinforced masonry buildings so that the quantity and extent of the problem in Utah can be determined. Be it further resolved that the Legislature urges the Utah Seismic Safety Commission to recommend priorities to address the problem in a manner that will most effectively protect the lives, property,

and economy of the state.”¹⁷ Similar in some respects to the California case described below, the strategy here is first, to identify the location and size of the problem and then, to devise appropriate solutions. Utah is unique among the most highly seismic states of the United States, in that it has many single-family dwellings of unreinforced masonry construction. These smaller buildings present different (usually lesser) risks of collapse or injury, but they also could have a very high impact on the population after an earthquake, if many such housing units were unsafe to occupy, and if homeowners' investments in their homes were wiped out. In the Salt Lake Valley alone, there are over 185,000 unreinforced masonry buildings, many of them single-family residences, typically built with hollow walls that do not comply with model codes and retrofit provisions such as the *Uniform Code for Building Conservation*.¹⁸

State of California Unreinforced Masonry Building Law: Measuring the Problem and the Progress Toward Addressing It

The California program provides one example of a state government imposing a basic requirement on local governments to identify their unreinforced masonry buildings, while leaving open a range of ways in which they can deal with that risk.

In 1986, California passed a state law requiring all local governments situated in the highest seismicity zone of the currently enforced building code to inventory their unreinforced masonry buildings, to establish a risk reduction program, and to report results to the state. At that time, that highest zone of seismicity was Zone 4 of the *Uniform Building Code*, which was used in the West and Midwest, until the nationwide *International Building Code* took effect in 2000. The geo-

graphic scope of Zone 4 in California encompasses a population of approximately 28 million people. The state sought to balance its compelling interest in seismic safety against the cost of retrofitting buildings by leaving its criteria for these new risk reduction programs loosely defined: a program could consist of as little as publishing a list of the unreinforced masonry buildings in a local jurisdiction and encouraging owners to renovate them, while posting warning signs at unretrofitted buildings. Thus, a recent review of the law concluded, “On the surface, the level of compliance with this law has been quite high with over 98 percent of the 25,900 URM buildings now in loss reduction programs. But so far, only about 70 percent of the owners have reduced earthquake risk by retrofitting in accordance with a recognized building code or by other means. Significant progress has occurred, yet many URM programs are ineffective in reducing future earthquake losses.”¹⁹ Relatively few of the 25,945 URM buildings addressed by the loss reduction programs were demolished. While demolition is sometimes desirable in order to renew the building stock, it is generally wise to minimize it to avoid abruptly changing the architectural and socio-economic fabric of a city.

The local programs with the strictest requirements require actual retrofitting or demolition of the hazardous buildings. Next strictest are those programs that require owners to retain an engineer to produce an evaluation report, with actual retrofitting remaining voluntary, perhaps encouraged by incentives. The California Seismic Safety Commission has found that voluntary strengthening programs have not been effective. One can conclude either that the incentives in voluntary programs have not been great enough, or that the absence of the “stick” to go along with the “carrot” is the weakness. The lowest level of compliance with the state law, and the least effective at reducing risks, is when local governments send a letter to the building owners informing them that the local building inventory conducted under state law found their building to be of unreinforced masonry construction. These simple notices do not impose any requirement to have the building either evaluated by an engineer or upgraded. The Commission’s 2006 survey of local governments found that 52% had mandatory programs, 15% voluntary, 18% notification of owner only, with another 15% in a miscellaneous category. The Commission provides a suggested model ordinance. Once a local government makes that decision and sets time tables, the actual engineering measures required are already set in model code provisions for existing buildings.²⁰

Seattle, Washington: Saving Historic Buildings

This case illustrates the valuable support that an organization knowledgeable about grants and loans can provide to retrofit programs, by making funds available to bridge any funding gaps.

In the 2001 Nisqually earthquake, two-thirds of the 31 buildings that were posted as unsafe for occupancy (“red tagged”) were built of unreinforced masonry, and many were a century old. “Historic” and “unreinforced masonry” are often synonymous. After that earthquake, Historic Seattle, a non-profit advocacy organization, quickly launched a program of grants of approximately \$10,000 each to historic building owners:

the grants provided financial support for initial engineering studies, with the goal being to have owners investigate repair and upgrading alternatives in lieu of demolition. While this initiative was a reaction to an earthquake rather than a preventive program in place prior to the earthquake, it still had the effect of promoting retrofit measures to reduce earthquake risks from future earthquakes. In this case, those risks include both the risk of injury to occupants or pedestrians and the risk of irreparable damage to the buildings. Any Seattle resident who appreciates historic architecture will recognize many of the buildings that Historic Seattle helped through that program: Steil Building, McCoy’s Firehouse, Slugger Sports, Compass Center, Bread of Life Mission, Milwaukee Hotel and Alps Hotel, Hong Kong Building, Hip Sing Building, Panama Hotel, Bush Hotel, Bing Kung Building, Seattle Hebrew Academy, Trinity Parish Episcopal Church, Assay Office, Mount Baker Park Presbyterian Church, and the Cadillac Hotel.²¹

Seattle, Washington: Combining Modernization with Seismic Retrofitting

The voters who were asked to fund seismic retrofits were supportive partly because the money was to be applied to essential facilities.

Thirty-two fire stations in Seattle were identified as needing modernization work that included energy conservation measures, general remodeling and in some cases, seismic upgrading. A ballot measure to approve a tax for that purpose was passed by a 69% majority of voters in 2003. The measure was introduced only two years after the Nisqually earthquake, when memories of damage

from that earthquake were fresh in the voters’ minds. Known as the Fire Facilities and Emergency Response Levy, the program integrates seismic retrofits with historic preservation requirements and with upgrading the stations to modern fire safety and other standards. The \$197 million in taxes average out to about \$73 a year in additional property tax for the owner of a median-value house.²²

This program provides more than one possible lesson for other local programs. Selecting an obviously high priority public safety category of facilities likely increased voter support, as did the recency of an earthquake (although a non-earthquake disaster might also be an impetus for multi-hazard upgrades). Rather than first imposing requirements on private property owners, the local government also provided leadership by example, by dealing with vulnerabilities in its own buildings. And in packaging a variety of renovation measures along with seismic retrofitting, more cost-effective construction projects resulted.

Oregon: A Statewide Inventory and Funding Approach for Schools and Essential Facilities

This example illustrates the value of assembling a committee or task force comprised of a variety of important community organizations.

In 2002, Oregon voters approved two seismic safety measures. One allowed the use of general obligation bonds to finance seismic upgrades of educational facilities owned by the State government (including State universities and community colleges) and local governments (local public school districts). A companion measure applied to fire, police, and hospital buildings. The educational measure followed up on a state law passed by the legislature in 2001 that required seismic evaluations of schools, using a standardized method published by FEMA.²³ While these laws launched Oregon on the path toward reducing seismic risks from existing buildings—URM buildings being prominent among them—no funding was provided to implement the initiatives. The Oregon Seismic Safety Policy Advisory Committee and the Division of Geology and Mineral Industries subsequently worked to obtain funding to conduct a statewide seismic evaluation of educational and emergency services buildings, and to put bonds on the ballot as needed to correct the seismic deficiencies found.²⁴

Berkeley and Other California Cities: Financial Incentives for Retrofitting

A “carrot and stick” approach can be more effective than using an incentive or penalty alone.

Because the City of Berkeley levies a tax of 1.5% of the selling price of real estate, it has the leverage to refund a portion of that tax, if the new owner carries out seismic retrofit work. The City will refund retrofit expenses up to one-third of that tax amount (up to 1/2% of the property value transferred) for qualifying residential properties, when the new owner completes seismic retrofit work within one year of purchase, up to a maximum refund of \$2,000. While most of the properties included in the program have been wood-frame dwellings, unreinforced masonry buildings also qualify.²⁵ In its first decade of implementation, 12,000 properties were retrofitted and rebates were issued totaling \$6 million.

A number of other California cities offer incentives, and their programs are summarized by the Association of Bay Area Governments.²⁶ These programs include tax breaks, as in the Berkeley case; waiving of building permit fees for seismic upgrades; conferring zoning benefits such as an increase in density or exemption from non-conforming parking or other conditions; low-interest or no-interest financing from publicly issued bonds or redevelopment district revenue, and; acquiring federal grant money for subsidizing retrofits. The Association of Bay Area Governments report includes information specific to unreinforced masonry buildings. A number of cities are included in that survey: Arroyo Grande, Berkeley, Fullerton, Inglewood, La Verne, Long Beach, Palo Alto, San Diego, San Jose, San Mateo, Sonoma, Torrance, Upland, Vacaville, and West Hollywood. The report also includes sample ordinances, state legislation, and other reference material.

One possible lesson to be drawn from the examples of these cities is the value of offering both a carrot and a stick, both incentives and requirements. As the California Seismic Safety Commission report¹⁹ noted, incentives by themselves have not led to significant retrofitting.

Public Schools in California: A Statewide Approach to a Special Kind of Facility

California legislation singled out schools as a high-priority type of facility. The legislation set long-term but definitive deadlines for retrofitting buildings or taking them out of service.

The Long Beach earthquake in Southern California occurred at 5:54 p.m. on Friday, March 10, 1933. The fact that it barely missed occurring while children were in school and that the public saw numerous scenes of unreinforced masonry rubble on school campuses supplied graphic proof that new earthquake regulations in the

building code were needed. Prior to this time, there were no statewide earthquake regulations in the United States, and only a handful of California cities, such as Santa Barbara, which had gone through its own earthquake disaster in 1925, had any such provisions. Precisely one month after the Long Beach earthquake, the California legislature passed the Field Act, which effectively made the State into the building department for every school constructed by local governments (local school districts). The act prevented construction of new unreinforced masonry buildings and in 1939, the Garrison Act required school districts to inventory and to design a program for reducing the hazards of all pre-Field Act buildings. These were essentially the unreinforced masonry buildings remaining on their campuses. However, this legislation did not lead to immediate retrofit efforts, and the law gave school board members immunity from liability, if they made an effort to secure funds for retrofit efforts via bond elections. One key reason for the lack of action was that there was no deadline in the Garrison Act. In 1967 and 1968, the legislature passed the Greene Acts. This action “put teeth” in the retroactive seismic safety requirements for schools by setting a 1970 deadline for producing structural evaluations of pre-1933 buildings and by prohibiting their use by students, as of 1975.²⁷

Possible lessons for unreinforced masonry seismic safety programs include the singling out of a key public concern, such as safe schools, and the need to consider the possibility that deadlines and compliance may slip over time.

Long Beach, California: A Pioneering Accomplishment

The persistent and skillful efforts of just one person can have a lasting effect.

Long Beach, California, where the 1933 earthquake had been centered, was the first city to enforce retroactive requirements to seismically upgrade unreinforced masonry buildings. In 1959, Edward O’Connor was the chief building official of the city, and he took upon himself the duty to identify the most hazardous of these buildings, including high-occupancy buildings like theaters, and to deliver the notice personally to the owners that they must either structurally

strengthen them or tear them down. This case-by-case approach withstood resistance, based on a California Supreme Court case that justified retroactive fire safety requirements when high risk to public safety was present (retroactive “hazard abatement”). It later developed into a long-term, systematic law and program enacted and updated by the Long Beach City Council.²⁸ Over time, as engineering developments occurred, technical details of the program evolved, but the essence of what one person began endured. By 1989, the unreinforced masonry buildings that had been rated as being in the most dangerous and intermediate dangerous categories had all been retrofitted or demolished, although there remained 560 buildings in the third category of hazard.

In addition to the mandatory regulation, the city introduced an incentive by establishing an assessment district composed of the affected properties. The establishment of the assessment district enabled the city to issue bonds, the proceeds of which would provide loans to the property owners and cover the city’s cost of implementing the financial program and the building department’s monitoring of the retrofit work. The repayment of the bonds came from assessments on the owners in the district. While owners paid the going rate for the loans, they would otherwise have been largely unavailable. Owners who defaulted on their loans could have their property foreclosed, with the city verifying in advance that there was enough value in the property to cover the loan value.²⁹

Edward O’Connor had to go it alone, without other models of mandatory programs to refer to and without adopted engineering standards for the evaluation and retrofit of unreinforced masonry buildings. Today, those resources are available. Still applicable as a lesson of this story, however, is the need for a dedicated lead individual to push steadily for the goal of seismic safety. It is also true that the local building department will usually be the key agency implementing such efforts.

Los Angeles, California: Evidence of the Effectiveness of Retrofits

Successful local programs vary in their sources of support, but three kinds are usually essential: a state or local structural engineering association or supportive individual engineers, the local building department, and key local government officials and legislators.

The City of Los Angeles, adjacent to the City of Long Beach and with a population over three million, launched the largest mandatory local government retroactive seismic safety program in the United States, when the City Council passed an ordinance in 1981. The law required structural upgrading, or demolition, of 14,000 unreinforced masonry buildings, excepting residential buildings that had four or fewer dwelling units.³⁰ The 1985 Mexico City earthquake that caused over 10,000 deaths motivated

the Los Angeles City Council to accelerate the time table for compliance, and by the time of the 1994 Northridge earthquake in Los Angeles, most URM buildings subject to the ordinance had been retrofitted.

The 1994 earthquake caused strong ground motion over Los Angeles and other cities of the region and “provided one of the first major tests of the performance of retrofitted unreinforced masonry (URM) buildings, and once again pointed out the vulnerability of URMs that have not been strengthened.... As would be expected,

unretrofitted URM buildings performed worse, in general, than both reinforced masonry buildings and retrofitted URM buildings. As observed in previous earthquakes, many of these buildings suffered significant structural damage and posed serious risks to life safety.”³¹ These statements pertain to unreinforced brick buildings. The region also had some very old and historic adobe buildings, and the same engineering report just cited noted: “Historic adobe buildings in the Los Angeles area suffered a tragic loss.” These buildings, which are present in other Western and Southwestern states, have unique structural features, including the different material properties of the adobe walls and their usually larger thickness, and they require their own engineering retrofit approaches, different from those used on the more common brick building.

The large-scale program enacted by the Los Angeles ordinance catalyzed the involvement of a wide spectrum of the community, many of whom initially opposed the idea because of cost. The key to its eventual success may lie with three sets of proponents. These include its earliest advocates, the structural engineers of the region, who knew how great the risks were. With funding from the National Science Foundation, tests and analyses were conducted to develop a hazard reduction package of retrofit measures. The goal was not to bring these old buildings up to current code standards—which would be virtually an impossible task and prohibitively expensive—but to bring them up to a reasonable level of safety. The performance of buildings retrofitted to that standard in the 1994 Northridge earthquake was generally in line with that criterion, although building owners often did not understand that “hazard reduction” could be compatible with a level of damage that required expensive repairs.

The Los Angeles Department of Building and Safety also played an essential role in this program. This agency reviewed a large volume of building evaluation reports submitted by consulting engineers and approved retrofit design documents, once the program was underway. It was also responsible for reporting to the City Council on costs and progress and for initiating any legal actions against non-compliant owners.

The third source of crucial support was the Los Angeles City Council, which remained determined in passing an unpopular law. One legislator in particular, Howard Berman, maintained progress on the effort over a span of decades.

San Luis Obispo, California: Making the Effort to Communicate with Building Owners

The goal of working toward seismic safety was combined with efforts by local agencies to support the economic development of the affected businesses.

This central California city passed its unreinforced masonry law in 1992, taking the approach of setting deadlines for mandatory retrofitting. Buildings were put into two categories, with the higher occupancy buildings having closer deadlines. Partial upgrades could be implemented, in order to extend the time permitted to come into full compliance. After

the nearby 2003 San Simeon earthquake, the city decided to accelerate retrofits of the remaining 40 unreinforced masonry buildings, which were clustered in the central business district. In the meantime, the state’s unreinforced masonry law required posting a standard hazard warning on unretrofitted unreinforced

masonry buildings. As the deadlines approached, the downtown business association and individual owners became more opposed to and concerned about mandatory retrofits. Rather than wait until conflicts flared, the city retained an Economic Development Manager, who met individually with building owners to explain requirements and to inform them of technical assistance and financial incentives available.³² The original deadline for all of the buildings to be in full compliance was 2018; it has since been moved to 2012. Twenty years would seem like a reasonable timetable for compliance but in fact, many business owners ignored the program in its first decade and only seriously considered the law's requirements when the time remaining had grown short.

The City's effort to incorporate an economic development perspective into its program, rather than a building safety enforcement approach alone, is a lesson that may well be applicable elsewhere. Another lesson is that allowing a long lead time before the first deadline for compliance comes due can result in a program getting off to a slow start.

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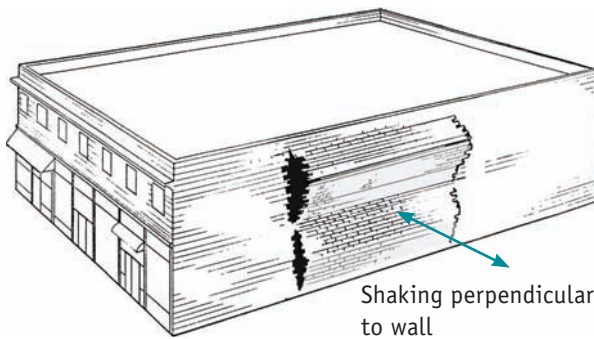
Additional Technical Background on Unreinforced Masonry Construction

Unreinforced masonry buildings have design and construction characteristics that make them perform poorly in earthquakes. Various retrofit techniques are available to reduce their risk, ranging from low-cost solutions like anchoring masonry parapets to highly engineered solutions involving seismic isolation. This chapter details typical construction characteristics, conceptual information about the earthquake response of URM buildings, and possible retrofit solutions.

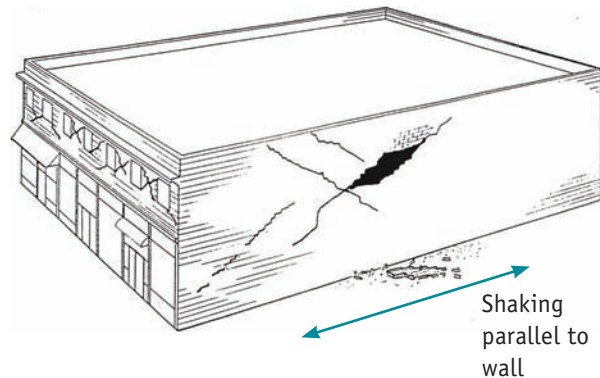
Out-of-plane forces act on a wall both inwardly and outwardly, primarily causing bending (flexural) stresses. In-plane forces, oriented parallel with the wall, cause sliding or shear stresses.

Masonry materials are intrinsically strong when compressed under the usual gravity loads but are weak in resisting earthquake forces, which make materials flex and also shear; ‘shear’ describes the tendency for a portion of the wall to slide vis-à-vis the rest. When an earthquake shakes an unreinforced masonry building, it causes the building’s walls to flex *out-of-plane* (see Figure 24) and to shear *in-plane* (see Figure 25). Unreinforced masonry is weak in resisting both of those types

of forces. Mortar is the “glue” that holds the masonry units together; however, when it eventually cracks, it does so in a brittle manner, similar to the way that the bricks crack. Generally speaking, older masonry construction was built using much weaker mortar than current building codes require. Mortar also tends to deteriorate in strength over time more than the masonry units themselves do. Thus, earthquake engineers sometimes say that in old masonry buildings, “the mortar holds the bricks apart, not together.”



■ Figure 24. Out-of-plane failure of unreinforced masonry walls. —Rutherford and Chekene



■ Figure 25. In-plane failure of unreinforced masonry walls. —Rutherford and Chekene

A common type of unreinforced masonry wall in one- or two-story buildings is approximately a foot thick and uses a pattern of brickwork called “American bond.” In this pattern, most of the bricks are laid running parallel with the wall (these are known as stretchers). Approximately every sixth horizontal row, there will be a row of bricks with their ends rather than their sides visible (these are known as headers), as illustrated in Figure 7 and Figure 8. The header courses extend into the cross-section or thickness of the wall, and they provide a strong clue that the wall is unreinforced (because there is no empty space in the middle of the wall, where reinforcing and grout could have been placed). A form of hollow cavity unreinforced brick wall also exists, which has no bricks connecting outer and inner layers. This type of masonry work is done to provide some insulation and to keep rainwater from seeping through from the outside to inside of a building. There are many patterns of brickwork, although American bond is the most common one. While engineers and building departments evaluate the strengths of unreinforced masonry walls on their individual merits, all unreinforced masonry walls are essentially “guilty until proven innocent,” when it comes to earthquake resistance. Simple field testing methods can be used to measure existing masonry strength without damaging the wall.

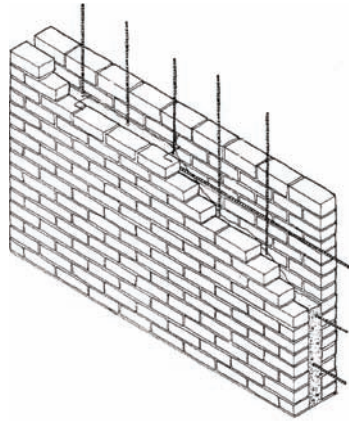
Unreinforced masonry, as the name implies, is masonry without reinforcing. “Reinforcing” (see Figure 26) has a very specific meaning in this context. It refers to steel reinforcing bars (rebar), which vary in diameter from approximately 3/8 inch in diameter (9.5 mm, called a #3 bar) to an inch (25 mm) or more in diameter. A bar 4/8 inch in diameter is called a #4 bar, and so on. The bars have knobs or ridges along their length to increase their adhesion or bond with concrete or grout. Grout is essentially a very fluid form of concrete, with small pea-sized gravel instead of the larger aggregate in concrete.



■ **Figure 26. A piece of #4 bar (a steel reinforcing bar that is 4/8 inch in diameter).**

A nickname for reinforcing bar is rebar.

A reinforced masonry wall has a grid of horizontal and vertical steel reinforcing bars within the wall cross-section (see Figure 27). In reinforced brick construction, a hollow cavity is formed between an outer stack or wythe of bricks and an inner wythe, and the reinforcing is placed in this space. Grout is poured into the cavity, and when it sets, a monolithic structural sandwich forms, which is strong in resisting horizontal earthquake forces, both those forces perpendicular to and those parallel to the wall.



■ **Figure 27. Reinforced brick wall.** —FEMA 154, *Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook*

Ductility is the toughness of a material—its ability to crack or permanently bend out of shape, while still maintaining its structural integrity.

Reinforced masonry walls are not only much stronger than unreinforced ones: they also remain intact and stable, even if they are shaken to the point at which cracking occurs. That desirable property of *ductility* is one of the most important seismic requirements for all kinds of construction. Unreinforced

masonry, which lacks ductility, often comes apart in a brittle manner and collapses, when it is shaken severely and begins to crack.

How Do Unreinforced Masonry Buildings Behave in Earthquakes?

The short answer to this question is that unreinforced masonry buildings, on average, perform very poorly in earthquakes. More than any other kind of construction, they can be singled out as being seismically vulnerable. The following points clarify why this is so.

Inertial forces are caused by rapid movements—the quick speeding up, slowing down, or turning of a car, for example—or the rapid and erratic shaking of the ground to which the building is connected.

When shaken in an earthquake, the heavy mass of masonry walls contributes to high earthquake forces. If you hold an empty cardboard box and shake it, then you don't feel much effect. Fill it with groceries, though, and shake it, and you experience large *inertial* forces, because the mass is now greater. Inertial forces are the product of the mass of an object and the acceleration of its

motions; thus, heavier (more massive) buildings generate higher forces when they are shaken. *Acceleration* indicates how much an object speeds up, slows down, or changes direction. Drop an object here on Earth, and it falls with an acceleration of 1 unit of gravity, 1 g. Shake the ground horizontally with an acceleration of 1 g, and an object that is rigidly mounted to it experiences a sideways force that is equal to its own weight. Accelerations of $\frac{1}{2}$ g up to 1 g or more have been measured in earthquakes. It is easy to understand why people can't stand up during strong earthquake shaking, when you imagine yourself subjected to horizontal, erratic pulls equal to half or more of your body weight.

Acceleration is a common measure of the severity of earthquake shaking.

As a rough guide, when strong-motion seismographic instruments measure accelerations of ground shaking to be about one to two tenths of that of gravity (0.1 g to 0.2 g), then earthquake-resistant construction may suffer cracking but no serious damage. However, unreinforced masonry buildings can experience significant damage and may drop debris, such as parapets. As shaking severities approach $\frac{1}{2}$ g or even exceed 1 g, then damage to all kinds of construction is common, but it is especially severe for unreinforced masonry buildings. The building code allows the structure to deform so much in a severe earthquake that it no longer elastically returns to its pre-earthquake position and condition. Keeping it “earthquake-proof”—that is, able to undergo strong shaking without experiencing even minor damage—would require prohibitively expensive protection for the structure and for nonstructural components such as ceilings, partitions, piping, etc. Modern buildings designed to recent building codes have successfully resisted the most severe earthquake ground motions with only repairable damage. For most kinds of modern, code-conforming construction, less than 5% is severely damaged or performs in a hazardous manner in a strong earthquake, whereas more than half of unreinforced masonry buildings typically receive that level of damage (see Chapter 2).

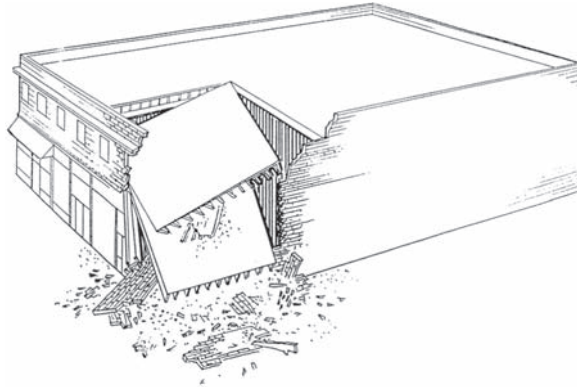
A cardboard box with a lid can resist much higher sideways or lateral forces than the same box without the top can resist. Building walls also need that “lid on the box,” in order to stabilize them. That role is provided by the roof and any floors above ground level. Floor and roof diaphragms hold the walls of a building together.

Diaphragm is the term structural engineers use to refer to floors or roofs in their roles of resisting horizontal, rather than the usual vertical, forces.

The most common kind of floor and roof in an unreinforced masonry building is wood frame, typically “two-by” lumber such as 2×10 small beams (joists), which are usually sheathed with “one-by” boards (the use of plywood not being common until after World War II in building

construction). The wood floor or roof diaphragm of a building is, unfortunately, very flexible when compared to the stiffer masonry walls. This flexible wooden diaphragm can allow building walls to lean or bow excessively either inwardly or outwardly (out-of-plane). As the diaphragm bends sideways and vibrates back and forth, it dynamically pushes and pulls on the brick walls, increasing their motions and damage.

Individual structural elements, such as a wall and the roof, only perform adequately in earthquakes when these elements are strongly connected. The typical connection of the wood beams or joists to the unreinforced masonry walls, however, is very weak. A common construction detail used over the decades was to rest the end of a beam in a pocket or niche in the brick wall, with little or no steel hardware providing a strong, positive connection. When an unreinforced masonry building is shaken, the roof or floor framing can pull away from the walls. The walls need the roof to keep them from leaning too far and collapsing, while the roof needs the walls to support it, in order to keep from falling. Typical unreinforced masonry damage includes both the collapse of heavy masonry wall areas and the collapse of part or all of the roof or upper floors (see Figure 28).



■ **Figure 28. Failure of roof-to-wall connection, with resulting collapse.** —*Rutherford and Chekene*

Chapter 2 previously mentioned the common presence of parapets, chimneys, and cornices or other decorative features on unreinforced masonry buildings. These elements do not play a structural role, but their failure can be very hazardous.

The fact that unreinforced masonry buildings often have multiple seismic weaknesses is not surprising—they were not designed to be seismically safe in the first place. By the time when American building codes started to include seismic requirements, first in California in the 1930s and slowly spreading nationwide, reinforced masonry construction techniques became increasingly standard. Strong steel connections, analysis of the overall load path that the structural elements needed to provide, and an emphasis on ductility also became increasingly standard.

Thus, unreinforced masonry buildings not only have three strikes against them from an earthquake engineering point of view—they are vulnerable for at least twice as many reasons:

1. The walls are weak in resisting horizontal forces (and they lack ductility or toughness);
2. The walls are heavy (they have high mass, leading to high inertial forces);
3. Diaphragms are excessively flexible (insufficient lateral support for the walls);
4. Diaphragm-to-wall connections are either absent or weak;
5. Parapets and ornamentation are common (and made of masonry), and;
6. The buildings were not seismically designed by an engineer (because they were built prior to the time when seismic regulations pertaining to masonry began to be enforced in that particular region).

How Are Unreinforced Masonry Buildings Seismically Retrofitted?

Retrofitting or seismically upgrading a building, which means reconstructing portions of it, in order to improve its earthquake resistance, is not the only way to reduce risks. A building that is demolished obviously poses no further risk. One that has its occupancy changed to a lower level—for example, from a theater to a warehouse—also reduces the risk of injury. The risk of economic loss might be reduced by purchasing earthquake insurance (although it is often unavailable or very expensive for this kind of construction). In this document, however, risk reduction through structural seismic retrofit (also referred to as rehabilitation) is the focus.

A variety of retrofit measures have been included in unreinforced masonry building risk reduction programs, and one or more of those measures may be appropriate in a given case. The FEMA book, *Techniques for Seismic Rehabilitation of Existing Buildings* (FEMA 547), provides examples that relate to several kinds of construction, including unreinforced masonry bearing wall buildings.³³ The general standard for such retrofit measures in the United States is the *International Existing Building Code*.³⁴ The International Code Council (ICC) was formed in 2000 through the merger of the three previous model building code organizations: the Building Officials and Code Administrators (BOCA), which promulgated the *National Building Code*; the International Conference of Building Officials (ICBO), which promulgated the *Uniform Building Code* (UBC), and; the Southern Building Code Congress International (SBCCI), which promulgated the *Standard Building Code*. Prior to the establishment of the ICC code for existing buildings, the model code available with specific application to seismic retrofit projects was “Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings,” the *Uniform Code for Building Conservation* (UCBC) Appendix Chapter 1, 1997 edition, which was cross-referenced with the 1997 *Uniform Building Code*. In some cases, a local program may still use the *Uniform Code for Building Conservation* rather than the newer ICC document. Over time, it is expected that adopted versions of building codes will standardize around the ICC codes and the standards that it incorporates by reference.

Usually retrofit that offers the biggest benefit relative to its costs is the anchorage of masonry parapets, those short walls that extend a few feet above a building’s roofline. Bracing or removing these parts of the building, along with other exterior masonry appendages such as cornices, effectively addresses the type of damage that can happen even in very light shaking. The most common type of bracing used is to bolt diagonal steel struts to the top of the parapet, with the bottom end of the struts anchored with bolts into the roof structure. Usually this does not change the building’s appearance from the street (see Figure 29).

Parapet safety programs do not provide protection, however, against the collapse of the building itself. The first additional increment of seismic protection, beyond parapet and appendage bracing, is provided by bolting the walls to the roof and to any floors above the ground floor level. Long steel bolts are typically inserted into holes drilled in the wall and attached to a steel angle, which in turn is bolted to the side of a wooden joist. The end of the bolt on the outside of the wall requires a large washer (the size of a teacup saucer) to prevent it from pulling through in an earthquake (see Figure 30). In many communities that have enacted seismic ret-

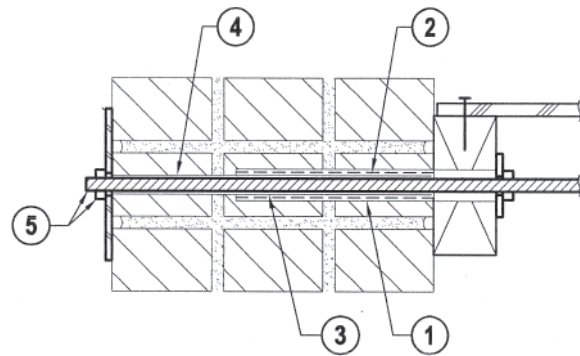


■ **Figure 29. Retrofit bracing of an unreinforced masonry parapet.**

Typically, diagonal bracing struts are installed behind the wall and anchored to the roof, as shown here, which makes them unobtrusive.

—Federal Emergency Management Agency

■ **Figure 30. Generic wall-diaphragm connection retrofit detail.** —FEMA 547, *Techniques for the Seismic Rehabilitation of Existing Buildings*



rofit ordinances, the row of these washers running along the roofline indicates the presence of this kind of retrofit. Similar-looking steel washers may be part of an older building's construction. In general, old, pre-seismic-code wall-joist anchors are not found to be adequate.

The next additional increment of earthquake protection is provided by conducting a more thorough engineering examination of the entire building structure. This examination might reveal the need to increase the horizontal stiffness of floors and the roof, which is typically accomplished by adding a layer of sheathing (sheets of plywood or oriented-strand board). New columns (posts) may be added that can hold up the floors and roof, even if portions of the bearing wall fail. The brick or concrete block walls themselves cannot be transformed into modern reinforced masonry construction. However, walls can be strengthened by several techniques, making them stronger, even if not as strong as new, reinforced masonry walls. One available technique is to add a layer of reinforced concrete to the inside or outside of the wall, as shown in Figure 31.

Strongbacks are vertical “splints” that retrofit a wall to increase its out-of-plane resistance to horizontal forces.

Another approach is to install columns attached to the walls, which act like splints or *strongbacks* that brace the wall against excessively bowing outward or inward (see Figure 32). Yet another wall strengthening method is to drill holes down through the wall from top to bottom, using machinery adapted from the oil well industry to insert a steel bar and grout. Interior partitions can also help to stiffen the overall box structure and can damp out or absorb its vibrations. Each retrofit brings its

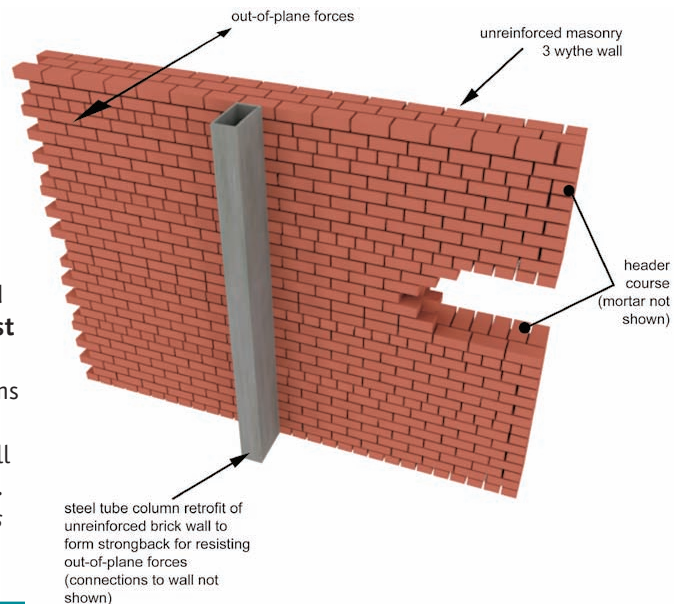


■ **Figure 31. California Capitol Retrofit.**

An exhibit shows a cut-away view of the reinforced concrete that is anchored into the brickwork with epoxied reinforcing bars. —*Robert Reitherman*

■ **Figure 32. A retrofitted lateral-force-resisting post (strongback).**

The strongback column spans from foundation to roof, serving to brace a brick wall against out-of-plane forces. —*Consortium of Universities for Research in Earthquake Engineering*



own challenges. For example, a church with an unreinforced masonry spire may need to insert steel trusswork inside the tower to brace it adequately.

Seismic isolation devices can be employed in combination with any of the above techniques. These devices are “shock absorbers” manufactured for the specific purpose of being installed between a building’s superstructure and foundation; they soften and reduce the motion of the ground, as it comes up into the building structure. Prominent examples of this kind of retrofit being applied to prominent historic buildings that contain unreinforced masonry include the Salt Lake City and County Building and San Francisco City Hall (see Figure 33).

One can’t simply take the building code regulations for new buildings and extract particular features to guide the retrofitting of existing buildings. In fact, these kinds of retrofits require design criteria developed specifically for existing buildings. The *Uniform Code for Building Conservation* and the *ICC International Existing Building Code* evolved to meet that need. Local communities have also adopted a number of different code rules for unreinforced masonry retrofits; some of these are described in Chapter 4. Codes also typically have “triggers” that require much more significant overall building upgrading if a building remodel exceeds a particular threshold. For example, code requirements might be triggered if the cost of the new work exceeds some percentage of the value of the existing building.



■ **Figure 33. The San Francisco City Hall seismic retrofit, which includes seismic isolators.** —*Robert Reitherman*

These requirements may address concerns beyond the seismic safety concern that motivated an earthquake retrofit. Issues such as handicapped access, exits, energy conservation, removal of hazardous materials such as asbestos, and so on can come into play. Deciding on the level of required seismic retrofitting that is appropriate relative to its associated costs is a big part of developing any risk reduction program.

Retrofits require an engineer’s expertise to design the changes to the construction. There are many kinds of engineer; in this instance, we are referring to civil engineers with structural engineering expertise. In some states, “structural engineer” is a license or professional registration category, while in other states, the term is used more generically. Seismic retrofits are significant remodels that require building permits, and thus building departments must review plans and issue permits. The technical community—the consulting structural engineers, building departments, architects, and contractors—are essential to any successful unreinforced masonry building risk reduction program, but they can’t implement such measures by themselves. The guidance in Chapter 3, “Developing a Strategy for Implementing a URM Risk Reduction Program,” and in Chapter 4, “Examples of Successful Risk Reduction Programs,” makes it clear that key non-technical sectors of the community must be involved and exert leadership.



6

Sources of Information

In addition to the cited references, the following sources of information may be useful to consult for further information.

Note that all of the documents published by FEMA listed here are available as downloads and can often be mailed in printed form, upon request. A much larger number of earthquake publications than are listed here are available from FEMA. See: <http://www.fema.gov/plan/prevent/earthquake/>.

Publications for the General Public

California Seismic Safety Commission, "Status of the Unreinforced Masonry Building Law: 2006 Progress Report to the Legislature," California Seismic Safety Commission, Sacramento, California; <http://www.seismic.ca.gov/pub.html>.

In concise form, this report indicates the types of programs being used in California and their success rates.

Oregon Department of Land Conservation and Development, *Natural Hazard Technical Resource Guide*, Salem, Oregon, July 2000; http://oregon.gov/LCD/HAZ/docs/earthquakes/08_seismic.pdf.

This booklet explains to the public the nature of the various natural hazards in Oregon and what is being done about them. Examples of programs to reduce the earthquake hazards of existing buildings are included, along with a review of legislative bills that were drafted to require seismic inventories of buildings. It points the reader toward further sources of information.

Utah Seismic Safety Commission, "The Utah Guide for the Seismic Improvement of Unreinforced Masonry Dwellings" (n.d.); <http://ussc.utah.gov/utahseismic>.

This booklet exists as a web-based document for the general public. It promotes the idea of producing web-accessible public information products as part of a seismic risk reduction program, with the twin advantages of lowering costs (eliminating printing and distribution costs once the document is produced) and appealing to the increasing number of people who turn to the web as their first source of information. It may also be advisable to have printed versions of such documents available, for example, to hand out at meetings, to reach those who do not usually use the web, and to reach additional audiences such as those who pick up a copy when waiting at the counter of a building or planning department.

Utah Seismic Safety Commission, “Putting Down Roots in Earthquake Country: Your Handbook for Earthquakes in Utah,” 2008; <http://ussc.utah.gov>.

This booklet is a customized version of a publication developed for California residents by the Southern California Earthquake Center, the U.S. Geological Survey, and the Federal Emergency Management Agency. It includes an explanation of the hazard of earthquake shaking and fault rupture in Utah and information on unreinforced masonry.

Historic Buildings and Seismic Retrofits

California Historical Building Code (Part 8, Title 24 of California law), California Building Standards Commission, 2007; <http://www.dsa.dgs.ca.gov/SHBSB/default.htm>.

This is the generally prevailing code used for historical buildings in California, though not required statewide, and is now correlated with the provisions of the 2006 *International Building Code*. It allows more latitude in seismic retrofitting of historic buildings than apply to non-historic building projects.

Rachel Cox, *Controlling Disaster: Earthquake-Hazard Reduction for Historic Buildings*, National Trust for Historic Buildings, Washington, DC 2001; <http://www.preservationbooks.org>.

An introduction to the topic and guide to further resources.

Building Inventories and Evaluation of Existing Buildings

American Society of Civil Engineers, *Seismic Evaluation of Existing Buildings—ASCE 31-03*, Reston, Virginia, 2002; ordering information: <http://pubs.asce.org/books/standards/>.

This standard was developed for the use of structural engineers and building departments in applying consistent criteria and calculation methods to the seismic evaluation of existing buildings, that is, the process of deciding whether an existing building is deficient in particular ways and requires strengthening. It covers all kinds of buildings.

Applied Technology Council, *Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook—FEMA 154*, second edition, Federal Emergency Management Agency, Washington, DC, 2002; <http://www.fema.gov/plan/prevent/earthquake/>.

A guide to the subject concerning all types of buildings, but with a chapter specific to unreinforced masonry bearing wall buildings. Includes sample data collection forms and guidance on field methods to identify unreinforced masonry buildings.

Building Codes, Standards, Guidelines, and Laws Applicable to Existing Buildings

American Society of Civil Engineers, *Seismic Rehabilitation of Existing Buildings*—ASCE/SEI 41/06, Reston, Virginia, 2007; ordering information: <http://pubs.asce.org/books/standards/>.

This standard was developed for use by structural engineers and building departments after the decision is made to strengthen (rehabilitate) a building, and it is not limited to unreinforced masonry. It includes guidance to the engineer on how to give appropriate earthquake engineering “credit” to older kinds of structural components that are not included in modern building codes and how to analyze them. Forerunner publications to this standard include documents known as FEMA 273, and FEMA 356.

Association of Bay Area Governments, *Seismic Retrofit Incentive Programs, Oakland, California*; <http://www.abag.ca.gov/bayarea/eqmaps/incentives>

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California Seismic Safety Commission, “Status of the Unreinforced Masonry Building Law: 2006 Progress Report to the Legislature,” California Seismic Safety Commission, Sacramento, California; <http://www.seismic.ca.gov/pub.html>.

Includes a summary of this state law, passed in 1986. Also mentioned above, under Publications for the General Public.

International Code Council, *International Existing Building Code, 2006 edition, Washington, DC; ordering information: <http://www.iccsafe.org/>*

This is derived from the earlier *Uniform Code for Building Conservation*, which may still be the locally applicable standard, depending upon the jurisdiction.

Rutherford & Chekene, *Techniques for the Seismic Rehabilitation of Existing Buildings*—FEMA 547, Federal Emergency Management Agency, October 2006; <http://www.fema.gov/plan/prevent/earthquake/>.

Written for engineers and building department personnel, this manual deals in Chapter 21 with specific retrofit measures for unreinforced masonry buildings, ranging from bracing parapets and veneer to reinforced concrete and fiber-reinforced polymer methods of strengthening walls. Includes generic engineering details of the various retrofit alternatives.

Uniform Code for Building Conservation, Appendix Chapter 1, International Code Conference, Washington, DC, 1997; ordering information: <http://www.iccsafe.org/>

Originally published by the International Conference of Building Officials, the organization promulgating the *Uniform Building Code*, prior to the merger of model code organizations into the International Code Council. The *Uniform Code for Building Conservation* is formatted to be compatible with the 1997 *Uniform Building Code*.

Costs of Seismic Retrofits

Federal Emergency Management Agency, “FEMA Seismic Rehabilitation Cost Estimator,” FEMA Seismic Rehabilitation Cost Estimator; <http://www.fema.gov/srce/index.jsp>

The user of this web-based calculator can either use a simplified method requiring little input information or a more advanced method that requires selections among more variables.

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A study of completed seismic upgrade projects to derive cost statistics.

Rutherford & Chekene, *Seismic Retrofitting Alternatives for San Francisco’s Unreinforced Masonry Buildings: Estimates of Construction Cost and Seismic Damage, San Francisco Department of City Planning, 1990.*

A study which grouped the city’s 2,000 unreinforced masonry buildings into categories based on occupancy, size, and configuration, in order to estimate what kinds of retrofits would be needed to meet alternative proposed strengthening criteria, listed with associated costs.

7

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