

Attachment 9

From: Howard Hall [mailto:friendsofhistoricsalem@gmail.com]
Sent: Wednesday, September 19, 2018 11:48 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Bryce Bishop <BBishop@cityofsalem.net>
Subject: Case No. CU-ADJ18-07 -- Conditional Use - 725 High Street SE

Lisa Anderson-Ogilvie, ACIP
Deputy Community Development Director
City of Salem
555 Liberty Street SE
Room 305
Salem, Oregon 97301

CASE No. CU-ADJ18-07- CONDITIONAL USE - 725 High Street - in the Gaiety Hill/Bush's Pasture Park National Historic District

Dear Ms. Anderson-Ogilvie (Lisa):

Thank you for the clarity of the Notice. Our understanding is the City Council Hearing on October 8 is *de novo*. As such the case begins a new, and is to follow the procedures of **ORS 197.763 Conduct of local quasi-judicial land use hearings**.

This is a major case with potential implications statewide in Historic Preservation Law in Oregon. Requested is a commercial use in a designated residential National Historic District.

Our experience is there is a need to review in detail, the material submitted to Council, and the written and verbal testimony in cases of such significance.

This case and the City Council's decision will set threshold points for what is suitable in a residential National Historic District, in a district that is continually under pressure to surrender to commercial pressures. commercialization and institutionalization.

Ironically, the Gaiety Hill/Bush's Pasture National Historic District was established, in part, specifically to protect the area from commercial encroachment, and no commercial properties were within the original boundaries approved by Council in 1986 or the State of Oregon SHPO.

Examples of this continual pressure from commercial and institutional interests on residential space and character are multiple.

The most appalling was destruction by absolute neglect of four historical residential properties at 800-838 Liberty & 400 Mission Street SE -- that resulted in subsequent commercialization. Your offices had no ordinance authority to stop the deterioration of these historical contributing resources [Case No.CPC-ZC-SPR-ADJ-DAP16-16 and Case No.HIS16-25].

In Case No.HIS15-32, required was an appeal to reconfigure the proposed sidewalk eastward to protect the public right-of-way and critical tree zones (CTZ) of the Carkin row of American Sweetgums (*Liquidamber styracflua*) from institutional expansion [plantings that were espoused by Salem "First Citizen," architect and City Councilor J. Warren Carkin (1922-2015)].

Similarly, in Case HIS16-25, commercial development sought to destroy a 150 year old native Big-Leaf Maple (*Acer macrophyllum* "Oregon Maple), a decision that was reversed only after an independent analysis.

Most recently, a petition to City Council and the Citizens Advisory Traffic Commission (CATC) was required to remove a Downtown Paid Parking - metered parking system being installed in the residential historic district. And direct City Council action (May 29, 2018)(Agenda Item 3.3d).

We are also witnessing the neglect of public infrastructure in the NHD: and crumbling of the balustrade and railing on the historic Church Street Bridge (1929), graffiti, an absent lamp at the balcony on west side of the structure, a structure that the National Register notes, "sets the tone and feeling for entrance" into Gaiety Hill. The concrete has crumbled and the actual metal bars within the arched railings are now being exposed. This is the most historic bridge in our city, with ties to the extraordinary work of engineers Conde B. McCullough, and Ray Archie Furrow, in the first half of

the 20th century. Conde McCullough, a genius, recognized as one of the outstanding bridge engineers of the 20th century, also lived in Gaiety Hill.

There does not seem to be a ready understanding of the nuances of the life and vitality of a residential Historic District. **Or, always, an initial listening ear.**

So at times, we have to step forward. We have to do a meticulous review.

And as such, -- we find the necessity to request that the hearing record in this case CU-ADJ18-07 -- remain open for, at minimum, for an additional 7 days following the *de novo* Hearing on October 8, 2018, to review and respond to material and verbal testimony submitted to Council [allowable under ORS 197.763 (6)(b)].

From Case No.HIS15-32, and Cases No.CPC-ZC-SPR-ADJ-DAP16-16/HIS16-25, we learned, by necessity, that we have to do a detailed review of materials and testimony submitted at public hearings in significant cases, where the outcomes affect this beautiful residential National Historic District.

When four historical residences basically were left to rot, at Liberty & Mission, we learned, administrative staff may not have the tools or authorities to protect the District, and subsequent City Council action is sometimes required.

The Gaiety Hill/Bush's Pasture residential district is a national, state and local historic resource.

The District is the premier historic area in the city representing residential life -- the state capital -- for over a century.

Respectfully,

Jon Christenson

From: Dan Atchison
Sent: Monday, October 01, 2018 9:19 AM
To: Howard Hall <friendsofhistoricsalem@gmail.com>
Cc: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; CityRecorder <CityRecorder@cityofsalem.net>
Subject: RE: CORRECTION - Clarification please Re: procedure - 725 High Street SE Case CU-ADJ18-07

Mr. Christenson:

As you have been informed previously, the hearing before council is not an initial hearing, and the council is not obliged to grant a request for continuance or to keep the record open. Your note will be provided to council and staff will inform council of your request.

Dan Atchison
Salem City Attorney
503-588-6003

From: Howard Hall [<mailto:friendsofhistoricsalem@gmail.com>]
Sent: Saturday, September 29, 2018 9:38 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: CORRECTION - Clarification please Re: procedure - 725 High Street SE Case CU-ADJ18-07

Correction: Corrected Version: my apologies, sir: Jon My eyes do not always catch typing errors on a computer screen and in small print.

----- Forwarded message -----

Dan Atchison. JD
City Attorney
City of Salem
555 Liberty Street SE
Salem, Oregon 97301

RE: Case No. CU-ADJ18-07 725 High Street SE

Dear Mr. Atchison:

My community has been concerned, and has worked very hard for approximately 40 years to preserve/protect the residential historical today known and registered as the Gaiety Hill/Bush's Pasture Park National Historic District from (not for) commercial intrusion This effort of neighbors is expressed in the 1986 Council hearing on the District, and in the purpose and explanation of how the boundaries were drawn in the 1986 submission approved by City Council, the State of Oregon Advisory Committee on Historic Preservation (SACHP), SHPO and the U. S. Secretary of Interior (National Register of Historic Places under the National Historic Preservation Act of 1966). The area is recognized under the Salem Revised Code (SRC) Chapter 230 as a residential historic district.

On Monday, October 8, 2018, City Council is to hold a *de novo* public hearing on the proposed Conditional Use (to use for a commercial function/non-owner occupied STR), "called up" by Council, as the request of Ward 2 Councilor Tom Andersen.

I have requested the record be open for 7 days following the public hearing on October 8 to allow for review of the material submitted and for questions that might rise at the hearing, to be able to respond. This request is allowed to all participants under Oregon Revised Statutes [ORS 197.763 (6)] and affords an opportunity for all parties to review hearing materials and comment to Council prior to deliberations and a decision. It could also afford an opportunity for members of Council not physically present to review the actual materials submitted at the October 8 Hearing.

Founded on the provisions for quasi-judicial hearings for land use matters under ORS 197.763, will/can the request for a 7 day extension of the written Hearing record to be open, be honored? in this case.

Thank you.

Respectfully,

Jon Christenson
P. O. Box 534
Salem, Oregon 97308-0534